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Asbestos/Criminal Enforcement: Individual/Company Sentenced for Alleged Clean Air Act Violations in United States District Court (Louisiana)

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The Eastern District of Louisiana United States Attorney's Office ("U.S. Attorney") issued a news release stating that Cheery Way, Inc. and Elaine Chiu (Collectively "CW") were sentenced in United States District Court for alleged Clean Air Act Violations.

CW were sentenced by United States District Judge Susie Morgan to:

- Five years' probation
- \$500,000 fine
- \$162,520 in restitution to workers for medical monitoring costs

Court documents are cited that state CW knowingly failed to notify and report to the Louisiana Department of Environmental Quality the demolition of the Mississippi Queen River boat which contained regulated asbestos containing material referenced as wall and ceiling tiles, at least 10 days prior to the start of the demolition as required by the Clean Air Act, i.e., 42 USC 7413(c)(2)(B) and 40 CFR 61.145(b).

The news release cites the following alleged facts:

...prior to the demolition of the Mississippi Queen, Chiu and agents of Cheery Way, Inc. had been informed that samples of the wall and ceiling tiles in the old riverboat contained asbestos. However, Cheery Way, Inc., did not inform the demolition contractor they hired that sampling had been performed. Cheery Way, Inc., merely told the contractor that the riverboat "might" have asbestos. The inexperienced demolition contractor told Chiu and Cheery Way, Inc., that he did not believe the vessel contained any asbestos. As a result, workers were not required to take any precautions against the release of asbestos. After receiving a tip about the worksite, the Louisiana Department of Environmental Quality issued the site a Notice of Deficiency and work was stopped. The site was thereafter remediated by another Chiu company at a cost of \$245,248.23.

Chiu is stated to be prohibited during her five-year term of probation from participating in any capacity:

...in the construction, demolition, or renovation business anywhere in the United States and must ensure that none of the companies she owns or operates will engage in the construction, demolition, or renovation business. Similarly, neither Cheery Way, Inc., or its agents or employees will engage in the construction, demolition, or renovation business anywhere in the United States.

[A copy of the news release can be downloaded here.](#)

