

JUSTICE NEWS

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Construction Company Sentenced for Clean Air Act Violations in Puerto Rico

A construction company was sentenced today to a fine of \$1.5 million dollars and three years of probation for violating the federal Clean Air Act, announced the Justice Department.

AIREKO Construction Company failed to comply with the asbestos National Emission Standards for Hazardous Air Pollutants during the illegal removal of asbestos containing materials from the Minillas North Tower in May 2012, according to court documents. As part of a plea agreement with the government, AIREKO was also ordered to pay \$172,020 to cover a baseline medical examination and follow up medical examination for victims exposed to asbestos fibers in the aftermath of the illegal activity.

"This prosecution reflects the commitment of the Department of Justice to enforce federal clean air laws," said Acting Assistant Attorney General Jeffrey H. Wood of the Justice Department's Environment and Natural Resources Division. "We will continue to hold companies such as AIREKO Construction accountable in order to protect the lives and safety of the public."

"The Clean Air Act requires that construction companies follow specific protocols designed to safely remove asbestos prior to any renovation or demolition activity, so as not to expose anyone to the risk of deadly respiratory diseases; and AIREKO Construction Company failed to do so by exposing those who worked at Minillas to asbestos materials," said Rosa Emilia Rodríguez-Vélez, US Attorney for the District of Puerto Rico. "The US Attorney's Office will continue to work with all victims who were exposed to the asbestos."

"Asbestos exposure can cause cancer, lung disease and other serious respiratory diseases," said Special Agent-in-Charge Tyler Amon for the Environmental Protection Agency's Criminal Investigation Division in New York. "In this case, AIREKO Construction avoided hiring trained and certified asbestos abatement professionals. AIREKO did the work 'on the cheap', willfully putting workers and others at risk. We will not allow businesses to cut corners on environmental protection at the expense of people's health."

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.

Congress has found that medical science has determined that there is no minimal level of exposure to asbestos which is safe for unprotected persons. The government identified approximately 450 persons who were exposed to asbestos fibers between the illegal removal and the order by the Public Building Authority to close the building.

AIREKO Vice President Edgardo Albino previously pleaded guilty to failing to notify immediately the NRC of the release of asbestos. Mr. Albino was sentenced to pay a fine and serve a six month term of probation.

The investigation was conducted by the Environmental Protection Agency Criminal Investigation Division in New York. The cases were prosecuted by Howard P. Stewart, Senior Litigation Counsel Environmental Crimes Section of the Department of Justice and Assistant United States Attorney Carmen M. Marquez.

Component(s):

Environment and Natural Resources Division

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