



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

January 02 – March 20, 2020

I. Executive Summary

As required by the Agreement, NYCHA's Lead Oversight Team ("LOT") perform compliance assurance which requires that they observe NYCHA personnel and vendors while they perform Renovation, Repair, and Painting ("RRP") and Lead Abatement activities to ensure they are in compliance with HUD's Lead Safe Housing Rule .

While the LOT has been performing compliance assurance activities of RRP work since October 2019, the LOT began conducting compliance assurance of Lead Abatement activities during this reporting period.

Lead Abatement compliance assurance 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.

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 following report summarizes the compliance assurance activities documented by LOTS from January 1, 2020 – March 20, 2020. Due to COVID-19, EHS Lead Oversight activities was suspended after March 20, 2020.

Note: While preparing this quarterly report, the EHS Analysis and Engagement Unit (AEU) discovered two data entry errors made in the January and February 2020 reports. These errors negatively impacted the reported compliance rates for two separate evaluation criteria in those reports. The corrections have been documented in the AEU records and have been applied to this report.

Key observations from January – March 2020

RRP

- 627 work phases were observed, averaging a 93% compliance rate
- Of the 126 storerooms inspected for required RRP supplies, 122 were in compliance. Compliance rate increased significantly from 77% in Q4 2019 to 97% in Q1 2020, showing a 20% compliance rate improvement.
- 97% of the 124 Lead Disclosures files inspected were in compliance.
- The LOT surpassed the quarterly target of observing 120 RRP jobs by 66%, observing 199 RRP Jobs
- Worksite Preparation (97%) and Cleanup phase (95%) achieved the highest compliance rates
- 165 Worksite Preparation were observed, averaging a 96% compliance rate
- 173 Work activities were observed, averaging an 92% compliance rate
- 144 Cleanup activities were observed, averaging an 94% compliance rate
- 145 Cleanup Verification activities were observed, averaging 91% compliance rate
- LOT observed all four (4) phases for 112 jobs, of which 91 were 100% in compliance. The average compliance rate improved by 10% from Q4 2019.

Abatement

- 202 work phases were observed, averaging 100% compliance rate
- All work phases achieved a 100% compliance rate except for “Signage” posting and “Notice of Commencement”.
- All Lead Abatement workers observed (NYCHA and Vendors) had valid certifications.
- Lead Abatement jobs were primarily conducted in unoccupied units.
- 69 Work Area Preparation and Containment phase observed, averaging a 100% compliance rate
- 69 Work Activities phase observed, averaging a 100% compliance rate
- 64 Cleanup phases observed, averaging a 100% compliance rate
- LOT Surpassed the quarterly target of observing 75 Lead Abatement jobs by 5% observing 79 Lead Abatement jobs

Section 1. RRP Compliance Assurance

II. Storeroom Inspections

LOT inspects development storerooms to verify the presence of all necessary RRP supplies. The LOTS conducted a total of 126 inspections from January – March 2020.

- Compliance (all supplies present): 122
- Non-Compliance¹ (one or more supplies missing): 4

Key observations:

- The quarterly compliance rate is 97% for all storeroom inspections. (Chart 1)
- Most common failure point was missing duct tape, which occurred in two (2) inspections. (Table 1)
- Compliance rate increased significantly from 77% in Q4 2019 to 97% in Q1 2020, showing a 20% compliance rate improvement.

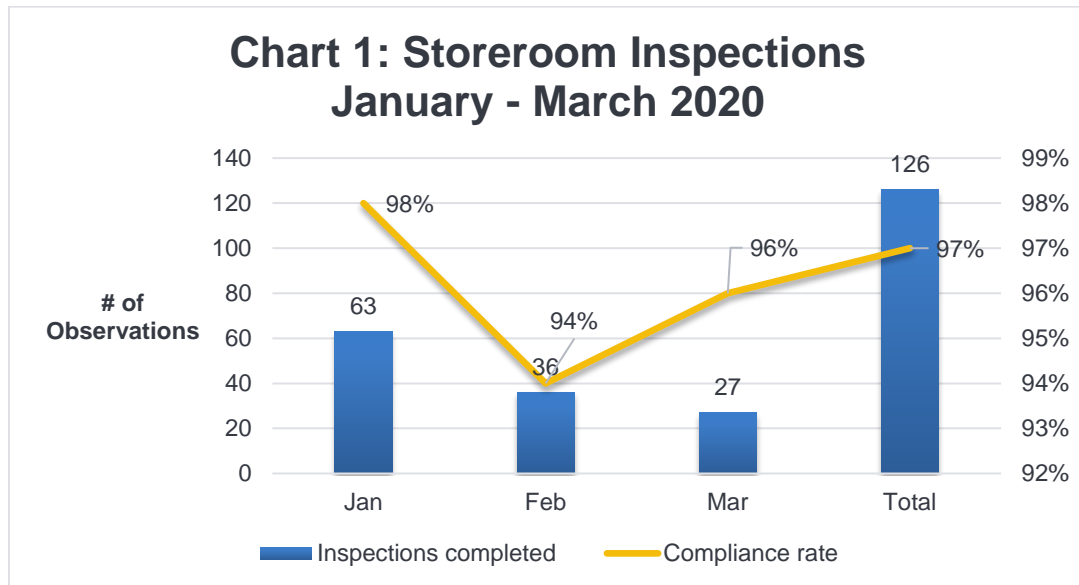


Table 1: Rank of missing supplies from January to March 2020

SL ² .	Missing Supplies	Jan	Feb	March	Total
1.	Duct Tape	1	1	0	2
2.	6 mil polyethylene sheeting	0	1	0	1
3.	Water mister or spray bottle	0	0	1	1

¹ Data Quality check revealed data entry errors by LOTS in January. Data was not adjusted due to work orders closed, final result should be an overall compliance rate of 98%.

² SL-Serial Number

III. Lead Disclosure File Inspection

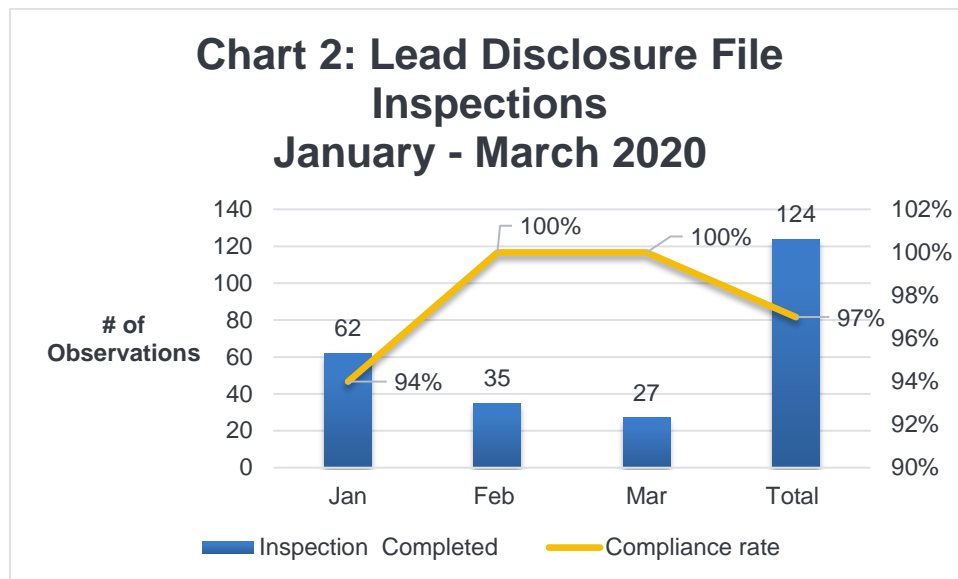
During the inspections LOTS reviews the development Lead Disclosure files to ensure the following required documents are present:

- 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” Pamphlets

LOTS reviewed 124 Lead Disclosure Files, and **97%** of files were found to be in compliance.

Key observations:

- Lead Disclosure file compliance has demonstrated improvement from January (94%) to February (100%) and continued an upward positive compliance trend in March at (100%).(Chart 2)
- Average compliance rate remain the same at 97% for both Q4 2019 and Q1 2020.



IV. RRP Compliance Assurance

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 January to March 2020, LOTS conducted oversight inspections of **199 RRP jobs** comprised of **627 observations** in various work phases, averaging a compliance rate of 93%.

Key observations:

- LOTS surpassed the target observation by 66%, observing 199 RRP jobs, above the quarterly target of 120. (Chart 3)
- Observed **112 RRP jobs in all four (4) work phases**; averaging a compliance rate of 84% (Table 2). Of the 112 RRP jobs, 91 were 100% in compliance. The average compliance rate improved by 10% from Q4 2019.
- Observed **627 work phases**, averaging a compliance rate of 93%. There was a 1% compliance rate increase from Q4 2019.
- Worksite Preparation and Cleanup Activities achieved the highest average compliance rate of 97% and 95% respectively. Whereas the remaining work phases achieved a 93% overall average compliance rate. (Chart 4)
- The data supports an overall upward average compliance trend from Q4 2019 to Q1 2020.

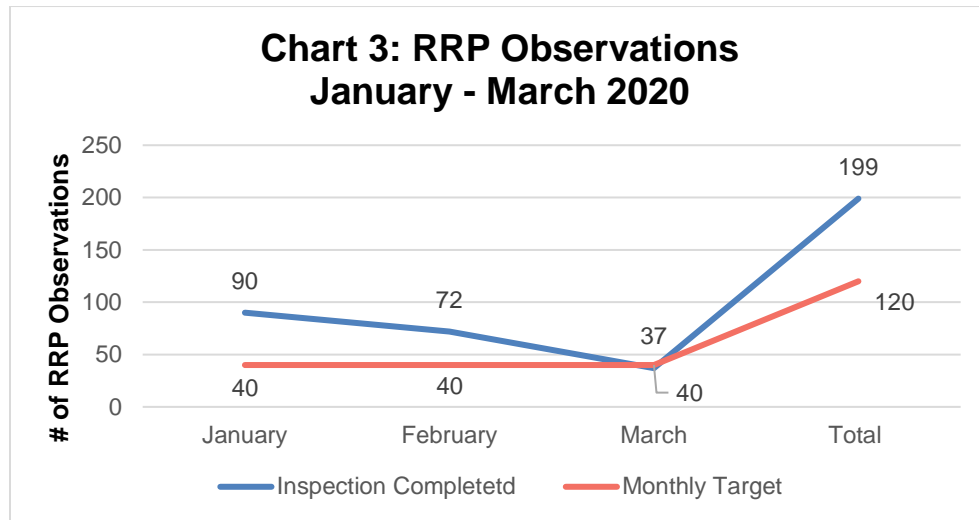
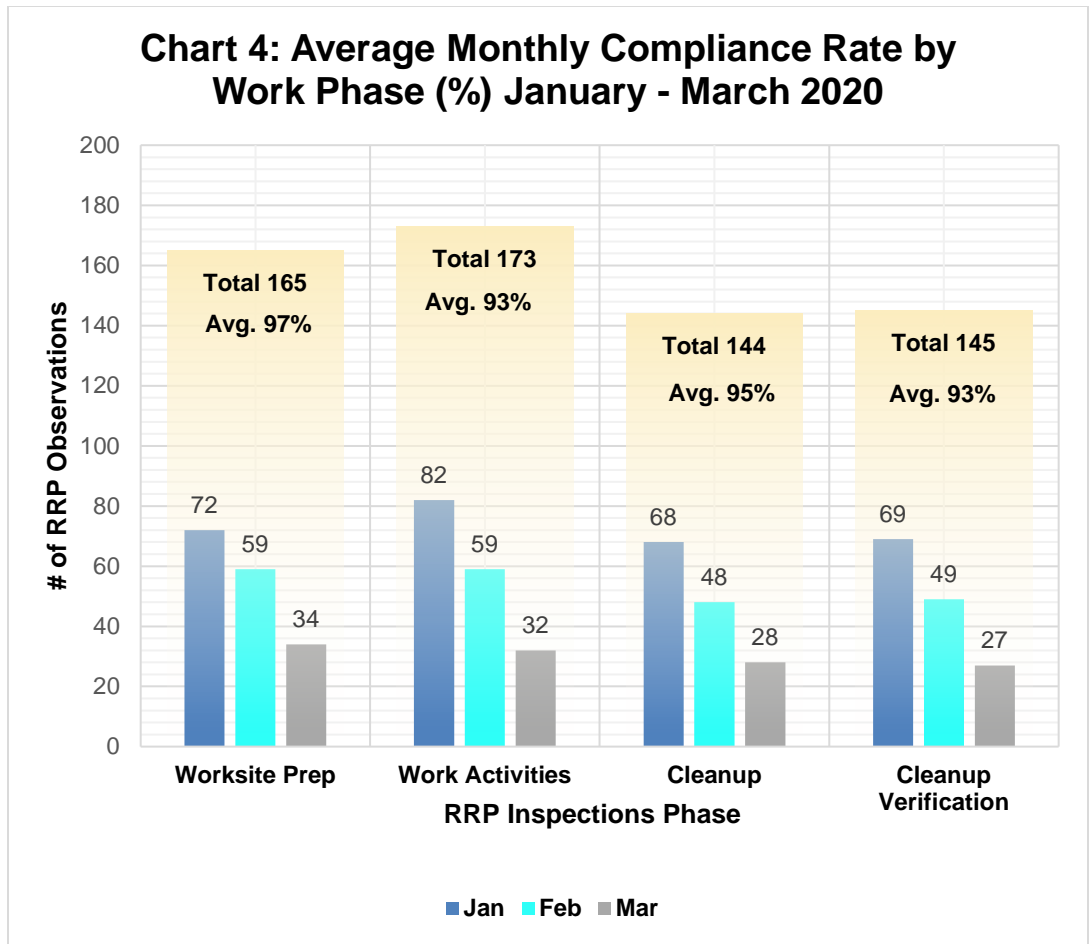


Table 2 # of RRP jobs with all four (4) Work Phases Observed

Month	#RRP Jobs	Compliant	Compliance Rate%
January	54	40	74%
February	35	30	86%
March	23	21	91%

Chart 4: Average Monthly Compliance Rate by Work Phase (%) January - March 2020



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 training utilizing the HR Database.

Note: Count of staff/vendor by multiple observations

NYCHA Employees

- All 341 NYCHA workers observed performing RRP work were RRP certified. Out of the 341 RRP certified employees, 16 were unable to produce a copy of the certificate for inspection but were trained.
- Out of the 199 RRP jobs, there were 2 jobs where certification was not present, however they were RRP certified.

B. Signage Compliance

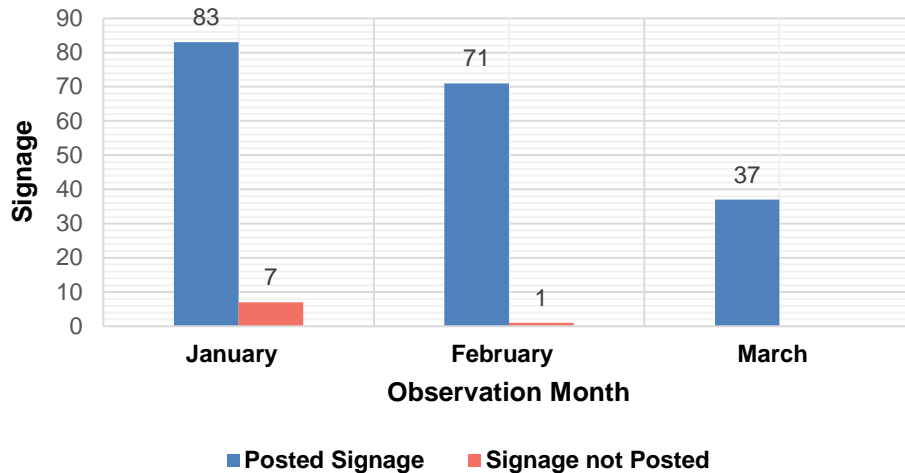
During RRP Work observation, LOTS inspects if signage practices are performed in complete adherence to the RRP Rule.

LOTS observed 199 RRP work, 191 RRP Jobs had the required signage posted, with an overall average compliance rate of 96%. (Chart 5)

Key observations:

- Average compliance rate remain the same at 96% for both Q4 2019 and Q1 2020.

Chart 5: Signage Posted



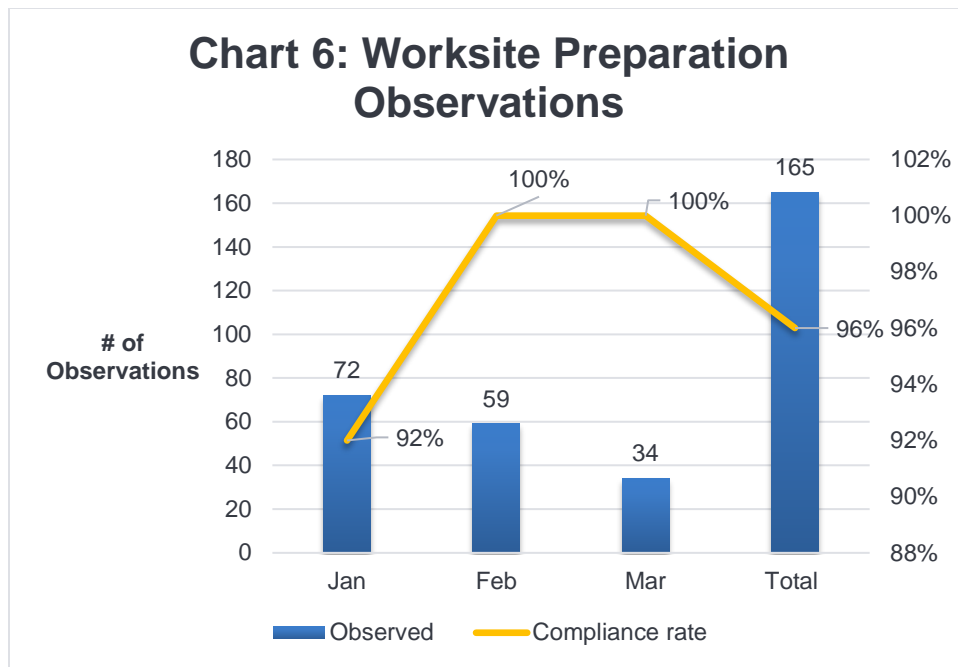
C. Worksite Preparation Work Phase

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 165 Worksite Preparation work phase, with the compliance rate of 96%.

Key observations:

- The Worksite Preparation phase showed improvement throughout the quarter, as the compliance rate was 92% for January, 100% for February, and 100% for March, with an overall compliance rate of 96%. (Chart 6)
- Most deficiencies were observed in - Failure to keep window and door containment, which was observed in 3% or five jobs and failure to keep household containment, which was observed in one job.
- Average compliance rate remained the same (96%) for both Q4 2019 and Q1 2020.



D. Work Activities Work Phase

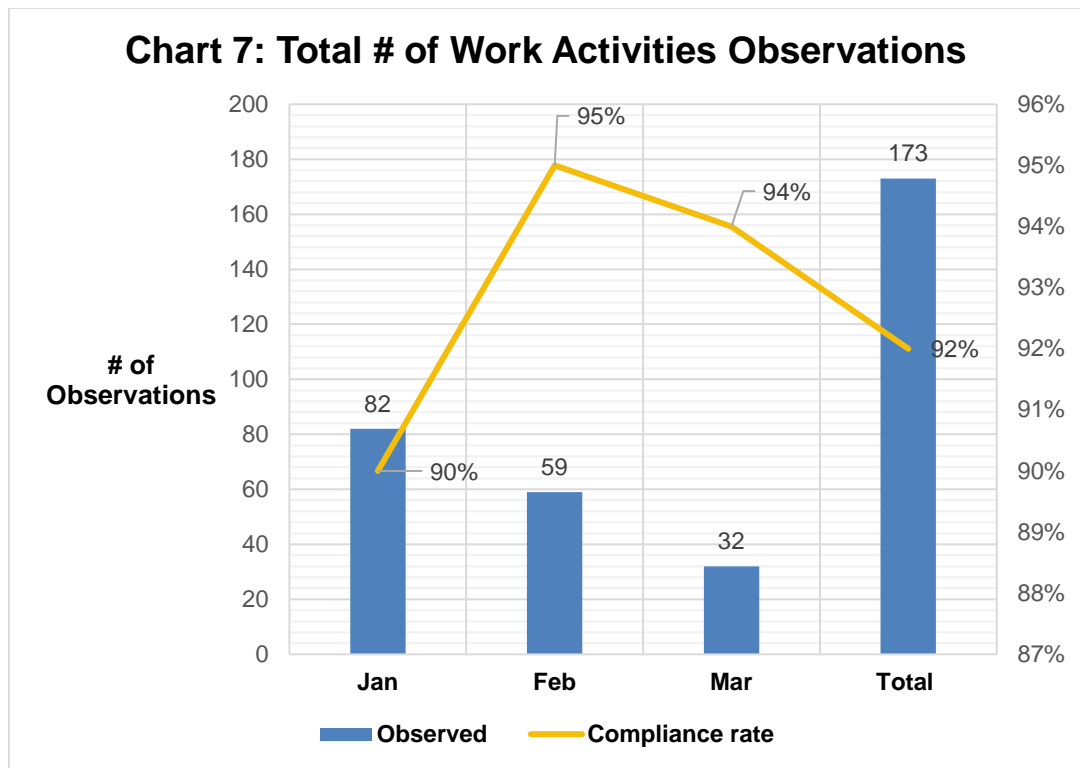
During the Work Activities phase, the LOT observes RRP certified workers while they perform RRP work tasks and ensures work is performed in complete adherence to the RRP Rule.

The LOT observed 173 Work Activity work phase, the overall compliance rate of 92%.

Key observations:

- Work Activities phase compliance fluctuated during the quarter, the compliance rate was 90% for January, 95% for February and 94% for March, with an overall compliance rate of 92%.³ (Chart 7)
- Most deficiencies were observed in - Hazardous materials that did not bare the label which was observed 25% or eight jobs of 24 RRP Jobs; Containment breach where plastic sheeting was torn or displaced- this was observed on 2% or 3 jobs and Prohibited activity dry Sanding was observed in 1% or 2 jobs.
- Work Activity work phase compliance rate was 86% in Q4 2019, representing a 6% compliance rate increase in Q1 2020, supporting an upward compliance trend from previous Quarter.

³ Data Quality check revealed data entry errors by LOTS. Data was not adjusted due to work orders closed, final result should be an overall compliance rate of 97%. (Jan. 94%; Feb. 100%; March 100%).



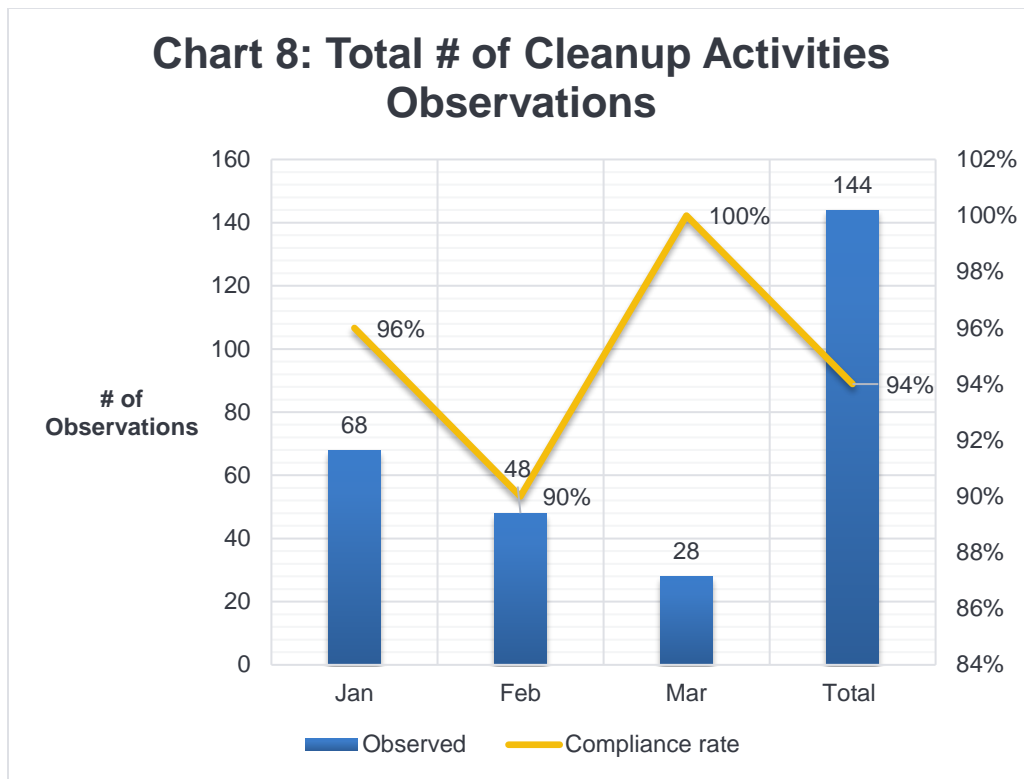
E. Cleanup Work Phase

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 144 Cleanup work phase observations, overall compliance rate of 94%.

Key observations:

- Cleanup Activity work phase compliance rate fluctuated from January to March: 96% for January; 90% for February; and 100% for March, with an overall compliance rate of 94%. (Chart 8)
- Most deficiencies were observed in – “Floors/rugs: Vacuum with a HEPA vacuum equipped with a beater bar” which observed in 3% or five jobs; “Is Waste Storage has been removed from the work area?” observed in 15% or two jobs (13 occasions); and “Work area cleaning remaining surfaces were observed in 1% or one job.
- Cleanup Activity work phase compliance rate was 93% in Q4 2019, there was a 1% compliance rate increase in Q1 2020, supporting an upward compliance trend from previous Quarter.



F. Cleanup Verification Work Phase

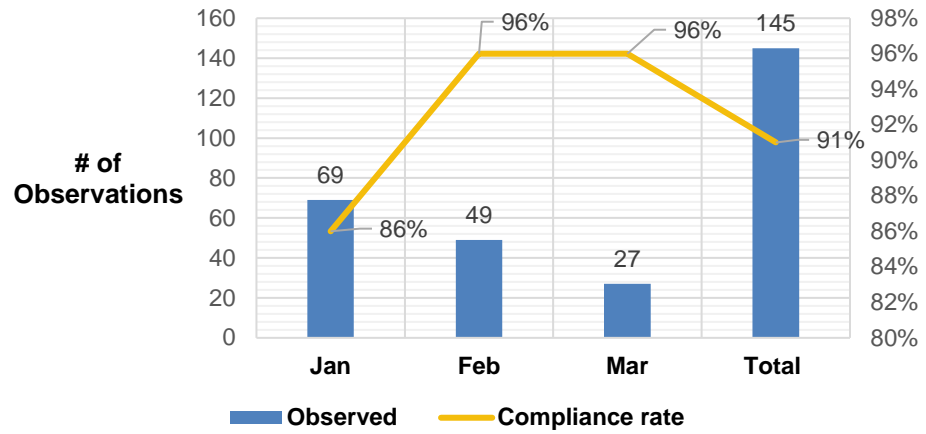
During the Cleanup Verification work phase, the LOT observes RRP certified workers while they perform cleanup verification with an EPA verification card to ensure verification is performed in complete adherence to the RRP Rule.

The LOT conducted 145 Cleanup Verification work phase observations, overall a compliance rate of 91%.

Key observations:

- In Cleanup Verification phase compliance rate improved over this period, the compliance rate was 86% for January; 96% for February; and 96% for March, with an overall compliance rate of 91%. (Chart 9)
- Most deficiencies were observed in “Did cleaning verification pass?”, which were observed in 9% or 13 jobs.
- Cleanup Verification overall compliance rate was 92% in Q4 2019, there was a 1% compliance rate decrease in Q1 2020 (91%).

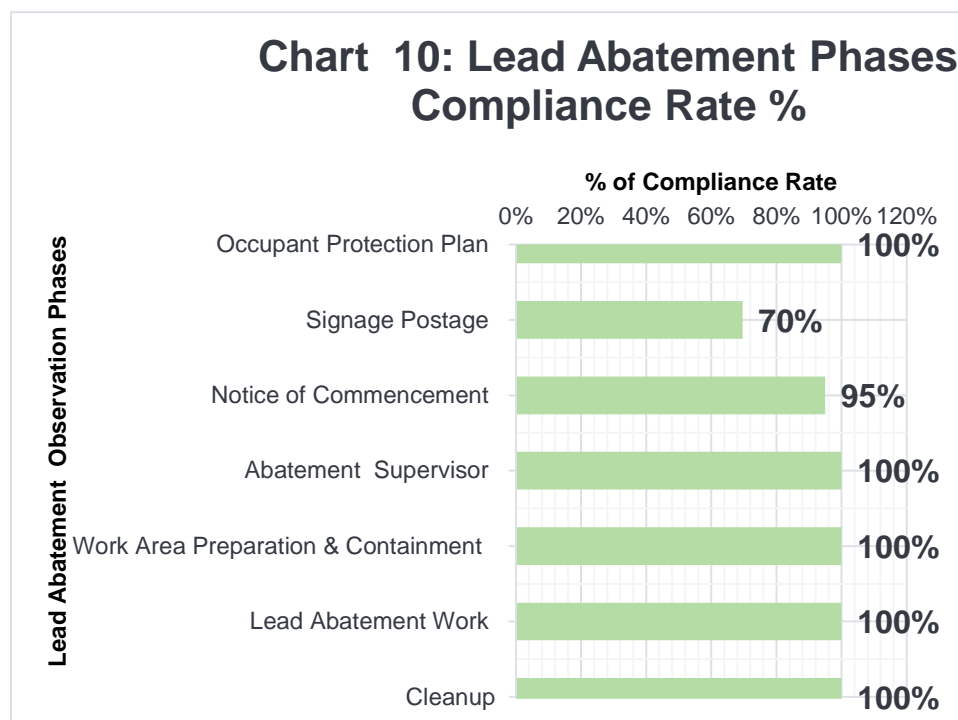
Chart 9: Total # of Cleanup Verification Observations



Section 2. Lead Abatement Compliance Assurance

The LOT officially initiated the Abatement Observation Program in January 2020. EH&S monthly Abatement target is 24 observations. A Lead Abatement oversight observation 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.



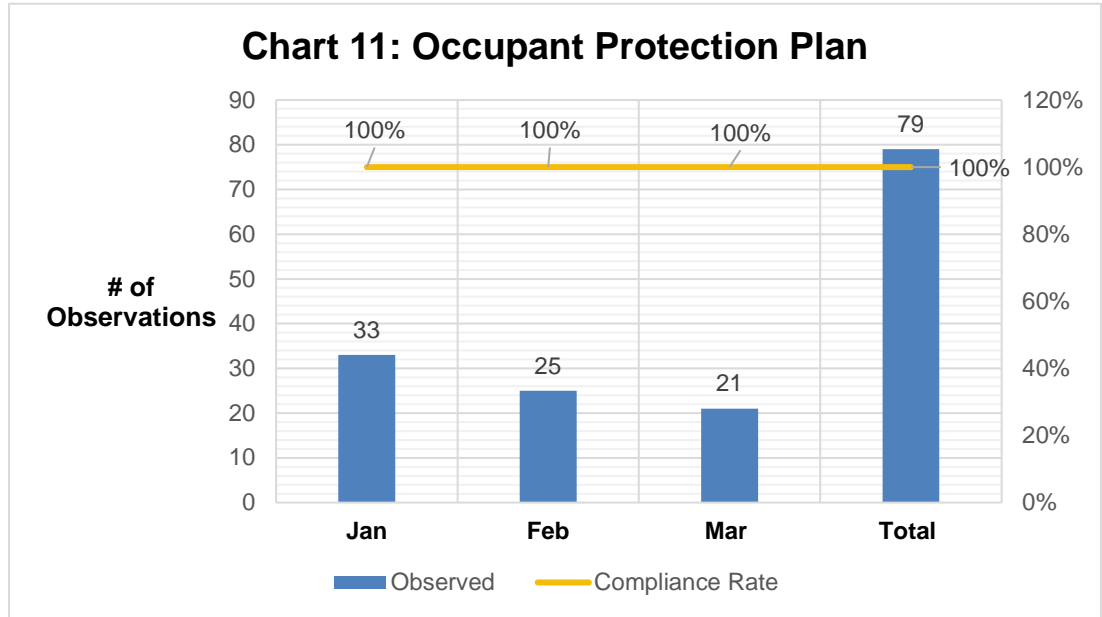
I. Occupant Protection Plan

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 79 OPPs during abatement oversight inspections from January 2nd – March 20, 2020.

Key observations:

- LOT observed 100% of compliance for the OPP inspections. (Chart 11)
- LOT surpassed its target observation by 5%, observing 79 jobs.



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.

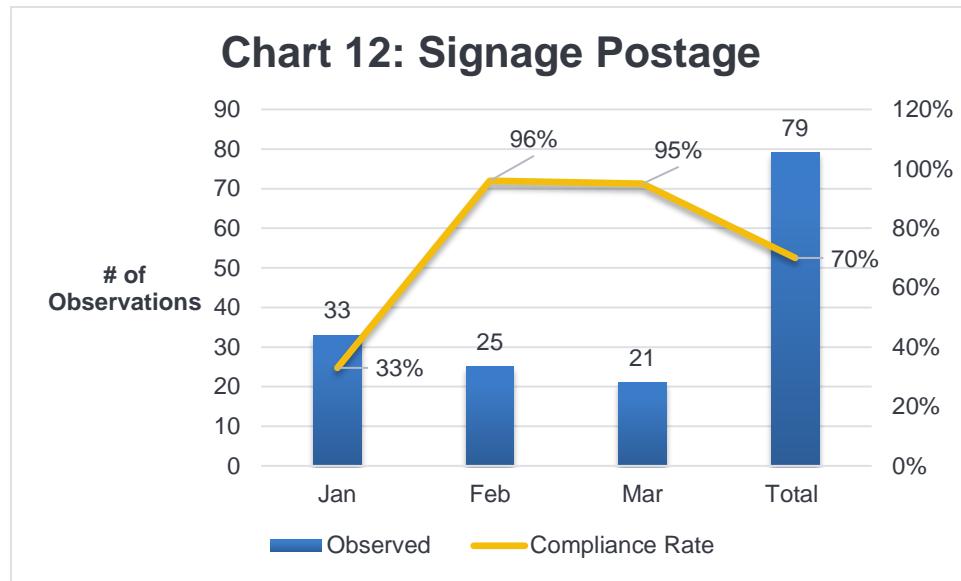
During abatement oversight LOTS check for the presence of signage at the work entrance and document whether posted signage contain the following warnings:

- 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:

- 79 Signage inspections were conducted, with an overall compliance rate of 70%. (Chart 12)
- Signage postage showed fluctuation: Compliance rate was 33% for January; 96% for February; and 95% for March.

- 70% of the 79 Abatement jobs had required Signage posted, 24 (30%) did not have the signage referenced in the Standard Procedure 088.182 (Renovation, Repair, and Painting safety sign).

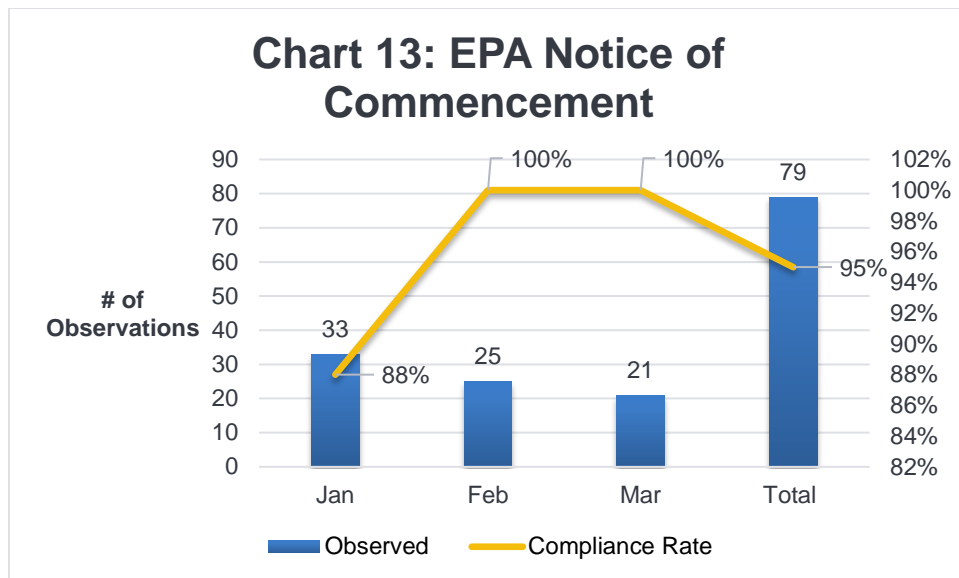


III. EPA Notice of Commencement (NOC)

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 firm's EPA certification number, and the location where work will be conducted. During an Abatement observation, 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 79 inspections, 95% were in compliance with the NOC requirements. (Chart 13)
- EPA Notice of commencement showed a monthly improvement, 88% compliance rate for January, 100% in February and March consecutively. (Chart 13)

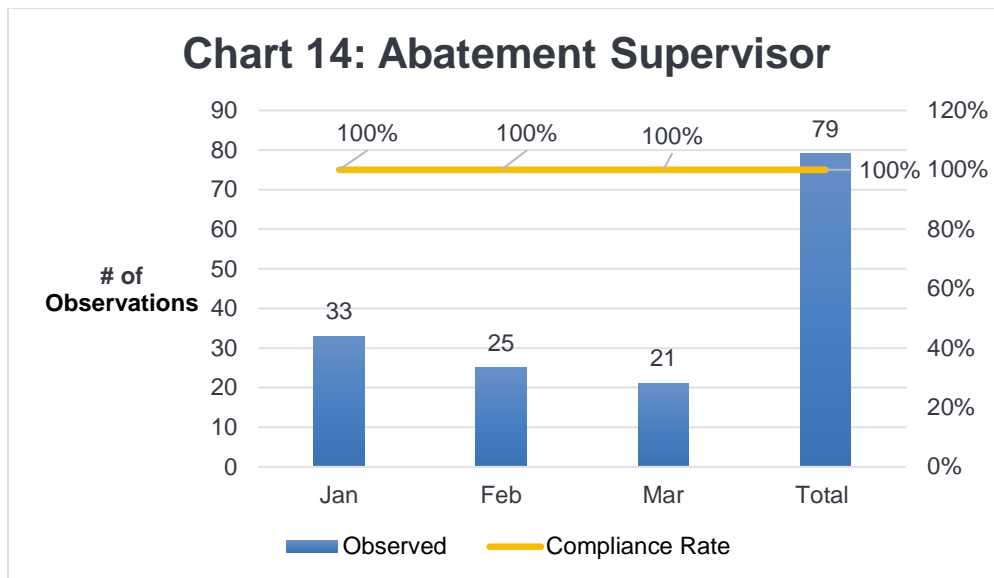


IV. Abatement Supervisor

As required by 40 CFR Part 745, an EPA-certified Lead Abatement Supervisor is required for each abatement project and must be onsite during all work site preparation and during post-abatement cleanup. LOTS assess 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:

- All 79 abatement jobs were in compliance with EPA’s requirements for abatement supervisors, achieving 100% compliance (Chart 14).



V. Abatement Workers

As required by 40 CFR Part 745, all abatement 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:

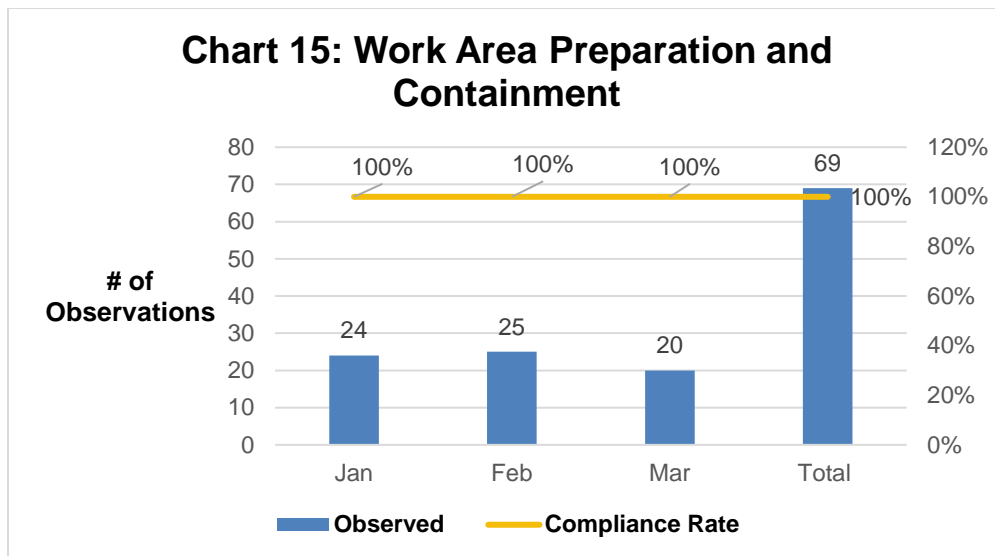
- Of the 79 Abatement jobs, all 196 Abatement Workers (NYCHA Lead Abatement Workers “LAW”, and Vendors) were 100% certified.

VI. Work area preparation & Containment Phase

During the “Work Area Preparation & Containment” phase, the LOTS observe EPA certified workers while they set-up containment and ensures the work area is contained with complete adherence to the EPA Rules.

Key observations:

- The LOT observed 69 Work Area Preparation & Containment phases, with a compliance rate of 100% (Chart 15).

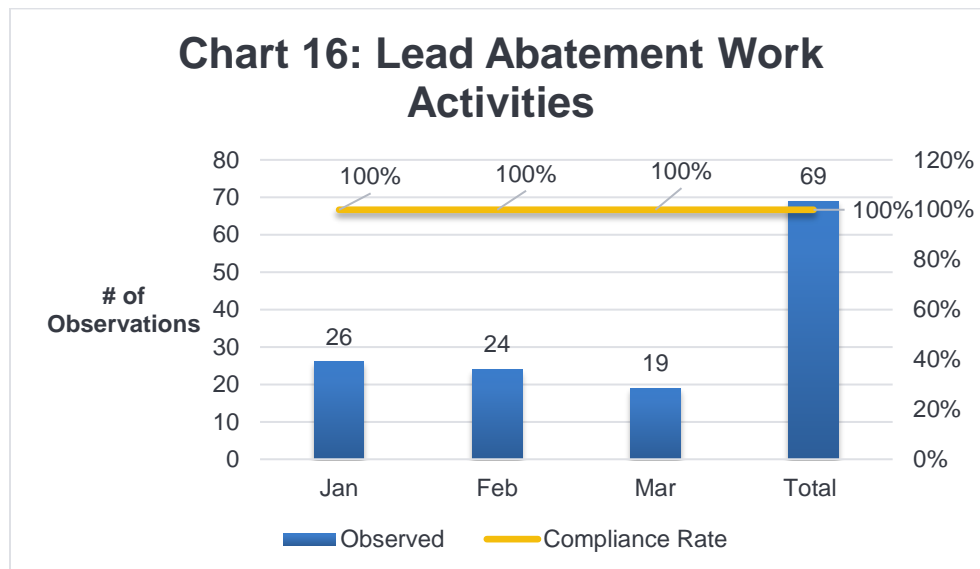


VII. Lead Abatement Work Activities Phase

During the “Work Activities” phase, the LOTS observe EPA certified workers while they perform Abatement Work Tasks and ensure work is being performed in complete adherence to EPA and HUD regulations, and NYCHA’s Lead Safe SP.

Key observations:

- The LOT conducted 69 Work Activities observations, observing 100% compliance throughout the period (Chart 16).



VIII. Cleanup Work Phase

During the “Cleanup Activity Work” phase, the LOTS observe EPA certified workers while they perform cleanup activities. Cleanup activities that are assessed include: 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 conducted 64 Clean-up Work Phases, observing 100% compliance throughout the period (Chart 17).

