

Asbestos\Criminal Enforcement: U.S. Department of Justice Announces Plea Agreement With Puerto Rican Construction Company



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08/21/2017

The United States Department of Justice ("DOJ") issued an August 16th news release stating that AIREKO Construction Company ("ACC") was sentenced to a fine of \$1.5 million dollars and three years probation for allegedly violating certain asbestos-related regulations that are components of the Clean Air Act.

The DOJ alleges ACC failed to comply with the National Emissions Standards for Hazardous Air Pollutants during the removal of asbestos containing materials from the Minillas North Tower in May 2012 in Puerto Rico.

The plea agreement also requires that ACC pay \$172,020 "to coverage a baseline medical examination and follow up medical examination for victims exposed to asbestos fibers in the aftermath of the illegal activity."

The news release describes the relevant activities:

Over the weekend of Saturday, May 11, 2012, to Sunday, May 13, 2012, a sub-contractor of AIREKO removed asbestos containing material from the ceiling of the 9th floor of Minillas North Tower. The asbestos containing material was removed without following any of the Asbestos Work Practice Standards required by federal regulation. A significant portion of the asbestos containing material was taken from the 9th floor and was placed in the trash area behind the building. Approximately 550 square feet of asbestos-containing stucco ceiling material was removed from the 9th floor. The sub-contractor was hired to do general demolition and on Saturday, May 12, 2012, and Sunday, May 13, 2012, were working within the scope of their employment and at least, in part, for the benefit of Defendant AIREKO.

The asbestos containing material was discovered by AIREKO employees on Monday May 14, 2012, and AIREKO failed to immediately report the release of the asbestos to the national Response Center (NRC) as required by law. The EPA initiated an investigation into the release and received sampling results later that week showing asbestos throughout the building and the agency issued a notice to the Puerto Rico Building Authority that then closed the building. Clean-up of the Minillas North Tower took approximately one year.

An ACC Vice President is stated to have previously pled guilty to failing to immediately notify the National Response Center of the release of asbestos.

A copy of the news release can be downloaded [here](#).

