

AHERA REGULATION CHANGES UNDER 454 CMR 28.00

Requirements for schools subject to AHERA can be found at 454 CMR 28.13 and became effective upon the published date of the regulation, April 2, 2021.

General Changes:

- ACBM has been replaced with ACM. Schools are required to identify all ACM within the school building, as well as porticos and roof mounted ventilation components. [454 CMR 28.02]
- Bulk samples must be analyzed by Polarized Light Microscopy (PLM) using EPA /600/R-93/116, or TEM for non-friable materials. [454 CMR 28.13(4)(b)]
- The inspector collecting bulk samples must be independent of the analytical service analyzing the samples. [454 CMR 28.13(4)(f)]
- Bulk samples are not required to be collected from a homogeneous area where a licensed inspector has determined that the thermal system insulation is fiberglass, foam or rubber. [454 CMR 28.13(3)(b)5]
- The LEA must submit a copy of the architect statement to DLS. [454 CMR 28.13(12)(a)6]
- The LEA must post warning signs in bi-lingual format whenever it is determined that a significant employee population requires a translated format. [454 CMR 28.13(11)(d)]

Changes that affect Response Actions:

- Response actions must be consistent with the assessment. [454 CMR 28.13(6)(a)]
- No Response Actions shall be performed in a school building while school is in session during normal school hours without prior written approval of DLS, except for an emergency project. [454 CMR 28.13(6)(a)]
- The LEA must notify DLS of a major fiber release episode (greater than 3 linear or square feet) within 24 hours of occurrence. [454 CMR 28.13(7)(e)2.d] Contact information will be posted on the DLS website.
- The LEA must contract directly with the Project Monitor to perform clearance air monitoring after a Response Action. [454 CMR 28.10(9)]
- Air volumes of at least 1080 liters of air shall be collected for clearance air samples where the NIOSH 7400 method is used for analysis. [454 CMR 28.10(11)(b)3]

Changes that affect Reinspections:

- Inspectors are required to identify any suspect friable and non-friable ACM that is visible and accessible, whether or not that ACM was overlooked in previous inspections. [454 CMR 28.13(2)(b) and (2)(b)3.f]
- Documentation of reinspections will be submitted to DLS on a form prescribed by the Director. The form will be posted on the DLS website along with directions for submittal. [454 CMR 28.13(2)(b)1]
- Each inspector providing assessments of ACM must provide the LEA with a copy of a current license and training certificate. [454 CMR 28.13(5)(b)]
- The management planner must inform the LEA in writing if the Management Plan is missing in part or in whole. [454 CMR 28.13(5)(f)]