

5 schools fined for asbestos violations

by **Heather Hoch, Maria Polletta and Emily Dean** - May. 5, 2009 12:00 AM

The Arizona Republic

Five Arizona charter schools were fined a total of \$35,000 Monday after the U.S. Environmental Protection Agency found them in violation of the Asbestos Hazard Emergency Response Act.

Though the investigation occurred in April 2007, the EPA just reached a settlement on how much each school would be fined, ranging from \$200 to more than \$12,000.

Phoenix Advantage Charter School, Arts Academy at South Mountain, Hearn Academy, Tucson Preparatory School and three Arizona Agribusiness and Equine Center campuses were all found in violation of the asbestos regulations, but did not necessarily have asbestos traces at the schools.

Federal law mandates that schools must have accredited inspectors conduct an initial inspection to determine if asbestos-containing building materials are present in school buildings, according to an EPA news release.

Schools must also develop a management plan to address any asbestos materials found, and some of the schools were only fined for not having a plan in place.

The five schools have since completed inspections and developed asbestos-management plans in accordance with EPA regulations.

In October 2008, six Arizona charter schools were fined stemming from the 2007 investigation. The new fines are up to five times higher than those in 2008.

However, the publicly-funded schools have had to make rounds of budget cuts in order to pay these fines, on top of budget cuts from a decrease in state funding.

Phoenix Advantage Charter School was fined \$12,600 for an initial management plan showing 10,000 square feet of assumed asbestos-containing materials.

Currently, the school's management plan still shows at least 3,000 square feet of actual or assumed asbestos-containing materials, according to the EPA.

Kristen Jordison, a regional vice president for PACS, said the school has been in compliance since November 2007, but they were not aware of the EPA's standards for inspections at the time it occurred.

"We were one of the first schools they came to inspect," Jordison said. "We did not deliberately disobey them."

Jordison said the issue of "assumed asbestos-containing materials" lies in the school's flame-retardant fire doors, though they have not been confirmed to contain asbestos.

The school made the decision to keep the building less susceptible to fire, despite the possibility the carcinogen may be inside those doors, she said.

"We could either drill into doors so they are not fire barriers or assume," Jordison said.

In order to pay the fines, the school has been "reducing supplies or making cuts wherever (they) could," though the fines are only for the 2007 violations.

Jordison said the school was unaware they were required to have an asbestos-management plan, but she feels the EPA has made strides to improve awareness among school administrators on their standards.

She also said parents were aware of the issue in November 2007.

EPA spokesman Dean Higuchi said schools reach compliance quickly by reaching agreements on time frames.

"When schools decide to set up, we recommend that schools take a look at the regulations," he said. "Some of the education (for schools) is through enforcement. To push the point home, you need to have inspections."