

# **NEWS RELEASE**

## **UNITED STATES ATTORNEY'S OFFICE**

### **WESTERN DISTRICT OF VIRGINIA**

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#### **ROANOKE CONTRACTOR PLEADS GUILTY TO IMPROPER REMOVAL OF ASBESTOS FROM DOWNTOWN BUILDING**

United States Attorney John L. Brownlee announced today that John Edward Callahan, age 55, of Roanoke, Virginia, has pleaded guilty to knowingly removing asbestos-containing material from the State and City Building without following the appropriate procedures.

The plea was entered pursuant to a plea agreement in United States District Court in Roanoke before Judge Samuel G. Wilson.

According to evidence presented by Assistant United States Attorney Jennie L. M. Waering and Special Assistant United States Attorney David Lastra, in February 2005, the State and City Building was being renovated. The general contractor on the project awarded Callahan a contract to remove asbestos-containing material from the State and City Building at 102 Campbell Avenue in Roanoke. Callahan's proposal to remove the asbestos totaled \$2,100. Callahan hired three transient men in Roanoke to do the asbestos removal work. Callahan knew the men were not certified or trained in asbestos removal. The men worked on the project from February 23, 2005 through February 25, 2005 and were paid \$10.00 per hour for their work.

Callahan supplied the untrained homeless men with two-piece hooded rain suits, gloves, goggles, and half-face respirators, which are inadequate to prevent their exposure to asbestos fibers. In addition, the workers would sometimes remove their respirators to eat and drink while inside the contaminated area. Callahan instructed the workers to cut the asbestos-containing material without wetting it, as would normally be required in asbestos abatement, and to break or cut the material into pieces that would fit into black plastic garbage bags.

The workers cut sections of the pipe wrap and asbestos-containing material fell to the basement floor, creating dust. In some instances, the workers chopped pipe elbows with a knife and cut the ceiling insulation material with a hack saw. These actions created a significant amount of dust

and caused friable particles to be suspended in the air of the basement. No equipment to achieve dust suppression was provided, as is required by the Clean Air Act and the National Emission Standard for Hazardous Air Pollutants.

Callahan instructed the workers to take their work clothes and equipment on and off in the basement, and not to wear the clothing upstairs to purportedly avoid exposing bystanders and other contractors in the building to asbestos. Consequently, the workers shed whatever protection they did gain from the rain gear and respirators while still within the asbestos contaminated area.

The asbestos containing material was placed in unmarked black garbage bags, and was neither properly sealed in leak-tight containers while wet nor labeled with the proper warning labels.

Callahan hired a trash hauler to pick up the unmarked trash bags and take them to a solid waste landfill in Roanoke. Although the landfill had a special area where regulated asbestos-containing material could have been properly disposed of, the asbestos waste from the State & City building was not taken to such an area because it was not properly identified by Callahan.

Another company had to be hired to properly remove asbestos from the State and City building after Callahan finished his work. The cost of the proper removal of asbestos material was \$21,000.

Callahan faces a maximum statutory penalty of five years in prison and a fine of \$250,000.

The investigation of the case was conducted by the Environmental Protection Agency, Criminal Investigation Division, The City of Roanoke Police Department, and the Virginia Department of Labor and Industry, Division of Occupational Health. Assistant United States Attorney Jennie L.M. Waering and Special Assistant United States Attorney David Lastra are prosecuting the case.