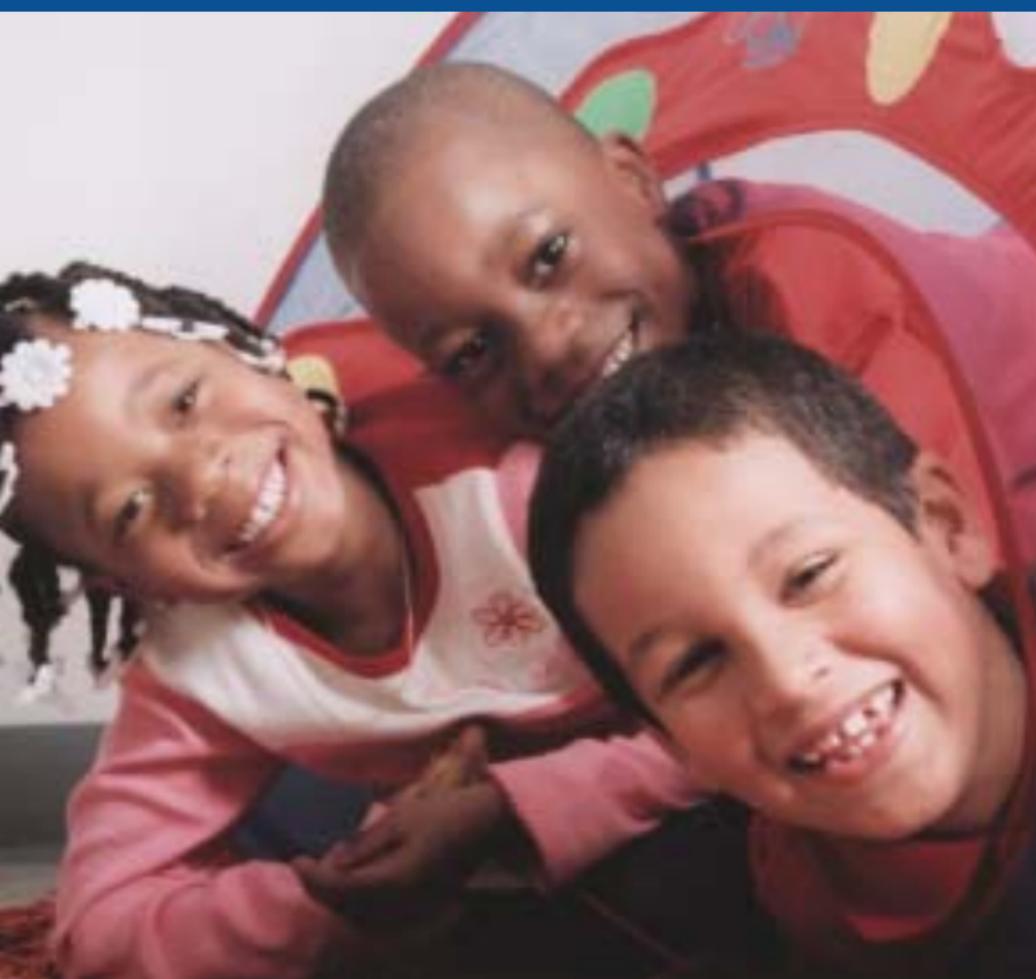


**What Every Group
DAY CARE
Operator Should Know**



**PREVENTING CHILDHOOD
LEAD POISONING**

New York City Health Code lead remediation requirements apply to ALL operators of group day care services, including those who are not required to have a permit issued by the Department of Health and Mental Hygiene pursuant to Article 47 of the Health Code. For requirements for other types of day care services, call 311 and ask for Day Care Lead Unit.

What Every Group **DAYCARE** Operator Should Know

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Young children are especially at risk for lead poisoning. Lead can harm a child's health, ability to learn, and behavior.

Dust from lead-based paint is the most common cause of childhood lead poisoning. Lead-based paint was banned for residential use in New York City in 1960 and nationwide in 1978. Because it has never been banned for use in commercial buildings, day care services may contain lead-based paint. Lead paint chips and dust can easily spread around a day care facility if paint is peeling or repairs are done unsafely. Young children can then swallow lead dust when they put their hands and toys in their mouths. Peeling paint also includes paint that is chipping, cracking, or chalking.

The New York City Health Code prohibits peeling lead-based paint or paint of unknown lead content on any surface of any day care service. The Health Code also requires all new group day care services commencing operations after May 1, 1997 to be lead free. The Health Code was amended to include new provisions required by Local Law 1 of 2004 (the Childhood Lead Poisoning Prevention Act of 2003) in day care services that contain lead-based paint or paint of unknown lead content. Some of these new provisions are described below; for more information, refer to the Health Code.

1. WHAT GROUP DAY CARE OPERATORS MUST DO

Complete the Annual Survey

The Health Code requires that you visually survey your day care service for peeling paint and other lead paint hazards at least once a year, and submit the survey results to the Department of Health and Mental Hygiene (the Health Department). This Annual Survey helps you identify lead paint hazards so that you can repair them. The Health Code requires that repairs be made as soon as problems are discovered.

The Annual Survey requires visual assessment of the paint condition of surfaces in group day care facilities. It must be performed for all painted building components in interior rooms and areas of the day care facility. The day care

operator must make sure the annual survey is completed, and the results submitted to the Health Department, but may assign another person to perform the survey.

The Health Department requires that all of the following lead paint hazards be recorded in the Annual Survey:

- **Peeling paint**, including paint that is chipping, cracking, or chalking.
- **Deteriorated surfaces**, including painted walls, ceilings, windows, doors, and moldings with crumbling plaster and/or rotted wood.
- **Friction surfaces**, including painted doors and windows that bind or rub together.
- **Impact surfaces**, including painted baseboards, moldings, and doors that may be hit by objects or by closing doors.
- **Chewable surfaces**, including all interior painted window sills and other surfaces that may have been chewed by children.

You must complete and return the Annual Survey to the Health Department by the permit issuance date each year. If you are operating a day care service that is not required to hold a permit, you must complete and return the Annual Survey to the Health Department before the school year starts. Additionally the Health Department requires that you update the survey and immediately make repairs when conditions, such as water leaks or other damages, cause paint to deteriorate during the year. Visit nyc.gov/health for instructions on completing the Annual Survey.

Repair All Lead Paint Hazards Safely and Immediately

You must use the safe work practices described in **WAYS TO REPAIR LEAD PAINT HAZARDS** (page 4) to fix all lead paint hazards whether you identified them in the Annual Survey or at any other time. Individuals who fix lead paint hazards or do work that disturbs more than 2 square feet of lead paint, including the day care maintenance staff or a hired contractor, must be trained in lead safe work practices.

Use Safe Work Practices and Trained Workers

Health Code §47.44 and §173.14 require operators of day care services and landlords of buildings in which day care services are located to use safe work practices and trained workers for any work that disturbs more than 2 square feet of lead-based paint or paint of unknown lead content, including:

- Fixing lead paint hazards on the Annual Survey.
- Regular building repairs and renovations, such as repainting, window replacement, electrical repairs and plumbing work that disturbs painted surfaces.
- Correcting lead hazard violations when an Order to Remediate is issued by the Department.

2. WAYS TO REPAIR LEAD PAINT HAZARDS

There are different ways to fix lead paint hazards. The Health Department encourages permanent repairs of lead-based paint hazards, though less permanent methods are acceptable. Wet methods (misting the surface with water to reduce dust) must be used whenever paint is disturbed.

To repair lead paint hazards, you may:

- Enclose (cover) the lead-based painted surface by installing sheet rock or another rigid barrier.
- Remove lead-based paint components and install new ones (such as replacing a window).
- Remove lead-based paint using methods that control the spread of lead paint and dust.
- Wet-scrape peeling or damaged paint and repaint.
- Seal lead-based paint with approved “encapsulants.” Encapsulants are durable, long-lasting coatings used to contain lead paint. *This method may be used for window sills.* Manufacturer’s instructions must always be followed when using encapsulants. Only encapsulants accepted for use by the Health Department can be used. Please call 311 for more information.

Permanently removing lead-based paint hazards may save you money in the long run. Methods that are not permanent require regular monitoring to ensure that surfaces remain intact.

Some repair methods are dangerous and illegal.

- Never dry-sand or dry-scrape lead paint or paint of unknown lead content.
- Never use a chemical paint remover containing methylene chloride.
- Never grind or sand lead paint without using a special vacuum attachment.
- Never use a heat gun over 1100°F or an open flame torch on lead paint.

3. WORK SAFELY: LEGAL REQUIREMENTS FOR REPAIR AND RENOVATION WORK

Between 2 and 100 square feet

When disturbing between 2 and 100 square feet of lead-based paint (or paint of unknown lead content) day care operators and building owners must complete all of the steps below:

1: Hire trained workers.

Workers must have completed a training course in lead-safe work practices developed by the U.S. Department of Housing and Urban Development and the U.S. Environmental Protection Agency called **LEAD SAFETY FOR REMODELING, REPAIR, AND PAINTING** or be EPA-certified lead-abatement workers.



Trained workers using wet repair methods.

2: Put up warning signs.

- The contractor must post warning signs outside the work area and make sure they stay in place until the work is done.



What Warning Signs Must Say

- The day care operator, building owner, and contractor must tell occupants to stay out of the work area. Always keep children away until a final clean-up has been done.

3: Prepare the area before starting work.

The work area must be cleaned, cleared, and sealed off so lead dust does not contaminate other areas of the day care facility.

- All floors, furniture, draperies, and other items in the work area must be washed or HEPA-vacuumed (High Efficiency Particulate Air).
- If movable items are cleaned first, they may be removed from the work area.
- Two layers of plastic sheeting and waterproof tape must be used to cover and seal floors, windows, vents, and all items left in the work area.
- Entrances and doorways in the work area must be sealed off with plastic sheeting.

4: Clean up every day.

Cleaning up is vital to prevent exposure of occupants to dust and debris.

- At the end of each work day, the area must be thoroughly HEPA-vacuumed and wet-mopped.

- All work materials must be stored away from people, in sealed containers, or removed from the premises altogether.
- The area must be inspected daily. No dust or debris should be tracked out.

5: Do a final clean-up.

When repair work is finished and before re-painting, you must follow these steps:

- All plastic sheeting must be removed safely. Plastic sheeting must be sprayed with water mist and all debris safely discarded. Plastic must then be folded carefully and sealed in heavy-duty (double four-mil or six mil or greater) plastic bags.
- All surfaces – including ceiling, walls, windows, floors, and furniture – must be HEPA-vacuumed, washed, and HEPA-vacuumed again.
- The work area must be inspected when the clean-up is finished. If dust and debris remain, the area must be cleaned again.

6: Take ‘clearance dust wipes.’

Hire an EPA-certified lead inspector to take clearance dust wipes. Clearance dust wipes must be done to ensure proper clean-up.

- You must hire a qualified, third party individual (independent of the day care operator, building owner, and contractor) to make a visual inspection and take clearance dust wipes.
- Three dust wipe samples must be collected from every room or area where work has been done: one from the floor, and if the room has windows, one from a window well and one from a window sill.
- In addition, one wipe sample must be taken from the floor in a room or area right next to the work area.
- Dust wipe results must be less than the following levels. If not, clean-up and dust wipe testing must be repeated.
 - Floors: 40 $\mu\text{g}/\text{ft}^2$ (micrograms/square foot)
 - Window sills: 250 $\mu\text{g}/\text{ft}^2$
 - Window wells: 400 $\mu\text{g}/\text{ft}^2$

More than 100 square feet or removing windows

When disturbing more than 100 square feet of lead paint, or paint of unknown lead content in a room, or removing 2 or more windows in a day care facility, day care operators and building owners must complete all of the steps below:

1: Hire a lead abatement firm contractor.

You must use an EPA-certified abatement contractor if working on more than 100 square feet of painted surface per room or replacing two or more windows. You do not have to hire an EPA-certified contractor if working on less than 100 square feet.

2: File paperwork before work begins.

File Notice of Commencement of Work with the Department of Health and Mental Hygiene. To get a form, call 311 and ask for one or print one out from the Health Department's website: nyc.gov/health

- Post completed "Notice of Commencement- of Work" outside the room and at the building entrance.

3: Follow steps 1 – 6 for disturbing 2 to 100 square feet.

4. CORRECTING VIOLATIONS: Work Ordered by the Health Department

If the Health Department orders you to fix lead paint hazards, information on requirements you must follow will be mailed to you. Call the Bureau of Day Care at 311 for more information.

5. CHECKLIST FOR DAY CARE OPERATORS AND BUILDING OWNERS (pages 2–8)

Day Care operators

- Inspect** your facility for lead-based paint hazards at least once a year using the Annual Survey of Paint Condition form.
- Complete and return** the Annual Survey to the Health Department.

Day care operators and building owners

- Immediately repair** all lead-based paint hazards and peeling paint of unknown lead content as soon as you find them. If you cannot immediately fix peeling paint, make sure you wet-mop all surfaces that may be covered with leaded dust.
- Use safe work practices.** Children must not be present in any rooms or areas where work is being done that disturbs lead-based painted surfaces, or surfaces covered with paint of unknown lead content.
- Use an EPA-certified lead abatement contractor** for work that disturbs more than 100 square feet per room or involves the removal of two or more windows per building.
- Use trained workers** for work that disturbs more than 2 square feet of lead paint or paint of unknown lead content per room, including required repairs of peeling paint.
- Clean-up** work areas thoroughly.
- Properly dispose of dust and debris.**
- Have 'clearance dust wipe tests'** performed when work is finished to ensure proper clean-up.
- Keep records** of all notices, inspections, and repair of lead paint hazards, and other matters related to work that disturbs lead-based paint.





Plastic sheeting helps prevent tracking dust and debris out of the work area.

6. YOU CAN HELP PREVENT LEAD POISONING

- Immediately fix peeling paint in the day care facility.
- Keep children away from peeling paint and renovation work.
- Clean floors, windowsills, and dusty places often with wet mops or wet cloths.
- Wash toys, pacifiers, and other items children put in their mouths.
- Wash children's hands often, especially before they eat.
- Use *cold* (not hot) tap water for making baby formula, drinking, and cooking. Let the water run for a few minutes before use.

- Remind parents to have their children tested for lead poisoning at ages 1 and 2 years, as required by law. They should also be reminded to ask their doctors about testing children at other times if there is a chance that they were exposed to lead.

7. MORE INFORMATION

- Call 311 or visit nyc.gov/health to get information on:
 - What to do if the Health Department orders you to fix lead hazards.
 - The New York City Health Code.
 - Worker training on safe work practices.
 - Screening, diagnosis, and treatment for lead poisoning.
 - Ordering more copies of this booklet.





Michael R. Bloomberg, Mayor

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