

How Schools Comply with the Asbestos Hazard Emergency Response Act (AHERA) 40 CFR Part 763, Subpart E Asbestos-Containing Materials in Schools

The AHERA regulations require public school districts and non-profit schools to:

- Perform an original inspection to determine whether asbestos-containing materials are present and then re-inspect asbestos-containing material in each school every three years
- Develop, maintain, and update an asbestos management plan and keep a copy at the school
- Provide yearly notification to parent, teacher, and employee organizations on the availability of the school's asbestos management plan and any asbestos-related actions taken or planned in the school
- Designate a contact person to ensure the responsibilities of the public school district or the non-profit school are properly implemented
- Perform periodic surveillance of known or suspected asbestos-containing building material
- Ensure that trained and licensed professionals perform inspections and take response actions
- **Provide custodial staff with asbestos-awareness training**

Training of custodial and maintenance staff details are found throughout the AHERA regulations including in (but not limited to) the following paragraphs:

§763.92 Training and periodic surveillance.

- (a) Training. (1) The local education agency shall ensure, prior to the implementation of the O&M provisions of the management plan, that all members of its maintenance and custodial staff (custodians, electricians, heating/air conditioning engineers, plumbers, etc.) who may work in a building that contains ACBM receive awareness training of at least 2 hours, whether or not they are required to work with ACBM.

New custodial and maintenance employees shall be trained within 60 days after commencement of employment. Training shall include, but not be limited to:

- (i) Information regarding asbestos and its various uses and forms.
- (ii) Information on the health effects associated with asbestos exposure.
- (iii) Locations of ACBM identified throughout each school building in which they work.
- (iv) Recognition of damage, deterioration, and delamination of ACBM.
- (v) Name and telephone number of the person designated to carry out general local education agency responsibilities under §763.84 and the availability and location of the management plan.

- (2) The local education agency shall ensure that all members of its maintenance and custodial staff who conduct any activities that will result in the disturbance of ACBM shall receive training described in paragraph (a)(1) of this section and 14 hours of additional training. (See §763.92 Training and periodic surveillance (2)(i)-(iv).)

Additional training for maintenance and custodial staff who conduct activities that will result in the disturbance of ACBM shall include, but not be limited to:

- (i) Descriptions of the proper methods of handling ACBM.
- (ii) Information on the use of respiratory protection as contained in the EPA/NIOSH *Guide to Respiratory Protection for the Asbestos Abatement Industry*, September 1986 (EPA 560/OPPTS-86-001), available from the Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room E-543B, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 544-0551 and other personal protection measures.
- (iii) The provisions of this section and §763.91, appendices A, C, and D of this subpart E of this part, EPA regulations contained in 40 CFR part 763, subpart G, and in 40 CFR part 61, subpart M, and OSHA regulations contained in 29 CFR 1926.58.
- (iv) Hands-on training in the use of respiratory protection, other personal protection measures, and good work practices.

Per the Massachusetts Department of Labor Standards, after the initial asbestos awareness training, custodial and maintenance staff should have an annual refresher that covers topics of general health effects of exposure, locations of ACM or PACM in the building, recognizing damaged ACM, safe work practices for housekeeping (such as HEPA vacuums, damp mopping), prohibited cleaning methods for housekeeping when friable ACM is present, how to respond to fiber release episodes (this may vary by school district so each school district should have a policy established), The AHERA management plan contents and its location.

For questions about AHERA please contact Janet McKenna, Environmental Engineer III of the Massachusetts Department of Labor Standards at janet.mckenna@state.ma.us or by telephone at 413-781-2676 ext. 5673 or 617-626-5673.

Under OSHA regulations specifically 29 CFR 1910.1001 Asbestos

(j) *Communication of hazards to employees—Introduction.* This section applies to the communication of information concerning asbestos hazards in general industry to facilitate compliance with this standard....

(7) Employee information and training. (i) The employer shall train each employee who is exposed to airborne concentrations of asbestos at or above the PEL and/or excursion limit in accordance with the requirements of this section. The employer shall institute a training program and ensure employee participation in the program.

(ii) Training shall be provided prior to or at the time of initial assignment and at least annually thereafter.

(iii) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

(A) The health effects associated with asbestos exposure;

(B) The relationship between smoking and exposure to asbestos producing lung cancer:

(C) The quantity, location, manner of use, release, and storage of asbestos, and the specific nature of operations which could result in exposure to asbestos;

(D) The engineering controls and work practices associated with the employee's job assignment;

(E) The specific procedures implemented to protect employees from exposure to asbestos, such as appropriate work practices, emergency and clean-up procedures, and personal protective equipment to be used;

(F) The purpose, proper use, and limitations of respirators and protective clothing, if appropriate;

(G) The purpose and a description of the medical surveillance program required by paragraph (l) of this section;

(H) The content of this standard, including appendices.

(I) The names, addresses and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in appendix I to this section, to comply with this requirement.

(J) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

(iv) The employer shall also provide, at no cost to employees who perform housekeeping operations in an area which contains ACM or PACM, an asbestos awareness training course, which shall at a minimum contain the following elements: health effects of asbestos, locations of ACM and PACM in the building/facility, recognition of ACM and PACM damage and deterioration, requirements in this standard relating to housekeeping, and proper response to fiber release episodes, to all employees who perform housekeeping work in areas where ACM and/or PACM is present. Each such employee shall be so trained at least once a year.

(v) Access to information and training materials.

(A) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(B) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the training program to the Assistant Secretary and the Director.

(C) The employer shall inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer shall distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in appendix I to this section.