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Department of Investigation

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**DOI ISSUES REPORT FINDING THE NEW YORK CITY HOUSING AUTHORITY VIOLATED
LEAD-BASED PAINT ABATEMENT REGULATIONS SINCE AT LEAST 2013**

Margaret Garnett, Commissioner of the New York City Department of Investigation (“DOI”), issued the findings of a joint investigation by DOI, the U.S. Environmental Protection Agency’s Criminal Investigation Division, and the U.S. Department of Housing and Urban Development’s Office of the Inspector General, which determined that since at least 2013 and continuing through 2018, NYCHA had been extensively violating lead abatement regulations set by the Environmental Protection Agency (“EPA”), at a time when NYCHA was conducting an average of 800 abatements annually. The investigation found that NYCHA’s Lead Unit failed to ensure that all lead abatement jobs were supervised by an EPA-certified lead supervisor, who is responsible and trained to ensure that lead abatement jobs are conducted safely and in compliance with EPA regulations; that an accurate EPA notification of lead-based paint activity was filed with the EPA; and that an occupant protection plan was created for each job.

This investigation began when a whistleblower, a NYCHA lead abatement worker and EPA-certified lead supervisor, reported to DOI in 2017 that the manager of the NYCHA Lead Unit pressured him to falsely sign lead abatement paperwork for work that he did not participate in or supervise. The investigation found that at least since 2013, none of NYCHA’s lead abatement jobs were ever supervised by an EPA-certified lead supervisor, but the manager of the Lead Unit pressured employees to falsely sign paperwork stating that these jobs were supervised. In addition, the two managers of NYCHA’s lead abatement process caused NYCHA to file hundreds of EPA notifications falsely stating that an EPA-certified supervisor oversaw each abatement job. Because of the public health and safety implications of this conduct, DOI notified NYCHA of these practices in 2018 and NYCHA began to correct these practices at that time. A copy of the report follows this release and can also be found at this link: <https://www1.nyc.gov/site/doi/newsroom/public-reports.page>

DOI Commissioner Margaret Garnett said, “The findings of this investigation involving NYCHA’s lead abatement process illustrate the profound and damaging impact of government wrongdoing and incompetence. In this case, NYCHA managers involved in the lead abatement process had a total disregard for the facts, for the law and integrity, and, most importantly, for the well-being of NYCHA residents. NYCHA needs to ensure that individuals in positions of authority and supervision are doing their jobs and doing them correctly. While the victim outreach process is confidential, I can report that DOI and its partners have reached out to potential victims and referred relevant matters to the appropriate agencies for lead investigation follow up. I want to thank the Criminal Investigation Division of the U.S. Environmental Protection Agency and the Office of Inspector General for the U.S. Department of Housing and Urban Development for their committed collaboration and work on this important investigation. And I want to commend the whistleblower, who came forward to report allegations that jumpstarted this investigation, action that was both courageous and instrumental in leading investigators to uncover this misconduct.”

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The findings of this report include that despite the training and certification of two of NYCHA's lead abatement managers, as well as the availability of other EPA-certified lead supervisors, these managers failed to ensure that NYCHA's lead abatements were conducted with the oversight of EPA-certified supervisors. In addition, when NYCHA executives underscored the need to follow regulations, these managers misled these executives by indicating that abatement work was being conducted in accordance with regulations, specifically under the supervision of an EPA-certified supervisor. In fact, this investigation found 163 work orders with false signatures of an EPA-certified lead supervisor, although DOI believes the true number of falsified work orders is much higher. This investigation also found that at least 323 exemptions were granted based on fraudulent paperwork NYCHA submitted acknowledging abatements were completed in accordance with EPA regulations, when they were not. These exemptions allowed NYCHA to avoid annual visual inspections that would have otherwise been required under federal statutes.

DOI issued 16 Policy and Procedure Recommendations to NYCHA, seven that have been implemented, six that have been accepted and are awaiting implementation, and three that have been rejected.

Due to this investigation, NYCHA has made significant systemic changes to its in-house lead abatement program, such as consolidating units to improve communication and oversight. This consolidation ensures that a single chain of supervision can be held responsible for compliance with all lead-related requirements, which is a significant improvement in accountability over the prior structure. Currently, all lead abatement work is assigned an EPA-certified lead supervisor, who is onsite for workplace set-up and post-abatement clean-up, and available within two hours of a phone call at all other times during the abatement. Staff ensures that each EPA notification is filed accurately with the correct lead supervisor's information.

NYCHA has informed DOI that the manager who pressured other employees to falsify their signatures has been suspended from his job without pay for 30 days, pending disciplinary proceedings. Two other managers involved in the wrongful lead abatement conduct retired in 2018, during this investigation.

DOI Commissioner Garnett thanked EPA-CID Special Agent in Charge Tyler Amon and HUD-OIG Special Agent in Charge Christina Scaringi, and their staffs, for their committed partnership on this investigation. Commissioner Garnett also thanked NYCHA Chair and Chief Executive Officer Gregory Russ and General Manager Vito Mustaciuolo for NYCHA's cooperation during this investigation.

The investigation was conducted by:

- The New York Office of EPA's Criminal Investigation Division, specifically, Assistant Special Agent in Charge of the Syracuse Resident Office Renee Stewart, Special Agent Anne Sangiovanni, Regional Criminal Enforcement Counsel Jason Garelick, Assistant Regional Counsel Marla Wieder, and Resident Agent in Charge of the Buffalo Resident Office K. Angela Rivera;
- The New York Office of the Office of Inspector General for U.S. Housing and Urban Development, specifically, Assistant Special Agent in Charge Charee Carey, Special Agent Jennifer Schofield-Lake, and Special Agent Paul Zammit, Jr.; and
- DOI's Office of Inspector General for NYCHA, specifically Confidential Investigator Ashley Pennington, former Assistant Counsel Bonnie Seok, under the supervision of Deputy Inspector General Doug Schneider, Inspector General Ralph Iannuzzi, Deputy Commissioner/ Chief of Investigations Dominick Zarrella and First Deputy Commissioner Daniel Cort.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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New York City Department of Investigation

**Violations of Lead-Based Paint Abatement Regulations at the New
York City Housing Authority**

**MARGARET GARNETT
COMMISSIONER**

**Ralph M. Iannuzzi
Inspector General for the New York City Housing Authority**

December 2020

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I. EXECUTIVE SUMMARY

Created in 1935, the New York City Housing Authority (NYCHA) is the largest public housing authority in the United States. NYCHA's mission is to provide safe, affordable housing for low- and moderate-income New Yorkers. Today, nearly 400,000 tenants reside in 175,000 NYCHA apartments located across the five boroughs of New York City. Children, who are most vulnerable to lead poisoning, comprise approximately 27% of the resident population. The majority of NYCHA buildings were constructed before 1978, the year in which the manufacturing of lead-based paint was banned.

In December 2017, the New York City Department of Investigation (DOI), in partnership with the U.S. Environmental Protection Agency's Criminal Investigative Division and the U.S. Department of Housing and Urban Development's Office of the Inspector General, launched a joint investigation into lead paint abatement practices at NYCHA.¹ The investigation began as a result of a whistleblower complaint made to DOI. The whistleblower, a NYCHA lead abatement worker and EPA-certified lead supervisor, alleged that the head of the Lead Unit pressured him to falsely sign lead abatement paperwork for work that he did not participate in or supervise. In fact, the whistleblower had been transferred out of the Lead Unit and had never worked on lead abatement projects at NYCHA.

In sum, the investigation found that since at least 2013, NYCHA had been extensively violating EPA's lead abatement regulations when conducting an average of over 800 abatement jobs a year. NYCHA's Lead Unit failed to ensure that (a) all lead abatement jobs were supervised by an EPA-certified lead supervisor, (b) an accurate EPA notification of lead-based paint activity was filed with the EPA, and (c) an occupant protection plan was created for each job. The investigation found that none of NYCHA's lead abatement jobs were ever supervised by an EPA-certified lead supervisor, who is responsible and trained to ensure that lead abatement jobs are safely conducted in compliance with EPA regulations. In addition, Robert Stern, former head of NYCHA's Environmental Field Operations, and Ralph Iacono, manager of the Lead Unit, caused NYCHA to file hundreds of EPA notifications falsely stating that an EPA-certified supervisor oversaw each abatement job.

The investigation also found that on numerous occasions, Ralph Iacono asked employees in his unit who were EPA-certified lead supervisors to sign lead abatement work orders as "supervisors" when, in fact, they had not supervised the jobs and were never asked to do so. The signature of an EPA-certified supervisor and compliance with EPA's other abatement regulations were required as part of NYCHA's Local Law 1 of 2004 (Local Law 1) exemption applications to the New York City Department of Housing Preservation and Development (HPD). An HPD exemption relieves a landlord from Local Law 1's annual visual inspection requirement and annual notice requirement. NYCHA applied for and was granted these exemptions based on this false paperwork and despite its noncompliance with EPA regulations. NYCHA also used these documents to exempt itself from the visual assessment requirement of HUD's Lead Safe Housing

¹ Prior to issuing this report, DOI, along with its partners at EPA-CID and HUD-OIG, spent considerable time working with federal prosecutors in an effort to determine whether criminal charges were appropriate. DOI awaited the conclusion of that process before issuing this report to address the findings of its investigation.

Rule. Because of the extent of the wrongful conduct and the importance of lead paint hazards in public housing, DOI now issues this report on the investigation in the interests of public transparency.

During the course of the investigation, DOI issued two letters with multiple policy and procedure recommendations to address immediate health and safety concerns arising out of NYCHA's noncompliance with lead abatement regulations and EPA's Lead Renovation, Repair, and Painting Rule. NYCHA accepted many of these recommendations and began to implement the reforms in November 2018. DOI has continued to monitor NYCHA's progress in this area.

II. REGULATORY FRAMEWORK

a. Background

There is no safe level of lead exposure, especially for children. Lead exposure has been associated with serious cognitive, social-emotional, and behavioral deficits in children. Even low levels of lead in blood can cause lowered IQ as well as attention, behavior, and learning problems. The effects of lead exposure on cognition and behavior may lag behind the actual period of lead ingestion, and can appear even after blood lead levels have declined. The cognitive effects of lead toxicity are irreversible.

Lead-based residential paint, in the form of dusting, flaking, and peeling paint, is the most significant source of lead exposure for children. Children living in dilapidated older housing are at particular risk due to lead-contaminated dust and debris. In addition, studies show that lead abatement or lead hazard control work where special precautions are not taken to clean lead dust and debris is associated with increases in blood lead levels of children who reoccupy the units. The studies concluded, "if in our zeal to remove lead-based paint we fail to clean up after ourselves, we could be increasing the quantity of bioavailable lead in the child's environment."² In other words, unless lead-contaminated dust is properly removed, a dwelling unit may be *more* hazardous after abatement work is completed than it was originally.

To protect residents and children from lead-based paint exposure, federal and local regulations place stringent requirements on landlords and those conducting lead abatement activities.

² Dixon, Sherry, *How Much Cleaning is Enough? An Evaluation of Alternative Post-Lead Hazard Intervention Cleaning Procedures*, Nat'l Center for Lead Safe Housing, https://nchh.org/resource-library/report_how-much-cleaning-is-enough_an-evaluation-of-alternative-post-lead-procedures.pdf (last visited Nov. 26, 2020).

b. EPA's Implementation of the Toxic Substances Control Act

Pursuant to the Toxic Substances Control Act of 1976 (TSCA), the EPA developed a regulatory program to address lead hazards and exposure. The program seeks to “ensure that individuals engaged in [lead-based paint activities] are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified.”³ The statute defines “abatement” as “any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Administrator” These measures include lead removal, permanent containment or encapsulation, replacement of surfaces or fixtures, and removal or covering of lead-contaminated soil, along with preparation, clean-up, disposal and post-abatement clearance testing measures.⁴ TSCA establishes criminal liability for knowing or willful violations of the regulations.

TSCA's requirements for conducting lead abatement activities are set forth in 40 C.F.R. §§ 745.220-239, and include the following:

- Lead abatement activities must be performed by individuals certified by the EPA. Each abatement project must be supervised by an individual certified by the EPA as a lead abatement supervisor. To receive an EPA lead supervisor certification, individuals must take an EPA-accredited course and pass an EPA-administered examination.
- A certified supervisor must ensure that all abatement activities are conducted in accordance with TSCA and all other federal, state and local requirements. The certified supervisor must be onsite during all work site preparation and during post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor must be either (i) onsite or (ii) available by telephone, pager, or answering service and able to be present at the work site in no more than two hours.
- Prior to the commencement of abatement work, the EPA must receive notification at least five business days before the project start date. The notification of each lead abatement activity must include the name and EPA certification number of the project supervisor, and the notification must be updated when there are significant changes to the original notification.
- The certified supervisor (or project designer) is required to design a written occupant protection plan for each abatement project. The occupant protection plan must be unique to each project, developed prior to the abatement, and describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
- The certified supervisor (or project designer) is required to prepare an abatement report that includes information such as the start and completion dates of abatement, the name of

³ 15 U.S.C. § 2682(a)(1).

⁴ 15 U.S.C. § 2681(1).

the supervisor assigned to the project, the occupant protection plan, clearance testing results, and a detailed written description of the abatement project.

c. NYC Local Law 1 of 2004

HPD is responsible for the implementation and enforcement of Local Law 1 of 2004 (Local Law 1), enacted to prevent childhood lead poisoning through the identification and remediation of lead-based paint hazards in housing. Local Law 1 requires landlords to conduct annual visual inspections of any dwelling unit and common areas built before 1960, or between 1960 and 1978, where “the owner has actual knowledge of the presence of lead-based paint,” and the tenant has reported the presence of a resident child under the age of six.⁵ The annual visual inspections require landlords to investigate for peeling paint, chewable surfaces, deteriorated subsurfaces, friction surfaces, and impact surfaces. Through annual visual inspections, trained inspectors can identify deteriorating paint conditions and address lead hazards before a resident is exposed.

Local Law 1 presumes that in any multiple dwelling built prior to January 1, 1960, “the paint or other similar surface-coating material in any dwelling unit where a child [under the age of 6] resides or in the common areas is lead-based paint.”⁶ Landlords may apply for an “exemption” from this presumption in two ways: (1) an inspection for lead-based paint has determined that there is no lead-based paint, or (2) substantial alterations have been made resulting in the removal or permanent covering of all lead-based paint in that dwelling. “Alteration” may mean an abatement of lead-based paint hazards, as defined by EPA regulations.

In effect, the grant of an exemption relieves the landlord from Local Law 1’s annual visual inspection requirement as well as the annual notice requirement. To apply for an exemption, landlords must complete Form L-09B and submit supporting documentation. The document issued by HPD upon grant of exemption states the following: “Pursuant to 28 RCNY 11-08(e), the Department will revoke an exemption if it determines...that such exemption was obtained as result of fraud, mistake or misrepresentation.”

d. HUD’s Lead Safe Housing Rule

The Lead Safe Housing Rule, which is administered by the U.S. Department of Housing and Urban Development, generally applies to housing constructed prior to 1978.⁷ Among other requirements, the Lead Safe Housing Rule requires landlords to conduct visual assessments for deteriorated paint and the failure of any hazard reduction measures at turnover as well as every twelve months.

The Lead Safe Housing Rule provides exemptions for certain categories of residential property. One such category exempts residential property found not to contain lead-based paint by an EPA-certified inspector. Another category exempts residential property in which all lead-based paint has been identified, removed, and clearance has been achieved.

⁵ N.Y.C. Admin. Code § 27-2056.4(a).

⁶ N.Y.C. Admin. Code § 27-2056.5(a).

⁷ 24 C.F.R. Part 35.

The regulations require that copies of each notice, evaluation, and clearance or abatement report required by the statute be kept for at least three years. The records applicable to a portion of a residential property for which ongoing lead-based paint maintenance and/or reevaluation activities are required must be kept and made available for HUD's review, until at least three years after such activities are no longer required.

III. SUMMARY OF DOI'S FINDINGS

a. Background

The majority of NYCHA buildings were constructed prior to 1978, the year in which the manufacturing of lead-based paint was banned. Between 2013 and 2018, NYCHA conducted an average of 800 abatements a year. NYCHA's lead abatement and paperwork functions were performed by two separate units. Actual lead abatement work was conducted by the "Lead Unit," which was located at Jacob Riis Houses in Manhattan. The Lead Unit was a part of Environmental Field Operations (EFO), which fell within Maintenance, Repairs, and Skilled Trades (MRST). During this period, Charles Pawson was the Director of MRST, Robert Stern was the head of EFO, and Ralph Iacono managed the Lead Unit. Iacono supervised approximately 35 lead abatement workers and was in charge of scheduling lead abatement activities throughout NYCHA housing, including assigning workers to each job.

The paperwork requirements of lead abatement work, including EPA notifications and HPD exemption applications, were handled by the Environmental Health and Safety unit (EHS). EHS was located in Long Island City, Queens, and fell within the Technical Services Department. During this period, Joseph Lurski was the Coordinator of EHS and Jay Krantz was the Director of the Technical Services Department.

b. Finding #1: NYCHA failed to ensure that lead abatement jobs were supervised by an EPA-certified lead supervisor.

The investigation found that since at least 2013, NYCHA had been violating EPA's lead abatement regulations when conducting an average of 800 abatement jobs a year. EPA regulations require that an EPA-certified supervisor be onsite during work site preparation and post-abatement clean-up to ensure that abatement activities are conducted in accordance with federal, state, and local requirements. At all other times during the abatement, the EPA supervisor must be either onsite or available to return to the site within two hours of a phone call. The EPA supervisor (or project designer) is also responsible for creating an occupant protection plan. However, the investigation found that as a general practice, NYCHA's lead abatement jobs were never supervised by an EPA-certified lead supervisor and occupant protection plans were not created.

Both Robert Stern and Ralph Iacono, who had supervisory authority and managerial control of the Lead Unit, received training for and obtained the EPA lead supervisor certificate. Stern received training for and obtained the EPA lead supervisor certification in 2001, 2004, and 2007. More recently, in August 2017, Stern completed a 32-hour EPA lead supervisor training course at

Big Apple Occupational Safety (Big Apple)⁸ and received an interim certificate.⁹ Iacono completed the 32-hour EPA lead supervisor training course at Big Apple and obtained an interim certificate on four occasions: February 2016, September 2016, July 2017, and March 2018. Iacono repeatedly obtained the Big Apple interim certificate because he was unable to pass the EPA-administered lead supervisor exam within the six-month time frame.

Interviews with multiple Big Apple instructors confirmed that the 32-hour training course emphasizes the EPA lead supervisor's responsibility to be physically onsite during work site preparation and post-abatement clean-up, and to be available by phone at all other times. The purpose of this requirement is to ensure that abatement activities are being conducted safely and in compliance with the law, with onsite presence at the most crucial stages of the job. The instructors also emphasized the EPA notification requirement and students were sent sample EPA notification forms. The instructors also taught students to prepare an occupant protection plan for each abatement job.

While taking the course in February 2016, Iacono made the following handwritten notes, which were recovered by the investigation:

Responsibilities

- must be at job site before abatement & for clean-up
- available by phone & be in area of job in 2hrs
- must know EPA & state regulations for lead

In addition to Iacono and Stern, two other Lead Unit employees possessed the EPA lead supervisor certification. The whistleblower was an EPA-certified lead supervisor with extensive lead abatement work experience in the private sector. Although he was hired into the Lead Unit in February 2016, he was never assigned to work on lead abatement activities, either as a lead abatement worker or as an EPA lead supervisor. In fact, to the contrary, he was transferred to a completely different unit in another borough. NYCHA employee-1, also an EPA-certified lead abatement worker, did perform lead abatement activities as a lead abatement worker, but was never asked to supervise any jobs or act as the EPA-certified lead supervisor in any capacity.

Despite Iacono and Stern's training and certification as well as the availability of other EPA-certified lead supervisors, Iacono and Stern failed to ensure that NYCHA's lead abatements were conducted with the oversight of EPA-certified supervisors. Instead, the Lead Unit had "team leaders" who were responsible for distributing work material and handling personnel matters. The team leaders were not EPA-certified lead supervisors and did not receive the training needed to ensure that abatements were conducted safely and in accordance with the law. Utilizing "team

⁸ Big Apple Occupational Safety is an occupational safety and health management firm that provides training services for the environmental and construction industry. Big Apple was contracted by NYCHA to provide EPA lead supervisor and EPA lead abatement worker training to its employees.

⁹ Big Apple issues an interim certificate upon completion of the 32-hour EPA lead supervisor training course. The interim certificate, which is valid for up to six months, allows the certificate holder to act as an EPA lead supervisor until he or she passes the EPA-administered lead supervisor exam.

leaders” instead of legally required certified lead supervisors was apparently a long-standing practice within NYCHA that continued despite knowledge by several key personnel that this practice did not comply with the law.

Furthermore, despite outreach from senior NYCHA staff clarifying NYCHA’s regulatory obligations, Iacono and Stern did nothing thereafter to ensure that the Lead Unit’s abatements would be properly supervised. On July 24, 2017, a senior NYCHA executive tasked with lead paint regulatory compliance sent an email to Charles Pawson, which was forwarded to Stern and Iacono, asking, “In MRST, what staff title(s) is responsible for completing [EPA’s regulatory requirements?]...someone has to ensure that a supervisor is on site and the supervisor is supposed to create the OPP.” The executive copy-pasted the EPA regulations, and also forwarded an email from her analyst, which stated,

“We need to know who handles this...

- a. Ensures staff conducting abatement is certified by the United States Environmental Protection Agency (EPA) to do so.
- b. Ensures a certified supervisor is onsite during all work site preparation and post-abatement cleanup of work areas.
- c. Ensures a certified supervisor is onsite or available on call and able to be present at the work site in no more than two hours at all other times when abatement activities are being conducted.
- d. Develops a written occupant protection plan for all abatement projects to protect the building occupants from exposure to any lead-based paint hazards...”

Stern replied, “...We have 3 EPA Lead supervisors on staff. They are able to be on site within 2 hours. We have 4 other staff members that are in class this week for the supervisors [certifications]...When we have 7 supervisors we will be able to have one at all abatement sites...All abatements are filed with the US EPA.” This response was clearly misleading, as the whistleblower and NYCHA employee-1 had never been asked by Stern or Iacono to serve in this capacity and Ralph Iacono was not acting as the lead supervisor on any jobs. A few months later, Iacono misled the same NYCHA executive in an email stating, “...NYCHA employee-1 is in the field with a lead Supervisors license. This allows him to perform abatements when necessary as all our Lead Abatement Supervisors will do.”

Three additional lead abatement workers obtained EPA lead supervisor training and interim certificates shortly after the July 2017 email from the senior executive. However, NYCHA’s lead abatement work continued to be conducted without the supervision of an EPA lead supervisor until at least June 2018, when this investigation became known to NYCHA. During interviews with lead abatement workers in June 2018, DOI found no evidence that Iacono or Stern made any efforts to ensure that the abatement jobs would be supervised by any of the EPA-certified lead supervisors, either before or after the July 2017 email exchanges.

In addition, the investigation found that NYCHA had failed to create occupant protection plans for each abatement job. The occupant protection plan, generally prepared by the EPA-certified supervisor, describes the measures and management procedures to be taken during the abatement to protect the building’s occupants from exposure to any lead-based hazards.

c. Finding #2: The manager of the Lead Unit, Ralph Iacono, pressured NYCHA employees who were EPA-certified lead supervisors to falsify signatures on work tickets, which were submitted as part of NYCHA's exemption applications to HPD.

The investigation found that on numerous occasions, Ralph Iacono asked employees who were EPA-certified lead supervisors to sign lead abatement work orders to signify that they had supervised the job when, in fact, they had not and were never asked to take upon this role. NYCHA applied for and was granted exemptions from Local Law 1's annual visual inspection and notice requirement based on this false paperwork and despite its noncompliance with EPA regulations. NYCHA also used these documents to exempt itself from the annual visual assessment requirement under HUD's Lead Safe Housing Rule.

For years, NYCHA had been submitting Local Law 1 exemption applications to the New York City Department of Housing and Preservation Development (HPD). In April 2016, HPD informed NYCHA, "effective immediately, HPD is requiring that all abatement paperwork adhere to the [EPA's lead abatement regulations] on new submissions. Attached is a copy of the section listing the requirements." The attachment listed, among other requirements, that "an abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include... the name of each supervisor assigned to the abatement project." The email was forwarded to Ralph Iacono and Robert Stern, stating, "...Please ensure that abatement is done in compliance with this request. If not, the reports will be rejected by HPD. Effective immediately, review all abatement work orders completed and pending..."

Following the change in HPD's procedure, it became NYCHA's practice that an EPA lead supervisor's signature was required on completed lead abatement work orders. Joseph Lurski, Coordinator of EHS, sent an email to Stern, stating "we will need to have the lead based paint supervisor signing the completed work orders. These will not be processed thru HPD." This email was forwarded to Iacono. It became Iacono's responsibility to ensure that all completed lead abatement work orders were signed and delivered to EHS so that the work orders could be included as part of NYCHA's exemption application.

The Chief Inspector of the Lead Unit at HPD confirmed that HPD requires proof of compliance with EPA regulations in applications for Local Law 1 exemptions based on abatement. Specifically, HPD requires a copy of the abatement report and NYCHA submitted its work order¹⁰ as a part of its abatement report. When reviewing applications, HPD examined these work orders to confirm compliance with EPA regulations, including the signature of the EPA lead supervisor who supervised the abatement, a written description of the abatement, including abatement methods used and locations of rooms and/or components abated, and the start and completion

¹⁰ NYCHA utilizes work order "tickets" to track repair and maintenance work for its buildings, including lead abatement jobs. The lead abatement work orders contain the following information: apartment address, resident information, work description (areas requiring abatement and abatement method), date and time work started, date and time work completed, and worker names and badge numbers.

dates. HPD would reject applications with work orders not containing the signature of a certified supervisor as noncompliant with EPA regulations.

In April 2016, Iacono possessed the Big Apple interim supervisor certification, and began signing his name on completed work tickets. However, as noted in the previous section, none of NYCHA's lead abatement jobs were being supervised by an EPA lead supervisor within the meaning of the regulations. Though Iacono was technically available by phone and made occasional site visits, he had no policy of being onsite at any time for each job. Specifically, there was no compliance with the requirement that he be onsite at the set-up and clean-up phases of abatement jobs, nor was there any effort to ensure that he could respond to a site within two hours (because of the geographical reach of NYCHA, and multiple lead abatement jobs occurring each day, different jobs could easily be a significant distance away from each other and from the Lead Unit offices at Jacob Riis Houses). Because the Big Apple interim supervisor certification is only valid for six months, at various points between 2016 and 2018, Iacono's certificate expired and he was unable to sign the work tickets. The investigation found that during these gaps, Iacono resorted to asking the whistleblower and NYCHA employee-1 to sign the work orders.

In March 2017, Iacono's interim certification expired. Iacono began to text and call the whistleblower to obtain a copy of his EPA lead supervisor certification. He then began asking the whistleblower to meet, texting him "Let's meet tomorrow please." Iacono also called the whistleblower, asking him, "hey can you come sign some papers?" The whistleblower eventually agreed to meet Iacono at the Lead Unit's office in Riis Houses.

Though the whistleblower was an EPA-certified lead supervisor and had extensive private sector experience, Ralph Iacono and Robert Stern never assigned him to any lead abatement jobs. For the first few months after joining NYCHA, the whistleblower was assigned to cleaning apartments and demolition work. Feeling frustrated, in early 2017, the whistleblower accepted an opportunity to transfer out of the Lead Unit to a different unit.

Prior to meeting Iacono at the Lead Unit's office, the whistleblower called Robert Stern to ask if "it was okay to sign the papers" because, based on his private sector experience, the whistleblower's understanding was that a certified supervisor could not sign any paperwork for jobs if he was not present at the job, and could lose his EPA certification for doing so. Stern responded that it was okay for the whistleblower to sign. After receiving assurance from Stern, the whistleblower met with Iacono. When the whistleblower arrived at the Lead Unit office, Iacono appeared with a large stack of papers. When the whistleblower expressed discomfort, Iacono told the whistleblower not to worry because "you're going to sign half and the other half will go to someone else." The whistleblower sat in a room and signed approximately thirty work orders. Sometime thereafter, Iacono reached out to the whistleblower several times for more signatures, but the whistleblower believed it was wrong and refused to sign any more work orders. After consulting with his colleagues, the whistleblower filed a complaint with DOI.

The investigation found that Iacono also asked NYCHA employee-1, who was an EPA-certified lead supervisor, to sign multiple work orders as the certified supervisor for completed abatement jobs though he had not supervised any jobs. Sometime in the late summer of 2017, NYCHA employee-1 was asked by Iacono to report to the Lead Unit's office. Once he arrived,

Iacono appeared with a stack of approximately 60 lead abatement work orders, and stated, “I need your signature.” NYCHA employee-1 signed the work orders. Sometime thereafter, at Iacono’s direction, NYCHA employee-1 again signed approximately 60 work orders. NYCHA employee-1 confirmed that he has “never used his lead abatement supervisor license” during his employment at NYCHA, and was never asked by Iacono or Stern to act as the EPA lead supervisor for any abatement jobs.

The investigation found that Iacono also asked another Lead Unit employee, who received his EPA lead supervisor certification in July 2017, to sign work tickets as the EPA lead supervisor on the job. The employee stated that Iacono approached him to sign work orders stating, “I can’t sign too many of them.” The employee refused to sign the tickets because he had not worked on those jobs.

Review of Recovered False Paperwork

DOI recovered 163 work orders with the false signature of an EPA-certified lead supervisor for lead abatement work conducted between 2016 and 2018.¹¹ The majority of them had been signed by Ralph Iacono and the remaining contained the signature of the whistleblower and NYCHA employee-1. In reviewing these work orders, the whistleblower suspected that his signature had been forged on a number of these documents.

DOI also conducted a review of all exemption applications submitted by NYCHA to HPD between 2012 and 2018. The review found that HPD granted at least 323 exemptions based on the premise that NYCHA had successfully abated all lead hazards in the dwelling in accordance with EPA regulations. DOI also found that NYCHA automatically exempted itself from HUD’s Lead Safe Housing Rule visual assessment requirement once a dwelling was exempted by HPD.

d. Finding #3: NYCHA submitted hundreds of EPA notifications with false information as to the certified supervisor overseeing abatement jobs.

The EPA requires that prior to the commencement of abatement activities, it must be notified at least five business days before the project start date. (Appendix A). The notification of each lead abatement activity must include the name and EPA certification number of the project supervisor, and the notification must be updated when there are significant changes to the original notification. The EPA utilizes these notifications as a tool for compliance monitoring and as the primary basis for targeting work-site inspections. The investigation found that Robert Stern and Ralph Iacono caused NYCHA to file hundreds of EPA notifications falsely stating that Iacono, the whistleblower, or NYCHA employee-1 were acting as the EPA lead supervisor on abatement jobs.

In December 2016, Iacono began to be listed as the lead supervisor for all of NYCHA’s EPA notifications, though he was not acting as the EPA lead supervisor on any abatement jobs. In April 2017, Lurski emailed Stern, “Robert who there has the Lead Abatement Supervisor cert?”

¹¹ Importantly, DOI does **not** believe that these 163 work orders are the only abatement jobs for which NYCHA failed to follow EPA lead abatement rules. Given all the evidence of policy and practice at NYCHA’s Lead Unit, the true number is likely much higher.

Approximately 15 minutes later, Stern responded, “[the whistleblower],” “[NYCHA employee-1],” and “Ralph [Iacono]’s is expired.”

The following day, the Director of the Technical Services Department Jay Krantz emailed Stern, Iacono, Pawson, and Lurski, stating “[Stern]/Ralph. We are showing Ralphs License as expired. Do you have an updated version? *This is what goes into EPA.*” (Emphasis added). Iacono confirmed the expiration, adding, “We have two other abatement workers with [their] supervisors license,” presumably referring to the whistleblower and NYCHA employee-1. Krantz replied, “Thanks Ralph. Please ensure another supervisor is overseeing and signing all work orders back to the date that you expired. We will not be able to submit to HPD with expiration. *Please have the EPA notification changed to one of the other Supervisors immediately.*” (Emphasis added).

That same day, Lurski sent an email to Stern stating, “Since Ralph’s cert has expired, your two other certified Supervisors are required to take on the role as required. *Notifications to the EPA will include their names and work orders completed must include one of the two.*” (Emphasis added). Stern then forwarded that email to Ralph Iacono.

The next day, NYCHA began filing EPA notifications falsely stating that the whistleblower and/or NYCHA employee-1 were acting as the lead supervisor on the abatement jobs. In 2017, NYCHA filed 548 EPA notifications with the whistleblower and/or NYCHA employee-1 as the certified supervisor. In 2018, NYCHA sent 352 notifications with the whistleblower and/or NYCHA employee-1 as the certified supervisor. Both the whistleblower and NYCHA employee-1 confirmed that they never authorized Iacono or Stern to list them on these notifications and were unaware their names and certificates were being utilized. When this investigation became known to NYCHA in June 2018, NYCHA ceased submitting EPA notifications listing the whistleblower and NYCHA employee-1 as the certified supervisor.

IV. DOI’s POLICY AND PROCEDURE RECOMMENDATIONS

Due to immediate health and safety concerns uncovered during the course of the investigation, DOI issued a policy and procedure recommendation to NYCHA on August 16, 2018. (Appendix B). On September 11, 2018, DOI issued another policy and procedure recommendation to NYCHA after finding noncompliance with EPA’s Lead-based Paint Renovation, Repair, and Painting Rule (RRP). (Appendix C). Though not the focus of this report, in sum, DOI found that NYCHA employees were not being provided with the equipment and materials needed to comply with lead-safe work practices when engaging in RRP work. Though many workers had been certified in RRP work practices, and had learned through training that equipment such as polyethylene sheeting, high efficiency particulate air (HEPA) vacuums, wet sanding and wet mopping equipment, and unauthorized entry signage and barriers were required, their requests for equipment were often denied. Most alarmingly, many NYCHA employees engaging in RRP work were not provided with personal protective equipment, including respiratory protection, and were using tenants’ brooms for post-RRP work clean-up, instead of HEPA vacuums.

NYCHA has been cooperative with the investigation and accepted or implemented most of DOI’s policy and procedure recommendations. While reform is still ongoing under the supervision

of the federal monitor, NYCHA has made significant systemic changes to its in-house lead abatement program. (Appendix D). For instance, NYCHA has consolidated the units formerly known as EHS and the Lead Unit into the Lead Hazard Control Unit under the supervision of the Healthy Homes Department. This consolidation is intended to address the communication issues that led to the disconnect between the two units and improves oversight over the two functions. This consolidation also ensures that a single chain of supervision can be held responsible for compliance with all lead-related requirements, which is a significant improvement in accountability over the prior structure. Currently, all lead abatement work is assigned an EPA-certified lead supervisor, who is onsite for workplace set-up and post-abatement clean-up, and available within two hours of a phone call at all other times during the abatement. Staff ensures that each EPA notification is filed accurately with the correct lead supervisor's name. Reports from the field offices verify that RRP equipment and materials are being provided to employees engaging in RRP work.

The investigation also made efforts to identify potential victims and any families who may have been harmed as a result of the conduct described by this report, though the substance of these efforts is sealed due to confidentiality obligations. The investigation conducted outreach and where necessary, immediately requested that the New York City Department of Health and Mental Hygiene conduct environmental investigations and lead testing, or that NYCHA conduct immediate lead cleaning of contaminated apartments.

V. CONCLUSION

In 2004, New York City enacted Local Law 1 with the goal of eradicating childhood lead poisoning by the year 2020. Though progress has been made in reducing rates of childhood lead poisoning, this goal has not yet been achieved. This investigation shows that at NYCHA, progress was derailed both by systemic dysfunction and mismanagement as well as by individuals who failed to follow the law. Although NYCHA has made significant strides in addressing lead abatement issues in part due to this investigation, NYCHA must ensure that the type of failures described in this report do not arise in other areas that would impede its mission of providing decent, safe, and sanitary housing to its residents. To that end, NYCHA must strenuously promote a culture of compliance and accountability at both the systemic and individual levels. DOI hopes that the transparency provided by this report, and the steps already taken in response to this investigation, will continue to advance this shared goal.

APPENDIX A

APPENDIX B



The City of New York
Department of Investigation

MARK G. PETERS
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
(212) 825-5900

August 16, 2018

Stanley Brezenoff
Chair and CEO
New York City Housing Authority
250 Broadway, 12th Floor
New York, NY 10007

RE: NYCHA Lead-Based Paint Activities and Compliance

Dear Chair Brezenoff:

During an ongoing joint investigation by the New York City Department of Investigation (“DOI”), the U.S. Environmental Protection Agency Criminal Investigation Division (“EPA-CID”), and the U.S. Department of Housing and Urban Development Office of the Inspector General (“HUD-IG”), several issues with NYCHA’s lead-based paint program were identified that require immediate action. NYCHA’s noncompliance with relevant federal, state, and local regulations poses a substantial risk to both tenant and employee health and safety.¹ The issues outlined in this letter do not encompass all findings as this investigation is still ongoing.

DOI recommends that NYCHA immediately adopt the following policies and procedures:

1. Suspend the submission of any additional New York City Department of Housing Preservation & Development (“HPD”) exemption applications based on abatements until NYCHA has verified that lead abatement work is being conducted in compliance with federal, state, and local regulations.
2. Conduct X-Ray Fluorescence (“XRF”) testing and/or dust swipe analysis on all NYCHA apartments that received HPD exemptions based on lead abatement to ensure that abatement work successfully eliminated lead hazards.

¹ See November 14, 2017 DOI Policy and Procedure Recommendation: “NYCHA must ensure that it is fully compliant with City and federal lead-based paint laws . . .”

3. Immediately conduct XRF testing on all NYCHA apartments in which NYCHA conducted abatement or remediation work as a result of a notification by the Department of Health and Mental Hygiene (“DOHMH”), either via a Commissioner’s Order to Abate, Commissioner’s Order to Remediate, or any other form of notification from the DOHMH regarding lead-based paint inspection or abatement.
4. Create a mechanism for tracking staff certification and licenses,² to ensure that no employee conducts or supervises lead abatement work without proper certification.³
5. Ensure that NYCHA complies with the U.S. Environmental Protection Agency (“EPA”) Lead Renovation, Repair and Painting Rule, found at 40 C.F.R. § 745. All renovators must be trained in the use of lead safe work practices, the renovators must be certified, the providers of renovation training must be accredited, and renovators must follow specific work practice standards.⁴
6. Create a mechanism to ensure that each lead abatement job conducted at NYCHA is supervised by an EPA certified lead supervisor, as required by 40 C.F.R. § 745.227.
7. Increase the number of EPA certified lead supervisors to meet the needs of NYCHA’s lead abatement program and reduce reliance on the repeated use of interim certificates.
8. Consider the creation of an in-house title for EPA certified lead abatement supervisors acting in that capacity.
9. Submit all EPA Notification of Lead-Based Paint Abatement Activities forms⁵ through the online Central Data Exchange (“CDX”) system, instead of relying on facsimile transmissions. Assign a NYCHA employee to register and submit the forms through this platform.⁶

² See March 22, 2013 DOI Policy and Procedure Recommendation: “NYCHA’s [Human Resources Department] in conjunction with the NYCHA departments that employ licensed professionals should consider maintaining a list of these professionals. The list should detail each licensed professional[’s] status and their license expiration dates. The list should be regularly updated and if an individual’s license lapses, NYCHA should take immediate action, including notifications and reassignment of duties.”

³ If you have any questions about an employee’s certification, please contact Demian Ellis at Ellis.Demian@epa.gov copying Beverly Solley at solley.beverly@epa.gov.

⁴ For more information on EPA’s Renovation, Repair and Painting Program, see: <https://www.epa.gov/lead/renovation-repair-and-painting-program>.

⁵ EPA’s Notification Form can be found at: <https://www.epa.gov/sites/production/files/documents/form1-abatement.pdf>.

⁶ Information regarding EPA’s CDX system can be found at: https://cdx.epa.gov/epa_home.asp. For registration, see: <https://cdx.epa.gov/Registration/Terms>.

10. Accurately input the name of the certified lead supervisor who will be acting as the certified lead supervisor for the relevant job on all “EPA Notification of Lead-Based Paint Abatement Activity” forms. Re-submit revised forms if there are any changes to the original form.
11. Ensure that GM-3758 as well as NYCHA’s Occupant Protection Plans and abatement reports comply with 40 C.F.R. § 745.227 regarding lead-based paint abatement protocols for lead abatement work conducted in occupied apartments.

NYCHA is responsible for providing a safe and healthy workplace for its employees. To that end, NYCHA must work to minimize employee exposure to lead. Workers involved in lead-based paint abatement, demolition work, renovation, and remodeling work are potentially at risk for lead exposure.

DOI reminds NYCHA that it must comply with Occupational Safety and Health Administration regulations regarding lead, including, but not limited to 29 C.F.R. § 1926.62:

1. NYCHA must designate at least one “competent person” —defined as a person capable of identifying existing and predictable lead hazards and who is authorized to take prompt corrective measures to eliminate such problems—for NYCHA’s lead abatement program.
2. The competent person(s) should ensure that safe work practices are being followed, including, but not limited to: (a) the utilization of personal protective equipment where there is risk of exposure to lead; (b) the use of High-Efficiency Particulate Air vacuums for clean-up operations; and (c) the posting of warning signs at work sites.
3. NYCHA should, as needed, consult a qualified safety and health professional to develop and implement an effective, robust, and site-specific worker protection program.
4. For each job where employee exposure exceeds the permissible exposure limit (“PEL”), NYCHA must establish and implement a written compliance program to reduce employee exposure to the PEL or below. Written programs must be reviewed and updated at least every six months.⁷
5. NYCHA must establish and maintain an accurate and full record of all monitoring and other data used in conducting (a) employee exposure assessments, and (b) employee medical surveillance.

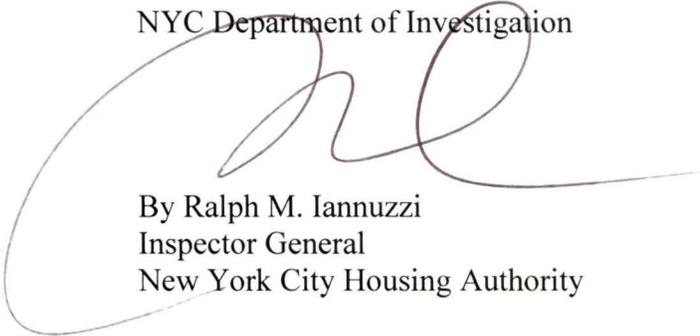
NYCHA should undertake a prompt review of these issues. Please inform DOI in writing within 30 days of what steps your office will take to implement the above recommendations as well as verification that the above recommendations were completed. If you have any questions or need

⁷ See 29 C.F.R. § 1926.62(e)(2).

additional information, please contact Ralph Iannuzzi at (212) 306-8316.

Sincerely,

Mark G. Peters
Commissioner
NYC Department of Investigation

A large, stylized handwritten signature in dark ink, appearing to read 'R. Iannuzzi', is written over the typed name and title of the signatory.

By Ralph M. Iannuzzi
Inspector General
New York City Housing Authority

- cc: Vito Mustaciuolo, General Manager
Vilma Huertas, Executive Vice President for Compliance, Chief Compliance Officer
Patrick O'Hagan, Vice President for Compliance
Edna Wells Handy, Senior Advisor to the Chair
Andrea Mata, Director of Health Initiatives
Shireen Riaz Kermani, Director, Lead Hazard Control Department
Cathy Pennington, Executive Vice President, Operations
Erenisse Tavarez, Acting Senior Vice President, Operations and Support Services
Charles Pawson, Director, Maintenance, Repairs & Skilled Trades
Edwin McDonald, Acting Director, Technical Services

APPENDIX C



The City of New York
Department of Investigation

MARK G. PETERS
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
(212) 825-5900

September 11, 2018

Stanley Brezenoff
Interim Chair
New York City Housing Authority
250 Broadway, 12th Floor
New York, NY 10007

Re: Worker Protections Pursuant to EPA and OSHA Regulations

Dear Chair Brezenoff:

During our continuing review of lead-based paint practices at NYCHA, NYC Department of Investigation ("DOI") investigators conducted an assessment of NYCHA's compliance with EPA's Lead-Based Paint Renovation, Repair and Painting rule ("RRP"), 40 C.F.R. § 745.

DOI found that NYCHA employees are not being provided with the equipment and materials needed to comply with lead-safe work practices as required by the RRP rule. Specifically, although many workers have been certified in RRP work practices, maintenance workers at two developments consistently report that they are unable to follow the safety rules because they do not have necessary materials and equipment, including masks or respirators, polyethylene sheeting, wet sanding and wet mopping equipment, and unauthorized entry signage and barriers. Notably, multiple workers reported that their requests to supervisors for RRP-mandated supplies have been denied. Investigators found that some development managers were unaware of a recent NYCHA directive to maintain supplies needed for lead-safe work practices.

Because of these evident safety hazards, DOI urges you to immediately review and comply with legal requirements for lead-safe work supplies detailed in EPA's RRP rule, and safe work practices per OSHA regulations at 29 C.F.R. § 1926.62.

In addition, DOI makes the following Policy and Procedure Recommendations:

- 1) Ensure that NYCHA employees are duly provided with adequate supplies necessary to conduct lead-safe RRP work practices, including HEPA vacuums and filters, respiratory protection and other Personal Protective Equipment, polyethylene sheeting and bags, string mops, buckets and wringers, detergent cleaner, spray bottles, duct tape, utility knives, paper towels, and rags.

- 2) Create a mechanism to track inventory of RRP equipment and materials at each development.
- 3) Require Property Managers, Superintendents, and Assistant Superintendents to acknowledge in writing that they have received NYCHA directives concerning RRP and that they are responsible for the implementation of these directives at their developments.
- 4) Offer free blood lead level testing for 2,150 employees who have been identified by NYCHA to be working in job titles that may disturb lead-based paint.
- 5) Before renovation, repair, or painting commences, distribute EPA's "Renovate Right" pamphlet to tenants, and obtain confirmation of receipt from the tenant. Ensure that records are retained for three years.

If you have questions or need further information, feel free to contact me at (212) 306-8316. Please advise me within 30 days of actions taken in response to these findings.

Sincerely yours,

Mark G. Peters
Commissioner

By:

Ralph M. Iannuzzi
NYCHA Inspector General

cc: Vito Mustaciuolo, General Manager

APPENDIX D

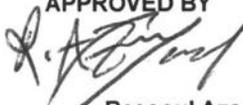
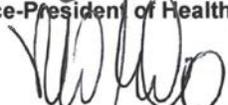
NYCHA STANDARD PROCEDURE MANUAL
SP 050:20:1, LEAD SAFE HOUSING PROCEDURE

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SUBJECT	PROCEDURE OWNER	APPROVED DATE	APPROVED BY	INDEX NO.
LEAD SAFE HOUSING PROCEDURE	HEALTHY HOMES	Issued January 21, 2020 Date: 9/9/2020	 Rassoul Azarnejad Vice-President of Healthy Homes  Vito Mustaciuolo General Manager	050:20:1

I. PURPOSE

The purpose of this Standard Procedure is to provide instructions to NYCHA employees and vendors on how to comply with applicable federal, state, and local lead-based paint requirements.

II. POLICY

It is the policy of NYCHA to follow all applicable federal, state, and local laws and regulations which relate to lead-based paint, as well as the requirements of the Agreement between NYCHA, the U.S. Department of Housing and Urban Development (HUD), the Southern District of New York, and New York City entered into on January 31, 2019 ("the Agreement").

III. APPLICABILITY

- A. This Standard Procedure applies to all housing owned and/or managed by NYCHA, and the employees directly or indirectly involved in the management and maintenance of target housing structures, and covered by:
1. Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C. §4821 et seq.)
 2. Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. §4851 et seq.)
 3. Lead-Based Paint Poisoning Prevention in Certain Residential Structures (24 CFR Part 35 Subparts A-R)
 4. Lead-Based Paint Poisoning Prevention in Certain Residential Structures (40 CFR Part 745 Subparts A-Q)
 5. HUD Office of Healthy Homes and Lead Hazard Control, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (July 2012)
 6. NYC Local Law 1 of 2004 et seq. (NYC Administrative Code, 27-2056 et seq. [Subchapter 2, Article 14 of the New York City Housing Maintenance Code])
 7. New York City Administrative Code, Title 17, Chapter 9, Subchapter 1 (Lead Testing Requirements and Standards)

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8. NYC 28 RCNY § 11-01 et. seq.
9. NYC Health Code, §§ 173.13, 173.14

B. Leased Housing

For information regarding lead-based paint in leased housing administered by NYCHA (Section 8), please refer to the following documents on the Forms and Reference Library:

1. Housing Choice Voucher Administrative Plan
2. Leased Housing Directive 2007-0007, Staff Review of Section 8 Rental Packages and Apartment Referrals for Lead Based Paint Violations and Certificates of Occupancy
3. Leased Housing Directive 2017-0004, Revised Policy for Lead-Based Paint Disclosure, Reporting Requirements, Hazard Remediation and HQS Inspections
4. Leased Housing Directive 2019-0006, LHD NLT Rental Transfer Processing Policy Guide

IV. DEFINITIONS

A. Abatement

Any set of measures designed to eliminate lead-based paint or lead-based paint hazards permanently (an expected design life of at least 20 years). Abatement includes:

1. The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards.
2. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

B. Agreement

A settlement agreement between NYCHA, HUD, the Southern District of New York, and New York City entered into on January 31, 2019, in which NYCHA agreed to certain requirements for lead-based paint. See Appendix C, Agreement Exhibit A - Federal Requirements for Lead-Based Paint.

NYCHA STANDARD PROCEDURE MANUAL

C. Certified Individuals and Entities

1. Certified Abatement Worker

An individual who has been trained by an accredited training program and certified by EPA pursuant to 40 CFR § 745.226 to perform abatements.

2. Certified Firm

A company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities to which EPA has issued a certificate of approval pursuant to 40 CFR § 745.226(f).

3. Certified Inspector

An individual who has been trained by an accredited training program and certified by EPA pursuant to 40 CFR § 745.226 to conduct inspections. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

4. Certified Project Designer

An individual who has been trained by an accredited training program and certified by EPA pursuant to 40 CFR § 745.226 to prepare abatement project designs, occupant protection plans, and abatement reports.

5. Certified Renovator

A renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.

6. Certified Risk Assessor

An individual who has been trained by an accredited training program and certified by EPA pursuant to 40 CFR § 745.226 to conduct risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

7. Certified Abatement Supervisor

An individual who has been trained by an accredited training program and certified by EPA pursuant to 40 CFR § 745.226 to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

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8. Clearance Examination Technician

An individual who successfully has completed an EPA-accredited training course to serve as a technician, provided a certified risk assessor or certified lead-based paint inspector approves the work of the sampling technician and signs the report of the clearance examination.

A certified clearance examination technician may not perform clearance examinations for abatement projects.

D. Chewable Surface

An interior or exterior surface painted with lead-based paint that a young child can mouth or chew. Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable. Chewable surfaces may include windowsills, rails, or stairs.

E. Child-Occupied Facility

A building, or portion of a building, constructed prior to 1978, that meets all three of the following conditions:

1. Visited regularly by the same child, younger than six years old;
2. The visits are on at least two different days within any week, provided that each day's visit lasts at least three 3 hours; and
3. The combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours.

Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms.

F. Clearance Examination

An activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and no soil-lead hazards or settled dust-lead hazards exist in the apartment or worksite. Clearance examination requirements are set forth in 24 CFR § 35.1340 and 40 CFR 745.227(e)(8).

The clearance process includes:

1. A visual assessment of the work area;
2. Collection of environmental samples; and

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3. Analysis of environmental samples.

G. Cleaning Verification

A specific procedure set forth in EPA's RRP regulations that certified renovators conduct after cleaning to determine if a work area has been adequately cleaned. The EPA cleaning verification process is set forth in 40 CFR 745.85(b).

H. Common Area

Part of a residential property available for use by occupants of more than one apartment, including, but not limited to, hallways, stairways, laundry rooms, recreational rooms, playgrounds, community centers, on-site day care facilities, garages, and boundary fences.

I. Component

An architectural element of an apartment or common area identified by type and location. Examples include, but are not limited to:

1. Walls
2. Window sills
3. Baseboards
4. Floors
5. Exterior window sills
6. Porch floors
7. Stair treads in a common stairwell
8. Handrails

J. Containment

The physical measures taken to ensure that dust and debris created or released during lead-based paint renovations, interim controls, and abatements are not spread, blown, or tracked from inside to outside of the worksite.

NYCHA STANDARD PROCEDURE MANUAL

K. De Minimis Level

A specific numerical surface area established by federal and local regulations. Lead safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than this numerical surface area. The de minimis levels for NYCHA developments are:

1. 20 square feet (2 square meters) on exterior surfaces; or
2. 2 square feet (0.2 square meters) in any one interior room or space; or
3. 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

L. Deteriorated Paint

Any interior or exterior paint or other coating that is peeling, chipping, chalking, or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

M. Disposable Soft Wipe Method

A method of cleaning that uses a flip mop with wet disposable soft wipes.

N. Dry Sanding

Sanding without moisture, including both hand and machine sanding.

O. Elevated Blood Lead Level (EBLL)

A confirmed concentration of lead in whole blood of a child younger than 18 years old equal to or greater than the concentration in the most recent guidance published by the U.S. Department of Health and Human Services (HHS) on recommending that an environmental intervention be conducted, or the level enforced by the NYC Department of Health and Mental Hygiene (DOHMH), whichever is stricter. Federal regulations applicable to children younger than six years of age with EBLLs are set forth in 24 CFR §35.1130.

P. Emergency Renovations and Repairs

Unscheduled renovation and repair activities that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

NYCHA STANDARD PROCEDURE MANUAL

Q. Encapsulation

The application of a covering or coating that acts as a barrier between lead-based paint and the environment, and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent (an expected design life of at least 20 years).

R. Enclosure

The use of rigid, durable construction materials that are fastened mechanically to the substrate to act as a barrier between lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed to be permanent (an expected design life of at least 20 years).

S. Environmental Investigation

The process of determining the source of lead exposure for a child younger than six years old with an elevated blood lead level, consisting of administration of a questionnaire, comprehensive environmental sampling, case management, and other measures, in accordance with chapter 16 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.

T. Evaluation

A risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint, or an environmental investigation.

U. Expected to Reside

Actual knowledge that a child will reside in an apartment reserved or designated exclusively for the elderly or reserved or designated exclusively for persons with disabilities. If a resident woman is known to be pregnant, there is actual knowledge that a child will reside in the apartment.

V. Friction Surface

An interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

W. Hazard Reduction

Measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

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X. HEPA Vacuum

A vacuum cleaner device with an included high-efficiency particulate air (HEPA) filter through which the contaminated air flows, operated in accordance with the instructions of its manufacturer. A HEPA filter is one that captures at least 99.97 percent of airborne particles of at least 0.3 micrometers in diameter.

Y. Impact Surface

An interior or exterior surface subject to damage by repeated sudden force, such as certain parts of door frames.

Z. Index Apartment

The apartment where a child with an elevated blood lead level resides.

AA. Interim Controls

A set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

BB. Lead-Based Paint

Paint or other surface coatings that contain lead equal to or exceeding:

1. 1.0 milligram per square centimeter; or
2. 0.5 percent by weight; or
3. 5,000 parts per million by weight.

CC. Lead-Based Paint Development Disclosure Summary

A form that contains the results of lead testing in a representative sample of apartments and/or common areas at a building or development to identify the most likely places that may contain lead-based paint hazards. The results of this type of testing apply to all apartments and/or common areas in that building or development.

DD. Lead-Based Paint Hazard

Any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.

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EE. Lead-Based Paint Inspection

A surface-by-surface investigation using an x-ray fluorescence instrument and when appropriate, paint chip sampling, to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

FF. Lead-Based Paint Unit Disclosure Summary

A form that contains the results of lead testing in an individual apartment. The results of this type of testing apply only to a specific area tested.

GG. Maximo

A computer software application used by NYCHA to support inspections, maintenance, and repairs.

HH. Paint Stabilization

The repair of any physical defect in the substrate of a painted surface that causes paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

II. Paint Surface to Be Disturbed

A paint surface that is to be scraped, sanded, cut, penetrated, or otherwise affected by work in a manner that potentially could create a lead-based paint hazard by generating dust, fumes, or paint chips.

JJ. Reevaluation

A visual assessment of painted surfaces and limited dust and soil sampling conducted periodically following lead-based paint hazard reduction where lead-based paint still is present.

KK. Renovation

Any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities including windows replacement.

LL. Renovation, Repair, and Painting (RRP) Renovator Certification

A certification provided by trainers approved by the EPA after a worker has successfully completed a certified renovator training program. A worker must have up-to-date RRP certification to perform RRP work that might disturb lead-based paint.

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MM. Reside

To live in or routinely spend 10 or more hours per week within an apartment.

NN. Risk Assessment

1. An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and
2. The provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

OO. Room Equivalent

An identifiable part of an apartment. This includes, but is not limited to, a room, foyer, hallway, stairwell, etc. Closets or other similar area adjoining rooms are not considered room equivalents unless they obviously are dissimilar from the adjoining room equivalent.

PP. Senior-Only Housing

Buildings or developments NYCHA has designated as senior-only housing with HUD's written approval.

QQ. Siebel

A computer software application used by NYCHA to support maintenance and repairs.

RR. Standard Treatments

A series of hazard reduction measures designed to reduce all lead-based paint hazards in an apartment without the benefit of a risk assessment or other evaluation.

SS. Substrate

The material directly beneath the painted surface out of which the components are constructed, including wood, drywall, plaster, concrete, brick, or metal.

TT. Target Housing

Any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any zero-bedroom dwelling, unless any child who is less than six years old resides or is expected to reside in such housing.

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NOTE:	Local Law 1 applies to multiple dwellings built before 1960, and multiple dwellings built between 1960 and 1978 where the owner has actual knowledge of the presence of lead-based paint, where a child under the age of six resides.
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UU. Three-Bucket Method

A method of cleaning that uses one bucket filled with a cleaning agent/water solution, one bucket filled with rinse water, and a third bucket used for used rinse water.

VV. Two-Bucket Method

A method of cleaning that uses one bucket filled with a cleaning agent/water solution, and another bucket filled with clean water.

WW. Vendor

A third-party under contract with NYCHA.

XX. Visual Assessment

Looking for, as applicable:

1. Deteriorated paint;
2. Visible surface dust, debris, and residue as part of a risk assessment or clearance examination; or
3. The completion or failure of a hazard reduction measure.

YY. Zero-Bedroom Dwelling

Any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies and studio apartments.

V. REVIEW CYCLE

The Department of Healthy Homes shall review this Standard Procedure six months from issuance, and once every year thereafter or earlier if necessary; and advise the Compliance Department Procedures Unit via e-mail if no changes are needed, or submit its revisions to the procedure by submitting NYCHA Form 022.008, *Procedure Development Request*.

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VI. RESPONSIBILITIES

This Standard Procedure applies to the following titles. Also refer above to Section IV.C., Certified Individuals and Entities, for a list of all titles that require certification.

A. Healthy Homes Department

1. Vice-president

B. Lead Hazard Control Department

1. Lead Hazard Control director

The Lead Hazard Control director serves as NYCHA's point of contact for this procedure to the U.S. Department of Housing and Urban Development (HUD), U.S. Environmental Protection Agency (EPA), NYC Department of Health and Mental Hygiene (DOHMH), and NYC Department of Housing Preservation and Development (HPD).

2. Lead Hazard Control deputy director
3. Lead Hazard Control assistant directors
4. Lead abatement coordinator
5. EBLL coordinator
6. Hazard reduction notification coordinator
7. Lead abatement supervisors
8. Lead abatement workers
9. Project managers

Project managers manage lead-based paint vendor contracts.

10. Hazard reduction notification coordinator

C. Operations Departments

1. Management and Planning deputy director
2. Technical resource advisor for painting

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3. Management and Planning program manager
4. Property Management Borough Planning Unit deputy directors
5. Property Management Borough Planning Unit administrators
6. Property managers
7. Property maintenance supervisors
8. Employees responsible for supervising and performing lead-based paint repairs
9. Maintenance workers
10. Bricklayer supervisors
11. Bricklayers
12. Carpenter supervisors
13. Carpenters
14. Painting supervisors
15. Painters
16. Apprentices (painter)
17. Plasterer supervisors
18. Plasterers
19. Plumbing supervisors
20. Plumbers
21. Plumber's helpers
22. Electricians
23. Emergency services aides
24. Caretaker Ps
25. Mason's helpers

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26. Asbestos handlers

27. Technical Services Department Violations Unit coordinator

28. Housing assistants

D. Law

1. General counsel

E. Compliance Department

1. Chief compliance officer

2. Compliance monitoring and reporting specialists

F. Environmental Health and Safety Department

1. Environmental Health and Safety officer

The Environmental Health and Safety officer serves as NYCHA's point of contact for this standard procedure for workplace safety to the New York State Department of Labor Public Employee Safety and Health Bureau (PESH).

2. Lead oversight team specialists

G. Information Technology Department

1. Manager of Maximo Unit

2. Manager of Siebel Unit

H. General Services Department

1. Director

I. Human Resources Department

1. Deputy director of Learning and Development Unit

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VII. PROCEDURE

A. Identification of NYCHA Target Housing

NYCHA maintains an up-to-date list of the lead status of its developments and the source documentation supporting that status. The Lead Hazard Control Department maintains the list and source documentation and updates it as needed. Developments are sorted into the following categories:

1. Lead Developments with Presumed and/or Actual Lead-Based Paint in Apartments, Common Areas, and Exterior Areas
2. Lead Developments with Presumed and/or Actual Lead-Based Paint Only in Apartments and Exterior Areas
3. Lead Developments with Presumed and/or Actual Lead-Based Paint Only in Common Areas and Exterior Areas
4. Lead Developments with Presumed and/or Actual Lead-Based Paint Only in Exterior Areas
5. Developments Exempt Under Federal Law

A development is exempt from the presumption of the presence of lead-based paint under federal law if it meets the criteria outlined in 24 CFR § 35.115.

6. Developments Exempt Under Local Law

A development is exempt from the presumption of the presence of lead-based paint under local law only if an application for exemption is approved by the New York City Department of Housing Preservation and Development (HPD). See Section VII.E.3., Local Law 1 Exemptions, below.

B. Identification of Apartments with Children Younger Than Six Years Old

NYCHA identifies apartments with children younger than six years old. NYCHA updates the status of whether a child younger than six years old resides in an apartment using the following source documentations:

1. Updating the household composition in Siebel
2. Annual Local Law 1 Child Residency Survey

The Office of the General Manager designates a department to oversee NYCHA's annual local law 1 child residency survey.

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- a. To determine whether a child younger than six lives in an apartment or regularly spends 10 or more hours each week in an apartment, NYCHA surveys, at a minimum, all residents annually at:
 - (1) All housing developments built prior to 1978 where an evaluation was undertaken which determined lead-based paint is present or presumed to be present, and lead-based abatement by removal has not occurred; or
 - (2) All developments built prior to 1960 which do not have a Local Law Exemption Status.
- b. The Department of Communications performs a public information outreach campaign that starts by December 15 of each year to encourage residents to return the annual notice. The campaign can be included in, but not limited to:
 - (1) NYCHA website
 - (2) NYCHA Journal
 - (3) Direct mailings
 - (4) Lobby postings
 - (5) Providing materials to property management offices
- c. The designated department, in consultation with the Department of Communications, ensures that NYCHA Form 088.188, *Lead Based Paint & Window Guard Annual Notice*, is created, and then distributed within five business days of January 1 every year.
 - (1) The form and content of the notice must be based on the most current template approved by DOHMH.
 - (2) The designated department can contract a vendor to create and distribute the notice.
- d. Apartments That Respond to the Notice
 - (1) The designated department ensures the vendor uploads the information to a digital database.
 - (2) Siebel automatically uploads the information from the digital database and adds it to the tenant's case folder.

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e. Apartments That Do Not Respond to the Notice

- (1) The designated department ensures the vendor resends NYCHA Form 088.188, *Lead Based Paint & Window Guard Annual Notice*, 20 business days after the first mailing to all apartments that did not respond.
- (2) The designated department ensures that for any apartment that was sent a second notice and does not provide a response, a reasonable attempt is made to determine the information. The reasonable attempt must consist of a visit to the apartment by a NYCHA employee or a vendor to survey the resident if a child younger than six resides in the apartment.
 - (a) This step is not necessary if NYCHA has actual knowledge of whether a child younger than six resides in the apartment. If that is the case, the apartment is designated as an apartment where a child younger than six resides.

(3) Follow Up Visits With Apartments That Do Not Respond to Second Notice

To plan for the follow-up visits described directly above in Section VII.B.2.e.(2):

- (a) NYCHA shall determine by November 15 of each year whether visits to apartments that did not return NYCHA Form 088.188, *Lead Based Paint & Window Guard Annual Notice*, will be conducted the following year by NYCHA employees or vendor(s).
- (b) The designated department ensures the Operations department, and any additional departments that provide project support:
 - i. Schedules the apartment visits to begin between February 1 and February 15.
 - ii. Provides information on which apartments need to be visited.
 - iii. Provides training material regarding performing the apartment visits.
 - iv. Notifies Property Management development offices and resident leaders in advance of the days when apartment visits will be performed.
 - v. Performs quality assurance monitoring to observe apartment visits.
- (c) Employees and vendors who perform apartment visits must make a good faith attempt to speak with an adult occupant using a script that includes a description of the purpose of the outreach effort and the targeted questions.

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- i. NYCHA provides translations of the script in Chinese, Russian, and Spanish. If a resident does not speak English or any of these languages, employees use NYCHA Form 036.034, *Language Identification Card*, to identify the language spoken and then use a translate function on their handheld device.

(4) To comply with DOHMH requirements, NYCHA must inform DOHMH by March 1 of any apartments for which NYCHA is unable to determine this information. The Office of the General Manager provides DOHMH with a list of these apartments. If NYCHA still is performing apartment visits after March 1, NYCHA provides DOHMH with an update when the apartment visits are complete.

3. During their annual recertification, residents must update information about a child younger than six years old residing in their apartment through the Self-Service Portal on the NYCHA website. Residents also at any time during the year can update their household composition by submitting an interim recertification through the Self-Service Portal on the NYCHA website.
4. Special initiatives undertaken to identify children younger than six years old, such as surveys of residents conducted when NYCHA is performing XRF inspections of apartments

C. Documentation at Lease Signing and Annual Recertification

1. Lead Disclosure Rule

NYCHA must comply with HUD 1996 Lead Disclosure Rule (24 CFR Part 35 Subpart A) and EPA regulations (40 CFR Part 745 Subpart F). These require the disclosure of known information on lead-based paint and lead-based paint hazards before the lease, or lease renewal where lease conditions will change, or new information has become available, of target housing, which is most housing built before 1978.

- a. When a New Lease is Signed by an Applicant or When a Resident Transfers to a New Apartment

NYCHA provides the following documents to a resident when they sign a new lease:

- (1) NYCHA Form 060.275, *Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards*
- (2) NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*
- (3) NYCHA Form 060.275D, *Lead-Based Paint Development Disclosure Summary*
- (4) NYCHA Form 060.284, *Protect Your Family From Lead In Your Home*, from the EPA, U.S. Consumer Product Safety Commission, and HUD

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- (5) NYCHA Form 060.299A, *Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards-Inquiry Regarding Child*
- (6) NYCHA Form 060.849, *Fix Lead Paint Hazards: What Landlords Must Do And Every Tenant Should Know*, from DOHMH
- (7) NYCHA Form 060.850, *Dust Wipe Clearance Examination* form (only provided if an abatement was performed)

b. Annual Recertification

Residents can view the following forms on the NYCHA Self-Service Portal:

- (1) NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, (if applicable); and/or
- (2) NYCHA Form 060.275D, *Lead-Based Paint Development Disclosure Summary*, (if applicable); and/or
- (3) NYCHA Form 060.284, *Protect Your Family From Lead In Your Home*, from the EPA, U.S. Consumer Product Safety Commission, and HUD
- (4) NYCHA Form 060.849, *Fix Lead Paint Hazards: What Landlords Must Do And Every Tenant Should Know*, from DOHMH

2. Providing Documents to Applicants

NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, and NYCHA Form 060.275D, *Lead-Based Paint Development Disclosure Summary*, with information populated for each specific apartment and building, are located in Siebel.

- a. A housing assistant provides an applicant with the applicable forms listed above in Section VII.C.1.a.
- b. The housing assistant ensures the applicant completes and signs:
 - (1) NYCHA Form 060.275, *Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards*
 - (2) NYCHA Form 060.299A, *Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards-Inquiry Regarding Child*
- c. The housing assistant signs both forms after the applicant signs.
- d. The property manager ensures the completed, signed original forms are retained in the tenant folder, and copies are provided to the applicant at apartment viewing.

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3. Document Retention

- a. Property managers ensure that physical copies of all materials required to be disclosed by the Lead Disclosure Rule are present, available for inspection, and permanently maintained at their respective management offices.
- b. The Information Technology Department Siebel Unit ensures that electronic copies of all materials required to be disclosed by the Lead Disclosure Rule are available to residents through the Self-Service Portal on the NYCHA website.
- c. Documents, whether physical or electronic, are retained in accordance with section VIII.C., Recordkeeping.

D. Notifications

1. Notice of Evaluation

- a. When an evaluation (e.g., a lead inspection or risk assessment) is performed and lead-based paint or lead-based paint hazards, NYCHA must provide a notice to occupants within 15 calendar days of the date when NYCHA receives the report. A visual assessment alone is not considered an evaluation for the purposes of this requirement.
- b. The Notice of Evaluation must include:
 - (1) A summary of the nature, dates, scope, and results of the evaluation;
 - (2) A contact name, address and telephone number for more information, and to obtain access to the actual evaluation report; and
 - (3) The date of the notice.
- c. Distributions of Notices of Evaluations for Work in Apartments
 - (1) The Lead Hazard Control Department deputy director, or vendor if applicable, provides NYCHA Form 060.851, *Notice of Evaluation*, to the resident within 15 calendar days of receipt of the results or written report, indicating on the form if there was a negative or positive result.
 - (a) If a vendor provides the form to the resident, the Lead Hazard Control Department deputy director ensures the vendor also provides it to the Lead Hazard Control Department electronically.
 - (2) The Lead Hazard Control Department deputy director ensures NYCHA Form 060.851, *Notice of Evaluation*, is uploaded into the Maximo work order.

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(3) The development property management office ensures a hard copy of NYCHA Form 060.851, *Notice of Evaluation*, is placed in the tenant folder.

d. Distribution for Reevaluations of a Common Area or Exterior

(1) A Lead Hazard Control Department assistant director:

(a) Provides to the property manager within 10 calendar days of receiving the written report:

i. All applicable copies of NYCHA Form 060.851, *Notice of Evaluation*

ii. Instructions for posting the notice(s) of evaluation

(b) Ensures a copy of the notice is maintained in a centralized location in the Lead Hazard Control Department office.

(2) The property manager ensures NYCHA Form 060.851, *Notice of Evaluation*, is posted in the lobby of the appropriate building(s) within five calendar days of receipt from the Lead Hazard Control Department, and copies are hand-delivered to the apartments of any tenants with known mobility impairments or other disabilities that do not permit them to leave the apartment such as tenants on life support.

2. Notice of Hazard Reduction Activity

The Lead Hazard Control Department must provide NYCHA Form 060.852, *Notice of Hazard Reduction Activity*, to residents within 15 calendar days of clearance of the hazard reduction activity (e.g., interim controls including paint stabilization, abatement, or RRP renovations).

a. The hazard reduction notification coordinator completes NYCHA Form 060.852, *Notice of Hazard Reduction Activity*. The notice must include:

(1) A summary of the nature, dates, scope, and results of the hazard reduction activity

(2) A contact name, address, and telephone number for residents to request more information, and to obtain access to NYCHA Form 060.852, *Notice of Hazard Reduction Activity*

(3) Available information on the location of any remaining lead-based paint in the rooms, spaces, or areas where hazard reduction work was conducted

(4) The date of the notice

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b. Distribution

(1) Hazard Reduction Activities Performed in an Apartment

(a) The hazard reduction notification coordinator:

- i. E-mails NYCHA Form 060.852, *Notice of Hazard Reduction Activity*, to the property management office.
- ii. Saves the e-mail sent to the property management office in Maximo.

(b) The property manager ensures NYCHA Form 060.852, *Notice of Hazard Reduction Activity*, is provided to the resident.

- i. If the apartment is unoccupied, the property manager ensures the form is filed and provided to the next resident to live in that apartment.

(2) Hazard Reduction Activities Performed in a Common Area or Exterior

(a) A Lead Hazard Control Department assistant director:

- i. Provides to the property manager within 10 calendar days of clearance of the hazard reduction activity:
 - aa. All applicable copies of NYCHA Form 060.852, *Notice of Hazard Reduction Activity*
 - bb. Instructions for posting the notice(s) of evaluation, if it was performed in a common area or exterior area
- ii. Ensures a copy of the notice is maintained in a centralized location in the Lead Hazard Control Department office.

(b) The property manager ensures NYCHA Form 060.852, *Notice of Hazard Reduction Activity*, is posted in the lobby of the appropriate building(s) within five calendar days of receipt from the Lead Hazard Control Department, and copies are hand-delivered to the apartments of any tenants with known mobility impairments or other disabilities that do not permit them to leave the apartment such as tenants on life support.

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E. Assessments and Evaluations

1. Visual Assessments

- a. Visual assessments are performed by either NYCHA employees or vendors. All individuals performing visual assessments must, at minimum, have completed the HUD Lead Paint Visual Assessment Training Course, or be a certified lead-based paint inspector or lead risk assessor, and must have submitted their certificate to the Human Resources Department Learning and Development Unit.
- b. NYCHA performs visual assessments in apartments in target housing developments at apartment turnover or at least once every 12 months, and in common areas at least once every 12 months, where:
 - (1) An evaluation was undertaken which determined lead-based paint is present or otherwise is presumed to be present;
 - (2) Full abatement of all lead-based paint was not performed; and/or
 - (3) In buildings built prior to 1960 that do not have a building or apartment exemption from HPD. See Section VII.E.3., Local Law 1 Exemptions, below.
- c. Planning, Scheduling, and Notification
 - (1) Visual assessments are scheduled by the Lead Hazard Control Department to ensure that the visual assessments are completed at apartment turnover and within the 12-month required timeline, as applicable. Inspections are scheduled in all buildings constructed prior to 1978, with the following exceptions:
 - (a) Apartments in buildings constructed prior to 1960 which previously tested negative for lead-based paint **and** that have an HPD exemption do not need a visual assessment.
 - (b) Developments and apartments in buildings constructed between 1960 and 1978, which previously tested negative for lead-based paint based on an individual inspection or inspection performed pursuant to Chapter 7 of the HUD Guidelines, do not need a visual assessment.
 - (c) Apartments in buildings in senior-only housing developments do not need a visual assessment unless a child younger than 6 resides or is expected to reside in the apartment.

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- (2) The Lead Hazard Control Department holds an annual kickoff meeting with representatives from the Operations Property Management Departments and Operations Management and Planning Department to plan the visual assessments. This kickoff meeting must be held prior to July 31 unless there is a state of emergency preventing the ability to perform inspections in apartments.
- (3) A Lead Hazard Control Department project manager schedules a visual assessment in Maximo based on the availability of NYCHA employees and/or vendors.
- (4) The Department of Information Technology Maximo Unit creates a visual assessment work order in Maximo.
- (5) A Lead Hazard Control Department project manager notifies the development property manager and/or property maintenance supervisor of the scheduled visual assessment.
- (6) Resident Notifications
 - (a) Resident pre-assessment notifications only are made for visual assessments in apartments, not common areas.
 - (b) The Lead Hazard Control Department director ensures the notices and robocall script in this section are reviewed every year to determine if any changes are needed.
 - (c) Two-Week Notice
 - i. Maximo automatically prints NYCHA Form 060.855, *2 Week Notice - Lead Based Paint Assessment - Resident*, at the appropriate development.
 - ii. The development hand-delivers the form to the apartment two weeks before the visual assessment.
 - (d) Five-Day Notice
 - i. Maximo automatically prints NYCHA Form 060.854, *5 Day Notice - Lead Based Paint Assessment - Resident*, at the appropriate development.
 - ii. The development hand-delivers the form to the apartment five days before the visual assessment.

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(e) Robocalls

- i. When a visual assessment work order is created in Maximo (step VII.B.1.c.(3) above), the Customer Contact Center automatically is notified that a robocall must be made 48 hours in advance of the visual assessment, and is provided a script for the robocall.
- ii. The director of the Customer Contact Center ensures the robocalls are made.

d. Performing a Visual Assessment in an Apartment

(1) Vendors

- (a) Vendors are expected to complete the appropriate training as a prerequisite to performing a visual assessment.
- (b) If a vendor is performing the visual assessment, when the vendor arrives at the location, they sign in to the vendor log-in book, located in the maintenance area.

(2) Apartment Access

- (a) If the resident is home and provides access, the trained employee or vendor performs the visual assessment.
- (b) If the resident is not home, does not provide access, or an adult is not present, refer to NYCHA Standard Procedure, 040:17:3, *Accessing Public Housing Apartments When Tenant Not Home to Address Deficiencies Related to Leaks, Mold, and Lead-Based Paint*.
- (c) If an employee recognizes a hazard that could cause harm to themselves or co-workers, they must stop the hazardous task, or stop working in the hazardous condition. Please refer to NYCHA Standard Procedure 001:15:3, *Make It Safe Process*, for more information.

(3) Surfaces to Be Inspected

- (a) The trained employee or vendor performing the visual assessment inspects for the following conditions:
 - i. Deteriorated paint.
 - ii. An impact or friction surface that is deteriorated.

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- iii. A chewable surface displaying evidence of teeth marks or that appears to be chewed on.
- (b) If an apartment previously had an XRF test or lead inspection that identified components that tested positive for lead-based paint and the data is available, the Maximo work order will identify the components. Only the identified components are inspected, with any conditions as listed directly above documented on the handheld.
- (c) If an apartment has not had an XRF test or lead inspection that identified components that tested positive for lead-based paint or the data otherwise is unavailable, every painted surface that has known or presumed lead-based paint in each room of the apartment is inspected.

The trained employee or vendor performing the visual assessment indicates on the handheld device:

- i. The amount and location of deteriorated paint in a room, using the following parameters:
 - aa. Only for any component in the room with a small surface area (for example baseboards and window sills), if the amount of deteriorated paint is:
 - 1. Less than or equal to 10 percent of the component; or
 - 2. Greater than 10 percent of the component.
 - bb. For all other deteriorated paint in the room, if the amount is:
 - 1. Less than or equal to two square feet of deteriorated surface; or
 - 2. Greater than two square feet but less than 100 square feet; or
 - 3. Greater than or equal to 100 square feet.
- ii. Plaster Repair
- iii. Impact or Friction Deficiency
- iv. Teeth Marks Deficiency
- v. The trained employee or vendor also may draw a floor plan to attach to the work order on the handheld (optional).

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- (4) If no deficiencies are indicated, the trained employee or vendor closes the visual assessment work order as successfully completed.
 - (5) If deficiencies are indicated, Maximo auto-generates the appropriate work orders. See Section VII.I., Renovation, Repair, and Painting Work, Including Interim Controls to Correct Lead-Based Paint Hazards.
- e. Performing a Visual Assessment in a Common Area
- (1) Surfaces to Be Inspected
 - (a) The trained employee or vendor performing the visual assessment inspects for the following conditions:
 - i. Deteriorated paint.
 - ii. An impact or friction surface that is deteriorated.
 - iii. A chewable surface displaying evidence of teeth marks or that appears to be chewed on.
 - (b) If a common area previously had a lead inspection that identified components that tested positive for lead-based paint and the data is available, the Maximo work order will identify the components. Only the identified components are inspected, with any conditions as listed directly above documented on the handheld.
 - (c) If a common area has not had a lead inspection that identified components that tested positive for lead-based paint or the data otherwise is unavailable, every painted surface in the common area is inspected.
 - i. Common areas may include, but are not limited to:
 - aa. Stairwells
 - bb. Floors
 - cc. Hallways
 - dd. Foyers
 - ee. Lobbies
 - ff. Canopies
 - gg. Laundry rooms

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- hh. Recreational rooms
- ii. Playgrounds
- jj. Community centers
- kk. On-site day care facilities
- ll. Garages
- mm. Boundary fences
- nn. Inside unlocked closets and cabinets
- oo. Exteriors and interiors of elevator cabs
- pp. Doors, including the exterior of apartment doors
- qq. Basements which are accessible to residents

1. If a basement is not accessible to residents, it does not need to be visually assessed. The trained employee or vendor opens the work order, selects 'Start/Stop time,' and records the labor transaction type as 'Not Accessible to Residents.'

- ii. The trained employee or vendor indicates on the handheld:

- aa. The amount and location of deteriorated paint per room or area, using the following parameters:

1. Only for any component in the room or area with a small surface area (for example baseboards and window sills), if the amount of deteriorated paint is:

- (a). Less than or equal to 10 percent of the component; or
- (b) Greater than 10 percent of the component.

2. For all other deteriorated paint in the room or area, if the amount is:

- (a) Less than or equal to two square feet of deteriorated surface; or

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(b) Greater than two square feet but less than 100 square feet; or

(c) Greater than or equal to 100 square feet.

bb. Plaster Repair

cc. Impact or Friction Deficiency

dd. Teeth Marks Deficiency

(2) If no deficiencies are indicated, Maximo automatically closes the visual assessment work order as successfully completed.

(3) If deficiencies are indicated, Maximo auto-generates the appropriate work orders. See VII.F., Renovation, Repair, and Painting Work, Including Interim Controls to Correct Lead-Based Paint Hazards.

2. Lead Paint Inspections (XRF Testing with Paint Chip Sampling as necessary)

Lead paint inspections are a surface-by-surface investigation using x-ray fluorescence instruments and when necessary, paint chip sampling, to determine the presence of lead-based paint, and the provision of a report explaining the results of the investigation. Lead paint inspections are performed only by NYCHA employees or vendors who are certified inspectors or certified risk assessors.

a. Occupied Apartments - Planning, Scheduling, and Notifications

(1) NYCHA performs lead paint inspections (XRF tests) in an occupied apartment for the following reasons:

(a) Lead Paint Inspection Initiatives

NOTE:	A "Lead Paint Inspection Initiative" is a project, approved by the vice-president of the Department of Healthy Homes, to perform a surface-by-surface lead paint inspection using an XRF instrument in one or more occupied apartments and/or common areas for determining the presence of lead-based paint. NYCHA began such an initiative in April 2019 to perform lead paint inspections in more than 134,000 apartments that previously did not receive individual apartment inspections.
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(b) Court or administrative order, including a Commissioner's Order to Abate (COTA) issued by DOHMH

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(c) Ad hoc lead paint inspections

Projects approved by the general manager or vice-president of the Department of Healthy Homes to perform XRF testing in a specific NYCHA apartment or property.

(2) A Lead Hazard Control Department assistant director ensures the following:

- (a) The Lead Hazard Control Department informs the Department of Information Technology Maximo Unit of a planned lead paint inspection at least 21 days before inspections performed as part of Lead Paint Inspection Initiatives.

NOTE:	For lead paint inspections performed because of court or administrative orders or for ad hoc lead paint inspections, the amount of advance notice is based on the level of complexity of the project.
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- (b) A Lead Hazard Control Department employee creates a lead paint inspection work order, or a request is made to the Department of Information Technology Maximo Unit to create one.
- (c) The lead paint inspection is scheduled.
- (d) The start date is entered into the work order.
- (e) If a vendor is performing the lead paint inspection, the schedule is provided two weeks in advance to the vendor.
- (f) The development property manager and/or property maintenance supervisor are notified of the scheduled inspection.

(3) Resident Notifications for Lead Paint Inspections

NOTE:	The Lead Hazard Control Department director ensures the notices and robocall script in this section are reviewed every year to determine if any changes are needed.
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(a) Two-Week Notice

- i. Maximo automatically prints NYCHA Form 060.853, *2 Week Notice - Lead Based Paint - XRF Testing*, at the appropriate development.
- ii. The development hand-delivers the form to the resident two weeks before the lead paint inspection.

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(b) Five-Day Notice

- i. Maximo automatically prints NYCHA Form 060.856, *5 Day Notice - Lead Based Paint - XRF Testing*, at the appropriate development.
 - ii. The development hand-delivers the form to the resident five days before the lead paint inspection.
- (c) The Department of Information Technology Maximo Unit collaborates with the Customer Contact Center (CCC) to set up a robocall in Siebel.
- (d) Siebel makes a robocall to the resident 48 hours before the lead paint inspection.

(4) Resident Notifications for Court or Administrative Orders

(a) A Lead Hazard Control Department assistant director:

- i. Contacts the Law Department Housing Litigation Division for details on what the court order requires and any relevant deadlines.
- ii. Schedules a lead paint inspection according to the court or administrative order and ensures the resident is called to schedule the inspection.
- iii. Updates the Maximo work order, and enters the work order's description and scope based on the court or administrative order into the 'long description' field.

b. Unoccupied Apartments - Planning and Scheduling

- (1) A lead paint inspection is performed in target housing apartments as part of the turnover process if they are in a development where there is known or presumed to be lead-based paint (any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any zero-bedroom dwelling, unless a child who is less than six years old resides or is expected to reside in such housing).
- (2) Maximo automatically creates a lead paint inspection work order when a parent move out work order is created by a property maintenance supervisor.
- (3) A Lead Hazard Control Department assistant director ensures the following:
 - (a) A query is run in Maximo daily to identify the relevant work orders.
 - (b) The 'Local Law' tab is reviewed to determine if an apartment already was inspected as part of a lead paint special initiative.

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- (c) If the apartment was tested previously and tested positive for lead-based paint, the lead paint inspection work order is closed, and an abatement work order and dust wipe work order are created, if necessary.
- (d) If the apartment was not tested previously, proceed directly below to Section VII.E.2.c.

c. Performing Lead Paint Inspections in an Apartment

(1) If a vendor is performing the lead paint inspection:

- (a) A Lead Hazard Control Department assistant director schedules the inspection with the vendor.
- (b) When the vendor arrives at the location, they sign in to the vendor log-in book, located in the maintenance area.

NOTE:	Due to limited capacity, NYCHA assigns employees to perform an XRF test only on an ad hoc basis. In such instances, scheduling is handled on a case-by-case basis and a Lead Hazard Control Department assistant director ensures the employees adhere to all requirements.
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(2) Apartment Access (only applies to occupied apartments)

- (a) If the resident is home and provides access, the certified inspector or risk assessor performs the lead paint inspection.
- (b) If the resident is not home or does not provide access, or an adult is not present, refer to NYCHA Standard Procedure, 040:17:3, *Accessing Public Housing Apartments When Tenant Not Home to Address Deficiencies Related to Leaks, Mold, and Lead-Based Paint*.
- (c) If an employee or vendor recognizes a hazard that could cause harm to themselves or co-workers, they must stop the hazardous task, or stop working in the hazardous condition. Please refer to NYCHA Standard Procedure 001:15:3, *Make It Safe Process*, for more information.

(3) The certified inspector or risk assessor asks the resident if a child younger than six lives in the apartment or spends at least 10 hours per week there. If the resident indicates there is, check the "Child Under 6" box in the lead paint inspection testing work order (only applies to occupied apartments).

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- (4) A lead paint inspection is performed in each room equivalent. The certified inspector or risk assessor also performs a visual assessment of paint conditions following the process outlined above in Section VII.E.1., Visual Assessments. Also see *HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*, Chapter 7, for more detailed instructions on performing a lead-based paint inspection.

NOTE:	At its discretion, NYCHA may direct the certified inspector or risk assessor to inspect for other conditions unrelated to lead-based paint, for which the certified inspector or risk assessor is qualified, and the actions are within the scope of the vendor contract, or the NYCHA employee's position description, as applicable.
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- (a) Test one item of each similar component in each room equivalent.
- (b) Test all four walls and the ceiling in each room equivalent.
- (c) Document any commonly-identified components (e.g. door, window, window sill, closet shelf, etc.) missing from a room equivalent.
- (d) If the lead paint inspection identifies lead-based paint, the certified inspector or risk assessor checks if the identified component is metal, concrete, or ceramic tile.
- (e) If the identified component is metal, concrete, or ceramic tile the certified inspector or risk assessor collects a paint chip sample from the component, following EPA Rule 40 CFR 745.227(f).
 - i. A paint chip sample is not collected for a bathroom lead bend, tub waste pipe, or unpainted tub or sink ceramic coating.
- (f) Immediately after collecting a paint chip sample, log the sample onto a Paint Chip Sample Chain of Custody form.
- (g) If a paint chip is collected, it is sent to an EPA National Lead Laboratory Accreditation Program (NLLAP)-recognized and New York State Environmental Laboratory Approval Program (ELAP)-certified testing lab according to the specific lab's process.

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d. Inspection Results

(1) Quality Control of Inspection Results

- (a) The Lead Hazard Control Department performs a quality assurance program to review inspection reports from all vendors to ensure they comply with technical requirement
- (b) A Lead Hazard Control Department staff analyst ensures vendor inspection reports are checked against XRF raw data, the tracking log, and the original abatement work order.
- (c) If an inspection report does not match with the other documents, the staff analyst sends the necessary corrections to the vendor.

(2) Negative Test in an Apartment

This section applies if no components test positive for lead-based paint in an apartment during the lead paint inspection.

- (a) If the paint is deteriorated, Maximo generates a regular paint work order. See NYCHA Standard Procedure 040:05:3, *Maintenance Painting*.
- (b) The Lead Hazard Control deputy director prepares and issues the Notice of Evaluation within 15 days of receiving the final report. See above for Section VII.D.1., Notice of Evaluation, for the process of sending a notification to residents about negative test results.

(c) Recordkeeping

- i. The vendor submits the following to the Lead Hazard Control Department within 10 calendar days of the inspection, through an automated system specifically designed to upload the information:
 - aa. NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*
 - bb. XRF Report
 - cc. XRF test raw data
 - dd. Tracking log
 - ee. HPD exemption application
 - ff. Site plan

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gg. Original work order

hh. EPA certificates

ii. A Lead Hazard Control Department staff analyst:

aa. Downloads the XRF test raw data to the Lead Hazard Control shared folder.

bb. Enters the XRF test results in the Maximo work order.

iii. A Lead Hazard Control Department staff analyst, or a vendor if applicable, generates NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, for the apartment.

aa. Siebel automatically is updated at the apartment level.

bb. The form is sent to the development property management office within 30 calendar days of clearance.

cc. The development property management office updates the apartment's lead folder.

(d) Follow-Up Actions

i. Maximo automatically closes the inspection work order.

ii. If the building was built prior to January 1, 1960, the Lead Hazard Control Department submits a Unit Exemption Application to the NYC Department of Housing Preservation and Development (HPD). See Section VII.E.3., Local Law 1 Exemptions, below.

iii. The Lead Hazard Control Department records the negative result in the apartment's lead tab in Maximo.

(3) Positive Test in an Apartment

This section applies if **any** component tests positive during the lead paint inspection for lead-based paint in an apartment.

(a) The Lead Hazard control deputy director prepares and issues the Notice of Evaluation within 15 days of receiving the final report. See above for Section VII.D.1., Notice of Evaluation, for the process of sending a notification to residents about positive test results. This applies only to occupied apartments.

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(a) Recordkeeping

- i. The certified inspector or risk assessor submits the following to the Lead Hazard Control Department through an automated system specifically designed to upload the information:
 - aa. NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*
 - bb. XRF Report
 - cc. XRF test raw data
 - dd. Tracking log
 - ee. Site plan
 - ff. Original work order
 - gg. EPA certificates
- ii. A Lead Hazard Control Department staff analyst:
 - aa. Downloads the XRF test raw data to the Lead Hazard Control shared folder.
 - bb. Enters the XRF test results in the Maximo work order.
- iii. A Lead Hazard Control Department staff analyst, or vendor if applicable, generates NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, for the apartment.
 - aa. Siebel automatically is updated at the apartment level.
 - bb. The form is sent to the development property management office within 30 calendar days of clearance.
 - cc. The development property management office updates the apartment's lead folder.

(b) Follow-Up Actions

- i. Maximo autogenerates an abatement work order.

NOTE:	Although Maximo autogenerates abatement work orders following a positive XRF result, those work orders will not be scheduled immediately until capacity and timeline are determined.
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- ii. If the paint is intact, refer to Section VII.G., Lead Abatement, below.
- iii. If there is a lead-based paint hazard and the apartment is child-occupied, Maximo automatically creates the interim control work order. Refer to Section VII.I., Renovation, Repair, and Painting Work, Including Interim Controls to Correct Lead-Based Paint Hazards, below.
- iv. If there is a lead-based paint hazard and the apartment is not child-occupied, Maximo automatically creates the interim control work order. Refer to Section VII.I., Renovation, Repair, and Painting Work, Including Interim Controls to Correct Lead-Based Paint Hazards, below.

3. Local Law 1 Exemptions

New York City Local Law 1 presumes the presence of lead-based paint in any multiple-dwelling building built before January 1, 1960. NYCHA can apply to HPD for exemption to this presumption of individual apartments, common areas, or all apartments within an entire building or development that have been identified as being lead-based paint-free through lead inspections performed in accordance with Chapter 7 HUD guidelines. After an apartment or all apartments within a building or development are exempt, all aspects of Local Law 1 pertaining to those apartments do not apply, unless the exemption is revoked.

- a. A Lead Hazard Control Department assistant director assigns an employee to prepare and submit all required documentation to HPD on NYCHA's behalf to acquire exemptions. Please refer to the HPD form for details on what documentation is required and how to submit the form.
- b. A Lead Hazard Control Department assistant director ensures an employee:
 - (1) Updates the exemption information for the apartment in the 'Local Law' tab in Maximo.
 - (2) Uploads a scanned copy of the application into Maximo.
 - (3) Delivers the exemption documentation to HPD.
- c. HPD provides a written response regarding the application for exemption.
 - (1) Exemption Approved
 - (a) A Lead Hazard Control Department assistant director assigns an employee to enter the approval details in the 'Local Law' tab in Maximo, and attaches a copy of the approval document.

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- (b) The Lead Hazard Control Department deputy director reviews the approval document and approves the exemption within Maximo.

NOTE:	The Lead Hazard Control Department conducts reviews of open work orders related to lead-based paint to ensure they are closed out appropriately.
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(2) Exemption Not Approved

- (a) A Lead Hazard Control Department assistant director assigns an employee to enter the notification date in the 'Local Law' tab in Maximo, and attaches a copy of the notification.
- (b) A Lead Hazard Control Department assistant director ensures that an employee reviews the notification and determines whether to update the exemption application and resubmit it.
- (c) A Lead Hazard Control Department assistant director determines if a vendor must be contracted for corrections.
- (d) A Lead Hazard Control Department assistant director ensures that an employee makes updates to the application and uploads a copy into Maximo.

F. Reevaluations

Pursuant to Paragraph 18 of Exhibit A to the Agreement, by January 31, 2021, NYCHA shall conduct risk assessment reevaluations of all NYCHA housing that contains lead-based paint in accordance with 24 CFR § 35.1355.

1. Every two years, NYCHA shall conduct reevaluations if:
 - a. Any hazard reduction was conducted to reduce lead-based paint hazards found in a risk assessment; or
 - b. If standard treatments have been conducted; or
 - c. If NYCHA did not conduct the required assessments or inspections necessary to identify any deteriorated paint.
2. A reevaluation is not required if **any** of the following conditions exist:
 - a. An initial risk assessment found no lead-based paint hazards; or
 - b. A lead-based paint inspection found no lead-based paint; or

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- c. All lead-based paint was abated following the process outlined in Section VII.G., Lead Abatement, through component replacement or paint removal, provided that:
 - (1) No failures of encapsulations or enclosures were found during visual assessments conducted following the process outlined in Section VII.E., Assessments and Evaluations, or
 - (2) No failures of encapsulations or enclosures were found during other observations by maintenance and repair workers in accordance with Sections VII.G., Lead Abatement, and VII.I., Renovation, Repair, and Painting Work, Including Interim Controls to Correct Lead-Based Paint Hazards, since the encapsulations or enclosures were performed.
3. Reevaluations must be performed by certified risk assessors in accordance with 24 CFR 35.1355(b) and 24 CFR 35.1320(b)(2). NYCHA shall conduct interim controls of lead-based paint hazards found during the reevaluations.
4. The Lead Hazard Control Department schedules the required reevaluations. The reevaluations must follow Chapter 5 of the HUD Guidelines and identify the following:
 - a. Deteriorated paint surfaces with known or presumed lead-based paint;
 - b. Deteriorated or failed interim controls of lead-based paint hazards or encapsulation or enclosure treatments;
 - c. Dust-lead hazards; and
 - d. Soil-lead hazards.

NOTE:	The biennial risk assessments being performed starting in 2020 will have a broader scope than what is required under 24 CFR 35.1355. After this data is gathered in 2020, future reevaluations will follow the more narrow scope set forth in 24 CFR 35.1355.
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5. The Lead Hazard Control Department must schedule a first reevaluation no later than two years after completion of hazard reduction. Any future reevaluations are scheduled every two years, plus or minus 60 days.

NOTE:	Exemptions for reevaluations as described in 24 CFR 35.1355(b) shall be reconsidered for inclusion in this Standard Procedure in 2021.
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6. A Lead Hazard Control Department assistant director provides a vendor with the list of apartments and common areas to be reevaluated in accordance with 24 CFR 35.1320(b).

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- a. The worksites of previous hazard reduction activities that are similar based on their original lead-based paint hazard and type of treatment are grouped together. Worksites within such groups are selected and reevaluated in accordance with 24 CFR 35.1320(b).

7. Performing a Reevaluation

- a. A Lead Hazard Control Department assistant director ensures the vendor that performs the reevaluation:
 - (1) Is an EPA-licensed risk assessment firm.
 - (2) Uses certified risk assessors to perform the reevaluation.
 - (3) Creates a written report after completing the reevaluation. See Section VII.F.5., below.
- b. A reevaluation includes the following actions:
 - (1) Reviewing available information. See Section VII.F.4.c. below.
 - (2) Conducting a risk assessment, including a visual assessment on surfaces with positive or presumed lead-based paint. See Section VII.F.4.d. below.
 - (3) Performing an evaluation of selected paint, soil, and dust. See Section VII.F.4.f. below.
 - (4) Recommending responses to hazard reduction omissions or failures. See Section VII.F.4.e. below.
 - (5) Recommending a response to newly-found lead-based paint hazards. See Section VII.F.4.g. below.
- c. Review of Available Information

The certified risk assessor should review the following documents if readily available:

- (1) NYCHA Form 060.275D, *Lead-Based Paint Development Disclosure Summary*
- (2) Lead-based paint inspection reports based on random sample method (for apartments, common areas, and exterior areas)
- (3) XRF inspection data for individual apartments or interior common areas, including specific components that tested positive

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- (4) Abatement records
 - (5) HPD exemptions for apartments and common areas
 - (6) Interim control documentation
 - (7) Clearance reports
- d. Risk Assessments
- (1) Performing an Apartment Risk Assessment

The certified risk assessor:

- (a) Visually inspects each component in the apartment where an XRF test or lead inspection based on random sampling identified lead-based paint as identified on their handheld device.
 - i. Enters the condition of the paint, including the amount of unsatisfactory paint in square feet, the percentage of a single small component with unsatisfactory paint, if any plaster repair is needed, and any additional notes.
 - ii. Enters whether impact friction or a chewable surface is observed.
 - iii. Changes the status of a room to 'complete' after performing the inspection.
- | | |
|--------------|--|
| NOTE: | If a visual assessment is performed as part of a reevaluation process, the inspection for that apartment or common area is considered completed for that year. |
|--------------|--|
- (b) Collects dust wipe samples and enters the information on their handheld device for each surface that was sampled.
 - (c) Enters a summary on their handheld device of the work performed to conduct the risk assessment.
 - (d) Uses their handheld device to take any relevant photos. This is optional, but suggested if peeling paint is observed.
 - (e) Enters communication log information on their handheld device, if relevant.
 - (f) If the risk assessment was performed in an occupied apartment, ensures the resident signs on the signature screen on the handheld device.

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- i. If the resident refuses to sign, check the 'Resident Refused to Sign' check box.
 - (g) Signs their name on the signature screen on the handheld device.
 - (h) Adds to the 'Labor Log' section on their handheld device any other NYCHA employees who worked on the risk assessment.
 - (i) Submits the results of the risk assessment on their handheld device.
- (2) Performing a Common Area Risk Assessment

The certified risk assessor:

- (a) Inspects each common area where an XRF test or lead inspection based on random sampling identified lead-based paint as indicated on their handheld device. Risk assessment work orders are created per stairhall, and include each area associated with a stairhall, such as the floor, stairwell, canopy, lobby, community center, day care center, senior center, and office.
 - i. Enters the condition of the paint, including the amount of unsatisfactory paint in square feet, the percentage of a single small component with unsatisfactory paint, if any plaster repair is needed, and any additional notes.
 - ii. Enters whether impact friction or a chewable surface is observed.
 - iii. Changes the status of a common area to 'complete' after performing the inspection.
- (b) Collects dust wipe samples and enters the information on their handheld device for each surface that was sampled.
- (c) Enters a summary on their handheld device of the work performed to conduct the risk assessment.
- (d) Uses their handheld device to take any relevant photos. This is optional, but suggested if peeling paint is observed.
- (e) Enters communication log information on their handheld device, if relevant.
- (f) Signs their name on the signature screen on the handheld device.
- (g) Adds to the 'Labor Log' section on their handheld device any other NYCHA employees who worked on the risk assessment.

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(h) Submits the results of the risk assessment on their handheld device.

(3) Performing an Exterior Area Risk Assessment

The certified risk assessor:

- (a) Inspects each exterior area where an XRF test or lead inspection based on random sampling identified lead-based paint as indicated on their handheld device. Risk assessment work orders are created per building, and include each area associated with a building, such as the playground, grounds, parking lot, and garage.
 - i. Indicates if bare soil is present.
 - a. If bare soil is present, the 'Notes' field must be filled in.
 - ii. Enters the condition of the paint, including the amount of unsatisfactory paint in square feet, the percentage of a single small component with unsatisfactory paint, if any plaster repair is needed, and any additional notes.
 - iii. Enters whether impact friction or a chewable surface is observed.
 - iv. Changes the status of a common area to 'complete' after performing the inspection.
- (b) If more than nine square feet of bare soil is present, collects a soil sample and enters the information in the 'Soil Sample' section.
 - i. Soil samples are collected in three different areas:
 - aa. Each play area with bare soil (an area of frequent soil contact by children younger than six years old as indicated by, but not limited to, the presence of outdoor play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners).
 - bb. Non-play areas in dripline areas (the area within three feet out from the building wall and surrounding the perimeter of a building).
 - cc. Non-play areas in the rest of the yard, including, but not limited to resident-maintained gardens and bare pathways.

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- ii. Refer to *HUD Office of Healthy Homes and Lead Hazard Control Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 5: Risk Assessment and Reevaluation*, for soil sampling methods.
 - iii. Take photos of the bare soil.
 - iv. Select 'Captured Sample' in the 'Soil Sample Results' field and add location information.
 - v. Take additional samples from different locations as necessary.
- (c) Enters a summary on their handheld device of the work performed to conduct the risk assessment.
 - (d) Uses their handheld device to take any relevant photos. This is optional, but suggested if peeling paint is observed.
 - (e) Enters communication log information on their handheld device, if relevant.
 - (f) Signs their name on the signature screen on the handheld device.
 - (g) Adds to the 'Labor Log' section on their handheld device any other NYCHA employees who worked on the risk assessment.
 - (h) Submits the results of the risk assessment on their handheld device.

8. Written Report

The certified risk assessor provides a Lead Hazard Control Department assistant director with a written report documenting the reevaluation. The report:

- a. Includes the information in 40 CFR 745.227(d)(11).
- b. Identifies any lead-based paint hazards previously detected, discusses the effectiveness of any hazard reduction or standard treatment measures used, and lists those for which no measures have been used.
- c. Describes any new hazards found and presents acceptable control options and their accompanying reevaluations schedules.
- d. Identifies when the next reevaluation, if any, must occur, in accordance with Section VII.F.4., Performing a Reevaluation, above.

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9. NYCHA Response to the Reevaluation

- a. A Lead Hazard Control Department assistant director reviews the written report and all supporting materials to ensure that the report and underlying documentation comply with 24 CFR §35.1355(b), 24 CFR § 35.1320(b), and Chapter 5 of the HUD Guidelines.
- b. If the certified risk assessor reports a hazard reduction control that was not implemented or is failing, or that deteriorated lead-based paint is present, a Lead Hazard Control Department assistant director determines acceptable options for controlling the hazard(s). The options should take into consideration any recommendations made by the certified risk assessor.
- c. If the certified risk assessor reports a lead-based paint hazard, a Lead Hazard Control Department assistant director:
 - (1) Addresses the dust-lead hazard or paint lead hazard by cleaning or hazard reduction measures, which are considered completed when clearance is achieved in accordance with 24 CFR 35.1340.
 - (2) Addresses soil-lead hazards by hazard reduction measures, which are considered completed when clearance is achieved in accordance with 24 CFR 35.1340.
 - (3) Takes into consideration any recommendations made by the certified risk assessor when addressing such hazards.
 - (4) Determines if all remaining apartments in a development should have hazard reduction activities performed.

10. The Lead Hazard Control deputy director prepares and issues the Notice of Evaluation within 15 days of receiving the completed report. See above for Section VII.D.1., Notice of Evaluation, for the process of sending a notification to residents of a reevaluation.

11. Hazard Reduction Activity

- a. Hazard reduction activities must be completed within the following timelines:
 - (1) Apartment with a child younger than six years old - 21 days
 - (2) Exterior play areas - 21 days
 - (3) Dust hazards in common areas - 90 days
 - (4) All other locations - one year

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- b. Maximo autogenerated the appropriate work orders to correct the following from the written report:
 - (1) Hazard reduction omission or failure
 - (2) Any deteriorated lead-based paint, friction, or impact surfaces
 - (3) Any dust lead hazards
 - (a) A Lead Hazard Control administrator manages work orders for cleaning and clearance examinations in the identified sample apartments until clearance is achieved.
 - (4) Soil-lead hazards
- c. The hazard reduction notification coordinator prepares and issues NYCHA Form 060.852, *Notice of Hazard Reduction Activity*, within 15 days of the completion of the hazard reduction activities. Refer above to Section VII.D.2., *Notice of Hazard Reduction Activity*, for the process of sending the notice to residents.

G. Lead Abatement

For all target housing developments where an evaluation was undertaken which determined lead-based paint is present or presumed to be present, and lead abatement has not occurred, NYCHA tests each apartment for lead-based paint as a part of the turnover process. If an individual apartment test detects the presence of lead-based paint, NYCHA abates the apartment. NYCHA also abates, as required, when in receipt of a violation or an order to do so, during capital modernization, and in accordance with the Agreement, Exhibit A, Paragraphs 8 through 13. See Appendix C, Agreement Exhibit A - Requirements for Lead-Based Paint.

1. Performing Abatements in Occupied Apartments

a. Lead Abatement Work Orders

- (1) A Lead Hazard Control Department assistant director:
 - (a) Ensures a lead abatement work order is generated when NYCHA receives a Commissioner's Order to Abate (COTA) from DOHMH.
 - (b) Informs the Lead Hazard Control Lead Abatement Unit coordinator in writing about open abatement work orders in occupied apartments identified as having a child with an elevated blood lead level.

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(2) Maximo automatically generates a lead abatement work order when the results of an XRF test is positive when performed as part of the lead paint inspection initiative.

b. Scheduling

(1) Apartments with a Child With EBLL

(a) A Lead Hazard Control Department assistant director ensures an employee:

- i. Calls the resident to schedule the abatement and tracks the call(s) in the 'Notes' field of the work order.
- ii. Notifies the Lead Hazard Control Lead Abatement Unit coordinator or vendor about the target start date.

(b) The Lead Hazard Control Lead Abatement Unit coordinator enters the start date in Maximo.

(c) For more information, see Section VII.J., Child with Elevated Blood Lead Level, below.

(2) Apartments Without a Child With EBLL

(a) The Lead Hazard Control Lead Abatement Unit coordinator provides the property manager or property maintenance supervisor with available dates to schedule the abatement. If there are delays in scheduling the abatement caused by the resident, the Lead Hazard Control Lead Abatement Unit coordinator informs DOHMH.

(b) The property management office calls the resident to schedule the abatement and tracks the call(s) in the 'Notes' field of the work order.

(c) The Lead Hazard Control Lead Abatement Unit coordinator enters the start date in Maximo.

c. Concurrently with scheduling an abatement:

(1) Maximo automatically creates a clearance work order.

(2) A Lead Hazard Control Department assistant director ensures an employee calls a vendor to schedule the clearance, and confirms it via e-mail.

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d. Notifications

(1) A Lead Hazard Control Department assistant director:

- (a) Notifies the EPA at least five business days prior to the abatement using the EPA's Central Data Exchange online portal.
 - i. If a vendor is performing the abatement, the vendor notifies the EPA at least five business days prior to the abatement using the EPA's Central Data Exchange online portal. The vendor sends the EPA notice to a Lead Hazard Control Department project manager.
 - ii. If the abatement is being performed because of a child identified as having an elevated blood lead level, the notification to EPA must be made no later than the start date of the abatement.
- (b) Prints the EPA notice and attaches it to the work order.
- (c) If the abatement is being performed because of a child identified as having an elevated blood lead level, files a Notification of Commencement of Lead Abatement with DOHMH's Healthy Homes Program/Lead Poisoning Prevention one to three calendar days before work begins.

(2) If the abatement will disturb more than 100 square feet of lead-based paint in any room, or will disturb paint of unknown lead content or involves the removal of two or more windows with lead-based paint or paint of unknown lead content:

- (a) A Lead Hazard Control Department assistant director, or vendor if applicable, notifies DOHMH at least 10 calendar days prior to the scheduled abatement.
 - i. The 10-day notification does not apply to abatements performed because of a child with an elevated blood lead level.
 - ii. If a vendor performs the DOHMH notification, the vendor must inform the Lead Hazard Control Department Lead Abatement Unit coordinator that the notification was made.
- (b) If the abatement is being performed in response to a COTA, a Lead Hazard Control Department assistant director, or vendor if applicable, notifies DOHMH no less than 24 hours and no more than 96 hours prior to the scheduled abatement.
- (c) The Lead Hazard Control Department Lead Abatement Unit coordinator:
 - i. Prints the DOHMH notification and attaches it to the work order.

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- ii. Enters into Maximo in the local law tracker that the DOHMH notification was made.
 - iii. Ensures the DOHMH notification is posted at the entrance to the apartment 24 hours before work begins and remains until the apartment is safe for re-occupancy.
- e. Occupant Protection Plan

A certified abatement supervisor develops a written occupant protection plan to prevent exposure to any lead-based paint hazards. If a vendor performs the abatement, the vendor develops the plan. See Appendix F, Occupant Protection Plan Template.

An occupant protection plan must:

- (1) Be unique to each apartment.
 - (2) Describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
- f. The Lead Hazard Control Department Lead Abatement Unit coordinator:
- (1) Prints the occupant protection plan and attaches it to the work order.
 - (2) Provides the work order, with the attached documents, to a certified abatement supervisor.
 - (3) Enters into Maximo in the Local Law tracker that the EPA notification was made, and, if the abatement is performed because of a child identified as having an elevated blood lead level, that the DOHMH notification was made.

NOTE:	If a vendor is performing the abatement, they perform steps 1.d.(1), 1.d.(2), and 1.d.(3). The vendor must inform the Lead Hazard Control Department Lead Abatement Unit coordinator that the EPA notification was made.
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- g. The certified abatement supervisor provides the occupant protection plan to the resident in advance of the scheduled abatement, following the same timeframes stated above for notifying the EPA and DOHMH in Section VII.G.1.d., Notifications.
- h. Change of Abatement Scope or Start Date

If changes are made to the scope of work and/or start date after notification was provided to the EPA and/or DOHMH, updated notification must be submitted, and the occupant protection plan must be updated.

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(1) EPA

A Lead Hazard Control Department assistant director or vendor ensures the following:

- (a) If an abatement start date is changed so it will start before the original start date provided to the EPA, an updated notification must be provided to the EPA at least 5 business days before the new start date.
- (b) If an abatement start date is changed so it will start after the original start date provided to the EPA, the updated notification to the EPA must be provided on or before the new start date.
- (c) If the location of abatement work changes, the updated notification to the EPA must be provided at least 5 business days before the start date.
- (d) If abatement work is cancelled, or if the scope is changed significantly, including but not limited to when the square footage being abated changes by more than 20 percent, the updated notification to the EPA must be provided on or before the start date. If work already started, the updated notification must be made within 24 hours.
- (e) The updated notifications are attached to the work order. If a vendor performs steps f.(1)(a)-f.(1)(d), they send the updated notifications to a Lead Hazard Control Department assistant director.

(2) DOHMH

A Lead Hazard Control Department assistant director, or vendor if applicable, ensures that any changes in the information contained in the notice required by this section are filed with DOHMH before performing the work, or if work already started, within 24 hours of any change.

- (3) A Lead Hazard Control Department assistant director, or vendor if applicable, ensures the occupant protection plan is updated to reflect the new scope and/or start date.

i. Tenant Not Home

- (1) If the certified abatement supervisor is unable to access an occupied apartment, refer to NYCHA Standard Procedure, 040:17:3, *Accessing Public Housing Apartments When Tenant Not Home to Address Deficiencies Related to Leaks, Mold, and Lead-Based Paint*.
- (2) The Lead Hazard Control Department Lead Abatement Unit coordinator updates the EPA and/or DOHMH notices.

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j. Performing an Abatement

(1) Personnel

(a) Certified abatement workers perform the abatement.

(b) A certified abatement supervisor:

- i. Must be onsite during all work area preparation. The certified abatement supervisor confirms they are on site by entering the actual start time in Maximo.
- ii. Must be onsite or available on call and able to be present at the work area in no more than two hours at all other times when abatement activities are being performed. The certified abatement supervisor must post their telephone number at the abatement location to ensure they can be contacted.

(2) Employee Safety

(a) Personal Protective Equipment (PPE)

As per OSHA standard 29 CFR 1926.28(a), NYCHA is responsible for requiring the wearing of appropriate personal protective equipment (PPE) in all operations where there is an exposure to hazardous conditions. NYCHA conducts assessments of workplaces that involve lead-based paint to determine if hazards are present, or likely to be present, which necessitate the use of PPE. All employees performing abatement work and cleanup that will expose them to lead are required to use any PPE identified based on the assessments.

(b) Other Equipment

It is recommended that all employees performing abatement work bring the following items to the work area:

- i. Portable saline eye wash bottle
- ii. Fire extinguisher

(c) Make It Safe

If an employee recognizes a hazard that could cause harm to themselves or coworkers, they must stop the hazardous task, or stop working in the hazardous condition. Please refer to NYCHA Standard Procedure 001:15:3, *Make It Safe Process*, for more information.

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(3) Occupant Protection

(a) Relocation

- i. The Lead Hazard Control Lead Abatement Unit coordinator determines if residents should be relocated temporarily during abatement to a suitable, decent, safe, and similarly accessible apartment that does not have lead-based paint hazards.
 - aa. If the Lead Hazard Control Department assistant director determines a resident should be relocated temporarily, they inform the property manager or property maintenance supervisor.
 - bb. The property manager or property maintenance supervisor ensures the resident is temporarily relocated.
- ii. Acceptable reasons for not relocating a resident:
 - aa. If treatment will not disturb lead-based paint, dust-lead hazards, or soil-lead hazards.
 - bb. If only the exterior of the apartment is treated, and windows, doors, ventilation intakes, and other openings in or near the work area are sealed during hazard control work and cleaned afterward, and an entry free of dust-lead hazards, soil-lead hazards, and debris is provided.
 - cc. If the scope of work calls for treatment of an interior work area that will be completed within one period of eight daytime hours, and the work area is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health, or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste).
 - dd. If the treatment of the interior will be completed within five calendar days, the work area is contained so as to prevent the release of leaded dust and debris into other areas, treatment does not create other safety, health, or environmental hazards; and, at the end of work on each day, the work area and the area within 10 feet of the containment area is cleaned to remove any visible dust or debris, and occupants have safe access to sleeping areas, bathrooms, and kitchens.

(b) Protection of Work Area

- i. Residents must be restricted from the work area with caution tape or other suitable barriers to prevent access to the work area until after clearance.

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- ii. Advise residents not to allow anyone, especially children, to enter any area in which plastic sheeting is being used or stored due to the risk of injury.
- iii. Secure the apartment and/or work area against unauthorized entry.

(4) Pre-Cleaning

If paint is deteriorated and there are paint chips, dust or debris present, vacuum the floor with a HEPA vacuum before laying down protective sheeting.

(5) Setting Up

(a) Signage

- i. Post NYCHA Form 088.182, *Renovation, Repair, and Painting Safety Sign*, at each entrance to a work area before work begins.
- ii. The signs must remain until after clearance.

(b) Work Area Preparation

- i. Remove all objects to at least six feet away from the work area, if possible.
- ii. Cover all items which were not moved from the work area with one layer of six-mil disposable polyethylene sheeting. The sheeting must be taped together with duct tape and taped to the floors or bottom of the walls or baseboards, to form a continuous barrier to the penetration of dust.
- iii. Cover the floor of the work area with one layer of six-mil disposable polyethylene sheeting and tape the sheeting down to prevent movement. The floor sheeting must extend six feet in all directions from the work area where practical, unless vertical containment is installed. Use two layers of sheeting to cover wall-to-wall carpeting, overlapping the seams by at least six inches.
 - aa. If vertical containment is used, the floor covering may stop at the vertical barrier, if it is impermeable, extends from the floor to the ceiling, and is tightly sealed at all floors, ceiling, and walls.

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- iv. Cover all doorways in the work area, including the work area entrance or vertical containment doorway, with one layer of six-mil disposable polyethylene sheeting. Tape the sheeting to the top of the door frame or vertical containment high point and weigh down the bottom to create a seal. Create a door flap on the sheeting that allows access into the work area.
- v. Close windows, and where applicable, cover the windows with one layer of six-mil disposable polyethylene sheeting to prevent dust and debris from settling on windowsills.
- vi. Cover all forced-air systems (HVAC) in the work area (e.g. bathroom vents) and at least six (6) feet beyond with one layer of six-mil disposable polyethylene sheeting.
- vii. Turn off all air conditioners and fans in the work area. Cover the air conditioners with one layer of six-mil disposable polyethylene sheeting.
- viii. If the abatement and collection of clearance dust samples will not be completed in one day, set up an overnight barrier that can be locked or firmly secured to prevent access to rooms or common areas where abatement is being performed.
- ix. For abatement in kitchens and bathrooms, cover counter tops, cabinets, sink base cabinets, and all other horizontal surfaces with sheeting, to ensure that all cabinet doors and drawers are sealed.
- x. For abatement in kitchens
 - aa. Cover and seal the refrigerator with sheeting. Prior to covering, cut slits in the sheeting to allow for ventilation.
 - bb. Cover the stove with sheeting and seal. Ensure that the stove is off and cool to the touch before covering.

NOTE:	Stoves in NYCHA apartments have electric ignitions. If a non-electric ignition is identified, the employee or vendor will use alternative containment methods for the stove.
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(6) Performing Work

(a) Removing a Component

- i. Components that may need to be removed include, but are not limited to:
 - aa. Baseboards, casing, and other trim
 - bb. Windows
 - cc. Interior and exterior doors
 - dd. Kitchen and bathroom cabinets
 - ee. Railings
 - ff. Interior walls
- ii. Use a spray water bottle to wet the surfaces that will be disturbed to limit the creation and dispersal of dust. Periodically rewet the area while working. Before applying the water, be sure there are no electrical circuits inside the component. If electrical circuits are inside the component, they must be turned off and disconnected before removal. No water mist should be applied even if electrical circuits are turned off or de-energized.
- iii. Remove any screws or other fasteners.
- iv. Carefully remove or bend back all nails or other fastening devices.
- v. For painted surfaces, if a component is to be removed from an underlying surface, score the perimeter/edge of the component with a utility knife to minimize the quantity of painted surface that is impacted.
- vi. Wrap the component in six-mil disposable polyethylene sheeting and seal with duct tape.

(b) Paint Removal

- i. Acceptable Methods of Paint Removal (within the prohibitions outlined in the section directly below)
 - aa. Heat guns
 - bb. HEPA sanders
 - cc. Wet scraping

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dd. HEPA vacuum needle gun

ee. Chemical paint stripping

ii. Prohibited Paint Removal Practices

aa. Open flame burning or torching of painted surfaces.

bb. Use of machines that remove paint or other surface coatings through high-speed operation, such as machine sanding or grinding or abrasive blasting or sandblasting, unless they have shrouds or containment systems and are equipped with a HEPA vacuum attachment.

cc. Operating a heat gun above 1100 degrees Fahrenheit on painted surfaces or charring the paint.

dd. Chemical paint stripping using a volatile stripper (for example, methylene chloride) in poorly ventilated space.

ee. Dry sanding or scraping, except within one (1) foot of electrical fixtures (e.g. switches, outlets, light fixtures, breaker boxes).

(c) Observe safety precautions in contained work areas:

i. Do not eat, drink, chew, or smoke in the work area.

ii. Do not apply cosmetics in the work area.

iii. Keep polyethylene sheeting away from open flames, e.g. stoves and blowtorches.

iv. Exercise caution when spraying in the vicinity of electrical outlets.

v. Prevent children and pets from entering the work area.

vi. Immediately repair torn sheeting using duct tape for minor tears. Total sheet replacement may be necessary for major tears.

(d) Make sure all tools and other items, including the exteriors of waste containers, are kept free of dust and debris before removing them from the work area.

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(7) Waste

- (a) Do not store dust, debris, or other waste inside the apartment overnight. Instead, transfer the waste to a secure area or container that prevents release of, and access to, dust and debris.
- (b) Do not dispose of liquid wastewater in a storm drain or on the ground. Instead, dispose of any liquid wastewater in the toilet.
- (c) Wrap any solid waste or components in heavy-duty plastic (six-mil polyethylene or equivalent) and seal all seams and dispose of as regular household or construction waste.

(8) Concentrated Lead Waste

- (a) If more than 100 kilograms (220 pounds) of concentrated lead waste is generated in a building within one calendar month, including paint strippings, lead paint chips and dust, and vacuum debris and filters, it must be tested by an analytical laboratory and classified as either hazardous or non-hazardous. Alternatively, this waste can be presumed to be hazardous for purposes of transport, storage, and disposal. Hazardous waste must be transported and disposed of according to EPA requirements.
- (b) If less than 100 kilograms (220 pounds) of concentrated lead waste is generated in a building within one calendar month, it is considered a very small quantity generator and is exempt from following the EPA requirements.

(9) Dust Control

The certified abatement supervisor:

- (a) Conducts visual monitoring while paint-disturbing work is underway and while workers are stepping off the protective sheeting on the work-area floor.
- (b) Ensures that dust generated by paint-disturbing work has not spread beyond the containment area.

k. Cleanup

(1) Personnel

- (a) The certified abatement worker(s) who performed the abatement performs the cleanup.

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- (b) The certified abatement supervisor must be onsite during all post-abatement cleanup of work areas, including any re-cleaning activities following a failed clearance examination. The supervisor must enter their actual start and end date in a log book or, if available, the employee's NYCHA handheld device whenever they are on site during any post-abatement cleanup of work areas.

(2) Performing Cleanup

After abatement work is completed, clean up in the following sequence.

- (a) Clean and remove protective sheeting from the floor and all objects that were not removed from the work area. Any containment that does not impact cleanup must remain in place until after clearance. Restrict access to the work area until containment is removed.
 - i. With a spray bottle, moisten the polyethylene sheeting and fold it inward.
 - ii. Place the plastic sheeting into six-mil polyethylene bags and/or a covered cart.
 - iii. Close all bags with an airtight gooseneck seal.
 - aa. Twist the bag
 - bb. Fold it over on itself
 - cc. Wrap it with duct tape
 - dd. Dispose of it with regular household waste
 - iv. If abatement work is not completed at the end of a work shift and the abatement work must continue on the following day, instead of removing the protective sheeting on the floors and other objects in the work area, pick up all debris too large for a vacuum cleaner, as per section i.(2)(b) directly below, and use a HEPA vacuum to vacuum the protective sheeting.
- (b) Pick up all debris too large for a vacuum cleaner and place it in six-mil polyethylene bags and/or a covered cart. Avoid puncturing bags with pointed or jagged pieces of debris. Properly wrap all contaminated objects before removing them from the work area.

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- i. If abatement work is not completed at the end of a work shift and the abatement work must continue on the following day, bag debris and store it in a secure area. Do not store dust, debris, and other waste inside the apartment overnight. Instead, transfer the waste to a locked secure area or container that prevents release of, and access to, dust and debris.
- (c) Clean all tools.
- (d) Vacuum all horizontal surfaces, including window troughs, within at least six (6) feet in all directions of all disturbed painted surfaces. Cleaning beyond the six (6) feet perimeter is recommended as a safety precaution if dust generated by the work may have spread beyond six (6) feet.
- i. Use a HEPA vacuum to vacuum dust and debris in the work area. Never dry sweep dust or debris.
 - ii. First vacuum every inch of all horizontal surfaces except floors.
 - iii. Then vacuum floors starting at the far end of the room, working toward the entrance.
 - iv. If work was performed in kitchen, vacuum the condenser and fan area underneath the refrigerator.
 - v. Avoid stepping on already vacuumed floors when moving to a new section.
- (e) Wet clean all horizontal surfaces, including window sills and troughs, within at least six feet in all directions of all disturbed painted surfaces.
- i. Use the disposable soft wipe method (preferred) or the two-bucket method or three-bucket method.
 - ii. First clean all horizontal surfaces except floors until surfaces are clear of dust.
 - iii. Then clean all floors starting at the far end of the room, working towards the entrance.
 - iv. Avoid stepping on already mopped floors when moving to a new section.

NOTE:

If using the two-bucket method or three-bucket method, before mopping, dump the water from the clean rinse bucket used for the horizontal surfaces and refill it with clean cold water. Carefully discard dirty water in the toilet, ensuring no spillage to surrounding areas.

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- (f) Vacuum and wet clean the floor in adjacent areas used as pathways to the work areas and any areas used for storage of tools and debris (wet clean is not necessary if passageways can be secured reliably during non-work hours).

I. For clearance activities, refer below to Section VII.H., Post-Abatement Clearance.

2. Performing Abatements in Unoccupied Apartments

a. Lead Abatement Work Orders

- (1) A Lead Hazard Control Department assistant director ensures a lead abatement work order is generated when the result of an XRF test is positive when performed as part of the turnover process after a move out.
- (2) The Lead Hazard Control Lead Abatement Unit coordinator runs a query in Maximo no less than twice per week for open abatement work orders in move outs and enters start dates.

b. Scheduling

- (1) The Lead Hazard Control Lead Abatement Unit coordinator:
 - (a) Schedules employees based on their availability.
 - (b) Informs an assistant director of scheduled abatements.
 - (c) Informs an assistant director of unscheduled abatements to be assigned to vendors.
- (2) Maximo automatically creates a clearance work order.
- (3) A Lead Hazard Control Department assistant director ensures:
 - (a) A vendor is contacted to schedule the remaining abatements.
 - (b) The EPA is notified at least five business days prior to the abatement using the EPA's Central Data Exchange online portal.
 - i. If a vendor is performing the abatement, the vendor notifies the EPA at least five business days prior to the abatement using the EPA's Central Data Exchange online portal. The vendor sends the EPA notice to a Lead Hazard Control Department assistant director.
 - (c) The EPA notice is printed and attached to the work order.

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(d) A Notification of Commencement of Lead Abatement is filed with DOHMH's Healthy Homes Program/Lead Poisoning Prevention one to three calendar days before work begins, if the abatement is being performed because of a child identified as having an elevated blood lead level.

c. The property manager or property maintenance supervisor prepares NYCHA Form 040.558, *Request to Remove an Apartment From the Rent Roll*. For more information, see NYCHA Standard Procedure 040:04:1, *Apartments Off the Rent Roll*.

d. Occupant Protection Plan

A certified abatement supervisor develops a written occupant protection plan to prevent exposure to any lead-based paint hazards. If a vendor performs the abatement, the vendor develops the plan. See Appendix F, Occupant Protection Plan Template.

An occupant protection plan must:

(1) Be unique to each building.

(2) Describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

(3) Be posted in common areas.

e. The Lead Hazard Control Department Lead Abatement Unit coordinator:

(1) Prints the occupant protection plan and attaches it to the work order.

(2) Provides the work order, with the attached documents, to a certified abatement supervisor.

(3) Enters into Maximo in the local law tracker that the EPA notification was made.

NOTE:	If a vendor is performing the abatement, they perform steps 2.e.(1), 2.e.(2), and 2.e.(3). The vendor must inform the Lead Hazard Control Department Lead Abatement Unit coordinator that the EPA notification was made.
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f. The certified abatement supervisor posts the occupant protection plan in a public area next to the apartment in advance of the scheduled abatement.

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g. Change of Abatement Scope or Start Date

If changes are made to the scope of work and/or start date after notification was provided to the EPA and/or DOHMH, updated notification must be submitted and the occupant protection plan must be updated.

(a) EPA

A Lead Hazard Control Department assistant director or vendor ensures the following:

- i. If an abatement start date is changed so it will start before the original start date provided to the EPA, the updated notification must be provided to the EPA at least 5 business days before the new start date.
- (b) If an abatement start date is changed so it will start after the original start date provided to the EPA, the updated notification must be provided to the EPA on or before the new start date.
- (c) If the location of abatement work changes, the updated notification must be provided to the EPA at least 5 business days before the start date.
- (d) If abatement work is cancelled, or if the scope is changed significantly, including but not limited to when the square footage being abated changes by more than 20 percent, the updated notification must be provided to the EPA on or before the start date. If work already started, the updated notification must be made within 24 hours.
- (e) The updated notifications are attached to the work order. If a vendor performs these steps, they send the updated notifications to a Lead Hazard Control Department assistant director.
- (f) If the abatement is being performed because of a child identified as having an elevated blood lead level, a Lead Hazard Control Department assistant director or vendor ensures that any changes in the information contained in the notice required by this section are filed with DOHMH before performing the work, or if work already started, within 24 hours of any change.

h. Performing an Abatement and Cleanup

Refer above to Sections VII.G.1.h. and VII.G.1.i.

- i. For clearance activities, refer below to Section VII.H., Post-Abatement Clearance.

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3. Exterior Abatements

- a. The Capital Projects Department contracts vendors to perform exterior abatements. The vendors are required to follow the terms of their contracts and Asbestos Abatement Work Plans, and the same rules and regulations as listed above in Section III., Applicability.
- b. For more information, refer to NYCHA Memo CPDQA2016001, *Safety Guide for CPD Field Employees*, and NYCHA Memo CPD20190002, *Lead Based Paint Construction Practices Division 1 - General Requirements*.

H. Post-Abatement Clearance

1. Clearance examinations for abatements must be performed by a certified risk assessor or lead inspector.

NOTE:	This process is different from the RRP process. For RRP work, a dust wipe technician can perform the clearance examination, which then is reviewed by a risk assessor or inspector. For abatement work, only a certified lead inspector or risk assessor is allowed to perform the clearance examination.
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2. A work area must remain unoccupied until NYCHA receives the results of a passing clearance examination. When abatement is performed during apartment turnover, the apartment cannot be placed back onto the rent roll until the unit passes a clearance examination.
3. A Lead Hazard Control Department assistant director ensures the vendor submits the proper documentation as detailed in this section.
4. Visual Inspection
 - a. After cleaning is completed, a certified inspector or risk assessor arrives at the date and estimated time provided by the Lead Hazard Control Department Lead Abatement Unit coordinator.
 - b. The certified inspector or risk assessor records results of the visual inspection on the visual form.
 - c. If the certified inspector or risk assessor determines the apartment passed the visual inspection, they perform a dust wipe. Proceed below to Section VII.H.5, Dust Wipe Sampling.

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- d. If the certified inspector or risk assessor determines the apartment did not pass the visual inspection:
 - (1) They inform the certified abatement supervisor.
 - (2) The certified abatement supervisor informs the Lead Hazard Control Department Lead Abatement Unit coordinator.
 - (3) The Lead Hazard Control Department Lead Abatement Unit coordinator instructs the certified abatement supervisor to reperform the cleaning, including any re-cleaning required after a failed clearance examination. The certified abatement supervisor must be on site during each cleaning and re-cleaning.
 - (4) A Lead Hazard Control Department assistant director ensures a new clearance work order is scheduled, if necessary.
 - (5) If the certified inspector or risk assessor determines the apartment now passes the visual inspection, they perform a dust wipe. Proceed below to Section VII.H.5, Dust Wipe Sampling.
 - (6) If the certified inspector or risk assessor determines the apartment still does not pass the visual inspection, refer back to Section VII.G.1.i., Clean-Up, above.

5. Dust Wipe Sampling

Dust wipe samples must be taken no sooner than one hour after abatement cleaning is completed.

- a. When a NYCHA employee takes a dust wipe sample:
 - (1) The Lead Hazard Control dust wipe unit project manager:
 - (a) Ensures the information about every dust wipe sample, including any subsequent samples taken because a work area was re-cleaned, is entered with a dust wipe sample chain of custody form in the vendor dust wipe portal for analysis by an EPA NLLAP-recognized and New York State ELAP-certified testing lab.
 - (b) Receives an automatic notice that the vendor dust wipe portal was updated after the testing lab enters the results of the sample, and reviews and approves the report and results.
 - (c) Contacts the testing lab if NYCHA does not receive the dust wipe report for any sample within 24 hours.

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- b. When a vendor takes a dust wipe sample:
 - (1) The certified vendor staff performs the dust wipe, completes a dust wipe sample chain of custody form on their handheld device, and enters the information in the vendor dust wipe portal for analysis by an EPA NLLAP-recognized and New York State ELAP-certified testing lab.
 - (2) When the vendor receives the report and results from the testing lab, the vendor enters the information into the vendor dust wipe portal.
 - (a) The Lead Hazard Control dust wipe unit project manager:
 - i. Receives an automatic notice that the vendor dust wipe portal was updated, and reviews and approves the report and results.
 - ii. Contacts the vendor if the sampling results are not uploaded to the portal within 24 hours.
 - c. If the dust wipe passed the test, proceed directly below to Section VII.H.6.
 - d. If the dust wipe did not pass the test, refer to Section VII.G.1.i., Clean-Up, above.
6. A Lead Hazard Control Department assistant director ensures an employee performs the following:
- a. Attaches the dust wipe report to the dust wipe work order in Maximo.
 - b. Indicates the actual start and end times in Maximo and closes the dust wipe work order.
 - c. Enters the details of the dust wipe work order in Maximo in the 'Local Law' tab.
 - d. If the clearance examination is performed following abatement in response to a violation, files the results with DOHMH within 15 calendar days.
 - e. Creates NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, that applies to the specific apartment.
 - f. Puts a copy of NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, in the Lead Hazard Control Department apartment file.
 - g. E-mails NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, within 30 calendar days of clearance to the property manager and property maintenance supervisor, who must provide it to the resident prior to the lease signing.

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- h. E-mails the results to the hazard reduction notification coordinator.
 - i. Updates the tenant file with the appropriate information.
7. The property manager or property maintenance supervisor ensures NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, is placed in the resident file and in the development's permanent file.
8. The hazard reduction notification coordinator:
 - a. Reviews the work order, dust wipe clearance chain of custody form, and lab report to ensure the forms comply with all rules and regulations.
 - b. Prepares and issues NYCHA Form 060.852, *Notice of Hazard Reduction Activity*, within 15 days of the completion of the work. Refer above to Section VII.D.2., Notice of Hazard Reduction Activity, for the process of sending the notice to residents.
9. The certified abatement supervisor for each abatement project prepares an abatement report within 30 calendar days of clearance. They ensure the report is stored in the project files in the Lead Hazard Control Department central office and is uploaded into the abatement work order in Maximo. The report includes the following:
 - a. Start and completion dates of abatement (This information is included in the occupant protection plan).
 - b. The name and address of each certified firm (NYCHA or a vendor) performing the abatement and the name of each supervisor assigned to the abatement project.
 - c. The occupant protection plan.
 - d. The name, address, and signature of each certified inspector or risk assessor performing clearance sampling and the date of clearance testing. (This information is included in the lab report).
 - e. The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that performed the analyses. (This information is included in the lab report).
 - f. A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of enclosures, if applicable.
 - g. All EPA notifications and certifications.

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NOTE:	NYCHA does not typically perform enclosure and encapsulation, but should these methods become necessary, NYCHA will follow the 2012 HUD Guidelines.
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10. If the apartment was built prior to January 1, 1960, refer above to Section VII.E.3., Local Law 1 Exemptions.

I. Renovation, Repair, and Painting Work, Including Interim Controls to Correct Lead-Based Paint Hazards

1. Purpose and Applicability

a. Renovation, repair, and painting work (RRP) refers to standard renovation work that may disturb presumed or actual lead-based paint that, when it is performed, workers must follow lead safe work practices. RRP work includes interim control work.

b. Interim control work refers to the work performed to correct lead-based paint hazards at all target housing developments where:

(1) An evaluation was undertaken which determined lead-based paint is present or presumed to be present; and

(2) A full abatement of lead-based paint was not performed.

c. Emergency Renovations

(1) The cleaning and cleaning verification requirements set forth in this policy are required for emergency renovations.

(2) For emergency renovations immediately necessary to safeguard against imminent danger to human life, health, or safety, or to protect property from further major damage, tenants must be protected from exposure to lead in dust and debris generated by such emergency actions to the extent practicable. Such emergencies include, but are not limited to, when property is damaged by:

(a) Natural disaster

(b) Fire

(c) Structural collapse

(d) Cascading water

(e) Lack of utilities

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- (3) The exemptions listed below only apply to repairs immediately necessary to respond to the emergency.
- (a) Emergency renovations are exempt from requiring certified renovators to perform the work, to the extent necessary to respond to the emergency.
 - (b) The RRP requirements listed in the following sections are not required to be followed during an emergency renovation, to the extent necessary to respond to the emergency:
 - i. Section VII.I.5., Pre-Renovation Notice to Residents
 - ii. Section VII.I.10., Setting Up
 - iii. Section VII.I.11., Performing Work

NOTE:	RRP requirements apply to any work undertaken subsequent to or above and beyond such emergency actions.
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2. Personnel

a. Certified Renovator

To perform RRP work that might disturb lead-based paint, a NYCHA employee or vendor employee must have current RRP certification. This is provided by trainers approved by the EPA after a worker successfully completes a certified renovator training program.

b. Certified Firm

To become a vendor that performs RRP work for NYCHA, a company must have a current EPA certificate of approval.

NOTE:	NYCHA is a certified RRP and abatement firm. Its current certification is valid through April 26, 2022. See Appendix H, NYCHA EPA Certification.
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c. Vendors

(1) Property maintenance supervisors ensure:

- (a) A vendor is listed on the Lead Vendor Compliance Portal to confirm the vendor is RRP certified. The vendor's listing must include a copy of their firm's certificate.

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- (b) Vendors' certified renovators are listed on the Lead Vendor Compliance Portal.

NOTE:	<p>Vendors that perform RRP work are required to enter and upload the following information to the Lead Vendor Compliance Portal:</p> <ul style="list-style-type: none">• Their RRP certificate• A list of employees that have the EPA renovator certification• RRP certificates for their employees <p>If a vendor is missing any of the above information, the appropriate supervisor at the location informs them to add the information.</p> <p>If a vendor does not have an account yet, the property maintenance supervisor informs them to send an e-mail to the Compliance Department requesting an account and including the following information at compliance@nycha.nyc.gov:</p> <ul style="list-style-type: none">• Vendor Name• Contact person's name• E-mail address
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- (c) Vendors' certified renovators have their RRP certificates on their person while performing work at the development.
- (d) Vendors' certified renovators write their name and EPA certification identification number in the vendor logbook before they start work.
- i. If a vendors' certified renovator does not sign in to the vendor logbook, the property maintenance supervisor ensures the Compliance Department is notified by using the 'Submit a Concern' portal on NYCHA Connect.
 - ii. The Compliance Department notifies the Procurement Department or Operations Management and Planning Department.
 - iii. The administering department sends a letter to the vendor notifying them of the discrepancy and requesting that the worker's certificate be submitted in one business day.
- (e) Follow lead-safe work practices under federal and local law and regulations.
- (f) Provide the required notifications.
- (2) Developments provide vendors with the vendor notice explaining these obligations. See Appendix D, Lead Safe Practices Vendor Notice.

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3. Planning and Scheduling

a. RRP Work

- (1) Maximo flags locations in which lead-based paint is or may be present and identifies when RRP requirements must be met. If a Maximo work order identifies that RRP is required and there are no results of an XRF test in that apartment available in Maximo, all painted surfaces in an apartment or component must be presumed to be lead-based paint.
- (2) Maximo creates a maintenance work order.
 - (a) Maximo displays one of the following messages on all corrective maintenance (CM) work orders – printed or handheld – where lead-safe practices may be required:
 - i. “CAUTION: If paint is disturbed, work must be assigned to only RRP-certified staff/vendor and Lead Safe Work Practices must be followed.” (Orange message)
 - ii. “ACTION REQUIRED: RRP-certified staff/vendor must be used and Lead Safe Work Practices must be followed.” (Red message)
 - (b) For the work to be performed, Maximo identifies the Failure Class/Problem Codes for which certified renovators are required. The RRP Failure Class Problem Code List is available at this link:
<http://connect/private/Operations/PM/Interim%20Guidance1/Lead%20Safe>.
 - (c) To locate the complete list of apartments that require RRP:
 - i. Go to the Locations application in Maximo
 - ii. On the top left of the screen, expand the public queries icon
 - iii. Select ‘RRP required NYCHA Apartments’
 - (d) Supervisors are not permitted to assign work that requires a certified renovator to employees or vendors who are not certified renovators. If a NYCHA employee or vendor employee who is not a certified renovator is assigned to complete a work order that has the ACTION REQUIRED message noted above, the employee must tell their immediate supervisor that they are not certified to complete the work order.
 - (e) In Assignment Manager and ESD Dispatching, the Labor List has a field to indicate which employees are certified renovators. The RRP certification information is imported from the Human Resources Database daily.

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(3) A maintenance worker verifies the work that needs to be performed.

(a) If during verification, the maintenance worker disturbs two square feet or more of presumed lead-based paint, then RRP processes must be followed.

b. Interim Controls

Interim controls are performed after conditions are verified by a visual assessment.

(1) If a visual assessment determines work other than painting also is needed, or if a painter reports to the work area and determines other work is needed, the other work must be completed before paint work can begin.

(a) The work is scheduled by Property Management Borough Planning Unit supervisors.

(b) The work is performed by the appropriate skilled trade(s) employees in the Property Management Department.

(c) The work is subject to following all of the RRP guidelines in this section.

(2) Corrections Following a Visual Assessment or XRF Test

(a) Apartments

i. The Department of Management and Planning deputy director:

aa. Checks the data warehouse bi-weekly for paint work orders and schedules them based on the following parameters:

1. Deficiencies in an apartment with a child younger than six years old based on a visual assessment - within 90 days

2. Deficiencies in an apartment with a child younger than six years old based on a positive XRF test - within 21 days

3. Deficiencies in an apartment without a child younger than six years old based on a visual assessment - within one year

4. Deficiencies in an apartment without a child younger than six years old based on a positive XRF test - within 90 days

5. General painting deficiencies, including common areas - within 90 days

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- bb. If work cannot be completed on the scheduled date and the work order indicates that a clearance examination has been ordered, changes the target start dates on the painting work order and clearance exam work order.
- ii. If a painter originally reports to perform work in a single room that will disturb an area less than two square feet, or less than 10 percent of a single small component (for example baseboards and window sills), **and** there is no clearance examination ordered, but determines such work now will exceed those parameters:
 - aa. The painter or vendor:
 - 1. Informs a Department of Management and Planning painting supervisor.
 - 2. Includes the following information in the Notes field of the work order: the name of the painting supervisor contacted, the time and method (e.g. phone, e-mail) of contact, and the anticipated completion time of the paint work.
 - bb. The Department of Management and Planning painting supervisor:
 - 1. Informs the Lead Hazard Control Department.
 - 2. Informs the technical resource advisor for painting.
 - 3. Enters the name of the Lead Hazard Control Department employee contacted the Notes field of the work order.
 - cc. Maximo automatically creates a clearance work order.
- iii. Department of Management and Planning Unit supervisors ensure that:
 - aa. Any work order for NYCHA employees that has a related clearance examination work order is scheduled at least two business days in advance.
 - bb. Any related clearance examination work orders are updated to have a scheduled date for the same date as the paint work.
- iv. The Lead Hazard Control Department project manager:
 - aa. Identifies the anticipated start date and time through a Maximo query.

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bb. Contacts a dust wipe technician dispatcher to schedule a clearance examination for the appointment date on the clearance examination work order and the confirmed time. Refer to Appendix C, Dust Wipe Dispatchers.

(b) Common areas

- i. Interim controls to correct lead-based paint hazards in common areas follow the same process as outlined above in Section VII.1.3.b.(2)(a), Apartments.
- ii. The Department of Management and Planning will make best efforts to implement such process within 12 months of a visual assessment. These efforts may include, but not be limited to:
 - aa. Coordination with the Lead Hazard Control Department to identify the areas that require RRP painting protocols due the actual or presumed presence of lead-based paint. This coordination will be documented in the Paint Estimation Checklist.
 - bb. Creating site-specific plans to address the conditions for each building in coordination with the Lead Hazard Control Department.
 - cc. Temporary relocation of residents
 - dd. Access plans
 - ee. Fire guards
 - ff. Clearance protocols
 - gg. Coordination with the New York City Fire Department

4. Determination of RRP Work

- a. RRP work is performed in apartments, common areas, or exteriors, if Maximo identifies the work order as such, and if:
 - (1) The work disturbs two square feet or more of presumed or known lead-based paint per room, or more than 10 percent of a single small component per room, in apartments and common areas with presumed or known lead-based paint; or
 - (2) The work disturbs more than 20 square feet of presumed or known lead-based paint on exteriors, or more than 10 percent of the total surface area of a component with presumed or known lead-based paint; or

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- (3) The work includes window replacement or demolition.
- b. For all Maximo work orders where lead-safe practices may be required, the certified renovator brings the equipment required to perform RRP work when they go to the work area. If additional supplies are needed, the certified renovator contacts the supervisor to have it delivered to the location. See Section VII.I.7., Employee Safety, and Section VII.I.9., Supplies, below.
- c. When the certified renovator goes to the work area, they determine if lead-based RRP work is required. There are four separate categories of apartments:
- (1) XRF Results Not Available – Presume All Components Positive
 - (2) XRF Results Available – Positive Components
 - (3) XRF Results Available – All Components Negative
 - (4) High Risk Development – Presume All Components Positive
- d. XRF Results Not Available – Presume All Components Positive
- (1) If XRF test results are not available for the apartment, Maximo asks within the work order, “Are you performing RRP work?” If the work will disturb two square feet or more of paint in any one room, or more than 10 percent of the paint of the total surface area of a component, lead safe work practices must be followed.
- e. XRF Results Available – Positive Components
- (1) If the apartment has components that tested positive for lead-based paint based on an XRF test, Maximo asks within the work order, “Are you performing RRP work that would disturb the components listed below?”
 - (2) The certified renovator reviews the list of the components shown in the work order. These are components that have tested positive for lead-based paint.

NOTE:

Information regarding the components that tested positive for lead-based paint is presented in a work order in the following order:

- Room (e.g. Kitchen, Bedroom 1, etc.)
- Side (e.g. Wall 1, Wall 2, etc.)
- Component (e.g. Baseboard, Wall, etc.)
- Substrate (e.g. Plaster, Wood, etc.)

When entering a room, the wall with the entryway is Wall 1, the wall to the left is Wall 2, the opposite wall is Wall 3, and the wall to the right is Wall 4. See Appendix G, Lead Components, for supporting images to identify walls and components.

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(3) The certified renovator selects the components that will be affected by the work.

(a) If any of the components that tested positive are selected, the certified renovator fills in the “RRP work amount in Sq. Ft.?” section. Lead safe work practices must be followed.

(b) If none of the components that tested positive are selected as part of the work to be performed, lead safe work practices do not need to be followed. The worker still must follow standard work practice protocols.

NOTE:	Certified renovators must certify that their selection of these components or of no components is accurate. Failure to do so can result in a violation of federal law, and may subject certified renovators to disciplinary action.
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f. XRF Results Available – All Components Negative

(1) If the apartment tested negative for lead-based paint, Maximo states within the work order “Apartment XRF Results are Negative.” The work order then asks, “Are you performing RRP work?” The certified renovator selects “No.” Lead safe work practices do not need to be followed.

g. High Risk Development – Presume All Components Positive

(1) If the apartment is in one of the RRP high-risk developments, Maximo asks within the work order, “Are you performing RRP work?” If the work will disturb two square feet or more of paint in any one room, or more than 10 percent of the paint of the total surface area of a component, the certified renovator selects “Yes,” and lead safe work practices must be followed. A high-risk development is identified by HUD as having a large number of lead-based paint components in apartments. The high-risk developments are:

(a) East River

(b) Harlem River I

(c) Harlem River II

(d) Gravesend

(e) Manhattanville

(f) Williamsburg

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- h. If the certified renovator confirms lead-based RRP work is required, they make the indication on the work order in Maximo.
- i. If the certified renovator determines RRP work on an interior surface will disturb more than 100 square feet of lead-based paint per room, or will include the removal of two or more painted windows, the work must be completed by lead abatement workers if:

(1) A child younger than six years old resides in the apartment, as identified in Maximo; or

(2) The work is in a child-occupied facility.

For more information, see Section VII.I.14., Work Disturbing More Than 100 Square Feet or Removing Two or More Painted Windows, below.

- j. If the certified renovator determines lead-based RRP work is not required, they follow the normal repair process.

NOTE:	Employees should follow proper safety and dust control measures even when RRP work is determined to not be required, as described in the following sections: VII.I.7., Employee Safety; VII.I.10., Setting Up; VII.I.11., Performing Work; and VII.I.12., Cleaning Up.
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5. Pre-Renovation Notice to Residents

- a. The property manager and/or the property maintenance supervisor ensures sufficient copies of the EPA pamphlets, NYCHA Form 060.632, *The Lead-Safe Certified Guide to Renovate Right*, and NYCHA Form TR060632_02, *The Lead-Safe Certified Guide to Renovate Right Spanish Translation*, are available in the management office.
- b. Work cannot begin in any location without all required documentation in this section being completed.

NOTE:	If the scope, locations, and/or scheduled work start and end dates change after NYCHA Form 060.632A, <i>Pre-Renovation Form</i> , and/or NYCHA Form 088.183, <i>Resident Renovation Notification Common Area</i> are provided, the certified renovator provides an updated notice with the revised information. The updated notice must be provided before the work beyond what was described in the original notice begins. For NYCHA Form 060.632A, <i>Pre-Renovation Form</i> , the resident or a representative must sign the new version.
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c. Apartments

Resident notification can be accomplished via hand delivery or via mail with a Certificate of Mailing.

(1) Hand Delivery

- (a) The certified renovator provides a hard copy of NYCHA Form 060.632, *The Lead-Safe Certified Guide to Renovate Right*, or NYCHA Form TR060632_02, *The Lead-Safe Certified Guide to Renovate Right Spanish Translation*, to the affected apartment(s).
- (b) The pamphlet must be provided no earlier than 60 days before, and no later than immediately before, beginning a renovation applicable to this Standard Procedure.
- (c) The certified renovator uses the handheld device to access the *Pre-Renovation Form* to:
 - i. Obtain the written acknowledgement of receipt from an adult representative in the apartment; or
 - ii. Document that the pamphlet was delivered but the certified renovator was unable to obtain written acknowledgement.

NOTE:	If the certified renovator does not have a handheld or otherwise cannot access the form on the handheld, it can be found on the NYCHA Forms and Reference Library or Maximo desktop application, as NYCHA Form 060.632A, <i>Pre-Renovation Form</i> .
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- (d) The certified renovator submits the completed form on the handheld device, which then is uploaded automatically to the Maximo work order.

(2) Mail with a Certificate of Mailing

If the pamphlet is sent via mail with a Certificate of Mailing, it must be sent no earlier than 60 days before, and no later than seven (7) days before beginning the renovation. See NYCHA Standard Procedure 005:11:1, *Mail Center Operations*, for more information.

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d. Common Areas and Exteriors

A property maintenance supervisor ensures the development office notifies residents of the affected apartments in a building no more than 60 days before, and no less than immediately before, beginning a renovation in a common area.

(1) The information provided in the notice must include:

- (a) A description of the nature and location of the work
- (b) The scheduled work start and end dates
- (c) Information on how to obtain a copy of NYCHA Form 060.632, *The Lead-Safe Certified Guide to Renovate Right*, and NYCHA Form TR060632_02, *The Lead-Safe Certified Guide to Renovate Right Spanish Translation*.

(2) The information may be provided by the following methods:

- (a) Posting copies of NYCHA Form 088.183, *Resident Renovation Notification Common Area*, where they are likely to be seen by the residents of all affected apartments; or

NOTE:	<p>For recordkeeping purposes, if the certified renovator has a NYCHA-issued handheld device, they take a photo of the posted forms and uploads them to the Maximo work order.</p> <p>If the certified renovator does not have a NYCHA-issued handheld device, they inform the property maintenance supervisor, who ensures a copy of the form is uploaded to the Maximo work order.</p>
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- (b) Hand delivery of NYCHA Form 060.632, *The Lead-Safe Certified Guide to Renovate Right*, or NYCHA Form TR060632_02, *The Lead-Safe Certified Guide to Renovate Right Spanish Translation*, to every affected apartment in the building; or
- (c) Mail NYCHA Form 060.632, *The Lead-Safe Certified Guide to Renovate Right*, or NYCHA Form TR060632_02, *The Lead-Safe Certified Guide to Renovate Right Spanish Translation*, with a Certificate of Mailing, to every affected apartment in the building
 - i. If the pamphlet is sent via mail with a Certificate of Mailing, it must be sent no less than seven days before beginning the renovation. See NYCHA Standard Procedure 005:11:1, *Mail Center Operations*, for more information.

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e. Child-Occupied Facilities

If an apartment or common area is considered a child-occupied facility (for example, a community center with child-care programs), the certified renovator:

- (1) Uses a handheld device to access the *Pre-Renovation Form* to obtain a signature from a representative of the facility; and
- (2) Posts NYCHA Form 088.183, *Resident Renovation Notification Common Area*, in the work area; or
- (3) Provides a copy of the form to the parents or guardians of all children who use the facility.

NOTE:	If the certified renovator does not have a handheld or otherwise cannot access the form on the handheld, it can be found on the NYCHA Forms and Reference Library or Maximo desktop application, as NYCHA Form 060.632A, <i>Pre-Renovation Form</i> .
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6. Dust Wipe Work Orders

- a. A dust wipe work order is autogenerated by Maximo before work begins to facilitate scheduling of the dust wipe vendor.
 - (1) If the certified renovator has a handheld device, they select 'Yes' in response to the question 'Are you performing RRP work?,' and enter the target start date and time. This automatically creates a dust wipe work order and sends an e-mail to the property maintenance supervisor and Lead Hazard Control Department project manager.
 - (2) If the certified renovator does not have a handheld device, they inform the property maintenance supervisor or assistant property maintenance supervisor of the need to create a dust wipe work order in Maximo.
 - (a) The property maintenance supervisor or assistant property maintenance supervisor selects 'Yes' in the actuals tab of the desktop Maximo application in response to the question 'Are you performing RRP work?,' and enters the target start date and time. Maximo then autogenerates the dust wipe work order.
- b. The property maintenance supervisor or assistant property maintenance supervisor:
 - (1) Confirms the work order includes one of the following autogenerated codes as appropriate. There are two possible code sequences:

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- (a) When a dust wipe work order is created based on a visual assessment or lead paint inspection (XRF test):
- i. Owner group: HHLEAD
 - ii. Failure class: LEAD
 - iii. Problem code: LEADINDUSTCLEARANCE
- (b) When a dust wipe work order is created as part of RRP work:
- i. Owner group: HHLEAD
 - ii. Failure class: DUSTWIPE
 - iii. Problem code: RRPNEEDSCLEARANCE
- (2) Enters the estimated completion date and time on the RRP or interim control work order. Maximo then autogenerates the target start date and time of the dust wipe work order.

NOTE:

- If the estimated completion date or time changes, the certified renovator changes the target finish date in the RRP or interim control work order in Maximo and immediately informs the development's property maintenance supervisor.
- Maximo automatically updates the dust wipe work order target start date.
- The property maintenance supervisor immediately contacts the Lead Hazard Control Department project manager, who notifies the vendor of the change.

- c. The Lead Hazard Control Department project manager:
- (1) Runs a query in Maximo for dust wipe work orders that have not been scheduled.
 - (2) Schedules the dust wipe work order.
 - (3) Contacts a dust wipe technician dispatcher to schedule a clearance examination for the appointment date on the clearance examination work order and the confirmed time. Refer to Appendix C, Dust Wipe Dispatchers.

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7. Employee Safety

a. Personal Protective Equipment (PPE)

As per OSHA standards at 29 CFR § 1926.28(a), NYCHA is responsible for requiring the wearing of appropriate personal protective equipment (PPE) in all operations where there is an exposure to hazardous conditions. NYCHA conducts assessments of workplaces that involve lead-based paint to determine if hazards are present, or likely to be present, which necessitate the use of PPE. All certified renovators performing RRP/interim control work that will expose them to lead are recommended to use any PPE identified based on the assessments.

b. Make It Safe

If a certified renovator recognizes a hazard that could cause harm to themselves or co-workers, they must stop the hazardous task, or stop working in the hazardous condition. Please refer to NYCHA Standard Procedure 001:15:3, *Make It Safe Process*, for more information.

8. RRP Certification

Certified renovators performing RRP work must have their certifications, including any refresher course certifications, with them on-site.

- a. Certified renovators must carry a physical copy of the certification with them; or
- b. Must have an electronic copy of the certification on their mobile device.

NOTE:	This section does not provide complete operational instructions for performing RRP work. For more detailed information, please refer to the <i>Renovation, Repair, and Painting Training Manual</i> on the Forms and Reference Library in the Other Publications section.
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9. Supplies

- a. The property manager and property maintenance supervisor ensure an adequate amount of supplies from the list below are maintained. It is required that the materials, with the exception of the HEPA vacuum, be packaged as a set (or kit) by including all the items listed below and assigned to certified renovators as needed.

(1) HEPA vacuum and filters

(2) Six mil polyethylene sheeting (for floors)

(3) Two mil polyethylene sheeting (for furniture and fixtures)

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- (4) Six mil polyethylene bags
 - (5) Flip mops
 - (6) Wet disposable soft wipes
 - (7) Two string mops
 - (8) Two buckets and wringer(s)
 - (9) Lead-specific cleaning detergent, or equivalent
 - (10) Water mister or spray bottle
 - (11) Duct tape
 - (12) Painters tape
 - (13) Utility knife
 - (14) Paper towels / rags
 - (15) NYCHA Form 060.632, *The Lead-Safe Certified Guide to Renovate Right*
 - (16) NYCHA Form 088.182, *Renovation, Repair, and Painting Safety Sign*
- b. Certified renovators can check with the property maintenance supervisor or assistant property maintenance supervisor for the location of the required supplies at the development.
- (1) If any of the required supplies are not available, the certified renovator changes the status of the work order to 'awaiting material,' and reschedules the work.
 - (2) If the work is an emergency renovation and any of the required supplies are not available, the certified renovator ascertains if the work can be completed with the materials that are present.

10. Setting Up

NOTE:	If a tenant is not home during any part of the work processes in this section, refer to NYCHA Standard Procedure, 040:17:3, <i>Accessing Public Housing Apartments When Tenant Not Home to Address Deficiencies Related to Leaks, Mold, and Lead-Based Paint.</i>
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a. Signage

(1) Outside the Work Area

- (a) Certified renovators post NYCHA Form 088.182, *Renovation, Repair, and Painting Safety Sign*, before work begins.
- (b) The signs are posted at each entrance to a work area to define the work area, and/or at each main and secondary entrance to a building.
- (c) The signs must remain until the work area passes clearance.

(2) Inside the Work Area

The certified renovators post NYCHA Form 088.182, *Renovation, Repair, and Painting Safety Sign*, inside each contained work area.

b. Site preparation

Before beginning the work, the certified renovators prepare the work area using the following actions.

(1) Apartments, Common Areas, and Child-Occupied Facilities

- (a) In apartments, discuss the following with the resident:
 - i. Extent of containment needed
 - ii. How the containment area will be prepared
 - iii. Advise residents not to enter the containment area until after clean-up
 - iv. Direct residents not to allow children to enter any area in which plastic sheeting is being used or stored due to the risk of suffocation
- (b) Secure the apartment and/or work area against unauthorized entry.
- (c) Move all objects out of the room, if possible.
- (d) Cover all items which were not moved from the work area with one layer of disposable polyethylene sheeting. The sheeting must be taped together with duct tape, and taped to the floors or bottom of the walls or baseboards, to form a continuous barrier to the penetration of dust.

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- (e) Cover the floor of the work area with one layer of six-mil disposable polyethylene sheeting and tape the sheeting down to prevent movement. The floor sheeting must extend six (6) feet in all directions from the work area where practical, unless vertical containment is installed. Use two layers of sheeting to cover wall-to-wall carpeting, overlapping the seams by at least six (6) inches.
- (f) If vertical containment is used, the floor covering may stop at the vertical barrier, if it is impermeable, extends from the floor to the ceiling, and is tightly sealed at all floors, ceiling, and walls.
- (g) Cover the work area entrance or vertical containment doorway with one layer of sheeting. Tape the sheeting to the top of the door frame or vertical containment high point and weigh down the bottom to create a seal. Create a door flap on the sheeting that allows access into the work area.
- (h) Close and cover all forced air systems (HVAC) in the work area with one layer of disposable polyethylene sheeting, including bathroom vents, common area vents, exhaust vents, and hall vents.
- (i) Close windows, and where applicable, cover the windows with one layer of sheeting to prevent dust and debris from settling on windowsills.
- (j) In kitchens and bathrooms, cover counter tops, cabinets, sink base cabinets, and all other horizontal surfaces with sheeting, to ensure that all doors and drawers are sealed.
- (k) In kitchens:
 - i. Cover and seal the refrigerator with sheeting. Prior to covering, cut slits in the sheeting to allow for ventilation.
 - ii. Cover the stove with sheeting and seal. Ensure that the stove is off and cool to the touch before covering.

NOTE:	Stoves in NYCHA apartments have electric ignitions. If a non-electric ignition is identified, the certified renovator will use alternative containment methods for the stove.
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(2) Exteriors

(a) Work Area Perimeter

- i. Create a 20-foot perimeter around the work area if space allows.

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- ii. Use signs with orange cones, saw horses, warning tape, and/or ropes to mark off the work area.
- iii. Extend the work area farther if needed; for example, when paint on the second story of a building is disturbed.
- iv. Cover nearby vegetable gardens and children's play areas.

(b) Doors and Windows

- i. Close all doors and windows on the same floor within 20 feet of the work area, and all windows on all floors below that are the same horizontal distance from the renovation.
- ii. If the doors and windows of apartments are less than 20 feet from the work area, consider asking the residents of those affected apartments to close the affected windows and doors. If this is not possible, erect a vertical containment wall at the property line.
- iii. Doors Used as Entrances to the Work Area

Cover any doors used as entrances to the work area or vertical containment doorway with one layer of sheeting. Tape the sheeting to the top of the door frame or vertical containment high point and weigh down the bottom to create a seal. Create a door flap on the sheeting that allows access into the work area.

(c) Ground

- i. Cover the ground with plastic sheeting or other impermeable material
- ii. If there is enough space, extend the sheeting a minimum of 10 feet beyond the perimeter of surfaces being worked on or to a sufficient distance to contain dust, whichever is greater, unless the property line prevents 10 feet of such ground cover in which case the certified renovator must erect a vertical containment.
 - aa. If a vertical containment is erected closer to the work area than the minimum ground containment distance, the ground containment may stop at the edge of the vertical containment.

(d) Vertical Containment

Vertical containment must be erected when work is done within 10 feet of the property line.

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(e) Other Items

- i. Cover any items that cannot be relocated out of the work area.
- ii. Tape the protective sheeting to the wall of the building or use a 2x4 wrapped in protective sheeting to hold the material next to the wall. Use heavy objects to weigh the other edges of the protective sheeting to the ground to secure.
- iii. When using ladders on plastic sheeting, place a sturdy piece of plywood on the plastic and then set the ladder on the plywood to prevent the ladder from puncturing the plastic and to provide a stable surface for the ladder. If plywood is used, take special care to secure it to the ground so that it does not move.

11. Performing Work

While performing the work, certified renovators observe the following guidelines:

- a. Using the spray water bottle, spray the surfaces that will be disturbed to limit the creation and dispersal of dust. Periodically rewet the area while working.
- b. For painted surfaces, if a component is to be removed from an underlying surface, score the perimeter/edge of the component with a utility knife to minimize the quantity of painted surface that is impacted.
- c. If power tools are used that impact lead-based paint, only those equipped with a vacuum attachment connected to a HEPA vacuum are allowed to be used.
- d. Observe safety precautions in contained work areas:
 - (1) Do not eat, drink, chew, or smoke in the work area.
 - (2) Do not apply cosmetics in the work area.
 - (3) Keep polyethylene sheeting away from open flames, e.g. stoves and blowtorches.

NOTE:	Stoves in NYCHA apartments have electric ignitions. If a non-electric ignition is identified, the certified renovator will use alternative containment methods for the stove.
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- (4) Exercise caution when spraying in the vicinity of electrical outlets.
- (5) Prevent children and pets from entering the work area.

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- (6) Immediately repair torn sheeting using duct tape for minor tears. Total sheet replacement may be necessary for major tears.
- e. The following work practices are prohibited:
 - (1) Open flame burning or torching of painted surfaces.
 - (2) Use of machines that remove paint or other surface coatings through high-speed operation, unless they have shrouds or containment systems and are equipped with a HEPA vacuum attachment.
 - (3) Operating a heat gun on painted surfaces above 1100 degrees Fahrenheit or charring the paint.
 - (4) Paint stripping using a volatile stripper (for example, methylene chloride) in poorly ventilated space.
 - (5) Dry sanding or scraping, except within one (1) foot of electrical fixtures (e.g. switches, outlets, light fixtures, breaker boxes).

12. Cleaning Up

a. Work That Exceeds Eight Hours

If work is not completed at the end of an eight-hour shift, at the end of work on each day:

- (1) The work area must be contained to prevent the release of leaded dust and debris into other areas and other safety, health, or environmental hazards; and
 - (2) The work area must be cleaned within at least 10 feet of the containment area to remove any visible dust or debris, and so other areas of the apartment or common area are accessible.
- b. Before starting cleaning procedures, or no sooner than one hour before the completion of work (whichever is earlier), contact a dust wipe technician dispatcher to confirm the scheduled time of arrival of the dust wipe technician. Refer to Appendix C, Dust Wipe Dispatchers.
- c. After work is completed, certified renovators clean up in the following sequence:
- (1) Work area
 - (2) Vacuuming

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- (3) All horizontal surfaces except floors
- (4) Floors, including two (2) feet beyond the containment area in all directions from the work area

d. Work Area

- (1) Remove all containment that interferes with cleaning the work area. Any containment that does not impact cleanup must remain in place until after the work area passes clearance.
 - (a) Instruct the resident to not enter the work area until containment is removed.
- (2) Pick up all debris too large for a vacuum cleaner and place it in six-mil polyethylene bags and/or a covered cart. Avoid puncturing bags with pointed or jagged pieces of debris.
- (3) With a spray bottle, moisten the polyethylene sheeting and fold it inward.
- (4) Place the plastic sheeting into six-mil polyethylene bags and/or a covered cart.
- (5) Close all bags with an airtight gooseneck seal:
 - (a) Twist the bag
 - (b) Fold it over on itself
 - (c) Wrap it with duct tape
 - (d) Dispose of it with regular household waste
- (6) Clean all tools.

e. Vacuuming

- (1) Vacuum remaining dust and debris in the work area at a moderate speed. A HEPA vacuum is required. Never dry sweep dust or debris.
- (2) First, vacuum every inch of all horizontal surfaces except floors, such as window sills, window troughs, countertops, light fixtures, cabinets, cabinet door edges, and any other horizontal surface where dust can accumulate.
- (3) Then, vacuum floors starting at the far end of the room, working toward the entrance.

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- (4) If work was performed in kitchen, vacuum the condenser and fan area underneath the refrigerator.
 - (5) Avoid stepping on already vacuumed floors when moving to a new section.
- f. Cleaning of Horizontal Surfaces Except Floors
- (1) Use the disposable soft wipe method (preferred) or the two-bucket method or three-bucket method.
 - (2) Wipe all horizontal surfaces except floors, such as window sills, window troughs, countertops, light fixtures, cabinets, cabinet door edges, and any other horizontal surface where dust can accumulate.
 - (3) Clean all horizontal surfaces except floors until wipes are clear of dust.
- g. Cleaning of Floors
- (1) Use the disposable soft wipe method (preferred) or the two-bucket method or three-bucket method.
 - (a) If using the two-bucket method or three-bucket method., before mopping, dump the water from the clean rinse bucket used for the horizontal surfaces and refill it with clean cold water.
 - (2) Mop all floors starting at the far end of the room, working towards the entrance.
 - (3) Avoid stepping on already mopped floors when moving to a new section.
 - (4) If using the two-bucket method or three-bucket method., discard dirty water in the toilet.
 - (a) For work in common areas, discard dirty water in empty five-gallon pails, put lids on them, and transport them to the nearest toilet to discard.
 - (5) Clean all floors until wipes are clear of dust.
- h. Cleaning Verification
- (1) The certified renovator visually inspects the work area to determine whether dust, debris, or residue is present.
 - (a) If dust, debris, or residue is present, the certified renovator re-cleans the appropriate area(s) and performs another visual inspection.

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- (b) If the visual inspection confirms that dust, debris, or residue is not present, proceed to the next step below.
- (2) The certified renovator confirms they have the proper equipment to perform the cleaning verification. The required equipment is:
 - (a) The EPA Post-Renovation Cleaning Verification Card;
 - (b) Wet disposable cleaning cloths suitable for window sills and countertops, and wet disposable soft wipes for floors;
 - (c) A flip mop or other long-handled application device; and
 - (d) Dry disposable cleaning wipes suitable for window sills and countertops, and dry disposable soft wipes for floors.

(3) Windowsills

The certified renovator verifies that each windowsill in the work area is cleaned adequately.

- (a) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. Make sure to wipe the entire surface area of the windowsill.
- (b) If the wipe matches or is lighter than the picture of the marginally passing cloth on the front of the EPA Post-Renovation Cleaning Verification Card, then the windowsill is cleaned adequately. Proceed below to Section VII.I.12.h.(4), Uncarpeted Floors and Countertops.
- (c) If the wipe is darker than the picture of the marginally passing cloth, re-clean the windowsill.
- (d) Using a new cloth, wipe the windowsill again. If the cloth now matches or is lighter than the picture of the marginally passing cloth on the front of the EPA Post-Renovation Cleaning Verification Card, then the windowsill is cleaned adequately. Proceed below to Section VII.I.12.h.(4), Uncarpeted Floors and Countertops. If the cloth still is darker than the picture of the marginally passing cloth, proceed to the next step below.
- (e) Wait for one hour or until the surface has dried completely, whichever is longer.
- (f) After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill is cleaned adequately. Proceed below to Section VII.I.12.h.(4), Uncarpeted Floors and Countertops.

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- (g) Count the total number of wet and dry-cleaning cloths needed to pass the cleaning verification test on the windowsills.

(4) Uncarpeted Floors and Countertops

The certified renovator verifies that uncarpeted floors and countertops within the work area are cleaned adequately.

- (a) Wipe uncarpeted floors and countertops (if present) within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached (e.g., flip mop). The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification.
- (b) If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet.
- (c) Wipe each 40-square foot section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches or is lighter than the marginally passing wet disposable cleaning cloth on the cleaning verification card, the surface is cleaned adequately. Proceed below to Section J.11.h.(4), Uncarpeted Floors and Countertops.
- (d) If the cloth is darker than the marginally passing cloth, re-clean the appropriate section.
- (e) Using a new cloth, wipe the section again. If the cloth now matches or is lighter than the picture of the marginally passing cloth on the front of the EPA Post-Renovation Cleaning Verification Card, then the section is cleaned adequately. Proceed below to Section VII.J11.h.(5). If the cloth still is darker than the picture of the marginally passing cloth, proceed to the next step below.
- (f) Wait for one hour or until the entire surface of the section(s) that failed the cleaning verification within the work area has dried completely, whichever is longer.
- (g) After waiting for the entire surface within the work area to dry, wipe each section that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached (e.g., flip mop). After this wipe, the section(s) that failed the cleaning verification are cleaned adequately. Proceed below to Section VII.I.11.h.(5).

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- (h) Count the total number of wet and dry-cleaning cloths needed to pass the cleaning verification test on the uncarpeted floors and countertops.
- (5) The certified renovator completes the appropriate Renovation Recordkeeping Checklist electronically, including briefly describing the cleaning verification process. The description must include the total number of wet and dry cloths used and, for floors, the total number of 40-square foot areas used to conduct the cleaning verification on the floors.
 - (a) If the certified renovator is a NYCHA employee, they use the Staff Renovation Recordkeeping Checklist.
 - (b) If the certified renovator is a vendor, they use the Vendor Renovation Recordkeeping Checklist.

NOTE:	If the certified renovator does not have a handheld or otherwise cannot access the checklist on the handheld, it can be found on the NYCHA Forms and Reference Library or Maximo desktop application. There are separate checklists for NYCHA staff and for vendors: NYCHA Form 088.184, <i>Staff Renovation Recordkeeping Checklist</i> , and NYCHA Form 088.181, <i>Vendor Renovation Recordkeeping Checklist</i> .
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(6) Visual Assessment and Clearance Examination (Dust Wipe)

A clearance examination cannot be performed until at least one hour after cleaning is completed. For more information on these steps, see Section VII.I.13., Clearance, below.

- (a) If the certified inspector or risk assessor has arrived at the apartment, the certified renovator waits for the clearance examination to be performed in case any areas need to be re-cleaned.
- (b) If the certified inspector or risk assessor has not arrived, check the status with the dust wipe technician dispatcher.
 - i. If the certified inspector or risk assessor is scheduled to arrive in 15 minutes or less, wait for their arrival.
 - ii. If the certified inspector or risk assessor is scheduled to arrive in more than 15 minutes, inform the resident that a certified inspector or risk assessor will be arriving shortly, and that they should allow them to access the apartment to take the necessary test.
- i. Certified renovators close the work order after completing cleaning activities.

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13. Clearance

a. Apartments, Common Areas, and Child-Occupied Facilities

- (1) The certified renovator who performed the work places barriers that restrict access to work areas. The barriers must remain in place until NYCHA receives the clearance examination results, unless the clearance examination is performed immediately after the cleaning verification is completed. These barriers can include caution tape, closing the doors, affixing signage, plastic barriers, and DOHMH-compliant floor protection.
- (2) The certified renovator or dust wipe vendor attempts to perform a clearance examination on the same calendar day as the work is completed, or if the attempt is unsuccessful, at least within 24 hours of the completion of the work.
 - (a) If a clearance examination cannot be performed because the tenant was not home or the vendor was not able to access the apartment for any reason, the Lead Hazard Control Department project manager reschedules the clearance examination as soon as practicable.
 - i. If the clearance examination is postponed, the work area must be re-cleaned before the clearance examination is performed to account for the time that passed since the work was completed.

(3) Dust Wipe Sample

(a) A dust wipe technician:

- i. Takes a dust wipe sample no sooner than one hour after cleaning is completed.
- ii. Performs a dust wipe in each identified room equivalent and enters the information for each sample into their handheld device.
 - a. If a dust wipe cannot be performed (e.g. because a surface is not clean, there is wet paint, etc.), then 'Failed Visual Paint' must be selected as the dust wipe result.
- iii. Enters the following information for each dust wipe taken:
 - a. Surface type
 - b. Size in inches of the surface
 - c. What action was taken

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- iv. Enters in the Work Log a summary of the work performed to conduct the dust wipe.
 - v. Takes any relevant photos. This is optional.
 - vi. Enters communication log information on their handheld device, if relevant.
 - vii. If the dust wipe was performed in an occupied apartment, ensures the resident signs on the signature screen on the handheld device.
 - a. If the resident refuses to sign, check the 'Resident Refused to Sign' check box.
 - viii. Signs their name on the signature screen on the handheld device.
 - ix. Adds in the 'Labor Log' section on their handheld device any other NYCHA employees who worked on the dust wipe.
 - x. Submits the dust wipe sample.
- (b) When NYCHA takes a dust wipe sample, the Lead Hazard Control dust wipe unit project manager:
- i. Ensures the information about every dust wipe sample, including any subsequent samples taken because a work area was recleaned, is entered with a dust wipe sample chain of custody form in the vendor dust wipe portal for analysis by an EPA NLLAP-recognized and New York State ELAP-certified testing lab.
 - ii. When the testing lab enters the results of the sample, receives an automatic notice that the vendor dust wipe portal was updated, and reviews and approves the report and results.
 - iii. Contacts the testing lab if the dust wipe report for any sample is not received within 24 hours.
- (c) When a dust wipe sample is taken by a vendor:
- i. When they receive the report and results from the testing lab, they enter the information into the vendor dust wipe portal.
 - ii. The Lead Hazard Control dust wipe unit project manager receives an automatic notice that the vendor dust wipe portal was updated, and reviews and approves the report and results.

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- (4) If the work area does not pass clearance, the Lead Hazard Control Department project manager enters the results in Maximo and notifies the property manager, property maintenance supervisor, and painting supervisor:
- (a) The certified renovator who performed the work calls the resident to inform them of the result and to request access to the apartment within 24 hours.
 - (b) If certified renovators cannot gain access to the apartment, they leave NYCHA Form 042.727, *48 Hour Notice for Health and Safety Repairs*, at the door instructing the resident to contact NYCHA as soon as possible to schedule the re-cleaning and clearance examination.
 - (c) If the resident does not respond to NYCHA Form 042.727, *48 Hour Notice for Health and Safety Repairs*, the certified renovators exercise NYCHA's right of entry. For more information, see NYCHA Standard Procedure 040:17:3, *Accessing Public Housing Apartments When Tenant Not Home to Address Deficiencies Related to Leaks, Mold, and Lead-Based Paint*.
 - (d) Certified renovators repeat the tasks outlined above in Section VII.I.12., *Cleaning Up*.

NOTE:	If a vendor performed the work, a separate vendor or Lead Hazard Control Department dust wipe technician must perform the dust clearance examination.
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- (5) If the work area passes clearance, the Lead Hazard Control Department project manager closes the dust wipe vendor work order.
- (6) A Lead Hazard Control Department assistant director ensures an employee informs the hazard reduction notification coordinator that clearance is completed.
- (7) The hazard reduction notification coordinator:
- (a) Reviews the work order, dust wipe clearance chain of custody form, and lab report to ensure the forms are compliant with all rules and regulations.
 - (b) Prepares and issues NYCHA Form 060.852, *Notice of Hazard Reduction Activity*. Refer above to Section VII.D.2., *Notice of Hazard Reduction Activity*, for the process of sending the notice to residents.

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b. Exteriors

For exterior work, HUD requires only a visual assessment of the work area to pass clearance. No dust or soil testing is required.

(1) Visual inspection

- (a) A vendor conducts a visual inspection after cleaning is completed.
- (b) If dust, debris, or residue is present on surfaces in and below the work area, including window sills, window troughs, and the ground, these conditions must be eliminated by re-cleaning.
- (c) After re-cleaning, the vendor conducts another visual inspection.
- (d) After all areas pass inspection, warning signs may be removed.

c. Clearance Examination Dashboard

A Lead Hazard Control project manager:

- (1) Monitors the clearance examination dashboard.
- (2) Investigates on a daily basis any corrective maintenance work orders that the dashboard categorizes as 'Dust Wipe Not Attempted' or 'Dust Wipe Not Performed.'
- (3) If an investigation indicates a dust wipe is required, dispatches a dust wipe technician to attempt to perform the dust wipe.

14. Work Disturbing More Than 100 Square Feet or Removing Two or More Painted Windows

a. Identifying Work Area

- (1) When the certified renovator verifies the work that needs to be performed as outlined above in Section VII.1.4., Determination of RRP Work, they determine the total square footage of the painted area that will be disturbed in each room, and whether any work areas have two or more painted windows that will be removed.
- (2) If the total area being disturbed in any room is more than 100 square feet of lead-based paint, or involves the removal of two or more painted windows, the certified renovator confirms if a child younger than six years old resides in the apartment or if the room is in a child-occupied facility.

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- (3) If a child younger than six years old resides in the apartment or the room is in a child-occupied facility, the certified renovator does not proceed with the work in that room.
- (4) The certified renovator informs the property maintenance supervisor of the need for a lead abatement worker.
- (5) The property maintenance supervisor creates a work order for a lead abatement worker demolition and contacts the Lead Hazard Control Department.

NOTE:	If the work order includes work in additional rooms that have greater than or equal to two square feet but less than 100 square feet of lead-based paint being disturbed, and/or areas that do not involve removing two or more painted windows, certified renovators proceed with the RRP work in those rooms and areas.
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- b. **After work begins, if a certified renovator determines the size of the area will exceed the original scope of work and now will exceed 100 square feet of lead-based paint being disturbed, or will involve the removal of two or more painted windows, they immediately stop work in that room and refer to Sections VII.I.13.a.(2)-VII.I.13.a.(4) directly above.**
- c. The property maintenance supervisor coordinates with the relevant trade(s) for restoration work after the lead abatement workers complete their work.
- d. Notice of Commencement

This section only applies if work is performed in an apartment where a child younger than six years old resides.

- (1) The Lead Hazard Control Department environmental health and safety coordinator files a notice of commencement of work with DOHMH not less than 10 business days prior to beginning the work. The form is found at: <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-notificationform.pdf>.
- (2) If work is required to begin in less than 10 business days, the notice of commencement must be filed as soon as practicable but prior to beginning the work.
- (3) The notice must be filled out completely and submitted according to the instructions on the form.
 - (a) Fill in the 'Building Owner Information' section with the following: New York City Housing Authority, 90 Church St., New York, NY, 10007, 212-306-3000.

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- (4) A copy of the notice of commencement of work must be posted between 24 and 96 hours before work begins. It must be posted at the entrance to the building and at the entrance of the specific apartment where work will take place.
- (5) Any changes to the information included in the notice of commencement of work must be filed with DOHMH prior to starting work, or if work already started, within 24 hours of any such change.

J. Child with Elevated Blood Lead Level

1. Notice of a Child with Elevated Blood Lead Level

- a. The Lead Hazard Control Lead Abatement Unit coordinator may receive a notice of an elevated blood lead level in a child living in NYCHA public housing in one of the following ways:

- (1) From DOHMH for a child younger than six years old
- (2) From DOHMH for a child six to younger than 18 years old
- (3) From a person who is not a medical health care provider

2. HUD Notifications

To notify HUD of actions taken regarding a child younger than six with an EBLL, the Lead Hazard Control director or deputy director goes to the apartment's elevated blood lead level tab in Maximo and:

- a. Selects 'Action,' then 'Create communication.' This opens up new e-mail window.
- b. Selects 'Value,' then 'Custom template for EBLL tracking form-2020 template.'
- c. Sends the e-mail notification to HUD.

3. COTA From DOHMH for a Child Younger Than Six Years Old

- a. DOHMH notifies the Lead Hazard Control Department about a child younger than six years old testing positive for an elevated blood lead level (EBLL) in one of the following ways:
 - (1) If there is a lead hazard violation in the apartment through a Commissioner's Order to Abate (COTA), the Lead Hazard Control Lead Abatement Unit coordinator receives the notification.
 - (2) If there is a child with EBLL but no violation in the apartment, the Lead Hazard Control deputy director receives the notification.

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- (3) If DOHMH is unable to verify if the child's address is in a NYCHA property, the Lead Hazard Control deputy director receives the notification.
 - (4) If DOHMH made three unsuccessful attempts to access the child's apartment, the Lead Hazard Control deputy director receives the notification.
- b. The Lead Hazard Control EBLL Unit coordinator:
- (1) Receives the notice and results of the environmental investigation for the apartment from DOHMH via e-mail.
 - (2) If applicable, enters into Maximo in the apartment's elevated blood lead level tab the date of receipt.
 - (a) Select the appropriate EBLL category.
 - (b) Indicate if the apartment has a child younger than six residing in it. If so, the EBLL tracker automatically triggers the need to notify HUD and displays the information in the 'Pending e-mail and date' field.
- c. The Lead Hazard Control director or deputy director refers to Section VII.J.2., HUD Notifications, above.
- d. When DOHMH issues a Commissioner's Order to Abate (COTA) to NYCHA:
- (1) The Lead Hazard Control director or deputy director notifies HUD and the federal monitor within five business days. Refer to Section VII.J.2., HUD Notifications, above.
 - (1) The Lead Hazard Control Department EBLL coordinator:
 - (a) Notifies the Operations Technical Services Department Violations Unit coordinator via e-mail.
 - (b) Refers to Appendix B, Contesting a DOHMH Commissioner's Order to Abate (COTA), if there is a technically sound basis for contesting the COTA.

NOTE:	To make clear - NYCHA immediately must abate lead hazards identified by DOHMH when issued a COTA. NYCHA must not wait to perform the abatement until the outcome of a contestation if one has been filed.
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- (c) Creates the following child work orders under the EBLL parent work order:
 - i. Abatement

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ii. Paint chip

Refer to Section VII.E.2.c.(4)(e) above.

iii. Lead clearance

- (d) Notifies DOHMH via e-mail no less than 24 hours and no more than 96 hours prior to the scheduled abatement.
 - (e) Makes best efforts to contact the resident the same day of receiving a COTA that abatement work will be performed. If they are unable to, they contact the resident the next day.
 - i. If the resident is not available on the scheduled abatement work start date, the Lead Hazard Control Department EBLL coordinator determines a date that the resident is available and submits a request to DOHMH for an extension.
- (2) The Operations Technical Services Department Violations Unit coordinator creates an EBLL parent work order in Maximo and informs the Lead Hazard Control Department EBLL coordinator via e-mail.
- (3) A certified abatement worker performs an abatement within 5 calendar days of receiving the COTA. See Section VII.G., Lead Abatement, above.
- (4) A Lead Hazard Control Department assistant director enters information about the abatement and clearance results into Maximo and provides the information to:
- (a) The resident within 15 calendar days of completing clearance; and
 - (b) DOHMH within five calendar days of completing clearance; and
 - (c) HUD within 10 business days of completing clearance.
- (5) A certified risk assessor performs a risk assessment of the index apartment's common area(s). See Section VII.J.3.h., Common Area Risk Assessment and Subsequent Actions, below.
- (6) If DOHMH notifies NYCHA about a child with an EBLL and that there is a violation in the child's apartment (the "index apartment"), the Lead Hazard Control Department performs a risk assessment of other child-occupied apartments in the building and common areas servicing those apartments. See Section VII.J.3.i., Risk Assessments of Other Child-Occupied Apartments and Subsequent Actions, below.

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- e. When DOHMH notifies NYCHA about a child with an EBLL but there is no violation in the apartment, the Lead Hazard Control Department performs a risk assessment of the index apartment's common area(s). See Section VII.J.3.h. below.
 - (1) The Lead Hazard Control Department deputy director informs the Lead Hazard Control Department EBLL coordinator via e-mail to add the information to the EBLL Status Report and Maximo.
- f. When DOHMH notifies NYCHA about a child with an EBLL but is unable to verify if the child's address is in a NYCHA property, the Lead Hazard Control Department deputy director provides the address information to DOHMH or informs DOHMH that the child does not reside in a NYCHA property.
- g. When DOHMH notifies NYCHA about a child with an EBLL but has made three unsuccessful attempts to access the child's apartment, the Lead Hazard Control Department proceeds with the risk assessment of the index apartment's common area(s).
- h. Common Area Risk Assessment and Subsequent Actions
 - (1) When DOHMH notifies NYCHA about a child with an EBLL, the Lead Hazard Control Documentation Unit assistant director ensures a certified risk assessor performs a risk assessment of the common area(s) servicing the index apartment within 15 calendar days of receiving the notice.
 - (2) Positive Risk Assessment of the Common Area for Lead-Based Paint
 - (a) The Lead Hazard Control director or deputy director notifies HUD regarding the positive result within 15 calendar days. Refer to Section VII.J.2., HUD Notifications, above.
 - (b) The Lead Hazard Control Documentation Unit assistant director ensures residents are notified within 15 calendar days regarding the positive result.
 - (c) The Lead Hazard Control Department performs the common area interim control work within 30 calendar days.
 - (d) The Lead Hazard Control director or deputy director notifies HUD within 10 calendar days regarding the completion of common area interim control and clearance. Refer to Section VII.J.2., HUD Notifications, above.
 - (e) The Lead Hazard Control Documentation Unit assistant director ensures residents are notified within 15 calendar days regarding the completion of common area interim control and clearance.

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- (f) The Operations Technical Services Department Violations Unit closes the parent work order.
- (g) The Lead Hazard Control Department documentation unit assistant director schedules risk assessments for all other child-occupied apartments at the building address where lead-based paint is presumed or identified, and all common areas that serve those apartments.
 - i. For the risk assessments in the apartments and the common areas that serve those apartments, see Section VII.J.3.i., Risk Assessments of Other Apartments and Subsequent Actions, below.

(3) Negative Risk Assessment of the Common Area for Lead-Based Paint

- (a) If a COTA is rescinded, the process is complete.
- (b) If a COTA is dismissed because abatement was performed in the index apartment in the interim, risk assessments of other apartments in the building still must be performed. See Section VII.J.3.i., Risk Assessments of Other Child-Occupied Apartments and Subsequent Actions, directly below.

i. Risk Assessments of Other Child-Occupied Apartments and Subsequent Actions

- (1) A Lead Hazard Control Department resident buildings superintendent tracks the steps in this section in the 'EBLL Status Report' and Maximo EBLL tab.
 - (a) The Lead Hazard Control Department deputy director reviews the 'EBLL Status Report' weekly.
- (2) If the index apartment received a COTA, or if a lead-based paint hazard was identified in the index apartment or the common areas servicing the index apartment, the risk assessment of all other child-occupied apartments at the building address, and all common areas that serve those apartments, must be completed within the following timeframes:
 - (a) For 20 or fewer apartments, complete within 30 calendar days.
 - (b) For 21 or more apartments, complete within 60 calendar days.

NOTE:	If a resident cannot be contacted to perform a risk assessment of their apartment, NYCHA exercises its right of entry to enter the apartment.
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- (3) When all risk assessments are completed, the Lead Hazard Control director or deputy director refers to Section VII.J.2., HUD Notifications, above.

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- (4) If lead-based paint or dust hazards in an apartment or common areas that serve that apartment are identified during the risk assessment, the Lead Hazard Control Department EBLL coordinator:
- (a) Creates a corrective maintenance child work order for each positive result for a certified lead abatement worker to perform an interim control.
 - (b) Contacts the resident to schedule a date to perform the interim control(s).
 - (c) Notifies the property manager via e-mail or phone when an interim control is scheduled.
 - i. If the Lead Hazard Control Department EBLL coordinator is unable to contact the resident, they contact the property management office to contact the resident to schedule a date to perform the interim control(s).
- (5) The interim controls must be completed within the following timeframes after receipt of the risk assessment report:
- (a) For 20 or fewer apartments, complete within 30 calendar days.
 - (b) For 21 or more apartments, complete within 90 calendar days.

NOTE:	If a resident cannot be contacted to perform an interim control of their apartment, NYCHA exercises its right of entry under the lease to enter the apartment.
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- (6) When all interim controls are completed, the Lead Hazard Control director or deputy director refers to Section VII.J.2., HUD Notifications, above.
- j. The Lead Hazard Control Documentation Unit assistant director notifies the Operations Technical Services Department Violations Unit coordinator to close the parent work order after all actions associated with the child work orders are completed.
4. COTA From DOHMH For a Child Six to 18 Years Old

NOTE:	NYCHA is not required to report these cases to HUD.
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- a. DOHMH notifies the Lead Hazard Control Department about a child six to 18 years old testing positive for an elevated blood lead level (EBLL) through a Commissioner's Order to Abate (COTA).

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- b. When DOHMH issues a Commissioner's Order to Abate (COTA), the Lead Hazard Control Department EBLL coordinator refers to Appendix B, Contesting a DOHMH Commissioner's Order to Abate (COTA).

NOTE:	To make clear - NYCHA immediately must abate lead hazards identified by DOHMH when issued a COTA. NYCHA must not wait to perform the abatement until the outcome of a contestation if one has been filed.
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- c. If DOHMH rescinds a COTA and if the index common area tested negative for lead-based paint, the process is complete and NYCHA does not proceed with additional hazard reductions.
- (1) The Lead Hazard Control Department EBLL coordinator files the rescission in the project files in the Lead Hazard Control Department central office.
- d. If DOHMH does not rescind a COTA or if the index common area tested positive for lead-based paint:
- (1) The Lead Hazard Control Department EBLL coordinator notifies the Operations Technical Services Department Violations Unit by e-mail.
 - (2) The Operations Technical Services Department Violations Unit coordinator creates an EBLL parent work order in Maximo.
 - (3) The Lead Hazard Control Department EBLL coordinator creates an abatement child work order under the parent work order.
 - (4) The Lead Hazard Control Department EBLL coordinator notifies DOHMH within two calendar days of receiving a COTA that abatement work will be performed.
 - (5) The Lead Hazard Control Department EBLL coordinator makes best efforts to contact the resident the same day of receiving a COTA that abatement work will be performed. If they are unable to, they contact the resident the next day.
 - (a) If the resident is not available on the scheduled abatement work start date, the Lead Hazard Control Department EBLL coordinator determines a date that the resident is available and submits a request to DOHMH for an extension.
 - (6) Lead abatement workers perform an abatement within five calendar days of receiving the COTA. See Section VII.G., Lead Abatement, above.
 - (7) A certified risk assessor or lead inspector performs a post-abatement clearance. See Section VII.H., Post-Abatement Clearance, above.

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- (8) The Lead Hazard Control Department Documentation Unit assistant director:
- (a) Enters information about the abatement and clearance results into Maximo.
 - (b) Provides the information to DOHMH within 5 calendar days of completing clearance.

5. Child Younger Than Six Years Old from a Person Who is Not a Medical Health Care Provider

NOTE:	This section also fulfills the HUD reporting requirements for these cases. Refer to HUD Notice PIH 2017-13 (HA) issued August 10, 2017, for any exemptions from the activity detailed in this procedure.
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- a. The Lead Hazard Control Department receives notification from a person who is not a medical health care provider.
- b. The Lead Hazard Control Department Documentation Unit assistant director contacts DOHMH to verify the information, including receiving the results of the environmental investigation for the apartment from DOHMH.
- c. If DOHMH verifies the information, DOHMH then performs an evaluation. If the evaluation leads DOHMH to issue a COTA, refer above to Section VII.J.3., COTA from DOHMH for a Child Younger Than Six Years Old.

NOTE:	The date of verification from DOHMH represents the date of receipt.
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- d. If DOHMH does not verify the information, the vice-president of the Department of Healthy Homes advises the general counsel.
- e. The general counsel sends documentation of the lack of verification to the HUD field office, who shall make an effort to verify the information.

NOTE:	NYCHA is developing automated enhancements regarding notifying HUD of the lack of verification in such cases and will update this section at the appropriate time.
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K. Monitoring

Through its Lead Compliance Assurance Plan, NYCHA ensures all lead-based paint activities comply with all relevant laws, rules, regulations, and procedures, and that any actions not in compliance are corrected.

- 1. Environmental Health and Safety Department lead oversight team specialists perform monitoring of the following activities:

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- a. RRP/Interim control projects
- b. Lead abatement projects
- c. Clearance examinations
- d. Development office retention of lead disclosure records
- e. Vendor employee possession of their RRP certification.

(1) If a vendor employee does not show their RRP certification when requested, the lead oversight team specialist can order the vendor to stop work on the project.

2. The Lead Hazard Control Department employs vendors to perform monitoring of the following activities:
 - a. Visual assessments, managed by a project manager
 - b. XRF inspections, managed by an assistant director
 - c. Risk assessments for children with an elevated blood lead level, managed by a project manager
3. Department of Compliance monitoring and reporting specialists perform monitoring of the following documents:
 - a. RRP/Interim control work orders
 - b. Closed abatement and/or EBLL case files
 - c. Tenant files to ensure paper copies of all materials are maintained in the files.
4. Lead Exceptions Report

The Compliance Department deputy director of monitoring issues a monthly report that provides an overview of monthly compliance trends and exceptions to compliance. For more information, see Section VIII.B., Reports, below.

5. Management Response Process

NYCHA's business units have 14 calendar days to respond in writing to the chief compliance officer on any purported deficiencies set forth in the Lead Exceptions Report, including a status update on all identified deficiencies or recommended corrective actions.

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L. Biannual Certification

The chief compliance officer provides HUD and the federal monitor with a certification describing NYCHA's compliance with the Agreement, Appendix B, paragraphs 8 through 15, twice per year, on or before January 31 and on or before July 31.

VIII. OUTPUTS, REPORTS, AND RECORDKEEPING

A. Outputs

1. Completing identified tasks within required timelines and compliance standards
2. All lead-based paint files maintained and updated
3. Residents receive all required documents and updates
4. Documents are signed and retained in resident folders, both digitally and hard copies
5. Lead-based paint activities monitored to ensure compliance with all relevant laws, rules, regulations, and procedures

B. Reports

1. Visual Assessment Tracking
2. Corrections from Visual Assessments Tracking
3. Elevated Blood Lead Level Tracking Report
4. Reports related to RRP are maintained in the NYCHA Data Warehouse on NYCHA Connect. Reports are generated upon request or as needed.
5. Lead Exceptions Report, provided monthly to the chair, general manager, executive vice-president of operations, vice-president of healthy homes, and director of lead hazard control. The monthly Lead Exceptions Report includes:
 - a. The status and metrics on high priority lead workstreams such as visual assessments, biennial risk assessments, and interim controls.
 - b. A summary of any unresolved deficiencies identified through field and documentary monitoring.
 - c. The status of any corrective actions, including directives to employees and NYCHA vendors.

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- d. Narrative progress updates on any compliance monitoring projects related to 24 CFR Part 35 compliance and/or 40 CFR Part 745 compliance.
 - e. Updates on any projects intended to enhance NYCHA's compliance with 24 CFR Part 35 and 40 CFR Part 745.
6. Weekly report to the federal monitor regarding clearance examination metrics.
 7. Reports related to the number of dust wipe samples that are pending with a laboratory, that have passed, or that have failed are maintained on the vendor dust wipe portal. Reports are generated upon request or as needed.
 8. Human Resources weekly summary report for the percentage of staff who have taken RRP training.

C. Recordkeeping

A Lead Hazard Control Department assistant director ensures all records related to this Standard Procedure are retained in the Lead Hazard Control Department central office for the life of the building while under NYCHA ownership, plus an additional three years.

NOTE: The recordkeeping requirement for Local Law 1 is 10 years.

1. The property manager ensures the following are maintained in a resident's folder:
 - a. Lead-based paint testing, lead-based paint hazards assessments, environmental investigations, lead-based paint work, and clearance examination reports provided by the Lead Hazard Control Department for a current resident.
 - b. Copies of NYCHA Forms 060.275, *Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards*, and 060.299A, *Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards-Inquiry Regarding Child*.
 - c. Any Lead-Based Paint Disclosure Summaries provided during a resident's occupancy.
2. Property managers must set up permanent files for lead-based paint testing, lead-based paint hazards assessments, environmental investigations, lead-based paint work, and clearance examination reports as follows:
 - a. Copies of NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*, are filed for specific apartments in an individual file folder, arranged in stair hall order. The disclosure summaries also are available in Siebel.

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- b. Lead-Based Paint Development Disclosure Summaries are filed in one file folder. Sites may have multiple Lead-Based Paint Development Disclosure Summaries based on construction type. The disclosure summaries also are available in Siebel.
3. The Visual Assessment Tracking report and Corrections from Visual Assessments Tracking report are included as daily general manager reports.
4. The Lead Hazard Control Department updates the elevated blood lead level tracking data in Maximo.
5. Digital forms associated with the RRP process are retained in Maximo.
6. The Lead Hazard Control Department maintains an online database that tracks dust wipe samples, including the number of samples pending, passed, and failed, and re-cleaning and subsequent cleaning attempts.

IX. TRAINING REQUIREMENTS

A. Visual Assessments

1. The Department of Operations executive vice-president (for Operations employees) and Lead Hazard Control director (for Lead Hazard Control employees) ensure all employees who perform visual assessments have the proper training, by scheduling employees for the training. Visual assessment training is available on line on the HUD lead website, and in certain U.S. Environmental Protection Agency (EPA) lead safety courses, such as the risk assessment certification training.
2. The Human Resources Department Learning and Development Unit tracks the completion of visual assessment training when it is provided a certification of completion by the Department of Operations executive vice-president.
3. All relevant new hires must complete this training with 30 days of their start date.

B. RRP and Interim Controls

1. The Department of Operations executive vice-president (for Operations employees) and Lead Hazard Control director (for Lead Hazard Control employees) ensure the following for all employees who perform corrections of lead-based paint hazards or perform work which will disturb lead-based paint, by scheduling and documenting the training:
 - a. Trained in accordance with the hazard communication standard for the construction industry issued by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) at 29 CFR § 1926.59.

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b. Trained as an EPA-certified renovator.

(1) Employees who attend Renovation, Repair, and Painting training must receive their certification by achieving a successful result on the exam administered at the end of the training. The training certification is valid for five (5) years.

(2) If an employee does not complete this certification, they must be supervised and trained by an individual dual-certified as a lead-based paint abatement supervisor and renovator; and a certified renovator must be at the work area during any lead-based paint corrections which would disturb more than de minimis levels.

c. Trained in NYCHA proper workplace preparation and dust control processes as outlined in this Standard Procedure.

2. The Human Resources Department Learning and Development Unit tracks the completion of RRP and interim controls training when it is provided a certification of completion by the training vendor.

3. All relevant new hires must complete this training with 30 days of their start date.

C. Clearance Examination Technicians

The Lead Hazard Control director ensures training for all employees who perform clearance examinations are tracked and the certifications are maintained on file. Such employees must:

1. Complete risk assessor training; or

2. Complete lead inspector training; or

3. Complete a training course for sampling technicians (or a discipline of similar purpose and title) that is developed or accepted by EPA or a State or tribal program authorized by EPA pursuant to 40 CFR part 745, subpart Q.

D. Other Certification Training

The Lead Hazard Control director ensures training as per 40 CFR § 745.226 for the following certified titles are tracked and the certifications are maintained on file.

1. Risk assessors

2. Lead inspectors

3. Abatement supervisors

4. Abatement workers

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5. Dust wipe technicians

X. PERFORMANCE METRICS

NOTE: NYCHA also compiles all metrics as stated in the federal Agreement.
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- A. Decrease in the number of apartments with lead-based paint
- B. Increase in exemptions from Local Law 1
- C. Response rate to elevated blood lead level violations within required deadlines
- D. Percentage of corrections completed within required deadlines
- E. Percentage of reevaluations completed within required deadlines
- F. Percentage of visual assessments completed within required deadlines
- G. Percentage of interim controls completed within required deadlines
- H. Pass/fail rate of dust wipes
- I. Average number of days to close a dust wipe work order
- J. Percentage of dust wipe work orders closed within established timelines
- K. Percentage of RRP compliance observations in adherence to the RRP rule
- L. Number of projects monitored

XI. NON-COMPLIANCE

- A. NYCHA employees performing or overseeing lead safe housing work are required to comply with this Standard Procedure, the Agreement, and any federal, state, or local regulations pertaining to the work described in it. Failure to comply with this Standard Procedure or any applicable federal, state, or local regulations shall result in disciplinary actions as per the *NYCHA Human Resources Manual*.
- B. Departments are required to take corrective action to bring NYCHA into compliance.

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XII. FORMS

The following forms and signs are located on the Forms and Reference Library.

- A. NYCHA Form 036.034, *Language Identification Card*
- B. NYCHA Form 040.558, *Request to Remove an Apartment From the Rent Roll*
- C. NYCHA Form 042.727, *48 Hour Notice for Health and Safety Repairs*
- D. NYCHA Form 060.275, *Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards*
- E. NYCHA Form 060.275A, *Lead-Based Paint Unit Disclosure Summary*
- F. NYCHA Form 060.275D, *Lead-Based Paint Development Disclosure Summary*
- G. NYCHA Form 060.284, *Protect Your Family From Lead In Your Home*
- H. NYCHA Form TR060.284_02, *Protect Your Family From Lead in Your Home, Spanish Translation*
- I. NYCHA Form 060.299A, *Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards-Inquiry Regarding Child*
- J. NYCHA Form 060.632, *The Lead-Safe Certified Guide to Renovate Right*
- K. NYCHA Form TR060632_02, *The Lead-Safe Certified Guide to Renovate Right Spanish Translation*
- L. NYCHA Form 060.632A, *Pre-Renovation Form*
- M. NYCHA Form 060.849, *Fix Lead Paint Hazards: What Landlords Must Do And Every Tenant Should Know*
- N. NYCHA Form 060.850, *Dust Wipe Clearance Examination Form*
- O. NYCHA Form 060.851, *Notice of Evaluation*
- P. NYCHA Form 060.852, *Notice of Hazard Reduction Activity*
- Q. NYCHA Form 060.853, *2 Week Notice - Lead Based Paint - XRF Testing*
- R. NYCHA Form 060.854, *5 Day Notice - Lead Based Paint Assessment - Resident*

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- S. NYCHA Form 060.855, *2 Week Notice - Lead Based Paint Assessment - Resident*
- T. NYCHA Form 060.856, *5 Day Notice - Lead Based Paint - XRF Testing*
- U. NYCHA Form 088.181, *Vendor Renovation Recordkeeping Checklist*
- V. NYCHA Form 088.182, *Renovation, Repair, and Painting Safety Sign*
- W. NYCHA Form TR088.182_02, *Renovation, Repair, and Painting Safety Sign, Spanish Translation*
- X. NYCHA Form TR088.182_03, *Renovation, Repair, and Painting Safety Sign, Russian Translation*
- Y. NYCHA Form TR088.182_04, *Renovation, Repair, and Painting Safety Sign, Chinese Translation*
- Z. NYCHA Form 088.183, *Resident Renovation Notification Common Area*
- AA. NYCHA Form 088.184, *Staff Renovation Recordkeeping Checklist*

XIII. WORKFLOW

NOTE:	The flow charts will be updated at a later date.
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XIV. REVIEW/REVISION HISTORY PAGE

LEAD SAFE HOUSING PROCEDURE

050:20:1

Review/ Revision	Review/ Revision Date	Sections Amended
1.	3/13/20	Appendix C. Updated names in dust wipe dispatcher list. Minor revision – no change to policy or process.
2.	9/9/20	Updated Section II., Policy
3.	9/9/20	Updated Section III., Applicability
4.	9/9/20	Updated Section IV., Definitions
5.	9/9/20	Updated Section VI., Responsibilities
6.	9/9/20	Updated Section VII.B., Identification of Apartments with Children Younger Than Six Years Old
7.	9/9/20	Added Section VII.D., Notifications
8.	9/9/20	Updated Section VII.E., Assessments and Evaluations
9.	9/9/20	Updated Section VII.F., Reevaluations; including risk assessments
10.	9/9/20	Updated Section VII.H., Post-Abatement Clearance; including dust wipe sampling
11.	9/9/20	Updated Section VII.I., Renovation, Repair, and Painting Work, Including Interim Controls to Correct Lead-Based Paint Hazards; including identifying specific lead components; dust wipe work orders; and clearance; and adding VII.I.1., Purpose and Applicability and VII.I.2., Personnel
12.	9/9/20	Updated Section VII.J., Child with Elevated Blood Lead Level
13.	9/9/20	Added Section VII.K., Monitoring
14.	9/9/20	Updated Section VIII.A., Outputs
15.	9/9/20	Updated Section VIII.B., Reports
16.	9/9/20	Updated Section VIII.C., Recordkeeping
17.	9/9/20	Updated Section IX., Training Requirements
18.	9/9/20	Updated Section X., Performance Metrics
19.	9/9/20	Updated Section XII., Forms
20.	9/9/20	Updated Section XIII., Workflow
21.	9/9/20	Updated Appendix XV.A., Duty Statements
22.	9/9/20	Updated Appendix XV.C., Dust Wipe Dispatchers
23.	9/9/20	Deleted Appendix XV.F., Supplemental Workflow
24.	9/9/20	Added Appendix XV.G., Lead Components
25.	9/9/20	Added Appendix XV.H., NYCHA EPA Certification

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XV. APPENDICES

A. Position Duty Statements

These duty statements are intended to describe the general nature of work being performed. They are not intended to be an exhaustive list of all responsibilities and duties required of each role.

1. Lead Hazard Control Director

- a. The Lead Hazard Control director ensures training for all certified risk assessors, certified lead inspectors, certified abatement supervisors, and certified abatement workers, and all employees who perform clearance examinations, are tracked and the certifications are maintained on file.
- b. Notifies HUD of actions taken regarding a child younger than six with an EBLL.

2. Lead Hazard Control Deputy Director

- a. Ensures Notices of Evaluation are provided to residents and tracked in Maximo.
- b. If HPD approves a Local Law 1 exemption for an apartment, enters the exemption into Maximo.
- c. Receives notifications from DOHMH for children younger than six years old who test positive for an elevated blood lead level (EBLL), only if no COTA is issued by DOHMH.
- d. Reviews the 'EBLL Status Report' weekly.
- e. Notifies HUD of actions taken regarding a child younger than six with an EBLL.

3. Lead Hazard Control Assistant Directors

- a. Oversee scheduling of XRF inspections.
- b. Oversee scheduling of interim control work orders based on XRF testing.
- c. Oversee the HPD Local Law 1 exemption application process.
- d. Oversee vendors that perform reevaluations.
- e. Oversee NYCHA responses to reevaluations.
- f. Oversee notifications of reevaluations and hazard reduction activities performed in common areas or exteriors.

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- g. Oversee scheduling of abatements.
 - h. Notify DOHMH and EPA about abatements.
 - i. Oversee the post-abatement clearance documentation process.
 - j. Notify HUD and the federal monitor about COTAs received from DOHMH.
 - k. Provide information about abatements performed based on COTAs to residents, DOHMH, and HUD.
 - l. Ensure a certified risk assessor performs a risk assessment of the common area(s) servicing the index apartment within 15 calendar days of receiving notice of a child with an EBLL.
 - m. Notify the Operations Technical Services Department Violations Unit coordinator to close the parent work order based on a COTA after all actions associated with the child work orders are completed.
 - n. Contact DOHMH to verify the information about a child younger than six years old from a person who is not a medical health care provider.
 - o. Ensure all records related to this Standard Procedure are retained in the Lead Hazard Control Department central office for the life of the building while under NYCHA ownership, plus an additional three years.
4. Lead Abatement Coordinator
- a. Oversees scheduling of abatements in apartments that don't have a child with an EBLL.
 - b. If an abatement will disturb more than 100 square feet of lead-based paint in any room, or will disturb paint of unknown lead content or involves the removal of two or more windows with lead-based paint or paint of unknown lead content, processes the DOHMH notification.
 - c. Provides administrative support on abatements.
 - d. Determines if residents should be relocated temporarily during abatement.
 - e. Runs a query in Maximo no less than twice per week for open abatement work orders in move outs and enters start dates.
 - f. Oversees scheduling of abatements in unoccupied apartments.
 - g. Receives notices of a child with EBLL from DOHMH.

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- h. Receives COTAs from DOHMH.
 - i. Notifies DOHMH of abatements performed based on a COTA.
5. EBLL coordinator
- a. Oversees the process to contest a COTA issued by DOHMH.
 - b. Oversees scheduling of work performed because of a COTA issued by DOHMH.
 - c. Oversees scheduling of work performed based on lead-based paint or dust hazards identified during a risk assessment in an apartment or common area that serves that apartment.
 - d. Oversees scheduling of work performed based on an index common area testing positive for lead-based paint.
6. Lead Abatement Supervisors
- a. Develops occupant protection plans and provides them to residents.
 - b. Must be onsite during all work area preparation.
 - c. Must be onsite or available on call and able to be present at the work area in no more than two hours at all other times when abatement activities are being performed.
 - d. Monitors active work areas to ensure lead dust does not spread beyond the containment area.
 - e. Must be onsite during all post-abatement cleanup of work areas, including any re-cleaning activities following a failed clearance examination.
 - f. Prepares abatement reports.
7. Lead Abatement Workers
- a. Perform RRP work on an interior surface if it will disturb more than 100 square feet of lead-based paint per room or will include the removal of two or more painted windows.
8. Lead Hazard Control Project Managers
- a. Manage lead-based paint vendor contracts.
 - b. Oversee scheduling of visual assessments.

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- c. Contact a dust wipe technician dispatcher to schedule a clearance examination for the appointment date on a clearance examination work order and the confirmed time.

9. Hazard Reduction Notification Coordinator

- a. Manages the process for NYCHA Form 060.852, *Notice of Hazard Reduction Activity*.

10. Management and Planning Deputy Director

- a. Checks the data warehouse bi-weekly for paint work orders created based on visual assessments.
- b. Oversees scheduling of paint work orders created based on visual assessments.

11. Property Managers

- a. Ensures completed, signed disclosure summaries are retained in the tenant folder, and copies are provided to the applicant with their lease.
- b. Ensure that physical copies of all materials required to be disclosed by the Lead Disclosure Rule are present, available for inspection, and permanently maintained at their respective management offices.
- c. Ensure for reevaluations and hazard reduction activities, a Notice of Evaluation is posted in the lobby of the appropriate building(s) within five calendar days of receipt from the Lead Hazard Control Department.
- d. Schedule abatements in apartments without a child with EBLL.
- e. Oversee efforts to temporarily relocate residents during abatement, when applicable.
- f. Prepare a Request to Remove an Apartment From the Rent Roll for abatements in unoccupied apartments.
- g. Ensure sufficient copies of the EPA pamphlets The Lead-Safe Certified Guide to Renovate Right and The Lead-Safe Certified Guide to Renovate Right Spanish Translation are available in the management office.
- h. Ensure an adequate amount of supplies required to perform RRP are maintained at their development.
- i. Ensure all lead-related forms are maintained in a resident's folder.

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12. Property Maintenance Supervisors

- a. Schedule abatements in apartments without a child with EBLL.
- b. Oversee efforts to temporarily relocate residents during abatement, when applicable.
- c. Prepare a Request to Remove an Apartment From the Rent Roll for abatements in unoccupied apartments.
- d. Ensure the Lead-Based Paint Unit Disclosure Summary is placed in the resident file and in the development's permanent file.
- e. Ensure the Notice of Hazard Reduction Activity is provided to the resident.
- f. If it is determined RRP work is required or if an estimated completion date or time changes, contact the Lead Hazard Control Department project manager.
- g. Ensure vendor employees are certified renovators, have their RRP certificates on file at the development, follow lead-safe work practices under federal and local law and regulations, and provide the required notifications.
- h. Ensure sufficient copies of the EPA pamphlets The Lead-Safe Certified Guide to Renovate Right and The Lead-Safe Certified Guide to Renovate Right Spanish Translation are available in the management office.
- i. Ensure the development office notifies residents of the affected apartments in a building no more than 60 days before, and no less than immediately before, beginning a renovation in a common area.
- j. Confirm dust wipe work orders include the correct autogenerated codes and enter the estimated date and time of completion of the work in the Target Start section.
- k. Ensure an adequate amount of supplies required to perform RRP are maintained at their development.
- l. Create a work order for a lead abatement worker demolition when notified, and inform the Lead Hazard Control Department.
- m. Ensure all lead-related forms are maintained in a resident's folder.
- n. Coordinate with the relevant trade(s) for restoration work after lead abatement workers complete their work.

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13. Employees Responsible for Supervising and Performing Lead-Based Paint Repairs

- a. Must have their certifications, including any refresher course certifications, with them on-site.
- b. If a tenant is not home during any part of the work process, refer to NYCHA Standard Procedure, 040:17:3, *Accessing Public Housing Apartments When Tenant Not Home to Address Deficiencies Related to Leaks, Mold, and Lead-Based Paint*.
- c. If originally report to perform work in a single room that will disturb an area less than two square feet, or less than 10 percent of a single small component, and there is no clearance examination ordered, but determines such work now will exceed those parameters, inform an Operations Management and Planning Department painting supervisor.
- d. Use appropriate personal protective equipment (PPE).
- e. Post appropriate signage.
- f. Prepare the work area to ensure lead dust is contained within the barrier.
- g. Restrict access to the work area until containment is removed.
- h. Only use acceptable methods of paint removal.
- i. Observe safety precautions in contained work areas.
- j. Before starting cleaning procedures, or no sooner than one hour before the completion of work (whichever is earlier), contact a dust wipe technician dispatcher to confirm the scheduled time of arrival of the dust wipe technician.
- k. Properly clean the work area, and any applicable adjacent areas.
- l. Properly dispose of waste, including concentrated lead waste.
- m. Visually inspect the work area to determine whether dust, debris, or residue is present.
- n. Keep barriers to the work area in place until results of the clearance examination are received, unless the clearance examination is performed immediately after cleaning verification is completed.

14. Housing Assistants

- a. Provide residents with all applicable lead-related forms at lease signing.

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- b. Ensure applicants sign the Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards and the Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards-Inquiry Regarding Child, and sign the forms themselves.

15. Technical Services Department Violations Unit coordinator

- a. Manages EBLL parent work orders when DOHMH issues a COTA.

16. General Counsel

- a. If DOHMH does not verify the EBLL status of a child younger than six years old from a person who is not a medical health care provider, sends documentation of the lack of verification to the HUD field office.

17. Environmental Health and Safety Officer

- a. Serves as NYCHA's point of contact for this standard procedure for workplace safety to the New York State Department of Labor Public Employee Safety and Health Bureau (PESH).

18. Lead Oversight Team Specialists

- a. Perform monitoring activities for the Environmental Health and Safety Department.

19. Compliance Monitoring and Reporting Specialists

- a. Perform monitoring activities for the Compliance Department.

20. Manager of Maximo Unit

- a. Ensures employees in the Maximo Unit perform the work described in this Standard Procedure, including creating visual assessment work orders, and lead inspection work orders when requested.
- b. Ensures Maximo automatically performs the work it is programmed to do in this Standard Procedure.

21. Manager of Siebel Unit

- a. Ensures employees in the Siebel Unit perform the work described in this Standard Procedure, including uploading electronic copies of all materials required to be disclosed by the Lead Disclosure Rule so they are available to residents through the Self-Service Portal on the NYCHA website.
- b. Ensures Siebel automatically performs the work it is programmed to do in this Standard Procedure.

NYCHA STANDARD PROCEDURE MANUAL

B. Contesting a DOHMH Commissioner's Order to Abate (COTA)

To make clear - NYCHA immediately must abate lead hazards identified by DOHMH when issued a COTA. NYCHA must not wait to perform the abatement until the outcome of a contestation if one has been filed.

1. NYCHA only may contest paint-lead hazards, not dust-lead or soil-lead hazards.
2. The Lead Hazard Control Department EBLL coordinator:
 - a. Submits an Intent to Contest notice to DOHMH within three calendar days of receiving a COTA.
 - a. Creates a child work order to have a vendor perform paint chip testing.
 - (1) The vendor performs the paint chip testing and provides the results to the Lead Hazard Control Department EBLL coordinator.
 - b. Submits the contestation to DOHMH.
3. If NYCHA contests a COTA, DOHMH sends a decision on whether the COTA is rescinded or dismissed to the Lead Hazard Control Department EBLL coordinator.
4. If NYCHA contests a COTA, the Lead Hazard Control Department EBLL coordinator documents the results of the decision in Maximo in the EBLL tab.

NYCHA STANDARD PROCEDURE MANUAL

C. Dust Wipe Dispatchers

Contact the dispatchers in the order listed. If the first dispatcher does not answer, call the next dispatcher on the list and continue until you reach a dispatcher. After you speak to the dispatcher, send them an e-mail or text message with the information that was discussed. This allows the dispatcher to contact you if there are any problems.

Contact	E-mail	Phone
Chris James	Chris.James@nycha.nyc.gov	718-707-5316 (o) & 929-446-5765 (c)
Shadi Faltes	Shadi.Faltes@nycha.nyc.gov	718-707-5458 (o) & 929-448-8448 (c)
Kenia Williams	Kenia.Williams@nycha.nyc.gov	718-707-8367 (o) & 929-237-9415 (c)
Ken Coote	Ken.Coote@nycha.nyc.gov	718-707-5394 (o) & 917-594-7250 (c)
Mike Flores	Mike.Flores@nycha.nyc.gov	718-707-5607 (o) & 646-565-9742 (c)

NYCHA STANDARD PROCEDURE MANUAL

D. Agreement Exhibit A – Requirements for Lead-Based Paint

Appendix begins on following page.

EXHIBIT A – REQUIREMENTS FOR LEAD-BASED PAINT

A. In General

1. Terms used with respect to lead-based paint compliance but not expressly defined herein shall have the meaning contained in 24 C.F.R. part 35, and 40 C.F.R. part 745.
2. NYCHA shall comply with 24 C.F.R. part 35, and 40 C.F.R. part 745.
3. Nothing herein limits NYCHA's obligations under any other federal, state, or local laws or regulations governing lead-based paint or lead-based paint hazards.

B. Priority Action Units and Common Areas

4. No later than 30 days after execution of this Agreement, NYCHA shall provide the United States the following:
 - a. A report identifying all developments that meet the following requirements: (i) they were built prior to January 1, 1978, and (ii) they are not exempt pursuant to 24 C.F.R. § 35.115, as a result of an inspection, an abatement, or otherwise (the "Lead Paint Developments"). Such report will identify each unit (including each "child-occupied facility") within such Lead Paint Developments that is not exempt pursuant to 24 C.F.R. § 35.115 ("Lead Paint Unit").
 - b. A report (the "Immediate Action List") identifying the subset of Lead Paint Units that NYCHA has reason to believe are occupied or routinely visited by a child under the age of 6. Routine visiting shall be determined in conformance with the first sentence of the definition of child-occupied facility at 40 C.F.R. § 745.83.
5. Within 30 days of execution of this Agreement, NYCHA shall comply with the following requirements:
 - a. Perform at least one visual assessment in accordance with 24 C.F.R. § 35.1355 of each Lead Paint Unit on the Immediate Action List, except insofar as that Lead Paint Unit received a compliant visual assessment within the preceding 12 months; and
 - b. Eliminate any lead-based paint hazards in Lead Paint Units identified on the Immediate Action List through the performance of interim controls in accordance with 24 C.F.R. § 35.1330, or through abatement in accordance with 24 C.F.R. § 35.1325.
6. No later than 90 days after execution of this Agreement, NYCHA shall submit to the United States documents sufficient to show NYCHA's basis for claiming that particular pre-1978 developments are exempt pursuant to 24 C.F.R. § 35.115. To the extent that

HUD and SDNY thereafter notify NYCHA that they reject that determination, such developments, units and common areas will no longer be considered by NYCHA to be exempt pursuant to 24 C.F.R. § 35.115. If HUD and SDNY (a) object to the exemption for a particular development, unit, or common area, and (b) the lack of exemption would have led to the inclusion of additional units or common areas on the Immediate Action List, NYCHA shall within 30 days thereafter comply with paragraph 5 as to such additional apartments.

7. NYCHA may conduct a new lead-based paint inspection (in accordance with 24 C.F.R. § 35.1320(a)) of any Lead Paint Unit on the Immediate Action List. If that inspection determines that no lead-based paint is present in the unit, NYCHA may remove the unit from the Immediate Action List if NYCHA provides the inspection report to the United States and to the resident household within seven days of NYCHA's receipt of the inspection report, and the United States does not object to the removal of the unit from the Immediate Action List within 14 days of receiving such inspection results.

C. Abatement of Lead-Based Paint

8. Within five years of the execution of this Agreement, NYCHA shall abate all lead-based paint at the Harlem River Houses and the Williamsburg Houses (the "Early Abatement Developments") in accordance with 40 C.F.R. part 745 subpart L.
9. Within ten years of the execution of this Agreement, NYCHA shall abate, in accordance with 40 C.F.R. part 745 subpart L, all lead-based paint in 50% of apartment units that contain lead-based paint, and interior common areas that contain lead-based paint in the same building as those units. Units and interior common areas in the Early Abatement Developments shall be included in calculating compliance with the requirements in this paragraph.
10. Within fifteen years of the execution of this Agreement, NYCHA shall abate, in accordance with 40 C.F.R. part 745 subpart L, all lead-based paint in 75% of apartment units that contain lead-based paint, and interior common areas that contain lead-based paint in the same building as those units. Units and interior common areas abated pursuant to paragraphs 8 and 9 shall be included in calculating compliance with the requirements in this paragraph.
11. Within twenty years of the execution of this Agreement, NYCHA shall abate, in accordance with 40 C.F.R. part 745 subpart L, all lead-based paint in 100% of apartment units that contain lead-based paint, and interior common areas that contain lead-based paint in the same building as those units.
12. NYCHA shall abate exterior common areas that contain lead-based paint. NYCHA shall develop an Action Plan setting forth an appropriate timeline for such abatement, prioritizing common areas posing a higher risk of exposure to children.

13. For purposes of paragraphs 8, 9, 10, 11 and 12, “common areas” and “abatement” shall have the meaning in 40 C.F.R. part 745, subpart L. However, with respect to abatement, the Monitor shall determine whether NYCHA will not be able to comply with the ongoing maintenance, reevaluation, and other obligations associated with using enclosure, encapsulation, encasement, or other abatement measures that retain the lead-based paint in place (“alternative abatement methods”) (24 C.F.R. §§ 35.1120(c) and 35.1355, and see 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), especially chapters 6 and 11 through 15), and if the Monitor determines that NYCHA will not be able to, then “abatement” in paragraphs 8, 9 and 11 shall mean the removal of lead-based paint in compliance with 40 C.F.R. part 745 subpart L, but shall not include alternative abatement methods, and NYCHA shall abate by removal any lead-based paint that had been abated by an alternative abatement method. After a finding by that Monitor that NYCHA will not be able to comply with its obligations associated with using alternative abatement methods, upon the Monitor subsequently finding that NYCHA will be able to comply, NYCHA may use such methods along with abatement methods that remove lead-based paint.
14. In performing any lead paint abatements, whether pursuant to paragraphs 8 and 9 or otherwise, NYCHA shall comply with the following, in addition to other legal requirements:
 - a. NYCHA shall ensure that a certified supervisor is onsite or otherwise available in accordance with 40 C.F.R. § 745.227(e).
 - b. NYCHA shall notify EPA of lead-based paint abatement activities electronically using EPA’s Central Data Exchange (CDX) in accordance with 40 C.F.R. § 745.227(e)(4)(vii).
 - c. NYCHA shall prepare and implement written occupant protection plans for all abatement projects in accordance with 40 C.F.R. § 745.227(e)(5).
 - d. NYCHA shall specify methods of collection and lab analysis in accordance with 40 C.F.R. § 745.227(f).
 - e. NYCHA shall ensure that a clearance examination is performed, and a clearance examination report provided by a lead-based paint inspector/risk assessor certified and licensed as applicable for the property location, in accordance with 40 C.F.R. § 745.227(e)(8)-(9). The lead-based paint inspector/risk assessor must be independent of the lead-based paint abatement firm, supervisor, and contractors performing the abatement work.
 - f. NYCHA shall ensure that the certified supervisor on each abatement project prepares an abatement report in accordance with 40 C.F.R. § 745.227(e)(10).

- g. NYCHA shall maintain records in accordance with 40 C.F.R. § 745.227(i) and 24 C.F.R. § 35.175.

D. Lead-Safe Work Practices

- 15. NYCHA shall comply with lead-safe work practice requirements set forth in the Lead Safe Housing Rule, 24 C.F.R. part 35, subparts B-R, and the Renovation, Repair, and Painting Rule, 40 C.F.R. part 745, subpart E, when directing or performing renovation (as that term is defined in 40 C.F.R. § 745.83) or maintenance work in Lead Paint Developments to which lead-safe work practices apply, including by:
 - a. Establishing and maintaining sufficient information in NYCHA's renovation and maintenance computer systems to readily identify renovation and maintenance projects involving work to which the lead-safe work practices regulations apply in accordance with 24 C.F.R §§ 35.1330, 35.1350 and 40 C.F.R. §§ 745.85, 745.89;
 - b. Ensuring that only properly trained and certified firms and workers are assigned to perform work to which lead-safe work practices apply in accordance with 24 C.F.R §§ 35.1330, 35.1350 and 40 C.F.R. §§ 745.85, 745.90;
 - c. Obtaining and maintaining certification as a certified renovation firm if any of the workers described in this paragraph are NYCHA employees, and the work they do is covered by 40 C.F.R. part 745, subpart E (or, if applicable in the future, the appropriate provisions of subpart Q), in accordance with 40 C.F.R. §§ 745.81, 745.89;
 - d. Ensuring supplies necessary to perform lead-safe work practices in accordance with 24 C.F.R § 35.1350 and 40 C.F.R. § 745.85 are readily available to trained and certified workers;
 - e. Ensuring that firms and workers assigned to perform renovation or maintenance work to which lead-safe work practices apply use the RRP Renovation Checklist and establish and maintain records necessary to demonstrate compliance with the RRP Rule in accordance with 40 C.F.R. § 745.86;
 - f. Ensuring that residents of units and developments in which renovation or maintenance work to which lead-safe work practices apply will be performed are informed of the work to be performed and the risks involved in accordance with 24 C.F.R § 35.1345 and 40 C.F.R. §§ 745.84 and 745.85;
 - g. Retaining records demonstrating compliance with the regulations set forth at 24 C.F.R. § 35.125 and 40 C.F.R. § 745.84.

- h. Containing or causing to be contained any work area to which lead-safe work practices will apply by isolating the work area and waste generated so that no dust or debris leaves the work area in accordance with 24 C.F.R. § 35.1345 and 40 C.F.R. § 745.85(a);
- i. Containing, collecting, and transporting waste from the renovation in accordance with 40 C.F.R. § 745.85(a)(4);
- j. Performing cleanup of any work area to which lead-safe work practices apply until no dust debris or residue remains in accordance with 24 C.F.R. §§ 35.1345, 35.1335 and 40 C.F.R. § 745.85(a) and (b), and conducting and passing a clearance examination in accordance with 24 C.F.R. § 35.1340 (including follow-up as required by that section's subsection (e) after clearance failure(s)), as provided by 40 C.F.R. § 745.85(c).

E. Visual Assessments

- 16. Each calendar year and at unit turnover, NYCHA shall perform visual assessments in Lead Paint Developments in accordance with 24 C.F.R. § 35.1355(a)(2).
- 17. Within one year of the execution of this Agreement, NYCHA shall control deteriorated lead-based paint identified by visual assessments in compliance with 24 C.F.R. § 35.1120(b)(1) and (2); except that for a visual assessment performed in an apartment unit that has not had a previous compliant visual assessment within the preceding twelve months, all corrections of lead-based paint hazards shall be made within thirty days of the visual assessment.

F. Biennial Risk Assessment Reevaluations

- 18. Within two years of the execution of this Agreement, NYCHA shall conduct risk assessment reevaluations of all NYCHA housing that contains lead-based paint in accordance with 24 C.F.R. § 35.1355.

G. EIBLL/EBLL-Triggered Risk Assessments, Investigations and Abatement

- 19. Within 30 days of appointment of the Monitor, NYCHA shall provide the Monitor a list (the "EIBLL/EBLL-Triggered Risk Assessment List") of all units, common areas servicing such units, and developments in which neither an environmental investigation nor a risk assessment was performed since the date of: (a) the reporting to NYCHA (if on or after July 13, 2017) of a case of a child under age 6 with an elevated blood lead level (EBLL) (as those terms are defined in 24 C.F.R. § 35.110, as amended by 82 Fed. Reg. 4151 (Jan. 13, 2017)) living in such unit and development, or (b) the reporting to NYCHA (if before July 13, 2017) of a case of a child with an elevated blood lead level (EIBLL) (as those terms were defined in 24 C.F.R. § 35.110, prior to amendment by 82 Fed. Reg. 4151 (Jan. 13, 2017)) living in such unit and development.
- 20. After providing the Monitor the EIBLL/EBLL-Triggered Risk Assessment List, within a timeframe acceptable to the Monitor, NYCHA shall confirm that the New York City

Department of Health and Mental Hygiene (“NYC DOHMH”) has performed an environmental investigation in accordance with 24 C.F.R. §§ 35.110, 1130, in any unit and common areas servicing that unit identified in the EIBLL/EBLL-Triggered Risk Assessment List. To the extent the NYC DOHMH has not performed an environmental investigation in accordance with 24 C.F.R. §§ 35.110, 1130, in any unit and common areas servicing that unit identified in the EIBLL/EBLL-Triggered Risk Assessment List, NYCHA shall perform such environmental investigation within a timeframe acceptable to the Monitor.

21. After issuing or receiving the report of the environmental investigation, within a timeframe acceptable to the Monitor, NYCHA shall complete the abatement of identified lead-based paint hazards in accordance with 24 C.F.R. §§ 35.1130(c) and 35.1325.
22. NYCHA shall perform risk assessments for all other units in the building in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under Paragraph 21 is complete, and common areas servicing those units in the developments identified in the EIBLL/EBLL-Triggered Risk Assessment List, within a timeframe acceptable to the Monitor.

H. EBLL Reporting

23. NYCHA shall report to HUD each confirmed case of a child with an elevated blood lead level within 5 business days of being so notified in accordance with 24 C.F.R. § 35.1130.
24. No later than 60 days after the execution of this Agreement, NYCHA shall enter into a written agreement with the NYC DOHMH resolving any barriers to the sharing of information relating to resident children’s blood lead levels necessary for NYCHA to make disclosures to HUD in accordance with paragraph 23 and 24 C.F.R. § 35.1130, and shall provide a copy of such agreement to the United States.
25. NYCHA shall report to the Monitor and to the United States any NYC DOHMH Commissioner order to abate lead-based paint within five days of receiving such order.
26. On and after the Effective Date, to the extent NYC DOHMH has not performed an environmental investigation of any unit in which a child with an elevated blood lead level has been reported within 15 days of identifying such unit, NYCHA shall perform an environmental investigation of that unit and common areas servicing that unit and perform abatement of any lead-based paint hazards within thirty days in accordance with 24 C.F.R. §§ 35.1130(c) and 35.1325.

i. Lead Disclosure

27. From and after the Effective Date, NYCHA shall provide residents signing new leases (or, where required by regulation, renewal leases) with information about the presence of lead-based paint and lead-based paint hazards in their apartments and developments in accordance with the Lead Disclosure Rule, 24 C.F.R. part 35, subpart A; 40 C.F.R. part 745, subpart F.

- 28. NYCHA shall ensure that physical copies of all materials required to be disclosed by the Lead Disclosure Rule are present, available for inspection, and permanently maintained at the management office for each development.
- 29. NYCHA shall ensure that electronic copies of all materials required to be disclosed by the Lead Disclosure Rule are available to residents through an internet-based portal.

ii. Certifications Regarding Lead Paint

- 30. NYCHA shall provide the United States and the Monitor certifications describing its compliance as follows:
 - a. No later than 120 days after execution of this Agreement, NYCHA shall submit to the United States a statement describing its compliance with paragraphs 4-6. In its submission to the United States, NYCHA shall specify the method(s) used to correct any lead based paint hazards identified on the Immediate Action List and certify that such corrections were performed in compliance with the Lead Safe Housing Rule, Renovation, Repair and Painting Rule, and Abatement Rule, as applicable, and that residents were notified of the corrections in compliance with the Lead Safe Housing Rule.
 - b. Six months after the Effective Date, and every six months thereafter, NYCHA shall provide the United States and the Monitor a certification describing its compliance with paragraphs 8 to 15.
- 31. To the extent that compliance is not yet due under a particular provision at the time that the certifications described in paragraph 30 are to be provided, the certification shall describe NYCHA’s progress achieving compliance when due, and detail NYCHA’s plan for achieving compliance promptly.
- 32. Upon the request of the United States or the Monitor, NYCHA shall promptly submit documents underlying a certification.

iii. Other Obligations

33. In addition to meeting the requirements of paragraphs 1 to 32, and except where otherwise provided in an approved Action Plan, NYCHA shall perform the following tasks:

a.	NYCHA will display a sample kit of the supplies needed to complete an RRP work order in all 139 storerooms by January 31, 2019.
b.	NYCHA will issue a minimum of one kit of RRP supplies to RRP-certified staff daily by February 28, 2019.

c.	NYCHA will enhance its work order system to automatically create a “dust wipe” work order if a RRP work order is generated by February 28, 2019.
d.	NYCHA will select a vendor to supplement the EPA’s RRP training with practical training on dust control measures to simulate a range of working conditions by March 31, 2019 and train substantially all RRP-certified staff by December 31, 2019.
e.	NYCHA will provide all Resident Building Superintendents, Assistant Resident Building Superintendents, and Property Managers with training in RRP practices on an ongoing basis.
f.	NYCHA will train all maintenance workers to perform lead-based paint visual assessments by September 30, 2019.
g.	NYCHA will secure additional, dedicated painting contracts for the Healthy Homes Department to exclusively focus on remediation by December 31, 2019.

NYCHA STANDARD PROCEDURE MANUAL

E. RRP Lead Safe Practices Vendor Notice

Appendix appears on following page.



Lead Safe Practices Vendor Notice

Dear Vendor:

Please be advised that your firm and your staff are required to comply with Lead Safe Work practice requirements as part of general maintenance and repair in accordance with NYC Local Law 1 and/or HUD requirements and must be RRP certified.

If vendor employees enter the apartment and determine that the amount of painted surface being disturbed is greater than 2 square feet or 10% of the component, vendor employees are required to follow Lead Safe Practices and:

- Provide a paper copy of the [EPA Renovate Right Brochure](#) to the resident before commencing work.
- Collect the completed Occupant Confirmation form (found in the brochure) from the resident.
- Indicate the work order # on the Occupant Confirmation form.
- Immediately inform the Property Maintenance Supervisor or Assistant Property Maintenance Supervisor of the need for clearance dust wipes.
- Return the Occupant Confirmation form to the Property Maintenance Supervisor.

Please be advised that your staff can obtain copies of the Renovate Right Brochure from the Development Office.

NYCHA STANDARD PROCEDURE MANUAL

F. Occupant Protection Plan Template

Appendix begins on following page.



NEW YORK CITY HOUSING AUTHORITY

23-02 49th AVENUE • LONG ISLAND CITY, NY 11101

TEL: (212) 306-3000 • <http://nyc.gov/nycha>

OCCUPANT PROTECTION PLAN CHECKLIST FOR LEAD ABATEMENT WORK

Abatement worker(s) must complete form, check the protective measures used, and keep the form available on the job site. If using work practices listed in the **Restricted Work Practices** section below, deliver completed plan to property management and occupied units affected by the work at least 2 days before starting abatement. Include a signed copy of the plan in the final lead abatement report. Keep an original for your company records.

Development Name			
Address	City	State	ZIP
Location Number		Abatement Work Order #	
Start date	Completion date	Hours of operation <input type="checkbox"/> _____ am to _____ pm <input type="checkbox"/> _____ pm to _____ am	

TO OCCUPANTS:

The Occupant Protection Plan describes how an abatement worker will protect you and your possessions during lead abatement. It is important that you stay out of work areas for your own protection, even when the worker is not on site. The worker will clean every day but work areas may still contain dangerous levels of lead until a final cleaning is done and testing verifies it is safe to return. The contractor or NYCHA will inform you when areas are safe to re-occupy. If you must enter a work area, contact your Property Management office for assistance.

OCCUPANT LOCATION

Occupants will be relocated during the entire project or there are no occupants:

___ Furnishings such as furniture, personal items, or appliances will remain in the unit.

Occupants will be living in the dwelling unit during the project:

___ Occupants will be out of the unit during the day but returning each evening. Work will start at _____(time) each day and daily clean-up will be completed by _____(time) each day.

___ Occupants and pets will be in the unit during abatement but will not be permitted in the work area. Occupants will be provided lead-safe passage to sleeping areas, bathroom, kitchen, and entry/exit door during the project. Work areas will be locked or firmly secured, providing an overnight barrier.

FURNITURE AND PERSONAL ITEMS

___ Personal items and furniture not removed by the occupants will be moved away from any interior surfaces to be disturbed. If an item cannot be moved, a dust-tight seal will be created using plastic sheeting fully taped to the floor and/or wall.

___ All furniture and personal items will be removed from work rooms. If an item cannot be moved, a dust-tight seal will be created using plastic sheeting fully taped to the floor and/or wall.

WINDOWS – Choose one:

___ No window work needed



NEW YORK CITY HOUSING AUTHORITY

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Exterior and interior containment will be established using plastic sheeting under the windows on the interior and exterior.

INTERIOR WORK

No interior work needed.

Before starting interior work, the work area set-up will include:

Inspection of rooms shall be made to inventory any existing damage to components, such as furniture, fixtures, walls, doors and radiator covers, and to identify areas not in need of abatement.

Covering floors with plastic sheeting a minimum of 6 feet in all directions from each surface being disturbed by abatement work.

Covering doorways used to access work areas with plastic flaps. Other doorways into work areas will be closed and fully sealed with plastic sheeting and tape.

Supervisor must ensure that dust generated by paint disturbing work does not spread beyond the containment area.

Securing plastic sheeting for use as worker walkways between work areas and the exterior. Separate lead-safe passage will be provided for occupants.

Turning off the HVAC system and sealing forced-air vents within 6 feet of work areas with plastic sheeting and tape.

During interior work, the following safety measures will be used:

Before removing a component or scraping paint, the painted surfaces will be misted with water.

Before leaving a contained work area or plastic walkway, workers will remove their disposable boot covers or clean the soles of their shoes using a tack pad, damp disposable wipes, or completely removing shoes.

Tools, waste containers and all other items will be cleaned before removing from the work area.

A dust room/containment will be constructed for any powered paint removal work, such as sanding.

EXTERIOR WORK

No exterior work needed.

Before starting exterior work, the work area set-up will include:

Pre-cleaning work areas with a HEPA vacuum before laying plastic sheeting for containment.

Placing perimeter barrier tape or temporary fencing around the work area.

Moving any personal items away from work areas or completely sealing them with plastic sheeting secured to the ground.

Closing all windows and doors within 20 feet of work surfaces. This includes windows and doors of neighboring buildings.

Securing plastic sheeting or landscape fabric on the ground extending at least 10 feet from building in all directions from surfaces to be disturbed, space allowing. Sheeting will be sealed to exterior wall and curbed to reduce spreading of debris.

Vertical containment.

During exterior work, the following safety measures will be used:

Before removing components or scraping/sanding paint, the painted surfaces will be misted with water.

Before leaving a contained work area, workers will remove their disposable boot covers or clean the soles of their shoes using a tack pad, HEPA vacuum, or disposable wipes.

Tools, waste containers and all other items will be cleaned before removing from the work area.

If weather conditions do not permit effective containment, work will be suspended until conditions improve.

WARNING SIGNAGE

Signs should be in a language understandable to residents and workers.

Recommended wording is: "Caution: LEAD HAZARD – DO NOT ENTER WORK AREA UNLESS AUTHORIZED." but may be modified for project-specific conditions.



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___ If residents are present, place warning signs at the entry to the work-area or containment area and at each main and secondary entryway to the building.

___ For exterior work, sign must be easily read 20 feet from the edge of the hazard reduction activity worksite.

PROHIBITED PAINT REMOVAL METHODS

Confirm that the following practices were NOT used:

___ Open flame gas fired torch NOT utilized in work area.

___ Paint removal with heat gun NOT utilized in work area.

___ Chemical paint strippers containing polyethylene chloride or any other substances which are known, or suspected human carcinogens NOT utilized in work area.

___ Grinding or sanding without HEPA-filtered vacuum NOT utilized in work area.

___ Uncontained hydro-blasting NOT utilized in work area.

DAILY CLEANING

___ All debris will be wrapped or bagged and stored in a sealed container at a central location until final disposal.

___ All plastic sheeting will be HEPA-vacuumed.

___ All plastic sheeting used as walkways to/from the work area will be HEPA-vacuumed and wet cleaned. Plastic sheeting will be patched and repaired, as needed, throughout the work day.

FINAL CLEANING AND CLEARANCE

___ Final cleaning begins after work is completed.

___ All plastic sheeting will be cleaned with a HEPA vacuum and/or wet cleaned, folded, and bagged or taped closed for disposal.

___ All interior floors and horizontal surfaces, including window troughs, within 6 feet of the surfaces disturbed by work will be HEPA-vacuumed and wet cleaned, working from ceiling to floor towards the exit.

___ All exterior horizontal surfaces and the ground within 10 feet of surfaces disturbed by the work will be HEPA-vacuumed.

___ For High-Dust Jobs, cleaning of horizontal surfaces should extend through the entire containment area.

___ Final clearance will be conducted by a certified inspector or risk assessor in accordance with 40 CFR 745.227(e)(8). Occupants will be informed when it is safe to re-occupy.

Add any measures used to address unique conditions in the residential unit or building to ensure occupant protection during abatement activities:



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The following hazard reduction measures were undertaken:

Abatement Method (check one)	Location:	Component(s):
<input type="checkbox"/> Replacement <input type="checkbox"/> Paint Removal		
<input type="checkbox"/> Replacement <input type="checkbox"/> Paint Removal		
<input type="checkbox"/> Replacement <input type="checkbox"/> Paint Removal		
<input type="checkbox"/> Replacement <input type="checkbox"/> Paint Removal		
<input type="checkbox"/> Replacement <input type="checkbox"/> Paint Removal		
<input type="checkbox"/> Replacement <input type="checkbox"/> Paint Removal		
<input type="checkbox"/> Replacement <input type="checkbox"/> Paint Removal		

Attachments(if applicable):

- New York City Housing Authority Lead Abatement Work Order
- Lab results and lab information for any additional sampling
- XRF results

Log of Each Lead Abatement Worker:

Name	License Number	Organization

CERTIFIED SUPERVISOR

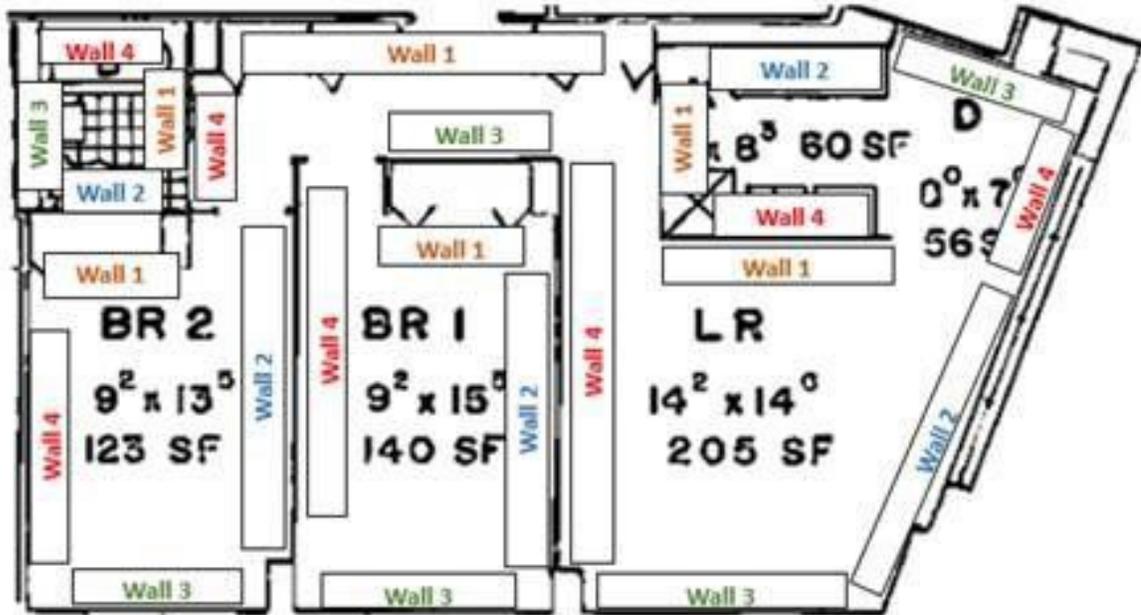
I certify that a copy of the Occupant Protection Plan was provided to the property owner and all affected occupant(s) of the property address listed on this form on _____(date) by means of mail personal delivery.

Signature of Abatement Supervisor	Date
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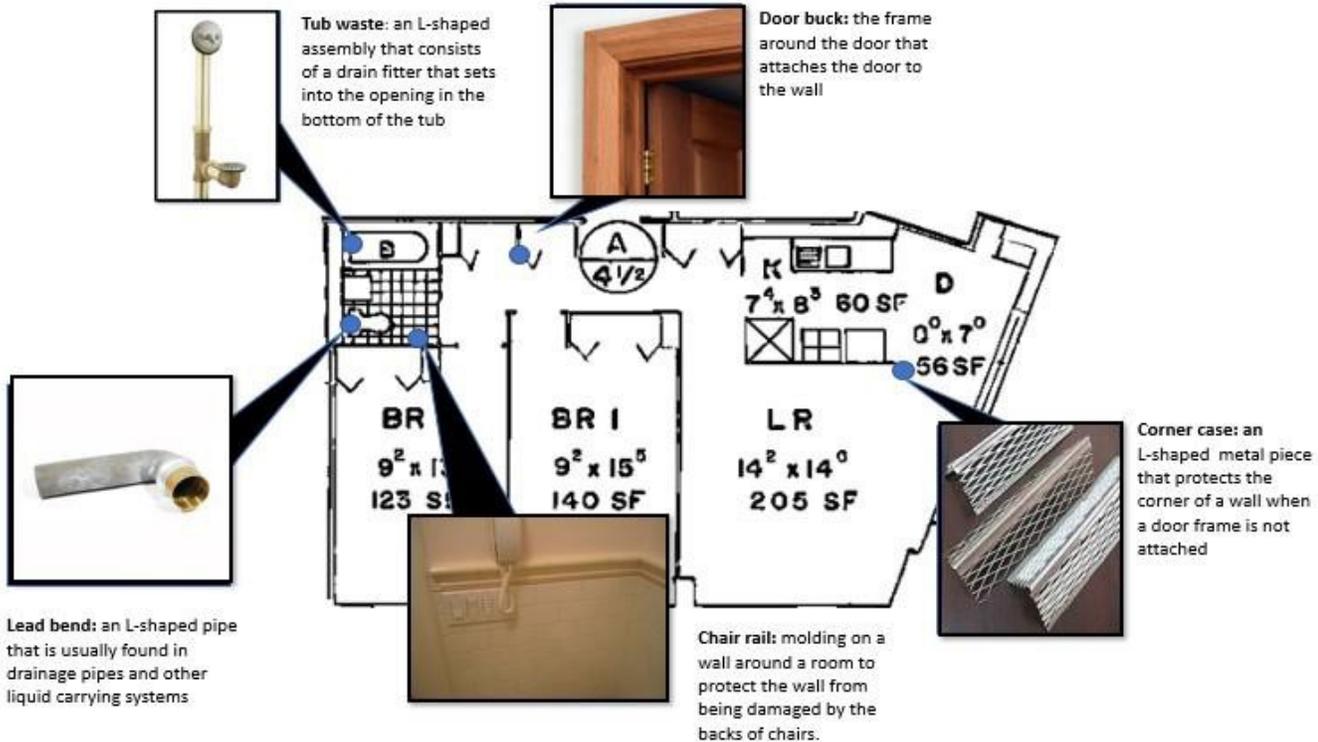
NYCHA STANDARD PROCEDURE MANUAL

G. Lead Components

1. Identifying Walls



2. Identifying Components



NYCHA STANDARD PROCEDURE MANUAL

H. NYCHA EPA Certification

Appendix begins on following page.