

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Anthony Vuozzo

Petition No. 980729-042-001

CONSENT ORDER

WHEREAS, Anthony Vuozzo of Stratford, Connecticut (hereinafter "respondent") has been issued license number 000061 to practice as an asbestos consultant in the capacity of an asbestos abatement project monitor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended, taken in conjunction with §§19a-332a-17(d) and 19a-332a-19 of the Regulations, Connecticut State Agencies; and,

WHEREAS, the Department alleges that:

1. In or about July 1997, AMC Technology, Inc., an environmental consulting firm for which respondent is the acting president and sole owner, was retained by Astech-Marmon, L.L.C., an asbestos contractor (hereinafter the "contractor"), to perform air sampling in the basement crawl space of a residence located at 101 Waterville Road, Southport, CT (hereinafter the "residence"). Said air sampling was performed by respondent after the contractor's workers removed asbestos debris from the crawl space floor and applied liquid encapsulant to some of the pipes in the crawl space.
2. On or about July 9, 1997, respondent collected air samples in a portion of the basement crawl space in the residence, as follows:
 - a. he failed to ensure that the crawl space work area was isolated from non-work areas by air-tight barriers. Additionally, when respondent learned that the crawl

space extended beyond the barrier erected by the contractor's workers and that said barrier was not air-tight, respondent failed to inspect the portion of the crawl space beyond said barrier for asbestos debris and/or asbestos containing material; and/or

b. he failed to ascertain whether the asbestos abatement performed by the contractor in the residence involved more than three linear feet or three square feet of asbestos containing material so that compliance with the State of Connecticut's post abatement reoccupancy criteria for asbestos abatement projects was required; and/or

c. he failed to ensure that the contractor's workers used high efficiency particulate air (HEPA) filtered vacuuming and wet cleaning techniques following abatement until there is no visible residue in the basement crawl space work area.

3. After collecting air samples from the basement crawl space work area in the residence, respondent erroneously issued a letter to the contractor stating that the crawl space work area in the residence was found free of visible residue.

4. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-7(c), 19a-332a-10, 19a-332a-12, 19a-332a-19 and 19a-332a-20(e) of the Regulations, Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

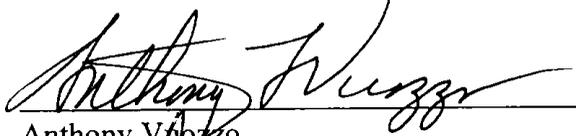
1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 000061 to practice as an asbestos consultant in the capacity of an asbestos abatement project monitor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one-thousand seven hundred and fifty dollars (\$1,750.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure, including, but not limited to: (1) collecting and analyzing air samples for post abatement reoccupancy of a work area only if asbestos abatement involving more than three linear feet or three square feet of asbestos-containing material has been performed within a facility; provided that if the work area is located in a school building, then respondent shall comply with all relevant federal and state statutes and regulations concerning asbestos-containing material in school buildings, including, but not limited to, those in Sections 19a-333-1 through 19a-333-13 of the Regulations, Connecticut State Agencies; and (2) collecting air samples in an asbestos abatement work area only after verifying that air-tight barriers have been constructed to contain asbestos fibers within the work area and that after abatement activities are performed, such work area is cleaned until there is no visible residue.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective after the last signatory is fixed to this document.

7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed admitted in any subsequent administrative proceeding before the Department in which his compliance with this Consent Order or with Chapter 400a of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

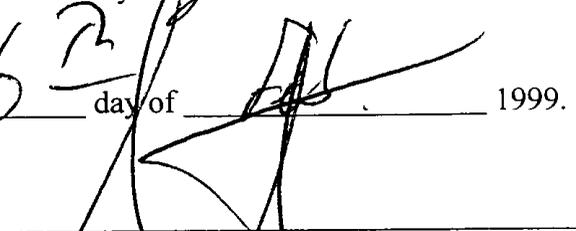
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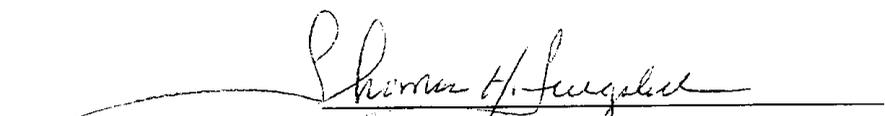
I, Anthony Vuozzo, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Anthony Vuozzo

Subscribed and sworn to before me this 16th day of APR 1999.


Notary Public or person authorized
by law to administer an oath or affirmation
SAC A. Rothman
Comm. - The Sup Ct.

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 10th day of
MARCH 1999, it is hereby accepted.


Thomas Furgalack, Director
Division of Environmental Health