

SECTION 5-2: DECONTAMINATION

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5-2-00 POLICY

In HHS facilities where hazardous agents have been used, they must be decontaminated in accordance with applicable laws, regulations, and guidelines prior to disposal of the property. Where hazardous materials were used in the construction, remodeling, or rehabilitation of the facility, those hazardous materials must also be disposed of if such action is required by applicable Federal and local laws and regulations.

A. HAZARDOUS SUBSTANCES

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 42 USC 9601 et seq.) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 40 CFR 300) establish the requirements and procedures for the cleanup of sites that have been contaminated by releases of hazardous substances. Furthermore, CERCLA requires that a deed for federally owned property being transferred outside the government must contain a covenant that all remedial action necessary to protect human health and the environment has been taken, and that the United States shall conduct any additional remedial action "found to be necessary" after transfer. Within the established restoration process, it is the OPDIV's responsibility, in conjunction with regulatory agencies, to select cleanup levels and remedies that are protective of human health and the environment. The environmental restoration process also calls for public participation, so that decisions can be made with the benefit of community input.

B. ASBESTOS CONTAINING MATERIAL

HHS policy with regard to asbestos-containing material (ACM) is to manage ACM in a manner protective of human health and the environment, and to comply with all applicable federal, state, and local laws and regulations governing ACM hazards. Therefore, unless it is determined by competent authority that the ACM in a property does pose a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased, or otherwise disposed of "as is" through the transfer process. Prior to property disposal, all available information on the existence, extent, and condition of ACM shall be incorporated into the Environmental Baseline Survey (EBS) report or other appropriate document to be provided to the transferee.

C. LEAD-BASED PAINT

HHS policy with regard to lead-based paint (LBP) is to manage LBP in a manner protective of human health and the environment, and to comply with all applicable federal, state, and local laws and regulations governing LBP hazards. The provisions of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of P.L. 102-550) concerning the transfer of Federal property for residential use are applicable. The Act also made Federal agencies subject to all federal, state, interstate, and local substantive and procedural requirements respecting LBP and LBP hazards (see 15 U.S.C. 2688). Therefore, there may be more stringent local requirements applicable to Federal property transfers.

D. RADON

In response to concerns with the potential health effects associated with radon exposure, and in accordance with the Indoor Radon Abatement provisions of Subchapter III of the Toxic Substances Control Act, Title 26 U.S.C. 2661 to 267, it is HHS policy to ensure that any available and relevant radon assessment data pertaining to property being transferred shall be included in property transfer documents. However, it is not policy to perform radon assessment and mitigation prior to transfer of property unless otherwise required by applicable law.

E. MERCURY

The Resource Conservation and Recovery Act requires the proper classification of hazardous waste prior to disposal. Operations of the department have utilized mercury for various activities and due to the unique properties of mercury this compound typically is deposited under casework, temporary floors and other low lying areas. Left unaddressed this material would end up in local landfills and incinerators. Therefore it is HHS policy that mercury surveys and cleanup of contamination be performed prior to disposal of space.

5-2-10 PROCEDURES

OPDIVs must accurately identify all hazardous agents used in the facility as well as all hazardous materials used in construction or any other subsequent remodeling or rehabilitation of the facility. OPDIVs must decontaminate the facility in accordance with all Federal and local government laws and regulations and industry standards for the neutralization, destruction, removal, or disposal of hazardous agents and hazardous materials in accordance with Federal and local government laws and regulations prior to disposal of the facility. (In some cases, the law may allow transfer of a property without removal of certain hazardous materials. For example, it is normally not required to remove asbestos that is in good condition (intact) and non-friable. However, at a minimum there are probably legal requirements to identify that asbestos is present.)

5-2-20 GUIDANCE AND INFORMATION

A. HAZARDOUS AGENTS

Major Agent Categories as defined by the National Library of Medicine (NLM) include: Biological Agents, Metals, Mineral Dusts, Nitrogen Compounds, Other Chemicals, Pesticides, Plastics & Rubber, Solvents, and Toxic Gases & Vapors. A recommended source of excellent specific information is the NLM internet link at <http://hazmap.nlm.nih.gov/>.) The following list includes some of the types of hazardous agents that may be found in HHS facilities.

- Blood borne Pathogens.
- Indigenous moderate risk agents (e.g. Hepatitis B Virus, Salmonellae, Toxoplasma spp.).
- Indigenous or exotic agents with a potential for respiratory transmission which may cause serious and potentially lethal infection (e.g. Mycobacterium Tuberculosis, St. Louis Encephalitis Virus).
- Dangerous and exotic agents which pose a high individual risk of life-threatening disease which may be transmitted via the aerosol route, and for which there is no available vaccine or therapy.
- Recombinant DNA.
- Chemicals including carcinogens, compressed gases, corrosives, explosives, flammables, irritants, lacrimators, mutagens, oxidizers, and stench, toxins.
- Radioactive Materials.
- Building Materials, such as asbestos and lead.

B. BIOHAZARDS AND PRINCIPLES OF BIOSAFETY

The term "containment" is used in describing safe methods for managing infectious materials in the laboratory environment with the intent to reduce or eliminate exposure of laboratory workers, other persons, and the outside environment to potentially hazardous agents.

- Primary containment - the protection of personnel and the immediate laboratory environment from exposure to infectious agents, is provided by both good microbiological technique and the use of appropriate safety equipment.
- Secondary containment, the protection of the environment external to the laboratory from exposure to infectious materials, is provided by a combination of facility design and operational practices.
- The three elements of containment include laboratory practice and technique, safety equipment, and facility design. The risk assessment of the work to be done with a specific agent will determine the appropriate combination of these elements.

Facility Design and Construction (Secondary Barriers) commensurate with the laboratory's function and the recommended biosafety level (BSL) for the agents being manipulated, contributes to the laboratory workers' protection, provides a barrier to protect persons outside the laboratory, and protects persons or animals in the community from infectious agents which may be accidentally released from the laboratory.

- Biosafety Level 1 represents a basic level of containment that relies on standard microbiological practices with no special primary or secondary barriers recommended, other than a sink for hand washing.
- Biosafety Level 2 practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community and associated with human disease of varying severity.
- Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
- Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

Personnel requiring authoritative information, guidance, and procedures for controlling the risks associated with biohazards should refer to the latest edition of CDC/NIH "Biosafety in Microbiological and Biomedical Laboratories".

C. ASBESTOS

Asbestos-containing material shall be remediated prior to property disposal only if it is of a type and condition that is not in compliance with applicable laws, regulations, and standards, or if it poses a threat to human health at the time of transfer of the property. This remediation may be accomplished by the transferee under a negotiated requirement of the contract for transfer, sale, or lease. The remediation discussed above will not be required when the buildings are scheduled for demolition by

the transferee; the transfer document prohibits occupation of the buildings prior to the demolition; and the transferee assumes responsibility for the management of any ACM in accordance with applicable laws.

D. LEAD BASED PAINT

The provisions of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of P.L. 102-550) are applicable to target housing (housing constructed prior to 1978), with limited exceptions for housing for the elderly or persons with disabilities or any 0-bedroom dwelling.

- Target housing constructed after 1960 and before 1978 must be inspected for LBP and LBP hazards. The results of the inspection must be provided to prospective purchasers or transferees of property, identifying the presence of LBP and LBP hazards on a surface-by-surface basis. There is no Federal LBP hazard abatement requirement for such property. In addition, prospective transferees must be provided a lead hazard information pamphlet and the contract for sale or lease must include a lead warning statement.
- Target housing constructed before 1960 must be inspected for LBP and LBP hazards, and such hazards must be abated. The results of the LBP inspection will be provided to prospective purchasers or transferees of property identifying the presence of LBP and LBP hazards on a surface-by-surface basis and a description of the abatement measures taken. In addition, prospective transferees must be provided with a lead hazard information pamphlet and the contract for transfer must include a lead warning statement.

The inspection and abatement discussed above will not be required when the building is scheduled for demolition by the transferee and the transfer document prohibits occupation of the building prior to the demolition, or if the building is scheduled for non-residential use.