



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

01 NOV 2005

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Brian F. Karlovich
Project Manager
Michael Baker Jr., Inc.
100 Airside Drive
Moon Township, PA 15108

Dear Mr. Karlovich:

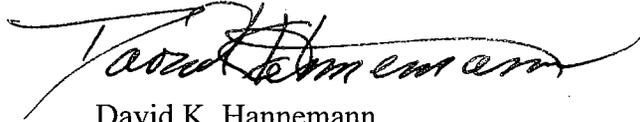
In your letter dated, September 26th, 2005, you asked whether it was permissible to maintain records pertaining to requirements set forth under the asbestos in schools rule (40 CFR Part 763, Subpart E) pursuant to the Asbestos Hazard Emergency Response Act (AHERA) in electronic format.

The asbestos in schools rule specifically provides representatives of EPA and States, the public, including teachers, school personnel and their representatives, and parents the right to access and view documents within a school's asbestos management plan. The regulations do not specifically prohibit schools from storing records in electronic format. However, such records must be available in a local education agency's (LEAs) administrative office without cost or restriction, for inspection by representatives of EPA and the State, the public, including teachers, school personnel and their representatives, and parents, on request (40 CFR Part 763.93(g)(2)) and from each individual school's administrative office within 5 working days after receipt of the request for an inspection (40 CFR Part 763.93(g)(3)). Both the LEA and the individual school can charge a reasonable cost to make the copies of the management plan.

The asbestos in schools rule also requires signatures on certain documents (an example is the inspection report required under 40 CFR 763.85(a)(4)(vi)) which must be maintained in the asbestos management plan. Documents containing original signatures may be scanned and stored in electronic format (e.g. CD ROM) but must be made available and accessible in their entirety as required under 40 CFR Part 763.93(g)(2) or (3). Certain records mentioned in 40 CFR Part 763.94 need only be retained for three years after the next reinspection required under 40 CFR 763.85(b)(1), or for an equivalent period. Other records required to be stored within the management plan must be maintained indefinitely.

If you have any further questions, please contact Robert Courtnage of my staff at (202) 566-1081 or e-mail him at courtnage.robert@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David K. Hannemann". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

David K. Hannemann
Acting Chief
Fibers and Organics Branch