

**MANAGEMENT OF LEAD-BASED PAINT IN VHA HOUSING AND CHILD-  
OCCUPIED FACILITIES**

- 1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) Directive establishes policy for the Lead-Based Paint (LBP) assessment program to reduce exposure to lead in VHA-owned housing and child-occupied facilities; this includes all VHA Housing constructed prior to 1978, in addition to regulated VHA Target Housing, with emphasis on the protection of children.
- 2. SUMMARY OF MAJOR CHANGES:** Minor updates to hyperlinks, office names, and position titles.
- 3. RELATED ISSUES:** VA Directive 7700, VHA Directive 7701, and VHA Handbook 7701.01.
- 4. RESPONSIBLE OFFICE:** The Deputy Under Secretary for Health for Operations and Management (10N) is responsible for the content of this Directive. Questions may be directed to the Director, Occupational Safety, Health and GEMS Programs (10NA8) at 202-632-7889.
- 5. RESCISSIONS:** VHA Directive 2008-055, dated September 9, 2008, is rescinded.
- 6. RECERTIFICATION:** This VHA Directive is scheduled for recertification on or before the last working day of November 2020.

David J. Shulkin, M.D.  
Under Secretary for Health

**DISTRIBUTION:** Emailed to the VHA Publication Distribution List on 11/5/2015.

## **MANAGEMENT OF LEAD-BASED PAINT IN VHA HOUSING AND CHILD-OCCUPIED FACILITIES**

### **1. PURPOSE**

This Veterans Health Administration (VHA) Directive establishes policy for the lead-based paint (LBP) assessment program to reduce exposure to lead in VHA-owned housing and child-occupied facilities; this includes all VHA Housing constructed prior to 1978, in addition to regulated VHA Target Housing, with emphasis on the protection of children. **AUTHORITY:** 24 CFR Part 35, 40 CFR Part 745.

### **2. BACKGROUND**

a. The LBP Program ensures VHA compliance with Environmental Protection Agency (EPA), Department of Housing and Urban Development (HUD) and Occupational Safety and Health Administration (OSHA) regulations related to lead exposure. The LBP program places emphasis on children under the age of 6 and pregnant women who have been shown to be the most susceptible to the effects of lead exposure.

b. Under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Public Law 102-550), EPA and HUD promulgated joint regulations for disclosure of any known LBP or known LBP hazards in Target Housing offered for sale or lease. EPA and HUD Target Housing is defined by regulation as non-exempt housing constructed prior to 1978 with confirmed LBP. Section 408 of the Act waives any immunity otherwise applicable to the United States, including Federal agencies, with regard to substantive or procedural requirements, including the assessment of a penalty or fine.

c. Requirements to implement the Act are described in HUD regulation (Title 24 Code of Federal Regulations (CFR) Part 35) and EPA regulation (40 CFR Part 745). These regulations address LBP in Housing and in child-occupied facilities, such as childcare centers and schools. OSHA regulates lead management and worker exposure prevention (29 CFR Parts 1910.1025 and 1926.62).

### **3. POLICY**

It is VHA policy to protect occupants of child-occupied facilities, VHA Housing, and VHA Target Housing constructed prior to 1978 from the hazards associated with LBP in accordance with the latest HUD and EPA regulations.

### **4. RESPONSIBILITIES**

a. **Director, Office of Construction and Facilities Management.** The Office of Construction and Facilities Management (CFM) Director adopts industry-based specifications and develops and updates, as necessary, construction specifications related to the management of LBP.

**NOTE:** Specifications are to address LBP inspection, risk assessment, hazard abatement, and LBP removal that may be necessary during construction projects.

b. **Under Secretary for Health.** The Under Secretary for Health (10), or designee, is responsible for:

(1) Overseeing VHA Occupational Safety and Health (OSH) Programs and policies.

(2) Establishing OSH Program performance standards for the Deputy Under Secretary for Health for Administrative Operations.

c. **Assistant Deputy Under Secretary for Health for Administrative Operations.** The Assistant Deputy Under Secretary for Health for Administrative Operations (10NA):

(1) Oversees the Office of Occupational Safety, Health, and Green Environmental Management System (GEMS) Programs (10NA8).

(2) Ensures staffing and funding are adequate to implement the Management of Lead-Based Paint in VHA Housing and Child-Occupied Facilities (VHA LBP Program).

d. **Director, Office of Occupational Safety, Health, and GEMS Programs.** The Director of the Office of Occupational Safety, Health, and GEMS Programs (10NA8):

(1) Provides administrative management and technical support to Veterans Integrated Service Networks (VISNs) and VA facilities to comply with Federal, state, and local regulations regarding LBP.

(2) Determines whether there are national LBP trends which require intervention.

(3) Recommends appropriate actions to improve LBP Programs to the Assistant Deputy Under Secretary for Health for Administrative Operations.

(4) Communicates and coordinates with other VHA Program Offices to ensure LBP requirements and procedures are integrated into appropriate Programs and Policies.

e. **Director, Office of Capital Asset Management and Engineering Support (10NA5).** The Director of the Office of Capital Asset Management and Engineering Support (10NA5) will collaborate with the Director of the Office of Occupational Safety, Health, and GEMS Programs in the development and distribution of directives, handbooks, and information letters regarding LBP.

f. **Chief Consultant, Office of Public Health/Occupational Health.** The Chief Consultant, Office of Public Health/Occupational Health (10P3D) advises VHA staff on public health and occupational health issues related to LBP.

g. **VISN Directors.** Each VISN Director is responsible for ensuring that:

(1) Occupants of VHA Target Housing, VHA Housing and VHA child-occupied facilities are protected from LBP hazards.

(2) Resources to implement the requirements of this Directive are provided. Resources are to cover implementation of strategies and oversight for the occupant disclosure process, baseline and periodic LBP inspections and risk assessments and, where appropriate, LBP renovation and abatement.

(3) Construction projects impacting VHA Target Housing, VHA Housing and VHA child-occupied facilities have designs and specifications reviewed to ensure that they comply with applicable Federal, state, and local health regulations related to LBP.

(4) Contracts for leasing or transfer of VHA Target Housing, VHA Housing and VHA child-occupied facilities are reviewed by VISN industrial hygiene, environmental or safety staff, or by contract with a qualified industrial hygiene or engineering firm. **NOTE:** *This review is to make certain that contracts for leasing or transfer comply with applicable Federal, state and local environmental LBP regulations.* In addition, it ensures disclosure of the presence of LBP is made to occupants of VHA quarters and childcare facilities. This requirement does not eliminate the need for the review, approval, and other actions by VISN and VA medical facility Directors that are required by Federal, state, and local environmental requirements and other VA and VHA policy.

(5) VA medical facility staff responsible for conducting LBP regulated duties are trained and licensed or certified as required by OSHA, EPA, and state regulations.

h. **VA Medical Facility Directors.** Each VA medical facility Director is responsible for ensuring that:

(1) Resources and authority to manage the LBP Program are appropriately assigned to staff members, including a LBP Program Manager.

(2) Develop written policies for compliance with LBP environmental and occupational safety and health standards, the procedures outlined in this Directive, and as may be required by Federal, state, or local regulations.

(3) Staff members and occupants of VHA Housing, VHA Target Housing and VHA child-occupied facilities are protected from LBP hazards in accordance with the most current regulations issued by HUD (24 CFR Part 35), EPA (40 CFR Part 745), and OSHA (29 CFR Parts 1910.1025 and 1926.62). These include the following requirements:

(a) Documentation of disclosure of LBP information.

(b) Documentation of LBP disclosure, inspection, assessment and abatement requirements are met when transferring VHA Target Housing.

(c) LBP inspections, assessments, hazard screens and action plans are performed. To ensure a safe housing environment, VHA requires initial (baseline) LBP inspection

and action plans for all VHA Housing, VHA Target Housing, and VHA child-occupied facilities. LBP inspections, lead hazard screens, and risk assessments must be conducted in accordance with EPA (40 CFR 745.227), state, and local regulations, including:

1. Initial LBP inspections consist of comprehensive-visual inspections of known and suspected LBP, sampling of suspect LBP, and documentation of the paint condition.

2. VHA LBP inspection staff and LBP consultant staff are trained and certified to perform lead hazard inspections in accordance with EPA and state regulations.

3. Annual visual assessments are conducted to identify destabilized LBP surfaces.

4. A LBP hazard screen and a limited risk assessment is used to determine whether LBP presents a health risk or hazard. VHA requires LBP Hazard Screens to be conducted:

a. Upon the initial request of VHA Target Housing or VHA Housing occupant residing with children under the age of 6 years old or report of pregnancy.

b. Annually for VHA-managed child-occupied facilities (e.g., VA medical facility childcare centers, daycare centers or preschool programs managed by VHA staff, contractors, volunteers, parents or guardians). Initial LBP hazard screens must be conducted upon the request of occupants, or the associated parent or guardian of children, in VHA Housing or VHA Target Housing that meet the definition of a child-occupied facility.

**NOTE:** Any additional LBP hazard screens (frequency and scope) are at the discretion of the LBP Program Manager, or staff member assigned the responsibility for the LBP Program.

5. Corrective action plans need to be developed, monitored, and updated for VHA Housing, VHA Target Housing and child-occupied facilities when LBP inspections, visual assessments, and hazard screens indicate destabilized LBP or potential lead exposure risk to occupants. Action plans must identify the location and abatement encapsulation or repair activities, including any replacement of facility components necessary to protect VHA staff members, housing residents and children.

(d) LBP Renovations, Abatement and Interim Controls. LBP renovations (repair), abatement and Interim Control activities must be managed to prevent the release of LBP dust and debris to the interior of facilities, exterior soil and child playgrounds. General construction contractors and VHA maintenance staff must be notified of the presence of LBP prior to work. VHA renovations, abatement and interim control activities must be performed in accordance with 40 CFR part 745, subpart E and subpart L, respectively.

1. General construction and renovation projects in VHA Housing, VHA Target Housing, and VHA child-occupied facilities must include an assessment to identify potential impact to LBP surfaces to ensure residents and occupants are not exposed to airborne lead or residual LBP debris. Residents and occupants must not be present in the renovation work area and work area access routes during maintenance and repair activities which have the potential for release of LBP dust and debris. The potential for transfer of LBP airborne dust and debris must be determined and controlled during work activities.

2. For LBP abatement, a written occupant protection plan must be developed in accordance with EPA requirements by the EPA-certified supervisor or EPA-certified project designer (40 CFR 745.227). This plan must be reviewed and approved by the VHA facility industrial hygienist, safety manager, or LBP Program Manager. LBP abatement projects must comply with VHA Master Specifications, Lead-Based Paint Removal and Disposal, including Federal and state site clearance and sampling requirements.

3. LBP renovation and repair must be conducted in accordance with 40 CFR 745.85, minor repair and maintenance activities are excluded from these work practices as defined by 40 CFR 745.83. Occupants of VHA Target Housing units must be notified at least 60 days in advance of a LBP renovation and be provided the EPA or state-equivalent pamphlet, "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools" (40 CFR 745.84). A statement of receipt or certification of delivery of this document must be obtained and a notice of hazard reduction activity must be provided to occupants within 15 days of completion (24 CFR 35.125). LBP renovations of VHA target housing common areas (multi-family dwellings) and child-occupied facilities are to be preceded by similar pamphlet distribution, or alternatively, post copies or availability of EPA or state-equivalent pamphlets and project information with completion date in a common area or main entry. Re-evaluation of hazard reduction activities are to be conducted in accordance with 24 CFR 35.1355(b).

4. Stop-work authority must be delegated to VHA facility industrial hygiene, safety, environmental, and LBP program manager staff.

(e) Child Blood Lead Level Intervention. A LBP risk assessment must be conducted when an environmental intervention blood lead level child is identified in VHA Housing, VHA Target Housing or child-occupied facility. VHA-owned housing that is occupied by children may be inspected by state and local authorities when high blood lead levels are identified.

i. **Facility LBP Program Manager.** The Facility LBP Program Manager must:

(1) VHA LBP program managers must be knowledgeable of state and local regulations requiring blood lead intervention for children, and coordinate VHA programs.

(2) Assist appropriate VISN staff in the review of construction project designs and specifications to ensure compliance with applicable Federal, state, and local environmental and health regulations.

(3) Assist EPA-certified and/or state-certified inspectors and risk assessors with LBP assessment, abatement, and management activities to ensure that the information developed meets the needs of the VHA facility program.

(4) Assist in the review of contracts for the lease or transfer of VHA property to ensure compliance with applicable Federal, state, and local LBP regulations.

(5) Conduct or monitor LBP inspections, risk assessments, abatement operations, maintenance, and housekeeping activities to ensure compliance with this VHA policy, EPA, HUD and OSHA regulations.

(6) Exercise stop-work authority when activities threaten to release hazardous levels of lead or when prohibited activities are encountered, in accordance with the contracting officer requirements.

(7) Consult with the contracting officer or contracting officer technical representative regarding follow-up actions with contractors.

(8) Provide VHA maintenance, housekeeping staff, and employees with the information and/or awareness training, as appropriate, to assist them in recognizing deteriorated LBP.

(9) Ensure that VHA employees and contractors who conduct LBP activities in VHA Housing, VHA Target Housing, and VHA child-occupied facilities are EPA and/or state-certified and comply with OSHA regulations. Such activities include: LBP inspections, risk assessments, hazard screens, project design, and lead abatement supervision and worker activities.

(10) Ensure that LBP inspection and work activities meet all requirements of State-authorized programs.

(11) Ensure that records of LBP inspections, risk assessments, hazard screens, action plans and LBP mitigation are maintained indefinitely, to include:

(a) Ensuring that LBP inspection and sample data are accessible to VHA maintenance staff, safety managers, industrial hygienists, environmental program managers and project engineers.

(b) Storing notification records of current and previous occupants for the length of time required by VISN and facility policy, or 3 years, whichever is longer.

(c) Blood-lead and zinc protoporphyrin testing for each regulated LBP VHA employee must be conducted, as required by OSHA (29 CFR 1926.62).

(12) Consult with VHA facility's occupational health physician regarding employee LBP medical examination and blood testing.

j. **VHA Employees.** VHA employees who reside in VHA Housing, VHA Target Housing, or work in child-occupied facilities are responsible for reporting deteriorated paint conditions to the VHA LBP Program Manager or VHA Facility Management.

## 5. REFERENCES

- a. EPA website on Lead hazards in Paint, Dust and Soil. <http://www2.epa.gov/lead>
- b. HUD Office of Lead Hazard Control and Healthy Homes. [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes)
- c. OSHA Safety and Health Topics - Lead. <https://www.osha.gov/SLTC/lead/index.html>
- d. Center for Disease Control, Lead Poisoning Prevention Program. <http://www.cdc.gov/nceh/lead/>

## 6. DEFINITIONS

- a. **0-Bedroom Dwelling.** A 0-bedroom dwelling is any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing (such as educational housing), military-style barracks, and rentals of individual rooms in residential dwellings.
- b. **Abatement.** Abatement is any set of measures designed to eliminate LBP hazards, including all preparation, cleanup, disposal, and post abatement clearance testing activities.
- c. **Child-Occupied Facility.** A Child-Occupied Facility is any VHA facility space, constructed prior to 1978 with confirmed LBP and visited at least 2 days per week (more than 3 hours per day) by the same child, under 6 years of age. Facilities include day care centers, preschools and kindergarten classrooms. It may also include VHA housing, VA Fisher Houses and Temporary Lodging, and target housing. VHA facility space where informal care is provided by relatives, neighbors and staff, regardless of compensation, would also be included.
- d. **Environmental Intervention Blood Lead Level.** Environmental intervention blood lead level is a confirmed concentration of lead in whole blood equal to, or greater than, 20 micrograms of lead per deciliter ( $\mu\text{g}/\text{dl}$ ) for a single test or 15-19  $\mu\text{g}/\text{dl}$  in two tests taken at least 3 months apart.
- e. **LBP Hazard.** A LBP hazard is defined as any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact

surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

f. **Lead-based Paint.** LBP is any paint or other surface coating that contains lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

g. **VHA Housing.** VHA Housing means all VHA owned residential property constructed prior to 1978 with confirmed lead-based paint that does not meet the definition of VHA Target Housing.

h. **VHA Target Housing.** VHA Target Housing means any VHA Housing except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling, managed pursuant to a formal lease agreement.