



State of Connecticut Department of Public Health

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Visit the DPH web site



www.ct.gov/dph
(Click on Programs and Services; then Asbestos Program)

Regulations, Guidance documents, forms and more

October 2002

ASBESTOS MANAGEMENT

A Newsletter for Superintendents of Schools, Headmasters, Directors, Asbestos Inspectors & Management Planners

The Connecticut Department of Public Health (DPH) would like to use this opportunity to offer guidance to help Local Education Agencies (LEA's) achieve compliance with the **Asbestos-Containing Materials in Schools** regulation (Section 19a-333-1 to Section 19a-333-13 of the Regulations of Connecticut State Agencies.)

These regulations, in effect since December 1, 1992 require that public and non-public, elementary and secondary schools be inspected to determine the presence of asbestos-containing building materials and that asbestos management plans be developed as a result of those inspections.

The Connecticut version of the school regulations mirrors the federal Asbestos Hazardous Emergency Response Act ("AHERA") signed in to law in 1986. Connecticut is considered to be a "waiver state" by the U.S. Environmental Protection Agency. This means the state's asbestos regulations are as stringent or equally protective as the federal regulations.

Over the past decade, the DPH has conducted audits of school asbestos management plans in order to determine regulatory compliance. Several key requirements have been identified by the DPH during the course of these audits as critical to ensuring that the school asbes-

Designated Person

The **Local Education Agency (LEA)** must designate a person (**Designated Person**) to ensure that the responsibilities of the LEA, as detailed in the regulations, are properly implemented.

- *The LEA must verify that this individual has received proper training.* The individual is not required to be a licensed asbestos consultant. There is **no specific** training course for the designated person, however, the EPA has developed a "**Designated Person's Self-Study Guide**" that details the required specific background knowledge the designated person must have. (See back cover for further details.)
- The school **asbestos management plan** (" AMP ") *must include a true and correct statement signed by the Designated Person that certifies that the general responsibilities of the LEA have been or will be met.*
- In the event that the Designated Person leaves his or her position, the LEA *must ensure that a new individual is identified and appropriately trained to serve as the Designated Person.* The newly identified Designated Person must then sign the aforementioned statement of certification. *(Continued on page 3)*

Reinspection



The LEA must retain the services of a licensed asbestos inspector or management planner to conduct a reinspection every three (3) years subsequent to implementation of a management plan.

- Documentation that the reinspection has been performed must be submitted to the DPH on the prescribed form within thirty (30) days of the reinspection. The prescribed form is available on the DPH Asbestos Program page www.ct.gov/dph/LIB/dph/environmental_health/asbestos/pdf/e_3reinsp.pdf
- Triennial reinspections must include an inspection of each area of every building that is leased, owned, or otherwise used as a school building.

Written Notification Regarding Availability of the AMP

At least once each school year, the LEA must provide written notification to parent, teacher, and employee organizations regarding the availability of the asbestos management plan.



- This notice must be dated and a copy placed in the AMP.
- The AMP must describe the steps taken to notify. Methods of notification used in the past have included placing a notice in the school handbook, or mailing a letter to each household.



Periodic Surveillance

The LEA must conduct periodic surveillance in each building that it leases, owns, or otherwise uses as a school building at least once every six (6) months after the AMP has been implemented.



- The purpose of surveillance is to look at all known or suspect asbestos-containing building materials (ACBM) and note any changes in the material.
- Periodic surveillance does not need to be conducted by a licensed consultant. It is often conducted by custodial or maintenance personnel.
- A copy of the surveillance must be submitted to the designated person and made part of the AMP.



Custodial and Maintenance Training

All maintenance and custodial staff who may work in a building that contains asbestos-containing building materials (ACBM) must receive at least two (2) hours of asbestos awareness training whether or not they are required to work with ACBM.

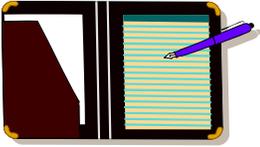


- Maintenance and custodial staff who conduct any activities that will result in the disturbance to ACBM must receive an additional fourteen (14) hours of training.
- The LEA must ensure that new custodial and maintenance employees are trained within sixty (60) days after commencement of employment.



Record-Keeping Requirement

The LEA must maintain records required by the regulations to be included in the asbestos management plan. This includes maintaining:

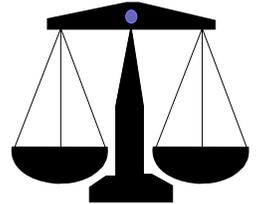


- *a copy of prior inspection and/or reinspection reports*
- *documentation related to the training provided to custodial and maintenance employees*
- *periodic surveillance forms*
- *dated statements regarding operations and maintenance activities*
- *A copy of the annual notice of management plan availability*

Compliance/Enforcement

The DPH is committed to providing assistance to LEAs to ensure compliance with regulatory requirements. Copies of the regulations enforced by the DPH, Asbestos Program are available on the Program web page (see www.ct.gov/dph; click on Programs and Services; Asbestos Program). The Asbestos Program may be contacted directly at **(860) 509-7367**.

While it is the goal of the DPH to provide LEAs with assistance in achieving regulatory compliance voluntarily, LEAs that fail to comply with existing regulatory requirements will be subject to enforcement action. Findings of noncompliance will result in the issuance of a Notice of Noncompliance ("NON") by the DPH to the LEA.



The NON is an administrative letter that details the specific violations noted. The LEA is required by the NON to provide a written response to the DPH that outlines the steps taken by the LEA to bring the management plan into compliance and to prevent future noncompliance. A LEA that receives a NON will be listed in the Regulatory Action Report published on a quarterly basis by the agency (see www.ct.gov/dph; Click on Regulatory Action Reports)

In addition to the NON process, the DPH has been authorized to impose civil penalties for violation of the Asbestos-Containing Material in School regulations. Section 19a-332e-2 authorizes the DPH to impose civil penalties of up to five thousand dollars (\$5,000) against a LEA or up to twenty-five thousand dollars (\$25,000) against other persons for violation of these regulations.

What does the Designated Person Need to Know?

(Continued from page 1)

The Designated Person must have a basic knowledge of the health effects of asbestos, the detection, identification and assessment of asbestos-containing material, options for controlling asbestos-containing material, asbestos management programs, and relevant federal and state regulations concerning asbestos.

Helpful Internet Links

www.epa.gov/asbestos

This EPA web page is intended to provide the public with general information concerning asbestos and where and how to get more information.

www.cdc.gov/niosh/topics/asbestos

Selected asbestos topics are the subject of this web page belonging to The National Institute for Occupational Safety and Health (NIOSH). NIOSH is the Federal agency responsible for conducting research and making recommendations for the prevention of work-related disease and injury. The Institute is part of the Centers for Disease Control and Prevention (CDC).

www.osha.gov/SLTC/asbestos

OSHA Safety and Health asbestos page

State Links

www.ctdol.state.ct.us

Connecticut Department of Labor, OHSA web page

www.dir.ct.gov/dph/scripts/hlthprof.asp

To check on the licensure status of an asbestos contractor, consultant, or other health care/environmental health license /Part of the CT-Clc.com web site for statewide license and registration needs

www.ct.gov/dep

Home page of the Department of Environmental Protection



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