

MASSACHUSETTS SCHOOLS TOP 5 AHERA VIOLATIONS

The Massachusetts Department of Labor Standards (“DLS”) has compiled a list of the most commonly observed violations during Asbestos Hazard Emergency Response Act (“AHERA”) inspections. These violations are within the authority of the Local Education Agency (“LEA”) to correct.

- 1. Failure to appoint a Designated Person and list his/her name, contact information and training in the AHERA management plan.** The LEA must designate a person to ensure that the AHERA responsibilities are met. The Designated Person must receive adequate training to fulfill the duties assigned under AHERA, and sign a statement which includes the Designated Person’s name, address, phone number, email, and training information. This must be maintained in the management plan, and updated as personnel changes. [40 CFR 763.84(g)(1) and (2);and 763.93(i)]
- 2. Failure to notify outside vendors of the locations of asbestos containing materials (“ACM”) in a school building.** Short term workers who may come in contact with asbestos in a school must be provided with the locations of ACM or suspect ACM prior to undertaking any work. The LEA should ensure that all outside vendors provide some acknowledgement that they have received this notice. [40 CFR 763.84(d)]
- 3. Failure to provide annual notifications to building occupants or their legal guardians regarding the availability of the management plan.** The LEA must provide a written notice to parents, teachers, and employee organizations at least once each school year advising them of the availability of the management plan. The LEA must include in the management plan the method of notification, and a dated copy of each annual notification.[40 CFR 763.84(f) and 763.93(g)(4)]
- 4. Failure to maintain a complete, updated copy of the management plan both in the administrative office and in the school office.** The LEA must maintain two copies of the management plan for each school under its administrative control. One copy is maintained in the school office, and one copy is maintained in the LEA administrative office. [40 CFR 763.84(f) and 763.93(g)(2) and (3)]
- 5. Failure to conduct periodic surveillance at least once every six months in each school building that contains ACM or is assumed to contain ACM.** Periodic surveillance monitors the condition of the ACM and documents any changes in condition that may have occurred through contact damage, deterioration, water infiltration or air erosion. The surveillance must be dated and signed by the person who performs the surveillance. Copies must be kept in the management plan. [40 CFR 763.92(b)(1) and (2) and 763.94(d)]

Visit the DLS website at www.mass.gov/dols or contact the AHERA program at 617-626-5673.