

U.S. EPA Office of Inspector General Report: EPA Needs to Re-Evaluate its Compliance Monitoring Priorities for Minimizing Asbestos Risks in Schools



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a September 17th report titled:

EPA Needs to Re-Evaluate its Compliance Monitoring Priorities for Minimizing Asbestos Risks in Schools (“Report”)

See Report No. 18-P-0270.

OIG states that it undertook the audit to determine whether EPA was performing sufficient compliance inspections of schools to reduce asbestos exposure.

As OIG notes, the Asbestos Hazard Emergency Response Act (“AHERA”) amended the Toxic Substances Control Act in 1986 to require local educational agencies to:

- inspect their school buildings for asbestos-containing material;
- prepare asbestos management plans; and
- perform asbestos response actions to prevent or reduce asbestos hazards.

OIG’s findings include:

- EPA conducted fewer inspections overall than the states responsible for their own inspections
- From fiscal years 2011-2015 EPA conducted 13 percent of AHERA inspections and states with jurisdictions over their own inspections performed 87 percent
- Only one EPA region has a strategy for its Toxic Substances Control Act compliance monitoring efforts
- EPA regions have either significantly reduced or eliminated resources for the asbestos program
- Of EPA’s 10 regions, only five inspect for asbestos in schools when they receive asbestos-related tips or complaints
- EPA regions indicated that asbestos in schools might still be a significant problem
- Although required by AHERA, not all of the schools OIG reviewed maintained an asbestos management plan
- Without sufficient oversight, EPA could not verify that local educational agencies are identifying and properly managing asbestos in schools

OIG recommends that EPA’s Office of Enforcement and Compliance Assurance:

- Require EPA regions to incorporate asbestos strategies into their Toxic Substances Control Act compliance monitoring reports
- Inform local educational agencies, in coordination with the regions, that they must develop and maintain an asbestos management plan regardless of the presence of an exclusion statement and monitor compliance

A [link to the Report](#) can be found here.