

INFORMATION PAPER

SFIM-AEC-EQC

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SUBJECT: Residential Lead Hazard Standards - TSCA 403

1. PURPOSE: To provide guidance on the new TSCA rule establishing hazard standards for lead paint, lead in dust, and lead in soil.

2. DISCUSSION:

a. The EPA has established new standards to identify dangerous levels of lead in paint, dust and soil. The standards were published in the Federal Register on January 5, 2001, and are available online in Adobe format at http://www.epa.gov/lead/403_final.pdf. EPA just published a Fact Sheet in April 2001 titled "Identifying Lead Hazards in Residential Properties," EPA 747-F-01-002, which is available at <http://www.epa.gov/lead/403FS01.pdf>.

b. Under the new standards, lead is considered a hazard if there are greater than any one of the following: 40 micrograms of lead in dust per square foot on floors; 250 micrograms of lead in dust per square foot on interior window sills; or 400 parts per million (ppm) of lead in bare soil in children's play areas or 1200 ppm average for bare soil in the rest of the yard. These new national standards are more protective than previous EPA guidance, and provide managers with standards to protect children from hazards posed by lead, including children in federally-owned housing.

c. Importantly, these standards do not create a new general requirement to test or inspect for lead-based paint (LBP) or lead hazards on Army properties. However, the standards will apply to other Federal lead provisions, such as EPA's real estate disclosure requirements presently in place for people selling or renting a home or apartment (40 CFR 745.107), and to HUD regulations relating to disposition of federally owned target (pre-1978) housing (24 CFR 35.200, et seq.). In addition, these standards will provide landlords, parents, and childcare providers with specific levels on which to make informed decisions regarding lead found in their homes, yards, or play areas.

d. If the Army, as a property owner, knows of an existing lead hazard in paint, dust, or soil, as defined by the new standards, it is required to disclose this known hazard during property lease and transfer. However, the Army is only required to affirmatively look for any of these hazards through testing or inspection when it is disposing of target housing. 24 CFR 35.200, et seq. For hazards that exist or are found, the Army may negotiate with the transferee to have the transferee perform the Army's abatement

responsibilities, which apply to any lead hazards inside pre-1960 housing, and to soil lead hazards outside pre-1978 housing. Lead-Based Paint Guidelines for Disposal of Department of Defense Residential Real Property - A Field Guide, Final, April, 2001; Guidance for Lead-Based Paint Hazard Management During Transfer of Army Real Property, March 28, 2000.

e. AR 420-70 requires that lead hazards in existing Army properties be managed by interim controls. If interim controls are not effective, then abatement should be considered. The new lead hazard standards better define what lead hazards need to be addressed, whether by interim controls or abatement, but do not create enforcement power for the EPA or HUD.

f. Additional questions regarding the environmental aspects of LBP projects and actions can be directed to Mr. Robert Shakeshaft, U.S. Army Environmental Center, Environmental Quality Division, 410-436-7077, Robert.shakeshaft@aec.apgea.army.mil, or Mr. Doug Warnock, Army Environmental Programs Office, 703-693-0549, Douglas.Warnock@hqda.army.mil.