

Business Owner Sentenced for Using Improper Practices to Remove Asbestos

On July 6, 2006, Wallace Heidelberg was sentenced in U.S. District Court for the Eastern District of Pennsylvania to 24 months in prison, followed by 36 months of supervised release, and ordered to pay a \$5,000 fine, a special assessment of \$300, and restitution in the amount of \$41,541.17 for mail fraud and improperly removing asbestos. Indoor Air Quality, Inc., the Phoenixville, Pennsylvania, company owned and operated by Heidelberg, was sentenced to 2 years probation and was ordered to pay a \$100,000 fine, a special assessment of \$1,200, and restitution in the amount of \$41,541.17. Heidelberg and the company are jointly and severally liable for the amount of the restitution.

Heidelberg and Indoor Air Quality, Inc., removed asbestos from homes and commercial buildings in the Philadelphia area. The indictment, issued in August 2005, charged the defendants with mail fraud, false statements, and failure to comply with Federal requirements for removing and handling asbestos.

The defendants operated a scheme to defraud homeowners by promising to use proper techniques in removing asbestos from their residences. The defendants routinely failed to use the promised techniques; instead, they removed asbestos without adequate water and failed to keep the removed asbestos adequately wet. The defendants also regularly falsified air testing at the conclusion of asbestos removal jobs by sending blank, unused air sample canisters to a testing lab instead of an air sample from the residence where the removal job occurred. The defendants would then tell the homeowners that the building's air had passed the post-removal air test.

The investigation was conducted jointly with the EPA Criminal Investigation Division, with cooperation from the Occupational Safety and Health Administration. (Case Cost: \$316,705)