

Oh Great, More Asbestos!

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*Monterey Bay Air
Resources District*

Asbestos Facts

- Asbestos is not going away
- Asbestos has been proven to be a Scientifically Proven Carcinogen that is hazardous to human health
- Asbestos “Legacy Materials” is still present in thousands of buildings and other structures throughout the United States.

Asbestos Facts

- Asbestos is a nightmare for workers, companies and the legal system.
- First asbestos lawsuit was filed against a company in 1929.
- Asbestos is one of the largest volume of litigated lawsuit in the United States.
- Over the last four decades, billions of dollars have been awarded in judgments and more than 100 companies have filed for bankruptcy.

Asbestos Facts

- The State of California has the highest number of mesothelioma deaths in the US.
- From 1999 to 2015 – 4,295 California residents died from mesothelioma.
- Yuba and Siskiyou counties were ranked in the top 50 counties in the US with the highest mesothelioma death rates.























Enforcement Fact Patterns

- Now with significant budget cuts for both EPA's criminal and civil enforcement programs, States and Air Districts are being deferred to lead anti-pollution prosecutions, even while urging cuts in EPA grants supporting these State and Air District enforcement programs

Enforcement Fact Patterns

- Things are worse – Getting down to Bare Bones
- Understaffed
- Underfunded
- Asbestos Programs in the State of California are trying to do more with less

Enforcement Tools

- Thermo Scientific® MicroPHAZIR AS



Enforcement Tools

- MicroPHAZIR AS “*Nuts and Bolts*”
- Uses a Tungsten bulb to that shines infrared light on suspect asbestos containing material and then measures the spectrum of reflective light
- Uses a long lasting lithium ion battery – good for 8 hours
- Device stores the data collected which can be downloaded for use

Enforcement Tools

- MicroPHAZIR AS - Pros
- Excellent screening tool during asbestos investigations and inspections
- Reduction in evidence sampling and sampling cost savings.
- Relatively ease of use – “Point and Shoot” – can read through clear sampling bags

Enforcement Tools

- MicroPHAZIR AS - Cons
- A 10 minute calibration cycle at start up
- Screens and only identifies the asbestos in the subject material with the greatest percentage content –
- Less accurate on dark materials that don't reflect light (example: mastics)

Enforcement Tools

- MicroPHAZIR AS - Cons
- Does not give approximate percentage of asbestos content. Only if asbestos is present/absent.
- Must analyze the actual substrate of a suspect building material – can't analyze through paint layers.



Photograph of linoleum backing scrapped mechanically by a Bobcat Tractor .

The top vinyl layer is removed, leaving the disturbed paper backing



- Photograph of broken 12 by 12 inch floor tile with poor integrity

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- Photograph of various broken 9 by 9-inch and 12 by 12-inch floor tiles





Photograph of 9 by 9-inch floor tile disposed in a garbage can.



MBARD NESHAP ASBESTOS

- If possible – Having Dedicated Staff for the Asbestos Program – Partner Up! (Photograph, evidence gathering, interviewing)
- Every notification/asbestos survey submitted is reviewed for inaccuracies.
- Consistent participation on Environmental Task Force
- Work with sister agencies: Building Departments, Cal/OSHA, Contractor State Licensing Board, Environmental Health Departments, District Attorney Offices
- Work with fellow Air Districts and CARB (NESHAP Group)





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Potential Violations (NESHAP and Other)

- Inspections/Investigations can reveal NESHAP violations including failing to Thoroughly Inspect for asbestos , Failure to notify, Improper removal, Improper disposal, inadequate wetting, competent person
- Business & Profession Codes for unfair business practices
- Cal/OSHA worker protection, work practices, etc.
- Building Departments for construction without permits or inspection for verification of work with respect to building codes.

Peel Back the Onion Skin Layers

- **Inspections/Investigations can also reveal:**
 - No state contractor license
 - No asbestos abatement license
 - No workers compensation insurance
 - Building Permit Fraud
 - Work Contract Fraud
 - Real Estate Fraud
 - Fake/Altered Asbestos Surveys/Sampling
- Major Violations = Case submitted to D.A.
- **WORK WITH YOUR DISTRICT ATTORNEY!!!!**

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