

QUESTION NO. 16—What if the LEA moves to a different building? This building will need to be inspected and, if necessary, a management plan written.

QUESTION NO. 17—How soon does the LEA need an inspection and management plan? These must be completed before the LEA uses the buildings as a school. If it is an emergency, the inspection must be done within 30 days after moving into the building. A management plan must be done as soon as possible after that.

QUESTION NO. 18—How long does the LEA have to keep the management plan? It must be kept as long as the building(s) serves as a school facility.

QUESTION NO. 19—Does the plan have to be updated? Yes. If there are any asbestos-containing materials found in the school after the initial inspection, the plan must be updated until all of the material has been removed. This means that there must be periodic surveillance every 6 months and a reinspection every 3 years. An annual notification must be made every year to the interested parties.

QUESTION NO. 20—Who needs to know about the management plan? The interested parties are the staff, faculty, and parents. They must receive an annual notification from the LEA.

QUESTION NO. 21—Where do we have to keep the management plan? If the LEA has a headquarters, then there must be a plan that is identical to the one at the local school. The plan needs to be kept in the main office where it is accessible to the public and federal and state inspectors.

QUESTION NO. 22—Can anyone look at the plan? Yes. The plan must be available for viewing by the public during school business hours. If anyone needs a copy, the LEA is allowed to charge a reasonable fee for the copies.

For more information about AHERA or copies of the regulations, please contact Mardel Knight at 410.537.3801, or email: mknight@mde.state.md.us.

Visit our website: www.mde.state.md.us/asbestos.



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MARYLAND DEPARTMENT
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**My School
Needs an
Asbestos
“What”
Plan???**
**The FAQ’s
About
AHERA!!!**

QUESTION NO. 1—WHAT IS AHERA? AHERA is the **A**sbestos **H**azard **E**mergency **R**esponse **A**ct of 1986 (PL 99-519). The Act required EPA to promulgate rules that were published 10/30/1987, 40 CFR Part 763 Asbestos-Containing Materials in Schools Rule; Final Rule and Notice. These rules known as the AHERA rules took effect 12/14/1987.

QUESTION NO. 2—What does AHERA require? Local Education Agencies (LEAs) have to inspect their facilities for asbestos-containing building materials (ACBM) and develop a plan to manage the asbestos. It ***WAS NOT*** a removal plan, but rather a plan to manage the asbestos in the facility to protect human health and the environment.

QUESTION NO. 3—What is an LEA? An LEA in Maryland is a public school, preschool through 12th grade. An LEA is also the owner of a nonpublic, nonprofit elementary or secondary school building, preschool through 12th grade.

QUESTION NO. 4—What school buildings are covered by AHERA? Classrooms, dormitories, bus garages, warehouses, maintenance shops, dining halls, gymnasias, administrative offices

and any other buildings essential to the operation of the LEA.

QUESTION NO. 5—What if the LEA is for profit? Any for profit school is exempt from the AHERA requirements.

QUESTION NO. 6—What if the school is run by a religious organization? It is covered under AHERA, unless for profit.

QUESTION NO. 7—What if the school is a private school not operated by a religious organization? It is covered under AHERA., unless for profit.

QUESTION NO. 8—What if the school is a home school? These are not covered under AHERA.

QUESTION NO. 9—What if the LEA leases space for the school? The owner and the LEA are both responsible for the AHERA requirements.

QUESTION NO. 10—What if the building was built recently? Buildings completed after October 12, 1988 may be eligible for an exclusion.

QUESTION NO. 11—What if the LEA is a charter school? The charter schools must comply with AHERA.

QUESTION NO. 12—When was AHERA last revised? It has not been revised since the rules were published in 1987.

QUESTION NO.13—Is there any Federal or State money to pay for the inspection and management plan? There is no money to fund these activities.

QUESTION NO. 14—Can anyone perform the inspection and prepare the management plan? No. The person must be trained as an inspector for the inspection and as a management planner to write the management plan. This person must have a Maryland Photo Identification Card issued by a Maryland-approved training provider or by the Department at our offices. Initial training and any review class must have taken place within the last year. Do not use anyone whose credentials are more than a year old.

QUESTION NO. 15—What if the building already has a management plan? Use the plan. If the plan is not current, have the building reinspected by an accredited inspector/management planner so that the plan may be updated.