OFFICE OF THE UNDER SECRETARY OF DEFENSE

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ACQUISITION AND
TECHNOLOGY

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MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(INSTALLATIONS, LOGISTICS, AND ENVIRONMENT)
ASSISTANT SECRETARY OF THE NAVY
(INSTALLATIONS AND ENVIRONMENT)
ASSISTANT SECRETARY OF THE AIR FORCE
(MANPOWER, RESERVE AFFAIRS, INSTALLATIONS
AND ENVIRONMENT)
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Lead-Based Paint Policy for Disposal of Residential Real Property

The Department of Defense (DoD) policy is to manage lead-based paint in a manner protective of human health and the environment and to comply with all applicable Federal, State, or local laws regulating lead-based paint and lead-based paint hazards.

The attached Field Guide is a joint DoD and Environmental Protection Agency (EPA) guidance document for use by DoD and EPA personnel in the evaluation and control of lead-based paint at DoD residential real property scheduled for disposition under the base realignment and closure (BRAC) program. Lead-based paint requirements are defined by Title X, the Residential Lead-Based Paint Hazard Reduction Act of 1992, which amended the Lead-Based Paint Poisoning Prevention Act (42 U.S.C, Section 4822) and its implementing regulations (under the EPA Toxic Substances Control Act (TSCA) Section 403 rule and the Department of Housing and Urban Development (HUD) Section 1013 rule). DoD will issue separate policy on lead-based paint requirements for transferring non-residential properties.

The Field Guide provides a general roadmap summarizing the requirements for the evaluation and control of lead-based paint hazards in target housing as defined by Title X and TSCA. In addition to existing Title X requirements, the Field Guide also specifies some actions that exceed Title X requirements. These actions represent DoD's desire to go beyond actions strictly required by law to ensure that activities taken in this regard are protective of human health and the environment. DoD policy is to:

- Abate soil-lead surrounding housing constructed between 1960 and 1978 (Title X requires abatement of lead-based paint hazards in target housing constructed prior to 1960). The transfer agreement may require the purchaser to perform the abatement activities.
- Evaluate the need for interim controls, abatement, or no action for bare soil lead concentrations between 400 and 2000 ppm (excluding children's play areas) based on the findings of the lead-based paint inspection, risk assessment, and criteria contained in the Field Guide.

- Evaluate and abate lead-based paint hazards in structures reused as child-occupied facilities located on residential real property. Child-occupied facilities are day care centers, preschools, and kindergarten classrooms visited regularly by children under six years of age.
- Evaluate and abate soil-lead hazards for target housing demolished and redeveloped for residential use following transfer. Under Title X, residential dwellings that are demolished or not intended for occupancy after transfer do not require an inspection and risk assessment or lead-based paint control and hazard abatement. However, DoD requires that the terms of property transfer include a requirement for the transferee to evaluate and abate any soil-lead hazards prior to occupancy of any newly constructed dwelling units.

By adding these additional measures as a matter of policy, DoD believes it exceeds measures necessary to reduce potential lead exposures in children and will significantly contribute to the elimination of adverse effects in children from exposures to lead from lead-based paint in federally-owned target housing subject to disposition.

This lead-based paint policy supersedes the DoD 31 October 1994 lead-based paint policy attached to the PADUSD (ES) memorandum, Asbestos, Lead Paint, and Radon Policies at BRAC Properties. The asbestos and radon policies referenced in the memorandum remain in effect. Property transfer agreements executed under the previous policy are not required to meet these requirements. The effective date implementing these requirements is 30 March 2000.

Sherri W. Goodman
Deputy Under Secretary of Defense
(Environmental Security)

Attachment