



Asbestos Renovation Dangers

Asbestos testing is becoming mandatory on all renovation projects, especially buildings Pre-2004. In fact, Metro West, which is our waste facility, will no longer be accepting materials that are Pre-2004 without having the proper asbestos testing documentation. Asbestos is a strong fiber that was often used in building materials before it was banned from production in the 1970's. They were then still allowed to use up their remaining stock of materials. China and India are still mass-producing materials containing asbestos and they are finding their way to the United States market. It is extremely hazardous to human health and can cause respiratory issues like asbestosis, mesothelioma, and lung cancer. Because of asbestos' detrimental effects, Oregon's Department of Environmental Quality (DEQ) has passed regulations to ensure the safety and well-being of Metro transfer station's customers and employees. Metro transfer stations will thoroughly screen all materials for the presence of asbestos. As a part of the new regulations, customers of Metro transfer stations will be required to provide documentation that shows a comprehensive examination of incoming construction materials. This means that prior to any building related repairs, Trail Blazing Corporation (TBC) is testing all suspected material for asbestos. TBC is staffed with professionals who have experience in screening construction materials for asbestos. We know what to look for and are up to date on all current testing and removal processes. The samples are then sent to a local laboratory for analysis.

As of April 1st, 2017, the state of Oregon has updated its screening requirements regarding the disposal of asbestos materials. If you're in the process of any building related repairs (i.e. demolition, repairs, painting, renovations,) you will be required to comply with the updated testing and disposal guidelines to properly dispose of the material at one of Oregon's transfer stations. Non-compliance of new asbestos regulations can result in a fine from the Department of Environmental Quality. Recently, the DEQ issued a civil suit against a non-compliant company that resulted in a \$28,000 fine. Because the state of Oregon sees the issue of asbestos contamination as being so severe, there may be serious consequences for Metro station customers if contamination is found.

“Our message is straightforward,” says Dottie Boyd, DEQ’s lead asbestos inspector in Western Oregon. “If you are the owner, management company or contractor you have a responsibility to know the law and to check for asbestos prior to starting a renovation or demolition project”



How is Asbestos a Danger?

How asbestos damages the body is likely a combination of fiber type and size, lung clearance, and genetics. A few theories have emerged. In one, it's thought that the asbestos fibers may directly have a toxic effect on the cells lining the lungs, causing inflammation which leads to scarring. Part of the damage may also relate to the body's reaction to the presence of the fibers, as the body secretes inflammatory substances such as cytokines and growth factors in response to the foreign substance. New evidence suggests that the presence of asbestos causes direct DNA damage to cells, which in turn can result in cell abnormalities, lung disease and cancer. There is no known level of exposure that is considered safe. The longer someone is exposed, the greater their risk of asbestos-related disease. That said, there are some people who have developed mesothelioma with an exposure time of only a few days. Asbestos only poses a potential health risk when it is disturbed, fraying or crumbling and fibers are released in the air. Asbestos fibers that are enclosed behind walls, isolated in attics, bound tightly in an intact product, or kept away from the interior environment of a home or building poses little risk.

Landlord Responsibilities

Under Occupational Safety and Health Administration (OSHA) regulations, it assumes that any building built before 1981 has asbestos in it. Under OSHA regulations, a residential landlord is required to make their building safe from asbestos. The effect of the OSHA rules is that practically all residential landlords are going to be required to test for asbestos. If asbestos is discovered, the law (not just OSHA regulations) requires that the presence of any dangerous substances be disclosed to the tenants. On a related note, if a landlord has dodged asbestos inspections, they must also disclose to the tenants that they do not know whether asbestos is present in the building. If Asbestos is present and poses a risk, a tenant could, among other things, legally force the landlord to choose between removing the asbestos or losing rent. The landlord is not under an *absolute* obligation to remove asbestos. A landlord is under the obligation to notify tenants of the presence of asbestos. Keep in mind that this discussion does not address a tenant's remedies if they have been exposed to airborne asbestos and the landlord knew or should have known about the threat of exposure. The landlord's potential liability for money damages to the tenant could be quite high in those circumstances.



What does this mean for your Property?

If you manage an older building, make a visual check of all your tenants walls, ceilings and floors, if material is disturbed, fraying or crumbling it is advised that you get the material tested. If it has asbestos fibers present, you'll want to take immediate action to remediate the issue as explained above.

Knowledge is power. Know what you're dealing with and know how to handle it.

Let TBC help you through the process. We can test, get lab results and set you up with an abatement company to remediate the issues. Once that is complete we can come back in and put the area in question back together.

Examples of Asbestos related fines in our community.

September 19th, 2018

Two ex-employees of an Oregon property management company have filed a \$40 million lawsuit against their former employer, charging them with knowingly exposing them to asbestos and risking mesothelioma for them and their co-workers. The incident revolves around the Commons at Sylvan Highlands apartment complex in Portland, and involves workers being fired for trying to do the right thing.

According to the lawsuit, the problems started when workers realized that asbestos was present in the building that they were renovating and, fearing mesothelioma, reported it to their supervisors. They say that after the discovery the company's president arrived on the scene, "yelling that there was no asbestos and that they all needed to get back to work." Three employees were asked to leave that day and fired a few days later because the company feared that they would report the presence of the carcinogen to the (OSHA). Khataun Thompson, a former apartment groundskeeper, and his fiancée Alyssa DeWeese, a leasing agent, were fired shortly thereafter after having learned about the presence of asbestos in the building. In response, Thompson filed an OSHA report and have now filed the lawsuit, which claims that the company's actions endangered them and other employees.

In addition to employees being concerned about mesothelioma, there are similar concerns for residents of the building, especially because asbestos-contaminated materials were carried through the halls without any type of protection or attempt at remediation. Asbestos concerns are very much in the news recently, and particularly asbestos that was previously installed in older buildings throughout the United States. Even a small amount of asbestos exposure can lead to malignant

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mesothelioma, asbestosis and other asbestos-related diseases. This is not the first such case to be heard in the state of Oregon. Other business developers have faced indictment and conviction for having negligently released asbestos into the air and recklessly endangering both workers and residents.”

July 11th, 2018.

“The Oregon Department of Environmental Quality has fined a contractor nearly \$437,000 for violating asbestos regulations on more than 100 projects, mainly in the Portland area, the agency reported Wednesday.

DEQ also revoked the asbestos license of Oregon Environmental.

DEQ conducted a year-long investigation in Oregon Environmental’ s operations and reported repeated violations by the company.

The violations, according to DEQ, include failing to submit required notifications to DEQ for at least 110 asbestos abatement projects, failing to conduct required air clearance sampling or submit the results of that sampling after completing at least 32 abatement projects, failing to dispose of asbestos from at least 100 projects at an authorized waste disposal site, submitting false or inaccurate documentation to DEQ, including in its last two asbestos license renewal applications.

January 17th, 2018.

“This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of \$12,800 for mishandling asbestos-containing vinyl floor backing and siding during the renovation of a residence located at 4918 S.E. 60111 Avenue in Portland. In April 2017, you were hired to renovate the residence by removing interior materials and exterior siding. Prior to doing so, you did not determine if all of the building materials you removed contained asbestos. Backing on vinyl flooring you removed contained 30% Chrysotile asbestos. Additionally, you mechanically cut and broke nonfriable transite siding containing 30% Chrysotile asbestos, rendering the siding friable. To protect the public from asbestos exposure, DEQ requires that asbestos abatement projects be performed only by contractors who are specially trained and licensed. A licensed abatement contractor would have known how to remove the asbestos-containing materials and how to properly contain, label and dispose of the materials to prevent emissions of asbestos fibers into the air. You potentially exposed yourself and your employees to asbestos, along with those in adjacent residences. Asbestos fibers are a respiratory hazard proven to cause lung cancer, mesothelioma and asbestosis, making it a danger to public health for which there is no known safe level of exposure.”