

INSPECTION AND MANAGEMENT PLAN REQUIREMENTS

(These forms and information are for elementary and secondary public and non-profit private schools in Maryland. This includes preschool through 12th grade.)

Please visit our website for the forms that are mentioned here. The 100 Commonly Asked Questions About The New AHERA Asbestos-in-Schools Rule and The Designated Person's Self-Study Guide are also there. These two documents are good study materials for the designated persons' training.

The website is www.mde.state.md.us/asbestos. Call 410-537-3801 or 800-633-6101, -3801 for more information or for any questions you may have.

Exempt Schools—(1) For profit schools are exempt from the AHERA requirements. These schools do not need to perform an inspection and prepare a management plan. We need a letter on the school's letterhead stating that the school is for profit and the signed by the person in charge of the school.

(2) The second category of schools that does not need an inspection or a management plan are those eligible for an exclusion. These are for school buildings completed after 10/12/88. [See 40 CFR Part 763 Subpart E—Asbestos-Containing Materials in Schools §763.99(7).] See EXCLUSION FORMS.DOC OR .PDF.

The plan must be prepared prior to using the facility as a school. If it is an emergency, then the inspection must be completed no later than 30 days after you move into the facility. Then the management plan needs to be completed as soon as possible.

All schools are required to submit the initial management plan or set of exclusion forms to our office for review. (Except the for-profit schools.) We will notify you in writing of deficiencies that you need to correct. We have 90 days to review the plans and send a list of deficiencies to the schools. The school is then required to correct these deficiencies.

The forms are in two formats: (1) .pdf (Adobe Acrobat Reader) and (2) .doc (Word 2000). If you don't have Word 2000, please download the Adobe Acrobat Reader from www.adobe.com. It is a free program that you can use to view the .pdf forms. You will not be able to make changes to these .pdf forms, but they will look exactly like the Word 2000 forms. If you are unable to download the forms, please contact Mardel Knight at 410 537-3801 or 800 633-6101(MD only) or email: mknight@mde.state.md.us.

The forms with the number **254** are mandatory for those schools preparing their first management plan. (Or in some cases, replacing a lost management plan!) The document that you need for the initial management plan is: **MDE 254_1_12_MPFORMS**. There are 12 pages. The forms with the "R" and **255** may be used for reinspections, but are not mandatory. However, these forms do follow the format of the mandatory forms.

The **required elements checklist (Required_elements_checklist.doc or .pdf)** is the document that we use when reviewing the management plan. It is a good idea to use the checklist to make sure that all required parts of your management plan are in place.

Please **do not submit** reinspection information or periodic surveillance information to this office. This information must be added to your management plan. A reinspection is required every 3 years as long as there is ACM in the facility, and the periodic surveillance is required every 6 months.

The following is information that is important to designated persons, inspectors, management planners, and training providers.

1. **Must use our mandatory forms** for the initial inspection and management plans. We will return the plans if they do not use the forms. (*Note: When we receive the plan, we check for the forms and send it back BEFORE it is reviewed!!*) This is not the case if the school is updating an old management plan by means of a reinspection. It is not mandatory for the school to use our forms for a reinspection. If the school loses the original plan, the inspector and management planner must use the mandatory forms.
2. **Inspections and management plans must be completed prior to start of the school UNLESS** it is an emergency. Then the school has 30 days to prepare an inspection after occupying the facility.
3. **The inspector and management planner must have a Maryland Photo Id Card.** Make sure that the id no. is noted on the signoff sheet and/or that there is a copy of the card in the management plan.
4. **Plans must have a diagram.** It may be a simple outline such as that used for emergency planning i.e. fire escape routes. It must be drawn to scale and the homogenous areas and sampling sites denoted. For the sampling site locations, the information on sampling site must be detailed e.g. so that if you went to check for the location, you could find it easily.
5. **Emphasize that our list of companies performing inspections and management plans is provided as a courtesy to the schools.**
6. **Emphasize that the schools must shop for the best price.** One of the ways to reduce costs is to have the rooms measured and have the diagram prepared before the inspector arrives. There is no need to pay an inspector to prepare a diagram. Materials can be assumed. There is no requirement to sample all or even any materials. They may wish to sample the materials that are likely to be disturbed and/or that show damage and assume the other suspect materials. Schools and inspectors need to review the requirements for the proper number of samples. We have noted some outrageous numbers of samples being taken, way beyond the minimum requirements. The number of samples beyond the minimum is a judgment call, but requires good judgment. Another cost-saving measure is to use a person who is accredited both as an inspector and management planner.
7. **Make sure that the contract for the inspector/management planners' services includes provisions for any necessary corrections.** Some management planners would not correct their mistakes for the schools. Many of them charged extra for correcting mistakes that they had made. Some said that mistakes were not covered in the contract so they weren't responsible for making

these corrections. So make sure that the contract covers errors! If it is a reinspection, make sure that any previous errors such as missed materials are covered during the reinspection!

8. **Designated Person training may be as simple or elaborate as they wish.** But there is no requirement to attend any type of formal training course. Training may be as simple as reading at a minimum, the 100 Questions and the regulations. They need to note the date(s) and approximate amount of time spent reading these requirements. Remember the LEA is only required to make sure that the designated person can perform his duties or in other words, the LEA must provide training commensurate with her/his responsibilities.
9. **For exclusions,** the LEA must submit the letter from the architect or construction engineer, a dated notification, the LEA responsibilities' sheet, and the information about the designated person: name, address, phone number, and training (date and type of training). Make sure that these folks are aware that they must make an annual notification.
10. **Annual notifications are an annual requirement. Do not send these to our office.** This is a critical requirement. All schools must do this, even the schools that have filed an exclusion. The latter must perform the notification to let everyone know that the school took care of its obligations under AHERA. Make sure that there is a dated copy of the notification in the management plan. The school has to notify parents, teachers, and staff about the management plan ie. where it is located, who can answer questions about the plan, the hours it is available, etc. There is no one method that all schools must use for the notification. Use a method that will reach the majority of the interested parties. To do this, may require more than one method of notification. So be it.
11. **Management Plan Location.** The plan needs to be in a central location that is accessible to staff, teachers, and parents. The plan needs to stay in the same place so inspectors, contractors, etc can locate it. Contractors frequently cannot find the plan and it is not consulted before work is done and frequently, asbestos is disturbed, the school is closed, everyone is upset and angry, and the school makes the 6 and 11 news on local TV. The worst part is that people have likely been exposed and nothing can be done, but wait for any health effects to appear.
12. **Explain the plan.** Management planners need to take a few minutes to explain what is in the plan, what the school needs to do, etc. This is all part of being a professional.