



**DEPARTMENT OF VETERANS AFFAIRS**  
**Regional Office**  
**1240 East Ninth Street**  
**Cleveland OH 44199**

December 10, 1999

**In Reply Refer To: 325/262-4**  
**Information Letter 26-99-26**

**TO: All VA Management Brokers**

**SUBJ: VA Requirements Pertaining to Lead-Based Paint**

1. We would again like to call your attention to VA policy regarding lead-based paint and the inspection for, and treatment of defective paint on VA properties.
2. All defective paint conditions are to be identified and specific recommendations made with estimates of cost. Please refer to the following excerpt of VA Manual M26-5, 4.06 [b.-1] as a guideline in providing this information for VA Form 26-0595v.
3. **Inspections for Defective Paint Surfaces--Lead-Based Paint:** The use of lead-based paint on applicable surfaces is prohibited in the repair of all properties acquired by VA. Each field station will enforce this prohibition by requiring that no contractor or subcontractor use, or permit the use of, lead-based paint in the repair or rehabilitation of properties acquired or in the process of acquisition.
4. **Definitions:** The following definitions with respect to lead-based paint will apply:
  - (a) "Lead-based paint" means any paint containing more than five-tenths of 1 percent lead by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied or both; or with respect to paint which is manufactured after June 22, 1977, lead-based paint means any paint containing more than six one-hundredths of one percent lead by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied.
  - (b) "Applicable surface" means all intact and nonintact interior and exterior painted surfaces of a residential structure.
  - (c) "Defective paint surface" means an applicable surface on which the paint is cracking, scaling, chipping, peeling, or loose.
5. **Requirements:** All applicable surfaces of residential properties constructed prior to 1978 and which are intended for residential habitation will be inspected to determine whether defective paint surfaces exist.

All defective paint surfaces (as defined in subpar. c above) will be assumed to be immediate hazards and will require treatment prior to residential occupancy of the property. Properties which require substantial repairs prior to occupancy and are offered for sale as "investor specials" are not required to be treated since these properties will typically be repaired by the investor-purchaser prior to rental or resale.

6. **Treatment:** Treatment necessary to eliminate hazards of lead-based paint will consist of covering or removal of defective paint surfaces. Covering may be accomplished by such means as adding a layer of wallboard to the wall surface. Depending on the wall condition, wall coverings which are permanently attached may be used. Covering or replacing trim surfaces is also permitted. Paint removal may be accomplished by such methods as scraping, heat treatment (infrared or coil type heat guns) or chemicals. However, machine sanding and use of propane or gasoline torches (open-flame methods) are not permitted. Additionally, washing and repainting without thorough removal or covering does not constitute adequate treatment. In the cases of defective paint spots, scraping and repainting the defective area is considered adequate treatment. Since most local jurisdictions provide guidelines for lead paint treatment, who may provide such treatment, the conditions under which the treatment may be undertaken, and the disposal of waste materials, contact will be made with the appropriate local authorities to obtain a copy of the guidelines as well as a list of contractors in the area who are licensed to perform such work, if available.

7. **Repair Contracts:** All VA Forms 26-6724 issued for the purpose of soliciting bids or authorizing repairs which include paint treatment will contain the following legend: "USE OF LEAD-BASED PAINT IS PROHIBITED." Staff and fee personnel responsible for inspections of properties undergoing repair will enforce this policy prohibiting the use of lead-based paint. Any violations found will be brought to the attention of station management for appropriate action. When the evidence presented so warrants, action may be taken to discontinue the services of the contractors and/or subcontractors directly responsible. Additionally, the contractor/subcontractor will be required to reimburse VA for any expensed incurred by VA in removal of any lead-based paints applied by the contractor/subcontractor.

8. We appreciate your cooperation and participation in the VA Home Loan Guaranty Program.

/s/

JAMES L. BRUBAKER, JR.  
Loan Guaranty Officer