



The United States Department of Justice

District of Montana

FOR IMMEDIATE RELEASE

Thursday, August 21, 2008

RANDAL J. ECKER SENTENCED IN U.S. DISTRICT COURT

Bill Mercer, United States Attorney for the District of Montana, announced today that during a federal court session in Billings, on August 21, 2008, before Chief U.S. District Judge Richard F. Cebull, RANDAL J. ECKER, a 60-year-old resident of Billings, formerly of Bridger, appeared for sentencing. ECKER was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$100

ECKER was sentenced in connection with his guilty plea to a violation of the Clean Air Act Reporting.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

ECKER was employed by the Bridger High School as a teacher whose duties included teaching Vocational Education.

In the spring of 2003, the Bridger School Board approved plans to renovate portions of the Bridger High School, including a building known as the Old Bus Barn. These plans did not include the removal of floor tiles, which the Board members knew contained asbestos.

By the beginning of the 2003 school year, most of the Old Bus Barn renovation had not been completed. ECKER proposed having the students from the Vocational Education class complete the project.

The Vocational Education students began their portion of the Old Bus Barn renovation in September of 2003. ECKER supervised the students, who did most of the work. During the renovation, it became clear to ECKER that the floor tiles would have to be removed, so ECKER decided to remove the floor tiles. He received permission to remove the tiles from the newly hired School Superintendent.

During the renovation, while the students wore protective clothing, the face masks and respirators they used were not designed to prevent asbestos contamination. ECKER was present during the removal of the tiles. Students reported that, when they began removing the floor tiles, they had a contest to see who could pop floor tiles out of the floor with the most force. They described the brittle floor tiles shattering.

Under ECKER'S supervision, the students removed approximately 265 square feet of

asbestos-containing floor tile from the Old Bus Barn. At no time were the students or their parents informed that the floor tiles contained asbestos.

After the tile debris was removed, the students put the debris in garbage cans and then they were put into ECKER'S trailer, who hauled them to the landfill. The vehicle was unmarked in any way, and at no time during the tile removal process was the asbestos tile waste treated as anything other than ordinary construction debris.

Around the end of September, a representative from the Montana School Boards Association inspected the Bridger School and noticed that the asbestos-containing tile had been removed. She asked the School Superintendent for the paperwork concerning the renovation project. The School Superintendent was not aware of the asbestos hazard and had no paperwork.

After learning that the tile contained asbestos, the School Superintendent questioned ECKER about the tile. He stated that he had been told long ago that the tile contained asbestos because he had removed some of it years before. ECKER also made statements to the School Board indicating that he had known the tile contained asbestos before the renovation began.

Three months later, ECKER supervised the Vocational Education students in the renovation of the Home Economics room. Once again, a portion of the floor in a large closet contained asbestos tile which was covered by carpeting. The plan had been to leave the tile in place and remove the carpeting.

One morning, the School Superintendent entered the room and noticed that the asbestos tile had been removed. Again, she questioned ECKER, who stated that he had left the students to retrieve respirators for the clean up of the job, and when he returned, the students had removed all of the tile.

To dispose of the tile, the students placed the bits of asbestos tile debris and carpeting in the dumpster at the school.

Laboratory analysis of the tiles from both sites showed that the tiles removed contained between roughly 9% and 11% chrysotile asbestos, a hazardous waste regulated by the Environmental Protection Agency (EPA).

At no time prior to a public meeting on February 5, 2004, were the students, or their parents, advised that they had been exposed to asbestos.

Under federal law, EPA regulates renovation projects involving the removal of asbestos-containing material that is made "friable," or dispersed in the air, through the process of cutting, scraping, chipping and abrading.

These regulations require, in part, that the supervisor of a renovation file a plan of renovation in writing with the EPA at least ten-days prior to beginning a renovation project involving the removal of friable asbestos-containing material, including floor tiles.

These regulations also require that work-site precautions are taken to avoid breaking asbestos material into small bits that release asbestos into the air. They also require that the waste be treated as a hazardous material, transported as a hazardous material in a marked vehicle, and disposed only in an approved hazardous material disposal facility.

No effort was made to meet any of the requirements of the EPA regulation. ECKER submitted no written plan to the EPA setting forth how the asbestos-containing tile would be removed.

Exposure to asbestos fibers can cause serious health problems. and that is why rules and

...exposure to asbestos fibers can cause serious health problems, and that to any rules and regulations dealing with asbestos removal from buildings must be followed," said Lori Hanson, Special Agent in Charge of EPA's Criminal Investigation Division in Denver. "This criminal prosecution serves to highlight the serious nature of the offense."

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ECKER will likely serve all of the time imposed by the court. In the federal system, ECKER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the Environmental Protection Agency.