§ 763.84 General local education agency responsibilities.

Each local education agency shall:

(1) Inform building occupants, including maintenance personnel, of the existence of friable ACBM in the building.

(2) Inform building occupants, including maintenance personnel, of the potential risks associated with friable ACBM.

(3) Inform building occupants, including maintenance personnel, of the preventive measures that can be taken to reduce disturbance of ACBM or otherwise eliminate the reasonable likelihood of the material’s becoming damaged or significantly damaged.

(4) Inform building occupants, including maintenance personnel, of the consequences of preventive measures, including removal, encapsulation, or repair.

(5) Inform building occupants, including maintenance personnel, of the potential for significant damage and the steps that can be taken to prevent it.

(6) Provide information to building occupants, including maintenance personnel, on the importance of maintaining the integrity of ACBM.

§ 763.85 Preventive measures.

Preventive measures means actions taken to reduce disturbance of ACBM or otherwise eliminate the reasonable likelihood of the material’s becoming damaged or significantly damaged.

§ 763.86 Removal.

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.

§ 763.87 Repair.

Repair means returning damaged ACBM to an undamaged condition or to an intact state so as to prevent fiber release.

§ 763.88 Response action.

Response action means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM.

§ 763.89 Routine maintenance area.

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.

§ 763.90 School.

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. 2854).

§ 763.91 School building.

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.

(6) Any exterior portion of a mechanical system used to condition interior space.

Significantly damaged friable miscellaneous ACM means damaged friable miscellaneous ACM where the damage is extensive and severe.

Significantly damaged friable surfacing ACM means damaged friable surfacing ACM in a functional space where the damage is extensive and severe.

State means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, and the Virgin Islands.

Surfacing ACM means surfacing material that is ACM.

Surfing 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.

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.

Thermal system insulation ACM means thermal system insulation that is ACM.

Vibration means the periodic motion of friable ACBM which may result in the release of asbestos fibers.
§ 763.85 Inspection and reinspections.

(a) Inspection. (1) Except as provided in paragraph (a)(2) of this section, before October 12, 1988, local education agencies shall inspect each school building that they lease, own, or otherwise use as a school building to identify all locations of friable and nonfriable ACBM.

(2) Any building leased or acquired on or after October 12, 1988, that is to be used as a school building shall be inspected as described under paragraphs (a)(3) and (4) of this section prior to use as a school building. In the event that emergency use of an uninspected building as a school building is necessitated, such buildings shall be inspected within 30 days after commencement of such use.

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

(4) For each area of a school building, except as excluded under §763.99, each person performing an inspection shall:

(i) Visually inspect the area to identify the locations of all suspected ACBM.

(ii) Touch all suspected ACBM to determine whether they are friable.

(iii) Identify all homogeneous areas of friable suspected ACBM and all nonfriable suspected ACBM.

(iv) Assume that some or all of the homogeneous areas are ACM, and, for each homogeneous area that is not assumed to be ACM, collect and submit for analysis bulk samples under §§763.86 and 763.87.

(v) Assess, under §763.88, friable material in areas where samples are collected, friable material in areas that are assumed to be ACM, and friable ACBM identified during a previous inspection.

(vi) Record the following and submit to the person designated under §763.84 a copy of such record for inclusion in