



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(INSTALLATIONS AND ENVIRONMENT)
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WASHINGTON, D.C. 20350-1000

AUG 23 2004

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS (N4)
COMMANDANT OF THE MARINE CORPS (L)

Subj: POLICY ON LEAD-BASED PAINT (LBP) IN DEPARTMENT OF THE
NAVY MILITARY FAMILY HOUSING SUBJECT TO A PUBLIC/PRIVATE
VENTURE

Ref: (a) Section 1013 of the Residential Lead-Based Paint
Hazard Reduction Act, 42 USC § 4822(b)
(b) 24 C.F.R. Part 35 ("HUD Regulations")
(c) 40 C.F.R. § 745.227

Department of the Navy (DON) policy is to require that arrangements for the transfer of military family housing to a Public/Private Venture (PPV) be structured in a manner that will provide for the continued protection of human health and the environment by minimizing or eliminating lead-based paint (LBP) hazards (including risks from LBP, lead-contaminated dust and lead-contaminated soil) in compliance with references (a) through (c). Compliance with this policy requires the following actions:

1. For military family housing constructed before 1978:
 - a. The DON must conduct an inspection and, if required, a Lead Risk Assessment that meets the work practice and certification standards set forth in reference (c) and provide the results to the PPV Partner before conveying the military family housing.
 - b. The PPV Partnership Agreement shall require the PPV Partner to maintain the family housing and associated property in accordance with a Lead Management Plan.
 - c. The PPV Partnership Agreement shall require the PPV Partner to take appropriate corrective action in any military family housing unit covered by the PPV Partnership if the PPV Partner is advised that a child under six, living in the unit, has been reported to have

This policy applies to military family housing PPVs conducted pursuant to the Military Housing Privatization Initiative, as codified at 10 U.S.C. §§ 2871 to 2885.

For purposes of this policy, the PPV Partner is the nongovernmental entity that accepts and manages the military family housing.

Note that, under section 1018 of the Residential Lead-Based Paint Hazard Reduction Act and the regulations implementing it, the PPV Partner must disclose any known information regarding LBP or LBP hazards to potential lessees before a lease is signed and before any renovation or repair disturbing more than 2 square feet of LBP surface.

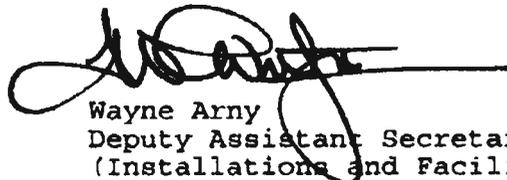
For purposes of this policy, the PPV Partnership Agreement is whatever agreement governs the PPV arrangement.

an elevated blood lead level (EBL) and the unit has been identified as the potential source.

2. For military family housing constructed before 1960:
 - a. If the military family housing is occupied when transferred to the PPV Partner, the PPV Partnership Agreement shall require the PPV Partner to abate identified LBP hazards in the family housing and associated property⁵ in accordance with references (a) through (c) no later than the first change of occupancy or during renovation/replacement,⁶ whichever event occurs first. The LBP Management Plan for such housing shall identify the steps that the PPV Partner will take to address any identified LBP hazards in the housing and associated property that pose an immediate threat to the health of military family housing residents.
 - b. If the military family housing is vacant when transferred to the PPV Partner, the PPV Partnership Agreement shall require the PPV Partner to abate any identified LBP hazard in accordance with references (a) through (c) before occupancy.
 - c. If DON elects to abate LBP hazards in military family housing before transferring it to the PPV Partner, the DON must undertake such abatement in accordance with references (a) through (c).

The PPV Partner must comply with all Federal, state, interstate and local requirements respecting LBP and LBP hazards. State requirements may necessitate LBP hazard treatment and/or abatement before occupancy of rental units. Nothing in this policy waives any such applicable requirements.

This policy does not apply to the disposition of military family housing under the Base Closure and Realignment Act or property disposal actions for any purpose other than a PPV.



Wayne Army
Deputy Assistant Secretary
(Installations and Facilities)

LBP hazards in soil must be managed in accordance with the Lead Management Plan.

Housing that is unoccupied to allow demolition does not require abatement before such demolition, although lead-contaminated demolition debris may be subject to other regulatory requirements for disposal.