



New Jersey  
**Work Environment Council**  
Safe, secure jobs and a healthy, sustainable environment

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## Press Release

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### **NJ Work Environment Council and Teamsters Local 877** **Put the City of Linden on Notice:** ***Stop Endangering Residents and Violating Federal Law***

#### **Mayor Violates Federal Law Requiring Public Access to Local Emergency Response Plans in Linden**

Mayor Derek Armstead of the City of Linden, NJ has failed to carry out his legal responsibility under federal law for ensuring that the public has access to an up-to-date Emergency Response Plan (ERP) in the event of a chemical fire, explosion or other toxic emergency. Today, Teamsters Local 877 and NJ Work Environment Council (WEC) filed the required 60-day notice of the intent to file suit against the city of Linden for violating federal law. Under Section 326 of Emergency Planning and Community Right to Know Act (EPCRA) citizens have the authority to file civil actions against violators of EPCRA.

Since February 2014, WEC and Teamsters Local 877, representing chemical and terminal workers at the Phillips 66 Bayway Refinery and Watco Crude Rail Terminal, located in Linden, have repeatedly requested access to Linden's ERP and have been denied on multiple occasions. The most recent denial occurred on June 29, 2016.

Linden continues to keep community members and workers at industrial facilities within its' municipal borders in the dark. This is despite both the [US Environmental Protection Agency](#) and [NJ State Emergency Response Commission](#) (SERC) issuing documents in 2015 regarding the legal obligation to publicly disclose ERPs and the importance of engaging community stakeholders.

Public access to ERPs is required under the 1986 EPCRA, which was passed in part, to address concerns after the Union Carbide pesticide plant in Bhopal, India, released a highly toxic gas which killed and disabled hundreds of thousands of people unaware of the chemical risks.

"The mayor's failure to grant access to ERPs as required by federal law means that Linden residents are not protected from toxic disaster," said **WEC executive director**

**Dan Fatton.** “Knowing the chemical is critical; residents need this information to properly prepare and make effective emergency plans.”

**John Pajak,** President of Teamsters Local 877 and WEC Board member said, “City officials obviously believe that they can just ignore the public’s legal right to information about our own safety. It is egregious that the workers at these facilities can’t access the ERP.”

**Dominick Marino,** president of the Professional Firefighters of New Jersey, said that access to up-to-date Emergency Response Plans is essential to the safety of first responders. “Planning for first responders and the public is critical to prevent the loss of life,” Marino said. “It’s important that emergency planning information is reviewed and updated annually because conditions and hazards can change.”

**Doug O’Malley,** director, Environment New Jersey. “Linden has no plan – secret or otherwise – if a toxic disaster strikes. This inaction breaks every rule in the Boy Scouts creed and it’s illegal. This legal action will be a slam-dunk, but the city shouldn’t be forced to do its job through litigation. Every resident and worker deserves a realistic – and public – plan if a chemical disaster strikes.”

“The SERC has failed to provide a system to request county and municipal ERPs and that is why you are allowed access in some places and not others.” stated **Debra Coyle McFadden,** Assistant Director of WEC. “When workers at a facility are denied access to the ERP, you have to question if there is an ERP and the quality of it.”

“Federal law is clear,” said **David Tykulsker,** an attorney and WEC Counsel. “It does not provide for blanket denial of all public access to emergency response plans, whether on so-called security grounds or anything else not in the Federal EPCRA statute”

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#### **About WEC**

The New Jersey Work Environment Council is an alliance of 70 labor, community, and environmental organizations advocating for safe, secure jobs and a healthy, sustainable environment. For more information, please visit [www.njwec.org](http://www.njwec.org).