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Message: 1

From: U.S. EPA <usaepa@govdelivery.com>

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Subject: (Region 9): EPA fines three Arizona charter school operators \$27,480 for asbestos violations

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EPA fines three Arizona charter school operators \$27,480 for asbestos violations

SAN FRANCISCO

-- The U.S. Environmental Protection Agency recently fined three Arizona charter school operators a combined total of \$27,480 for alleged Asbestos Hazard Emergency Response Act (AHERA) violations.

Asbestos is a mineral fiber commonly used in a variety of building construction materials for insulation and as a fire-retardant. When asbestos-containing materials are damaged or disturbed by repair, remodeling, or demolition activities, microscopic fibers become airborne and can be inhaled into the lungs, where they can cause significant health problems.

In 2008, EPA inspectors discovered that three Arizona school operators all failed to conduct inspections to determine the presence and condition of asbestos-containing materials in the school buildings of seven schools. The operators also failed to develop asbestos management plans for six schools. Accredited inspectors have since inspected all seven schools and determined that five schools have no asbestos-containing materials. All of the school operators have since taken necessary actions to comply with the law.

"Asbestos in schools has the potential for endangering the health of students, teachers, maintenance workers, and others," said Kathy Taylor, Associate Director for the Communities and Ecosystems Division in EPA's Pacific Southwest region. "EPA takes these violations seriously; these schools have now been inspected and have up-to-date asbestos management plans in place."

Asbestos exposure can lead to diseases such as lung cancer, asbestosis (lung scarring), and mesothelioma (cancer of the lung cavity lining). There is a long latency period for these diseases, as it could be 30 years after exposure before symptoms of disease begin.

Undamaged asbestos that is properly managed in place poses little health risk; however, it is important that the proper authorities regularly inspect asbestos-containing materials to ensure they remain intact.

The three school operators fined were:

- **Vail Unified School District** was fined **\$5,200** for failure to conduct AHERA inspections and failure to develop asbestos management plans for the following schools: **Vail High School** and **Civano Charter School** located in Tucson Arizona. No asbestos-containing building materials were identified in Vail High School or Civano Charter School, and AHERA asbestos management plans are now in place at these two schools.
- **Precision Academy System, Inc.** was fined **\$ 9,700** for failure to conduct an AHERA inspection and failure to develop an asbestos management plan for **Precision Academy System Charter School** located in Phoenix, Arizona. An AHERA asbestos management plan is now in place for **Precision Academy System Charter School**.
- **Career Success Schools** was fined **\$12,580** for failure to conduct inspections at four schools and failure to develop an asbestos management plan at three schools. EPA found no inspection or management plans at three **Career Success** schools – **Main Campus, SAGE,** and **Copper Square**.

When these schools were later inspected, no asbestos-containing building materials were identified. AHERA asbestos management plans are now in place at these three schools. **Career Success Schools** was also fined for failure to conduct a re-inspection at its **Cave Creek** high school located in Cave Creek, Arizona. **Career Success Cave Creek** high school has 12,580 square feet of asbestos-containing building materials, and re-inspections by an accredited inspector are required at least once every three years. A re-inspection has now been conducted at the Career Success School Cave Creek campus and the AHERA asbestos management plan has been updated. schools, all located in Phoenix, Arizona.

The law requires that penalties assessed under AHERA be spent on management of asbestos-containing building materials in schools.

The school operator must pay into the Asbestos Trust Fund any portion of the penalty remaining unspent after complying with AHERA.

Because its penalty was greater than its cost of compliance, Career Success Schools is required to pay \$2,499 into the Asbestos Trust Fund.

Precision Academy System, Inc. and Vail Unified School District are not required to pay into the Asbestos Trust Fund since their costs to comply with the regulation exceeded the fine.

Federal law requires local education agencies to use accredited inspectors and accredited planners so that each AHERA management plan documents whether a school contains asbestos materials and explains how to manage any asbestos materials in the school buildings.

Schools are also required to appoint a designated person who is trained to oversee asbestos activities and ensure compliance with federal regulations.

Finally, schools must conduct periodic surveillance and re-inspections, properly train the maintenance and custodial staff, and maintain records in the management plan.

A local education agency must keep an updated copy of each school management plan at the school and at its administrative office.

The plan must be made available for inspection during normal business hours by parents, teachers, and the general public.

For more information on EPA's Healthy School Environment Resources please visit: <http://cfpub.epa.gov/schools/index.cfm>

Guidance on asbestos in schools can be found at: http://www.epa.gov/asbestos/pubs/asbestos_in_schools.html

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