

FREQUENTLY ASKED QUESTIONS ASBESTOS AND RENOVATION IN SCHOOLS AHERA AND NESHAP

Asbestos Hazard Emergency Response Act, 40 CFR 763 Subpart E, (“AHERA”) regulations and the National Emission Standard for Hazardous Air Pollutants, 40 CFR 61 Subpart M, (“NESHAP”) apply to schools conducting renovations. State regulations, including 454 CMR 28.00 and 310 CMR 7.15 would also apply.

1) What is the difference between an AHERA inspection and a NESHAP inspection?

- The AHERA inspection is limited to the identification of suspect materials that are visible and accessible. The Local Education Agency (“LEA”) is permitted to assume that all suspect materials contain asbestos, and sampling these materials to identify asbestos is optional. The AHERA inspection cannot be used in lieu of the NESHAP inspection.
- The NESHAP inspection, also known as a pre-renovation inspection, is a thorough identification of all suspect materials, and entails destructive or invasive sampling of all suspect materials. This type of inspection differs from the AHERA inspection because sampling is mandatory, and is intended to penetrate layers of walls, floors, ceilings, etc. that may not be visible or accessible. The purpose of the NESHAP inspection is to identify all suspect materials that may be impacted during the renovation. Failure to identify all the ACM may result in a fiber release episode that can create extensive contamination inside and outside the school building, including fiber migration into occupied spaces.

2) Is a NESHAP inspection required if an architect statement has been provided?

- YES. There is no exemption from a NESHAP inspection. Even new construction that has taken place over the last twenty years is subject to a NESHAP inspection before any renovation occurs. Imported building products have been known to contain asbestos, including but not limited to, wallboard, joint compound, floor tiles, roofing materials, and mastics.
- Due to multiple construction periods and earlier renovations, there may still be existing ACM in crawl spaces or pipe chases, in window caulk or glazing, in waterproofing materials or roofing materials remaining in areas of the school that were not previously renovated. School renovations are not always intended to remove all ACM remaining in the building.

3) Do I have to sample the entire building during a NESHAP inspection?

- NO. Only the materials that could be disturbed during the renovation must be sampled. A project design or work plan will demarcate the work areas. If the entire building will be “guttled” and reconstructed on the framework, all suspect materials must be sampled.
- Keep in mind that a renovation may not necessarily specify the removal of all remaining ACM, but rather only the materials that could be disturbed during the renovation, including vibration from equipment or the removal of adjacent building materials.

4) How many samples must be collected during the NESHAP survey?

- Bulk samples must be collected in the manner set forth in 454 CMR 28.13(3) and (4), and 40 CFR 763.86.
- Samples must be collected in a randomly distributed pattern that is representative of the entire homogeneous area being sampled.
- A material is considered homogeneous if it is of similar color, size, texture and time of application. Several different homogeneous areas of floor tiles and ceiling tiles are typically present in most school buildings.
- The number of samples collected will depend on the type of ACM, and the quantity of ACM.

5) Do materials that have already been sampled for AHERA compliance have to be resampled for NESHAP?

- Materials that have been sampled and contain asbestos do not have to be resampled.
- Materials that were not sampled, or were insufficiently sampled, must be resampled.
- Materials that are non friable organically bound, such as floor tiles, mastics, transite board, etc. that were determined to be non-asbestos containing using a method other than the EPA 600/R-93/116 Method or Transmission Electron Microscopy will need to be resampled. Older analytical methods were not capable of detecting the fine thin fibers embedded in the matrix, and a false negative could result in improper removal and disposal of ACM.

For further information on AHERA and NESHAP, visit www.mass.gov/dols or www.mass.gov/dep/asbestos.