



NATIONAL TRANSPORTATION SAFETY BOARD  
**Investigative Hearing**

Norfolk Southern Railway general merchandise freight train 32N  
derailment with subsequent hazardous material release and fires,  
in East Palestine, Ohio, on February 3, 2023

<b>GROUP</b>	G
<b>EXHIBIT</b>	
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Agency / Organization

**Western Reserve Joint Fire District**

Title

**Interview Transcript – Fire Chief**

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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NORFOLK SOUTHERN TRAIN DERAILMENT  
IN EAST PALESTINE, OHIO  
ON FEBRUARY 3, 2023

Accident No.: RRD23MR005

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Interview of: DAVID COMSTOCK, Fire Chief  
Western Reserve Joint Fire District

Via Microsoft Teams

Friday,  
May 5, 2023

APPEARANCES:

RICHARD DOWNS, Survival Factors Investigator  
National Transportation Safety Board

TROY LLOYD, Railroad Accident Investigator  
National Transportation Safety Board

CYNDI LAKE, Chief, Occupational Safety and Health  
Division  
National Transportation Safety Board

MARC DOUGHERTY, Hazardous Materials Accident  
Investigator  
National Transportation Safety Board

I N D E X

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I N T E R V I E W

(9:00 a.m.)

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3 MR. DOWNS: This interview is being implemented virtually  
4 utilizing Microsoft Teams, which is being conducted by the  
5 investigative staff of the National Transportation Safety Board  
6 out of Washington, D.C., in connection with the Norfolk Southern  
7 railway train derailment that occurred in East Palestine, Ohio, on  
8 February 3, 2023. The NTSB accident number reference is  
9 RRD23MR005. This is an interview of Chief David Comstock, who's  
10 affiliated with Western Reserve Joint Fire District.

11 Mr. Comstock, good morning. Thank you for joining us today.

12 MR. COMSTOCK: Good morning.

13 MR. DOWNS: And if you could kindly please spell your name  
14 and state your current job title for the record.

15 MR. COMSTOCK: Sure, my name is David Comstock, last name  
16 spelled C-o-m-s-t-o-c-k. For the purposes of this interview, my  
17 title would be Fire Chief for the Western Reserve Joint Fire  
18 District.

19 MR. DOWNS: Great, thank you. And do you understand that  
20 this interview is being recorded?

21 MR. COMSTOCK: Yes.

22 MR. DOWNS: Thank you. Now, before we start this interview  
23 and questions, I'd like to advise the interview participants that  
24 NTSB interview procedures under 49 C.F.R. 831.7 afford persons  
25 being interviewed the opportunity to be accompanied by one

1 representative of their choosing, in which that participating  
2 representative can be anyone or the interviewee can elect to have  
3 no representative to be present. So I'll ask our interviewee,  
4 have you elected to have a representative accompany you in this  
5 interview?

6 MR. COMSTOCK: No, I have not.

7 MR. DOWNS: Thank you, sir. Now, the purpose of the  
8 investigation is to improve safety and not to assign fault, blame,  
9 or liability. The sole mission of the NTSB is to improve  
10 transportation safety and prevent accidents and as such, NTSB  
11 cannot offer any guarantee of confidentiality or immunity from any  
12 legal proceeding by any other agency, whether it's local, state,  
13 or federal. Also, I just wanted to note to all the participants  
14 here a transcript of this interview will be compiled and placed in  
15 the NTSB public docket for this investigation, which will be  
16 available through the NTSB website, that being [www.nts.gov](http://www.nts.gov).

17 Now, with the above admin items covered, let us go around the  
18 virtual room here and introduce ourselves. I'll ask that you  
19 please spell your last name, what entity that you are representing  
20 or affiliated with, and your employment title. I would also like  
21 to remind everyone to speak clearly for the recording and  
22 transcription. Now, as we've already identified our interviewee,  
23 I will start off with myself and then we'll go around the virtual  
24 room. My name is Richard Downs, Jr., last name D-o-w-n-s, and I'm  
25 a survival factors investigator with the National Transportation

1 Safety Board. I'm also panel chair of Panel Number 1.

2 MR. DOUGHERTY: Good morning, Marc Dougherty. Spelling of my  
3 last name, D-o-u-g-h-e-r-t-y, and I am a hazardous materials  
4 accident investigator with the National Transportation Safety  
5 Board.

6 MR. LLOYD: Good morning, Chief. My name is Troy Lloyd and  
7 I'm a railroad accident investigator with the National  
8 Transportation Safety Board.

9 The spelling of my last name is L-l-o-y-d.

10 MS. LAKE: And I'm Cyndi Lake. Last name, L-a-k-e, and I  
11 work in our safety division at the NTSB.

12 MR. DOWNS: Okay, we've got everyone covered. Chief  
13 Comstock, we welcome your response to this interview in your own  
14 words, of course, and if any question is unclear or if you don't  
15 understand the question, please ask the questioner to clarify or  
16 restate the question. And if you don't know the answer to any  
17 questions, it's fully permitted to indicate that you don't know.  
18 We certainly don't want you to speculate.

19 INTERVIEW OF DAVID COMSTOCK

20 BY MR. DOWNS:

21 Q. Okay, Chief, can you please tell us a bit about your  
22 background, education, and expertise relative to the fire  
23 department?

24 A. As far as the fire department, I began in Upstate New York in  
25 an industrial fire brigade associated with the YMCA in 1982. I

1 was affiliated with that organization from 1982 through 1986. In  
2 1983, I became affiliated with a local nonprofit fire department  
3 to contract with the town in Hague, New York. From 1981 to 1985,  
4 I attended the College of Wooster in Wooster, Ohio, where I  
5 obtained a bachelor of arts in economics. In 1985, I began law  
6 school at The Ohio State University. In 1987-1988, I was  
7 affiliated as a firefighter, and I believe EMT with the Upper  
8 Arlington Division of Fire in Upper Arlington, Ohio.

9 In 1988, I graduated from Ohio State with a jurist doctorate  
10 and moved to Youngstown, Ohio. At that point, from 1988 to 1992,  
11 I was affiliated with the Boardman Township Fire Department. From  
12 1992 to the present I've been involved with the Western Reserve  
13 Joint Fire District and I've been chief of the fire district since  
14 1998. As part of my job duties, I, you know, take seminars, you  
15 know, continue with education. I'm certified in Ohio as a  
16 Firefighter 2, EMT basic fire safety inspector, and I'm a  
17 certified chief fire officer, as well.

18 Q. Perfect. Thank you, sir. And you've mentioned the positions  
19 you've had with Western Reserve. How long have you been in your  
20 current position now, Chief?

21 A. Since 1998.

22 Q. Ninety-eight. Okay, great. And what are your duties as a  
23 chief, what does that generally comprise?

24 A. As a fire chief of the fire district, I'm generally  
25 responsible for the overall operations of the fire district, I



1 report to a five-member board of trustees.

2 Q. Perfect, okay. And that was my next question, who do you  
3 report to, so it sounds like the trustees are your supervisor.

4 A. That would be correct.

5 MR. DOWNS: Very good. Okay, I'm going to turn the floor  
6 over to Mr. Dougherty.

7 BY MR. DOUGHERTY:

8 Q. Good morning again, Chief, thanks for your time today. Just  
9 a couple of brief questions for you, if you don't mind. Were you  
10 on scene at the East Palestine derailment at all?

11 A. At no time have I been on scene.

12 Q. Okay, thank you.

13 A. So from that date to present.

14 Q. Okay, appreciate that. Second question, there's a video of  
15 interest that we had spoken about previously, I think, from one of  
16 your frontline firefighters. Can you tell us a little bit about  
17 that video?

18 A. What I understand, it was taken by Lieutenant Dan Wright, who  
19 is a lieutenant at District Station 92. He was assigned to, I  
20 understand, to enter the structure adjacent to the tracks. I'm  
21 not positive whether it's on the north or south side, I believe  
22 it's the south side, but I'm not positive. And to look for -- to  
23 suppress fire, if any, in that building, and then there was a rear  
24 door that led out onto the tracks and they -- as they opened the  
25 door and went out or were going to go out toward the rail cars

1 where there was fire that they, I believe, intended to suppress,  
2 he took a brief video.

3 Q. Thank you for that. Are there any -- so with that, do you  
4 have any recommendations on the frontline firefighters that we may  
5 interview that you think would be helpful for our investigation to  
6 get their point of view?

7 A. Yes. And I had a discussion last evening with two. I've  
8 provided you with some records. There's a reference to, I think,  
9 either Chief 20 or Chief 21. Chief 20 is Matt Gebhardt and Chief  
10 21 is Scott Rice. Matt Gebhardt is the chief of the Springfield  
11 Township Fire Department, which is located just to the north of  
12 East Palestine, and Scott Rice is the -- I think the title would  
13 be assistant chief of that same department.

14 They were advising me of their -- they were some of the first  
15 outside mutual aid departments on scene and they had interaction  
16 with folks from Norfolk Southern regarding the contents of the  
17 rail cars and what -- particularly, in the rail car that -- of  
18 which the video is taken. What they were told was in that, what  
19 they were told with respect to safety and what they could do with  
20 respect to what was in those cars. So I think they would, from a  
21 Mahoning County standpoint, be key witnesses as to their  
22 interaction with Norfolk Southern in their attempt to find out  
23 what were in the rail cars, et cetera.

24 Q. Thank you. And so we interviewed -- I think one of our first  
25 interviews that we did was Mr. Steve Se-zekely (ph.), does that

1 name --

2 A. Steve Szekely.

3 Q. Szekely, okay.

4 A. And Steve, Steve is the current hazmat chief in Mahoning  
5 County. He's also a firefighter/EMT on that Springfield Township  
6 fire department.

7 MR. DOUGHERTY: Great, okay. Thank you, Chief, I appreciate  
8 that and I think that is -- that's all of my questions. Are you  
9 able to send us over the two, the contact information for the two  
10 individuals?

11 MR. COMSTOCK: Yes, I'll provide those to you today unless  
12 you'd like to mail, which I could provide their numbers, but I  
13 will get -- yeah, I'll get you their contact information. I told  
14 them that I was going to volunteer their names today if that was  
15 okay with them, they had no problems. They seemed to be happy to  
16 help you.

17 MR. DOUGHERTY: Great. Well thanks, Chief, I appreciate the  
18 information and your time. Thank you.

19 MR. DOWNS: Thank you, Marc. Thank you, Chief. We'll move  
20 on to the next person, if that's Troy or Cindy.

21 BY MR. LLOYD:

22 Q. Yeah, I'll go, Cyndi. Hey, so just before I get -- Chief,  
23 this is Troy Lloyd again from the NTSB, last name L-l-o-y-d. The  
24 video that Marc was talking about, you guys were talking about,  
25 was that a helmet cam?

1 A. I don't know the answer to that.

2 Q. Okay.

3 A. I know we have -- we, as a department, we have helmet cams.

4 Q. Yeah.

5 A. But I don't know if a helmet cam was assigned to that  
6 firefighter.

7 Q. Okay.

8 A. I hate to say this, but to my knowledge, that might have very  
9 well been just filmed from a phone.

10 Q. Understood, understood. Yeah, I didn't know because, I mean,  
11 yeah, a helmet cam is still -- within so many days is still able  
12 to be captured through the vendor.

13 A. Yeah, yeah.

14 Q. So (indiscernible). That's cool.

15 A. I can't answer that question.

16 Q. I got you, okay. So I want to get on the -- that since  
17 you're, you know, pretty up there with Ohio and the chief  
18 certifications and all that stuff, what -- is there -- does Ohio  
19 have a minimum training standard for one to be a fire department  
20 safety -- or fire department chief, you know, so you got to have a  
21 minimum of standards or can one just come in and say I'm going to  
22 run and --

23 A. I'm going to answer your question in a second, but I'm  
24 filming this from my house and my dog is banging on the door,  
25 so --

1 Q. Take your time, if you want to get the dog, that's fine,  
2 that's -- yeah.

3 A. Yeah, give me 30 seconds and we'll --

4 MR. DOWNS: For the record, we'll pause here to allow our  
5 interviewee to address the situation and he's back at the table.  
6 Okay, thank you, Chief.

7 MR. COMSTOCK: Yeah, sorry for that and --

8 MR. DOWNS: No, no problem.

9 MR. COMSTOCK: -- he may have to come back in, but we'll work  
10 through that. So Ohio has -- with respect to firefighter  
11 certification, let's start there. Ohio has a 36-hour firefighter  
12 course that is a minimal accepted course for firefighting and it  
13 is -- I've written opinions on it that I believe that course to be  
14 wholly inadequate. I would call it an introduction to  
15 firefighting class and so it is -- and at present, it's more of an  
16 exterior firefighting class.

17 MR. LLOYD: Okay, yeah.

18 MR. COMSTOCK: Then the next level for training is a  
19 Firefighter 1, which is, I think, presently around a hundred and  
20 56, maybe, plus hours. I've advocated, at least in our county,  
21 that hazmat operations become part of that class or in addition  
22 to, that they run that at the same time, and I think they were  
23 also running an EVOC class with that. And then there's  
24 Firefighter 2. The minimum for a volunteer department in Ohio is,  
25 again, the 36-hour class. With respect to my department, I've

1 never understood, in the career department, generally, although it  
2 traditionally has been a Firefighter 2 requirement minimum, it's  
3 now depending on who you ask, it's a Firefighter 1 or 2 for it to  
4 be a career firefighter. Some departments still believe it's  
5 Firefighter 2. The State has advised me, because of some changes  
6 in language, it could be either. But I've never understood why a  
7 volunteer firefighter simply needs 36 hours of training and a  
8 career firefighter needs 250 hours of training.

9 BY MR. LLOYD:

10 Q. Yeah, what's the difference? Why the brick wall?

11 A. I think -- well, one, in Ohio, the 36 hours is captured in  
12 the Ohio Revised Code and the other standards are in the  
13 Administrative Code, which are changed easier. And so when the  
14 36-hour class, when they tried to address that, a lot of the rule  
15 departments lean on legislative folks and say we don't want that  
16 change because it's too difficult to recruit firefighters.

17 It's an argument that hey, we can't get people, we're already  
18 having people -- you know, difficulty recruiting and so we don't  
19 want to do it. Unfortunately, along the same notes, Ohio just  
20 reduced its continuing education requirements for firefighters  
21 every 3 years from 54 to 36. So if we go off the record for a  
22 second, so I can close my front door because the dog has come back  
23 in, I'll be right back again.

24 MR. DOWNS: And yes, let the record reflect we're pausing  
25 here momentarily to allow the Chief -- to accommodate him.

1 MR. COMSTOCK: All right.

2 MR. DOWNS: Thank you, Chief.

3 MR. COMSTOCK: Thanks again. So in my department, we  
4 advocate -- there are some who are not, but the majority of the  
5 volunteers in my department have a Firefighter 2 certification  
6 because I just -- I'm an advocate of that, although, again, across  
7 Ohio you have a mismatch of certification levels and different,  
8 you know, departments.

9 So then, continuing on, there is no -- there is no state  
10 minimum. Some states have minimums of what you have to be, to be  
11 a fire officer or a chief officer, and Ohio has none. So in Ohio,  
12 you could have -- you could have a fire chief that has, you know,  
13 a Fire 2, who's a paramedic or a Fire 2 who's nothing, or you  
14 could have a chief, particularly in rural areas, and I have -- you  
15 know, I have clients that I represent, as an attorney, where their  
16 chiefs are 36-hour certified chiefs and that's it, they've not  
17 taken any Fire Officer 1, 2, 3, or 4 classes.

18 Ohio Fire Chiefs offer Maxwell Program for Leadership, which  
19 is excellent, but there is not -- there is not, you know, even  
20 safety requirements, et cetera. So our fire marshal and many  
21 professionals in the state have advocated for those type of  
22 requirements, but legislatively, no, there's nothing.

23 BY MR. LLOYD:

24 Q. Okay. So what would -- so Chief, who would -- what would be  
25 the entity or whatever that would say, you know, when you guys

1 bring this to light, let's -- you know, we got a guy that's, you  
2 know, pulling up -- that can actually write off your family, maybe  
3 if he thinks it's a bad enough situation, I mean, what agency or  
4 what group of people, a board of commissioners or something that  
5 would go well, we're fine with the 36 hours, we don't want to --  
6 we don't want to raise it, we don't want to have minimal standards  
7 like we really should?

8 A. Well, right now, and again, that's -- it's the Ohio  
9 legislature, the senate, the house, and the governor control that  
10 and that is set forth in Ohio Revised Code Section 505.38. If you  
11 look that up, it will say that, you know, this -- a volunteer  
12 firefighter has to have, you know, I think it says 36 hours of  
13 training within 1 year of the date of appointment.

14 And again, any -- beyond that, if there was going to be  
15 additional minimum requirements, I suppose through the Ohio  
16 Department of Public Safety, and we have a state EMS board, Fire  
17 and EMS Board could try to legislate through the Ohio  
18 Administrative Code additional standards. But again, I have  
19 concerns that where we're reducing our basic continuing education  
20 requirements from basically 18 -- 18 hours a year down to 12 --

21 Q. Yeah.

22 A. -- the political climate is not going to be such that they  
23 want to introduce additional requirements addressing, you know,  
24 incident safety, hazmat incident command, et cetera, although  
25 we --



1 Q. Yeah.

2 A. I think people are trying to balance out the recruitment and  
3 retention issues that are going on nationally and there are folks  
4 saying that, you know, the education requirements are an  
5 impairment to recruitment and retention, but we have to balance  
6 those off with the concerns you've just raised, which are the  
7 efficient and safety operations of firefighters within  
8 communities.

9 Q. Right. So does the 36-hour, does that also allow interior  
10 operations or is that more of a protective "foam and envelope"  
11 kind of training?

12 A. It is, it is. I started off with a 36-hour class and then I  
13 did a bridge class, an 84-hour bridge class to a Firefighter 1 and  
14 then I did the other, and back when I did it, they taught more of  
15 an interior firefighting, although it was basic. I believe now  
16 the course curriculum is primarily exterior, that they do not  
17 train interiors.

18 Q. Got you.

19 A. And they will permit -- if somebody can get additional  
20 training, and there's also an interior IDLH class that is being  
21 introduced to sort of also bridge interior firefighting, if a  
22 firefighter can get additional training, the chief can permit him  
23 or her to conduct interior fire operations, but it's the risk or  
24 the decision making is then placed on the chief as to whether or  
25 not that firefighter is adequately trained and I have concerns

1 about that, as well

2 Q. Yeah, yeah. So someone trained in a Firefighter 1 level who  
3 took the bridge course, like you, or someone who goes through an  
4 Ohio board certified Firefighter 1 course in Ohio, they're  
5 interior certified, correct?

6 A. Correct.

7 Q. Okay. And then they can -- and to reach that level, there's  
8 more training that you have to reach before you become that  
9 Firefighter 1 pro-board cert like hazmat ops or awareness or  
10 things like that?

11 A. Right. And your NIMS standards, et cetera, right.

12 Q. Yes, sir. So is there a manual? So where would I be able to  
13 go to -- or maybe you can help out the group here and supply it.  
14 I know -- well, I did all my stuff through the University of  
15 Maryland Fire and Rescue, MFRI. All my stuff is pro-board, so I  
16 got to meet, for my Fire Officer 3 and 4 stuff, I got to meet pre-  
17 reqs. The majority of classes I got to have, I got to have a  
18 training cert form, send it in and send them whatever, how much  
19 money, and I get a pro-board certificate.

20 A. Right.

21 Q. Is there a check-off list that these -- that these people can  
22 go by and go look, I've got this, this and this, I want to apply  
23 for this?

24 A. So the courses themselves should have those check-off lists.  
25 There should be a check-off for, you know, as far as the

1 Firefighter 1, Firefighter 2 certifications.

2 Q. Yeah.

3 A. And those would be through this -- you know, the institutions  
4 in Ohio are chartered by the state to teach and they would have to  
5 follow the state curriculum for teaching. So, you know, if  
6 somebody has a Firefighter 1 or 2 certification in Ohio, they  
7 should have met the state standards, they have to test out, you  
8 know, both in terms of practical skills and --

9 Q. Yeah.

10 A. -- you know, written knowledge. If you get back to where a  
11 chief is going to sign off on somebody under a 36-hour  
12 certification, you know, I don't know, I don't know if there's  
13 anything right now that says that, you know, that interior -- the  
14 chief who's deemed this 36-hour firefighter to be qualified to be  
15 in the interior that, you know, he has to approve that checklist.

16 Q. Yeah, yeah. So we may have a 36-hour firefighter trained  
17 fire chief who's checking off a 36-hour young, 18 -- same  
18 training, same whatever, the minimal 36 hours and one can say you  
19 do or you don't?

20 A. Yeah.

21 Q. And they have a look back at like NFPA standards to say you  
22 know, we got a national consensus here that states, you know, this  
23 shall apply, I mean, it's -- that's interesting to me.

24 A. I think a chief that would permit -- I mean, in my department  
25 -- so let me -- we have some EMS personnel that have 36-hour

1 training. They're never going to go in interior, but that permits  
2 them to do some exterior assistance on the fire ground.

3 Q. Sure.

4 A. They wear blue helmets because they're never going to be  
5 permitted to be --

6 Q. So they're identified.

7 A. They're identified.

8 Q. Yes, got you.

9 A. And I think it is a tremendous risk for any fire chief to put  
10 any 36-hour firefighter in a fire without Fire 1 certification.  
11 Now, having said that, there are a couple people in my department  
12 who, most of them now are pump operators because they're older,  
13 but have 36-hour firefighting standards only, but they have 30  
14 years of experience, lots of documented fires, lots of additional  
15 training, fire attack classes, et cetera.

16 Q. Yes.

17 A. And I'm comfortable, but even then their roles are very  
18 limited and I know the three or four people, that they are, and  
19 most -- while maybe one exception is an interior, they're not  
20 interior firefighters, there's maybe just one guy who does it.  
21 Most of them are exterior because of --

22 Q. Right.

23 A. -- those concerns.

24 Q. So for training certifications, is it easy to obtain? I know  
25 with me, to get my MFRI certification, I just put in the last four

1 digits of my social and my name or whatever, and I can get a  
2 transcript of my training transcripts. Is that easily obtained in  
3 Ohio, too, just so we can see what, you know, the first couple  
4 incident commanders had, what --

5 A. Yes.

6 Q. -- their training level was?

7 A. Absolutely, it's available online --

8 Q. Okay.

9 A. -- and as long as you have a name and could put it in, and if  
10 you send me or somebody send me a note via e-mail, I will provide  
11 the link to you.

12 Q. Please. Yeah, I'll do that.

13 A. So all you'll have to do is start putting in the names you'll  
14 -- you know, if you have a Tom Jones, you'll need a town, you  
15 know, East Palestine or Poland --

16 Q. Yes.

17 A. -- or wherever else, but I mean, it will give you all 10  
18 names, you're just going to have to pick the person you want.

19 MR. LLOYD: Excellent. All right.

20 Other than that, I'm good, Mr. Downs. Thank you, sir.

21 Thank you, Chief.

22 MR. COMSTOCK: Yeah.

23 MR. DOWNS: Thank you, gentlemen. Let me ask a quick  
24 question. The video, Chief, that you were describing -- Marc, do  
25 we have that already?

1 MR. DOUGHERTY: I don't have it in my -- no, I don't think  
2 I've seen it yet.

3 MR. COMSTOCK: It was provided to Chair Homendy this week.

4 MR. DOUGHERTY: Okay, all right.

5 MR. DOWNS: So we actually already have it. Okay, very good.

6 MR. COMSTOCK: Yeah, she -- I was not able to send it via --  
7 I'll try to think, but just blanked, on secured -- so it was sent,  
8 just directly, I think, to e-mail via text.

9 MR. DOWNS: Great.

10 MR. DOUGHERTY: Okay.

11 MR. DOWNS: That's basically what I was looking for. Okay,  
12 great. Thank you.

13 Ms. Lake, do you have any questions?

14 MS. LAKE: No questions for me, thanks.

15 MR. DOWNS: Okay, very good.

16 BY MR. DOWNS:

17 Q. So Chief, we're about to wrap up. I always have a couple of  
18 final quick questions that I like to ask our interviewees.  
19 Relative to your role in the accident event, in retrospect,  
20 knowing what you know now, might you be able to offer any thoughts  
21 or observations on lessons learned? Or is there anything that you  
22 might have done differently to help circumvent certain challenges,  
23 circumvent challenges, pitfalls, and the like? I know you weren't  
24 on scene, but in retrospect, with all the other admin components  
25 here, your involvement.

1 A. Yeah, it's an interesting issue in that I've -- as you just  
2 said, I've had no first-hand involvement. I was speaking to  
3 people that night and I have continued to talk to firefighters,  
4 chiefs, who were there as late as last night. So I have my own  
5 personal opinions based upon what I've been able to gather and  
6 this is a point where most people would say keep your mouth shut,  
7 but I think there were a lot of -- there were a lot of  
8 deficiencies that took place and I'm hoping that, you know, as a  
9 result of your investigation and others, that the fire service can  
10 improve our operations.

11 I think the biggest -- there was a number of concerns, one is  
12 that the incident command structure was generally lacking. There  
13 was a hard time to identify who was actually in charge, where the  
14 command post was set up, the incident that was given -- in the  
15 documents I provided you have the dispatch notes from the  
16 Austintown Township fire department. The incident location was  
17 given as the report location, so you had a lot of fire departments  
18 basically zeroing in on the incident rather than a staging area,  
19 which I think led to confusion.

20 There was not immediate knowledge as to what was in the rail  
21 cars, that was my concern as I was, you know, knowing that my  
22 department was responding down there, I wanted to know what was  
23 involved and the extent of the risk. I actually sent that night  
24 three, a rescue, a tanker, and an engine. I called our rescue  
25 back because of location concerns about being spread too thin.

1 And so I had some communication, like I said, I wasn't on site,  
2 but I was just trying to make sure our folks were safe. I got  
3 that video either that night or -- I think it was that night, and  
4 so I had concerns about what our folks were doing and what was in  
5 the -- what was in the rail cars. I did not get that information  
6 until about 3 days after the incident. So, you know, I -- there  
7 was -- and I found out, you know, that the -- again, this is now  
8 secondhand, that the consist or some folks would refer to them as  
9 manifests or, you know, again, what was in the various rail cars  
10 was not -- was not available because they had been taken down the  
11 tracks when they had -- when they had disengaged the rail cars  
12 from the locomotives.

13 So there was just -- there was a lot of confusion and there  
14 was also an overall inability to communicate because of issues  
15 with different radio systems. It reminded me of the stories I  
16 heard, sometimes it felt like we were back in the 1930s, before  
17 the invention of radios. And I think, again, as your  
18 investigation proceeds and you have the opportunity to talk to  
19 people actually there, I think you'll have -- I hope that you'll  
20 have a full understanding of what took place or did not take  
21 place.

22 Q. Very good. Thank you, Chief. Now, final question, and you  
23 may have already asked and answered this. We've asked a number of  
24 questions today, so to close, is there anything we haven't asked  
25 you or you might -- or might there be information or knowledge



1 that you have relative to the accident which you believe might be  
2 important to the investigation which you'd care to share with the  
3 investigation?

4 A. I think the best way that I can help is try to identify those  
5 people who were there who may have knowledge, and I've already  
6 provided some names and as I -- there's probably one or two others  
7 that I will pass on to your team to -- that may be worthy, you can  
8 determine whether those folks are worthy of interviewing or not,  
9 but, you know, a number of them are some other chiefs. I've  
10 identified the two today that I think will be very helpful and I  
11 think as you can -- you know, so I can identify those people and  
12 you can continue to interview them and that will assist you.

13 MR. DOWNS: Very good, great. Thank you. Well, if you do  
14 think of anything, like you say, forward it on to us and we'll be  
15 glad to work through it. Thank you again for your time, Chief,  
16 you've been very helpful in responses to our questions today.  
17 This will conclude our interview. The time is 9:33 a.m., we can  
18 stop the recording.

19 (Whereupon, at 9:33 a.m., the interview concluded.)  
20  
21  
22  
23  
24  
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           NORFOLK SOUTHERN TRAIN DERAILMENT  
                                  IN EAST PALESTINE, OHIO  
                                  ON FEBRUARY 3, 2023  
                                  Interview of David Comstock

ACCIDENT NO.:               RRD23MR005

PLACE:                       Via Microsoft Teams

DATE:                         May 5, 2023

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.



---

Karen D. Martini  
Transcriber



**National Transportation Safety Board**  
Office of Railroad, Pipeline and Hazardous Materials Investigations  
Washington, D.C. 20594

Date: May 19, 2023  
Interviewee: David Comstock / Western Reserve Joint Fire District  
Reference: **Errata Sheet Transmittal / Transcribed Interview**, regarding the February 3, 2023, Norfolk Southern Railway train derailment and fire, in East Palestine, OH -- NTSB Investigation number RRD23MR005

As indicated during the subject interview, attached for your attention and response, please find a copy of the transcript of your interview that was conducted on May 5, 2023, which was compiled as a preparation activity [element], of an NTSB Public Hearing, that is being scheduled to address the above referenced accident. Kindly please review the enclosed transcript for accuracy, and please utilize this sheet to convey (to the investigation) any necessary editorial changes.

Your response in this may be either ...

- [1] submission of an 'itemized tabulation' of your suggested transcript changes (i.e., in a tabulation format, cite the relevant page and line number, along with any suggested change(s)), -- or --
- [2] you may 'redline' (i.e., manually, or digitally markup, with an inserted corresponding notation) any suggested changes to a copy of the transcript, to which kindly please initial any changes cited, in which only the individual pages containing the cited changes need to returned in your response.

When replying, please use this transmittal sheet for your response, even if there are no changes identified in your review, to which, please be sure to apply a checkmark to one of the three statements below, and please affix your signature and date. It's requested that you kindly please submit your response to me, via reply email, by not later than the CoB of May 24, 2023.

I have reviewed the enclosed transcript(s) from the above referenced accident, and ...

- I have no comment(s) to offer,  
 my comments are submitted herewith (as an itemized tabulation), --- OR ---  
 my comments are indicated on the attached / marked-up ("redlined") transcript copy.

Respondent's signature [Redacted] Date May 24, 2023

Please note that investigation transcripts must be maintained as confidential at this time, in which the transcript [provided at this time, for your accuracy review] is for your use only, and not for release outside of the investigation. Upon NTSB receipt of your errata sheet response to this, a copy of the transcript and corresponding errata sheet may be placed in the public docket. If you have any questions, I welcome you to contact me by phone, or by reply email.

Thank you for your support to the investigation, and for your assistance and cooperation in this response.

-- Richard Downs, Jr. / Technical Panel 1 – Emergency Response Efforts




**Richard M. Downs, Jr., P.E.**  
Mechanical Engineer (Crashworthiness)  
Sr. Survival Factors Investigator  
National Transportation Safety Board  
490 L'Enfant Plaza SW, Washington, DC 20594



## ERRATA SHEET

Page	Line	
7	3	Change "to" to "that"
7	3	Change "contract" to "contracted"
7	5	Change bachelor of arts to "Bachelor of Arts"
7	9	Change jurist doctorate to "Jurist Doctorate"
7	16	Should read "EMT-Basic,"
7	17	Should read "Chief Fire Officer"
9	25	Mr. Steve Se-zekely (ph.) [Szekely]
10	5	Change "that" to "the"
12	12	Change "minimal" to "minimally"
13	14	Note: "they" refers to the Ohio Legislature
13	14	Change "rule" to "rural"
14	18	Should read "The Ohio Fire Chiefs offer the Maxwell Program for Leadership ..."
22	22	Should read "department was responding down there. I wanted to know what was ..."

My comments are submitted herewith as an itemized tabulation.

  
David C. Comstock, Jr.