



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK /
ALBANY, NY 12234

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April, 2010

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

FROM: Carl Thurnau, P.E.

SUBJECT: AHERA 2010 Reinspection Report
<http://www.forms2.nysed.gov/emsc/facplan/ahera/ahera.cfm>

The Asbestos Hazard Emergency Response Act (AHERA) requires all **public and nonpublic elementary and secondary schools** to reinspect all friable and non-friable, known or assumed asbestos-containing building materials (ACBM) in all facilities which are owned, leased, or otherwise used as a school building every three years. The 2010 triennial reinspection must be completed no later than **July 9, 2010**.

For schools built after October 12, 1988, the architect or engineer responsible for its construction must sign a statement that “no ACBM was specified as a building material in any construction document for the building, or to the best of his or her knowledge, no ACBM was used as a building material in the building.” If a 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 asbestos prior to its use as a school building if no such statement is available. If it is necessary to use a building that has not been inspected for asbestos, the building must be inspected for asbestos within 30 days after the start of such use.

The reinspection process may only be performed by a person certified by the State Department of Labor as an asbestos inspector. The reinspection does not require a new AHERA management plan; however it does require a new section in the existing plan that reflects the 2010 reinspection. This new section must be developed by a person certified by the Department of Labor as an asbestos management planner. The AHERA reinspection process is an opportune time to review the school's overall asbestos management plan. This process is the ultimate responsibility of the school's asbestos designee.

In conjunction with the AHERA triennial reinspection, New York State public schools must complete the electronic asbestos report form to the Commissioner of Education on a triennial basis – see: <http://www.forms2.nysed.gov/emsc/facplan/ahera/ahera.cfm> One **2010 AHERA Triennial Reinspection Report** form must be completed for each school building and submitted online **no later than October 1, 2010**.

For further assistance, please contact your local BOCES Health and Safety Office or the Office of Facilities Planning at emscfp@mail.nysed.gov or 518-474-3906.