

## Asbestos safety often ignored in B.C.

WorkSafeBC writes up hundreds of violations of asbestos safety rules every year; one company has been given \$280,000 in fines

BY GORDON HOEKSTRA, VANCOUVER SUN FEBRUARY 25, 2013



Mike Singh and his companies have been issued hundreds of orders for breaking rules in removing asbestos and they have also been fined. Singh says he has not broken the rules and  
**Photograph by:** Jenele Schneider, PNG, Vancouver Sun

WorkSafeBC writes hundreds of violations a year against contractors who fail to protect workers from exposure to cancer-causing asbestos building materials.

Since the beginning of 2010, Work-SafeBC has issued nearly 2,500 orders - the majority of them in the Lower Mainland - against construction companies that violated regulations designed to protect workers from exposure to asbestos.

During the three-year period, Work-SafeBC imposed 59 penalties totalling \$490,719, according to data provided to The Vancouver Sun after a freedom-of-information request.

WorkSafeBC has been on a push to ferret out bad actors and created a special team of officers to inspect job sites in the Lower Mainland where asbestos was being removed.

While asbestos has largely been cleaned up in institutional and industrial buildings in British Columbia, the last danger zone is residential construction - particularly in the Lower Mainland, where older homes are being bulldozed to put up condos or bigger, more expensive houses.

Asbestos remains the single largest occupational killer in B.C.

The two biggest fines - released publicly today as part of WorkSafe-BC's annual rollout of its penalty list - were handed out to one Vancouver-based repeat offender.

Skylite Building Maintenance was fined \$105,000 in two separate cases for putting workers' health at risk from potential exposure to asbestos, the second-and third-highest Work-SafeBC penalties in 2012.

By last summer, WorkSafeBC had issued 237 written orders dating back to 2009 against Skylite for violations of the Workers' Compensation Act of British Columbia and the Occupational Health and Safety Regulations, court documents show.

In the most extreme cases, the company had also been penalized 19 times for repeatedly exposing people to asbestos fibres or putting them at risk of exposure to asbestos fibres.

As of a few days ago, the company has made only one small payment of about \$1,100 toward the \$280,000 in fines it has racked up, according to WorkSafeBC officials.

Skylite Building Maintenance manager Mike Singh denies any wrongdoing and says he has been singled out by WorkSafeBC and persecuted because he is Indo-Canadian.

"I do every effort I can, and they keep discriminating against me because I am brown," Singh told The Vancouver Sun.

Asked about the repeated violations numbering more than 200 and numerous penalties, Singh insisted he is following the regulations.

Singh has started a new asbestos removal company, Seattle Environmental Consulting. It's registered in his name, while Skylite is registered in his wife's name.

Seattle Environmental Consulting also continues to violate rules on the proper inspection and removal of asbestos, including in January, according to WorkSafeBC inspection records.

Singh also denies any wrongdoing by the new company.

On Friday, Singh showed The Sun an asbestos removal site in the 1600-block of West 59th Avenue in Vancouver where he said his new company is following all WorkSafeBC rules.

Orange tarps covered an entire home where stucco was being removed. The setup included two air filter units and a decontamination area that included a shower.

"We do it like this for every single job," Singh said.

WorkSafeBC had not checked this site Friday but has inspected 400 of the two companies' 600 projects, said officials.

WorkSafeBC cannot "take away (a company's) right to operate a business," so it uses a combination of education, orders to stop violations and monetary penalties.

There are other companies on the repeat offender list in the past three years: Globe Foundry, Hans Demolition, All Star Excavating and Demolition, Park City Homes, Mr. Bin Proposal, Arthur Moore and Effective Contracting.

WorkSafeBC has handed these companies two or more fines of between \$2,500 to \$27,000 in separate incidents. Other companies received multiple penalties but on the same date: Burnaby Engineering, Speedy Excavating and CSR Environmental.

B.C. Supreme Court documents concerning just one of Singh's asbestos-removal jobs show his lack of cooperation with WorkSafeBC authorities.

On May 7, 2011, a machine operator was standing by to knock down a home in the 1800-block of East 51st Avenue in Vancouver.

WorkSafeBC occupational safety officer Steve Penner was checking to ensure asbestos had been completely removed by Skylite Building Maintenance.

When Penner checked the building, he saw two types of floor tiling still in place that he believed to contain asbestos. He questioned Shawn Singh (Mike Singh's son) of Skylite Building Maintenance, who had signed a clearance letter saying the building was free of asbestos.

Singh's response: "I glanced around."

Penner shut down the work site and asked the machine operator for the survey and clearance letter, which he had looked at earlier.

Singh shouted at the operator not to give them to Penner.

Singh then took the documents from the operator and left the site.

Later testing found asbestos throughout the building.

When asked about the incident where his son, Shawn, refused to hand over the clearance documents, Singh said there were no documents. "They assume things," said Singh.

Last year, as a "last resort," WorkSafeBC obtained a B.C. Supreme Court petition against Skylite, Seattle Environmental and the Singhs in an effort to get a judge to order the companies and their principals to not expose people to asbestos.

Now, if the companies expose workers to asbestos, there is a possibility the Singhs can be slapped with contempt of court charges, which bring the possibility of jail time.

Another asbestos removal contractor who repeatedly flouted the rules, Arthur Moore, was handed a 60-day jail sentence on Jan. 24, 2012 after he ignored a B.C. Supreme Court order to stop exposing young employees to asbestos.

"It's one thing to disobey the board, it's another thing to disobey the court," said Scott Nielsen, WorkSafeBC's director of litigation.

WorkSafeBC officials say the continued enforcement against the successor firm, Seattle Environmental, is part of building a case to take back to court.

"We anticipate returning to the courts in the coming weeks," said Work-SafeBC spokeswoman Donna Freeman.

Singh says he will fight any court action.

Asbestos can be found in more than two dozen types of older home building materials, including drywall filling compound, loose insulation, flooring, textured walls and ceilings, stucco, and roof felt and shingles.

There are more than 2,000 home demolitions in Vancouver, Richmond, Surrey and North Vancouver each year, nearly half of those in Vancouver alone, according to figures provided by the municipalities.

"Those people who were exposed (to asbestos) years ago are now dying. What we want to do is prevent those workers of today from any exposure. And we believe we can eradicate asbestos disease in the future if we ensure exposures aren't happening today," says Al Johnson, WorkSafeBC's vice-president of prevention services.

Asbestos is known as the silent killer.

The tiny fibres - used in materials between the 1950s to 1990s because they are a good insulator, strong and resistant to chemical erosion - cannot be seen, smelled or tasted. Among the hundreds of materials asbestos was used in are floor tiles, drywall taping compound, mechanical insulation and textured decorative coatings found on ceilings.

Asbestos-related disease - which can take decades to surface - is the No. 1 occupational killer in B.C., responsible for the deaths of 512 workers between 2002 and 2011, according to WorkSafeBC figures.

University of B.C. professor Karen Bartlett says there is no question that lung cancer, particularly mesothelioma, and a lung disease called asbestosis, is elevated in workers who have been exposed to asbestos during their jobs.

She noted that it can take 10 to 30 years for the diseases to show up.

"It is cavalier for a construction company not to take this seriously," said Bartlett, an expert in occupational and environmental health.

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