

# HERALD NEWS

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## Toxic time bomb in Meadowlands

### Dangerous chemical sits along rail lines

By TOM MEAGHER  
Herald News

More than 50 drums containing a chemical that the federal government considers 10 times more dangerous than cyanide sat unsecured Wednesday near the railroad lines in North Bergen that run through the Meadowlands.

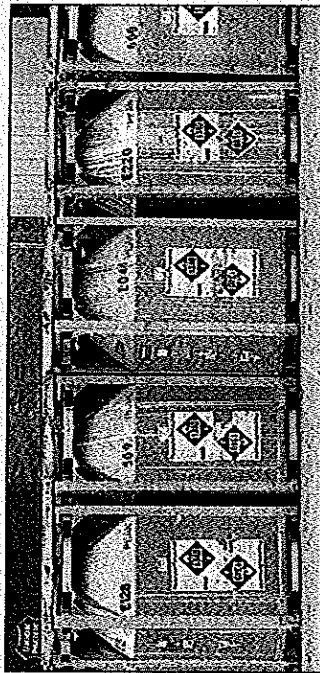
The barrels, delivered to the

transfer station along the New York, Susquehanna & Western Railway line more than a week ago, hold varying amounts of a phosphorus pentasulfide, a powder that experts said can be a prime ingredient in nerve gas or other chemical weapons.

North Bergen officials argued Wednesday that federal interstate commerce laws allowed the rail-

road or any of its customers to store whatever materials they want at the transfer station without consulting local or state authorities, despite the potential danger to the township, the wetlands and the region. The phosphorus pentasulfide drums are located in one of six transfer stations the railroad has built in the Meadowlands, which alarms officials about what other

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AMY NEWMAN/Herald News

Industrial drums containing phosphorus pentasulfide have been sitting at a rail transfer station in North Bergen.

# Railroads: Stored chemical 10 times as powerful as cyanide

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dangers could be waiting at other transfer stations in North Jersey.

"We're talking about hazardous materials," said North Bergen spokesman Craig Schmalz. "We really need more heavy hitters. We need someone to step in and make some more legislation."

On Wednesday morning, the township and the Meadowlands Commission called together representatives from more than half a dozen agencies and elected officials to address the potential crisis. A spokeswoman for the Commission said it would demand that the railroad stop storing chemicals in the Meadowlands. Commission officials also vowed to meet with the state's Attorney General's office today to ask him to intercede. They also want the state's Congressional delegation to amend the interstate commerce laws that effectively allow railroads to transfer and store wastes. David Wald, a spokesman for Sen. Jon Corzine, said the transfer stations are using federal law to avoid reporting to local and state authorities.

"You can't use the Federal Railway Act as a loophole, and the railroad should have alerted local authorities to what was there," Wald said.

A spokesman for the New York, Susquehanna & Western Railway downplayed the dangers

of the incident and said railroad officials are prepared to meet with any public officials to discuss the hazardous materials. For months, the Meadowlands Commission has been advocating for federal intervention to help municipalities and state agencies gain some oversight over railroad transfer stations. As recently as December, the Meadowlands Commission thought that the site on West Side Avenue was not yet in operation, according to a letter sent to the state Attorney General.

But on July 6, the North Bergen Regional Fire & Rescue responded to a report of a strong odor and discovered about 80 chemical drums.

Fire Chief Brian McElowney said Wednesday that the initial report of a chemical leak turned out to be unfounded and that the drums did not pose an immediate danger. Were they to rupture or spill, however, he would have to call in outside agencies to help clean up the mess, he said.

"We're not equipped to handle hazardous materials incidents," McElowney said.

North Bergen officials said Wednesday that they believe the drums were to be moved to a chemical facility that manufactures insecticides and lubricants by a third-party trucking company that leases space at the transfer station from the railroad.

Schmalz said that although a

few of the drums were clearly empty, most of them still contained phosphorus pentasulfide. Tom O'Neil, a spokesman for the railroad, said Wednesday that, to his knowledge, all of the drums were empty. Were they full, O'Neil said, the railroad would be more vigilant about handling them in a secure manner.

"He says that it's empty, but are they clean?" Schmalz said. "Having half a tank of gas is more dangerous than a full tank of gas."

Ivan Oelrich, the director of the Strategic Security Project at the Federation of American Scientists in Washington, said that he was not familiar with phosphorus pentasulfide and did not believe it had ever been used as a chemical weapon. He later said he found that federal standards label the powder as more than 10 times as poisonous as hydrogen cyanide. "This is nasty stuff," Oelrich said.

In a powder form, he said, phosphorus pentasulfide's dust could be dangerous in the immediate vicinity. If it were to interact with water, it could have a significant chemical reaction creating a gas.

"Changing it from a powder to a gas, that has a big effect," Oelrich said. "As long as it's staying in the jar, it's not getting in your lungs, and you're OK."

Despite the potential risks, few were informed of the situation un-

til Wednesday. Roger Shatzkin, spokesman for the state Office of Counter-Terrorism, said that because the containers did not seem to constitute a terrorist attack, he was unsure if his office had been notified of their discovery.

O'Neil said that although the North Bergen and Meadowlands Commission officials are concerned about the chemicals at the transfer station, no one apart from the North Bergen police has contacted the railroad to discuss the problem.

Carter Strickland, an assistant clinical professor of law at the Rutgers Environmental Law Clinic, has monitored the rapid spread and limited regulation of transfer stations across the state. Aside from the six in the Meadowlands, Strickland said he knows of three others, including one in Paterson being built by the New York, Susquehanna & Western Rail-

way. He believes that the railroad is using legal precedents that allow railroads to lay tracks free of local oversight to build transfer stations without municipal consent. Once the railroads build the station, they can sublet space for solid-waste handling without the rigid oversight that the state usually imposes on such enterprises.

"The solid-waste industry is probably the most regulated industry in New Jersey," Strickland said. "If you don't control the type of materials that go in, you have an improper storage and you have an incredible environmental and health hazard."

Strickland worries that any spill or accident at the transfer station could have a devastating effect on the wetlands. He also believes it's unwise to store chemicals that could be weaponized so close to New York City.

In the meantime, the railroad can now move forward in constructing a transfer station in Paterson. On Wednesday morning, a U.S. District Court judge in Newark barred the city from interfering with the construction of the railroad's plans. Judge Joel Pisano stipulated only that the railroad must meet with the city within 30 days to share its site plans.

Strickland said the discovery in North Bergen does not bode well for Paterson.

"Anything could go in there, and they've given nothing but their word that they will comply with applicable laws," he said.

Staff writers Brian Spadara and Maya Kremen contributed to this story.

Reach Tom Meagher at (973) 569-7152 or meagher@northjersey.com.