



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: Rosanne T. Groff, RA

SUBJECT: AHERA 2019 Re-inspection Reminder

AHERA Re-inspection Overview

The federal Asbestos Hazard Emergency Response Act (AHERA) requires all public and nonpublic elementary and secondary schools to be re-inspected 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 2019 triennial re-inspection must be completed no later than July 8, 2019.

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 re-inspection process may only be performed by a person certified by the State Department of Labor (DOL) as an asbestos inspector. The re-inspection does not require a new AHERA management plan, however, it does require a new section in the existing plan that reflects the 2019 re-inspection. This new section must be developed by a person certified by DOL as an asbestos management planner. The overall AHERA re-inspection process is the ultimate responsibility of the school's asbestos designee. Guidance for the designee is available at https://www.epa.gov/sites/production/files/documents/ampauditchecklist_0.pdf.

Public School Reporting Requirement

In conjunction with the AHERA triennial re-inspection, all New York State public school districts (including BOCES and charter schools) must complete and submit a 2019 AHERA Triennial Report to the Commissioner of Education no later than September 1, 2019. The 2019 AHERA Triennial Report can be accessed at:

<https://www.surveymonkey.com/r/J67637K>

For further information and assistance on AHERA, contact your BOCES Health and Safety Office, Facilities Planning at 518-474-3906, or see <https://www.epa.gov/asbestos/school-buildings#requirements>.