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Asbestos-Containing Materials in Schools

Sec. 19a-333-1. Definitions, as used in sections 19a-333-1 through 19a-333-13

(a) “Act” means the federal Toxic Substances Control Act (TSCA), 15 U.S.C. sections 2601 et seq. as amended;

(b) “Accessible” when referring to ACM, means that the material is subject to disturbance by school building occupants or custodial or maintenance personnel in the course of their activities;

(c) “Accredited” or “accreditation” when referring to a person or laboratory, means that such person or laboratory is accredited in accordance with section 206 of Title II of the Act and with the requirements established by sections 19a-332-17 through 19a-332-23 of the regulations of Connecticut State Agencies as amended;

(d) “Air erosion” means the passage of air over friable ACBM which may result in the release of asbestos fibers;

(e) “Approved Training Provider” means any individual or entity which satisfactorily demonstrates through application and submission of course agenda, faculty resumes, training manuals, examination materials, and equipment inventory that it meets the requirements established by section 19a-332-17 through section 19a-332-23 of the regulations of Connecticut State Agencies as amended;

(f) “Asbestos” means the asbestiform varieties of: chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite;

(g) “Asbestos-containing material” (ACM) when referring to school buildings, means any material or product which contains more than 1 percent asbestos by weight either alone or mixed with other fibrous or nonfibrous material;

(h) “Asbestos-containing building material” (ACBM) means surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a school building;

(i) “Asbestos contractor” means any accredited person or entity engaged in asbestos abatement whose employees actually perform the asbestos abatement work;

(j) “Asbestos debris” means pieces of ACBM that can be identified by color, texture, or composition, including dust if the dust is determined by an accredited inspector to be ACM;

(k) “Asbestos inspector” means any accredited person who identifies, assesses the condition of, or collects bulk samples of suspected ACM;

(l) “Asbestos management planner” means a person who is accredited to assess the health hazard posed by the asbestos-containing material, determines the appropriate response action, and develops a schedule for implementing response actions in schools;

(m) “Asbestos project designer” means any accredited person who determines how asbestos abatement work should be conducted and who prepares, for purposes of an abatement project, plans, designs, procedures, workscope or other substantive directions or criteria;

(n) “Assessment” when used in reference to ACBM in a school building, means any evaluation of ACBM, or suspected ACBM, which leads to a determination of the need for response action;

(o) “Commissioner” means the Commissioner of Health Services or his/her authorized agent;

(p) “Damaged friable miscellaneous ACM” means friable miscellaneous ACM which has deteriorated or sustained physical injury such that the internal structure

(cohesion) of the material is diminished or, if applicable, which has delaminated such that its bond to the substrate (adhesion) is diminished or which, for any other reason, lacks fiber cohesion or adhesion qualities. Such damage or deterioration may be illustrated by the separation of ACM into layers; separation of ACM from the substrate; flaking, blistering, or crumbling of the ACM from the substrate; significant or repeated water stains, scrapes, gouges, marks, asbestos debris originating from the ACBM in question, or other signs of physical injury on the ACM;

(q) “Damaged friable surfacing ACM” means friable surfacing ACM which has deteriorated or sustained physical injury such that the internal structure (cohesion) of the material is diminished or which has delaminated such that its bond to the substrate (adhesion) is diminished or which, for any other reason, lacks fiber cohesion or adhesion qualities as illustrated by the separation of ACM into layers; separation of ACM from the substrate; flaking, blistering, or crumbling of the ACM surface; water damage; significant or repeated water stains, scrapes, gouges, marks, asbestos debris originating from the ACBM in question, or other signs of physical injury on the ACM;

(r) “Damaged or significantly damaged thermal system insulation ACM” means thermal system insulation ACM on pipes, boilers, tanks, ducts, and other thermal system insulation equipment where the insulation has lost its structural integrity, or its covering, in whole or in part, is crushed, waterstained, gouged, punctured, missing, or not intact such that it is not able to contain fibers, as may be further illustrated by occasional punctures, gouges, or other signs of physical injury to ACM; occasional water damage on the protective coverings/jackets; or exposed ACM ends or joints, or asbestos debris originating from the ACBM in question;

(s) “Department” means the Connecticut Department of Health Services;

(t) “Encapsulation” means the treatment of ACBM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant);

(u) “Enclosure” means an airtight, impermeable, permanent barrier around ACBM to prevent the release of asbestos fibers into the air;

(v) “EPA” means the United States Environmental Protection Agency;

(w) “Fiber release episode” means any uncontrolled or unintentional disturbance of ACM resulting in visible emission;

(x) “Friable” means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after it becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure;

(y) “Functional space” means a room, group of rooms, or areas of similar usage (including crawl spaces or the space between a dropped ceiling of the floor of roof deck above), such as classroom(s), a cafeteria, gymnasium, hallway(s), designated by a person accredited to prepare management plans, design abatement projects, or conduct response actions;

(z) “High-efficiency particulate air” (HEPA) means a filtering system capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 micrometer in diameter or larger;

(aa) “Homogeneous area” means an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color and texture;

(bb) “Local education agency” means:

(1) any local educational agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. section 3381) as amended; or

(2) the owner of any nonpublic, nonprofit elementary, or secondary school building; or

(3) the governing authority of any school operated under the defense dependents education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. sections 921, et seq.) as amended;

(cc) "Miscellaneous ACM" means miscellaneous material that is ACM in a school building;

(dd) "Miscellaneous material" means interior building material on structural components, structural members or fixtures, such as floor and ceiling tiles, and does not include surfacing material or thermal system insulation;

(ee) "Moveable object" means a piece of equipment, a fixture or furniture in the work area which can be readily removed from the work area;

(ff) "Nonfriable" means material in a school building which when dry may not be crumbled, pulverized, or reduced to powder by hand pressure;

(gg) "Operations and maintenance program" (O & M) means a program of work practices to maintain friable ACBM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage;

(hh) "OSHA" means the Occupational Health and Safety Administration of the United States Department of Labor;

(ii) "Potential damage" means circumstances in which:

(1) friable ACBM is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

(2) there are indications that the material or its covering will become damaged, deteriorated, or delaminated due to factors such as changes in building use, changes in operations and maintenance practices, changes in occupancy, or recurrent damage;

(jj) "Potential significant damage" means circumstances in which:

(1) friable ACBM is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

(2) there are indications that the material or its covering will become significantly damaged, deteriorated, or delaminated due to factors such as changes in building use, changes in operations and maintenance practices, changes in occupancy, or recurrent damage or the material is subject to major or continuing disturbance, due to factors including, but not limited to, accessibility or, under certain circumstances, vibration or air erosions;

(kk) "Preventive measures" means actions taken to reduce disturbance of ACBM or otherwise eliminate the reasonable likelihood of the materials becoming damaged or significantly damaged;

(ll) "Removal" means the taking out or the stripping of substantially all ACBM from a damaged area, a functional space, or a homogeneous area in a school building;

(mm) "Repair" means restoration of damaged ACBM to an undamaged condition or to an intact state so as to prevent fiber release, including but not limited to the sealing, patching, enclosing or encapsulating of damaged asbestos-containing material to prevent fiber release;

(nn) "Response action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM;

(oo) “Routine maintenance area” means an area, such as a boiler room or mechanical room, that is not normally frequented by students and in which maintenance employees or contract workers regularly conduct maintenance activities;

(pp) “Sampling area” means any area, within a school building which contains friable material that is homogeneous in texture and appearance;

(qq) “School” means any elementary or secondary school as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. section 2854) as amended;

(rr) “School building” means:

(1) any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;

(2) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(3) any other facility used for the instruction or housing of students or for the administration of educational or research programs;

(4) any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in this definition of “school building” under paragraphs (1), (2), or (3);

(5) any portico or covered exterior hallway or walkway, or

(6) any exterior portion of a mechanical system used to condition interior space;

(ss) “Significantly damaged friable miscellaneous ACM” means damaged friable surfacing ACM in a functional space where the damage is extensive and severe;

(tt) “State” means the State of Connecticut;

(uu) “Surfacing ACM” means surfacing material that is ACM;

(vv) “Surfacing material” means material in a school building that is sprayed-on, troweled-on, or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes;

(ww) “Suspect ACBM” means building material including thermal system insulation, surfacing material or miscellaneous material that is found in or on interior structural members or other parts of a school building and is determined or assumed by an accredited inspector to be ACM;

(xx) “Thermal system insulation” means material in a school building applied to pipes, fittings, boilers, breeching, tanks, ducts, or other interior structural components to prevent heat loss or gain, or water condensation, or for other purposes;

(yy) “Thermal system insulation ACM” means thermal system insulation that is ACM;

(zz) “Vibration” means the periodic motion of friable ACBM which may result in the release of asbestos fibers.

(Effective December 1, 1992)

Sec. 19a-333-2. General local education agency responsibilities

Each local education agency shall:

(a) ensure that the activities of any persons who perform inspections, re-inspections, and periodic surveillance, develop and update management plans, and develop and implement response actions, including operations and maintenance, are carried out in accordance with the requirements of sections 19a-333-1 through 19a-333-13 of the regulations of Connecticut State Agencies;

(b) ensure that all custodial and maintenance employees are properly trained as required by sections 19a-333-1 through 19a-333-13 of the regulations of Connecticut

State Agencies and other applicable federal and/or state regulations (e.g., the OSHA asbestos standard for construction or applicable state regulations);

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

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

(e) ensure that warning labels are posted in accordance with section 19a-333-12 of the regulations of Connecticut State Agencies;

(f) ensure that management plans are available for inspection and notification of such availability has been provided as specified in the management plan under subsection (f) of section 19a-333-10 of the regulations of Connecticut State Agencies;

(g) designate a person to ensure that requirements under this section are properly implemented;

(h) ensure that the training of the person designated under subsection (g) of this section provides a basic knowledge of:

- (1) health effects of asbestos,
- (2) detection, identification, and assessment of ACM,
- (3) options for controlling ACM,
- (4) asbestos management programs, and

(5) relevant federal and state regulations concerning asbestos, including but not necessarily limited to those in sections 19a-333-1 through 19a-333-13 of the regulations of Connecticut State Agencies and those of the following federal agencies;

(A) Occupational Safety and Health Administration, (B) Department of Labor, (C) Department of Transportation and (D) Environmental Protection Agency;

(i) avoid any conflict of interest in the selection of accredited personnel to perform activities under sections 19a-333-1 through 19a-333-13 of the regulations of Connecticut State Agencies.

(Effective December 1, 1992)

Sec. 19a-333-3. Inspection and reinspections

(a) Inspection

(1) All local education agencies are required to inspect each school building that they lease, own or otherwise use as a school building to identify all locations of friable and nonfriable ACM except for those buildings which have been inspected as required by the Act and for which documentation of said inspection was filed with the State as required by the Act. The inspection shall be conducted as described under subdivisions (2) and (3) of this subsection prior to use as a school building.

(2) Each inspection shall be made by an accredited inspector.

(3) For each area of a school building, except as excluded under section 19a-333-13 of the regulations of Connecticut State Agencies, each person performing an inspection shall:

(A) visually inspect the area to identify the locations of all suspected ACM;

(B) touch all suspected ACM to determine whether it is friable;

(C) identify all homogeneous areas of friable suspected ACM and all homogeneous areas of nonfriable suspected ACM;

(D) for each identified homogeneous area that is not assumed to be ACM, collect and submit for analysis bulk samples under sections 19a-333-4 and 19a-333-5 of the regulations of Connecticut State Agencies;

(E) assess, under section 19a-333-6 of the regulations of Connecticut State Agencies, friable material in areas where samples are collected, friable material in areas that are assumed to be ACBM, and friable ACBM identified during a previous inspection;

(F) record the following and submit to the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies, a copy of such record for inclusion in the management plan within thirty (30) days of the inspection:

(i) an inspection report with the date of the inspection signed by each accredited person making the inspection, state of accreditation, and if applicable his or her accreditation number;

(ii) an inventory of the locations of the homogeneous areas where samples are collected, exact location 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, the name and signature of each accredited inspector who collected the samples, state of accreditation, and, if applicable, his or her accreditation number;

(iv) a list of whether the homogeneous areas identified under this subparagraph are surfacing material, thermal system insulation, or miscellaneous material;

(v) assessments made of friable material, the name and signature of each accredited inspector making the assessment, state of accreditation, and if applicable, his or her accreditation number.

(b) **Reinspection**

(1) At least once every three (3) years after a management plan is implemented, each local education agency shall conduct a reinspection of all friable and nonfriable known or assumed ACBM and any not previously identified suspect ACBM, regardless of whether or not these areas were included in the original inspection and management plan, in each school building that they lease, own, or otherwise use as a school building. Each local education agency shall submit to the Department within thirty (30) days of the reinspection, documentation that a reinspection has been performed. This documentation shall be submitted on a form prescribed by the Commissioner.

(2) Each inspection shall be made by an accredited inspector.

(3) For each area of a school building, each person performing a reinspection shall:

(A) visually reinspect, and reassess, under section 19a-333-6 of the regulations of Connecticut State Agencies, the condition of all friable known or assumed ACBM;

(B) visually inspect material that was previously considered nonfriable ACBM and touch the material to determine whether it has become friable since the last inspection or reinspection;

(C) visually inspect and assess under section 19a-333-6 of the regulations of Connecticut State Agencies, materials such as, but not restricted to, ceiling tile, wallboard, plaster walls, linoleum, fire doors, duct insulation and vibration dampening cloth, which are considered suspect ACBM;

(D) identify any homogeneous areas with material that has become friable since the last inspection or reinspection;

(E) for each homogeneous area of newly friable material that is already assumed to be ACBM, collect and submit bulk samples for analysis in accordance with sections 19a-333-4 and 19a-333-5 of the regulations of Connecticut State Agencies;

(F) assess, under section 19a-333-6 of the regulations of Connecticut State Agencies, the condition of the newly friable material in areas where samples are collected, and newly friable materials in areas that are assumed to be ACBM;

(G) reassess, under section 19a-333-6 of the regulations of Connecticut State Agencies, the condition of friable known or assumed ACBM previously identified;

(H) record the following and submit to the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies a copy of such record for inclusion in the management plan within thirty (30) days of the reinspection:

(i) the date of the reinspection, the name and signature of the person making the reinspection, state of accreditation, and if applicable, 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 determine sampling locations, the name and signature of each accredited inspector who collected the samples, state of accreditation, and, if applicable, his or her accreditation number;

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

(c) **General.** Thermal system insulation that has retained its structural integrity and that has an undamaged protective jacket or wrap that prevents fiber release shall be treated as nonfriable and therefore is subject only to periodic surveillance and preventive measures as necessary.

(Effective December 1, 1992)

Sec. 19a-333-4. Sampling

(a) **Surfacing material.** An accredited inspector shall collect bulk samples of surfacing material, in a statistically random manner which is representative of the homogeneous area of friable surfacing material that is not assumed to be ACM, and shall collect such samples as follows:

(1) at least three (3) bulk samples from each homogeneous area that is one-thousand (1,000) square feet or less, except as provided in subsection (d) of section 19a-333-5 of the regulations of Connecticut State Agencies;

(2) at least five (5) bulk samples shall be collected from each homogeneous area that is greater than one-thousand (1,000) square feet but less than or equal to five-thousand (5,000) square feet, except as provided in subsection (d) of section 19a-333-5 of the regulations of Connecticut State Agencies;

(3) at least seven (7) bulk samples shall be collected from each homogeneous area that is greater than five-thousand (5,000) square feet, except as provided in subsection (d) of section 19a-333-5 of the regulations of Connecticut State Agencies.

(b) Thermal system insulation

(1) Except as provided in subdivisions (2) through (4) of this subsection and subsection (c) of section 19a-333-5 of the regulations of Connecticut State Agencies, an accredited inspector shall collect, in a randomly distributed manner, at least three (3) bulk samples from each homogeneous area of thermal system insulation that is not assumed to be ACM.

(2) An accredited inspector shall collect at least one (1) bulk sample from each homogeneous area of patched thermal system insulation that is not assumed to be ACM if the patched section is less than six (6) linear or square feet.

(3) In a manner sufficient to determine whether the material is ACM or not ACM, an accredited inspector shall collect bulk samples from each insulated mechanical system that is not assumed to be ACM where cement or plaster is used on fittings such as tees, elbows, or valves, except as provided under subsection (d) of section 19a-333-5 of the regulations of Connecticut State Agencies.

(4) Bulk samples are not required to be collected from any homogeneous area where the accredited inspector has determined that the thermal system insulation is fiberglass, foam glass, rubber, or other non-ACBM.

(c) **Miscellaneous material.** In a manner sufficient to determine whether material is ACM or not ACM, an accredited inspector shall collect bulk samples from each homogeneous area of friable miscellaneous material that is not assumed to be ACM.

(d) **Nonfriable suspected ACBM.** If any homogeneous area of nonfriable suspected ACBM is not assumed to be ACM, then an accredited inspector shall collect, in a manner sufficient to determine whether the material is ACM or not ACM, bulk samples from the homogeneous area of nonfriable suspected ACBM that is not assumed to be ACM.

(Effective December 1, 1992)

Sec. 19a-333-5. Analysis

(a) Local education agencies shall have bulk samples, collected under section 19a-333-4 of the regulations of Connecticut State Agencies and submitted for analysis, analyzed for asbestos using laboratories accredited by the National Institute of Standards and Technology or an equivalent laboratory accreditation as approved by the EPA.

(b) Bulk samples shall not be composited for analysis and shall be analyzed for asbestos content by polarized light microscopy (PLM), using the “Interim Method for the Determination of Asbestos in Bulk Insulation Samples” found at Appendix A to Subpart F in 40 CFR Part 763 as amended, or the current EPA method for the analysis of asbestos in building materials by polarized light microscopy.

(c) A homogeneous area is considered not to contain ACM only if the results of all samples required to be collected from the area show asbestos in amounts of one percent (1%) or less.

(d) A homogeneous area shall be determined to contain ACM based on a finding that the results of at least one (1) sample collected from the area shows that asbestos is present in an amount greater than one percent (1%).

(e) The name and address of each laboratory performing an analysis, the date of analysis, and the name and signature of the person performing the analysis shall be submitted to the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies for inclusion into the management plan within thirty (30) days of the analysis.

(Effective December 1, 1992)

Sec. 19a-333-6. Assessment

(a) For each inspection and reinspection under subsections (a) and (c) of section 19a-333-3 of the regulations of Connecticut State Agencies and previous inspections specified under section 19a-333-13 of the regulations of Connecticut State Agencies, the local education agency shall have an accredited inspector provide a written assessment of all friable known or assumed ACBM in the school building.

(b) Each accredited inspector providing a written assessment shall sign and date the assessment, provide his or her state of accreditation, and if applicable, accreditation number, and submit a copy of the assessment to the person designated under

section 19a-333-2 of the regulations of Connecticut State Agencies for inclusion in the management plan within thirty (30) days of the assessment.

(c) The accredited inspector shall classify and give reasons in the written assessment for classifying the ACBM and suspected ACBM assumed to be ACM in the school building into one of the following categories:

- (1) damaged or significantly damaged thermal system ACM,
- (2) damaged friable surfacing ACM,
- (3) significantly damaged friable surfacing ACM,
- (4) damaged or significantly damaged friable miscellaneous ACM,
- (5) ACBM with potential for damage,
- (6) ACBM with potential for significant damage,
- (7) any remaining friable ACBM or friable suspected ACBM.

(d) Assessment shall include the following considerations:

(1) location and the amount of the material, both in total quantity and as a percentage of the functional space;

(2) condition of the material, specifying:

(A) type of damage or significant damage (e.g., flaking, blistering, water damage, or other signs of physical damage);

(B) severity of damage (e.g., major flaking, severely torn jackets, as opposed to occasional flaking, minor tears to jackets) and

(C) extent or spread of damage over large areas or large percentages of the homogeneous area;

(3) whether the material is accessible;

(4) the material's potential for disturbance;

(5) known or suspected causes of damage or significant damage (e.g., air erosion, vandalism, vibration, water) and

(6) preventive measures which might eliminate the reasonable likelihood of undamaged ACM from becoming damaged or significantly damaged.

(e) The local education agency shall select a person accredited to develop management plans to review the results of each inspection, reinspection, and assessment for the school building and to conduct any other necessary activities in order to recommend in writing to the local education agency appropriate response actions. The accredited person shall sign and date the recommendation, provide his or her state of accreditation, and, if applicable, provide his or her accreditation number, and submit a copy of the recommendation to the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies for inclusion in the management plan.

(Effective December 1, 1992)

Sec. 19a-333-7. Response action

(a) The local education agency shall select and implement in a timely manner the appropriate response actions in this section consistent with the assessment conducted in section 19a-333-6 of the regulations of Connecticut State Agencies. The response actions selected shall be sufficient to protect human health and the environment. The local education agency may then select, from the response actions which protect human health and the environment, that action which is the least burdensome. For purposes of determining which of these response actions is the least burdensome, the local education agency may consider local circumstances, including occupancy and use patterns within the school building, and its economic concerns, including short-term and long-term costs. The response action shall at a minimum meet the requirements as set forth in subsections (a) through (h) of this

section. No asbestos abatement shall be performed in a school building while school is in session without the prior written approval of the Department.

(b) If damaged or significantly damaged thermal system insulation ACM is present in a building, the local education agency shall:

- (1) repair the damaged area; or
- (2) remove the damaged material if it is not feasible, due to technological factors, to repair the damage; and
- (3) maintain all thermal system insulation ACM and its covering in an intact state and undamaged condition.

(c) If damaged friable surfacing ACM or damaged friable miscellaneous ACM is present in a building, the local education agency shall select the response actions that best protects human health and the environment from among the following:

- (1) encapsulation,
- (2) enclosure,
- (3) removal or
- (4) repair.

(d) If significantly damaged friable surfacing ACM or significantly damaged friable miscellaneous ACM is present in a building the local education agency shall:

(1) immediately isolate the functional space and restrict access unless the accredited management planner determines that isolation is not necessary to protect human health and the environment;

(2) remove the material in the functional space or, depending upon whether the accredited management planner determines that enclosure or encapsulation would be sufficient to protect human health and the environment, enclose or encapsulate.

(e) If any friable surfacing ACM, thermal system ACM, or friable miscellaneous ACM that has potential for damage is present in a building, the local education agency shall at least implement an O & M program, as described under section 19a-333-8 of the regulations of Connecticut State Agencies.

(f) If any friable surfacing ACM, thermal system insulation ACM, or friable miscellaneous ACM that has potential for significant damage is present in a building, the local education agency shall:

(1) implement an O & M program as described under section 19a-333-8 of the regulations of Connecticut State Agencies, and

(2) immediately isolate the area and restrict access if necessary to avoid an imminent and substantial endangerment to human health or the environment, and

(3) institute preventive measures appropriate to eliminate the reasonable likelihood that the ACM or its covering will become significantly damaged, deteriorated, or delaminated, and

(4) remove the material as soon as possible if appropriate preventive measures cannot be effectively implemented.

(g) Response actions including removal, encapsulation, enclosure, or repair, other than small-scale, short-duration repairs, shall be designed and conducted by persons accredited to design and conduct response actions.

(h) Completion of response actions

(1) At the conclusion of any action to remove, encapsulate, or enclose ACBM or material assumed to be ACBM, an accredited person designated by the local education agency shall visually inspect each functional space where such action was conducted to determine whether the action has been properly completed.

(2) An accredited person designated by the local education agency shall collect air samples using aggressive sampling as described in Appendix A to 40 CFR

Part 763 Subpart E, as amended, to monitor air for clearance after each removal, encapsulation, and enclosure project involving ACBM, except for projects that are spot repairs as defined in section 19a-332a-1 of the regulations of Connecticut State Agencies.

(3) Local education agencies shall have air samples collected under this section analyzed for asbestos using laboratories accredited by the National Institute of Standards and Technology to conduct such analysis using transmission electron microscopy (TEM) or, under circumstances permitted in this section, laboratories enrolled in the American Industrial Hygiene Association Proficiency Analytical Testing Program for phase contrast microscopy (PCM).

(4) Except as provided in subdivisions (5) and (6) of this subsection, an action to remove, encapsulate, or enclose ACBM shall be considered complete when the average concentration of asbestos of five (5) air samples collected within the affected functional space and analyzed by the TEM method in Appendix A to 40 CFR Part 763 Subpart E, as amended, is not statistically significantly different, as determined by the Z-test calculation found in Appendix A from the average asbestos concentration of five (5) air samples collected at the same time outside the affected functional space and analyzed in the same manner, and the average asbestos concentration of the three (3) field blanks described in Appendix A is below the filter background level, as defined in Appendix A, of seventy structures per square millimeter (70 s/sq mm).

(5) An action shall also be considered complete if the volume of air drawn for each of the five (5) samples collected within the affected functional space is equal to or greater than one thousand one hundred and ninety-nine liters (1,199 L) of air for a twenty-five millimeter (25 mm) filter or equal to or greater than two thousand seven hundred and ninety-nine liters (2,799 L) of air for a thirty-seven millimeter (37 mm) filter, and the average concentration of asbestos as analyzed by the TEM method in Appendix A to 40 CFR Part 763 Subpart E, as amended, for the five (5) air samples does not exceed the filter background level, as defined in Appendix A, of seventy structures per square millimeter (70 s/sq mm). If the average concentration of asbestos of the five (5) air samples within the affected functional space exceeds seventy structures per square millimeter (70 s/sq mm), or if the volume of air in each of the samples is less than one thousand one hundred and ninety-nine liters (1,199 L) of air for a twenty-five millimeter (25 mm) filter or less than two thousand seven hundred and ninety-nine liters (2,799 L) of air for a thirty-seven millimeter (37 mm) filter the action shall be considered complete only when the requirements of subdivision (4) or (6) of this subsection are met.

(6) At any time, a local education agency may analyze air monitoring samples collected for clearance purposes by phase contrast microscopy (PCM) to confirm completion of removal, encapsulation, or enclosure of ACBM that is greater than a spot repair as defined in section 19a-332a-1 of the regulations of Connecticut State Agencies, and less than or equal to one hundred and sixty (160) square feet or two hundred and sixty (260) linear feet. The action shall be considered complete when the results of samples collected in the affected functional space and analyzed by phase contrast microscopy using the most current National Institute for Occupational Safety & Health (NIOSH) Method 7400 as amended in the Federal Register, show that the concentration of fibers for each of the five (5) samples is less than or equal to a limit of quantitation for PCM - 0.01 fibers per cubic centimeter (0.01 f/cc) of air.

(7) To determine the amount of ACBM affected under subdivision (6) of this subsection, the local education agency shall add the total square or linear footage

of ACBM within the containment barriers used to isolate the functional space for the action to remove, encapsulate, or enclose the ACBM. Contiguous portions of material subject to such action conducted concurrently or at approximately the same time within the same school building shall not be separated to qualify under subdivision (6) of this subsection.

(i) The requirements of this section in no way supersede the worker protection and work practice requirements under any applicable state regulations.

(Effective December 1, 1992)

Sec. 19a-333-8. Operations and maintenance (O & M)

(a) **Applicability.** The local education agency shall implement an O & M program under this section whenever any friable ACBM is present or assumed to be present in a building that it leases, owns, or otherwise uses as a school building. Any material identified as nonfriable ACBM or nonfriable assumed ACBM must be treated as friable ACBM for purposes of this section when the material is about to become friable as a result of activities performed in the school building.

(b) Cleaning

(1) Initial cleaning. Unless the building has been cleaned using equivalent methods within the previous six (6) months, all areas of a school building where friable ACBM, damaged or significantly damaged thermal system insulation ACM, or friable suspected ACBM assumed to be ACM are present shall be cleaned at least once after the completion of the required initial inspection under subsection (a) of section 19a-333-3 of the regulations of Connecticut State Agencies and before the initiation of any response action, other than O & M activities or repair, according to the following procedures:

(A) HEPA-vacuum or steam-clean all carpets, and

(B) HEPA-vacuum or wet-clean all other floors and all other horizontal surfaces, and

(C) Dispose of all debris, filters, mopheads, and cloths in sealed, leak-tight containers.

(2) Additional cleaning. The accredited management planner shall make a written recommendation to the local education agency whether additional cleaning is needed, and if so, the methods and frequency of such cleaning.

(c) **Operations and maintenance activities.** The local education agency shall ensure that the procedures described below to protect building occupants shall be followed for any operations and maintenance activities disturbing friable ACBM.

(1) Restrict entry into the area by persons other than those necessary to perform the maintenance project, either by physically isolating the area or by scheduling.

(2) Post signs to prevent entry by unauthorized persons.

(3) Shut off or temporarily modify the air-handling system and restrict other sources of air movement.

(4) Use work practices or other controls, such as: wet methods, protective clothing, HEPA-vacuums, mini-enclosures or glove bags, as necessary to inhibit the spread of any released fibers.

(5) Clean all fixtures or other components in the immediate work area.

(6) Place the asbestos debris and other cleaning materials in a sealed, leak-tight container.

(d) **Maintenance activities other than spot repairs.** The response action for any maintenance activities disturbing friable ACBM, other than spot repairs, shall be designed by persons accredited to design response actions and conducted by persons accredited to conduct response actions.

(e) Fiber release episodes

(1) Minor fiber release episode. The local education agency shall ensure that the procedures described below are followed in the event of a minor fiber release episode (i.e., the falling or dislodging of three (3) square or linear feet or less of friable ACBM).

(A) Thoroughly saturate the debris using wet methods.

(B) Clean the area, as described in subsection (d) of this section.

(C) Place the asbestos debris in a sealed, leak-tight container.

(D) Repair the area of damaged ACM with materials such as; asbestos-free spackling, plaster, cement, or insulation; or seal with latex paint or an encapsulant; or immediately have the appropriate response action implemented as required by section 19a-333-7 of the regulations of Connecticut State Agencies.

(2) Major fiber release episode. The local education agency shall ensure that the procedures described below are followed in the event of a major fiber release episode (i.e., the falling or dislodging of more than three (3) square or linear feet of friable ACBM).

(A) Restrict entry into the area and post signs to prevent entry into the area by persons other than those necessary to perform the response action.

(B) Shut off or temporarily modify the air-handling system to prevent the distribution of fibers to other areas in the building.

(C) The response action for any major fiber release episode must be designed by persons accredited to design response actions and conducted by persons accredited to conduct response actions.

(D) The local education agency shall notify the Department of any major fiber release episode within twenty-four (24) hours of its occurrence and, if necessary provide written notification as required by applicable federal and/or state regulations.

(Effective December 1, 1992)

Sec. 19a-333-9. Training and periodic surveillance**(a) Training**

(1) The local education agency shall ensure, prior to the implementation of the O & M provisions of the management plan, that all members of its maintenance and custodial staff (custodians, electricians, heating/air conditioning engineers, plumbers, etc.) who may work in a building that contains ACBM receive awareness training of at least two (2) hours, whether or not they are required to work with ACBM. New custodial and maintenance employees shall be trained within sixty (60) days after commencement of employment. Training shall include, but not be limited to:

(A) information regarding asbestos and its various uses and forms,

(B) information on the health effects associated with asbestos exposure,

(C) locations of ACBM identified throughout each school building in which they work,

(D) recognition of damage, deterioration, and delamination of ACBM,

(E) name and telephone number of the person designated to carry out general local education agency responsibilities under section 19a-333-2 of the regulations of Connecticut State Agencies and the availability and location of the management plan.

(2) The local education agency shall ensure that all members of its maintenance and custodial staff who conduct any activities that will result in the disturbance of ACBM shall receive training described in subdivision (1) of this subsection and fourteen (14) hours of additional training. Additional training shall include, but not be limited to:

(A) descriptions of the proper methods of handling ACBM;

(B) information on the use of respiratory protection as contained in the EPA/NIOSH Guide to Respiratory Protection for the Asbestos Abatement Industry, September 1986 (EPA 560/OPTS-86-001), as amended, and other personal protection measures;

(C) the provisions of: this section and section 19a-333-8 of the regulations of Connecticut State Agencies, Appendices A, B, C, D to Subpart E of 40 CFR Part 763, EPA regulations contained in 40 CFR Part 763, Subpart G, and in 40 CFR Part 61, Subpart M, and OSHA regulations contained in 29 CFR 1926.58, as respectively amended; and

(D) hands-on training in the use of respiratory protection, other personal protection measures, and good work practices.

(3) Local education agency maintenance and custodial staff who have attended a training program accredited under the EPA Model Accreditation Plan which includes as a minimum all of the training requirements listed in this section, shall be considered trained for the purposes of the section.

(b) **Periodic surveillance**

(1) At least once every six (6) months after a management plan is in effect, each local education agency shall conduct periodic surveillance in each building that it leases, owns, or otherwise uses as a school building that contains ACBM or is assumed to contain ACBM. The reinspection required every three (3) years under subsection (b) of section 19a-333-3 of the regulations of Connecticut State Agencies will satisfy the six (6) month periodic surveillance requirement if the reinspection coincides with the date of the six (6) month surveillance inspection.

(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 responsibilities under section 19a-333-2 of the regulations of Connecticut State Agencies a copy of such record for inclusion in the management plan.

(Effective December 1, 1992)

Sec. 19a-333-10. Management plans

(a) Each local education agency shall develop an asbestos management plan for each school, including all buildings that they lease, own, or otherwise use as school buildings, and submit the plan to the Department.

(1) Any asbestos management plan developed under the Act, before December 31, 1992, and submitted to the State pursuant to the Act, shall satisfy the requirements of this section for any building covered by said plan.

(2) If any building or part of any building to be used as a school is leased or acquired after December 31, 1992, the local education agency shall include the building or part of the building in the management plan prior to its use or occupancy of the building or part of the building as a school. The management plan shall be submitted to the Department and approved prior to use or occupancy of the building or part of the building as a school.

(b) The Department shall review and either approve or disapprove the management plan.

(c) Each local education agency must implement its management plan prior to its use or occupancy of the building or part of the building as a school, and complete implementation based on the schedule approved by the Department.

(d) Each local education agency shall maintain and update its management plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, reinspection, and response action activities. All provisions required to be included in the management plan under this section shall be retained as part of the management plan, as well as any information that has been revised to bring the plan up-to-date.

(e) The management plan shall be developed by an accredited management planner and shall include:

(1) a list of the name and address of each school building and whether the school building contains friable ACBM, nonfriable ACBM and friable and nonfriable suspected ACBM assumed to be ACM;

(2) a list of specific steps or actions to be completed prior to the use or occupancy of the building or part of the building as a school;

(3) for each inspection conducted before December 14, 1987:

(A) the date of the inspection,

(B) a blueprint, diagram, or written description of each school building that identifies clearly each location and approximate square or linear footage of any homogeneous or sampling area where material was sampled for ACM, and, if possible, the exact locations where bulk samples were collected, and the dates of collection,

(C) a copy of the analyses of any bulk samples, dates of analyses, and a copy of any other laboratory reports pertaining to the analyses.

(D) a description of any response actions or preventive measures taken to reduce asbestos exposure including, if possible, the names and addresses of all contractors involved, start and completion dates of the work, and results of any air samples analyzed during and upon completion of the work,

(E) a description of assessments, required to be made under section 19a-333-6 of the regulations of Connecticut State Agencies, of material that was identified before December 14, 1987, as friable ACBM or friable suspected ACBM assumed to be ACM, and the name, signature, and state of accreditation, and if applicable, accreditation number of each accredited person making the assessments;

(4) for each inspection and reinspection conducted under section 19a-333-3 of the regulations of Connecticut State Agencies:

(A) the date of the inspection or reinspection, and the name and signature, state of accreditation and, if applicable, the accreditation number of each accredited inspector performing the inspection or reinspection.

(B) a blueprint, diagram, or written description of each school building which identifies clearly each location and approximate square or linear footage of homogeneous areas where material was sampled for ACM, the exact location where each bulk sample was collected, date of collection, homogeneous areas where friable suspected ACBM is assumed to be ACM, and where nonfriable suspected ACBM is assumed to be ACM,

(C) a description of the manner used to determine sampling locations, and the name and signature of each accredited inspector collecting samples, the state of accreditation, and if applicable, his or her accreditation number,

(D) a copy of the analyses of any bulk samples collected and analyzed, the name and address of any laboratory that analyzed bulk samples, a statement that the laboratory meets the applicable requirements of subsection (a) of section 19a-333-5 of the regulations of Connecticut State Agencies, the date of analysis, and the name and signature of the person performing the analysis,

(E) a description of assessments, required to be made under section 19a-333-6 of the regulations of Connecticut State Agencies, of all ACBM and suspected ACBM assumed to be ACM, and the name, signature, state of accreditation, and if applicable, accreditation number of each accredited person making the assessments.

(5) the name, address, and telephone number of the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies to ensure that the duties of the local education agency are carried out, and the course name, and dates and hours of training taken by that person to carry out the duties;

(6) the recommendations made to the local education agency regarding response actions, under subsection (e) of section 19a-333-6 of the regulations of Connecticut State Agencies, the name, signature, state of accreditation of each person making the recommendations, and if applicable, his or her accreditation number;

(7) a detailed description of preventive measures and response actions to be taken, including methods to be used for any friable ACBM, the locations where such measures and action will be taken, reasons for selecting the response action or preventive measure, and a schedule for beginning and completing each preventive measure and response action;

(8) with respect to the person or persons who inspected for ACBM and who will design or carry out response actions, except for operations and maintenance with respect to the ACBM, a statement that the person is accredited;

(9) a detailed description, which shall be updated as response actions are completed, in the form of a blueprint, diagram, or in writing of any ACBM or suspected ACBM assumed to be ACM which remains in the school once response actions are undertaken pursuant to section 19a-333-7 of the regulations of Connecticut State Agencies;

(10) a plan for reinspection under section 19a-333-3 of the regulations of Connecticut State Agencies, a plan for operations and maintenance activities under section 19a-333-8 of the regulations of Connecticut State Agencies, and a plan for periodic surveillance under section 19a-333-9 of the regulations of Connecticut State Agencies, a description of the recommendation made by the management planner regarding additional cleaning under subdivision (2) of subsection (b) of section 19a-333-8 of the regulations of Connecticut State Agencies as part of an operations and maintenance program, and the response of the local education agency to that recommendation;

(11) a description of steps taken to inform workers and building occupants, or their legal guardians, about inspections, reinspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress;

(12) an evaluation of the resources needed to complete response actions successfully and carry out reinspection, operations and maintenance, periodic surveillance and training;

(13) with respect to each consultant who contributed to the management plan, the name of the consultant and a statement that the consultant is accredited.

(f) Upon submission of a management plan to the Department for review, a local education agency shall maintain in its administrative office a complete, updated copy of a management plan for each school under its administrative control or direction.

(1) The management plans shall be available, without cost or restriction, for inspection by representatives of EPA and the State, the public, including teachers, other school personnel and their representatives, and parents. The local education agency may charge a reasonable cost to make copies of management plans.

(2) Each school shall maintain in its administrative office a complete, updated copy of the management plan for that school. Management plans shall be available for inspection, without cost or restriction, to workers before work begins in any area of a school building. The school shall make management plans available upon demand for inspection to representatives of EPA and the State. The school shall make management plans available to the public, including parents, teachers, and other school personnel and their representatives within five (5) working days after receiving a request for inspection. The school may charge a reasonable cost to make copies of the management plan.

(3) Upon submission of its management plan to the Department and at least once each school year, the local education agency shall notify in writing parents, teachers, and employee organizations of the availability of management plans and shall include in the management plan a description of the steps taken to notify such organizations, and a dated copy of the notification. In the absence of any such organizations for parents, teachers, or employees, the local education agency shall provide written notice to that relevant group of the availability of management plans and shall include in the management plan a description of the steps taken to notify such groups, and a dated copy of the notification.

(g) Records required under section 19a-333-11 of the regulations of Connecticut State Agencies shall be made by local education agencies and maintained as part of the management plan.

(h) Each management plan must contain a true and correct statement, signed by the individual designated by the local education agency under section 19a-333-2 of the regulations of Connecticut State Agencies, which certifies that the general local education agency responsibilities, as stipulated by section 19a-333-2 of the regulations of Connecticut State Agencies, have been met or will be met.

(Effective December 1, 1992)

Sec. 19a-333-11. Recordkeeping

(a) Records required under this section shall be maintained in a centralized location in the administrative office of both the school and the local education agency as part of the management plan. For each homogeneous area where all ACBM has been removed, the local education agency shall ensure that such records are retained for three (3) years after the next reinspection required under subdivision (1) of subsection (b) of section 19a-333-3 of the regulations of Connecticut State Agencies.

(b) For each preventive measure and response action taken for friable and nonfriable ACBM and friable and nonfriable suspected ACBM assumed to be ACM, the local education agency shall maintain as part of the management plan the following:

(1) a detailed written description of the measure or action, including methods used, the location where the measure or action was taken, reasons for selecting the measure or action, start and completion dates of the work, names and addresses of all contractors involved, and if applicable, their state of accreditation, and accreditation numbers, and if ACBM is removed, the name and location of storage or disposal site of the ACM;

(2) the name and signature of any person collecting any air sample required to be collected at the completion of certain response actions specified by subsection (h) of section 19a-333-7 of the regulations of Connecticut State Agencies, the locations where samples were collected, date of collection, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis, the name and signature of the person performing

the analysis, and a statement that the laboratory meets the applicable requirements of subdivision (3) of subsection 19a-333-7 (h) of the regulations of Connecticut State Agencies.

(c) For each person required to be trained under subdivisions (1) and (2) of subsection (a) of section 19a-333-9 of the regulations of Connecticut State Agencies, the local education agency shall record the person's name and job title, the date that training was completed by that person, the location of the training, and the number of hours completed in such training.

(d) For each time that periodic surveillance under subsection (b) of section 19a-333-9 of the regulations of Connecticut State Agencies is performed, the local education agency shall record the name of each person performing the surveillance, the date of the surveillance, and any changes in the conditions of the materials.

(e) For each time that cleaning under subsection (b) of section 19a-333-8 of the regulations of Connecticut State Agencies is performed, the local education agency shall record the name of each person performing the cleaning, the date of such cleaning, the locations cleaned, and the methods used to perform such cleaning.

(f) For each time that an operations and maintenance activity under subsection (c) of section 19a-333-8 of the regulations of Connecticut State Agencies is performed, the local education agency shall record the name of each person performing the activity, the start and completion dates of the activity, the locations where such activity occurred, a description of the activity including preventive measures used, and if ACBM is removed, the name and location of the storage or disposal site of the ACM.

(g) For each time that major asbestos activity under subsection (d) of section 19a-333-8 of the regulations of Connecticut State Agencies is performed, the local education agency shall record the name and signature, state of accreditation, and if applicable, the accreditation number of each person performing the activity, the start and completion dates of the activity, the locations where such activity occurred, a description of the activity including preventive measures used, and if ACBM is removed, the name and location of the storage or disposal site of the ACM.

(h) For each fiber release episode under subsection (e) of section 19a-333-8 of the regulations of Connecticut State Agencies, the local education agency shall record the date and location of the episode, the method of repair, preventive measures or response action taken, the name of each person performing the work, and if ACBM is removed, the name and location of the storage or disposal site of ACM.

(Effective December 1, 1992)

Sec. 19a-333-12. Warning labels

(a) The local education agency shall attach a warning label adjacent to any friable or nonfriable ACBM or suspected ACBM assumed to be ACM located in routine maintenance areas (such as boiler rooms) at each school building. These labels shall be placed adjacent to the following locations:

- (1) friable ACBM for which the response was any action other than removal, and
- (2) ACBM for which no response action was carried out.

(b) All labels shall be of large size and prominently displayed in readily visible locations so that persons may read the signs and take necessary protective steps before entering the area. All labels shall remain posted until the ACBM that is labeled is removed.

(c) The warning label shall read, in black print on a contrasting yellow background, as follows:

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

(d) The local education agency shall post these labels in a bilingual form whenever it determines that a significant student and/or employee population requires a translated format.

(Effective December 1, 1992)

Sec. 19a-333-13. Exclusions

(a) A local education agency shall not be required to perform an inspection under subsection (a) of section 19a-333-3 of the regulations of Connecticut State Agencies in any sampling area or homogeneous area of a school building where any of the following conditions apply.

(1) An accredited inspector has determined that, based on sampling records, friable ACBM was identified in that homogeneous or sampling area during an inspection conducted before December 14, 1987. The inspector shall sign and date a statement to that effect with his or her state of accreditation and if applicable, accreditation number and, within thirty (30) days after such determination, submit a copy of the statement to the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies for inclusion in the management plan. However, an accredited inspector shall assess the friable ACBM under section 19a-333-6 of the regulations of Connecticut State Agencies.

(2) An accredited inspector has determined, based on sampling records, that nonfriable ACBM was identified in that homogeneous or sampling area during an inspection conducted before December 14, 1987. The inspector shall sign and date a statement to that effect with his or her state of accreditation and if applicable, accreditation number and, within thirty (30) days after such determination, submit a copy of the statement to the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies for inclusion in the management plan. However, an accredited inspector shall identify whether material that was nonfriable has become friable since that previous inspection and shall assess the newly friable ACBM under section 19a-333-6 of the regulations of Connecticut State Agencies.

(3) Based on sampling records and inspection records, an accredited inspector has determined that no ACBM is present in the homogeneous or sampling area and the records show that the area was sampled, before December 14, 1987, in substantial compliance with subsection (a) of section 19a-333-3 of the regulations of Connecticut State Agencies, which for purposes of this subsection means in a random manner and with a sufficient number of samples to reasonably ensure that the area is not ACBM.

(A) The accredited inspector shall sign and date a statement, with his or her state of accreditation and if applicable accreditation number, that the homogeneous or sampling area determined not to be ACBM was sampled in substantial compliance with subsection (a) of section 19a-333-3 of the regulations of Connecticut State Agencies.

(B) Within thirty (30) days after the inspector's determination, the local education agency shall submit a copy of the inspector's statement to the Department and shall include the statement in the management plan for that school.

(4) An accredited inspector has determined, based on records of an inspection conducted before December 14, 1987, that suspected ACBM identified in that homogeneous or sampling area is assumed to be ACM. The inspector shall sign and date a statement to that effect, with his or her state of accreditation and if applicable, accreditation number and, within thirty (30) days of such determination,

submit a copy of the statement to the person designated under section 19a-333-2 of the regulations of Connecticut State Agencies for inclusion in the management plan. However, an accredited inspector shall identify whether material that was nonfriable suspected ACBM assumed to be ACM has become friable since the previous inspection and shall assess the newly friable material and previously identified friable suspected ACBM assumed to be ACM under section 19a-333-6 of the regulations of Connecticut State Agencies.

(5) Based on inspection records and contractor and clearance records, an accredited inspector has determined that no ACBM is present in the homogeneous or sampling area where asbestos removal operations have been conducted before December 14, 1987, and shall sign and date a statement to that effect and include his or her state of accreditation and, if applicable, accreditation number. The local education agency shall submit a copy of the statement to the Department and shall include the statement in the management plan for that school.

(6) 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 shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the Department and shall include the statement in the management plan for that school.

(b) The exclusions, under subdivisions (1) through (3) of subdivision (a) of this section, from conducting the inspection under subsection (a) of section 19a-333-3 of the regulations of Connecticut State Agencies 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 shall conduct an inspection under subsection (a) of section 19a-333-3 of the regulations of Connecticut State Agencies 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 that had been identified as receiving an exclusion by an accredited inspector under subdivision (3) or (4) of subsection (a) of this section, or by an architect, project engineer or accredited inspector under subdivision (6) of subsection (a) of this section, the local education agency shall have one hundred and eighty (180) days following the date of identification of ACBM to comply with these regulations.

(Effective December 1, 1992)