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## The Birth, Death, and Rebirth of the World Trade Center and the Fate of New York

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## Trends & Insights

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- The Birth, Death, and Rebirth  
of the World Trade Center and the  
Fate of New York*
- Environmental Law—  
Up Close and Personal*

## The Birth, Death, and Rebirth of the World Trade Center and the Fate of New York

*Michael B. Gerrard*

The year in the title has finally arrived, and in Stanley Kubrick's classic film *2001: A Space Odyssey*, the appearance of large monoliths marks important transitions in human civilization. In New York City, the construction, destruction and possible reconstruction of the twin monoliths of the World Trade Center also mark historical transitions. Among the things transformed with each event is our relationship to the physical environment.

### *Construction*

The decision to build the World Trade Center was made in the early 1960s at a time of great national exuberance and confidence. President Kennedy proclaimed a goal of sending men to the moon, and building the world's tallest skyscrapers seemed fitting.

The plan arose at the end of an era of centralized decision-making. It resulted from a deal among New York Governor Nelson Rockefeller and his brother David, the chair of the Chase Manhattan Bank, who were both eager to revitalize lower Manhattan, and the Port Authority of New York and New Jersey, which owned the site and won a commuter rail line to New Jersey in the bargain.

Citizens could not participate in the decision. The only public hearing was convened by the new mayor of New York City, John Lindsay, in 1966 and was mostly a futile gesture of protest. There was no formal environmental review, though a few studies were conducted, and one revealed that unless the towers were placed far enough apart the winds whipping between them would reach dangerous speeds. (The towers were sited accordingly.)

During the construction of the WTC from 1968 to 1972 and the years shortly thereafter, modern environmental law was born and laws were enacted that might well have prevented or greatly altered the project. In 1969 Congress passed the National Environmental Policy Act, and 1975 the New York legislature adopted a state counterpart, which (if applicable) would have required an exhaustive impact statement. The 1.2 million cubic yards of material excavated for the foundation was deposited a few hundred yards away in the Hudson River to create 28 acres of land on which a

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development called Battery Park City was later built; Section 404 of the Clean Water Act, enacted in 1972, might have prevented such filling. The wooden timbers that were pulled from the shoreline were burned at sea—another practice later banned.

Construction required the condemnation and demolition of an active commercial and industrial area; today we would think of it as a brownfield, but no studies of contamination appear to have been done. (Ironically, a 1969 book about the removal of this neighborhood was entitled *The Destruction of Lower Manhattan*.) The area had been used since the 1600s but limited attention was paid to the many artifacts that were unearthed in the excavation. Massive amounts of asbestos insulation were sprayed on the steel beams until studies in 1971 found this to create a health hazard and the City Council banned such spraying. Thus some of the WTC had asbestos (and some of that was removed in the renovations that followed the 1993 bombing); the remaining asbestos was pulverized when the buildings collapsed on September 11, and much of it became airborne.

Other aspects of the design would also be considered obsolete today. The offices did not have switches, and workers could not turn off the lights when they left; construction ended before the 1973 OPEC oil embargo that hiked energy prices. The massive cooling system discharged hot water into the Hudson River, another feature that the Clean Water Act might have inhibited.

Around the time that the WTC was completed, New York City's next massive public works project was proposed—Westway, which would have involved filling in 10 per cent of the cross-section of the Hudson River (beginning with the Battery Park City landfill and extending four miles north to 42nd Street) and building an interstate highway in a tunnel through the landfill. Westway was the subject of a great deal of public participation and detailed environmental impact statements. Ultimately it ran afoul of NEPA, Clean Water Act Section 404 and the federal courts, and it was never built. Thus the WTC was the last major project to rise in New York City in the old era of environmental (non) regulation; Westway was the first major project killed by the new era.

### *Destruction*

If the construction of the WTC marked the end of one era, its destruction led directly to the end of another. Though the events in New York, Washington, and Pennsylvania on September 11 shook the entire world, they had an especially profound effect on New York, which was coming off nearly a decade of enormous prosperity and confidence. Suddenly on that terrible morning the city was plunged into a pervasive and (it seems) persistent grief. Each of the three thousand or

so deaths created concentric circles of mourning, radiating outward from the immediate family to close friends, business colleagues, and acquaintances. Nearly every New Yorker is either in some of those circles or is only one or two degrees of separation removed. Even outside of the downtown area (which two months after the event still resembles a war zone) there are constant reminders of the tragedy—the “Missing” signs that still appear on many lampposts, the firefighter's funerals that take place almost daily, the street vendors selling World Trade Center memorabilia.

Several levels less intense than the grief for the dead, but still palpable, is what for most is an entirely new emotion: grief for a building. Not since the lawful destruction of Pennsylvania Station in 1965 (which led directly to the enactment of the New York City Landmarks Preservation Law, saving Grand Central Terminal from a similar fate four years later) had such a famous building been lost in New York, and never before in an act of mass murder. Most New Yorkers have their own memories of the WTC; it was in a hearing room there that I tried my first case (concerning the Westway highway, as it happens). The WTC was an important part of our mental landscapes, and it now feels like a phantom limb. Whenever we hear “America the Beautiful”—and we hear it a great deal these days—it is hard to bear the phrase about our alabaster cities.

It is too early to tell, but this may lead to a greater urge to protect our physical heritage and thus to strengthened landmarks laws. We already know that the events have jarred our sense of permanence. That the towers withstood the 1993 bombing proved they were invincible and would outlive our grandchildren. Mayor Rudolph Giuliani built the city's emergency command center, a bunker strong enough to resist bombs and nerve gas, at the WTC. The day it was needed most, it was destroyed, and with it maybe some of the confidence that is required to undertake major construction projects.

Also perhaps lost on September 11 was our focus on tiny risks. The Superfund program is concerned with risks of  $10^{-6}$ , and tens or hundreds of millions of dollars have been spent at individual sites addressing such risks. But after one event kills on the order of  $10^3$  people, this gap of nine orders of magnitude in risk becomes unfathomable, and the concerns at the outer edges of Superfund seem trivial. Instead, other risks loom as more real and worthy of attention: the occupational risks to the heroic rescue workers; the dangers that may or may not be inherent in the awful odors that still waft from Ground Zero; the risks of fire and smoke that perhaps could be abated by now-banned chemicals, and hazards that are caused by other chemicals that should be banned. The statutes on emergency planning and on the transportation of hazardous chemicals suddenly take on greater importance.

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The immediate response to the New York catastrophe required that some of our legal scruples be set aside, and no protests were heard. The unlined and reviled Fresh Kills landfill on Staten Island ("Kills" is Dutch for waterway), permanently closed just four months earlier after half a century's worth of protests, was reopened to take in the debris of the World Trade Center. To bring the debris there, and to take twisted steel to scrap recycling centers, long-stalled permits were granted to dredge contaminated sediment so that barges and their tugs could pass. In the solid waste removal process, the niceties of waste characterization and separation were not the top priority.

### *Reconstruction*

With deep fires still smoldering, the sixteen-acre WTC site now resembles nothing so much as the gates of Hell, and New York is eager to reclaim it as a memorial to those who were lost and for new buildings for

the living and the unborn. The office space that was destroyed had as many square feet as the central business districts of Atlanta, Baltimore, Pittsburgh or Portland. The process for deciding what will go in this site, and who will put it there, has not yet been determined. But much of the talk in the real estate community in New York seeks a return to the centralized decision-making and cursory environmental reviews that marked the decision to build the WTC in the early 1960s. A reconstruction czar (or, more likely, a politburo) may be invested by the state legislature with powers to override many of the state and local environmental laws of the past three decades so that the site can be rebuilt without delay. The coming months will see if that effort succeeds, but it may take years to know if this will lead to a more general reconsideration of the elaborate system of procedural protections (or roadblocks, depending on your perspective) that have arisen since 1970.

Years will also be needed to know whether the

fear caused by September 11 and its aftermath will make people more reluctant to live in big cities, and will further the suburban and exurban sprawl that many environmental policies have long worked to discourage. If that happens, then the destruction of the WTC monoliths will in yet another important way have marked a terrible turn in human civilization.