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

A federal court ruled today 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.

Great Rivers Environmental Law Center and Trial Lawyers for 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.

“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 Great Rivers Environmental Law Center.

“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, of Washington, DC, 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.”

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.”

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.

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to promote preservation of open space, clean energy, clean air and clean water. Its web address is: www.greatriverslaw.org.