

NOTICE

TO: School Districts with New School Construction

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 Department of Labor Standards (“DLS”) has learned that a new school building has been constructed in your school district. Please be aware that the Asbestos Hazard Emergency Response Act (“AHERA”) regulations still apply to new construction. 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, Bldg 101-3, Springfield, MA 01105, attention: Janet McKenna.

New construction schools must implement the following:

- **Identify Asbestos-Containing Materials (ACM):**
Schools must be inspected for asbestos-containing materials. In buildings or additions constructed after October 1, 1989, the requirement for an initial asbestos inspection may be waived if a certification statement is available which documents that there were no asbestos-containing materials used in construction of the building. 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 thorough review of the construction documents.
- **Manage Asbestos to Prevent Exposure to Occupants:**
 - Appoint a Designated Person to oversee that the AHERA requirements are met.
 - Develop an Asbestos Management Plan to manage the ACM. For new construction buildings, the Management Plan will consist of the architect’s certification statement and the Designated Person statement.
- **Notify Occupants:**
 - Distribute an annual notification to all building occupants and guardians regarding the availability of the Management Plan, even if there is no asbestos in the school. (A sample notification is enclosed and posted at www.mass.gov/dols/ahera.)

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