THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

# Response Actions for AHERA Compliance

Asbestos Hazard Emergency Response Act ("AHERA") regulations require that a licensed Asbestos Management Planner provide Response Action Recommendations to a Local Education Agency ("LEA") for any asbestos-containing material ("ACM") that is not in good condition.

**Key Points About Response Actions**

- AHERA defines a Response Action as "a method, including removal, encapsulation, enclosure, repair, or operations and maintenance, that protects human health and the environment from friable ACM".
- The LEA must select and implement in a timely manner the appropriate response actions consistent with the assessment of the ACM provided by the Management Planner.
- The LEA may select the least burdensome method which protects human health and the environment.
- The Management Planner must provide a detailed description of response actions or preventive measures to be taken, including methods to be used, the locations where the action/measure will be taken, and a schedule for beginning and completing each response action/measure.
- Response actions require a Project Design, and must be carried out by licensed personnel.

NOTE: Non-Friable ACM can become friable by the forces exerted upon it, including friction, heavy foot traffic, and improper maintenance practices.

**When is a Response Action Required?**

AHERA specifies five categories of ACM that would require a Response Action in a school building:

1) Damaged or Significantly Damaged Thermal System Insulation ("TSI")
   - TSI that has lost its structural integrity, or its covering, in whole or in part—localized or distributed
   - TSI that is crushed, water stained, gouged, punctured, missing—subject to physical contact
   - TSI that is not intact and cannot contain fibers—exposed ACM ends or joints, previous repairs that have lost their integrity

2) Damaged Friable Surfacing ACM or Damaged Friable Miscellaneous Material
   - Materials which has deteriorated or sustained physical injury to the extent that cohesion of the material is inadequate;
   - Materials which has delaminated to the extent that the bond to the substrate (adhesion) is inadequate
   - Material that is separating into layers, separating from the substrate, flaking, blistering or crumbling
   - Material with significant or repeated water stains, scrapes, gouges, mars or other signs of physical injury

3) Significantly Damaged Friable Surfacing or Significantly Damaged Friable Miscellaneous Material
   - Surfacing or Miscellaneous Material in a functional space where the damage is extensive and severe.
   - The damage would impact over at least one-tenth of the surface if evenly distributed; over at least one fourth of the surface is damage is localized.

- The damage includes crumbing, blistering, material hanging from the surface, deteriorated, showing adhesive failure, water stains, gouges, or mars.

4) Friable Surfacing ACM, Friable Miscellaneous ACM or TSI with Potential for Damage
- ACM is in an area regularly used by building occupants or maintenance personnel in the course of their normal activities.
- There is a reasonable likelihood that the ACM or its covering will become damaged, deteriorated, or delaminated due to factors such as: changes in building use, changes in O&M practices, changes in occupancy, or recurrent damage.

5) Friable Surfacing ACM, Friable Miscellaneous ACM or TSI with Potential for Significant Damage
- ACM is in an area regularly used by building occupants or maintenance personnel in the course of their normal activities.
- ACM is subject to major or continuing disturbance, due to factors including, but not limited to, accessibility, vibration or air erosion
- There is a reasonable likelihood that the ACM or its covering will become damaged, deteriorated or delaminated due to factors such as: changes in building use, changes in O&M practices, changes in occupancy, or recurrent damage.

**What Response Action is Necessary?**
- Regardless of the type of ACM that is damaged, AHERA requires that the damage be addressed, through repair, removal, enclosure or encapsulation.
- Once damage is repaired, preventive measures must be instituted to prevent ACM from becoming further damaged or significantly damaged.
- Place the ACM under the O&M Program of surveillance and routine care.
- The ACM may need to be removed if other measures are ineffective at preventing further damage or significant damage.

**When Is Operations & Maintenance (O&M) the Best Response Action?**
When no damage is observed during an inspection/reinspection, the appropriate response action would be to maintain the ACM in good condition through the O&M Program. Recommendations to follow the O&M Program includes routine monitoring of the condition of the ACM, posting warning signs, issuing notifications, special cleaning in areas where friable ACM is present, additional waxing of floor tiles, and preventive measures necessary to maintain ACM in good condition.

When damaged ACM is observed, the damage must first be abated through removal, enclosure, encapsulation or repair, prior to putting the material under the O&M program.

NOTE: Preventive Measures are actions taken to reduce the disturbance of ACM or eliminate the reasonable likelihood of the ACM becoming damaged or significantly damaged.

For additional information regarding AHERA compliance, visit the DLS website, www.mass.gov/dols or contact us at (413) 735-6201 or (413) 735-6202.