



At a Glance

Why We Did This Project

The Office of Inspector General conducted this audit to determine whether the U.S. Environmental Protection Agency (EPA) was performing sufficient compliance inspections of schools to reduce asbestos exposure.

The Asbestos Hazard Emergency Response Act (AHERA), which became law in 1986 and amends the Toxic Substances Control Act (TSCA), requires local educational agencies to inspect their school buildings for asbestos-containing material, prepare asbestos management plans, and perform asbestos response actions to prevent or reduce asbestos hazards. The law is meant to protect the more than 50 million students and 7 million teachers and staff who spend time in the nation's schools.

This report addresses the following:

- *Compliance with the law.*
- *Partnering with states and other stakeholders.*

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EPA Needs to Re-Evaluate Its Compliance Monitoring Priorities for Minimizing Asbestos Risks in Schools

What We Found

Even though the EPA was responsible for conducting AHERA compliance inspections for the majority of states, it conducted fewer inspections overall than the states responsible for their own inspections. Specifically, from fiscal years 2011 through 2015, the EPA conducted 13 percent of AHERA inspections, whereas states with jurisdiction over their own inspections performed 87 percent.

Asbestos exposure risk is higher in children because they are more active, breathe at higher rates and through the mouth, and spend more time closer to the floor where asbestos fibers can accumulate.

We also found that only one region has a strategy for its TSCA compliance monitoring efforts, as recommended by the TSCA Compliance Monitoring Strategy. Furthermore, EPA regions have either significantly reduced or eliminated resources for their asbestos program. Of the agency's 10 regions, five only inspect for asbestos in schools when they receive asbestos-related tips or complaints. Without compliance inspections, the EPA cannot know whether schools pose an actual risk of asbestos exposure to students and personnel.

We interviewed eight local educational agencies in the Atlanta (Region 4) and Chicago (Region 5) areas and found that the agencies generally appeared to be implementing AHERA. However, staff from the states and responsible EPA regions indicated that asbestos in schools might still be a significant problem. In addition, although required by AHERA, not all of the schools we reviewed maintained an asbestos management plan. This was the case if the school obtained an "exclusion statement" indicating that, to the best of the responsible parties' knowledge, asbestos was not used in construction. Without sufficient oversight, the EPA cannot verify that local educational agencies are identifying and properly managing asbestos in schools.

Recommendations and Planned Agency Corrective Actions

We recommend that the Office of Enforcement and Compliance Assurance (1) require regions to incorporate asbestos strategies into their TSCA compliance monitoring efforts and (2) inform local educational agencies, in coordination with the regions, that they must develop and maintain an asbestos management plan, regardless of the presence of an exclusion statement, and monitor compliance.

In response to our draft report, the EPA stated that disinvestment from the asbestos program has been due, in large part, to increasing resource limitations and competing priorities. Based on the agency's response, we modified the initial recommendations. The agency agreed and provided acceptable corrective actions and completion dates that meet the intent of the revised recommendations.