



**Environmental Health and  
Safety Department**  
Renovation Repair and Paint  
Compliance Inspection Report

**October – December 2019**

## I. Executive Summary

On October 1, 2019, the responsibility for performing Renovation Repair and Painting (“RRP”) compliance inspections transferred from the NYC Department of Sanitation to NYCHA’s Environmental Health and Safety Department (EH&S). The EH&S Lead Oversight Team (“LOT”) observes NYCHA personnel and vendors while they perform RRP work to ensure lead safe work practices are followed and corrective actions are implemented when required; inspect development storerooms to verify the presence of all necessary RRP supplies; and review the developments’ management of lead disclosure files. The Lead Oversight Team are EPA certified Lead-Based Paint Risk Assessors and RRP Certified with a total combined of Eighty-four (84) years of experience the Environmental Health Industry.

Oversight of the RRP work are documented by qualified staff utilizing pre-defined checklists based on applicable regulatory requirements and NYCHA standard policies and procedures. The completed checklists indicate specific areas of compliance and non-compliance with applicable requirements. When non-compliance is observed, the LOT follow the EHS *Corrective Action and Escalation Protocols* procedure. 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.

The Field Oversight data is captured utilizing a handheld device that records fields observation results through NYCHA’s iWM application. In conjunction with IT, EH&S has been working on other projects such as Lead Abatement and Dust wipe clearance application development. In December, the Lead Abatement application went live, and the LOTS started to conduct testing to ensure application is meeting business requirements. In addition, reports and dashboards are being developed for all EHS Lead Projects.

This report summarizes the RRP observations and inspection results documented by LOTS from October 1, 2019 – December 31, 2019, including two (2) RRP jobs observed on September 30, 2019.

### **Key observations from October – December 2019**

- Out of the 155 storerooms inspected for required RRP supplies, 119 were in compliance
- 97% of the 150 Lead Disclosures files inspected were in compliance.
- The LOT surpassed the quarterly target of observing 120 RRP jobs by 152%, observing 302 RRP Jobs
- Worksite Preparation and Work Activities phase achieved the highest compliance rates
- 225 Worksite Preparation were observed, averaging a 95% compliance rate
- 270 Work activities were observed, averaging an 88% compliance rate
- 251 Cleanup activities were observed, averaging an 88% compliance rate
- 248 Cleanup Verification activities were observed, averaging 88% compliance rate
- LOT observed all four (4) phases for 172 jobs, of which 142 were 100% in compliance.
- 994 work phases were observed, averaging a 92% compliance rate

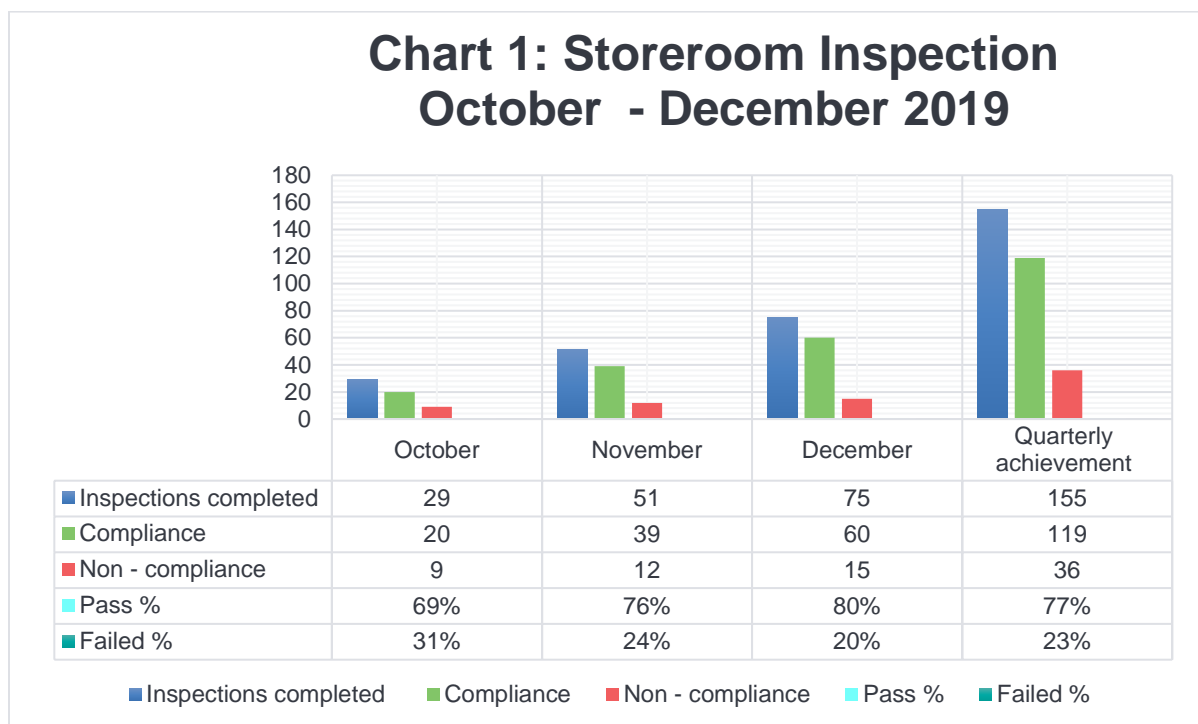
## II. Storeroom Inspections

LOT inspects development storerooms to verify the presence of all necessary RRP supplies. The LOTS conducted a total of 155 inspections from October – December 2019.

- Compliance (all supplies present): 119
- Non-Compliance (one or more supplies missing): 36

### Key observations:

- Storeroom compliance rate increased by 11% since October (Chart 1)
- The quarterly pass rate is 77% across all NYCHA storeroom inspections (Chart 1)
- Most of the inspections failed due to missing supply kits, which happened in nine (9) inspections (Table 1)
- Monthly observation results support a positive upward compliance trend



**Table 1: Rank of missing supplies from October to December 2019**

SL <sup>1</sup> .	Missing Supplies	Oct.	Nov.	Dec.	Total
1.	Supply Kit	4	2	3	9
2.	Gloves	1	3	3	7
3.	Utility Knife	1	2	3	6
4.	Water mister or spray bottle	1	1	2	5
5.	Duct tape	1	2	2	5

<sup>1</sup> SL-Serial Number

### III. Lead Disclosure File Inspection

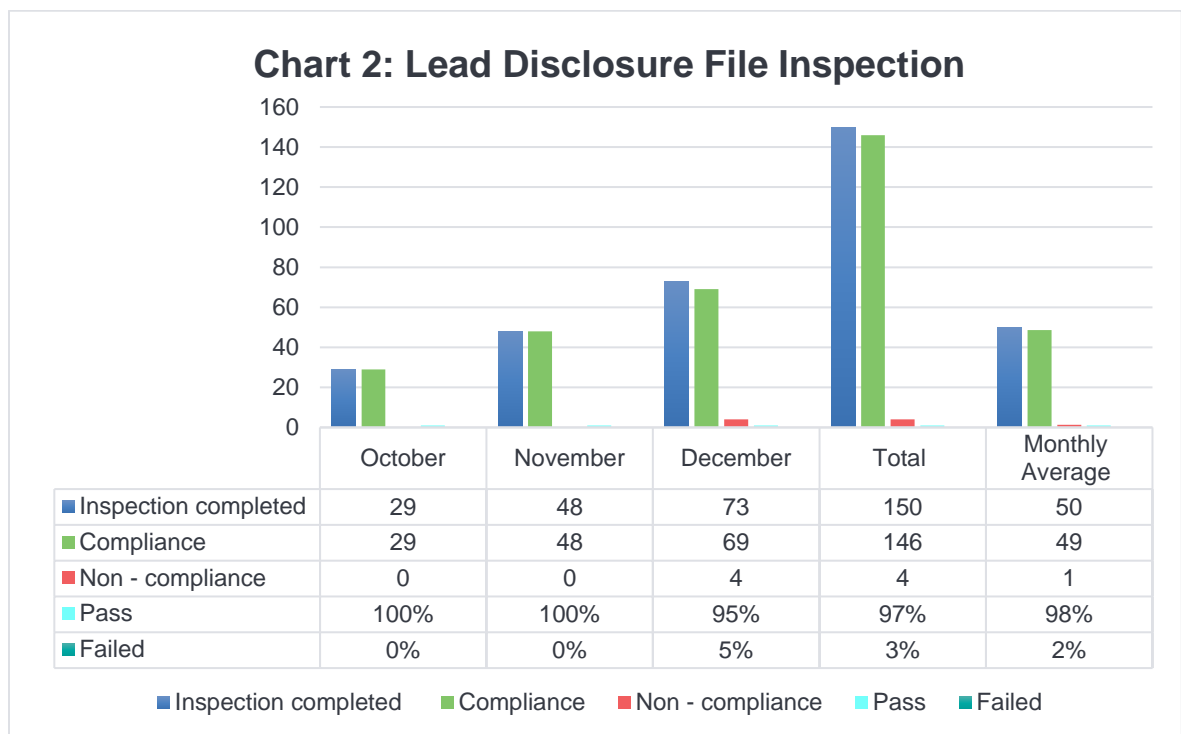
During the inspections LOTS reviews the following compliance-related documents:

- 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” Pamphlets

LOTS reviewed **150 Lead Disclosure Files**, where 97% of files were fully compliant.

#### Key observations:

- Lead Disclosure file inspections witnessed a gradual growth until November, however in December compliance rate dropped by 5%. Over the three months, the LOTS observed 150 Lead Disclosure File inspections, where 97% of jobs were fully compliant.



### IV. Renovation Repair and Painting Field Observations

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

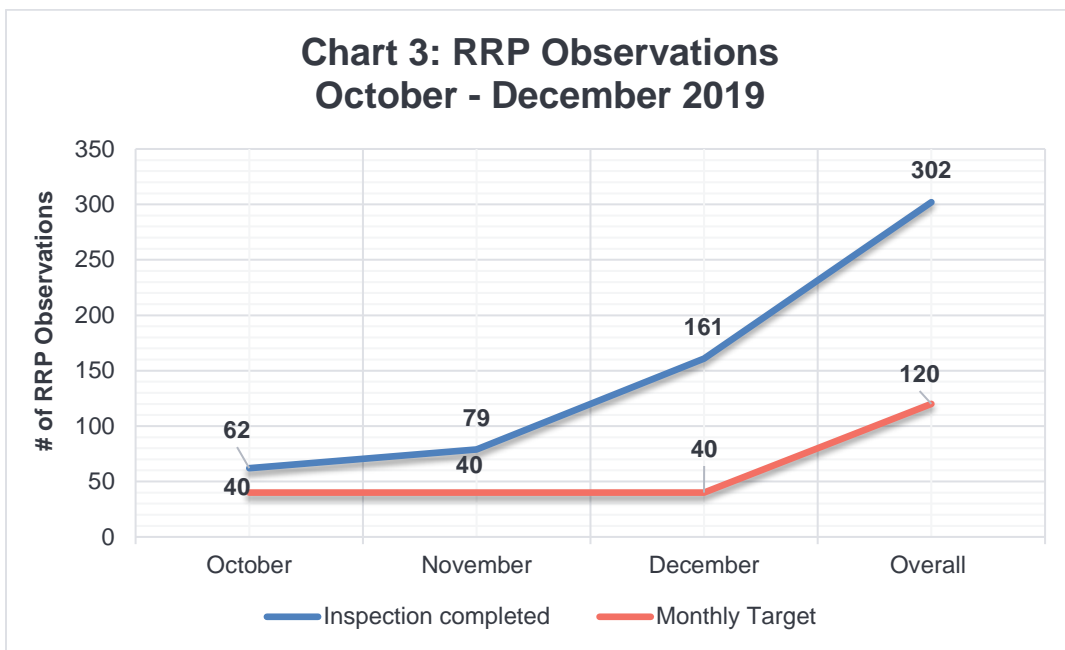
An RRP job is divided into four sections, such as: Worksite Prep, Work Activities, Cleanup and Cleanup Verification. For some observations lead oversight personnel observed all phases of an individual RRP job from worksite preparation through to cleanup verification,

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 October to December 2019, LOTS conducted oversight inspections of **302 RRP jobs** comprised of **994 observations** in various work phases, averaging a compliance rate of 92%.

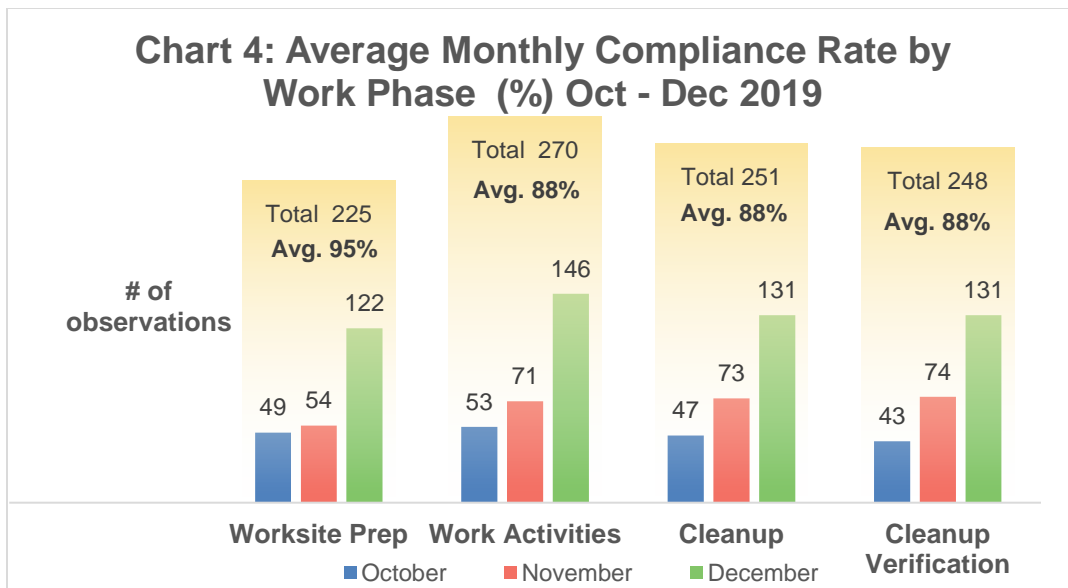
**Key observations:**

- LOTS superseded the target observation by 152%, observing 302 RRP jobs, above the quarterly target of 120. (Chart 3)
- Observed 172 RRP jobs in all four (4) work phases; averaging a compliance rate of 74%. Data supports an upward compliance trend. (Table 2)
- Observed 994 work phases, averaging a compliance rate of 92%. (Chart 4)
- Worksite Preparation and Work Activities compliance rate witnessed a gradual growth while Cleanup and Cleaning verification observed a fluctuation over this period. (Chart 4)



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

Month	#RRP Jobs	Compliant	Compliance Rate%
October	31	11	35%
November	50	48	96%
December	91	83	91%



## A. RRP Certifications

It is NYCHA's policy that all personnel and vendors performing RRP work must be Certified Renovators. During RRP work phase observation, the LOTS inspects the RRP certification of all workers on the RRP job. All occurrences of missing certification, LOTS notifies Administrator for confirmation of worker certification utilizing the HR Database.

Note: Count of staff/vendor by multiple observations

### NYCHA Employees

- All 510 NYCHA workers observed performing RRP work were RRP certified, 25 of the 510 RRP certified employees observed were unable to produce a copy of the certificate for inspection. However, of those 25 staff without certification on hand, all completed RRP Classroom training before conducting the inspection, all but 1 job had at least 1 worker with their certificate ready for inspection.
- Out of the 302 RRP jobs, 1 job had workers that did not have any certification ready for inspection, but were RRP certified.

### Vendors

Out of the 17 vendors observed performing RRP work, 16 had their certificates ready for inspection. All workers were RRP certified.

## B. Signage Compliance

During RRP Work observation, LOTS inspects if signage practices are performed in complete adherence to the RRP Rule.

LOTS observed 302 RRP work, 291 RRP Jobs had the required signage posted, with an overall average compliance rate of 96%. Note: Signage inspection results were not captured for 3 RRP jobs in October, and not counted in overall compliance rate.

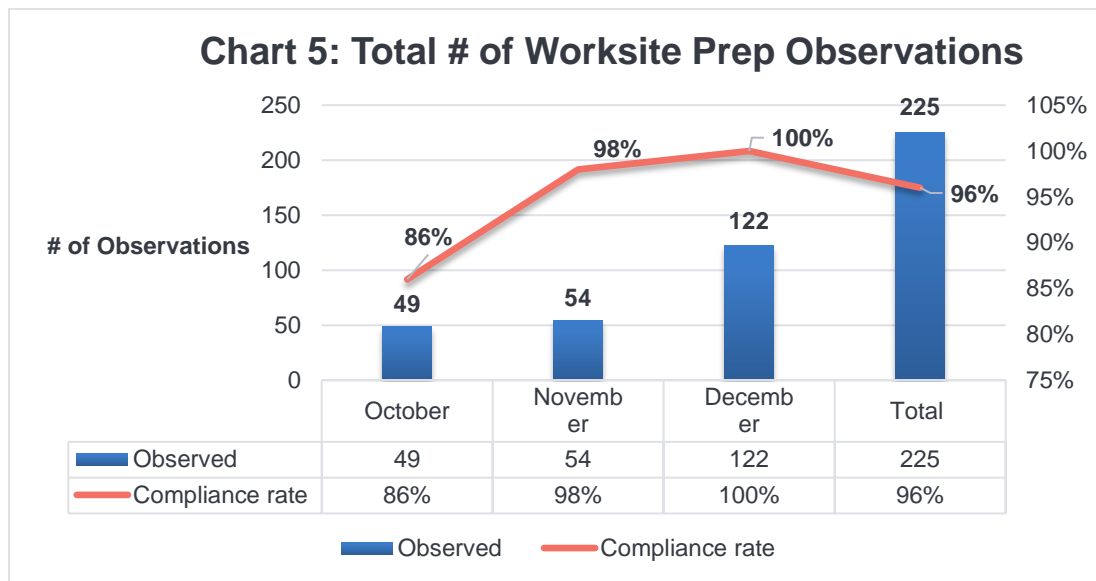
### C. Worksite Preparation Work Phase

During the Worksite Prep work phase, the LOT observes RRP certified workers while they set-up containment and ensures work area is contained in complete adherence to the RRP Rule.

The LOT observed 225 Worksite Preparation work phase, with the compliance rate of 96%.

**Key observations:**

- Worksite Preparation phase showed monthly improvement, the compliance rate was 86% for October, 98% for November and 100% for December, with an overall compliance rate of 96%. (Chart 5)
- Most deficiencies were observed in - Failure to keep window and door containment, which was observed in 4% or eight jobs and failure to contain the HVAC at the worksite and failure to keep debris contained , which was observed in 2% or five jobs in both categories..



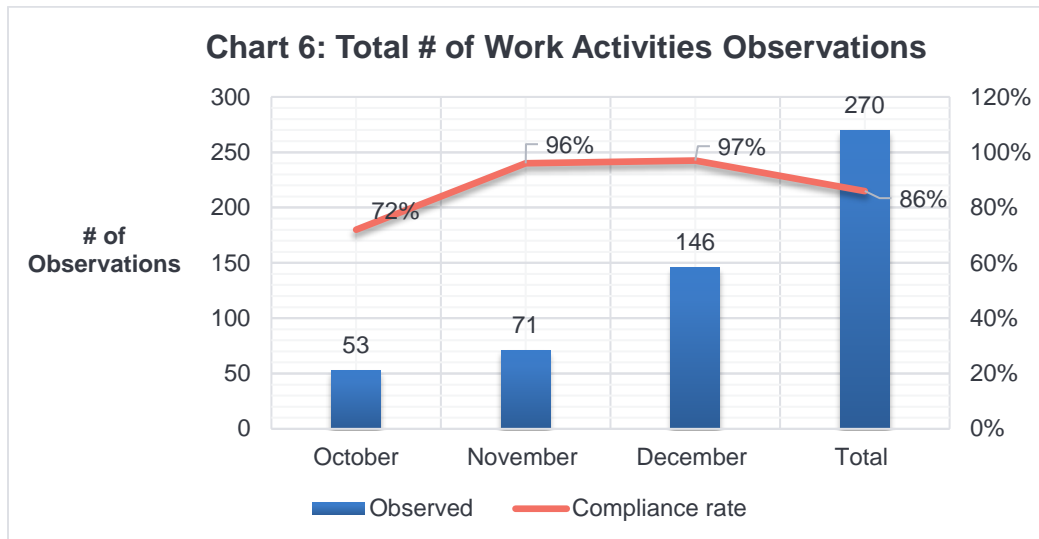
### D. Work Activities Work Phase

During the Work Activities phase, the LOT observes RRP certified workers while they perform RRP work tasks and ensures work is performed in complete adherence to the RRP Rule.

The LOT conducted 270 Work Activity work phase observations, overall compliance rate of 86%.

**Key observations:**

- Work Activities phase showed monthly improvement, the compliance rate was 72% for October, 96% for November and 97% for December, with an overall compliance rate of 86%. (Chart 6)
- Most deficiencies were observed in - Hazardous materials that did not bare the logo which was observed 8% or 21 jobs; Containment breach where plastic sheeting was torn or displaced- this was observed on 5% or 14 jobs and Failure to non-employee access to the worksite was observed in 4% or 12 jobs.



## E. Cleanup Work Phase

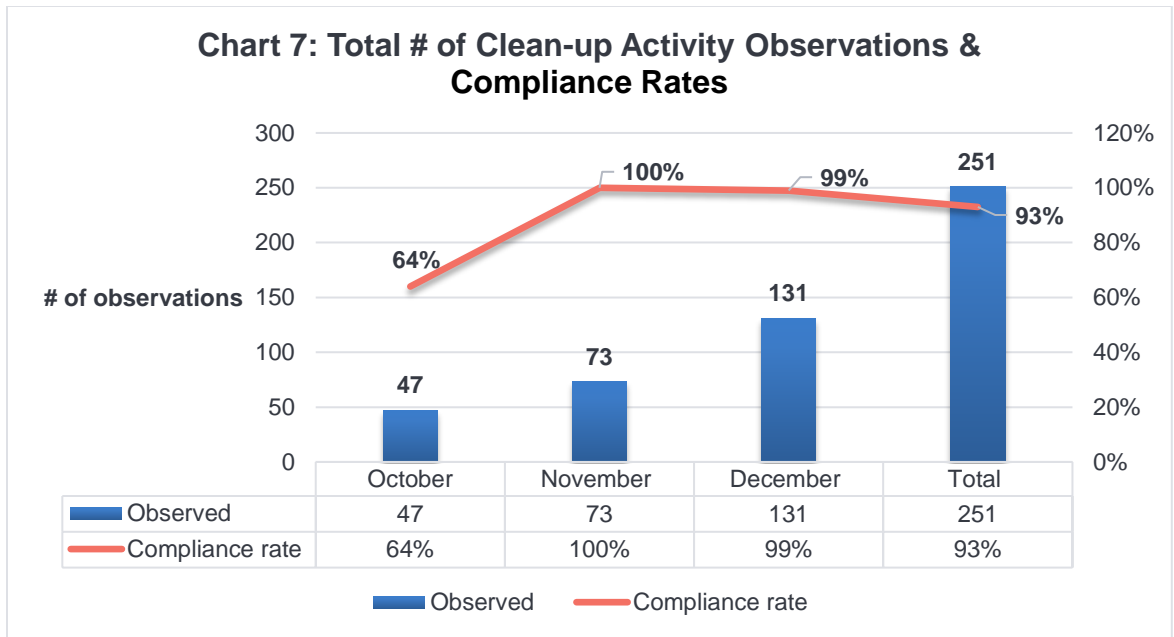
During the Cleanup Activity work phase, the LOT observes RRP certified workers while they perform cleanup activities such as hepa vacuuming floors, collection and removal of debris, and breakdown of containment to ensure cleanup is performed in complete adherence to the RRP Rule.

The LOT conducted 251 Cleanup work phase observations, overall compliance rate of 93%.

### Key observations:

- Cleanup Activity phase showed significant improvement from October to December, the compliance rate was 64% for October, 100% for November and 99% for December, with an overall overall compliance rate of 93%. (Chart 7)
- Most deficiencies were observed in – “Floors/rugs: Vacuum with a HEPA vacuum equipped with a beater bar” which observed in 5% or 12 jobs; and and “Ensure that sheeting used to isolate contaminated rooms from non contaminated rooms remains in place until after the cleaning and removal of other sheeting” observed in 2% or six jobs.





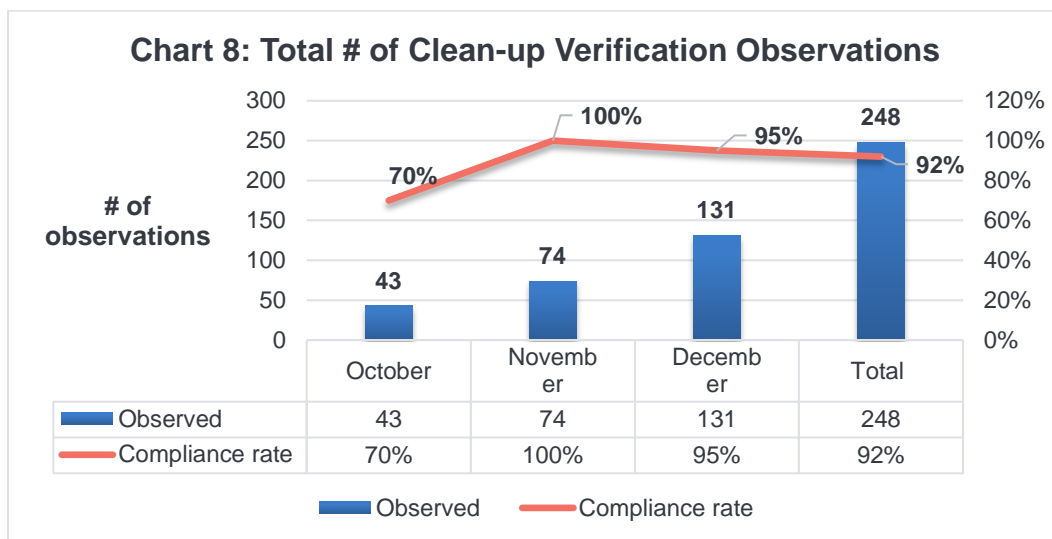
## F. Cleanup Verification Work Phase

During the Cleanup Verification work phase, the LOT observes RRP certified workers while they perform cleanup verification with an EPA verification card to ensure verification is performed in complete adherence to the RRP Rule.

The LOT conducted 248 Cleanup Verification work phase observations, overall a compliance rate of 92%.

### Key observations:

- In Cleanup verification phase compliance rate fluctuated over the period, the compliance rate was 70% for October, 100% for November and 95% for December, with an overall compliance rate of 92%. (Chart 8)
- Most deficiencies were observed in failure to provide the certificate of Renovator; occurred 6% or 14 jobs.



## G. Escalations

Below were jobs escalated to the Compliance Department.

Development	Address	Type of Issue	Status
Ravenswood	35-35 21st Street #1G	Inadequate containment while performing RRP work, performing RRP work without any posted warning signs.	Counseling memos issued to two plasterers
Seward Park	64 Essex Street 14F, 9A, 6C	Inadequate containment, cleanup without HEPA vac, absence of EPA cleaning verification card	Direction to perform letter issued to vendor (Amazonas Painting). Vendor non-responsive, and second notice letter
East River	420 East 105th Street 11D	Inadequate work site containment, which lead to dry paint chips in the living room, hallway and kitchen.	Counseling memo issued to one painter
East River	Storeroom	Three failed RRP storeroom inspections. Six different supplies missing during one inspection	Instructional memos issued to staff responsible for maintaining storerooms

## V. Conclusion

Since assuming responsibility for performing RRP compliance inspections in October 2019, EH&S has seen compliance improve significantly for Renovation Repair and Painting jobs observed in the final quarter of 2019. This may be attributed to NYCHA personnel and vendors being trained and more familiar with lead safe work practices as it becomes a normal way of doing business. The awareness of being routinely monitored and potential penalties for non-compliance may also contribute to increased compliance rates. Support from supervisors and leadership has also been helpful. Workers indicate that they have been warned by their supervisors of the potential consequences of non-compliance. EH&S continues to work with the Compliance Department and other stakeholders to build escalation protocols to ensure that severe deficiencies are quickly identified and escalated appropriately.

From October 1, 2019- December 31, 2019 EH&S escalated four jobs to the Compliance Department due to the severity of the deficiencies observed. These deficiencies included: 1) the use of dry scraping and inadequate containment; 2) a storeroom with repeated

inspection failures and several missing RRP supplies; 3) inadequate containment and lack of signage and; 4) inadequate cleanup and cleanup without performing verification. Of the three jobs escalated, only one was performed by a NYCHA vendor. For the jobs involving NYCHA personnel, counseling memos were issued to applicable personnel. Individuals responsible for managing the deficient storeroom were also issued memos.

In 2020 EH&S will continue to work with the IT Department to make additional enhancements to the RRP compliance inspection program to improve data transparency, increase the department's ability to identify high priority RRP jobs, inspect work performed in is spaces such as lobbies and stairwells, automate escalations, and revise the inspection checklist for increased clarity. Additionally, EH&S will begin performing compliance inspections for abatement and dust wipe sampling/clearance. In the first quarter of 2020 NYCHA published its most comprehensive Lead Safe Housing Standard Procedure to-date. EH&S anticipates that this will continue to help to improve and maintain NYCHA's compliance across all work activities related to Lead-based paint. During the next 6-month reporting period EH&S will present the findings of these compliance inspections.