OFFICE OF THE UNDER SECRETARY OF DEFENSE

 3000 DEFENSE PENTAGON

 WASHINGTON DC 20301-3000

ACQUISITION AND

 TECHNOLOGY 31 OCT 1994

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY

 (INSTALLATIONS, LOGISTICS & ENVIRONMENT)

 ASSISTANT SECRETARY OF THE NAVY

 (INSTALLATIONS & ENVIRONMENT)

 ASSISTANT SECRETARY OF THE AIR FORCE

 (MANPOWER, RESERVE AFFAIRS, INSTALLATIONS &

 ENVIRONMENT)

 DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Asbestos, Lead Paint and Radon Policies at BRAC

Properties

 The purpose of this memorandum is to request that you

implement the attached Department of Defense (DoD) policies on

asbestos, lead paint and radon at base realignment and closure

(BRAC) properties.

 As you may recall, these policies were drafted and accepted

within the Defense Environmental Security Council (DESC)

structure. During its May 6, 1994, meeting the DESC accepted the

draft DoD policy on radon at BRAC properties. At that meeting,

the draft policies on asbestos and lead paint were referred to

the Environment, Safety and Occupational Health Policy Board

(ESOHPB) for revision and acceptance. During its May 10, 1994,

meeting the ES0HPB accepted the revised draft DoD policies on

asbestos and lead paint at BRAC properties.

 Subsequent to DESC and ESOHPB action, these polices were

coordinated formally with the Assistant Secretary of Defense

(Economic Security) and the Office of the Deputy General Counsel

(Acquisition & Logistics). If there are any questions concerning

this request, please contact Ed Dyckman, DESC Executive Secretary

at 703-697-9107.

 {Signed}

 Gary D. Vest

 Principal Assistant Deputy Under Secretary

 of Defense (Environmental Security)

Attachments

 DOD POLICY ON ASBESTOS

 AT BASE REALIGNMENT AND CLOSURE PROPERTIES

 Department of Defense (DoD) policy with regard to asbestos-

containing material (ACM) is to manage ACM in a manner protective

of human health and the environment, and to comply with all

applicable Federal, State, and local laws and regulations

governing ACM hazards. Therefore, unless it is determined by

competent authority that the ACM in the property does pose a

threat to human health at the time of transfer, all property

containing ACM will be conveyed, leased, or otherwise disposed of

as is through the Base Realignment and Closure (BRAC) process.

 Prior to property disposal, all available information on the

existence, extent, and condition of ACM shall be incorporated

into the Environmental Baseline Survey (EBS) report or other

appropriate document to be provided to the transferee. The

survey report or document shall include:

 - reasonably available information on the type, location,

 and condition of asbestos in any building or improvement on

 the property;

 - any results of testing for asbestos;

 - a description of any asbestos control measures taken for

 the property,

 - any available information on costs or time necessary to

 remove all or any portion of the remaining ACK; however,

 special studies or tests to obtain this material are not

 required; and

 - results of a site-specific update of the asbestos

 inventory performed to revalidate the condition of ACM.

 Asbestos-containing material shall be remedied prior to

property disposal only if it is of a type and condition that is

not in compliance with applicable laws, regulations, and

standards, or if it poses a threat to human health at the time of

transfer of the property. This remediation should be

accomplished by the active Service organization, by the Service

disposal agent, or by the transferee under a negotiated

requirement of the contract for sale or lease. The remediation

discussed above will not be required when the buildings are

scheduled for demolition by the transferee; the transfer document

prohibits occupation of the buildings prior to the demolition;

and the transferee assumes responsibility for the management of

any ACM in accordance with applicable laws.

 DOD POLICY ON LEAD-BASED PAINT

 AT BASE REALIGNMENT AND CLOSURE PROPERTIES

 Department of Defense (DoD) policy with regard to lead-based

paint (LBP) is to manage LBP in a manner protective of human

health and the environment, and to comply with all applicable

federal State, and local laws and regulations governing LBP

hazards. The Federal requirements for residential

structures/dwellings with LBP on Base Realignment and Closure

(BRAC) properties differ, depending on: (1) the date of property

transfer, and (2) the date of construction of the residential

housing being transferred.

 DoD policy is to manage LBP at BRAC installations in

accordance with either 24 CFR 35 or P.L. 102-550, at the

Service's discretion, until January 1, 1995; and, thereafter,

solely in accordance with P.L. 102-550. Residential

structures/dwellings are as defined in the applicable regulation

and any regulation issued pursuant thereto. The Military

Components may apply this policy to any other structures they

deem appropriate.

 On January 1, 1995, and thereafter, the provisions of the

Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title

X of P.L. 102-550) concerning the transfer of Federal property

for residential use take effect. These provisions, codified at

(in pertinent part) 42 U.S.C. 4822, 4851-4856, and 15 U.S.C.

2688, are applicable to target housing which is housing

constructed prior to 1978, with limited exceptions for housing

for the elderly or persons with disabilities or any 0-bedroom

dwelling.

 Target housing constructed after 1960 and before 1978

must be inspected for LBP and LBP hazards. The results of the

inspection must be provided to prospective purchasers or

transferees of BRAC property, identifying the presence of LBP and

LBP hazards on a surface-by-surface basis. There is no Federal

LBP hazard abatement requirement for such property. In addition,

prospective transferees must be provided a lead hazard

information pamphlet and the contract for sale or lease must

include a lead warning statement.

 Target housing constructed before 1960 must be inspected

for LBP and LBP hazards, and such hazards must be abated. The

results of the LBP inspection will be provided to prospective

purchasers or transferees of BRAC property identifying the

presence of LBP and LBP hazards on a surface-by-surface basis and

a description of the abatement measures taken. In addition,

prospective transferees must be provided with a lead hazard

information pamphlet and the contract for transfer must include a

lead warning statement.

 The inspection and abatement discussed above will not be

required when the building is scheduled for demolition by the

transferee and the transfer document prohibits occupation of the

building prior to the demolition; the building is scheduled for

non-residential use, or, if the building is scheduled for

residential use, the transferee conducts renovation consistent

with the regulatory requirements for the abatement of LPB

hazards.

 Effective January 1, 1995, DoD BRAC properties shall be

transferred in accordance with any regulations implementing the

Residential Lead-Based Paint Hazard Reduction Act of 1992. The

Act also made Federal agencies subject to all Federal, State,

interstate, and local substantive and procedural requirements

respecting LBP and LBP hazards (see 15 U.S.C. 2688). Therefore,

there may be more stringent local requirements applicable to

Federal property transfers.

 DOD POLICY ON RADON

 AT BASE REALIGNMENT AND CLOSURE PROPERTIES

 In response to concerns with the potential health effects

associated with radon exposures and in accordance with the Indoor

Radon Abatement provisions of Subchapter III of the Toxic

Substances Control Act, 26 U.S.C. 2661 to 2671, the Department of

Defense (DoD) conducted a study to determine radon levels in a

representative sample of its buildings. In addition, as part of

DoD's voluntary approach to reducing radon exposure, DoD has

applied the Environmental Protection Agency (EPA) guidelines for

residential structures with regard to remedial actions.

 DoD policy is to ensure that any available and relevant

radon assessment data pertaining to Base Realignment and Closure

(BRAC) property being transferred shall be included in property

transfer documents.

 DoD policy is not to perform radon assessment and mitigation

prior to transfer of BRAC property unless otherwise required by

applicable law.