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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RYAN JACKSON, MAJORITY STAFF DIRECTOR
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March 31, 2015

The Honorable Governor Robert Bentley
600 Dexter Avenue
Montgomery, AL 36130

Dear Governor Bentley,

In 1986 Congress enacted the Asbestos Hazard Emergency Response Act (AHERA) to protect students, teachers, and other employees from the dangers of asbestos hazards in school buildings. As implementation of this law approaches the thirty year mark, the extent of asbestos hazards remaining in schools across the nation is largely unknown. We think it is an appropriate time to assess how the law is being implemented in each state and whether any legislative or other reforms are needed.

Please answer the following questions by May 15, 2015 as they relate to AHERA implementation in Alabama.

Scope of Asbestos Hazards in Schools

1. How many local education agencies in your state are subject to AHERA? Please provide a list of the local education agencies subject to AHERA and identify the number of school buildings in each.
2. How many local education agencies in your state have conducted an initial asbestos inspection of all buildings owned, leased, or used as school buildings as required by AHERA?
3. How many local education agencies in your state have been identified as having school buildings that harbor asbestos-containing materials? Please provide a list of those local education agencies and provide the number of school buildings in each that have been identified as harboring asbestos-containing building materials.

Awareness and Monitoring of Asbestos Hazards in Schools

4. How frequently do local education agencies report AHERA compliance information to the State?
5. How many local education agencies in your state have prepared and submitted asbestos operation and management (O&M) plans as required by AHERA regulations (40 C.F.R. §763.91)?
6. How many local education agencies in your state have prepared and submitted asbestos management plans as required by AHERA regulations (40 C.F.R. §763.93)?
7. How many local education agencies in your state have conducted the periodic inspections as required by AHERA regulations? Please provide a list of those local education agencies and the number of school buildings in each for which periodic inspections have not been conducted.
8. How often does your State conduct inspections and/or audits of each local education agency for their compliance with AHERA? Please provide the dates of state inspections and/or audits since 2010.
9. For each of the past five (5) years, what were the annual costs of your State's implementation and enforcement of AHERA?

10. Have any local education agencies in your state been issued penalties for noncompliance with AHERA? If so, please describe these occasions.
11. Has your State ever taken an emergency action against any local education agencies for noncompliance with AHERA? If so, please describe these occasions and their outcomes.
12. How many complaints or informant tips about alleged AHERA violations has your state received from parents, teachers, students, janitorial staff, etc. each year since AHERA became law in 1986?

Asbestos Abatement Status

13. Of the local education agencies known to have or have had buildings with asbestos-containing material, how many local education agencies have completed full abatement of the asbestos hazards? By "full abatement" we mean full removal of the asbestos hazards and not management in place through encapsulation, enclosure, or other means.
 - a. Please provide a list of the local education agencies that have completed full abatement and the date upon which the abatement was completed.
 - b. Please provide a list of those local education agencies that have *not* fully abated known asbestos hazards and the number of school buildings in each that continue to harbor asbestos-containing materials.

Asbestos Accreditation, Training, and Licensure

14. Did your State adopt the EPA's Model Accreditation Plan (*i.e.*, the EPA's template establishing definitions, training, examinations, continuing education, qualifications, recordkeeping, deaccreditation, reciprocity, and electronic reporting as set forth in 40 C.F.R. Pt. 763, SubPt. E, App. C) to ensure contractors, inspectors, and other professionals are adequately trained to handle asbestos-containing materials safely? If not, please describe the differences of your State's accreditation plan as compared with EPA's.
15. How does your State verify that professionals conducting asbestos-related work (such as building inspections, abatement projects, etc.) are properly accredited?
16. In addition to AHERA requirements for accreditation of contractors and laboratories, does your State require any professionals to be licensed to perform asbestos-related work? If so, please describe the requirements for licensure, penalties for doing asbestos-related work without a license, and disciplinary procedures for not performing asbestos-related work in conformity with professional standards in your State. Provide appropriate citations to State statutes when applicable.

Asbestos Notifications to Parents, Teachers, and Staff

17. Does your State have a template notification letter for use by local education agencies to provide parents, teachers, and staff annual notifications about asbestos management plans? If so, please provide a copy.
18. How many local education agencies have provided annual notification letters to parents, teachers, and staff each year since 2010?
 - a. Please provide a list of the local education agencies that have provided annual notification letters to parents, teachers, and staff each year since 2010.
 - b. Please provide a list of the local education agencies that have *not* provided annual notification letters to parents, teachers, and staff each year since 2010.

Reporting to EPA

19. What information related to AHERA and asbestos hazards in schools does your State report to the EPA? How frequently does this reporting occur?

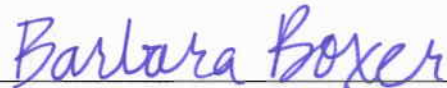
20. Does your State receive grant funding to assist in the enforcement of AHERA (e.g., funding to conduct inspections)? If so, please describe the funding amount, funding period, and reporting requirements.

Thank you very much for your consideration of this matter. If you have any questions, please contact Dr. Jennifer Wagner or Dr. Michal Freedhoff at 202-224-2742.

Sincerely,



Edward J. Markey, Ranking Member
Subcommittee on Superfund, Waste
Management, and Regulatory Oversight



Barbara Boxer, Ranking Member
Committee on Environment and Public
Works