

EPA Files Complaint for Asbestos Violations in Puerto Rico Schools; Continues to Work with Commonwealth Agencies to Ensure School Safety

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(#03117) San Juan, P.R. Violations of federal asbestos regulations identified by the U.S. Environmental Protection Agency (EPA) earlier this year in five Puerto Rico schools has led to an evaluation of conditions in schools with asbestos-containing building materials by the Puerto Rico Department of Education (PRDOE), conducted with EPA and Puerto Rico Environmental Quality Board (EQB) oversight. EPA is issuing a complaint to PRDOE for violations of the Asbestos Hazard Emergency Response Act (AHERA) at the five schools and a complaint against the Puerto Rico Public Building Authority (PRDPA) and Indutech Environmental Services, Inc. for violations of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS). EPA is proposing more than \$5.6 million in penalties. Under AHERA, penalty money is used to correct violations, so the Commonwealth will use this money to fix problems found at schools island-wide. The government of Puerto Rico has cooperated with EPA, and the Agency has already begun discussions with the government concerning the matters addressed in the complaint. EPA worked with the Commonwealth to ensure that PRDOE conducted visual evaluations of approximately 400 schools with asbestos-containing materials to identify damaged building material and repair or isolate areas where damaged material was found. In addition, the Commonwealth agreed to ensure that parents, teachers and school employees were notified about the potential risk posed by asbestos in their schools prior to the beginning of the school year.

"EPA acted immediately to reduce the potential exposure of children, teachers and school staff to asbestos from damaged building material in Puerto Rico schools," said Jane M. Kenny, EPA Regional Administrator. "Parents, teachers and students should be able to focus on education and not have to wonder about conditions in their schools. We have had excellent cooperation from the government of Puerto Rico and are currently discussing an island-wide agreement that will bring consistency and certainty across the school system.

In addition to the visual evaluations conducted by the Puerto Rico agencies, over the past several weeks, EPA and EQB have conducted more than 170 followup inspections and spot checks of the walk-throughs. During these inspections it was revealed that inspection, training and awareness programs that are required by law are not being implemented. In addition, PRPBA and Indutech Environmental Services, an asbestos abatement contractor it hired, face \$22,000 in penalties for improperly removing asbestos from one of the five schools.

AHERA requires local educational authorities to inspect all school buildings for visible damage; develop and implement asbestos-management plans; and keep the public, students and teachers informed about asbestos related hazards. The Clean Air Act

dictates how asbestos should be removed. It requires that the material be kept wet at all times, areas being disturbed be sealed off and all materials that are removed be properly stored so that asbestos does not become airborne.

While the focus of this complaint is on five schools, EPA's primary attention and that of the government of Puerto Rico is on schools across the entire school system that are suspected of having asbestos-containing materials. The following violations were found at the five schools inspected by EPA:

At Federico Degetau Elementary School in Aibonito, EPA inspectors found dust throughout the building from improperly removed asbestos-containing stucco. More than 20 percent of the stucco in most classrooms was damaged. The school had not properly collected asbestos-containing waste material and maintenance staff were not trained. EPA recommended that the school be closed. The PRDOE did close the school and conducted cleanup work in two phases. Phase one of the work, which focuses on hallways and shared spaces in the building, was completed. Phase two is ongoing and includes the removal and encapsulation of asbestos-containing material. The penalty proposed against PRDOE, which will be used to correct violations at the Federico Degetau School, is \$2.27 million. Because the violations included improper removal of asbestos, EPA has also issued a Clean Air Act complaint to PRPBA and its contractor, Indutech. PRPBA and Indutech face \$22,000 for these violations.

Throughout the Emilio Delgado Intermediate School in Corozal, EPA inspectors found damaged asbestos-containing building materials that could be disturbed by wind or by student or teacher contact. Ceilings in several classrooms were damaged. In one case, the inspectors found pieces of stucco on a desk and the floor. Classrooms where damage was found were closed and PRDOE has scheduled the abatement. PRDOE faces a \$737,000 fine to be used to correct the violations at Emilio Delgado School.


At Ramon Mellado Parsons Elementary School in Carolina, EPA inspectors found damage in asbestos-containing stucco ceiling material in several areas of the school. This damage was in areas where the ceilings could be disturbed and become a hazard. The school did not have an asbestos management plan and did not keep adequate records. Areas where asbestos damage was visible were closed and scheduled for abatement. EPA is proposing a \$742,500 fine for these violations, which will be used for corrective action.

At the Manuel de la Pila Iglesias High School in Ponce, EPA learned that a teacher and several students had removed about 2,000 square feet of asbestos-containing vinyl floor tiles from one classroom. The students and the teacher were not properly trained and did not wear protective gear. The school did not have an asbestos management plan and had not trained the appropriate employees for asbestos-related work. In addition, workers, students and their families were not informed about the asbestos-related activities at the school. The asbestos tile was cleaned up in July 2003 and a management plan was submitted to EPA. The PRDOE faces a \$742,000 penalty for the violations, which it can use to correct problems at Manuel de la Pila Iglesias School.

At the Bernardino Cordero Vocational School in Ponce, EPA inspectors were told that all asbestos had already been removed. However, the school had no asbestos management plan and could not demonstrate to EPA inspectors that its staff was properly trained. EPA is proposing a \$731,500 fine for these violations, which will be used to correct the problems.

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