

# OSBORN

## Perspectives on O&M

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From all indications, the necessity for responsible asbestos management will be with us through the next generation, along with the management of many other environmental risks. There is no way to escape the cost - it can, however, be regularized. Responsible environmental management should be just another cost of doing business. The inclination, particularly in a tight real estate market, may be for building owners to throw up their hands and refuse to do anything until regulators come knocking at their door. By doing this they leave themselves open to massive civil liability.

Building owners, tenants, banks, and others involved in asbestos management decisions - you are still responsible for the safe removal or in-place management of your asbestos. Bear in mind that there have been two waves of occupational deaths due to asbestos: those people who mined it, and those who manufactured and installed it. The new wave will be those who worked in the walls and ceilings of buildings, on plumbing, wiring, sprinkling, and heating systems.

If you are responsible for asbestos management, you will be answerable to a multi-million-dollar lawsuit and a jury verdict that may bankrupt you when a facility-management staff member develops an asbestos-related disease from friable asbestos in your building.

Statistics bear out that there should be plenty of friable asbestos available to cause problems. Keep in mind that when a study was conducted in New York City buildings, of the 900 buildings examined, 84 percent had asbestos in poor or fair condition. In the same study, 500,00 or two-thirds of all buildings in New York City were shown to contain ACM, and 90 percent of all office buildings over seven stories were found to contain asbestos.

The solution is prudent asbestos management. As the United State Environmental Protection Agency's July 1990 publication "Managing Asbestos In Place" states:

"There are steps which a building owner can take to prevent asbestos fiber releases or resuspension of already-released fibers, or control fiber releases quickly and safely if they occur. O&M [Operations & Maintenance] programs are designed to achieve both these goals..."

## The Contractor's Role

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Bob Schmidt, president of ASC Services Corp., had over 20 years of general construction and renovation experience before he contracted to perform his first asbestos abatement project. Bob, over the past year, has developed a comprehensive hi-tech approach to O&M. Bob outlines the program as follows:

"Our goal is to provide one-stop O&M service for the building owner. With information and cooperation, we can develop an asbestos management strategy.

"When a building owner comes to me, I put my 20 years of construction experience to work, asking him or her:

1. How is the building constructed?
2. What tenant renovations have taken place?
3. Where is the asbestos located?
4. What kind of shape is the asbestos in?
5. How much asbestos needs to be removed now?
6. How much can be encapsulated or protected?
7. Who are the building managers?
8. What is their training?

"Although it sounds like these questions should be easy to answer, very often you find the buildings owner does not know the basics of his or her own building. He or she doesn't know that the 'as-builts' do not show tenant renovations and that some of these renovations have disturbed asbestos.

"We recommend that the building owner have us develop a computer-assisted drafting (CAD) inventory of each and every floor of the building. To develop this information, we work with the 'as-built' drawings for the buildings, and we arrange for an asbestos consultant to inspect the building and perform testing that will indicate to us the location of the asbestos.

"As soon as we receive this information, we enter it into the computerized inventory system that we manage for the owner. Before a tenant renovates, we must be notified so that we can check the inventory to see if the renovation would disturb asbestos. If it would, the building owner arranges to have us remove it. Very often we are paid directly by the tenant.

"In other instances, we proceed with a removal when an existing tenant moves out. When the tenant moves out, we review the inventory and decide, with the owner, which asbestos requires removal.

"Very often, as our company is multi-disciplined, we are called upon to perform the renovation or restoration after the asbestos portion of the job is done.

"We see this type of long-term approach to be the future for asbestos management. It is efficient, cost effective, and time saving, and it goes a long way in closing gaps in legal liability risks. With the building owner, we are able to set and keep a close watch on guidelines for (1) recordkeeping, (2) worker training and

standards, and (3) tenant renovation. We are also better able to address emergency repairs and to take a lot of the uncertainty out of the estimating process because we know the building."

## A Consultant's Observations

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Andrew Warren, president of Warren & Panzer, an environmental consulting firm in New York City, shares the view that long-term asbestos management, with good inventory and management control, makes the most sense.

"When a building owner hires us," Warren observes, "he or she does so with an eye toward overall building management.

"Asbestos, while it creates more legal liability risks, is like other building and facility-management issues. What the public does not realize is that it takes an immense effort, each and every day, to run a building safely and effectively. If large pumps and boilers aren't oiled and maintained, and heating and cooling and plumbing aren't kept in good repair, they simply do not function safely and effectively. None of this happens without long-term planning; effective renovation and asbestos management don't either.

"What sets our approach apart is that we take a holistic approach to building management, whether it be in connection with an asbestos removal that takes place during renovation or an indoor air quality problem.

"An overall inventory is the first step; the inventory, whether it is kept on computer or in a written document, is then updated with each new development in the building, whether it is a renovation, a flood, or a fire.

"Many asbestos removals touch on aspects of construction techniques or mechanical engineering; unlike other consulting firms, one of our strengths is that we have extensive and diverse backgrounds in the construction process, and two of our executives have spent their careers, respectively 30 and 40 years, in the mechanical design fields.

"This type of management eliminates risks and takes uncertainty and wasted expense out of this equation. Besides, it is a risky proposition to deal with environmental problems on a piece-meal basis.

## The Legal Perspective

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Although the O&M plan is not as protective against future liability as being safely rid of all asbestos, careful implementation of an O&M plan goes a long way to controlling risk. The components of asbestos planning must be as follows:

1. Develop an inventory, whether on computer or manually, and keep it up to date;
2. Develop a written O&M plan and keep it up to date;
3. Have a good facilities-management staff and make sure that they attend formal training on an ongoing basis;

4. Keep good records;
5. Have a well-defined, written emergency plan relating to in-place asbestos;
6. Involve executives in the environmental decision-making;
7. Make sure insurance is in place;
8. Have a competent contractor with a solid record of experience and background in the construction industry to perform removals and encapsulations;
9. Have a competent consultant or environmental engineer who has solid experience and background relating to construction and mechanical design as well as in asbestos-related issues;
10. Develop an "enlightened" approach to public relations-tenants and keep the public apprised of O&M operations/removals, etc. Efforts to educate go further than efforts to conceal. If asbestos management is being approached with the health, safety, and well-being of building tenants in mind, this should be communicated.

The common-sense of asbestos management by use of an asbestos O&M plan seems unassailable and to the best benefit of all segments of the construction, consulting, contracting, building ownership, building management, and asbestos industries.

It is important that responsible voices from each of these groups speak up; it should not take the passage of in-place laws (which would mandate inspection and planning) for responsible asbestos management to be adopted.

As past experience has shown, however, it often takes legislative action to achieve uniformity of performance. Although some building owners will do the right thing on their own, others need further convincing - through passage of in-place laws such as those pending before the New York City Council.