

Asbestos Hazard Emergency Response Act of 1986 (AHERA)
Public Law 99-519, Oct 22, 1986
15 USC Section 2651

TITLE II - ASBESTOS HAZARD EMERGENCY RESPONSE

SEC. 211. PUBLIC PROTECTION.

- (a) PUBLIC PROTECTION. No State or local educational agency may discriminate against a person in any way, including firing a person who is an employee, because the person provided information relating to a potential violation of this title to any other person, including a State or the Federal Government.
- (b) LABOR DEPARTMENT REVIEW. Any public or private employee or representative of employees who believes he or she has been fired or otherwise discriminated against in violation of subsection (a) may within 90 days after the alleged violation occurs apply to the Secretary of Labor for a review of the firing or alleged discrimination. The review shall be conducted in accordance with section 11(c) of the Occupational Safety and Health Act.

SEC. 202. DEFINITIONS.

For purposes of this title-

- (1) ACCREDITED ASBESTOS CONTRACTOR. The term “accredited asbestos contractor” means a person accredited pursuant to the provisions of section 206.
- (2) ADMINISTRATOR. The term “Administrator” means the Administrator of the Environmental Protection Agency.
- (3) ASBESTOS. The term “asbestos” means asbestiform varieties of-
 - (A) chrysotile (serpentine),
 - (B) crocidolite (riebeckite),
 - (C) amosite (cummingtonite-grunerite),
 - (D) anthophyllite,
 - (E) tremolite, or
 - (F) actinolite.
- (4) ASBESTOS-CONTAINING MATERIAL. The term “asbestos-containing material” means any material which contains more than 1 percent asbestos by weight.
- (5) EPA GUIDANCE DOCUMENT. The term “Guidance for Controlling Asbestos-Containing Material in Buildings” means the Environmental Protection Agency document with such title as in effect on March 31, 1986.

- (6) **FRIABLE ASBESTOS-CONTAINING MATERIAL.** The term “friable asbestos-containing material” means any asbestos-containing material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable asbestos-containing material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (7) **LOCAL EDUCATIONAL AGENCY.** The term “local educational agency” means-
- (A) any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965
 - (B) the owner of any private, nonprofit elementary or secondary school building, and
 - (C) the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).
- (8) **MOST CURRENT GUIDANCE DOCUMENT.** The term “most current guidance document” means the Environmental Protection Agency's “Guidance for Controlling Asbestos-Containing Material in Buildings” as modified by the Environmental Protection Agency after March 31, 1986.
- (9) **NON-PROFIT ELEMENTARY OR SECONDARY SCHOOL.** The term “nonprofit elementary or secondary 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) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.
- (10) **PUBLIC AND COMMERCIAL BUILDING.** The term “public and commercial building” means any building which is not a school building, except that the term does not include any residential apartment building of fewer than 10 units.
- (11) **RESPONSE ACTION.** The term “response action” means methods that protect human health and the environment from asbestos-containing material. Such methods include methods described in chapters 3 and 5 of the Environmental Protection Agency's “Guidance for Controlling Asbestos-Containing Materials in Buildings.”
- (12) **SCHOOL.** The term “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).
- (13) **SCHOOL BUILDING.** The term “school building” means-

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(A) 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,

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education,

(C) any other facility used for the instruction of students or for the administration of educational or research programs, and

(D) any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in subparagraphs (A), (B), or (C).

(14) STATE. The term "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.