

NYCHA Compliance Department:
9th Assessment of Compliance with Requirements Of
Paragraphs 14 and 15 of Exhibit A to the January 31, 2019 Agreement
Between NYCHA, HUD, SDNY and the City of New York

I. Introduction and Methodology

On January 31, 2019, the New York City Housing Authority (“NYCHA”), the United States Department of Housing and Urban Development (“HUD”), the Southern District of New York (“SDNY”), and the City of New York (“City”) entered into a settlement agreement (“HUD Agreement”) which sets forth specific requirements for NYCHA to remedy physical conditions in its developments, including lead-based paint. Exhibit A of the HUD Agreement sets forth the requirements pertaining to lead-based paint.

Paragraph 30(b) of Exhibit A requires NYCHA to provide, every 6 months, “the United States and the Monitor a certification describing its compliance with paragraph 8 through 15” of Exhibit A. Paragraphs 8 through 13 of Exhibit A set forth future obligations that NYCHA must comply with concerning long-term lead abatement projects. Paragraphs 14 and 15 represent ongoing compliance obligations for NYCHA under the EPA Abatement Rule (40 CFR § 745.227) (“Abatement Rule”), and the lead safe work practice requirements set forth in the Lead Safe Housing Rule (24 CFR Part 35, subparts B – R) (“Lead Safe Housing Rule”) and the Renovation, Repair, and Painting Rule (40 CFR Part 745, subpart E) (“RRP Rule”). This is NYCHA’s 9th report assessing compliance with Paragraphs 14 and 15. This report also includes an assessment of NYCHA’s progress with respect to Paragraph 8, which requires that NYCHA abate all lead-based paint at Harlem River and Williamsburg within 5 years of the agreement (2024).

To evaluate NYCHA’s ability to certify to the requirements of Paragraphs 8, 14 and 15 on July 31, 2023, the Compliance Department conducted a review of NYCHA records and activities for the period between December 16, 2022 through July 15, 2023 (“Covered Period”). Additionally, the NYCHA Environmental Health and Safety Department (“EHS”) issued a report (annexed as Attachment A) documenting field oversight activities that should be read in tandem with this Report.

The Compliance Department uses the following methodology to evaluate NYCHA’s compliance with Paragraphs 8, 14 and 15:

- **Existence of Written Policies, Procedures or Contract Specifications:** This criterion evaluates whether NYCHA has established specific written policies, procedures, contract specifications, trainings or instructional materials that required staff and/or vendors to perform the requirements set forth in the regulations during the Covered Period.
- **Existence of IT Controls:** This criterion evaluates whether NYCHA’s Maximo Work Order system (or other system) has established IT controls that strengthen compliance with the applicable regulatory requirement during the Covered Period.
- **Quality Assurance or Field Monitoring Protocols:** This criterion evaluates whether NYCHA has performed any quality assurance or any field monitoring during the Covered Period of abatement, interim control, or RRP projects to assess compliance with each specific regulatory requirement and the results of the quality assurance or field monitoring activities.

- **Recordkeeping/File Review:** This criterion evaluates whether project files for work orders closed during the Covered Period contain documentation required by and/or evidencing compliance with each specific regulatory requirement.
- **Overall Assessment of Compliance:** This overall assessment of NYCHA’s compliance during the Covered Period with each specific requirement is based upon the above-described criteria and any additional information provided by NYCHA staff. This shall also disclose any significant identified deficiencies with each specific regulatory requirement and, where available, provide action items that NYCHA must conduct in the next 6 months to address compliance shortfalls.

II. Update on Compliance-Related Activities Since Last Paragraph 30(b) Certification (January 31, 2023)

On January 31, 2023, NYCHA was unable to certify to compliance with Paragraphs 14 and 15 for the following main reasons.

- NYCHA needs to ensure that documentation of dust wipe methodologies for collection and lab analysis of dust wipes by certified personnel are consistently contained in each file in Maximo as set forth in 40 CFR § 745.227(f) (paragraph 14(d)).
- NYCHA’s Lead Hazard Control Department (“LHCD”) needs to upload vendor and risk assessor certifications for abatements before the abatement work order is closed and immediately upon receipt of the report as set forth in 24 CFR § 745.227(e) (8)-(9) (paragraph 14(e)).
- NYCHA needs to improve compliance with the Notice of Hazard Reduction (“NOHR”) requirement set forth in 40 CFR § 745.227(i) and 24 CFR § 35.125 (paragraph 14(g)).
- NYCHA did not have enough controls on collecting and reviewing vendor firm and worker certification requirements under the RRP rule (paragraph 15(b)).
- NYCHA did not have adequate controls to collect RRP checklist and pre-work notice documentation from vendors (paragraphs 15(e), (f), (h), and (i)).
- NYCHA did not have adequate processes for issuing the NOHR (paragraph 15(g)).
- NYCHA was generally not in compliance with the clearance examination requirements due to inadequate worksite controls while waiting for dust wipe results and missed or late clearance examinations (paragraph 15(j)).

On January 31, 2023, NYCHA Compliance did determine that NYCHA had exhibited adequate controls or documentation to demonstrate compliance with the following sub-paragraphs:

- Paragraphs 14(a), (b), (c), and (f): Completion of lead abatement activities pursuant to 40 C.F.R. § 745.227(e)- 2, 4, 5, 10.
- Paragraph 15(a): Establishing sufficient information in NYCHA’s renovation and maintenance computer systems to readily identify renovation and maintenance projects involving work to which lead-safe work practice regulations apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR § 745.85, 745.90.
- Paragraph 15(c): Maintaining status as a certified RRP firm.
- Paragraph 15(d): Confirming that its storerooms have sufficient supplies that can be used by NYCHA staff daily to fulfill the lead safe work practice requirements pursuant to 24 CFR § 35.1350 and 40 CFR § 785.85.

1. General Updates on Compliance

General Update on Compliance with Paragraph 8: NYCHA's PACT partners continued abatement activities at Harlem River and Williamsburg. For the purpose of reporting progress in this report, NYCHA is using the "clearance end date" as provided by the PACT partner to identify units where abatement and clearance are completed. In addition, the report currently provides detail only on units abated and not common areas. The denominator used for the purpose of reporting on progress is currently the total of all the units at the property, as testing at the 0.5 mg/cm² standard is ongoing so the number of positive, planned units is not yet known. During the Covered Period, STV, with the assistance of the Compliance Department, began field monitoring of clearance vendors work at the sites, in addition to the previously conducted inspections of the physical abatement work.

As of June 30, 2023, 308 units (approximately 44.4% of the 693 total units at Harlem River I and Harlem River II) have been abated at Harlem River Houses. At Harlem River, during STV's field inspections, compliance with lead abatement requirements was observed for virtually all compliance tasks, as laid out in detail in this report, and most non-compliant items have either been resolved or improved upon over time. STV did identify a deficiency related to clearance vendors' use of improper containers for dust wipes based on the HUD guidelines, but this has been communicated to the PACT partner and was subsequently observed as corrected by STV. Overall, the PACT Partner, the abatement subcontractor and the clearance vendor have been receptive to STV's recommendations and have taken steps to address all deficiencies. In addition, the documents reviewed demonstrate a high degree of compliance with the requirements of Paragraph 14 except that certain certifications and other documents had not been uploaded initially but could be produced immediately upon request.

As of June 30, 2023, 709 units (approximately 43.7% of the total 1,621 units) have been abated and cleared at Williamsburg. At Williamsburg, during STV's field inspections, compliance during the Covered Period was observed for virtually all compliance tasks. A pending item from the last certification, which was the Williamsburg team not being able to provide the equipment manufacturer's specification for the HEPA attachments being utilized, was resolved during the Covered Period. Like at Harlem River, STV did also identify certain deficiencies related to clearance vendors' use of improper containers and templates but many of these issues were resolved during the Covered Period. Documents reviewed by NYCHA Compliance demonstrated a lack of compliance with abatement documentation requirements for some units with respect to EPA notifications, and some issues with clearance reports, but overall, the PACT Partner showed progress meeting the abatement documentation requirements of Paragraph 14.

General Update on Compliance with Paragraph 14: NYCHA has made significant strides in building a compliant abatement program. Both documentary and field monitoring from the Covered Period show a high rate of compliance for abatement projects. EHS observed 294 jobs and observed 95.58% compliance rate with various requirements. Compliance's documentary monitoring exhibited a high rate of compliance in some areas. Based on results from field monitoring and file review, Compliance recommends that NYCHA can continue to certify compliance with the following parts of Paragraph 14: a, b, c, d, e and f. NYCHA also showed substantial improvement in the production of Notices of Hazard Reduction and Lead Disclosure Summaries, however the failure to adequately maintain Lead Disclosure Rule documents and an 88% compliance rate with respect to the provision of Notices of Hazard Reduction in occupied CU6, non-EBLL cases impacted NYCHA's ability to certify compliance within Paragraph 14(g).

Improving performance in these areas is very important and will continue to require focus as NYCHA continues its efforts to complete abatement work in units with children under 6 (“CU6”) as part of the TEMPO program.

General Update on Compliance with Paragraph 15: NYCHA continues to make strides to improve compliance with the RRP Rule and the Lead Safe Housing Rule requirements set forth in Paragraph 15. Field monitoring performed by EHS continues to show that NYCHA renovators are adhering to their training in the field. The major issues preventing certification with Paragraph 15 are issues with the way the Maximo system is currently flagging units requiring RRP and staff adherence to the RRP protocols in the work order, the failure to establish better controls for vendor RRP documentation, and the need to improve performance with respect to clearance examinations. During the Covered Period, EHS did begin to review vendor work more systematically, NYCHA significantly improved its performance with respect to Paragraph 15 g and the provision of Notices of Hazard Reduction on a timely basis, and NYCHA improved its metrics with respect to clearance examinations.

On clearance examinations, NYCHA is using dashboards and systems that improve the management of clearance examinations. While clearance examinations remain a compliance challenge, NYCHA mostly improved its performance over the course of the six-month reporting period. There are still some compliance shortfalls that NYCHA needs to address.

Based on results from field monitoring and file review, Compliance recommends that NYCHA can continue to certify substantial compliance in the following parts of Paragraph 15: c and d. In order to certify to Paragraph 15 a, b, e, f, g, h, i, and j, NYCHA must complete an IT enhancement related to the flagging of units for RRP, strengthen its oversight of vendors performing RRP work, and further improve its clearance protocols.

2. Updated on Previously Identified Risks

In addition, there are three separate areas of Compliance risk that have been reported in prior Certifications.

First, as of June 29, 2023, NYCHA has received results for a total of 60,920 apartments across 163 developments for buildings that were previously thought to be exempt based on the random sampling method based on the federal standard of 1.0 mg/cm². As of June 29, 2023, of the 60,920 apartments, 54,039 are negative under the federal standard and 6,881 are positive in buildings that were identified as being exempt. Additionally, 18,528 apartments in these developments remain untested, or have been tested but have results that are pending. As of June 29, 2023, LHCD has identified 4,439 positive apartments at the city standard of 0.5 mg/cm² in buildings previously considered exempt. These units will now require annual visual assessments and will require twice per year visual assessments if there is a child under six (“CU6”), as per the TEMPO program.

Second, Compliance has identified that, for 91% (60,016 out of 65,660) of work orders flagged as potentially subject to RRP requirements, NYCHA renovators are indicating on the work order that they are not performing work that requires RRP protocols. This represents a 5% decrease relative to the last reporting period, when NYCHA renovators had indicated they were not performing work that requires RRP protocols in 96% of flagged units. This does not necessarily mean these work orders are non-compliant. Indeed, renovators determine whether RRP work is actually required in a flagged unit based

on a number of factors, including XRF component-level testing results, where applicable, and the square footage of presumed or known lead-based paint that the work will disturb. RRP work may have not been required in these units if the renovator was not performing work that disturbs more than two square feet or more than 10 percent of a single component of presumed or known lead-based paint in a room. To the extent testing results are available for that unit, renovators can know whether the work being performed is disturbing a known positive component in non CU6 units based on the component level testing at 1.0 mg/cm² and in CU6 units at component level testing at 0.5 mg/cm².

As reported in the January 2023 HUD Certification, the Compliance Department completed work on a data analytics tool that helps identify a subset of higher risk work orders and employees based on a number of fields in the RRP work order, including by filtering out whether work was completed, and by focusing on work orders where work took place in a room with a positive component and the renovator still answered the question “no”. Renovators with several high-risk work orders who answered “no” in all instances were then reviewed in greater depth by EH&S’ Lead Oversight Team and the federal Monitor’s field investigators to determine whether this subset of renovators is not following RRP protocols. The Compliance Department meets with the federal Monitor team to evaluate individual work orders and renovators based on the findings associated with these field investigations and the analytics tool and together have not found clear, widespread lack of compliance with RRP protocols. Structured data on this issue will continue to be collected by EH&S’ Lead Oversight Team during their field investigations as well.

Material on how to make a proper determination was also included in the RRP Refresher Training, which launched in July 2022 and in the Quick Reference Guide entitled “Lead-Safe Work Practices: Renovation, Repair, and Painting (RRP) Work” that was re-issued during the Covered Period. The Compliance Department continues to use its data analytics tool and field monitoring process to conduct ongoing review of this issue.

3. Update on EH&S Escalations

EHS Escalations: While EHS observed high rates of compliance with RRP procedures and other lead requirements during the Covered Period, they escalated 15 observations to Compliance. 12 of these escalations were related to missing lead-disclosure documents. Two of the escalations concerned missing certifications and one escalation was related to an observation of clean up occurring without a certified abatement supervisor on site. Compliance took the following actions in response to the EHS escalations.

EHS Inspection #	EHS Escalation Report Description	Description	Action Taken
N/A	Lead Disclosure Document Re-Inspection Failures (3 Sites, Dated January 3, 2023)	EHS identified 3 sites that failed an inspection and a re-inspection for lead disclosure documents in violation of Compliance’s “Guidance for Lead Disclosure Rule Documentation” issued in January 2022.	Compliance and EHS executive leadership hosted a joint briefing with property staff and Neighborhood Administrators on January 24, 2023 for the sites that had not passed a re-inspection. The briefing covered the instructions provided to development staff for compiling Lead Disclosure Rule binders.

EHS Inspection #	EHS Escalation Report Description	Description	Action Taken
N/A	Lead Disclosure Document Re-Inspection Failures (10 Sites, Dated April 19, 2023)	EHS identified 10 sites that failed an inspection and a re-inspection for lead disclosure documents in violation of Compliance’s “Guidance for Lead Disclosure Rule Documentation” issued in January 2022.	Compliance and EH&S executive leadership hosted a joint briefing with property staff and Neighborhood Administrators on May 4, 2023 for the sites that had not passed re-inspection. The briefing covered the instructions provided to development staff for compiling Lead Disclosure Rule binders.
101652489	Abatement Certification at Taft Houses	EHS identified that the vendor’s abatement employee did not have a NY State abatement certification and only have a certificate valid to perform work in commercial buildings and superstructures.	Based on the report, the employees and supervisor complied with the directive for the individual to stop work and subsequent dust wipes passed. No further action was taken.
100424488/100414518	RRP Certifications at Van Dyke I	EHS observed two common area painting jobs by vendor RAZ Interiors Ltd. During one, two of the three individuals were not RRP certified while the third individual was RRP certified. During the other job, all three works were not RRP certified.	The Chief Compliance Officer requested that the administering department issue a letter of non-compliance with the terms of their contract to RAZ Interiors Ltd. and that they ensure they have current scanned copies of all workers’ certifications. Compliance reviewed a subsequent packet of certifications provided but found additional deficiencies, which were communicated to the administering department. Follow-up was requested and this will be an ongoing item.
104526617	Abatement clean up at Ravenswood	Originally, EHS alleged that they had observed two lead abatement workers employed by Joseph Environmental performing clean up without an Abatement Supervisor on site. Lead Hazard Control found that the date of the finding was not the date of clean-up but rather two days prior to the date the dust wipe was taken in the vacant unit. The escalation was changed to reflect that EH&S had called the posted abatement supervisor and they said they were not working on the day in question, which would be a violation of federal law as the	The Chief Compliance Officer requested that the administering department issue a letter of non-compliance reminding the vendor that pursuant to NYCHA policy a certified abatement supervisor must be on-site during clean-up and set-up and the Chief Compliance Officer inquired regarding whether the abatement supervisor was within 2 hours of the worksite. After review it was determined that the clean-up in question occurred two days prior to the final clean-up prior to dust wipe sampling and so the supervisor was not required to be on site directly. The vendor disputes the finding that a certified abatement supervisor was not on site.

EHS Inspection #	EHS Escalation Report Description	Description	Action Taken
		certified abatement supervisor is required to be within two hours of the work.	

III. Updates on Other Significant Lead Matters

1. Abatement Progress

NYCHA made significant progress during the Covered Period with respect to its obligation to abate the portfolio along timelines defined by Paragraphs 9 through 12 of Exhibit A of the HUD Agreement. NYCHA is utilizing several sources of funds to abate the portfolio by January 2039 including (1) the PACT program, (2) a \$771.8 million program now managed by the Lead Hazard Control Department which is funded via the City Capital Action Plan, (3) utilization of recent HUD grants awarded to abate CU6 units and units at Red Hook Houses, (4) as part of the scope of its Comprehensive Modernization program and other capital projects, and (5) all vacant units are tested and abated if found to be positive, which is funded with Community Development Block Grant and other funds.

PACT Program: During the Covered Period, testing and abatement at 0.5 mg/cm² continued at Round 8 sites, including Harlem River Houses, Williamsburg Houses, Boulevard Houses, Fiorentino Plaza, Linden Houses and Penn Wortman. NYCHA has also been working with the Manhattan Bundle and the Brooklyn Bundle¹ to determine how many units have been and will still need to be abated at the prior 1.0 mg/cm² standard, since those transactions closed before the standard changed on December 1, 2021.

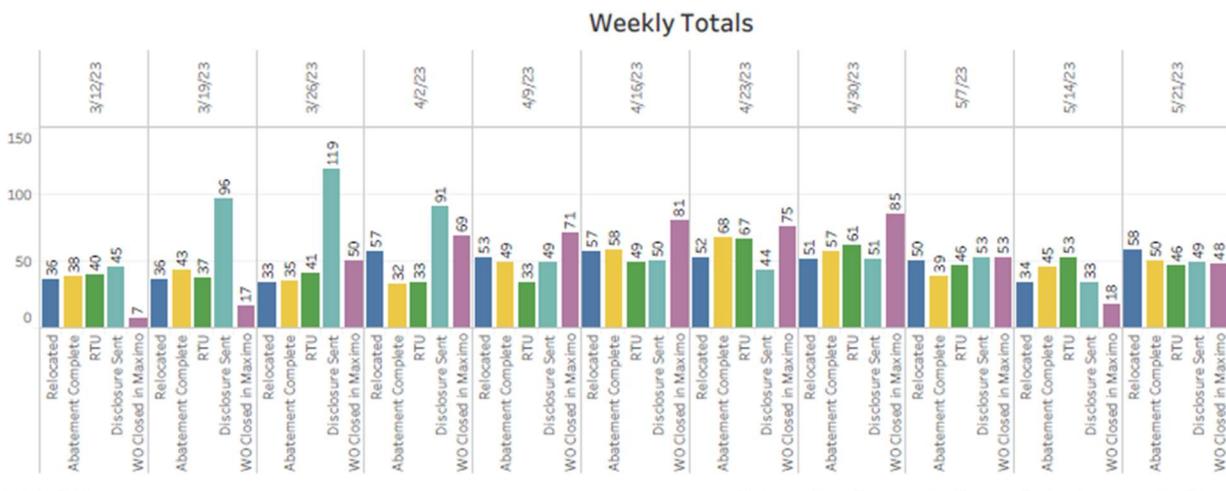
As of June 30, 2023, more than 1,280 units had been reported as abated and cleared among the Round 8 sites and the Brooklyn bundle.

City Capital Action Plan, Move-Outs TEMPO Abatement: During the Covered Period, NYCHA’s Lead Hazard Control Department made significant progress scaling up its abatement program. As part of the first phase of the program, NYCHA will abate occupied CU6 apartments that test positive at 0.5 mg/cm² where children live or visit for more than 10 hours a week and where the family voluntarily agrees to relocate.

According to Lead Hazard Control, since the standard changed on December 1, 2021, from January 1, 2022 to June 30, 2023, NYCHA abated and cleared more than 3,850 units at 0.5 mg/cm² across the portfolio via a range of programs including its move-out program, TEMPO abatement program and other special projects. Importantly, the TEMPO abatement and moveout program picked up its pace of abatement substantially during the Covered Period. In 2022, Lead Hazard Control averaged approximately 139.23 abatements each month. During the Covered Period, Lead Hazard Control increased its monthly output from a total of 240 total units abated in January to a total of 441 units abated in May and 442 units abated in June.

¹ Pre-1978 buildings for the Brooklyn bundle include 572 Warren Street, Armstrong I, Armstrong II, Independence, Weeksville Gardens, and Williams Plaza. Pre-1978 buildings for the Manhattan Bundle include 335 East 111th Street, 344 East 28th Street, Park Avenue-East 112th (123rd Street), Wise Towers, Fort Washington Avenue Rehab, Grampion, Manhattanville Rehab (Groups 2 and 3), Public School 139, Samuel (MHOP) I, II and III, and Washington Heights Rehab (Groups 1 and 2, Phase III, Phase IV(C) and Phase IV(D)).

Abating occupied units is a multi-step process and Lead Hazard Control should be commended for its ability to scale up the effort, including its work in the Covered Period to address issues with the pace of securing documentation from vendors so that work orders can be closed upon completion of the work. The graphics below show the extent to which the TEMPO Abatement Program scaled up during the Covered Period to a pace of more than 50 TEMPO Abatement units a week while also addressing the backlog related to documentation and other abatement work in vacant apartments, which are not covered in the graphic:



General Abatement Reporting: NYCHA plans to create a single dashboard to track abatement across the portfolio so it can begin reporting on the metrics outlined in Paragraphs 9 through 12 of Exhibit A of the HUD Agreement with more precision. Note that during NYCHA’s XRF initiative, NYCHA identified approximately 25,874 units that were positive at the federal standard of 1.0 mg/cm² out of 103,885 units tested, which is a positivity rate of approximately 24.9% (more than 4,350 units are pending results). Thus, NYCHA expects that the denominator for the purposes of Paragraphs 9 through 12 of Exhibit A of the HUD Agreement will include approximately 27,000 units that will need to be abated at the 1.0 mg/cm² standard. At 0.5 mg/cm², NYCHA’s positivity rate is approximately 39.4%, and so NYCHA expects a significant number of additional units will need to be abated at the new standard, even if they did not need to be abated at the 1.0 mg/cm² standard.

When you combine the 1,280 units abated since December 1, 2021 as part of the PACT program with the 3,850 units abated by Lead Hazard Control since December 1, 2021, NYCHA has abated more than 5,130 units as of June 30, 2023. This represents approximately 19% of estimated 27,000 units target. Note that the percentage is not a one-for-one calculation of progress against the Agreement's target as some of the units that have been abated at 0.5 mg/cm² since December 1, 2021 may not have required abatement at the 1.0 mg/cm² standard and the estimated 27,000 unit denominator uses the 1.0 mg/cm² standard that is included in the HUD Agreement. The HUD Agreement also requires that NYCHA abate interior common areas by the deadline in Paragraphs 9 through 12, and this calculation does not take common areas into account.

Still, if NYCHA can sustain its increased pace of approximately 400 units abated per month at 0.5 mg/cm², it should be able to meet the 50% of units target with the caveat that the data would have to be validated based on the standard applicable and that common areas were also accounted for in the denominator to be abated. To reach the threshold that approximately 13,500 units (which would be 50% of the approximately 27,000 units positive at 1.0 mg/cm² required to be abated pursuant the Agreement) be abated by January 2029, NYCHA would need to abate another 8,440 units. NYCHA would be able to reach that milestone within approximately 22 months, or by the July 31, 2025 certification, based only on production by its public housing Operations team. Again, reaching this target would not necessarily be a one-for-one calculation that shows progress against the Agreement metric.

Abatement During Capital Projects: During the Covered Period, NYCHA's Asset and Capital Management Department (A&CM) finalized a "Lead White Paper" and began reporting each quarter to NYCHA Compliance on projects that disturbed lead-based paint or required abatement, pursuant to the A&CM white paper. According to A&CM, from January 1, 2023 through June 30, 2023 there were six capital projects that impacted positive or presumed positive components.

One of the projects, at Woodside Houses, had a significant breach of federal and local rules around the abatement of lead-based paint. Accessible components were abated in community center bathrooms but A&CM project staff did not coordinate clearance by a vendor before the community center was re-opened to the public. The work area was accessible to the public without having been cleared for approximately one week. Upon notification, NYCHA's Compliance Department advised that the location should be re-cleaned and cleared, which took place more than five weeks after the initial work and one month after the community center had been closed again to the public. The dust wipes subsequently passed clearance. NYCHA Compliance also advised that community center staff and individuals who had used the facility should be notified of the breach in protocol. A notice was subsequently drafted and translated and then distributed to the community center operator so it could be distributed widely.

NYCHA Compliance also identified other concerns with three projects submitted by A&CM for review, namely that the scope of work may not comply with the requirements of the A&CM white paper. In each project, certain positive components in public spaces (including a playground and a community center common area) and impacted by the construction work were abated, while other components impacted or in the area of the work were wet-scraped using RRP protocols and stabilized by repainting. NYCHA Compliance is working with A&CM to clarify any misalignment on the interpretation of the white paper requirements, as well as changes required to any existing scopes of work or contracts, to ensure robust decision-making around capital projects.

2. Trainings and Lead Safe Housing Procedure

Pursuant to the interim Lead Action Plan approved by the federal Monitor in January 2021, the Compliance Department worked with other NYCHA business units to launch an “RRP Refresher Course” that can be viewed in a series of online modules that lasts three hours. This course is not a method to renew an RRP certification, but it provides a set of lessons on adhering to RRP protocols and provides guidance based on NYCHA’s IT systems. As of June 30, 2023, 927 of the 2,088 (44.4%) staff assigned the training had completed the coursework. NYCHA Compliance also launched a brief twenty-minute online course on the Lead Disclosure Rule for property management and other staff. This course provides a walk-through of the Rule, and then describes each NYCHA form, with numbers, links and a detailed description of which entity is responsible for providing documents when. As of June 30, 2023, 1,065 of the 1,165 (91%) of the staff assigned the training had completed the coursework.

NYCHA Compliance also established a dashboard tool for tracking completion of the RRP: Renovation, Repair and Painting coursework. As of June 30, 2023, 3,668 assigned staff members had completed the required coursework. Compliance can now track, by title and location, which staff must take the course. During the Covered Period, NYCHA also completed and distributed Compliance Advisory Alert #41 titled “Renovation, Repair and Painting (RRP) Clean Up Protocol”. This Advisory Alert provided Operations staff with updated HA numbers for equipment and supplies, a step-by-step guide to cleaning techniques, a guide to the use of the EPA cleaning verification card and a step-by-step guide for calling for a dust wipe technician to be dispatched, with contact information provided.

3. Visual Assessments and Remediations

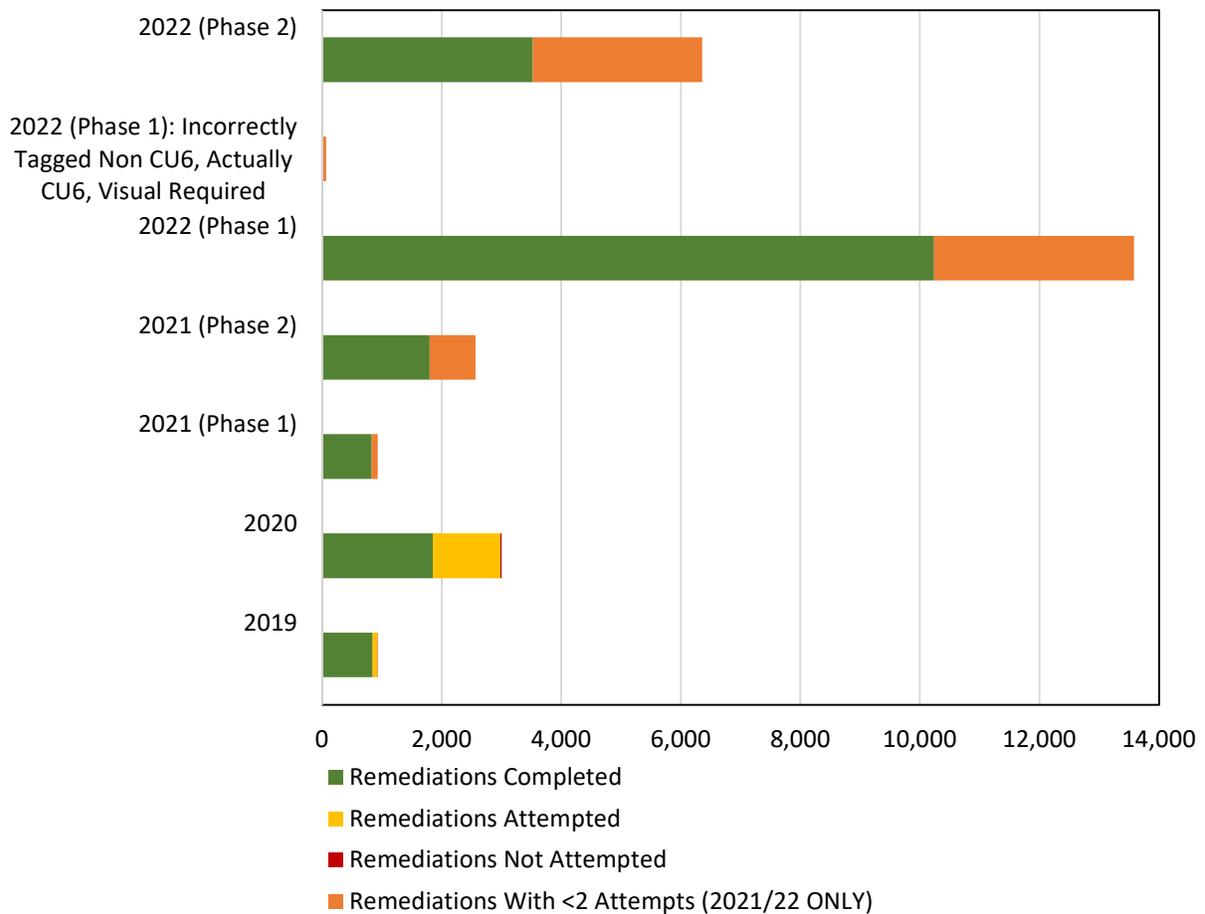
NYCHA continues to perform visual assessments on an annual basis and now performs two visual assessments per year for child under 6 apartments with known or presumed lead-based paint pursuant to the TEMPO program. While NYCHA has performed over 22,000 remediations over the past approximately four years (and attempted to perform remediation for thousands of other work orders) based on these visual assessments, NYCHA continues to have an ongoing backlog of open work orders for remediation arising from the 2019, 2020, 2021, and 2022 visual assessments.

The total number of completed remediation work orders, open remediation work orders, remediations attempted², remediations not attempted, and remediations pending³ as of June 27, 2023 are below for 2019, 2020, 2021, and 2022.

² For 2019 and 2020, Remediations Attempted refers to units with at least 1 attempt. Beginning in 2021, Remediations Attempted refers to units with 2 or more attempts.

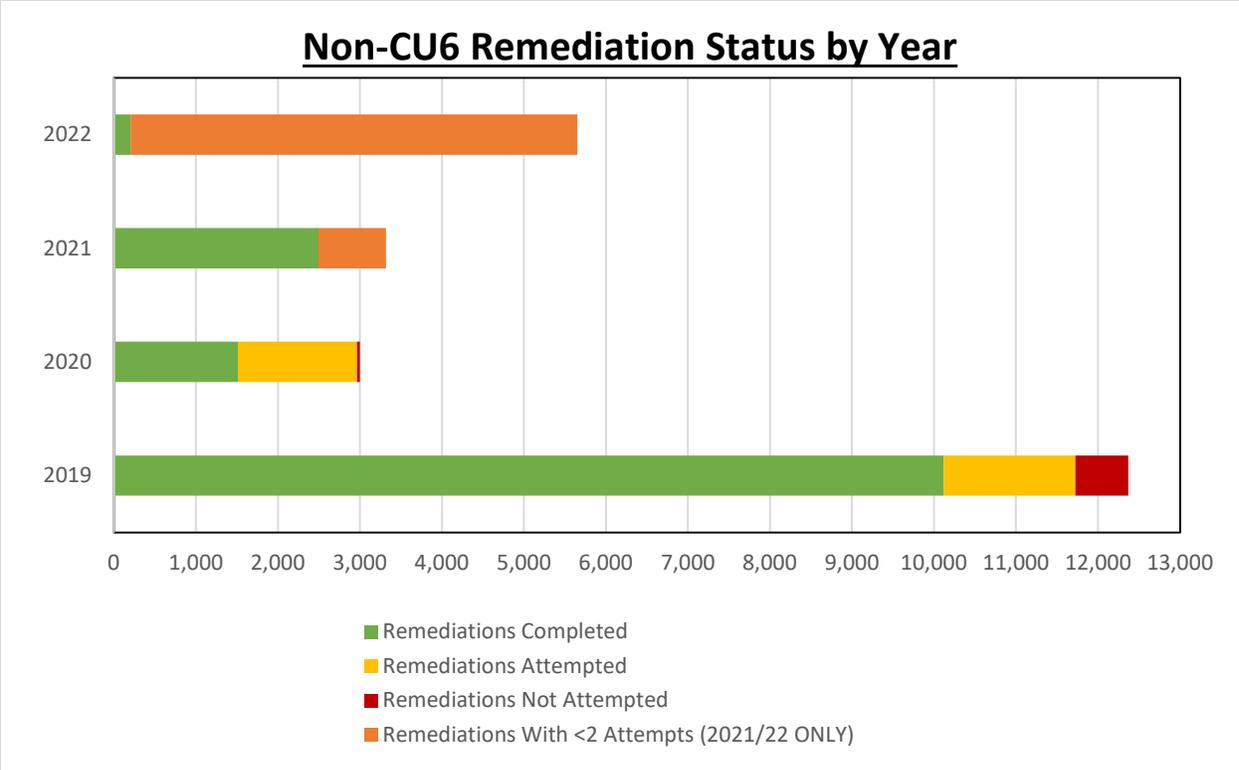
³ The data for 2021 and 2022 does not have information regarding a breakdown showing which units had no attempts versus 1 attempt. It is all categorized as “<2 Attempts”.

CU6 Remediation Status by Year



In CU6 units, NYCHA completed or made attempts in 925 of 927 units in 2019 and 2,983 of 2,987 units in 2020. From the Phase 1 2021 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 1,220 of 1,322 units. From the Phase 2 2021 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 2,503 of 3,266 units. From the Phase 1 2022 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 14,216 of 17,558 units. Additionally, LHCD identified units within Phase 1 2022 that were incorrectly tagged as non-CU6, which are CU6 and required visual assessment. NYCHA completed or made at least two attempts in 18 of 70 units. From the Phase 2 2022 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 6,334 of 9,173 units.

It is important to note that NYCHA expected this large increase in the number of deficiencies identified during the 2022 visual inspections. NYCHA increased the number of visual assessments that must be conducted because apartments that were exempt or tested negative using the 1.0 mg/cm² standard are now being presumed positive and assessed due to the change in standard to 0.5 mg/cm². Because many of these units have never been inspected and because all components in the units are being presumed positive, there has been an increase in the number of deficiencies identified.



As for non-CU6 units, NYCHA completed or made attempts in 11,725 of 12,372 units from the 2019 visual assessment round and 2,963 of 3,028 units from the 2020 visual assessment round.⁴ For non-CU6 units in 2021, NYCHA completed or made two attempts in 5,139 out of 5,963 units. For non-CU6 units in 2022, NYCHA completed or made two attempts in 347 out of 5,795 units.

During the Covered Period, NYCHA Compliance and Lead Hazard Control worked with the federal Monitor, the U.S. Attorney’s Office for the Southern District of New York and HUD on a plan to administratively close certain remediation work orders that were no longer required to be completed based on federal and local law requirements. In the end, NYCHA identified 61,435 interim control work orders among 44,661 unique apartments, which were approved for closure by the federal stakeholders. The work orders were in apartments that either – (1) subsequently tested negative at the applicable standard based on the unit’s demographics, or (2) were abated via removal at 0.5 mg/cm². This action will help ensure operational units are focused on units with lead-based paint related risks still present in the unit when assessing the backlog of painting related work in the portfolio.

IV. Assessment of Compliance with Paragraph 8 for the Covered Period

The HUD agreement sets forth specific requirements for abating lead-based paint across the portfolio, including for Project Site(s) that have converted under the PACT program if such conversions have occurred more than six (6) months after January 31, 2019, the effective date of the HUD Agreement. These obligations are set forth in Exhibit A of the HUD Agreement.

⁴ The data for 2021 and 2022 does not have information have a breakdown showing which units had no attempts versus 1 attempt. It is all categorized as “<2 Attempts”.

1. Regulatory Requirements for Paragraph 8

Exhibit A Paragraph 8 requires that NYCHA abate all lead-based paint within 5 years of the execution of the HUD Agreement (January 31, 2024) at the Harlem River Houses and Williamsburg Houses in accordance with 40 C.F.R. Part 745 Subpart L. Abatement that takes place under Exhibit A Paragraph 8 must meet the standards established under Exhibit A Paragraph 14, and the biannual certifications required under Exhibit A Paragraph 30(b) must cover the work performed under Paragraphs 8 and 14 and must be submitted to the federal Monitor, SDNY, and HUD.

This section constitutes the third update pertaining to the abatement progress at Harlem River Houses and Williamsburg Houses and so general background on the projects and the methods NYCHA is using to monitor compliance using field monitoring and documentation review are no longer discussed in the report. The Harlem River Houses PACT transaction closed on February 17, 2022 and the Williamsburg Houses PACT transaction closed on December 28, 2021.

2. Harlem River Houses

Harlem River Houses (HRH) and Harlem River II (HRII) consists of 693 total units. Abatement activities began on March 7, 2022. As of June 30, 2023, 289 units (approximately 41.7% of the total units) have been abated and cleared at Harlem River Houses. The photographs below depict a sample of the abatement and clearance work completed at Building 2.



Abatement worker applying peel-away. Mechanical ventilation system in use. (Building 2 – 210K W 153rd St, Apt 3A)



Full PPE. (Building 2 – 210K W 153rd St, Apt 3A)



Applying peel-away. (Building 2 – 210K W 153rd St, Apt 3A)



Painters tape used a template to take dust wipe sample. Sample packaged in hard shell container. (Building 2 – 210M W 153rd St., Library)

3. Williamsburg Houses

Williamsburg Houses consists of approximately 1,621 apartment units. Abatement activities began on February 18, 2022. As of June 30, 2023, 709 units (approximately 43.7% of the total units) have been abated and cleared at Williamsburg. The photos below show a sample of the abatement and clearance work completed at Building 11.



Abated bathroom walls. (Building 11 – 181 Stagg Walk, Apt 1A)



Three flap door with signage. (Building 11 – 181 Stagg Walk, Apt 3A)



Abatement worker bagging waste. (Building 11 – 181 Stagg Walk, Apt 3B)



Technician using template to take dust wipe sample. Sample packaged in rigid centrifuge tube. (Building 7 – 131 Ten Evck Walk. Apt 2C)

4. IT Controls for Paragraph 8:

Because all the PACT Partners do not use one system to collect documentation and information on each abatement project, NYCHA Compliance, Real Estate Development and Sustainability established a uniform reporting system using Smartsheet. PACT Partners must upload information on a unit-by-unit basis into individual rows and attach documents to each row so that NYCHA can track the developers progress towards project completion by the deadline laid out in Paragraph 8. The Smartsheet also functions as a central repository to conduct file reviews and track compliance with the obligations under Paragraph 14. Review and assessment of these uploaded documents is covered in the following section.

5. File Review for Paragraph 8 and Paragraph 14:

The Compliance Department conducted a review of the abatement documents for a random sample of units that were marked as having been abated and cleared during the Covered Period. NYCHA reviewed the documentation for 20 abated and cleared units at each of Williamsburg and Harlem River. Each document was evaluated for compliance with regulatory requirements listed under Paragraph 14 including the presence of:

Indicator	Description	Regulations	Agreement Section Referenced
1. EPA Notification	EPA was notified of abatement, and original notification is uploaded to Maximo	40 C.F.R. § 745.227(e)(4)	14(b)
2. Meets 5-Day EPA Requirement	EPA must be notified 5 full business days prior to the start of abatement	40 C.F.R. § 745.227(e)(4)	14(b)
3. Occupant Protection Plan	Completion of the Occupant Protection Plan	40 C.F.R. § 745.227(e)(5)	14(c)
4. Certified Supervisor Assigned	Certified lead abatement supervisor assigned to abatement with current certification on file	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
5. Abatement Report	Completion of Abatement Report	40 C.F.R. § 745.227(e)(10)	14(f)
6. LAW Certificates	Certifications on file for each lead abatement worker assigned to abatement	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
7. Passing Dust Wipe Results	Final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
8. Chain of Custody	Chain of Custody completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8).	14(e)
9. Final Visual Clearance Form	Visual Clearance form completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8).	14(e)
10. DW Vendor Certifications	ELLAP and NLLAP Certifications	40 C.F.R. § 745.227(e)(8)	14(e)
11. DW Methodologies	Specified methods of collection and lab analysis of dust wipes	40 C.F.R. § 745.227(f)	14(d)
12. Notice of Hazard Reduction	LHC sends to development for future or present tenants detailing components abated in unit.	24 CFR § 35.125	14(g)

- **Harlem River Houses**

NYCHA reviewed the supporting documents for 20 units abated and cleared. Overall, the documents reviewed demonstrated compliance with the requirements of Paragraph 14. NYCHA Compliance noted the following items:

- **Paragraph 14(a):** For all 20 units, the certifications for the lead abatement supervisor and workers were missing when they were initially reviewed. This appeared to be an oversight on the part of the PACT Partner. The PACT Partner uploaded the documents shortly after they were notified and the documents were found to be compliant.
- **Paragraph 14(b):** The PACT Partner uploaded EPA notifications for all 20 units. However, the document was not a time stamped screenshot and so NYCHA Compliance could not confirm it was uploaded on the date claimed by the PACT Partner in the Smartsheet.

- **Paragraph 14(c):** Occupant Protection Plans were uploaded by the PACT Partner for 20 of the 20 units reviewed. All documents were found to be compliant.
- **Paragraph 14(d):** For all 20 units a dust wipe clearance report was uploaded, but 4 of 20 units were missing dust wipe methodologies. When the PACT Partner was made aware of the missing information, they promptly uploaded for NYCHA Compliance to review. All documents were found compliant.
- **Paragraph 14(e):** For 4 of 20 units dust wipe vendor certifications were missing. When the PACT Partner was notified of this issue, they promptly uploaded the missing information for NYCHA Compliance to review. All documents were compliant once uploaded.
- **Paragraph 14(f):** For 20 of 20 cases, an abatement report was properly uploaded to the Smartsheet.
- **Paragraph 14(g):** For 20 of 20 cases, a Notice of Hazard Reduction was uploaded to the Smartsheet. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review for the abatement work to take place during the construction period.

- **Williamsburg Houses**

NYCHA reviewed the supporting documents for 20 units abated and cleared. Overall, the documents reviewed demonstrated partial compliance with the requirements of Paragraph 14. NYCHA Compliance noted the following items:

- **Paragraph 14(a):** For 20 of 20 units, current certifications for the abatement supervisor and workers were properly uploaded to the Smartsheet.
- **Paragraph 14(b):** With respect to Paragraph 14(b), the PACT Partner uploaded EPA notifications for 16 of the 20 units. 4 units were missing the notification upon initial review, but it appears these documents were inadvertently omitted by the PACT Partner from the tracking sheet. The PACT Partner presented those documents shortly after they were made aware of the issue. However, the document was not a time stamped screenshot and so NYCHA Compliance could not confirm it was uploaded on the date claimed by the PACT Partner in the Smartsheet.
- **Paragraph 14(c):** The PACT Partner uploaded Occupant Protection Plans for 16 out of 20 units reviewed. However, 4 OPPs were omitted from the tracking sheet by the PACT Partner. Once they were informed about the oversight, they quickly presented the missing OPPs. Subsequently, all 20 OPPs, including the 4 originally missing, were found to be compliant.
- **Paragraph 14(d):** For 20 of 20 units reviewed, a dust wipe clearance report was uploaded by ALC, and it included dust wipe methodologies.
- **Paragraph 14(e):** For 20 of 20 units reviewed, a dust wipe vendor with proper certification was retained and a current certification was found in the attachment for the row for that unit.
- **Paragraph 14(f):** For 20 of 20 units reviewed, an abatement report was properly uploaded to the Smartsheet.
- **Paragraph 14(g):** For 20 of 20 units, a Notice of Hazard Reduction was uploaded to the Smartsheet. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review for the abatement work to take place during the construction period.

6. Field Monitoring for Paragraph 8:

NYCHA continued using STV Inc. to serve as NYCHA’s third-party environmental monitoring firm to oversee compliance with lead abatement requirements at PACT sites. During the Covered Period, at NYCHA Compliance’s request, STV Inc. began to inspect clearance work during its field monitoring in addition to physical abatement work. Field inspections focus on:

1. Physical Abatement: Lead abatement inspections include:
 - a. Administrative Requirements: For example, whether the abatement subcontractor properly posted lead abatement notifications to the resident and regulatory agencies, whether it posted current supervisor and worker certifications, and whether occupant protection plans are present at the job site.
 - b. Engineering Controls: For example, whether a decontamination unit is present at the site, whether workers are utilizing proper personal protection equipment, the presence of signage and warning tape, and controls around the work area, including established containment.
 - c. Waste Management: For example, whether the waste is segregated and containerized, among other items.

2. Clearance: Inspections focus on whether a thorough visual inspection of the abatement work area was conducted, and whether dust wipe samples were properly collected, stored and documented.

- **Harlem River Houses**

As of June 15, 2023, STV has conducted 140 inspections at Harlem River Houses. During this reporting period, STV performed 42 site inspections. This number has decreased compared to the previous reporting period (98). However, the vendor has now also incorporated clearance assessments as part of their inspections, resulting in 8 clearance examinations during this reporting period. It is important to note that not all tasks can be reviewed during each inspection. Tasks that are deemed not applicable are marked as such, and an inspection will not be recorded for those tasks. The results of the aggregate inspections since the beginning of the monitoring program in May 2022 through June 15, 2023, are detailed in the table below:

Harlem River Field Observations		Total to date		
Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	Resident Notification Posted	140	140	100%
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	140	140	100%

Harlem River Field Observations		Total to date		
Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	140	140	100%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	140	140	100%
Administrative Controls	NYCHA Approved Work Plan Posted	140	140	100%
Administrative Controls	OSHA Compliance Air Monitoring Provided	138	140	99%
Administrative Controls	Safety Data Sheets Provided On-site	140	140	100%
Administrative Controls	Respiratory Protection Program On-site	140	140	100%
Administrative Controls	Hazard Communication Program On-site	140	140	100%
Administrative Controls	Log Book On-site with Current Entries	140	140	100%
Administrative Controls	Equipment Manufacturer's Spec./Cut Sheet	66	66	100%
Engineering Controls	Decontamination Unit Present & Operational	135	140	96%
Engineering Controls	Full Decon	135	140	96%
Engineering Controls	Eye Wash Station	140	140	100%
Engineering Controls	Worker Personnel Protection Equipment	140	140	100%
Engineering Controls	Protective Suit	140	140	100%
Engineering Controls	Respiratory Protection	140	140	100%
Engineering Controls	Chemical Resistant Gloves & Eye Wear	140	140	100%
Engineering Controls	Warning Tape & Signs Present	140	140	100%
Engineering Controls	Lead Work Area Controls Present	139	139	100%
Engineering Controls	Moveable Objects Cleaned & Removed	138	138	100%
Engineering Controls	Critical Barriers Established & Maintained	122	122	100%
Engineering Controls	Containment Established	122	122	100%
Engineering Controls	Mechanical Ventilation System Present	128	128	100%
Waste Management	Hazardous/Non-Hazardous Waste Storage Area Identified/Posted	140	140	100%
Waste Management	Lead Waste Segregated & Containerized	140	140	100%
Clearance Controls	Met Minimum 1 Hour Waiting Period	8	8	100%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	8	8	100%
Clearance Controls	Visual inspection Performed	8	8	100%
Clearance Controls	Visual Inspection Results Recorded	8	8	100%
Clearance Controls	Visual Inspection Passed	8	8	100%
Clearance Controls	Sample Collection Observed by STV/Matrix	8	8	100%
Clearance Controls	Unused Gloves for Each Dust Wipe Sample	8	8	100%

Harlem River Field Observations		Total to date		
Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Clearance Controls	Template or Acceptable Alternative Used	8	8	100%
Clearance Controls	Template Cleaned Between Samples	1	1	100%
Clearance Controls	Correct Sampling Collection Technique - Floors	8	8	100%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	8	8	100%
Clearance Controls	Correct Wipe Sample Packaging	8	8	100%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	1	8	13%
Clearance Controls	Sample Collection Vials Correctly Labeled	8	8	100%
Clearance Controls	Sample Container Label Matches Sample Location	8	8	100%
Clearance Controls	Sample Area Correctly Measured	8	8	100%
Clearance Controls	Correct Number of Field Blanks	8	8	100%
Clearance Controls	One Dust Sample Taken from Floor for Each Room	8	8	100%
Clearance Controls	Dust Samples Taken from Windows if Present	8	8	100%
Clearance Controls	Sample Collected Outside/Within 10 Ft of Containment Area	8	8	100%
Clearance Controls	Chain of Custody Form	8	8	100%

Summary of Field Observations:

STV's field inspections did not reveal any issues concerning lead abatement requirements. However, during clearance examinations, one deficiency was observed by STV. This deficiency pertained to the use of zip lock bags instead of hard-shell sealable centrifuge tubes for dust wipe sample containers. Although the laboratory did not express concerns about this type of sample container, the vendor has taken proactive measures. They have ceased using zip lock bags for collecting samples and have switched to hard-shell centrifuge tubes. In general, the PACT Partner and the abatement subcontractor have been responsive to STV's recommendations and have promptly addressed any identified deficiencies.

- **Williamsburg Houses**

As of June 15, 2023, STV has conducted 256 field inspections since the monitoring program started in March 2022. During this reporting period alone, STV conducted 122 field inspections plus 39 clearance examinations. Not all tasks can be review during each inspection, and so tasks are marked not applicable, and thus an inspection will not be noted for that task. The results of the aggerate inspections

since the beginning of this monitoring program in March 2022 through June 15, 2023 are detailed in the below table:

Williamsburg Field Observations		Total to date		
Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	Resident Notification Posted	253	256	99%
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	253	256	99%
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	253	256	99%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	253	256	99%
Administrative Controls	NYCHA Approved Work Plan Posted	253	256	99%
Administrative Controls	OSHA Compliance Air Monitoring Provided	207	256	81%
Administrative Controls	Safety Data Sheets Provided On-site	253	256	99%
Administrative Controls	Respiratory Protection Program On-site	253	256	99%
Administrative Controls	Hazard Communication Program On-site	253	256	99%
Administrative Controls	Log Book On-site with Current Entries	253	256	99%
Administrative Controls	Equipment Manufacturer's Spec./Cut Sheet	78	140	56%
Engineering Controls	Decontamination Unit Present & Operational	253	256	99%
Engineering Controls	Full Decon	211	250	84%
Engineering Controls	Eye Wash Station	256	256	100%
Engineering Controls	Worker Personnel Protection Equipment	256	256	100%
Engineering Controls	Protective Suit	256	256	100%
Engineering Controls	Respiratory Protection	256	256	100%
Engineering Controls	Chemical Resistant Gloves & Eye Wear	250	253	99%
Engineering Controls	Warning Tape & Signs Present	256	256	100%
Engineering Controls	Lead Work Area Controls Present	253	253	100%
Engineering Controls	Moveable Objects Cleaned & Removed	256	256	100%
Engineering Controls	Critical Barriers Established & Maintained	222	225	99%
Engineering Controls	Containment Established	238	241	99%
Engineering Controls	Mechanical Ventilation System Present	225	230	98%
Waste Management	Hazardous/Non-Hazardous Waste Storage Area Identified/Posted	241	244	99%
Waste Management	Lead Waste Segregated & Containerized	230	233	99%
Clearance Controls	Met Minimum 1 Hour Waiting Period	39	39	100%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	39	39	100%
Clearance Controls	Visual inspection Performed	39	39	100%
Clearance Controls	Visual Inspection Results Recorded	39	39	100%
Clearance Controls	Visual Inspection Passed	36	39	92%
Clearance Controls	Sample Collection Observed by STV/Matrix	36	38	95%
Clearance Controls	Unused Gloves for Each Dust Wipe Sample	30	36	83%

Williamsburg Field Observations		Total to date		
Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Clearance Controls	Template or Acceptable Alternative Used	25	36	69%
Clearance Controls	Template Cleaned Between Samples	25	25	100%
Clearance Controls	Correct Sampling Collection Technique - Floors	36	36	100%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	36	36	100%
Clearance Controls	Correct Wipe Sample Packaging	36	36	100%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	25	36	69%
Clearance Controls	Sample Collection Vials Correctly Labeled	36	36	100%
Clearance Controls	Sample Container Label Matches Sample Location	36	36	100%
Clearance Controls	Sample Area Correctly Measured	11	11	100%
Clearance Controls	Correct Number of Field Blanks	36	36	100%
Clearance Controls	One Dust Sample Taken from Floor for Each Room	36	36	100%
Clearance Controls	Dust Samples Taken from Windows if Present	31	36	86%
Clearance Controls	Sample Collected Outside/Within 10 Ft of Containment Area	36	36	100%
Clearance Controls	Chain of Custody Form	36	36	100%

Summary of Field Observations:

During this reporting period, STV did not note any instances of non-compliance in tasks related to abatement work. However, during clearance examinations, deficiencies were noted. The dust wipe sample containers used were not hard-shell sealable centrifuge tubes. The technician used a single pair of gloves for all testing in an individual apartment unit, and did not use a template or acceptable alternative to lay out each sample area prior to sampling. These deficiencies have now been corrected by the clearance contractors. During the April/May timeframe, there were three instances where a window was present in the containment area and samples were taken from the windowsill but not the trough, and two samples did not pass visual inspection. The Williamsburg Houses PACT Partner was alerted to this issue and will take samples from an interior windowsill and window trough when a window is present in the containment area. In general, both abatement and clearance contractors have been receptive to STV's recommendations and have taken swift steps to implement the recommendations made by STV.

[Overall Compliance Assessment for Paragraph 8:](#)

During the Covered Period, the PACT Partners have made progress towards the abatement of lead-based paint at Harlem River Houses and Williamsburg Houses at the 0.5 mg/cm² level. Both developers have abated more than 40% of the development's total units in less than eighteen months.

Furthermore, based on the field monitoring results, the work performed by both developers is substantially compliant with the requirements of Paragraph 14. The deficiencies found during the apartment abatement document review, mostly missing documents, were promptly uploaded and compliance confirmed against the Paragraph 14 requirements.

7. Other Converted RAD/PACT Developments

During the Covered Period, testing and abatement at 0.5 mg/cm² continued at other RAD/PACT sites, including Boulevard Houses, Fiorentino Plaza, Linden Houses and Penn Wortman. NYCHA has also been working with the Manhattan Bundle and the Brooklyn Bundle⁵ to determine how many units have been and will still need to be abated at the prior 1.0 mg/cm² standard, since those transactions closed before the standard changed on December 1, 2021. As of June 30, 2023, more than 1,280 units had been abated and cleared at all the Round 8 sites and the Brooklyn Bundle.

8. Boulevard BSA FP

The Boulevard Houses, Fiorentino Plaza and Belmont-Sutter Area (“Boulevard |BSA |FP”) PACT project began abatement in 2022. This PACT project consists of approximately 1,673 apartment units and, based on the 0.5 mg/cm² positivity rate to date, about 669 units are presumed to be lead positive.

The previous certification report covered the significant gaps in compliance related to both abatement and clearance that were identified by STV Inc. and that were escalated to NYCHA Compliance at Boulevard Houses. These gaps were reported to the federal Monitor, the U.S. Attorney’s Office for the Southern District of New York, and the EPA. Since the gaps were identified, NYCHA Compliance and Real Estate Development worked with the PACT Partner to adjust the personnel and firms involved in the project. NYCHA Compliance also worked to draft a corrective action plan requiring that the PACT Partner re-clean and have a new vendor clear all relevant units. This work was completed during the Covered Period and documentation was provided to NYCHA. Performance has improved but is still being closely monitored by NYCHA Compliance, STV Inc. and NYCHA Real Estate Development.

As of June 15, 2023, 209 units (approximately 31% of the total presumed lead positive units) have been abated and cleared at Boulevard |BSA |FP. The photos below show a sample of the abatement and clearance tasks completed at this development.

[Field Monitoring at Boulevard |BSA |FP](#)

As of June 15, 2023, STV has conducted 98 field inspections since the monitoring program started in September 2022. During this reporting period alone, STV conducted 80 field inspections of abatement activities and 48 inspections related to clearance examinations. The results of the aggregate inspections since the beginning of this monitoring program in September 2022 through June 15, 2023 are detailed in the below table:

⁵ Pre-1978 buildings for the Brooklyn bundle include 572 Warren Street, Armstrong I, Armstrong II, Independence, Weeksville Gardens and Williams Plaza. Pre-1978 buildings for the Manhattan bundle include 335 East 111th Street, 344 East 28th Street, Park Avenue-East 112nd (123rd Street), Wise Towers, Fort Washington Avenue Rehab, Grampion, Manhattanville Rehab (Group 2 and Group 3), Public School 139, Samuel (MHOP) I, II and III, and Washington Heights Rehab (Groups 1 &2, Phase III, Phase IV(C) and Phase IV(D)).

Boulevard Field Observations		Total to date		
Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	Resident Notification Posted	90	98	92%
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	94	98	96%
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	91	98	93%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	95	98	97%
Administrative Controls	NYCHA Approved Work Plan Posted	95	98	97%
Administrative Controls	OSHA Compliance Air Monitoring Provided	87	96	91%
Administrative Controls	Safety Data Sheets Provided On-site	89	98	91%
Administrative Controls	Respiratory Protection Program On-site	90	98	92%
Administrative Controls	Hazard Communication Program On-site	90	98	92%
Administrative Controls	Log Book On-site with Current Entries	89	98	91%
Administrative Controls	Equipment Manufacturer's Specification/Cut Sheet	77	83	93%
Engineering Controls	Decontamination Unit Present & Operational	86	93	92%
Engineering Controls	Full Decon	81	89	91%
Engineering Controls	Eye Wash Station	88	94	94%
Engineering Controls	Worker Personnel Protection Equipment	91	93	98%
Engineering Controls	Protective Suit	61	62	98%
Engineering Controls	Respiratory Protection	91	93	98%
Engineering Controls	Chemical Resistant Gloves & Eye Wear	88	93	95%
Engineering Controls	Warning Tape & Signs Present	90	95	95%
Engineering Controls	Lead Work Area Controls Present	89	94	95%
Engineering Controls	Moveable Objects Cleaned & Removed	92	95	97%
Engineering Controls	Critical Barriers Established & Maintained	88	92	96%
Engineering Controls	Containment Established	85	91	93%
Engineering Controls	Mechanical Ventilation System Present	38	48	79%
Waste Management	Hazardous/Non-Hazardous Waste Storage Area Identified/Posted	86	93	92%
Waste Management	Lead Waste Segregated & Containerized	87	94	93%
Clearance Controls	Met Minimum 1 Hour Waiting Period	45	48	94%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	44	48	92%
Clearance Controls	Visual inspection Performed	47	47	100%
Clearance Controls	Visual Inspection Results Recorded	32	48	67%
Clearance Controls	Visual Inspection Passed	47	48	98%
Clearance Controls	Sample Collection Observed by STV/Matrix	45	46	98%

Boulevard Field Observations		Total to date		
Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Clearance Controls	Unused Gloves for Each Dust Wipe Sample	36	45	80%
Clearance Controls	Template or Acceptable Alternative Used	23	44	52%
Clearance Controls	Template Cleaned Between Samples	18	21	86%
Clearance Controls	Correct Sampling Collection Technique - Floors	36	45	80%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	28	31	90%
Clearance Controls	Correct Wipe Sample Packaging	40	45	89%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	15	46	33%
Clearance Controls	Sample Collection Vials Correctly Labeled	46	46	100%
Clearance Controls	Sample Container Label Matches Sample Location	45	45	100%
Clearance Controls	Sample Area Correctly Measured	36	40	90%
Clearance Controls	Correct Number of Field Blanks	45	45	100%
Clearance Controls	One Dust Sample Taken from Floor for Each Room	43	43	100%
Clearance Controls	Dust Samples Taken from Windows if Present	14	19	74%
Clearance Controls	Sample Collected Outside/Within 10 Ft of Containment Area	42	44	95%
Clearance Controls	Chain of Custody Form	45	45	100%

Summary of Field Observations:

During the field observations conducted at Boulevard Houses, deficiencies continued to be identified throughout the Covered Period though performance has improved over time. In March, STV reported deficiencies during clearance activities, which included the failure to consistently record visual inspection results, inconsistent use of unused gloves for each dust wipe sample, improper layout of sample areas, incorrect sampling collection techniques, and improper packaging of wipe samples. In April and May, STV observed abatement deficiencies, specifically the failure to consistently provide mechanical ventilation systems when required. Additionally, clearance deficiencies were identified during April and May, involving the layout of the sampling area and the use of hard-shell sealable centrifuge tubes. It is important to highlight that the clearance issues have since been addressed, and Boulevard is committed to ensuring the provision of mechanical ventilation systems during active abatement.

While Boulevard |BSA |FP faced some initial challenges during the commencement of abatement and clearance activities last fall, it has since made consistent progress in addressing the identified deficiencies. The Boulevard Houses PACT Partner has been responsive to STV's recommendations and is actively working towards resolving these matters by implementing appropriate corrective actions.

V. Assessment of Compliance with Paragraph 14 for the Covered Period

1. General Statement

NYCHA Compliance uses two methods for tracking compliance against the requirements of Exhibit A Paragraph 14 of the HUD Agreement for work impacting the public housing portfolio:

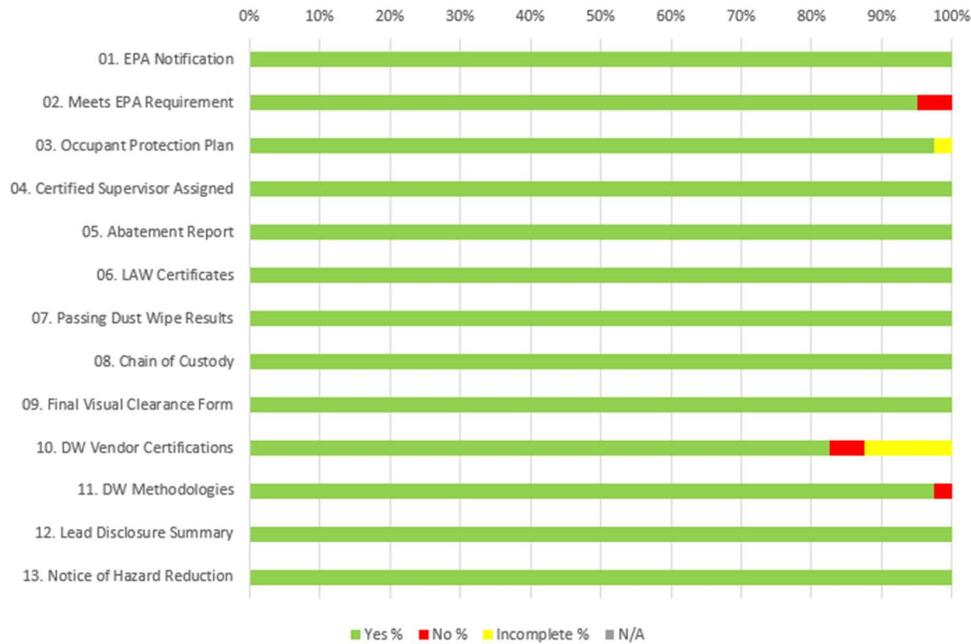
1. **Field Monitoring Report:** Documentation of the abatement field monitoring performed by EHS that is described in this section is set forth in Attachment A.
2. **Abatement File Review:** The Compliance Department Monitoring Unit (“MU”) performed file⁶ reviews of 75 abatements, including 40 abatements in vacant units (“moveouts”) and 35 abatements in occupied units. The MU selected a random sample of 40 moveout abatement work orders out of a total of 590 work orders that had an “Actual Finish” date between December 16, 2022, and June 15, 2023 (“Covered Period”), and a work order status of “CLOSE” as of June 15, 2023. The MU selected 25 closed abatements in units occupied by children under the age of 6, all of which were completed by vendors. Finally, the MU reviewed 10 EBLL abatements closed during the Covered Period. The results of this review are set forth in Attachment C.

Indicator	Description	Regulations	Agreement Section Referenced
1. EPA Notification	EPA was notified of abatement, and original notification is uploaded to Maximo	40 C.F.R. § 745.227(e)(4)	14(b)
2. Meets 5-Day EPA Requirement	EPA must be notified 5 full business days prior to the start of abatement	40 C.F.R. § 745.227(e)(4)	14(b)
3. Occupant Protection Plan	Completion of the Occupant Protection Plan	40 C.F.R. § 745.227(e)(5)	14(c)
4. Certified Supervisor Assigned	Certified lead abatement supervisor assigned to abatement with current certification on file	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
5. Abatement Report	Completion of Abatement Report	40 C.F.R. § 745.227(e)(10)	14(f)
6. LAW Certificates	Certifications on file for each lead abatement worker assigned to abatement	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
7. Passing Dust Wipe Results	Final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
8. Chain of Custody	Chain of Custody completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8).	14(e)
9. Final Visual Clearance Form	Visual Clearance form completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8).	14(e)
10. DW Vendor Certifications	ELLAP and NLLAP Certifications	40 C.F.R. § 745.227(e)(8)	14(e)
11. DW Methodologies	Specified methods of collection and lab analysis of dust wipes	40 C.F.R. § 745.227(f)	14(d)
12. Lead Disclosure Summary	LHC sends to development for future tenants to sign prior to move-in disclosing abatement of lead hazard	24 CFR Part 35 Subpart A	14(g)

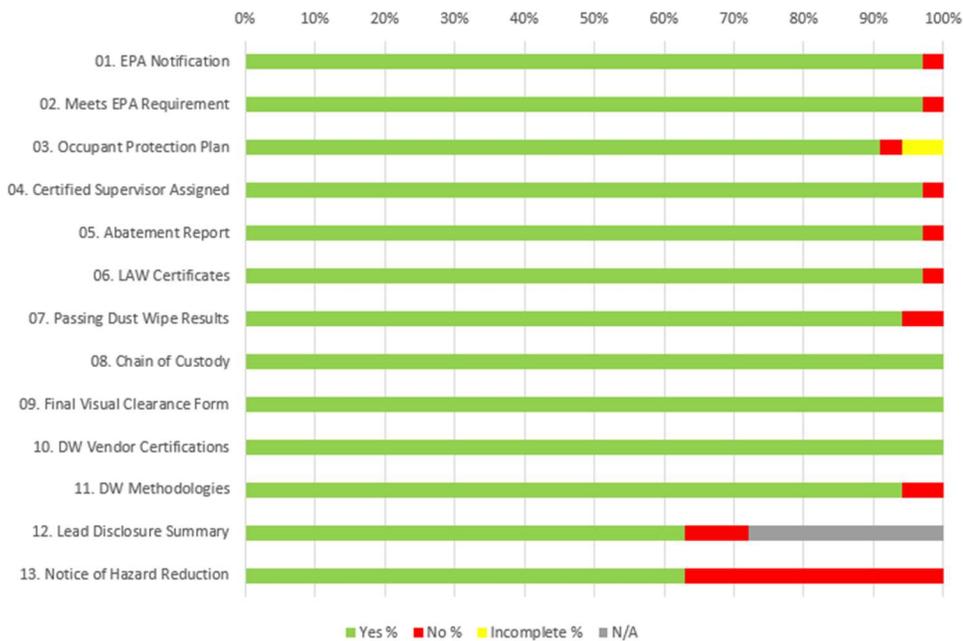
⁶ For the purposes of this review, “files” refers to Maximo work orders associated with a particular abatement.

Indicator	Description	Regulations	Agreement Section Referenced
13. Notice of Hazard Reduction	LHC sends to development for future or present tenants detailing components abated in unit	24 CFR § 35.125	14 (g)

Summary of File Review for Abatements Performed in 40 Moveout Units



Summary of File Review for Abatements Performed in 35 Occupied Units



The MU reviewed a sample of 40 total moveouts with an “Actual Finish” date between December 16, 2022 and June 15, 2023 (“Covered Period”), and a work order status of “CLOSE” as of June 15, 2023. The MU also selected 25 abatements in units abated as part of the TEMPO Abatement Program, which are occupied by children under the age of 6, and 10 of 16 EBLL abatements closed during the covered period. The results of this review are set forth in Attachment C.

In moveout abatements, NYCHA struggled most often with uploading dust wipe risk assessor certifications. In fewer occasions, NYCHA struggled to upload dust wipe vendor certifications and methodologies. Overall, performance on previous issues, including submitting Notice of Hazard Reduction and Lead Disclosure Summary documents, improved. All reviewed moveout abatements contained the Lead Disclosure Summary documents and NOHR in June 2023. For occupied abatements, NYCHA failed to upload the correct NOHR forms most often. Some work orders were also closed without dust wipe vendor methodologies.

Paragraph 14(a): NYCHA shall ensure that a certified supervisor is onsite or otherwise available in accordance with 40 CFR § 745.227(e).

Regulatory Requirements for 14(a):

40 CFR §745.226(a) and (b)(1) sets forth the EPA-certification requirements for certified supervisors.

40 CFR §745.227(e)(2) states “A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in no more than 2 hours.”

Applicable NYCHA Written Policies, Procedures, and/or Contract Specifications for 14(a):

Written Policies and Procedures: The Lead SP (annexed as Attachment D) sets forth the following procedures related to requirement set forth in paragraph 14(a):

- A certified abatement supervisor:
 - 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. *See Lead SP, § VII.H.1.i.(1)(b)(i).*
 - 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. *See Lead SP, § VII.H.1.i.(1)(b)(ii).*

Contract Specifications: During the Covered Period, NYCHA utilized seven vendors to perform abatements. The specifications for the contracts (annexed in Attachment E) are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)
Linear	<i>See Attachment E.00, § 1.1.6; Id, § 1.2.1; Id, § 1.4.5.</i>

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)
Joseph Environmental	See Attachment E.01, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.5.
AGD	See Attachment E.02 § 1.1.6; <i>Id</i> § 1.2.1; <i>Id</i> § 1.4.7.
Abatement Unlimited	See Attachment E.03, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.7.
Empire Control	See Attachment E.04, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.8.
New York Environmental Systems	See Attachment E.05, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.6.
P.A.L. Environmental Safety Corporation	See Attachment E.06, § 1.1.6; <i>Id</i> , § 1.3.1; <i>Id</i> , § 1.3.2.

IT Controls for 14(a):

As reported in the July 2021 HUD Certification, in December 2019, NYCHA placed controls within Maximo to reinforce the requirement for the lead abatement supervisor to be onsite during the set up and clean-up phases for apartment work orders. The business requirements document (“BRD”) explaining the scope of this, and other abatement-related IT controls is annexed as Attachment B. Maximo now has the following requirements for NYCHA performed and vendor performed abatement work orders:

- The system maintains the list of vendor personnel and NYCHA personnel who are certified as Lead Abatement Supervisors;
- Adding a trade skill level that is set to “Supervisor”;
- The abatement work order must have at least one labor transaction where the craft is that of a lead abatement supervisor. If it does not, the system will not allow the work order to be closed;
- Lead abatement work orders now must be made visible on handheld devices to both lead abatement workers and lead abatement supervisors.

During the Covered Period, IT reported that these controls continued to be in place.

Abatement IT controls are now also enforced on follow up abatement work orders generated from the XRF 0.5 testing 2022 initiative. All system enforcements, like autocreation of dust wipes, internal abatement inspections, abatement related documentation requirements, will now be followed.

Field Monitoring/QA for 14(a):

During the Covered Period, EHS observed 294 abatement jobs. A certified supervisor was present for 293 (99.66%) of these jobs. The EHS Lead Oversight Team (“LOT”) evaluates whether the abatement supervisor is present on the jobsite during the required times, whether the individual present is the supervisor listed on the EPA Notice of Commencement (“NOC”), and if the supervisor’s credentials are available for review and valid. See EHS Report (Attachment A) for additional information.

[File Review for 14\(a\):](#)

The MU conducted a review of work order records in Maximo to determine if certified supervisors were identified for each abatement, either as indicated in the Labor Information field in Maximo, or consistently listed on the abatement report, occupant protection plan (“OPP”), and EPA notification.

For Moveout Units:

The MU found that certified supervisors were assigned on all 40 moveout work orders. All of these supervisors had valid certifications which were uploaded to the Maximo work order. Certifications for all lead abatement workers, including the certified supervisor, were uploaded to the Maximo work order in 40 out of 40 cases. A detailed table documenting this file review is annexed as Attachment C.

For Occupied Units:

34 of the 35 reviewed work orders included assigned supervisors and LAWs with valid certifications. In the one case without an assigned supervisor, the attachments uploaded to the work order were for a different unit. A detailed table documenting this file review is annexed as Attachment C.

[Overall Description of Compliance for 14\(a\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(a) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 97% of occupied abatements reviewed were assigned a Certified Supervisor.
- EHS observed 294 abatement jobs, 99.66% of which had certified supervisors.

Based on this documentation, there is evidence supporting NYCHA’s substantial compliance with the requirements set forth in 14(a).

Paragraph 14(b): “NYCHA shall notify EPA of lead-based paint abatement activities electronically using EPA’s Central Data Exchange (CDX) in accordance with 40 CFR § 745.227(e)(4)(vii).”

[Regulatory Requirements for 14\(b\):](#)

40 CFR § 745.227(e)(4)(vii) states as follows: “Notification must be accomplished using any of the following methods: Written notification, or electronically using the Agency’s Central Data Exchange (CDX). Written notification can be accomplished using either the sample form titled “Notification of Lead-Based Paint Abatement Activities” or similar form containing the information required in paragraph (e)(4)(vi) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD (5323), or on the Internet at <http://www.epa.gov/lead>.”

[Applicable Written Policies, Procedures, and Contract Specifications for 14\(b\):](#)

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 14(b):

- A Lead Hazard Control Department assistant director ensures the EPA is notified at least five business days prior to the abatement using the EPA’s Central Data Exchange online portal. *See* Lead SP, § VII.H.2.b.(2)(b).
- 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. *See* Lead SP, § VII.H.2.b.(2)(b)(i).
- The EPA notice is printed and attached to the work order. *See* Lead SP, § VII.H.2.b.(2)(c).
- 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. *See* Lead SP, § VII.H.2.g.(c).
- 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. *See* Lead SP, § VII.H.2.g.(e).

Contract Specifications: During the Covered Period, NYCHA utilized seven vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(4)(vi)
Linear	<i>See</i> Attachment E.00, § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> 2.4.2; <i>Id</i> § 2.6.3.
Joseph Environmental	<i>See</i> Attachment E.01, § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> 2.4.2; <i>Id</i> § 2.6.3.
AGD	<i>See</i> Attachment E.02 § 1.4.3; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.3.
Abatement Unlimited	<i>See</i> Attachment E.03 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.3.
Empire Control	<i>See</i> Attachment E.04 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.4.
New York Environmental Systems	<i>See</i> Attachment E.05 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.2, <i>Id</i> § 2.6.3.
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § 1.5.1; <i>Id</i> § 1.6.2; <i>Id</i> § 2.2, <i>Id</i> § 2.5.4.

[IT Controls for 14\(b\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT instituted additional controls for abatement work orders. One of these controls requires LHC to upload a copy of the EPA notification as an attachment to the Maximo work order. Without this attachment, the work order cannot be closed. *See* Attachment B.

During the Covered Period, IT reported that these controls continued to be in place.

Abatement IT controls are now also enforced on follow up abatement work orders generated from the XRF 0.5 testing 2022 initiative. All system enforcements, like autocreation of dust wipes, internal abatement inspections, abatement related documentation requirements, will now be followed.

[Field Monitoring/QA for 14\(b\):](#)

EHS has developed field monitoring checklists for assessing compliance with abatement requirements, including the requirements set forth in Paragraph 14(b). *See Attachment A.* The Lead Abatement Inspection Work Order contains the following items:

- Is the EPA Notice posted at the entrance of the work area?
- Does the work location including the unit number match the location on the NOC?
- Is the abatement occurring within the timeframe specified on the NOC?
- Certified Abatement Supervisor: Does the abatement supervisor's name match the name on the EPA NOC?

The NOC must include when work will start and end, the form's EPA certification number, and the location where work will be conducted. During an Abatement observation, LOTS verifies that the notice is present, the required information is documented and accurate, and work is occurring within the timeframe indicated on the notice.

The LOT conducted 294 inspections and 289 had NOCs. 290 (98.64%) of the observed jobs also included proper signage in compliance with the NOC requirements. *See Attachment A* for more details.

[File Review for 14\(b\):](#)

The MU conducted a review of work order records in Maximo to determine if the EPA notification required by 40 CFR § 745.227(e)(4)(vii) was present in the relevant project files.

For Moveout Units:

The MU reviewed a total of 40 moveout work orders completed during the Covered Period and found that all 40 included an EPA notification. However, NYCHA or the abatement vendor notified the EPA at least five or more business days ahead of the scheduled abatement or the abatement was an emergency case in only 38 of the 40 work orders. *See Attachment C.*

For Occupied Units:

The MU reviewed a total of 35 occupied work orders completed during the Covered Period and found that 34 of these work orders included the EPA notification. In these 34 work orders, NYCHA or the abatement firm notified the EPA at least five or more business days ahead of the scheduled abatement or the abatement was an emergency case. *See Attachment C.*

[Overall Description of Compliance for 14\(b\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(b) of the HUD Agreement. Evidence of compliance consists of:

- 95% of moveout abatements and 97% of occupied abatements reviewed contained EPA notifications sent prior to commencement.
- 98.3% of the field observations had complete and accurate NOCs.
- 98.64% of the observed jobs had the proper signage posted throughout the work area in compliance with the NOC requirements.

Based on this documentation, there is evidence supporting that NYCHA is in substantial compliance with the requirements set forth in 14(b).

Paragraph 14(c): NYCHA shall prepare and implement written occupant protection plans for all abatement projects in accordance with 40 CFR § 745.227(e)(5).

Regulatory Requirements for 14(c):

40 CFR § 745.227(e)(5) states: “A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures: (i) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall 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. (ii) A certified supervisor or project designer shall prepare the occupant protection plan.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(c):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in paragraph 14(c):

- Requires lead abatement supervisor or vendor to prepare and sign the Occupant Protection Plan (“OPP”). *See* Lead SP, § VII.H.1.d. The Lead SP includes requirements on what must be included in the OPP. *Id.* The Lead SP includes a template OPP. *Id.*, Appendix F.
- Requires that the OPP be annexed to the abatement work order. *See* Lead SP, § VII.H.1.e.(1). The plan must be provided to the resident if the unit is occupied. *Id.*, § VII.H.1.f. It must be posted in common areas. *Id.* § VII.H.2.d.(3).

An updated Lead SP, effective July 5, 2022, was released and provided a new template for the OPP.

Contract Specifications: During the Covered Period, NYCHA utilized seven vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(5)
Linear	<i>See</i> Attachment E.00, § 3.6.1.
Joseph Environmental	<i>See</i> Attachment E.01, § 3.6.1.
AGD	<i>See</i> Attachment E.02, § 3.3.3.
Abatement Unlimited	<i>See</i> Attachment E.03 § 3.3.3.
Empire Control	<i>See</i> Attachment E.04 § 3.3.3.
New York Environmental Systems	<i>See</i> Attachment E.05 § 1.4.3.
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § 3.3.3.

IT Controls for 14(c):

In December 2019, IT enhanced Maximo to require that the OPP be attached to Maximo abatement work orders. *See* Attachment B. The work orders cannot be closed without this attachment. This enhancement was initially reported in the July 2021 HUD Certification. During the Covered Period, IT reported that these controls remain in place.

Abatement IT controls are now also enforced on follow up abatement work orders generated from the XRF 0.5 testing 2022 initiative. All system enforcements, like autocreation of dust wipes, internal abatement inspections, abatement related documentation requirements, will now be followed.

[Field Monitoring/QA for 14\(c\):](#)

EHS finalized its inspection work order for abatement projects. The inspection checklist includes the following items:

- Does the Occupant Location on the Occupant Protection Plan match the unit's occupancy status during the abatement i.e., Occupied vs Unoccupied?
- The abatement inspection work order also includes numerous items regarding specific lead safe work practices.

The LOTS reviewed 294 OPPs during abatement oversight inspections. 287 (97.62%) of abatements had compliant OPPs. *See Attachment A for more details.*

[File Review for 14\(c\):](#)

The MU conducted a review of work orders in Maximo to determine if the written OPP required by 40 CFR § 745.227(e)(5) was uploaded in the relevant work orders.

For Moveout Units:

The MU reviewed a total of 40 moveout work orders. All 40 had uploaded OPPs, however only 39 were completed in full. In one case, the abatement supervisor did not indicate whether window work was needed. *See Attachment C.*

For Occupied Units:

The MU reviewed a total of 35 occupied work orders, 34 of which contained an OPP. However, in two of these cases, the OPP was completed incorrectly. For one work order, the OPP submitted was for the incorrect unit. *See Attachment C.*

[Overall Compliance Assessment for 14\(c\):](#)

- 98% of moveout abatements and 91% of occupied abatements reviewed contained a complete OPP.
- EHS observed 294 abatement work orders and 97.62% had OPPs.

Based on this documentation, there is evidence supporting the conclusion that NYCHA is in compliance with the requirements set forth in 14(c).

Paragraph 14(d): NYCHA shall specify methods of collection and lab analysis in accordance with 40 CFR § 745.227(f).

[Regulatory Requirements for 14\(d\):](#)

40 CFR § 745.227(f) states: "Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be: (1) Collected by persons certified by EPA as an inspector or

risk assessor; and (2) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(d):

Policies and Procedures: The Lead SP contains the following procedures related to Paragraph 14(d):

- Clearance examinations following abatement must be performed by a certified risk assessor or lead inspector. *See* Lead SP, § VII.I.1. If the work is to be performed by a vendor, the LHC Assistant Director must ensure that the vendor submits the documentation meeting this requirement. *Id.*, § VII.I.3.
- Dust wipe samples following abatement must be submitted to an EPA National Lead Laboratory Accreditation Program (“NLLAP”) and New York State Environmental Laboratory Approval Program (“ELAP”) certified testing laboratory. *See* Lead SP, § VII.I.5.a.(1).
- Paint chip sampling, which is performed during lead paint inspections in advance of an abatement, must be performed by a certified risk assessor or lead inspector. *See* Lead SP, § VII.E.2. These samples must be submitted to an EPA NLLAP-recognized and NYS ELAP certified testing laboratory. *See* Lead SP, § VII.E.2.c.(4)(g).

Contract Specifications: During the Covered Period, NYCHA utilized ten vendors to perform dust wipes. The specifications for the contracts are described below and contracts are annexed in Attachment E.

Vendor Name	Agreement to comply with 40 CFR § 745.227 (f)
Accurate Analysis Testing	<i>See</i> Attachment E.07, § I.A , § II.C.1-3, § III.D.1-2.
ATC Group Services	<i>See</i> Attachment E.08, § III.1.A § § III.2.B-D.
Atlas Environmental Lab	<i>See</i> Attachment E.09, § I.A, § § II.C 1-2, § III.D 1-2.
Eastern Analytical Services	<i>See</i> Attachment E.10, § I.A , § II.C.1-3, § III.D.1-2.
EMSL Analytical Inc.	<i>See</i> Attachment E.11, § I.A, § II.C.1-3 § III.D.1-2.
Genesis Environmental Consultants	<i>See</i> Attachment E.12, § I.A, § § II.C 1-2, § III.D 1-2.
Lead By Example Environmental	<i>See</i> Attachment E.13, § III.1.A § § III.2.B-D.
Metro Analytical Laboratories	<i>See</i> Attachment E.14, § II.C.1-3, § III.D.1-2.
The ALC Group	<i>See</i> Attachment E.15, § I.A, § § II.C 1-2, § III.D 1-2.
Warren & Panzer Engineers	<i>See</i> Attachment E.16, § I.A, § § II.C 1-2, § III.D 1-2.

IT Controls for 14(d):

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT enhanced Maximo to require that the abatement report, which should include the credentials of individuals and laboratories performing sampling/testing, be uploaded to the work order. The work order cannot be closed without

these attachments. See Attachment B. During the Covered Period, IT reported that these controls continued to be in place.

Abatement IT controls are now also enforced on follow up abatement work orders generated from the XRF 0.5 testing 2022 initiative. All system enforcements, like autocreation of dust wipes, internal abatement inspections, abatement related documentation requirements, will now be followed.

[QA/Field Monitoring Protocols for 14\(d\):](#)

LOT observed NYCHA and vendor personnel and requested certifications for dust wipe technicians, certified risk assessors, and/or LBP inspectors. Out of 158 NYCHA personnel certifications and 290 vendor personnel certifications for clearance examinations, LOT found all personnel certifications present. See Attachment A.

[File Review for 14\(d\):](#)

The MU conducted a review of work orders in Maximo to determine if documented methodologies specifying certifications of inspectors, risk assessors, and laboratories are contained in each file, as well as copies of relevant EPA certifications in accordance with the Lead SP.

For Moveout Units:

The MU reviewed a total of 40 moveout work orders and found that 39 (98%) of the files contained documented methodologies for the collection and lab analysis of dust wipes. See Attachment C.

For Occupied Units:

- The MU reviewed a total of 35 occupied work orders and found that 33 (94%) contained documented methodologies for the collection and lab analysis of dust wipes. See Attachment C.

[Overall Compliance Assessment for 14\(d\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(d) of the HUD Agreement. Evidence of substantial compliance consists of:

- 98% of moveout abatements and 94% of occupied abatements reviewed contained documented methodologies for the collection and lab analysis of dust wipes.
- EHS observed 158 NYCHA personnel certifications and 290 vendor personnel certifications for clearance examinations and found 100% compliance rate.

Based on the documentation, there is evidence that NYCHA is compliance with the requirements set forth in paragraph 14(d).

Paragraph 14(e): “NYCHA shall ensure that a clearance examination is performed, and a clearance examination report provided by a lead paint inspector/risk assessor certified and licensed as applicable for the property location, in accordance with 24 CFR § 745.227(e) (8)-(9). The lead paint inspector/risk assessor must be independent of the lead-based paint abatement firm, supervisor, and contractors performing the abatement work.

[Regulatory Requirements for 14\(e\):](#)

40 CFR § 745.227(e)(8) states, in relevant part: The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor.

“(i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(i) Following the visual inspection and any post-abatement cleanup required by paragraph (e)(8)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(ii) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(iii) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post- abatement cleanup activities.

(iv) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior windowsill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(B) After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior windowsill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.

(C) [*Exterior abatement provision omitted*]

(v) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

(vi) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with clearance levels in paragraph (e)(8)(viii) of this section for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or

if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.

(vii) The clearance levels for lead in dust are 40 µg/ft² for floors, 250 µg/ft² for interior windowsills, and 400 µg/ft² for window troughs.”⁷

Applicable Written Policies, Procedures, and Contract Specifications for 14(e):

The Lead SP contains the following provisions on the requirements set forth in Paragraph 14(e):

- Requires that the clearance examination be performed by a certified risk assessor or lead paint inspector. *See Lead SP, § VII.I.1.*
- Requires the certified risk assessor or certified lead paint inspector perform a visual inspection and sets forth the protocols if the work area fails the visual inspection. *See Lead SP, § VII.I.4.*
- Sets forth the basic protocols for the certified risk assessor or lead inspector to follow for dust wipe sampling. *See Lead SP, § VII.I.5.* The Lead SP does not provide detailed means and methods on how the risk assessor and lead inspector needs to conduct the dust wipe samples.
- Requires that the clearance be documented in a dust wipe report. *See Lead SP, § VII.I.5.*
- Requires the dust wipe report be uploaded to Maximo. *See Lead SP, § VII.I.6.*

Contract Specifications: During the Covered Period, NYCHA utilized ten vendors to perform clearance examinations. The specifications for the contracts for vendors that perform dust wipe sampling are described below. The relevant parts of the specifications section of each contract are discussed below and found in Attachment E.

Vendor Name	Agreement to comply with 40 CFR § 745.227 (f)
Accurate Analysis Testing	<i>See Attachment E.07, § I.A, §I.C. 1-2.</i>
ATC Group Services	<i>See Attachment E.08, § III.1-2 § IV.1-2.</i>
Atlas Environmental Lab	<i>See Attachment E.09, § I.A, §I.C. 1-2.</i>
Eastern Analytical Services	<i>See Attachment E.10, § I.A, §I.C. 1-2.</i>
EMSL Analytical Inc.	<i>See Attachment E.11, § I.A, §I.C. 1-2.</i>
Genesis Environmental Consultants	<i>See Attachment E.12, § I.A, §I.C. 1-2.</i>
Lead By Example Environmental	<i>See Attachment E.13, § III.1-2 § IV.1-2.</i>
Metro Analytical Laboratories	<i>See Attachment E.14, § I.A, §I.C. 1-2.</i>
The ALC Group	<i>See Attachment E.15, § I.A, §I.C. 1-2.</i>
Warren & Panzer Engineers	<i>See Attachment E.16, § I.A, §I.C. 1-2.</i>

⁷ On June 1, 2021, the city reduced the lead dust standards for floors to 5 µg/ft² for floors and to 40 µg/ft² for window sills. The standard for window wells (troughs) remained at 100 µg/ft².

[IT Controls for 14\(e\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT implemented enhancements to the abatement work order. The creation of the abatement work order will now auto-generate a dust wipe work order and internal abatement inspections. See Attachment B. During the Covered Period, IT reported that these controls continued to be in place.

Abatement IT controls are now also enforced on follow up abatement work orders generated from the XRF 0.5 testing 2022 initiative. All system enforcements, like autocreation of dust wipes, internal abatement inspections, abatement related documentation requirements, will now be followed.

[Field Monitoring/QA for 14\(e\):](#)

EHS personnel observed 238 post abatement clearance jobs. 140 were performed by a vendor and 98 were performed by NYCHA. All clearance examinations observed were conducted by a certified risk assessor or certified lead paint inspector. NYCHA received permission from DOHMH to utilize its own certified personnel to clear an abatement job in July 2022, and NYCHA submitted the annual attestation to DOHMH in August 2022.

EHS observed that the timing between cleanup completion and the clearance examination was proper in 445 of 448 clearance jobs observed (99.33%) across all RRP and abatement clearance jobs observed. EHS observed that the visual inspection was performed properly in all 448 observed clearance jobs (100%) across all RRP and abatement clearance jobs observed. EHS observed that sample collections were performed properly in all 428 observed clearance jobs (100%) which includes all RRP and abatement clearance jobs observed.

[File Review for 14\(e\):](#)

The MU conducted a review of work orders in Maximo to determine whether a clearance examination was performed, and if a clearance examination report was provided by a licensed lead paint inspector/risk assessor, independent of the contractors performing the abatement work. The MU ensured that the clearance examination report included passing dust wipe results, a chain of custody, a visual clearance form, and certifications for the risk assessor and laboratory.

For Moveout Units:

The MU reviewed 40 moveout abatement work orders and found that 40 (100%) contained passing dust wipe results. 34 of the 40 work orders (85%) contained the chain of custody, the visual clearance form, and certifications for both the risk assessor and laboratory. See Attachment C.

For Occupied Units:

The MU reviewed 35 occupied abatement work orders and found that 33 (94%) had passing dust wipe clearances. All 35 (100%) contained the chain of custody, the visual clearance form, and certifications for both the risk assessor and laboratory. See Attachment C.

[Overall Compliance Assessment for 14\(e\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(e) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 94% of occupied abatements reviewed contained passing dust wipe results.
- 100% of moveout abatements contained the chain of custody and visual clearance form; 85% contained certifications for both the vendor and the risk assessor.
- 100% of occupied abatements contained the chain of custody and visual clearance form; 100% contained certifications for both the risk assessor and laboratory.
- EHS found 100% of NYCHA employees and 100% vendors performing clearance examinations were certified and 100% or 99.33% compliance across other clearance related tasks.

Based on the file review and filed oversight during the Covered Period, NYCHA is in substantial compliance with the requirements referenced in Paragraph 14(e).

Paragraph 14(f): NYCHA shall ensure that the certified supervisor on each abatement project prepares an abatement report in accordance with 40 CFR § 745.227(e)(10).

Regulatory Requirements for 14(f):

40 CFR § 745.227(e)(10) states as follows: “An abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include the following information: (i) Start and completion dates of abatement. (ii) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project. (iii) The occupant protection plan prepared pursuant to paragraph (e)(5) of this section. (iv) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing. (v) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses. (vi) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(f):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in Paragraph 14(f):

- Requires that the certified abatement supervisor for each abatement project prepare an abatement report within 30 days of clearance. *See* Lead SP, § VII.I.9. The report must contain all of the items set forth in 24 CFR § 745.227(e)(10). *Id.*
- LHC adopted a template for certified supervisors to use in preparing the report. A copy of this template is annexed as Attachment F.

Contract Specifications: During the Covered Period, NYCHA utilized seven vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(5)
Linear	See Attachment E.00, § 1.1.6
Joseph Environmental	See Attachment E.01, § 1.1.6
AGD	See Attachment E.02, § 1.1.6
Abatement Unlimited	See Attachment E.03 § 1.1.6
Empire Control	See Attachment E.04 § § 1.1.6
New York Environmental Systems	See Attachment E.05 § § 1.1.6
P.A.L. Environmental Safety Corporation	See Attachment E.06 § § 1.1.6

[IT Controls for 14\(f\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT enhanced Maximo to require staff to upload the abatement report to the abatement work order. The work order cannot be closed without this attachment. See Exhibit B. During the Covered Period, IT reported that these controls continued to be in place.

Abatement IT controls are now also enforced on follow up abatement work orders generated from the XRF 0.5 testing 2022 initiative. All system enforcements, like autocreation of dust wipes, internal abatement inspections, abatement related documentation requirements, will now be followed.

[Field Oversight/QA for 14\(f\):](#)

There are no field oversight protocols in place or expected to monitor the creation of this final report.

[File Review for 14\(f\):](#)

The MU conducted a review of work orders in Maximo for an abatement report in accordance with 40 CFR § 745.227(e)(10) and prepared by a certified supervisor.

For Moveout Units:

The MU reviewed 40 moveout abatement work orders and found all 40 (100%) files contained the abatement report prepared by a certified supervisor. See Attachment C.

For Occupied Units:

The MU reviewed 35 occupied abatement work orders and found that 34 (97%) contained the complete abatement report prepared by a certified supervisor. One case contained an abatement report for the wrong unit. See Attachment C.

[Overall Compliance Assessment for 14\(f\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(f) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 97% of occupied abatements reviewed contained an abatement report prepared by a certified supervisor.
- 74 of 75 (99%) files contained correctly completed abatement reports.

Based on this documentation, there is evidence supporting that NYCHA is in substantial compliance with the requirements set forth in 14(f).

Paragraph 14(g): NYCHA shall maintain records in accordance with 40 CFR § 745.227(i) and 24 CFR § 35.125.

Regulatory Requirements for 14(g):

40 CFR § 745.227(i) states “All reports or plans required in this section shall be maintained by the certified firm or individual who prepared the report for no fewer than 3 years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services.”

24 CFR §35.125 states, “The designated party ... shall keep a copy of each notice, evaluation, and clearance or abatement report required by subparts C, D, and F through M of this part for at least three years. Those records applicable to a portion of a residential property for which ongoing lead-based paint maintenance and/or reevaluation activities are required shall be kept and made available for the Department's review, until at least three years after such activities are no longer required.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(g):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in paragraph 14(g):

- “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.” See Lead SP, § VIII.C.
- Requires issuance of the hazard reduction letter following abatement activities. See Lead SP, § VII.D.2.

IT Controls for 14(g):

As reported in the January 2022 HUD Certification, NYCHA does not have IT controls that support this requirement, although as of December 2019, the OPP, the EPA notification, and abatement reports are to be attached to the Maximo work orders. During the Covered Period, IT reported that these controls continued to be in place and that no additional system changes were implemented in the last six months.

Field Monitoring/QA for 14(g):

There are no field oversight protocols in place or expected to monitor the creation and storage of the post-abatement NOHR documentation for a particular job.

File Review for 14(g):

The MU has performed a comprehensive review of required reports for abatements performed in NYCHA units since January 31, 2019 and has been performing a digital review of required reports in Maximo starting January 16, 2020. Reports in Maximo are presently retained indefinitely and in accordance with the three-year minimum as specified in 40 CFR § 745.227(i) and 24 CFR §35.125.

The MU performed a file review of the Lead Disclosure Summaries and NOHRs for moveout and occupied units.

The MU reviewed all 75 abatement work orders and found that 62 (83%) contained Lead Disclosure Summaries. 10 EBLL abatement work orders did not have the Lead Disclosure Summary. As previously reported in the January 2023 HUD Certification, LHC reported Lead Disclosure Summaries are not required for elevated blood lead level (“EBLL”) cases. For 3 of the 25 CU6 cases, missing documents include both the Lead Disclosure Summary and the Notice of Hazard Reduction.

The MU reviewed all 75 abatement work orders and found that 62 (83%) of the 75 work orders contained the NOHR. The 62 cases which contained the Lead Disclosure Summaries are the same 62 cases which contained the NOHR. *See Attachment C.*

Hazard reduction letters have presented a compliance challenge for NYCHA, especially for occupied units. After following up with LHC, it was determined that a hazard reduction letter is being uploaded to each abatement work order and delivered to property management. However, LHC is using a different form than the required NYCHA Form 060.852, Notice of Hazard Reduction Activity. Instead, it is an alternative, manually created version of the NYCHA NOHR. The Lead SP specifically requires NYCHA to upload NYCHA Form 060.852. *See Lead SP, § VII.D.2.* As reported in the January 2023 HUD Certification, Compliance continues to recommend the use of NYCHA Form 060.852, Notice of Hazard Reduction Activity.

[Overall Compliance Assessment for 14\(g\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the recordkeeping requirement set forth in Paragraph 14(g) of the HUD Agreement. Evidence of progress towards compliance consists of:

- 100% of moveout abatements and 88% of the CU6 non-EBLL occupied abatements reviewed contained the Lead Disclosure Summary. The 10 EBLL occupied apartment abatements did not contain a Lead Disclosure Summary.
- 100% of moveout abatements and 88% of the CU6 non-EBLL occupied abatements reviewed contained the NOHR. The 10 EBLL occupied apartment abatements did not contain a Lead Disclosure Summary.
- LOT performed 193 inspections for the required Lead Disclosure Files, 149 (77.20%) were in compliance.
- Documented establishment of Maximo IT Control to require the OPP, the EPA Notice, and the Abatement Report to be uploaded to the work order.
- LHC demonstrated maintenance of all work orders in Maximo to the Compliance Department (although a small number of work orders were missing required documentation).
- Lead SP including the requirements set forth in Paragraph 14(g).

Compliance does not yet recommend certifying to paragraph 14(g) until the NOHRs and Lead Disclosure Summaries are consistently issued for occupied units in the required timeframe using the official, approved form.

VI. Paragraph 15

Paragraph 15(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 lead-safe work practices regulations apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.89.

Regulatory Requirements for 15(a):

NYCHA interprets this requirement as ensuring that its computerized work order system, Maximo, can identify developments in which paint disturbing projects require adherence to lead safe work practices, as those requirements are defined in the above-cited regulations.

Effective December 1, 2021, New York City has a new standard for defining the presence of lead in paint, in accordance with Local Law 66 of 2019. The new standard changed the manner in which NYCHA classifies apartments for purposes of RRP enforcement controls. NYCHA now requires RRP enforcement controls for all apartments in pre-1978 buildings where children under 6 live or visit for 10 or more hours per week unless the apartment has tested negative or been abated and, if necessary, received a lead-free exemption from HPD, at the 0.5 mg/cm² standard. RRP enforcement will be in place even if the CU6 unit previously tested negative at the 1.0 mg/cm² standard. For non-CU6 apartments, NYCHA continues to follow the federal RRP guidelines, and utilize the XRF data taken at 1.0 mg/cm², which is integrated into the Maximo work orders.

The IT controls previously being used were configured to classify XRF results as lead positive only when components are detected as having 1.0 milligrams of lead per square centimeter or more. In December 2021, a new design was implemented to perform XRF testing and upload XRF results using 0.5 mg/cm² as the threshold to classify any component as lead positive. Unit level flags were also adjusted to correspond with the City's change in standard.

Written Policies, Procedures, and/or Contract Specifications for 15(a):

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 15(a):

- “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.” See Lead SP, § VII.J.3.a.(1).
- Details the use of three messages or banners (the “RRP flags”) on a work order, depending on the demographic status and testing information associated with the unit. See Lead SP, § VII.J.3.a.(2).

Compliance Advisory Alert: NYCHA published Compliance Advisory Alert #22 titled “Lead-Based Paint Standard Change” on December 1, 2021 (Attachment G), which states that “Starting December 1, 2021, NYCHA staff and vendors must follow RRP for any work that disturbs more than “de minimis” amounts of paint in all apartments with a child under 6 in a pre-1978 building, and in common areas in these buildings... All painted components in these apartments and common areas must be presumed to have lead-based paint until further notice. Work orders in apartments with children under the age of 6 now

have the following warning banner on the handheld device:

“CHILD UNDER 6 APARTMENT OR COMMON AREA – YOU MUST FOLLOW RRP RULES WHEN DISTURBING PAINTED SURFACES” (referred to as the “BLUE BANNER”)

IT Controls for 15(a):

Based on prior lead inspection data, Maximo places a “RRP flag” on units that could require RRP work. In February 2020, NYCHA enhanced the “RRP flag” for units that have received an individual XRF inspection. Once a unit receives a new XRF test and the results are uploaded into Maximo, the “RRP flag” will be moved from the unit level to the component level and made available to NYCHA renovators performing work in the apartment on their handhelds.

The previously existing IT protocols for RRP enforcements were configured to read from XRF inspection results tested at 1.0 milligrams of lead per square centimeter or more. To comply with the local law standard change, effective December 1, 2021, an interim solution was devised to presume positive any CU6 unit in a development constructed prior to 1978 is positive, irrespective of prior results tested at 1.0 milligrams of lead per square centimeter. A blue banner is now displayed at the top of the screen to warn that renovators should follow RRP procedures. This blue banner notifies the worker that the unit and surrounding area is accessed by a child under 6 years of age and RRP rules must be followed when any paint surface is disturbed. This is displayed even if XRF testing results are negative at 1.0 or XRF testing is yet to be performed, in tandem with cases where XRF results are positive.

Between December 2021 and June 2022, NYCHA added controls to the RRP banner display in Maximo and RRP enforcement to take Child Under 6 status, construction date, XRF testing results at both the 1.0 and 0.5 thresholds, abatement status, and exemption status at both the 1.0 and 0.5 thresholds into account when “flagging” a unit. Note, too, that users can select a full list of all apartments that require RRP using the public query in Maximo entitled “RRP required NYCHA apartments.”

As reported in the 17th Lead Compliance Assurance Plan Exceptions Report, there have been several issues identified after the rollout of these enhancements. In September 2022, NYCHA’s IT department identified an issue that impacted the transfer of some of the CU6 demographic information from Siebel into Maximo. This issue was resolved and NYCHA Compliance worked in collaboration with the federal Monitor, the U.S. Attorney’s Office for the Southern District of New York and HUD to define next steps in units that had not been flagged but should have been flagged where potential RRP work took place. In January 2023, NYCHA IT also identified potential bugs in the logic used to flag units that require RRP. The root cause of the bug appeared to be based on the use of dates for when an XRF inspection took place, relative to when the report was uploaded or returned back to NYCHA. These dates, and the interaction of XRF results at the 0.5 and 1.0 standards, caused some anomalies in the data. Now that so much data is being uploaded against each unit, simplifying the logic is critical to ensure consistency over time. To that end, Compliance, LHC and IT worked on an updated logic that relies less on these fields throughout the first half of 2023. This logic was originally planned for the June Maximo build but has been pushed to the end of August due to lack of capacity in the IT Department and the complicated nature of the project.

Field Monitoring/QA for 15(a):

Please refer to the EHS report (Attachment A) for a description of RRP-related field monitoring activities

during the Covered Period. Additionally, it should be noted that EHS uses Maximo to identify work orders that might require RRP procedures for their onsite monitoring. EHS conducted onsite monitoring of 300 RRP work orders during the Covered Period. EHS does not solely rely on Maximo to identify vendor work because some vendors use paper work orders to document their work.

In sum, EHS field monitoring exhibits a high rate of compliance when the RRP work order enforcement questions are followed appropriately. However, as discussed above Compliance continues to study patterns among renovators that may indicate whether renovators are intentionally or unintentionally circumventing the RRP work order enforcement questions, creating a risk of non-compliance. These risks can be reduced with improved vendor and staff supervision, IT enhancements to fill gaps, and more consistent training and guidance to staff on RRP work order protocols.

[File Review for 15\(a\):](#)

Potential RRP work orders contain a “flag” in Maximo signifying the presence of presumed or known LBP in the apartment. This “RRP flag” then requires that any paint-disturbing work in the unit requires renovators to follow RRP protocols, including a clearance examination.

The table below shows that, for 91% (60,016 out of 65,660) of work orders closed between December 16, 2022 to June 15, 2023 where renovators must answer the RRP enforcement questions, renovators indicated that they were not performing RRP work. This trend is concerning and requires continued monitoring of whether the workers’ selection of “No” or “No Components Selected” to the RRP enforcement questions is appropriate.

[RRP Selection from December 16, 2022 to June 15, 2023](#)

	No Count	% No	Yes Count	% Yes	Did not answer Yes or No	% null Answer	Total
December 2022 (beginning December 16, 2023)	4,988	90.23%	75	1.36%	465	8.41%	5,528
January 2023	11,602	90.58%	144	1.12%	1,063	8.30%	12,809
February 2023	10,738	90.75%	103	0.87%	992	8.38%	11,833
March 2023	11,623	90.30%	88	0.68%	1,160	9.01%	12,871
April 2023	9,195	92.28%	70	0.70%	699	7.02%	9,964
May 2023	8,323	93.05%	39	0.44%	583	6.52%	8,945
June 2023 (ending June 15, 2023)	3,547	95.61%	3	0.08%	160	4.31%	3,710
Grand Total	60,016	91.40%	522	0.80%	5,122	7.80%	65,660

Importantly, answering “No” to the RRP enforcement question does not necessarily indicate non-compliance and, indeed, can be entirely appropriate in several circumstances. For instance, NYCHA has a growing volume of XRF data showing that apartments are either negative or have a limited number of lead components at 1.0 and 0.5 mg/cm². If a renovator is performing work in a negative apartment

or working on components that do not contain LBP, the renovator is correct to answer “No” to the RRP enforcement question. Additionally, for some work orders, the renovators are not performing work at all or are not performing work that disturbed paint above the de minimis thresholds, such as painting with no surface preparation or drilling small holes to install new cabinets on a wall. In these circumstances, renovators would also be correct to select “No.”

Overall Description of Compliance for 15(a):

NYCHA has established a sophisticated work order system that can identify the lead status of the apartment on a component-by-component basis. The system uses this information to prompt staff with RRP enforcement questions. Maximo was updated in December 2021 to address the City’s change of the standard for LBP.

In the past, NYCHA has certified that the work order system meets the requirements of the certification set forth in Paragraph 15(a). However bugs related to the RRP flag, and the potential that system users (i.e., NYCHA staff) are improperly answering the RRP question have led to a lack of confidence during this Covered Period that NYCHA could certify to compliance with this subparagraph. Compliance will continue to take steps to ensure that the system is used appropriately and hold staff accountable for deviations from the requirements.

Paragraph 15(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 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.90.

Regulatory Requirements for 15(b):

NYCHA interprets this paragraph, and the regulations cited therein, as requiring that NYCHA have policies, procedures, controls, and practices to only permit RRP-certified staff or vendors to perform paint- disturbing work in lead paint developments.

Written Policies, Procedures, and/or Contract Specifications for 15(b):

Policies and Procedures: The Lead SP sets forth the following procedures related to requirement set forth in paragraph 15(b):

- Regarding vendors, the Lead SP states: “Property maintenance supervisors ensure vendor employees have a physical or electronic copy of their valid RRP certification with them when the vendor is onsite and the information is entered into the log book, follow lead-safe work practices under federal and local law and regulations, and provide the required notifications.” See Lead SP, § XV.A.2.1.(7). Developments using vendors must also provide the vendor with the “Lead Safe Practices Vendor notice.” See Lead SP, § VII.J.2.c.(2) and Appendix E.
- Regarding NYCHA staff, the Lead SP states as follows: “Only Certified Renovators can perform Renovation, Repair, and Painting (RRP) work that requires RRP certification.” See Lead SP, § VII.J.2. The Lead SP further states, “Supervisors are not permitted to assign work that requires a Certified Renovator to employees who are not Certified Renovators. If an 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. 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.” See Lead SP, §§ . VII.J.3.a.2.d through VII.J.3.a.2.e.

IT Controls for 15(b):

As reported in the July 2021 HUD Certification, NYCHA has IT controls that ensure that NYCHA assigns potential RRP work orders in lead paint developments to RRP certified NYCHA staff. During the Covered Period, IT reported that these controls continued to be in place, and no further controls were implemented. A document describing this IT control is annexed as Attachment B.

At present, Maximo does not identify the vendor or vendor staff assigned to perform RRP work at the lead paint developments. NYCHA instead relies upon either development staff or NYCHA paint supervisors to manually check the qualifications of the vendor and vendor staff at the development.

Field Monitoring/QA for 15(b):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. EHS’s findings relevant to Paragraph 15(b) was that 450 out of 450 (100%) of NYCHA workers observed performing RRP work were RRP certified. In other words, for 300 jobs, a least one worker present had a valid Certified Renovator credential. EHS also found that 18 of 23 (78.26%) of the vendor personnel found to be performing RRP work were RRP certified.

File Review for 15(b):

The Compliance Department randomly selected approximately 35 work orders each month to verify whether employees and staff were certified. This effort resulted in a review of 210 work orders for work performed during the Covered Period (December 16, 2022 to June 15, 2023). The Compliance Department compared data from closed RRP work orders in Maximo with training results from the Human Resources Department. All 210 work orders were completed by RRP certified NYCHA employees.

As a result of inconsistent use by NYCHA staff, by December 2021, the Compliance Department stopped monitoring the vendor RRP compliance portal that requires vendors performing RRP work to upload both their firm and worker certifications. Instead, Compliance plans to rely on EHS field monitoring of vendor work, which will be made easier through the rollout of a planned digital vendor logbook.

Overall Description of Compliance for 15(b):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(b) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements of Paragraph 15(b);
- The existence of IT controls for work orders performed by NYCHA staff to ensure that only RRP certified workers can be assigned to RRP work orders;
- Strong evidence (100% compliance in the field and 100% compliance in file reviews) that these requirements are being followed for NYCHA staff.

Based on the documentation, NYCHA is showing significant progress on compliance with this paragraph with respect to NYCHA staff but must still further strengthen its controls on vendors, which were found to be compliant in only 78.26% of jobs observed in the field, prior to certifying compliance.

Paragraph 15(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 CFR part 745, subpart E ... in accordance with 40 CFR §§ 745.81, 745.89.

Overall Description of Compliance for 15(c):

NYCHA is a certified RRP firm. Proof of the certification is annexed as Attachment H. Based on this documentation, there is evidence supporting NYCHA's certification that it is in compliance with the requirements set forth in 15(c).

Paragraph 15(d): Ensuring supplies necessary to perform lead-safe work practices in accordance with 24 CFR § 35.1350 and 40 CFR § 785.85 are readily available to trained and certified workers.

Regulatory Requirements for 15(d):

NYCHA interprets this requirement as ensuring that its storerooms have sufficient supplies that can be used by NYCHA staff daily to fulfill the lead safe work practice requirements.

Written Policies, Procedures, and/or Contract Specifications for 15(d):

The Lead SP sets forth the mandatory materials that must be included in the standard RRP kit and available at the developments. See Lead SP, § VII.J.9.

Starting in April 2019, four developments per week had their storerooms inventory converted over from development control to Materials Management Department ("MMD") control. As of November 30, 2022, MMD controlled all development storerooms. For storerooms under MMD control, storeroom management procedures are governed by NYCHA SP 006:19:1, Operations of Development Storerooms – MMD Locations.

For storerooms under MMD control, MMD monitors and distributes all maintenance work related materials out of the storeroom, including RRP required supplies. MMD implemented an initiative on April 1, 2019 to improve RRP storeroom supplies management at developments by establishing a visible model display of each item that is required to conduct RRP work. The Storeroom Caretaker at each development is responsible for RRP item monitoring, and reports to the MMD supervisor any issues or items that need replenishment.

IT Controls for 15(d):

During June 16, 2022 through December 15, 2022, an IT enhancement was built and released at 3 testing sites: Washington, Van Dyke, and Woodside. This enhancement allows the Storeroom Caretaker to order materials at set min/max levels at each site. Auditors and Supervisors have access to make any changes to min/max levels based on reorder point ("ROP") and overstock data showing usage rates. IT reported as of January 17, 2023, the IT enhancement was released at the remaining storerooms across NYCHA.

Field Monitoring/QA for 15(d):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. This section briefly summarizes EHS's findings relevant to Paragraph 15(d).

- Out of 194 total storeroom inspections for RRP supplies, 6 failed inspections, resulting in a compliance rate of 96.91%.
- EHS LOT inspected 107 storerooms at least once. Some storerooms were re-inspected due to initial failures while others received multiple inspections based on overlapping inspection schedules.
- The most frequently missing RRP supply was the Supply Kit. This item was observed missing during 5 storeroom inspections.
- 6 of the 6 (100%) storerooms that failed were re-inspected and passed. Escalation to the Compliance Department was not required.

File Review for 15(d):

The Compliance Department did not conduct any file review to evaluate compliance with paragraph 15(d).

Overall Description of Compliance for 15(d):

During the Covered Period, NYCHA was substantially compliant with the requirement set forth in Paragraph 15(d) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(d);
- Field monitoring data showing an overall rate of 96.91% compliance for RRP storerooms and 100% compliance for the storerooms that had failed an initial inspection due predominantly to the failure to store a Supply Kit on site.

Based on this documentation, there is evidence supporting NYCHA's certification that it is substantially in compliance with the requirements set forth in 15(d).

Paragraph 15(e): Ensuring that firms and workers assigned to perform the 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 CFR § 745.86.

Regulatory Requirements for 15(e):

The relevant portion of 40 CFR § 745.86 states as follows:

“Documentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-

renovation cleaning verification described in § 745.85(b). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in § 745.82, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:

- (i) Training was provided to workers (topics must be identified for each worker).
- (ii) Warning signs were posted at the entrances to the work area.
- (iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.
- (iv) The work area was contained by:
 - (A) Removing or covering all objects in the work area (interiors).
 - (B) Closing and covering all HVAC ducts in the work area (interiors).
 - (C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
 - (D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
 - (E) Covering doors in the work area that were being used to allow passage but prevent spread of dust.
 - (F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors).
 - (G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
- (v) If paint chip samples were collected, that the samples were collected at the specified locations, that the specified NLLAP-recognized laboratory analyzed the samples, and that the results were as specified.
- (vi) Waste was contained on-site, and while being transported off-site.
- (vii) The work area was properly cleaned after the renovation by:
 - (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.

- (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
- (viii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

[Written Policies, Procedures, and/or Contract Specifications for 15\(e\):](#)

The Lead SP sets forth the required procedures for lead safe work practices, and for completing the required renovator's checklist. See Lead SP, §§ VII.J.1. through VII.J.14. A template renovator's checklist, NYCHA Form 088.181, Renovation Recordkeeping Check List, is available on the FRL for vendors and staff.

In November 2019, NYCHA created digital versions of the post renovator checklists for use in the handheld and desktop versions of Maximo. Screenshots of the digitized checklists are located in Attachment I, Slides 11 and 12.

[IT Controls for 15\(e\):](#)

As of November 2019, the pre-acknowledgment form and renovator's checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(e\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations based on 300 observations of RRP work orders:

- Among all the RRP work phases the "Worksite Preparation" phase achieved a 99.10% compliance rate. 221 "Worksite Preparations" activities were observed.
- 249 "Work Activities" were observed, with a 99.60% compliance rate.
- 25 "Cleanup Activities" were observed, with a 100% compliance rate.
- 28 "Cleanup Verification" job were observed, with a 100% compliance rate.

[File Review for 15\(e\):](#)

The Compliance Department assessed 210 work orders (completed between December 16, 2022 and June 15, 2023) for the required attachments and confirmed whether the work orders had the RRP Renovation Checklist. 199 of the work orders had staff that completed the RRP Renovation Checklist. The remaining work orders had partially completed RRP Renovation Checklists. A spreadsheet documenting this file review is annexed as Attachment J.

[RRP Checklists December 16, 2022 to June 15, 2023](#)

	December*	January	February	March	April	May	June
RRP Checklists Present	0	35	32	33	34	35	30
Partially Completed RRP Checklists	0	0	3	2	1	0	5
Total Work Orders Reviewed	0	35	35	35	35	35	35
Compliance Rate	-	100%	91%	94%	97%	100%	86%

***All work order forms for the month of December were completed prior to December 16, 2022.**

In 11 cases, MU identified partially completed RRP checklists. In 3 cases, the skilled tradesperson did not confirm whether they contained waste on-site and/or contained waste while it was transported off-site. In 3 cases, the skilled tradesperson did not confirm whether doors in the work area were covered, objects were removed or covered in the work area, floors in the work area were covered, or whether HVAC ducts in the work area were closed and covered with tape-down plastic. In the remaining 5 cases, the skilled tradesperson did not confirm selections from both of the categories listed above.

When Compliance identifies these issues, the skilled tradesperson is given an opportunity to explain the reason for not following RRP procedures and Compliance informs them on how to properly complete the requirements in the future. Compliance asked Skilled Trades supervisors for explanations and received an explanation in 4 of 11 instances. The Skilled Trades Deputy Director for all 4 of the employees associated with the 4 work orders confirmed speaking with their employee. The reason one employee provided for the incomplete checklist was making an error for the selection of the category. For another employee, they explained that they did not check off the “windows in work area closed,” as there were no windows or doors in the work area. The Deputy Director confirmed that the photos were uploaded to Maximo, showing adherence to RRP safety protocols.

[Overall Description of Compliance for 15\(e\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirements set forth in Paragraph 15(e) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(e);
- Successful application of IT controls that require workers to complete the Renovator’s Checklist before they can close the RRP work order;
- Field monitoring data providing a rate of compliance between 99.10% to 100% for the 4 work phases (worksite preparation, work activities, cleanup activities, and cleanup verification);
- File review showing slight downward trend of compliance to 95% (compared to 98% in the last certification) for completion of the renovator’s checklist.

However, NYCHA currently does not have a system for remotely monitoring/controlling vendors

performing RRP work.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance for vendors and NYCHA strengthens policies on vendor record- keeping. With respect to NYCHA’s internal staff, there is evidence supporting NYCHA’s certification that it is substantially in compliance with the requirements set forth in 15(e).

Paragraph 15(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 CFR § 35.1345 and 40 CFR §§ 745.84, 745.85.

[Regulatory Requirements for 15\(f\):](#)

The regulations cited in paragraph 15(f) require NYCHA to distribute the U.S. Environmental Protection Agency (“EPA”) Renovate Right Pamphlet, and to obtain acknowledgment from an adult occupant of the unit.

[Written Policies, Procedures, and/or Contract Specifications for 15\(f\):](#)

The Lead SP sets forth the required procedure for distributing the required pre-renovation materials and obtaining the acknowledgment form from the resident. *See* Lead SP, § VII.J.5.

[IT Controls for 15\(f\):](#)

As of November 1, 2019, the pre-renovation acknowledgment form and renovator’s checklist were digitized and added into the Maximo work ticket. A screenshot of the pre-renovation checklist as it appears in Maximo is located in Attachment I, Slide 8. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work. During the Covered Period, IT reported that these controls continued to be in place, and no further controls were implemented.

[Field Monitoring/QA for 15\(f\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. EHS made the following observations about the Lead Safe Certified Guide to Renovate Right:

- To assess compliance with this requirement, LOT asked residents if they had received this guide for 300 work orders.
- 291 residents confirmed they received the information, resulting in a 97.00% compliance rate.

[File Review for 15\(f\):](#)

The MU assessed 210 work orders (completed between December 16, 2022 and June 15, 2023) for the required attachments and confirmed if the pre-renovation acknowledgement form was offered to the

resident. 100% (210 out of 210) of the work orders indicated in the pre-renovation acknowledgment form that the pamphlet was offered to the resident. See the table below for details regarding completion of the renovator’s checklist and Attachment J for complete a list of the individual work orders:

[Pre-Renovation Acknowledgement Form December 16, 2022 and June 15, 2023](#)

	December*	January	February	March	April	May	June
Acknowledge Form Present	0	35	35	35	35	35	35
Acknowledge Form Incomplete	0	0	0	0	0	0	0
Total Work Orders Reviewed	0	35	35	35	35	35	35
Compliance Rate	-	100%	100%	100%	100%	100%	100%

***All work order forms for the month of December were completed prior to December 16, 2022**

[Overall Description of Compliance for 15\(f\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirements set forth in Paragraph 15(f) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(f);
- Successful application of IT controls that require workers to complete the pre-renovation acknowledgment form before they can close an RRP work order;
- 97.00% (291 of 300) of residents confirmed they had received the Renovate Right Pamphlet;
- File review showing a rate of compliance of 100% across the Covered Period.

Despite this progress, NYCHA is still developing a more cohesive policy on monitoring vendor performance and ensuring that residents receive the pre-acknowledgment forms when vendors complete work in their apartments.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance for vendors and NYCHA strengthens policies on vendor record-keeping. With respect to NYCHA’s internal staff, there is evidence supporting NYCHA’s certification that it is substantially in compliance with the requirements set forth in 15(f).

[Paragraph 15\(g\): Retaining records demonstrating compliance with the regulations set forth at 24 CFR § 35.125 and 40 CFR § 745.84.](#)

[Regulatory Requirements for 15\(g\):](#)

Paragraph 15(g) requires compliance with 24 CFR § 35.125, which, among other things, sets forth the requirements for issuing notices of evaluation (“NOE”) following lead testing, inspections, and risk assessments, and notices of hazard reduction (“NOHR”), which must occur upon the completion or abatement or interim controls. 40 CFR § 745.84 sets forth the work notification requirements for RRP projects in residences and common areas. Compliance with 40 CFR § 745.84 is also referenced in Paragraph 15(f) and this section shall focus on compliance with 24 CFR § 35.125.

Written Policies, Procedures, and/or Contract Specifications for 15(g):

Policies and Procedures: The Lead SP contains policies and procedures on the NOE and the NOHR.

- For policies and procedures for the NOE, see Lead SP, § VII.D.1.c. (NOE following XRF inspection); *Id.*, § VII.D.1.d. (NOE for biennial re-evaluations); see also NYCHA Form 060.851, Notice of Evaluation.
- For policies and procedures for the NOHR, see Lead SP, § VII.D.2.b.(1) (NOHR following hazard reduction activities performed in an apartment); Lead SP, § VII.D.2.b.(2) (NOHR following hazard reduction activities performed in a common area or exterior); see also NYCHA Form 060.852, Notice of Hazard Reduction Activity.

Contract Specifications: The contract specifications for the NYCHA XRF initiative require vendors performing the XRF testing to perform the following:

- (a) Each dwelling unit that is found to contain lead-based paint is to receive a “Notice.”
- (b) The Notice shall be in a single page format that is approved by NYCHA.
- (c) The Notice is to be received by the resident within 15 calendar days of knowledge that lead-based paint is present.
- (d) Notices are to be mailed directly to the Resident’s address.

IT Controls for 15(g):

IT has developed a system to automate the sending of the NOHR through Siebel. This automated process generates a hard copy NOHR after a passing clearance examination. The letter is then mailed to the resident. An electronic version of the letter (in 4 languages) is also stored in the resident’s MyNYCHA App file. The process auto-generates letters for “non-exception cases,” where all necessary criteria for the work order matches in Maximo and no manual review is necessary to resolve discrepancies.⁸ If a

⁸ **Non-Exception (auto) NOHR:** Hazard Reduction Notice that is automatically generated by Siebel and mailed out by General Services Department, if any 1 of the following categories is satisfied:

- Dust wipes taken matched exactly to the dust wipes that were planned
- Dust wipes planned at apartment level but were taken at the room level
- Dust wipes taken were more than dust wipes planned but contained all dust wipes that were planned

case does not meet these criteria, the process auto-generates a list of “exception” cases, which LHC must review, resolve discrepancies, and if necessary, manually generate the NOHR.⁹

[Field Monitoring/QA for 15\(g\):](#)

No field monitoring for the paragraph.

[File Review for 15\(g\):](#)

Notices of Evaluation:

The Compliance Department reviewed XRF inspection work orders in Maximo completed between December 16, 2022 and June 15, 2023. Based on data as of July 3, 2023, of 17,165 completed XRF inspections, 10,523 work orders contained the required NOE in Maximo. According to LHC, the remaining 6,642 work orders, which did not have a required NOE, were provided by the vendor to LHC, and LHC is still conducting QA for these work orders. The work orders must clear QA before the NOE can be approved for upload to Maximo.

Notices of Hazard Reduction – Non-Exception Cases:

Between December 16, 2022 and June 15, 2023, the IT data reflected 4,797 “Non-Exception” cases (meaning the NOHRs were automatically generated through the Siebel system). The MU selected a sample of 50 of these cases and found that 49 of these cases contained a copy of the NOHR attached in Siebel. According to LHC, the missing NOHR was sent automatically; however, the Data Warehouse will not allow LHC or the MU to download the document from Siebel, which could be the result of a technical issue.

Notices of Hazard Reduction – Exception Cases:

For “Exception” cases (where the NOHR must be manually generated by LHC), the Compliance Department obtained a list of RRP work orders that were closed and passed dust wipe clearance between December 16, 2022 and June 15, 2023. The list contained 995 exception work orders, and the Compliance Department randomly selected a sample of 39 work orders for review.

The Compliance Department requested evidence of email delivery from LHC to the developments with the NOHR attached in the email to the development. Upon review on June 28, 2023, the Compliance Department found that all 39 work orders sampled had the respective emails and NOHR uploaded in Maximo. This is an increase in performance of 5% from the January 2023 HUD Certification when 95% of exception related work orders had emails and NOHRs uploaded in Maximo. According to LHC, both emails were sent to the respective developments within the 15 calendar day regulatory deadline; however, due to internal issues with Maximo, the emails were not uploaded to the platform until after the 15 calendar day regulatory deadline.

⁹ **Exception (manual) NOHR:** Hazard Reduction Notice that is manually generated by the LHC Dust Wipe Unit and mailed out, if any 1 of the following categories is satisfied, indicating further investigation is needed:

- Dust wipes taken were less than dust wipes planned
- Dust wipes taken were more than dust wipes planned but did not include all dust wipes planned

The delay between the clearance inspection date and the date of notice on the NOHR for “exception” cases has also improved since the January 2023 HUD Certification. The review in Maximo revealed that in 2 of the 39 exception cases, LHC did not send any of the emails or respective NOHRs to the development staff until between 16 and 18 days after the clearance inspection date, which is above the 15 calendar day deadline. This is a significant improvement compared to the January 2023 HUD Certification in which LHC did not send emails or NOHRs to the development within the 15 calendar day deadline in nearly 95% of cases whereas now this number has declined to just 5%.

Overall Description of Compliance for 15(g):

NYCHA launched the automated IT process for generating the NOHR through Siebel on November 18, 2020. For the Covered Period, the Compliance review of the sample selection of 50 non-exception work orders exhibited a positive result for 98% of the notices. For manually generated and e-mailed NOHRs, the Compliance review of the sample selection of 39 exception work orders exhibit a positive result for 100% of the notices based on having the respective emails and NOHR uploaded in Maximo. When verifying for whether the NOHR was emailed to the development within the required 15 days, the Compliance review indicates a positive result for 95% of the notices, which is a very significant increase from the previous Covered Period.

Based on the foregoing, during the Covered Period, Compliance believes NYCHA was substantially compliant with the requirements under 24 CFR § 35.125 with respect to work performed using the handheld where Notices of Hazard Reduction could be tracked in the Maximo system.

Though not explicitly required under 24 CFR § 35.125, there is still not a process for notifying residents in writing following a failed dust wipe. Instead, upon a failed clearance, residents are notified by telephone or email about the need for the development to reschedule a re-cleaning of the work area and a second clearance examination and the notice of hazard reduction is only generated when the unit passes clearance. Now that an automated system is in place for NOHRs, NYCHA needs to work on a method to auto-generate written notice to the resident following a failed clearance examination.

Paragraph 15(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 CFR § 35.1345 and 40 CFR § 745.85(a).

Regulatory Requirements for 15(h):

24 CFR § 35.1345(b)(1) states as follows: “The worksite shall be prepared to prevent the release of leaded dust and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.”

40 CFR § 745.85(a)(2) states as follows: “Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being

performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.”

[Written Policies, Procedures, and/or Contract Specifications for 15\(h\):](#)

The Lead SP sets forth the containment and worksite isolation requirements. See Lead SP, §§ VII.J.10. through VII.J.12.

[IT Controls for 15\(h\):](#)

The RRP Containment requirements referenced in this paragraph are addressed in the renovator’s checklist. As of November 1, 2019, the pre-acknowledgment form and renovator’s checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(h\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- Out of 221 EHS observations of worksite preparation activities, 99.10% were found to be in compliance.

[File Review for 15\(h\):](#)

The results of the file review are discussed in the Description of Compliance with paragraph 15(e), which identifies the work orders where the RRP checklist was completed.

[Overall Description of Compliance for 15\(h\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(h) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(h);
- Successful application of IT controls that require workers to complete the Renovator’s Checklist before they can close the RRP work order;
- Field monitoring data providing observed compliance rates of 99.10% for worksite preparation activities and 99.60% for work activities;
- File review showing a trend of compliance to 95% for completion of the renovator’s checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy for monitoring vendor work and collecting required RRP documentation from vendors. EHS reported that it continues to experience difficulties in identifying RRP vendor jobs. EHS observed 11 vendor RRP job during the covered period. This was the first reporting period where LOT utilized the Micro-Purchase Team’s mailbox to identify the locations where vendors are performing RRP work, and still has challenges identifying the vendor jobs.

Overall, the Compliance Department recommends not certifying to this requirement until NYCHA

strengthens policies on vendor record-keeping and monitoring. With respect to NYCHA's internal staff, there is evidence supporting NYCHA's certification that it is substantially in compliance with the requirements set forth in 15(h).

Paragraph 15(i): Containing, collecting, and transporting waste from the renovation in accordance with 40 CFR § 745.85(a)(4).

Regulatory Requirements for 15(i):

40 CFR § 745.85(a)(4) states as follows: "(i) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered. (ii) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. (iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris."

Written Policies, Procedures, and/or Contract Specifications for 15(i):

The Lead SP sets forth the protocols for managing waste for RRP projects. See Lead SP, §§ VII.H.1.j. and VII.J.12.

IT Controls for 15(i):

The waste control requirements referenced in this paragraph are included in the renovator's checklist. As of November 1, 2019, the renovator's checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

Field Monitoring/QA for 15(i):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- EHS conducted 25 Cleanup work phase observations and found an overall compliance rate of 100%.

File Review for 15(i):

The results of the file review are discussed in the Description of Compliance with paragraph 15(e), which indicates which work orders had the RRP checklist.

Overall Description of Compliance for 15(i):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(i) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(i);
- Application of IT controls that require workers to complete the Renovator's Checklist before they can close the RRP work order;
- Field monitoring data providing an observed compliance rate of 100% for cleanup activities;
- File review showing a trend of compliance of 95% for completion of the renovator's checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy for monitoring vendor work and collecting required RRP documentation from vendors. EHS observed 11 vendors during its field monitoring.

Overall, the Compliance Department recommends not certifying to this requirement until NYCHA strengthens policies on vendor record-keeping and monitoring. With respect to NYCHA's internal staff, there is evidence supporting NYCHA's certification that it is substantially in compliance with the requirements set forth in 15(i).

Paragraph 15(j): Performing cleanup of any work area to which lead safe work practices apply until no debris or residue remains in accordance with 24 CFR § 35.1345, 35.1335 and 40 CFR § 745.85(a) and (b) and conducting and passing a clearance examination in accordance with 24 CFR § 35.1340 (including any follow-up as required by that section's subsection (e) after clearance failure(s)), as provided by 40 CFR § 745.85(c).

[Regulatory Requirements for 15\(j\):](#)

The above regulations set forth the mandated cleaning requirements and clearance examination requirements. Due to the number and length of these requirements, they are not reproduced in this section.

[Written Policies, Procedures, and/or Contract Specifications for 15\(j\):](#)

Policies and Procedures: The Lead SP sets forth the protocol for cleaning, cleaning verification, and clearance examinations. See Lead SP, §§ VII.H.1.j, and VII.I.1. through VII.I.10. Over a period of about six months, from June 16 to December 15, 2021, NYCHA integrated 2 significant new protocols into its clearance examination process. First, before cleaning activities begin, NYCHA requires the renovator to call into a newly established centralized dispatcher to request a dust wipe technician to be routed to the worksite. The purpose of this new dispatcher function is to improve communications between field staff and LHC. Second, NYCHA requires certified renovators to perform the EPA cleaning verification after final cleaning.

[IT Controls for 15\(j\):](#)

With respect to clearance examinations, the creation of an RRP or remediation off a visual assessment (interim control) work order automatically generates a work order for a clearance examination.

In addition, the requirements referenced in this paragraph are included in the RRP checklist. As of November 1, 2019, the RRP checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided

information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(j\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to cleaning activities, EHS makes the following overall observations:

- 448 dust wipe sample collection jobs observed, 210 were for RRP clearance and 238 were for lead abatement clearance.
- There was a 98.57% compliance rate in the RRP clearance jobs observed. See Attachment A.
- EHS reviewed 448 clearance examinations, covering both abatement and RRP projects. EHS noted that all clearance examiners had proper credentials for their job type; that 445 of 448 jobs adhered to the 1-hour wait time between clearance and cleaning activities; that all clearance examiners conducted the visual inspection phase of the clearance examination; and that the clearance examiners adhered to dust wipe sample collection protocols 100% of the time.

[File Review for 15\(j\):](#)

Compliance, NYCHA IT, and LHC have developed a series of dashboards and reports to evaluate overall compliance with clearance examination requirements for interim controls and other RRP work orders. This section provides an overview of these dashboards and the trends that they are currently showing for the reporting period (December 16, 2022 to June 15, 2023). It should be noted that NYCHA still needs to perform additional validation of the data from the dashboards, however, the below tables represent the best available information at this time. Compliance examines the following indicators to better understand the current compliance rate for clearance examinations:

- **Timing of Initial Clearance Examination:** Compliance evaluates whether NYCHA is performing or attempting to perform the clearance examination within 24 hours, 48 hours, or after 48 hours of the final labor transaction on the Corrective Maintenance work order. Compliance also assesses whether the clearance was performed before the end of each weekly reporting cycle.
- **Pass/Fail/Pending Status of Dust Wipe Batches:** Compliance examines the trends exhibited each month for the number of dust wipe batches that (i) have passed (ii) have passed after the initial dust wipe failed; (iii) remain in fail status; (iv) have failed based on a visual clearance; and (v) have results pending at the laboratory. Compliance also evaluates the levels of failed dust wipe samples to distinguish between minor exceedances and more significant exceedances.
- **Re-Cleaning and Re-Clearance:** Compliance examines the timing of recleaning following a failed clearance examination.

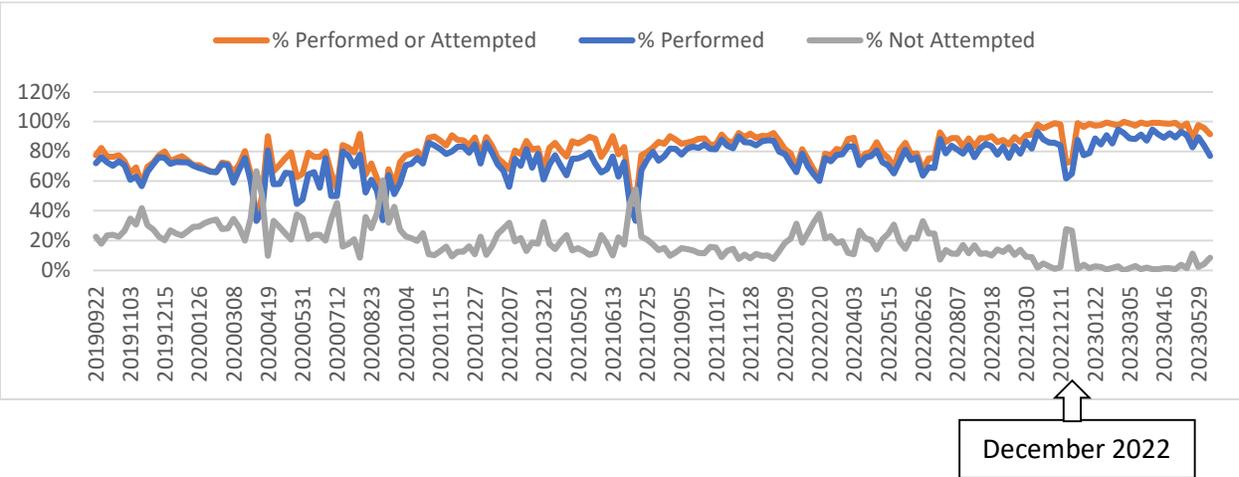
Timing of Initial Clearance Examinations and Overall Performance (December 16, 2022 - June 15, 2023)

Month	Total # of CM Work Orders	Total # of DW Performed in Reporting Week	Dust Wipes Performed within 24 Hours	Dust Wipes Performed 24-48 Hours	Dust Wipe Batch Currently in Passed Status	DW 2 Attempts in 48 Hours for Dust Wipe Not Performed
December	312	205	146	26	230	3
January	782	578	373	58	666	6
February	755	527	317	75	654	6
March	905	688	439	96	804	4
April	645	525	353	63	555	7
May	721	572	391	57	614	7
June	435	293	227	28	364	4
Total	4,555	3,388	2,246	403	3,887	37

Analysis: During the reporting period, NYCHA completed 3,388 of 4,555 (74.4%) of clearance examinations within the weekly reporting cycle used to examine clearance examinations. NYCHA completed 2,246 of 3,388 (66.3%) of these clearance examinations within 24 hours of the last labor transaction on the Corrective Maintenance work order. NYCHA completed 2,649 of 3,388 (78.2%) of these clearance examinations within 48 hours of the last labor transaction on the Corrective Maintenance work order.

NYCHA maintained its prior improvements in clearance performance time from the previous reporting period. NYCHA attributes its increased performance to the strong coordination between Lead Hazard Control and the Department of Management and Planning, which oversees the interim control work.

Dust wipe trends performed or attempted by end of the weekly reporting cycle

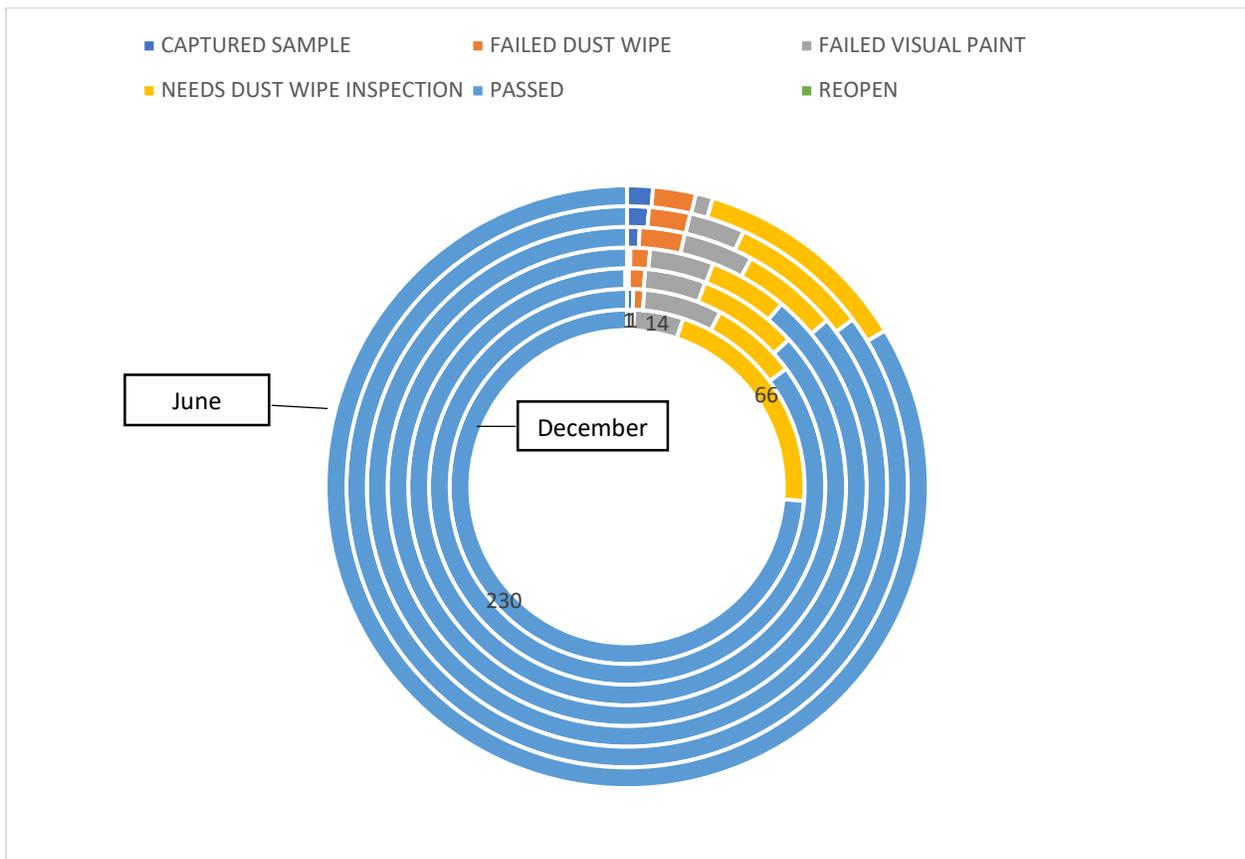


Analysis: Throughout the reporting period, LHC had consistently high performance both in terms of samples collected and attempted beginning in December 16, 2022 through June 15, 2023, typically ranging from at least 80% to above 90%.

Passed/Failed/Pending/Unperformed Statuses at the End of the Sixth Month Reporting Cycle:

Compliance conducted a review of the current status of all clearance examinations from December 16, 2022 to June 15, 2023. This analysis shows whether the clearance examination passed, remains in a failed status (and requires re-clearance), is still pending with the laboratory, or remains unperformed at this time. Note, the below visualization does not include the “fail history,” i.e., clearance examinations that initially failed but were re-tested and have now passed. Those clearance examinations are included in the “passed category.”

Each ring represents a calendar month, with December 2022 as the inner most ring and June 2023 as the outer most ring. The term “capture sample” means that the sample has been collected and is likely pending with the laboratory.



	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
CAPTURED SAMPLE	1	4	1	2	5	9	6	28
FAILED DUST WIPE	1	7	9	12	18	17	10	74

	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
FAILED VISUAL PAINT	14	50	34	39	28	23	4	192
NEEDS DUST WIPE INSPECTION	66	55	56	48	39	58	51	373
PASSED	230	666	654	804	555	614	364	3,887
REOPEN			1					1
TOTAL	312	782	755	905	645	721	435	4,555

Analysis (as of July 7, 2023):

- 85.4% of the clearance examinations performed over the reporting period are in “pass” status (vs. 80.0% in prior period). This improvement is notable, given that NYCHA uses New York City’s clearance standards, which are more stringent than the federal standards;
- 8.2% have not had clearances examinations yet (vs. 10.0% in prior period);
- 0.6% have been collected and are pending lab analysis (vs. 1.5% in prior period);
- 1.6% remain in fail status (vs. 1.8% in prior period); and
- 4.2% failed the visual phase of the clearance examination (vs. 6.7% in prior period).

While NYCHA mostly improved its performance over the course of the six month reporting period, there are still some compliance shortfalls that NYCHA needs to address, as 14.6% of dust wipe clearance examinations are not in passed status.

First, the number that are in fail status at the end of the reporting period is 1.6%. Many of these failed samples are several months old. This shows that NYCHA still has work to do in improving the re-cleaning and re-clearance process. While Compliance and LHC did build dashboards and trackers to monitor development responsiveness on re-cleaning needs, some lead clearance projects still remain in fail status for months.

Second, the number of unperformed clearance examination has fallen from 10% to 8.2% (representing a decrease of about 2% from the previous reporting period). It should be noted that this table does not account for attempts, which is critical to evaluate NYCHA’s efforts. It should also be noted that there have been continuing internal discussions on whether the clearance dashboards may overreport the number of unperformed samples. If the issue relates to access, NYCHA should explore developing right of entry policies for lead clearance.

Lead Dust Levels of Individual Failed Samples by Surface Area

The below analysis accounts for recent changes in June 2021 in New York City’s lead dust standards and is instructive to evaluate NYCHA’s performance under Paragraph 15(j). NYCHA will continue to report on these findings.

The current New York City and federal dust wipe thresholds are different for floors, window sills and window wells. NYCHA applies the New York City standards because they are more stringent than the federal standards. The below chart shows the difference between the two standards:

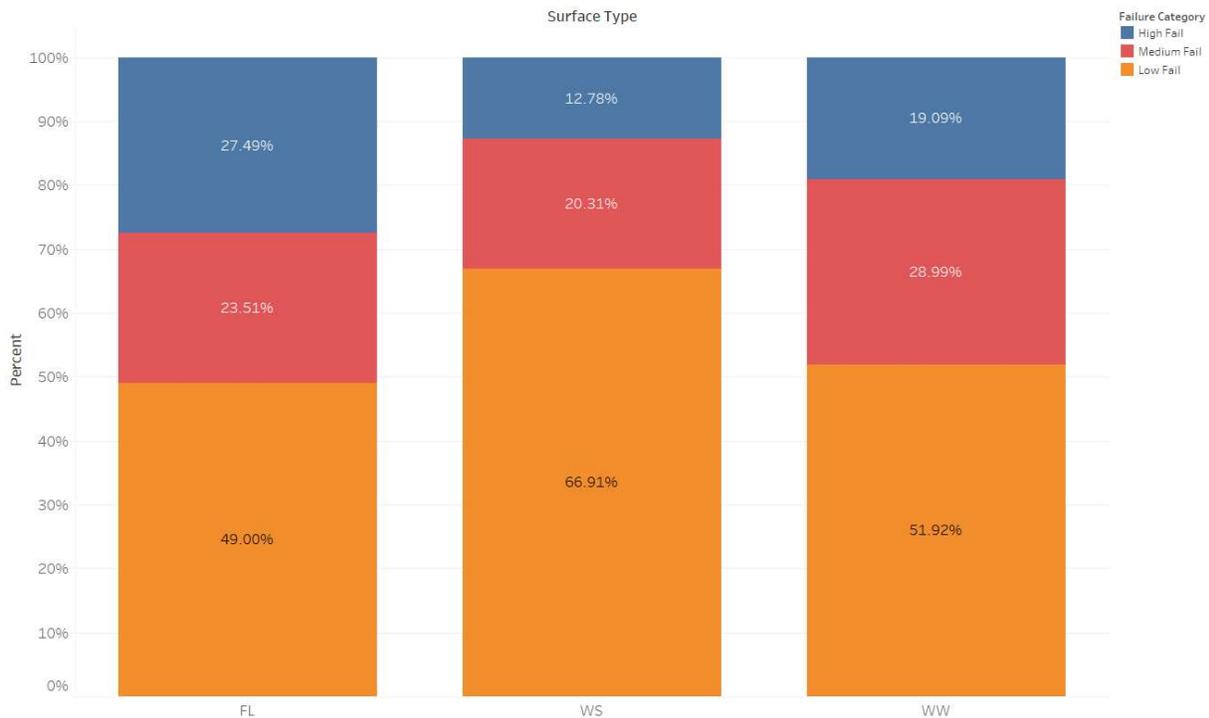
Surface	Federal	NYC (which NYCHA uses)
Floor	10 µg/ft ²	5 µg/ft ²
Window Sill	100 µg/ft ²	40 µg/ft ²
Window Well	400 µg/ft ²	100 µg/ft ²

The chart and dashboard below show the lead levels of individual failed samples within pre-defined ranges, broken down by a range of low, medium, or high fail categories from December 16, 2022 to June 15, 2023. This analysis has been updated to match New York City’s revised lead dust standards in June 2021. In addition, regardless of the category, any failed sample requires re-cleaning and re-clearance.

NYCHA’s dashboards currently uses the following ranges (in µg/ft²):

Result	Floor	Window Sill	Window Well
Pass	<5	<40	<100
Low Fail	5 to <10	40 to <100	100 to <200
Medium Fail	10 to <20	100 to <200	200 to <400
High Fail	20+	200+	400+

Lead Dust Levels on Surface Area



Analysis: The above-chart shows that many failed samples for all three surface areas is in the lower fail range. The (i) Low Fail samples for window sills that fall between 40-100 µg/ft² (accounting for 66.91% of the failed window sill samples), (ii) Low Fail samples for floors that fall between 5-10 µg/ft² (accounting for 49.0% of the failed floor samples), and (iii) Low and Medium Fail samples for window

wells that fall between 100-400µg/ft² (accounting for 80.91% of the failed window well samples) would all be below the current EPA standards. Thus, the stricter NYC standards are driving the majority of fails.

It is important to note that during the Covered Period, Compliance observed a decrease in the percentage of “high fail” dust wipes across all categories. For floors, the percentage of high fail dust wipes decreased from 34.9% in the January 2023 HUD Certification report to 27.5% in this Certification report. For window sills the percentage of high fail dust wipes decreased from 19.8% in the January 2023 HUD Certification report to 12.8% in this Certification report. For window wells, the percentage of high fail dust wipes decreased from 22.4% in the January 2023 HUD certification report to 19.1% in this Certification report. This represents a significant improvement in this category. However, the risk still remains, and Compliance plans to continue to increase its efforts to reinforce the importance of following cleaning protocols among staff that are consistently failing at high rates.

[Overall Description of Compliance for 15\(j\):](#)

With respect to clearance, during the Covered Period, NYCHA made progress towards compliance with the requirement set forth in Paragraph 15(j) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures;
- The improvement of IT controls and reporting on clearance examinations;
- Field monitoring observed high rate of compliance with cleaning verification and clearance protocols;
- Improving metrics with respect to collection and clearance performance.

However, a review of the Maximo data still shows that NYCHA needs to improve the timing of initial clearance examinations and the performance of re-clearance examinations. NYCHA also needs to reduce the number of projects without clearance examinations and improve the lab turnaround time. NYCHA has also not instituted worksite protections after cleaning but pending final clearance results, which is a very significant aspect of the clearance requirements. NYCHA also still faces implementation challenges in operationalizing same day clearance or temporary relocation efforts.

NYCHA cannot certify to compliance with this paragraph until these shortfalls are addressed.