



## Crime Scene/Biohazard Cleanup

Responding to crime scenes, industrial accidents, natural disasters, hoarding environments, meth-labs and sewage backups may entail handling body decomposition, infectious disease contamination, hazardous residues, and toxic chemicals. Biohazard recovery involves the cleanup, disinfection and removal of harmful materials including blood, body fluids and other potentially infectious material (OPIM). Cleanup at these sites can involve one or more of these hazard sources: 1) those generated from the activity and materials used at the site; 2) those purposely placed there from the incident control/response and investigation personnel; and 3) those brought in and used by the cleanup crews. The containment, cleanup, handling, transportation and disposal of these hazards create the potential for significant environmental liability.

## Environmental Exposures May Include

- At job sites involving injuries, death or decaying bodies, bodily fluids are available for contact and can carry infectious organisms including MRSA, HIV, hepatitis B and C, E. coli and other transmissible disease-causing microbes. Adherence to protocols for isolation, handling, decontamination and disposal of these materials is essential to preventing exposures to others and to avoid further spreading the contamination throughout otherwise clean areas.
- Clean-up can include residues left from a crime or the investigation including fingerprint powder and evidence-gathering chemicals, gunshot residues (lead, nitrates, antimony, barium), tear gas and pepper spray residues, substances used to start an arson fire, and fire-fighting chemicals. Improper clean up of these substances can expose people who live or work in the structure to health risks and spread contamination to surrounding soil and groundwater.
- A variety of chemicals are used to clean and disinfect contaminated sites, including quaternary ammonium compounds, substituted and neat phenols, peroxides, hypochlorites, glutaraldehyde, iodophors and ozone. Even “natural” botanical disinfectants and deodorizers (e.g., thymol) are toxic at certain concentrations. Chemicals used at improper application rates or concentrations, in combination with other chemicals or with incorrect delivery systems, can cause residues to remain in the building which impact human health by direct surface contact or inhalation. There are additional exposures in the transportation of these chemicals to and from job sites and in their proper disposal.
- Improper use of equipment used to disinfect and deodorize, including ozone machines, foggers, and industrial-strength deodorizers can spread contamination to uninfected areas or leave behind hazardous residues that can impact building occupants upon return. In addition, personal protective equipment (PPE) worn, high efficiency particulate air (HEPA) filters or washing fluids may be considered special or hazardous waste when discarded and require proper transporting and disposal procedures.
- Improper handling, transporting or disposal of biohazards, including materials contaminated with blood or other bodily fluids that can transmit disease, or other hazardous wastes that contain chemicals, heavy metals, dangerous pathogens or other toxic materials, can create significant health hazard exposures to third parties. Materials that are contaminated with blood and other infectious bodily fluids must be bagged appropriately in designated, leak-proof waste bags, and must also be sterilized and taken to an approved and licensed disposal facility.
- Crime scene cleanup can include the cleanup of a meth lab. This involves handling several toxic, reactive, corrosive and flammable chemicals, including acetone, toluene, hydrochloric acid, sulfuric acid and anhydrous ammonia, which leave a toxic residue that coats and absorbs on and into building contents and materials. This includes drain traps, septic and HVAC systems, walls, floors and ceilings. The cleanup process may also include the handling of unmarked containers of dangerous industrial solvents. There are many risk exposures in the containment, removal and cleanup of the area, and in the handling, transporting and disposal of these toxic and contaminated materials.
- Cleanup activities involve the remediation of a contaminated area, which can often include the removal of sections of drywall and flooring that have been saturated with blood, bodily fluids or toxic chemicals. These operations can disturb existing asbestos and mold inside of walls and flooring materials and release fibers or spores that can affect third parties and spread to clean areas. Mishandling during cleanup or transport, or improper disposal can lead to environmental and tort liability.
- Stored stock supplies, including chemicals used to clean and disinfect sites, are often in concentrated form and leaks from incompatible or reactive containers may cause a release of gas or fumes (such as hydrogen chloride or ammonia), or generate enough heat for combustion of nearby burnable materials.

## Contractors Pollution Liability Can Provide Coverage For

- Contracting operations done “by or on behalf of” the insured
- Contracting operations performed at a job site
- Third-party claims for bodily injury and property damage
- Third-party claims for cleanup
- First-party emergency response costs
- Mold, legionella, bacteria, fungi and viruses
- Medical, infectious and pathological waste
- First and third-party transportation pollution liability
- Sudden and accidental coverage for owned/leased locations
- A combined Commercial General Liability, Contractors Pollution Liability and Professional Liability package policy may be available. Work Comp & Auto may be offered
- Non-owned disposal sites
- Defense of third-party claims
- Lead and asbestos

## Claims Scenarios & Examples

- Allegations were filed against a Biohazard cleanup firm that failed to provide appropriate eyewear and other personal protective equipment to their employees. The allegations included failure to provide training about exposure to blood and blood-borne illnesses and the safe handling of biohazardous materials. The complainant sued for mental anguish and medical monitoring.
- Residents of an apartment complex sued the property manager after being allowed back into the building following a tenant suicide. HAZ-MAT and emergency crews arrived after receiving reports of an “unknown” odor sickening residents. Two residents were taken away by ambulance. The source of the odor appeared to have been an accidental combination of chlorine and ammonia used by the cleanup company in restoring the apartment where the suicide occurred.
- A District Attorney’s Office filed a lawsuit against two bio-waste cleanup firms for improperly disposing medical and hazardous wastes, including human blood and tissue, in the county landfill. The lawsuit alleges that the two firms improperly handled, transported and commingled “red bag” waste with sanitary garbage. The District Attorney filed the lawsuit in response to body parts found and other pathogens at the county sanitary landfill.
- A family started experiencing mysterious health problems soon after moving into a new home and found out from a neighbor that the previous owners had produced methamphetamine there. The house had never been properly cleaned after the previous owners moved out. A test showed methamphetamine contamination was at 80 times the state’s designated safe limit.

## Final Consideration

As a contractor you can be faced with the cost to defend yourself against allegations or legal action from pollution related events, regardless if you are at fault or not. Having the proper insurance coverage in place will help fund the expenses incurred to investigate or defend against a claim or suit and provide you with environmental claims handling expertise.

*This environmental risk overview has been developed by Environmental Risk Professionals on behalf of J. Loos & Associates. It is intended to provide the reader with a broad range of potential risks they may encounter and may not reflect all risks associated with their business. To verify available insurance coverage, please consult your insurance representative.*

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