

# 10-Year Study on AHERA Compliance in Schools

## KEY FINDINGS



## Study Background

The New Jersey Department of Health (NJDOH) analyzed and reported on 10 years of the **Asbestos Hazard Emergency Response Act (AHERA)** site inspections conducted by the Department's Environmental and Occupational Health Assessment Program. A total of 456 unique inspections were conducted between 2008-2017.

NJDOH identified noncompliance in various areas across inspected New Jersey schools. Many of these issues were straightforward to address and improve the protection of all school building occupants from asbestos exposure.

**This fact sheet provides a summary of key findings and additional resources.**



### 1 What did the analysis reveal about AHERA requirements being met?

- **Asbestos Management Plan:** School districts are required to develop and maintain an Asbestos Management Plan (AMP). The AMP is record of all activities related to identification, inspection, and maintenance of all asbestos-containing materials (ACM) in their school buildings. Our results showed:
  - 10% (44 schools) had no AMP in place; and
  - 17% (85 schools) of those that did have an AMP did not have an updated version on file.
- **Inspection and Subsequent Response:** Periodic surveillance is required every six months, including a check of each of the areas previously identified in the AMP as having ACM. A required three-year reinspection, which can only be conducted by a USEPA-accredited asbestos building inspector, involves areas that were previously identified in the AMP as having assumed or confirmed ACM. Schools must take the appropriate response consistent with these inspections. Our findings concluded the following:
  - NJDOH inspectors found 20% of schools did not conduct periodic surveillance;
  - 48% (218 schools) had asbestos that was previously unidentified;
  - 15% (68 schools) did not conduct re-inspections; and
  - 11% (50 schools) failed to take appropriate response action consistent with six-month or three-year inspection.
- **Operations and Maintenance (O&M):** O&M is a formulated plan of training, cleaning, work practices, and surveillance to maintain ACM within school buildings in good condition. A key finding was that 50% of schools did not have an O&M plan in place when friable ACM was present.

## 2 Are maintenance staff and short-term workers being protected?

Results showed that communication and training of short-term workers and full-time staff need to be addressed. Some areas where schools commonly struggled include:

- Failing to attach warning labels near asbestos-containing building materials (ACBM) in routine maintenance areas (57%, 259 schools);
- Not notifying short-term workers of locations of ACBM (56%, 254 schools);
- Not informing workers about required actions (54%, 247 schools);
- Failing to provide two-hour asbestos training for maintenance and custodial staff (39%, 179 schools);
- Not providing 14 additional hours of training to maintenance and custodial staff whose activities disturb ACBM (5%, 24 schools).

## 3 How critical is the role of the Designated Person?

According to the USEPA, the quality of school asbestos management programs depends on the AHERA Designated Person (DP). School districts without a qualified DP are prone to AHERA violations. Our study showed:

- 17% (77 schools) the district did not have a DP;
- 54% (248 schools) did not have a signed statement by the DP to indicate awareness of responsibilities;
- 41% (185 schools) did not have adequately trained DP;
- A 15% overall increase in violations was observed in inspected schools in the absence of a DP.

### HOW TO ENSURE AHERA COMPLIANCE IN YOUR SCHOOL

NJDOH created a fact sheet ([AHERA Quick Guide for Schools](#)) that outlines steps and provides helpful information on how schools can reduce AHERA violations and better protect students and staff from asbestos exposure. The Quick Guide is based on results from our analysis of 10 years of inspections.



Consumer, Environmental & Occupational Health Service

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### RESOURCES ON AHERA:

- For federal requirements, AMPs, help with compliance, and resources for schools and parents: [USEPA's Summary of Asbestos and School Buildings](#)



- For a complete list of school AMP requirements: [USEPA's Asbestos-containing Materials in Schools Rule](#) (40 CFR 763 Subpart E) (or [ecfr.gov/current/title-40/chapter-I/subchapter-R/part-763/subpart-E?toc=1](https://ecfr.gov/current/title-40/chapter-I/subchapter-R/part-763/subpart-E?toc=1))



- For USEPA training for Designated Persons: [youtube.com/playlist?list=PLvC8kUCteU1-jHw2xiXd1inW8MPaq0GHI&feature](https://youtube.com/playlist?list=PLvC8kUCteU1-jHw2xiXd1inW8MPaq0GHI&feature)

