

**NYCOSH Asbestos Fact Sheet #5****Asbestos Hazard Emergency Response Act (AHERA)**

The federal Asbestos Hazard Emergency Response Act (AHERA) requires schools and school districts to protect students, teachers, custodial staff and other school employees from exposure to asbestos in school buildings. AHERA applies to all public and non-profit private elementary and secondary schools. The U.S. Environmental Protection Agency (EPA) is responsible for enforcing the law. The AHERA standard is posted at:

[www.epa.gov/asbestos/pubs/asbreg.html](http://www.epa.gov/asbestos/pubs/asbreg.html)  
(as of August 2012).

**Inspections**

All local school districts must inspect their schools on a regular basis to:

- identify asbestos-containing material (ACM).
- determine whether ACM or suspect ACM is friable (easily crumbled by hand pressure) or non-friable. (Friable ACM is hazardous because it may release asbestos fibers.)
- develop a pro-active written plan to safely manage asbestos in each building.
- notify parents and staff about the asbestos plan.
- provide asbestos training to school maintenance and custodial workers.
- appoint an asbestos manager (the "AHERA designated person") for each school.

An accredited asbestos inspector must inspect each school building at least once every three years to identify suspected asbestos-containing materials. The inspection must include visual assessment to identify suspect ACM and physical assessment by hand to determine whether suspect ACM is friable.

Suspected asbestos-containing materials must be presumed to contain asbestos unless proven not to contain asbestos by laboratory analysis of bulk samples.

All inspections, assessments, and locations of presumed or known friable and non-friable asbestos must be recorded.

Between inspections, school districts must conduct visual "periodic surveillance" at least every six months.

**The "management plan"**

The school district must have a written management plan that:

- identifies the building's asbestos manager, lists his/her contact information, and lists the asbestos training courses completed by the manager, including course name, date, and hours.
- indicates whether the building contains presumed or confirmed friable or non-friable ACM and describes each assessment.
- lists the locations and results of all bulk samples.
- lists all recommendations for preventive measures and response actions, including methods and start and completion dates.
- includes an inventory of presumed or confirmed ACM that remains after response actions are completed.

**Response actions**

In most cases, AHERA does not require that asbestos be removed from school buildings. ACM poses little risk if it is properly maintained under an *operations and maintenance program*.

However, improperly maintained ACM can increase risk. If ACM is significantly damaged, it must be removed. AHERA permits school districts to choose from a range of *response actions* regarding maintenance or removal of ACM:

- **Operations and Maintenance (O & M) Program** - This is a program of work

practices designed to maintain friable ACM in good condition and to ensure cleanup of asbestos fibers that were previously released. An effective O&M program can prevent further release of asbestos fibers by minimizing and controlling disturbance and damage of ACM.

*An O&M program must be implemented whenever any friable ACM is presumed or confirmed to be present in a school building.*

- **Repair** - Damaged ACM in some cases can be returned to an intact, safe condition by replacing limited sections or by patching damaged areas.

- **Encapsulation** - ACM can be treated with a material that surrounds or embeds the asbestos fibers in an adhesive or bonding material to prevent their release.

*A bridging encapsulant* creates a membrane over the surface.

*A penetrating encapsulant* penetrates the ACM and binds its components together.

- **Enclosure** - A permanent airtight, impermeable barrier can be created that prevents release of asbestos fibers into the air. It is typically attached physically or sprayed on.

- **Removal** - ACM is physically removed from the area using legally required work and disposal methods.

## Asbestos removal

When asbestos is removed, the work must be done by trained and certified abatement workers. They must use state-of-the-art work procedures designed to prevent asbestos fibers from being released into the air. (See NYCOSH Fact Sheets #2, 3 and 4.)

The work area must be sealed off and connected to clean areas by a decontamination chamber. Asbestos waste must be disposed of at an approved landfill and must be transported to the disposal area in proper containers, per EPA rules.

## Environmental sampling

All suspected asbestos-containing materials must be presumed to contain asbestos unless proven otherwise by laboratory analysis of *bulk samples*. A bulk sample is a chunk of solid material or debris. Bulk samples must be analyzed for asbestos content by an accredited lab using *polarized light microscopy* (PLM).

An asbestos removal job is not considered complete until *clearance air tests* indicate cleanup has been effective. At least five air samples in a cleaned space must be collected using *aggressive methods*.

Prior to the beginning of air sampling, a one-horsepower leaf blower must be used to direct a jet of air towards the corners, walls, fabric surfaces and ceiling to dislodge and re-suspend fibers and dust. Then fans are run during sampling to ensure that any asbestos fibers present remain suspended in air so they can be collected by the sampling device.

A cleanup is not complete until the average of the sample results is not greater than 70 structures per square millimeter (70 s/mm<sup>2</sup>). Air samples must be analyzed in an accredited lab using *transmission electron microscopy* (TEM).

## Training

AHERA does not require asbestos education for teachers. Teachers may be able to arrange training through their union; NYCOSH can help.

School custodians must be trained to recognize ACM and to handle it properly. AHERA requires that all utility and maintenance workers receive at least two hours of asbestos awareness training, even if they are not required to work directly with ACM. Workers who may have to disturb asbestos must receive an additional 14 hours of training.

## Warning labels

The school district must attach a warning label next to identified or suspected ACM in routine maintenance areas such as boiler rooms. The label must be prominently displayed and must read: "Caution: Asbestos. Hazardous. Do not disturb without proper training and equipment."

## Clean-up

Areas where friable ACM or friable suspected ACM is present must be cleaned at least once after the AHERA inspection. They must also be cleaned before undertaking any response action (other than O&M activities). The cleaning must include:

- HEPA vacuuming or steam-cleaning all carpets
- HEPA vacuuming or wet-cleaning all floors and horizontal surfaces
- Disposal of all debris, filters, mop heads, and cloths in sealed, leak-tight containers.

These are minimum cleaning requirements. Additional clean-up may be appropriate.

## Notification

When ACM is known or presumed to be present, the school district must provide an *annual written notification* to building occupants, employees, and parents. This notification must include:

- ACM locations
- The availability of the asbestos management plan
- Recent and upcoming asbestos activities, such as abatement projects, inspections, etc.

## Recordkeeping

Each school and school district must keep in its administrative office a copy of its asbestos management plan. The plan must be available, without cost or restriction, for inspection by the public, including teachers and other school personnel and their representatives, and parents. The management plan must include training records, inspection records, clean-up records, sampling information, and records of response actions and preventive measures.

## Who to call

To file a complaint in the New York area, call the EPA Region 2 Asbestos Team at (212) 637-4069 (number current as of November 2008). You should speak to your union representative first. For more information on AHERA, contact your union, EPA, or NYCOSH (212-227-6440).

An old but helpful reference is EPA's *How to Manage Asbestos in School Buildings - AHERA Designated Person's Self-Study Guide*, found at [www.epa.gov/region2/ahera/e23.pdf](http://www.epa.gov/region2/ahera/e23.pdf) (as of August 2012).

## NYCOSH Asbestos Fact Sheets:

*Fact Sheet #1 - Asbestos*

*Fact Sheet #2 - OSHA Asbestos Standards*

*Fact Sheet #3 - New York State Asbestos Law*

*Fact Sheet #4 - New York City Asbestos Law*

*Fact Sheet #5 - Asbestos Hazard Emergency Response Act (AHERA)*

*Fact Sheet #6 - Respirators: Information for Asbestos Workers*