

## **ASBESTOS CHARGE CITES RISK TO PATIENTS**

[Cynthia Flash, The News Tribune](#). Tacoma, Wash.: [Oct 27, 1993](#). pg. B.1

### **Abstract (Summary)**

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### **Full Text (642 words)**

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Two contractors jeopardized the health of hospital patients and construction workers by removing asbestos at Valley Medical Center without taking proper precautions, King County prosecutors charged Tuesday.

Construction workers breathed cancer-causing asbestos fibers for more than two eight-hour shifts in October 1991, prosecutors claim. They also claim that because the construction site wasn't sealed from the rest of the hospital, air that may have contained asbestos fibers escaped for five or six days into the hospital's ventilation system and maternity ward.

Valley Medical Center, in a written statement issued Tuesday, denied the asbestos incident presented a health hazard to any of its patients, employees or guests.

Hospital spokesman Chuck Tiernan said that prior to the incident, contractors erected dust barriers and closed off the ventilation distribution system to the rest of the hospital.

An asbestos-disposal firm and an independent industrial hygienist, both hired by the hospital, determined the air was safe, Tiernan said.

Prosecutors, however, claim in court papers that a state inspector at the site had to request that the hospital turn off the ventilation system. And afterward, the hospital's chief facilities officer acknowledged that "someone had messed up pretty badly."

King County prosecutors made their allegations against general contractor Gall Landau Young and demolition subcontractor Nuprecon, both of Bellevue, in the first criminal case ever filed by the county against a company accused of violating the state's Clear Air Act.

In addition, the Puget Sound Air Pollution Control Agency, which enforces the act, has notified the hospital, Nuprecon, Gall Landau Young and plumbing subcontractor University Mechanical that it is seeking \$710,000 in civil penalties for alleged violations.

Deputy prosecutor Lynn Prunhuber said prosecutors decided to file a criminal case because Gall Landau Young and Nuprecon knowingly violated the state law regulating asbestos removal, because of the seriousness of the contamination and because the defendants' behavior justifies criminal prosecution.

David Smith, the lawyer for Nuprecon, vehemently denied the allegations Tuesday. He first questioned whether asbestos actually existed, then said his company never touched what appeared to be asbestos. He blamed two disgruntled workers for reporting what they believed were violations.

"We want a jury trial and we want one quick," he said. "We want a chance to clear our name and get this resolved as quickly as possible."

Representatives from Gall Landau Young couldn't be reached for comment.

Prosecutors claim the hospital and its contractors knew asbestos was at the construction site, but failed to take the proper precautions to remove it. Instead of sealing the area and wetting the highly toxic substance before removing it from pipes, construction workers treated the asbestos like any other debris. They dumped it in with the rest of the construction refuse instead of taking it to a special landfill for hazardous materials, prosecutors claim.

Prosecutors filed six counts of violating the Clean Air Act against Nuprecon and one count against Gall Landau Young. Because no individuals were charged, no one will go to jail if the companies are found guilty. Instead, the companies face a \$10,000 fine on each charge.

Prunhuber said she didn't file charges against any individual because prosecutors can't prove one person knew that pipes would be removed and that the pipes were coated with asbestos insulation.

The company, however, knew both, she said.

In addition, some employees were given immunity in exchange for their cooperation in the investigation, she said.

According to court papers, one Nuprecon employee told investigators "Nuprecon's attitude on the (hospital) job was typical, and was to do the job the fastest and easiest way, instead of doing it right."

That employee also told investigators two people contacted him on behalf of Nuprecon to try and convince him not to talk to investigators, prosecutors said.

Nuprecon President John Hennessy referred calls to his lawyer.

The companies are to be arraigned Nov. 2 in King County Superior Court.