



## **MOST FREQUENTLY ASKED QUESTIONS** **ASBESTOS MANAGEMENT PLANS & DESIGNATED PERSONS**

Please note that the Louisiana asbestos regulations can be found in the Louisiana Air Quality Regulations, LAC 33:III.Subchapter M. Section 5151 and LAC 33:III.Chapter 27 on the Environmental Regulatory Code web page at: <http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx>

1. **Question:** How do we eliminate a facility from the inspection rotation (periodic surveillance and re-inspection)? It has no ACM as per sampling and inspection or has been previously identified ACM Abated.

**Response:** If the building does not contain ACM, is not assumed to contain ACM (meaning that a thorough inspection was conducted and no asbestos is present), periodic surveillance is not required.

**Additional Information:** If an inspection was conducted before December 14, 1987, See LAC 33:III.2735.A.1-6.

Please note the following regulations and clarifications:

### **LAC 33:III.2735. Exclusions**

- A. "A local education agency or the state government shall not be required to perform an inspection under LAC 33:III.2707.A in any sampling area as defined in LAC 33:III.2703 or homogeneous area of a school or state building where the following conditions exist."
- B. "The exclusion, under Paragraphs A.1-4 of this Section, from conducting the inspection under LAC 33:III.2707.A shall apply only to homogeneous or sampling areas of a school building that were inspected and sampled before October 17, 1987. The local education agency or the state government shall conduct an inspection under LAC 33:III.2707.A of all areas inspected before October 17, 1987, that were not sampled or were not assumed to be ACM."
- C. "If ACBM is subsequently found in a homogeneous or sampling area of a local education agency or the state government that had been identified as receiving an exclusion by an accredited inspector under Paragraph A.3, 4, or 5 of this Section, or an architect, project engineer, or accredited inspector under Paragraph A.7 of this Section, the local education agency or the state government shall have 180 days following the date of identification of ACBM to comply with this Chapter."

### **New School built after December 12, 1988:**

**LAC 33:III.2735.A.7. Exclusions:** An architect or project engineer responsible for the construction of a **new school building built after October 12, 1988**, or an accredited inspector signs 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. The local education agency or the state government shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the Office of Environmental Services and shall include the statement in the management plan for that school or state building.

**LAC 33:III.2707.B. Re-inspection:**

LAC 33:III.2707.B.1. “At least once every three years after a management plan is in effect, each local education agency shall conduct a re-inspection **of all friable and non-friable known or assumed ACBM in each building** that they lease, own, or otherwise use.”

**Response:** If the school or state building has been abated, and a re-inspection has confirmed that there is **no friable and non-friable known or assumed ACBM in each building, a re-inspection is no longer required.** Note in the management plan all of the information contained in the re-inspection, including the inspection report, sampling and analysis report, inspector’s name, address, contact information, including telephone number and email address, etc. The Management Plan must be at the building administrative office with all of the information, including thorough inspection report so that an LDEQ inspector or the public, etc. may review the document.

**LAC 33:III.2707. Inspections and Reinspections:**

**Note:** Schools and state owned, leased or otherwise used buildings are required to perform a six month periodic surveillance.

**Three year re-inspections are required only for schools.**

**LAC 33:III.2723.B. Periodic Surveillance:**

“At least once every six months after a management plan is in effect, each local education agency or the state government shall conduct periodic surveillance in each building that it leases, owns, or otherwise uses as a school or state building **that contains ACBM or is assumed to contain ACBM.**”

2. **Question:** What is required for an owner to provide a new owner (non-school owner) of a facility that contains ACM? Should they provide them with a copy of the current Management Plan?

**Response:** Yes. If the school remains a school, or state building, the new owner needs to submit a letter to LDEQ notifying us of the change. In addition, they should verify that the management plan is current. A designated person needs to be assigned to perform the periodic surveillance. If the designated person determines that the management plan is not current, the school should hire an inspector / management planner to correct it.

**If the new owner is not a school, or state owned or leased building, the new owner needs to submit a letter to LDEQ notifying us of the change. The management plan**

should be archived. A copy of the entire management plan may be submitted to LDEQ to file in EDMS.

3. **Question:** If a worker is trained in 16 hours of Operations and Maintenance Training, what is required to keep up with the training? Are they required to have annual training?

**Response:** No. Regarding LAC 33:III.2719.Operations and Maintenance, this is a one-time training. The school is required to maintain the records as part of the management plan.

4. **Question:** If a worker has received two hours of Awareness Training, are they required to receive annual training?

**Response:** No. This is a one-time training. The school is required to maintain the records as part of the management plan.

5. **Question:** What does the owner do with ACM floor tiles that have come loose and are non-friable? We have recommended that they collect, note locations, date, bag properly, and store at a common place. Disposal will occur when an abatement project is conducted and have this material added to the disposal manifest. What kind of record keeping should be done in the management plan?

**Response:** Implement the school's O&M plan in accordance with LAC 33:III.2719.D, and ensure that the staff is trained in accordance with LAC 33:III.2721.

The tiles may be disposed in the manner you stated above, however, the bags should be properly labeled & stored in a secure location, where the public does not have access .

**LAC 33:III.2725.A:** "For each homogeneous area where all ACBM has been removed, the local education agency or the state government shall ensure that such records are retained for three years after the next re-inspection required under LAC 33:III.2707.B.1, or for an equivalent period."

**LAC 33:III.2725.B.1-2:** "For each preventive measure and response action taken for friable and non-friable ACBM and friable and non-friable suspected ACBM assumed to be ACM, the local education agency or the state government shall provide..." (**Review 2725.B.1-2.**)

See LAC 33:III.2725.C-I Recordkeeping, for further information.

6. **Question:** What are the responsibilities and training of a designated person?

**Response:** **The Local Education Agency (LEA), state, or local government responsibilities are located in LAC 33:III.Chapter 27 of the Louisiana Air Quality Regulations:** <http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx>

#### **§2705. General Local Education Agency, State, or Local Government Responsibilities**

A. Each local education agency or the state government shall:

1. ensure that the activities of any persons who perform inspections, reinspections, and periodic surveillance; develop and update management plans; and develop and implement response actions, including operations and maintenance, are carried out in accordance with this Chapter;

2. ensure that all custodial and maintenance employees are properly trained as required by this Chapter and other applicable federal and/or state regulations (e.g., the Occupational Safety and Health Administration asbestos standard for construction, the EPA worker protection rule, or applicable state regulations);

3. ensure that workers and building occupants, or their legal guardians, are informed at least once each year about inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress;

4. ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school or state building are provided information regarding the locations of ACBM and suspected ACBM assumed to be ACM;

5. ensure that warning labels are posted in accordance with LAC 33:III.2727;

6. ensure that management plans are available for inspection and that notification of such availability has been provided as specified in the management plan under LAC 33:III.2723.F;

**7. designate a person to ensure that requirements under this Section are properly implemented;**

8. ensure that the **person designated** under Paragraph A.7 of this Section **receives training from a recognized instructor to perform duties assigned** under this Section. Such **training shall provide**, as necessary, basic knowledge of:

a. health effects of asbestos;

b. detection, identification, and assessment of ACM;

c. options for controlling ACBM;

d. asbestos management programs; and

e. relevant federal and state regulations concerning asbestos, including those in this Chapter, in Subchapter M of LAC 33:III.Chapter 51, and those of the Occupational Safety and Health Administration, U.S. Department of Labor, the U.S. Department of Transportation, and the U.S. Environmental Protection Agency;

9. consider whether any conflict of interest may arise from the interrelationship among accredited personnel and whether that should influence the selection of accredited personnel to perform activities under this Section.

**A list of La. Asbestos Training Providers that teach designated person training is on the Asbestos web site: <http://www.deq.louisiana.gov/portal/tabid/2883/Default.aspx>. Those specific to the responsibilities of the Designated person are noted below:**

**§2707. Inspection and Reinspections**

**A. Inspection:**

**An accredited asbestos Inspector must:**

f. record the following and submit to the person designated under LAC 33:III.2705 a copy of such record for inclusion in the management plan within 30 days of the inspection:

i. an inspection report with the date of the inspection signed by each accredited person making the inspection;

ii. an inventory of the locations of the homogeneous areas where samples are collected, exact locations where each bulk sample is collected, dates that samples are collected, homogeneous areas where friable suspected ACBM is assumed to be ACM, and homogeneous areas where nonfriable suspected ACBM is assumed to be ACM;

iii. a description of the manner used to determine sampling locations, and the name and signature of each accredited inspector who collected the samples and their inspector accreditation numbers;

iv. a list of whether the homogeneous areas identified under Subparagraph A.4.d of this Section are surfacing material, thermal system insulation, or miscellaneous material; and

v. assessments made of friable material, the names and signatures of all accredited inspectors making the assessment, and their inspector accreditation numbers.

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**B. Reinspection:**

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h. record the following and submit to the person designated under LAC 33:III.2705 a copy of such record for inclusion in the management plan within 30 days of the reinspection:

i. the date of the reinspection, the name and signature of the person making the reinspection, state of accreditation, his or her accreditation number, and any changes in the condition of known or assumed ACBM;

ii. the exact locations where samples are collected during the reinspection, a description of the manner used to choose sampling locations, the name and signature of each accredited inspector who collected the samples, and his or her accreditation number; and

iii. any assessments or reassessments made of friable material, the name and signature of the accredited inspector making the assessments, and his or her accreditation number.

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## **§2721. Training and Periodic Surveillance**

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### **B. Periodic Surveillance**

1. **At least once every six months** after a management plan is in effect, each local education agency or the state government shall **conduct periodic surveillance** in each building that it leases, owns, or otherwise uses as a school or state building that contains ACBM or is assumed to contain ACBM.

2. **Each person performing periodic surveillance shall:**

a. visually inspect all areas that are identified in the management plan as ACBM or assumed ACBM;

b. record the date of the surveillance, his or her name, and any changes in the condition of the materials; and

c. submit to the person designated to carry out general local education agency or state government responsibilities under LAC 33:III.2705 a copy of such record for inclusion in the management plan.