



**Environmental Health and
Safety Department**
Lead Compliance Assurance Report

August 12, 2020 – December 31, 2020

I. Executive Summary

As required by the HUD Agreement, the Environmental Health and Safety Department's Lead Oversight Team ("LOT") perform compliance assurance inspections of NYCHA personnel and vendors performing Restoration, Renovation and Painting ("RRP") jobs, Lead Abatement, and Dust Wipe Clearance activities to ensure they are in compliance with HUD's Lead Safe Housing Rule, EPA's RRP Rule, and NYCHA's Lead Safe Housing Standard Procedure.

When non-compliance is observed, the LOT follow the EHS *Corrective Action and Escalation Protocols*. Guidance is provided to workers when required, and the LOT ensures immediate corrective actions are implemented i.e. stopping non-compliant activities and making the necessary adjustments to bring the activity into compliance. In addition to ensuring corrective actions are taken and supervisors are notified when severe deficiencies are observed, these jobs are also brought to the attention of the LOT Administrator and the Deputy Director of the Environmental Hazards Unit. These jobs are then reviewed to determine if escalation to the Compliance Department is also required. During this reporting period LOT escalated to the Compliance department four (4) jobs where non-compliance was observed.

The following report summarizes the findings of LOT compliance assurance observations from August 12, 2020 – December 31, 2020. Due to COVID-19, EHS Lead Oversight activities were suspended from March 20, 2020 – August 20, 2020. LOTS resumed oversight activities on August 21, 2020. From August through November 2020, EHS onboarded and provided training to two Compliance Assurance vendors who will provide personnel to supplement the Lead Oversight Team. The vendors are UNYSE, LLC and H2M Architects and Engineers.

Key observations from August – December 2020

RRP Inspection

- The LOT observed 168 RRP jobs in this period which is 16% lower than its target observation of 200 (40 per month) RRP jobs from August to December 2020.
- 406 work phases were observed, averaging a 99% compliance rate.
- The overall the data supports an average compliance rate improvement from 94% in the first half of 2020 to 99% in the 2nd half of the year.
- Of the 42 storerooms inspected for required RRP supplies, 39 were in compliance. The Compliance rate decreased by 4% from 97% in Q1 2020, to 93% in this reporting period.
- During this reporting period, 42 Lead Disclosure files were inspected, reporting a 98% compliance rate which is 1% higher than the Q1 2020.
- LOTS observed 234 NYCHA employees performing RRP. All but one did not have the required certification, leading to a 99.57% compliance rate.

- Among all the RRP work phases the “Worksite Preparation” phase achieved 100% compliance rates. 118 “Worksite Preparations” activities were observed
- 128 “Work Activities” were observed, averaging a 100% compliance rate.
- 81 “Cleanup Activities” were observed, averaging a 100% compliance rate.
- 79 “Cleanup Verification Activities” were observed, averaging a 100% compliance rate.
- LOT observed all four (4) phases in 38 jobs, reporting a 100% compliance rate.

Lead Abatement Inspection

- LOTS observed 399 work phases which is 98% higher than Q1 2020, of those observed phases LOTS reported a 99% compliance rate.
- LOTS observed 208% more jobs in this reporting period than the Q1 2020.
- “Work Area Preparation” and “Cleanup Activities” phases achieved 100% compliance rate.
- All Lead Abatement workers observed (NYCHA and Vendors) had valid certifications except for one (1) job, none of the vendor personnel showed the certifications but the certifications were verified later.
- Lead Abatement jobs were primarily conducted in unoccupied units.
- 137 “Work Area Preparation” and “Containment” phases were observed, averaging a 100% compliance rate
- 124 “Work Activities” phases were observed, averaging a 99% compliance rate
- 138 “Cleanup Activities” phases were observed, averaging a 100% compliance rate
- LOT Surpassed the target of observing a 120 (for 5 months) Lead Abatement jobs by 104% observing 245 Lead Abatement jobs.

Dust Wipe Clearance Inspection

- In August LOTS started Dust Wipe Clearance Compliance Assurance Inspection.
- This report does not include the data for “Select the certified personnel performing clearance” as IT is working to add this column in the next version.
- LOTS observed 132 phases of “Timing between cleanup completion and clearance examination”, reporting a 99.24% compliance rate.
- LOTS observed 132 Clearance workers performing Clearance Activities, all had the required certification on-hand, achieving a 100% compliance rate.
- LOTS performed 132 visual inspections of which 100% were in compliance.
- 131 “Sample Collection Work Activities” were observed, averaging 100% compliance rate.
- LOTS observed 34% lower observations than its targeted 200 observations from August to December 2020.

A. Restoration, Renovation and Painting (“RRP”) Compliance Assurance

A RRP Compliance Assurance inspection consists of seven (7) phases.

1. Storeroom Inspection
2. Lead Disclosure Compliance Inspection
3. Review of RRP Personnel and Certifications
4. Worksite Preparation Inspection
5. Work Activities Inspection
6. Cleanup Activities Inspection
7. Cleanup Verification Inspection

I. Storeroom Inspections

LOT inspects development storerooms to verify the presence of all necessary RRP supplies. The LOTS conducted a total of 42 inspections from in this reporting period, of which three (3) storeroom inspections failed due to the lack of required items, later LOTS revisited failed development and found the required items available, therefore, no escalation required.

- Compliance (all supplies present): 39
- Non-Compliance (one or more supplies missing): 3

Key observations:

- LOTS observed 42 Storeroom inspections, reporting a 92.86% compliance rate. The average of which a 94.53%. The Compliance rate decreased by 4% from 97% in Q1 to 93% in this reporting period. (Chart 1)
- Most common failure point was missing duct tape, which occurred in two (2) inspections. (Table 1)

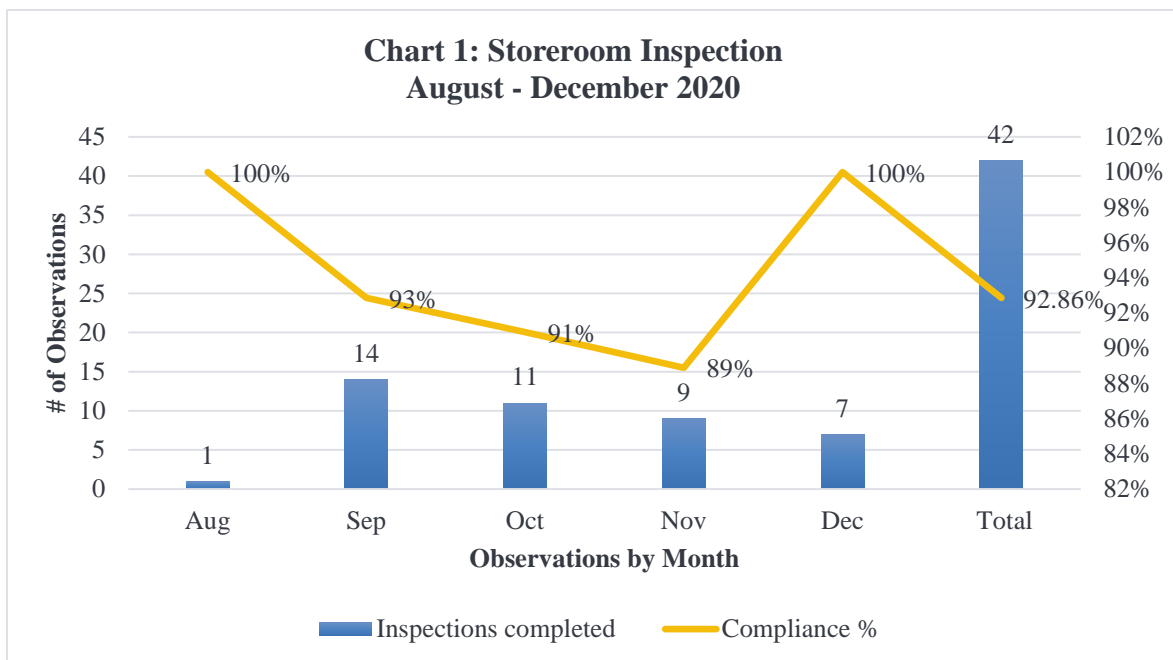


Table 1: Rank of Missing Supplies from August to December 2020

SL.	Missing Supplies	Aug	Sep	Oct	Nov	Dec	Total
1.	Duct Tape	0	0	1	1	0	2
2.	6 mil polyethylene sheeting	0	1	0	0	0	1
3.	Face Masks	0	0	1	0	0	1
4.	Tyvek Suits	0	0	1	0	0	1

II. Lead Disclosure File Inspection

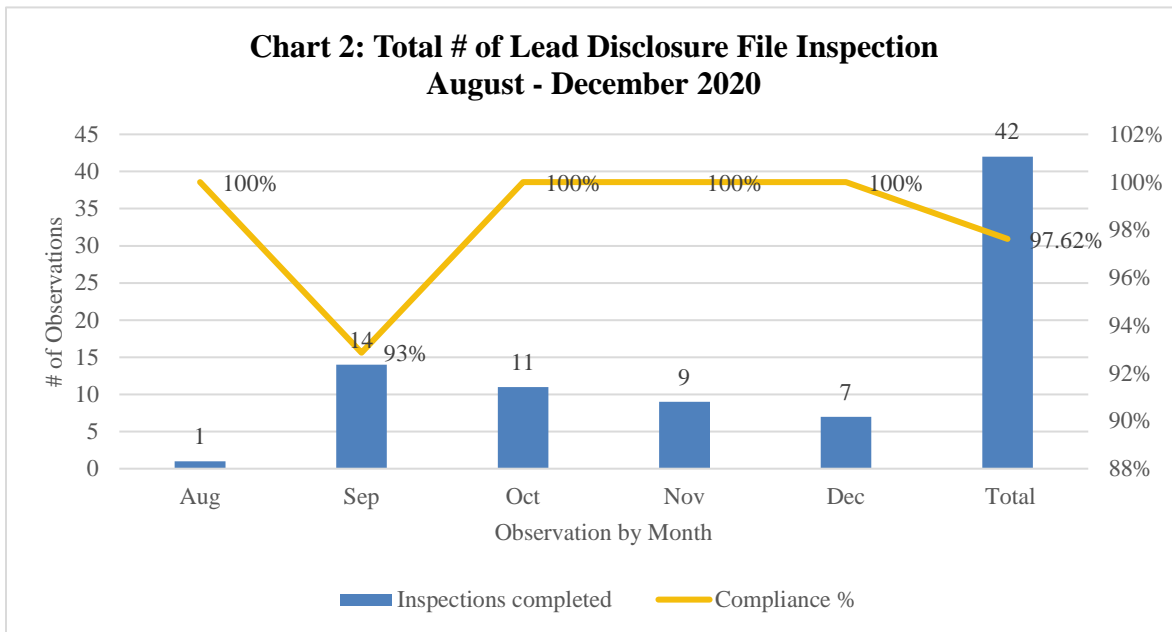
During the inspections LOTS reviews the development Lead Disclosure files to ensure the following required documents are present:

- Development Disclosure Summary for Lead-Based Paint
- Resident Notification about Lead-Based Paint
- Apartment Disclosure Summary for Lead-Based Paint
- List of units suspected of containing Lead-based Paint
- EPA “Protect Your Family from Lead” Paint
- EPA “Protect Your Family from Lead” pamphlets

LOTS reviewed 42 Lead Disclosure Files, and **98%** of files were found to be compliant.

Key observations:

- LOTS Observed 100% compliance rate throughout the period except for September 2020, reporting a 97.62% overall compliance rate. (Chart 2)
- Average compliance rate improved by 1% from 98% for Q1 to 99% in this reporting period.



III. Summary of RRP Oversight Inspections

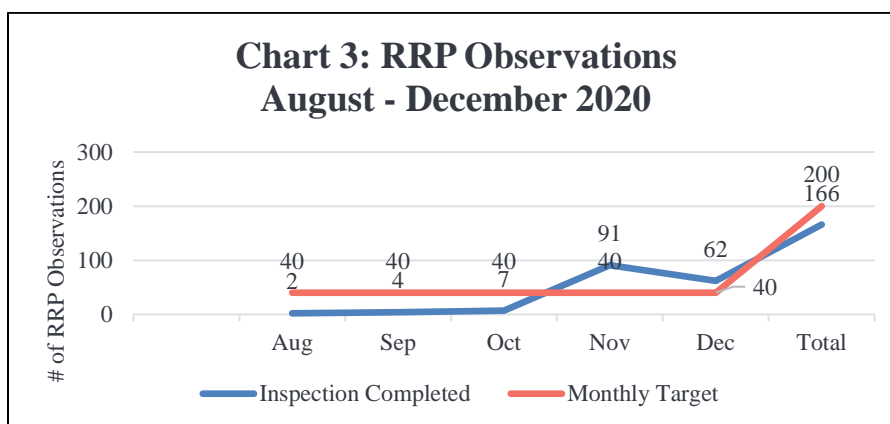
The LOT observes NYCHA personnel and vendors while they perform RRP work to ensure lead safe work practices (as defined in the Environmental Protection Agency’s (EPA) Lead Renovation, Repair and Painting Rule (“RRP Rule”), pursuant to 40 CFR Part 745, Subpart E) are followed.

An RRP job is divided into four sections, such as: Worksite Preparation, Work Activities, Cleanup and Cleanup Verification. For some observations lead oversight personnel observed all phases of an individual RRP job from worksite preparation through to cleanup verification, while for other jobs only one, two, or three phases were observed. EH&S attempts to observe a relatively even distribution of work phases to effectively assess compliance.

From August – December 2020, LOTS conducted oversight inspections of **166¹ RRP jobs** comprised of **406 observations** in various work phases, averaging a compliance rate of 99%.

Key observations:

- LOTS observed 166 RRP observations which is 17% lower than its target observation of 200 RRP jobs from August through December 2020. (Chart 3)
- Observed **38 RRP jobs in all four (4) work phases**; reporting a 100% compliance rate. The overall compliance rate improved by 19% than Q1 2020. (Table 2)
- Observed **406 work phases**, averaging a compliance rate of 99%. This represents an increase of 5% from Q1 2020.
- “Worksite Preparation” phase achieved the highest average compliance rate of 100%; whereas 98.89% for “Work Activities”, 99.57% for “Cleanup”, 99.52% for “Cleanup Verification” were achieved. (Chart 4)
- The data supports an overall upward average compliance trend from Q4 2019 to Q1 2020.

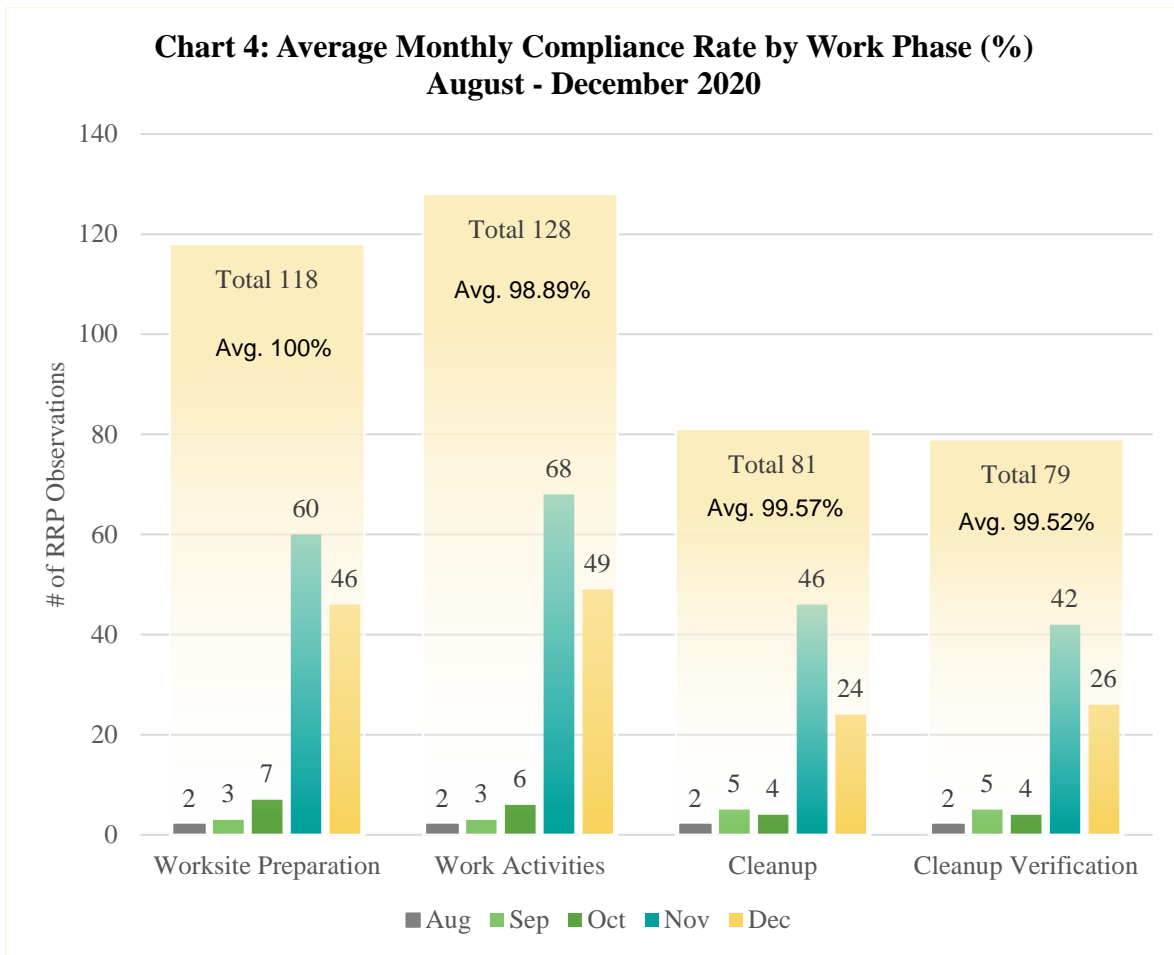


¹ Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed, result should be an overall RRP observation of 168 jobs.

Table 2 # of RRP jobs with all four (4) Work Phases Observed

Month	#RRP Jobs	Compliant	Compliance Rate%
Aug	2	2	100%
Sep	3	3	100%
Oct	3	3	100%
Nov	18	18	100%
Dec	12	12	100%

**Chart 4: Average Monthly Compliance Rate by Work Phase (%)
August - December 2020**



a. RRP Certifications

It is NYCHA’s policy that all personnel and vendors performing RRP work must possess a valid EPA “Certified Renovator” credential. During RRP oversight inspections, the LOTS verify that each worker on the job possesses this credential in accordance with NYCHA’s Lead Safe Housing SP.

Note: Count of staff/vendor includes multiple observations of the same individual.

NYCHA Employees

- LOTS observed 234 NYCHA workers performing RRP work during the reporting period, 233 were RRP certified.
- Of 234 RRP employees, four (4) were unable to produce a copy of the certificate for inspection, of which one (1) employee was not certified, attached report of escalation see Exhibit A.
- Of the observed 166 RRP jobs, at least one (1) worker present had a valid Certified Renovator credential.

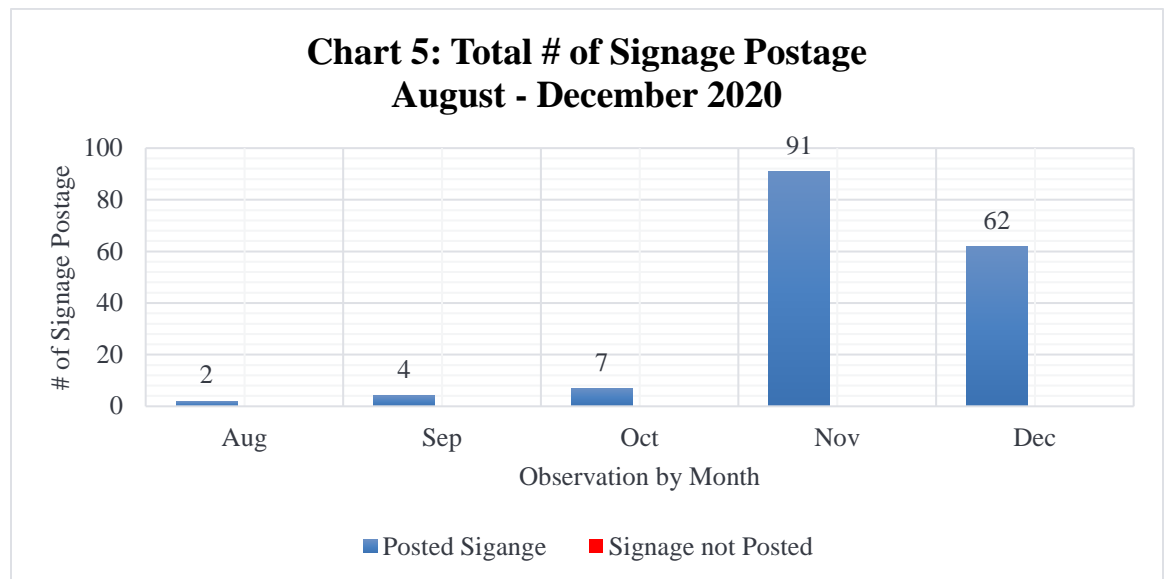
b. Signage Compliance

During the “Work Activity” observation phase, the LOTS inspects if signage practices are in compliance with the RRP Rule.

LOTS observed 166 RRP “Work Activity” phases, reporting a 100% compliance rate (Chart 5)

Key observations:

- Reporting a 100% compliance rate in this reporting period which is 4% higher than the Q1 2020.



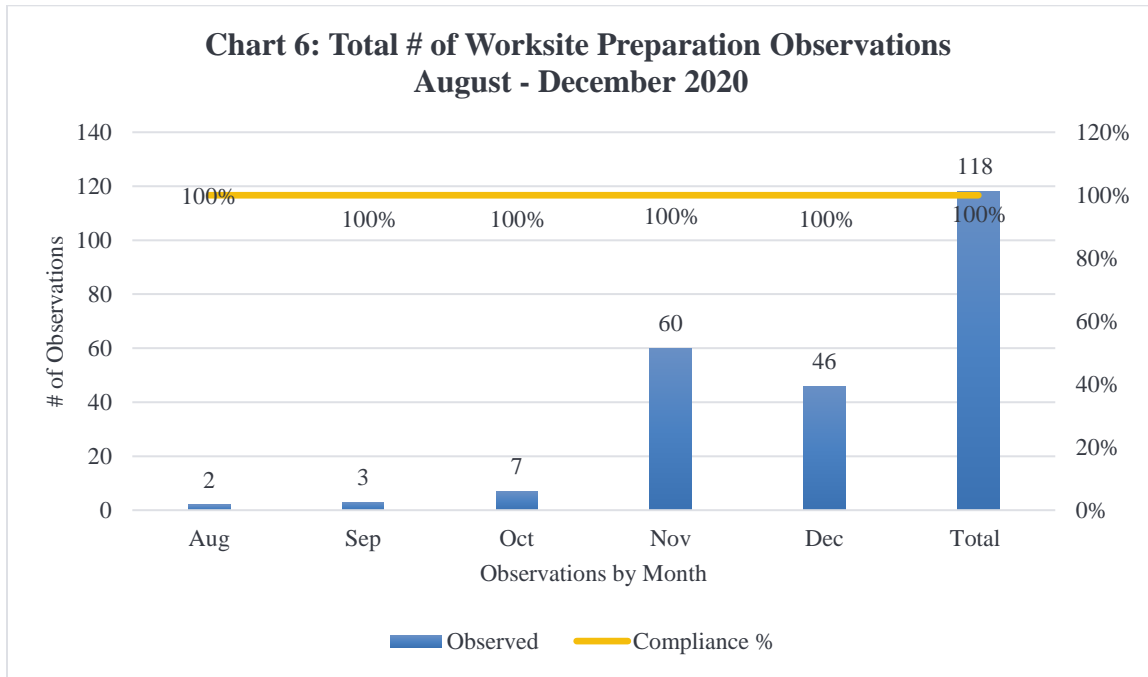
IV. Worksite Preparation Phase

During the “Worksite Preparation” phase, the LOT observes personnel while they set-up containment and ensure the work area is properly isolated and contained in compliance with the RRP Rule.

The LOT observed 118 “Worksite Preparation” phases, with the compliance rate of 100%.

Key observations:

- The “Worksite Preparation” phase maintained a 100% compliance rate throughout the period. (Chart 6)
- The overall compliance rate improved by 4% in this reporting period than Q1 2020.



V. Work Activities Phase

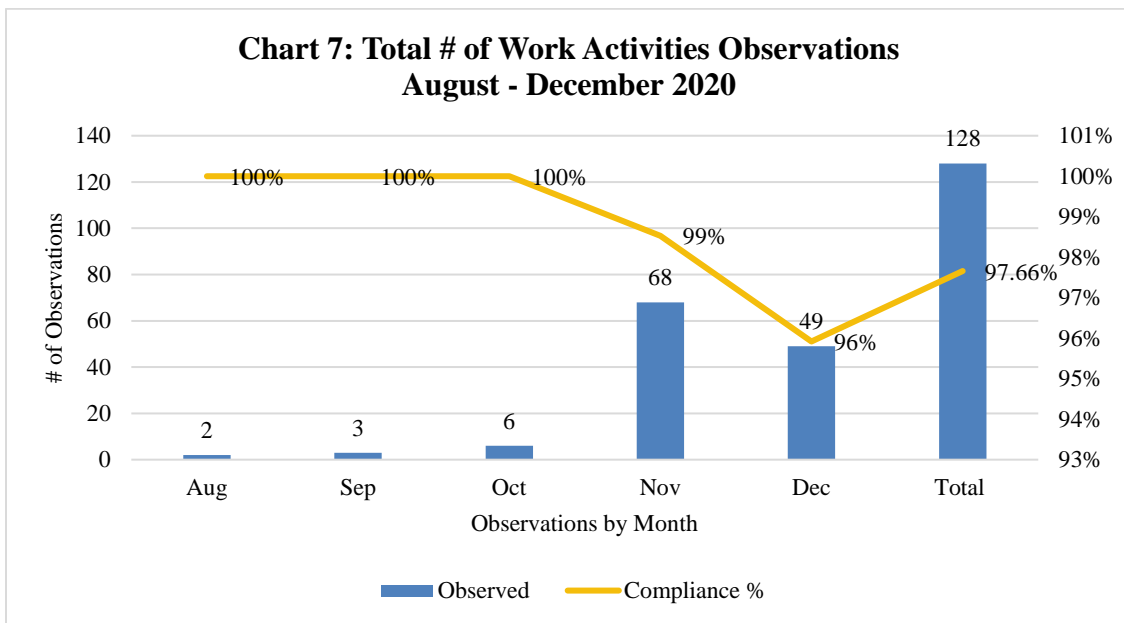
During the “Work Activities” phase, the LOT observes personnel performing RRP activities to ensure work is performed in compliance with the RRP Rule.

The LOT observed 128 “Work Activity” phases, reporting an overall compliance rate of 98.77% ².

Key observations:

- “Work Activities” phase compliance declined in November and December to 99% and 96% respectively, whereas a 100% compliance rate was achieved from August to October, reporting a 98% overall compliance rate. The average compliance rate was 98% during this reporting period, which is 6% higher than the Q1 of 2020, supporting an upward compliance trend from previous half of the year (Chart 7).
- Most deficiencies were observed in - Hazardous materials that did not bare the label which was observed in two (2) RRP jobs; deficiencies in non-employee access criteria was recorded in one (1) RRP job.

² Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed, result should be an overall compliance rate of 100%. (100% from Aug. – Dec. 2020).



VI. Cleanup Activity Phase

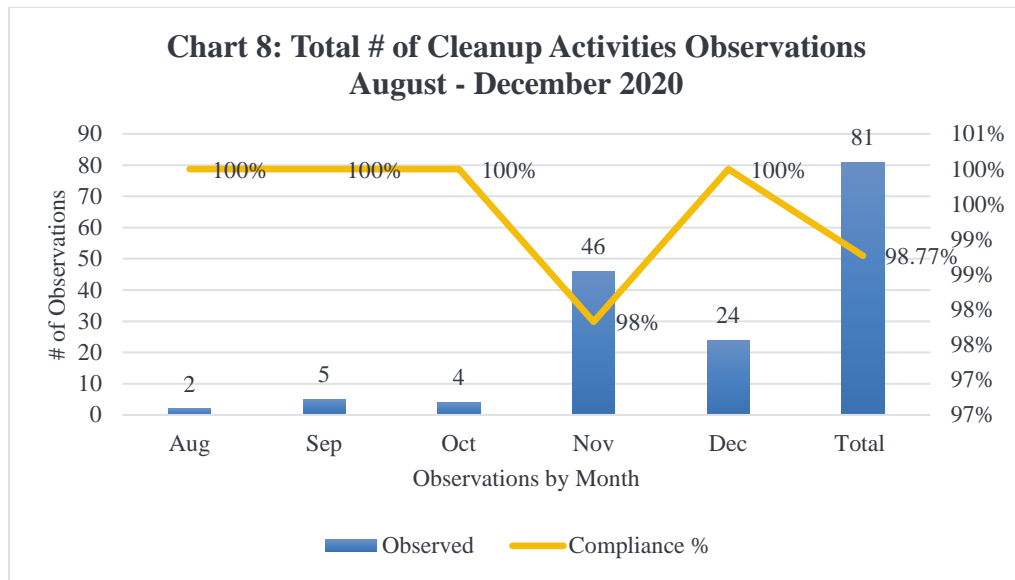
During the “Cleanup Activity” work phase, the LOT observes personnel performing RRP cleanup activities such as HEPA vacuuming floors, collection and removal of debris, and breakdown of containment to ensure cleanup is performed in complete adherence to the RRP Rule.

The LOT conducted 81 “Cleanup Activity” work phase observations, reporting an overall compliance rate of 98.77% ³.

Key observations:

- The LOT observed 100% compliance rate throughout the reporting period except for November which was 98%, In Q1 2020, the “Cleanup Activity” compliance rate was 94%. During the period of August through December 2020, there was 5% compliance rate increase, supporting an upward compliance trend from the previous quarter. (Chart 8)
- The one deficiency noted was the failure of the personnel to properly place paint chips in a heavy-duty bag.

³ Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed, result should be an overall compliance rate of 100%. (100% from Aug. – Dec. 2020).



VII. Cleanup Verification Phase

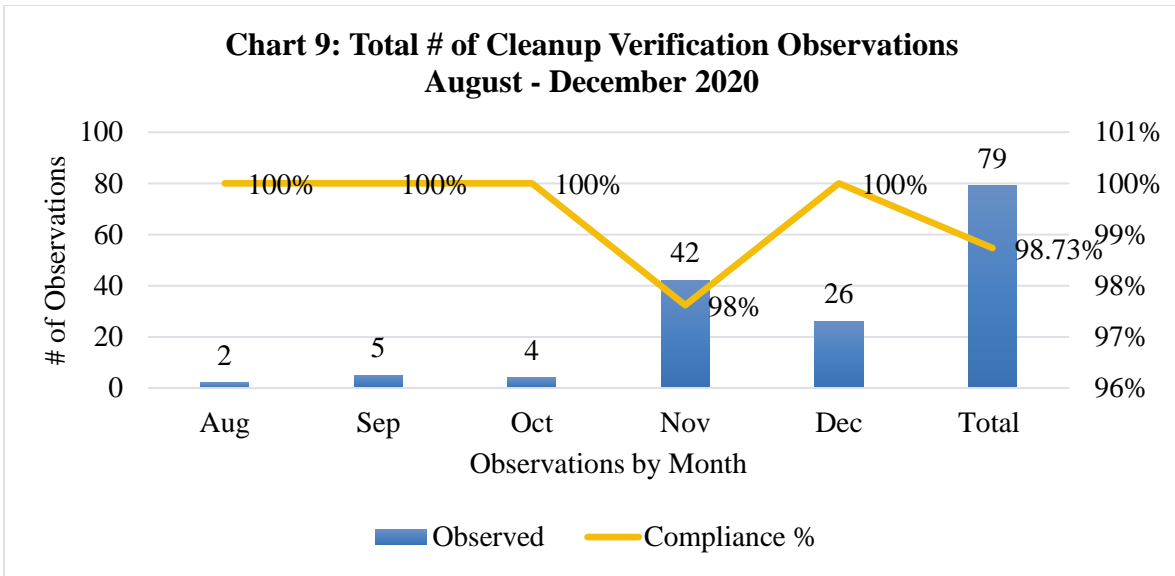
During the “Cleanup Verification” phase, the LOT observes personnel utilizing an EPA verification card to perform RRP cleanup verification activities. This is to ensure that this activity is performed in compliance with the RRP Rule.

The LOT conducted 79 “Cleanup Verification” observations, reporting an overall compliance rate of 98.73% ⁴.

Key observations:

- The phase compliance rate was 100% for all of the months within the reporting period except for November of 98%. The overall compliance rate was 91% in Q1 2020, there was an 8% compliance rate increase in this reporting period to 99%. (Chart 9)
- The one deficiency observed resulted from the personnel observed not having valid EPA credentials.

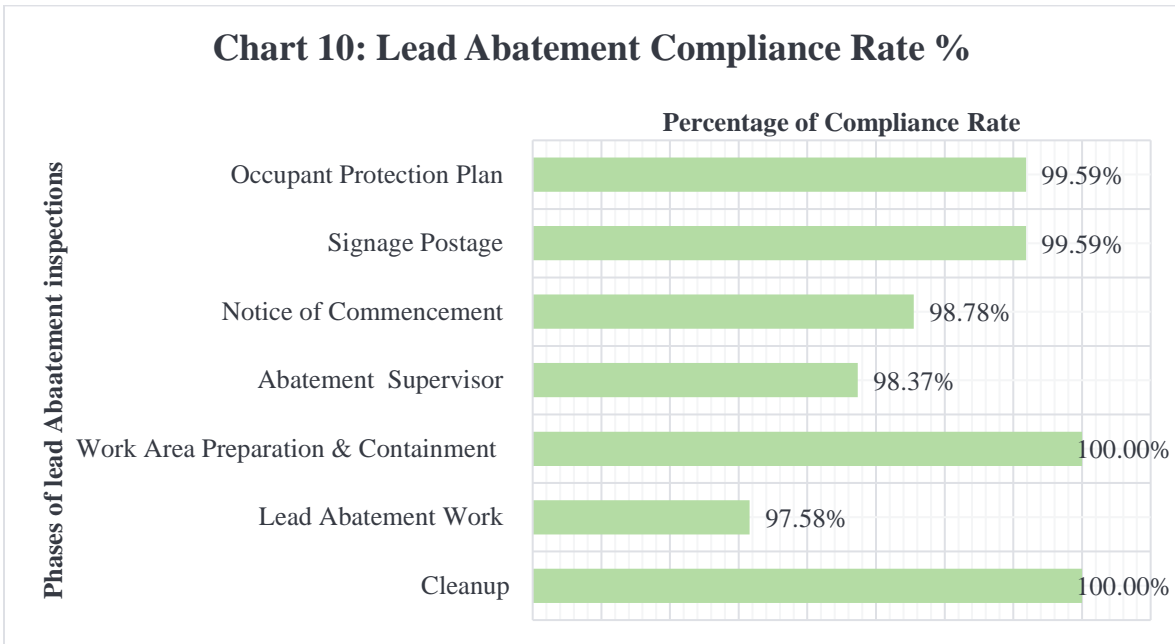
⁴ Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed, result should be an overall compliance rate of 100%. (100% from Aug. – Dec. 2020).



B. Lead Abatement Compliance Assurance

A Lead Abatement compliance assurance inspection consists of eight phases:

1. Review of Occupant Protection Plan (OPP)
2. Review of Signage
3. Review of Notice of Commencement (NOC)
4. Review of Abatement supervisor Credentials and presence on worksite
5. Review of Abatement Workers Credentials
6. Observations of Work Area Preparation & Containment
7. Observations of Lead Abatement work
8. Observations of Clean-Up activities.



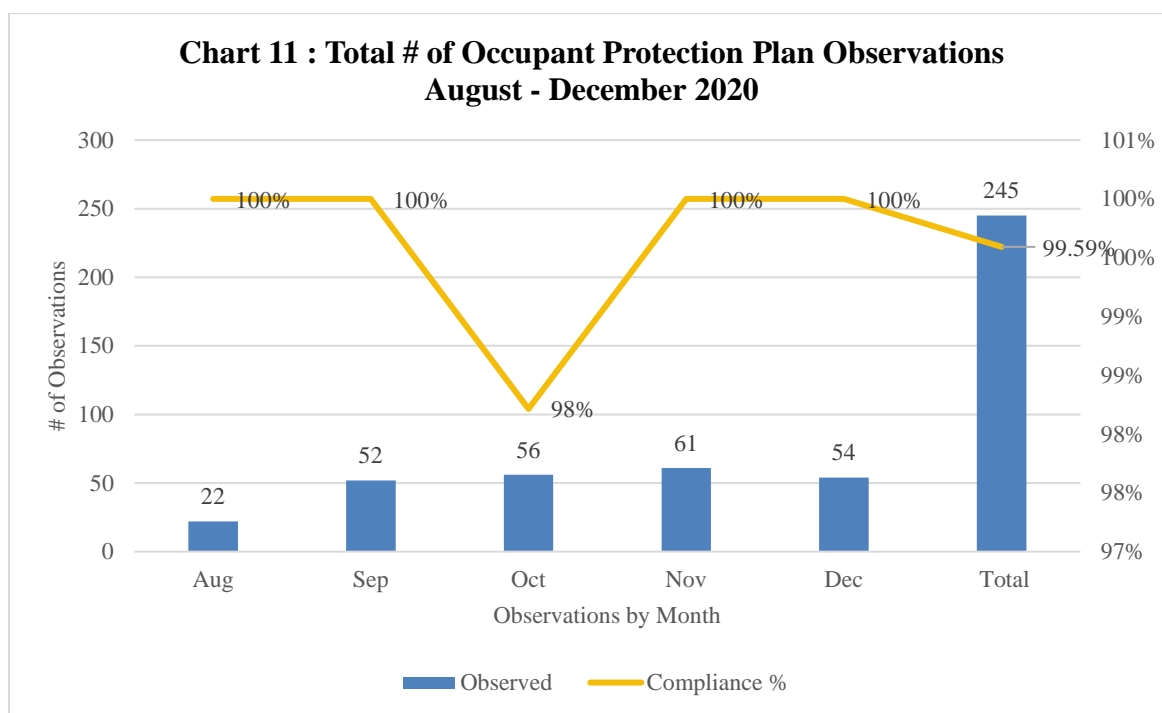
I. Occupant Protection Plan

As required by 40 CFR part 745, a written occupant protection plan must be developed for all abatement projects. LOT abatement observations include a review of the OPPs created by a certified abatement supervisor to confirm that the work location and occupancy status listed aligns with the actual occupancy status and address where abatement is being observed.

The LOTS reviewed 245 OPPs during abatement compliance assurance inspections from August 12 – December 31, 2020.

Key observations:

- LOT surpassed its target observation of 120 inspections by 104%, reporting a 99.59% compliance rate. LOTS observed 245 jobs which is 210% more in this reporting period than Q1 2020. The only failed inspection was escalated to the Compliance Department see exhibit B. (Chart 11)



II. Signage

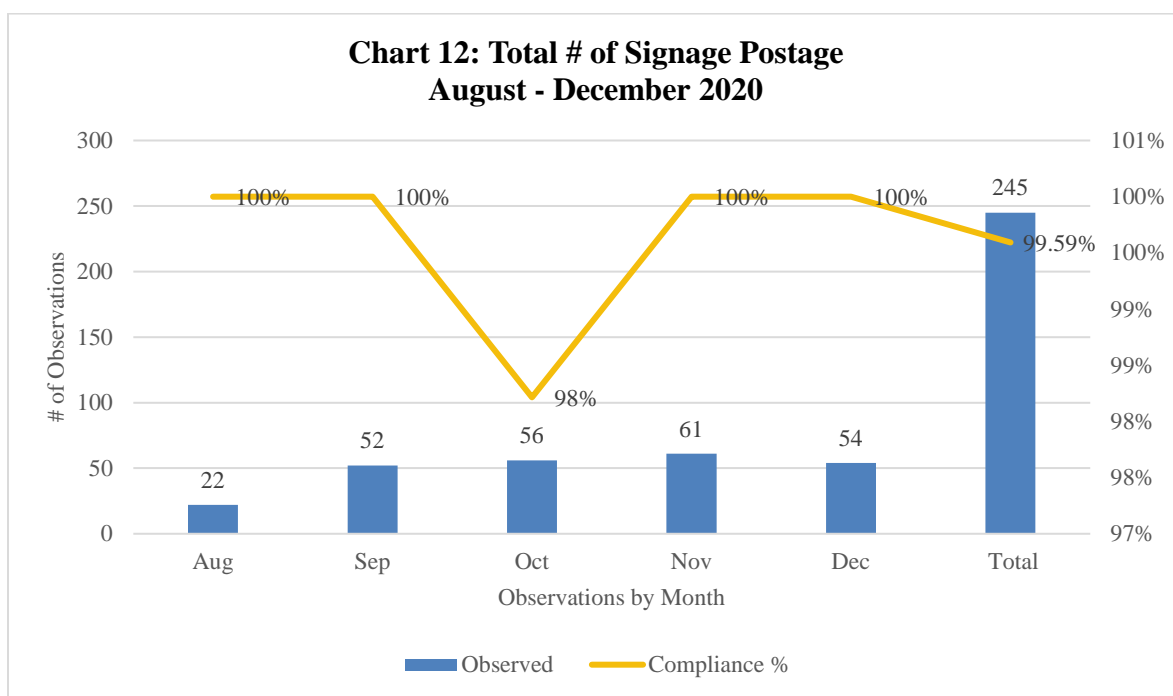
NYCHA’s Lead Safe Housing Standard Procedure (SP 050:20:1) requires the posting of NYCHA Form 088.182, Renovation, Repair and Painting safety sign at each entrance to a work area. This sign must remain in place until after clearance. During Abatement observations LOTS observe if signage practices are in complete adherence with NYCHA’s Lead Safe Housing Standard Procedure.

During abatement compliance assurance inspections LOTS check for the presence of signage at the work entrance and document whether posted signage contain the following warnings:

- Danger warning
- Poison warning
- Lead Work Area warning
- “May damage fertility or unborn child”
- “Causes damage to the central nervous system” warning
- “Do not eat, drink or smoke in the area” warning

Key observations:

- 245 Signage inspections were conducted, with an overall compliance rate of 99.59%. LOTS observed 100% compliance rate for Signage from August to December except for October of 98%, the only failed inspection was escalated to the Compliance Department. See exhibit B. (Chart 12)
- LOTS observed 210% more signage postage in this reporting period than Q1 2020.



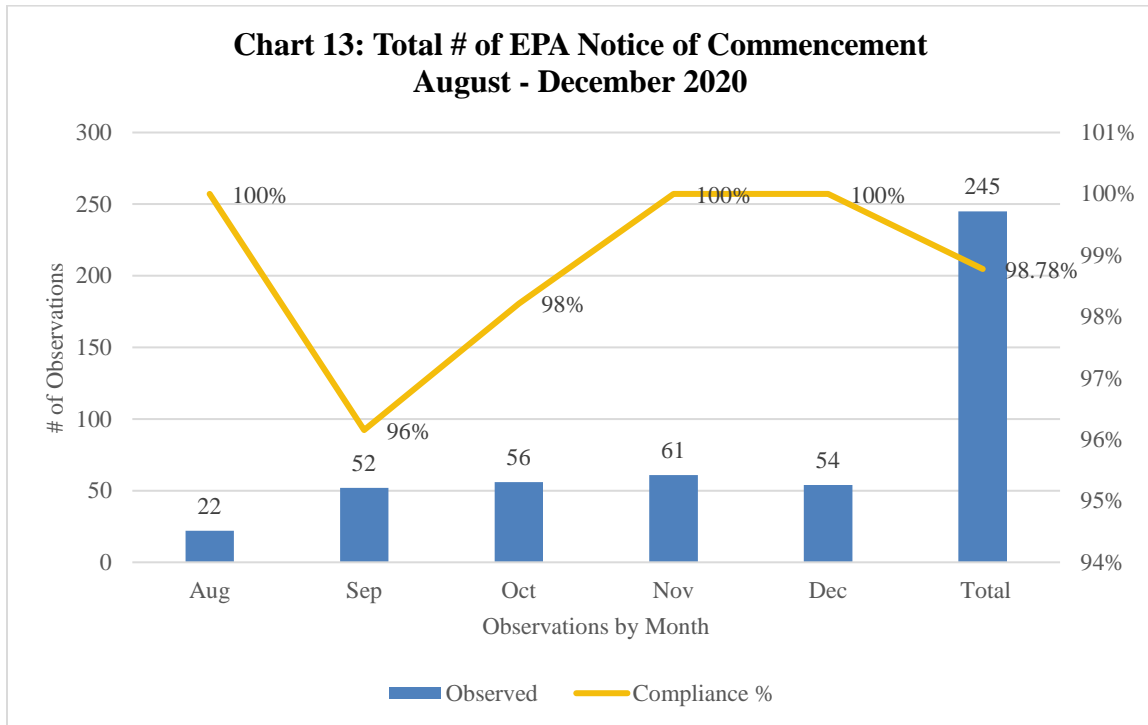
III. EPA Notice of Commencement (NOC)

As required by 40 CFR Part 745, Certified firms must notify the EPA prior to conducting Lead-based paint abatement activities. This notification 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 compliance assurance inspection, LOTS verify that the notice is present, the required information is documented and accurate, and work is occurring within the timeframe indicated on the notice.

Key observations:

- LOT conducted 245 inspections, almost 98.78% were in compliance with the NOC requirements. (Chart 13)
- LOTS observed 100% compliance rate throughout the period except for September and October, reporting a 96 and 98% compliance rate respectively.

- Of the three (3) failed inspection one (1) job was escalated to the compliance Department according to SP, remaining two do not require escalation. See Exhibit B.
- LOTS observed a 210% of more NOC in this reporting period than Q1 2020.



IV. Lead Abatement Supervisor

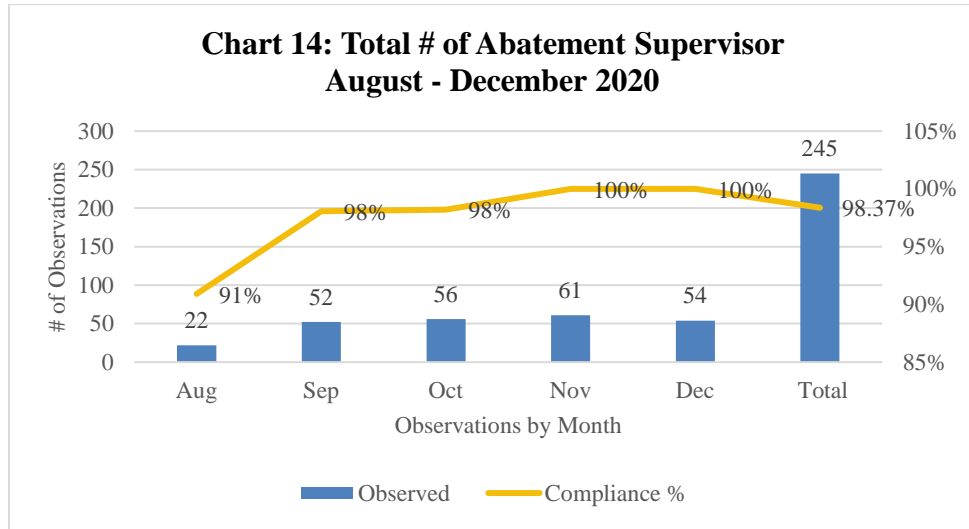
As required by 40 CFR Part 745, an EPA-certified Lead Abatement Supervisor must oversee each abatement project and must be onsite during all work site preparation and during post-abatement cleanup activities. During the compliance assurance inspection, the LOTS verify if a certified supervisor is present when required, and if present, review the credentials of the supervisor to ensure he or she is certified; ensures the supervisor’s name matches the name recorded on the NOC; and if the supervisor is not present during work activities, ensures the contact information is available onsite. LOTS notify the LOT administrator if there are any issues of non-compliance. The LOT administrator in turn notifies the Lead Hazard Control (LHC) supervisor / administrator.

Key Observations:

- 98%⁵ of 245 Abatement jobs were in compliance with EPA’s requirements for abatement supervisors. (Chart 14).
- Of the 245 supervisors observed, 197 or 81% of them were NYCHA employees.
- LOTS observed 100% compliance rate in November and December; 91% for August; and 98% for September and October respectively.
- LOTS observed 210% more Abatement Supervisors in this reporting period than Q1 2020.

⁵ Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed, result should be an overall compliance rate of 99.59%.

- Of the four (4) failed inspections one (1) job was escalated to the Compliance Department, whereas other three are accounted for the data entry error. Two of the deficiencies noted were a result of a supervisor without a valid certificate. See exhibit B

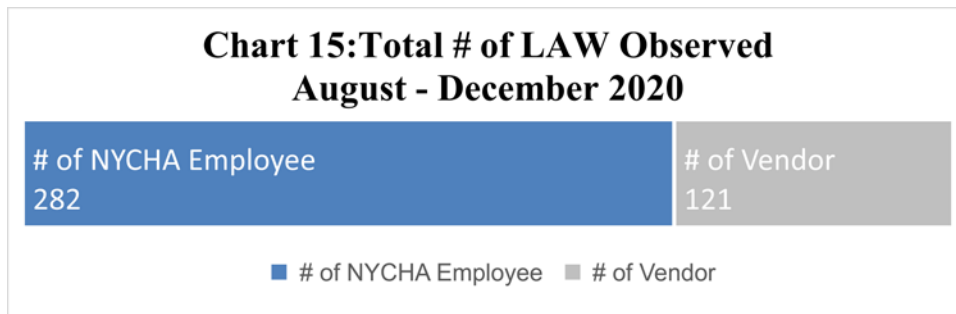


V. Abatement Workers

As required by 40 CFR Part 745, all workers performing Lead abatement work must be EPA-certified Lead Abatement Workers. LOTS inspect the certification of all the workers on the abatement jobs.

Key Observations:

Of the 245 Abatement jobs observed, all 403 Abatement Workers (NYCHA Lead Abatement Workers “LAW”, and Vendors) were 100% certified except for 1 job where none of four (4) Vendor abatement workers were able to show the required certification but were certified, Lead Hazard Control Department provided proof of the certification.



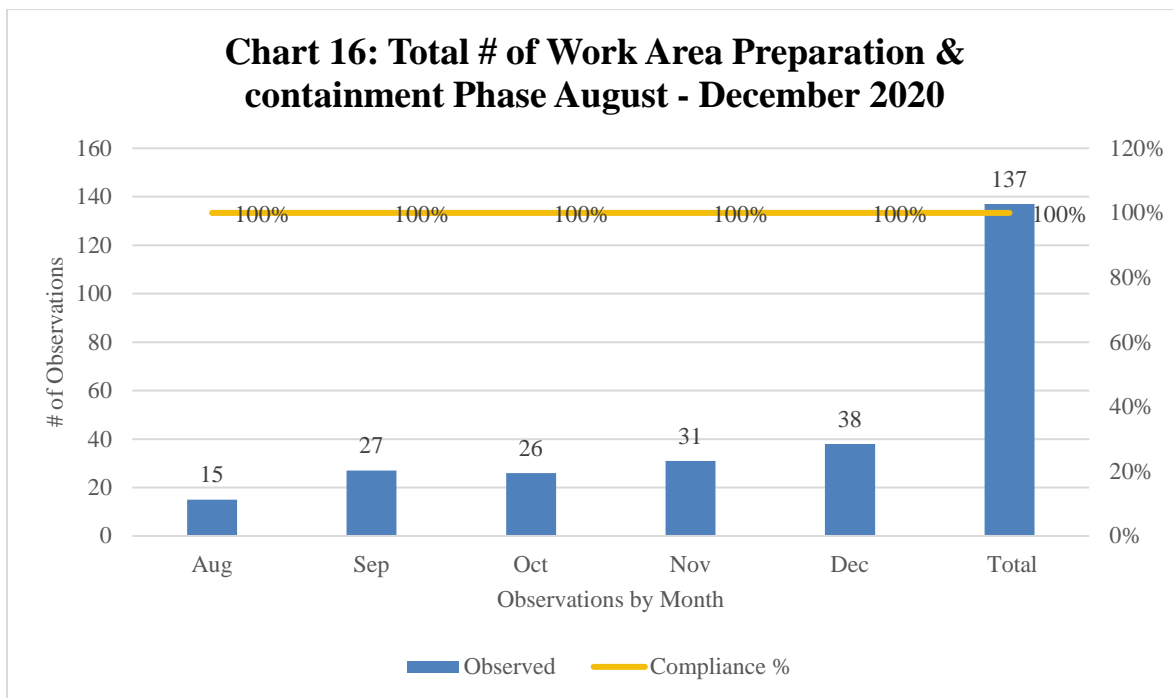
Note: Count of staff/vendor includes multiple observations of the same individual.

VI. Work Area Preparation & Containment Phase

During the “Work Area Preparation & Containment” phase, the LOTS observe personnel performing lead abatement activities while they set-up containment and ensures the work area is contained with complete adherence to the EPA Rules, and HUD regulations, and NYCHA’s Lead Safe Housing SP.

Key observations:

- The LOT observed 137 Work Area Preparation & Containment phases during the reporting period, with a compliance rate of 100% (Chart 16).
- In this reporting period LOTS observed 99% more Work Area Preparation phases than Q1 2020.



VII. Work Activities Phase

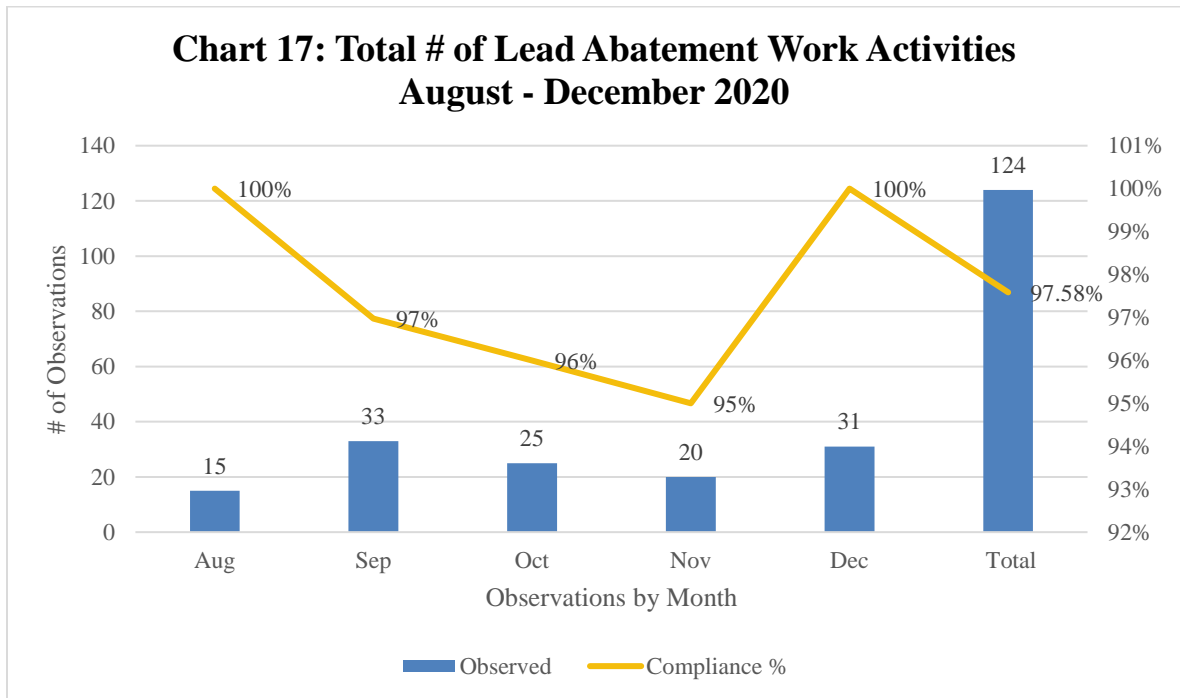
During the “Work Activities” phase, the LOTS observe personnel performing lead abatement work tasks to ensure work is being performed in complete adherence to EPA and HUD regulations, and NYCHA’s Lead Safe SP.

Key observations:

- The LOT conducted 124 “Work Activities” observations with an overall 97.58% ⁶ compliance rate. During this period LOTS averaged a 97.59% compliance rate throughout the period (Chart 17).
- LOTS observed a steady decline in compliance throughout the period until the last month of the reporting period when 100% compliance was noted.

⁶ Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed in Maximo, result should be an overall compliance rate of 98%.

- Of the three (3) failed inspections recorded, only one (1) required escalation to the Compliance Department. The others included a minor non-compliance that was corrected on scene by the LOTS and a data entry error by a LOTS. See exhibit C.

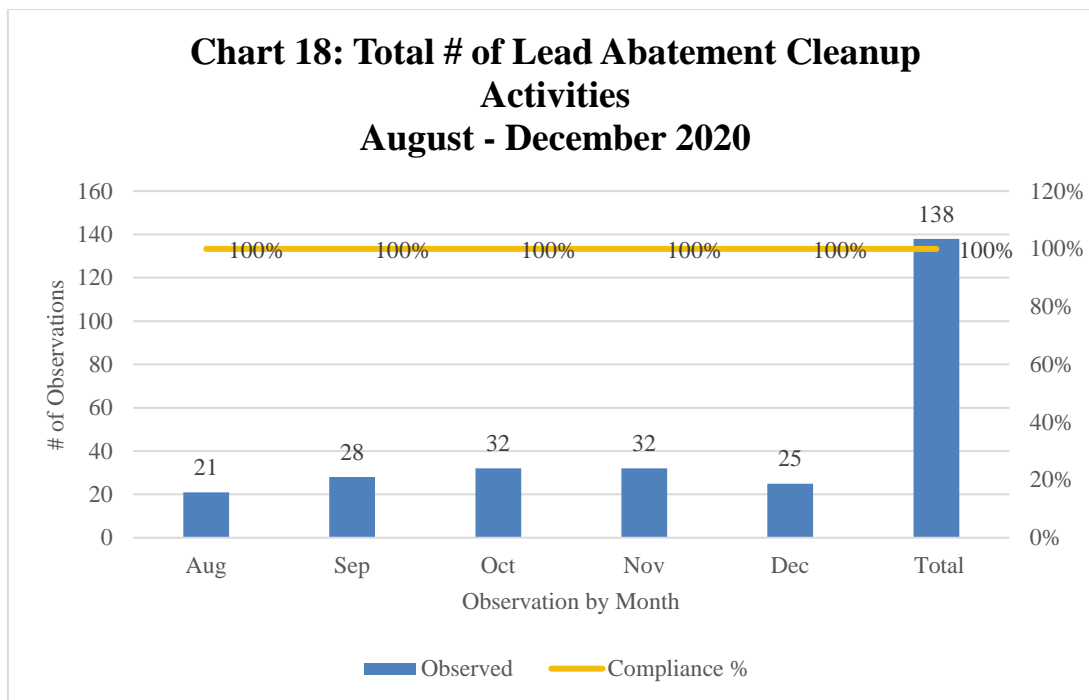


VIII. Cleanup Activity Phase

During the “Cleanup Activity” phase, the LOTS observe personnel performing abatement while they perform cleanup activities. This includes assessing appropriate collection and removal of debris; appropriate breakdown of containment; the use of appropriate cleaning methods/protocols; and proper waste management. The LOT ensure the cleanup is performed in complete adherence to the EPA and HUD regulations, and NYCHA’s Lead Safe SP.

Key observations:

- The LOT observed 138 “Clean-up Activity”, reporting a 100% compliance rate throughout the period (Chart 18).



C. Dust Wipe Clearance Compliance Assurance

During the reporting period, the LOT added the oversight of Dust Wipe Clearance activities to its lead-based paint compliance assurance responsibilities.

While the LOT has been performing compliance assurance activities of RRP work since October 2019, Lead Abatement work since January 2020, the LOT began conducting compliance assurance of Dust Wipe Clearance activities in August 2020. This activity consists of four (4) phases:

Dust Wipe Clearance compliance assurance consists of four (4) phases:

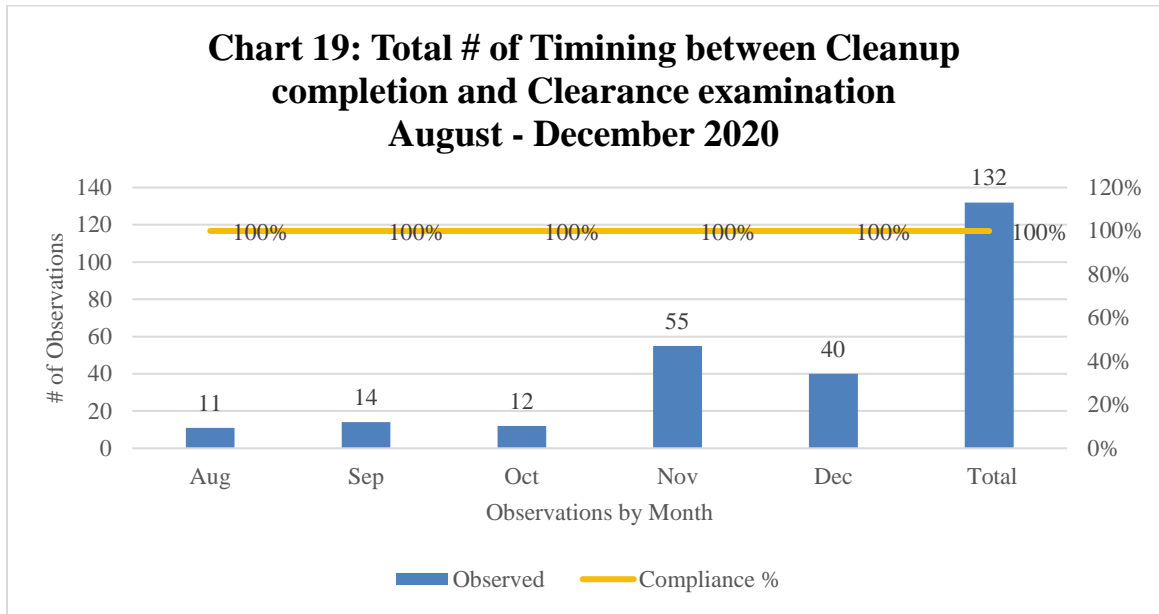
1. Timing between cleanup completion and clearance examination
2. Personnel certifications
3. Visual inspection
4. Sample collection

I. Timing between cleanup completion and clearance examination

During the “Timing between cleanup completion and clearance examination” phase, the LOTS observe if the clearance examination occurs no sooner than one-hour after final cleanup of RRP or Abatement activities. The LOT ensure the cleanup is performed in compliance with the EPA and HUD regulations, and NYCHA’s Lead Safe SP.

Key observations:

- LOTS Observed 132 phases of “Timing between cleanup completion and clearance examination”, reporting a 100% ⁷ compliance rate. (Chart 19)



II. Personnel Certifications

During the “Personnel Certifications” phase, the LOTS verify if the clearance worker has the valid certifications to perform clearance activities. LOT Specialists verify that for Post-abatement clearance, a certified Risk Assessor or LBP Inspector performs the clearance examination. A Dust Wipe Sampling Technician may not perform clearance examinations for Abatement jobs. However, Dust Wipe Sampling Technicians are permitted to perform clearance examinations for RRP jobs, along with Risk Assessors and LBP inspectors. LOTS ensure that any credentials presented are valid and permitted for the type of clearance being performed.

Key observations:

- LOTS observed 132 Clearance workers performing Clearance Activities, all had the required certification on-hand, achieving a 100% compliance rate.
- Of 132 Clearance worker 28% or 37 employees were from NYCHA rest of the 72% or 95 were vendors.

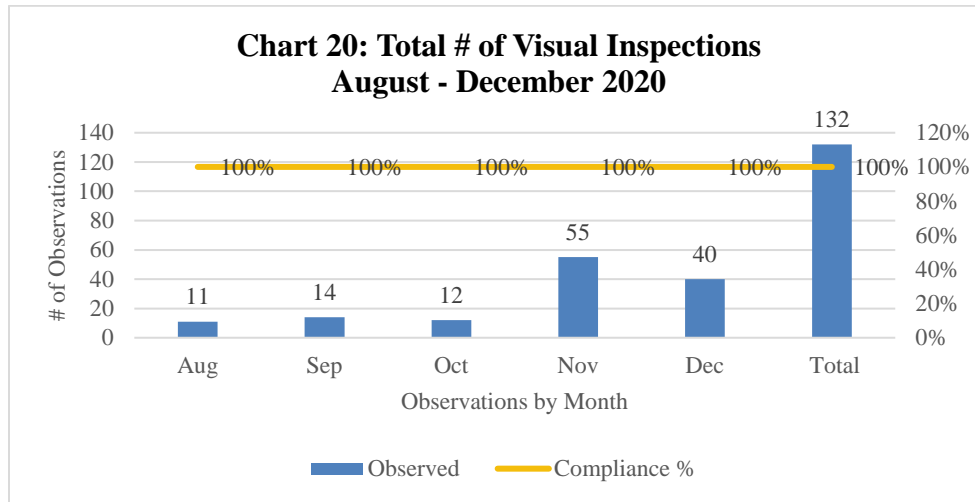
⁷ Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed, result should be an overall compliance rate of 99.24%. See the attached escalation report in exhibit D.

III. Visual Inspection

In accordance with HUD's Lead Safe Housing Rules, prior to performing dust wipe sampling a visual inspection must be completed to confirm the absence of visible debris, dust, and LBP deficiencies.

Key Observations:

- LOTS performed 132 visual inspections of which 100% were in compliance. (Chart 20)



IV. Sample Collections

The EPA's RRP rule and HUD Lead Safe Housing Rule outline specific protocols for dust wipe sample collection for post-renovation and abatement clearance. LOTS ensure that dust wipe personnel adhere to these protocols during sample collection.

Key Observations:

- LOTS observed 131 Sample Collections activities, reporting a 100% compliance rate. (Chart 21)

