



NEWS

**For Immediate Release
September 25, 2007**

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District Continues Asbestos Enforcement Efforts against Landlords *\$125,000 penalty for mishandling asbestos in residential apartment buildings*

The Bay Area Air Quality Management District ("Air District") announced today that it has settled a lawsuit against a property management company for a \$125,000 civil penalty.

The violator, one of the nation's largest real estate investment trusts, operates three apartment complexes in the Bay Area that are known to contain asbestos, in San Jose, San Francisco, and San Mateo. The Air District's lawsuit alleged that the company failed to hire a certified asbestos abatement contractor to remove and repair ceilings containing asbestos. Instead, it used uncertified contractors and in-house maintenance staff, who were not trained in asbestos abatement and did not take any precautions to prevent the release of harmful asbestos fibers. As a result, the workers who did the work, the apartments' residents, and other members of the public were exposed to asbestos.

The company has now hired a certified asbestos abatement contractor to ensure that its asbestos issues are handled properly during future renovations. The Air District sought the \$125,000 penalty for past violations, which occurred over a period of several years.

"Landlords need to know that if they have asbestos in their buildings, they must follow the rules that are in place to ensure the protection of public health," said Air District Executive Officer Jack P. Broadbent. "If they don't," Broadbent continued, "they are going to have to pay a penalty."

The settlement represents the second major asbestos-related penalty the District has recently collected from a property management company. In 2006, the District filed a lawsuit against the manager of an apartment complex in Concord, California, alleging that it had forced a maintenance employee to scrape asbestos-containing ceiling materials in the complex despite his repeated complaints that the work was dangerous and had to be done by a licensed contractor. That lawsuit resulted in a consent judgment requiring the company to pay a \$300,000 civil penalty.

"These enforcement efforts show that the Air District will not tolerate landlords or property managers who do not comply with our asbestos-handling regulations," said District Counsel Brian C. Bunger, Esq. "We will make every effort to catch those who violate the regulations, and when we do, we will take them to court if need be to collect significant penalties for the violations," said Bunger.

Asbestos is a naturally occurring fibrous material that has historically been used for fireproofing and soundproofing in buildings, among other applications. Asbestos has now been banned for such uses because of the health risks associated with exposure to asbestos fibers, but it remains in some older buildings. Exposure to asbestos fibers can cause a number of serious diseases, including asbestosis, lung cancer and mesothelioma. Anyone who removes, disturbs or disposes of asbestos-containing materials must take precautions to prevent exposure, as required by the regulations of the Air District and other agencies such as CalOSHA. The Air District's regulations governing asbestos-containing materials can be found on the District's website at <http://www.baaqmd.gov/dst/regulations/rg1102.pdf>.

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