

Asbestos case draws inquiry; Property owner may face criminal charge; JOHN DIEDRICH
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Asbestos dust was showering down on people working without masks and protective suits as they removed heating pipes from a New London apartment building last summer, according to federal documents that detail a rare criminal case being considered against a property owner over violation of the Clean Air Act.

The search warrant, unsealed last week in federal court, says that last year, one of the building owners, Michael D. Phillips, had the asbestos removed illegally from the 1930s-era apartment building southwest of Green Bay.

Conviction under the act can bring a fine and up to five years in prison.

No one has been charged. The prosecutor said the investigation was ongoing.

According to the warrant, Phillips told the building manager that if the tenants didn't like the way asbestos was being removed, he would evict them.

Phillips, who owns the building with Perry A. Petta, denied he said that and said he didn't know that asbestos was dangerous.

"If being stupid is the same as being guilty, then I'm guilty," Phillips said Friday. "If I knew then what I know now about asbestos, I never would have bought that building."

Assistant U.S. Attorney Mel Johnson, who is handling the case, said such environmental cases against property owners were rare.

"It's a crime," he said. "Asbestos handled improperly can be very dangerous."

The building on S. Pearl St. is empty; health officials ordered it vacated in January. The building is in foreclosure, Phillips said, and there are 10 bags full of asbestos debris in the building.

Phillips said he bought the 20-apartment building in 2006 as an investment. It had been owned just six months by a minister who Phillips said told him he needed to focus on his flock.

Phillips said he figured he didn't need an inspection because the bank didn't require it. He said he hadn't gotten inspections on other buildings he had purchased.

He hired a local company to replace the heating system and said he learned in August that there was asbestos. He later contacted an asbestos removal company.

Quoting numerous tenants and people who worked on the building, the warrant says Phillips ignored the dangers.

According to the warrant, which the criminal division of the Environmental Protection Agency secured, former building manager Sandy Kurth, who was later fired and evicted, said he worked with the contractor starting in July to remove pipes that appeared to be covered in asbestos. At one point, asbestos dust showered down on the workers after a pipe was hit.

Also, the workers jumped on the bags of asbestos to make them more compact, according to the warrant. In all, an estimated 1,000 feet of pipe was removed.

Phillips was present for some of the work, and one of the tenants told him it looked like asbestos, according to the warrant.

No masks, gloves or protective suits were used, and the pipes were "dry cut," instead of the required wet-cutting technique to avoid dust, according to the warrant.

According to Kurth, Phillips said, "You have to work with (asbestos) for 10 to 15 years before it's a problem and you get ill." Phillips denied saying that.

A New London building inspector and a state Department of Natural Resources warden responded to complaints late last year, took samples confirming the asbestos and later ordered the building be emptied.

The EPA, which declined to comment, searched the building in February and took two dozen samples.

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