



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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TO: District Superintendents
Superintendents of Schools
Nonpublic School Administrators
Charter School Administrators

FROM: Carl Thurnau, P.E.

SUBJECT: AHERA 2013 Reinspection Reminder

AHERA Reinspection Overview

The federal Asbestos Hazard Emergency Response Act (AHERA) requires **all public and nonpublic elementary and secondary schools** to be reinspected for all known or assumed asbestos-containing building materials (ACBM), friable and non-friable, in all facilities which are owned, leased, or otherwise used as a school building every three years. The 2013 triennial reinspection must be **completed no later than July 9, 2013**.

If a school was built after October 12, 1988, the architect or engineer responsible for its construction must sign a statement that “no ACBM were specified as building materials in any construction document for the building, or to the best of his/her knowledge, no ACBM was used as a building material in the building.” If an existing building that is to be used as a school building, is leased or acquired on or after October 12, 1988, it must be inspected for ACBM prior to its use as a school building if no such statement is available. In the event it is necessary to use a building that has not been inspected for ACBM, the building must be inspected for ACBM within 30 days after the start of such use.

The reinspection process may only be performed by a person certified by the State Department of Labor (DOL) as an asbestos inspector. The reinspection does not require a new AHERA management plan; however it does require a new section in the existing plan that reflects the 2013 reinspection. This new section must be developed by a person certified by DOL as an asbestos management planner. The overall AHERA reinspection process is the ultimate responsibility of the school's asbestos designee. Guidance for the designee is available at: www2.epa.gov/sites/production/files/documents/ampauditchecklist_0.pdf.

Reporting Requirement

In conjunction with the AHERA triennial reinspection, all New York State **public** school districts (including BOCES and charter schools) must submit a report to the Commissioner of Education on a triennial basis. The 2013 AHERA triennial report can be accessed at: www.surveymonkey.com/s/WKRB9D2.

One 2013 AHERA Triennial Reinspection Report must be completed for each BOCES, school district, or charter school and submitted no later than September 1, 2013. For further information and assistance on AHERA, contact your BOCES Health and Safety Office, Facilities Planning at 518-474-3906, or see www2.epa.gov/asbestos/school-buildings#requirements.