

Asarco seeking lead pollution investigation

Mar 28, 2013 Suzy Waite

NEW YORK - Copper producer Asarco LLC has asked regulators in Washington, Nebraska and Kansas to examine whether Union Pacific Railroad Co. contributed to hazardous lead pollution along its rail lines in areas where Asarco paid nearly \$2 billion in clean-up costs.

Tucson, Ariz.-based Asarco, a subsidiary of Grupo Mexico SAB to CV, paid \$1.79 billion in bankruptcy settlement charges in December 2009 to clean up pollution in 19 states. The largest single sum, \$436 million, went to clean a toxic mine in the Coeur d'Alene Basin in Idaho (amm.com, Dec. 11, 2009).

Asarco alleges that Union Pacific is responsible for continuing lead contamination along some of its railways in areas where Asarco previously paid to help clean up.

“Asarco paid billions to clean up the environment and they want to make sure that money is spent wisely and appropriately,” Greg Evans, founder of Los Angeles-based Integer Law Corp. and the lawyer representing Asarco, told *AMM*. “Union Pacific is continuing to release very high levels of lead and other harmful metals throughout the U.S. on its abandoned and active rail lines. And as there is continuing out-of-sight contamination where Asarco has spent all this money to clean it up, Asarco feels obligated to let regulators know of these continuing sources of pollution.”

A Union Pacific spokesman said that Asarco is simply “rehashing allegations in pending litigation” that the company believes are “completely without merit.”

“After Asarco discharged environmental and other liabilities in a 2009 bankruptcy, Asarco initiated a number of lawsuits against Union Pacific and others seeking contribution for the amounts Asarco paid for these liabilities, alleging that it overpaid for its environmental liabilities and (sought) reimbursement from the defendants,” the Union Pacific spokesman told *AMM*. “Union Pacific has responded in court and plans to vigorously defend against Asarco’s allegations.”

Asarco said in letters to environmental regulators that independent laboratory tests of samples from the Union Pacific rail sites showed high levels of lead, zinc, copper, silver, cadmium and chromium.

Asarco said in a Feb. 28 letter to the Nebraska Department of Environmental Quality that Union Pacific built rail beds using ore tailings and slag which contained high levels of lead and zinc.

The mining waste-historically used by railroad companies because it was cheap and readily available-“is negatively impacting the environment (and) is one of the sources of continuing pollution that Union Pacific is unwilling to acknowledge,” Evans said.

It is uncertain if Asarco would recoup any of the \$1.79 billion clean-up costs, Evans added.