

EXHIBIT 40

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: EAST PALESTINE) CASE NO.
TRAIN DERAILMENT) 4:23-CV-00242-BYP
) JUDGE BENITA Y. PEARSON

MONDAY, DECEMBER 11, 2023

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

- - -

Videotaped deposition of Robert C.
Wood, held at the offices of Kilpatrick
Townsend & Stockton LLP, 1100 Peachtree
Street NE, Suite 2800, Atlanta, Georgia,
commencing at 9:03 a.m. Eastern, on the above
date, before Carrie A. Campbell, Registered
Diplomate Reporter, Certified Realtime
Reporter, Illinois, California & Texas
Certified Shorthand Reporter, Missouri,
Kansas, Louisiana & New Jersey Certified
Court Reporter.

- - -

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1 VIDEOGRAPHER: We are now on
2 the record. My name is Josh Coleman.
3 I'm the videographer for Golkow
4 Litigation Services.
5 Today's date is December 11,
6 2023, and the time is approximately
7 9:03 a.m. Eastern Time.
8 This videotaped deposition is
9 being held in Atlanta, Georgia, in the
10 matter of In Re: East Palestine Train
11 Derailment.
12 The deponent is Robert Wood.
13 Counsel be will be noted on the
14 stenographic record.
15 The court reporter is Carrie
16 Campbell, who will now swear in the
17 witness.
18
19 ROBERT C. WOOD,
20 of lawful age, having been first duly sworn
21 to tell the truth, the whole truth and
22 nothing but the truth, deposes and says on
23 behalf of the Plaintiffs, as follows:
24 /
25 /

1 DIRECT EXAMINATION
2 QUESTIONS BY MR. BUCHANAN:
3 Q. Mr. Wood, could you again state
4 your full name for the record, please?
5 A. Robert Wood.
6 Q. Okay. And what's your home
7 address, sir?
8 [REDACTED]
9 [REDACTED]
10 Q. Okay. I understand you work
11 for Norfolk Southern.
12 Is that right?
13 A. That's correct.
14 Q. And you had some role and
15 involvement in the derailment of Train 32N or
16 at least the response to the derailment?
17 MS. PETTY: Objection.
18 QUESTIONS BY MR. BUCHANAN:
19 Q. Withdrawn.
20 You had some role and
21 involvement in Norfolk Southern's response to
22 the derailment of Train 32N in East
23 Palestine, Ohio.
24 Is that right, sir?
25 A. That's correct.

<p style="text-align: right;">Page 10</p> <p>1 Q. All right. My name's Dave 2 Buchanan. I represent, you know, folks in 3 East Palestine and elsewhere that have been 4 impacted by that derailment. 5 I take it you're not surprised 6 to find yourself in that chair today. 7 Are you, sir? 8 MS. PETTY: Objection. 9 THE WITNESS: I knew lawsuits 10 had been filed. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. You understand people have been 13 impacted by the events of February 3rd and 14 thereafter. 15 Correct? 16 MS. PETTY: Objection. 17 Foundation. 18 THE WITNESS: There had been 19 people displaced as a result of the 20 derailment. I do know that. 21 QUESTIONS BY MR. BUCHANAN: 22 Q. Pretty significant event. 23 Fair to say? 24 MS. PETTY: Objection. 25 THE WITNESS: Yes, it was a</p>	<p style="text-align: right;">Page 12</p> <p>1 Norfolk Southern has never had to 2 perform a vent and burn on any 3 incident. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. So I guess the answer to my 6 question would be they've never had to do a 7 vent and burn with regard to vinyl chloride 8 monomer before. 9 Right? 10 MR. FUKUMURA: Objection. 11 Asked and answered. Foundation. 12 QUESTIONS BY MR. BUCHANAN: 13 Q. You can answer. 14 A. To my knowledge, they have 15 never had to conduct a vent and burn on any 16 car. 17 Q. At the time of the derailment, 18 sir, you were the systems manager for 19 hazardous materials at Norfolk Southern. 20 Is that right? 21 A. That's correct. 22 Q. You had that role since 2019? 23 A. Yes. 24 Q. And before that, am I right you 25 were a hazard -- hazardous compliance officer</p>
<p style="text-align: right;">Page 11</p> <p>1 large derailment. 2 QUESTIONS BY MR. BUCHANAN: 3 Q. Been deposed before? 4 A. Yes. 5 Q. Similar situations like this, 6 derailments, 17 HAZMAT cars, fires, pool 7 fires hundreds of yards in length, vent and 8 burns? Been deposed in cases like that 9 before, sir? 10 MS. PETTY: Objection. 11 THE WITNESS: I have been 12 deposed in a derailment case. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. How many vent and burns of 15 vinyl chloride have you run across in your 16 career, sir? 17 A. None personally before East 18 Palestine. 19 Q. How many vent and burns of 20 vinyl chloride had Norfolk Southern been 21 involved in addressing prior to the events of 22 February 3rd and thereafter? 23 MS. PETTY: Objection. 24 You can answer, if you know. 25 THE WITNESS: To my knowledge,</p>	<p style="text-align: right;">Page 13</p> <p>1 at Norfolk Southern? 2 A. That's correct. 3 Q. From about 2012 to 2019? 4 A. That's correct. 5 Q. Okay. Now if I understand it 6 correctly, in May of 2023 you received a 7 promotion. 8 Is that right? 9 A. That's correct. 10 Q. And you're now the director of 11 hazardous materials? 12 A. That is correct. 13 Q. And you're responsible for 14 emergency response and preparedness. 15 Is that right? 16 A. I manage the Norfolk Southern 17 emergency response and preparedness program. 18 Q. That was true as of the time of 19 the derailment of Train 32N in East 20 Palestine? 21 MS. PETTY: Objection. 22 THE WITNESS: That was true. 23 That was one of my duties at the time. 24 QUESTIONS BY MR. BUCHANAN: 25 Q. Am I correct, sir, you managed</p>

<p style="text-align: right;">Page 14</p> <p>1 at that point in time a team of, what is it, 2 eight regional managers and HAZMAT managers? 3 A. At that time it was a team of 4 two regional managers, and the rest were 5 HAZMAT managers. 6 Q. And you reported to an 7 individual named David Schoendorfer. 8 Is that right? 9 A. That is correct. 10 Q. As of that point in time? 11 A. That's correct. 12 Q. He was the director of 13 environmental for Norfolk Southern. 14 Is that correct? 15 A. That is correct. 16 Q. You no longer report to 17 Mr. Schoendorfer? 18 A. Mr. Schoendorfer has retired. 19 Q. Do you know when he was asked 20 to retire -- 21 MS. PETTY: Objection. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. -- following the derailment of 24 Train 32N, sir? 25 MS. PETTY: Objection. Lack of</p>	<p style="text-align: right;">Page 16</p> <p>1 Southern's perspective, he was the incident 2 commander from the 6th until the time of his 3 departure from the scene? 4 A. He was the incident commander 5 for Norfolk Southern for the site starting -- 6 it wouldn't have been on the 6th because Dave 7 Gooden was still the incident command rep for 8 Norfolk Southern at the time. 9 Q. All right. Why don't we -- 10 we'll get into some greater detail on all 11 this as we go, but since we're on it now, who 12 was the incident commander for Norfolk 13 Southern on site on February 3rd, that 14 Friday, if anyone? 15 A. Kraig Barner and Dave Gooden 16 were both there, I believe. 17 Q. And who had that role or 18 function or title, sir? 19 MS. PETTY: Objection. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. Of incident commander for 22 Norfolk Southern. 23 A. For Norfolk Southern, it would 24 have been Kraig Barner when he got there. 25 Q. And was there another incident</p>
<p style="text-align: right;">Page 15</p> <p>1 foundation. Assumes facts. 2 THE WITNESS: I don't know why 3 Mr. Schoendorfer retired. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. You weren't aware that he was 6 asked to retire? 7 MS. PETTY: Objection. 8 Foundation. 9 THE WITNESS: I was not. 10 QUESTIONS BY MR. BUCHANAN: 11 Q. Did he have some role and 12 involvement, sir, in East Palestine? 13 MS. PETTY: Objection. Vague. 14 THE WITNESS: Yes. He was 15 involved in the response to East 16 Palestine. He served as incident 17 commander at one point for Norfolk 18 Southern. 19 QUESTIONS BY MR. BUCHANAN: 20 Q. At what point in time? 21 A. He was -- if I can remember 22 correctly, he was there, I think, on the 6th, 23 and then when he -- when he departed from the 24 site, I can't -- I can't remember. 25 Q. Okay. So from Norfolk</p>	<p style="text-align: right;">Page 17</p> <p>1 commander for Norfolk Southern between that 2 Friday and Monday when Mr. Schoendorfer 3 became Norfolk Southern's incident commander 4 at the site? 5 A. I don't recall the date 6 Mr. Schoendorfer took over incident command 7 responsibilities. I don't believe it was the 8 6th. He was there, but so was Mr. Barner. 9 Q. Okay. And so as best you 10 recall, sir, Mr. Barner, excuse me, was the 11 incident commander for Norfolk Southern from 12 the 3rd until a point in time when 13 Mr. Schoendorfer became the incident 14 commander for Norfolk Southern at the site. 15 Is that right? 16 A. At some point in time it would 17 have been himself or Dave Gooden. 18 Q. What's the sequence as you 19 remember it, sir, between those three 20 individuals? 21 A. I do not know whether Dave 22 Gooden or Kraig Barner arrived on the scene 23 first on the 3rd. Whichever one arrived 24 first, they would have been the senior 25 transportation officer who would have been</p>

<p style="text-align: right;">Page 18</p> <p>1 the incident commander for Norfolk Southern's 2 portion. 3 Q. Okay. And then that person 4 would have stayed in that role until a 5 transition to Mr. Schoendorfer? 6 MS. PETTY: Objection. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. Just trying to understand, sir. 9 A. There would have been a senior 10 transportation officer serving as incident 11 commander. I believe Dave Gooden would have 12 been who passed it on to Mr. Schoendorfer. I 13 believe. 14 Q. Okay. There's been a number of 15 folks who have testified in the last several 16 weeks relating -- in the litigation setting, 17 sir, relating to this particular derailment. 18 You're aware of that? 19 A. Yes. 20 Q. Have you had communications 21 with any of them about their testimony, sir? 22 A. No. 23 Q. Have you had communications 24 with anyone about your testimony today? 25 MS. PETTY: Objection.</p>	<p style="text-align: right;">Page 20</p> <p>1 We have day-to-day work that 2 we're still doing on site that I talk 3 with contractors. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. We talked briefly about you 6 ultimately arrive on scene in East Palestine. 7 Correct, sir? 8 A. I arrived on site Saturday, the 9 4th. 10 Q. And you're involved, obviously, 11 with a lot of the activities that happen over 12 the period of time after you arrive. 13 Fair, sir? 14 MS. PETTY: Objection. 15 THE WITNESS: I was part of 16 operations going on at the site. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. You were part of operations -- 19 I'm sorry, I missed that word. 20 A. Emergency response operations 21 on the site with our contractors. 22 Q. Understood. 23 There was a vent and burn that 24 was conducted on February 6th. 25 Do you recall that?</p>
<p style="text-align: right;">Page 19</p> <p>1 You can answer to the extent it 2 doesn't require you to disclose any 3 communications with counsel. 4 MR. BUCHANAN: I don't care 5 about the content if you were speaking 6 to counsel, but I do want to know 7 whether you were or were not. 8 THE WITNESS: Yes, I have 9 spoken with NS counsel. 10 QUESTIONS BY MR. BUCHANAN: 11 Q. Anybody other than NS counsel, 12 sir? 13 A. NS's outside counsel and my 14 counsel. 15 Q. How about folks who were 16 involved in the aftermath of the derailment - 17 Norfolk Southern's response, its contractors, 18 et cetera? 19 MS. PETTY: Objection. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. Have you spoken to any of them? 22 MS. PETTY: Objection to the 23 form. 24 THE WITNESS: Not with regard 25 to any deposition.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yes. 2 Q. You said first time you'd ever 3 been a part of a vent and burn operation. 4 Right? 5 A. That's correct. 6 Q. First time Norfolk Southern had 7 ever been a part of a vent and burn operation 8 with vinyl chloride. 9 Right? 10 MS. PETTY: Objection. Asked 11 and answered. 12 QUESTIONS BY MR. BUCHANAN: 13 Q. You can answer. 14 A. That was the -- again, to my 15 knowledge, that was the first vent and burn 16 that Norfolk Southern had ever had to 17 conduct. 18 Q. On anything? 19 A. On anything. 20 Q. You provided an interview to 21 the NTSB on February 8th. 22 Do you recall that, sir? 23 A. I don't remember the date, but 24 I know I provided an interview. 25 (Wood Exhibit 1 marked for</p>

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1 identification.)
 2 QUESTIONS BY MR. BUCHANAN:
 3 Q. Passing you what we'll mark as
 4 Exhibit 1 to your deposition, sir.
 5 Exhibit 1, sir, comes to us out
 6 of some public materials from the NTSB. It
 7 says, "Group G, Exhibit 4, Interview
 8 Transcript, Robert Wood, Systems Manager of
 9 Hazardous Materials, Norfolk Southern
 10 Railway, February 8, 2023."
 11 Do you see that, sir?
 12 A. Yes.
 13 Q. You recall providing that
 14 interview, sir?
 15 A. Yes.
 16 Q. It was transcribed.
 17 Do you see that typed up?
 18 A. Yes.
 19 Q. You had a chance to read it, I
 20 guess, after it happened?
 21 A. I did review it, yes.
 22 Q. In providing that statement to
 23 the NTSB, sir, I take it you tried to be
 24 truthful and accurate?
 25 A. Yes.

Page 23

1 Q. Provide accurate responses to
 2 whatever you were asked.
 3 Fair?
 4 MS. PETTY: Objection.
 5 THE WITNESS: Yes.
 6 QUESTIONS BY MR. BUCHANAN:
 7 Q. Did you have a chance to
 8 supplement or correct this?
 9 MS. PETTY: Objection to the
 10 form.
 11 THE WITNESS: I don't know that
 12 I -- we made some -- when I got the
 13 first review of this, there were some
 14 typos in it that were corrected.
 15 QUESTIONS BY MR. BUCHANAN:
 16 Q. Apart from that, sir, no
 17 substantive changes that you made?
 18 A. No.
 19 Q. And the NTSB in this interview,
 20 sir, asked you that if you had any other
 21 information that came to you after the
 22 interview to please come back and provide
 23 that.
 24 Correct?
 25 A. If that's in here, then, yes.

Page 24

1 Q. To the best of your knowledge,
 2 sir, you certainly didn't formally provide
 3 any further information on this interview
 4 back to the NTSB.
 5 Correct?
 6 MS. PETTY: Objection.
 7 MR. FUKUMURA: Objection.
 8 THE WITNESS: I did not.
 9 QUESTIONS BY MR. BUCHANAN:
 10 Q. You also provided testimony in
 11 a hearing that was conducted.
 12 Right?
 13 A. That is correct.
 14 Q. Sworn testimony before the NTSB
 15 panel?
 16 A. That is correct.
 17 Q. June 22, 2023.
 18 Is that right?
 19 A. I believe that is correct.
 20 Q. Okay. It also was transcribed.
 21 Correct, sir?
 22 A. Yes.
 23 (Wood Exhibit 2 marked for
 24 identification.)
 25

Page 25

1 QUESTIONS BY MR. BUCHANAN:
 2 Q. Passing you, sir, what we're
 3 marking as Exhibit 2.
 4 This says, "Transcript of
 5 Investigative Hearing Day 1, June 22, 2023,
 6 February 3 Case, February 3, Norfolk Southern
 7 Railway Derailment in East Palestine, Ohio."
 8 Do you see that, sir?
 9 A. Yes.
 10 Q. You provided sworn testimony to
 11 that panel on that day this past June.
 12 Correct, sir?
 13 A. Yes.
 14 Q. Tried to be truthful and
 15 accurate when you were doing so?
 16 A. Yes.
 17 Q. I expect we'll have a chance to
 18 look at some of that today. You can set it
 19 aside for now.
 20 Before we get into this, sir,
 21 in more detail, talking about the derailment,
 22 I'd like to talk about the train.
 23 Did you have any role or
 24 involvement with regard to this train and
 25 this manifest or consist prior to learning of

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1 its derailment on February 3, 2023?
 2 A. No.
 3 MS. PETTY: Objection.
 4 Just remember to pause and give
 5 me time to object.
 6 QUESTIONS BY MR. BUCHANAN:
 7 Q. It was a big train.
 8 Right?
 9 MS. PETTY: Objection.
 10 MR. FUKUMURA: Objection.
 11 THE WITNESS: Offhand, I don't
 12 remember the number of railcars in the
 13 train offhand. I'd have to go back
 14 and refer to the wheel report.
 15 QUESTIONS BY MR. BUCHANAN:
 16 Q. More than 9,000 feet long?
 17 MS. PETTY: Objection.
 18 THE WITNESS: I do not know.
 19 (Wood Exhibit 3 marked for
 20 identification.)
 21 QUESTIONS BY MR. BUCHANAN:
 22 Q. All right. Sir, we're looking
 23 at a Hazardous Materials Group Chair's
 24 Factual Report.
 25 Do you see that?

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1 A. Yes.
 2 Q. It says, "Group B, Exhibit 10."
 3 Do you see that?
 4 A. Yes.
 5 Q. "Agency, NTSB."
 6 Right?
 7 A. Yes.
 8 Q. You've seen this before.
 9 Right?
 10 A. I'm sure I have. Don't recall
 11 it, but I'm sure I have.
 12 Q. Okay. It's got your name
 13 listed on the -- if we go -- the top right
 14 corner has numbers.
 15 Do you see those .6, .7, top
 16 right corner?
 17 A. Yes.
 18 Q. Okay. If you go to .6, it
 19 says, "Hazardous materials group, an
 20 accident, East Palestine, Ohio."
 21 A. Yes.
 22 Q. Okay. That's the accident
 23 we're talking about, right, that derailment
 24 in East Palestine, Ohio, February 3, 2023?
 25 A. Yes.

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1 Q. Norfolk Southern Railroad,
 2 mixed freight, hazardous materials group.
 3 And it says down at the -- I guess two-thirds
 4 down, "Robert Wood."
 5 Do you see that, as group
 6 member?
 7 A. Yes.
 8 Q. Okay. You've seen this before.
 9 Right?
 10 MS. PETTY: Objection.
 11 MR. FUKUMURA: Objection.
 12 THE WITNESS: I may have. I
 13 don't recall, but I probably have.
 14 QUESTIONS BY MR. BUCHANAN:
 15 Q. Okay. Let's see if we can
 16 refresh on it then, or at least the facts
 17 that are reflected in it.
 18 Let's go to .7, sir.
 19 There's a description of --
 20 there's a description of Train 32N under the
 21 heading "Factual Information. Train
 22 Information."
 23 Do you see that?
 24 A. Yes.
 25 Q. It says this Train 32N --

Page 29

1 that's the one that derailed.
 2 Right?
 3 A. Yes.
 4 Q. It originated in Illinois.
 5 Is that right?
 6 A. I believe that's correct.
 7 Q. And it was destined for
 8 Pennsylvania?
 9 A. Yes.
 10 Q. In fact, it derailed, what,
 11 about a mile from the Pennsylvania border?
 12 A. Yes, it was very close. I'm
 13 not sure the exact distance.
 14 Q. Okay. It says, "The train
 15 contained 140 loaded railcars, nine empties,
 16 was 9,309 feet long."
 17 Do you see that?
 18 A. Yes.
 19 Q. And weighed, what, about
 20 18,000 tons?
 21 A. Yes.
 22 Q. There were 17 loaded hazardous
 23 material tank cars.
 24 Right?
 25 MS. PETTY: Objection.

<p style="text-align: right;">Page 30</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Do you see that there?</p> <p>3 A. Yes. I'm trying to remember.</p> <p>4 I don't remember 17 in the train. I thought</p> <p>5 there were 11.</p> <p>6 Q. This reflects the train consist</p> <p>7 included 17 hazardous materials tank cars,</p> <p>8 and three cars contained hazardous</p> <p>9 materials -- I'm sorry, and three placarded</p> <p>10 empty/residue hazardous materials tank cars.</p> <p>11 Do you see that?</p> <p>12 A. Yes, I see that. I don't</p> <p>13 recall the 17 number.</p> <p>14 Q. Okay. We can -- oh, you see</p> <p>15 that reference there to 9,309 feet long?</p> <p>16 A. I see that, yes.</p> <p>17 Q. Okay. The train was longer</p> <p>18 than the distance from Pennsylvania where it</p> <p>19 derailed.</p> <p>20 Right?</p> <p>21 MS. PETTY: Objection.</p> <p>22 THE WITNESS: Again, I don't</p> <p>23 remember exactly how far we were from</p> <p>24 PA.</p> <p>25</p>	<p style="text-align: right;">Page 32</p> <p>1 THE WITNESS: Yes.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. I mean, you've seen lists like</p> <p>4 this before.</p> <p>5 Right, sir?</p> <p>6 A. Yes.</p> <p>7 Q. Concerning Train 32N.</p> <p>8 Right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. It's -- there's a</p> <p>11 description here of hazard class and</p> <p>12 hazardous materials.</p> <p>13 Sir, what are hazardous</p> <p>14 materials? Does that have a definition in</p> <p>15 your field, sir?</p> <p>16 MS. PETTY: Objection to the</p> <p>17 form.</p> <p>18 THE WITNESS: Hazardous</p> <p>19 materials in transportation are any</p> <p>20 materials that fall under what DOT</p> <p>21 determines is any one of the nine</p> <p>22 hazard classes that proposes a hazard</p> <p>23 in transportation.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. And they're, in fact, materials</p>
<p style="text-align: right;">Page 31</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Okay. And a train has a</p> <p>3 consist.</p> <p>4 Is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And what's a consist, sir?</p> <p>7 A. Consist or wheel report is a</p> <p>8 document showing the standing order of a</p> <p>9 train.</p> <p>10 Q. What's on it?</p> <p>11 A. Correct.</p> <p>12 MS. PETTY: Objection.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. What it's carrying or hauling?</p> <p>15 A. Yes.</p> <p>16 Q. Let's take a look at the next</p> <p>17 page. There's a summary of the contents.</p> <p>18 You see that?</p> <p>19 A. Yes.</p> <p>20 Q. Train 32N derailed railcar</p> <p>21 description.</p> <p>22 I guess this isn't the full</p> <p>23 consist; this is just the derailed cars.</p> <p>24 Right, sir?</p> <p>25 MS. PETTY: Objection.</p>	<p style="text-align: right;">Page 33</p> <p>1 that pose an unreasonable risk to the health</p> <p>2 and safety -- to health and safety or</p> <p>3 property.</p> <p>4 Right, sir?</p> <p>5 MS. PETTY: Objection.</p> <p>6 THE WITNESS: If they're not</p> <p>7 kept in their container, yes.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. You understand that definition</p> <p>10 of that regulatory framework for hazardous</p> <p>11 materials, sir?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And the secretary</p> <p>14 identifies materials into various hazard</p> <p>15 classes.</p> <p>16 Fair?</p> <p>17 MS. PETTY: Objection.</p> <p>18 THE WITNESS: Yes.</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. And based on whether they pose</p> <p>21 an unreasonable risk to the health and safety</p> <p>22 or property of others.</p> <p>23 Right, sir?</p> <p>24 MS. PETTY: Objection.</p> <p>25 You can answer, if you know.</p>

<p style="text-align: right;">Page 34</p> <p>1 THE WITNESS: The hazard 2 classes are based on the primary 3 hazard of that particular chemical. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. And this particular train was 6 carrying a number of HAZMAT materials. 7 Right, sir? 8 A. Yes. 9 Q. Let me see if I have this 10 right. 11 There are hazard classes we can 12 see in the column off to the second from the 13 right. 14 Do you see that? 15 A. Yes. 16 Q. 2.1, Combustible Liquids, et 17 cetera. 18 Do you see those? 19 A. Yes. 20 Q. There's also cars that derailed 21 that are not classified as HAZMAT. 22 Right? 23 A. I'm sorry? 24 Q. There's also cars listed here 25 that are not classified as HAZMAT.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. I'm using line numbers for the 2 cars, but there can be some confusion using 3 line numbers. 4 Right? 5 MS. PETTY: Objection. 6 THE WITNESS: No, you should be 7 using the car numbers. That's what we 8 teach. 9 QUESTIONS BY MR. BUCHANAN: 10 Q. Okay. So GPLX 74465, that's a 11 polyethylene hopper car, not classified as 12 hazardous, that was breached and burned. 13 Right? 14 MS. PETTY: Objection. 15 MR. FUKUMURA: Objection. 16 THE WITNESS: I don't -- I 17 don't recall whether -- not all of the 18 polyethylene cars breached. Some 19 burned; some didn't. I would have to 20 go back and review David's reports to 21 see. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. Okay. Maybe we'll have a 24 chance to look at those today. 25 Three cars of propylene glycol.</p>
<p style="text-align: right;">Page 35</p> <p>1 Right? 2 A. That is correct. 3 Q. They can also have 4 environmental impact. 5 Right, sir? 6 MS. PETTY: Objection. 7 THE WITNESS: Yes. 8 QUESTIONS BY MR. BUCHANAN: 9 Q. There's two cars of 10 polyethylene. 11 Right? See those? 12 A. Yes, I think there was more 13 than two cars. 14 Q. Two breached. Excuse me. 15 Do you see that? 16 MS. PETTY: Objection. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. Two hopper cars up top, 25 and 19 26? 20 A. Yes. 21 Q. And I'm using line number, but 22 there can be some confusion using car numbers 23 that way. 24 Right, sir? 25 A. I'm sorry, I don't --</p>	<p style="text-align: right;">Page 37</p> <p>1 Do you see those, also 2 breached? 3 A. Again, this -- going through, 4 there were several propylene glycols in here. 5 I have to see how many were breached. 6 Q. We'll have a chance to look at 7 the actual damage assessment, I think, a 8 little later today, sir. 9 Just satisfy yourself that 10 there was propylene glycol, or a car of 11 propylene glycol, at least, that breached. 12 True? 13 MS. PETTY: Objection. 14 THE WITNESS: That is correct. 15 QUESTIONS BY MR. BUCHANAN: 16 Q. Okay. There was one car of 17 ethylene glycol monobutyl ether that 18 breached? 19 A. Yes. 20 Q. Four hopper cars of polyvinyl 21 breached. 22 Right? 23 MS. PETTY: Objection. 24 THE WITNESS: Again, there 25 were -- I'm trying --</p>

<p style="text-align: right;">Page 38</p> <p>1 QUESTIONS BY MR. BUCHANAN: 2 Q. On this it's Car 39 and 40. 3 Also Car 53 and 54. And I can read the 4 descriptors for the car numbers if we need 5 to. 6 A. There were several PVC cars 7 involved and hopper cars involved in the 8 accident. I don't -- I don't remember 9 exactly how many breached and how many just 10 burned or how many were not damaged. 11 Q. You are aware, sir, that 12 there -- they did burn. 13 Right? 14 MS. PETTY: Objection. 15 MR. FUKUMURA: Objection. 16 QUESTIONS BY MR. BUCHANAN: 17 Q. You had PVC burning in your 18 derailment. 19 Right, sir? 20 MS. PETTY: Objection. 21 THE WITNESS: Yes. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. You had three cars of petroleum 24 lube oil breached. 25 Right?</p>	<p style="text-align: right;">Page 40</p> <p>1 that mean? 2 A. I'm sorry -- 3 Q. What does breached mean when 4 we're talking about cars and their contents 5 in the context of a derailment? 6 A. The actual tank shell of the 7 car was opened up and allowed product to 8 release. 9 Q. Not a good thing? 10 MR. FUKUMURA: Objection. 11 MS. PETTY: Objection. 12 THE WITNESS: No. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. Car of diethylene glycol, 15 Car 47, NATX231335, breached. 16 Right? 17 A. According to the spreadsheet, 18 yes. 19 Q. And these are the cars that are 20 not classified as HAZMAT. 21 Right? 22 MS. PETTY: Objection. 23 THE WITNESS: The polyethylene, 24 the polyvinyl chloride, the petroleum 25 lube oil and those glycols are not,</p>
<p style="text-align: right;">Page 39</p> <p>1 A. According to the spreadsheet, 2 yes. 3 Q. And burned. 4 Right? 5 MS. PETTY: Objection. 6 THE WITNESS: I don't know how 7 much of the product burned and how 8 much was spilled, so really can't 9 quantify it. 10 QUESTIONS BY MR. BUCHANAN: 11 Q. You know that it burned, 12 though, right? 13 Petroleum lube oil in the 14 aftermath of the derailment burned? 15 A. I know the site burned. I 16 can't quantify exactly what burned. 17 Q. One car of polypropyl glycol 18 breached. 19 Right? 20 A. Which car was that? 21 Q. That's 45, sir. I can read 22 the -- CERX30072. 23 A. Yes. 24 Q. And breached in this parlance, 25 sir, and speaking about derailment, what's</p>	<p style="text-align: right;">Page 41</p> <p>1 are not considered HAZMAT in 2 transportation. 3 QUESTIONS BY MR. BUCHANAN: 4 Q. And that doesn't mean it's safe 5 to burn them. 6 Right? 7 MS. PETTY: Objection. 8 MR. FUKUMURA: Objection. 9 THE WITNESS: I'm not -- I'm 10 not sure what the products of 11 combustion would be other than what 12 normal products of combustion of lube 13 oil would be. 14 The glycols, I do not know if 15 they'll even burn. 16 QUESTIONS BY MR. BUCHANAN: 17 Q. You say products of combustion. 18 PAHs, you know what those are, 19 sir? 20 A. Yeah. They're hydrocarbons. 21 Q. Recognized as carcinogens. 22 Right, sir? 23 MS. PETTY: Objection. 24 THE WITNESS: I do not know 25 which list of PAHs are. I do not</p>

<p style="text-align: right;">Page 42</p> <p>1 know.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. You're not surprised to hear,</p> <p>4 though, sir, that PAHs have been found to be</p> <p>5 carcinogenic.</p> <p>6 That doesn't surprise you, does</p> <p>7 it, sir?</p> <p>8 MS. PETTY: Objection.</p> <p>9 THE WITNESS: I'm not familiar</p> <p>10 with the carcinogenic properties of</p> <p>11 PAHs. That's a whole family of</p> <p>12 chemicals.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. You aware that IARC and the</p> <p>15 ATSDR and other organizations have found them</p> <p>16 to be carcinogenic?</p> <p>17 MS. PETTY: Objection.</p> <p>18 Foundation.</p> <p>19 THE WITNESS: If that's in</p> <p>20 their documentation, I haven't read</p> <p>21 it.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. Let's take a look at the HAZMAT</p> <p>24 materials.</p> <p>25 Five tank cars of vinyl</p>	<p style="text-align: right;">Page 44</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Okay. So the cars themselves,</p> <p>3 sir, did not breach in the derailment.</p> <p>4 Correct?</p> <p>5 MS. PETTY: Objection. Asked</p> <p>6 and answered.</p> <p>7 THE WITNESS: The vinyl</p> <p>8 chloride cars did not breach in the</p> <p>9 accident.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. They breached when you vented</p> <p>12 and burned them on February 6th.</p> <p>13 Right?</p> <p>14 MS. PETTY: Objection.</p> <p>15 THE WITNESS: The vent and burn</p> <p>16 was performed on those cars on</p> <p>17 February 6th because all other options</p> <p>18 to remove product from them were not</p> <p>19 available to us.</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. We'll get a chance to talk</p> <p>22 about that today. I just want to understand</p> <p>23 the facts, sir.</p> <p>24 They did not breach in the</p> <p>25 derailment.</p>
<p style="text-align: right;">Page 43</p> <p>1 chloride monomer, 28, 29, 30, 31 and 55.</p> <p>2 That's, what, TILX402025,</p> <p>3 OCPX80235, OCPX80179, GATX95098, and</p> <p>4 OCPX80370, vinyl chloride stabilizer.</p> <p>5 Do you see those, sir?</p> <p>6 A. Yes.</p> <p>7 Q. And they weren't breached in</p> <p>8 the derailment.</p> <p>9 Right?</p> <p>10 MS. PETTY: Objection.</p> <p>11 THE WITNESS: The tank shells</p> <p>12 were not breached, but the cars vented</p> <p>13 from the PRDs and burned during the</p> <p>14 wreck.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. And that acronym we'll probably</p> <p>17 have a chance to talk about today. That's a</p> <p>18 pressure relief -- pressure release device?</p> <p>19 A. A pressure relief device, yes.</p> <p>20 Q. Okay. And pressure relief</p> <p>21 devices are designed to vent product as</p> <p>22 pressure builds.</p> <p>23 Right?</p> <p>24 MS. PETTY: Objection.</p> <p>25 THE WITNESS: That's correct.</p>	<p style="text-align: right;">Page 45</p> <p>1 Correct?</p> <p>2 MS. PETTY: Objection. Asked</p> <p>3 and answered.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. Right, sir?</p> <p>6 A. The vinyl chloride cars did not</p> <p>7 breach in the accident.</p> <p>8 Q. They breached when Norfolk</p> <p>9 Southern's contractor blew them up.</p> <p>10 MS. PETTY: Objection.</p> <p>11 QUESTIONS BY MR. BUCHANAN:</p> <p>12 Q. Intentionally.</p> <p>13 MS. PETTY: Objection.</p> <p>14 QUESTIONS BY MR. BUCHANAN:</p> <p>15 Q. Right?</p> <p>16 A. The contractor that performed</p> <p>17 the vent and burn used shaped explosives and</p> <p>18 blew holes in the car.</p> <p>19 Q. So when this chart says that</p> <p>20 they breached, they breached as a result of</p> <p>21 the intentional acts of Norfolk Southern's</p> <p>22 contractor to plant explosives on them to</p> <p>23 blow them up.</p> <p>24 MS. PETTY: Objection.</p> <p>25</p>

<p style="text-align: right;">Page 46</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Correct?</p> <p>3 MS. PETTY: Objection.</p> <p>4 THE WITNESS: No, this column</p> <p>5 in the chart lists whether material</p> <p>6 was released from them either from a</p> <p>7 breach or either from being burned.</p> <p>8 That's what this spreadsheet</p> <p>9 indicates.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. Okay. As a factual matter,</p> <p>12 sir, these tanks, the vinyl chloride tank</p> <p>13 cars, that I read into the record a moment</p> <p>14 ago that we see on the sheet, those cars were</p> <p>15 breached when Norfolk Southern's contractor</p> <p>16 planted explosives and blew them up.</p> <p>17 MS. PETTY: Objection.</p> <p>18 QUESTIONS BY MR. BUCHANAN:</p> <p>19 Q. Correct?</p> <p>20 A. A vent and burn was performed</p> <p>21 on the five vinyl chloride cars, but these</p> <p>22 cars had released burning product during the</p> <p>23 pool fire incidents.</p> <p>24 Q. When you say they "released</p> <p>25 burning product," they released burning</p>	<p style="text-align: right;">Page 48</p> <p>1 Right? Car 50?</p> <p>2 A. Yes.</p> <p>3 Q. UTLX205907?</p> <p>4 A. That is correct.</p> <p>5 Q. That one breached.</p> <p>6 Right?</p> <p>7 A. The butyl acrylate car was</p> <p>8 breached in the derailment.</p> <p>9 Q. Dumped contents into the</p> <p>10 waterways there.</p> <p>11 Right?</p> <p>12 MS. PETTY: Objection.</p> <p>13 THE WITNESS: Material</p> <p>14 eventually entered the ditch lines</p> <p>15 along the railroad tracks, yes.</p> <p>16 QUESTIONS BY MR. BUCHANAN:</p> <p>17 Q. And just to make sure that we</p> <p>18 have a clean record, when you say "material,"</p> <p>19 you're aware that butyl acrylates entered the</p> <p>20 waterway there.</p> <p>21 Right?</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: Butyl acrylate</p> <p>24 was released. How much burned, how</p> <p>25 much entered the waterway, the ditch</p>
<p style="text-align: right;">Page 47</p> <p>1 product as a matter of the design of the</p> <p>2 pressure relief device, which is designed to</p> <p>3 relieve pressure in the tanks.</p> <p>4 Right?</p> <p>5 MS. PETTY: Objection.</p> <p>6 THE WITNESS: There were</p> <p>7 releases from the PRDs as well as all</p> <p>8 the other valves on the car.</p> <p>9 QUESTIONS BY MR. BUCHANAN:</p> <p>10 Q. There are other HAZMAT cars.</p> <p>11 We talked about the non-HAZMAT cars. We</p> <p>12 talked about the five that your contractor</p> <p>13 planted explosives on and blew up, but there</p> <p>14 are others.</p> <p>15 Right?</p> <p>16 MS. PETTY: Objection.</p> <p>17 THE WITNESS: There were other</p> <p>18 hazardous materials cars involved in</p> <p>19 the derailment.</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. Okay. You had a tank car of</p> <p>22 isobutylene.</p> <p>23 Right? Car 49?</p> <p>24 A. That is correct.</p> <p>25 Q. Tank car of butyl acrylates.</p>	<p style="text-align: right;">Page 49</p> <p>1 lines along the railroad tracks, I</p> <p>2 can't say. I know it was there. You</p> <p>3 could see it burning.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. You also got reports it was in</p> <p>6 the river.</p> <p>7 Right?</p> <p>8 MS. PETTY: Objection.</p> <p>9 QUESTIONS BY MR. BUCHANAN:</p> <p>10 Q. Or in the creeks, excuse me?</p> <p>11 MS. PETTY: Objection.</p> <p>12 Foundation.</p> <p>13 THE WITNESS: There were</p> <p>14 materials from the derailment that</p> <p>15 reached Sulfur Run and I believe</p> <p>16 Leslie Run. The quantities of which</p> <p>17 chemicals it was, I can't answer to</p> <p>18 that.</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. Okay. And which materials did</p> <p>21 you ultimately determine had entered into the</p> <p>22 creeks, into the waterway?</p> <p>23 MS. PETTY: Objection.</p> <p>24 THE WITNESS: Everything that</p> <p>25 spilled, HAZ and non-HAZ, had the</p>

<p style="text-align: right;">Page 50</p> <p>1 potential of entering the ditch line</p> <p>2 because of where the derailment was</p> <p>3 at.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. So you couldn't rule any out?</p> <p>6 MS. PETTY: Objection.</p> <p>7 THE WITNESS: I cannot.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. One tank car of ethylhexyl</p> <p>10 acrylate, Car 38.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. DOWX73168 breached.</p> <p>14 Right?</p> <p>15 A. That is correct.</p> <p>16 Q. One tank car of ethylene glycol</p> <p>17 monobutyl ether, Car 36, breached.</p> <p>18 Right?</p> <p>19 A. That is correct.</p> <p>20 Q. SHPX211226, that's its car</p> <p>21 number.</p> <p>22 Right?</p> <p>23 A. For which one?</p> <p>24 Q. Ethylene glycol monobutyl</p> <p>25 ether.</p>	<p style="text-align: right;">Page 52</p> <p>1 HAZMAT and non-HAZMAT cars that could have</p> <p>2 impact and that were involved in the fires or</p> <p>3 breached or otherwise.</p> <p>4 I want to kind of orient to</p> <p>5 your call. And you got this call on Friday</p> <p>6 of the 3rd relating to this train.</p> <p>7 Do you recall that call, sir?</p> <p>8 MS. PETTY: Objection.</p> <p>9 Is there a question?</p> <p>10 MR. BUCHANAN: Yeah, pretty</p> <p>11 clearly.</p> <p>12 QUESTIONS BY MR. BUCHANAN:</p> <p>13 Q. Remember the call?</p> <p>14 A. Yes. I was notified about the</p> <p>15 derailment.</p> <p>16 Q. Right.</p> <p>17 You received the consist very</p> <p>18 shortly after the derailment.</p> <p>19 Right?</p> <p>20 A. I went to our server and</p> <p>21 downloaded a copy of the consist.</p> <p>22 Q. Looks like you get it around,</p> <p>23 what is that, 9:08 p.m.?</p> <p>24 Is that consistent with your</p> <p>25 memory, sir?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. That is correct.</p> <p>2 Q. And two tank cars, benzene</p> <p>3 residue.</p> <p>4 Right?</p> <p>5 A. There were two residue tank</p> <p>6 cars of benzene involved in the derailment</p> <p>7 that did not breach.</p> <p>8 Q. How much benzene was in those</p> <p>9 cars, sir?</p> <p>10 MS. PETTY: Objection.</p> <p>11 THE WITNESS: The residue cars?</p> <p>12 They're required to be shipped --</p> <p>13 residue is an "iffy" determination.</p> <p>14 So it had been emptied to the greatest</p> <p>15 extent possible. So how much was</p> <p>16 actually in the cars, I do not know.</p> <p>17 QUESTIONS BY MR. BUCHANAN:</p> <p>18 Q. As a matter of regulation or</p> <p>19 practice, sir, what's the -- what's the</p> <p>20 maximum amount you're allowed to still have</p> <p>21 in a car and still call it residue?</p> <p>22 A. When the car has been emptied</p> <p>23 to the greatest extent possible.</p> <p>24 Q. So we're looking at this report</p> <p>25 that lists a summary of the derailed cars and</p>	<p style="text-align: right;">Page 53</p> <p>1 A. I do not know the exact time,</p> <p>2 but if that shows the time I would have</p> <p>3 e-mailed, it would have been right about</p> <p>4 then.</p> <p>5 (Wood Exhibit 4 marked for</p> <p>6 identification.)</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Do you have Exhibit 4 before</p> <p>9 you, sir? It's that fluorescent sticker in</p> <p>10 the bottom right.</p> <p>11 A. Yes.</p> <p>12 Q. Okay. All right. See a</p> <p>13 Mr. Dudle? Dudle? How do you pronounce his</p> <p>14 name?</p> <p>15 A. Dudle.</p> <p>16 Q. Dudle.</p> <p>17 Notifying you.</p> <p>18 Is that 9:08 p.m.?</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 MS. PETTY: Objection.</p> <p>21 THE WITNESS: I have -- I have</p> <p>22 10:16 is what it says on here. Oh,</p> <p>23 I'm sorry, I'm looking at the --</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. Yeah, I'm sorry, they print out</p>

<p style="text-align: right;">Page 54</p> <p>1 kind of the earliest in time on the bottom.</p> <p>2 A. Got it. Yes, I see that.</p> <p>3 Q. It says, "Consist information</p> <p>4 is attached. Large fire reported consistent</p> <p>5 with car positioning for the vinyl chloride</p> <p>6 cars. Scott Deutsch will be NS on-site</p> <p>7 contact."</p> <p>8 Do you see that, sir?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So really out of the</p> <p>11 gate, sir, you know you're dealing with vinyl</p> <p>12 chloride?</p> <p>13 MS. PETTY: Objection.</p> <p>14 QUESTIONS BY MR. BUCHANAN:</p> <p>15 Q. In the site of the derailment.</p> <p>16 Right?</p> <p>17 A. We knew vinyl chloride was part</p> <p>18 of the train, yes.</p> <p>19 Q. This is one of your earliest</p> <p>20 notifications about the event.</p> <p>21 Right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Is this your first</p> <p>24 notification, 9:08 p.m., or...</p> <p>25 A. No. I would have gotten a</p>	<p style="text-align: right;">Page 56</p> <p>1 attached. Large fire reported consistent</p> <p>2 with car positioning for the vinyl chloride</p> <p>3 cars."</p> <p>4 Do you see that?</p> <p>5 A. I see that.</p> <p>6 Q. Okay. And Scott Deutsch would</p> <p>7 be NS on-site contact.</p> <p>8 Do you see that?</p> <p>9 A. Yes, I see that.</p> <p>10 Q. And he was one of your regional</p> <p>11 managers, Mr. Deutsch?</p> <p>12 A. Yes.</p> <p>13 Q. And he was dispatched to the</p> <p>14 site at that moment.</p> <p>15 Right?</p> <p>16 MS. PETTY: Objection. Vague.</p> <p>17 THE WITNESS: No.</p> <p>18 QUESTIONS BY MR. BUCHANAN:</p> <p>19 Q. When was he dispatched?</p> <p>20 A. By telephone, right after I</p> <p>21 received a telephone call about it.</p> <p>22 Q. Okay. So when did you receive</p> <p>23 the telephone call, sir?</p> <p>24 A. I would have to look back</p> <p>25 through the phone records to see when I was</p>
<p style="text-align: right;">Page 55</p> <p>1 phone call, would have been the first</p> <p>2 notification.</p> <p>3 Q. Okay. So you got the phone</p> <p>4 call, and then the consist was sent around to</p> <p>5 you shortly thereafter.</p> <p>6 Fair?</p> <p>7 A. No. I downloaded the consist</p> <p>8 and sent it out to Scott Deutsch.</p> <p>9 Q. Oh, I see.</p> <p>10 Okay. So Mr. Duddle here is</p> <p>11 sending you, I guess, another copy of it.</p> <p>12 You had already gotten it by this point in</p> <p>13 time?</p> <p>14 A. No. In the e-mail chain, he's</p> <p>15 cc'ing me. He's forwarding it on to our air</p> <p>16 monitoring contractor that's en route.</p> <p>17 Q. I see.</p> <p>18 It says, "Chase, consist</p> <p>19 information is attached. Large fire reported</p> <p>20 consistent with" --</p> <p>21 MR. FUKUMURA: He's at page 2.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. I'm actually looking at the</p> <p>24 bottom of page 1. Thank you.</p> <p>25 "Chase, consist information is</p>	<p style="text-align: right;">Page 57</p> <p>1 notified, whether it was DCC or NOC who would</p> <p>2 have made the call to the HAZMAT duty phone,</p> <p>3 which I man.</p> <p>4 Q. Sir, you said you'd have to</p> <p>5 look back through the phone records. We</p> <p>6 served a subpoena on you.</p> <p>7 Are you aware of that?</p> <p>8 A. Yes.</p> <p>9 Q. You were using your phone</p> <p>10 during this period of the response?</p> <p>11 A. Yes.</p> <p>12 Q. Sending texts?</p> <p>13 A. No. All verbal communication</p> <p>14 for the most part in the early moments.</p> <p>15 Q. Okay. Over the course --</p> <p>16 A. I'm sure there were texts.</p> <p>17 Q. Over the course of those three</p> <p>18 or four days leading up to the vent and burn,</p> <p>19 sir, did you -- did you use your phone via</p> <p>20 text message or calls to coordinate response,</p> <p>21 to speak to colleagues, contractors,</p> <p>22 whatever?</p> <p>23 A. Yes.</p> <p>24 MS. PETTY: Objection.</p> <p>25 Compound.</p>

<p style="text-align: right;">Page 58</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Did you search your phone to</p> <p>3 see what you had related to the derailment?</p> <p>4 A. No.</p> <p>5 Q. You were never asked to search</p> <p>6 your phone to gather text messages or call</p> <p>7 records or e-mails you had on your phone --</p> <p>8 MS. PETTY: Objection.</p> <p>9 QUESTIONS BY MR. BUCHANAN:</p> <p>10 Q. -- relative to the derailment?</p> <p>11 MS. PETTY: Objection. Lacks</p> <p>12 foundation.</p> <p>13 Don't disclose any</p> <p>14 communications that you may have had</p> <p>15 with counsel, but you can disclose</p> <p>16 what you may have provided to be</p> <p>17 searched for purposes of this</p> <p>18 litigation.</p> <p>19 THE WITNESS: I provided my</p> <p>20 computer, cell phone and iPad that</p> <p>21 were downloaded.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. Would it surprise you to learn,</p> <p>24 sir, that your counsel represented to us that</p> <p>25 there was nothing related to the derailment</p>	<p style="text-align: right;">Page 60</p> <p>1 exactly. It would have been -- could</p> <p>2 have been with any of our folks there</p> <p>3 that were on site, whether it be</p> <p>4 HAZMAT managers or other NS employees</p> <p>5 or contractors.</p> <p>6 I've had telephone</p> <p>7 conversations with all of them. I'm</p> <p>8 sure I've exchanged texts with all of</p> <p>9 them.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. Have you had the occasion to go</p> <p>12 back and look through your phone to see what</p> <p>13 text messages you have relevant to that</p> <p>14 period of time, sir?</p> <p>15 A. No.</p> <p>16 Q. Did you delete them?</p> <p>17 A. I deleted no e-mails to -- or</p> <p>18 text messages relevant to East Palestine, to</p> <p>19 my knowledge.</p> <p>20 MR. BUCHANAN: Okay. Counsel,</p> <p>21 are you contending those were</p> <p>22 produced?</p> <p>23 MR. FUKUMURA: Yeah.</p> <p>24 MS. PETTY: Our contention is</p> <p>25 that everything responsive was</p>
<p style="text-align: right;">Page 59</p> <p>1 on your personal devices?</p> <p>2 MS. PETTY: Objection.</p> <p>3 THE WITNESS: My personal</p> <p>4 devices or my company-supplied</p> <p>5 devices?</p> <p>6 QUESTIONS BY MR. BUCHANAN:</p> <p>7 Q. Your company-supplied devices,</p> <p>8 sir.</p> <p>9 A. I do not know that that was the</p> <p>10 fact.</p> <p>11 Q. Were you using your company</p> <p>12 phone to text and correspond with colleagues</p> <p>13 when you were on the ground in East</p> <p>14 Palestine, sir?</p> <p>15 MS. PETTY: Objection.</p> <p>16 THE WITNESS: I was using my</p> <p>17 phone, yes, while I was there.</p> <p>18 I'm sure text, phone calls,</p> <p>19 e-mail.</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. Who were you corresponding with</p> <p>22 via text, sir, during this period of time</p> <p>23 after you get into East Palestine?</p> <p>24 MS. PETTY: Objection.</p> <p>25 THE WITNESS: I do not know</p>	<p style="text-align: right;">Page 61</p> <p>1 produced. I'm not sure what's going</p> <p>2 on here, but everything responsive</p> <p>3 that we were aware of was produced.</p> <p>4 MR. BUCHANAN: All right.</p> <p>5 Well, we'll take a look at the break</p> <p>6 at the correspondence on this.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. All right, sir. This consist,</p> <p>9 you said you downloaded it and then you</p> <p>10 started sending it around to folks.</p> <p>11 Right?</p> <p>12 A. Yes. The first would have been</p> <p>13 to Scott Deutsch for him to forward whoever</p> <p>14 he needed to.</p> <p>15 Q. Sent it to Mr. Gould,</p> <p>16 Mr. Deutsch, Mr. Schoendorfer.</p> <p>17 Right?</p> <p>18 A. Yes, I believe that's correct.</p> <p>19 Q. And then to Mr. Burch, Edwards,</p> <p>20 Gould, Patten, Shanks and Simpson.</p> <p>21 Right?</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: Yes. Whenever we</p> <p>24 have a derailment, I generally send</p> <p>25 the information out to alert the</p>

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1 entire HAZMAT staff.
 2 QUESTIONS BY MR. BUCHANAN:
 3 Q. Did you, sir, send it out to
 4 anyone in East Palestine?
 5 A. I did not.
 6 Q. First responders there?
 7 A. I did not. Scott Deutsch did.
 8 Q. You sent it out to the Norfolk
 9 Southern lawyers, right, around 11:30 that
 10 day?
 11 MS. PETTY: Objection.
 12 THE WITNESS: I'm not sure.
 13 I'd have to go back. If the e-mails
 14 say I did, I did.
 15 QUESTIONS BY MR. BUCHANAN:
 16 Q. At no point in -- what was it,
 17 I guess on the 3rd -- did you share it with
 18 Fire Chief Drabick?
 19 Right?
 20 A. I didn't speak with Chief
 21 Drabick. I spoke with who was serving as
 22 incident commander that night. I don't
 23 recall their name.
 24 Q. Was that a deputy chief?
 25 A. I'm not sure.

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1 Q. And you didn't send the consist
 2 to him, did you, sir?
 3 A. I believe they already had the
 4 information when I spoke to him.
 5 Q. Well, if they said otherwise,
 6 sir, I mean, would you have any basis to
 7 disagree with them?
 8 MS. PETTY: Objection.
 9 THE WITNESS: Yeah, I have -- I
 10 have no way to know that one way or
 11 the other.
 12 QUESTIONS BY MR. BUCHANAN:
 13 Q. Right. And just from your --
 14 the knowledge you have, sir, you did not send
 15 it to the deputy chief or anybody in East
 16 Palestine.
 17 Correct, sir?
 18 A. I did not.
 19 Q. Thank you.
 20 (Wood Exhibit 5 marked for
 21 identification.)
 22 QUESTIONS BY MR. BUCHANAN:
 23 Q. Passing you what we've marked
 24 as Exhibit 5 to your deposition, sir.
 25 Exhibit 5 is titled "Norfolk

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1 Southern Railroad Emergency Response Planning
 2 Guide."
 3 Do you see that?
 4 A. I do.
 5 Q. You've seen that before?
 6 A. Yes.
 7 Q. Okay. I'd like to take you to
 8 .36. That's the number at the top right.
 9 And it says, "Shipping Papers."
 10 Do you see that?
 11 A. Yes.
 12 Q. It says, "During any incident
 13 involving the railroad, it is extremely
 14 important to understand the paperwork is --
 15 it's extremely important to understand that
 16 the paperwork is the key to identification."
 17 Do you see that?
 18 A. Yes, I see that.
 19 Q. "The engineer and/or conductor
 20 are required to have the shipping papers
 21 consist available, and also they must be
 22 updated when they pick up or drop off cars."
 23 Do you see that, sir?
 24 A. I do.
 25 Q. Do you agree with that, sir?

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1 A. Yes.
 2 Q. And this is Norfolk Southern's
 3 railroad emergency response planning guide.
 4 Right?
 5 A. This is the training document
 6 we use to provide training to first
 7 responders, but that requirement is a
 8 regulation.
 9 Q. That you carry the consist.
 10 Right?
 11 A. Correct.
 12 Q. Because it's important at the
 13 moment of the derailment or the moment of an
 14 accident, that the folks who have to deal
 15 with that situation have the facts of what's
 16 on that particular train.
 17 Right, sir?
 18 MS. PETTY: Objection.
 19 THE WITNESS: Yes, among other
 20 things.
 21 QUESTIONS BY MR. BUCHANAN:
 22 Q. And they --
 23 A. We also provide the AskRail app
 24 out there that gives realtime consist
 25 information in the palm of the hand from your

<p style="text-align: right;">Page 66</p> <p>1 mobile device.</p> <p>2 Q. Yeah.</p> <p>3 Was this consist on AskRail,</p> <p>4 sir?</p> <p>5 A. It was.</p> <p>6 Q. It's your understanding that</p> <p>7 the engineer, the folks on the train, were</p> <p>8 using AskRail and this consist was on there?</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: No, sir. The</p> <p>11 crews don't use AskRail. The AskRail</p> <p>12 is an app for first responders, and it</p> <p>13 was used that night 30-plus times.</p> <p>14 QUESTIONS BY MR. BUCHANAN:</p> <p>15 Q. Okay. And help me understand</p> <p>16 that, sir.</p> <p>17 How was it -- you understand it</p> <p>18 was accessed by whom and when?</p> <p>19 A. I just know there were</p> <p>20 30-some-odd searches during the incident. I</p> <p>21 don't know who personally -- or if the</p> <p>22 information can be downloaded from the AAR.</p> <p>23 Q. Okay. You said 30-some-odd</p> <p>24 searches.</p> <p>25 And do you know who was doing</p>	<p style="text-align: right;">Page 68</p> <p>1 A. I think a week later, a report</p> <p>2 of how many searches were done.</p> <p>3 MR. BUCHANAN: Actually, we're</p> <p>4 going to be shifting gears for a</p> <p>5 moment. Do you mind taking five</p> <p>6 minutes?</p> <p>7 MR. FUKUMURA: Yeah, perfect.</p> <p>8 THE WITNESS: Sounds good.</p> <p>9 VIDEOGRAPHER: We are now going</p> <p>10 off the video record. The time is</p> <p>11 currently 9:55 a.m.</p> <p>12 (Off the record at 9:55 a.m.)</p> <p>13 VIDEOGRAPHER: We are now back</p> <p>14 on the video record. The time is</p> <p>15 currently 10:11 a.m.</p> <p>16 QUESTIONS BY MR. BUCHANAN:</p> <p>17 Q. Sir, before the break, we were</p> <p>18 talking about Mr. Deutsch. He was an</p> <p>19 individual who you supervised.</p> <p>20 Is that right?</p> <p>21 A. Yes.</p> <p>22 Q. He's a regional HAZMAT manager.</p> <p>23 Is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And he was dispatched to the</p>
<p style="text-align: right;">Page 67</p> <p>1 the searches?</p> <p>2 A. There would be records with</p> <p>3 Railinc and AAR as to who did the search.</p> <p>4 Q. Okay. Do you know if it was</p> <p>5 just Norfolk Southern folks?</p> <p>6 MS. PETTY: Objection.</p> <p>7 THE WITNESS: No. These</p> <p>8 were -- there were first responder</p> <p>9 personnel that did this.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. How do you know there were 30</p> <p>12 searches?</p> <p>13 A. AAR provided that information.</p> <p>14 Q. I'm just trying to understand</p> <p>15 the context.</p> <p>16 How did you -- AAR provided</p> <p>17 that information to you.</p> <p>18 Why?</p> <p>19 A. I am a member of the AAR HAZMAT</p> <p>20 committee, along with all the Class I</p> <p>21 railroads who developed the AskRail app, and</p> <p>22 we monitor the usage of it, especially during</p> <p>23 an emergency.</p> <p>24 Q. And so when did you get that</p> <p>25 information?</p>	<p style="text-align: right;">Page 69</p> <p>1 scene shortly after you got word about the</p> <p>2 derailment?</p> <p>3 A. Yes. Yes.</p> <p>4 Q. He was, what, one of the</p> <p>5 closest people to the scene?</p> <p>6 A. Yes. He's based out of the</p> <p>7 Pittsburgh area.</p> <p>8 Q. Okay. And it's your</p> <p>9 understanding he got there, what, in about an</p> <p>10 hour and a half after he got word from you?</p> <p>11 MS. PETTY: Objection.</p> <p>12 THE WITNESS: I believe that's</p> <p>13 correct.</p> <p>14 QUESTIONS BY MR. BUCHANAN:</p> <p>15 Q. So for approximately an hour</p> <p>16 and a half it was just, what, the first</p> <p>17 responders on the ground dealing with this</p> <p>18 Norfolk Southern train and the fire that</p> <p>19 spawned from it?</p> <p>20 MS. PETTY: Objection.</p> <p>21 THE WITNESS: No, I believe</p> <p>22 there were other NS personnel on site.</p> <p>23 I do not know what time they arrived.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. Are you aware of anybody</p>

<p style="text-align: right;">Page 70</p> <p>1 arriving before Mr. Deutsch?</p> <p>2 A. Yes.</p> <p>3 Q. From the HAZMAT response?</p> <p>4 A. From the HAZMAT group, no.</p> <p>5 Q. Okay.</p> <p>6 A. From Norfolk Southern, yes.</p> <p>7 Q. Okay. You aware of anybody</p> <p>8 before Mr. Deutsch coordinating the response</p> <p>9 to the fire before Mr. Deutsch arrived?</p> <p>10 MS. PETTY: Objection.</p> <p>11 MR. FUKUMURA: Objection.</p> <p>12 QUESTIONS BY MR. BUCHANAN:</p> <p>13 Q. On site.</p> <p>14 MS. PETTY: Objection.</p> <p>15 THE WITNESS: Mr. Deutsch told</p> <p>16 me that, I believe it was, Josiah</p> <p>17 Saxe, who was with Norfolk Southern</p> <p>18 mechanical, was at the command post</p> <p>19 with the incident commander.</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. And again, the incident</p> <p>22 commander at that point in time on Friday was</p> <p>23 whom?</p> <p>24 MS. PETTY: Objection.</p> <p>25 THE WITNESS: I don't know the</p>	<p style="text-align: right;">Page 72</p> <p>1 Right?</p> <p>2 MS. PETTY: Objection. Calls</p> <p>3 for speculation.</p> <p>4 THE WITNESS: I do not know how</p> <p>5 many first responders were there.</p> <p>6 QUESTIONS BY MR. BUCHANAN:</p> <p>7 Q. You didn't get that report from</p> <p>8 Mr. Deutsch or others?</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: I would not have</p> <p>11 gotten a number of first responders</p> <p>12 that were there, no.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. Mr. Deutsch tell you it was</p> <p>15 chaotic when he got there?</p> <p>16 MS. PETTY: Objection.</p> <p>17 Foundation.</p> <p>18 THE WITNESS: The first reports</p> <p>19 I got from Mr. Deutsch after he had</p> <p>20 got there was that he thought the</p> <p>21 first responders were in -- some were</p> <p>22 in a position that they shouldn't be</p> <p>23 in and got them to remove themselves.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. When he got there, there was a</p>
<p style="text-align: right;">Page 71</p> <p>1 individual's name.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. Okay. I take it you came to</p> <p>4 understand, sir, a pretty big response from</p> <p>5 local emergency responders.</p> <p>6 Right?</p> <p>7 MS. PETTY: Objection.</p> <p>8 THE WITNESS: I'm sorry, I</p> <p>9 didn't quite understand what you said.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. Some 50 fire departments were</p> <p>12 called in on this one?</p> <p>13 A. I do not know the number of</p> <p>14 departments. There were multiple departments</p> <p>15 that did respond.</p> <p>16 Q. Quite a few.</p> <p>17 Fair?</p> <p>18 MS. PETTY: Objection.</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 THE WITNESS: There were a</p> <p>21 number. Again, I don't know how many.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. Hundreds of emergency</p> <p>24 responders called onto the scene by the time</p> <p>25 Mr. Deutsch had gotten there.</p>	<p style="text-align: right;">Page 73</p> <p>1 pool fire.</p> <p>2 Right?</p> <p>3 A. Yes.</p> <p>4 Q. Ditch fire?</p> <p>5 A. Yes.</p> <p>6 MS. PETTY: Objection.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Running the full length of the</p> <p>9 derailed cars.</p> <p>10 Right?</p> <p>11 MS. PETTY: Objection.</p> <p>12 THE WITNESS: Not sure the</p> <p>13 exact -- the actual extent of the</p> <p>14 fire, but there were fires.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. No pressure cars had been</p> <p>17 breached as of the time he got there.</p> <p>18 Right?</p> <p>19 MS. PETTY: Objection.</p> <p>20 THE WITNESS: There were no</p> <p>21 pressure cars breached. Some began</p> <p>22 venting from their PRD shortly after</p> <p>23 he got there.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. Right. They had not vented by</p>

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1 the time he got there.
 2 Right?
 3 MS. PETTY: Objection.
 4 THE WITNESS: I believe that is
 5 correct.
 6 QUESTIONS BY MR. BUCHANAN:
 7 Q. Right. I take it you're not on
 8 the ground at that point, but you defer to
 9 Mr. Deutsch in terms of his observations and
 10 experience there?
 11 A. Yes.
 12 Q. So is it correct, sir, that --
 13 or at least you understand that Mr. Deutsch
 14 directed the firefighters to withdraw from
 15 the area?
 16 A. Yes.
 17 Q. And to stop all fire
 18 suppression activities.
 19 Right?
 20 A. I don't know that he instructed
 21 them to stop fire suppression activities. He
 22 told them to remove personnel. They may have
 23 still been running unmanned -- unmanned
 24 master streams. I don't know.
 25 Q. You're aware that they were

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1 instructed to stop all fire suppression
 2 activities at some point in that February 3rd
 3 to February 4th time frame.
 4 Correct?
 5 MS. PETTY: Objection.
 6 THE WITNESS: I was told that
 7 the firefighters were told to egress
 8 from the site.
 9 QUESTIONS BY MR. BUCHANAN:
 10 Q. You're not aware that it was
 11 Mr. Deutsch's recommendation that the fire
 12 protection personnel pull back and cease
 13 engaging in other fire suppression
 14 activities?
 15 MS. PETTY: Objection.
 16 MR. FUKUMURA: Objection.
 17 QUESTIONS BY MR. BUCHANAN:
 18 Q. Not aware of that?
 19 A. Yes. Scott Deutsch said the
 20 firemen need to be removed from where they
 21 were at because they were -- their safety.
 22 Q. Not aware that he also told
 23 them to cease engaging in other fire
 24 suppression activities?
 25 MS. PETTY: Objection.

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1 THE WITNESS: I'm not aware of
 2 that.
 3 QUESTIONS BY MR. BUCHANAN:
 4 Q. Would you defer to Mr. Deutsch,
 5 I guess, and his recollection and testimony
 6 on that?
 7 A. Yes.
 8 Q. And Mr. Deutsch, I take it he
 9 reached out to contractors to assist in the
 10 fire suppression activities.
 11 Right?
 12 MS. PETTY: Objection.
 13 THE WITNESS: Mr. Deutsch would
 14 have engaged contractors to come --
 15 QUESTIONS BY MR. BUCHANAN:
 16 Q. Right.
 17 A. -- as part of a response.
 18 Q. You have that knowledge, do you
 19 not, sir, that Mr. Deutsch reached out to
 20 SPSI, among others, in connection with
 21 mobilizing Norfolk Southern's response at the
 22 derailment site?
 23 A. Yes.
 24 Q. But even though Norfolk
 25 Southern brought in contractors, ultimately

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1 it was Norfolk Southern -- Norfolk Southern's
 2 responsibility to approve the decisions made
 3 in the derailment site.
 4 Right?
 5 MS. PETTY: Objection.
 6 MR. FUKUMURA: Objection.
 7 THE WITNESS: No. The ultimate
 8 decisions have to come from the
 9 incident commander.
 10 QUESTIONS BY MR. BUCHANAN:
 11 Q. Isn't it true, sir, that
 12 ultimately anything done on one of Norfolk
 13 Southern's derailment sites has to meet
 14 Norfolk Southern's approval?
 15 MR. FUKUMURA: Objection.
 16 MS. PETTY: Objection.
 17 THE WITNESS: When we're
 18 working a site under a unified
 19 command, unified command and the
 20 incident commander ultimately has
 21 decision-making abilities.
 22 QUESTIONS BY MR. BUCHANAN:
 23 Q. Let's take a look at your
 24 testimony before the NTSB, sir.
 25 Do you have Exhibit 256 before

<p style="text-align: right;">Page 78</p> <p>1 you?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. You can go to page 191.</p> <p>4 MS. PETTY: Counsel, are you</p> <p>5 talking about -- do you mean</p> <p>6 Exhibit 2? You said 256.</p> <p>7 MR. BUCHANAN: My apologies. I</p> <p>8 have an internal number on it. It's</p> <p>9 Exhibit 2 your deposition, sir.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. Top right corner, do you see</p> <p>12 those numbers?</p> <p>13 I'd like to take you, sir, if</p> <p>14 we could, to --</p> <p>15 A. I don't see an Exhibit 2. Oh,</p> <p>16 I'm sorry. This one.</p> <p>17 Q. This is a transcript of the</p> <p>18 investigative hearing, right, before the</p> <p>19 NTSB?</p> <p>20 Do you see that first page?</p> <p>21 A. Yes.</p> <p>22 Q. June 22, 2023.</p> <p>23 Right?</p> <p>24 A. Yes.</p> <p>25 Q. Case, February 3, Norfolk</p>	<p style="text-align: right;">Page 80</p> <p>1 of our sites has to meet our approval."</p> <p>2 Do you see that, sir?</p> <p>3 A. I do. I'm referring to the</p> <p>4 work of our contractors.</p> <p>5 Q. That's right.</p> <p>6 And when your contractors</p> <p>7 recommend the course of activity with regard</p> <p>8 to pressurized cars or vent and burn,</p> <p>9 ultimately, Norfolk Southern has to approve.</p> <p>10 Right?</p> <p>11 MS. PETTY: Objection --</p> <p>12 MR. FUKUMURA: Objection.</p> <p>13 MS. PETTY: -- to the form.</p> <p>14 THE WITNESS: Norfolk Southern</p> <p>15 has to approve the work of all of our</p> <p>16 contractors. But in unified command,</p> <p>17 that decision ultimately has to be</p> <p>18 approved by that incident commander.</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. And what you said, sir, was,</p> <p>21 "But ultimately, anything that's done on one</p> <p>22 of our sites has to meet our approval."</p> <p>23 That's what you told the NTSB.</p> <p>24 Correct, sir?</p> <p>25 MS. PETTY: Objection.</p>
<p style="text-align: right;">Page 79</p> <p>1 Southern Railway derailment in East</p> <p>2 Palestine.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. All right. Let's go to 190,</p> <p>6 top right corner. Actually, 191, I believe.</p> <p>7 And there's a question put to</p> <p>8 you in an interaction with some panelists at</p> <p>9 the NTSB hearing.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And there's a quote from you.</p> <p>13 Do you see that, Mr. Wood, in the middle of</p> <p>14 the page?</p> <p>15 A. 191?</p> <p>16 Q. Yeah. I'm sorry, top of the</p> <p>17 page, carrying over. Carries over. You can</p> <p>18 look at 190, if you'd like.</p> <p>19 "And in following that decision</p> <p>20 matrix, we are going to take their input and</p> <p>21 advice." This is referring to Norfolk</p> <p>22 Southern's contractors. "It's ultimately, in</p> <p>23 most of these cases, going to be their</p> <p>24 personnel that's going to complete that work.</p> <p>25 But ultimately, anything that's done on one</p>	<p style="text-align: right;">Page 81</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. As reflected in the transcript.</p> <p>3 A. Yes. All the work our</p> <p>4 contractors do must be approved by NS.</p> <p>5 Q. Has to meet your approval.</p> <p>6 Correct?</p> <p>7 A. The work of our contractors</p> <p>8 must meet our approval.</p> <p>9 Q. And the recommendation to vent</p> <p>10 and burn had to meet your approval.</p> <p>11 Right?</p> <p>12 It's Norfolk --</p> <p>13 A. Any work by our contractors has</p> <p>14 to meet the approval of Norfolk Southern.</p> <p>15 Q. And before that had to be done</p> <p>16 or before that was done, you approved it?</p> <p>17 MS. PETTY: Objection.</p> <p>18 MR. FUKUMURA: Objection.</p> <p>19 THE WITNESS: Norfolk Southern</p> <p>20 didn't approve the vent and burn.</p> <p>21 Unified command at East Palestine and</p> <p>22 the incident commander ultimately</p> <p>23 approved the vent and burn.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. I'm sorry, sir, I thought you</p>

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1 recommended it to incident command.
 2 Wasn't that you that did that,
 3 sir?
 4 A. I was one of the ones who did
 5 that because I believed that was the safest
 6 course of action.
 7 Q. Okay. Your contractors
 8 recommended it, and then you recommended it
 9 to incident command.
 10 Right?
 11 MS. PETTY: Objection.
 12 THE WITNESS: Yes, it was
 13 recommended to incident command.
 14 QUESTIONS BY MR. BUCHANAN:
 15 Q. You'd agree, sir, when incident
 16 command is making a decision to do something
 17 that Norfolk Southern itself has never done
 18 before or that its contractor has never done
 19 before, that you certainly shouldn't conceal
 20 safety information about the risks of that
 21 event.
 22 Right?
 23 MS. PETTY: Objection.
 24 Wait. Wait. Wait for me to
 25 finish my objection.

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1 Assumes facts. Lacks
 2 foundation. Compound.
 3 QUESTIONS BY MR. BUCHANAN:
 4 Q. You'd agree?
 5 MS. PETTY: Same objections.
 6 THE WITNESS: Ultimately, vinyl
 7 chloride is a Chlorine Institute
 8 mission chemical. We had two of the
 9 three Chlorine -- CHLOREP contractors
 10 on site.
 11 Chip Day has been involved in
 12 several vent and burns. And to my
 13 knowledge, ESI, who we brought in, has
 14 performed, I would say, every vent and
 15 burn that's been conducted in the
 16 United States.
 17 QUESTIONS BY MR. BUCHANAN:
 18 Q. My question to you, sir, was,
 19 you'd agree that you shouldn't conceal safety
 20 information from incident command when
 21 presenting a decision like that?
 22 MS. PETTY: Objection. Vague.
 23 QUESTIONS BY MR. BUCHANAN:
 24 Q. You'd agree?
 25 MS. PETTY: Assumes facts.

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1 Same objections.
 2 THE WITNESS: I'm sorry, you'll
 3 have to repeat your question.
 4 QUESTIONS BY MR. BUCHANAN:
 5 Q. Yes, sir.
 6 You said it was incident
 7 command that made the decision.
 8 My question to you, sir, was,
 9 you'd agree that you shouldn't conceal safety
 10 risks or information pertinent to the
 11 decision from the people making the decision.
 12 Right?
 13 MR. FUKUMURA: Objection.
 14 MS. PETTY: Objection.
 15 MR. FUKUMURA: Compound.
 16 THE WITNESS: I agree, all
 17 safety items should be brought to
 18 the -- to the incident commander.
 19 QUESTIONS BY MR. BUCHANAN:
 20 Q. And when you bring in the
 21 subject matter expert, and the subject matter
 22 experts tell you something that's contrary to
 23 the view expressed from somebody else, that's
 24 certainly something you should be sharing
 25 with the ultimate decision-makers.

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1 Right?
 2 MS. PETTY: Objection. Calls
 3 for a hypothetical.
 4 THE WITNESS: Again, I can't
 5 speak to any information that was
 6 withheld from incident command on my
 7 part.
 8 QUESTIONS BY MR. BUCHANAN:
 9 Q. You weren't aware, sir, that
 10 the subject matter experts had told Norfolk
 11 Southern that the vinyl chloride and the cars
 12 that were being discussed was not
 13 polymerizing?
 14 MS. PETTY: Objection.
 15 QUESTIONS BY MR. BUCHANAN:
 16 Q. You were not aware of that,
 17 sir?
 18 MS. PETTY: Objection.
 19 THE WITNESS: I was told by NS
 20 HAZMAT personnel and contractors that
 21 there were people from -- the shipper
 22 of the product didn't believe the
 23 product was polymerizing.
 24 But that was the extent of it.
 25 They didn't believe it.

<p style="text-align: right;">Page 86</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Folks didn't tell you, sir,</p> <p>3 your team, your contractors, that when they</p> <p>4 consulted the subject matter experts on the</p> <p>5 product, they had said, let me be clear, it's</p> <p>6 not polymerizing?</p> <p>7 MS. PETTY: Objection.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. Nobody shared that with you,</p> <p>10 sir?</p> <p>11 MS. PETTY: Objection.</p> <p>12 THE WITNESS: Information from</p> <p>13 Oxy was shared that there were some --</p> <p>14 they believed it was not polymerizing.</p> <p>15 We were dealing with a realtime</p> <p>16 emergency, with observation from the</p> <p>17 subject matter experts who respond to</p> <p>18 these chemicals on a regular basis.</p> <p>19 We consider all information.</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. I'm sorry, sir. My question</p> <p>22 was, nobody shared with you that the subject</p> <p>23 matter experts at Oxy Vinyls had said,</p> <p>24 polymerization is not happening? No one</p> <p>25 shared that with you?</p>	<p style="text-align: right;">Page 88</p> <p>1 one of -- two of three certified</p> <p>2 CHLOREP contractors in the United</p> <p>3 States.</p> <p>4 There had been conversations</p> <p>5 that they had with myself, plus their</p> <p>6 years of experience.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Were you a part of any of the</p> <p>9 calls, sir, with Oxy Vinyls and their</p> <p>10 representatives?</p> <p>11 A. I was not.</p> <p>12 Q. And did anybody share with you,</p> <p>13 sir, to get an answer to my question, that</p> <p>14 the folks from Oxy Vinyls had said, these</p> <p>15 cars are not polymerizing?</p> <p>16 MR. FUKUMURA: Objection.</p> <p>17 Asked and answered.</p> <p>18 MS. PETTY: Objection. Form.</p> <p>19 Asked and answered. Vague and</p> <p>20 ambiguous.</p> <p>21 QUESTIONS BY MR. BUCHANAN:</p> <p>22 Q. Did anybody share that with</p> <p>23 you, sir?</p> <p>24 MS. PETTY: Same objections.</p> <p>25 THE WITNESS: Either one of my</p>
<p style="text-align: right;">Page 87</p> <p>1 MS. PETTY: Objection. Assumes</p> <p>2 facts. Asked and answered.</p> <p>3 QUESTIONS BY MR. BUCHANAN:</p> <p>4 Q. I just want to know whether</p> <p>5 somebody told you that.</p> <p>6 MS. PETTY: Same objections.</p> <p>7 THE WITNESS: Either -- one of</p> <p>8 the NS HAZMAT managers or -- either</p> <p>9 Chip Day or Drew McCarty, said folks</p> <p>10 from Oxy had stated they believe the</p> <p>11 product was polymerizing.</p> <p>12 But that statement went against</p> <p>13 every piece of written documentation</p> <p>14 about the chemical out there.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. Who was the subject matter</p> <p>17 expert on vinyl chloride monomer that Norfolk</p> <p>18 Southern spoke with?</p> <p>19 MS. PETTY: Objection.</p> <p>20 THE WITNESS: Myself</p> <p>21 personally? Drew McCarty with SPSI,</p> <p>22 Chip Day with SRS, who are both</p> <p>23 CHLOREP contractors.</p> <p>24 Vinyl chloride is a Chlorine</p> <p>25 Institute mission chemical. They are</p>	<p style="text-align: right;">Page 89</p> <p>1 HAZMAT managers or one of the</p> <p>2 contractors, whether it was Drew or</p> <p>3 Chip, said there were folks from Oxy</p> <p>4 in Texas who did not believe the</p> <p>5 product was polymerizing. They never</p> <p>6 said definitively.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. There were calls with folks</p> <p>9 from Oxy Vinyls on the evening of</p> <p>10 February 4th.</p> <p>11 Right?</p> <p>12 MS. PETTY: Objection.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. With the situation room in</p> <p>15 Dallas?</p> <p>16 MS. PETTY: Objection.</p> <p>17 You can answer, if you know.</p> <p>18 THE WITNESS: There may have</p> <p>19 been. I was not a part of those</p> <p>20 conversations.</p> <p>21 QUESTIONS BY MR. BUCHANAN:</p> <p>22 Q. Not aware that there were</p> <p>23 communications between your team and the</p> <p>24 experts from Oxy Vinyls on their product</p> <p>25 about whether it was polymerizing or not?</p>

<p style="text-align: right;">Page 90</p> <p>1 MS. PETTY: Objection. 2 Foundation. 3 MR. FUKUMURA: And compound. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. That evening of the 4th? 6 A. I do not know -- I knew 7 conversations had taken place either between 8 the contractors and Oxy or our folks and Oxy. 9 When exactly those took place, I do not know. 10 Q. You arrive on the scene, as I 11 understand it, sir, on the morning of 12 February 4th. That's a Saturday. 13 Is that right? 14 A. Yes. 15 Q. That point in time, fire 16 suppression activities had ceased following 17 Mr. Deutsch's advice on that. 18 Correct? 19 MS. PETTY: Objection. Lacks 20 foundation. 21 THE WITNESS: There were still 22 active fires at the site when I 23 arrived there. There were no fire 24 suppression activities going on. 25</p>	<p style="text-align: right;">Page 92</p> <p>1 as to time. 2 THE WITNESS: Yes, foam was 3 used -- 4 QUESTIONS BY MR. BUCHANAN: 5 Q. During the time you were there. 6 A. Foam was eventually used to put 7 out spot fires. 8 Q. Okay. On what days? 9 A. I believe it would have started 10 on either Saturday afternoon or Sunday 11 morning, I believe. 12 Q. Okay. Water was not being used 13 to cool the tanks. 14 Right? 15 A. To cool which tanks? 16 Q. Any of the areas that were in 17 the pool fire. 18 A. There were no tanks being 19 cooled, mostly because the five tanks that we 20 were concerned about are jacketed tanks. So 21 spraying water on the jacket serves no 22 purpose. It's not actually contacting the 23 actual tank. 24 Q. And so they're insulated from 25 heat?</p>
<p style="text-align: right;">Page 91</p> <p>1 QUESTIONS BY MR. BUCHANAN: 2 Q. When you say "fire 3 suppression," there was -- water wasn't being 4 sprayed from ladder towers or individuals. 5 Right? 6 MR. FUKUMURA: Objection. 7 Foundation. 8 QUESTIONS BY MR. BUCHANAN: 9 Q. When you arrived. 10 A. I saw no fire suppression 11 activities. 12 Q. Foam was not being sprayed. 13 Right? 14 A. To my knowledge, no. 15 Q. You had a foam tank on site. 16 Right? 17 MS. PETTY: Objection. 18 QUESTIONS BY MR. BUCHANAN: 19 Q. Didn't your team call one in? 20 A. Yes, we had foam supplies 21 there. 22 Q. Foam was not used as fire 23 suppression. 24 Right? 25 MS. PETTY: Objection. Vague</p>	<p style="text-align: right;">Page 93</p> <p>1 MS. PETTY: Objection. 2 THE WITNESS: They are jacketed 3 and have a thermal blanket around them 4 that's designed to last 100 minutes. 5 QUESTIONS BY MR. BUCHANAN: 6 Q. As of the time you were there, 7 sir, I take it PRDs had been going off on 8 various tanks. 9 Is that right? 10 A. PRDs had been going off over a 11 period of time since -- I don't know whether 12 they began before midnight on the 3rd or 13 whether into the morning of the 4th. 14 Q. So we're clear on the time, on 15 the 3rd, no breaches in any of the vinyl 16 chloride cars. 17 Right? 18 A. There were no -- 19 MS. PETTY: Objection. 20 THE WITNESS: There were no 21 breaches to the vinyl chloride tanks. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. As of the 4th, no breaches to 24 the vinyl chloride cars. 25 Right?</p>

<p style="text-align: right;">Page 94</p> <p>1 MS. PETTY: Objection.</p> <p>2 THE WITNESS: There had been</p> <p>3 venting of burning product from all of</p> <p>4 those, from the PRDs and from the</p> <p>5 liquid and vapor lines on the cars.</p> <p>6 QUESTIONS BY MR. BUCHANAN:</p> <p>7 Q. Right.</p> <p>8 And PRDs are supposed to vent</p> <p>9 when pressure rises, right?</p> <p>10 A. PRD --</p> <p>11 MS. PETTY: Objection.</p> <p>12 THE WITNESS: Sorry.</p> <p>13 PRDs are supposed to. The</p> <p>14 liquid and vapors lines are not.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. And you had a call with Oxy</p> <p>17 Vinyl that night of the 4th, that Saturday.</p> <p>18 Right?</p> <p>19 Not you, but your team, right?</p> <p>20 MS. PETTY: Objection.</p> <p>21 MR. FUKUMURA: Objection.</p> <p>22 Asked and answered.</p> <p>23 THE WITNESS: There were</p> <p>24 conversations between contractor, I</p> <p>25 believe our personnel. When those</p>	<p style="text-align: right;">Page 96</p> <p>1 sir, that Mr. Simpson was interacting with</p> <p>2 Oxy Vinyls?</p> <p>3 A. I'm not sure who from NS HAZMAT</p> <p>4 was conversing with -- other than the initial</p> <p>5 notification. I know David Patten made the</p> <p>6 initial notifications.</p> <p>7 After that, I'm -- I do not</p> <p>8 know exactly who from NS on a given</p> <p>9 conversation was part of it.</p> <p>10 Q. Did you know, sir, that Oxy</p> <p>11 Vinyls had assembled a special situations</p> <p>12 team in Dallas to be prepared as your subject</p> <p>13 matter expert to address issues you had with</p> <p>14 regard to the vinyl chloride?</p> <p>15 MS. PETTY: Objection.</p> <p>16 THE WITNESS: I don't know</p> <p>17 about a team. I know they had</p> <p>18 personnel that were part of</p> <p>19 conversations. Whether they were</p> <p>20 described as a team, I cannot say.</p> <p>21 QUESTIONS BY MR. BUCHANAN:</p> <p>22 Q. Okay. You had some</p> <p>23 interactions, or at least Norfolk Southern</p> <p>24 did, with a Jon Simpson, and he was on that</p> <p>25 initial interaction with Oxy Vinyls.</p>
<p style="text-align: right;">Page 95</p> <p>1 occurred, I couldn't answer to that,</p> <p>2 exactly when.</p> <p>3 QUESTIONS BY MR. BUCHANAN:</p> <p>4 Q. Could you pull out, please,</p> <p>5 Exhibit 3, sir? Go to 91.</p> <p>6 Who is Jon Simpson, sir?</p> <p>7 MR. FUKUMURA: Pull out</p> <p>8 Exhibit 3.</p> <p>9 THE WITNESS: I'm looking at</p> <p>10 the wrong one.</p> <p>11 Jon Simpson is one of the</p> <p>12 Norfolk Southern HAZMAT managers.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. Okay. And what region does he</p> <p>15 cover, sir?</p> <p>16 A. Jon is based out of Louisville,</p> <p>17 Kentucky, and has an initial response</p> <p>18 territory, but all of our HAZMAT managers</p> <p>19 overlap territories depending on an incident.</p> <p>20 Q. And Mr. Simpson was interacting</p> <p>21 with Oxy Vinyls.</p> <p>22 Is that right?</p> <p>23 MS. PETTY: Objection.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. Did you have that awareness,</p>	<p style="text-align: right;">Page 97</p> <p>1 Right?</p> <p>2 MS. PETTY: Objection to the</p> <p>3 form.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. Do you have that knowledge one</p> <p>6 way or the other, sir, whether Mr. Simpson</p> <p>7 was in those conversations with Oxy Vinyl?</p> <p>8 A. The initial communications to</p> <p>9 Oxy Vinyls I believe was made by David</p> <p>10 Patten --</p> <p>11 Q. Okay.</p> <p>12 A. -- through CHEMTREC.</p> <p>13 Q. With regard to questions about</p> <p>14 the compound itself and whether it would</p> <p>15 polymerize, et cetera, was Mr. Simpson the</p> <p>16 person who was engaging with them on that?</p> <p>17 MS. PETTY: Objection. Asked</p> <p>18 and answered.</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. For Norfolk Southern.</p> <p>21 MS. PETTY: Asked and answered.</p> <p>22 THE WITNESS: Jon very well may</p> <p>23 have spoken with them.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. Did anyone in your team report</p>

<p style="text-align: right;">Page 98</p> <p>1 back to you that the Oxy Vinyls experts out 2 of Dallas had said there's no way for 3 polymerization to be going on without leaving 4 a temperature signature? 5 MS. PETTY: Objection. 6 MR. FUKUMURA: Objection. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. Did anybody share that with 9 you, sir? 10 A. Again -- 11 MS. PETTY: Objection. 12 THE WITNESS: -- conversations 13 between our contractors, NS personnel, 14 whether that was Scott Gould, Jon 15 Simpson, Scott Deutsch, whoever from 16 HAZMAT, Chip Day and Drew McCarty, I 17 don't know who was involved with all 18 the conversations with Oxy. 19 The word passed on to me was, 20 they didn't believe the product was 21 polymerizing. Never could say 22 definitively it was not. 23 QUESTIONS BY MR. BUCHANAN: 24 Q. Did you ever reach out to 25 connect up with them before you did this, I</p>	<p style="text-align: right;">Page 100</p> <p>1 THE WITNESS: I had no 2 conversations with Oxy Vinyls about 3 the product. 4 Persons from my staff and our 5 expert contractors had multiple 6 conversations with them from people in 7 Texas as well as people who ultimately 8 showed up on site. 9 I was not part of those 10 conversations. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Who from Oxy Vinyls, sir, said 13 that the product in those railcars was 14 polymerizing? 15 MS. PETTY: Objection. 16 QUESTIONS BY MR. BUCHANAN: 17 Q. Who? 18 MS. PETTY: Objection. 19 THE WITNESS: I don't know of 20 anyone. 21 QUESTIONS BY MR. BUCHANAN: 22 Q. You did -- was it reported back 23 to you, sir, that if this vinyl chloride -- 24 we're talking about a constituent molecule. 25 If it's going to polymerize, it's going to</p>
<p style="text-align: right;">Page 99</p> <p>1 guess, unprecedented act for Norfolk 2 Southern, venting and burning a railcar? 3 MS. PETTY: Objection. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. Did you yourself say, I want to 6 talk to these folks? 7 MS. PETTY: Objection. 8 THE WITNESS: I did not. 9 My staff and our contractors 10 handled that communication. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Okay. I mean, you spoke to 13 Chief Drabick about this issue, didn't you, 14 sir? 15 A. I did. 16 MS. PETTY: Objection. Vague. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. Before going to Chief Drabick, 19 you didn't attempt to go to the subject 20 matter expert yourself and understand really 21 what the state of the evidence was, the state 22 of the risks were, by speaking to them 23 yourself? 24 MS. PETTY: Objection. Lacks 25 foundation. Assumes facts.</p>	<p style="text-align: right;">Page 101</p> <p>1 generate a lot of heat. 2 Was that shared with you? 3 A. That was shared, but that's a 4 common component of all monomers. 5 Q. Right. 6 And they said that if you were 7 worried about polymerization, you can find 8 out if it's polymerizing by looking to see if 9 the temperature is increasing. 10 Right? 11 MS. PETTY: Objection. Vague 12 as to "they." 13 QUESTIONS BY MR. BUCHANAN: 14 Q. The Oxy Vinyls folks out of 15 Dallas, that's what they shared with your 16 team. 17 Did anybody share that with 18 you? 19 MS. PETTY: Objection. 20 MR. FUKUMURA: Objection. 21 Foundation. 22 Do you know what the question 23 is? 24 THE WITNESS: Did we know if -- 25 that if the product was polymerizing,</p>

<p style="text-align: right;">Page 102</p> <p>1 it would get hot? Yes.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. I mean, ultimately you started</p> <p>4 to look at temperatures.</p> <p>5 Right?</p> <p>6 MS. PETTY: Objection.</p> <p>7 MR. FUKUMURA: Objection.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. Didn't Norfolk Southern,</p> <p>10 through its contractors, start to monitor</p> <p>11 their temperatures after speaking with Oxy</p> <p>12 Vinyls about this temperature signature?</p> <p>13 MR. FUKUMURA: Objection.</p> <p>14 MS. PETTY: Objection.</p> <p>15 THE WITNESS: Because the cars</p> <p>16 had been involved in pool fires,</p> <p>17 monitoring temperatures is part of</p> <p>18 damage assessment. So, yes, we would</p> <p>19 have monitored temperature of the cars</p> <p>20 where available to us.</p> <p>21 QUESTIONS BY MR. BUCHANAN:</p> <p>22 Q. I want to be clear, sir. You</p> <p>23 weren't monitoring all the cars that were in</p> <p>24 pool fires for temperature.</p> <p>25 Right?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. So after this call on Saturday,</p> <p>2 SPSI was already at vent and burn.</p> <p>3 Weren't they?</p> <p>4 MR. FUKUMURA: Objection.</p> <p>5 MS. PETTY: Objection.</p> <p>6 THE WITNESS: The concerns</p> <p>7 about the fear of runaway</p> <p>8 polymerization with the cars were real</p> <p>9 to us.</p> <p>10 There were every indication,</p> <p>11 there is a history with monomers, that</p> <p>12 monomers will have a runaway -- when</p> <p>13 they start polymerizing, they will run</p> <p>14 away and there will be catastrophic</p> <p>15 failures of a railcar if they're not</p> <p>16 dealt with. It has happened before.</p> <p>17 QUESTIONS BY MR. BUCHANAN:</p> <p>18 Q. And the folks, Oxy Vinyls, said</p> <p>19 the content of those cars is not</p> <p>20 polymerizing. Nobody shared that with you.</p> <p>21 Correct?</p> <p>22 MS. PETTY: Objection.</p> <p>23 MR. FUKUMURA: Objection.</p> <p>24 THE WITNESS: The information</p> <p>25 shared with me was that Oxy believed</p>
<p style="text-align: right;">Page 103</p> <p>1 MS. PETTY: Objection.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. You were just monitoring the</p> <p>4 VCM cars.</p> <p>5 Right?</p> <p>6 MS. PETTY: Objection.</p> <p>7 THE WITNESS: That's incorrect.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. The data you were tracking,</p> <p>10 sir, the spreadsheet that you created, you</p> <p>11 were tracking temperatures on the VCM cars.</p> <p>12 Correct, sir?</p> <p>13 MS. PETTY: Objection.</p> <p>14 THE WITNESS: That is correct.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. We move into Sunday morning.</p> <p>17 After you have your Saturday evening call</p> <p>18 with the Oxy Vinyls folks, you had another</p> <p>19 call.</p> <p>20 MR. FUKUMURA: Objection.</p> <p>21 MS. PETTY: Objection.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. Right?</p> <p>24 A. I did not have any call with</p> <p>25 Oxy Vinyls.</p>	<p style="text-align: right;">Page 105</p> <p>1 the product was not polymerizing.</p> <p>2 They never said this product would not</p> <p>3 polymerize.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. Well, let's talk about that.</p> <p>6 Who is Mr. Thomas, sir?</p> <p>7 A. I believe he -- there's someone</p> <p>8 named Thomas who was with Oxy. I believe.</p> <p>9 Q. When you say so definitively,</p> <p>10 sir, nobody said that, you're not aware</p> <p>11 that's exactly what was said?</p> <p>12 MR. FUKUMURA: Objection.</p> <p>13 Asked and answered --</p> <p>14 MS. PETTY: Objection.</p> <p>15 MR. FUKUMURA: -- 14 times.</p> <p>16 THE WITNESS: No one said that</p> <p>17 to me.</p> <p>18 QUESTIONS BY MR. BUCHANAN:</p> <p>19 Q. Okay. So when the Oxy Vinyl</p> <p>20 folks shared that with Norfolk Southern</p> <p>21 representatives and its contractors, let me</p> <p>22 be clear, "polymerization is not</p> <p>23 occurring," you're saying nobody shared that</p> <p>24 with you?</p> <p>25 MS. PETTY: Objection.</p>

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1 MR. FUKUMURA: Objection.
 2 Foundation.
 3 THE WITNESS: No. The word
 4 shared with me was Oxy did not believe
 5 it was polymerizing.
 6 QUESTIONS BY MR. BUCHANAN:
 7 Q. Okay. Nobody shared with you
 8 that Oxy told SPSI and Norfolk Southern,
 9 don't vent and burn because of
 10 polymerization, because polymerization was
 11 not occurring?
 12 MS. PETTY: Objection.
 13 MR. FUKUMURA: Objection.
 14 MS. PETTY: Assumes facts.
 15 QUESTIONS BY MR. BUCHANAN:
 16 Q. No one shared that with you?
 17 A. No one shared anything other
 18 than they believed the product was not
 19 polymerizing.
 20 Q. So the evening of the 4th and
 21 the morning of the 5th, the Oxy folks are
 22 sharing with your team, don't vent and burn
 23 because of polymerization, because it's not
 24 happening. And that information is not being
 25 shared with you, sir.

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1 Correct?
 2 MS. PETTY: Objection. Asked
 3 and answered. Assumes facts. Lacks
 4 foundation.
 5 MR. FUKUMURA: Compound.
 6 MS. PETTY: And compound.
 7 THE WITNESS: Again, the
 8 information was shared that Oxy did
 9 not believe the product was
 10 polymerizing.
 11 QUESTIONS BY MR. BUCHANAN:
 12 Q. Okay. Well, the jury will
 13 decide what Oxy shared. It'll be a full
 14 record for the jury.
 15 MR. FUKUMURA: There's no
 16 question.
 17 QUESTIONS BY MR. BUCHANAN:
 18 Q. My question to you, sir, is,
 19 nobody shared that with you.
 20 Correct?
 21 MR. FUKUMURA: Asked and
 22 answered 16 times.
 23 MS. PETTY: Objection. Assumes
 24 facts. Asked and answered.
 25

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1 QUESTIONS BY MR. BUCHANAN:
 2 Q. The jury will have a full
 3 record.
 4 I just want to know factually,
 5 sir, did anybody share that information with
 6 you that I just related?
 7 MR. FUKUMURA: Objection.
 8 MS. PETTY: Objection.
 9 MR. FUKUMURA: Asked and
 10 answered now 17 times.
 11 THE WITNESS: What was shared
 12 with me was that Oxy believed the
 13 product was not polymerizing.
 14 QUESTIONS BY MR. BUCHANAN:
 15 Q. When you were interviewed with
 16 the NTSB, sir, in I believe it's Exhibit 1,
 17 and -- you told the NTSB that some folks from
 18 Oxy Vinyls said they didn't believe the
 19 product would polymerize but others who
 20 definitely said, yes, this stuff is going to
 21 polymerize.
 22 Do you recall telling the NTSB
 23 that in your interview, sir?
 24 MR. FUKUMURA: What page are
 25 you referring to?

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1 MR. BUCHANAN: I'm sorry, it's
 2 .12, sir. Exhibit 1.
 3 MR. FUKUMURA: Take your time
 4 and look at it.
 5 THE WITNESS: I'm sorry. I'm
 6 trying to see where --
 7 MR. BUCHANAN: I'm sorry. It's
 8 .13, page 12. My apologies, sir.
 9 MR. FUKUMURA: You can start at
 10 12.
 11 MR. BUCHANAN: Yeah, that's
 12 fine.
 13 QUESTIONS BY MR. BUCHANAN:
 14 Q. It reads here, sir, "We got
 15 differing opinions from Occidental. Some
 16 said this product, they didn't believe, would
 17 polymerize, and others who definitely said,
 18 yes, this stuff is going to polymerize."
 19 Do you see that?
 20 A. Yes.
 21 Q. You told the NTSB that there
 22 were Oxy Vinyl folks or Occidental folks who
 23 said, who definitely said, yes, this stuff is
 24 going to polymerize.
 25 That's what you said, right?

<p style="text-align: right;">Page 110</p> <p>1 MS. PETTY: Objection.</p> <p>2 THE WITNESS: That was the</p> <p>3 information relayed to me, I believe,</p> <p>4 from Drew McCarty.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. Okay. Who definitely said yes</p> <p>7 from Oxy Vinyls, the stuff is going to</p> <p>8 polymerize, sir?</p> <p>9 MS. PETTY: Objection.</p> <p>10 MR. FUKUMURA: Objection.</p> <p>11 Foundation.</p> <p>12 MS. PETTY: Calls for</p> <p>13 speculation.</p> <p>14 QUESTIONS BY MR. BUCHANAN:</p> <p>15 Q. Do you know? Do you know from</p> <p>16 that -- from what you heard from Mr. McCarty?</p> <p>17 A. I believe it was from one of</p> <p>18 the representatives on site.</p> <p>19 Q. Oh. Who said it was definitely</p> <p>20 going to polymerize?</p> <p>21 A. That's what I was told.</p> <p>22 Q. And you didn't share with the</p> <p>23 NTSB in your interview that the Oxy Vinyls</p> <p>24 folks who you spoke to on -- from the</p> <p>25 situation room in Dallas said it's not going</p>	<p style="text-align: right;">Page 112</p> <p>1 Objection. Misstates</p> <p>2 testimony.</p> <p>3 MS. PETTY: Foundation.</p> <p>4 Objection. Asked and answered.</p> <p>5 THE WITNESS: That information</p> <p>6 was never given to me, that Oxy said</p> <p>7 this was definitely not polymerizing.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. Pretty important information,</p> <p>10 you'd agree?</p> <p>11 MS. PETTY: Objection.</p> <p>12 MR. FUKUMURA: Objection.</p> <p>13 What?</p> <p>14 THE WITNESS: All information</p> <p>15 in an emergency is important.</p> <p>16 QUESTIONS BY MR. BUCHANAN:</p> <p>17 Q. It's certainly, sir, important</p> <p>18 information that should be shared with</p> <p>19 decision-makers making important decisions</p> <p>20 about whether to conduct a vent and burn.</p> <p>21 Right?</p> <p>22 MR. FUKUMURA: Objection.</p> <p>23 Foundation.</p> <p>24 MS. PETTY: Objection.</p> <p>25 MR. FUKUMURA: Compound.</p>
<p style="text-align: right;">Page 111</p> <p>1 to polymerize?</p> <p>2 MR. FUKUMURA: Objection.</p> <p>3 Misstates testimony.</p> <p>4 MS. PETTY: Objection.</p> <p>5 Same objection.</p> <p>6 THE WITNESS: Again, the word</p> <p>7 from -- that was given to me, the</p> <p>8 people in Texas believed the product</p> <p>9 wasn't polymerizing. And they were</p> <p>10 saying that from Texas, not from East</p> <p>11 Palestine.</p> <p>12 QUESTIONS BY MR. BUCHANAN:</p> <p>13 Q. Right.</p> <p>14 And they said, don't vent and</p> <p>15 burn because of polymerization, because it's</p> <p>16 not polymerizing.</p> <p>17 MR. FUKUMURA: Objection.</p> <p>18 MS. PETTY: Objection.</p> <p>19 MR. FUKUMURA: Asked and</p> <p>20 answered.</p> <p>21 QUESTIONS BY MR. BUCHANAN:</p> <p>22 Q. We can agree you didn't share</p> <p>23 that with the NTSB in the interview.</p> <p>24 Correct?</p> <p>25 MR. FUKUMURA: Share what?</p>	<p style="text-align: right;">Page 113</p> <p>1 THE WITNESS: Again, all</p> <p>2 information relative to an emergency</p> <p>3 is important.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. Sure.</p> <p>6 Certainly if the concern is a</p> <p>7 runaway polymerization reaction and the</p> <p>8 consequences thereof, it would be important</p> <p>9 to share that the experts on the product have</p> <p>10 said the product is not polymerizing.</p> <p>11 You'd agree with that, right?</p> <p>12 MS. PETTY: Objection.</p> <p>13 THE WITNESS: That's</p> <p>14 hypothetical. That's not what's --</p> <p>15 what was said. They believed it</p> <p>16 wasn't polymerizing.</p> <p>17 QUESTIONS BY MR. BUCHANAN:</p> <p>18 Q. Well, I'm sorry, sir, but,</p> <p>19 respectfully, you didn't speak to Oxy Vinyl.</p> <p>20 Right?</p> <p>21 A. That is correct.</p> <p>22 Q. And when this information was</p> <p>23 relayed to you -- I think you've</p> <p>24 characterized as you had different</p> <p>25 viewpoints -- you never reached out to the</p>

<p style="text-align: right;">Page 114</p> <p>1 folks in the situation room at Oxy Vinyls 2 before making this important recommendation. 3 Did you, sir? 4 MR. FUKUMURA: Objection. 5 MS. PETTY: Objection. 6 MR. FUKUMURA: Compound. 7 Foundation. 8 THE WITNESS: I did not reach 9 out to them, but the subject matter 10 experts we had on-scene had. Other NS 11 personnel had that are subject matter 12 experts as well. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. So, sir, are you saying then if 15 the folks from Oxy Vinyls had said, this is 16 not polymerizing, don't conduct a vent and 17 burn, that was shared with your contractors, 18 that was not shared with you? 19 Is that what you're saying? 20 MS. PETTY: Objection. 21 MR. FUKUMURA: Objection. 22 MS. PETTY: Vague. 23 THE WITNESS: That information 24 in those words was not shared with me. 25</p>	<p style="text-align: right;">Page 116</p> <p>1 Right, sir? 2 MS. PETTY: Objection. 3 THE WITNESS: I believe they 4 were there Sunday afternoon, yes. 5 QUESTIONS BY MR. BUCHANAN: 6 Q. You had them a phone call away 7 in Dallas in their situation room. 8 Right, sir? 9 MS. PETTY: Objection. Asked 10 and answered. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. You're aware of that? 13 A. Yes. 14 Q. And when the situation is 15 arising, sir, the afternoon, Sunday, 16 Mr. Williams cordons off the SPSI folks and 17 said they're only to talk to the contractor. 18 Right? SPSI? 19 MS. PETTY: Objection. 20 MR. FUKUMURA: Objection. 21 MS. BROZ: Objection. Form. 22 MS. PETTY: Vague. 23 THE WITNESS: What was the 24 question? 25</p>
<p style="text-align: right;">Page 115</p> <p>1 QUESTIONS BY MR. BUCHANAN: 2 Q. And was it Mr. Williams who 3 told the Oxy Vinyls folks not to communicate 4 with anybody other than SPSI? 5 MR. FUKUMURA: Objection. 6 MS. PETTY: Objection. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. After they got on site? 9 MS. PETTY: Objection. Assumes 10 facts. Lacks foundation. Calls for 11 speculation. 12 THE WITNESS: I would have to 13 have context. First I need to find 14 out, is this Paul Williams we're 15 referring to? 16 QUESTIONS BY MR. BUCHANAN: 17 Q. Yes. 18 A. Paul was assigned as a liaison 19 for site visits, and he would have instructed 20 them to go through SPSI because they were 21 handling emergency operations at the site to 22 tell them where it was safe to go and where 23 not safe to go. 24 Q. And you had Oxy Vinyl people on 25 the site Sunday afternoon.</p>	<p style="text-align: right;">Page 117</p> <p>1 QUESTIONS BY MR. BUCHANAN: 2 Q. Are you aware, sir, that 3 Mr. Williams directed that Oxy Vinyl reps 4 were not to communicate with NTSB, Norfolk 5 Southern, unified command? All 6 communications were to go to SPSI and not 7 others? 8 MR. FUKUMURA: Objection. 9 MS. PETTY: Objection. Lacks 10 foundation. Compound. 11 THE WITNESS: No, I'm not aware 12 of that. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. That instruction didn't come 15 from you? 16 MR. FUKUMURA: Objection. 17 MS. PETTY: Objection. 18 THE WITNESS: No. 19 QUESTIONS BY MR. BUCHANAN: 20 Q. Let's go through the sequence 21 of events, if we could, on Sunday afternoon, 22 February 5, 2023. 23 There was a series of 24 interactions between Norfolk Southern, 25 whether by telephone or in person, also</p>

<p style="text-align: right;">Page 118</p> <p>1 including contractors and representatives 2 from Oxy Vinyl. 3 You are aware of that, correct? 4 MR. FUKUMURA: Objection. 5 MS. PETTY: Objection. 6 THE WITNESS: I know there were 7 conversations. I was not a part of 8 conversations with Oxy Vinyls. 9 QUESTIONS BY MR. BUCHANAN: 10 Q. Understood. 11 You've told us about what was 12 relayed or not relayed to you from those 13 conversations. 14 Right? 15 MS. PETTY: Objection. 16 THE WITNESS: Yes. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. There's obviously other 19 testimony from Oxy Vinyls representatives and 20 others about what was communicated or not 21 communicated in those meetings. 22 I take it you would defer to 23 the participants in those conversations. 24 Fair? 25 A. I'm not sure what you're</p>	<p style="text-align: right;">Page 120</p> <p>1 Right? 2 A. No. I walked into his fire 3 station and talked to him personally. 4 Q. And put some time on that if 5 you could for us, sir. When was that in the 6 afternoon? 7 A. Late afternoon? I want to say 8 somewhere around five o'clock. 9 Q. And am I correct, sir, that you 10 provided Chief Drabick with about the same 11 update that you shared with the NTSB at six 12 o'clock that evening? 13 MS. PETTY: Objection. 14 THE WITNESS: I provided him 15 the information of what we believed 16 that we had problems with the vinyl 17 chloride cars, that we had a 18 polymerization issue with a potential 19 railcar failure. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. And it was essentially the same 22 update you provided to the NTSB at six 23 o'clock. 24 Right? 25 MR. FUKUMURA: Objection.</p>
<p style="text-align: right;">Page 119</p> <p>1 asking. 2 Q. You weren't in the 3 conversations? 4 A. No, I was not. 5 Q. So then tell us about the 6 meeting where you and SPSI decided to do the 7 vent and burn -- 8 MR. FUKUMURA: Objection. 9 QUESTIONS BY MR. BUCHANAN: 10 Q. -- on Sunday afternoon. 11 MS. PETTY: Objection. Assumes 12 facts. Lacks foundation. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. You were in that meeting. 15 Right? 16 MS. PETTY: Objection. Lacks 17 foundation. Assumes facts. 18 THE WITNESS: Norfolk Southern 19 hadn't decided to do a vent and burn. 20 We believed that was going to be the 21 only alternative and that we needed to 22 brief the incident commander that we 23 thought that's what was happening. 24 QUESTIONS BY MR. BUCHANAN: 25 Q. And you called Chief Drabick.</p>	<p style="text-align: right;">Page 121</p> <p>1 MS. PETTY: Objection. 2 MR. FUKUMURA: Foundation. 3 QUESTIONS BY MR. BUCHANAN: 4 Q. You don't recall previously 5 stating that, sir? 6 MS. PETTY: Objection. 7 THE WITNESS: Yes, it was 8 substantively about the same 9 information. 10 QUESTIONS BY MR. BUCHANAN: 11 Q. Okay. Do you have P -- I'm 12 sorry. Do you have Exhibit 3 before you, 13 sir? 14 A. Yes. 15 Q. Okay. 16 MR. FUKUMURA: What page? 17 QUESTIONS BY MR. BUCHANAN: 18 Q. We are going to .77. 19 This is the Hazardous Materials 20 Group Chair's Factual Report from the NTSB 21 hearing. 22 Do you see that, sir? 23 A. Yes. 24 Q. And if we can go to the heading 25 at dot -- I'm sorry. The description at the</p>

<p style="text-align: right;">Page 122</p> <p>1 top of .77 says, "At the NTSB progress 2 meeting on February 5, 2023, at 6 p.m." 3 Do you see that? 4 A. Yes. 5 Q. It says 18:00, but... 6 All right. "The Norfolk 7 Southern systems manager for hazardous 8 materials reported the following." 9 Do you see that? 10 A. Yes. 11 Q. Okay. You are the Norfolk 12 Southern systems manager for hazardous 13 materials? 14 A. Yes. 15 Q. And you're the one who provided 16 that report to NTSB? 17 A. Yes. 18 Q. And this is essentially the 19 same report you provided to Chief Drabick in 20 the firehouse. 21 Right? 22 MS. PETTY: Objection. 23 MR. FUKUMURA: Objection. 24 THE WITNESS: Yes. 25</p>	<p style="text-align: right;">Page 124</p> <p>1 MR. FUKUMURA: Objection. 2 THE WITNESS: I knew there were 3 interactions, and I -- to clarify. By 4 the time the 5th -- the 4th and 5th 5 were there, we had 24-hour shifts 6 running, and I was running night 7 shift. So anything that happened 8 during the day, I physically was not 9 there. I was there from like 6 p.m. 10 till 6 a.m. the next morning. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Okay. I think you said you met 13 with Chief Drabick sometime Sunday afternoon. 14 Right? 15 A. Right. It would have been 16 right about five o'clock before I took over 17 my shift. 18 Q. Okay. So you're coming in. 19 You meet with Chief Drabick. You give him 20 essentially this update, and then there's a 21 unified command meeting. 22 Right? 23 A. There was a meeting with city 24 officials. I'm not sure exactly who all was 25 there because I wasn't able to attend that</p>
<p style="text-align: right;">Page 123</p> <p>1 QUESTIONS BY MR. BUCHANAN: 2 Q. You can go to the bottom here. 3 And if we have our sequence, our timeline, 4 correct -- let's just pause away from the 5 document for a second, sir. 6 The company had had 7 interactions through its contractors with Oxy 8 Vinyls on the evening of the 4th. 9 Right? 10 MS. PETTY: Objection. 11 THE WITNESS: Sometime on the 12 4th. I don't know exactly when. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. The morning of the 5th. 15 Right? 16 MS. PETTY: Objection. 17 THE WITNESS: Again, I don't 18 know when all the -- exactly when all 19 those conversations took place. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. You're aware there were 22 significant interactions with those folks out 23 of Dallas. 24 Right? 25 MS. PETTY: Objection.</p>	<p style="text-align: right;">Page 125</p> <p>1 entire meeting because I had to leave to go 2 to Youngstown, Ohio, to the NTSB meeting. 3 Q. Did you present essentially the 4 same information on .77 to both Chief Drabick 5 as well as unified command thereafter? 6 MS. PETTY: Objection. 7 THE WITNESS: I did not, 8 because I was not there. I was at the 9 NTSB meeting. So the contractors and 10 NS personnel that were there gave -- 11 really, the NS contractors, SPSI and 12 SRS, did most of the briefing, was my 13 understanding. 14 QUESTIONS BY MR. BUCHANAN: 15 Q. At unified command? 16 A. At the meeting at city hall. 17 Q. Okay. Well, let's look at what 18 you reported to Chief Drabick. 19 It says, "A Norfolk Southern 20 system manager for hazardous materials" -- 21 That's you, second to last 22 bullet. 23 Do you see that? 24 A. Yes. 25 Q. Okay.</p>

<p style="text-align: right;">Page 126</p> <p>1 -- "stated the temperature in 2 one car, as measured with a thermal camera on 3 the tank shell, had risen to 138 degrees 4 Fahrenheit." 5 Do you see that? 6 A. Yes. 7 Q. "Whereas 185 degrees Fahrenheit 8 is the critical temperature for a runaway 9 polymerization reaction, according to Oxy 10 Vinyls." 11 Do you see that? 12 A. I do. 13 Q. Okay. Where did you get that 14 fact from, sir? 15 A. The 185 critical temperature 16 would have come from either Chip Day or more 17 than likely Drew McCarty. 18 Q. Okay. And you know that's not 19 true today. 20 Right? 21 MS. PETTY: Objection. 22 MR. FUKUMURA: What's not true? 23 THE WITNESS: Yes. 24 QUESTIONS BY MR. BUCHANAN: 25 Q. That at 185 degrees, you have a</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes. 2 Q. Okay. And there had been no 3 polymerization, or at least Oxy Vinyls had 4 told you there had been no polymerization, as 5 of that point in time despite the PRDs going 6 off? 7 MS. PETTY: Objection. 8 MR. FUKUMURA: Objection. 9 MS. PETTY: Lacks foundation. 10 Compound. 11 THE WITNESS: Again, Oxy -- the 12 word passed to me was Oxy said they 13 believed the material was not 14 polymerizing. 15 The critical -- the critical 16 aspect of 185 is when the product 17 starts approaching higher 18 temperatures, the curve of the 19 reaction goes up sharply. So you get 20 faster increase in temperature, faster 21 increase of reaction, to critical. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. Okay. 24 A. But the 185 was more -- my 25 understanding is the pressures would be</p>
<p style="text-align: right;">Page 127</p> <p>1 runaway polymerization reaction. 2 You know that's not true? 3 MR. FUKUMURA: Objection. 4 MS. PETTY: Objection. 5 THE WITNESS: I do not know the 6 exact temperature at which a runaway 7 reaction takes place, but all the 8 information says at 185, the pressure 9 of the product in the tank makes the 10 PRDs open up -- 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Okay. 13 A. -- which makes the car unsafe 14 to be around. 15 Q. Well, I mean, the PRD -- 16 MR. FUKUMURA: Are you done 17 with your answer? 18 QUESTIONS BY MR. BUCHANAN: 19 Q. Oh, I'm sorry. 20 Are you done with your answer? 21 A. Yes. 22 Q. I mean, the PRDs had been going 23 off at various points in time over those two 24 days. 25 Right?</p>	<p style="text-align: right;">Page 129</p> <p>1 enough that if the PRDs start going off, you 2 can't be around the cars. 3 Q. You didn't have the 4 understanding, sir, that when the pressure 5 release devices went off, that whenever they 6 went off, that actually has a cooling effect? 7 You didn't have that knowledge, sir? 8 MS. PETTY: Objection. 9 MR. FUKUMURA: Objection. 10 THE WITNESS: The PRDs in the 11 fire, they operated as they're 12 designed to operate. 13 But we had one of the cars, 14 five and a half hours out of being out 15 of any fire, the PRD went off for like 16 70 minutes. That was one of the first 17 things that alarmed us. The car 18 hadn't been in a pool fire, I believe, 19 for over five and a half hours. 20 So any rise in temperature is a 21 concern to us. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. My question, sir, was just you 24 didn't have the knowledge, sir, that when the 25 PRDs go off, the contents of the car cooled?</p>

<p style="text-align: right;">Page 130</p> <p>1 MS. PETTY: Objection. 2 MR. FUKUMURA: Objection. 3 Lacks foundation. Assumes facts. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. Did you know that or not know 6 that? That's just my question. 7 MS. PETTY: Same objections. 8 THE WITNESS: Anytime with a 9 liquified gas, when it releases a 10 vapor at high speed, you can have a 11 cooling effect to the product. 12 QUESTIONS BY MR. BUCHANAN: 13 Q. You said can, right? 14 A. Yes. 15 Q. Okay. That's what I thought. 16 MR. FUKUMURA: We've been going 17 about an hour. 18 MR. BUCHANAN: I'm fine with a 19 break. 20 VIDEOGRAPHER: Okay. We are 21 now going off the video record. The 22 time is currently 11:03 a.m. 23 (Off the record at 11:03 a.m.) 24 VIDEOGRAPHER: We are now back 25 on the video record. The time is</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Okay. So what time did you 2 leave? 3 You know, how long did it take 4 you to get to Youngstown for these progress 5 meetings with the NTSB? 6 MS. PETTY: Objection. 7 Compound. 8 THE WITNESS: It usually takes 9 about 30 to 45 minutes. It depends on 10 traffic. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Okay. And is that how you're 13 timing about how long you got to spend at the 14 unified command meeting? 15 A. It would have been somewhere 16 close to five, maybe ten minutes. 17 Q. Okay. All right. And how did 18 that work, sir, these NTSB progress meetings? 19 Were you -- were you syncing up with folks 20 more broadly at Norfolk Southern before you 21 went in to talk to the NTSB? 22 MS. PETTY: Objection. 23 THE WITNESS: No. I was part 24 of the hazardous materials chair, so 25 everything I did strictly dealt with</p>
<p style="text-align: right;">Page 131</p> <p>1 currently 11:17 a.m. 2 QUESTIONS BY MR. BUCHANAN: 3 Q. Thank you, Mr. Wood. I'd like 4 to circle back to where we were. I believe 5 this is exhibit -- we are at Exhibit 3. We 6 were on that page, top right corner, said 7 .77. 8 Again, this is your report to 9 the NTSB at a progress meeting at 6 p.m. on 10 that Sunday, February 5th. 11 Do you see that summary? 12 A. Yes. 13 Q. I think you told us, sir, that 14 you had met with Chief Drabick in the 15 firehouse not too far but before this time. 16 But roughly what is it, 4:30, five o'clock 17 that day? 18 A. It was somewhere around five 19 o'clock, yes. 20 Q. Okay. You participated in part 21 of the unified command meeting. Then you had 22 to leave to get to the NTSB progress meeting. 23 Correct? 24 A. I was there for the start of 25 the meeting.</p>	<p style="text-align: right;">Page 133</p> <p>1 what the HAZMAT team at NTSB were 2 dealing with. 3 (Wood Exhibit 6 marked for 4 identification.) 5 QUESTIONS BY MR. BUCHANAN: 6 Q. Okay. Could I have P304, 7 please? 8 Here you are, sir. 9 Passing you what we've just 10 marked as Exhibit 6 to your deposition, this 11 is an e-mail invite for a Teams call, a whole 12 bunch of folks. You can -- you can search 13 through. I think you'll see you're among 14 those that are invited to be on this. 15 The note goes out at 5:15, 16 that's Sunday afternoon, for a Teams meeting 17 with, lord, a whole bunch of folks with high 18 importance, 5:30. 19 Do you see that? 20 MR. FUKUMURA: There's no 21 question. 22 MS. PETTY: Objection. 23 MR. BUCHANAN: There's a 24 question. 25 MR. FUKUMURA: I see --</p>

<p style="text-align: right;">Page 134</p> <p>1 THE WITNESS: Yes, I see the 2 e-mail. 3 QUESTIONS BY MR. BUCHANAN: 4 Q. Right. 5 I mean, you -- I guess Norfolk 6 Southern used Teams. You have these kind of, 7 what, videoconferences or teleconferences 8 through that service? 9 A. Yes. Norfolk Southern uses 10 Teams. 11 Q. Okay. You recall using it 12 during this period of time, sir, 4th, 5th, 13 6th, to sync up with broader Norfolk Southern 14 folks on various issues related to the 15 derailment? 16 MS. PETTY: Objection. 17 THE WITNESS: I'm sure I 18 participated in some briefings on the 19 incident. I'm sure I did. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. And you're listed here as a 22 required attendee. 23 Do you see that? 24 A. Yes, I see that. 25 Q. So this would be after the</p>	<p style="text-align: right;">Page 136</p> <p>1 MR. FUKUMURA: Objection. 2 MS. PETTY: Objection. 3 THE WITNESS: My knowledge from 4 incident briefings and observations. 5 QUESTIONS BY MR. BUCHANAN: 6 Q. You share back on this Teams 7 call with dozens to hundreds that the 8 determination had been made to conduct a vent 9 and burn of the vinyl chloride? 10 MS. PETTY: Objection. 11 MR. FUKUMURA: Objection. 12 Foundation. 13 MS. PETTY: Foundation. 14 Assumes facts. 15 THE WITNESS: I'm not sure 16 whether I was on this Teams meeting or 17 not. There were regular briefings, so 18 I don't know whether I was actually on 19 this one here or not. I don't know. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. Well, before Norfolk Southern, 22 through you, recommended to Chief Drabick to 23 do a vent and burn, and you shared the 24 information that you shared and didn't share 25 the information you didn't share, did you</p>
<p style="text-align: right;">Page 135</p> <p>1 point in time when you had your conversation 2 in the firehouse with Chief Drabick. After, 3 I guess, you'd left the unified command 4 meeting on your way to the NTSB briefing. 5 Right? 6 MR. FUKUMURA: Objection. 7 MS. PETTY: Objection. 8 MR. FUKUMURA: Foundation. 9 THE WITNESS: The timing -- 10 that's the timing of this. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Okay. And were there folks 13 besides yourself that were interacting with 14 you? 15 I mean who weren't kind of on 16 the ground there, interacting with you from 17 Norfolk Southern as to what to communicate or 18 not communicate with the NTSB? 19 MS. PETTY: Objection. 20 MR. FUKUMURA: Objection. 21 THE WITNESS: No. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. What was the process, sir, 24 through which you generated the messages you 25 were going to share with the NTSB?</p>	<p style="text-align: right;">Page 137</p> <p>1 consult with people more broadly within 2 Norfolk Southern? 3 MR. FUKUMURA: Objection. 4 MS. PETTY: Objection. 5 THE WITNESS: All the 6 information was passed on to my 7 superiors, yes. 8 QUESTIONS BY MR. BUCHANAN: 9 Q. Okay. And who were your 10 superiors? 11 A. David Schoendorfer was my 12 direct supervisor, and our department head 13 was Helen Hart. 14 Q. So you're interacting with 15 those folks on this decision and what the Oxy 16 Vinyls people were saying or not saying? 17 MS. PETTY: Objection. 18 MR. FUKUMURA: Objection. 19 MS. PETTY: Vague. 20 THE WITNESS: I was passing on 21 briefings, yes, to my upper 22 management. 23 QUESTIONS BY MR. BUCHANAN: 24 Q. Okay. And to your knowledge, 25 sir, were they passing it on to their upper</p>

<p style="text-align: right;">Page 138</p> <p>1 management?</p> <p>2 MR. FUKUMURA: Do you know?</p> <p>3 THE WITNESS: I do not know for</p> <p>4 sure who they passed the information</p> <p>5 on to.</p> <p>6 QUESTIONS BY MR. BUCHANAN:</p> <p>7 Q. Well, this was a big deal.</p> <p>8 Right?</p> <p>9 MR. FUKUMURA: Objection.</p> <p>10 MS. PETTY: Objection.</p> <p>11 QUESTIONS BY MR. BUCHANAN:</p> <p>12 Q. This derailment generally was a</p> <p>13 big deal.</p> <p>14 Right?</p> <p>15 MS. PETTY: Objection.</p> <p>16 THE WITNESS: Yes.</p> <p>17 QUESTIONS BY MR. BUCHANAN:</p> <p>18 Q. The decision to conduct a vent</p> <p>19 and burn on a vinyl chloride car was a big</p> <p>20 deal.</p> <p>21 Right?</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: Yes.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. You weren't keeping that</p>	<p style="text-align: right;">Page 140</p> <p>1 Lacks foundation.</p> <p>2 THE WITNESS: I do not know</p> <p>3 everyone who was involved. I know who</p> <p>4 was in direct contact. That would</p> <p>5 have been Mr. Schoendorfer and</p> <p>6 Ms. Hart.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Okay.</p> <p>9 A. Along with the others on site.</p> <p>10 Q. Okay. Mr. Schoendorfer and</p> <p>11 Ms. Hart were involved with the decision to</p> <p>12 vent and burn?</p> <p>13 MS. PETTY: Objection.</p> <p>14 MR. FUKUMURA: Objection.</p> <p>15 Misstates testimony as well.</p> <p>16 MS. PETTY: Assumes facts.</p> <p>17 QUESTIONS BY MR. BUCHANAN:</p> <p>18 Q. You can answer.</p> <p>19 A. They were briefed of everything</p> <p>20 on site.</p> <p>21 Q. Ms. Hart was out of the -- what</p> <p>22 was her role?</p> <p>23 A. Ms. Hart was AVP of safety and</p> <p>24 environmental.</p> <p>25 Q. She's back in the general</p>
<p style="text-align: right;">Page 139</p> <p>1 decision-making -- that decision-making</p> <p>2 process from your superiors, were you, sir?</p> <p>3 MS. PETTY: Objection.</p> <p>4 THE WITNESS: No.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. Were you getting their input,</p> <p>7 sir, on the decision to vent and burn or not?</p> <p>8 MS. PETTY: Objection. Vague</p> <p>9 as to "decision."</p> <p>10 THE WITNESS: Any briefings</p> <p>11 that went to my supervisors included</p> <p>12 input that I was getting from</p> <p>13 contractors and otherwise about the</p> <p>14 incident.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. And did you get input back from</p> <p>17 them?</p> <p>18 A. I'm sure I did. Nothing</p> <p>19 directly related to the vent and burn that I</p> <p>20 recall.</p> <p>21 Q. Who from Norfolk Southern, sir,</p> <p>22 was involved in the decision to vent and burn</p> <p>23 beyond yourself? Mr. Deutsch?</p> <p>24 MR. FUKUMURA: Objection.</p> <p>25 MS. PETTY: Assumes facts.</p>	<p style="text-align: right;">Page 141</p> <p>1 counsel office now?</p> <p>2 A. I believe so.</p> <p>3 Q. Lawyer?</p> <p>4 A. Yes.</p> <p>5 Q. And Mr. Schoendorfer, he's the</p> <p>6 one that retired for reasons you're not aware</p> <p>7 of.</p> <p>8 Right?</p> <p>9 A. Mr. Schoendorfer is retired.</p> <p>10 Q. Okay. Let's go back to</p> <p>11 exhibit -- I believe we're at 3, in that</p> <p>12 page 77.</p> <p>13 We started to look at this</p> <p>14 before the break, sir. We're on this bullet,</p> <p>15 second up from the bottom.</p> <p>16 This is in your 6 p.m. briefing</p> <p>17 to the NTSB where you stated the following,</p> <p>18 "The Norfolk Southern system manager for</p> <p>19 hazardous materials stated the temperature in</p> <p>20 one car, as measured with a thermal camera on</p> <p>21 the tank shell, had risen to 138 degrees</p> <p>22 Fahrenheit, whereas 185 is the critical</p> <p>23 temperature for a runaway polymerization</p> <p>24 reaction, according to Oxy Vinyls."</p> <p>25 Do you see that, sir?</p>

<p style="text-align: right;">Page 142</p> <p>1 MS. PETTY: Objection. 2 Mischaracterizes the document. 3 THE WITNESS: I do see that. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. I read that correctly? 6 A. Yes. 7 Q. Okay. And that's what you told 8 them. 9 Right? 10 A. Yes. 11 Q. What you told the NTSB and what 12 you told Chief Drabick, as best you recall? 13 A. Yes. 14 Q. Continues. "The temperature in 15 one car had increased by 3 degrees in one 16 hour, suggesting that the VCM lading was 17 undergoing polymerization." 18 Do you see that, sir? 19 A. Yes. 20 Q. That's what you told the NTSB 21 at 6 and what you told Chief Drabick an hour 22 before. 23 Right? 24 A. Yes. There was a 3-degree 25 increase in temperature outside the presence</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. And the NTSB? 2 A. If that's stated in the report, 3 then, yes. 4 Q. And as best you recall, that's 5 what your contractors told the unified 6 command at the meeting you had to leave 7 earlier from. 8 Correct? 9 MS. PETTY: Objection. 10 THE WITNESS: I do not know 11 exactly what they told them. 12 QUESTIONS BY MR. BUCHANAN: 13 Q. You're not aware of them 14 telling them any different, are you? 15 MS. PETTY: Objection. 16 THE WITNESS: I am not. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. The company -- after 19 determining to proceed with the vent and 20 burn, the company started monitoring and, 21 through its contractors, the temperatures. 22 Right? 23 MS. PETTY: Objection. Assumes 24 facts. 25 MR. FUKUMURA: Objection.</p>
<p style="text-align: right;">Page 143</p> <p>1 of a pool fire for hours. 2 Q. That's right. 3 So you told them that the 4 temperature change that you note here 5 suggested that the VCM lading was undergoing 6 polymerization. That's what you reported. 7 Right? 8 MS. PETTY: Objection. 9 THE WITNESS: That is what we 10 believed. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. And that's what you reported. 13 Correct? 14 MS. PETTY: Objection. 15 THE WITNESS: Yes. 16 QUESTIONS BY MR. BUCHANAN: 17 Q. It continues. "If the vent and 18 burn is not conducted, the likely outcome 19 will be a violent explosion with tank car 20 fragments traveling as much as half a mile 21 from the site." 22 That's what you told Chief 23 Drabick? 24 A. To the best of my knowledge, 25 yes.</p>	<p style="text-align: right;">Page 145</p> <p>1 MS. PETTY: Misstates 2 testimony. 3 MR. BUCHANAN: I don't know. I 4 think objection to form is what you 5 get. And I think that's coaching, but 6 please stop. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. Company started monitoring -- 9 MS. PETTY: I'm simply stating 10 the basis. 11 MR. BUCHANAN: What's that? 12 MS. PETTY: I'm simply stating 13 the basis for the objection. 14 MR. BUCHANAN: I'll ask you if 15 I need it. Thank you. I'm sure 16 anybody else will as well if they need 17 the basis. 18 QUESTIONS BY MR. BUCHANAN: 19 Q. The company started monitoring 20 temperatures this Sunday afternoon. 21 Right? 22 MR. FUKUMURA: Objection. 23 Asked and answered. 24 THE WITNESS: Our emergency 25 response contractors, as part of</p>

<p style="text-align: right;">Page 146</p> <p>1 damage assessment, was conducting</p> <p>2 sampling of temperatures.</p> <p>3 QUESTIONS BY MR. BUCHANAN:</p> <p>4 Q. Too many documents here, sir.</p> <p>5 Let me find one.</p> <p>6 And you're monitoring</p> <p>7 temperatures, sir, because the Oxy Vinyls</p> <p>8 folks had said if you want to know whether</p> <p>9 there's a polymerization reaction going on,</p> <p>10 monitor the temperatures?</p> <p>11 A. No.</p> <p>12 MS. PETTY: Objection.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. You weren't aware they told you</p> <p>15 that, sir?</p> <p>16 MS. PETTY: Objection.</p> <p>17 THE WITNESS: No, that's not</p> <p>18 the reason why we were monitoring</p> <p>19 temperatures.</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. Oh, I see.</p> <p>22 You weren't aware, though, that</p> <p>23 the Oxy Vinyls folks had told your team that?</p> <p>24 MS. PETTY: Objection.</p> <p>25 THE WITNESS: The only</p>	<p style="text-align: right;">Page 148</p> <p>1 Temperature Measurements Readings April 13,</p> <p>2 2023."</p> <p>3 Have you seen this before, sir?</p> <p>4 A. I don't recall the handwritten</p> <p>5 notes. The spreadsheet I'm familiar with.</p> <p>6 Q. Okay. Let's look at the</p> <p>7 document at .2. It's an e-mail forwarding a</p> <p>8 narrative.</p> <p>9 I realize you didn't draft the</p> <p>10 e-mail, sir, but I just want to see how this</p> <p>11 syncs up with your recollection.</p> <p>12 In the middle it says, "Around</p> <p>13 4 p.m. on February 5, Norfolk Southern's</p> <p>14 emergency response contractors, SPSI, were</p> <p>15 able to enter the site and begin taking</p> <p>16 temperature readings of the vinyl chloride</p> <p>17 cars."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. "SPSI's temperature readings</p> <p>21 were taken with a hand-held temperature gauge</p> <p>22 which displays a digital reading on the</p> <p>23 temperature gauge itself but does not have</p> <p>24 historical readings. On the night of</p> <p>25 February 5th, SPSI's temperature readings</p>
<p style="text-align: right;">Page 147</p> <p>1 information passed to me was that Oxy</p> <p>2 believed the product wasn't</p> <p>3 polymerizing.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. Okay. So nobody shared with</p> <p>6 you that they had said if you had that</p> <p>7 concern, monitor temperatures. That was not</p> <p>8 shared with you.</p> <p>9 Correct?</p> <p>10 A. No one from Oxy shared anything</p> <p>11 directly with me.</p> <p>12 Q. I see.</p> <p>13 But your team didn't relate</p> <p>14 that to you either.</p> <p>15 Correct?</p> <p>16 A. I don't recall any discussion</p> <p>17 of it, but heat production during</p> <p>18 polymerization is a known.</p> <p>19 (Wood Exhibit 7 marked for</p> <p>20 identification.)</p> <p>21 QUESTIONS BY MR. BUCHANAN:</p> <p>22 Q. Okay. Here you are, sir.</p> <p>23 We're up to Exhibit 7 in your deposition.</p> <p>24 This is a Group D, Exhibit 9,</p> <p>25 entitled "NS E-mail Explanation of Tank Car</p>	<p style="text-align: right;">Page 149</p> <p>1 were relayed by phone or text by SPSI to</p> <p>2 Robert Wood or Jon Simpson, who then entered</p> <p>3 those readings onto a spreadsheet for</p> <p>4 tracking purposes."</p> <p>5 Do you see that, sir?</p> <p>6 A. Yes.</p> <p>7 Q. Does that refresh your</p> <p>8 recollection, sir, as to whether or not you</p> <p>9 were tracking the temperatures in the vinyl</p> <p>10 chloride cars?</p> <p>11 MS. PETTY: Objection.</p> <p>12 MR. FUKUMURA: Objection.</p> <p>13 THE WITNESS: There was no</p> <p>14 question about I was tracking the</p> <p>15 temperatures.</p> <p>16 QUESTIONS BY MR. BUCHANAN:</p> <p>17 Q. And you specifically, sir, were</p> <p>18 tracking the vinyl chloride temperatures on a</p> <p>19 spreadsheet.</p> <p>20 Correct, sir?</p> <p>21 MS. PETTY: Objection.</p> <p>22 THE WITNESS: Yes.</p> <p>23 QUESTIONS BY MR. BUCHANAN:</p> <p>24 Q. Okay. You were entering</p> <p>25 those readings that you were getting relayed</p>

<p style="text-align: right;">Page 150</p> <p>1 to you from SPSI into a spreadsheet.</p> <p>2 Correct?</p> <p>3 A. Yes.</p> <p>4 Q. I take it you would agree, sir,</p> <p>5 it would be important to collect and monitor</p> <p>6 and report on data accurately?</p> <p>7 MS. PETTY: Objection.</p> <p>8 THE WITNESS: Yes.</p> <p>9 QUESTIONS BY MR. BUCHANAN:</p> <p>10 Q. I mean, you had been told that</p> <p>11 this polymerization reaction was a highly</p> <p>12 exothermic reaction.</p> <p>13 Right?</p> <p>14 A. I had not been given any --</p> <p>15 temperature rise during polymerization is a</p> <p>16 known.</p> <p>17 Q. Okay. I mean, escalating</p> <p>18 temperatures would be an indication that</p> <p>19 there may be a concern that you needed to act</p> <p>20 on.</p> <p>21 Fair?</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: Yes.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. And that's one of the reasons</p>	<p style="text-align: right;">Page 152</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Okay. Passing you, sir, what</p> <p>3 we're marking as Exhibit 8 to your</p> <p>4 deposition.</p> <p>5 Have you seen this, sir?</p> <p>6 A. Yes.</p> <p>7 Q. You recall when you gave</p> <p>8 testimony before the NTSB in June, you were</p> <p>9 presented with a chart of your temperature</p> <p>10 readings.</p> <p>11 Right? On the vinyl chloride</p> <p>12 cars?</p> <p>13 A. Are you referring to this</p> <p>14 chart?</p> <p>15 Q. I am, yes, sir.</p> <p>16 A. Yes, that's where I saw this</p> <p>17 chart.</p> <p>18 Q. Okay. Derived from data that</p> <p>19 you'd actually recorded based on information</p> <p>20 shared with you from your contractor.</p> <p>21 Right?</p> <p>22 MR. FUKUMURA: Objection.</p> <p>23 Foundation.</p> <p>24 THE WITNESS: I don't know</p> <p>25 exactly where their data came from.</p>
<p style="text-align: right;">Page 151</p> <p>1 you were monitoring temperatures.</p> <p>2 Right?</p> <p>3 MS. PETTY: Objection.</p> <p>4 THE WITNESS: Yes, because</p> <p>5 railcars had been exposed to pool</p> <p>6 fires.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Could I have P106?</p> <p>9 MR. FUKUMURA: He's done with</p> <p>10 it.</p> <p>11 MR. BUCHANAN: You can set that</p> <p>12 aside.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. I guess I should -- you recall</p> <p>15 getting those temperature readings from your</p> <p>16 contractors during the overnight and leading</p> <p>17 up to the overnight?</p> <p>18 A. Yes.</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. And documenting those in a</p> <p>22 spreadsheet?</p> <p>23 A. Yes.</p> <p>24 (Wood Exhibit 8 marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 153</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Okay. It's not your</p> <p>3 understanding, sir, that it came from you?</p> <p>4 Or from data that you had recorded?</p> <p>5 MR. FUKUMURA: Objection.</p> <p>6 THE WITNESS: I don't know that</p> <p>7 it was data that I produced.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. Okay.</p> <p>10 A. That was used to create this.</p> <p>11 MS. PETTY: Counsel, I'm sorry,</p> <p>12 we need to take a break for privilege</p> <p>13 with respect to Document 7 to the</p> <p>14 deposition, which doesn't appear to</p> <p>15 have a regular Bates number on it.</p> <p>16 It's my understanding that Ron</p> <p>17 Wray is an attorney, and we need to</p> <p>18 assess the privilege in this document.</p> <p>19 I apologize.</p> <p>20 MR. BUCHANAN: We can go off</p> <p>21 the record.</p> <p>22 VIDEOGRAPHER: We are now going</p> <p>23 off the video record. The time is</p> <p>24 currently 11:37 a.m.</p> <p>25 (Off the record at 11:37 a.m.)</p>

<p style="text-align: right;">Page 154</p> <p>1 VIDEOGRAPHER: We are now back 2 on the video record. The time is 3 currently 11:42 a.m. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. All right. Sir, we're back on 6 Exhibit 8. 7 Do you have that before you? 8 That's that chart that you said you saw at 9 the NTSB hearing. 10 Right? 11 A. Yes. 12 Q. Okay. Presented to you by some 13 NTSB representatives. 14 Fair? 15 A. It was part of the documents, 16 yes. 17 Q. Yeah. 18 It reflects a decision to vent 19 and burn right around that five, six o'clock 20 timeline. 21 Do you see that? 4? 5? Do 22 you see that? 23 MS. PETTY: Objection. 24 THE WITNESS: I see that. 25</p>	<p style="text-align: right;">Page 156</p> <p>1 made as of Sunday afternoon to conduct a vent 2 and burn? 3 A. There was a belief that Norfolk 4 Southern believed that that was the safest 5 means -- 6 Q. Okay. 7 A. -- but the ultimate decision is 8 the incident commander's. 9 Q. Oh, I see. 10 So you're saying that you get 11 to bring some of the information but not all 12 of the information to Chief Drabick, and it's 13 on him if it was the wrong decision? 14 MS. PETTY: Objection. 15 MR. FUKUMURA: Objection. 16 Argumentative. Foundation. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. Is that what you're saying? 19 A. No. 20 Q. Oh. Right. 21 Because he should have had all 22 the information that you had about whether it 23 was polymerizing or not polymerizing. 24 Right? 25 MS. PETTY: Objection.</p>
<p style="text-align: right;">Page 155</p> <p>1 QUESTIONS BY MR. BUCHANAN: 2 Q. Do you see the temperatures 3 never go higher than, what is that, about 4 139? 5 A. Yes. 6 Q. And this is that car OCPX80370 7 that was one of the vinyl chloride cars. 8 Right? 9 A. Yes. 10 Q. And the overnight -- you were 11 working the overnight shift. 12 Is that right? 13 A. Yes. 14 Q. And as you were monitoring 15 temperatures on that car after the decision 16 had been made to vent and burn because of 17 escalating temperatures, temperatures 18 actually declined. 19 Right? 20 MS. PETTY: Objection. 21 THE WITNESS: There had been no 22 decision to vent and burn. 23 QUESTIONS BY MR. BUCHANAN: 24 Q. I'm sorry, sir. 25 Hadn't there been a decision</p>	<p style="text-align: right;">Page 157</p> <p>1 MR. FUKUMURA: Objection. 2 THE WITNESS: We brought him 3 all the information I believe we 4 thought we had. 5 QUESTIONS BY MR. BUCHANAN: 6 Q. I mean, you had contractors in 7 the room who had been communicating with Oxy 8 Vinyl regularly who had said, let me be 9 clear, it's not polymerizing. 10 MR. FUKUMURA: Objection. 11 MS. PETTY: Objection. 12 QUESTIONS BY MR. BUCHANAN: 13 Q. When you were sitting there, 14 sir, you didn't hear anybody from your 15 contractors share with Chief Drabick that the 16 expert on the chemical had said it's not 17 polymerizing. 18 Did you, sir? 19 MS. PETTY: Objection. 20 MR. FUKUMURA: Objection. 21 THE WITNESS: I was not there 22 for most of that meeting, so I don't 23 know what they told Chief Drabick. 24 QUESTIONS BY MR. BUCHANAN: 25 Q. Well, you've looked at enough</p>

<p style="text-align: right;">Page 158</p> <p>1 at this point, sir, to know that none of the</p> <p>2 contractors shared with Chief Drabick that</p> <p>3 the experts from Oxy Vinyl had said, let me</p> <p>4 be clear, it's not polymerizing; don't do a</p> <p>5 vent and burn because you think it's</p> <p>6 polymerizing?</p> <p>7 MS. PETTY: Objection.</p> <p>8 MR. FUKUMURA: Objection.</p> <p>9 THE WITNESS: Again, the only</p> <p>10 information that I have is that it was</p> <p>11 passed on that Oxy believed the</p> <p>12 product wasn't polymerizing.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. I understand. You've testified</p> <p>15 to that.</p> <p>16 I just want to know, did you</p> <p>17 observe your contractors share with Chief</p> <p>18 Drabick what I just said, that the Oxy Vinyls</p> <p>19 reps have said they said pretty clearly to</p> <p>20 the contractors?</p> <p>21 MS. PETTY: Objection.</p> <p>22 MR. FUKUMURA: Objection.</p> <p>23 QUESTIONS BY MR. BUCHANAN:</p> <p>24 Q. And Norfolk Southern?</p> <p>25 MS. PETTY: Objection.</p>	<p style="text-align: right;">Page 160</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Right.</p> <p>3 Did you share with him at that</p> <p>4 point on the 6th, after the temperatures had</p> <p>5 dropped, that the Oxy Vinyls rep had told you</p> <p>6 that without an exothermic reaction it's not</p> <p>7 polymerizing?</p> <p>8 MS. PETTY: Objection.</p> <p>9 MR. FUKUMURA: Objection.</p> <p>10 THE WITNESS: I did not.</p> <p>11 QUESTIONS BY MR. BUCHANAN:</p> <p>12 Q. And this was the car of concern</p> <p>13 with the highest temperatures, right,</p> <p>14 OCPX80370?</p> <p>15 MS. PETTY: Objection.</p> <p>16 THE WITNESS: That was the</p> <p>17 first car of our immediate concern.</p> <p>18 QUESTIONS BY MR. BUCHANAN:</p> <p>19 Q. Right.</p> <p>20 You blew up all the cars.</p> <p>21 Right?</p> <p>22 MS. PETTY: Objection.</p> <p>23 MR. FUKUMURA: Objection.</p> <p>24 THE WITNESS: No.</p> <p>25</p>
<p style="text-align: right;">Page 159</p> <p>1 MR. FUKUMURA: Objection.</p> <p>2 THE WITNESS: I did not witness</p> <p>3 all the conversations.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. In the conversations you</p> <p>6 witnessed, you did not hear that</p> <p>7 communicated.</p> <p>8 Correct?</p> <p>9 A. I did not.</p> <p>10 Q. Well, how about after this</p> <p>11 decision had been recommended to Chief</p> <p>12 Drabick?</p> <p>13 And in this overnight period as</p> <p>14 the temperatures are dropping, did you come</p> <p>15 back and say, I think we should rethink</p> <p>16 whether to do a vent and burn; the</p> <p>17 temperatures have stabilized and they're</p> <p>18 dropping?</p> <p>19 Did that communication happen</p> <p>20 with Chief Drabick?</p> <p>21 MR. FUKUMURA: Objection.</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: Chief Drabick was</p> <p>24 informed of all the temperatures.</p> <p>25</p>	<p style="text-align: right;">Page 161</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. All the vinyl chloride cars.</p> <p>3 Right?</p> <p>4 MS. PETTY: Objection.</p> <p>5 THE WITNESS: We vented and</p> <p>6 burned all five vinyl chloride cars.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Okay. When you say "vented and</p> <p>9 burned," you planted explosive devices in two</p> <p>10 locations on each of them.</p> <p>11 Correct?</p> <p>12 MS. PETTY: Objection.</p> <p>13 THE WITNESS: Our contractors</p> <p>14 applied explosives.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. I'm sorry. With Norfolk</p> <p>17 Southern's endorsement and recommendation.</p> <p>18 Right?</p> <p>19 You had to authorize that</p> <p>20 action by your contractors.</p> <p>21 Correct?</p> <p>22 MR. FUKUMURA: Objection.</p> <p>23 THE WITNESS: Ultimately the</p> <p>24 incident commander authorized it, but</p> <p>25 they were Norfolk Southern's</p>

<p style="text-align: right;">Page 162</p> <p>1 contractor.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. And you authorized your</p> <p>4 contractor to take that step.</p> <p>5 Correct?</p> <p>6 MS. PETTY: Objection.</p> <p>7 THE WITNESS: The incident</p> <p>8 commander authorized it.</p> <p>9 QUESTIONS BY MR. BUCHANAN:</p> <p>10 Q. I'm sorry, sir. I thought we</p> <p>11 looked at your testimony earlier where you</p> <p>12 said, Norfolk Southern's contractors on site</p> <p>13 work under your direction and approval,</p> <p>14 Norfolk Southern's.</p> <p>15 Right?</p> <p>16 A. They do.</p> <p>17 Q. Their actions to plant</p> <p>18 explosives on five cars and blow them up to</p> <p>19 vent and burn these things came with your</p> <p>20 endorsement and approval.</p> <p>21 Correct?</p> <p>22 MS. PETTY: Objection.</p> <p>23 MR. FUKUMURA: Objection.</p> <p>24 THE WITNESS: Norfolk Southern</p> <p>25 agreed with the incident commander's</p>	<p style="text-align: right;">Page 164</p> <p>1 THE WITNESS: My only knowledge</p> <p>2 was they believed it wasn't</p> <p>3 polymerizing.</p> <p>4 QUESTIONS BY MR. BUCHANAN:</p> <p>5 Q. My question to you, sir, is</p> <p>6 that a piece of relevant information?</p> <p>7 MS. PETTY: Objection.</p> <p>8 THE WITNESS: Yes.</p> <p>9 QUESTIONS BY MR. BUCHANAN:</p> <p>10 Q. Right.</p> <p>11 If a person is going to decide</p> <p>12 to undertake an act to blow up five cars and</p> <p>13 the risks that that represents, it's</p> <p>14 important that they get information that may</p> <p>15 be contrary to the view of Norfolk Southern's</p> <p>16 contractor.</p> <p>17 Right?</p> <p>18 MS. PETTY: Objection.</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 THE WITNESS: All information</p> <p>21 is important.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. That's right.</p> <p>24 Pretty big decision to put at</p> <p>25 the feet of somebody.</p>
<p style="text-align: right;">Page 163</p> <p>1 decision.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. Wouldn't you agree, sir, that</p> <p>4 the incident commander should get the</p> <p>5 relevant information to make an informed</p> <p>6 decision before making it?</p> <p>7 MR. FUKUMURA: Objection.</p> <p>8 Asked and answered.</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: Yes.</p> <p>11 QUESTIONS BY MR. BUCHANAN:</p> <p>12 Q. Isn't that only fair?</p> <p>13 MR. FUKUMURA: Objection.</p> <p>14 MS. PETTY: Objection.</p> <p>15 THE WITNESS: All relative</p> <p>16 information is important.</p> <p>17 QUESTIONS BY MR. BUCHANAN:</p> <p>18 Q. Right. Right.</p> <p>19 So if the product experts, the</p> <p>20 subject matter experts, on vinyl chloride</p> <p>21 monomer have said it's not polymerizing,</p> <p>22 you'd agree that's a piece of relevant</p> <p>23 information.</p> <p>24 Correct?</p> <p>25 MS. PETTY: Objection.</p>	<p style="text-align: right;">Page 165</p> <p>1 Right?</p> <p>2 MS. PETTY: Objection.</p> <p>3 THE WITNESS: The decision to</p> <p>4 vent and burn is a huge decision.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. In fact, the folks from Oxy</p> <p>7 Vinyls said, it's not that you blow up a</p> <p>8 couple of holes in each of these tanks; you</p> <p>9 ignite fires around the tanks as well.</p> <p>10 Right?</p> <p>11 MS. PETTY: Objection.</p> <p>12 MS. BROZ: Objection. Form.</p> <p>13 THE WITNESS: There are flares</p> <p>14 and ignition sources applied to make</p> <p>15 sure the product burns.</p> <p>16 QUESTIONS BY MR. BUCHANAN:</p> <p>17 Q. Right.</p> <p>18 Because if the product doesn't</p> <p>19 burn, what the Oxy Vinyls folks had told you,</p> <p>20 you could have a vapor cloud explosion.</p> <p>21 Right?</p> <p>22 MR. FUKUMURA: Objection.</p> <p>23 Foundation.</p> <p>24 MS. PETTY: Objection.</p> <p>25</p>

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1 QUESTIONS BY MR. BUCHANAN:
 2 Q. Right, sir?
 3 A. Yes, you will have vinyl
 4 chloride.
 5 Q. A vapor cloud explosion.
 6 Right?
 7 A. There will be a large expanding
 8 gas cloud if the material doesn't ignite.
 9 Q. And do you recall the folks
 10 from Oxy Vinyls, those Dallas folks, sharing
 11 with your team the concern that if you didn't
 12 fully ignite the vinyl chloride after the
 13 vent and burn, there could be a catastrophic
 14 vapor cloud explosion?
 15 MS. PETTY: Objection.
 16 THE WITNESS: Yes.
 17 QUESTIONS BY MR. BUCHANAN:
 18 Q. Okay. Did you share that with
 19 Chief Drabick?
 20 A. I did not.
 21 Q. Well, we have these
 22 temperatures that you were monitoring
 23 overnight before you -- what is this,
 24 Exhibit 8? -- after it peaks at 1:39.
 25 Doesn't look like an exothermic reaction to

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1 me.
 2 How about to you, sir?
 3 MS. PETTY: Objection.
 4 MR. FUKUMURA: Objection.
 5 THE WITNESS: All we were able
 6 to get was surface temperatures of the
 7 outside of a tank of one tank. We
 8 never were able to get actual product
 9 temperatures.
 10 QUESTIONS BY MR. BUCHANAN:
 11 Q. Okay. But when you went to the
 12 NTSB that night at 6 p.m., you said the
 13 increase in temperature by 3 degrees was an
 14 indication that it was undergoing
 15 polymerization.
 16 Isn't that what you told the
 17 NTSB?
 18 MS. PETTY: Objection.
 19 THE WITNESS: Yes. That's what
 20 we believed.
 21 QUESTIONS BY MR. BUCHANAN:
 22 Q. Okay. And the contrary is not
 23 true, sir, when the temperature is declining,
 24 that it's not undergoing polymerization?
 25 MS. PETTY: Objection.

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1 MR. FUKUMURA: Objection.
 2 THE WITNESS: Again, all we
 3 were monitoring -- could monitor was
 4 the temperature of the exterior of the
 5 tank that was exposed to both product
 6 inside and winter weather in Ohio
 7 outside.
 8 QUESTIONS BY MR. BUCHANAN:
 9 Q. Well, maybe you could just
 10 share with us, sir, the temperatures that
 11 were shared with you from your contractor,
 12 SPSI, were they at that critical temperature
 13 for a runaway polymerization reaction?
 14 MS. PETTY: Objection.
 15 MR. FUKUMURA: Objection.
 16 THE WITNESS: The external
 17 temperatures from the tank that we
 18 were getting were not.
 19 QUESTIONS BY MR. BUCHANAN:
 20 Q. In fact, they were going in the
 21 other direction.
 22 Right?
 23 MR. FUKUMURA: Objection.
 24 MS. PETTY: Objection.
 25

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1 QUESTIONS BY MR. BUCHANAN:
 2 Q. They were declining?
 3 MS. PETTY: Objection.
 4 THE WITNESS: Eventually, yes.
 5 QUESTIONS BY MR. BUCHANAN:
 6 Q. They declined from midnight
 7 through, what, the next day, up until the
 8 vent and burn?
 9 MR. FUKUMURA: Objection.
 10 MS. PETTY: Objection.
 11 THE WITNESS: Yes, with several
 12 spikes in temperature in between.
 13 QUESTIONS BY MR. BUCHANAN:
 14 Q. Never approaching 185 --
 15 MR. FUKUMURA: Objection.
 16 MS. PETTY: Objection.
 17 QUESTIONS BY MR. BUCHANAN:
 18 Q. -- the runaway polymerization
 19 temperature you told the NTSB about.
 20 Right?
 21 MS. PETTY: Objection.
 22 MR. FUKUMURA: Objection.
 23 THE WITNESS: Again, the
 24 external temperatures of the tank
 25 never approached that.

<p style="text-align: right;">Page 170</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Okay.</p> <p>3 A. We don't know what the actual</p> <p>4 temperature of the product in the core of the</p> <p>5 tank was.</p> <p>6 Q. Well, those are the</p> <p>7 temperatures you provided to the NTSB.</p> <p>8 Right?</p> <p>9 You said you had 138-degree</p> <p>10 reading from the shell. Thought that was</p> <p>11 information worth sharing.</p> <p>12 Fair?</p> <p>13 MS. PETTY: Objection.</p> <p>14 THE WITNESS: Yes.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. You said 185 degrees for a</p> <p>17 runaway temperature, the critical temperature</p> <p>18 for a runaway polymerization reaction, that's</p> <p>19 what you shared.</p> <p>20 Right?</p> <p>21 A. Yes.</p> <p>22 (Wood Exhibit 9 marked for</p> <p>23 identification.)</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. Okay. Let's look at your</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Yes. But the only one of</p> <p>2 primary concern was the OCPX.</p> <p>3 Q. Okay. And we see the readings</p> <p>4 off to the right, that's OCPX80370.</p> <p>5 Right?</p> <p>6 A. Correct.</p> <p>7 Q. The other readings on the other</p> <p>8 cars are reflected to the left?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. And we can see,</p> <p>11 certainly, as indicated by your actual</p> <p>12 readings on this chart, the temperatures in</p> <p>13 OCPX80370 declined throughout the period of</p> <p>14 time you were monitoring them.</p> <p>15 Right?</p> <p>16 MS. PETTY: Objection.</p> <p>17 MR. FUKUMURA: Objection.</p> <p>18 Asked and answered.</p> <p>19 THE WITNESS: They eventually</p> <p>20 declined, with several spikes in</p> <p>21 between.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. I see. Yeah.</p> <p>24 You reported to the NTSB, what,</p> <p>25 the 138 at 6 p.m.</p>
<p style="text-align: right;">Page 171</p> <p>1 spreadsheet.</p> <p>2 We're looking at Exhibit 9</p> <p>3 here, sir.</p> <p>4 Do you recognize this?</p> <p>5 A. Yes.</p> <p>6 Q. And what is it, sir?</p> <p>7 A. It appears to be a printout of</p> <p>8 the temperature spreadsheet.</p> <p>9 Q. A spreadsheet that you</p> <p>10 documented the readings in?</p> <p>11 A. Yes.</p> <p>12 Q. I think you said that you were</p> <p>13 only monitoring the temperatures on</p> <p>14 OCPX80370.</p> <p>15 Do you recall saying that a few</p> <p>16 minutes ago?</p> <p>17 MS. PETTY: Objection.</p> <p>18 THE WITNESS: No.</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. Oh. You may have said it, and</p> <p>21 maybe you didn't intend to characterize it</p> <p>22 that way.</p> <p>23 You were monitoring</p> <p>24 temperatures on all the vinyl chloride cars.</p> <p>25 Right?</p>	<p style="text-align: right;">Page 173</p> <p>1 Right?</p> <p>2 A. Yes.</p> <p>3 Q. And then we see it gets up to</p> <p>4 139, I guess, and then it drops for all the</p> <p>5 subsequent readings.</p> <p>6 Right?</p> <p>7 A. No.</p> <p>8 Q. I'm sorry.</p> <p>9 Where do we finish here at the</p> <p>10 time of the vent and burn, sir?</p> <p>11 MR. FUKUMURA: Objection.</p> <p>12 QUESTIONS BY MR. BUCHANAN:</p> <p>13 Q. What was the temperature</p> <p>14 reading as of the time of the vent and burn?</p> <p>15 Or the last reading before the vent and burn.</p> <p>16 A. The last reading is 126.</p> <p>17 Q. All right. Thank you. You can</p> <p>18 set that aside.</p> <p>19 I just want to talk about this</p> <p>20 vent and burn as implemented by Norfolk</p> <p>21 Southern and its contractors.</p> <p>22 Is there FRA guidance on how to</p> <p>23 conduct a vent and burn?</p> <p>24 A. There is an FRA document. It's</p> <p>25 the basis for all vent and burn training, I</p>

<p style="text-align: right;">Page 174</p> <p>1 think.</p> <p>2 Q. Okay. Were you aware of that</p> <p>3 guidance before the vent and burn, sir?</p> <p>4 A. I had not actually viewed that</p> <p>5 document, no.</p> <p>6 Q. As best you know, sir, SPSI and</p> <p>7 its contractors did not use that handbook as</p> <p>8 a reference in connection with the vent and</p> <p>9 burn.</p> <p>10 Correct?</p> <p>11 MR. FUKUMURA: Objection.</p> <p>12 MS. PETTY: Objection.</p> <p>13 MR. FUKUMURA: Foundation.</p> <p>14 THE WITNESS: I'm not sure</p> <p>15 whether they referenced the document</p> <p>16 or not.</p> <p>17 (Wood Exhibit 10 marked for</p> <p>18 identification.)</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. Did y'all have a written plan</p> <p>21 for the vent and burn?</p> <p>22 A. I'm sorry, I'm not -- did who</p> <p>23 have a --</p> <p>24 Q. Did Norfolk Southern and its</p> <p>25 contractors have a written plan for the vent</p>	<p style="text-align: right;">Page 176</p> <p>1 response procedure designed to quickly and</p> <p>2 effectively release railroad tank car</p> <p>3 internal vapor pressure and liquid products</p> <p>4 to avoid disastrous, uncontrolled tank</p> <p>5 rupture and environmental contamination."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. "During derailment accidents,</p> <p>9 tank cars may become structurally compromised</p> <p>10 by denting, crack initiation or puncturing,</p> <p>11 and/or subject to external heating and</p> <p>12 associated increase in internal pressure.</p> <p>13 The vent and burn procedure is applied to</p> <p>14 damaged tank cars only when all other</p> <p>15 emergency product removal methods have been</p> <p>16 considered and rejected and the consequences</p> <p>17 of not relieving the internal tank car</p> <p>18 pressure are determined to be greater than</p> <p>19 using this procedure."</p> <p>20 Do you see that, sir?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. As of, I guess, the</p> <p>23 morning of the 6th, please share with us,</p> <p>24 sir, the evidence that Norfolk Southern had</p> <p>25 or its contractors had that the internal tank</p>
<p style="text-align: right;">Page 175</p> <p>1 and burn?</p> <p>2 A. I'm not aware of a written plan</p> <p>3 that Norfolk Southern had.</p> <p>4 Q. Let's go to...</p> <p>5 MR. FUKUMURA: Are you marking</p> <p>6 a new exhibit?</p> <p>7 MR. BUCHANAN: I'm sorry, did I</p> <p>8 not pass it over? It's Exhibit 10, I</p> <p>9 believe.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. Do you have Exhibit 10 before</p> <p>12 you? I thought I saw that get passed. If it</p> <p>13 didn't...</p> <p>14 A. Yes.</p> <p>15 Q. Exhibit 10 is a Handbook for</p> <p>16 Vent and Burn Method of Field Product</p> <p>17 Removal.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. From the US Department of</p> <p>21 Transportation?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Let's go to .9, sir.</p> <p>24 A. Yes.</p> <p>25 Q. "Vent and burn is an emergency</p>	<p style="text-align: right;">Page 177</p> <p>1 pressure was rising. Despite the</p> <p>2 temperatures dropping.</p> <p>3 MS. PETTY: Objection.</p> <p>4 MR. FUKUMURA: Objection.</p> <p>5 THE WITNESS: There were a lot</p> <p>6 of factors that go into our belief</p> <p>7 that the product was polymerizing.</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. Do you have my question in</p> <p>10 mind, though, sir?</p> <p>11 Okay. My question was, sir,</p> <p>12 please tell us what evidence you had that the</p> <p>13 contents of the tank cars, the pressure in</p> <p>14 those was rising despite the falling</p> <p>15 temperatures.</p> <p>16 MS. PETTY: Objection.</p> <p>17 MR. FUKUMURA: Objection.</p> <p>18 QUESTIONS BY MR. BUCHANAN:</p> <p>19 Q. That's my question.</p> <p>20 A. Those concerns started when we</p> <p>21 had a PRD go off five and a half hours after</p> <p>22 that car had been in a pool fire, with no</p> <p>23 presence of pool fire, when the car should</p> <p>24 have been cooling.</p> <p>25 Q. You didn't see in the NTSB</p>

<p style="text-align: right;">Page 178</p> <p>1 report, sir, that PRDs will continue to go 2 off after a pool fire stops, even when 3 working properly? 4 MS. PETTY: Objection. 5 QUESTIONS BY MR. BUCHANAN: 6 Q. You're not aware of that? 7 A. I'm not -- I'm not sure how 8 you're -- what you're asking. 9 Q. You're not aware, sir, that 10 PRDs will continue to go off even after an 11 incident fire where the heat source has been 12 controlled or remediated? 13 MS. PETTY: Objection. 14 THE WITNESS: Yes, PRDs will go 15 off as long as there's enough pressure 16 to open. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. Right. They're insulated 19 tanks. 20 Right, sir? 21 MS. PETTY: Objection. 22 THE WITNESS: These tanks have 23 100-minute fire protection. 24 QUESTIONS BY MR. BUCHANAN: 25 Q. Are they insulated tanks?</p>	<p style="text-align: right;">Page 180</p> <p>1 A. Yes. 2 Q. In fact, the company and its 3 contractors had discussed with Oxy Vinyl, the 4 chemical's manufacturer, what that chemical 5 was doing inside of that tank. 6 Right? 7 MS. PETTY: Objection. 8 MR. FUKUMURA: Objection. 9 THE WITNESS: I'm sorry, repeat 10 your question? 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Yeah. 13 The company had, in fact, had 14 conversations with Oxy Vinyls about what that 15 chemical was doing inside of the tanks. 16 Right? 17 MS. PETTY: Objection. 18 MR. FUKUMURA: Objection. 19 THE WITNESS: Representatives 20 from NS and our contractors had 21 conversations with Oxy, yes. 22 QUESTIONS BY MR. BUCHANAN: 23 Q. I think we have your testimony, 24 sir. But nobody had shared with you that 25 they had said, don't do a vent and burn</p>
<p style="text-align: right;">Page 179</p> <p>1 MS. PETTY: Objection. 2 MR. FUKUMURA: Objection. 3 Asked and answered. 4 MS. PETTY: Asked and answered. 5 THE WITNESS: I believe these 6 were thermally protected. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. Okay. And in the company's 9 inspections of the various VCM, vinyl 10 chloride, tanks, it had not identified any 11 mechanical breach of the tank cars. 12 Correct? 13 MS. PETTY: Objection. 14 THE WITNESS: There were no 15 breaches found in the vinyl chloride 16 cars. 17 QUESTIONS BY MR. BUCHANAN: 18 Q. Let's go to .13. 19 It states under Candidate 20 Products, "The vent and burn procedure is 21 limited in candidate products. The procedure 22 should be discussed with the product 23 manufacturer for full determination of this 24 procedure's applicability." 25 Do you see that?</p>	<p style="text-align: right;">Page 181</p> <p>1 because you're concerned about 2 polymerization. 3 MR. FUKUMURA: Objection. 4 QUESTIONS BY MR. BUCHANAN: 5 Q. Right? 6 MR. FUKUMURA: Asked and 7 answered. 8 MS. PETTY: Objection. 9 THE WITNESS: Those words were 10 never expressed. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. To you? 13 A. (Witness nods head.) 14 Q. You need to answer -- 15 MR. FUKUMURA: You got to 16 verbally respond. 17 THE WITNESS: Yes. Those words 18 were never expressed to me. 19 QUESTIONS BY MR. BUCHANAN: 20 Q. States, "Vent and burn may 21 release potentially harmful byproducts of 22 thermal oxidation." 23 Do you see that? 24 A. Yes. 25 Q. You know the burning vinyl</p>

<p style="text-align: right;">Page 182</p> <p>1 chloride releases some bad stuff. 2 Right? 3 MS. PETTY: Objection. 4 MR. FUKUMURA: Objection. 5 THE WITNESS: There are 6 products of combustion, yes. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. Like PVC, dioxins are one. 9 Right? 10 MS. PETTY: Objection. 11 MS. BROZ: I'm going to add to 12 the objection. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. You can answer. 15 A. Yes, dioxins are produced with 16 about anything that has carbon in it when it 17 burns. 18 Q. I guess so too, then, with 19 vinyl chloride monomer. 20 Right? 21 MS. PETTY: Objection. 22 THE WITNESS: Yes. 23 QUESTIONS BY MR. BUCHANAN: 24 Q. And other things that were 25 burning on the site for those days.</p>	<p style="text-align: right;">Page 184</p> <p>1 testimony. 2 MR. BUCHANAN: I'm sorry, I 3 didn't mean to misstate your 4 testimony. 5 THE WITNESS: Norfolk Southern 6 didn't have a written plan. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. Are you aware of one? 9 A. Unified command had a list of 10 documents. I'm not exactly sure what ESI, 11 who was the actual contractor who performed 12 the vent and burn, what their paper 13 documentations were. 14 Q. Right. 15 "Prepare a written plan of 16 operation to ensure all parties involved have 17 a clear understanding of the impending 18 actions." 19 Do you see that? 20 A. Yes. 21 Q. All right. You were certainly 22 one of the parties involved. 23 Right? 24 A. Yes. 25 Q. I mean, you were the ones</p>
<p style="text-align: right;">Page 183</p> <p>1 Right? 2 MS. PETTY: Objection. 3 THE WITNESS: Yes, there were 4 products of combustion. 5 QUESTIONS BY MR. BUCHANAN: 6 Q. PAHs, dioxins, other things, 7 products of combustion, as you call it, as a 8 result of the fires following the derailment 9 of Train 32N. 10 MS. PETTY: Objection. 11 QUESTIONS BY MR. BUCHANAN: 12 Q. Right? 13 A. Yes. 14 Q. If you go to .19, sir, it says, 15 "As a precaution, prepare a written plan of 16 operation." 17 Do you see that? 18 A. Yes. 19 Q. Did you -- I think you told us 20 there wasn't a written plan of operation as 21 best you understand. 22 Right? 23 MR. FUKUMURA: Objection. 24 MS. PETTY: Objection. 25 MR. FUKUMURA: Misstates</p>	<p style="text-align: right;">Page 185</p> <p>1 paying folks to blow up the fire cars. 2 Right? 3 MS. PETTY: Objection. 4 MR. FUKUMURA: Objection. 5 THE WITNESS: Yes, we paid the 6 contractor who performed the vent and 7 burn. 8 QUESTIONS BY MR. BUCHANAN: 9 Q. And the entity responsible for 10 the cars in the derailment? 11 MR. FUKUMURA: Objection. 12 MS. PETTY: Objection. 13 THE WITNESS: I'm sorry, I 14 didn't hear the first -- 15 QUESTIONS BY MR. BUCHANAN: 16 Q. It was your train that 17 derailed, sir, right? Norfolk Southern's? 18 MS. PETTY: Objection. 19 THE WITNESS: Yes. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. You're one of the parties 22 involved. 23 Right? 24 A. Yes. 25 Q. Okay. Fair to say you haven't</p>

<p style="text-align: right;">Page 186</p> <p>1 seen a written plan for the vent and burn?</p> <p>2 MS. PETTY: Objection.</p> <p>3 THE WITNESS: Not from Norfolk</p> <p>4 Southern.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. Have you seen a written plan</p> <p>7 from anybody?</p> <p>8 A. I believe there was one in</p> <p>9 incident command.</p> <p>10 Q. Oh, okay.</p> <p>11 A. In unified command.</p> <p>12 Q. Okay. It says, "Conduct</p> <p>13 briefings with all parties involved at each</p> <p>14 stage of the process to ensure mutual</p> <p>15 understanding."</p> <p>16 Do you see that?</p> <p>17 A. It's on the same page?</p> <p>18 Q. Yeah. Second bullet.</p> <p>19 A. Yes.</p> <p>20 Q. It would be important to make</p> <p>21 sure that the parties involved had a mutual</p> <p>22 understanding of the basis, or the</p> <p>23 probability of the basis, for the reason for</p> <p>24 the vent and burn.</p> <p>25 You would agree?</p>	<p style="text-align: right;">Page 188</p> <p>1 I think you told us fire</p> <p>2 suppression activities had stopped.</p> <p>3 Right?</p> <p>4 A. There were no fire suppression</p> <p>5 activities going on when I arrived.</p> <p>6 Q. Who is Mr. Naranjo? Or</p> <p>7 Naranjo?</p> <p>8 A. Bryan, at the time, was system</p> <p>9 manager of environmental operations for</p> <p>10 Norfolk Southern.</p> <p>11 Q. Work under you?</p> <p>12 A. No, he works in the same</p> <p>13 department.</p> <p>14 Q. Okay. Who does he report to?</p> <p>15 A. At that time he reported to</p> <p>16 David Schoendorfer.</p> <p>17 Q. I see.</p> <p>18 So you both reported to</p> <p>19 Mr. Schoendorfer?</p> <p>20 A. Yes.</p> <p>21 (Wood Exhibit 11 marked for</p> <p>22 identification.)</p> <p>23 QUESTIONS BY MR. BUCHANAN:</p> <p>24 Q. Okay. Passing you, sir, what</p> <p>25 we're marking as Exhibit 11.</p>
<p style="text-align: right;">Page 187</p> <p>1 MS. PETTY: Objection.</p> <p>2 MR. FUKUMURA: Objection.</p> <p>3 THE WITNESS: I'm sorry, I</p> <p>4 don't think I understood what</p> <p>5 you're --</p> <p>6 QUESTIONS BY MR. BUCHANAN:</p> <p>7 Q. Well, don't you think it's</p> <p>8 important that people who are parties to this</p> <p>9 process understand really what the</p> <p>10 probability of the concern is that's giving</p> <p>11 rise to the recommendation to vent and burn?</p> <p>12 MS. PETTY: Objection.</p> <p>13 THE WITNESS: All information</p> <p>14 is important.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. Right.</p> <p>17 That shouldn't be kept from</p> <p>18 decisionmakers, right?</p> <p>19 MS. PETTY: Objection.</p> <p>20 MR. FUKUMURA: Objection.</p> <p>21 THE WITNESS: No.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. I got some questions for you</p> <p>24 generally, sir, about back in time, going</p> <p>25 earlier when you got to the site.</p>	<p style="text-align: right;">Page 189</p> <p>1 I see you're not on this, sir.</p> <p>2 This looks like some kind of chat, whether</p> <p>3 text or Teams, from February 4, 2023.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Who is Mr. Hunsicker?</p> <p>7 A. Chris Hunsicker is the regional</p> <p>8 manager of environmental operations --</p> <p>9 Q. Okay.</p> <p>10 A. -- based out of Pittsburgh.</p> <p>11 Q. Did he report to or just was</p> <p>12 he, you know, if you will, at a lateral level</p> <p>13 to Mr. Naranjo?</p> <p>14 A. He reported to Mr. Naranjo.</p> <p>15 Q. Naranjo?</p> <p>16 A. Yes.</p> <p>17 Q. I'm sorry, I apologize.</p> <p>18 All right. We see this text</p> <p>19 chain. Is this around the time when you're</p> <p>20 getting into East Palestine? Saturday</p> <p>21 morning --</p> <p>22 A. No.</p> <p>23 Q. -- 8 a.m.?</p> <p>24 A. No.</p> <p>25 Q. When are you rolling into East</p>

<p style="text-align: right;">Page 190</p> <p>1 Palestine, sir?</p> <p>2 A. Been closer to around eleven</p> <p>3 o'clock.</p> <p>4 Q. Oh, I see. Okay.</p> <p>5 So in this exchange</p> <p>6 Mr. Hunsicker is asking, what's the plan for</p> <p>7 today, going back and forth with Mr. Naranjo.</p> <p>8 And it says, "Bob just got there. We are</p> <p>9 letting things continue to burn."</p> <p>10 Do you see that there? Do you</p> <p>11 see that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. I take it that's not you</p> <p>14 referenced as the Bob there?</p> <p>15 A. No.</p> <p>16 Q. Okay. That statement, though,</p> <p>17 is consistent with your observation that</p> <p>18 Norfolk Southern was just continuing to let</p> <p>19 things burn on Saturday morning.</p> <p>20 Right?</p> <p>21 MS. PETTY: Objection.</p> <p>22 THE WITNESS: There were no</p> <p>23 fire suppression activities going on.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. And I guess the answer to my</p>	<p style="text-align: right;">Page 192</p> <p>1 10:46, from Mr. -- a Mr. Kurt Koehler, EPA</p> <p>2 Ohio --</p> <p>3 A. Yes.</p> <p>4 Q. -- to a Robert Scoble.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. It's also to Scott Deutsch and</p> <p>8 others.</p> <p>9 Have you seen this before, sir?</p> <p>10 A. I don't think so.</p> <p>11 Q. Okay. It says, "Good morning,</p> <p>12 wanted to bring everyone on board with issues</p> <p>13 discussed overnight regarding the release to</p> <p>14 the waterways."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. "At the onset of the response,</p> <p>18 Ohio EPA recommended to NS environmental</p> <p>19 contractors, ECs, prepare for the expected</p> <p>20 release to Sulfur Run and Leslie Run,</p> <p>21 including installation of applicable</p> <p>22 containment and mobilize high-volume pumps."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Yet despite that recommendation</p>
<p style="text-align: right;">Page 191</p> <p>1 question is, that's consistent, that you were</p> <p>2 just letting things continue to burn?</p> <p>3 MS. PETTY: Objection.</p> <p>4 THE WITNESS: Yes.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. Were you the individual who was</p> <p>7 interacting with the Ohio EPA about all the</p> <p>8 stuff that was getting dumped into the</p> <p>9 creeks?</p> <p>10 MS. PETTY: Objection.</p> <p>11 MR. FUKUMURA: Objection.</p> <p>12 QUESTIONS BY MR. BUCHANAN:</p> <p>13 Q. In the bed there?</p> <p>14 A. I had some conversations with a</p> <p>15 gentleman from Ohio EPA, but I think most of</p> <p>16 his conversations were probably with Scott</p> <p>17 Deutsch.</p> <p>18 (Wood Exhibit 12 marked for</p> <p>19 identification.)</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. Passing you what we're marking</p> <p>22 as Exhibit 12 to your deposition, sir.</p> <p>23 Here you are.</p> <p>24 Sir, this is an e-mail exchange</p> <p>25 from Sunday, the 5th, in the morning at</p>	<p style="text-align: right;">Page 193</p> <p>1 from the Ohio EPA, the material from the cars</p> <p>2 that had been breached, otherwise released,</p> <p>3 entered into the various creeks and water</p> <p>4 sources around East Palestine.</p> <p>5 Correct?</p> <p>6 MS. PETTY: Objection.</p> <p>7 MR. FUKUMURA: Objection.</p> <p>8 THE WITNESS: Yes, materials</p> <p>9 from the derailment entered Sulfur Run</p> <p>10 and Leslie Run.</p> <p>11 QUESTIONS BY MR. BUCHANAN:</p> <p>12 Q. Okay. It says, "At 11:30 on</p> <p>13 the 4th" --</p> <p>14 That would be right around when</p> <p>15 you were getting there?</p> <p>16 A. Yes.</p> <p>17 Q. -- "a release of material from</p> <p>18 the derailment was observed by Ohio EPA in</p> <p>19 Sulfur Run and beyond its confluence with</p> <p>20 Leslie Run."</p> <p>21 Do you know those various</p> <p>22 streams or bodies of water, sir?</p> <p>23 MS. PETTY: Objection.</p> <p>24 MR. FUKUMURA: Objection.</p> <p>25 THE WITNESS: Yes.</p>

1 QUESTIONS BY MR. BUCHANAN:
 2 Q. "The extent of the impact was
 3 observed into north branch of Little Beaver
 4 Creek several miles downstream."
 5 Right?
 6 A. Yes, that's what it says.
 7 Q. "And the release was
 8 impacting" -- frankly, it was killing fish.
 9 Right?
 10 A. Yes, there was a fish kill.
 11 Q. HAZMAT materials and non-HAZMAT
 12 materials that are nonetheless toxic were
 13 released into these various streams and
 14 killing fish.
 15 Right?
 16 MS. PETTY: Objection.
 17 MR. FUKUMURA: Objection.
 18 QUESTIONS BY MR. BUCHANAN:
 19 Q. Miles away.
 20 MS. PETTY: Objection.
 21 MR. FUKUMURA: Objection.
 22 THE WITNESS: Materials from
 23 the derailment entered the waterways,
 24 yes.
 25

1 QUESTIONS BY MR. BUCHANAN:
 2 Q. What materials, sir?
 3 MS. PETTY: Objection.
 4 MR. FUKUMURA: Objection.
 5 THE WITNESS: Yeah, I cannot
 6 quantify all of what entered that
 7 creek. I do not know.
 8 QUESTIONS BY MR. BUCHANAN:
 9 Q. Please tell us what, to your
 10 best understanding, did enter the creek, sir.
 11 A. To the best of my
 12 understanding, I believe they found butyl
 13 acrylate and lube oil and possibly some
 14 glycol material.
 15 Q. Not a good thing?
 16 MR. FUKUMURA: Objection.
 17 THE WITNESS: No release to a
 18 waterway is a good thing.
 19 QUESTIONS BY MR. BUCHANAN:
 20 Q. Beyond the waterways, it was
 21 also released in, what? Into seepage pits in
 22 the town?
 23 Is that right?
 24 MS. PETTY: Objection.
 25

1 QUESTIONS BY MR. BUCHANAN:
 2 Q. Drain pipes and other, I'd say,
 3 sewer-like things in and around the
 4 derailment site?
 5 MS. PETTY: Objection.
 6 MR. FUKUMURA: Objection.
 7 MS. PETTY: Calls for
 8 speculation.
 9 MR. FUKUMURA: And compound.
 10 Vague.
 11 THE WITNESS: Material entered
 12 storm drains.
 13 QUESTIONS BY MR. BUCHANAN:
 14 Q. What material entered storm
 15 drains, sir?
 16 A. Materials released from the
 17 derailment.
 18 Q. Okay. Which of the materials,
 19 as best you know, sir, were released into the
 20 storm drains?
 21 A. Again, the same ones that got
 22 to the creek.
 23 Q. This e-mail continues at
 24 20:30 hours on the 4th. That's 10:30 at
 25 night. "The containment measures in Sulfur

1 Run were observed by Ohio EPA in a failing
 2 condition, allowing the suspected butyl
 3 acetate {sic} layer to continue to impact
 4 Leslie Run and beyond."
 5 Do you see that?
 6 A. Yes.
 7 Q. So the issue was identified by
 8 the Ohio EPA to Norfolk Southern, and
 9 notwithstanding Norfolk Southern being made
 10 aware of it, remediation measures to prevent
 11 it from continuing were ineffective.
 12 MS. PETTY: Objection.
 13 QUESTIONS BY MR. BUCHANAN:
 14 Q. Right?
 15 A. According to Norfolk -- to Ohio
 16 EPA, the containment boom was not holding
 17 properly.
 18 Q. It says it was in a failing
 19 condition.
 20 Right?
 21 A. Yes, that's what it says.
 22 Q. It states, "Throughout the day,
 23 weather conditions prevented vacuum truck
 24 recovery of accumulated material, but
 25 alternative recovery methods were not

<p style="text-align: right;">Page 198</p> <p>1 utilized to alleviate the buildup at the 2 containment points, adding to the bypass of 3 the containment measures." 4 Do you see that? 5 A. I do see that. 6 Q. And is that consistent with 7 your memory of the situation, sir? 8 MS. PETTY: Objection. 9 THE WITNESS: I'm not sure what 10 alternative recovery methods the 11 gentleman is referring to. There were 12 vac trucks there. 13 QUESTIONS BY MR. BUCHANAN: 14 Q. And you are aware, though, sir, 15 that whatever measures were undertaken, they 16 were being bypassed because these measures 17 were in a failing condition at that point in 18 time? 19 MS. PETTY: Objection. 20 MR. FUKUMURA: Objection. 21 THE WITNESS: I don't know the 22 actual conditions of the boom at the 23 time. Just what the e-mail says. 24 QUESTIONS BY MR. BUCHANAN: 25 Q. It also says, as I stated a</p>	<p style="text-align: right;">Page 200</p> <p>1 conducted on the 6th of February. 2 Correct? 3 MR. FUKUMURA: Objection. 4 MS. PETTY: Objection. 5 THE WITNESS: Yes. 6 QUESTIONS BY MR. BUCHANAN: 7 Q. Were you there when it 8 happened? 9 A. I was at the command post, yes. 10 Q. As I understand it, sir, you 11 weren't there for the entire time that things 12 were burning. 13 Right? The cars and their 14 contents were burning. You had to leave? 15 A. Yes. 16 MS. PETTY: Objection. 17 THE WITNESS: Yes. 18 QUESTIONS BY MR. BUCHANAN: 19 Q. After that process that 20 we're -- withdrawn. 21 After the VCM cars were blown 22 up and the fires extinguished and you could 23 get into the wreckage, inspection was done of 24 those -- of those cars. 25 Correct?</p>
<p style="text-align: right;">Page 199</p> <p>1 moment ago, "Alternative recovery methods 2 were not utilized to alleviate the buildup of 3 the containment." 4 You don't have facts that 5 demonstrate otherwise, do you, sir? 6 MS. PETTY: Objection. 7 QUESTIONS BY MR. BUCHANAN: 8 Q. Are you aware of any 9 alternative methods that were used? 10 A. I am not aware of any. 11 MR. BUCHANAN: Okay. Can we go 12 off the record? 13 VIDEOGRAPHER: We are now going 14 off the video record. The time is 15 currently 12:18 p.m. 16 (Off the record at 12:18 p.m.) 17 VIDEOGRAPHER: We are now back 18 on the video record. The time is 19 currently 12:26 p.m. 20 QUESTIONS BY MR. BUCHANAN: 21 Q. Sir, we've been talking for a 22 good portion of the day about the decision to 23 conduct the vent and burn, information shared 24 or not shared around that. And ultimately, 25 though, we know the vent and burn was</p>	<p style="text-align: right;">Page 201</p> <p>1 MS. PETTY: Objection. 2 MR. FUKUMURA: Objection. 3 THE WITNESS: Yes, there were 4 ultimately damage assessments done to 5 those cars. 6 QUESTIONS BY MR. BUCHANAN: 7 Q. And we looked at your 8 statements to the NTSB of polymerization and 9 the necessity of vent and burn. 10 Do you recall us looking at 11 that and -- from your February 5, 2023, 12 6 p.m. update to the NTSB? 13 A. What page are we referring to? 14 Q. We're referring to .77. 15 A. I'm sorry. 16 Q. .77 was the page of your 6 p.m. 17 report, and that was Exhibit 3. 18 A. Okay. 19 Q. Do you see that? 20 And again, we looked and spent 21 some time discussing polymerization and what 22 you told the NTSB, what you told us you told 23 Chief Drabick, and what you told us your 24 contractors told unified command. 25 Do you recall our discussion</p>

<p style="text-align: right;">Page 202</p> <p>1 earlier today?</p> <p>2 MS. PETTY: Objection.</p> <p>3 MR. FUKUMURA: Objection.</p> <p>4 THE WITNESS: Yes.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. And this concerned suggesting</p> <p>7 that the VCM lading was undergoing</p> <p>8 polymerization.</p> <p>9 Do you recall that?</p> <p>10 MS. PETTY: Objection.</p> <p>11 THE WITNESS: That was -- that</p> <p>12 was our belief.</p> <p>13 QUESTIONS BY MR. BUCHANAN:</p> <p>14 Q. And when you went in there and</p> <p>15 were looking through the wreckage after, you</p> <p>16 went looking for signs of vinyl chloride</p> <p>17 polymerization.</p> <p>18 Right?</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 MS. PETTY: Objection.</p> <p>21 THE WITNESS: I did not.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. I'm sorry.</p> <p>24 Your contractors and others</p> <p>25 did?</p>	<p style="text-align: right;">Page 204</p> <p>1 others.</p> <p>2 Do you see that?</p> <p>3 MR. FUKUMURA: So these two</p> <p>4 documents together are one exhibit?</p> <p>5 MR. BUCHANAN: They are.</p> <p>6 MR. FUKUMURA: Okay.</p> <p>7 MR. BUCHANAN: I wanted to keep</p> <p>8 the e-mail and the attachment</p> <p>9 together.</p> <p>10 THE WITNESS: Yes.</p> <p>11 QUESTIONS BY MR. BUCHANAN:</p> <p>12 Q. Do you see that, sir?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And you're cc'd, or</p> <p>15 you're a recipient of this e-mail.</p> <p>16 Correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. This is from March 18,</p> <p>19 2023. Subject, review Oxy Vinyls</p> <p>20 post-accident tank residue test results.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. It's your understanding, sir,</p> <p>24 that folks went in to look to see if there</p> <p>25 was in fact polymerization of this vinyl</p>
<p style="text-align: right;">Page 203</p> <p>1 MR. FUKUMURA: Objection.</p> <p>2 MS. PETTY: Objection.</p> <p>3 THE WITNESS: The inspection</p> <p>4 was actually conducted by NTSB and FRA</p> <p>5 personnel, with assistance.</p> <p>6 (Wood Exhibit 13 marked for</p> <p>7 identification.)</p> <p>8 QUESTIONS BY MR. BUCHANAN:</p> <p>9 Q. Okay. Let's mark -- I think</p> <p>10 these are together -- actually, can you pass</p> <p>11 these out? I think there are two documents.</p> <p>12 MR. FUKUMURA: Can we get two</p> <p>13 over here, please?</p> <p>14 MR. BUCHANAN: Yeah.</p> <p>15 QUESTIONS BY MR. BUCHANAN:</p> <p>16 Q. Passing you over, sir, what</p> <p>17 we're calling Exhibit 13 to your deposition,</p> <p>18 and it's going to be -- we're going to clip</p> <p>19 these together. It's the e-mail and the</p> <p>20 attached report.</p> <p>21 Do you have that before you,</p> <p>22 sir?</p> <p>23 A. Yes.</p> <p>24 Q. For the record, we're looking</p> <p>25 at P108, cover e-mail from a Paul Stauncil to</p>	<p style="text-align: right;">Page 205</p> <p>1 chloride monomer.</p> <p>2 Right?</p> <p>3 MR. FUKUMURA: Objection.</p> <p>4 MS. PETTY: Objection.</p> <p>5 THE WITNESS: I know Oxy folks</p> <p>6 took samples. I'm not sure exactly</p> <p>7 where they took the samples from. I'd</p> <p>8 have to go back and refer to the</p> <p>9 report to see.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. Well, samples were taken under</p> <p>12 the guidance and oversight of NTSB.</p> <p>13 Correct?</p> <p>14 A. Correct.</p> <p>15 MR. FUKUMURA: Well, Counsel,</p> <p>16 for the record, Robert Wood's name is</p> <p>17 spelled incorrectly in the "to" line</p> <p>18 to this e-mail.</p> <p>19 MR. BUCHANAN: I'm --</p> <p>20 QUESTIONS BY MR. BUCHANAN:</p> <p>21 Q. How do you spell your name,</p> <p>22 sir?</p> <p>23 MR. FUKUMURA: If you look in</p> <p>24 the recipients after, it says Robert</p> <p>25 Wood. His e-mail is incorrectly --</p>

<p style="text-align: right;">Page 206</p> <p>1 there's no T.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. I don't know where the</p> <p>4 characters stop or begin, but we see your</p> <p>5 name on the first page of the transmittal,</p> <p>6 sir, 108.1.</p> <p>7 It says, "Robert E. Wood," and</p> <p>8 then there's some bracketed computer link.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Your name is Robert C. Wood.</p> <p>12 Is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And this is transmitting</p> <p>15 the Oxy Vinyl post-accident test residue test</p> <p>16 results.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. If we go to .2 on</p> <p>20 page -- on P109, top right corner?</p> <p>21 A. Yes.</p> <p>22 Q. "Conclusions. Data based on</p> <p>23 these analyses, PVC was not present in any of</p> <p>24 the railcar samples."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 208</p> <p>1 chloride cars.</p> <p>2 Correct?</p> <p>3 MS. PETTY: Objection.</p> <p>4 MR. FUKUMURA: Objection.</p> <p>5 THE WITNESS: I'm not aware of</p> <p>6 any.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Okay. And therefore, you're</p> <p>9 not aware, sir -- withdrawn.</p> <p>10 After the vent and burn, sir,</p> <p>11 and the aftermath in dealing with the</p> <p>12 wreckage, fair to say you were involved in</p> <p>13 trying to quantify the extent of the releases</p> <p>14 from the various HAZMAT and non-HAZMAT cars?</p> <p>15 MR. FUKUMURA: Objection.</p> <p>16 MS. PETTY: Objection.</p> <p>17 THE WITNESS: I'm not exactly</p> <p>18 sure what you're asking, but...</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. Didn't you, sir, go through, if</p> <p>21 you will, the contents of the cars via the</p> <p>22 consist or otherwise and attempt to quantify</p> <p>23 the extent of the load the train was</p> <p>24 carrying, the extent of the release of</p> <p>25 material by breach or otherwise?</p>
<p style="text-align: right;">Page 207</p> <p>1 A. Yes.</p> <p>2 Q. PVC stands for what, sir?</p> <p>3 A. Polyvinyl chloride.</p> <p>4 Q. Polyvinyl chloride is the</p> <p>5 polymerized version of vinyl chloride</p> <p>6 monomer.</p> <p>7 Correct?</p> <p>8 MS. PETTY: Objection.</p> <p>9 THE WITNESS: It's my</p> <p>10 understanding.</p> <p>11 QUESTIONS BY MR. BUCHANAN:</p> <p>12 Q. All right. In fact, you did</p> <p>13 not find any polyvinyl chloride in the</p> <p>14 subject railcars or in the area around those</p> <p>15 subject railcars.</p> <p>16 Correct?</p> <p>17 MS. PETTY: Objection.</p> <p>18 MR. FUKUMURA: Objection.</p> <p>19 THE WITNESS: This reports that</p> <p>20 all samples taken, they found no</p> <p>21 polyvinyl chloride.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. You're aware of no samples that</p> <p>24 were taken evidencing polymerization of the</p> <p>25 contents of the five Oxy Vinyls vinyl</p>	<p style="text-align: right;">Page 209</p> <p>1 MR. FUKUMURA: Objection.</p> <p>2 MS. PETTY: Objection.</p> <p>3 THE WITNESS: Yes, Norfolk</p> <p>4 Southern did.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. You were involved in that</p> <p>7 effort, no?</p> <p>8 MR. FUKUMURA: Objection.</p> <p>9 THE WITNESS: Yes.</p> <p>10 (Wood Exhibit 14 marked for</p> <p>11 identification.)</p> <p>12 QUESTIONS BY MR. BUCHANAN:</p> <p>13 Q. Okay. Let's pass the witness,</p> <p>14 please, 285 and 254. Once again, this is one</p> <p>15 document.</p> <p>16 We're going to mark the e-mail</p> <p>17 and attachment as Exhibit 14.</p> <p>18 There you are, sir.</p> <p>19 Would you pull up P285, please?</p> <p>20 That's the cover e-mail to</p> <p>21 Exhibit 14.</p> <p>22 Do you have that before you,</p> <p>23 sir?</p> <p>24 A. Yes.</p> <p>25 Q. Does that reflect your -- I'm</p>

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1 sorry, sir. Withdrawn.
 2 Does that refresh your
 3 recollection, sir, that you were involved in
 4 updating and assisting in the effort to
 5 quantify the extent of the materials that
 6 were discharged, recovered or released?
 7 MS. PETTY: Objection.
 8 MR. FUKUMURA: Objection.
 9 THE WITNESS: Yes.
 10 QUESTIONS BY MR. BUCHANAN:
 11 Q. Okay. Let's look at the
 12 attachment. That's P.254.
 13 Did you create the spreadsheet,
 14 sir?
 15 A. I don't recall whether I
 16 created this spreadsheet or not.
 17 Q. I'm on .2 for tracking
 18 purposes.
 19 Do you see the spreadsheet,
 20 sir?
 21 A. Yes.
 22 Q. Okay. It's got a line number,
 23 a car ID, load, car type.
 24 See all that?
 25 A. Yes.

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1 Q. Commodity, tank car spec and a
 2 number of other items, including hazard
 3 class, amount and load, et cetera.
 4 Do you see that?
 5 A. Yes.
 6 Q. Columns across the top?
 7 A. Yes.
 8 Q. Similar to the chart we were
 9 looking at earlier today.
 10 Right?
 11 MR. FUKUMURA: Objection.
 12 QUESTIONS BY MR. BUCHANAN:
 13 Q. I'm sorry, did you answer, sir?
 14 A. Yes.
 15 Q. Okay. But now you've added
 16 some details about the extent of the material
 17 that was released or recovered.
 18 Right?
 19 MR. FUKUMURA: Objection.
 20 THE WITNESS: Yes.
 21 QUESTIONS BY MR. BUCHANAN:
 22 Q. Is this a list of the railcars
 23 that derailed on February 3rd?
 24 A. This appears to be a list of
 25 all the railcars derailed and impacted by the

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1 fire and not derailed.
 2 Q. Okay. So we've got -- let's
 3 see if we can go through this here, sir.
 4 And when you look at it online,
 5 there's letters across the top and numbers
 6 down the side. That could be a little
 7 awkward to move through this now. We'll try
 8 our best.
 9 The second column from the left
 10 that says "Car ID," that's the car number
 11 as you refer to it in the trade.
 12 Right?
 13 A. Yes.
 14 Q. Okay. We spent a lot of time
 15 talking about those Oxy Vinyl cars today.
 16 You see them listed there,
 17 right?
 18 A. Yes.
 19 Q. Okay. Column E identifies --
 20 column E. Fourth -- fifth column from the
 21 right -- left -- withdrawn.
 22 There you go. I should print
 23 them out with the column headings next time.
 24 Looking from the left, sir, the
 25 fifth column says "Commodity."

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1 Do you see that?
 2 A. Yes.
 3 Q. Okay. We go down, what, about
 4 four rows, we see four vinyl chloride cars
 5 there.
 6 Right? Vinyl chloride
 7 stabilized.
 8 Do you see that?
 9 A. Yes.
 10 Q. Go over another four columns,
 11 we see a heading "Status After Derailment."
 12 Right?
 13 A. Yes.
 14 Q. Okay. Under status after the
 15 derailment for those cars, it says, "Car did
 16 not leak/cars vent product through the PRD
 17 and ignited/vent and burn performed."
 18 Do you see that?
 19 A. Yes.
 20 Q. That was the status after
 21 derailment that you documented, sir, much
 22 closer to the event.
 23 Correct?
 24 MS. PETTY: Objection.
 25 MR. FUKUMURA: Objection.

<p style="text-align: right;">Page 214</p> <p>1 THE WITNESS: I'm not sure when 2 this was completed. 3 QUESTIONS BY MR. BUCHANAN: 4 Q. Well, we have your cover 5 e-mail, sir. 6 Right? 7 It was -- you're making updates 8 on this as of February 19, 2023. 9 Right? 10 A. Yes. Well, I was sending the 11 e-mail on February 19th. 12 Q. Fair enough. 13 Okay. So within a few weeks of 14 the vent and burn. 15 Right? 16 A. Yes. 17 Q. Okay. And for each of the -- 18 let's look at what you wrote for each of the 19 vinyl chloride cars. 20 "Car did not leak. Cars vent 21 product through the PRD and ignited/vent and 22 burn performed." 23 Do you see that? 24 MR. FUKUMURA: Objection. 25 Foundation.</p>	<p style="text-align: right;">Page 216</p> <p>1 A. Yes. 2 Q. Beneath that car, another 3 177,000 pounds of vinyl chloride as loaded. 4 Correct? 5 A. Yes. 6 Q. Beneath that car, 178,000 and 7 change pounds of vinyl chloride. 8 Right? 9 A. Yes. 10 Q. Off to the right it says, 11 "Entire load consumed in initial fire from 12 PRD and controlled burn." 13 Right? 14 A. Yes. 15 Q. We can go further down, sir. 16 There's another vinyl chloride car that was 17 part of that vent and burn. 18 Right? 19 A. Yes. 20 Q. Okay. What car number is that 21 one? 22 A. OCPX80370. 23 Q. That's on the next page? 24 A. Yes. 25 Q. That one's got 176,000 pounds</p>
<p style="text-align: right;">Page 215</p> <p>1 MS. PETTY: Objection. 2 THE WITNESS: Yes. 3 QUESTIONS BY MR. BUCHANAN: 4 Q. That's what this reflects, 5 right, this chart documenting the disposition 6 of the contents of these various cars that 7 derailed? 8 MS. PETTY: Objection. 9 THE WITNESS: Yes. 10 QUESTIONS BY MR. BUCHANAN: 11 Q. Okay. Off to the right it 12 says, "Amount in load." 13 Do you see that? 14 A. Yes. 15 Q. 178,300 pounds. That's what it 16 says for the first vinyl chloride car. 17 Right? 18 A. Yes. 19 Q. TILX402025. 20 Right? 21 A. Yes. 22 Q. Beneath that car is another 23 vinyl chloride car, another 177,000 pounds of 24 product. 25 Right?</p>	<p style="text-align: right;">Page 217</p> <p>1 of vinyl chloride. 2 Right? As loaded? 3 A. Yes. 4 Q. All told, what was that? 5 Almost 900,000 pounds of vinyl chloride 6 burned? 7 MS. BROZ: Objection. 8 QUESTIONS BY MR. BUCHANAN: 9 Q. Released either through the PRD 10 burning or your vent and burn procedure. 11 Right, sir? 12 MS. PETTY: Objection. 13 THE WITNESS: Whatever the 14 total of those five totals are, yes. 15 QUESTIONS BY MR. BUCHANAN: 16 Q. Nip it and a million pounds of 17 vinyl chloride burned up. 18 Right? 19 MS. PETTY: Objection. 20 THE WITNESS: Whatever the 21 total volume is listed there, that's 22 what was consumed. 23 QUESTIONS BY MR. BUCHANAN: 24 Q. That's one of those HAZMAT 25 cars, right? Or HAZMAT substances, vinyl</p>

<p style="text-align: right;">Page 218</p> <p>1 chloride?</p> <p>2 A. Yes.</p> <p>3 Q. Burned off a lot of lube oil,</p> <p>4 too.</p> <p>5 Right?</p> <p>6 MS. PETTY: Objection.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Petroleum lube oil?</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: I believe there</p> <p>11 was lube oil burned in the fire, yes.</p> <p>12 QUESTIONS BY MR. BUCHANAN:</p> <p>13 Q. If we can go down, maybe you</p> <p>14 can orient us, sir, to those cars, those</p> <p>15 petroleum lube oil cars that burned off.</p> <p>16 Where are they in this chart?</p> <p>17 Is that at line number 41 and</p> <p>18 line number 42?</p> <p>19 A. Yes.</p> <p>20 Q. As indicated in the column, not</p> <p>21 the actual lines on the page, but...</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Line 41 is -- what is</p> <p>24 that, UTLX100055?</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 220</p> <p>1 MS. PETTY: Objection.</p> <p>2 QUESTIONS BY MR. BUCHANAN:</p> <p>3 Q. How about all of that polyvinyl</p> <p>4 chloride that was burned off? Separate from</p> <p>5 the vinyl chloride, there were cars with</p> <p>6 polyvinyl chloride pellets in it.</p> <p>7 Right?</p> <p>8 MS. PETTY: Objection.</p> <p>9 THE WITNESS: Yes.</p> <p>10 QUESTIONS BY MR. BUCHANAN:</p> <p>11 Q. How many hundreds of thousands</p> <p>12 of pounds of polyvinyl chloride was burned,</p> <p>13 sir?</p> <p>14 A. I cannot quantify, but most of</p> <p>15 the polyvinyl chloride was containerized and</p> <p>16 shipped to landfill.</p> <p>17 Q. I'm sorry. Let's take a look</p> <p>18 at this then.</p> <p>19 Go on to page 2, sir, row 54.</p> <p>20 MR. FUKUMURA: .3?</p> <p>21 MR. BUCHANAN: Oh, I'm sorry.</p> <p>22 Thank you.</p> <p>23 QUESTIONS BY MR. BUCHANAN:</p> <p>24 Q. If you go to the next page --</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 219</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Petroleum lube oil,</p> <p>3 double comp car.</p> <p>4 What is double comp car?</p> <p>5 A. Double compartment.</p> <p>6 Q. Excuse me.</p> <p>7 Both breached. Entire load</p> <p>8 lost.</p> <p>9 Right?</p> <p>10 A. Yes.</p> <p>11 Q. 150,000 pounds of petroleum</p> <p>12 lube oil spilled or consumed in fire.</p> <p>13 Right?</p> <p>14 A. Yes.</p> <p>15 Q. So, too, right under that we</p> <p>16 got another one. Tank breached, petroleum</p> <p>17 lube oil, 150,000 pounds.</p> <p>18 What happened to that</p> <p>19 150,000 pounds in that car, sir?</p> <p>20 A. It was either released or</p> <p>21 consumed in fire.</p> <p>22 Q. Spilled and/or consumed in</p> <p>23 fire.</p> <p>24 Right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 221</p> <p>1 Q. -- .3, under line number</p> <p>2 there's a 54, ROIX57782.</p> <p>3 Struggling with my eyes on that</p> <p>4 one.</p> <p>5 A. Which line number?</p> <p>6 Q. 54.</p> <p>7 A. Okay.</p> <p>8 Q. Polyvinyl involved in fire.</p> <p>9 What is it, about 197 pounds -- 197,000</p> <p>10 pounds, sir?</p> <p>11 A. I'm struggling myself. Yes.</p> <p>12 Q. It says, "Product partially</p> <p>13 burned. Remaining load is," and we don't</p> <p>14 have the rest of the cell.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And that's true for the</p> <p>18 one above it as well, 184,000 pounds.</p> <p>19 Right?</p> <p>20 MR. FUKUMURA: What is true?</p> <p>21 Objection.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. Product partially burned.</p> <p>24 A. Yes.</p> <p>25 Q. Remaining load is -- yeah.</p>

<p style="text-align: right;">Page 222</p> <p>1 Do you know how many pounds of</p> <p>2 the polyvinyl chloride, sir, burned?</p> <p>3 MR. FUKUMURA: Objection.</p> <p>4 Asked and answered.</p> <p>5 THE WITNESS: I do not.</p> <p>6 QUESTIONS BY MR. BUCHANAN:</p> <p>7 Q. These are hopper cars?</p> <p>8 A. Yes.</p> <p>9 Q. Was there a sharper estimate of</p> <p>10 how much -- what the quantity was of the</p> <p>11 polyvinyl chloride that burned?</p> <p>12 MR. FUKUMURA: Objection.</p> <p>13 THE WITNESS: I don't have one.</p> <p>14 QUESTIONS BY MR. BUCHANAN:</p> <p>15 Q. Okay. Weights that were hauled</p> <p>16 off-site, for example?</p> <p>17 MS. PETTY: Objection.</p> <p>18 THE WITNESS: Those could be</p> <p>19 located, but it was several months</p> <p>20 before those boxes were allowed to</p> <p>21 leave the site.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. You have records of the weight</p> <p>24 of the polyvinyl chloride that left the site?</p> <p>25 A. Yes, we should.</p>	<p style="text-align: right;">Page 224</p> <p>1 QUESTIONS BY MR. BUCHANAN:</p> <p>2 Q. Yeah, first I'm reading the</p> <p>3 column. It says "Status After Derailment."</p> <p>4 Do you see that column?</p> <p>5 A. Yes.</p> <p>6 Q. Yeah.</p> <p>7 Status After Derailment, it</p> <p>8 says "burned."</p> <p>9 Right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you've told us, sir,</p> <p>12 that these were partially burned. Some of</p> <p>13 the product was withdrawn from the site at</p> <p>14 some later point in time?</p> <p>15 A. Yes.</p> <p>16 Q. And there's a weight probably</p> <p>17 somewhere for how much was taken away.</p> <p>18 Right?</p> <p>19 A. Yes.</p> <p>20 Q. Where are those weights logged,</p> <p>21 sir?</p> <p>22 A. They would be part of the</p> <p>23 manifest, hazardous waste manifest system,</p> <p>24 for those loads.</p> <p>25 Q. Okay. Do you have access to</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. And you see on the first page,</p> <p>2 too, sir, there's another couple of cars of</p> <p>3 polyvinyl chloride that burned.</p> <p>4 Right?</p> <p>5 MR. FUKUMURA: Objection.</p> <p>6 THE WITNESS: Yes.</p> <p>7 QUESTIONS BY MR. BUCHANAN:</p> <p>8 Q. Car 39 and Car 40?</p> <p>9 I'm sorry, I'm using that as</p> <p>10 cars, but that's the line number.</p> <p>11 Right?</p> <p>12 A. Yes.</p> <p>13 Q. 39, 40.</p> <p>14 ROIX57036 and also NCUX40057.</p> <p>15 Do you see those?</p> <p>16 A. Yes.</p> <p>17 Q. Status after derailment --</p> <p>18 excuse me. Status after derailment, it says</p> <p>19 "burned."</p> <p>20 Right?</p> <p>21 A. "Product" --</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: "Product</p> <p>24 partially burned."</p> <p>25</p>	<p style="text-align: right;">Page 225</p> <p>1 that system?</p> <p>2 A. I don't have direct access to</p> <p>3 them. So they would be in EPA records as</p> <p>4 well as Norfolk Southern records.</p> <p>5 Q. How would you get a copy of</p> <p>6 those records, sir, reflecting how much load</p> <p>7 was recovered from each of these cars?</p> <p>8 A. I'm assuming I would just ask</p> <p>9 somebody who is in charge of the data portal</p> <p>10 for the site.</p> <p>11 Q. Okay. And who would that</p> <p>12 person be or a person be that would do that?</p> <p>13 A. I think I -- anybody in our</p> <p>14 department can probably -- in management in</p> <p>15 our department, probably.</p> <p>16 Q. All right. Thank you, sir.</p> <p>17 I'm looking at the release of</p> <p>18 polyethylene, sir.</p> <p>19 Do you see that? First two</p> <p>20 lines on --</p> <p>21 A. Yes.</p> <p>22 Q. -- first page?</p> <p>23 A. Yes.</p> <p>24 Q. .2?</p> <p>25 A. Yes.</p>

1 Q. I guess it's P254.2.
 2 It says, "Commodity,
 3 polyethylene. Status after derailment" --
 4 What's it say?
 5 A. "Lading destroyed by fire."
 6 Q. So, too, with the second car?
 7 A. Yes.
 8 Q. Okay. And to the extent
 9 there's indication on any of these items in
 10 here that a load was only partially burned or
 11 partially recovered, there's a way to
 12 identify how much was recovered.
 13 Right?
 14 MS. PETTY: Objection.
 15 THE WITNESS: With regards to
 16 the polyvinyl and the polyethylene,
 17 yes, because those are solid waste.
 18 Anything that was collected as part of
 19 excavations, no.
 20 QUESTIONS BY MR. BUCHANAN:
 21 Q. The name of the system, sir,
 22 that tracks that information? As best you
 23 know.
 24 A. It's just the Norfolk
 25 Southern's records data for the incident.

1 Q. Okay. Record here, sir, that
 2 the ethylhexyl acrylate was released.
 3 Do you see that?
 4 A. Yes.
 5 MS. PETTY: Objection.
 6 QUESTIONS BY MR. BUCHANAN:
 7 Q. Line 15?
 8 A. Yes.
 9 Q. Entire load lost in the spill.
 10 Right?
 11 A. Yes.
 12 Q. Polypropyl glycol released. Do
 13 you see that, line 22, sir? 200,000 pounds
 14 spilled or consumed in the fire.
 15 Right?
 16 A. What line?
 17 Q. I think it's line 22.
 18 A. I don't have a line 22.
 19 MR. FUKUMURA: Yeah, you have
 20 lines that are not on the document.
 21 MS. PETTY: We don't have
 22 line 15 or --
 23 MR. BUCHANAN: Oh, I'm sorry.
 24 Let me correlate with the actual name,
 25 guys. Apologies, sir.

1 QUESTIONS BY MR. BUCHANAN:
 2 Q. Polypropyl glycol, we can find
 3 it by the commodity.
 4 Do you see it listed there,
 5 sir?
 6 A. Yes.
 7 Q. It's about 200,000 pounds?
 8 MR. FUKUMURA: What line is it
 9 on the exhibit?
 10 QUESTIONS BY MR. BUCHANAN:
 11 Q. Can you identify the car number
 12 for your counsel, sir?
 13 A. Well, I'm trying to -- did
 14 you -- what was the name of the product you
 15 said again?
 16 Q. Polypropyl --
 17 A. Polypropyl.
 18 Q. -- glycol, 45. It's CERX30072.
 19 A. Yes.
 20 Q. 200,000 pounds was the load.
 21 200,000 spilled and/or consumed in fire.
 22 Do you see that?
 23 A. Yes.
 24 Q. For each of these items, sir, I
 25 take it you would endeavor to be as accurate

1 as you could in terms of capturing the amount
 2 of spill or burned quantities?
 3 MR. FUKUMURA: Objection.
 4 MS. PETTY: Objection.
 5 THE WITNESS: Yes.
 6 (Wood Exhibit 15 marked for
 7 identification.)
 8 QUESTIONS BY MR. BUCHANAN:
 9 Q. Let's turn back to -- you can
 10 set that aside, sir.
 11 I want to talk about that
 12 subpoena. Can I have P181?
 13 Passing you, sir, what we're
 14 marking as Exhibit 15 to your deposition,
 15 it's a copy of a subpoena that was served on
 16 you through counsel relating to request for
 17 documents and ultimately your deposition.
 18 Have you seen it before?
 19 A. I probably have if it went to
 20 NS. I would have never seen it if they sent
 21 it to the address on this subpoena.
 22 Q. Okay. I believe we sent it
 23 through NS, but we'll check that.
 24 Go to .7, Request for
 25 Production.

<p style="text-align: right;">Page 230</p> <p>1 A. Yes.</p> <p>2 Q. Just want to know whether these</p> <p>3 look familiar to you, sir.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Item 3, "All video or</p> <p>6 audio recordings related to," and then</p> <p>7 there's three items?</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. "The inspection or maintenance</p> <p>11 of Train 32N, the derailment, the controlled</p> <p>12 release and/or assessment of remediation and</p> <p>13 cleanup of associated contamination."</p> <p>14 Do you see those?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did you conduct a search</p> <p>17 for that information, sir?</p> <p>18 MR. FUKUMURA: Objection.</p> <p>19 MS. PETTY: Objection.</p> <p>20 THE WITNESS: I did not, but a</p> <p>21 search was done.</p> <p>22 QUESTIONS BY MR. BUCHANAN:</p> <p>23 Q. Do you remember using your</p> <p>24 personal e-mail, sir, to send documents</p> <p>25 around?</p>	<p style="text-align: right;">Page 232</p> <p>1 MS. PETTY: Objection.</p> <p>2 THE WITNESS: If it was used,</p> <p>3 it had to be when an e-mail -- a photo</p> <p>4 was e-mailed.</p> <p>5 QUESTIONS BY MR. BUCHANAN:</p> <p>6 Q. Right.</p> <p>7 And you saw in the subpoena we</p> <p>8 asked for copies of movies or videos or</p> <p>9 pictures or things like that that you had in</p> <p>10 your possession, custody or control? Saw</p> <p>11 that in the subpoena?</p> <p>12 A. I saw that, yes.</p> <p>13 Q. You still have access to your</p> <p>14 Yahoo! account?</p> <p>15 A. Yes.</p> <p>16 Q. Did you search it to share with</p> <p>17 us the information you had responsive to our</p> <p>18 subpoena?</p> <p>19 A. I did not.</p> <p>20 MS. PETTY: Objection.</p> <p>21 QUESTIONS BY MR. BUCHANAN:</p> <p>22 Q. Did you make it available to</p> <p>23 your counsel to search your personal e-mail?</p> <p>24 A. This would have had to come</p> <p>25 from my iPhone, so it would have been on my</p>
<p style="text-align: right;">Page 231</p> <p>1 MS. PETTY: Objection.</p> <p>2 THE WITNESS: Not to my</p> <p>3 knowledge.</p> <p>4 (Wood Exhibit 16 marked for</p> <p>5 identification.)</p> <p>6 QUESTIONS BY MR. BUCHANAN:</p> <p>7 Q. Passing you, sir, what we've</p> <p>8 marked as Exhibit 16 to your deposition.</p> <p>9 Sir, I'll represent to you that</p> <p>10 counsel for Norfolk Southern told us that you</p> <p>11 didn't have anything in your personal</p> <p>12 accounts or personal devices -- sorry.</p> <p>13 Individual counsel -- my</p> <p>14 apologies -- represented you didn't have</p> <p>15 anything on your personal devices on personal</p> <p>16 accounts.</p> <p>17 This Robert Wood@yahoo.com, do</p> <p>18 you see that e-mail?</p> <p>19 A. Yes.</p> <p>20 Q. Is that your personal e-mail</p> <p>21 account, sir?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And during the course of</p> <p>24 this derailment and response, you were using</p> <p>25 your personal e-mail while in the field?</p>	<p style="text-align: right;">Page 233</p> <p>1 iPhone.</p> <p>2 Q. Is your iPhone your work phone?</p> <p>3 A. Yes.</p> <p>4 MR. BUCHANAN: Okay. Did --</p> <p>5 Counsel, did you search the witness'</p> <p>6 personal e-mail accounts?</p> <p>7 MR. FUKUMURA: Everything --</p> <p>8 did we search his --</p> <p>9 MR. BUCHANAN: We didn't get</p> <p>10 this.</p> <p>11 MR. FUKUMURA: It's on his work</p> <p>12 computer.</p> <p>13 MR. BUCHANAN: Only because he</p> <p>14 sent it to work.</p> <p>15 MR. FUKUMURA: It's the same --</p> <p>16 anyway, I'm asking right now.</p> <p>17 MR. BUCHANAN: Okay. Thank</p> <p>18 you.</p> <p>19 QUESTIONS BY MR. BUCHANAN:</p> <p>20 Q. All right. Do you still have</p> <p>21 your e-mails from this period of time, sir?</p> <p>22 A. I'm assuming I do.</p> <p>23 Q. Okay. You still have the</p> <p>24 videos and other things on that device that</p> <p>25 you took when you were at the site?</p>

<p style="text-align: right;">Page 234</p> <p>1 MS. PETTY: Objection. 2 THE WITNESS: My mobile device? 3 QUESTIONS BY MR. BUCHANAN: 4 Q. Yes, sir. 5 A. I would assume so. I haven't 6 taken anything off of it related to East 7 Palestine. 8 Q. Pictures, movies, you were 9 taking those while you were on site? 10 A. I have no videos that I know 11 of. I may have some photos. 12 Q. Well, this is a video. 13 Right? 14 MS. PETTY: Objection. 15 (Wood Exhibit 17 marked for 16 identification.) 17 QUESTIONS BY MR. BUCHANAN: 18 Q. Oh, I'm sorry. Pass that over. 19 We're looking here, sir, at 20 P252 -- 21 A. Yes. 22 Q. -- which is Exhibit 17, an 23 e-mail from yourself to yourself, from your 24 personal e-mail to your work e-mail. 25 Right?</p>	<p style="text-align: right;">Page 236</p> <p>1 the record, Counsel? 2 MR. FUKUMURA: Yeah. 3 MS. PETTY: Yeah. 4 MR. BUCHANAN: Okay. You guys 5 want to take a lunch break now? 6 MR. FUKUMURA: Sure. 7 VIDEOGRAPHER: We are now going 8 off the video record. The time is 9 currently 12:01 p.m. {sic} 10 (Off the record at 1:01 p.m.) 11 VIDEOGRAPHER: We are now back 12 on the video record. The time is 13 currently 1:41 p.m. 14 DIRECT EXAMINATION 15 QUESTIONS BY MS. BROZ: 16 Q. Good afternoon, Mr. Wood. My 17 name is Alycia Broz, and I represent Oxy 18 Vinyls in this litigation. 19 Are you aware that Norfolk 20 Southern has sued Oxy Vinyls? 21 A. I am. 22 Q. Okay. And I'm going to be 23 jumping around, and I apologize for that. It 24 happens when you go second in a deposition. 25 So I'll try to do my best to keep you</p>
<p style="text-align: right;">Page 235</p> <p>1 A. Yes. 2 Q. Forwarding a movie? 3 A. Yes. Apparently my company 4 phone was using a personal e-mail address. 5 It's the only thing I can figure. 6 MR. BUCHANAN: Okay. We'll 7 just call for production, sir, and ask 8 counsel to work with you to search 9 your devices to ensure that we've got 10 all the responsive information to our 11 subpoena. 12 MR. FUKUMURA: We've searched 13 his devices, so the question -- I 14 understand what the issue is. I'm 15 e-mailing about that right now. 16 MR. BUCHANAN: That's fine. 17 We're marking it, and we'll revisit if 18 we need to. 19 At this point, sir, I'm going 20 to -- I have more questions for you, 21 but we have limited time, so I'm going 22 to allow other counsel to conduct 23 their examinations now. 24 THE WITNESS: Okay. 25 MR. BUCHANAN: Okay to go off</p>	<p style="text-align: right;">Page 237</p> <p>1 apprised of where I am. 2 If you don't understand where I 3 am or what I'm referring to, would you let me 4 know that? 5 A. Yes. 6 Q. Thank you. 7 Earlier today you said that you 8 used an iPhone device for receiving text 9 messages. 10 Is that correct? 11 A. Yes. 12 Q. Okay. And is it the same 13 iPhone that you have today that you had -- 14 let me start that again. 15 On February 3rd of 2023, you 16 had an iPhone at that time as well. 17 Correct? 18 A. Yes. 19 Q. And it's the same iPhone that 20 you're using today? 21 A. I think it's -- I have a new 22 one. 23 Q. Okay. 24 A. I don't remember when that 25 phone was replaced.</p>

1 Q. It was --

2 A. Or if it was that phone. I'll
3 be honest with you, I'm not sure.

4 Q. Okay. Between February 3,
5 2023, and today, you've replaced your iPhone?

6 MS. PETTY: Objection.

7 THE WITNESS: It's a company
8 iPhone. I think it's been replaced,
9 but I would have to double-check that
10 to see.

11 QUESTIONS BY MS. BROZ:

12 Q. Okay. And what would you need
13 to check to determine if you received a new
14 iPhone between February 3, 2023, and today?

15 A. Check back with our tech folks.

16 Q. And when you receive an iPhone
17 from the company, do you also use it for
18 personal messaging or personal e-mails?

19 A. Probably. I don't carry a
20 personal phone.

21 Q. And are you aware that on your
22 iPhone there's a text -- you can -- there are
23 text message settings that you can change or
24 alter?

25 A. Not really.

1 Q. Do you know if your text
2 message setting on your iPhone is set to
3 delete your text messages after 30 days?

4 A. I do not know.

5 Q. Do you know if the text
6 messaging setting on your iPhone is set to
7 keep messages forever?

8 A. I do not know.

9 Q. Did you receive a hold -- a
10 document hold notice from either your counsel
11 or counsel for Norfolk Southern after the
12 vent and burn on February 6, 2023?

13 A. I received a document hold at
14 some time. I don't know exactly when, but,
15 yes.

16 Q. And did that document hold
17 notice tell you to suspend all deletion of
18 any messages that you would have either on
19 your iPhone or in your e-mails?

20 A. I believe so.

21 Q. And did you take any steps to
22 check your text message setting on your
23 iPhone to determine whether your text
24 messages were being deleted?

25 A. I did not.

1 Q. Did you hand your iPhone over
2 to counsel for Norfolk Southern after
3 receiving that hold notice?

4 A. Yes.

5 Q. And do you recall approximately
6 when you did that?

7 A. I don't -- I don't know the
8 exact date. I believe it was sometime in the
9 spring.

10 Q. And at the time that you turned
11 over your iPhone to Norfolk Southern or its
12 counsel, did you check to see if the text
13 messages from the February 3rd through
14 February 6, 2023 time period were still on
15 your iPhone?

16 A. I did not.

17 Q. Did you look back at those text
18 messages at any time?

19 A. I may have. I -- but I don't
20 know.

21 Q. Okay. And when you received
22 that hold notice from Norfolk Southern or its
23 counsel, did you also suspend all deletion of
24 your personal e-mail address at the yahoo.com
25 e-mail address?

1 A. I don't know.

2 Q. Did you take any steps to
3 suspend deletion of messages that were on
4 your personal Yahoo! e-mail account?

5 A. I have done nothing with
6 settings on my personal e-mail account.

7 Q. Do you know how often e-mail
8 messages on your personal Yahoo! e-mail
9 account are deleted?

10 A. I do not.

11 Q. Okay. Let's turn to what was
12 previously marked as Deposition Exhibit 1, if
13 you have that in front of you.

14 A. Yes.

15 Q. Do you have that in front of
16 you?

17 A. Yes.

18 Q. You previously identified this
19 as your interview transcript in front of the
20 NTSB that was taken on February 8, 2023.
21 Correct?

22 A. Yes.

23 Q. Let's turn to page 23 of that
24 transcript.

25 A. Page 23 or dot.

<p style="text-align: right;">Page 242</p> <p>1 CHRIS RITONA: PDF page or --</p> <p>2 MS. BROZ: The actual page of</p> <p>3 the transcript in the top right-hand</p> <p>4 corner.</p> <p>5 CHRIS RITONA: So we're off by</p> <p>6 one.</p> <p>7 MS. BROZ: .24, page 23. Thank</p> <p>8 you.</p> <p>9 QUESTIONS BY MS. BROZ:</p> <p>10 Q. Do you have that in front of</p> <p>11 you?</p> <p>12 A. I'm looking for what?</p> <p>13 Q. Page 23. The actual page</p> <p>14 number of the document.</p> <p>15 A. Page 23?</p> <p>16 Q. Yes.</p> <p>17 A. Yes, I'm sorry. I had to peel</p> <p>18 it back to see the page number.</p> <p>19 Q. Do you see where it says line</p> <p>20 numbers on the left-hand side of the page?</p> <p>21 A. Yes.</p> <p>22 Q. Can you go to line 5, please?</p> <p>23 A. Yes.</p> <p>24 Q. And tell me if I read this</p> <p>25 correctly. And it says, "And that car was</p>	<p style="text-align: right;">Page 244</p> <p>1 The car is standing upright.</p> <p>2 The pipe at the base of the PRD is in the</p> <p>3 vapor space. The car gets turned to its</p> <p>4 side, it's in the liquid phase of the car.</p> <p>5 Q. So you are not saying in this</p> <p>6 testimony that somehow the car was leaking</p> <p>7 liquid from it?</p> <p>8 A. It would have been discharging</p> <p>9 liquid out that PRD.</p> <p>10 Q. And what is your basis for your</p> <p>11 understanding that it was discharging liquid</p> <p>12 from out the PRD?</p> <p>13 A. The position of the PRD.</p> <p>14 Q. Anything else other than the</p> <p>15 position of the PRD?</p> <p>16 A. No.</p> <p>17 Q. Did you see it discharging</p> <p>18 liquid from the PRD?</p> <p>19 A. No. Just there was fire.</p> <p>20 Q. Did anybody report to you that</p> <p>21 it was discharging liquid from the PRD?</p> <p>22 A. No.</p> <p>23 Q. So you assume that it was</p> <p>24 discharging liquid from the PRD solely based</p> <p>25 upon the orientation of the tank car?</p>
<p style="text-align: right;">Page 243</p> <p>1 also oriented a little different, too. So it</p> <p>2 was in a liquid phase to begin with, which is</p> <p>3 more than likely made the fire worse under --</p> <p>4 when it was just jetting, it was throwing</p> <p>5 liquid out."</p> <p>6 Do you see that testimony?</p> <p>7 A. Yes.</p> <p>8 Q. And which car were you</p> <p>9 referring to when you were talking about the</p> <p>10 car being in the liquid phase?</p> <p>11 MR. FUKUMURA: You can look at</p> <p>12 the preceding page as well.</p> <p>13 THE WITNESS: Yeah, that's what</p> <p>14 I'm looking at.</p> <p>15 Yes, it would have been the car</p> <p>16 of the greatest concern.</p> <p>17 QUESTIONS BY MS. BROZ:</p> <p>18 Q. So would that be OCPX80370?</p> <p>19 A. Yes.</p> <p>20 Q. And what is the basis for your</p> <p>21 understanding that car OCPX80370 was,</p> <p>22 quote/unquote, in the liquid phase?</p> <p>23 A. The orientation of the car and</p> <p>24 the position of the valves on the car,</p> <p>25 specifically the PRD.</p>	<p style="text-align: right;">Page 245</p> <p>1 A. Yes. The base of the PRD would</p> <p>2 have been in the liquid.</p> <p>3 Q. That wasn't my question.</p> <p>4 Were you assuming that it was</p> <p>5 discharging liquid because of the orientation</p> <p>6 of the tank car?</p> <p>7 A. Yes.</p> <p>8 MR. FUKUMURA: Objection.</p> <p>9 THE WITNESS: Yes.</p> <p>10 QUESTIONS BY MS. BROZ:</p> <p>11 Q. Let's go to line 11 on that</p> <p>12 page.</p> <p>13 VIDEOGRAPHER: We may need to</p> <p>14 go off the record.</p> <p>15 MS. BROZ: Okay. Let's go off</p> <p>16 the record a second.</p> <p>17 VIDEOGRAPHER: We are now going</p> <p>18 off the video record. The time is</p> <p>19 currently 1:50 p.m.</p> <p>20 (Off the record at 1:50 p.m.)</p> <p>21 VIDEOGRAPHER: We are now back</p> <p>22 on the video record. The time is</p> <p>23 currently 1:51 p.m.</p> <p>24 QUESTIONS BY MS. BROZ:</p> <p>25 Q. I apologize. Let's go to</p>

<p style="text-align: right;">Page 246</p> <p>1 line 21 of that page.</p> <p>2 A. Yes.</p> <p>3 Q. In answer to the question, "And</p> <p>4 what does that do to the pressure relief</p> <p>5 device?" you answered, "It will operate, but</p> <p>6 it doesn't relieve pressure as fast because</p> <p>7 it's pushing liquid."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Was OCPX80370 in fact pushing</p> <p>11 liquid?</p> <p>12 A. My belief is yes.</p> <p>13 Q. Based upon what?</p> <p>14 A. The position of the PRD.</p> <p>15 Q. Any other basis to conclude</p> <p>16 that OCPX80370 was pushing liquid?</p> <p>17 A. No.</p> <p>18 Q. Do you have any video evidence</p> <p>19 showing OCPX80370 pushing liquid out of the</p> <p>20 PRD?</p> <p>21 A. Just the video of fire coming</p> <p>22 from the PRD.</p> <p>23 Q. Fire and nothing else?</p> <p>24 A. That's it.</p> <p>25 Q. Do you have any pictures of it</p>	<p style="text-align: right;">Page 248</p> <p>1 QUESTIONS BY MS. BROZ:</p> <p>2 Q. So it's your opinion that once</p> <p>3 monomer exits from a PRD and reacts with</p> <p>4 oxygen, it will automatically polymerize?</p> <p>5 MS. PETTY: Objection.</p> <p>6 THE WITNESS: It's my</p> <p>7 understanding it can.</p> <p>8 QUESTIONS BY MS. BROZ:</p> <p>9 Q. Was the monomer that allegedly</p> <p>10 was exiting from OCPX80370 polymerizing once</p> <p>11 it met with oxygen outside the vinyl chloride</p> <p>12 tank car?</p> <p>13 MS. PETTY: Objection.</p> <p>14 THE WITNESS: I do not know.</p> <p>15 QUESTIONS BY MS. BROZ:</p> <p>16 Q. Did you find any polymer -- let</p> <p>17 me strike that.</p> <p>18 Did you find any polymerized</p> <p>19 vinyl chloride outside of OCPX80370 when you</p> <p>20 had an opportunity to inspect the tank cars?</p> <p>21 A. I did not inspect the tank</p> <p>22 cars.</p> <p>23 Q. How about when your responders</p> <p>24 inspected the tank cars? Did they find any</p> <p>25 polymerized vinyl chloride outside of</p>
<p style="text-align: right;">Page 247</p> <p>1 pushing liquid out of the pressure relief</p> <p>2 device?</p> <p>3 A. I see fire from the PRD.</p> <p>4 Q. Just fire?</p> <p>5 A. Yes.</p> <p>6 Q. Nothing else?</p> <p>7 A. Correct.</p> <p>8 Q. You never saw liquid?</p> <p>9 A. Fire.</p> <p>10 Q. Just fire?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Let's go to line 24.</p> <p>13 So you say, "So it's pushing</p> <p>14 that monomer that wants to polymerize when it</p> <p>15 gets some oxygen out through the ports."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. What is your basis that the</p> <p>19 minute the stabilized vinyl chloride that was</p> <p>20 in OCPX80370 went through the port that it</p> <p>21 would automatically polymerize?</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: The polymer</p> <p>24 exiting the PRD. Or, excuse me, the</p> <p>25 monomer exiting the PRD.</p>	<p style="text-align: right;">Page 249</p> <p>1 OCPX80370?</p> <p>2 A. No, just evidence of fire.</p> <p>3 Q. Do you have any evidence -- or</p> <p>4 let me strike that.</p> <p>5 Based upon your knowledge, were</p> <p>6 the PRDs activating properly in the five tank</p> <p>7 cars containing vinyl chloride?</p> <p>8 MR. FUKUMURA: Objection.</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: The PR -- the</p> <p>11 PRDs on the five vinyl chloride cars</p> <p>12 did operate.</p> <p>13 QUESTIONS BY MS. BROZ:</p> <p>14 Q. You can set that aside.</p> <p>15 MR. FUKUMURA: You can set that</p> <p>16 exhibit aside.</p> <p>17 (Wood Exhibit 18 marked for</p> <p>18 identification.)</p> <p>19 QUESTIONS BY MS. BROZ:</p> <p>20 Q. We're going to mark a new</p> <p>21 exhibit, Mr. Wood.</p> <p>22 All right. Mr. Wood, I hand</p> <p>23 you what we've marked as Deposition</p> <p>24 Exhibit 18 and ask you if you recognize this.</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 250</p> <p>1 Q. What is it?</p> <p>2 A. It's an incident status report.</p> <p>3 Q. Is this also known as a form</p> <p>4 201?</p> <p>5 A. No.</p> <p>6 Q. It is not?</p> <p>7 A. No.</p> <p>8 Q. What is a form 201?</p> <p>9 A. Form 201 is a NIMS ICS briefing</p> <p>10 form.</p> <p>11 Q. And were form 201s being</p> <p>12 completed between February 3rd and</p> <p>13 February 6th of 2023, following the tank</p> <p>14 car -- the train derailment in East</p> <p>15 Palestine?</p> <p>16 A. I believe unified command was.</p> <p>17 That would have been one of their functions.</p> <p>18 Q. So these were internal -- these</p> <p>19 incidence status reports were internal</p> <p>20 Norfolk Southern forms?</p> <p>21 A. This is a Norfolk Southern</p> <p>22 form, but it was shared outside of Norfolk</p> <p>23 Southern.</p> <p>24 Q. And what was the purpose of</p> <p>25 preparing and completing the incident status</p>	<p style="text-align: right;">Page 252</p> <p>1 A. Yes.</p> <p>2 Q. It says, "Status report date is</p> <p>3 2/4/2023."</p> <p>4 Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And it's from 7 p.m. on</p> <p>7 February 4th through 7 a.m. on February 5th.</p> <p>8 Is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And this would be operational</p> <p>11 period 3?</p> <p>12 MS. PETTY: Objection.</p> <p>13 THE WITNESS: I'm not sure.</p> <p>14 QUESTIONS BY MS. BROZ:</p> <p>15 Q. Okay. Why don't you tell me</p> <p>16 how you calculate operational periods.</p> <p>17 A. It varies by incidents.</p> <p>18 Q. All right. How about for this</p> <p>19 incident?</p> <p>20 A. I believe these were being done</p> <p>21 twice a day, I think, at shift change. I</p> <p>22 think. Some incidents they're done just</p> <p>23 every morning. It depends.</p> <p>24 Q. And when was shift change?</p> <p>25 A. Generally 6 a.m. to 6 p.m.</p>
<p style="text-align: right;">Page 251</p> <p>1 reports?</p> <p>2 A. To provide an incident update</p> <p>3 to NS personnel as well as any regulatory</p> <p>4 agency that wanted it.</p> <p>5 Q. And who prepared these incident</p> <p>6 status reports for Norfolk Southern?</p> <p>7 A. It would have been one of the</p> <p>8 HAZMAT managers on --</p> <p>9 Q. Do you know who?</p> <p>10 A. I was responsible for some of</p> <p>11 them. Jon Simpson would have done some of</p> <p>12 them. Probably most of them were done by Jon</p> <p>13 Simpson, I think.</p> <p>14 Q. Do you know which ones you</p> <p>15 prepared as compared to which ones</p> <p>16 Mr. Simpson prepared?</p> <p>17 A. I do not recall.</p> <p>18 Q. If you look at the top of --</p> <p>19 I'm going to go by Bates numbers -- NS-CA,</p> <p>20 and the last three digits are 572.</p> <p>21 Do you see at the bottom corner</p> <p>22 there?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Okay. Can you go to the top of</p> <p>25 that page?</p>	<p style="text-align: right;">Page 253</p> <p>1 6 p.m. to 6 a.m.</p> <p>2 Q. Do you know why this one is</p> <p>3 labeled 7 p.m. to 7 a.m.?</p> <p>4 A. That's generally when</p> <p>5 operational periods are, and you have an</p> <p>6 overlap in personnel.</p> <p>7 Q. So at the end of an operational</p> <p>8 period, you'll complete an incident status</p> <p>9 report?</p> <p>10 A. Correct. Someone will.</p> <p>11 Q. And you will do that every</p> <p>12 12 hours?</p> <p>13 A. On some incidents.</p> <p>14 Q. How about this incident?</p> <p>15 A. I believe so. At least for a</p> <p>16 period of time.</p> <p>17 Q. You believe that one was</p> <p>18 created every 12 hours?</p> <p>19 A. I believe.</p> <p>20 Q. Do you know whether you</p> <p>21 prepared what we've marked as Deposition</p> <p>22 Exhibit 18?</p> <p>23 A. I do not.</p> <p>24 Q. Is there a way of telling who</p> <p>25 prepared this form?</p>

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1 A. I don't think so.
 2 Q. Where do you go -- let me start
 3 that again.
 4 Is there a computer system that
 5 you go to to complete these forms at the end
 6 of a shift change?
 7 A. This is just a Word document.
 8 Q. And where is the Word document
 9 stored?
 10 A. Before or after?
 11 Q. After you're done completing
 12 it.
 13 A. I think everything from East
 14 Palestine went to the server file for the --
 15 Q. What is the name of that file
 16 you saved it on?
 17 A. The server file was set up in
 18 our SharePoint system. I'll be honest, I
 19 think it's just the derailment name.
 20 Q. Okay. Can you turn to what
 21 we've marked as -- the last Bate -- three
 22 digits of the Bates number are 574?
 23 A. Yes.
 24 Q. And do you see at the top there
 25 it says "vinyl chloride" under the yellow

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1 heading?
 2 A. Yes.
 3 Q. And it says, "The recovery
 4 plan," and it says, "Currently in situ."
 5 A. Yes.
 6 Q. Do you know what that means?
 7 A. That it's still in its -- where
 8 it was originally at.
 9 Q. And where was it originally at?
 10 A. Inside the cars.
 11 Q. And I want you to pick another
 12 document for me, what we've marked previously
 13 as Wood Deposition Exhibit 3.
 14 Do you have that in front of
 15 you?
 16 A. Which one was it? 3, yes.
 17 Q. Keep both of them in front of
 18 you, but if you could grab Deposition
 19 Exhibit 3.
 20 A. Oh, yes.
 21 MR. FUKUMURA: That's 2. 3 is
 22 the big one. Oh, yeah, right.
 23 QUESTIONS BY MS. BROZ:
 24 Q. Okay. And if you could turn to
 25 Bates number 336.

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1 MR. FUKUMURA: Can you give us
 2 the dot number, please?
 3 MS. BROZ: .13.
 4 THE WITNESS: Okay.
 5 QUESTIONS BY MS. BROZ:
 6 Q. Do you see the 3.1.1 paragraph?
 7 A. Yes.
 8 Q. In the third line down, it
 9 repeats the language that the vinyl chloride
 10 was sitting in situ.
 11 Correct?
 12 A. Yes.
 13 Q. And then you see that last
 14 sentence there?
 15 It starts with "The release of
 16 vinyl chloride resulted from the functioning
 17 of pressure relief devices and from the
 18 subsequent intentional vent and burn
 19 actions."
 20 A. Yes.
 21 Q. Do you agree with the
 22 statements in this paragraph?
 23 A. Yes.
 24 Q. And you agree with the
 25 statements that were contained in your report

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1 that we previously marked as Deposition
 2 Exhibit 18, that the vinyl chloride was in
 3 situ?
 4 A. Yes.
 5 Q. Earlier today, I believe you
 6 testified that vinyl chloride was being
 7 released from the other valves of the vinyl
 8 chloride cars?
 9 A. Yes.
 10 Q. And what is your basis for that
 11 understanding?
 12 A. Visible burning from around the
 13 valves.
 14 Q. So we're back to the fire
 15 again?
 16 A. Yes.
 17 Q. Any other reason to conclude
 18 that liquid vinyl chloride was leaking from
 19 any of the valves contained on the tank cars?
 20 A. It's reasonable to conclude
 21 that that's vinyl chloride burning.
 22 Q. I understand you're concluding
 23 it's vinyl chloride, but what is your basis
 24 to conclude that liquid vinyl chloride was
 25 released -- was leaking from the valves in

<p style="text-align: right;">Page 258</p> <p>1 the tank cars?</p> <p>2 A. I said vinyl chloride was.</p> <p>3 Q. But not liquid?</p> <p>4 A. I don't know.</p> <p>5 Q. So you're changing your</p> <p>6 testimony from earlier today where you</p> <p>7 testified that liquid vinyl chloride was</p> <p>8 leaking from the valves in the tank cars?</p> <p>9 MS. PETTY: Objection.</p> <p>10 MR. FUKUMURA: Objection.</p> <p>11 THE WITNESS: No.</p> <p>12 What was stated in the record</p> <p>13 here and otherwise is we believed it</p> <p>14 was liquid vinyl chloride burning out</p> <p>15 of the PRD due to the position of it.</p> <p>16 The possibility exists,</p> <p>17 depending on where the fire is coming</p> <p>18 from the valves, it could be liquid,</p> <p>19 it could be vapors. We don't know.</p> <p>20 QUESTIONS BY MS. BROZ:</p> <p>21 Q. I think let's go a step back.</p> <p>22 What is your basis for</p> <p>23 understanding that vinyl chloride, liquid or</p> <p>24 otherwise, was releasing from anything other</p> <p>25 than the PRDs?</p>	<p style="text-align: right;">Page 260</p> <p>1 factual report which we've marked as</p> <p>2 Exhibit 3?</p> <p>3 MS. PETTY: Objection.</p> <p>4 THE WITNESS: Yes.</p> <p>5 QUESTIONS BY MS. BROZ:</p> <p>6 Q. And that wasn't included in</p> <p>7 there.</p> <p>8 Correct?</p> <p>9 A. I don't recall whether it was</p> <p>10 from me. I believe it was from somebody</p> <p>11 else.</p> <p>12 Q. Where is that in this document?</p> <p>13 A. I don't know. I could go look.</p> <p>14 Q. We can go off the record and</p> <p>15 you can look -- you can look all you want.</p> <p>16 A. Okay.</p> <p>17 MS. BROZ: Okay. Let's go off</p> <p>18 the record.</p> <p>19 VIDEOGRAPHER: We are now going</p> <p>20 off the video record. The time is</p> <p>21 currently 2:08 p.m.</p> <p>22 (Off the record at 2:08 p.m.)</p> <p>23 VIDEOGRAPHER: We are now back</p> <p>24 on the video record. The time is</p> <p>25 currently 2:19 p.m.</p>
<p style="text-align: right;">Page 259</p> <p>1 A. The visible fires burning.</p> <p>2 Q. Is it possible that the fires</p> <p>3 were burning as a result of reacting with</p> <p>4 some other chemical other than vinyl</p> <p>5 chloride?</p> <p>6 MS. PETTY: Objection.</p> <p>7 THE WITNESS: No, I don't</p> <p>8 believe so.</p> <p>9 QUESTIONS BY MS. BROZ:</p> <p>10 Q. Other than the fires, did you</p> <p>11 see vinyl chloride leaking from anything else</p> <p>12 other than the P -- let me take that back.</p> <p>13 Let me start my question again.</p> <p>14 Other than the fires, do you</p> <p>15 have any other evidence that vinyl chloride</p> <p>16 was leaking from any other of the valves on</p> <p>17 the vinyl chloride tank cars?</p> <p>18 MR. FUKUMURA: Objection.</p> <p>19 THE WITNESS: No.</p> <p>20 QUESTIONS BY MS. BROZ:</p> <p>21 Q. And if you believe that, in</p> <p>22 fact, vinyl chloride was leaking from the</p> <p>23 valves on the vinyl chloride tank cars, you</p> <p>24 would have the opportunity to include that</p> <p>25 fact in the hazardous materials group chair</p>	<p style="text-align: right;">Page 261</p> <p>1 QUESTIONS BY MS. BROZ:</p> <p>2 Q. Mr. Wood, we went off the</p> <p>3 record for about ten minutes to give you the</p> <p>4 opportunity to review Wood Deposition</p> <p>5 Exhibit 3.</p> <p>6 Correct?</p> <p>7 MR. FUKUMURA: For the record,</p> <p>8 this is 159-page document.</p> <p>9 MS. BROZ: The document speaks</p> <p>10 for itself, Counsel. No speaking</p> <p>11 objections.</p> <p>12 QUESTIONS BY MS. BROZ:</p> <p>13 Q. Did you have an opportunity to</p> <p>14 review Wood Deposition Exhibit 3?</p> <p>15 A. Yes. Part of it.</p> <p>16 Q. And would you like to go off</p> <p>17 the record again to continue to review Wood</p> <p>18 Deposition 3?</p> <p>19 A. No.</p> <p>20 MS. PETTY: We're not going off</p> <p>21 the record again. If you want to use</p> <p>22 your time like this, that's fine, but</p> <p>23 it will count to your time.</p> <p>24 MS. BROZ: I note for the</p> <p>25 record that the -- your opportunity to</p>

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1 review the document was restricted by
 2 your counsel and not by me.
 3 MS. PETTY: Objection.
 4 QUESTIONS BY MS. BROZ:
 5 Q. And I believe that the reason
 6 that we went off the record was for you to
 7 find the citation in Wood Deposition
 8 Exhibit 3 where it states that the valves
 9 were leaking vinyl chloride in the five vinyl
 10 chloride railcars.
 11 Did you find that citation?
 12 A. The first instance of a --
 13 dealing with an angle valve is on .66.
 14 Q. And on .66, does it say
 15 anything about that valve leaking vinyl
 16 chloride after the derailment?
 17 A. It says, "The teardown of the
 18 angle valve, the Midland manufacturing model
 19 A720-0X-CVGFS, Serial Number GE-022-RA, found
 20 the valve stem seal was heat-damaged and
 21 missing and the gasket was heat-damaged."
 22 Q. And did you find anything in
 23 what we've marked as Deposition Exhibit 3
 24 stating that the valve, in fact, was leaking?
 25 A. Just that the valve gasket was

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1 no longer there.
 2 Q. And that's it?
 3 A. Yes.
 4 Q. Okay. You can set that aside.
 5 Let's go back to what we've
 6 marked as Deposition Exhibit 18, please.
 7 A. Yes.
 8 Q. Do you have that in front of
 9 you?
 10 A. Yes.
 11 Q. Let's go to Bates number 574.
 12 A. Yes.
 13 Q. Are you there?
 14 And at the bottom of that page,
 15 there is a box.
 16 Do you see the box?
 17 A. Yes.
 18 Q. And above that it says that
 19 over -- it says, "Overall site strategy and
 20 objectives."
 21 Correct?
 22 A. Yes.
 23 Q. And below that in the box it
 24 says, the last bullet point, "Occidental,
 25 quote/unquote, requested, end quote" -- is it

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1 "BLEVE model by 08:00 on conference call
 2 sourced by Norfolk Southern."
 3 Do you see that?
 4 A. I do see that.
 5 Q. Do you know why "requested" is
 6 in quotes?
 7 A. I do not.
 8 Q. And was Occidental's request
 9 for a BLEVE model relayed to you?
 10 A. It may have been. I don't
 11 recall.
 12 Q. Did you in fact receive a BLEVE
 13 model?
 14 A. I did not.
 15 Q. You did not.
 16 (Wood Exhibit 19 marked for
 17 identification.)
 18 QUESTIONS BY MS. BROZ:
 19 Q. 19?
 20 So we're going to mark the next
 21 exhibit as Deposition Exhibit 19, which is an
 22 e-mail with an attachment, and we're going to
 23 put those together to make one exhibit.
 24 MR. FUKUMURA: Can you give us
 25 two copies unless we're going to have

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1 18 on the share screen?
 2 QUESTIONS BY MS. BROZ:
 3 Q. Mr. Wood, I've handed you what
 4 we've marked as Deposition Exhibit 19.
 5 Do you recognize this?
 6 A. I do.
 7 Q. And what is it?
 8 A. It's an e-mail chain.
 9 Q. And you now know from your
 10 deposition to read e-mail chains from the
 11 bottom up.
 12 Correct?
 13 A. Yes.
 14 Q. Let's go to the last e-mail in
 15 that e-mail chain, which is on Bates
 16 number 229.
 17 A. Yes.
 18 Q. Do you see that?
 19 A. Yes.
 20 Q. And that's Paul Williams
 21 sending this e-mail to you.
 22 Correct?
 23 A. No.
 24 Q. That's you sending this e-mail
 25 to Paul Williams?

<p style="text-align: right;">Page 266</p> <p>1 MR. FUKUMURA: Are we looking 2 at the same document? 3 THE WITNESS: Yes. 4 MR. FUKUMURA: Oh, I see. 5 Sorry. 6 QUESTIONS BY MS. BROZ: 7 Q. And that e-mail was forwarded 8 to you by a John T. Wilson of CTEH.com. 9 Correct? 10 A. Yes. 11 Q. And below that there's an 12 e-mail from Scott Skelton, who also was at 13 CTH.com, to an Ethan Currie at CTH.com. 14 Do you see that? 15 A. Yes. 16 Q. And is it -- who is CTEH? 17 A. They're one of our air 18 monitoring contractors. 19 Q. And is it -- do you call them 20 CTH, or do you call them something else? 21 A. Generally CTEH. 22 Q. And the subject line of that 23 e-mail is, "Use this version VC BLEVE model 24 updated." 25 Do you see that?</p>	<p style="text-align: right;">Page 268</p> <p>1 Q. And why was this document sent 2 to you? 3 MS. PETTY: Objection. 4 THE WITNESS: I would assume it 5 was requested by someone. 6 QUESTIONS BY MS. BROZ: 7 Q. Was it requested by you? 8 A. No, not to my knowledge. 9 Q. Did you review it once you 10 received it in your e-mail on February 5, 11 2023, at 7:41 a.m.? 12 A. I do not recall reviewing this 13 document. 14 Q. Have you seen this document 15 before today? 16 A. I do not recall seeing this 17 document. 18 Q. Do you recall that a BLEVE 19 model was prepared between February 3rd and 20 February 6, 2023? 21 A. According to this e-mail, 22 apparently so. 23 Q. Did you ever discuss with 24 anybody the preparation of a BLEVE model? 25 A. I did not.</p>
<p style="text-align: right;">Page 267</p> <p>1 A. I do. 2 Q. And it says that there is an 3 attachment called catastrophic failure 4 theoretical outcomes. 5 Correct? 6 A. It does. 7 Q. And there's a PowerPoint 8 attached to this? 9 A. According to the e-mail, yes. 10 Q. Okay. So let's go to the 11 attachment, which starts at NS-CA-000030231. 12 Do you see that? 13 A. Starts with what? 14 Q. NS-CA-0000 -- 15 A. Yes. 16 Q. -- 30231. 17 Correct? 18 A. Yes. 19 Q. And can you tell me what this 20 is? 21 A. VCR railcar catastrophic 22 failure. 23 Q. Is this a BLEVE model? 24 A. It appears to be a theoretic 25 outcome of a BLEVE.</p>	<p style="text-align: right;">Page 269</p> <p>1 Q. Were you concerned about the 2 possibility of a BLEVE happening? 3 A. Yes. 4 Q. And what did -- who did you 5 relay that concern to? 6 A. The incident commander, 7 initially. 8 Q. And did you ask anyone to 9 prepare a model? 10 A. I did not. 11 Q. You did not? 12 A. I did not. 13 Q. Why would John T. Wilson be 14 sending you a copy of a BLEVE model on 15 February 5th if you didn't ask for it? 16 MS. PETTY: Objection. 17 THE WITNESS: More than likely 18 due to me being on site at the time. 19 QUESTIONS BY MS. BROZ: 20 Q. Any other reason? 21 A. I'm a representative from NS. 22 Q. You see that you're the only 23 one copied on the e-mail from John T. Wilson? 24 A. I do see that. 25 Q. And you never reviewed this?</p>

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1 A. I don't recall ever reviewing
2 this.
3 Q. Do you understand that this
4 model assumes that the BLEVE will occur and
5 calculates its impact?
6 MS. PETTY: Objection.
7 THE WITNESS: It states it's a
8 theoretical outcome.
9 QUESTIONS BY MS. BROZ:
10 Q. If a BLEVE were to occur?
11 A. Yes.
12 Q. Did you ever ask anybody to
13 prepare a model to determine whether, in
14 fact, a BLEVE would occur?
15 A. I did not.
16 Q. Do you know if anyone on your
17 team did?
18 A. Not to my knowledge.
19 Q. Were you concerned about the
20 possibility of a BLEVE in the five vinyl
21 chloride tank cars?
22 A. We were concerned about a
23 catastrophic failure.
24 Q. And what would -- what would
25 cause a catastrophic failure in the five

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1 vinyl chloride tank cars?
2 A. Internal overpressurization.
3 Q. And what would cause the
4 internal overpressurization?
5 A. We believe the cars were
6 polymerizing.
7 Q. Is there anything else, other
8 than the possibility of the five vinyl
9 chloride cars polymerizing, that would cause
10 internal overpressurization?
11 A. The product being in pool fires
12 would cause it to overpressurize. Failure of
13 the car can be due to pressurization combined
14 with damage to the tank in the derailment.
15 So there are multiple factors that go into
16 it.
17 Q. The pool fires would cause the
18 tank car to heat up.
19 Correct?
20 A. Yes.
21 Q. When the tank car is heated up,
22 the PRDs would activate?
23 A. Yes.
24 Q. If the PRDs were activating,
25 was there any other risk of

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1 overpressurization in any of the five vinyl
2 chloride tank cars?
3 MR. FUKUMURA: Objection.
4 MS. PETTY: Objection.
5 THE WITNESS: If the PRDs
6 ceased to operate properly due to
7 being clogged.
8 QUESTIONS BY MS. BROZ:
9 Q. And do you have any evidence
10 that the PRDs were clogged?
11 A. I do not.
12 Q. Okay. Have you seen any
13 evidence that the five PRDs were clogged?
14 A. No actual evidence, no.
15 Q. Let's go back -- I know I'm
16 jumping around, and I apologize -- back to
17 what we previously marked as Deposition
18 Exhibit 18.
19 A. Okay.
20 Q. Let's go to the Bates
21 number 574.
22 A. Okay.
23 Q. And then we'll go back to that
24 box again at the bottom of page where it says
25 that Occidental requested the BLEVE model.

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1 Do you know whether a BLEVE
2 model was ever provided to Occidental?
3 A. I do not.
4 Q. Can you turn the page, please?
5 We're at Bates number 575.
6 Correct?
7 A. Yes.
8 Q. And it says in the middle of
9 that page, "Site activities planned for the
10 next operating period."
11 Do you see that?
12 A. Yes.
13 Q. And the next operating period
14 would be 7 a.m. to 7 p.m. on February 5th.
15 Is that right?
16 A. I'm sorry?
17 Q. Is the next operating period
18 7 a.m. to 7 p.m. on February 5th?
19 A. It should be, yes.
20 Q. In the middle of that box it
21 says, "Meeting on site with SME from
22 Occidental to review potential tactics."
23 Do you see that?
24 A. Yes.
25 Q. And SME is subject matter

<p style="text-align: right;">Page 274</p> <p>1 expert?</p> <p>2 A. Yes.</p> <p>3 Q. And you yourself never met with</p> <p>4 anyone from Oxy -- Occidental or Oxy Vinyls.</p> <p>5 Correct?</p> <p>6 MS. PETTY: Objection.</p> <p>7 THE WITNESS: To my knowledge,</p> <p>8 yes, I did not.</p> <p>9 QUESTIONS BY MS. BROZ:</p> <p>10 Q. And I don't miss -- earlier</p> <p>11 today you had testified that information --</p> <p>12 let me start that question again.</p> <p>13 Earlier today you had testified</p> <p>14 that someone had told you Oxy Vinyls' opinion</p> <p>15 with respect to polymerization in the five</p> <p>16 vinyl chloride tank cars.</p> <p>17 Correct?</p> <p>18 MS. PETTY: Objection.</p> <p>19 THE WITNESS: Yes.</p> <p>20 QUESTIONS BY MS. BROZ:</p> <p>21 Q. Did anyone from Norfolk</p> <p>22 Southern or its contractors relay to you any</p> <p>23 other information that was provided by Oxy</p> <p>24 Vinyls from February 3rd to February 6, 2023?</p> <p>25 MS. PETTY: Objection.</p>	<p style="text-align: right;">Page 276</p> <p>1 MS. BROZ: Can we go off the</p> <p>2 record for a second? I left an</p> <p>3 exhibit back in the other room.</p> <p>4 VIDEOGRAPHER: We are now going</p> <p>5 off --</p> <p>6 MS. BROZ: Oh, wait, I have it.</p> <p>7 Never mind. Go back on.</p> <p>8 (Wood Exhibit 20 marked for</p> <p>9 identification.)</p> <p>10 QUESTIONS BY MS. BROZ:</p> <p>11 Q. Mr. Wood, I've handed you what</p> <p>12 we've marked as Deposition Exhibit 20.</p> <p>13 A. Yes.</p> <p>14 Q. Do you recognize this?</p> <p>15 A. Yes.</p> <p>16 Q. And what is it?</p> <p>17 A. It's an e-mail from David</p> <p>18 Patten.</p> <p>19 Q. And are you a recipient of that</p> <p>20 e-mail from David Patten?</p> <p>21 A. Yes.</p> <p>22 Q. And what's the date of the</p> <p>23 e-mail?</p> <p>24 A. February 4th.</p> <p>25 Q. And what does Mr. Patten e-mail</p>
<p style="text-align: right;">Page 275</p> <p>1 THE WITNESS: Any other</p> <p>2 information --</p> <p>3 QUESTIONS BY MS. BROZ:</p> <p>4 Q. Let me try -- let me strike</p> <p>5 that. It was a bad question.</p> <p>6 Other than whether the vinyl</p> <p>7 chloride tank cars are polymerizing -- I'm</p> <p>8 going to put that discussion to the side --</p> <p>9 was any other information relayed to you</p> <p>10 based upon conversations that Norfolk</p> <p>11 Southern or its contractors had with Oxy</p> <p>12 Vinyls?</p> <p>13 A. Not to my knowledge, other than</p> <p>14 just general information about the product.</p> <p>15 Q. What general information about</p> <p>16 the product was relayed to you?</p> <p>17 A. The SDS.</p> <p>18 Q. The SDS.</p> <p>19 Anything else?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. And what about the SDS was</p> <p>22 relayed to you?</p> <p>23 A. The document.</p> <p>24 Q. Oxy Vinyls' SDS?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 277</p> <p>1 to you?</p> <p>2 A. His message is he will send the</p> <p>3 SDS as he receives them and contact</p> <p>4 information for each shipper.</p> <p>5 Q. Okay. So did you receive Oxy</p> <p>6 Vinyls' SDS from Mr. Patten or from somebody</p> <p>7 from Oxy Vinyls?</p> <p>8 A. It would have come from David</p> <p>9 Patten to me, who received it from Oxy</p> <p>10 Vinyls.</p> <p>11 Q. And did you review that SDS?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have any questions</p> <p>14 about the SDS?</p> <p>15 A. Not related to the information</p> <p>16 on it, no.</p> <p>17 Q. Did you ever ask to talk to</p> <p>18 anybody from Oxy Vinyls about the content of</p> <p>19 the SDS?</p> <p>20 A. I did not.</p> <p>21 Q. Did someone else?</p> <p>22 A. To my knowledge, it was</p> <p>23 discussed between either SPSI personnel, NS</p> <p>24 personnel or both.</p> <p>25 Q. So it's your testimony that</p>

<p style="text-align: right;">Page 278</p> <p>1 either SPSI personnel or Norfolk Southern 2 personnel discussed Oxy Vinyls' SDS with 3 employees of Oxy Vinyls? 4 A. That's my understanding. 5 Q. And who from either Norfolk 6 Southern or SPSI discussed Oxy Vinyls' SDS 7 with Oxy Vinyls? 8 A. Drew McCarty from SPSI, and 9 either Jon Simpson or Scott Gould from NS, or 10 both. 11 Q. And after they allegedly 12 discussed Oxy Vinyls' SDS with members of Oxy 13 Vinyls, did they report the conversation back 14 to you? 15 A. No, not immediately, they 16 wouldn't have. 17 Q. All right. At any point in 18 time, did they report the conversation back 19 to you? 20 A. I don't recall {sic} anything 21 specific to conversations about the SDS. 22 Q. Did you ask them any questions 23 about the SDS? 24 A. I did not. 25 Q. I'm asking you if you asked</p>	<p style="text-align: right;">Page 280</p> <p>1 specifically spoke with the employees of Oxy 2 Vinyls to ask them questions about the Oxy 3 Vinyl SDS for vinyl chloride. 4 Is that correct? 5 A. I stated -- 6 MS. PETTY: Objection. 7 THE WITNESS: -- I believe they 8 were the ones that had the 9 conversation. 10 QUESTIONS BY MS. BROZ: 11 Q. And after that conversation, 12 did they relay any of that conversation to 13 you? 14 A. I don't recall anything 15 specific, no. 16 Q. Do you recall any general 17 conversations you had? 18 A. About the incident in general 19 and discussions with Oxy, yes. 20 Q. Okay. And what do you recall? 21 A. The SDS that it's stating 22 hazardous polymerization can be caused by 23 exposure to excessive heat, and Oxy Vinyls' 24 personnel out of Texas stating they didn't 25 believe the material was polymerizing.</p>
<p style="text-align: right;">Page 279</p> <p>1 Mr. McCarty, Mr. Simpson or Mr. Gould any 2 questions about the SDS. 3 A. The SDS was discussed. 4 Q. Okay. What did you discuss? 5 A. The material listed in -- I 6 don't have the SDS here with me. 7 Q. You do not. 8 A. It would have been in the 9 section under emergency stuff, reactivity, 10 hazardous polymerization, those type things. 11 Q. Was there anything about Oxy 12 Vinyls' SDS for vinyl chloride that was 13 confusing to you? 14 A. No. 15 Q. Did Drew McCarty, Jon Simpson 16 or Mr. Gould -- and I apologize, I forgot his 17 first name -- relay any information that Oxy 18 Vinyls provided about their SDS to you? 19 MS. PETTY: Objection to the 20 form. 21 THE WITNESS: I'm not sure I 22 understand your question. 23 QUESTIONS BY MS. BROZ: 24 Q. You testified earlier that 25 Mr. McCarty or Mr. Simpson or Mr. Gould</p>	<p style="text-align: right;">Page 281</p> <p>1 Q. Other -- 2 A. Those type conversations. 3 Q. Other than those types of 4 conversations, was any information that Oxy 5 Vinyls provided to Norfolk Southern or its 6 contractors then provided to you? 7 MR. FUKUMURA: Objection. 8 MS. PETTY: Objection. 9 THE WITNESS: I had the SDS. 10 QUESTIONS BY MS. BROZ: 11 Q. All right. Let's put the SDS 12 aside. 13 I just want to know if you 14 received any information through Norfolk 15 Southern employees or its contractors about 16 information that was provided by Oxy Vinyls. 17 A. The statement that they believe 18 the material was not polymerizing. 19 Q. Okay. Other than that, did you 20 receive any other information? 21 A. Me personally, no. 22 Q. Okay. Okay. Let's go back to 23 what we've marked as Deposition Exhibit 18. 24 Are you there? 25 A. Yes.</p>

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1 Q. Let's go to the middle -- or
 2 the third box down after it says, "Additional
 3 pending activities not addressed above."
 4 A. Which page?
 5 Q. Bates number 575.
 6 A. Okay.
 7 Q. Do you see the third box down
 8 after it says, "Additional pending activity
 9 is not addressed above"?
 10 A. Yes.
 11 Q. And then the second statement
 12 there is, "Mitigate vinyl chloride issues,
 13 allowing evacuation to be lifted."
 14 Do you see that?
 15 A. Yes.
 16 Q. What does it mean to mitigate
 17 vinyl chloride issues?
 18 A. Correcting the issues we had
 19 that were causing safety issues.
 20 Q. Can you be more specific?
 21 A. Solving the problem we had with
 22 vinyl chloride that we believed was
 23 polymerizing.
 24 Q. Anything else?
 25 A. Cleanup of the site.

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1 Q. Anything else?
 2 A. Not specifically, no.
 3 Q. Can you turn the page to Bates
 4 number 576, please?
 5 A. Yes.
 6 Q. Do you see the picture that's
 7 on that page?
 8 A. Yes.
 9 Q. And it was included on the
 10 incident status report?
 11 A. Yes.
 12 Q. Do you know what this is a
 13 picture of?
 14 A. I believe it's a picture of a
 15 protective housing of a vinyl chloride car.
 16 Q. Okay. And that gentleman is
 17 who?
 18 A. I'm not sure who that gentleman
 19 is.
 20 Q. He would have been a responder?
 21 A. No, he would have been -- this
 22 would have been personnel from either NS or
 23 SPSI. And I can't tell by the picture.
 24 Q. And that picture would have
 25 been taken between 7 p.m. on February 4th and

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1 7 a.m. on February 5th?
 2 A. It would have been taken
 3 sometime before this report was issued.
 4 Q. And do you know what the
 5 gentleman is doing?
 6 A. I cannot tell from this
 7 picture.
 8 Q. Do you know which vinyl
 9 chloride car that was?
 10 A. I do not.
 11 Q. Do you see in his left hand
 12 there's a silver apparatus?
 13 A. There is something in his hand,
 14 yes.
 15 Q. Do you know what that is?
 16 A. I can't tell from here.
 17 Q. Does it look familiar to you?
 18 A. I can't make out what it is.
 19 Q. Why would he have been, it
 20 looks like, on top of one of the vinyl
 21 chloride cars?
 22 A. Part of this would have been
 23 damage assessment and inspection of the
 24 protective housings, and if that's a pressure
 25 gauge, to try to find somewhere he could put

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1 a pressure gauge in. But I'm not sure that's
 2 what that is.
 3 Q. Anything else that he might
 4 have been doing on that car?
 5 MS. PETTY: Objection.
 6 THE WITNESS: Performing damage
 7 assessment.
 8 (Wood Exhibit 21 marked for
 9 identification.)
 10 QUESTIONS BY MS. BROZ:
 11 Q. All right. You can set that
 12 aside.
 13 Mr. Wood, I've handed you what
 14 we've marked as Deposition Exhibit 21. Ask
 15 you if you identify this.
 16 A. It is the Norfolk Southern
 17 incident status report.
 18 Q. And if you turn to Bates
 19 number 1933, what is the date of the status
 20 report?
 21 A. It says 2/5/2023.
 22 Q. And operational period?
 23 A. It says 5.
 24 Q. And would that be between
 25 7 p.m., February 5th, to 7 a.m.,

<p style="text-align: right;">Page 286</p> <p>1 February 6th?</p> <p>2 A. I'm not sure, based on the</p> <p>3 description.</p> <p>4 Q. If you go back to what we just</p> <p>5 set aside as Deposition Exhibit 18 and</p> <p>6 compare the dates and times for those two</p> <p>7 documents.</p> <p>8 A. Yes.</p> <p>9 So this would have been the</p> <p>10 incident status report published the morning</p> <p>11 of 2/5.</p> <p>12 Q. 7 a.m. on 2/5?</p> <p>13 A. Yes.</p> <p>14 Q. And it reflects what happened</p> <p>15 between what period and what period?</p> <p>16 MR. FUKUMURA: Objection.</p> <p>17 THE WITNESS: I'm sorry, I</p> <p>18 didn't hear you.</p> <p>19 QUESTIONS BY MS. BROZ:</p> <p>20 Q. Let me just go back to this</p> <p>21 other one. One second, please.</p> <p>22 Deposition Exhibit 18 is from</p> <p>23 operational period 7 p.m. to 7 a.m. on</p> <p>24 February 5th.</p> <p>25 Am I right about that?</p>	<p style="text-align: right;">Page 288</p> <p>1 from 7 a.m. to 7 p.m."</p> <p>2 Correct?</p> <p>3 A. Correct.</p> <p>4 Q. Do you have a report from that</p> <p>5 fourth operational period?</p> <p>6 A. I do not.</p> <p>7 Q. Have you seen one?</p> <p>8 A. As I say, I believe we were</p> <p>9 just at this time producing one a day.</p> <p>10 Q. Even though this is from</p> <p>11 operational period 5 and this bullet point</p> <p>12 says that there was an operational period 4?</p> <p>13 A. When it was -- yes. When</p> <p>14 this -- when this document was published</p> <p>15 would have been during night shift on the</p> <p>16 5th.</p> <p>17 Q. You're on 1936 still?</p> <p>18 You can use your reading</p> <p>19 glasses. They help.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. In the last box there?</p> <p>22 A. Yes.</p> <p>23 Q. And it says, "Site prep work</p> <p>24 begun overnight for vent and burn, with</p> <p>25 arrival expected of demo experts for planned</p>
<p style="text-align: right;">Page 287</p> <p>1 A. Yes.</p> <p>2 Q. And this one is from -- on 2/5,</p> <p>3 and you're saying this is from 7 p.m. on the</p> <p>4 4th to 7 a.m. on the 5th?</p> <p>5 A. No, it would have been --</p> <p>6 started at 7 p.m. on the 5th.</p> <p>7 Q. On February 5th?</p> <p>8 A. Yes.</p> <p>9 Q. And gone till 7 a.m. on</p> <p>10 February 6th?</p> <p>11 A. At this point in time, I think</p> <p>12 we were only doing one a day.</p> <p>13 Q. Okay. So it would have been</p> <p>14 for a 24-hour period?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So if you turn to the</p> <p>17 next page -- two pages, with Bates</p> <p>18 number 1935.</p> <p>19 A. Yes.</p> <p>20 Q. I'm sorry, 1936. I got the</p> <p>21 wrong page number.</p> <p>22 A. Yes.</p> <p>23 Q. And the second box, first</p> <p>24 bullet point, it says, "The fourth</p> <p>25 operational period was from February 5, 2023,</p>	<p style="text-align: right;">Page 289</p> <p>1 event on 2/6/23."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. When were the demo experts</p> <p>5 first contacted to come to East Palestine?</p> <p>6 A. Somewhere around 5 p.m.</p> <p>7 Q. On what date?</p> <p>8 A. On the 5th.</p> <p>9 MS. PETTY: Counsel, we note</p> <p>10 that you're at about an hour of</p> <p>11 questioning time. If you have a</p> <p>12 couple more questions, that's fine.</p> <p>13 MS. BROZ: We can take a break</p> <p>14 and -- why don't we take a break, and</p> <p>15 we'll reassess.</p> <p>16 MR. FUKUMURA: Yeah.</p> <p>17 VIDEOGRAPHER: We are now going</p> <p>18 off the video record. The time is</p> <p>19 currently 2:51 p.m.</p> <p>20 (Off the record at 2:51 p.m.)</p> <p>21 VIDEOGRAPHER: We are now back</p> <p>22 on the video record. The time is</p> <p>23 currently 2:57 p.m.</p> <p>24 QUESTIONS BY MS. BROZ:</p> <p>25 Q. Mr. Wood, when we broke, we</p>

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1 were looking at Deposition Exhibit 21, Bates
 2 number ending 1936.
 3 Are you still there?
 4 A. Yes.
 5 Q. And you testified, I believe,
 6 and please correct me if I'm wrong, that you
 7 called the demo experts at 5 p.m. on
 8 February 5th to ask them to come to East
 9 Palestine?
 10 A. I did not contact them. Chip
 11 Day with SRS actually contacted them.
 12 Q. Were you on that phone call
 13 with him?
 14 A. No.
 15 Q. Did you tell him to contact
 16 them?
 17 A. I did.
 18 Q. And why did you tell him to
 19 contact them?
 20 A. Because we believed
 21 polymerization was going on in the vinyl
 22 chloride tank cars and that we were going to
 23 need to perform a vent and burn.
 24 Q. And did you have Chip Day
 25 contact the demo experts before or after you

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1 spoke with Chief Drabick?
 2 A. It would have been right about
 3 the same time.
 4 Q. You know it's impossible to do
 5 two things at once, so was it before or
 6 after?
 7 A. We had the discussion right
 8 outside the fire station before I walked in
 9 and talked to the chief.
 10 Q. You and Chip Day had the
 11 discussion outside the fire station to call
 12 the demo experts before you talked to Chief
 13 Drabick?
 14 A. Yes.
 15 Q. And are these demo experts
 16 called Explosive Services International?
 17 A. I know them as ESI, but I think
 18 that's what it stands for.
 19 Q. Let's go back to what was
 20 previously marked as Deposition Exhibit 9,
 21 please.
 22 MR. FUKUMURA: It's the chart.
 23 THE WITNESS: Yeah, it's --
 24 MS. PETTY: Counsel, while
 25 everyone is looking for the document,

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1 can someone just tell how much, if
 2 any, time has been ceded to counsel
 3 for Oxy?
 4 MS. BROZ: Not a specific
 5 amount of time, but they have ceded
 6 their time to me.
 7 MS. PETTY: Okay.
 8 QUESTIONS BY MS. BROZ:
 9 Q. Are you there?
 10 A. Yes.
 11 Q. Okay. And if you turn to --
 12 we're now referring to the numbers in the top
 13 right-hand corner, the .2?
 14 A. Yes.
 15 Q. And these were temperature
 16 readings that were recorded on the
 17 spreadsheet that was maintained by Norfolk
 18 Southern.
 19 Correct?
 20 A. Yes.
 21 Q. And if I'm reading this
 22 correctly, and I don't do it well with
 23 military time, 15:30 is 3:30 p.m.?
 24 A. Yes.
 25 Q. And that's on February 6th?

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1 A. Yes.
 2 Q. And the vinyl chloride car that
 3 you were most concerned about, OCPX80370, had
 4 dropped 126 degrees.
 5 Is that correct?
 6 MS. PETTY: Objection.
 7 THE WITNESS: The temperature
 8 readings we were getting from the
 9 surface of the tank were 126 degrees.
 10 QUESTIONS BY MS. BROZ:
 11 Q. Is there any temperature
 12 reading at which you would have called off
 13 the vent and burn operation?
 14 MS. PETTY: Objection.
 15 THE WITNESS: The discussion
 16 about if the temperature approached
 17 185 degrees.
 18 QUESTIONS BY MS. BROZ:
 19 Q. Let me put it the other way.
 20 The temperature is going down.
 21 Correct?
 22 MS. PETTY: Objection.
 23 THE WITNESS: The temperature
 24 was 126 at 14:30, yes.
 25

<p style="text-align: right;">Page 294</p> <p>1 QUESTIONS BY MS. BROZ:</p> <p>2 Q. And that is lower than it was</p> <p>3 recorded at any time prior?</p> <p>4 A. Yes.</p> <p>5 Q. Is there a temperature reading</p> <p>6 that you would have obtained from OCPX80370</p> <p>7 that would have caused you to call off the</p> <p>8 vent and burn operation on February 6th?</p> <p>9 MR. FUKUMURA: Objection.</p> <p>10 MS. PETTY: Objection. Form.</p> <p>11 THE WITNESS: I know of no</p> <p>12 discussion about a low-end</p> <p>13 temperature, no.</p> <p>14 QUESTIONS BY MS. BROZ:</p> <p>15 Q. So regardless of what the</p> <p>16 temperature reading was of OCPX80370, you</p> <p>17 would have gone ahead with the vent and burn?</p> <p>18 MS. PETTY: Objection.</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 THE WITNESS: Based on the</p> <p>21 information at hand, the incident</p> <p>22 commander agreed.</p> <p>23 QUESTIONS BY MS. BROZ:</p> <p>24 Q. Agreed what?</p> <p>25 A. The incident commander agreed</p>	<p style="text-align: right;">Page 296</p> <p>1 (Wood Exhibit 22 marked for</p> <p>2 identification.)</p> <p>3 QUESTIONS BY MS. BROZ:</p> <p>4 Q. Mr. Wood, I've handed you what</p> <p>5 we've marked as Deposition Exhibit 22 and ask</p> <p>6 you if you recognize that.</p> <p>7 A. Yes.</p> <p>8 Q. And what is it?</p> <p>9 A. It's the instructions provided</p> <p>10 to NS on how the protective housings and</p> <p>11 pressure plates were to be removed from the</p> <p>12 vinyl chloride cars.</p> <p>13 Q. Did you have any say in how the</p> <p>14 pressure plates or valve assemblies were to</p> <p>15 be removed --</p> <p>16 MR. FUKUMURA: Objection.</p> <p>17 QUESTIONS BY MS. BROZ:</p> <p>18 Q. -- from the vinyl chloride</p> <p>19 cars?</p> <p>20 MR. FUKUMURA: Objection.</p> <p>21 THE WITNESS: No, other than</p> <p>22 what type of equipment we would have</p> <p>23 to use to remove them.</p> <p>24 QUESTIONS BY MS. BROZ:</p> <p>25 Q. So your role in this operation</p>
<p style="text-align: right;">Page 295</p> <p>1 to have the vent and burn conducted. It was</p> <p>2 ultimately his decision.</p> <p>3 Q. And regardless of what the</p> <p>4 temperature readings you were getting off of</p> <p>5 any of the vinyl chloride cars?</p> <p>6 MR. FUKUMURA: Objection.</p> <p>7 MS. PETTY: Objection.</p> <p>8 THE WITNESS: The incident</p> <p>9 commander had the same information we</p> <p>10 did.</p> <p>11 QUESTIONS BY MS. BROZ:</p> <p>12 Q. Of the temperature readings?</p> <p>13 A. Yes.</p> <p>14 Q. And there was no discussion,</p> <p>15 after seeing at 3:30 on February 6th the</p> <p>16 temperature reading of 126 degrees, of</p> <p>17 calling off the vent and burn of the five</p> <p>18 vinyl chloride tank cars?</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 THE WITNESS: I was no part of</p> <p>21 any discussion.</p> <p>22 QUESTIONS BY MS. BROZ:</p> <p>23 Q. And you didn't initiate any</p> <p>24 discussion?</p> <p>25 A. I did not.</p>	<p style="text-align: right;">Page 297</p> <p>1 was just to provide the correct equipment to</p> <p>2 remove the pressure plates from the vinyl</p> <p>3 chloride tank cars?</p> <p>4 A. It was the instructions</p> <p>5 provided to the contractor and personnel</p> <p>6 overseeing removal of the pressure plates.</p> <p>7 Q. And who was the contractor?</p> <p>8 A. SPSI and SRS.</p> <p>9 Q. And who hired the contractor?</p> <p>10 A. They were emergency response</p> <p>11 contractors already working on site.</p> <p>12 Q. Who hired them?</p> <p>13 A. Norfolk Southern.</p> <p>14 (Wood Exhibit 23 marked for</p> <p>15 identification.)</p> <p>16 QUESTIONS BY MS. BROZ:</p> <p>17 Q. All right. I hand you what</p> <p>18 we've marked as Deposition Exhibit 23.</p> <p>19 Do you recognize that?</p> <p>20 A. Yes.</p> <p>21 Q. And what is it?</p> <p>22 A. It is an e-mail from Paul</p> <p>23 Stauncil informing me that Oxy Vinyl</p> <p>24 personnel were going to take samples from the</p> <p>25 five vinyl chloride cars.</p>

<p style="text-align: right;">Page 298</p> <p>1 Q. And do you see that the second</p> <p>2 sentence of that says, "The purpose of this</p> <p>3 call is to discuss sampling protocol, timing</p> <p>4 and logistics, given ongoing work to purge</p> <p>5 and clean the tank cars?"</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. And did you, in fact, discuss</p> <p>9 sampling protocols, timing and logistics on</p> <p>10 this call?</p> <p>11 A. I don't recall whether I was</p> <p>12 part of the call or whether it was the folks</p> <p>13 who were going to be on site. I can't say I</p> <p>14 wasn't part of the call. I just don't recall</p> <p>15 it.</p> <p>16 Q. Did you forward this invitation</p> <p>17 to anyone who was on site at the time?</p> <p>18 A. I don't recall forwarding it.</p> <p>19 Q. So more likely than not, you</p> <p>20 were on this call?</p> <p>21 MR. FUKUMURA: Objection.</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: I would say yes.</p> <p>24 QUESTIONS BY MS. BROZ:</p> <p>25 Q. And do you recall ever</p>	<p style="text-align: right;">Page 300</p> <p>1 MR. FUKUMURA: Objection.</p> <p>2 THE WITNESS: No.</p> <p>3 QUESTIONS BY MS. BROZ:</p> <p>4 Q. And after February 6th of 2023,</p> <p>5 did you ever go back to East Palestine?</p> <p>6 A. Yes.</p> <p>7 Q. When was that?</p> <p>8 A. Which time?</p> <p>9 Q. That's what I'm asking.</p> <p>10 A. I've been in East Palestine off</p> <p>11 and on since that day.</p> <p>12 Q. How soon after February 6th did</p> <p>13 you return?</p> <p>14 A. Within like three or four days.</p> <p>15 Q. Were you present when the</p> <p>16 pressure plate valve assemblies were removed?</p> <p>17 A. No.</p> <p>18 Q. Who was present?</p> <p>19 A. I believe Scott Gould was our</p> <p>20 representative there with NTSB.</p> <p>21 Q. All right. Anyone else?</p> <p>22 A. Might have been Paul Williams,</p> <p>23 but I can't guarantee that. I believe it was</p> <p>24 Scott Gould from NS.</p> <p>25 (Wood Exhibit 24 marked for</p>
<p style="text-align: right;">Page 299</p> <p>1 discussing sampling protocols, timing or</p> <p>2 logistics of taking residue samples from the</p> <p>3 five vinyl chloride tank cars?</p> <p>4 A. We would have had to have</p> <p>5 discussions when the pressure plates were</p> <p>6 going to be taken off and the cars would be</p> <p>7 made accessible.</p> <p>8 Q. And now to answer my question,</p> <p>9 did you discuss any sampling protocols,</p> <p>10 timing and logistics --</p> <p>11 MR. FUKUMURA: Objection.</p> <p>12 Foundation.</p> <p>13 QUESTIONS BY MS. BROZ:</p> <p>14 Q. -- for taking residue samples</p> <p>15 from the five vinyl chloride tank cars?</p> <p>16 MR. FUKUMURA: Objection.</p> <p>17 Foundation.</p> <p>18 MS. PETTY: Objection.</p> <p>19 THE WITNESS: I would have had</p> <p>20 to have been involved in the timing.</p> <p>21 The actual protocols, I don't think</p> <p>22 so.</p> <p>23 QUESTIONS BY MS. BROZ:</p> <p>24 Q. So you don't have any opinions</p> <p>25 on whether the protocols were proper?</p>	<p style="text-align: right;">Page 301</p> <p>1 identification.)</p> <p>2 QUESTIONS BY MS. BROZ:</p> <p>3 Q. All right. So I lied. I have</p> <p>4 one more exhibit.</p> <p>5 Mr. Wood, I've handed you what</p> <p>6 we've marked as Deposition Exhibit 24 and ask</p> <p>7 you if you recognize this.</p> <p>8 A. It is a Norfolk Southern</p> <p>9 incident status report.</p> <p>10 Q. And what is the date of the</p> <p>11 report?</p> <p>12 A. 2/6/2023.</p> <p>13 Q. And for what operational</p> <p>14 periods?</p> <p>15 A. It says 6 and 7.</p> <p>16 Q. And what would that cover?</p> <p>17 A. It should -- that 24-hour</p> <p>18 period.</p> <p>19 Q. Turn your attention --</p> <p>20 A. It should be from --</p> <p>21 Q. Go ahead.</p> <p>22 A. Should be from 7 a.m. that</p> <p>23 morning till the next morning.</p> <p>24 Q. So 7 a.m. on February 6th to</p> <p>25 7 a.m. on February 7th?</p>

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1 A. Should be, yes.
 2 Q. Turn your attention to the
 3 Bates number 324.
 4 A. Okay. Yes.
 5 Q. And you see that second large
 6 box at the bottom of the page?
 7 A. Yes.
 8 Q. And the seventh bullet down?
 9 A. Yes.
 10 Q. Do you see where it says,
 11 "Post-demo, it was noted that Tank Cars
 12 OCPX80179 and OCPX80370 showed visual
 13 confirmation of active polymerization noted
 14 by extended vapor release, two minutes of
 15 vapor space hole, versus the other three cars
 16 and distinct solid product released entrained
 17 in the plume"?
 18 Do you see that?
 19 A. I do.
 20 Q. Can you explain to me what that
 21 means?
 22 A. That was the description
 23 provided by the observers who set the blasts
 24 off.
 25 Q. By the demo experts?

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1 A. Yes.
 2 Q. ESI?
 3 A. And SPSI was there with them.
 4 And SRS was there with them as well to assist
 5 them.
 6 Q. So let me backtrack again.
 7 This description was provided
 8 by ESI?
 9 MR. FUKUMURA: Objection.
 10 QUESTIONS BY MS. BROZ:
 11 Q. I'm asking a question.
 12 A. I'm not sure which employee
 13 specifically, but there were three
 14 contractors at the site where the demolitions
 15 were set off: SRS, SPSI and ESI.
 16 Q. When were they on site?
 17 A. Right up through when the vent
 18 and burn took place.
 19 Q. This is saying post-demo,
 20 though, correct? This bullet point?
 21 Read the bullet point.
 22 A. Yes.
 23 Q. Okay. And are they saying
 24 post-demo it was noted that the tank cars
 25 showed visual confirmation?

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1 A. That was their explanation when
 2 they blew the holes in the cars.
 3 Q. And was SRS and SPSI part of
 4 the blowing the holes in the cars?
 5 A. They assisted.
 6 Q. How did they assist?
 7 A. Mainly accessing the sites.
 8 SRS and SPSI, their folks were the most
 9 familiar with the cars. I don't know
 10 specifically that they assisted setting any
 11 explosives, but they were there to assist ESI
 12 if they needed it.
 13 Q. So ESI set the explosives?
 14 A. Yes.
 15 Q. And this information that
 16 post-demo it was noted that tank cars
 17 OCPX80179 and OCPX80370 showed visual
 18 confirmation of active polymerization, where
 19 did that statement come from?
 20 A. One of those -- the
 21 employees -- and I -- to be honest with you,
 22 I don't remember which company they worked
 23 for. Their description of it, they were at a
 24 viewing area where they set the charges off.
 25 Q. Where was this viewing area?

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1 A. They could see all five cars.
 2 It was somewhere down off Taggart Road, I
 3 think.
 4 Q. While they were being vented
 5 and burned?
 6 A. Yes.
 7 Q. And from -- how far away were
 8 they from the vent and burn?
 9 A. I do not know. You would have
 10 to ask them.
 11 Q. And who am I asking?
 12 A. Drew McCarty with SPSI, Chip
 13 Day with SRS, and Mr. Poe with ESI.
 14 Q. And that was who was reported
 15 that showed visual confirmation of active
 16 polymerization?
 17 A. Some representative from one of
 18 those companies.
 19 Q. All right. And this other
 20 information about the extended vapor release
 21 also came from them?
 22 A. Yes.
 23 Q. And the other three cars and
 24 distinct solid product release entrained in
 25 the plume also came from them?

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1 A. Yes.
 2 Q. Who put together this
 3 particular incident status report that we've
 4 marked as Deposition Exhibit 24?
 5 A. I do not know who put the
 6 document together.
 7 Q. Is there any way to tell from
 8 your records who put the document together?
 9 A. There may be, but I don't know.
 10 I'm not sure how.
 11 Q. Did you ever see at the demo
 12 site any visual confirmation -- let me strike
 13 that question again.
 14 Did you ever see at the demo
 15 site any evidence of active polymerization
 16 from the five vinyl chloride tank cars?
 17 A. I did not witness any.
 18 MS. BROZ: That's all the
 19 questions I have, Mr. Wood.
 20 THE WITNESS: Okay.
 21 VIDEOGRAPHER: Want to go off
 22 the record?
 23 MR. ELLIS: Sure, just to
 24 switch spots.
 25 VIDEOGRAPHER: We are now going

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1 off the video record. The time is
 2 currently 3:14 p.m.
 3 (Off the record at 3:14 p.m.)
 4 VIDEOGRAPHER: We are now back
 5 on the video record. The time is
 6 currently 3:16 p.m.
 7 DIRECT EXAMINATION
 8 QUESTIONS BY MR. ELLIS:
 9 Q. Mr. Wood, my name is Robert
 10 Ellis. I represent GATX and General American
 11 Marks. I'm going to ask you a series of
 12 questions.
 13 When I refer to GATX, can we
 14 have the understanding that I'm referring
 15 both to GATX and General American Marks?
 16 A. Yes.
 17 Q. Okay. Great.
 18 I know you've answered some
 19 questions about your cell phone. I just have
 20 a few more follow-ups to it.
 21 So it sounds like sometime in
 22 the spring you gave your work iPhone to some
 23 folks to collect materials off of it.
 24 Correct?
 25 A. That's correct.

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1 Q. Okay. Was that about the time
 2 you got a new phone?
 3 MS. PETTY: Objection.
 4 THE WITNESS: I don't remember
 5 when I got the iPhone I have now. I
 6 honestly don't remember.
 7 QUESTIONS BY MR. ELLIS:
 8 Q. Okay. Was it sometime in 2023?
 9 A. Whether it was before the
 10 incident or after the incident.
 11 I've gotten a new computer
 12 since then, I know. I just don't remember
 13 when I got the newest iPhone.
 14 Q. You have your iPhone with you
 15 here today.
 16 Right?
 17 A. Yes.
 18 Q. Okay. Do you still have texts
 19 on the iPhone that you have with you here
 20 today that are from the period after the
 21 derailment in February, say, February 3rd to
 22 February 6th? Are those still on your phone
 23 right now?
 24 A. I assume they are.
 25 Q. Okay. Did you check during any

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1 of the breaks?
 2 A. No.
 3 Q. Immediately after the
 4 derailment, did you have any conversations
 5 with anybody at GATX?
 6 A. I don't recall any
 7 conversations with GATX.
 8 Q. Did you reach out to anybody at
 9 GATX for any information at any time between
 10 February 3rd and February 8th of 2023?
 11 A. I did not.
 12 Q. Are you aware of anybody at
 13 Norfolk Southern reaching out to somebody
 14 from GATX?
 15 A. I am not aware of anyone.
 16 Q. Okay. Did you ever think to
 17 reach out to somebody at GATX in that period
 18 of time immediately after the derailment?
 19 A. I did not.
 20 Q. And I take it then you didn't
 21 instruct anybody from the Norfolk Southern
 22 team to reach out to somebody from GATX for
 23 information relating to any of the GATX cars
 24 that were involved in the derailment?
 25 A. I did not.

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1 Q. Okay. Did you -- are you aware
2 that GATX had one of the VCM cars involved in
3 the derailment?

4 A. At the time of the derailment,
5 all we knew were the shippers, and that's who
6 we make initial con -- contact with, the
7 shippers of record of the car. History shows
8 that cars are leased, and some are privately
9 owned, some are leased.

10 So, no, that is not normally
11 one of the calls we would make.

12 Q. Okay. My question was a little
13 different.

14 Were you aware that GATX95098
15 was one of the VCM cars involved in the
16 derailment?

17 A. Yes. I knew the car number
18 was, yes.

19 Q. Okay. And you knew that GATX
20 is a car designation for GATX the company.
21 Right?

22 A. Yes.

23 Q. Okay. That was something you
24 were familiar with.

25 Correct?

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1 A. Yes.

2 Q. Okay. And you knew that GATX,
3 I think as you just said, leases railcars.
4 Right?

5 A. Yes.

6 Q. Okay. Did you receive any
7 drawings related to GATX95098 in that time
8 immediately after the derailment between
9 February 3rd and February 6th?

10 A. I don't recall any.

11 Q. Did you ask for any drawings
12 from GATX95098 in that period between
13 February 3rd and February 6, 2023?

14 A. I did not.

15 Q. Are you aware of anybody at
16 Norfolk Southern looking at or requesting
17 drawings for GATX95098?

18 A. I'm not aware of any.

19 Q. Okay. What about for the --
20 we've heard the abbreviation PRD referred to
21 from time to time today.

22 That's the pressure relief
23 device, correct?

24 A. That's correct.

25 Q. In other words, a pressure

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1 relief valve.

2 Correct?

3 A. Correct.

4 Q. Did you see any of the
5 specifications for the PRD that was on 95098
6 in the time period immediately after the
7 derailment, say, February 3rd to February 6,
8 2023?

9 A. I did not.

10 Q. Did you ask for any
11 specifications relating to that PRD?

12 A. No. The only thing we knew
13 were the settings of the PRDs because they're
14 posted in the car information.

15 Q. The car information that was
16 part of the consist?

17 A. No, the -- no. What you find
18 in UMLER.

19 Q. Okay. So you went to UMLER to
20 look at the PRD settings for the various
21 cars?

22 A. That would be a common thing to
23 do. I don't know that I personally did it,
24 but I know someone did.

25 Q. Okay. And my question was, did

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1 you do it?

2 A. I don't think so.

3 Q. Okay. Other than looking at
4 UMLER, did you get any other specifications
5 related to the PRD on 95098?

6 MR. FUKUMURA: Objection.

7 THE WITNESS: No.

8 QUESTIONS BY MR. ELLIS:

9 Q. What about after the vent and
10 burn? Did you ever have any contact with
11 anybody from GATX as to how to address the
12 derailment or subsequent cleanup after the
13 vent and burn?

14 MR. FUKUMURA: Objection.

15 MS. PETTY: Objection.

16 THE WITNESS: No.

17 QUESTIONS BY MR. ELLIS:

18 Q. Did you think to ask anybody at
19 GATX for any information after the
20 derailment?

21 A. No.

22 Q. I take it then that you didn't
23 instruct anybody to ask GATX for any
24 information after the derailment?

25 A. To my knowledge, no.

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1 Q. Okay. And I take it as you sit
2 here today, you've never had any
3 conversations with anybody at GATX about this
4 derailment.
5 Is that correct?
6 A. That, I -- that, I can't state
7 for sure because there were tank car owners
8 as part of NTSB stuff. So the possibility
9 exists I may have spoke with them.
10 Q. Okay. Leaving out the NTSB
11 stuff, as you've characterized it, any
12 conversations with anybody at GATX about the
13 derailment?
14 A. No.
15 Q. And I think you testified
16 earlier today, this is the first derailment
17 that you had involving VCM cars that need to
18 be vented and burned.
19 Correct?
20 A. Yes.
21 Q. And this is, in fact, the first
22 derailment you were involved with with any
23 vent and burn.
24 Correct?
25 A. Yes.

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1 Q. Norfolk Southern transports VCM
2 quite frequently.
3 Correct?
4 MS. PETTY: Objection.
5 THE WITNESS: Yes. I'm not
6 exactly sure the volumes, but --
7 QUESTIONS BY MR. ELLIS:
8 Q. It's a part of Norfolk
9 Southern's day-to-day operations to transport
10 cars that have VCM.
11 Correct?
12 A. Yes.
13 Q. Okay. And a derailment
14 involving cars with VCM is something that is
15 foreseeable to Norfolk Southern.
16 Correct?
17 MS. PETTY: Objection.
18 THE WITNESS: We have
19 derailments, yes.
20 QUESTIONS BY MR. ELLIS:
21 Q. Yes.
22 And the possibility that one of
23 those derailments would involve a car with
24 VCM is something that Norfolk Southern could
25 foresee.

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1 Correct?
2 MS. PETTY: Objection.
3 THE WITNESS: Yes.
4 QUESTIONS BY MR. ELLIS:
5 Q. What was the last derailment
6 that you were involved with before the East
7 Palestine?
8 A. Directly on site?
9 Q. Sure. We're going to start
10 with that, and then since you characterized
11 it that way, I'm going to ask you indirectly.
12 A. Directly on site, the main one
13 that comes to mind would have been in Bartow,
14 Georgia.
15 Q. Okay. When was that?
16 A. February -- I'm sorry, January
17 of 2019.
18 Q. Okay. What about indirectly?
19 A. And I'm sure I was on the sites
20 of others, but that's one of the ones that
21 comes to mind.
22 Indirectly, if it involves NS
23 HAZMAT personnel, I know about it.
24 Q. Okay. So what was the one
25 immediately preceding East Palestine that

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1 involved Norfolk Southern HAZMAT personnel?
2 A. Oh, I would have to go check
3 the records. I honestly don't remember.
4 Q. Before the East Palestine
5 derailment, were you familiar with the
6 concept of polymerization?
7 A. Yes.
8 Q. You do not consider yourself an
9 expert in polymerization.
10 Am I correct about that?
11 A. No.
12 Q. Am I correct about that?
13 A. You're correct.
14 Q. Thank you. That was little
15 ships passing in the night.
16 What's the closest you got to
17 95098?
18 MR. FUKUMURA: Objection.
19 THE WITNESS: The closest I got
20 to --
21 QUESTIONS BY MR. ELLIS:
22 Q. To that tank car, to 95098.
23 A. I would say 100 feet.
24 Q. Did you yourself ever examine
25 the PRD on 95098 at any time after the

<p style="text-align: right;">Page 318</p> <p>1 derailment?</p> <p>2 A. I did not.</p> <p>3 Q. How about the -- any portion of</p> <p>4 95098?</p> <p>5 I assume that since the closest</p> <p>6 you got is 100 feet, you didn't examine any</p> <p>7 part of GATX95098 after the derailment.</p> <p>8 Is that correct?</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: So let me</p> <p>11 clarify.</p> <p>12 During emergency operations, I</p> <p>13 was never within 100 feet of the car.</p> <p>14 After the vent and burn and</p> <p>15 after NTSB come out, I viewed all of</p> <p>16 the cars.</p> <p>17 QUESTIONS BY MR. ELLIS:</p> <p>18 Q. Okay. And the first time you</p> <p>19 got within 100 feet of GATX95098 to see and</p> <p>20 examine that car was after the vent and burn.</p> <p>21 Correct?</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: For me to</p> <p>24 personally get that close, correct.</p> <p>25 There was a video feed from a</p>	<p style="text-align: right;">Page 320</p> <p>1 cars. Most all the cars I saw had fires from</p> <p>2 all the valves on them that you could observe</p> <p>3 from video feed.</p> <p>4 Q. Okay. So was your -- so let me</p> <p>5 ask -- let me ask you this question.</p> <p>6 As you sit here today, have you</p> <p>7 reached a conclusion that VCM was released</p> <p>8 from GATX95098 via a valve other than the</p> <p>9 PRD?</p> <p>10 MR. FUKUMURA: Objection.</p> <p>11 MS. PETTY: Objection.</p> <p>12 THE WITNESS: I can't say</p> <p>13 specific without actually looking at</p> <p>14 the records on the car. I don't know.</p> <p>15 QUESTIONS BY MR. ELLIS:</p> <p>16 Q. As you sit here today, do you</p> <p>17 know whether or not VCM was released from a</p> <p>18 valve other than the PRD with respect to</p> <p>19 GATX95098?</p> <p>20 A. I cannot say that.</p> <p>21 Q. Would you take a look -- oh, I</p> <p>22 had a question.</p> <p>23 I think we saw in some of your</p> <p>24 testimony to NTSB the discussion of a</p> <p>25 decision tree.</p>
<p style="text-align: right;">Page 319</p> <p>1 sheriff's department camera that was</p> <p>2 piped into the command post that we</p> <p>3 were able to view.</p> <p>4 QUESTIONS BY MR. ELLIS:</p> <p>5 Q. Okay. My question was, the</p> <p>6 first time you yourself ever personally</p> <p>7 examined GATX95098 was after the vent and</p> <p>8 burn was executed.</p> <p>9 Correct?</p> <p>10 A. That's correct.</p> <p>11 MS. PETTY: Objection.</p> <p>12 QUESTIONS BY MR. ELLIS:</p> <p>13 Q. Before then, the closest you</p> <p>14 got was within 100 feet.</p> <p>15 Correct?</p> <p>16 A. Myself, yes, correct.</p> <p>17 Q. You were asked some questions,</p> <p>18 and you gave some testimony about VCM that</p> <p>19 was released from the cars via a valve other</p> <p>20 than the PRD.</p> <p>21 Do you remember that testimony?</p> <p>22 A. Yes.</p> <p>23 Q. Did you reach that conclusion</p> <p>24 with respect to GATX95098?</p> <p>25 A. I don't have specifics to which</p>	<p style="text-align: right;">Page 321</p> <p>1 Do you remember that --</p> <p>2 A. Yes.</p> <p>3 Q. -- testimony?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And that decision tree</p> <p>6 was a decision tree that you undertake when</p> <p>7 there's a derailment.</p> <p>8 Is that correct?</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: Yes, specific to</p> <p>11 tank cars.</p> <p>12 QUESTIONS BY MR. ELLIS:</p> <p>13 Q. Okay. So anytime a tank car</p> <p>14 derails, Norfolk Southern has a decision tree</p> <p>15 that it undertakes in order to determine what</p> <p>16 its response should be.</p> <p>17 Correct?</p> <p>18 MS. PETTY: Objection.</p> <p>19 THE WITNESS: Yes.</p> <p>20 QUESTIONS BY MR. ELLIS:</p> <p>21 Q. Is that in writing?</p> <p>22 A. No, it's in training material</p> <p>23 for all railroad response. It's common</p> <p>24 knowledge.</p> <p>25 Q. My question was, is your</p>

<p style="text-align: right;">Page 322</p> <p>1 decision tree in writing?</p> <p>2 A. No.</p> <p>3 Q. When you were reaching</p> <p>4 conclusions -- let me ask you this.</p> <p>5 Did you make a determination at</p> <p>6 some time after February 3rd and before the</p> <p>7 vent and burn that the PRD on GATX95098 had</p> <p>8 stopped functioning?</p> <p>9 MR. FUKUMURA: Objection.</p> <p>10 THE WITNESS: Not a definitive</p> <p>11 determination, but that's what we</p> <p>12 believed.</p> <p>13 QUESTIONS BY MR. ELLIS:</p> <p>14 Q. Okay. My question was, did you</p> <p>15 make a determination that the PRD on 95098</p> <p>16 had stopped functioning?</p> <p>17 MS. PETTY: Objection.</p> <p>18 THE WITNESS: I had not.</p> <p>19 QUESTIONS BY MR. ELLIS:</p> <p>20 Q. Have you ever reached that</p> <p>21 conclusion?</p> <p>22 A. I have not.</p> <p>23 Q. Would you mind getting out Wood</p> <p>24 Exhibit 8?</p> <p>25 A. 8?</p>	<p style="text-align: right;">Page 324</p> <p>1 about -- if you look at the X axis of this,</p> <p>2 about 17:00?</p> <p>3 Do you see that?</p> <p>4 MS. PETTY: Objection.</p> <p>5 THE WITNESS: I do.</p> <p>6 QUESTIONS BY MR. ELLIS:</p> <p>7 Q. Okay. And 17:00, 5 p.m.,</p> <p>8 that's -- decision to vent and burn, and it</p> <p>9 shows the temperature of 80370 to be</p> <p>10 somewhere between 103 and 140 degrees.</p> <p>11 Correct?</p> <p>12 MS. PETTY: Objection.</p> <p>13 THE WITNESS: That's what the</p> <p>14 graph shows, yes.</p> <p>15 QUESTIONS BY MR. ELLIS:</p> <p>16 Q. And that's, in your experience,</p> <p>17 what the temperatures were reading at that</p> <p>18 time.</p> <p>19 Correct?</p> <p>20 MR. FUKUMURA: Objection.</p> <p>21 MS. PETTY: Objection.</p> <p>22 THE WITNESS: The surface</p> <p>23 temperature of this tank car, that's</p> <p>24 what readings we were getting at that</p> <p>25 time.</p>
<p style="text-align: right;">Page 323</p> <p>1 Q. It's somewhere in the stack,</p> <p>2 and it's this little --</p> <p>3 A. Yeah.</p> <p>4 Q. But that's the back of it. So</p> <p>5 if you're looking for the front, it looks</p> <p>6 like that. But it's really that. The part I</p> <p>7 want to talk to you about is the chart.</p> <p>8 A. Here it is. Yes, I have it.</p> <p>9 Q. Okay. If you take a look on</p> <p>10 the other side, it's got the chart.</p> <p>11 A. Yes.</p> <p>12 Q. And this chart relates to one</p> <p>13 of the Oxy VCM cars, 80370.</p> <p>14 Correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Did you ever do a chart</p> <p>17 like this for 95098?</p> <p>18 MR. FUKUMURA: Objection.</p> <p>19 QUESTIONS BY MR. ELLIS:</p> <p>20 Q. GATX95098?</p> <p>21 MR. FUKUMURA: Objection.</p> <p>22 THE WITNESS: I did not.</p> <p>23 QUESTIONS BY MR. ELLIS:</p> <p>24 Q. Okay. And do you see here the</p> <p>25 arrow decision to vent and burn that was</p>	<p style="text-align: right;">Page 325</p> <p>1 QUESTIONS BY MR. ELLIS:</p> <p>2 Q. Okay. And GATX95098, it never</p> <p>3 got anywhere close to that.</p> <p>4 Correct?</p> <p>5 MS. PETTY: Objection.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 QUESTIONS BY MR. ELLIS:</p> <p>8 Q. Okay. From the temperature</p> <p>9 readings you saw, GATX95098 never got</p> <p>10 anywhere close to what is recorded here on</p> <p>11 this graph.</p> <p>12 Right?</p> <p>13 MS. PETTY: Objection.</p> <p>14 THE WITNESS: The temperatures</p> <p>15 we got for the car never got above 165</p> <p>16 off the bolster because we didn't have</p> <p>17 access to the tank.</p> <p>18 QUESTIONS BY MR. ELLIS:</p> <p>19 Q. Oh. And GATX95098, you never</p> <p>20 got a temperature off the tank that was</p> <p>21 anywhere near 135 degrees.</p> <p>22 Correct?</p> <p>23 MR. FUKUMURA: Objection.</p> <p>24 MS. PETTY: Objection.</p> <p>25 THE WITNESS: We never got a</p>

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1 temperature off the tank.
 2 QUESTIONS BY MR. ELLIS:
 3 Q. All right. Am I correct that
 4 you never got a temperature from the tank of
 5 95098 that was anywhere near 135 degrees?
 6 A. We did not.
 7 MS. PETTY: Objection.
 8 MR. FUKUMURA: Objection.
 9 QUESTIONS BY MR. ELLIS:
 10 Q. And in fact, the highest
 11 temperature for 95098 that you got was about
 12 67 degrees.
 13 Correct?
 14 MR. FUKUMURA: Objection.
 15 THE WITNESS: If that's what
 16 the chart shows, yes, 67 degrees was
 17 the temperature we got off the
 18 bolster.
 19 QUESTIONS BY MR. ELLIS:
 20 Q. And when you say "got off the
 21 bolster," what do you mean?
 22 Explain for the folks that are
 23 going to be watching this what you mean by
 24 "getting off the bolster."
 25 A. The tank car is welded onto

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1 pads that are then welded to the bolsters,
 2 which are the frames that sits on the trucks
 3 that carry the wheels.
 4 It's the only accessible piece
 5 that had some kind of direct contact or
 6 indirect contact to the tank.
 7 Q. On GATX95098?
 8 A. On all of the vinyl chloride
 9 cars with the exception of 80370.
 10 Q. Okay. So, and let me ask you
 11 about that temperature reading and taking
 12 those temperatures.
 13 Somebody was using an IR
 14 temperature gun to measure the temperatures
 15 on the five VCM cars.
 16 Correct?
 17 MR. FUKUMURA: Objection.
 18 MS. PETTY: Objection.
 19 THE WITNESS: That's my
 20 understanding.
 21 QUESTIONS BY MR. ELLIS:
 22 Q. Okay. Did you ever operate
 23 that IR gun?
 24 A. I did not.
 25 Q. Okay. Did you see it?

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1 A. I did not.
 2 Q. Who told you that it was an IR
 3 gun that was being used to take the
 4 temperature on the various -- on the five VCM
 5 tank cars?
 6 A. I believe it was Drew McCarty
 7 with SPSI.
 8 Q. Okay. Was Drew McCarty the one
 9 operating the gun?
 10 A. I don't believe so, but I don't
 11 know that.
 12 Q. Was there a uniform procedure
 13 used by the operator of the IR gun to take
 14 the temperature of the various -- of the five
 15 VCM tank cars that were involved in the
 16 derailment?
 17 MR. FUKUMURA: Objection.
 18 MS. PETTY: Objection.
 19 THE WITNESS: I don't know
 20 their exact procedure. Was just every
 21 hour to return to the car and the one
 22 section of the tank that was exposed,
 23 get a temperature reading from the
 24 surface of the tank.
 25

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1 QUESTIONS BY MR. ELLIS:
 2 Q. Do you know whether the person
 3 operating the IR gun kept a record of where
 4 he or she was pointing the gun?
 5 A. That, I do not know.
 6 Q. Did you ever ask for a record
 7 of that?
 8 A. I did not.
 9 Q. Why not?
 10 A. There was only one area where
 11 the tank was exposed. It was not a large
 12 section of the tank, so I didn't think it was
 13 relevant.
 14 Q. So you didn't want to have a
 15 record of where the temperature was being
 16 taken on each of these five VCM cars before a
 17 decision was made to vent and burn?
 18 MS. PETTY: Objection.
 19 THE WITNESS: No. We were
 20 taking temperatures from the only
 21 place accessible.
 22 QUESTIONS BY MR. ELLIS:
 23 Q. Now, going back to Exhibit 8,
 24 we were looking at OCPX80370. And at 24:00,
 25 there was a spike to just under about

<p style="text-align: right;">Page 330</p> <p>1 138 degrees Fahrenheit.</p> <p>2 Correct?</p> <p>3 MS. PETTY: Objection.</p> <p>4 THE WITNESS: According to the</p> <p>5 graph, yes.</p> <p>6 QUESTIONS BY MR. ELLIS:</p> <p>7 Q. And that's consistent with your</p> <p>8 understanding of what was happening on scene</p> <p>9 at the time.</p> <p>10 Right?</p> <p>11 MS. PETTY: Objection.</p> <p>12 MR. FUKUMURA: Objection.</p> <p>13 THE WITNESS: Yes.</p> <p>14 QUESTIONS BY MR. ELLIS:</p> <p>15 Q. Okay. And then it --</p> <p>16 temperature of this particular car declined</p> <p>17 over time.</p> <p>18 Right? After that?</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 MS. PETTY: Objection.</p> <p>21 THE WITNESS: Yes, I believe it</p> <p>22 had a -- one or two more spikes before</p> <p>23 then.</p> <p>24 QUESTIONS BY MR. ELLIS:</p> <p>25 Q. Okay. Now, GATX95098 never had</p>	<p style="text-align: right;">Page 332</p> <p>1 your spreadsheet.</p> <p>2 Right?</p> <p>3 A. That is correct.</p> <p>4 Q. You viewed those as important</p> <p>5 information to have about those cars, didn't</p> <p>6 you?</p> <p>7 A. Yes.</p> <p>8 Q. And those were temperatures</p> <p>9 that you reported on to people including your</p> <p>10 superiors at Norfolk Southern.</p> <p>11 Correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And at no time did you ever</p> <p>14 tell anybody that you thought those</p> <p>15 temperatures were unreliable.</p> <p>16 Did you?</p> <p>17 MS. PETTY: Objection.</p> <p>18 MR. FUKUMURA: Objection.</p> <p>19 THE WITNESS: I don't know what</p> <p>20 words were expressed. We told them</p> <p>21 where the temperatures were coming</p> <p>22 from, that they were not direct tank</p> <p>23 readings.</p> <p>24 QUESTIONS BY MR. ELLIS:</p> <p>25 Q. You didn't tell anybody that</p>
<p style="text-align: right;">Page 331</p> <p>1 any temperature spikes, did it?</p> <p>2 MS. PETTY: Objection.</p> <p>3 THE WITNESS: None of the</p> <p>4 temperatures we took from the bolster</p> <p>5 ever varied to any great extent.</p> <p>6 QUESTIONS BY MR. ELLIS:</p> <p>7 Q. Okay. It is true, is it not,</p> <p>8 that GATX95098, the temperatures you took,</p> <p>9 never had a temperature spike.</p> <p>10 Right?</p> <p>11 A. That's correct.</p> <p>12 Q. In fact, none of the other four</p> <p>13 VCM cars, other than 80370, had anything</p> <p>14 other than something in the high to mid-60s,</p> <p>15 correct, of the temperatures you took?</p> <p>16 MS. PETTY: Objection.</p> <p>17 MR. FUKUMURA: Objection.</p> <p>18 THE WITNESS: Of the</p> <p>19 temperatures taken at the bolster,</p> <p>20 those temperatures did not have</p> <p>21 spikes.</p> <p>22 QUESTIONS BY MR. ELLIS:</p> <p>23 Q. Okay. The temperatures taken</p> <p>24 at the bolster, as you say, those were</p> <p>25 temperatures that you recorded and kept in</p>	<p style="text-align: right;">Page 333</p> <p>1 the temperatures were unreliable, did you?</p> <p>2 MS. PETTY: Objection.</p> <p>3 MR. FUKUMURA: Objection.</p> <p>4 THE WITNESS: No.</p> <p>5 QUESTIONS BY MR. ELLIS:</p> <p>6 Q. What's the normal operating</p> <p>7 temperature of a tank car like GATX95098 when</p> <p>8 it's loaded with vinyl chloride monomer?</p> <p>9 A. I would have to check the</p> <p>10 properties of vinyl chloride to see what</p> <p>11 its -- what its temperature is when it's in</p> <p>12 liquid state.</p> <p>13 Q. Did you check at the time?</p> <p>14 A. I'm sure we looked on the SDS.</p> <p>15 Q. My question is -- you say, "I'm</p> <p>16 sure we looked at the SDS."</p> <p>17 Do you know that you looked at</p> <p>18 the SDS to determine what the normal</p> <p>19 operating temperature of these cars was at</p> <p>20 that time?</p> <p>21 A. I do not know that.</p> <p>22 Q. Did you ask anybody to</p> <p>23 determine what the normal operating</p> <p>24 temperature of a car like GATX95098 was when</p> <p>25 it's loaded with VCM?</p>

<p style="text-align: right;">Page 334</p> <p>1 A. I did not ask.</p> <p>2 Q. I apologize. I only have two</p> <p>3 of these, so I'm going to mark it. I'll give</p> <p>4 mine up to whomever wants to see it, but all</p> <p>5 I have is two of these.</p> <p>6 MS. PETTY: We'll take a copy,</p> <p>7 please.</p> <p>8 MR. ELLIS: Yeah, let me</p> <p>9 just -- we're going to stop talking,</p> <p>10 so maybe I'll do this.</p> <p>11 MR. FUKUMURA: Do you want to</p> <p>12 take a break and make --</p> <p>13 MR. ELLIS: Sure. You want to</p> <p>14 do that?</p> <p>15 MR. SWANSON: I have copies of</p> <p>16 this. Is that what it is?</p> <p>17 MR. ELLIS: Yeah, it surely is.</p> <p>18 VIDEOGRAPHER: Are we going off</p> <p>19 the record?</p> <p>20 MR. ELLIS: Yeah, sure, go off</p> <p>21 the record.</p> <p>22 VIDEOGRAPHER: We are now going</p> <p>23 off the video record. The time is</p> <p>24 currently 3:41 p.m.</p> <p>25 (Off the record at 3:41 p.m.)</p>	<p style="text-align: right;">Page 336</p> <p>1 during that Teams meeting.</p> <p>2 Correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you remember that Teams</p> <p>5 meeting?</p> <p>6 A. Me personally, I do not.</p> <p>7 Q. The temperatures that were</p> <p>8 shared with the group that was involved in</p> <p>9 that Teams meeting, there's quite a few</p> <p>10 people from Norfolk Southern who were invited</p> <p>11 and attended that meeting.</p> <p>12 Right?</p> <p>13 MR. FUKUMURA: Objection.</p> <p>14 THE WITNESS: Yes.</p> <p>15 QUESTIONS BY MR. ELLIS:</p> <p>16 Q. Okay. And your boss and your</p> <p>17 boss' boss both attended that meeting.</p> <p>18 Correct?</p> <p>19 MS. PETTY: Objection.</p> <p>20 THE WITNESS: They're on the</p> <p>21 invite, and Helen Hart shared, so...</p> <p>22 QUESTIONS BY MR. ELLIS:</p> <p>23 Q. Certainly your boss' boss</p> <p>24 attended that meeting.</p> <p>25 Right?</p>
<p style="text-align: right;">Page 335</p> <p>1 VIDEOGRAPHER: We are now back</p> <p>2 on the video record. The time is</p> <p>3 currently 3:51 p.m.</p> <p>4 (Wood Exhibit 25 marked for</p> <p>5 identification.)</p> <p>6 QUESTIONS BY MR. ELLIS:</p> <p>7 Q. Mr. Wood, we're back on the</p> <p>8 record. You've been handed what's been</p> <p>9 marked as Wood Deposition Exhibit 25.</p> <p>10 This is a record of a Teams</p> <p>11 meeting on February 6th at 6:44 in the</p> <p>12 morning.</p> <p>13 Correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And attached to it was</p> <p>16 the information you had at the time about</p> <p>17 tank car measurements for the VCM cars</p> <p>18 involved in the derailment.</p> <p>19 Right?</p> <p>20 MS. PETTY: Objection.</p> <p>21 THE WITNESS: Yes.</p> <p>22 QUESTIONS BY MR. ELLIS:</p> <p>23 Q. And Helen Hart was sharing this</p> <p>24 information about tank car temperatures with</p> <p>25 the group in order for these to be discussed</p>	<p style="text-align: right;">Page 337</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And your boss' boss was</p> <p>3 sharing this temperature information, and</p> <p>4 this was on February 6th. This was the</p> <p>5 morning that the vent and burn was performed.</p> <p>6 Correct?</p> <p>7 A. It was performed on the</p> <p>8 afternoon of the 6th, yes.</p> <p>9 Q. Okay. This was the morning,</p> <p>10 and it was performed later that afternoon.</p> <p>11 Correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And the most recent</p> <p>14 reading for GATX95098 that you had at the</p> <p>15 time of that meeting was 65 degrees.</p> <p>16 Correct?</p> <p>17 A. That's correct.</p> <p>18 Q. And the high -- the most recent</p> <p>19 reading for OCPX80370 was 128 degrees, and it</p> <p>20 was down 6 degrees from the earlier</p> <p>21 measurement.</p> <p>22 Right?</p> <p>23 MS. PETTY: Objection.</p> <p>24 THE WITNESS: Yes.</p> <p>25</p>

<p style="text-align: right;">Page 338</p> <p>1 QUESTIONS BY MR. ELLIS:</p> <p>2 Q. Did anybody on that call ask</p> <p>3 whether, in light of this information, you</p> <p>4 ought to hold off on the vent and burn?</p> <p>5 A. I do not recall. I don't</p> <p>6 even -- I'm not sure I was even on the call.</p> <p>7 I can't say for sure whether I was or not. I</p> <p>8 don't recall it.</p> <p>9 Q. Did Helen Hart ever ask you,</p> <p>10 geez, in light of this information, maybe we</p> <p>11 should hold off on the vent and burn?</p> <p>12 MR. FUKUMURA: Objection.</p> <p>13 MS. PETTY: Objection.</p> <p>14 THE WITNESS: I do not recall</p> <p>15 that conversation.</p> <p>16 QUESTIONS BY MR. ELLIS:</p> <p>17 Q. Did you ever ask yourself or</p> <p>18 ask others, in light of the low temperatures</p> <p>19 on four of the five vinyl chloride cars and</p> <p>20 the decreasing temperature on the fifth,</p> <p>21 maybe we ought to hold off on this vent and</p> <p>22 burn?</p> <p>23 MS. PETTY: Objection.</p> <p>24 MR. FUKUMURA: Objection.</p> <p>25 THE WITNESS: I did not have</p>	<p style="text-align: right;">Page 340</p> <p>1 the contractors you hired and were paying to</p> <p>2 give you advice, did you ever have a</p> <p>3 conversation with them, after you got this</p> <p>4 information and this Teams meeting occurred,</p> <p>5 whether you should hold off and not perform</p> <p>6 the vent and burn?</p> <p>7 MS. PETTY: Objection.</p> <p>8 MR. FUKUMURA: Objection.</p> <p>9 QUESTIONS BY MR. ELLIS:</p> <p>10 Q. Did you ever have that</p> <p>11 conversation?</p> <p>12 A. I don't recall that</p> <p>13 conversation, no.</p> <p>14 Q. At any time after you got the</p> <p>15 information about the low temperatures on the</p> <p>16 four of the five VCM cars and the decreasing</p> <p>17 temperature on the fifth, did you ever ask</p> <p>18 any of your contractors, geez, maybe we ought</p> <p>19 to hold off and wait a while and not do this</p> <p>20 vent and burn?</p> <p>21 MS. PETTY: Objection.</p> <p>22 MR. FUKUMURA: Objection.</p> <p>23 Asked and answered.</p> <p>24 THE WITNESS: I did not have</p> <p>25 that conversation, no.</p>
<p style="text-align: right;">Page 339</p> <p>1 any such discussion.</p> <p>2 QUESTIONS BY MR. ELLIS:</p> <p>3 Q. Did you ever ask any of the</p> <p>4 folks at SPS or your other contractors</p> <p>5 whether you ought to hold off on the vent and</p> <p>6 burn in light of the information you were</p> <p>7 getting at this time?</p> <p>8 MR. FUKUMURA: Objection.</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: I don't recall</p> <p>11 specific conversations we had. One of</p> <p>12 the conversations we did have with our</p> <p>13 specialized contractors who were there</p> <p>14 felt -- they believed the material was</p> <p>15 polymerizing, and we were</p> <p>16 absolutely -- feared a catastrophic</p> <p>17 failure of one car. And if we had</p> <p>18 one, we figured the problem existed in</p> <p>19 the others because they were all in</p> <p>20 the same pool fire.</p> <p>21 QUESTIONS BY MR. ELLIS:</p> <p>22 Q. Okay. But that wasn't my</p> <p>23 question.</p> <p>24 My question was, did you ever</p> <p>25 have a conversation with any of the folks,</p>	<p style="text-align: right;">Page 341</p> <p>1 QUESTIONS BY MR. ELLIS:</p> <p>2 Q. You never had any conversation</p> <p>3 with GATX about whether you should have a</p> <p>4 vent and burn, did you?</p> <p>5 A. I did not.</p> <p>6 Q. You didn't ask GATX whether you</p> <p>7 could place charges on GATX95098 and blow two</p> <p>8 holes in it, did you?</p> <p>9 A. I did not.</p> <p>10 Q. To your knowledge, did anybody</p> <p>11 at Norfolk Southern have a conversation with</p> <p>12 GATX about whether it could blow two holes in</p> <p>13 GATX95098?</p> <p>14 A. No one to my knowledge.</p> <p>15 Q. What about afterwards? After</p> <p>16 you executed the vent and burn, did you think</p> <p>17 to call GATX and tell it that you'd just</p> <p>18 executed a vent and burn on GATX95098?</p> <p>19 MR. FUKUMURA: Objection.</p> <p>20 MS. PETTY: Objection.</p> <p>21 THE WITNESS: I did not</p> <p>22 personally have conversations with</p> <p>23 anybody with GATX. They would have</p> <p>24 been notified through the damaged car</p> <p>25 system that railroads use, that our</p>

<p style="text-align: right;">Page 342</p> <p>1 mechanical folks have to use, but I 2 don't know when that occurred or who 3 did it. 4 QUESTIONS BY MR. ELLIS: 5 Q. Okay. That's an automated 6 system that tells someone if their -- tells a 7 car owner if its car has been damaged and 8 provides some sort of settlement procedure 9 for the value of the car. 10 Right? 11 MS. PETTY: Objection. 12 MR. FUKUMURA: Objection. 13 THE WITNESS: That's correct. 14 QUESTIONS BY MR. ELLIS: 15 Q. Okay. And that's a -- that's a 16 process you're familiar with, given your 17 experience at Norfolk Southern. 18 Right? 19 MS. PETTY: Objection. 20 THE WITNESS: I know about the 21 process. I have no interaction with 22 that system. 23 QUESTIONS BY MR. ELLIS: 24 Q. Okay. And other than that 25 process, as far as you know, no one at</p>	<p style="text-align: right;">Page 344</p> <p>1 occurred. 2 Correct? 3 A. Yes. In excess of a month. 4 Q. Okay. And what was this about? 5 What was this e-mail about? 6 A. Norfolk Southern agreed to 7 provide some special training classes in the 8 state of Ohio based out of our Bellevue yard. 9 Q. Okay. And what kind of special 10 training classes were those? 11 A. They were unscheduled classes 12 for a normal safety training tour. 13 Q. Okay. So these were safety 14 training that you were providing to folks in 15 the state of Ohio that were part of your 16 normal training, but you were given extra 17 training. 18 Is that it? 19 MS. PETTY: Objection. 20 THE WITNESS: We were providing 21 additional training in the state of 22 Ohio. I don't know at whose request. 23 QUESTIONS BY MR. ELLIS: 24 Q. Okay. Who was the training to? 25 A. First responders.</p>
<p style="text-align: right;">Page 343</p> <p>1 Norfolk Southern ever called GATX to let GATX 2 know that it had executed a vent and burn on 3 GATX95098. 4 Right? 5 A. Not to my knowledge. 6 Q. Did you ever think that maybe 7 you ought to call GATX and let it know that 8 you were going to execute a vent and burn on 9 the VCM car GATX95098 before you did it? 10 A. I did not. 11 (Wood Exhibit 26 marked for 12 identification.) 13 QUESTIONS BY MR. ELLIS: 14 Q. Okay. Mr. Wood, you've been 15 handed what's been marked as Wood Deposition 16 Exhibit Number 26. 17 A. Yes. 18 Q. The bottom e-mail of these two 19 e-mails on this exhibit is an e-mail from you 20 to several people, the first one Christopher 21 Burch at Norfolk Southern. 22 Is that correct? 23 A. Yes. 24 Q. This is on March 20, 2023, so a 25 couple of weeks after the vent and burn</p>	<p style="text-align: right;">Page 345</p> <p>1 Q. So these were first responders 2 throughout the state of Ohio that you were 3 giving training to. You'd normally give that 4 training. This was an additional unscheduled 5 training. 6 Is that right? 7 MR. FUKUMURA: Objection. 8 THE WITNESS: Yes. We have an 9 NS OAR program that we conduct 10 training at the firehouse level, and 11 then we have the NS safety training. 12 These were additional stops for the NS 13 safety training. 14 QUESTIONS BY MR. ELLIS: 15 Q. Okay. And it was an eight-hour 16 class, it looks like, or at least the one in 17 Bellevue, Ohio, was an eight-hour class. 18 Is that right? 19 A. Yes. 20 Q. And was this you telling 21 your -- the folks who were going to do the 22 training what it ought to cover? 23 A. Yes, what should be emphasized. 24 Q. Okay. And, in fact, you say 25 the eight-hour classes in Bellevue should</p>

<p style="text-align: right;">Page 346</p> <p>1 cover the following topics. 2 Correct? 3 A. Yes. 4 Q. And then you go on to list 5 them - railroad 101, wheel reports and 6 AskRail, et cetera? 7 A. Yes. 8 Q. And you added something in red 9 there. "Any discussion regarding East 10 Palestine are to be nonspecific and focus on 11 the same topics as the simulations for any 12 classes taught." 13 Do you see that? 14 A. Yes. 15 Q. You added that there? 16 A. Yes. 17 Q. And then Paul Williams sends 18 that to Scott Deutsch and says, "Wow, what 19 guidance." 20 Right? 21 A. Yes. 22 Q. Okay. And why did you tell 23 them to keep the East Palestine discussion to 24 non-specific training? 25 A. These were instructions we</p>	<p style="text-align: right;">Page 348</p> <p>1 MS. PETTY: Objection. 2 THE WITNESS: Yes. 3 QUESTIONS BY MR. ELLIS: 4 Q. Okay. Has NS done any testing 5 other than this to look for evidence of 6 polymerization? 7 MR. FUKUMURA: Objection. 8 MS. PETTY: Objection. 9 THE WITNESS: Not to my 10 knowledge. 11 QUESTIONS BY MR. ELLIS: 12 Q. If you could look at Wood 13 Exhibit Number 3, that's the HAZMAT factual 14 report. 15 A. Okay. 16 Q. Oxy's counsel asked you some 17 questions that specifically were around 18 indications that VCM had released from the 19 valve other than the PRD. 20 Remember those questions? 21 A. Yes. 22 Q. And we went off the record for 23 a while, and you were paging through that 24 looking for some evidence. 25 And I think you found something</p>
<p style="text-align: right;">Page 347</p> <p>1 received from the NTSB while an ongoing 2 investigation was going on. 3 Q. Okay. So the NTSB told you not 4 to talk about the East Palestine in any 5 specifics; is that why you put that there? 6 A. Yes. Anything related to 7 cause, anything that we were discussing with 8 NTSB, we were not supposed to discuss outside 9 of that. 10 Q. Okay. Would you look at Wood 11 Exhibit Number 13, please? 12 A. Number 13? 13 Q. Yeah. 14 It's one of those double 15 exhibits. It's got an e-mail, and it's got 16 an attachment analysis report. 17 A. Yes. 18 Q. Do you have that there? 19 A. Yes. 20 Q. Okay. And this had to do with 21 some testing that was done after the 22 derailment to look at tank residue test 23 results and evidence -- or in this case, lack 24 of evidence of polymerization. 25 Correct?</p>	<p style="text-align: right;">Page 349</p> <p>1 to do with a -- after the vent and burn 2 condition of one of the particular tank cars. 3 Right? 4 MS. PETTY: Objection. 5 MR. FUKUMURA: Objection. 6 THE WITNESS: The statements 7 were coming from when the valves were 8 in -- were torn down during the NTSB 9 inspection. 10 QUESTIONS BY MR. ELLIS: 11 Q. The statements you were looking 12 at were torn-down valves that were examined 13 after the vent and burn. 14 Right? 15 A. Correct. 16 Q. Okay. And I think you were in 17 the middle of reviewing that document when we 18 came back on the record, and you hadn't been 19 all the way through it. 20 Right? 21 A. Correct. 22 (Wood Exhibit 27 marked for 23 identification.) 24 QUESTIONS BY MR. ELLIS: 25 Q. Okay. I've marked here what's</p>

<p style="text-align: right;">Page 350</p> <p>1 Wood Exhibit Number 27. I'd like you to 2 attach to that anything you find in that that 3 is further evidence of VCM being released 4 from the valve other than the PRD. You can 5 do it anytime. You don't have to do it now. 6 That's the exhibit. 7 MR. ELLIS: And with that, I 8 don't have any further questions for 9 you. 10 MR. FUKUMURA: You mean -- just 11 so we're clear, after the deposition? 12 MR. ELLIS: Sure. 13 MR. FUKUMURA: Okay. 14 THE WITNESS: Okay. 15 MR. ELLIS: I don't have 16 anything further. 17 VIDEOGRAPHER: Need to go off 18 the record? Need to go off the record 19 for a moment? 20 MR. SWANSON: Yeah. Can we so 21 I can switch? 22 VIDEOGRAPHER: We are now going 23 off the video record. The time is 24 currently 4:06 p.m. 25 (Off the record at 4:06 p.m.)</p>	<p style="text-align: right;">Page 352</p> <p>1 You know that generally, right? 2 A. Yes. 3 Q. Now, you agree with me, I 4 think, that the five VCM cars that were 5 involved in the derailment were situated 6 differently and they reacted differently to 7 the conditions that they faced. 8 True? 9 MS. PETTY: Objection. 10 THE WITNESS: I'm not exactly 11 sure what you're asking me. 12 QUESTIONS BY MR. SWANSON: 13 Q. Well, I'm saying it's not fair 14 to equate all the VCM cars as acting the same 15 throughout the derailment, because they 16 didn't. 17 Right? 18 MS. PETTY: Objection. 19 THE WITNESS: They were all in 20 the derailment, and at some point in 21 time all of their PRDs activated. 22 QUESTIONS BY MR. SWANSON: 23 Q. Well, I'm going to -- I'm going 24 to ask you about that. 25 So going back to -- I call it</p>
<p style="text-align: right;">Page 351</p> <p>1 VIDEOGRAPHER: We are now back 2 on the video record. The time is 3 currently 4:07 p.m. 4 DIRECT EXAMINATION 5 QUESTIONS BY MR. SWANSON: 6 Q. Mr. Wood, good afternoon. My 7 name is Brian Swanson, and I represent 8 Trinity. 9 Most of my questions today are 10 going to relate to car TILX402025. 11 You recognize that VCM car, 12 correct? 13 A. Yes, I believe that's it. 14 Q. That car was a car that was 15 owned by Trinity and leased to Oxy Vinyls. 16 Are you familiar with that? 17 A. Yes. 18 Q. Okay. And that was one of the 19 VCM cars that was involved in the derailment. 20 Correct? 21 A. Yes. 22 Q. Now, throughout your testimony 23 today, there was a lot of reference to the 24 VCM cars and what the VCM cars did and how 25 the VCM cars acted.</p>	<p style="text-align: right;">Page 353</p> <p>1 2025. Can I refer to it as 2025 as 2 shorthand? Will you know what I'm talking 3 about? 4 A. The TILX car? 5 Q. Correct. 6 A. Yes, that's fine. 7 Q. Okay. And I've also seen it 8 sometimes referred to as Car 26. 9 Are you familiar with Car 26 10 from the derailment? 11 A. No, not right offhand, but if 12 you say that's the car, okay. 13 Q. Well, we may see references, 14 but if you have any questions, you just let 15 know. 16 Okay? 17 A. Good. 18 Q. Fair enough. 19 TILX402025 didn't breach upon 20 derailment. 21 Did it? 22 A. It did not. 23 Q. Didn't breach until Norfolk 24 Southern detonated it in the vent and burn on 25 February 6th.</p>

<p style="text-align: right;">Page 354</p> <p>1 Right?</p> <p>2 A. Correct.</p> <p>3 Q. And you know, I think, that</p> <p>4 Trinity's 402025 was not exposed to the same</p> <p>5 pool fires as the other VCM cars were.</p> <p>6 Did you know that, sir?</p> <p>7 MS. PETTY: Objection.</p> <p>8 THE WITNESS: All of the vinyl</p> <p>9 chloride cars were exposed to fire.</p> <p>10 QUESTIONS BY MR. SWANSON:</p> <p>11 Q. All right. Let's, if you can,</p> <p>12 please, pull out Exhibit 3.</p> <p>13 MR. FUKUMURA: He'll give the</p> <p>14 page. It's a big one.</p> <p>15 QUESTIONS BY MR. SWANSON:</p> <p>16 Q. It's a big one, and I think</p> <p>17 it's probably the only one I'm going to use</p> <p>18 with this. You can keep it in front of you.</p> <p>19 Okay?</p> <p>20 What I'm going to do, since I</p> <p>21 have a different copy, is I'm going to refer</p> <p>22 to the pages at the bottom.</p> <p>23 Do you see there where it says</p> <p>24 page blank of 158?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 356</p> <p>1 Q. You understand that's the</p> <p>2 Trinity car that I referred to at the outset</p> <p>3 of my questioning?</p> <p>4 A. Yes.</p> <p>5 Q. "The SPSI president recalled it</p> <p>6 was not remarkable."</p> <p>7 Did I read that correctly, sir?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall when you were on</p> <p>10 the ground in East Palestine between</p> <p>11 February 3rd and February 6th that the folks</p> <p>12 at SPSI were able to attach a pressure gauge</p> <p>13 to Trinity's car?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall that the readings</p> <p>16 they got from that pressure gauge were not</p> <p>17 remarkable?</p> <p>18 MS. PETTY: Objection.</p> <p>19 THE WITNESS: Yes. Yes.</p> <p>20 QUESTIONS BY MR. SWANSON:</p> <p>21 Q. The next sentence reads, "This</p> <p>22 tank car had not been subjected to pool fire</p> <p>23 conditions."</p> <p>24 Did I read that correctly?</p> <p>25 A. You did read that correctly.</p>
<p style="text-align: right;">Page 355</p> <p>1 Q. Okay. Can you please, sir,</p> <p>2 turn to page 80 of 158?</p> <p>3 A. Yes.</p> <p>4 Q. About three-quarters of the way</p> <p>5 down, there's a paragraph that begins "At</p> <p>6 that point."</p> <p>7 Do you see that?</p> <p>8 Do you see that paragraph, sir?</p> <p>9 A. Yes. Yes.</p> <p>10 Q. Okay. And this is from the</p> <p>11 factual report that -- that you were on</p> <p>12 the team that put this together.</p> <p>13 Right?</p> <p>14 MS. PETTY: Objection.</p> <p>15 MR. FUKUMURA: Objection.</p> <p>16 QUESTIONS BY MR. SWANSON:</p> <p>17 Q. Right, sir?</p> <p>18 A. Yes.</p> <p>19 Q. All right. The second sentence</p> <p>20 of that paragraph reads, "Crews were able to</p> <p>21 access one of the angle valves on the</p> <p>22 eastern-most VCM car, 28, TILX402025, to test</p> <p>23 the tank pressure."</p> <p>24 Did I read that correctly, sir?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 357</p> <p>1 Q. Do you have any reason to</p> <p>2 question the accuracy of that statement that</p> <p>3 went in the report?</p> <p>4 A. The car received fire damage.</p> <p>5 Q. My question is, do you have any</p> <p>6 reason to question the accuracy of the</p> <p>7 statement that Trinity's 402025 had not been</p> <p>8 subjected to pool fire conditions?</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: According to Drew</p> <p>11 McCarty, it was not.</p> <p>12 QUESTIONS BY MR. SWANSON:</p> <p>13 Q. And Drew McCarty was on the</p> <p>14 scene.</p> <p>15 Right?</p> <p>16 A. Correct.</p> <p>17 Q. He was -- he -- as between you</p> <p>18 and Mr. McCarty, Mr. McCarty spent a lot more</p> <p>19 time at the derailment site with the cars</p> <p>20 than you did.</p> <p>21 Didn't he, sir?</p> <p>22 MS. PETTY: Objection.</p> <p>23 THE WITNESS: That's correct.</p> <p>24 QUESTIONS BY MR. SWANSON:</p> <p>25 Q. And you're not saying that Drew</p>

<p style="text-align: right;">Page 358</p> <p>1 McCarty was being untruthful when he reported 2 that 2025 hadn't been subjected to pool 3 fires. 4 Are you? 5 A. I have no reason to question 6 what he said here. 7 Q. And what he said here is that 8 2025 had not been subjected to pool fire 9 conditions. 10 Correct, sir? 11 A. That's what he said. 12 Q. And you've testified that you 13 knew about the pressure gauge that you guys 14 were able to put on to 2025. 15 Right? 16 A. Correct. 17 Q. If you can flip, please, to 18 page 82 of 158. 19 Very last word on that page is 20 "crews." 21 Do you see that? 22 A. Yes. 23 Q. It reads, "Crews attached a 24 pressure gauge to TILX402025 and found a tank 25 pressure of 60 PSIG."</p>	<p style="text-align: right;">Page 360</p> <p>1 Q. And we've also seen that 2 pressure -- or excuse me, temperature 3 readings were taken on 2025. 4 Right? 5 MS. PETTY: Objection. 6 THE WITNESS: Yes, a pressure 7 reading was taken. 8 QUESTIONS BY MR. SWANSON: 9 Q. Temperature readings were taken 10 on 2025. 11 Correct? 12 MS. PETTY: Objection. 13 THE WITNESS: From the 14 bolsters, yes. 15 QUESTIONS BY MR. SWANSON: 16 Q. Yeah. And it seems you don't 17 really want to own all those temperature 18 readings you were taking and sending on to 19 your bosses. 20 Right? You want to say they're 21 unreliable in litigation now? 22 MS. PETTY: Objection. 23 MR. FUKUMURA: Objection. 24 THE WITNESS: No. I'm saying 25 that's the only temperatures we could</p>
<p style="text-align: right;">Page 359</p> <p>1 Did I read that correctly? 2 A. Yes. 3 Q. You understand, I assume, that 4 60 PSIG is a normal reading for a stabilized 5 vinyl chloride monomer in a tank car. 6 Right, sir? 7 MS. PETTY: Objection. 8 THE WITNESS: I'm sorry, repeat 9 the question. 10 QUESTIONS BY MR. SWANSON: 11 Q. You understand that 60 PSIG is 12 a normal reading for a stabilized vinyl 13 chloride monomer in a tank car. 14 Don't you, sir? 15 MS. PETTY: Objection. 16 THE WITNESS: I do not. 17 QUESTIONS BY MR. SWANSON: 18 Q. You don't know one way or the 19 other? 20 A. No. 21 Q. But you do know that 22 Mr. McCarty found that 65 -- or 60 PSIG to be 23 unremarkable, right? That's what he 24 reported? 25 A. That's what he reported.</p>	<p style="text-align: right;">Page 361</p> <p>1 get. 2 QUESTIONS BY MR. SWANSON: 3 Q. Well, if you had a pressure 4 reading from Trinity's car 2025, you 5 understand that pressure readings correspond 6 to temperatures. 7 Right? 8 A. Yes. 9 Q. So if you wanted to figure out 10 if your temperature readings on the cars were 11 accurate, one thing you could have done was 12 use the pressure to determine that. 13 Right? 14 A. Yes. 15 Q. Is that something you did? 16 A. The valves were inaccessible 17 and unoperable on the other cars. Wouldn't 18 allow for pressure gauges. 19 Q. Well, it did allow for it on 20 the Trinity car, didn't it, sir? 21 A. It did. 22 Q. And it showed you that the 23 temperatures you were getting on the Trinity 24 car were accurate, didn't it? 25 MS. PETTY: Objection.</p>

1 THE WITNESS: I have no reason
 2 to question the temperatures we got
 3 off the bolsters of the car.
 4 QUESTIONS BY MR. SWANSON:
 5 Q. Okay. So I want to focus on
 6 the Trinity car.
 7 Okay, sir?
 8 A. Yeah.
 9 Q. You knew what the temperature
 10 readings were.
 11 Right? Yes?
 12 A. Yes.
 13 MS. PETTY: Objection.
 14 QUESTIONS BY MR. SWANSON:
 15 Q. You knew what the pressure
 16 readings were on the Trinity car.
 17 Right?
 18 A. Yes.
 19 Q. The pressure and temperature
 20 readings from Trinity's 2025 were in no way
 21 indicative of polymerization occurring in
 22 that car, were they, sir?
 23 MS. PETTY: Objection.
 24 THE WITNESS: I have no way to
 25 indicate that that was the case.

1 QUESTIONS BY MR. SWANSON:
 2 Q. You have no way to indicate
 3 that polymerization was occurring in the
 4 Trinity car.
 5 Right, sir?
 6 MS. PETTY: Objection.
 7 THE WITNESS: Correct.
 8 QUESTIONS BY MR. SWANSON:
 9 Q. The pressure and temperature
 10 readings that you received from the TILX 2025
 11 car were in no way indicative of a potential
 12 BLEVE.
 13 Were they, sir?
 14 MS. PETTY: Objection.
 15 THE WITNESS: No.
 16 QUESTIONS BY MR. SWANSON:
 17 Q. They were not, right?
 18 MS. PETTY: Objection.
 19 THE WITNESS: That's correct.
 20 QUESTIONS BY MR. SWANSON:
 21 Q. And you know, based on the
 22 pressure and temperature readings of
 23 Trinity's 2025, that Norfolk Southern and its
 24 contractors believed the car was a candidate
 25 for re-railing.

1 Right?
 2 MS. PETTY: Objection.
 3 THE WITNESS: That was part of
 4 the decision tree, and, yes,
 5 originally we did believe that.
 6 QUESTIONS BY MR. SWANSON:
 7 Q. Right.
 8 What you wanted to do with the
 9 Trinity car, 2025, was put it back on the
 10 tracks and send it on its way.
 11 Right, sir?
 12 MS. PETTY: Objection.
 13 THE WITNESS: That's correct.
 14 QUESTIONS BY MR. SWANSON:
 15 Q. And I'm going to give Norfolk
 16 Southern the benefit of the doubt that you
 17 wouldn't have contemplated doing that if you
 18 thought there was any risk of polymerization.
 19 Right, sir?
 20 MS. PETTY: Objection.
 21 THE WITNESS: That's correct.
 22 QUESTIONS BY MR. SWANSON:
 23 Q. Norfolk Southern wouldn't have
 24 considered re-railing Trinity's 2025 if it
 25 believed there was any concern about a

1 potential BLEVE.
 2 Right?
 3 A. That's correct.
 4 Q. What you know, based on the
 5 pressure and temperature readings of
 6 Trinity's 2025, was that that car was stable.
 7 Wasn't it, sir?
 8 MS. PETTY: Objection.
 9 THE WITNESS: At the time it
 10 was observed, that's correct.
 11 QUESTIONS BY MR. SWANSON:
 12 Q. That car was stable right up to
 13 the moment that you detonated it in the vent
 14 and burn.
 15 Wasn't it, sir?
 16 MS. PETTY: Objection.
 17 THE WITNESS: That's correct.
 18 QUESTIONS BY MR. SWANSON:
 19 Q. What you know, based on the
 20 temperature and pressure readings that you
 21 took from Trinity's 2025, was that that car
 22 performed exactly as it was built to perform
 23 in a derailment.
 24 Didn't it, sir?
 25 MS. PETTY: Objection.

<p style="text-align: right;">Page 366</p> <p>1 MR. FUKUMURA: Objection. 2 THE WITNESS: That's correct. 3 QUESTIONS BY MR. SWANSON: 4 Q. And what you know from those 5 pressure and temperature readings 6 specifically is that the pressure release 7 device on 2025 acted exactly as it should in 8 a derailment. 9 Correct? 10 MS. PETTY: Objection. 11 MR. FUKUMURA: Objection. 12 THE WITNESS: That's correct. 13 QUESTIONS BY MR. SWANSON: 14 Q. Now, I've seen evidence in the 15 factual report we've been talking about that 16 the reason Norfolk Southern didn't re-rail 17 Trinity's 2025 car was because of a damaged 18 bolster. 19 Is that your understanding? 20 MS. PETTY: Objection. 21 THE WITNESS: No. 22 QUESTIONS BY MR. SWANSON: 23 Q. Okay. Let's turn, if we could, 24 to page 85 of 158. 25 A. Yes.</p>	<p style="text-align: right;">Page 368</p> <p>1 Did I read that correctly? 2 A. Yes. 3 Q. Is it true that the reason 4 Norfolk Southern did not re-rail 2025 was 5 because its bolster was allegedly damaged? 6 A. The bolster damage may have 7 prevented re-railing. It doesn't say we 8 couldn't move it, but the wrecking 9 contractors refused to touch these cars. 10 Q. Well, let me take this in 11 pieces. Okay? I want you to first answer my 12 question. 13 The reason Norfolk Southern did 14 not re-rail 2025 is because of an allegedly 15 damaged bolster. 16 Correct? 17 MS. PETTY: Objection. 18 THE WITNESS: That's the 19 statement here. 20 QUESTIONS BY MR. SWANSON: 21 Q. And you have no reason to 22 question that statement. 23 Correct? 24 MS. PETTY: Objection. 25 THE WITNESS: I do not.</p>
<p style="text-align: right;">Page 367</p> <p>1 Q. Are you there, sir? 2 A. Yeah. 3 Q. Midway through that page, there 4 is a paragraph that begins "Following that." 5 Do you see that? 6 A. Yes. 7 Q. It reads, "Following that, SRS 8 crews" -- 9 That's Mr. Day's organization, 10 right? 11 A. Yes. 12 Q. -- "SRS crews assisted with 13 moving burning hopper cars away from the east 14 end so the crews could attempt to re-rail VCM 15 car TILX402025 because the car was determined 16 to be stable with a pressure of 60 PSIG." 17 Did I read that correctly? 18 A. Yes. 19 Q. That's a true statement based 20 on what you just testified about. 21 Right, sir? 22 A. Yes. 23 Q. "Re-railing this VCM car was 24 not possible because of damage to the bolster 25 assemblies on both sides of the car."</p>	<p style="text-align: right;">Page 369</p> <p>1 QUESTIONS BY MR. SWANSON: 2 Q. Now, you said -- you said that 3 the reason -- well, let me take a step back. 4 One thing that you can do as a 5 railroad company in a derailment where there 6 are derailed cars is you can move them out of 7 harm's way. 8 Right? 9 A. That's correct. 10 Q. There might be fires. You can 11 move cars away from the fires so that they 12 don't heat up their cars. 13 Right? 14 A. Correct. 15 Q. And you had wrecking crews on 16 site here that were capable of moving train 17 cars, generally. 18 Right? 19 A. Yes. 20 Q. And they did, in fact, move 21 different cars out of harm's way. 22 Correct? 23 A. Yes. 24 Q. And what was the name of this 25 wrecking company that you're referring to?</p>

<p style="text-align: right;">Page 370</p> <p>1 A. There was more than one 2 wrecking company, and I believe R.J. Corman 3 was there. There may have been Hulcher and 4 Cranemasters. I honestly don't know all the 5 wrecking contractors that are there. 6 Q. And then what you volunteered 7 in response to my question is that your 8 wrecking companies wouldn't move any of the 9 VCM cars. 10 Is that your testimony? 11 A. That was the message relayed to 12 me. 13 Q. So you don't know -- nothing 14 was told to you directly; you're relying on 15 what other people told you. 16 Is that fair? 17 A. Yes. The wrecking contractors 18 work for our mechanical department, so any 19 communication they would have had would have 20 been with the mechanical. 21 Q. And who's with -- who's the 22 mechanical department? 23 A. I believe Josiah Saxe was out 24 there then, but I don't know that as fact. 25 Q. All right. No one told you</p>	<p style="text-align: right;">Page 372</p> <p>1 can, but we can't, so let's move it rather 2 than blowing it up? 3 MS. PETTY: Objection. 4 THE WITNESS: They didn't want 5 to move it because of its proximity to 6 three other VCM cars that were 7 directly near it. 8 Where they would have to get to 9 move that car, they had to get 10 directly adjacent to those cars. 11 QUESTIONS BY MR. SWANSON: 12 Q. The pressure gauge that went on 13 2025 that showed a pressure reading of 14 60 PSIG, that went on on the 4th. 15 You know that, right? 16 A. Yes. 17 Q. And then there were two days 18 between the 4th and the time that Norfolk 19 Southern blew up that car that anybody from 20 your wrecking crew could have come in and 21 moved that car. 22 Right, sir? 23 MS. PETTY: Objection. 24 THE WITNESS: No wrecking crews 25 entered the site until the fires were</p>
<p style="text-align: right;">Page 371</p> <p>1 directly why these wrecking companies 2 allegedly would not move any of the VCM cars. 3 Fair? 4 MR. FUKUMURA: Objection. 5 MS. PETTY: Objection. 6 THE WITNESS: Yes, I believe 7 Drew McCarty was there when the 8 conversation happened. 9 QUESTIONS BY MR. SWANSON: 10 Q. And what reason were you told 11 for the wrecking companies refusing to move 12 any of the VCM cars? 13 A. Because of the fears that had 14 been expressed that we thought the cars were 15 polymerizing. 16 Q. Well, wait a second, sir. 17 You just told me that Norfolk 18 Southern was ready to re-rail 2025 because it 19 was stable. 20 Right? 21 A. Yes. 22 Q. So did anybody tell your 23 wrecking crews that regardless of what's 24 going on in these other four VCM cars, we've 25 got a stable car here that we'd re-rail if we</p>	<p style="text-align: right;">Page 373</p> <p>1 basically out or down to smoldering. 2 QUESTIONS BY MR. SWANSON: 3 Q. Right. 4 And what happened is we on 5 page 85, is that the wrecking crews were in 6 close proximity to 2025 because they were 7 moving other cars so you could re-rail it. 8 Right, sir? 9 A. Yes. They were moving the cars 10 directly east. 11 Q. Right. 12 And it didn't occur to anybody 13 while they were there to hook up an 14 attachment to 2025 and move it out of the way 15 instead of blowing up the car and releasing 16 all that VCM into the environment? 17 MS. PETTY: Objection. 18 MR. FUKUMURA: Objection. 19 THE WITNESS: Again, as it was 20 stated to me, the wrecking contractors 21 refused to move any of those cars 22 because of its proximity to the other 23 cars. 24 QUESTIONS BY MR. SWANSON: 25 Q. Did the wrecking cars {sic}</p>

<p style="text-align: right;">Page 374</p> <p>1 know that Norfolk Southern had determined 2 that 2025 was stable? 3 MS. PETTY: Objection. 4 THE WITNESS: I do not know. 5 QUESTIONS BY MR. SWANSON: 6 Q. You're not sure if anybody told 7 the wrecking crews that they had a stable VCM 8 car that could be moved? 9 MS. PETTY: Objection. 10 THE WITNESS: I don't know. 11 QUESTIONS BY MR. SWANSON: 12 Q. Who would know the answer to 13 that? 14 MS. PETTY: Objection. 15 THE WITNESS: The folks who 16 were on the ground at the cars. 17 QUESTIONS BY MR. SWANSON: 18 Q. And you don't know the names of 19 any of those folks? 20 A. It would have been personnel 21 from SRS or SPSI. 22 I don't know what NS personnel 23 would have been on the ground down there at 24 that -- at that particular time and whoever 25 from mechanical was representing NS at that</p>	<p style="text-align: right;">Page 376</p> <p>1 the derailment default anything Trinity did 2 or did not do in assisting with the 3 derailment response? 4 MS. PETTY: Objection. 5 THE WITNESS: I'm sorry, I 6 didn't understand. 7 QUESTIONS BY MR. SWANSON: 8 Q. As the person on the ground -- 9 as a person on the ground for Norfolk 10 Southern who was helping -- I can't read that 11 now. Let me try it again. 12 All right. As a Norfolk 13 Southern employee who was on the ground 14 helping to manage the response to the 15 derailment, do you fault anything that 16 Trinity did or didn't do in assisting with 17 the derailment response? 18 A. No. 19 Q. Was Trinity consulted in any 20 way before Norfolk Southern made the decision 21 to vent and burn 2025? 22 MS. PETTY: Objection. 23 THE WITNESS: Not to my 24 knowledge. 25</p>
<p style="text-align: right;">Page 375</p> <p>1 time. 2 Q. Following the derailment, so 3 between the 3rd and the 6th when the vent and 4 burn occurred, did you have any 5 communications with anybody at Trinity? 6 A. I did not. 7 Q. Did you ask for any information 8 from anybody at Trinity? 9 A. I did not. 10 Q. Did you ask for any drawings of 11 the car from anyone at Trinity? 12 A. I did not. 13 Q. Did you ask for the certificate 14 of construction for 2025 from anyone? 15 A. I did not. 16 Q. Did you look at it, the 17 certificate of construction, whether you 18 asked for it? 19 A. I did not. 20 Q. Did you look at any specs for 21 the PRDs for 2025? 22 A. Nothing other than the rating 23 of the PRD. 24 Q. This person on the ground for 25 Norfolk Southern who was helping to manage</p>	<p style="text-align: right;">Page 377</p> <p>1 QUESTIONS BY MR. SWANSON: 2 Q. I want to ask you about your 3 contractors at SPSI and SRS. 4 It sounds like from your 5 testimony that you didn't consider yourself 6 to be an expert in stabilized VCM. 7 Is that fair? 8 A. That's correct. 9 Q. Or in venting and burning 10 operations. 11 Right? 12 A. That's correct. 13 Q. And I take it from your 14 testimony and other information I've seen 15 that you relied on Mr. Day and Mr. McCarty to 16 advise on how to handle these VCM tank cars. 17 Is that fair? 18 A. That's correct. They are 19 CHLOREP contractors. 20 Q. Okay. Did you rely on one more 21 than the other? 22 A. No, I don't think so. 23 Q. You believed, or were led to 24 believe, that Mr. Day had experiences in both 25 VCM and venting and burning.</p>

<p style="text-align: right;">Page 378</p> <p>1 Right?</p> <p>2 A. Correct.</p> <p>3 Q. And so you relied -- I'll start</p> <p>4 with Mr. Day.</p> <p>5 You relied on Mr. Day and what</p> <p>6 he told you as it related to the decision to</p> <p>7 vent and burn the cars.</p> <p>8 Right?</p> <p>9 MS. PETTY: Objection.</p> <p>10 THE WITNESS: Yes.</p> <p>11 QUESTIONS BY MR. SWANSON:</p> <p>12 Q. Now, in electing to rely on</p> <p>13 Mr. Day, can you tell us what specific</p> <p>14 experience he had working with stabilized</p> <p>15 vinyl chloride monomers in a derailment?</p> <p>16 A. I don't know all of Chip's</p> <p>17 experience over the years, his decades of</p> <p>18 experience, but he is the leader of one of</p> <p>19 their CHLOREP teams. There are like three</p> <p>20 CHLOREP contractors in the whole United</p> <p>21 States. Two of them were on our site. SPSI</p> <p>22 is a CHLOREP contractor. SRS is a CHLOREP</p> <p>23 contractor.</p> <p>24 The Chlorine Institute has</p> <p>25 CHLOREP contractors for all of their mission</p>	<p style="text-align: right;">Page 380</p> <p>1 Q. Can you tell us what experience</p> <p>2 Mr. Day had specifically hot-tapping VCM</p> <p>3 cars?</p> <p>4 A. I cannot.</p> <p>5 Q. Can you tell us what experience</p> <p>6 Mr. Day had specifically offloading VCM</p> <p>7 through a tank car's valves in a derailment?</p> <p>8 A. I cannot.</p> <p>9 Q. Can you tell us what experience</p> <p>10 Mr. Day had, if any, evaluating the status of</p> <p>11 vinyl chloride monomer inhibitors?</p> <p>12 MS. PETTY: Objection.</p> <p>13 THE WITNESS: Yeah, I'm sorry,</p> <p>14 I don't think I quite understood.</p> <p>15 QUESTIONS BY MR. SWANSON:</p> <p>16 Q. Can you tell us what experience</p> <p>17 Mr. Day had, if any, evaluating the status of</p> <p>18 VCM inhibitors?</p> <p>19 MS. PETTY: Objection.</p> <p>20 THE WITNESS: Oh, I cannot.</p> <p>21 QUESTIONS BY MR. SWANSON:</p> <p>22 Q. Now, you knew that there were</p> <p>23 experts in Dallas, Texas, at Oxy who were</p> <p>24 advising your contractors on VCM and</p> <p>25 polymerization.</p>
<p style="text-align: right;">Page 379</p> <p>1 chemicals. Vinyl chloride is a mission</p> <p>2 chemical of The Chlorine Institute.</p> <p>3 Q. Okay. I need you to focus on</p> <p>4 my questions, okay, because I have limited</p> <p>5 time.</p> <p>6 Can you tell us what specific</p> <p>7 experience Mr. Day had working with</p> <p>8 stabilized vinyl chloride monomers in a</p> <p>9 derailment?</p> <p>10 MS. PETTY: Objection.</p> <p>11 QUESTIONS BY MR. SWANSON:</p> <p>12 Q. Can you tell us or not?</p> <p>13 A. I cannot.</p> <p>14 Q. Can you tell us what experience</p> <p>15 Mr. Day had venting and burning vinyl</p> <p>16 chloride monomer?</p> <p>17 A. I cannot.</p> <p>18 Q. Can you tell us what experience</p> <p>19 Mr. Day had working with VCM initiators?</p> <p>20 A. I cannot.</p> <p>21 Q. Can you tell us what specific</p> <p>22 experience Mr. Day had working with the</p> <p>23 potential polymerization of vinyl chloride</p> <p>24 monomers in a derailment?</p> <p>25 A. I cannot.</p>	<p style="text-align: right;">Page 381</p> <p>1 Right, sir?</p> <p>2 MS. PETTY: Objection.</p> <p>3 THE WITNESS: Yes.</p> <p>4 QUESTIONS BY MR. SWANSON:</p> <p>5 Q. And you didn't have any</p> <p>6 person -- you didn't have any discussions</p> <p>7 yourself with anybody from Oxy in Dallas</p> <p>8 between the 3rd and the 6th.</p> <p>9 Right?</p> <p>10 A. I did not.</p> <p>11 Q. Did you do anything to compare</p> <p>12 Mr. Day's experience with the subject matter</p> <p>13 experts in Dallas, Texas, at Oxy to determine</p> <p>14 who you might want to rely on for information</p> <p>15 about VCM?</p> <p>16 MS. PETTY: Objection.</p> <p>17 THE WITNESS: No.</p> <p>18 QUESTIONS BY MR. SWANSON:</p> <p>19 Q. Same questions for Mr. McCarty.</p> <p>20 In electing to rely on</p> <p>21 Mr. McCarty, can you tell us what specific</p> <p>22 experience he had, if any, working with</p> <p>23 stabilized vinyl chloride monomers in a</p> <p>24 derailment?</p> <p>25 A. I knew he was the prime</p>

<p style="text-align: right;">Page 382</p> <p>1 contractor for a derailment in Paulsboro, New 2 Jersey -- 3 Q. Okay. 4 A. -- that involved a breached 5 vinyl chloride car. 6 Q. Okay. Did that -- did that 7 derailment involve a vent and burn of that 8 car? 9 A. It did not. 10 Q. So can you tell us what 11 experience, if any, Mr. McCarty had venting 12 and burning vinyl chloride monomers? 13 A. I cannot. 14 Q. Can you tell us what experience 15 Mr. McCarty had, if any, regarding vinyl 16 chloride monomer potentially polymerizing? 17 A. His experience? 18 Q. Specific experience dealing 19 with vinyl chloride monomer polymerization. 20 A. I do not. 21 Q. Can you tell us what experience 22 Mr. McCarty had working with VCM initiators? 23 A. I cannot. 24 Q. Can you tell us what 25 experience, if any, Mr. McCarty had with</p>	<p style="text-align: right;">Page 384</p> <p>1 A. That's correct. 2 Q. Can you tell the jury what an 3 angle valve is on a tank car? 4 A. An angle valve is a style of 5 valve, usually a loading or offloading valve 6 or a vapor valve on the car. The angle valve 7 just describes the design of the valve. 8 Q. Right. 9 And on 2025, you knew that the 10 function of the angle valve was to load and 11 unload vinyl chloride monomer into that car. 12 Right? 13 A. Correct. 14 Q. The angle valve is a valve that 15 Oxy used to put VCM into 2025 and then sent 16 it on its way. 17 Right? 18 A. That's correct. 19 Q. Angle valve is the valve that 20 Oxy would have used had the train reached its 21 destination to offload the vinyl chloride 22 monomer from that car. 23 Right, sir? 24 A. The liquid angle valves, yes. 25 Q. Right.</p>
<p style="text-align: right;">Page 383</p> <p>1 hot-tapping vinyl chloride monomer cars? 2 A. I cannot. 3 Q. Can you tell us what experience 4 Mr. McCarty had, if any, offloading vinyl 5 chloride monomer through a tank car's valves 6 following a derailment? 7 A. I cannot. 8 Q. And I take it you didn't do any 9 comparison of Mr. McCarty's experience to the 10 subject matter experts you had access to in 11 Dallas from Oxy Vinyls. 12 True, sir? 13 MS. PETTY: Objection. 14 THE WITNESS: I did not. 15 QUESTIONS BY MR. SWANSON: 16 Q. I had shown you before the 17 factual report where you saw that crews were 18 able to access one of the angle valves on 19 2025. 20 You recall that, sir? 21 A. Yes. 22 Q. And by attaching a pressure 23 gauge to the angle valve, they were able to 24 get pressure readings from that car. 25 Right?</p>	<p style="text-align: right;">Page 385</p> <p>1 And on this -- on 2025, you 2 know the angle valve was accessible because 3 you put a pressure gauge on it. 4 Right? 5 A. Well, there are three angle 6 valves. Some have -- some have three. I 7 believe these had three angle valves - one 8 vapor, two liquid lines. I'd have to go look 9 at the car, you know, the records of the car 10 to see. 11 Q. Right. 12 A. There's actually three angle 13 valves. 14 Q. You put a pressure gauge on one 15 of the angle valves. 16 Right? 17 A. Yes. 18 Q. Now, was there any discussion 19 about using that angle valve that was 20 functioning to take pressure readings, using 21 that angle valve to offload VCM from the 22 Trinity car rather than blowing it up and 23 spouting 170,000 pounds of VCM into the 24 environment? 25 Any discussion of that at all,</p>

<p style="text-align: right;">Page 386</p> <p>1 sir?</p> <p>2 MS. PETTY: Objection.</p> <p>3 MR. FUKUMURA: Objection.</p> <p>4 THE WITNESS: No, there was no</p> <p>5 discussion of that.</p> <p>6 QUESTIONS BY MR. SWANSON:</p> <p>7 Q. You talked about a private</p> <p>8 meeting that you had with Commander Drabick</p> <p>9 on the evening -- early evening of the 5th.</p> <p>10 Right, sir?</p> <p>11 A. Yes.</p> <p>12 Q. I don't want to go back through</p> <p>13 your testimony. I do want to ask you --</p> <p>14 well, let me ask you first.</p> <p>15 When you met with Chief</p> <p>16 Drabick, the recommendation of you and your</p> <p>17 team was, we're going to vent and burn all</p> <p>18 five cars.</p> <p>19 Right?</p> <p>20 A. No.</p> <p>21 Q. Your recommendation -- you</p> <p>22 believed it was necessary. Norfolk Southern</p> <p>23 and your contractors believed it was</p> <p>24 necessary to vent and burn all five VCM cars.</p> <p>25 Right?</p>	<p style="text-align: right;">Page 388</p> <p>1 of the VCM cars that was -- that was a</p> <p>2 candidate for venting and burning, Norfolk</p> <p>3 Southern had determined to be stable? Did</p> <p>4 you tell him that?</p> <p>5 A. No.</p> <p>6 Q. You know that your employer,</p> <p>7 Norfolk Southern, has filed a lawsuit against</p> <p>8 Trinity.</p> <p>9 Right?</p> <p>10 A. Yes.</p> <p>11 Q. Have you read the complaint in</p> <p>12 the case that Norfolk Southern filed against</p> <p>13 Trinity?</p> <p>14 A. I have not.</p> <p>15 Q. So you're on the ground between</p> <p>16 February 3rd and February 7 in East</p> <p>17 Palestine.</p> <p>18 Right?</p> <p>19 A. Yes.</p> <p>20 Q. Firsthand knowledge of the</p> <p>21 Norfolk Southern derailment response.</p> <p>22 Right?</p> <p>23 A. Yes.</p> <p>24 Q. Firsthand knowledge of the</p> <p>25 decision to vent and burn.</p>
<p style="text-align: right;">Page 387</p> <p>1 A. We believed a vent and burn</p> <p>2 had -- needed to take place to safely bring</p> <p>3 an end to the incident, yes.</p> <p>4 Q. Of all five cars.</p> <p>5 Right?</p> <p>6 A. I don't know we discussed the</p> <p>7 number of cars at that time. I really don't.</p> <p>8 Q. Well, you knew that that vent</p> <p>9 and burn wouldn't happen if Chief Drabick</p> <p>10 didn't sign off.</p> <p>11 Right?</p> <p>12 A. Yes.</p> <p>13 Q. When you went in and -- so your</p> <p>14 job was to try to convince Chief Drabick that</p> <p>15 it was the appropriate decision based on what</p> <p>16 you were seeing and what the contractor was</p> <p>17 seeing.</p> <p>18 Right, sir?</p> <p>19 MS. PETTY: Objection.</p> <p>20 MR. FUKUMURA: Objection.</p> <p>21 THE WITNESS: No.</p> <p>22 QUESTIONS BY MR. SWANSON:</p> <p>23 Q. Let me just ask you then.</p> <p>24 When you went in and you met</p> <p>25 with Chief Drabick, did you tell him that one</p>	<p style="text-align: right;">Page 389</p> <p>1 Right?</p> <p>2 A. Yes.</p> <p>3 Q. Firsthand knowledge of the</p> <p>4 status and the condition of the Trinity car</p> <p>5 at the time it was detonated.</p> <p>6 Right?</p> <p>7 MS. PETTY: Objection.</p> <p>8 THE WITNESS: Yes.</p> <p>9 QUESTIONS BY MR. SWANSON:</p> <p>10 Q. Firsthand knowledge for all the</p> <p>11 reasons that Norfolk Southern elected to</p> <p>12 detonate Trinity's 2025 rather than pursue</p> <p>13 other options.</p> <p>14 Right?</p> <p>15 MS. PETTY: Objection.</p> <p>16 THE WITNESS: I'm sorry, repeat</p> <p>17 the question.</p> <p>18 QUESTIONS BY MR. SWANSON:</p> <p>19 Q. You had firsthand knowledge of</p> <p>20 all the reasons that Norfolk Southern</p> <p>21 detonated Trinity's 2025 rather than pursue</p> <p>22 other options.</p> <p>23 Right?</p> <p>24 You had firsthand knowledge of</p> <p>25 that, right?</p>

<p style="text-align: right;">Page 390</p> <p>1 MS. PETTY: Objection.</p> <p>2 THE WITNESS: I had firsthand</p> <p>3 knowledge of everything involving the</p> <p>4 emergency response of the vinyl</p> <p>5 chloride cars.</p> <p>6 QUESTIONS BY MR. SWANSON:</p> <p>7 Q. Firsthand -- sorry to</p> <p>8 interrupt.</p> <p>9 Are you done?</p> <p>10 A. Yes.</p> <p>11 Q. Firsthand knowledge of what</p> <p>12 Norfolk Southern and its contractors told</p> <p>13 unified command, what they didn't tell</p> <p>14 unified command.</p> <p>15 Right?</p> <p>16 MS. PETTY: Objection.</p> <p>17 MR. FUKUMURA: Objection.</p> <p>18 THE WITNESS: I don't know</p> <p>19 direct information about everything</p> <p>20 that was said in the meeting at city</p> <p>21 hall that night of the 5th, because I</p> <p>22 was not present.</p> <p>23 QUESTIONS BY MR. SWANSON:</p> <p>24 Q. Given all of your firsthand</p> <p>25 experience with the derailment and the</p>	<p style="text-align: right;">Page 392</p> <p>1 I had a reaction.</p> <p>2 QUESTIONS BY MR. SWANSON:</p> <p>3 Q. Do you know what the claims are</p> <p>4 that Norfolk Southern asserts against</p> <p>5 Trinity?</p> <p>6 A. I do not.</p> <p>7 Q. No idea at all?</p> <p>8 A. None.</p> <p>9 Q. Have you ever seen, as you sit</p> <p>10 here today, the certificate of construction</p> <p>11 for car 2025?</p> <p>12 A. I have not.</p> <p>13 MR. SWANSON: If we can go off</p> <p>14 the record.</p> <p>15 VIDEOGRAPHER: We are now going</p> <p>16 off the video record. The time is</p> <p>17 currently 4:41 p.m.</p> <p>18 (Off the record at 4:41 p.m.)</p> <p>19 VIDEOGRAPHER: We are now back</p> <p>20 on the video record. The time is</p> <p>21 currently 4:42 p.m.</p> <p>22 MR. SWANSON: Mr. Wood, those</p> <p>23 are all the questions I have for you.</p> <p>24 Thanks for answering them.</p> <p>25 THE WITNESS: You're welcome.</p>
<p style="text-align: right;">Page 391</p> <p>1 response, it didn't occur to you to read the</p> <p>2 complaint that your employer had filed</p> <p>3 against Trinity to determine if the claims</p> <p>4 that Norfolk Southern was making had any</p> <p>5 merit?</p> <p>6 Didn't occur to you?</p> <p>7 MR. FUKUMURA: Objection.</p> <p>8 MS. PETTY: Objection.</p> <p>9 THE WITNESS: No.</p> <p>10 QUESTIONS BY MR. SWANSON:</p> <p>11 Q. Before you met Norfolk</p> <p>12 Southern's outside lawyers who filed that</p> <p>13 lawsuit on Norfolk Southern's behalf, did you</p> <p>14 believe that Trinity had done anything wrong</p> <p>15 in responding to the derailment of 2025?</p> <p>16 MS. PETTY: Objection.</p> <p>17 MR. FUKUMURA: Objection.</p> <p>18 THE WITNESS: I had not.</p> <p>19 QUESTIONS BY MR. SWANSON:</p> <p>20 Q. What was your reaction when you</p> <p>21 learned that Norfolk Southern had filed a</p> <p>22 lawsuit against Trinity?</p> <p>23 MR. FUKUMURA: Objection.</p> <p>24 MS. PETTY: Objection.</p> <p>25 THE WITNESS: I don't know that</p>	<p style="text-align: right;">Page 393</p> <p>1 VIDEOGRAPHER: Do you need to</p> <p>2 go off the record and switch?</p> <p>3 MR. BUCHANAN: I'm going to be</p> <p>4 quick.</p> <p>5 VIDEOGRAPHER: Okay.</p> <p>6 MR. BUCHANAN: Oh, any</p> <p>7 questions from the defense?</p> <p>8 MR. FUKUMURA: Are you done?</p> <p>9 MR. BUCHANAN: I'm sorry, I'm</p> <p>10 just -- I'll respond to your</p> <p>11 questions, if you have any.</p> <p>12 MS. PETTY: Yeah, no, nothing</p> <p>13 right now. We'll see what you do in</p> <p>14 your next stint up there, but, yeah.</p> <p>15 REDIRECT EXAMINATION</p> <p>16 QUESTIONS BY MR. BUCHANAN:</p> <p>17 Q. Mr. Wood, just a few more</p> <p>18 questions for you.</p> <p>19 Do you have Exhibit 21 before</p> <p>20 you? That's that incident status report from</p> <p>21 February 5, 2023.</p> <p>22 A. What number?</p> <p>23 MR. FUKUMURA: 21.</p> <p>24 QUESTIONS BY MR. BUCHANAN:</p> <p>25 Q. I had it as 21. Incident</p>

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1 status report, February 5, 2023.
 2 A. Yes, I have it.
 3 Q. You answered a number of
 4 questions from Oxy Vinyls' counsel on this
 5 document.
 6 Do you recall that?
 7 A. Yes.
 8 Q. Okay. Taking you to, excuse
 9 me, page 4 of 7.
 10 You were just asked a number of
 11 questions about the experience of Mr. Day and
 12 Mr. McCarty with regard to vent and burn,
 13 with regard to VCM, with regard to
 14 offloading, onloading.
 15 You recall those questions?
 16 A. Yes.
 17 Q. Who did you tell -- let's look
 18 in that box there, second up from the bottom.
 19 "SMEs from Occidental on site to evaluate
 20 chemical behavior in cars."
 21 Do you see that?
 22 A. Which bullet?
 23 Q. It's the last bullet of the
 24 second box.
 25 A. Yes.

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1 Q. "SMEs from Occidental on site
 2 to review chemical behavior in cars."
 3 Do you see that, sir?
 4 A. Yes.
 5 Q. SME means what?
 6 A. Subject matter expert.
 7 Q. You told the NTSB that the
 8 subject matter experts in the chemical
 9 behavior in the cars was Occidental.
 10 Is that right?
 11 MS. PETTY: Objection.
 12 THE WITNESS: I don't know that
 13 I did, but --
 14 QUESTIONS BY MR. BUCHANAN:
 15 Q. That's what this report said,
 16 right?
 17 MS. PETTY: Objection.
 18 THE WITNESS: Yes.
 19 QUESTIONS BY MR. BUCHANAN:
 20 Q. And yet when these issues were
 21 arising with regard to this issue about
 22 polymerization or not, you, sir, did not
 23 contact them in Dallas.
 24 Do I have that correct?
 25 A. I did not.

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1 MR. BUCHANAN: No further
 2 questions.
 3 VIDEOGRAPHER: Any follow-ups?
 4 MS. PETTY: No, thank you.
 5 VIDEOGRAPHER: Anyone else?
 6 We are now going off the video
 7 record. The time is currently
 8 4:46 p.m.
 9 (Off the record 4:46 p.m.)
 10 MS. PETTY: Okay. Yeah, we'll
 11 just designate the transcript
 12 confidential under the protective
 13 order, and we're done.
 14 Thank you. Sorry.
 15 (Deposition concluded at 4:47 p.m.)
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1 CERTIFICATE
 2 I, CARRIE A. CAMPBELL, Registered
 3 Diplomat Reporter, Certified Realtime
 4 Reporter and Certified Shorthand Reporter, do
 5 hereby certify that prior to the commencement
 6 of the examination, Robert C. Wood, was duly
 7 sworn by me to testify to the truth, the
 8 whole truth and nothing but the truth.
 9 I DO FURTHER CERTIFY that the
 10 foregoing is a verbatim transcript of the
 11 testimony as taken stenographically by and
 12 before me at the time, place and on the date
 13 hereinbefore set forth, to the best of my
 14 ability.
 15
 16 I DO FURTHER CERTIFY that I am
 17 neither a relative nor employee nor attorney
 18 nor counsel of any of the parties to this
 19 action, and that I am neither a relative nor
 20 employee of such attorney or counsel, and
 21 that I am not financially interested in the
 22 action.
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<div style="text-align: center; font-weight: bold;">INSTRUCTIONS TO WITNESS</div> <p>Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.</p> <p>After doing so, please sign the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.</p> <p>It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.</p>	<div style="text-align: center; font-weight: bold;">ERRATA</div> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 15%; text-align: center;">PAGE</th> <th style="width: 15%; text-align: center;">LINE</th> <th style="width: 60%; text-align: center;">CHANGE</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td><td></td></tr> </tbody> </table>		PAGE	LINE	CHANGE	1				2				3				4				5				6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				25			
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<div style="text-align: center; font-weight: bold;">ACKNOWLEDGMENT OF DEPONENT</div> <p>I, _____, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.</p> <p>_____ Robert C. Wood DATE</p> <p>Subscribed and sworn to before me this _____ day of _____, 20 _____. My commission expires: _____</p> <p>Notary Public</p>	<div style="text-align: center; font-weight: bold;">LAWYER'S NOTES</div> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 15%; text-align: center;">PAGE</th> <th style="width: 15%; text-align: center;">LINE</th> <th style="width: 60%;"></th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td><td></td></tr> </tbody> </table>		PAGE	LINE		1				2				3				4				5				6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				25			
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