



AUDIT AT A GLANCE

Department of Education/School Construction Authority's Asbestos Management Program

What questions did the audit look at?

- ▶ Did the New York City Department of Education (DOE) and School Construction Authority (SCA) comply with the Asbestos Hazard Emergency Response Act (AHERA)?

Why does it matter for New Yorkers?

Asbestos is known to be carcinogenic. Federal law under AHERA mandates periodic inspections of school buildings to protect students and staff where asbestos-containing materials (ACM) are present.

As the City's designated local education agency, DOE is responsible for inspecting schools, documenting ACM, and developing management plans. DOE handles minor ACM abatement projects, but SCA is mainly responsible for removing or mitigating ACM.

New York City has approximately 1,400 public school buildings with known asbestos risks. Under AHERA, these buildings are subject to regular inspection cycles to ensure that the ACM present in the buildings has not become friable (and thus more dangerous). However, during the audit's scope period, only 18% of all schools underwent triennial inspections and 22% underwent six-month inspections. Since AHERA was enacted almost 40 years ago, at current inspection levels, DOE has inspected just 11% of schools on average.

Widespread noncompliance jeopardizes the health of students, teachers, and staff by increasing the risk of asbestos exposure. Unless inspection resources and processes are urgently improved, school occupants are at risk of exposure to ACM, an avoidable public health threat.

What changes did the agency commit to make following the audit?

- ▶ DOE and SCA agreed to enhance recordkeeping and training, improve awareness of AHERA compliance, develop comprehensive asbestos management policies, and develop a detailed plan to increase inspection staffing and scheduling in order to meet AHERA's inspection mandate.

AUDIT FINDINGS



DOE/SCA have not complied with AHERA regulations for many years.



On average, only 11% of all schools containing asbestos completed required inspections.



Only 18% of schools underwent the recent triennial cycle of required inspections.



DOE conducted just 200–250 inspections per year, far less than necessary.



Audit Recommendations		DOE Response
1	Improve the awareness and understanding of AHERA compliance for school officials and the LEA-designated person.	AGREED
2	Develop and adopt comprehensive policies and procedures for asbestos management in schools, including internal reporting and review mechanisms to ensure full compliance with AHERA requirements.	AGREED
3	<p>Develop a plan with specific milestones to ensure that the triennial and periodic inspections are brought up to date, and maintain timely completion of the required inspections. Specifically, DOE should:</p> <ul style="list-style-type: none"> a. Conduct a historical review and reconciliation of Triennial and Periodic Inspections to ensure accurate data exists. b. Develop a phased inspection plan, prioritizing buildings with the longest gaps in triennial and periodic inspections and those at higher risk of ACM deterioration. c. Evaluate and allocate resources to meet inspection demands, including securing additional inspection consultants and expanding internal capacity. d. Develop a detailed inspection schedule to ensure that all 1,431 buildings receive the required triennial and periodic inspections moving forward. 	AGREED
4	Implement a recordkeeping system with reporting features to ensure accountability and compliance with AHERA regulations.	AGREED
5	Demonstrate compliance efforts by documenting ongoing efforts to conduct inspections, update management plans to minimize potential penalties, and demonstrate good-faith efforts to comply with AHERA requirements.	AGREED
6	Ensure that all custodians and asbestos handlers have adequate training to carry out their duties safely; maintain adequate evidence of this training.	AGREED
7	Ensure that all stakeholders are adequately notified of asbestos-related activities.	AGREED
8	Develop a standard procedure for timely determination of a school's asbestos status, and where applicable, timely receipts of Non-ACM Letters from SCA and close monitoring of the status of these letters.	AGREED

Audit Recommendations		SCA Response
1	Ensure that the ACM statuses of all new school buildings and additions are current. Also, investigate and address delays in promptly providing Non-ACM Letters to DOE.	AGREED

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