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

MAY 24 1988

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

David B. Letscher
Assistant to the Vice President
Con-Safe, Inc.
P.O. Box 2267
Altoona, PA 16603

Dear Mr. Letscher:

This letter is in response to your May 6, 1988 letter to Dan Helfgott of my staff. In that letter you asked for a clarification of the inspection exclusion provided in section 763.99(a)(7) of the regulations for the Asbestos Hazard Emergency Response Act (AHERA).

Section 763.99(a)(7) of the AHERA regulations provides that a new school building built after October 12, 1988 does not need to be inspected under 763.85(a) if an architect or project engineer responsible for the construction of the school building, or an accredited inspector signs a statement that no asbestos-containing building material (ACBM) was specified as a building material in any construction document for the building, or to the best of his or her knowledge, no ACBM was used as a building material in the building.

In your letter you specifically asked, what defines "a new school building built after October 12, 1988." For the purposes of AHERA, a building "built" after October 12, 1988 refers to school buildings completed after October 12, 1988. Therefore, it does not matter when construction of the building was begun, as long as the construction was completed after October 12, 1988.

Sincerely yours,

John J. Neylan III, Director
Policy and Grants Division
Office of Compliance Monitoring

cc: David Kling
Karen Brown