

## **POLLUTION AGENCY TARGETS HOSPITAL ASBESTOS REMOVAL AT CORE OF FINE, CHARGES; [FINAL Edition]**

[Tom Paulson, P-I Reporter, Seattle Post - Intelligencer](#). Seattle, Wash.: [Oct 27, 1993](#). pg. a.1

### **Abstract (Summary)**

Valley Medical Center and three construction firms hired by the Renton hospital to perform a remodeling project in 1991 have been fined \$710,000 for exposing workers and possibly even patients to airborne asbestos fibers during construction.

Related criminal charges, seven misdemeanors, were filed this week against the project's general contractor, Gall Landau Young Construction, and a demolition subcontractor, **Nuprecon**, Inc. The charges, filed by the King County Prosecutors' Office, were based on the same incident.

The criminal charges state that ventilation from the remodeling project directed the air flow so that the "air, presumably containing asbestos fibers, escaped for five or six days into the hospital, its ventilation system and the maternity ward adjacent to the demolition site."

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### **Full Text (794 words)**

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The project took place Oct. 24-30, 1991, as part of an extensive remodel of the hospital's renovation of its 2C and 2D patient wings.

Spokespersons for Valley Medical and some of the construction and demolition firms involved said they did nothing wrong and that nobody was put at risk to a health hazard.

"The health and safety of our patients is our primary concern," said Chuck Tiernan, spokesman for the hospital.

Valley Medical and the other subcontractor, University Mechanical, were named only in the \$710,000 civil penalty issued Friday by the Puget Sound Air Pollution Control Agency.

"There was definitely sufficient evidence to issue these civil penalties," said Laurie Halvorson, general counsel for the agency.

Lynn Prunhuber, senior deputy prosecuting attorney for King County's fraud division, said her office filed gross misdemeanor rather than felony charges because the more serious charge requires proof of harm while the misdemeanor is based upon a violation of laws governing proper asbestos removal.

"You can't prove that any one exposure (to asbestos) causes harm," Prunhuber said. "We deal with what we can prove."

While it is generally accepted that long-term exposure to asbestos can cause lung damage or cancer, there is debate about the risk of short-term exposure, she acknowledged.

Still, Prunhuber said, the Legislature passed laws against involuntary exposure because it is a serious unknown.

Tiernan said the air was tested as soon as the hospital was aware there was a problem, on Oct. 30. Testing was done by EnviroTech, an asbestos abatement firm, and analyzed by an independent industrial hygienist with Prezant Associates Inc., who determined "the levels (of asbestos) did not present a health hazard."

Patients potentially exposed to the asbestos were not informed of their exposure, Tiernan said, because it was not considered significant.

Van Hardy, chief financial officer for Gall Landau, said he could not respond to the charges against his company because he had not seen them yet. But he said the company believes it did nothing wrong.

"It has been our position from the beginning that we are without blame in this situation," Hardy said.

Prunhuber noted that all but one of the seven criminal charges are against Nuprecon, adding that Gall Landau has cooperated with the investigation. In the court documents, she notes that Gall Landau asked the hospital before the project began for information on asbestos in the building.

Under dispute in the criminal charges is who said what and when about the presence of asbestos in the hospital.

Court documents indicate that several Valley Medical officials told contractors early on in the project that there was no reason to be concerned about the presence of asbestos. Hospital officials later acknowledged the potential health hazard but apparently did not specifically discuss with Gall Landau any special arrangements for its removal, according to the documents.

At one point, a Nuprecon worker who was certified for asbestos removal said he believed pipes being removed had asbestos coverings and attempted to warn supervisors and fellow workers, according to court documents. The worker, Russell Moody, was laid off the next day, the documents say.

An attorney for Nuprecon said this was coincidental.

"This guy was going to get fired anyway," said David Smith, an attorney with Williams, Kastner and Gibbs. Smith said Nuprecon did nothing wrong and the company intends to fight the civil and criminal charges.

He contended the charges are misdirected because there is no clear evidence of a health hazard and especially because two parties typically considered most responsible in these cases were excused from the criminal prosecution.

"The building owner (Valley) and the people who handled it (University Mechanical) did not get charged," Smith said. He contended Nuprecon was only responsible for general demolition and that the pipe disposition was the responsibility of University Mechanical.

Deputy Prosecutor Prunhuber said she believed the criminal charges, focused largely on the behavior of Nuprecon, were justified based on the evidence and interviews with workers. She noted that the incident was discovered because of an anonymous phone call made to inspectors with Labor and Industries. mc/rh