

Annual AHERA Notifications to Employees and Parents

The Asbestos Hazard Emergency Response Act (AHERA) requires schools to "ensure that workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress (763.84(c)). Such notification must be done in writing and a copy placed in the management plan. Suggested notification methods may be through the publication of an article in a school district newsletter or through a separate written notice distributed to staff and sent home to a student's parent or legal guardian.

In addition, schools "shall make management plans available for inspection to representatives of EPA and the State, the public, including parents, teachers, and other school personnel within 5 working days after receiving a request for inspection" (763.93(g)(3)). Furthermore, "the local education agency shall notify in writing parent, teacher, and employee organizations of the availability of management plans and shall include in the management plan a description of steps to notify such organizations, and a dated copy of the notification. In the absence of any such organizations for parents, teachers, or employees, the local education agency shall provide written notice to that relevant group of the availability of management plans and shall include in the management plan a description of the steps taken to notify such groups and a dated copy of the notification" (763.93(g)(4)).

The LEA asbestos designee for the school district is to oversee that these AHERA required notifications occur each school year. The school may determine when to do AHERA notification, as long as it occurs at least once each school year.

Enforcement of this requirement is done by the Environmental Protection Agency's (EPA) Region II office. They have been very active inspecting New York State schools for compliance with AHERA. Schools which lack required elements in the AHERA management plan, including the notification documentation outlined above, will be issued an EPA Notice of Noncompliance. Subsequently, the school has thirty days from the Notice date to correct the violations. Schools which do not comply with the Notice within thirty days are subject to additional EPA enforcement action, which may result in civil or criminal penalties.

Assistance for the AHERA management plan notification is available from your local BOCES Health, Safety, Risk Management office and from the Department's Health, Safety, Risk Management Unit at (518) 474-3911.