

NOTICE

TO: All New Charter Schools

FROM: Department of Labor Standards

DATE: January 2014

RE: Federal Regulations for Asbestos in Schools, 40 CFR Part 763
Asbestos Hazard Emergency Response Act (AHERA)

The Asbestos Hazard Emergency Response Act (AHERA) requires schools to maintain asbestos-containing materials in good condition. The Department of Labor Standards is responsible for enforcing the AHERA regulations in Massachusetts.

Charter schools are required to have an Asbestos Management Plan prepared prior to occupying the building. Even if there is no asbestos in your school, a limited Management Plan is still required. Please take this opportunity to forward a copy of your Asbestos Management Plan to our office at: Department of Labor Standards, 1 Federal Street, Blg 101-3, Springfield, MA 01105; attn. Janet McKenna.

As part of our compliance assistance program, DLS is enclosing guidance materials about AHERA to help you. Your school may be selected for an AHERA inspection at any time. Requirements include:

- **Identify Asbestos-Containing Materials:**
 - Buildings constructed before 1989: Schools must be inspected by a Massachusetts licensed Asbestos Inspector to identify the presence and condition of any asbestos-containing materials (ACM).
 - New construction (after 1989): The requirement for an initial asbestos inspection may be waived if a certification statement is available to verify that there were no asbestos-containing materials specified or used in the building construction. The certification statement may be made by the architect, project engineer responsible for the construction of the new building, or by a licensed Asbestos Inspector after a complete review of construction documents.

- **Manage Asbestos to Prevent Exposure to Occupants:**
 - Appoint a Designated Person to oversee that the AHERA requirements are met.
 - Implement an Asbestos Management Plan which is developed by a licensed Management Planner. If there are no asbestos-containing materials present in your building, the architect's certification statement and Designated Person statement are still required.
 - Train custodians and maintenance staff on Operations and Maintenance work practices to work safely around asbestos and prevent employee or occupant exposure to asbestos dust. If your school buildings do not contain asbestos-containing materials, this requirement is waived.

- **Notify Occupants:**

- Distribute an annual notification to all building occupants regarding the availability of the Management Plan, even if there are no asbestos-containing materials in the school. A sample notification is posted at www.mass.gov/dols/ahera.

When asbestos-containing materials are present in the school:

- Notify custodians and maintenance staff of the presence of asbestos-containing materials.
- Notify vendors and contractors who may disturb asbestos-containing materials, of the specific asbestos-containing materials in their work area (ie. Plumbers, heating contractors, computer contractors). A sample notification is posted at www.mass.gov/dols/ahera.
- Post warning signs in custodial and maintenance areas where asbestos-containing materials are present.

For more information about AHERA, please visit: www.mass.gov/dols/ahera, or contact Janet McKenna at 617-626-5673 with any questions or concerns.