MASSACHUSETTS DEPARTMENT OF
LABOR STANDARDS

AHERA Management Plans
Requirements for New Schools
Frequently Asked Questions

Asbestos Hazard Emergency Response Act ("AHERA") regulations and 454 CMR 28.13 still apply to new construction. Even if there is no asbestos in your school, a limited Management Plan is still required.

What must be included in a management plan for a new school?
A management plan for a new school must contain the following information:

1. The Architect statement indicating that, to the best of their knowledge, no asbestos containing materials were specified or used in the construction.
2. The Designated Person statement. Even if all the schools are new construction, a Designated Person must be appointed and trained to ensure that the applicable Local Education Agency ("LEA") responsibilities are fulfilled.
3. Dated copies of the annual notification to building occupants regarding the availability of the management plan, and the method of notification.
4. Safety Data Sheets (SDS) for any suspect materials that have been installed in the building since the initial construction, such as ceiling tiles, floor tiles. Imported materials can contain asbestos.
5. A notice to outside contractors to ensure they do not install any ACM during renovations, repairs or alterations. They must verify that the materials are not asbestos (ie floor tiles, mastics, ceiling tiles, wallboard/joint compound, etc.).

Do the maintenance and custodial staff members need asbestos awareness training?
Training is required for any maintenance and custodial staff who work in a building that contains asbestos materials, or materials that are assumed to be asbestos containing. Employees who work exclusively in a new school are not required to have the asbestos awareness training. However, if maintenance staff members will be assigned to older schools on occasion, they must receive the awareness training. Training rosters or certificates of training completion must be kept in the management plan.

Can I obtain an architect statement for an addition?
When a newly constructed addition is made to an existing building, an architect statement for the building materials in the addition should be obtained. This means that only the new addition will be exempt from reinspections and periodic surveillance.

Can I obtain an architect statement for a renovation?
An architect statement can be obtained for the newly installed materials that states to the best of their knowledge, no asbestos containing materials were specified or used during the renovation. 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 the renovated space.

During a renovation that does not involve total demolition of the existing structure, the renovation may not specify a complete removal of all existing asbestos materials. The scope of work and project design must be carefully reviewed to verify whether all the asbestos materials were identified and removed.

A thorough pre-renovation inspection, called a NESHAP (National Emissions Standard for Hazardous Air Pollutants) inspection is required, which involves sampling of all suspect materials. This type of

inspection differs from the AHERA inspection since it typically requires destructive sampling 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.

Is a three year reinspection and periodic surveillance required after a renovation?
Not all renovations require complete removal of asbestos materials, but involve removal of only the asbestos that will be impacted as part of the renovation, such as a boiler replacement or upgrading building systems.

A three year reinspection and periodic surveillance are required as long as ACM or assumed ACM remains in a school building. This means that if the renovation records reflect that all ACM has been identified and removed, reinspection and periodic surveillance are not required. However, if any ACM remains in the school building, such as crawl spaces or tunnels, the reinspections and periodic surveillance must continue.

A careful evaluation should be done of the following documents regarding the removal of all the ACM in the school:

- The pre-renovation NESHAP survey: Review the results of the bulk sampling performed, including the location of samples, the number and location of samples. The survey may be limited to only the area of the building undergoing renovation, and not the entire building.
- The project design: This will specify the means and methods of the removal, the amounts of ACM to be removed, and the locations of removal. The project design may not specify the removal of all the ACM in the school building.

Do new materials need to be sampled and analyzed for the presence of asbestos?
Materials that are newly installed as part of a renovation or addition do not need to be sampled if an architect statement is obtained. If a future renovation will impact the newer materials, they would need to be sampled for asbestos prior to the renovation. Schools should be aware that imported building products may contain asbestos, particularly floor tiles and wallboard. Try to obtain a manufacturer's product information sheet on suspect materials such as ceiling tiles and floor tiles.

Any suspect materials introduced into the school since the construction/renovation must be assumed ACM unless the LEA obtains the product information sheet or conducts sampling. Since these materials were installed after the construction/renovation, they would not be covered under the architect statement.

Samples can be collected and analyzed at any time if the school determines such testing is warranted. Best practices would include a minimum of three samples 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.

All laboratory reports for bulk sample analysis must be kept in the management plan.

For additional information on AHERA compliance, visit mass.gov/dols or contact the AHERA program at 413-735-6201, 6202.