

local stories > news

Injunction junction

A new documentary looks at the unresolved aftermath of California's worst inland toxic spill

By Cosmo Garvin
cosmog@newsreview.com
More stories by this author...

This article was published on 10.16.03.

July 14, 1991, 9 p.m. As Dunsmuir residents settled into their beds, one of the worst environmental disasters in state history was happening in their backyard.

A Southern Pacific train was heading into the hairpin Cantara Loop, just north of the town of Dunsmuir, when several of its cars jumped the tracks and plunged into the swift waters of the upper Sacramento River.

As the train lay draped across the shallow riverbed, one rail car, ruptured by the fall, quietly disgorged 19,000 gallons of the potent herbicide metam sodium into the quickly moving stream. The death plume turned the water a milky pea-green color, and killed everything in its path for some 38 miles until it hit Lake Shasta and finally dissipated.

In the wake of the disaster, state regulators moved to impose new railroad safety operating rules that they hoped would prevent similar accidents on derailment-prone stretches like the Cantara Loop.

But railroad companies have kept the new rules tied up in court ever since. Last month, the state Public Utilities Commission (PUC) asked the U.S. Supreme Court to settle the issue. Twelve years after the Cantara spill, trains are still derailling in the area, though none so far have resulted in toxic spills. As the state and the railroad companies fight it out in court, folks who live in the Sacramento River Canyon wonder if the next accident will be the big one.

The story of the Cantara Loop disaster is chronicled in *The River That Never Was*, a locally produced documentary that will air on KVIE Channel 6 at 8 p.m. on October 23. The program revisits the 1991 accident and the decade-long effort to restore not only the river, but also the town of Dunsmuir, whose fishing and tourist economy was hurt badly by the spill.

The river--and the town--gradually recovered, from zero life to once again being a fly-fisher's paradise. Some species, such as a native mollusk that was found only in the upper Sacramento, may be gone for good. The native trout, on the other hand, seem to be thriving better than before the accident.

It's a remarkable story that shows both the fragility and resiliency of one river eco-system. But the story of the river's restoration ends on an ominous note. This summer, as the documentary's producers, Cantara Broadcast Productions, were wrapping up work on their film, Dunsmuir residents were stunned by a near-disaster very close to the 1991 spill.

On July 31, a train operated by Union Pacific, which had since bought the line from Southern Pacific, derailed just two miles north of Dunsmuir, near the Cantara Loop.

This time, five cars ended up in the water. Some contained traces of ammonium nitrate fertilizer, a chemical that, if the cars had been full and ruptured, would have caused another massive fish kill on the river. Another car, full of hydrochloric acid, was one car away from tumbling down the banks.

That derailment is still under investigation, and so far it appears to be the result of a mechanical failure, not a failure by the railroad company to follow operating safety rules.

That hasn't stopped residents of Dunsmuir from worrying about the possibility of another major disaster, nor has it assuaged the fears of state regulators who have been trying to impose state rules on trains traveling through the Cantara Loop and other sites around the state deemed to be "local safety hazard sites."

After the 1991 spill, PUC investigators found that the disaster was the result of Southern Pacific weakening its own safety rules. In particular, they found the train was not put together properly for negotiating the twisting Sacramento River Canyon, with its steep mountain grades and sharp turns. The Cantara Loop, where the 1991 accident happened, is the steepest grade and sharpest curve in the entire state, and the site of dozens of accidents since the 1970s. One 1976 derailment at the Cantara Loop resulted in a chemical spill and fish kill that foreshadowed the 1991 catastrophe.

Although state legislators acted quickly to impose new regulations on the railroads, it took until 1997 for the Public Utilities Commission to write them. PUC's new regulations would have required essentially that railroad companies follow their own safety rules and not change them without justifying the changes to the PUC. The PUC also identified 18 sites around the state, including the Cantara Loop, that it deemed "local safety hazard sites," subject to state regulation under provisions of the Federal Railroad Safety Act.

But as soon as the PUC made its final decision, Union Pacific took the state to court, saying that only the federal government should be allowed to regulate railroads because of the interstate nature of their business.

"We feel the Federal Railroad Administration is the better avenue," said Union Pacific spokesman Mark Davis from his office in Omaha, Neb. The company argues that if states or local governments were free to impose rules on the rail carriers, a confounding patchwork of rules would soon crop up. Better to have uniform rules imposed by the U.S. government. "It is much more cohesive than looking at all these individual sites."

Davis also said the company has gone to great expense to make the area safer for its trains, installing concrete rail ties and heavier rails, along with a steel, cage-like guardrail along the bridge at the Cantara Loop.

In June, after a five-year legal battle, the 9th Circuit Court of Appeals agreed with Union Pacific, deciding that the Cantara Loop could not be deemed a local safety hazard (steep grades and curves being present in other places) and, therefore, could not be regulated by the state.

The finding stunned the regulation's proponents. "If [the Cantara Loop] is not a local safety hazard site, we don't know what is," said PUC staff counsel Patrick Berdge, noting that the section is exceedingly treacherous and derailment-prone. Berdge also noted that the railroad already has rules for dangerous areas like the Cantara Loop and the Sacramento River Canyon; the state just wants to make sure they are enforceable.

The PUC has since appealed the decision to the U.S. Supreme Court. But given that the high court takes up only about 2 percent of the cases it is asked to decide, the chances of the state prevailing are slim.

Nor is it likely that the Federal Railroad Safety Administration will intervene where it never has before, said Bill Berry, a retired attorney and environmentalist with homes in Dunsmuir and Sacramento. "The present [Bush] administration is not likely to get too tough with the railroads," said Berry.

For now, he said, "the railroad is free to decide for itself, with no public oversight, how trains moving through the canyon are made up, powered, loaded and handled," giving them an autonomy almost unheard of in other industries.

"It amazes me," Berry added. "After all these years, there has still been no regulatory response to the worst inland toxic spill in the history of California."

Contact Us About This Story

RELATED LINKS:

- See all stories published in News
- See all stories published in Local Stories

Reader Comments

searching database for comments...



In 1991, the chemicals in this tanker car killed everything in the Sacramento River within nearly 40 miles. Twelve years later, California has no rules to keep such an accident from happening again. COURTESY OF CANTARA BROADCAST PRODUCTIONS

SEARCH THE SITE

 GO

TOOLBOX

- PRINT FRIENDLY E-MAIL THIS STORY
- ADJUST FONT SIZE: SMALLER LARGER
- LINK TO THIS STORY ON YOUR SITE
- RSS FEEDS
- AddThis Social Bookmarking Widget

local stories



Paper trail
Defunct North Sacramento Journal leaves a legacy for relocating SN&R.

GREEN GUIDE:
An ancient come back
Local man brings sustainable cob building to the people.

King and I
Grandmother and childhood pal Martin Luther King Jr. shaped Enomoto's life.

MORE LOCAL STORIES >

calendar

SEARCH THE CALENDAR

ALL CATEGORIES [dropdown]
 HAPPENING TODAY [dropdown]
 WITHIN 35 [dropdown]
 MILES OF ZIP [input] GO

opinions

- Arnold Watch** One administration staffer hates exercise.
 - Ask a Mexican** The Mexican on drunk driving.
 - Ask Joey** Save me from relationship sabotage!
 - Bites** Could the Bee possibly suck any more? In a word, yes.
 - Editorial** Test your California budget smarts with SN&R's quiz!
 - Essay** The inconvenience of no electricity during the recent storms left this...
 - Guest Comment** Gated communities may feel safer, but they don't do much for the larger...
- MORE OPINIONS >

classifieds



My room mate and I just bought 2 puppies. They are chiweenies-meaning they are...

Chico N&R



Thinking outside the cell
The scientific establishment ignored Mina Bissell for decades. Now her insights could revolutionize how cancer is understood and treated.

CN&R ISSUE CONTENTS

THIS WEEK - 01.17.2008 [dropdown] GO

Reno N&R



Will they graduate?
Looking for fault is not going to solve the education crisis in Nevada. Students drop out for all kinds of reasons.

RN&R ISSUE CONTENTS

THIS WEEK - 01.17.2008 [dropdown] GO