

U.S. Department of  
Homeland Security

United States  
Coast Guard



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Support  
United States Coast Guard

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12 Jul 2019

## MEMORANDUM

From:  J. M. Vojvodich, RADM  
CG DCMS-d

To: CG-1  
CG-4

Subj: FINAL ACTION ON INVESTIGATION INTO THE USE OF U. S. COAST  
GUARD HOUSING AT WEST CHOP LIGHT

Ref: (a) Administrative Investigations Manual, COMDTINST M5830.1A  
(b) Investigation into the Use of Coast Guard Housing at West Chop Light dtd 31  
Mar 2019

1. Having considered reference (a) and (b) and other applicable references, the actions below are ordered and this administrative investigation is closed. A summary of pertinent facts and my opinions based on those facts are provided. Progress with respect to the actions ordered shall be reported to my office on a monthly basis until all ordered actions have been implemented.

2. Factual Summary. The Coast Guard owns housing units co-located with the West Chop lighthouse in a highly desirable area of Martha's Vineyard, Massachusetts. These units were traditionally used to house Coast Guard Station Menemsha's senior leadership. Due to a prohibitively expensive local housing market—and a critical need for housing in the area—the Coast Guard periodically examined whether unit housing needs could most effectively and economically be met by divesting the West Chop properties and then leasing and/or purchasing other properties in the local area, or by conducting the necessary repairs and remediation to retain the West Chop housing for use by members.

a. The Coast Guard conducted initial lead paint removal and abatement projects on the West Chop housing units in 1993. In July 2012, a Coast Guard Housing "Tiger Team" performed a condition assessment of the West Chop housing units, and based on their findings (including the detection of lead), Commandant (CG-13) declared the West Chop housing units inadequate for use as housing.<sup>1</sup> In 2013, Commandant (CG-122) (now CG-133) noted the West Chop housing units were being considered for divestiture and requested deferral of any repair or remediation. Accordingly, proposed repairs were suspended.

b. In May 2014, Commandant (CG-43) recommended disposal of the West Chop housing units, and noted soil remediation would be required if the properties were to be divested and that Environmental Compliance and Restoration (EC&R) funds were the only permissible source of funds for that soil remediation.

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<sup>1</sup> In total, 4 of the Coast Guard's 9 Martha's Vineyard housing units were removed from the family housing inventory.

c. Also in May 2014, the First Coast Guard District and Coast Guard Sector Southeastern New England recommended retention of the West Chop housing units, and the Sector requested First District intervention with Commandant (CG-43) to stave off potential divestiture, citing the “nearly impossible” search for housing to meet Coast Guard needs on Martha’s Vineyard.

d. In July 2014, representatives from the First District, Sector Southeastern New England, the Coast Guard Base Boston Area Housing Office, Coast Guard Civil Engineering Unit (CEU) Providence, and Coast Guard Base Cape Cod Facilities Engineering Department discussed housing needs and challenges on Martha’s Vineyard. They recommended that the West Chop housing units be renovated (instead of divested) due to significant local housing challenges, noting that Coast Guard families could safely reside in the housing units if the residents were not pregnant and did not have children under the age of six years. Per the Coast Guard’s Safety and Environmental Health Manual, COMDSTINST M5100.47B, Coast Guard members with “at risk” family members (small children or pregnant women) shall not be assigned to housing units with Major or Action level findings.

e. In December 2014, CEU Providence prepared a Project Development Submittal (PDS) to perform Lead-Based Paint (LBP) abatement at the West Chop housing units, to ensure the units would be lead-safe even for families with small children. The scope of work addressed interior abatement, but did not include basements, exterior soil, or other site structures. AFC-43 funding is generally restricted to civil engineering projects such as rebuilding and improvements, but EC&R funding is the only source of funds authorized to abate lead from soil.

f. In 2015, Commandant (CG-438) approved the PDS and a LBP abatement contract was issued. The contractor completed the work with final testing undertaken by a licensed lead inspector and risk assessor later that year. The inspector and risk assessor determined that the housing units were in lead-safe condition and provided documentation to that effect. Due to successful LBP abatement, Commandant (CG-13) rescinded the inadequacy declaration for both West Chop housing units in March 2016.

g. In March 2016, representatives from Area Housing Office and Station Menemsha met to discuss assignments for all Martha’s Vineyard Coast Guard housing which would be available during that assignment season. Station Menemsha’s Officer in Charge (OIC), and Executive Petty Officer (XPO) were to be assigned to the West Chop housing units. At that time the Station Menemsha OIC agreed to move his family to the West Chop housing units from other CG-leased housing.

h. The Base Cape Cod Housing Manual requires notification to residents who occupy pre-1981 Coast Guard owned housing of known or suspected asbestos, lead and radon environmental health hazards. This Manual does not limit personnel who can be assigned to housing by environmental health risk. No record of the West Chop housing units’ soil testing was made in the Coast Guard’s Housing Management Information System (HMIS), and as such it would not appear on the Environmental Risk Assessment (ERA) disclosure letter provided for a specific housing unit. The Off-Base Housing Specialist from Base Cape Cod indicated the script on the ERA inspection sheet is always read to incoming residents, and a point is made to tell residents to exercise caution because testing may not capture every environmental hazard. However, the West Chop pre-occupancy inspection by the Off-Base Housing Specialist focused only the residential interiors.

i. In August 2018, a dependent residing in one of the housing units tested at elevated blood lead levels (EBLLs) during a routine exam.<sup>2</sup> As a result of this report, the West Chop housing was tested as a possible source of the EBLL. Thirty total samples were taken from the two West Chop housing units. Nine of those samples had a detectable concentration of lead. Three of the thirty samples exceeded the Action level (two from the basement floors and one from the bottom of a toy chest).<sup>3</sup> Seven other wipe samples taken outside the residence showed lead concentrations at the Action and Major findings level (including the Fog Signal Building, the Garage, and Paint and Oil Locker, and in the soil on the property).

3. Opinions. Without the Coast Guard purchase or lease of other local properties for member housing, use of the West Chop housing units became a necessary consideration. As previously noted, there are few housing alternatives in Martha's Vineyard, where it is expensive to lease and buy property. It was reasonable to investigate and pursue on-going remediation efforts for the West Chop housing units.

a. The abatement work in 1993 may have been effective, but degraded over time, which possibly resulted in the 2012 assessment that detected the presence of lead in the home. The detection of lead in 2012, in turn, triggered the additional LBP abatement conducted in 2015. The subsequent detection of lead in 2018 was likely a result of the fact that the 2015 abatement did not include the basement or the grass covered exterior areas of the home (which later became bare). Grass-covered areas, in contrast with areas of bare soil, were deemed to be lead safe. Deterioration of the external surfaces of other structures may also have contributed.

b. Constraints on AFC-43 and EC&R funding were factors which informed abatement decisions and the remediation projects were affected by complications in obtaining funding types that could be used for remediation. The scope of work for those abatement projects did not address the outside grounds and instead focused exclusively on the structure itself.

c. There was confusion regarding whether or not the reports endorsed the property as suitable for habitation by families with young children, whether or not the lead-safe status and remediation history was tracked properly in relevant Coast Guard databases, and what information was used when making housing assignments. There was also uncertainty among Coast Guard housing personnel and the contractors performing the abatement over what work needed to be documented and tracked in HMIS, resulting in missing or incomplete information in the database. This incomplete or missing information may have better informed key decisions.

4. Actions. I direct the following actions to optimize how the Coast Guard utilizes housing assets with known or potential environmental risks. No fault or liability should be assumed by virtue of the fact that these actions have been ordered:

a. COMDT (CG-1) shall analyze existing Coast Guard housing inventory to: (1) determine potential risks for environmental contaminants, (2) identify any houses constructed prior to 1978 when lead-based paints were banned for use in housing, and (3) specify those that are occupied with major or action-level findings recorded in the HMIS. If environmental assessments are warranted, the plan should include a well-timed strategy for implementation and include any

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<sup>2</sup> The EBLL was above the current cutoff level, which was revised downward in 2017. The sample would not have tested above the previous cut-off level.

<sup>3</sup> Action level is the level at which corrective action may be required. The lead remediation in 2015 included the West Chop housing unit interiors, but did not include the basements.

resource requirements needed. COMDT (CG-1) shall also identify any houses it deems fit for divestiture.

b. COMDT (CG-1) shall develop a communication plan for all projects and conditions noted for each affected housing unit. This plan should include refresher training for all housing, engineering, and Coast Guard Health, Safety and Worklife personnel to reinforce housing ERA certificate requirements, and outreach to housing residents to ascertain any health and safety concerns with a Coast Guard-provided house.<sup>4</sup>

c. COMDT (CG-1) shall review all relative policies and procedures to ensure compliance with all applicable Federal residential housing ERA regulations and take positive action to ensure our housing occupants are safe and informed.

d. COMDT (CG-4) shall review existing information systems and provide recommendations on an improved information sharing system for housing ERA.

e. COMDT (CG-4) shall also merge data from HMIS and Shore Asset Management (SAM) systems to consolidate all facility environmental data.

f. COMDT (CG-1) and COMDT (CG-4) will develop a soil sampling plan to assess any exposure risks due to potentially contaminated soils adjacent to residential housing units.

g. COMDT (CG-1) will ensure that residents of any housing found to be contaminated are briefed on the full range of testing and assessments available and, where indicated, are also made aware of and offered all long-term monitoring and treatment available within or through the government healthcare system.

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Copy: COMDT (CG-1)  
COMDT (CG-4)  
CGD ONE  
CG LSC

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<sup>4</sup> The Department of Defense initiated a 100% contact campaign with all inhabitants of government-owned housing.