



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

NOV - 9 2022

The Honorable Adam Smith
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Department's response to section 3053 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), "Process to Identify and Address Environmental Health Hazards in Department of Defense Housing," is enclosed.

This report describes the Department of Defense (DoD) process for managing environmental health (EH) risks in DoD housing (to include privatized housing); responding to concerns raised by military members and their families residing in DoD housing; tracking, mitigating, or taking corrective actions to address EH hazards in DoD's Government-owned and Government-controlled housing; and oversight of Military Housing Privatization Initiative company actions to mitigate or correct potential EH hazards in DoD's privatized housing.

Thank you for your continued strong support for the health and well-being of our Service members and their families. I am sending a similar letter to the Senate Armed Services Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Gilbert R. Cisneros, Jr.", written in a cursive style.

Gilbert R. Cisneros, Jr.

Enclosure:
As stated

cc:
The Honorable Mike D. Rogers
Ranking Member



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The Honorable Jack Reed
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

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Enclosure:
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cc:
The Honorable James M. Inhofe
Ranking Member

**Report to the Committees on Armed Services of the
Senate and the House of Representatives**



**Section 3053 of the National Defense Authorization
Act for Fiscal Year 2020 (Public Law 116–92),
“Process to Identify and Address Environmental
Health Hazards in Department of Defense Housing”**

November 2022

The estimated cost of this report or study for the Department of
Defense is approximately \$3,040 in Fiscal Years 2020 - 2022.
This includes \$0 in expenses and \$3,040 in DoD labor.
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Executive Summary

This report is in response to section 3053 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Public Law 116–92) describing the Department of Defense (DoD) process for managing, tracking, mitigating, and resolving housing environmental health (EH) risks and responding to military members and their families (Tenants) living in housing under the jurisdiction of the DoD, as well as housing privatized under the Military Housing Privatization Initiative (MHPI). This includes DoD-owned and DoD-controlled (e.g., leased) family housing and unaccompanied housing, collectively referred to in this report as “DoD Housing” and as defined in Department of Defense Instruction (DoDI) 4165.63, “DoD Housing,” and privatized in 10 U.S.C. Chapter 169 and Title XXX of Public Law 116–92.

The process for responding to potential EH hazards in DoD housing requires a team approach involving the installation military housing office (MHO) (staffed by Government personnel), EH staff (also referred to as public health or bioenvironmental engineering), Public Works, and health care providers (HCPs). This report outlines DoD’s procedures for team members managing potential EH hazards in housing. Continued implementation of the processes across the DoD will provide consistent risk management actions to protect DoD residents from housing related EH hazards, injury, and illness, while safeguarding DoD housing infrastructure and property, as well as MHPI housing.

This report summarizes the Department’s process to identify, record, oversee, manage, mitigate, and/or resolve EH hazards in DoD housing and provides additional information regarding specific EH hazards associated with the general ambient environment in a housing unit. This includes mold, lead-based paint (LBP), radon, and asbestos-containing materials (ACM) and their respective health risks associated with environmental exposure. Implementation and application of these processes across the DoD will provide consistent risk management actions to protect DoD residents from EH hazards, injury, and illness related to DoD housing, to safeguard DoD housing infrastructure and property, and to provide oversight as necessary to ensure that MHPI projects provide safe, quality housing consistent with the terms of the project ground lease and associated legal agreements with the respective Military Department (MILDEP).

Introduction

The DoD report to the Committees on Armed Services of Senate and the House of Representatives is pursuant to subsection (d), section 3053 of the NDAA for FY 2020 (Public Law 116–92), “Process to Identify and Address Environmental Health Hazards in DoD Housing.” This report provides the elements of the process for identifying and addressing EH hazards in DoD housing as required by subsections (a-c). This includes DoD-owned and DoD-controlled (e.g. leased) family housing and unaccompanied housing, collectively referred to in this report as “DoD Housing” and as defined in DoDI 4165.63, “DoD Housing” and privatized in 10 U.S.C. Chapter 169 and Title XXX of Public Law 116–92

The process for the management of potential EH hazards in DoD housing varies depending on whether the housing is DoD-owned/controlled, or privatized under the MHPI authorized in the NDAA for FY 1996, as amended. DoD-owned/controlled housing must conform to DoD requirements and respective MILDEP policies, including all applicable Federal laws and requirements under applicable Status of Forces Agreements in foreign locations. MHPI housing is only authorized in the United States (including its territories) and must conform with applicable Federal, State, and local laws and regulations and any additional requirements specified in the project ground leases and associated legal agreements between the associated MHPI project and MILDEP.

Under the MHPI, the MILDEPs entered long-term (typically 50-year) ground leases and associated legal agreements with competitively selected entities (i.e., the MHPI projects), transferring ownership and responsibility for operation, maintenance, construction, and recapitalization of the housing to private sector MHPI projects. Neither the MHPI companies operating the MHPI housing projects, the projects themselves, nor the projects’ service providers (e.g., property managers) are DoD or MILDEP contractors for MHPI housing. The MHPI projects are complex public-private partnerships that are reflected in a variety of legal documents that constrain both parties. The Government lacks the legal authority to unilaterally change the terms of the MHPI project legal documents. Barring execution of a new or renewed applicable project legal document, the MILDEPs must obtain the MHPI companies’ voluntary agreement to retroactively apply new requirements at existing MHPI housing projects for the proposed language to take effect.

The Secretary of Defense has designated the Assistant Secretary of Defense for Energy, Installations, and Environment as the Department’s Chief Housing Officer (CHO), responsible for overseeing all aspects of DoD housing, with support from the Deputy Assistant Secretary of Defense for Housing (DASD(H)).

The MILDEPs are responsible for managing conditions in DoD-owned/controlled housing through housing condition inspections and assessments; preventive maintenance; and maintenance, repair, and/or replacement consistent with DoDI 4165.63, “DoD Housing.” General DoD guidance for the management of EH hazards in DoD facilities and operations, including DoD-owned/controlled housing, is provided by DoDI 6055.01, “DoD Safety and Occupational Health (SOH) Program,” and DoDI 6055.05, “Occupational and Environmental Health (OEH).” The MILDEPs have additional internal guidance that augments DoD policy.

The CHO, with support from the DASD(H), is responsible for ensuring that the MILDEPs exercise their oversight authority to ensure MHPI housing projects provide safe, quality, well-maintained housing that is free from EH hazards, in compliance with project legal documents. The ground lease and associated legal agreements that comprise the MHPI project provide the mechanisms for the MILDEPs to hold the MHPI project companies accountable for substandard housing, to include failure to timely and properly remediate an EH issue.

The implementation of DoD's procedures for the management of potential EH hazards in DoD housing includes requirements for the installation MHO and supporting EH staff to respond to reported potential EH hazards. This process sets requirements for identifying EH hazards, identifying the DoD housing residents affected by the environmental hazard, recording and maintaining information regarding the EH hazard, and EH hazard resolution activities for DoD-owned/controlled housing or oversight of MHPI project EH hazard resolution activities for MHPI housing.

DoD Implementation

Pursuant to section 3053 of the NDAA for FY 2020, this report summarizes the DoD's process to identify, record, and resolve EH hazards in "housing under the jurisdiction of the Department of Defense (including privatized housing)." The attached Assistant Secretary of Defense for Readiness (ASD(R)) policy memorandum, "Standards and Guidance for Managing Environmental Health Hazards in Department of Defense Housing," February 1, 2022, provides guidance for environment, EH, and safety personnel in supporting military installation management/oversight of EH hazards in DoD housing, including MHPI housing. The processes, standards, and guidance in the policy memorandum will be incorporated in DoDI 6055.01, "DoD Safety and Occupational Health (SOH) Program," and DoDI 6055.05, "Occupational and Environmental Health."

Team Approach

Response to potential EH hazards in DoD housing requires a team approach, led by the MHO with support from EH subject matter experts (SMEs) and HCPs. DoD housing residents (Tenants) will be referred to the MHO regarding EH concerns in their housing. In addition to housing inspection assessments by the MHO, or third-party assessments conducted on behalf of MHOs, DoD housing Tenants may identify and report potential housing EH concerns to the MHO, their HCP, and/or the MHPI housing project property manager (if applicable).

MHO

A Tenant, EH SME, or HCP may raise potential EH concerns to the installation MHO for DoD housing, including MHPI housing. If a Tenant raises an EH concern, the MHO will recommend that the Tenant also address their health concerns, or those of their family members, with their HCP.

If a Tenant raises potential EH concerns related to DoD housing, the MHO will validate with the Tenant that a maintenance request has been submitted and establish a deadline to

resolve any confirmed housing condition hazards, consistent with DoD and MILDEP policies, the potential hazard severity, and MHPI project legal agreements, as applicable. The MHO will determine and implement the required corrective action(s) in accordance with procedures developed by their Component, or in the case of MHPI housing, will provide appropriate oversight to monitor and ensure that the MHPI housing project satisfactorily addresses the potential hazard consistent with the requirements set out in the MHPI project legal agreements. This includes MHPI project compliance with Federal, State, and local standards for management and mitigation of EH hazards.

If the MHO or HCP needs technical assistance regarding a potential EH hazard in DoD housing, the supporting EH SMEs will provide consultative support to the MHOs and DoD HCPs, as requested, to include interpreting EH standards, assessing EH risks, and recommending appropriate mitigation options. The EH SMEs, as requested by the MHO or DoD HCP, will determine the presence of an exposure to a health hazard in DoD housing, and the need for the MHO to further complete a hazard evaluation to inform the clinical evaluation. The supporting DoD EH SME, after consultation with the DoD HCP, will determine the next steps to support the DoD HCP. Additionally, the DoD HCP may notify the military medical treatment facility if a Service member or their family member is diagnosed with a disease or injury that could relate to DoD housing.

As needed and consistent with its Component's guidance, the MHO will consult with the supporting environmental compliance SME (e.g., facilities' environmental engineers, public works' environmental staff), environmental health SME (e.g., preventive medicine, public health, or occupational and environmental medicine), and/or supporting safety office technical SME. For safety concerns, the MHO should consult with technical SMEs from the supporting safety office if needed (e.g., fire or electrical safety, and infrastructure hazards).

Targeted and effective health risk communication must occur early and continuously to keep DoD housing residents potentially affected by EH hazards informed as much as possible, as information becomes available. All risk communication information provided to DoD housing residents regarding DoD housing conditions will be recorded in DoD's enterprise Military Housing (eMH) database. HCP information provided to DoD housing residents will be recorded in the individual medical treatment records.

HCP

In cases where Tenants raise potential EH concerns to their DoD HCP, or if the HCP suspects that Tenants' health concerns may be related to DoD housing, the HCP will advise Tenants to contact their MHO if they have not already done so. DoD HCPs should consult with their supporting environmental health SME, if needed, to determine the presence of an exposure to a health hazard, the need for the MHO to further complete a hazard evaluation to inform the clinical evaluation, and help determine the appropriate next steps to be taken by the HCP. Additionally, the HCP may notify the military medical treatment facility if a Service member or their family member is diagnosed with a disease or injury that could be related to DoD housing.

Documentation and Communication

All DoD housing data will be documented in the DoD's eMH database, the DoD's authoritative program of record for DoD housing, in accordance with DoD housing policy, including: 1) inspections and EH assessments, data, and recommendations; 2) maintenance and repair actions taken on a particular housing unit; 3) Tenant concerns regarding potential EH hazards in DoD housing and actions taken to address such Tenant's concerns; 4) the status of work order actions being taken by the MHO; and 5) data on potential EH exposures and the Tenants potentially affected, the status or risk of the identified hazard, and the timeframe to which such actions were taken.

Specific EH Hazards

Mold

The DoD conducted an analysis of existing standards and practices published by States, Federal agencies (e.g., U.S. Environmental Protection Agency (EPA) and the U.S. Department of Health and Human Services), and research organizations for mold assessment, mitigation, and remediation. This analysis identified these best practices for addressing mold, including the assessment of mold concerns, mold prevention and moisture mitigation, mold remediation, and the correction of conditions that created the moisture intrusion necessary for significant mold growth.

The MHO, with supporting EH SMEs (e.g., environmental, environmental health, preventive medicine, public health, bioenvironmental engineering, and radiation health) will confirm the existence of mold, identify the root cause of moisture in DoD-owned/controlled housing, and will identify an appropriate mitigation plan or alternatives, and timeframes for the initial response and corrective actions as necessary SMEs to prevent or limit significant mold growth. MHOs will notify and communicate information to the affected tenants of DoD-owned/controlled housing, to include information about the areas affected and the plans for removal and cleanup. For MHPI housing projects, the MHO will provide oversight to ensure that the MHPI project takes appropriate corrective action in compliance with project legal agreements.

The MHO, with supporting EH SMEs, will provide DoD and MILDEP guidance related to DoD housing maintenance and sanitation to the MHPI project property managers to help inform their best management practices. The MHO will perform oversight as necessary to ensure that MHPI projects meet applicable requirements for mold prevention, moisture mitigation, mold remediation, and associated corrective actions and timeframes in MHPI housing with identified EH hazards, consistent with project legal agreements.

LBP

Within the United States, LBP was banned from use in housing in 1978; therefore, all DoD housing constructed prior to 1978 is assumed to have LBP in the absence of testing. Managing this hazard in the United States is closely regulated by the EPA and many State

environmental or public health agencies. The following laws and regulations establish LBP standards in the U.S.: 42 U.S.C. § 4831(b); 15 U.S.C. §§ 2681-2692; 40 CFR Part 745, “Lead-Based Paint Poisoning Prevention in Certain Residential Structures;” and title X of Public Law 102–550, “Residential Lead-Based Paint Hazard Reduction Act of 1992;” and State and local regulations.

For DoD-owned/controlled housing in the United States, MHOs will ensure that the housing follows Federal, State, and local regulations and DoD and MILDEP guidance, where applicable, which delineate specific procedures to identify, assess, and control LBP hazards in housing under normal living conditions and during housing renovation, repair, and LBP abatement activities. EH and safety SMEs (e.g., environmental, EH, preventive medicine, public health, bioenvironmental engineering, and radiation health) may provide consultative support, as requested. Chapters 4 through 15 and Chapter 18 of the “HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing” (https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines) and Unified Facilities Guide Specification (UFGS) 02 83 00, “Lead Remediation,” describe comprehensive procedures to reduce LBP hazards during remediation activities.

For housing units located outside the United States, the prohibition of the use of LBP may vary from U.S. policy. MHO’s are directed to consult Department of Defense Manual (DoDM) 4715.05, Volume 2, “Overseas Environmental Baseline Guidance Document,” Air and Toxics section for further information. For DoD housing units (within DoD’s jurisdiction) that are located outside the United States and its territories, the MHO and installation public works or facilities maintenance personnel should ensure that the housing complies with the management of LBP in DoD facilities and housing, and any additional requirements established within the applicable Status of Forces Agreement with the host nation. Paint testing by a certified and accredited environmental laboratory may be necessary to confirm the absence of LBP.

The MHO will provide DoD and MILDEP guidance related to LBP management and remediation to MHPI housing project property managers to help inform their best management practices, and provide oversight to ensure that MHPI housing projects meet Federal, State, and local LBP requirements in accordance with the project ground lease and associated legal documents. This includes the requirement for MHPI projects to provide prospective Tenants with notification and information regarding Tenant responsibilities related to LBP in MHPI housing units constructed prior to 1978, and to adhere to Federal, State, and local LBP management, remediation, and other requirements consistent with project legal agreements.

MHOs will notify and communicate information regarding LBP in DoD-owned/controlled housing to affected Tenants, including information about the areas potentially affected, Tenant responsibilities, and plans for LBP management, remediation, and removal, as applicable. MHOs will ensure that MHPI projects likewise notify and communicate information regarding LBP in MHPI housing to affected Tenants.

Radon

Radon is a naturally occurring ionizing radiation. It is a radioactive gas that is found in air, water, natural gas, soil, and building materials. The primary health concern from exposure to radon and radon decay products is an increased risk of lung cancer. Exposure occurs when radon migrates into buildings through water supply or air spaces around pipes and building foundations, and becomes an inhalation hazard for people who live in or occupy the buildings. Radon can be concentrated within some enclosed structures, including housing, at levels that can increase health risks. The EPA has mapped out areas of the United States and its territories with the potential for harmful levels of indoor radon based on geological data and reported indoor radon levels in homes and other structures.

The Indoor Radon Abatement Act of 1993 resulted in the EPA providing guidelines that recommend abatement or remediation when indoor radon air concentrations exceed a threshold based on limiting the risk of developing lung cancer from radon exposure.

For DoD housing in the United States where radon levels exceed EPA guidelines, MHOs will follow the mitigation requirements specified in UFGS 31-21-13. For DoD housing that is located outside the United States with radon concentrations equal to or greater than 4 picoCuries/Liter, the MHO will ensure that the housing complies with the management of radon in UFGS 31-21-13 for UFGS 31-21-13 for DoD facilities and any additional requirements established within applicable Status of Forces Agreements with the host nation.

An August 4, 2020 Assistant Secretary of Defense for Sustainment Memorandum, "Radon Testing and Monitoring of Privatized Military Housing Procedures," directed the MILDEPs to work with their MHPI project companies to review their radon testing procedures for MHPI housing located in Zones 1 and 2 of the EPA Radon Zone Map.

MHOs will notify and communicate information regarding radon in DoD-owned/controlled housing to the affected Tenants, including information about radon mitigation, as applicable. MHOs will ensure that MHPI projects likewise notify and communicate information regarding radon in MHPI housing to affected Tenants.

Asbestos

Asbestos management is subject to legal obligations and compliance responsibilities under Federal, State, and local requirements. The EPA in 40 CFR Parts 9, 721, and 763, closely regulates asbestos management. The DoD published UFGS 02 82 00, "Asbestos Remediation," in addition to the MILDEPs' asbestos management requirements for facilities as specified in Navy Facilities Engineering Command Publication-502, "Asbestos Program Management;" Army Regulation 420-1, "Army Facilities Management;" and Air Force Instruction 32-1001, "Civil Engineer Operations." For DoD housing located outside the U.S. and its territories where, the rules for managing asbestos may vary from U.S. policy, MHOs and SMEs will consult the DoDM 4715.05, Volume 2.

For DoD housing in the United States, MHOs will ensure that the housing follows Federal, State, and local regulations and DoD and MILDEP guidance, where applicable, which delineate specific procedures to identify, assess, and control asbestos hazards in housing under normal living conditions and during housing renovation, repair, and asbestos abatement activities.

For DoD housing located outside the U.S., the prohibition on the use of asbestos may vary from U.S. policy, as addressed in DoDM 4715.05, Volume 2. For DoD housing that is located outside the United States, the MHO will ensure that the housing complies with DoD and MILDEP requirements for the management of asbestos in DoD facilities and any additional requirements established within applicable Status of Forces Agreements with the host nation. DoD housing located outside the United States will comply with any additional ACM management requirements established within applicable Status of Forces Agreements with the host nation.

The MHO will provide DoD and MILDEP guidance related to asbestos management and remediation to MHPI projects to help inform their best management practices. MHOs will provide oversight of MHPI projects) compliance with Federal, State, and local requirements for asbestos management and remediation requirements consistent with project legal agreements.

MHOs will notify and communicate information regarding asbestos in DoD housing to the affected Tenants, including information about asbestos management, remediation, removal, and mitigation, as applicable. MHOs will ensure that MHPI projects likewise notify and communicate information regarding asbestos in MHPI housing to affected Tenants.

Conclusion

The DoD process to identify, record, oversee, manage, mitigate, and/or resolves EH hazards in DoD housing includes: categorization and identification of the potential EH hazard; notification and communication with potentially impacted Tenants of the identified hazard(s) and intended corrective or mitigating actions; and management and appropriate action by the installation MHO, to include oversight of associated property management by MHPI projects and their property managers. This includes the supporting facilities maintenance personnel to complete the appropriate mitigating or corrective action, or as appropriate to ensure MHPI projects complete mitigating or corrective actions and Tenant hazard information and notification requirements consistent with project legal agreements.

The EH standards and guidance for managing mold, LBP, radon, and asbestos are set forth in the attached ASD(R) Memorandum, "Standards and Guidance for Managing Environmental Health Hazards in Department of Defense Housing," February 1, 2022. All DoD corrective/mitigating actions to address EH hazards in housing, to include oversight of MHPI project actions to manage and mitigate EH-related housing hazards, are based on defined risk management and assessment recommendations and are consistent with DoD Component guidance and MHPI project legal documents.

The DoD process requires a team approach involving personnel from DoD Military Housing Offices; facility maintenance personnel; safety, EH, clinical personnel; and MHPI housing projects/companies. A key element of the process is to identify and address EH hazards in a timely manner through direct communications between the MHO, the supporting EH SMEs, and HCPs, and as appropriate with MHPI projects, and sharing information about the potential hazards and associated management and mitigating/corrective actions with Tenants as appropriate. All DoD-conducted housing assessments and all DoD or MHPI project corrective or mitigating actions are to be recorded and maintained in the eMH information system, which is the DoD's authoritative system of military housing data. The eMH is the DoD's authoritative system to collect, track, and manage all information, assessments, testing results, and mitigation efforts related to EH in DoD housing.

This report summarizes DoD guidance for environment, EH, safety, MHO, and other facilities personnel for the identification, management, and prevention of EH hazards in DoD-owned/controlled housing, and in support of MILDEP oversight to ensure that MHPI projects provide safe, quality housing consistent with the terms of the project ground lease and associated legal agreements.

Acronyms & Terms

Acronym	Term
ACM	asbestos-containing materials
ASD(R)	Assistant Secretary of Defense for Readiness
CHO	Chief Housing Officer
DASD(H)	Deputy Assistant Secretary of Defense for Housing
DoD	Department of Defense
DoDI	Department of Defense Instruction
DoDM	Department of Defense Manual
EH	environmental health
eMH	enterprise Military Housing
EPA	Environmental Protection Agency
FY	Fiscal Year
HCP	health care provider
LBP	lead-based paint
MHO	military housing office
MHPI	Military Housing Privatization Initiative
MILDEP	Military Department
NDAA	National Defense Authorization Act
SME	subject matter expert
UFGS	Unified Facilities Guide Specification

References

Air Force Instruction 32-1001, "Civil Engineer Operations," October 4, 2019, as amended

Army Regulation 420-1, "Army Facilities Management," February 12, 2008, as amended

DoDI 4165.63, "DoD Housing," July 21, 2008, as amended.

DoDI 6055.01, "DoD Safety and Occupational Health (SOH) Program," October 14, 2014, as amended.

DoDI 6055.05, "Occupational and Environmental Health," November 11, 2008, as amended

DoDM 4715.05, "Overseas Environmental Baseline Guidance Document: Air and Toxics," June 7, 2018, as amended

Assistant Secretary of Defense for Readiness Memorandum, "Standards and Guidance for Managing Environmental Health Hazards in Department of Defense Housing," February 1, 2022.

Naval Facilities Engineering Command P-502, "Asbestos Program Management," September 2017

S.657 - Indoor Radon Abatement Act of 1993, 103rd Congress

Title 40, Code of Federal Regulations, Part 745, "Lead-Based Paint Poisoning Prevention in Certain Residential Structures"

Title 40, Code of Federal Regulations, Part 763, "Asbestos-Containing Materials in Schools"

Title 40, Code of Federal Regulations, Parts 9 and 721, "Restrictions on Discontinued Uses of Asbestos"

Title 42, United States Code, Section 4831, "The Lead-Based Paint Poisoning Prevention Act of 1971"

USFG 02 82 00, "Asbestos Remediation," November 2018