

FINAL Question and Answers – ACCEL NOV

Why did it take so long for EPA to notify us about this violation? We should have been told immediately.

After receiving a referral from Ohio EPA regarding Youngstown Academy of Excellence, EPA sent inspectors as soon as possible to inspect Youngstown Academy of Excellence, Niles Preparatory Academy, and STEAM Academy of Warren. During their respective inspections, EPA and Ohio EPA informed ACCEL representatives of legal requirements, provided information about hazards, and recommended hiring licensed and trained contractors.

Once the inspections were complete, ACCEL contracted with an environmental consultant to test potential asbestos-containing materials at the three schools. On May 10, 2024, EPA received a report from the ACCEL consultant for Youngstown Academy of Excellence confirming the presence of asbestos containing materials in Youngstown Academy of Excellence. Over the last two months, EPA has maintained regular communications with ACCEL representatives.

On June 13, 2024, EPA issued a notice of violation to ACCEL to begin discussions about next steps.

Please explain the alleged violations EPA issued to ACCEL.

EPA issued a notice of violation under the Toxic Substances Control Act to ACCEL for asbestos and lead paint concerns at three of its public charter schools in Ohio that may present hazards to students, faculty and staff. EPA discovered these issues during inspections of Youngstown Academy of Excellence, Niles Preparatory Academy, and STEAM Academy of Warren, after a referral from Ohio EPA.

The NOV includes violations at these three schools for failure to comply with EPA's Asbestos Hazard Emergency Response Act, or AHERA, requiring schools to have an asbestos management plan, training, recordkeeping, annual notifications, periodic surveillance, response action, warning labels, and operation and maintenance requirements. EPA based these violations on information gathered during inspections and discussions with ACCEL representatives.

How can I get my child tested for lead/asbestos? Should I be getting my child tested for lead/asbestos? Who will pay for this testing?

Blood lead level testing is available for children. In fact, all children covered by Medicaid are required to receive blood lead tests at ages 1 and 2, or up to 6 if a previous test has not occurred. Ohio Department of Health additionally recommends testing for children living in homes built before 1978 or those residing high-risk zip codes, including most areas of Warren County, Trumbull County, and Mahoning County. For more information on who should get tested, visit the [Ohio Department of Health's website](#).

Consult your child's pediatrician or primary health care provider for testing information. Your local health department also may be able to conduct blood lead testing for your child. If you do not have a pediatrician or primary care provider, you may be able to receive blood lead testing at one of the following centers:

St. Elizabeth Youngstown Hospital
1044 Belmont Ave.
Youngstown, OH 44504-1006
Contact Mary Ann at (330) 480-6365

**The Mahoning County District Board of Health
Nursing Division**
50 Westchester Drive
Youngstown, Ohio 44515
Phone: (330) 270-2855 ext. 125
Toll Free in Mahoning County: 1-800-873-MCHD
TTY service available by dialing 711 or 1-800-750-0750
Email: info@mahoninghealth.org

There is no testing available for asbestos exposure. Contact your child's pediatrician or primary health care provider for more information.

Will EPA share inspection reports for schools publicly? If so, where can I find the reports?

EPA's inspection reports are part of the administrative record, on our ACCEL Schools website.

Was my school required to be inspected for asbestos?

Yes, all public and non-profit private primary and secondary schools must inspect for asbestos. An inspection may be waived if the building architect or project engineer responsible for the construction of the building certified in-writing that no asbestos materials were used in the building's construction. Results of the inspections and all re-inspections, required every three years, are contained within the schools' asbestos management plan. A complete and up-to-date copy of the asbestos management plan is required to be housed in the school's administrative office.

Which schools have been tested for lead/asbestos and what is the plan to test other schools?

ACCEL hired contractors to test Youngstown Academy of Excellence, Niles Preparatory Academy, and STEAM Academy of Warren for asbestos. Sample results from Youngstown Academy of Excellence have been received. EPA is still waiting for results from Niles Preparatory Academy and STEAM Academy of Warren.

ACCEL must investigate the entire building at each school for the presence and risk of exposure to lead-based paint and asbestos hazards.

On June 13, 2024, EPA sent a Toxic Substances Control Act, or TSCA, subpoena to ACCEL for its records regarding Asbestos Hazard Emergency Response Act, or AHERA, compliance and lead-based paint renovations in all schools located in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

My child's school has asbestos in it. Why hasn't it been removed?

Local education agencies (e.g., school districts) are required by the Asbestos Hazard Emergency Response Act, or AHERA, to inspect and manage asbestos-containing materials properly through the development and implementation of an asbestos management plan. The school can safely and effectively manage in place asbestos-containing materials that are in good condition, meaning asbestos can remain in the school if the materials are not damaged or exposed. The risk from asbestos is when it is damaged and/or disturbed and asbestos fibers become airborne where they can be inhaled. If the school does perform an asbestos abatement, it must use properly trained and accredited asbestos professionals to do the work. Schools are required to undertake timely and appropriate maintenance or response actions whenever asbestos containing materials become friable.

If you have concerns about the presence of lead and/or asbestos at another school, you can reach out to your local health department, Ohio EPA, or [submit a tip/complaint to EPA](#).

What is the plan to get the classrooms cleaned up before the fall school year starts?

EPA will require ACCEL to prohibit any persons to enter affected areas within the three schools (except contractors working on abatement) until the abatement work is completed and clearance sampling has been performed by an independent contractor. EPA's primary responsibility is to ensure the health and safety of the students and staff of the schools. Additionally, EPA is very focused on avoiding school disruptions while working toward protecting human health. If ACCEL is cooperative in abating the hazards identified, we believe the work can happen in time for the school year to begin as normal.

ACCEL must investigate the risk of exposure to lead-based paint and asbestos hazards, address materials which pose an imminent danger and monitor any other asbestos-containing material and lead-based paint at the three schools. EPA will also require ACCEL to prohibit anyone from entering affected areas until abatement work is finished.

I'm not sure I can trust the school. Will EPA verify that the lead/asbestos has been removed post-construction and before my child returns to school?

EPA will require ACCEL to prohibit any persons to enter affected areas within three schools (except contractors working on abatement) until the abatement work is completed and clearance sampling has been performed by an independent contractor.

Will ACCEL have to remove all the lead and asbestos from the schools, or just the loose material? If all the hazardous material isn't removed, what assurance can we have that this won't be a problem again in a few years?

Asbestos that is in good condition and left undisturbed is unlikely to present a health risk. The risks from asbestos occur when it is damaged or disturbed where asbestos fibers become airborne and can be inhaled. Managing asbestos in place and maintaining it in good repair is often the best approach (per [EPA's Asbestos Frequently Asked Questions](#)).

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Please explain the legal process going forward. What are the next steps?

EPA issued a notice of violation to ACCEL for asbestos and lead paint concerns at three of its public charter schools in Ohio that may present hazards to students, faculty and staff.

EPA has a long-standing policy about not discussing ongoing enforcement actions with the public.

ACCEL must investigate the risk of exposure to lead-based paint and asbestos hazards, address materials which pose an imminent danger and monitor any other asbestos-containing material and lead-based paint at the three schools. EPA will also require ACCEL to prohibit anyone from entering affected areas until abatement work is finished.

EPA reserves its right to take additional actions under the Asbestos Hazard Emergency Response Act, or AHERA, including to issue an information request, seek a penalty, and issue an order.

My child attends a different ACCEL school. How can I learn if it is safe? What plans does EPA have to inspect other schools?

EPA sent a Toxic Substances Control Act, or TSCA, subpoena to ACCEL for records regarding Asbestos Hazard Emergency Response Act, or AHERA, compliance and lead-based paint renovations for all of their schools in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

My child previously attended one of these ACCEL schools, but is no longer attending ACCEL. Should I be concerned about them having asbestos or lead exposure?

If you are concerned about asbestos or lead exposure, EPA recommends you consult your child's pediatrician or primary health care provider for testing information. Blood lead level testing is available for children. There is no testing available for asbestos exposure.

Will EPA be available to answer questions from families and ACCEL employees?

If anyone has questions about the notice of violation or where to get more information regarding asbestos and lead-based paint, EPA's website has contacts and resources available.

Should I be worried about asbestos/lead being brought into homes on shoes/clothing?

Asbestos and lead can be brought home from clothing and shoes. If lead exposure has occurred, we recommend leaving shoes outside the home, changing and washing clothes upon returning home, and wet mopping floors and surfaces often. If you are concerned about possible asbestos exposure, consult a physician who specializes in lung diseases (pulmonologist). To learn how to protect your family after suspected exposure, please refer to our [asbestos website](#) and [lead website](#).

What about the school ventilation systems? Will they be cleaned before my child returns to school?

Under AHERA, an accredited inspector is expected to take reasonable steps to locate ACBM. Specifically, an accredited inspector should conduct a thorough visual inspection, including, among other things, an examination of areas not immediately visible but that can be accessed (e.g., above drop ceilings, inside ventilation shafts, etc.), carefully reviewing building plans and using his or her own knowledge to determine if ACBM was used in areas that cannot be accessed (See 40 CFR part 763.85(a)(4)).

If my school performs asbestos abatement in a classroom that was built before 1978, do the asbestos abatement workers also need to comply with the Renovation, Repair, and Painting rule?

Yes, if the asbestos abatement disrupts – over six square feet of painted surface per room in an interior, or over 20 square feet of painted surface on an exterior, or involves window replacement or demolition of painted surfaces – the abatement will need to be performed by a firm certified under [EPA's Renovation, Repair and Painting rule](#). The firm will be required to assign a RRP-certified renovator to the project and workers will require training by a certified renovator. The asbestos abatement must be designed and conducted by persons accredited in accordance with the [Model Accreditation Plan](#).

The asbestos abatement will need to meet the Renovation, Repair and Painting rule work practice standards as well as the standards for asbestos abatement. For each element of the job, the contractor will determine which standards are more stringent and comply with those standards. Typically, the asbestos abatement containment and waste handling requirements are more stringent than the RRP rule provisions, so compliance with the asbestos requirements will also serve as compliance with the RRP requirements. However, both the asbestos air clearance and the RRP cleanup and verification requirements must be performed. Because the air clearance process is performed with the critical barriers still in place, it must be performed before RRP cleanup and verification.

What are some of the health effects of lead?

Lead is known to cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children six years old and under are most at risk from exposure lead-based paint because they crawl on the floor and they put their hands and other items which can have lead-based paint dust on them into their mouths. Because their bodies are still growing, children tend to absorb more lead than adults.

Children exposed to lead can suffer from:

- Lowered IQ
- Damage to the brain and nervous system
- Learning and behavioral difficulties
- Slowed growth
- Hearing problems
- Headaches

Adults can suffer from:

- Reproductive problems (in both men and women)
- High blood pressure and hypertension
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

To learn more about health effects of lead, visit [EPA's website](#).

What are the health risks associated with asbestos exposure?

Asbestos that is in good condition and left undisturbed is unlikely to present a health risk. The risks from asbestos occur when it is damaged or disturbed where asbestos fibers become airborne and can be inhaled. Managing asbestos in place and maintaining it in good repair is often the best approach.

Exposure to asbestos increases your risk of developing lung disease. That risk is made worse by smoking. In general, the greater the exposure to asbestos, the greater the chance of developing harmful health effects.

Disease symptoms may take many years to develop following exposure.

Asbestos-related conditions can be difficult to identify. Healthcare providers usually identify the possibility of asbestos exposure and related health conditions like lung disease by taking a thorough medical history. This includes looking at the person's medical, work, cultural and environmental history.

After a doctor suspects an asbestos-related health condition, he or she can use a number of tools to help make the actual diagnosis. Some of these tools are physical examination, chest x-ray and pulmonary function tests. Your doctor may also refer you to a specialist who treats diseases caused by asbestos.

Three of the major health effects associated with asbestos exposure are:

- lung cancer
- mesothelioma, a rare form of cancer that is found in the thin lining of the lung, chest and the abdomen and heart
- asbestosis, a serious progressive, long-term, non-cancer disease of the lungs

For more information on these and other health effects of asbestos exposure see the [Agency for Toxic Substances and Disease Registry](#), the [National Institute for Occupational Safety and Health](#) and the [National Cancer Institute](#).

Additional Resources for Schools and Parents

[Healthy School Environments: Local Education Agency Responsibilities Under the Asbestos Hazard Response Act \(AHERA\)](#) (August 2023)

[Integrated Pest Management \(IPM\) and Asbestos Management for School Facilities Refresher Training](#) (January 2022)

[How to Manage Asbestos in School Buildings: The AHERA Designated Person's Self Study Guide](#) (January 1996)

[AHERA Asbestos Management Plan Self-Audit Checklist for Designated Persons](#) (February 2009)

[Model AHERA Asbestos Management Plan for Local Education Agencies](#) (February 2009)

[The ABC's of Asbestos in Schools](#) (August 2003)

[Asbestos in Schools Fact Sheet](#) (August 2003)

[EPA's Creating Healthy Indoor Environments in Schools Website](#)

[What Local Education Agencies \(LEAs\) Should Know About the National Emission Standard for Hazardous Air Pollutants \(NESHAP\) \(March 2005\)](#)

[Find Labs for Testing Asbestos](#)

[Sensible Steps to Healthier School Environments \(epa.gov\)](#)