ASBESTOS HAZARD EMERGENCY RESPONSE ACT

Under the Asbestos Hazard Emergency Response Act (AHERA), the District shall identify asbestos-containing materials and implement an appropriate management plan in a timely manner. *40 CFR 763.80*

DUTIES

The District shall ensure that:

1. All persons who perform inspections, reinspections, and periodic surveillance, who develop and update management plans, and who develop and implement response actions comply with federal and state law.
2. All custodial and maintenance employees are trained as required by law.
3. Workers and building occupants, or their legal guardians, are informed annually about inspections, response actions, and post-response action activities.
4. Short-term workers who may come in contact with asbestos in a school are informed of the locations of “asbestos-containing building material” (ACBM) and suspected ACBM assumed to be “asbestos-containing material” (ACM).
5. Warning labels are posted in accordance with 40 CFR 763.95 (see WARNING LABELS, below).
6. Management plans are available for inspection, and notice of their availability has been provided as specified in the management plan under 40 CFR 763.93(g).
7. An asbestos coordinator, trained in accordance with 40 CFR 763.84(g)(2), is designated to ensure that legal requirements are met.
8. Any conflict of interest that may arise among accredited asbestos personnel is considered, especially when selecting accredited personnel.

40 CFR 763.84

MANAGEMENT PLAN

An asbestos management plan shall be developed for each school and submitted to the Texas Department of State Health Services (TDSHS) for approval. This plan shall be developed by an accredited management planner who may be required to sign a statement that the plan is in compliance with federal asbestos regulations. The plan shall include:

1. A list of the name and address of each school building and whether it contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.

2. Specific information about inspections conducted before December 14, 1987.

3. Specific information about required inspections and reinspections.

4. The name, address, and telephone number of the designated asbestos coordinator and details of his or her required training. The plan must also contain a true and correct statement signed by the coordinator certifying that the general District responsibilities have been met.

5. The written recommendations on response actions from the District's accredited asbestos management planner(s), including the name, signature, state of accreditation, and accreditation number, if applicable, of each planner.

6. A detailed description of preventive measures and response actions to be taken.

7. In regard to asbestos inspectors and persons who design or carry out response actions, a statement that the District uses or will use person(s) who have been accredited by an Environmental Protection Agency (EPA)-approved course and licensed by TDSHS.

8. A detailed description of any material described in item 1 of this list that remains after the response actions are taken. The description shall be updated when response actions are completed.

9. A reinspection plan for operations and maintenance activities, a plan for periodic surveillance, a description of the management planner's recommendation regarding additional cleaning, and the District's response.

10. A description of steps taken to inform workers and building occupants or their legal guardians about inspections, reinspections, response actions, post-response action activities, and the availability of management plans.

11. An evaluation of resources needed to complete the response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance, and training.

12. The name of each consultant contributing to the plan and a statement that the consultant is accredited under another state's accreditation plan or accredited by an EPA-approved course.

PLAN AVAILABILITY

A copy of the plan submitted to TDSHS shall be kept in the District's administrative office and be available for inspection by the EPA, the state, and the public, including teachers, school personnel, employee representatives, and parents.

Updated management plans for each school shall also be available for inspection during normal business hours in the administrative office and at the school itself. Individual school plans shall be made available for inspection within at least five working days after a request is received.

NOTICE

Annually, the District shall notify in writing parent, teacher, and employee organizations of the availability of the management plans.

40 CFR 763.93; Occupations Code 1954.101

INSPECTIONS

Each building leased, owned, or used as a school building shall be inspected to determine the locations of friable and nonfriable ACBM. At least once every three years after a management plan is in effect, the District shall conduct reinspections. Inspectors shall collect samples of suspected ACBM material for analysis. The inspector shall provide a written assessment of all friable known or assumed ACBM in the school building for each inspection or reinspection. The assessment shall meet all legal requirements and shall be signed and dated, with the inspector's accreditation information. A copy shall be sent to the coordinator for inclusion in the management plan within 30 days. *40 CFR 763.85, .88*

PERIODIC SURVEILLANCE

At least once every six months after the management plan is in effect, the District shall conduct and document periodic surveillance on any school building containing ACBM or assumed to contain ACBM. A record of this surveillance shall be submitted to the coordinator for inclusion in the management plan. *40 CFR 763.92(b)*

RESPONSE ACTIONS

The District shall select and implement, consistent with the assessment, the least burdensome method of appropriate response actions from those that protect human health and the environment. *40 CFR 763.90*

ASBESTOS-RELATED ACTIVITY

An "asbestos-related activity" means the removal, encapsulation, or enclosure of asbestos; the performance of asbestos surveys; the development of management plans or response actions; the collection or analysis of asbestos samples; sponsorship of training courses necessary for asbestos licensure or registration; the transportation of ACMs from any facility for purposes of disposal; and any other activity required to be licensed under the Texas Asbestos Health Protection Act. *Occupations Code 1954.002, .101*

An asbestos-related activity shall be performed by a person (an individual, organization, or other legal entity recognized by law as the subject of rights and duties) licensed by TDSHS. TDSHS shall be notified not less than ten working days before an asbestos-related activity is initiated. *Occupations Code 1954.252, .101; 25 TAC 295.61*

RECORDS

A district licensed to perform asbestos-related activities shall keep an appropriate record or records of each activity it performs in public buildings and shall make the record(s) available to TDSHS at any reasonable time. It shall also keep a copy of any violations issued against the District by the EPA or TDSHS. Records shall be maintained for at least 30 years, or as long as required by federal law or regulation. *Occupations Code 1954.251; 25 TAC 295.58(d)*

For each area where all ACBM has been removed, the required records shall be maintained for at least three years after each required reinspection or its equivalent in both the school and the central administration office. *40 CFR 763.94*

WARNING LABELS

A warning label shall be attached adjacent to any friable and nonfriable ACBM and suspected ACBM assumed to be ACM located in routine maintenance areas at each school building. The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT. All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM that is labeled is removed. *40 CFR 763.95*

OPERATIONS / MAINTENANCE TRAINING

Members of the maintenance and custodial staff in buildings containing ACBM shall receive required training, including at least two hours of awareness training and an additional 14 hours of required training if their work activities may result in the incidental disturbance of ACBM. *40 CFR 763.92*