

Memo

October 3, 2006

To: Paul Becker, **Belfor**

From: Al Clancy, **Al Clancy & Associates**

Re: Resumption of Use of PPE During Cleaning In the Monterey County Courthouse North Wing

As discussed in a phone conversation this morning with Steve Starr, the use of respirators and disposable coveralls will be reinstated during the **North Wing** building contents cleaning effort by **Belfor**.

This determination is based on the following developments:

- Yesterday morning I observed **RESTEC** personnel performing dry removal of carpet on the third floor and that significant numbers of AC floor tile were also being removed dry with the carpet. While the floor tile has apparently been confirmed to be asbestos-containing, the carpet may also harbor fibers from fire-proofing “fall-out” that has accumulated over the years.

Furthermore, the carpet with floor tile attached was being rolled up for disposal. These conditions were also witnessed by one of your IT people, Kip Peterson, who was escorting me to the secure 3rd floor IT room to set up air sampling equipment.

I advised the **RESTEC** supervisor on the floor this was unacceptable as no ACM was to be removed at that time and also that the carpet with tile attached had to be segregated for disposal. Once outside the regulated area, I informed Jesus Ramirez, **RESTEC** foreman, about what I had observed and he immediately radioed his man on the floor about it.

- Yesterday afternoon when I retrieved the IT room sample, I observed that the carpet removal, with floor tile attached, had continued. After exiting the regulated area I informed Jerry Rodarte, newly arrived **RESTEC** foreman for the second shift, that there was to be no AC floor tile removal as this was one of the conditions for terminating the use of PPE by **Belfor** workers. He agreed, and I told him I needed to speak with Jesus Ramirez to find out why the removal continued after I spoke with him earlier.
- Furthermore, later yesterday I received a positive TEM result for the “clean” room area air sample collected on 10/01. While the result was below the PEL and EL, the previous day’s TEM result for the same location was non-detect for asbestos. This positive reading may have been associated with the carpet and tile removal as I do not know when that work commenced. **Belfor** worker personal sample results for 10/01 were below limits by PCM and non-detect by TEM. No personal samples were collected yesterday as the previous results and the conditions represented by Bill indicated it was not warranted. The PCM result for yesterday’s clean area indicator sample was below limits, as was the TEM result but once again asbestos was detected by TEM analysis. Furthermore, asbestos was detected in the 3rd floor IT room sample, also below limits but at a higher concentration than the “clean” area sample. Lab reports are being forwarded separately as individual PDF files.

- I never got the chance to follow up with Jesus yesterday afternoon, but did speak with Bill Reveley who indicated that **RGA** and apparently **ACUMEN** were developing a work plan that allowed removal of the carpet with up to 100 square feet of incidental floor tile removal. I told him that there looked to be more than 100 square feet already removed, and that while I was uncertain about the Monterey Bay Air Quality Management notification requirement for floor tile removal, there was clearly a Cal-OSHA notification requirement. I also reminded him that this activity was clearly contrary to his assurance that there were to be no construction or abatement activities in progress until **Belfor** had completed their cleaning effort, and that this was part of the rationale for taking **Belfor** workers out of PPE as described in the memo that I delivered to him yesterday morning.

- I informed Chuck Eisenberg about the floor tile situation in the morning, and again in the afternoon. He was in attendance for some of the discussion with Bill Reveley and at the time based on the non-detect personal from 10/01 and the fact that the area sample for that date was below limits, agreed to continue. At that time I informed Bill that I would not be able to be on site today and that the area sampling in the “clean” room should be continued. He then introduced me to Mark King from **RGA** and I showed him the sample location. He agreed to share sample results with me. Also at that time I observed that **RESTEC** had added a new HEPA-filtered supply air unit to serve the “clean” room and that was located near to the flapped entry to the regulated area that is used as a “pass-thru” for items to be cleaned.

- While driving back from the site, I got a call from Bill who said Bob Kennedy was with him and wanted to know if it was OK to have **Belfor** clean court files. I replied that this had been done Saturday and Sunday and stated that the agreed procedure is that **RESTEC** pre-screen items for visible gross contamination and decontaminate as necessary, and that **Belfor** will refuse anything suspect. After hanging up it occurred to me that if the files were coming from the 3rd floor they should be pre-cleaned by **RESTEC**. I called Bill back and he confirmed that the files were coming from the basement and not the 3rd floor. I then told him that because of the AC floor tile removal on the 3rd floor any items from there needed to be pre-cleaned by **RESTEC** before delivery to the **Belfor** cleaning area. He said that he would notify **RESTEC**. The IT room area sample substantiates this procedure.

- Finally, after speaking with Steve Starr this morning, it was agreed to reinstitute PPE for **Belfor** workers in the “clean” room inasmuch as we apparently cannot be certain about what activities and conditions are in the regulated area, and we now have two days of positive air sample readings for the “clean” area.

cc: Bob Kennedy, **Court Health & Safety Officer**
Bill Reeveley, **URS**
Chuck Eisenberg, **URS**
Don Diel, **C&W Environmental**