

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



January 28, 2009

The Honorable Adrian M. Fenty
Mayor
District of Columbia
Mayor's Correspondence Unit, Suite 316
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

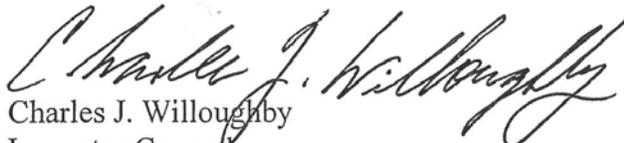
Dear Mayor Fenty:

Enclosed please find a copy of a Management Alert Report (MAR 09-I-001) issued October 23, 2008, to the Department of Youth Rehabilitation Services (DYRS). The MAR addresses the potential exposure of DYRS Oak Hill Youth Center (OHYC) employees and residents to asbestos and makes five recommendations for corrective actions. DYRS' responses to the MAR, dated November 24, 2008, and December 31, 2008, are also enclosed.

Although the OIG is conducting an ongoing re-inspection¹ of OHYC and a full report of re-inspection will be completed later this year, we are providing this information to you now so that you are aware of the issues addressed in the MAR and the corrective actions proposed by DYRS.

If you have questions, please contact Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540.

Sincerely,


Charles J. Willoughby
Inspector General

CJW/tc

Enclosures

cc: See Distribution List

¹ The OIG's original report of inspection, entitled *Youth Services Administration- Part One: Oak Hill Youth Center* (OIG No. 03-0014YS) was published in March 2004.

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DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL

CHARLES J. WILLOUGHBY
INSPECTOR GENERAL

INSPECTIONS AND EVALUATIONS DIVISION
MANAGEMENT ALERT REPORT

DEPARTMENT OF YOUTH
REHABILITATION SERVICES

ASBESTOS RISK FOUND IN BUILDING 10 AT OHYC

MAR 09 - I - 001

OCTOBER 23, 2008

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



October 23, 2008

Vincent N. Schiraldi
Director
Department of Youth Rehabilitation Services
1000 Mount Olivet Road, N.E.
Washington, D.C. 20002

Dear Mr. Schiraldi:

This is a Management Alert Report (**MAR-09-I-001**) to inform you that the Office of the Inspector General (OIG) has become aware of the potential exposure of employees and residents to asbestos at the Department of Youth Rehabilitation Services' (DYRS) Oak Hill Youth Center (OHYC). This issue has come to our attention during our on-going re-inspection of DYRS. The OIG provides these reports when we believe a matter requires the immediate attention of District government officials.

Background

DYRS' mission is to "improve public safety and give court-involved youths the opportunity to become more productive citizens by building on the strengths of youths and their families in the least restrictive, most homelike environment consistent with public safety."¹ In addition, DYRS "provides security, supervision, and residential and community support services for committed and detained juvenile offenders and juvenile Persons in Need of Supervision."²

In July 1996, the District of Columbia Department of Employment Services' (DOES) Office of Occupational Safety and Health conducted a survey of the equipment room located in Side B of Building 10 at OHYC. DOES issued a report³ of its findings to the Youth Services Administration (YSA) (then under the authority of the Department of Human Services). On page 2 of the report, DOES indicated the following:

¹[Http://dyrs.dc.gov/dyrs/cwp/view,a,3,q,599287,dyrsNav_GID,1868,dyrsNav,\[34294\],.asp](http://dyrs.dc.gov/dyrs/cwp/view,a,3,q,599287,dyrsNav_GID,1868,dyrsNav,[34294],.asp) (last visited Sept. 24, 2008).

²[Http://dc.gov/agencies/detail.asp?id=1610](http://dc.gov/agencies/detail.asp?id=1610) (last visited Sept. 24, 2008).

³ DOES, COMPLAINT INVESTIGATION FOR DEPARTMENT OF HUMAN SERVICES COMMISSION ON SOCIAL SERVICES YOUTH SERVICES ADMINISTRATION (OCT. 15, 1996).

There was no initial asbestos exposure monitoring at this worksite where friable⁴ asbestos was present inside the equipment room. The white friable duct wrapping materials has been analyzed and contains 80% chrysotile asbestos and 10% from the iron beam sprayed on material. [In addition,] the boiler mechanics enter the equipment room to turn on the system as well as for repairs and they may be exposed to the friable [asbestos-containing material].

In addition, the survey “revealed hazardous asbestos containing materials (ACM) present and exposed with lots of ACM fallen on the floor. One can easily observe the whitish asbestos fibers on the floor inside the equipment room.”⁵ According to the report, DOES requested that YSA abate the noted conditions by October 30, 1996, and made the following recommendations:

- 1) Contact [Department of Public Works’] DPW’s [a]sbestos removal team and request clean-up, encapsulation or removal.
- 2) Any worker who has to go inside the Equipment Room to work must wear coveralls and a respirator approved for asbestos exposure.
- 3) Coverall clothing shall be disposed [of] properly before leaving the equipment room as to avoid bringing out asbestos fibers.
- 4) Request basic asbestos training and orientation required for repairers who work around asbestos. Employees without [U.S. Office of Occupational Safety and Health Administration (OSHA)] asbestos training should not work around asbestos.
- [5] For any work that involves exposure to the friable asbestos environment, employees must ensure compliance with the OSHA asbestos and EPA removal or encapsulation standard.
- [6] All asbestos contained or contaminated waste shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers.⁶

In March 2004, an employee’s complaint of possible exposure to asbestos prompted the District of Columbia Office of Risk Management (ORM) to conduct an investigation. ORM surveyed the “mechanic

⁴ The term “friable” is defined as easily crumbled or reduced to powder.
[Http://dictionary.reference.com/search?q=Methods&r=66](http://dictionary.reference.com/search?q=Methods&r=66) (last visited Oct. 3, 2008).

⁵ *Id.*

⁶ *Id.* at 3.

room”⁷ in Side B of Building 10 and an office on side A. ORM issued a report to YSA that cited a number of serious conditions that “could cause health hazard exposure resulting in [s]erious physical harm,” including: (1) no initial asbestos exposure monitoring was conducted where friable asbestos was observed; (2) some employees enter the area in question to perform repairs; and (3) housekeeping employers and their employees were not being informed that they were working in areas that contained asbestos and/or asbestos-containing material.⁸

ORM requested that YSA comply with three recommendations by April 15, 2004: (1) monitor the air in work areas where employees might be exposed; (2) put warning signs with specifically required language on the mechanic room door, keep it locked, and allow access only to authorized personnel; and (3) provide information, training, and protective equipment to employees and those working near asbestos in Building 10, and implement the additional recommended precaution methods.⁹

The DOES and ORM reports found that employees were exposed to asbestos and classified the conditions identified at OHYC as serious violations that could result in serious physical harm. The report also indicated that the exposure could cause various types of cancers, lung disease, and other asbestos-related illnesses.

Title 7 DCMR¹⁰ § 2009.1 states that “[e]mployees have a right, to the maximum extent possible, to a safe and healthful working environment.” When asbestos-containing materials are damaged or disturbed and become airborne, the fibers can be inhaled into the lungs.¹¹ Continued exposure can increase the amount of fibers in the lungs and over time may cause serious diseases such as lung cancer.¹² According to the Global Environment & Technology Foundation: “a modest investment in effective oversight, outreach, and education can have a significant effect in reducing exposure and avoiding needless expenses later.”¹³

Observation

Long-standing asbestos conditions continue to exist in Building 10 and pose a potential health and safety risk to residents, employees, vendors, and visitors.

During the current re-inspection of OHYC, the OIG learned that in July 2008, contract consultants representing the District of Columbia Department of Health (DOH) conducted an environmental and health inspection at OHYC. The DOH report of inspection identified “areas needing immediate attention” that are a “potential health and safety risk to residents and staff of the facility requiring

⁷ Based on the OIG’s review of the DOES and ORM inspection reports, it appears that the equipment room and mechanic room are the same room.

⁸ DC OFFICE OF RISK MANAGEMENT RISK CONTROL DIVISION, COMPLAINT INVESTIGATION OAK HILL YOUTH FACILITY YOUTH SERVICES ADMINISTRATION DEPARTMENT OF HUMAN SERVICES 2-4 (MAR. 5, 2004). See Attachment 1.

⁹ *Id.* at 3-4.

¹⁰ District of Columbia Municipal Regulations.

¹¹ U.S. EPA, <http://www.epa.gov/asbestos/index.html> (last visited Oct. 1, 2008).

¹² U.S. EPA, *Asbestos and Vermiculite Basic Information*, available at <http://www.epa.gov/asbestos/pubs/help.html>, (last visited Oct. 1, 2008).

¹³ Global Environment & Technology Foundation, *Asbestos Strategies: Report of Findings and Recommendations on the Use and Management of Asbestos 1* (May 16, 2003), available at <http://www.epa.gov/asbestos/pubs/asbstrategiesrptgetf.pdf>.

immediate corrective action.”¹⁴ For example, the report cited the following: (a) “potential friable asbestos containing material in the medical storage room;” (b) the air handling room¹⁵ is accessible from the medical storage room, but “the door [to the air handling room] is not properly sealed to prevent contamination as required by EPA¹⁶ regulations;” and (c) “there is a ¼ undercut at the bottom of the door.”¹⁷ Furthermore, the DOH report states that a sign on the door to the air handling room reads, “Asbestos do not enter.”¹⁸ However, this language is not consistent with that required by Code of Federal Regulations (CFR) § 29-1910.1001(j) as cited by ORM in its 2004 inspection report (Attachment 1). According to the ORM report the sign should read, “Danger, Asbestos, Cancer and Lung Disease Hazard, Authorized Personnel Only.” In addition, the ORM report states that the CFR may require the sign to include “Respirators and Protective Clothing Are Required in This Area.” The DYRS’ “Plan of Correction” sent to DOH regarding the asbestos problem stated that DYRS would “contact the District Of Columbia Department of the Environment (DDOE) [by] 09/24/08 to conduct an asbestos assessment” and “[i]n the interim, access to the medical storage room will be limited.”¹⁹

On September 25, 2008, the OIG inspection team requested that DYRS provide the OIG with copies of all DYRS corrective action plans and/or responses regarding asbestos in Building 10 at OHYC and the corrective action taken by DYRS from 1996 to the present. A DYRS senior manager informed the OIG that the agency would attempt to locate the requested documentation. However, a DYRS representative subsequently stated that a decision was made that it would be overly expensive and unreasonable to conduct abatement efforts because DYRS will be relocating from the affected building to the new facility on the Oak Hill campus in January 2009.

On October 3, 2008, the OIG requested that DYRS provide information regarding action taken to limit access to the area in which the asbestos conditions exist and the results of (DDOE’s) asbestos assessment. A DYRS senior manager reported to the OIG that the medical storage area door now has a padlock and only a “limited number of medical staff have the key to the [padlock].” The manager also stated that when DYRS contacted DDOE on September 18, 2008, regarding an asbestos assessment, DDOE informed DYRS that it no longer performs asbestos assessments. The manager stated that consequently, DYRS is working with the District’s Office of Property Management and the Maryland Department of the Environment to address the asbestos issue at OHYC.

To date, DYRS has not provided information demonstrating that the serious asbestos conditions at OHYC identified in 1996, 2004, and 2008 (when DOH cited areas requiring the need for “immediate” attention) have been abated.

Recommendations

The conditions cited in Building 10 may jeopardize the health and safety of residents, employees, vendors, and visitors. Therefore, it is important that DYRS address the cited health and safety deficiencies by taking immediate action to protect against the risk of exposure to potential friable

¹⁴ [REDACTED] AND [REDACTED], OAK HILL JUVENILE CENTER INSPECTION REPORT 22 (Jul. 23, 2008). Portions of the July 2008 DOH Inspection report are at Attachment 2.

¹⁵ Previously referred to as the equipment room and mechanic room by DOES and ORM, respectively.

¹⁶ Environmental Protection Agency.

¹⁷ *Id.* at 21-22.

¹⁸ *Id.* at 21.

¹⁹ DEPARTMENT OF YOUTH REHABILITATION SERVICES, STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION 28 (Sept. 23, 2008).

asbestos-containing material. Accordingly, the OIG recommends that you assign high priority to the completion of the following actions:

1. In line with the DOH July 2008 inspection report, determine if the risk of Building 10 residents and staff exposure to asbestos is such that they should be relocated immediately to safeguard their health and safety.
2. Immediately develop and implement written policy and procedure regarding Building 10 entry and exit to limit the release of and potential exposure to the potentially friable asbestos-containing material.
3. Ensure that a properly worded sign in accordance with 29 CFR § 1900.100(j), warning of the potential risk to health and safety, is visible to all about to enter Building 10.
4. Provide documentation to the OIG regarding the corrective actions taken, dates corrective action were completed, and reasons for any disagreement with the DOES, ORM, and DOH recommendations to abate the cited conditions.
5. Determine the status of potentially friable asbestos-containing material in all occupied or accessible buildings and ensure that residents, employees, vendors, and visitors are not at risk of exposure.

Please provide your comments to this MAR by **November 13, 2008**. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this MAR only to those who will be directly involved in preparing your response.

Should you have any questions, please contact [REDACTED], Deputy Assistant Inspector General for Inspections and Evaluations, at [REDACTED].

Sincerely,


Charles J. Willoughby
Inspector General

CJW/tc

cc: The Honorable Adrian M. Fenty, Mayor of the District of Columbia
Daniel M. Tangherlini, City Administrator and Deputy Mayor
The Honorable Tommy Wells, Chairperson, Committee on Human Services
The Honorable Jim Graham, Chairperson, Committee on Public Works and the Environment
The Honorable David Catania, Chairperson, Committee on Health

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Youth Rehabilitation Services



Office of the Director

November 24, 2008

Charles J. Willoughby
Inspector General
717 14th Street, NW
Washington, DC 20005

Re: Management Alert Report (MAR-09-I-001)

Dear Inspector Willoughby,

Following is DYRS' response to the Management Alert Report (MAR-09-I-001) dated October 23, 2008.

- 1. In line with the DOH July 2008 inspection report, determine if the risk of Building 10 residents and staff exposure to asbestos is such that they should be relocated immediately to safeguard their health and safety.**

DYRS is working with the Office of Property Management (OPM) to retain a contractor to conduct an assessment to determine the status of potentially friable asbestos-containing material Building 10. We anticipate having a contractor begin the assessment in mid-December.

- 2. Immediately develop and implement written policy and procedure regarding Building 10 entry and exit to limit the release of and potential exposure to the potentially friable asbestos-containing material.**

We believe exposure to potentially friable asbestos-containing material, if any, is limited to the air handling room (a.k.a. mechanical room) located in the medical storage room on the back of Building 10. As such, we are developing a written policy and procedure regarding the entry to the medical storage room and the air handling room (a.k.a. mechanical room). The medical staff was informed on or before October 29, 2008 that access to the medical storage room is prohibited until written policy and procedures are developed.

- 3. Ensure that a properly worded sign in accordance with 29 CFR Section 1900.100(j), warning of the potential risk to health and safety, is visible to all about to enter Building 10.**

We believe exposure to potentially friable asbestos-containing material, if any, is limited to the air handling room (a.k.a. mechanical room) located in the medical storage room on the back of Building 10. As such, a sign warning of the potential risk of health and safety will be posted on the door of the medical storage room on or before November 28, 2008. The sign will be worded in accordance with 29 CFR Section 1900.100(j).

- 4. Provide documentation to the OIG regarding the corrective actions taken, dates corrective action were completed, and reasons for any disagreement with the DOES, ORM, and DOH recommendations to abate the cited conditions.**

Documentation will be provided to OIG on or before December 31, 2008 regarding the corrective actions taken, dates corrective action were completed, and reasons for any disagreement with the DOES, ORM and DOH recommendations to abate the cited conditions.

- 5. Determine the status of potentially friable asbestos-containing material in all occupied or accessible buildings and ensure that residents, employees, vendors and visitors are not at risk of exposure.**

DYRS is working with OPM to retain a contractor to conduct an assessment to determine the status of potentially friable asbestos-containing material in all occupied or accessible buildings. We anticipate having a contractor begin the assessment in mid- December.

If you have any questions or need additional information, please contact me or [REDACTED], Chief Administrative Officer, at [REDACTED].

Sincerely,



Vincent Schiraldi,
Director

cc: [REDACTED]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Youth Rehabilitation Services



Office of the Director

December 31, 2008

Charles J. Willoughby
Inspector General
717 14th Street, NW
Washington, DC 20005

Re: Management Alert Report (MAR-09-I-001)

Dear Inspector Willoughby:

Following is an update to DYRS November 24, 2008 response to the Management Alert Report (MAR-09-I-001).

- 1. In line with the DOH July 2008 inspection report, determine if the risk of Building 10 residents and staff exposure to asbestos is such that they should be relocated immediately to safeguard their health and safety.**

The Office of Property Management (OPM) retained Volkert & Associates (Volkert) to conduct asbestos assessment of Building 10. The asbestos assessment was conducted on Tuesday, December 9, 2008. DYRS received a copy of Volkert's Asbestos Assessment Report on December 17, 2008 (See attachment).

Based on the asbestos air and bulk sample results, OPM will develop a scope of work in early January 2009 to retain a licensed qualified asbestos abatement contractor to abate the area incorporating the medical supply room, loading dock/lobby and adjacent office.

In the interim, until the abatement is completed, access to the medical supply room, loading dock/lobby and adjacent office has been prohibited.

- 2. Immediately develop and implement written policy and procedure regarding Building 10 entry and exit to limit the release of and potential exposure to the potentially friable asbestos-containing material.**

Access to medical supply room, loading dock/lobby and adjacent office is prohibited until the area is abated. All other areas in Building 10 tested negative for asbestos or had air samples well below the AHERA clearance criteria standard.

- 3. Ensure that a properly worded sign in accordance with 29 CFR Section 1900.100(j), warning of the potential risk to health and safety, is visible to all about to enter Building 10.**

A sign warning of the potential risk of health and safety was posted on the door of the medical storage room on December 2, 2008. A sign warning of the potential risk of health and safety was posted on the doors leading to the loading dock/lobby and adjacent office on December 19, 2008. The signs are worded in accordance with 29 CFR Section 1900.100(j).

4. Provide documentation to the OIG regarding the corrective actions taken, dates corrective action were completed, and reasons for any disagreement with the DOES, ORM, and DOH recommendations to abate the cited conditions.

See response to item #1.

5. Determine the status of potentially friable asbestos-containing material in all occupied or accessible buildings and ensure that residents, employees, vendors and visitors are not at risk of exposure.

DYRS is working with OPM to determine whether asbestos assessment of all occupied or accessible buildings is a prudent approach, considering that DYRS will be vacating the Oak Hill campus beginning in March 2009 and be fully moved on or before May 2009. There is no indication nor has anyone reported that the asbestos materials in other occupied or accessible buildings on the Oak Hill campus have been disturbed.

If you have any questions or need additional information, please contact me or [REDACTED], Chief Administrative Officer, at [REDACTED].

Sincerely,



Vincent Schiraldi,
Director

cc: [REDACTED], Chief Administrative Officer
[REDACTED], Chief of Staff
[REDACTED], General Counsel
[REDACTED], Special Assistant
[REDACTED], OIG

Attachment