

PUBLIC STATEMENT ON SETTLEMENT OF CLAIMS OF ASBESTOS EXPOSURE
AT GREATER LOWELL REGIONAL VOCATIONAL TECHNICAL SCHOOL
DISTRICT

Many of you have read or heard in recent days of the resolution of a lawsuit filed last year by the Attorney General against four contractors who worked on the recent and successfully completed renovation project at Greater Lowell Regional Vocational Technical School District. The Attorney General alleged that the contractors failed to properly contain and abate a small amount of asbestos during the renovation project, and that contractors failed to adequately supervise and clean up visible asbestos debris. The Attorney General and the contractors are reported to have resolved the case by asking a judge to adopt their settlement agreement. It is important to note we have not received documented complaints from any of our more than 2000 students, or the public, about health conditions attributed to the project. We have had complaints from teachers.

The use of asbestos was quite common in construction projects and present in building materials at the time the school was built. When properly contained, asbestos presents little or no danger to employees, students or the public. With respect to Greater Lowell, much of the material containing asbestos was located in the original peg board wall panels located at or near the upper third of wall areas through the building. Because materials containing asbestos, when properly installed and maintained, present little threat to health, the renovation project did not plan for the removal of all asbestos in the building but did plan to remove the vast majority of the original "non-friable asbestos containing material" (commonly referred to as "ACM") in transite/peg board wall panels. The school district was required to maintain comprehensive

records documenting all asbestos related work performed in the building in what is known as an AHERA Plan. GLRVT created and maintained the AHERA Plan, which is a public record and available for review. All of the asbestos safety studies referred to in this press release, completed by seven different experts, are available on the schools website: <https://www.gltech.org>. Two of the seven experts conducting testing or inspections were state agencies.

In February of 2012, the renovation project was about to get under way. At that time the district, through contractors, conducted a hazardous materials identification survey and received a report from EMSL Analytics, Inc., along with an identification survey of hazardous materials. Given the wall tiles and caulking around doors and windows, the survey understandably recorded that asbestos was present in some areas. Its location, however, was consistent with typical construction practices.

On August 29, 2012, the school district conducted a cyclical three year asbestos building assessment. Properly licensed asbestos workers from Environmental Remediation Services conducted the assessment and noted, "all asbestos, and suspect asbestos, materials were observed to be in good condition." The report concluded "As you will notice all asbestos containing materials throughout the school, and all suspect asbestos containing materials, are currently in good condition and do not pose a health risk to building occupants."

GLRVT hired Consigli Construction Co. as the General Contractor for the renovation project in the Spring of 2013. In the Spring of 2014 we received notification from Consigli Construction, Co. that they were to begin removing the "peg board" wall panels in a couple of

rooms in the district. Consigli's notification stated that all work will be performed "in accordance with federal, state and local regulations." Consigli hired RM Technologies (RMT) to do the work. RMT created an asbestos Abatement Work Plan. Further, the District's Architects retained the services of Universal Environmental Consultants (UEC), licensed asbestos abatement professionals, to design the remediation plan. The plan provided detailed specifications concerning the proposed dates of abatement in the spring of 2014, preparation of the work area, removal of asbestos and containment proposals. The plan specifically referenced OSHA, EPA and the Department of Environmental Protection Standards for asbestos removal.

Consigli's work on the project, through RM Technologies, continued through the spring of 2014 in accordance with the plan and schedule for abatement. These plans identified specific classrooms and locations in the building where work was to be done. Employees were advised in advance of the classroom work areas and Consigli suggested action for employees who wished to either preserve some of the materials which might be hanging on their walls or take other steps for their disposal during the remediation program. The environmental sub-consultant's (UEC's) logs and clearance testing documentation for these spaces, including room 1407, in which asbestos residue was later found, are available on the District's website. Additional testing of room 1407 was performed on June 3, 2014, as documented on the website. This work was done by RM Technologies, one of the defendants in the Attorney General's lawsuit.

Consigli also retained Cashins and Associates, an Industrial Hygiene and Environmental Testing firm, to regularly monitor and document indoor air quality (IAQ) conditions during the project. Cashins' baseline IAQ report from July 9, 2014 is on the website. This report found a

trace of asbestos in only one of eight samples taken in representative locations throughout the building, and was well within the permissible AHERA limit.

Much of the work by RM Technologies was done in the summer of 2014 while students and staff were out of the building. Further testing was done by Universal Environmental Consultants for asbestos on August 27, 2014. The results of UEC testing are set out on the School's website, but Universal concluded "Overall, all Indoor Air Quality parameters tested within the acceptable ranges and very common for this type of building." Further, with specific reference to asbestos material, Universal Environmental Consultants concluded: "At all areas where ACM [asbestos containing material] Transite wall panels were removed, air samples were well below the EPA limit." The report goes on to state that "[b]ased on the study and test results, our professional opinion is that the building can be occupied as usual and without delay."

On September 12, 2014, the Commonwealth of Massachusetts Department of Public Health (MA DPH) wrote then Superintendent Roger Bourgeois with indoor air quality test results from testing done on site on August 8, 2014. The MA DPH made a number of common sense recommendations suggesting steps to be taken to increase ventilation and relocate staff where possible, noting that the installation of new floors in the building and a new gymnasium floor would generate odors from polyurethane floor sealant being applied. The DPH report and the detailed test results are on the website.

Several weeks later, in November 2014, the MA DPH again corresponded with the district, summarizing test results which they had taken on September 25th and October 7, 2014.

The comprehensive September and October testing included all classrooms, shop, and lab areas in the building. The condition in the shop areas generated a number of specific recommendations, primarily around venting to remove from the shop areas various odors and fumes resulting from the use of equipment. The MA DPH narrative dated November 17, 2014 is on GLVT's website..

In November of 2014 a team from the Massachusetts Department of Labor Standards (MA DLS) visited the school. The MA DLS team concluded, in a report dated January 12, 2015, "some asbestos transite pegboard... exhibited broken edges ... [t]hough the risk of exposure from exposed edge is minimal unless the transite panels is disturbed by sanding, grinding, cutting (by sawing) chipping or abrading." MA DLS recommended sealing the edges prior to removal and keeping "staff and occupants informed of the ongoing work." The MA DLS report is on our website.

In addition to the visit from the MA DLS team, there was a local DLS inspector assigned to the project who promptly responded to any complaints he received with regard to the asbestos abatement work. He also visited the site regularly, many times unannounced, to make sure that the abatement work was being performed in compliance with the appropriate laws and regulations. At no time during the project did he indicate to school officials that there were any problems or potential issues.

On December 30, 2014, the school district's architects received communication from Universal Environmental Consultants concerning the August 27, 2014 testing. This correspondence again noted the presence of asbestos containing materials within permissible limits in a small number of samples.

Over the course of the winter of 2014 and 2015 the Teachers' Union and the district were engaged in discussions about the environment in the building, particularly during the construction phase. The union retained counsel for purposes of analyzing all of the testing previously mentioned in this notification, and to review the manner in which the contractors and its agents had conducted the asbestos abatement during the renovation project. The union's attorney concluded that the district had acted properly. In fact, the Union's attorney wrote:

My impression is that the Superintendent has been responsive.... The report from DLS did not note violations of AHERA related to construction activities at the school, but did note two records that the district needed to incorporate into its asbestos management plan... Neither the DLS nor the DPH reports, nor other documents that I reviewed indicated that there were conditions in the building that posed an immediate, general health hazard for building occupants.

No large construction project is completed without some problem or issue. In this case, the district was fortunate to complete the project on time and below budget. Further, the district has worked diligently over a number of years to take all reasonable and commonly expected steps, including utilization of numerous experts, two of which were state agencies, to preserve the health and safety of the occupants of Greater Lowell during this project. We hired trained, licensed professionals for the project and for abatement work. Given that each of us has unique health sensitivities, it is not surprising that a project of this scope would cause some people to

believe that a particular health condition is attributable to the construction project. Other than some employees, we have not been told by any students, or members of the public that they have suffered any health conditions which their physicians have attributed, to a reasonable degree of medical certainty, to this renovation project. It has been more than two years since the union's attorney concluded that the district had acted appropriately, and over that time the small number of complainants from employees has not increased in size.

We believe that the measures the district took were reasonable and consistent with industry practice and law. Our contractors have denied liability for the errors noted by the Attorney General, but tell us it would be cheaper to settle the litigation. The Attorney General's dispute, primarily focused on one subcontractor, does not undermine the district's long-standing and clear commitment to the health and safety of all the members of the Greater Lowell family.