

CREST HAVEN — Cape May County Prosecutor Robert Taylor, Attorney General Anne Milgram and Avalon Police Chief David Dean announced at a press conference Sept. 5 that a Pa. dentist has been charged after he admitted Sept. 2 to having dumped medical waste in Townsend Inlet, just north of Avalon, on Aug. 22.

According to the Attorney General, Thomas W. McFarland Jr., 59, of Wynnewood, Pa., was charged Sept. 4 with two third-degree crimes of unlawful discharge of a pollutant and unlawful disposal of regulated medical waste.

McFarland, who owns a house in the Avalon Manor section of Middle Township and Lower Merion, Pa., allegedly took his personal motorboat into Townsend Inlet and dumped a bag of waste from his dental practice in Wynnewood, Pa. Milgram said it is believed McFarland was alone during the crime act.

“This was an intentional act, not a testament to unhealthy waters,” Dean said.

Avalon closed its beaches four times during the week prior to Labor Day weekend beginning Aug. 23 when waste allegedly dumped by McFarland was found washed ashore along a one-mile stretch of beach at the north end of Avalon, including approximately 300 “Acuject” dental-type needles, 180 cotton swabs, and a number of blue and white plastic capsules used to hold filling material for dental work.

Investigators led by the Environmental Crimes Bureau worked to trace the dental waste using needles’ lot numbers and the Attorney General offered a \$10,000 reward on Aug. 27 for information leading to the arrest and conviction of the person(s) responsible. No one received the \$10,000 award.

Milgram said investigators had narrowed suspects down to a small number of dental practices, including McFarland’s, using confidential information obtained in early days of investigation.

“There’s no doubt that we were closing in on him,” Milgram said.

On Sept. 2, McFarland went to the Avalon Police Department and admitted to dumping dental waste. After searching his NJ beach house, Boston Whaler boat and SUV, investigators obtained a search warrant for his dental office in Pa.

Upon searching McFarland’s office Sept. 4, investigators discovered evidence corroborating McFarland’s statement that the waste came from his practice.

The warrant complaint charging McFarland was served on his attorney, Joseph Rogers, Sept. 5.

The case will go before the State Grand Jury, which will either return the charges or have McFarland indicted for a court trial. There is no timeline for the Grand Jury decision but Milgram said it would be handled expeditiously.

Reporters at the conference asked Milgram whether McFarland expressed suicidal intentions

after admitting his crime to the Avalon Police Department on Sept. 2. Though Milgram would not comment on McFarland's whereabouts, it is reported that he is being treated at a mental health facility.

Reporters questioned McFarland's motives and the possibility of malicious intent as the waste was seemingly timed for the holiday weekend. Some speculate that McFarland sought revenge on Avalon for not accepting Avalon Manor as part of the municipality.

McFarland wrote editorial letters to the Herald and took part in a movement with other manor residents who sought to leave Middle Township to join the borough. The movement faced a defeat June 21, 2004 when the Appellate Division of Superior Court decided in favor of the township.

Milgram said heightened awareness of any beach debris, caused by the media's extensive coverage, as well as potential copycat criminals could explain the small random wash ups on other area beaches like Cape May.

Milgram said debris found in other areas including Ocean City and Brigantine is unrelated to the waste found in Avalon. She said syringes at those beaches are the insulin-type used by patients to self-administer medicines at home and are not considered regulated medical waste.

When improperly disposed of, Milgram said, they sometimes travel through sewer systems to the ocean and occasionally end up on beaches. She said it has been 20 years since the state has had a similar case in which an individual was charged with dumping medical waste directly into the ocean.

Both third-degree crimes carry a maximum sentence of five years in prison and fines of up to \$50,000 on the medical waste charge and \$75,000 for the discharge of pollution. Restitution for the cost of the search and cleanups is an element of the prosecution, Milgram said.

The charges conclude an intensive investigation conducted by the Attorney General's Environmental Crimes Bureau, the Avalon Police Department and the Cape May County Prosecutor's Office. The charges are merely accusations and the defendant is presumed innocent until proven guilty.

"Thanks to the great work done by this multi-agency team of investigators, we can say with confidence that this defendant's dental practice was the source of the medical waste on Avalon's beaches," Milgram said. "We do believe we've recovered the majority of what he dumped."

"We can say with equal confidence that this was an isolated incident and that, working with the Department of Environmental Protection, we will keep New Jersey's beaches clean and safe through continued vigilance and vigorous enforcement efforts."

"I'm very pleased with the cooperative effort of all of the law enforcement agencies that participated in this model investigation," Taylor said. "New Jersey residents and tourists have a right to know the beaches are safe from medical waste."

Milgram thanked investigators from the NJ Division of Criminal Justice Environmental Crimes Bureau, Avalon Police Department, Cape May County Prosecutor's Office, Lower Merion Township Pa. Police Department, and the Montgomery County, Pa. District Attorney's Office.

"The real heroes are the men and women who were out collecting the waste and writing affidavits," Milgram said.