



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, DC 20460

MAY 24 1989

OFFICE OF  
PESTICIDES AND  
TOXIC SUBSTANCES

Richard H. Erickson  
AHERA Executive Administrator  
Roth Asbestos Consultants, Inc.  
1900 West 47th Place  
Westwood, Kansas 66205

Dear Mr. Erickson:

This is in further response to your letter in which you ask for clarification of the Asbestos Hazard Emergency Response Act (AHERA) regulations in regard to requirements for schools where there is no asbestos-containing building material (ACBM) present. I regret the delay in our written response. I understand you have already received verbal clarification on these issues from Brian Duncan of my staff.

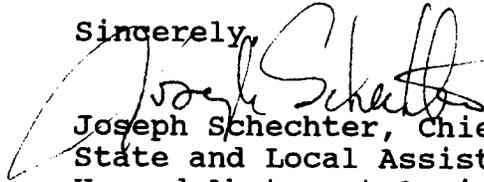
Your first question is whether LEAs are relieved of the requirement of reinspections once every 3 years for schools which are asbestos-free, either because they were constructed without the ACBM or because all ACBM has been removed. The answer is yes, because the reinspection requirements at 40 CFR 763.85 (b) apply only to schools which contain known or assumed ACBM.

Your second question is whether schools with no ACBM are relieved of the annual notification requirements at section 763.84(c). The answer to this question is also yes, for the same reason as above, with the caveat that the annual notification to parents and others of the availability of the school's management plan must continue indefinitely (see sections 763.84 (f) and 763.93 (g)). In some cases the management plan may consist of an inspection report certifying that the building is asbestos-free, or an architect's statement that the building was completed after October 12, 1988, and that no ACBM was used in its construction.

Your third question is whether asbestos-free schools must appoint a replacement for a designated person pursuant to section 763.84 (g). The answer is yes, because one of the requirements of the LEA is to continue the annual notification to parents and others of the availability of the management plan indefinitely. A replacement designated person could handle any questions and concerns that arise regarding asbestos.

If I can be of further assistance please call me or Brian Duncan of my staff at (202) 382-3949.

Sincerely,



Joseph Schechter, Chief  
State and Local Assistance Section  
Hazard Abatement Assistance Branch

cc: Wolfgang Brandner  
Sally Sasnett  
Alan Carpien  
Bob McNally  
Jon Silberman