



National Headquarters 1825 K Street NW Suite 200 Washington, DC 20006 (202) 797-8600
West Coast Office 555 12th Street Suite 1620 Oakland, CA 94607 (510) 622-8150

NEWS RELEASE

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FEDERAL COURT CITES CITY OF ST. LOUIS FOR ILLEGAL ASBESTOS REMOVAL

A federal court today ruled that the City of St. Louis and the city-owned Lambert-St. Louis International Airport violated federal asbestos safety standards when they demolished 99 asbestos-laden buildings in Bridgeton, Missouri without removing the asbestos before demolition.

Public Justice brought the case on behalf of Families for Asbestos Compliance, Testing and Safety (FACTS), whose members lived near the demolished buildings and are concerned that their health was threatened by asbestos releases during the demolitions.

"This is the first time a federal court has held a city liable for violating federal asbestos safety standards," said Public Justice Environmental Enforcement Director Jim Hecker, co-counsel in the case. "It's outrageous that public health officials risked exposing an entire community to asbestos, just so the city and the airport authority could save money by using a cheaper asbestos removal method."

"The court's ruling confirms our claim that the federal, state and local officials who are supposed to protect public health all failed to enforce the law," said co-counsel Bruce Morrison of the Great Rivers Environmental Law Center in St. Louis.

Instead of removing all asbestos from buildings before they were demolished, as federal NESHAP regulations under the Clean Air Act require, the airport authority left much of the asbestos in place and merely wet it down during demolition. Asbestos is an extremely hazardous material that can cause cancer and other diseases that show up decades after the exposure occurs. The court concluded that "defendants' use of the wet demolition method to demolish structurally sound buildings violated the NESHAP." The court also concluded that "the approval of the county and [U.S. Environmental Protection Agency] does not shield the defendants from liability."

"The Airport Authority used the illegal wet method on three houses within a block of my home while I was living there," said Carole Donnelly, a Bridgeton resident and member of FACTS. "I am outraged that no one told me that this method was illegal and that required steps to protect my health were ignored."

"The city and the airport authority conducted an illegal and immoral human experiment on our community without our knowledge or consent," said FACTS President and Bridgeton resident Sean Donnelly. "We filed this citizen suit to protect public health and to hold the city and airport authority accountable for their violations of federal law."

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The St. Louis case is only one example of a continuing effort to weaken federal asbestos safety standards:

In July 2004, Public Justice convinced EPA to abandon its planned use of the same wet method on an abandoned hotel in Fort Worth, Texas.

In 2006 and 2007, EPA tested the wet method during the demolition of two abandoned buildings in Fort Chaffee, Arkansas and an apartment building office in Fort Worth, Texas.

In June, Public Justice convinced EPA to abandon plans to burn and grind hurricane-damaged and asbestos-contaminated homes in St. Bernard Parish, Louisiana.

Earlier this month, EPA held meetings on proposals to approve the wet method as an exception to federal asbestos safety standards.

“This court ruling is an important milestone in protecting local communities from the dangers of asbestos,” said Public Justice cooperating co-counsel Scott Frost of Waters & Kraus in Dallas. “This is even more important today as the EPA is considering conducting rule-making on an alternative asbestos control method that is very similar to those used by the City of St. Louis.

In its next steps in the case, FACTS intends to seek civil penalties payable to the government for the City’s violations, and an order requiring the city and the airport authority to evaluate and clean up contaminated soil. FACTS is not seeking damages for personal injuries to its members.

In addition to Hecker and Frost, Ben DuBose of Baron Budd in Dallas was co-counsel in the case.

A copy of the court’s decision is posted on Public Justice’s web site at www.publicjustice.net.

Contacts: Jim Hecker, Public Justice Environmental Enforcement Project Director
(202) 797-8600 Ext. 225 or jhecker@publicjustice.net

Deborah Mathis, Public Justice Communications Director
(202) 679-2652 or dmathis@publicjustice.net

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