



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Office of Facilities Planning, 89 Washington Avenue, Room 1060 Education Building Annex, Albany, NY 12234  
Tel. (518) 474-3906  
Fax (518) 486-5918  
Website: <http://www.p12.nysed.gov/facplan/>

April 2016

TO: District Superintendents  
Superintendents of Schools  
Nonpublic School Administrators  
Charter School Administrators

FROM: Carl Thurnau, P.E.

SUBJECT: AHERA 2016 Re-inspection Reminder

**AHERA Re-inspection Overview**

The federal Asbestos Hazard Emergency Response Act (AHERA) requires all public and nonpublic elementary and secondary schools to be re-inspected for all known or assumed asbestos-containing building materials (ACBM), friable and non-friable, in all facilities which are owned, leased, or otherwise used as a school building every three years. The 2016 triennial re-inspection must be completed no later than July 8, 2016.

If a school was built after October 12, 1988, the architect or engineer responsible for its construction must sign a statement that "no ACBM were specified as building materials in any construction document for the building, or to the best of his/her knowledge, no ACBM was used as a building material in the building." If an existing building that is to be used as a school building, is leased or acquired on or after October 12, 1988, it must be inspected for ACBM prior to its use as a school building if no such statement is available. In the event it is necessary to use a building that has not been inspected for ACBM, the building must be inspected for ACBM within 30 days after the start of such use.

The re-inspection process may only be performed by a person certified by the State Department of Labor (DOL) as an asbestos inspector. The re-inspection does not require a new AHERA management plan; however it does require a new section in the existing plan that reflects the 2016 re-inspection. This new section must be developed by a person certified by DOL as an asbestos management planner. The overall AHERA re-inspection process is the ultimate responsibility of the school's asbestos designee. Guidance for the designee is available at [https://www.epa.gov/sites/production/files/documents/ampauditchecklist\\_0.pdf](https://www.epa.gov/sites/production/files/documents/ampauditchecklist_0.pdf).

**Reporting Requirement**

In conjunction with the AHERA triennial re-inspection, all New York State public school districts (including BOCES and charter schools) must submit a report to the Commissioner of Education on a triennial basis. The 2016 AHERA triennial report can be accessed at <https://www.surveymonkey.com/r/TJ9LDPF>.

One 2016 AHERA Triennial Re-inspection Report must be completed for each BOCES, school district, or charter school and submitted no later than September 1, 2016. For further information and assistance on AHERA, contact your BOCES Health and Safety Office, Facilities Planning at 518-474-3906, or see <https://www.epa.gov/asbestos/school-buildings#requirements>.