

employees of present and potential hazards should be examined.

8. Reasonable steps must be taken to abate any present hazards, control presently non-hazardous materials, and to plan to avoid contamination. Each situation must be carefully analyzed. Any abatement efforts should be carefully planned and documented, both technically and legally.

9. Contractual relationships with outside contractors should be structured to avoid situations which could increase liability, and to properly allocate responsibility.

10. New leases with tenants should take account of actual and potential building conditions and allocate responsibility.

11. Renovation and repair projects must receive particular attention to avoid disturbing ACM.

12. Insurance coverages of owners and tenants should be analyzed to determine the extent of coverages available for removal of ACM and/or protection against claims.

13. Insurance coverages of outside contractors should be analyzed to ensure that any claims resulting from their actions can be covered. Many policies exclude coverage for asbestos-related claims.

14. Analysis should be made of legal remedies which may be available to recover the cost of removal ("cost recovery").

Conclusion...

Once proper technical and legal planning is implemented, all parties will be able to carry out their responsibilities in a prudent manner and avoid creating situations which may impose significant liability. In the past, quick "solutions" have often created more problems than existed beforehand. This potential must be eliminated in order to avoid unacceptable legal consequences. The definition of the problem presented and avoiding inadvertent contamination requires a cooperative effort among the building owner, its maintenance people and tenants, and outside contractors. The professional team will often include legal counsel, safety professionals, and insurance advisors. Only through a complete analysis can technical errors and legal liability be minimized.

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