



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

GROUP	G
EXHIBIT	
19	

Agency / Organization

**Ohio Department of Public Safety, Division of
Emergency Medical Service**

Title

**Interview Transcript –
Chief of Education and Testing**

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

NORFOLK SOUTHERN TRAIN DERAILMENT *

IN EAST PALESTINE, OHIO *

ON FEBRUARY 3, 2023 *

Accident No.: RRD23MR005

* * * * *

Interview of: DAN SWORDS, Chief of Education and Testing
Ohio Department of Public Safety
Division of Emergency Medical Services

Via Microsoft Teams

Tuesday,
May 30, 2023

APPEARANCES:

TROY LLOYD, Panel 1 Chair
Railroad Accident Investigation
National Transportation Safety Board

CYNDI LAKE, Panel Member
Safety Division
National Transportation Safety Board

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I N T E R V I E W

(2:02 p.m.)

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2
3 MR. LLOYD: Good afternoon. Today's date is May 30th, 2023,
4 and the time is 2:02 p.m. This interview is being implemented
5 virtually via Microsoft Teams and is being conducted by the
6 investigative staff of the National Transportation Safety Board in
7 connection with the Norfolk Southern Railway train derailment that
8 occurred in East Palestine, Ohio, on February 3rd of 2023. The
9 NTSB accident reference number is RRD23MR005.

10 This interview is being conducted with Mr. Dan -- is it
11 Swords or Swords?

12 MR. SWORDS: Swords.

13 MR. LLOYD: Swords. Okay. With Mr. Dan Swords who is
14 affiliated with the Ohio Department of Public Safety, Division of
15 Emergency Medical Services, and the Chief -- you have a title of
16 Chief of Education and Testing. Is that correct?

17 MR. SWORDS: That is correct.

18 MR. LLOYD: Okay. Cool. All right. Well, can I call you
19 Dan through here, I mean Chief --

20 MR. SWORDS: Sure.

21 MR. LLOYD: What do you prefer?

22 MR. SWORDS: Dan is fine.

23 MR. LLOYD: What do people call you around the office?

24 MR. SWORDS: Well, we won't talk about that but --

25 MR. LLOYD: I hear you.

1 MR. SWORDS: Just Dan. It's just Dan.

2 MR. LLOYD: Okay. We'll just call you Dan. Well, Dan,
3 thanks for joining us today. If you could please state your name
4 and spell your last name and your current title for the record.

5 MR. SWORDS: Sure. It's Daniel L. Swords, S-w-o-r-d-s, and
6 I'm the Chief of Education and Testing with the Ohio Division of
7 EMS.

8 MR. LLOYD: All right. Thank you for that. So before we
9 start the interview questions, just to let everybody know that
10 it's being recorded, speak clearly because what we do, Dan, is we
11 get these sent out and transcribed. So everything we're doing
12 here, you're going to get a copy of. You'll be able to review it.
13 You'll get an errata sheet. Any like minor corrections that you
14 see, whatever, you'll be able those back to us and then we put
15 that in the docket as well, okay.

16 MR. SWORDS: All right.

17 MR. LLOYD: So just to be sure, we know it's going to be
18 recorded, and it's going to be transcribed.

19 Other than that, let's go around the room, Cyndi. I'll start
20 with myself. We already did Dan. I'll start with myself. My
21 name is Troy Lloyd. I'm the Panel 1 Chair which is the initial
22 emergency actions that took place at the train derailment. But my
23 name is Troy Lloyd. Spelling of my last name is L-l-o-y-d, and
24 I'm a railroad accident investigator with the NTSB, and I'm the
25 Panel Chair. Go ahead, Cyndi.

1 MS. LAKE: I am Cyndi Lake. First name is C-y-n-d-I. Last
2 name is L-a-k-e. And I work in our safety division here at NTSB,
3 and also serving on the panel.

4 MR. LLOYD: So one thing to cover is when we do these
5 interviews and investigations, the purpose of the investigation
6 for the NTSB side is to improve safety, not to assign blame, fault
7 or liability. The sole mission of the NTSB is to improve
8 transportation safety and prevent accidents, and as such, the NTSB
9 can not offer any guarantee of confidentiality, immunity from any
10 legal proceedings by any other agency, whether it's local, state
11 or federal. You know, so it's just what it is, you know, but
12 we're not an enforcement agency. We're not a regulatory agency or
13 anything like that, okay.

14 MR. SWORDS: Um-hum.

15 MR. LLOYD: So, we got all that around. We like to go off
16 with a set, you know, of some questions here.

17 INTERVIEW OF DAN SWORDS

18 BY MR. LLOYD:

19 Q. So I'm going to let you take the floor. You want to hit on
20 some key points, background, education, your expertise in the
21 field that you're in, positions you've held, how long you've been
22 there, what duties do you do and who do you report to.

23 A. Okay. I kind of lost your audio there. Can you hear me
24 okay?

25 Q. Oh, yep, yep, we got you. Yep, you're good.

1 A. Okay. So I've been in the fire and EMS field since the early
2 1980s. I started off as a volunteer firefighter, became an EMT,
3 and then had the opportunity to go full time, became a certified
4 firefighter II, and then shortly thereafter a paramedic. So I've
5 been working in the field for quite some time.

6 During my years of service, I also became a fire and EMS
7 instructor, live fire instructor, fire inspector, fire
8 investigator. So, you know, I have a pretty varied background in
9 fire and EMS.

10 I also did some teaching at Columbus State Community College
11 in EMS and fire while I was still active. And then I retired as
12 the training captain from Clear Creek Fire District in Warren
13 County in 2016. And then I came to work for the Division of EMS
14 as a fire education coordinator. And I was here for a couple of
15 years, and then left and went to the Ohio Fire Academy which is
16 under the State Fire Marshal's Office. And, I was a fire training
17 supervisor there for about 6 years. And then I was involved in
18 all the different programs that they have there, all throughout
19 the state of Ohio. And then last May, I came back here to the
20 Division of EMS as the chief of education and testing.

21 MR. LLOYD: Every time.

22 MS. LAKE: Okay. You're muted.

23 MR. LLOYD: Since the COVID thing and we went online,
24 everybody talks for like 30 seconds, and they know they're on
25 mute, but again this is Troy from the NTSB.

1 BY MR. LLOYD:

2 Q. So your title, so do you have anything to do -- so describe
3 the training and credentialing that -- I mean do you do the
4 training and testing and all that stuff or is it more of the
5 people send their documents in to you and you make sure it might
6 meet Pro Board something or NFPA? How's that work?

7 A. So before I answer that, I realize that I didn't answer one
8 of the previous questions. I report right now directly to the
9 executive director of the Ohio Division of EMS which is Rob
10 Wagner. Prior to that, I reported to the deputy director, but
11 that position is currently vacant.

12 So, my section, the EMS and fire education and testing
13 section, is responsible for, on the education side, ensuring that
14 all of the EMS and fire schools in Ohio are compliant with rule
15 and law. So we're the regulatory agency for those schools. We're
16 also a partner with them, you know, because we obviously want them
17 to be successful. We want their students to be successful. So we
18 have a really good working relationship with all of those schools.

19 On the testing side, we only do fire testing. For all
20 certification levels, volunteer, firefighter I, firefighter II,
21 fire instructor, fire safety inspector. So our team manages that
22 web-based testing that is available to all the different programs.
23 And that is for certification testing.

24 The only EMS testing we do is for EMS instructor because the
25 National Registry does not provide that.

1 Q. All right. So, tell me the difference. You sent me some
2 documents. I think it was some State of Ohio ruling and stuff.
3 One, I think it said like there's a difference between a volunteer
4 fire department certification and then there's like a fire I, fire
5 II. Could you explain the differences between those three and
6 what do they entail for getting that certification?

7 A. Absolutely. So, the very first level is volunteer
8 firefighter, and there's actually a statute in Ohio Revised Code
9 that limits the number of training hours to a maximum of 36 hours
10 for volunteer firefighters. So we're very limited in the amount
11 of material that can be presented to those students because of
12 that hour limitation that we have. So we try to use the NFPA 1001
13 standard, but you can only use pieces of it because of the
14 limitation. So it's real limited to objectives and JPRs that are
15 in that standard.

16 There's no hazmat training. There's no emergency vehicle
17 operations training. It's strictly firefighter-related
18 objectives. And then they have to complete practical skills
19 testing and a written exam to get certification.

20 The other levels, firefighter I, you also have to have at
21 least 24 hours of hazardous materials awareness and operations
22 training. You have to have at least 16 hours of emergency vehicle
23 operations training which includes both didactic and practical if
24 you're driving apparatus and obviously all of the JPRs that are in
25 NFPA 1000 standard for those specific levels. And then when it

1 comes to certification testing, they have to again do the
2 practical skills testing and the written exam to get
3 certification.

4 Q. Okay.

5 A. Those are the main differences.

6 Q. Awesome. So what does the 36 hour -- because I guess I'm
7 trying to -- I read the ruling, whatever you want to call it, that
8 the state ruling on it. It's almost like it's -- there's a lot of
9 -- they're not permitted to, they're prohibited from. So what
10 does that 36 hours, if I'm -- for example, if I'm a 36 hour
11 volunteer firefighter, what can I do?

12 A. So, there is a statement that's in that packet that I sent
13 you that basically says that if they're going to be -- they will
14 not be exposed to live fire or any IDLH environment when they're
15 going through their initial certification training as a volunteer
16 firefighter. And then it's up to the fire chief of the department
17 those individuals are affiliated with the provide any additional
18 training above and beyond what those individuals received in their
19 initial training. Before -- and they have to meet certain
20 objectives before they can be allowed to be in those IDLH or live
21 fire environments. So they're essentially exterior firefighters.

22 Q. Right. And, so with that, how's that training captured? So
23 I know that we were give a website where you can go and put
24 someone's name and put the county and city or whatever, and it
25 gives you their training transcript. How's that training captured

1 for you guys when say another fire chief says, you know, I'm going
2 to put them through some hazmat awareness and hazmat ops stuff.
3 I'm going to put them through that. Is that captured through you
4 guys or is that more of an internal document within that fire
5 department?

6 A. So that's all locally kept. We do not have a state
7 depository or repository for that training information. The only
8 time that we receive that information is if they would receive a
9 random audit for their certification. Then they're required to
10 provide that documentation to us.

11 Q. So you could have, I guess, you could have someone with 36
12 hours that might be responding to a hazardous materials release
13 that does not hazmat awareness, hazmat operations or anything like
14 that, right?

15 A. Yes, that's true.

16 MR. LLOYD: Okay. So go ahead, Cyndi, please.

17 MS. LAKE: Yeah. Sorry. I just want to clarify.

18 BY MS. LAKE:

19 Q. So the 36 hours is that annually or 36 hours forever?

20 A. Initial certification training --

21 Q. Initial certification.

22 A. -- it can be no more than 36 hours.

23 Q. Gotcha.

24 A. However, we do have, and I apologize that I didn't mention
25 this before, but we do have a -- what I will call a

1 recertification requirement of a minimum number of hours that they
2 have to complete in a 3 year period. It used to be 54 hours. It
3 didn't matter what level you were, volunteer, firefighter I,
4 firefighter II. Recent legislation reduced that number to 36
5 hours for a 3 year period.

6 Q. Okay.

7 A. So in order to be able to successfully renew your
8 certification, you have to attest that you have at least 36 hours
9 of continuing education that's firefighter related.

10 Q. And that's every 3 years --

11 A. Yes, ma'am.

12 Q. -- for that certification. Okay. Thank you. So, I was
13 going to ask about command, incident command training. So in
14 terms of -- from your perspective, someone who is going to serve
15 as an incident commander on scene, are there minimum required
16 courses that they need to take in incident command to be able to
17 serve as an incident commander?

18 A. Well, as part of a certification requirement, for any of
19 those levels, you have to have at least ICS-700 and ICS-100 --

20 Q. Okay.

21 A. -- as part of your complete package to be able to be
22 certified. Beyond that, that's all handled on the local level.
23 So it's the department's responsibility to determine what training
24 individuals have to have to be in those command roles.

25 Q. Okay.

1 A. But I would say personally, yes, I would think that there
2 should be at least a minimum number or minimal level of courses
3 that you should have taken to be in those roles.

4 BY MR. LLOYD:

5 Q. Okay. So the NIMS stuff doesn't fall in within that 36
6 hours. That's something that they would do online. That's
7 something that the fire chief would say you need this.

8 A. Well, the 100 and the 700, they have to have it before they
9 can take the certification exam.

10 Q. Even the volunteer side of the house?

11 A. Yes.

12 Q. Okay. So that's a prereq that they would have to have in
13 order for 36 hour training. Okay. Excellent.

14 A. Yes.

15 BY MS. LAKE:

16 Q. And then let me ask for fire chief, so what are the minimum
17 -- are there minimum training requirements to become a fire chief?

18 A. Not from the Division of EMS.

19 Q. Okay.

20 A. Again, that's a local issue that's handled typically by
21 either the department or the municipality or township to determine
22 what those minimum training requirements are.

23 Q. Okay.

24 A. There is no -- the State of Ohio does not have fire officer
25 certification. They don't have hazmat certification. It's fire

1 -- you have to be a firefighter, a certified firefighter.

2 Q. Okay.

3 A. And it doesn't even say at what level.

4 Q. Okay. So you -- your office doesn't get involved with like
5 the ICS-300 and 400 classes?

6 A. No, that's EMA --

7 Q. Okay.

8 A. -- who puts those classes on.

9 Q. Yeah, they had shared some of that with us. So, okay. Thank
10 you.

11 A. You're welcome.

12 MR. LLOYD: What else you got, Cyndi?

13 MS. LAKE: That was --

14 MR. LLOYD: You good?

15 MS. LAKE: Yeah, I'm good for now. I may have more.

16 MR. LLOYD: Yeah, I know I want a couple. I'm just drawing a
17 blank here. I'm just trying to process everything. Now, what was
18 it I wanted to ask? It was more about the 36 hour training. So,
19 yeah.

20 BY MR. LLOYD:

21 Q. So technically, and I guess it could happen, which I guess it
22 did, you have a 36 hour trained incident commander may not be able
23 to operate an IDLH atmosphere, may not be trained to the OSHA
24 standard of either hazmat awareness or hazmat operations. We will
25 discuss technician level but still doing life safety, incident

1 stabilization, property conservation type of decisions, right?

2 A. Yeah. There's a high potential for that particularly in the
3 areas where it's primarily volunteer.

4 Q. Yeah. And who -- so who's responsible? So who's responsible
5 for saying, look, you know, we had 54 hours. That's too many
6 hours. Let's drop it down to 36. Who would be, who would be that
7 governing board to say we were here, but now we want to go here,
8 in training for emergency responders?

9 A. It is my understanding that there's an organization called
10 the Buckeye Institute that every 6 years looks at certification
11 and licensure requirements in the State of Ohio. And, that's the
12 group that initiated the change that were made in House Bill 509
13 which included a reduction of the firefighter hours from 54 to 36.
14 We have minimal opportunities to provide testimony on the house
15 bill changes. I know the executive director and the deputy
16 director did provide oral and written testimony. However, they
17 went ahead and changed it from 54 to 36. And I will say that the
18 initial talks were about eliminating it entirely.

19 Q. Oh, wow.

20 A. So, we were happy to, you know, be able to keep it to 36.

21 Q. Yeah, to keep something. Yeah. Wow. And then that gets to,
22 you said the Blackeye [sic] whatever. Is that made up of a series
23 of say fire chiefs from certain jurisdictions that come up with
24 this or some kind of maybe association, a volunteer association or
25 something or --

1 A. I believe it's basically a think tank of individuals that,
2 you know, get together every 6 years and go through this process.

3 Q. Okay. And then --

4 A. I don't know who's on there.

5 Q. Right. And they take that to the state level and then the
6 state --

7 A. They take it to the legislators, yep.

8 MR. LLOYD: Okay. Yeah. What else do you have, Cyndi?

9 BY MS. LAKE:

10 Q. So hazmat specific then, is like -- I mean I think I kind of
11 glanced through the two course packets. So, there isn't, there
12 isn't really much in hazmat for volunteers --

13 A. No.

14 Q. -- right? There's a little bit for paid maybe? No. Yes,
15 no.

16 A. So for paid or part paid, firefighter I is, and that's
17 information directly out of NFPA 1001. It specifically states
18 what sections of the NFPA 1072 are required for firefighter
19 certification. And, it's essentially awareness ops and the
20 mission specifics for PPE and product control.

21 Q. Okay.

22 A. Those are required.

23 Q. Okay. And, as far as your knowledge, in Ohio, it seems like
24 there's regional hazmat teams that cover like a certain number of
25 counties.

1 A. There are, yes.

2 Q. Okay. And so they're -- so how is their -- is their training
3 handled locally then also or through EMA like you had said?

4 A. It is. It is through EMA. So those -- I'm trying to
5 remember the name of the group that does the typing and all of
6 that.

7 MR. LLOYD: Like the type II or III thing mentioned or --

8 MR. SWORDS: Yeah, yeah, they -- that's --

9 MR. LLOYD: It's like a wealth of mass destruction, something
10 like that.

11 MR. SWORDS: Yeah. And that's all done through the EMA.
12 They have a seat on this particular group, and they determine, you
13 know, what the training requirements are. And they ask you go out
14 and do site visits at all the teams to make sure they're meeting
15 all the requirements.

16 BY MS. LAKE:

17 Q. Okay. Because that was my next question was who enforces?
18 So that's the group that EMA would be engaged with.

19 A. Yes.

20 Q. Okay.

21 MR. LLOYD: Awesome.

22 MR. SWORDS: They're a TAC, a Technical Advisory Committee.

23 MS. LAKE: Okay, great. Thank you.

24 BY MR. LLOYD:

25 Q. So, Dan, I mean, in a nutshell, do you know why you're the

1 subject matter expert. You're going to have a panel of six, you
2 know, panel people. I'll tell you what. We'll end the interview.
3 Any questions for us, Dan? I mean about what we talked about. I
4 mean basically, what you're hearing is what's going to be, you
5 know, asked at the panel hearing, you know. Were the initial
6 responders -- were they prepared for what went on? Is there
7 additional training that's out there that they can take? You
8 know, does something need changed for them to put them back in the
9 classroom? You know, that's the stuff we're going to be asking.

10 A. The only other thing I'll throw out there is I mentioned this
11 when we spoke on Thursday is that there is a volunteer firefighter
12 taskforce that was put together through the governor's office, and
13 we have input in that as well as the state fire marshal and other
14 stakeholders around the State of Ohio. And, they're certainly
15 looking at -- recruitment and retention is probably the biggest
16 thing they're looking at.

17 Q. I'm sure.

18 A. But also training. You know, what do we need to do training-
19 wise to make sure that volunteer firefighters are getting the
20 training that they need.

21 Q. Right.

22 A. So.

23 Q. And then putting that out there, and it's -- now, you guys
24 have a state academy. I'm sure there's ways to have training at
25 individual departments, you know, somewhere you do the live burns.

1 That's probably at the academy as well. In your opinion, what
2 would be the hold up besides, I guess some of them just don't have
3 the time to do it, taking the 36 hour minimum thing and saying,
4 look, you know, let's the course of action here and let's follow
5 the consensus standards that's out there in NFPA and here's a
6 minimum for firefighter I, here's a minimum for firefighter II.
7 That way we know our people's prepared, and they're meeting the
8 nationwide consensus standard that everybody has to pay to get
9 anyway, you know. But what's your feelings on that?

10 A. Well, what's interesting about that is through the state fire
11 marshal's office, they have a grant program where individuals that
12 are volunteer firefighters can get reimbursed or the school can
13 get reimbursed for those individuals going through the firefighter
14 I transition course.

15 Q. Excellent.

16 A. And, it's been pretty successful, but it has really dwindled.
17 As far as participation, it's really dwindled over the last couple
18 of years.

19 Q. Yeah.

20 A. As has everything else.

21 Q. That's everywhere. That's everywhere. So is there also ways
22 to -- I know the state I'm from, State of Maryland, that, you
23 know, we have -- each county has its own MFRI head course. So
24 like I'm in Western Maryland. So we got like 3 or 4 academies
25 that are combined. That's the Western Maryland, University of

1 Maryland, Maryland Fire Rescue Institute, where the classes are
2 free of charge. MFRI actually pays the instructor, be it fire I
3 or fire II, you've got to get into a training program. Like
4 you're a fire instructor. Does Ohio have the same thing where --
5 we'll use East Palestine. We want to hold a firefighter I course
6 for here. Would the State of Ohio come there and say, okay, we're
7 going to bring you some instructors, and we're going to teach this
8 160 hour course? Could they do that?

9 A. They could. We don't have the funding.

10 Q. Okay.

11 A. The Division of EMS, but state fire marshal has lots of
12 funding available for training.

13 Q. Yeah.

14 A. Now, one of the other things I didn't earlier was that we
15 have 62 chartered fire training programs in the State of Ohio. So
16 that's 62 different places where people can go and get training.

17 Q. I've got you. Okay.

18 A. And, and a lot of those offer offsite training. They don't
19 have to come to the school. They go to the fire department to
20 provide the training.

21 Q. Yep, yep. Same as Maryland. It's -- you know, I believe my
22 department hosts probably trying to do like two training sessions
23 a year, you know.

24 A. Um-hum.

25 Q. People from out of county can come and get that Pro Board

1 course, you know, but --

2 MS. LAKE: Yeah, Virginia is similar, too.

3 MR. LLOYD: Yeah, yeah. Other than that, that's all I have.

4 Cyndi, do you have anything?

5 MS. LAKE: Not for the official interview. So.

6 MR. LLOYD: Dan, you have anything you want to say? I mean

7 that's --

8 MR. SWORDS: No, I don't think so.

9 MR. LLOYD: Yeah. So let's --

10 MS. LAKE: So it's 2:31 p.m. I will stop the recording.

11 (Whereupon, at 2:31 p.m., the interview was concluded.)

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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 Dan Swords

ACCIDENT NO.: RRD23MR005

PLACE: Via Microsoft Teams

DATE: May 30, 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.



Kathryn A. Mirfin
Transcriber



I, Daniel L. Swords, have read the foregoing pages of a copy of my testimony given during an interview relating to NTSB accident number DCA23HR001 that occurred on February 3, 2023, in East Palestine, Ohio; (City/State), and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
9	25	NFPA 1001 instead of NFPA 1000
10	17	Change “the” to “to”
17	13	Change “ask you” to “actually”
20	14	Add the word “mention” between the words “didn’t” and “earlier”

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 6/5/2023

Witness: _____