

Facts about Asbestos Hazards in our Schools

GUIDELINES FOR LOCAL LEADERS

Asbestos:

A preventable occupational hazard

Contrary to popular perception, the United States has not imposed a ban on asbestos. In fact, potential exposure of students and association members to asbestos is a very real problem since asbestos-containing materials (ACM) still exists in many school buildings and contains anywhere from one percent to 100 percent asbestos.

Some school districts never properly assessed the ACM in their schools, as required by federal law. Many of those schools that did assess ACM neglected to follow or update their asbestos management plans.

During the next 10 years, much ACM in schools will need to be removed prior to renovations and demolition. Many local associations are likely to face improper and potentially hazardous asbestos abatement work that will disrupt and even close schools or portions of schools in their districts. Even worse, without local association involvement, many such incidents are likely to go unrecognized, unreported, and uncorrected. Local associations can greatly assist asbestos regulatory agencies by being their eyes and ears in the schools.

What is asbestos and what are the dangers?

Asbestos is a generic term that refers to a family of minerals with long, flexible, threadlike fibers. These minerals are relatively indestructible, bind easily with many other materials, and are tremendously heat resistant. Because of these properties, asbestos has been used as a building material and insulation product since the 1930s.

Asbestos fibers are relatively safe when they are firmly bonded or compacted within other material, such as wallboard, floor tile, or roof shingles. However, when ACM are loose or crumbling due to water damage, abrasion, sloppy repair work, or demolition, they can release microscopic fibers into the air. This form of asbestos – called “friable” – poses the greatest health risk. Friable ACM, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

When inhaled or accidentally ingested, asbestos fibers can lodge in the lungs and other internal organs. Inhalation of asbestos fibers is associated with three serious diseases (see box). It takes from 15 to 20 years or more between the initial exposure to asbestos and development of disease. There are no short-term effects or symptoms from asbestos exposure and no health tests that can predict disease. Chest X-rays can only detect asbestos-related disease after it has already developed. A history of asbestos exposure, combined with smoking, tremendously increases the risk of developing lung cancer.

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How can NJEA members be exposed to asbestos?

Three types of activities account for most asbestos exposure in schools.

- **Construction, demolition, and renovations:** If proper precautions like physical isolation and negative pressure are not taken during these operations, disturbed ACM may escape the immediate work area and enter the school and outdoor air.
- **Maintenance activities:** ACM can be disturbed during routine maintenance activities such as working on the electrical, plumbing, or heating systems; painting or drilling holes in walls; buffing tile floors; changing light bulbs, etc. and put members at risk of exposure.
- **Accidental disturbances:** This may include water damage to ACM that causes it to become friable, and hanging decorations from acoustical plaster ceilings or walls that contains asbestos.

HEALTH & SAFETY RESOURCES

Your NJEA UniServ Office

| | |
|----------------------------------|-----------------------------|
| Region 1 – Galloway Twp. | Atlantic/Cape May |
| 609 652 9200 | |
| Region 2 – Mullica Hill | Cumberland/Gloucester/Salem |
| 856 628 8650 | |
| Region 3 – Voorhees | Burlington/Camden |
| 856 234 2485 | |
| Region 7 – Toms River | Ocean |
| 732 349 0280 | |
| Region 8 – Trenton | Mercer |
| 609 896 3422 | |
| Region 9 – Wall Twp. | Monmouth |
| 732 403 8000 | |
| Region 11/12 – Edison | Middlesex |
| 732 287 4700 | |
| Region 13 – Flemington | Hunterdon/Somerset/Warren |
| 908 782 2168 | |
| Region 15 – Cranford | Union |
| 908 709 9440 | |
| Region 17 – Parsippany | Morris/Sussex |
| 973 515 0101 | |
| Region 19 – West NY | Hudson – North |
| 201 861 1266 | |
| Region 20 – Jersey City | Hudson – South |
| 201 653 6634 | |
| Region 21 – Livingston | Essex |
| 973 762 6866 | |
| Region 23/25 – Hasbrouck Heights | Bergen |
| 201 292 8093 | |
| Region 27 – Wayne | Passaic |
| 973 694 0154 | |
| Region 29 – Trenton | Higher Education |
| 609 689 9580 | |

Why isn't asbestos banned?

The EPA tried to ban asbestos in 1989, but the ban was never enforced. A federal court revoked the ban in 1991. Since 1989 there has been a ban on “new” uses of asbestos, but most asbestos products manufactured in 1989 can still be manufactured and sold today. As a result, about 30 million pounds of asbestos are in products that are sold and consumed in the U.S. every year, much of it in roofing materials.

NJEA Locals should demand use of asbestos-free products in construction of new schools.

Corruption in asbestos removal work

Asbestos removal is sometimes performed unsafely by contractors who bid low on proposed work and do not follow the required health and safety procedures. When these contractors get caught and lose their license they may simply open up under a new name. These “rip and skip” contractors of-

ten work hand-in-hand with corrupt, third-party “asbestos safety control monitors” whose job it is to oversee health and safety measures at abatement jobs. If a local association suspects this type of scenario in its school district, they should call the NJ Dept. of the Public Advocate listed at the end of this factsheet. In general, local associations should urge their employers to hire unionized contractors certified by the Department of Community Affairs (DCA). According to government enforcement records, union contractors, overall, have a better safety record than non-union contractors.

Asbestos-related Diseases

- Cancers of the lung, esophagus, stomach, colon, and other organs
- Cancer of the lining of the chest and abdominal cavity known as mesothelioma
- Scarring of the lungs known as asbestosis

Requirements, regulations, & what members can do

AHERA Requirements

Each public school district or private school local educational agency (LEA) must:

- Designate and train a person to oversee asbestos-related activities in the school system.
- Inspect the condition of asbestos in every school building.
- Prepare a plan for managing asbestos and controlling exposure in each school.
- Re-inspect the school every three years to update the plan.
- Remove, encapsulate, or enclose crumbling or “friable” asbestos.
- Monitor all asbestos for signs of deterioration and, if it becomes damaged, treat it as friable.
- Consult with accredited inspection and management professionals to identify and carry out whatever asbestos actions are necessary and appropriate to protect health and the environment. These actions must be documented in the management plan.
- Notify staff and parents every year about the asbestos inspection and the availability of the asbestos management plan for review.
- Use only properly accredited persons to conduct inspections, to develop the asbestos management plan, and to carry out the appropriate response actions.

- Keep records of all asbestos-related activities in the plan and make them available for public review.

Subchapter 8 requirements

Under Subchapter 8, asbestos abatement contractors must:

- Keep all asbestos abatement areas under negative pressure with respect to occupied areas.
- Obtain construction permits and fees for asbestos hazard abatement work.
- Obtain certificates of occupancy; certificates of completion.
- Physically isolate all asbestos abatement areas with polyethylene sheeting.
- Provide decontamination areas for workers and equipment leaving asbestos abatement areas.
- Take additional special precautions if abatement is taking place in an occupied building.
- Use an asbestos safety technician and control monitor to oversee abatement work.
- Conduct inspections and air testing required before re-occupancy of an area after an abatement job is completed.
- Use laboratories accredited by EPA for asbestos analysis.
- Properly dispose of asbestos containing waste.

Inspections and resources

New Jersey’s Healthy School Facility Environments web pages
<https://www.nj.gov/dep/school>

AHERA, NESHAP, and Subchapter 8 inspections, investigation of fiber release episodes, meetings with parents and school district administration
New Jersey Department of Health and Senior Services (DHSS) Indoor Environments Program
609 826 4950
<https://www.nj.gov/health/ceosh/asbestos/index.shtml>

Link to The ABCs of Asbestos in Schools (E-31) and other EPA asbestos in schools publications
<https://www.epa.gov/asbestos/abcs-asbestos-schools>

PEOSH inspections, investigation of public school employee exposure, meetings with public school employees and public school district administration
New Jersey Department of Health, Public Employee Occupational Safety and Health (PEOSH) Program
609 984 1863
<https://www.nj.gov/health/workplacehealthandsafety/peosh>

Links to factsheets on general and construction asbestos standards at
<https://www.nj.gov/health/workplacehealthandsafety/peosh/peosh-health-standards/asbestoscon.shtml>

Investigations of unlicensed asbestos abatement contractors, list of licensed contractors, monitors
New Jersey Department of Community Affairs (DCA)
Office of Asbestos 609 633 2159
<https://www.state.nj.us/dca/divisions/codes/offices/asbestos.html>

Investigation of corruption in school construction projects
NJ Office of the Attorney General Division of Criminal Justice
609 292 4925

OSHA inspections of asbestos exposure to privatized school employees and construction and demolition workers

- Avenel, 732 750 3270
Hunterdon, Middlesex, Somerset, Union, Warren counties
- Marlton, 856 596 5200, Southern NJ
- Parsippany, 973 263 1003
Bergen, Passaic counties
- Hasbrouck Heights, 201 288 1700
Essex, Hudson, Morris, Sussex counties

OSHA Asbestos home Page:
www.osha.gov/SLTC/asbestos/index.html

OSHA and PEOSH asbestos requirements

Both the general and construction standards set a maximum exposure limit for asbestos and include provisions for engineering controls (e.g. isolation, enclosure, local exhaust ventilation, and dust collection). They also mandate respirators, protective clothing, exposure

monitoring, good housekeeping, hygiene facilities and practices, warning signs, labeling, record-keeping, and medical exams (for any workers in areas with an airborne asbestos hazard). The standards prohibit the following work practices:

- Dry sweeping, dusting, shoveling or vacuuming of asbestos material, debris, waste, or dust.
- Using compressed air to clean surfaces contaminated with asbestos or to remove asbestos unless it is used with a ventilation system that can capture the dust cloud.
- Sanding of asbestos-containing flooring material.

In addition, the construction industry standard establishes a four-part classification system for asbestos construction, renovation, and demolition work with Class I being the most hazardous and requiring the highest level of worker protections. The four classes are:

Class I: removal of thermal insulation, sprayed-on insulation, or troweled-on ACM

Class II: removal of other ACM such as flooring, roofing, or siding

Class III: Repair and maintenance operations involving ACM

Class IV: Custodial operations such as clean-up of ACM waste and debris.

PEOSH Indoor Air Quality (IAQ) standard requirements

Public employees must be notified at least 24 hours in advance of work to be performed on the building, which may introduce air contaminants. Renovation areas in occupied buildings must be isolated and dust and debris confined to the area.

WHAT ASSOCIATION MEMBERS CAN DO

Review your school’s asbestos management plan

If a school has fulfilled its legal obligation and developed an asbestos management plan, it should be available in the school office for review by school employees and parents. School district administration and association members should work together to annually review the written asbestos management plan for each school building. A key task for the local association will be to ensure inclusion of a complete and up-to-date list of all ACM in the school, labeling of all ACM, annual notification of staff and parents, and safe work practices for custodial staff that work around ACM.

Make sure your district complies with asbestos laws during construction and renovation

A common cause of asbestos hazards involving construction, demolition, or renovations is the failure of the school

district to maintain good communication with their contractors. There may be upwards of 10 to 20 contractors on site at any time. The local association should insist on a daily meeting with contractors to review scheduled work and determine whether ACM will be disturbed. (Note: every contractor should have a list of ACM in the school.)

In any given construction or renovation job, several asbestos regulations may apply and more than one regulatory agency may have jurisdiction. In general, the first contact to file complaints should be the DHSS Indoor Environments Program. This Program will involve other agencies as needed to assure compliance with Subchapter 8 and other state and federal requirements. Suspected use of unlicensed contractors, failure to physically isolate removal work, fiber release episodes, or other serious violations, however, should immediately be reported to all the appropriate agencies. It is recommended that, if possible, photographs be taken of these types of conditions since they may no longer be present by the time inspectors arrive.

Make sure custodial staff are protected

The local association should press the district to comply with all the provisions of the OSHA/PEOSH general asbestos regulation as they apply to custodial staff. If the custodial staff are public employees, PEOSH has jurisdiction. If custodians are private sector (subcontracted) employees, OSHA has jurisdiction. If needed, encourage the district to request free onsite consultation from OSHA/PEOSH. If the district refuses to make an effort to comply with the standard, the local association can prepare a complaint and file it with OSHA/PEOSH. Well-founded complaints should result in citations and ultimately compliance.

Use NJEA resources

Keep working to control the risk of asbestos exposure in your schools by using the full range of tools available from NJEA. Your UniServ Rep can help you strategize about useful tactics. NJEA can help organize health and safety committees, file for Worker’s Compensation, file grievances, negotiate contracts, take legal action to enforce school safety laws, enlist media coverage, educate members, and arrange onsite consultations and inspections with appropriate regulatory agencies. UniServ staff may also recommend enlisting parents as allies if there are asbestos hazards to children and school staff, since parents can bring extra pressure to bear on the district.

Remember to keep your members informed and regularly evaluate how your school’s asbestos exposure control plan is working.

And don’t forget to celebrate and publicize your victories!

For More Information

New Jersey Healthy School Facility Environments
<https://www.nj.gov/dep/school>

EPA Healthy School Environment Resources
<https://www.epa.gov/schools>

New Jersey Education Association (NJEA)
<https://www.njea.org/health-safety-publications/>

National Education Association (NEA)
<https://www.nea.org/healthy-schools>

PEOSH health issues – NJ Dept. of Health and Senior Services
<http://nj.gov/health/peosh>

PEOSH safety issues – NJ Dept. of Labor and Workforce Development
<https://www.nj.gov/health/workplacehealthandsafety/peosh/compform.shtml>

New Jersey Work Environment Council (WEC)
E-mail: info@njwec.org
www.njwec.org

What your association can do:

- Form a health and safety committee to monitor conditions in the workplace.
- Negotiate health and safety language.
- File grievances regarding unsafe conditions using existing contract language.
- See that training is provided through inservice days.
- Assure that the district complies with the N.J. Public Employee Occupational Safety and Health Act (PEOSH).
- Work with parent and community groups to eliminate and/or prevent hazardous conditions.

For Assistance:

- Contact your association representative immediately. Your local or the NJEA UniServ office can help you with Workers’ Compensation. You are entitled under state law (N.J.S.A.18A:30-2.1) “...to full salary without loss of sick days for up to one year...” and all medical treatment.

Where might asbestos be found in schools?

Note: The following list is intended as a general guide to materials that may contain asbestos. Positive identification of asbestos requires analysis of a bulk sample (a small portion, usually about thumbnail size, taken from a surface area) of the material by a qualified laboratory. Collection of the sample must be done very carefully since fibers can be released in the process. This work should only be done by a professional.

| | | |
|---|------------------------------|-------------------------------|
| Acoustical Plaster | Decorative Plaster | Laboratory Hoods/Table Tops |
| Adhesives | Ductwork Flexible Fabric | Packing Materials |
| Asphalt Floor Tile | Electrical Cloth | (for wall/floor penetrations) |
| Base Flashing | Electrical Panel Partitions | Pipe Insulation (corrugated |
| Blown-in Insulation | Electric Wiring Insulation | air-cell, block, etc.) |
| Boiler Insulation | Elevator Brake Shoes | Roofing Felt |
| Breaching Insulation | Elevator Equipment Panels | Roofing Shingles |
| Caulking/Putties | Fire Blankets | Spackling Compounds |
| Ceiling Tiles and Lay-in Panels | Fire Curtains | Spray-Applied Insulation |
| Cement Pipes | Fire Doors | Taping Compounds (thermal) |
| Cement Siding | Fireproofing Materials | Textured Paints/Coatings |
| Cement Wallboard | Flooring Backing | Thermal Paper Products |
| Chalkboards | Heating and Electrical Ducts | Vinyl Floor Tile |
| Connections | High Temperature Gaskets | Vinyl Sheet Flooring |
| Construction Mastics (floor tile, carpet, ceiling tile, etc.) | HVAC Duct Insulation | Vinyl Wall Coverings |
| Cooling Towers | Joint Compounds | Wallboard |
| | Laboratory Gloves | |

The New Jersey Work Environment Council (WEC) prepared this factsheet under the direction of the NJEA. Based in Trenton, WEC provides NJEA and other organizations with technical assistance and training about workplace and environmental hazards

Asbestos regulations that apply to schools in New Jersey

Many federal and state laws and regulations cover asbestos. Of particular note is the federal Asbestos Hazard Emergency Response Act (AHERA), which specifically regulates asbestos management and abatement on schools.

| Name of Regulation | Issues Covered | Enforcement Agencies | Schools or Workers Covered |
|--|--|--|---|
| AHERA, Asbestos Hazard Emergency Response Act, 40 CFR 763 | Requires school officials to inspect school buildings for ACM; develop a plan detailing the location and condition of any asbestos; and decide how the asbestos should be handled. | Dept. of Health and Senior Services (DHSS) Indoor Environments Program | Public and private elementary and secondary school buildings used for instruction, housing students,research, or administration |
| Asbestos Hazard Abatement Subcode, NJAC 5:23-8, known as "Subchapter 8" | Establishes standards and procedures that must be adhered to during asbestos hazard abatement work. | DHSS Indoor Environments Program and Dept. of Community Affairs (DCA) Office of Asbestos | All educational facilities and public buildings in New Jersey |
| NESHAP, National Emissions Standards for Hazardous Air Pollutants, 40 CFR 61 | Requires facility owners and/or operators to use adequate wetting or prior removal to control emissions of particulate asbestos to the outside air during demolition or renovations. | DHSS Indoor Environments Program | All buildings |
| Asbestos Standard for General Industry, 29 CFR 1910.1001 | Requires employers to protect workers from asbestos exposure during routine housekeeping and maintenance activities in school buildings. | DHSS PEOSHA Program for public employers; federal OSHA for private employers and contractors | All employees, both public and private, working with asbestos |
| Asbestos Standard for Construction, 29 CFR 1926.1101 | Requires employers to protect workers from asbestos exposure during installation, demolition, renovation, or encapsulation. Also covers emergency cleanup of asbestos spills. | DHSS PEOSHA Program for public employers; federal OSHA for private employers | Asbestos abatement workers, construction workers, maintenance workers, both public and private |
| IAQ Standard, NJAC 12:100-13.5 | Requires public employers to maintain acceptable Indoor Air Quality (IAQ) during renovation and remodeling. | DHSS PEOSHA Program | Buildings occupied by public employees |
| Asbestos Licenses and Permits, NJAC 8:60 | Requires licensing of contractors and use of trained and certified workers and supervisors during asbestos hazard abatement work. | DCA Office of Asbestos and DHSS Indoor Environments Program | Anyone performing asbestos abatement work in New Jersey |