Featured Topic: OSHA Proposes Revised Respiratory Protection Standards

By: Joshua S. Koch, R.S.

The Occupational Safety and Health Administration (OSHA) published the final Respiratory Protection Standard in January of 1998. On June 6, 2003, OSHA published two proposed rules in the Federal Register that are aimed at revising the existing Respiratory Protection Standard.

The first proposed rule is related to previously reserved provisions contained in the current Respiratory Protection Standard. The proposed rule includes definitions for assigned protection factors (APFs) and maximum use concentrations (MUCs), an APF Table, and contains amendments to replace the existing APF requirements in some OSHA substance-specific standards (i.e. Asbestos Construction Standard). Included with this Asbestos Program Update are three pages from the 85-page Federal Register document detailing the proposed text changes that would revise the Respiratory Protection Standard (29 CFR 1910.134) as well as several other regulations including the Asbestos General Industry Standard (29 CFR 1910.1001) and the Asbestos Construction Standard (29 CFR 1926.1101).

OSHA stated in a Unified Agenda Document (1218-AA05 – 1625. Assigned Protection Factors: Amendments to the Final Rule on Respiratory Protection) that “This rulemaking action will complete the 1998 standard, reduce compliance confusion among employers, and provide employees with consistent and

Asbestos Program: Fee Increase

On July 26, 2003, Governor Taft signed Amended Substitute House Bill 95. This bill amended the asbestos fees found in section 3710.05 and 3710.07 of the Ohio Revised Code (R.C.). The amendments became affective on September 26, 2003.

The new fees to be charged under R.C. 3710.05(D) for initial and annual renewal of licenses, certifications and approvals have been changed to the following:

<table>
<thead>
<tr>
<th>Licensure:</th>
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<tbody>
<tr>
<td>Asbestos Hazard Abatement Contractor = $750</td>
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</table>

<table>
<thead>
<tr>
<th>Certification:</th>
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<tbody>
<tr>
<td>Asbestos Hazard Abatement Specialist = $200</td>
</tr>
<tr>
<td>Asbestos Hazard Evaluation Specialist = $200</td>
</tr>
<tr>
<td>Asbestos Hazard Abatement Project Designer = $200</td>
</tr>
<tr>
<td>Asbestos Hazard Abatement Worker = $50</td>
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</tbody>
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<table>
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<tr>
<th>Approval:</th>
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<tbody>
<tr>
<td>Asbestos Training Provider (Initial Course) = $900.00</td>
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</table>

The new fee to be charged under R.C. 3710.07(C) for asbestos hazard abatement project notifications has been changed to the following:

<table>
<thead>
<tr>
<th>Notifications:</th>
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<tbody>
<tr>
<td>Asbestos Hazard Abatement Project Notification = $65</td>
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</tbody>
</table>
The second proposed rule is seeking comments on approval of a new fit testing procedure that is referred to as the Controlled Negative Pressure (CNP) REDON fit testing protocol. OSHA’s current Respiratory Protection Standard contains provisions allowing individuals to propose additional fit testing protocols. According to the June 5, 2003 OSHA Trade News Release, the CNP proposed protocol “requires three different test exercises followed by two redonnings of the respirator. OSHA’s current CNP protocol specifies eight test exercises, including one redonnning of the respirator.”

The deadline for receipt of written public comments on both proposed rulemakings was October 2, 2003. On November 12, 2003, OSHA announced in the Federal Register that the Agency will hold an informal public hearing in Washington, DC beginning on January 28, 2004.

Access to the proposed rules may be obtained from the OSHA website at www.osha.gov. The Asbestos Program recommends that you visit the OSHA website or your local library to view the entire Federal Register containing these proposed rules.

### Asbestos Program: New Forms

As a result of the increase in fees and a new database currently in development, the Asbestos Program has revised several forms. Copies of the revised forms have been included with this update and may also be obtained from the Ohio Department of Health (ODH) website www.odh.state.oh.us. The following is a discussion of key changes made to each of the forms:

#### Application for Certification:
HEA 5122 (Rev. 8/03)
Key changes made to this form include:
1. Addition of a field titled “Date of Birth”.
2. Corrected Fee amounts per discipline.
3. Deletion of the Notary requirement.

#### Prior Notification of Asbestos Hazard Abatement Project:
HEA 5121 (Rev. 8/03)
Key changes made to this form include:
1. Corrected Fee amount.
2. Cosmetic changes: rearrangement of check-boxes in questions 4 and 5.
3. Cosmetic changes: relocation of contractor number box in question 7 and AHAS certification number box in question 8.
4. Change to line 2 indicating the prior notifications shall be submitted at least 10 business days. (This change sets the stage for electronic notifications).

#### Application for Asbestos Contractor Licensure:
HEA 5335 (Rev. 8/03)
Key changes made to this form include:
1. Corrected Fee amount.

#### Training Program Application:
HEA 5347 (Rev. 8/03)
Key changes made to this form include:
1. Addition of a field titled “Business FAX”.
2. Addition of a field titled “Business website (optional)”.
3. Addition of a field titled “Email address (optional)”.
4. Addition of a line for course “approval # _______”.
5. Corrected Fee amounts per discipline.

#### Prior Notification of Asbestos Training Course:
HEA 5345 (Rev. 8/03)
Key changes made to this form include:
1. Cosmetic Change: moved course information boxes above training provider information boxes.
2. Displayed “OHIO” in State box to prevent training providers from notifying ODH for training conducted in other states.
3. Boxes added so training providers may indicate the days of the week (Monday – Sunday) on which the training will be completed.
What’s Going on With...

Training Course Certificates?
The ODH Asbestos Program has received complaints from students who have never received their training course accreditation certificates. ODH is aware that training certificates are sometimes sent to the students’ employers in lieu of being given to the students at the conclusion of a course.

The Model Accreditation Plan (MAP), 40 CFR 763, Subpart E, Appendix C (1)(C), states that “...Each person who completes a training course, passes the required examination, and fulfills whatever other requirements the State imposes must receive an accreditation certificate in a specific discipline.” In addition, the Ohio Administrative Code (O.A.C.), Chapter 3702-34-07(B)(3), states that a training provider shall issue “…a certificate to each student who satisfactorily completes the course and examination.”

Both the United States Environmental Protection Agency (U.S. EPA) and ODH believe that a training course accreditation certificate belongs to the student who completed the course. ODH would appreciate the cooperation of approved training course providers in finding ways to ensure that students who complete a course actually receive their training course accreditation certificates.

Vermiculite?
The ODH notified all approved training course providers in late May, 2003 about the vermiculite insulation awareness campaign being launched by the federal government. At that time, ODH provided a black and white copy of a document titled “Current Best Practices for Vermiculite Attic Insulation” that was obtained from the U.S. EPA website. ODH received several copies of the pamphlet from the U.S. EPA at a later date. A copy of the pamphlet has been included with this Asbestos Program Update for your use.

U.S. EPA Informational Documents?
The following is a list of informational documents which the U.S. EPA has updated and are available on their website at www.epa.gov/asbestos/asbestos_in_schools.html

- 20 Frequently Asked Questions About Asbestos in Schools (September 2003)
- ABCs of Asbestos (October 2003)
- Asbestos in Schools Fact Sheet (August 2003)

Libby, Montana?
(U.S. EPA Press Release: 08/29/03)
The U.S. Dept. of Justice and U.S. Environmental Protection Agency announced the District Court of Montana has ordered W.R. Grace & Co. to pay over $54.5 million to reimburse the federal government for the costs of investigation and cleanup of asbestos contamination in Libby, Mont. The ruling was issued on Aug. 26 by Judge Donald W. Molloy and stated W.R. Grace was liable for costs related to the investigation and cleanup of asbestos contamination in Libby and ruled the EPA's revised method for calculating indirect, or overhead, costs is appropriate and those costs may be recovered from W.R. Grace. This is the first time a federal district court has ruled on EPA's revised method for calculating overhead costs. W.R. Grace owned and operated a vermiculite mine and vermiculite processing facilities in Libby, Mont., from 1963 to 1990. The vermiculite ore found in Libby is contaminated with asbestos fibers. Mining and processing activities resulted in the spread of vermiculite—and the associated asbestos fibers—to numerous homes, businesses and schools throughout the town. Asbestos, a recognized human carcinogen, is known to cause lung cancer and mesothelioma, a lethal tumor of the lining of the chest and abdominal cavities. Exposure to asbestos can cause asbestosis, a disease characterized by fibrotic scarring of the lungs. EPA has been removing asbestos-contaminated soils and vermiculite in and near Libby since May 2000. In April 2001, W.R. Grace filed for bankruptcy in federal court in Delaware. Any payments on the judgment must be approved by the bankruptcy court.

Ban Legislation?
(Information compiled from review of Senate Bill S.1125 and from News Releases viewed on Senator Murray’s Website)
The Senate Judiciary Committee has adopted an amendment to ban asbestos as part of an asbestos litigation reform proposal (Senate Bill S.1125). The bill contains several elements that were part of an earlier bill introduced by Senator Murray (D-WA). Key elements in S.1125 related to the asbestos ban include:

- Requires the U.S. EPA to finalize rules banning asbestos within 2 years of passage of the Act.
- Requires an exemption process for companies unable to find substitutes for asbestos, if these companies can demonstrate that asbestos use will not result in harm to public health or the environment.
- Requires asbestos products still on the shelves to be disposed of within 3 years, in accordance with federal and state requirements.

There were a few important elements of Sen. Murray’s bill that the Judiciary Committee-adopted language did not include, such as:

- A National Academy of Sciences study of current science on asbestos.
- The creation of a Blue Ribbon Panel to improve protections for workers and consumers.
- A public education campaign to warn workers of the dangers of asbestos.
- Increased funding for mesothelioma research.

Language in the new senate bill does include two specific exemptions from the asbestos ban that would allow for the continued use of asbestos to manufacture chlorine and for the use of asbestos in roofing sealants. However, an amendment by Senators Feinstein (D-CA) and Kohl (D-WI) requires the U.S. EPA to perform a study of the risks of asbestos in roofing products that must be completed within 18 months (six months before the ban would take effect). The U.S. EPA would have the authority to ban asbestos in roofing products based on the results of the study.

The new language also allows the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA) to be exempt from the ban. However, the amendment by Senators Feinstein and Kohl in the new bill also requires the DOD and NASA to demonstrate and certify that the asbestos use is necessary for critical functions of the respective agencies, that no alternatives are available, and that use of the product will not result in an unreasonable risk to health or the environment.

As of July 30, 2003, the proposed bill had been placed on the Senate Legislative Calendar.
**ENFORCEMENT ALLEY:**

**Settlement Contractors**

**Settlement Agreement**
The ODH reached an agreement with Rainbow Environmental Services of Cincinnati, Ohio for violations of R.C. 3710 and OAC 3701-34. Rainbow created numerous public health emergencies (asbestos-containing dust/debris outside of the contained work area, breached containment and abatement activities without containment). Rainbow agreed to have all asbestos hazard abatement specialists, asbestos hazard abatement workers and the owner of the company attend remedial training, submit asbestos hazard abatement notifications for the next 50 friable and non-friable projects regardless of the size, submit to the ODH project designs for the 50 notified jobs, and pay a $35,000 fine.

**Other types of enforcement**

- The Asbestos Program received a referral complaint from the U.S. EPA – Criminal Investigation Division and the Ohio EPA – Special Investigations Unit. Upon inspection, of the building known as the “Kresge Building” located in Marion, ODH issued a Public Health Emergency Order. The Order required Joel McGeorge, the building owner, to immediately hire certified and licensed persons to inspect, design and abate the asbestos hazards in the building.

- The ODH conducted a complaint inspection at townhouses in The Ohio State University campus area located in Columbus. Upon inspection, ODH identified that Fixzit National Install Services, Inc. of Columbus had removed asbestos-containing pipe insulation to install new furnaces. After the inspection, the ODH issued a Public Health Emergency Order. The Order required George Kanellopoulos, the building owner, to immediately hire certified and licensed persons to inspect, design and abate the asbestos hazards in the townhouses. Fixzit was issued a citation by OSHA for violations of the asbestos construction standard and was assessed a fine of $7,500. George Kanellopoulos was also issued a citation from OSHA for violations of the asbestos construction standard and was assessed a fine of $1,050.

- The Asbestos Program participated in execution of a Federal Search Warrant in cooperation with the U.S. EPA – Criminal Investigation Division, Ohio EPA – Special Investigations Unit and the Ohio Attorney General – Bureau of Criminal Identification and Investigation at the building known as the “Kresge Building” located in Marion. During the investigation it was determined that approximately 600 liner feet of asbestos containing pipe insulation had been removed. ODH issued a Public Health Emergency Order. The Order required Joel Field of Ficor, Inc. to immediately hire certified and licensed persons to inspect design and abate the asbestos hazards in the building. Joel Field pled guilty to a misdemeanor charge of negligent asbestos abatement and was sentenced to one year probation. Additionally, Joel Field must conduct four speaking engagements and provide restitution of the Ohio EPA and the ODH and pay a fine of $500. Ficor Inc., plead guilty to a felony change of improper asbestos abatement and was sentenced to one year probation and a fine of $9,500.

- Jeff Perry, of Perrysburg, had his asbestos hazard abatement specialist certification revoked in November 2001 by ODH. The U.S. EPA prosecuted Jeff Perry and he pleaded guilty to removal of 300 linear feet of friable pipe insulation from a building in Toledo without adequately wetting the friable pipe insulation during the stripping operation. Jeff Perry was placed on probation for two years, home confinement program for six months and fined $100.00.

**U.S. EPA ENFORCEMENT WRAP-UP**

- The Asbestos Program has collected several press releases regarding asbestos-related enforcement taken by the U.S. EPA. The press releases have been combined into a document which is included with this Asbestos Program Update. The press releases were obtained from the U.S. EPA website at [www.epa.gov](http://www.epa.gov).

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**MWREC CORNER**

As many of you are aware, the Mid-West Regional Environmental Consortium (MWREC) was created by the asbestos licensing programs from all six Region 5 states (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin) and the U.S. EPA, Region 5 to serve as a forum for the participating agencies to cooperate in addressing asbestos issues within Region 5. In 2001, the departments and agencies responsible for National Emission Standards for Hazardous Air Pollutants (NESHAP) enforcement throughout Region 5 joined MWREC. MWREC now provides another avenue for communication between agencies responsible for AHERA as well as NESHAP enforcement.

The most recent meeting of MWREC members took place on the eve of the 6th Annual National Asbestos Meeting held in Virginia Beach, VA from October 28 through 30, 2003.

One of the main issues MWREC members are currently working on is the creation of a position paper on proposed amendments to the NESHAP regulation. The members believe that changes to the NESHAP regulation are paramount for promoting national consistency, uniformity of enforcement and for providing the ability to take advantage of the most recent technological and scientific advances available. The finalized document will be presented to the EPA rule-making staff for consideration. It is hoped the paper will result in nationwide support as to what changes are needed.
TWO CALIFORNIA MEN INDICTED FOR ILLEGAL DISPOSAL OF LEAD AND ASBESTOS

John V. Finnerty of Lake Elsinore, Calif., former President of Remtech Restoration Corp. in Fullerton, Calif., and Patrick J. Deegan of Corona, Calif., former Manager of Operations, were indicted in a criminal information filed Oct. 29, 2003, by the U.S. Attorney's Office in the Central District of California for violating the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Remtech Corp.'s business involved removal of asbestos and lead-containing materials. The defendants are accused of violating CERCLA by allegedly abandoning lead-contaminated wastes in drums. Lead is a known toxic substance that can cause damage to the nervous system. The defendants are also accused of violating the CAA by allegedly dumping 800 bags of asbestos-containing material. The CERCLA violation was for alleged failure to notify authorities of the release of asbestos into the environment, which can cause asbestos fibers to become airborne. Inhalation of asbestos fibers is a known cause of lung cancer, the long disease "asbestosis," and mesothelioma, cancer of the chest and abdominal cavities. The case was investigated by EPA's Criminal Investigation Division and the Southern California Air Quality Management District. The defendants were indicted in the U.S. District Court in Santa Ana, and the case will be prosecuted by the U.S. Attorney's Office in Los Angeles. An indictment is merely an accusation, and all defendants are presumed innocent unless or until proven guilty in a court of law.

OHIO MAN SENTENCED FOR IMPROPER ASBESTOS REMOVAL

Jeffrey S. Perry of Toledo, Ohio, was sentenced to serve six months of home confinement and two years of probation on Sept. 26, 2003. Perry, who was an asbestos removal project manager for Industrial Services Inc., previously pleaded guilty to having illegally removed asbestos-containing pipe insulation from a building in May 2000. Perry violated federal-mandated asbestos removal workplace practices because he did not ensure that the asbestos was adequately wetted down before removal. Failure to adequately wet asbestos-containing materials can cause asbestos fibers to become airborne, a lung disease known as "asbestosis," and mesothelioma which is a cancer of the chest and abdominal cavities. The case was investigated by EPA's Criminal Investigation Division (Cleveland), the Ohio Bureau of Criminal Identification and Investigation and the Ohio Environmental Protection Agency, and the EPA's National Enforcement Investigations Center. The case was prosecuted by the U.S. Attorney's Office in Toledo.

NEW YORK COMPANY, PROPRIETOR CONVICTED OF ASBESTOS CRIMES

Andre Parker of Riverdale, N.Y., owner of Parker Environmental Management Group Inc., of the Bronx, N.Y., and his company, were convicted on Oct. 2, 2003, by a federal jury in the Southern District of New York of violating the Clean Air Act (CAA) and the Resource Conservation and Recovery Act (RCRA) for asbestos abatement projects conducted in the New York City and the state of New York. Parker is a company owner and a top management official. His company, Parker Environmental Group Inc., failed to ensure that asbestos fibers became airborne during asbestos abatement projects conducted in New York City and the state of New York and failed to ensure that asbestos fibers were properly disposed of. Parker and his employees falsified laboratory analysis reports on asbestos abatement projects conducted in New York City and the state of New York. The offenses included violations of the Clean Air Act and the Superfund law. Parker also directed his employees to perform illegal asbestos abatement at 33 public housing buildings in Plattsburgh, N.Y.; they also dumped hundreds of bags of asbestos at numerous locations throughout the city of Plattsburgh. When sentenced, Parker faces a maximum possible jail sentence of up to 40 years and/or fines up to $2 million. Parker Environmental Management Group faces a maximum possible fine of up to $5.5 million. The case was investigated by EPA's Criminal Investigation Division (New York), the General Service Administration Office of Inspector General, the New York State Department of Environmental Conservation's Division of Law Enforcement, the Plattsburgh City Police Department and the Clinton County Sheriff's Department. Investigative assistance was provided by the EPA's National Enforcement Investigations Center, the New York State Department of Labor and the New York State Department of Health. The case is being prosecuted by the U.S. Attorney's Office in Syracuse.

MARYLAND, VIRGINIA COMPANIES AND ASSOCIATES OF COMPANIES PLEAD GUILTY TO BUYING FALSE ASBESTOS TRAINING CERTIFICATES

Between Sept. 30 and Oct. 3, several guilty pleas for buying false asbestos training certificates were entered in federal court in Alexandria, Va. Marco Remediation Inc., of Hunt Valley, Md.; Maccos Inc., of Norfolk, Va.; William McClound, a contract representative for Maccos; Environmental Testing and Monitoring Services Inc. (ETMS), of Virginia Beach, Va.; Fred Guest, President of ETMS; and Scott Eggleston, Vice-President of ETMS, all pled guilty to buying the certificates from F&M Environmental Technologies Inc. F&M had previously pleaded guilty in 2001 to selling these certificates. In addition, Marcors was sentenced and will pay a $200,000 fine. Sentencing for the other defendants is pending. The false certificates were used to obtain contracts for asbestos project monitoring inspections, management planning and industrial hygiene services at a number of facilities in Virginia. Proper training is required to monitor asbestos projects in order to prevent human exposure to airborne asbestos fibers. Inhalation of airborne asbestos can cause lung cancer and mesothelioma, a cancer of the chest and abdominal cavities. The case was investigated by EPA's Criminal Investigation Division (Washington, D.C.), the FBI, the National Aeronautics and Space Administration's Office of Inspector General, the U.S. Air Force Office of Special Investigations, the U.S. Army Criminal Investigation Division, the Defense Contract Audit Office and the Virginia Department of Professional and Occupational Regulation. The case is being prosecuted by the U.S. Attorney's Office in Alexandria, Va.

VIRGINIA COMPANY, OWNER CHARGED WITH ILLEGAL ASBESTOS REMOVAL

On Sept. 15, Coast-to-Coast Inc., a Virginia Corp., and its owner, Manuel Cedeno, were charged with allegedly violating the Toxic Substances Control Act. The charges allege that the defendants, working through a limited partnership called McGuire Apartments, L.P., purchased the McGuire Park Apartments in Richmond in May 2002. The apartment complex was constructed in the 1940's and contained several thousand linear feet of asbestos-containing insulation. After the purchase, the defendants allegedly conducted an asbestos remediation project at the McGuire Park Apartments using workers who were not accredited to remove asbestos-containing materials. Using non-accredited workers can result in inadequate asbestos removal practices, which can cause asbestos fibers to become airborne, a lung disease known as "asbestosis" and mesothelioma, which is a cancer of the chest and abdominal cavities. The case is being investigated by EPA's Criminal Investigation Division (Richmond), the FBI, the Virginia State Police and the Virginia Department of Environmental Conservation's Division of Law Enforcement, the Virginia State Police and the Virginia Department of Professional and Occupational Regulation. Unless or until proven guilty in a court of law.

TEXAS MAN SENTENCED FOR ILLEGAL ASBESTOS REMOVAL IN COLORADO

Daniel Argi of Houston, Texas, was sentenced on Sept. 17 to serve 88 months in prison and pay fines exceeding $323,000 in restitution to the Morgan County Colorado School District. He previously pled guilty to charges of illegally handling asbestos at the Ft. Morgan High School, in Ft. Morgan, Colo. A co-defendant, David Backus of Cheyenne, Wyo., will be sentenced at a later date. Argi was a project supervisor for National Service Cleaning Corp. (NSCC), an asbestos abatement company that worked at the Ft. Morgan High School in 1999. In his plea agreement, Argi admitted that he caused asbestos to be released into the air, causing a substantial risk of death or serious bodily injury to NSCC employees during the removal. He also admitted he caused a risk to Ft. Morgan High School students, faculty and staff when they returned to the contaminated high school in the fall of 1999. Inhalating airborne asbestos is a known cause of lung cancer, a lung disease known as "asbestosis" and mesothelioma, which is a cancer of the chest and abdominal cavities. The case was investigated by EPA's Criminal Investigation Division (Denver), the Internal Revenue Service and the former Immigration and Naturalization Service (now the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security). Investigative assistance was provided by EPA's National Enforcement Investigations Center. The case was prosecuted by the U.S. Attorney's Office in Denver.

OREGON MAN PLEADS GUILTY TO ASBESTOS REMOVAL VIOLATIONS

On Sept. 4, Jo McCulloch pleaded guilty in U.S. District Court in Portland, to one Clean Air Act (CAA) felony count of violating the asbestos work practice standards for asbestos abatement projects. According to the plea agreement, McCulloch admitted to having conducted an asbestos removal job at a Portland apartment complex between approximately July 30, 1998 and Aug. 4, 1998 on which he owned and operated a business. Using non-accredited workers can result in inadequate asbestos removal practices, which can cause asbestos fibers to become airborne, a lung disease known as "asbestosis" and mesothelioma, which is a cancer of the chest and abdominal cavities. The case was investigated by EPA's Criminal Investigation Division (Denver), the Internal Revenue Service and the former Immigration and Naturalization Service (now the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security). Investigative assistance was provided by EPA's National Enforcement Investigations Center. The case was prosecuted by the U.S. Attorney's Office in Portland.

NEW YORK MAN SENTENCED FOR ASBESTOS CRIMES, MONEY LAUNDERING

On Sept. 8, following appeals of previous sentencing, Joseph P. Thorn of Rensselaer, N.Y., former owner of A+ Environmental Services Inc., was sentenced to 14 years in prison and ordered to pay $305,000 in fines. Thorn, who was convicted in June 2001, along with his company, was convicted on Oct. 30, 2001, of conspiracy to defraud the government in connection with asbestos abatement activities conducted in Los Angeles, Calif. From April 1999 to June 2001, Thorn and his co-defendants, David L. Wintz and John D. Welsh, conspired to defraud the government by purchasing and using asbestos abatement training certificates that were false and fraudulent. The certificates were used to secure asbestos abatement contracts with the Department of Veterans Affairs. The defendants violated federal law by purchasing and using asbestos abatement certificates that were false and fraudulent and failed to properly dispose of the asbestos-containing waste material. Improperly removing asbestos-containing material can cause asbestos fibers to become airborne and can expose workers to the inhalation of asbestos fibers which is a known cause of lung cancer, a lung disease known as "asbestosis" and mesothelioma which is a cancer of the chest and abdominal cavities. The case was investigated by EPA's Criminal Investigation Division (New York), the U.S. Attorney's Office in Syracuse. An indictment is merely an accusation, and all defendants are presumed innocent unless or until proven guilty in a court of law.
FORMER CONNECTICUT TOWN OFFICIAL INDICTED ON ASBESTOS CHARGES

Michael Saad, former Economic Development Director for the Town of Plainfield, Conn., was indicted on Aug. 27, on charges that he recommended the demolition of a building containing asbestos. The indictment alleges that Saad advised Edward Carroll to demolish portions of a building at the Inter-Royal Mill in Plainfield, knowing that these portions of the building contained asbestos that had not been properly remediated. The failure to remediate asbestos before demolition can cause asbestos fibers to become airborne where they can be inhaled by workers and the public. Inhaling asbestos fibers is a known cause of lung cancer, a lung disease known as “asbestosis,” and mesothelioma, which is a cancer of the chest and abdominal cavities. If convicted, Saad faces a maximum sentence of up to five years in prison and/or a fine of up to $250,000. The case is being prosecuted by the U.S. Attorney’s Office in Bridgeport, Conn.

FORMER DEMOLITION CREW LEADER SENTENCED FOR DUMPING ASBESTOS INTO THE SEA

On Aug. 13, a federal grand jury in Bridgeport returned an indictment charging a former demolition crew leader with illegally removing asbestos from the Muskegon Clipper, a ship being converted into a casino. The indictment alleges that Robert W. Johnson, Jr., a former worker for the Virginia Company, participated in the illegal removal of asbestos from the ship. Johnson was sentenced to 18 months in prison, 24 months of supervised release, and a $200,000 fine by the U.S. District Court in Connecticut.

AUSTIN ECONOMIC DEVELOPMENT DIRECTOR INDICTED ON ASBESTOS CHARGES

On Aug. 2, Ronald Cook of Victoria, British Columbia, Canada, was sentenced to 24 months in prison followed by 36 months of supervised release by the U.S. District Court for the District of Columbia. Cook was convicted of violating the Clean Air Act and the Act to Prevent Pollution from Ships. He pleaded guilty to falsifying the asbestos removal records of a ship being converted into a casino. The case is being prosecuted by the U.S. Attorney’s Office in Washington, D.C.

HOUSTON MAN SENTENCED ON ASBESTOS CHARGES

On Aug. 27, Eric Kung-Shou Ho of Houston, Texas, was sentenced to serve 21 months in prison, serve three years of supervised release and pay a $20,000 fine by the U.S. District Court for the Southern District of Texas. Ho pleaded guilty to violating the Clean Air Act and the Asbestos Hazard Emergency Response Act. Specifically, the charges allege that Ho failed to properly remove asbestos-containing material from the site and failed to ensure that persons hired to remove the asbestos were properly trained and accredited. Improperly removing asbestos can lead to the airborne release of asbestos fibers, which is a known cause of lung cancer, a lung disease known as “asbestosis,” and mesothelioma, which is a cancer of the chest and abdominal cavities. The case was investigated by the EPA’s Criminal Investigation Division and EPA’s National Enforcement Investigations Center. The case is being prosecuted by the U.S. Attorney’s Office in Alexandria, Virginia.

IDaho MoteL oWner Charged wIth asBestos VIOLations

On July 14, a federal grand jury in Idaho returned an indictment charging an Idaho businessman with illegally removing asbestos from a building. The indictment alleges that John D. Crededio, in Chicago, Ill., was indicted on July 10, in U.S. District Court in Chicago on charges that he was responsible for an illegal asbestos removal project at his property in Idaho. Specifically, the charges allege that Crededio failed to properly remove asbestos and failed to ensure that the property was properly remediated before demolition. Inhaling airborne asbestos fibers, which is a known cause of lung cancer, a lung disease known as “asbestosis,” and mesothelioma, which is a cancer of the chest and abdominal cavities. The indictment resulted from an investigation conducted by the EPA Criminal Investigation Division. An indictment is merely an allegation and all defendants are presumed innocent unless or until proven guilty in a court of law.

VIRGINIA COMPANY OWNER INDICATED IN FALSE CERTIFICATE CASE

On Aug. 23, John D. Crededio, in Chicago, Ill., was indicted on July 10, in U.S. District Court in Chicago on charges that he was responsible for an illegal asbestos removal project at his property in Idaho. Specifically, the charges allege that Crededio failed to properly remove asbestos and failed to ensure that the property was properly remediated before demolition. Inhaling airborne asbestos fibers, which is a known cause of lung cancer, a lung disease known as “asbestosis,” and mesothelioma, which is a cancer of the chest and abdominal cavities. The indictment resulted from an investigation conducted by the EPA Criminal Investigation Division. An indictment is merely an allegation and all defendants are presumed innocent unless or until proven guilty in a court of law.