

Consortium of Northeast States

www.epa.gov/asbestos *and* www.nelar.net/cones.aspx



ASBESTOS MANAGEMENT IN SCHOOLS



Information on Compliance with AHERA Requirements for Superintendents of Schools, Headmasters, Directors, Asbestos Inspectors & Management Planners

Contact your state's asbestos program
or visit the program's website

Revised May 17, 2007

Ct Dept. of Public Health
[www.dph.state.ct.us/
BRS/Asbestos/
asbestos_program.htm](http://www.dph.state.ct.us/BRS/Asbestos/asbestos_program.htm)
(860) 509-7367



Maine Dept. of Environmental Protection
[www.maine.gov/dep/rwm/
asbestos/asbestosinschools.htm](http://www.maine.gov/dep/rwm/asbestos/asbestosinschools.htm)
(207)287-7751

MA Division of Occupational
Safety
www.mass.gov/dos
(617) 969-7177



NH Dept. of Environmental Services
[www.des.nh.gov/ard/
asbestos.htm](http://www.des.nh.gov/ard/asbestos.htm)
(603) 271-4555

NJ DH&SS
www.state.nj.us/health/eoh/leadasb
(609)631-6749



New York
www.emsc.nysed.gov/facplan
(518) 474-3906
[www.labor.state.ny.us/
workerprotection/safetyhealth/
dosh_asbestos.shtm](http://www.labor.state.ny.us/workerprotection/safetyhealth/dosh_asbestos.shtm)
(518)457-1255



RI Dept of Health Asbestos Program
[www.health.ri.gov/environment/
occupational/asbestos/index.php](http://www.health.ri.gov/environment/occupational/asbestos/index.php)
(401) 222-3601



VT Dept. of Health
[www.healthvermont.gov/enviro/
asbestos/asbestos.aspx](http://www.healthvermont.gov/enviro/asbestos/asbestos.aspx)
800-439-8550



The Consortium of Northeast States (CONES) has developed this guidance to help Local Education Agencies (LEA's) achieve compliance with the **Asbestos-Containing Materials in Schools** regulation (**40 CFR Part 763**).

These regulations, in effect since 1986, require that public and not-for-profit non-public, elementary and secondary schools be inspected to determine the presence of asbestos-containing building materials (ACBM) and that asbestos management plans be developed as a result of those inspections.

Each of the CONES states (Connecticut, [Maine](#), [Massachusetts](#), [New Hampshire](#), [New Jersey](#), [New](#)

[York](#), [Rhode Island](#), and [Vermont](#)) has been designated by the Environmental Protection Agency to implement the AHERA program. [Contact your state program to find out if your state has any additional requirements for the management of asbestos in schools.](#)

Over the past decade, the CONES states have conducted audits of school asbestos management plans in order to determine regulatory compliance. Several key requirements have been identified during the course of these inspections as critical to ensuring that the school asbestos management plan remains properly updated. The most common items cited for non-compliance are presented below.

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 specific background knowledge the designated person must have. This document can be downloaded from this link: <http://www.epa.gov/region2/ahera/e23.pdf>
- *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.*
- *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.*

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.

- *Tri-ennial 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 AND ANY RESPONSE ACTIONS TAKEN OR PLANNED.



- *This notice must be dated and a copy placed in the AMP.*
- *The AMP must describe the steps taken to notify. Acceptable methods of notification include placing a notice in the school handbook, mailing a letter to each household, or placing an ad in a local paper.*

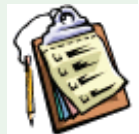


Periodic Surveillance

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 written surveillance form must be part of the AMP records.*



Custodial & Maintenance Training and Short-Term Worker Notification

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.



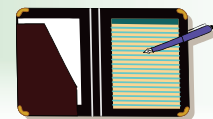
- *Maintenance and custodial staff conducting any activities that will result in the disturbance to ACBM must receive an additional fourteen (14) hours of training.*
- *The LEA must ensure that new custodial and maintenance employees are trained within sixty (60) days after commencement of employment.*
- *The LEA must ensure that short-term workers who may come in contact with asbestos (e.g., utility repair workers) are informed of the location of ACBM.*



Recordkeeping Requirements

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;*
- *a copy of all reports on response actions taken; and*
- *a copy of the updated management plan in each school.*



Compliance/Enforcement



THE CONES MEMBER STATES ARE COMMITTED TO PROVIDING ASSISTANCE TO LEAS TO ENSURE COMPLIANCE WITH REGULATORY REQUIREMENTS. **While it is the goal of CONES 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. Contact your state's Asbestos Program for more information.**

State of Connecticut Department of Public Health

Asbestos Management in Schools

July 2003
Updated 7/07

Inside

- NESHAP inspection
- Presence of asbestos in an area to be renovated
- Asbestos abatement and recordkeeping requirements
- Inventory of records an LEA must incorporate into the Asbestos Management Plan

For More Information

**Contact the DPH
Asbestos
Program**

(860) 509-7367

This newsletter is the second in a series of newsletters produced by the Connecticut Department of Public Health (DPH) concerning the management of asbestos-containing materials in schools.

Pre-Construction Considerations

Many public and private schools need to be renovated to meet the demands of expanding enrollments, to satisfy building and fire code requirements, or simply to modernize existing facilities. Any renovation project that may impact asbestos-containing materials will first require the abatement of the affected materials.

This newsletter serves to highlight specific regulatory requirements related to pre-construction inspections and asbestos abatement activities.

Pre-Renovation and Pre-Demolition Inspections

The DPH "Asbestos-Containing Materials in Schools" regulation (**Section 19a-333-1 to Section 19a-333-13 of the Regulations of Connecticut State Agencies**) requires that all public and non-public, elementary and secondary schools be inspected to determine if asbestos-containing building materials are present. This requirement also extends to all temporary facilities or newly acquired facilities used by a school system.

Following this inspection, an asbestos management plan must be developed and maintained in the school, as well as a duplicate copy of the plan maintained at a central office (Facilities Management, Superintendent's Office, etc.)

Inspections that are conducted to meet the requirements of this regulation are typically non-destructive in nature and will only characterize the asbestos content of accessible building materials. Inaccessible areas, such as bathroom plumbing walls, multiple flooring layers, and spaces behind fixed walls and ceilings are typically not included in the asbestos management plan.

Copies of the regulations enforced by the DPH, Asbestos Program are available on the Program web page. Go to <http://www.ct.gov/dph>, click on "Programs and Services", then **Asbestos Program**.

Federal Requirements Under the NESHAP Regulation

The Asbestos “National Emission Standards for Hazardous Air Pollutants” (NESHAP) is a federal regulation (**40 CFR Part 61, Subpart M**) promulgated by the U.S. Environmental Protection Agency (EPA) that also applies to schools and other facilities.

This federal regulation requires that a *thorough inspection* be conducted to determine if asbestos is present before commencement of any renovation or demolition activity.

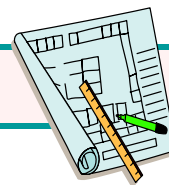
In order to achieve compliance with the EPA asbestos NESHAP requirements, an inspection that is destructive in nature is often needed to augment an inspection performed under the “Asbestos-Containing Materials in Schools” regulation.

This “NESHAP” inspection only applies to materials that will be impacted by the renovation or demolition activity, but would include an assessment of building materials located in inaccessible areas such as those materials found within wall cavities, multi-layers of flooring or materials in areas above permanent ceilings.

This inspection would also include an assessment of those asbestos-containing materials not recognized under the “Asbestos-Containing Materials in Schools” regulation such as blackboard or tack board adhesives, laboratory tables, and roofing materials. An asbestos consultant (either licensed by the DPH as an Inspector or Inspector/Management Planner) must perform this NESHAP inspection. The results of this type of inspection should be incorporated into the school asbestos management plan.

“Abatement means the removal, encapsulation, enclosure, renovation, repair, demolition or other disturbance of asbestos-containing materials...”¹

What To Do If Asbestos Is Identified?



Asbestos Abatement

Asbestos abatement must be performed before the commencement of renovation or demolition activities that would otherwise result in the disturbance of asbestos-containing materials.

A DPH licensed asbestos abatement contractor must perform asbestos abatement that involves more than three (3) linear feet or more than three (3) square feet of asbestos-containing material

Notification of asbestos abatement to the DPH is required for asbestos abatement involving more than ten (10) linear feet or more than twenty-five (25) square feet of material. Such notification must be postmarked or hand delivered at least ten (10) days prior to the start of asbestos abatement.

In the case of an emergency requiring asbestos abatement, the notification must be postmarked or hand delivered within **one (1) working day** after the start of the asbestos abatement.

NOTE: Section 19a-333-7(a) of the “Asbestos-Containing Materials in Schools” regulation requires that “no asbestos abatement shall occur while school is in session without prior written approval of the DPH.”



REVIEW THE ASBESTOS MANAGEMENT PLAN AND PROJECT DESIGN AND HIRE CT LICENSED ASBESTOS CONTRACTORS AND CONSULTANTS

¹ (Section 19a-332a-1(d) Regulations of CT State Agencies)



Recordkeeping Requirements

DPH regulations require that certain records be kept in association with asbestos abatement activities. Local Education Agencies (LEAs) should be aware of these requirements and make certain that these records are incorporated in the school asbestos management plan. Both the “Asbestos-Containing Materials in School” regulation and the “Standards for Asbestos Abatement” regulation require that records be retained. The records that must be retained are summarized as follows:

Asbestos-Containing Materials in Schools Regulation

A **response action** is defined as a method, including removal, encapsulation, repair, and operations and maintenance, that protects human health and the environment from friable asbestos-containing building material. For each response action taken to address such material, the LEA shall maintain as part of its management plan the following:

- *A detailed written description of the measure or action, including methods used;*
- *The location where the measure or action was taken;*
- *The reasons for selecting the measure or action;*
- *The start and completion date of the work;*
- *The names and addresses of all contractors involved and if applicable, their state of accreditation and accreditation numbers;*
- *If asbestos-containing building material is removed, the name and location of the disposal site of the material;*
- *The name and signature of the person collecting air samples at the completion of the response action;*
- *The location where air samples were collected and the date of collection;*
- *The date of the analysis of the air samples and the results of the analysis;*
- *The method of analysis of the air samples, the name and signature of the person performing the analysis, and a statement by the laboratory that it is accredited in accordance with applicable regulatory requirements.*

TAKE THE TIME TO REVIEW THE RECORDS ASSOCIATED WITH ASBESTOS ABATEMENT AND TO ENSURE THAT THEY ARE INCLUDED IN THE AMP



Standards for Asbestos Abatement Regulation

An asbestos abatement project is defined in the “Standards for Asbestos Abatement” regulation as any asbestos abatement performed within a facility involving more than three (3) linear feet or more than three (3) square feet of asbestos-containing material. For each asbestos abatement project, the asbestos abatement contractor shall record the following information. A copy of these records shall be provided to the facility owner and should be incorporated into the school asbestos management plan. The LEA and asbestos contractor are required to retain these records for a minimum of thirty (30) years following completion of any project.

(continued on back page)

The DPH is committed to providing assistance to ensure compliance with regulatory requirements. LEAs, licensed asbestos abatement contractors, and licensed consultants are encouraged to keep these regulatory requirements in mind during construction and abatement activities. Entities or individuals that fail to comply with existing regulatory requirements will be subject to enforcement action. Please visit the program web page for forms, guidance materials and links to regulations and other sites of interest.

<http://www.ct.gov/dph/site/default.asp>



REFERENCE INFORMATION ON ASBESTOS



LINK: http://www.atsdr.cdc.gov/asbestos/more_about_asbestos/other_resources/

continued from page 3 (Recordkeeping for Standards for Asbestos Abatement)

- *A log of control of access to the work area;*
- *All records for compliance with the requirements of the Department of Labor, Occupational Safety and Health Administration (OSHA), the Department of Environmental Protection, and the U.S. Environmental Protection Agency regulations;*
- *Documentation to demonstrate compliance with the post abatement reoccupancy criteria of the Standards for Asbestos Abatement regulation;*
- *The starting and completion dates of the project;*
- *A summary of the procedures used to comply with the Standards for Asbestos Abatement;*
- *The location and description of the project and the estimated amount and type of asbestos involved;*
- *The name and address of the authorized asbestos disposal facility and verification of disposal indicating the amount of asbestos received;*
- *The methodology and results of all air sampling conducted during the abatement process;*
- *A complete list of the names and social security numbers of asbestos abatement workers, asbestos abatement site supervisors and other agents involved in the abatement activity and working for the asbestos contractor on the project and individuals entering the enclosed work area.*

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Summer 2004



410 Capitol Avenue
MS #51 AIR
Hartford, CT. 06134-0308

Phone: 860-509-7367
Fax: 860-509-7378

FOCUS

on

Asbestos in Schools

Regulations of CT State Agencies, "Asbestos-in-Schools", Sections 19a-333-1 through 13 **General Local Education Agency (School or School District) Responsibilities:**

- An Asbestos Management Plan (AMP) must be developed by a licensed Inspector and Management Planner, submitted to this Department for review, and approved prior to facility use.
- The complete and up-to-date AMP must be on file at each school and in the central administration building -This includes information (I.E., RECORDKEEPING) on:

- *Surveillance of all accessible ACBM (every 6 months), performed by individual with a minimum of 2 hour awareness training*
- *Response actions (logs, laboratory reports, designs, etc.), any repair (operations & maintenance activities, preventive maintenance, small-scale, short duration activities, fiber release episodes, cleaning, removal, reinspections, periodic surveillance, dated copies of the notification to parents and staff of the availability of the AMP, and training of maintenance and custodial personnel*
- *Annual notification to parents and staff of the availability of the AMP*
- *Reinspection required 3 years after implementation; done by a licensed Inspector/Management Planner*
- *Training for custodial and maintenance staff who will be working in a building with asbestos-containing materials*
- *Receive two-hour asbestos awareness training; new employees must be trained within 60 days of employment*
- *Warning labels placed in all routine maintenance areas adjacent to known and assumed ACBM*

The labels must be prominently displayed in readily visible locations, must be in print that is readily visible due to its large size or bright color, and must remain posted until the ACBM that is labeled is removed. The warning label must read:

**CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB
WITHOUT PROPER TRAINING AND EQUIPMENT.**

The LEA must appoint a person to administer the Asbestos Management Plan to ensure the responsibilities of the school (or school district) are carried out in full accordance with the regulations. Often this person is referred to as the "Designated Person" ("DP"). The DP SHOULD BE QUALIFIED TO ADDRESS ANY QUESTIONS OR CONCERNS EXPRESSED BY THE PARENTS AND STAFF PERTAINING TO ASBESTOS ISSUES IN THEIR PARTICULAR SCHOOL BUILDINGS.

Designated person training must include the following:

- *health effects of asbestos*
- *detection, identification, and assessment of ACM*
- *options for controlling ACBM*
- *asbestos management programs*
- *knowledge of relevant federal and state regulations*
- *inspection and sampling of suspect material*



ASBESTOS PROGRAM ON THE INTERNET

<http://ct.gov/dph/site/default.asp>

click on Environmental Health

**AHERA
Asbestos
Hazard
Emergency
Response
Act**



In 1986, the Asbestos Hazard Emergency Response Act (AHERA) was signed into law. AHERA requires the inspection of public and private non-profit primary and secondary schools for the presence of asbestos-containing materials. Asbestos management plans (AMPs) must be developed and approved prior to the use or occupancy of a facility as a school building. Schools must maintain copies of the AMP at the school and at their central administration office.

CT Asbestos in Schools regulations are as stringent as the Environmental Protection Agency (EPA) published regulations (40 CFR, Part 763). CT regulations have additional requirements to the AHERA regulations as highlighted below:

Reminder: Prior to any renovation or demolition activity, there must be an asbestos inspection (NESHAP) of the impacted area. This must be performed by a licensed asbestos inspector. If ACBM is found in that area, then it must be removed prior to the renovation or demolition.

- Asbestos abatement **may not** be performed when school is in session without prior written authorization by the Department of Public Health (DPH)
- Three-year reinspection must be conducted within three years, signed by the Inspector and Management Planner on the form prescribed by the State of CT and submitted to DPH (by LEA) within 30 days of reinspection. **A copy must be retained in the AMP.**
- During reinspection, any previously unsampled ACBM identified as newly **friable** ACBM must be sampled. Any previously unidentified material that is nonfriable is not required to be sampled, just added to the management plan. **REPLACEMENT MATERIALS SHOULD BE CONSIDERED SUSPECT UNLESS MSDS MATERIALS ARE MAINTAINED.**
- Warning labels shall be posted in routine custodial areas in a **bilingual form** whenever it is determined that a significant student and/or employee population requires a translated format.



Local Education Agency Guidance

Designated Person's Self-study guide



http://www.ct.gov/dph/LIB/dph/environmental_health/asbestos/pdf/dpslfsty.pdf



Information for Parents, Teachers and Other School Employees

20 Frequently Asked Questions About Asbestos in Schools - September 2003

[PDF version] <http://www.epa.gov/asbestos/pubs/ais20quests.pdf>

[HTML version] <http://www.epa.gov/asbestos/pubs/aherafaq.html>

ABCs of Asbestos [PDF] - October 2003 <http://www.epa.gov/asbestos/pubs/abcsfinal.pdf>

ENVIRONMENTAL HEALTH SERVICES @ DPH

HEALTHY ENVIRONMENTS IN SCHOOLS

<http://www.ct.gov/dph/cwp/view.asp?a=3140&q=387420>
(860) 509-7742

CDC, National Center for Environmental Health

<http://www.cdc.gov/health/asbestos.htm>



Updated 9/07

Environmental Protection Agency

1 Congress St. Suite 1100

Boston, MA 02114-2023

http://www.epa.gov/asbestos/pubs/asbestos_in_schools.html

<http://www.epa.gov/region01/>

Toll free within Region 1: (888) 372-7341

Phone: (617) 918-1111 Fax: (617) 565-3660



*PREPARING ASBESTOS MANAGEMENT PLANS FOR NEWLY
CONSTRUCTED, ACQUIRED, OR LEASED
SCHOOL BUILDINGS*

Summer 2007 Newsletter No. 4



GUIDANCE FOR CONNECTICUT SCHOOLS

The Connecticut Department of Public Health (DPH) is responsible for ensuring that each Local Education Agency (LEA) properly manages asbestos-containing material (ACM) in school buildings under the provisions of the Connecticut General Statutes and the Regulations of Connecticut State Agencies (RCSA).

Each LEA must satisfy the requirements of the **Asbestos Containing Materials in Schools** regulation (Section 19a-333-1 to Section 19a-333-13 of the RCSA). These regulations require that all public and non-public, not for profit elementary and secondary schools (K-12) be inspected to determine the presence of **asbestos-containing building materials (ACBM)** and that **asbestos management plans (AMPs)** be developed as a result of those inspections.

The Toxic Substances Control Act of Title II of the Toxic Substances Control Act (TSCA), also known as the **Asbestos Hazard Emergency Response Act (AHERA)**, 40 CFR Part 763, signed into law on October 30, 1986, requires the LEA to include information in the management plan on any new building leased or otherwise acquired after October 12, 1988 **prior to its use** as a school building. Connecticut has been granted a waiver to enforce the federal asbestos school regulations and is funded by the EPA under a cooperative agreement to ensure compliance with the AHERA regulations.

The LEA must ensure that an AMP is developed, submitted and approved by the DPH for each "school building" that it leases, owns or otherwise uses as a school building, as defined by the regulations governing asbestos in schools.

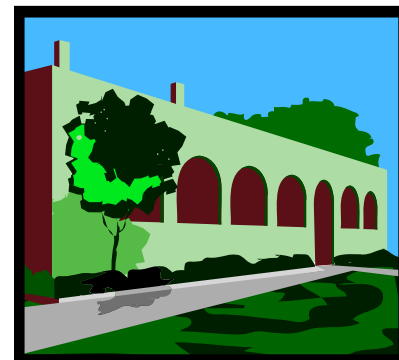
One of the responsibilities of the LEA is to ensure that the AMP is kept current and up to date, particularly if the LEA has acquired a new building. This building could be one that is leased, renovated by an expansion or addition, or a temporary location.

School buildings or portions of the building that are constructed after October 12, 1988 may be excluded from the inspection requirement of Section 19a-333-3 provided that the following documentation is available:

- A written statement from the architect or project engineer responsible for the construction stating that no known asbestos-containing material (ACM) was used in the construction of the building, **or**
- A signed statement from a Connecticut licensed asbestos inspector stating that

to the best of his or her knowledge, no known, suspect, or assumed ACM is present in the building.

An AMP must be submitted to the DPH for approval for each new building utilized as a school building, regardless of whether asbestos is present in the building.





What must be included in the management plan?



In addition to the statement provided, the AMP for each school building excluded from the inspection requirement of Section 19a-333-3 must include the following documentation:

1. The name, address and phone number of the designated person (DP);
2. DP course information including name of course, number of instructional hours and the date of asbestos training **and**
3. A true and correct statement of assurance **signed** by the DP that the LEA's responsibilities have been or will be met;
4. A copy of the annual notification addressed to parents/guardians and staff informing of the availability of the AMP and description of the steps taken to provide this annually;

Required Information (*Subsection 19a-333-10 (e)*, (as applicable)- including name and address of the school, name of Inspector/Management Planner and his or her signature, current accreditation and CT license number; and the Management Planner name, signature accreditation, and CT license number.

The LEA is responsible for maintaining a "complete, and up-to-date" AMP after the plan has been approved by the DPH, in compliance with Section 19a-333-10(d).

Each LEA is encouraged to review its inventory of newly constructed, acquired or leased school buildings to ensure that there is a corresponding AMP for the building, which has been approved by the DPH.



FOR MORE
INFO



410 Capitol Avenue
MS #51 AIR
P.O. Box 340308
Hartford, CT.
06134-0308

Phone: (860) 509- 7367

Fax: (860) 509-7378



<http://www.ct.gov/dph> Click on "Programs and Services," then on "Asbestos Program"
Licensure Verification

<http://www.dir.ct.gov/dph/Scripts/hlthprof.asp>



CONSORTIUM OF NORTHEAST STATES

www.epa.gov/asbestos and nlar.net/cones.aspx



Asbestos in Schools

http://www.epa.gov/asbestos/pubs/asbestos_in_schools.html

Healthy School Environments

<http://www.epa.gov/schools/>

TSCA- AHERA Regulations

http://www.access.gpo.gov/uscode/title15/chapter53_.htm

CT DEP- link re: asbestos waste: http://www.ct.gov/dep/cwp/view.asp?a=2709&q=324202&depNav_GID=1643

