

Assignment Program/Summary Workpaper

Prepared by: Lisa Vonder Haar 07/26/2005

Assignment Number: E-EV-MOA-0009-2005
Assignment: DOI MIB Modernization Project

Assignment Program Section: C
Assignment Program Name: Criteria

Objective:

To document any criteria applicable to this evaluation

Background:

n/a

Assignment Steps:

n/a

Conclusion:

The 2 workpapers in this section describe CERCLA regulations and 29 CFR 1926.1101 (OSHA' General Industry Standard Re Asbestos).

CERCLA regulations would not apply to the accidental asbestos releases in the Main Interior Building. According to the New York Virtual Law Center, even though asbestos releases into the environment are governed by CERCLA, asbestos inside a building has been generally found by the courts not to constitute a "release into the environment" actionable under CERCLA. *3550 Stevens Creek Associates v. Barclays Bank of California*, 915 F.2d 1355 (9th Cir. 1990).

According to 29 CFR 1926.1101, if the employees are removed from the area until the enclosure breach is repaired, there is apparently no specific requirement to notify them of the breach.

none

Submission: Submitted Lisa Vonder Haar 06/30/2006 04:58:17 PM

Level 1 Approval:

Level 2 Approval: Approved Suzanna Park 07/10/2006 02:59:05 PM

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Record of Discussion

Prepared by: Lisa Vonder Haar 07/21/2005

Assignment Number: E-EV-MOA-0009-2005
Assignment: DOI MIB Modernization Project

Section: H-03c Subsection:
Program Name: Issue Follow-Up
Subject: Interview with []

Origination Doclink: []

Participants: [] NBC []
Lisa Vonder Haar, OIG []

Location: MIB Room 1222

Date/Time:

07/20/2005 08:30 AM

Purpose:

To try to determine who made the decision not to inform the MIB building occupants of the 2/02 asbestos release in the MIB garage.

Scope:

7/20 interview with

Conclusion:

Summary:

- The contractor terminated the person responsible for the forklift accident (that caused the asbestos release) so there is no way to know exactly when it happened or who cleaned it up. []
- Before the 2/02 forklift incident, people who use the garage were never specifically informed that there was asbestos containing material in the garage. Rather, MIB occupants were told that asbestos containing material (ACM) was in the "building". []

[] [Evaluator's note: per []]
[] e-mail in WP H-03e, administrative contacts were informed in 3/02 that asbestos work would be done in the garage]

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