



State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY

May 15, 2015

United States Senate
Committee on Environment and Public Works
Washington, DC 20510-6175

Re: Asbestos Hazard Emergency Response Act (AHERA) Request dated March 31, 2015

Dear Senators Markey and Boxer,

The State of Louisiana has a history of taking proactive measures in addressing asbestos issues in schools. In 1985, the Louisiana School Asbestos Abatement Act (R.S. 30:2344) authorized the Louisiana Department of Environmental Quality (LDEQ) to develop regulations providing for the identification and abatement of friable-containing materials in schools. In 1988, the legislature extended the LDEQ's authority (R.S. 40:1749) to develop regulations establishing a program to detect and properly abate asbestos in public buildings. In accordance with these laws, the LDEQ promulgated the Asbestos-containing Materials in School Rule and the Model Accreditation Plan, which included expanding the definition of a school to include Kindergarten through post-graduate. LDEQ regulations were updated in 1994 to reflect changes with federal law and in 1995 the State was granted a waiver status from the federal government for having regulations equivalent to or stricter than federal requirements.

The LDEQ's goal in implementation of the federal Asbestos Hazard Emergency Response Act (AHERA) program is to reduce public exposure to asbestos hazards in schools through compliance monitoring and public outreach. The Department ensures this goal is met by operating an accreditation program; training organization recognition program; conducting inspections, providing compliance assistance and issuing enforcement actions as needed. The LDEQ also responds to asbestos-related complaints in schools and participates in outreach to keep the public and school officials informed of asbestos hazards.

Over the past ten years, the LDEQ has conducted 1,492 asbestos management plan inspections, 3,353 asbestos renovation and demolition inspections at schools, and 165 asbestos complaint related inspections at schools. For the previous five years, 29 enforcement actions were issued to Local Education Agencies (LEA) and 6 enforcement actions were issued to contractors for asbestos related violations. The Department issues approximately 2,988 accreditations/year.

Prior to occupying a building, an Asbestos Management Plan is required to be submitted by a school or LEA to LDEQ for review. LDEQ reviews and approves the management plans for compliance with the regulations. These management plans must be maintained on-site by the schools and available for inspection by LDEQ. The schools are required to conduct initial inspections and, when asbestos is

present, re-inspections every three years and periodic surveillance at least once per six months. Records of these inspections are maintained in the management plan.

Currently, LDEQ receives \$137,000 from EPA Region 6 to conduct AHERA asbestos inspections, enforcement, and accreditation activities. LDEQ matches the grant with \$45,667. The grant does not cover the full cost of enforcing AHERA. Over the past five years the cost of conducting AHERA inspections (Asbestos Management Plan and asbestos removal inspections) has exceeded \$350,000 per year.

The AHERA grant report is sent quarterly to EPA Region 6. LDEQ reports the following information on a quarterly basis:

- a. accreditations processed,
- b. training provider letters of deficiency submitted,
- c. K-12 School Local Education Agency (LEA) management plans reviewed,
- d. Public outreach (walk-in, mailed, or emailed),
- e. annual Asbestos Conference (date and no. of attendees),
- f. other presentations/conferences/booths set up for public, and
- g. K-12 School (LEA) management plan inspections.

The LDEQ's asbestos regulations are contained in the Environmental Regulatory Code, Title 33, Part III. Chapter 27 and Chapter 51. They can be found at LDEQ's public website at the following link, <http://www.deq.louisiana.gov/portal/DIVISIONS/LegalAffairs/RulesandRegulations.aspx>.

The number of elementary and secondary schools can be found on the Louisiana Department of Education (LDOE) website at the following link: <http://www.louisianabelieves.com/schools>. For FY 14, the total number of schools on the LDOE website totals 1,795.

The State of Louisiana appreciates the opportunity to comment on our elementary and secondary schools asbestos program. If you have any further questions, please contact Chance McNeeley, Assistant Secretary of LDEQ's Office of Environmental Compliance or Tegan Treadaway, Assistant Secretary of LDEQ's Office of Environmental Services at (225)219-3953.

Sincerely,

A handwritten signature in black ink that reads "Peggy M. Hatch". The signature is written in a cursive style and is enclosed within a hand-drawn circular scribble.

Peggy M. Hatch
Secretary