

*** NEWS RELEASE ***

GENERAL CONTRACTOR PAYS \$525,000 TO SETTLE ASBESTOS VIOLATIONS

FOR IMMEDIATE RELEASE

August 31, 2017

**CONTACTS: DIJE NDREU, Deputy District Attorney (831) 647-7743
EMILY HICKOK, Deputy District Attorney (831) 647-7710**

Monterey County District Attorney Dean D. Flippo announced today that his Environmental Protection Unit has settled the asbestos lawsuit it filed in 2016 against Steve Shook Construction and its principal, Steve Wayne Shook. Defendants agreed to pay a total settlement of \$525,000, comprising civil penalties, costs and restitution in the form of medical monitoring for potentially affected employees of Steve Shook Construction. Employees will be provided with details by the District Attorney's office about this program once it is implemented. The settlement terms also include a permanent injunction requiring compliance with asbestos-related laws and regulations.

Despite receiving a citation from the Monterey Bay Air Resources District ("MBARD") and paying a fine for violating asbestos-related regulations in 1996, Defendants conducted numerous remodeling projects at Carmel Valley Manor from 1998 through 2013 in violation of asbestos-related environmental laws and regulations, which are designed to prevent exposure to toxic asbestos fibers. Work involving asbestos is heavily regulated because asbestos exposure increases the risk of respiratory diseases including lung cancer, mesothelioma, and asbestosis.

The District Attorney's investigation revealed that Defendants failed to survey any of the affected living units at Carmel Valley Manor for the presence of asbestos prior to conducting renovation or demolition work. Defendants also failed to notify MBARD of demolition activities it conducted at the Manor, which is required whether or not asbestos is present. In late 2012, the Manor tested some living units that Defendants had already begun remodeling, and all units tested were found to contain asbestos-containing materials ("ACM"). Defendants had failed to follow required work practices for handling ACM in those units, such as adequately wetting ACM prior to removal to prevent fiber release and disposing of ACM properly. Defendants also failed to follow required worker safety rules by not providing proper personal protective equipment such as appropriate air-purifying respirators to their employees and by failing to set up containment areas to prevent the emission of asbestos fibers.

The federal asbestos National Emission Standards for Hazardous Air Pollutants ("NESHAP") for demolitions and renovations, which includes the requirement to thoroughly inspect for asbestos prior to commencing renovation or demolition work, applies to buildings regardless of the age of the building or date of construction. The EPA has not completely banned asbestos from building materials, and buildings commonly contain asbestos. Owners and operators of demolitions and renovations must comply with the asbestos NESHAP even if a facility has previously undergone renovation or demolition.