



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

June 16, 2022 – December 15, 2022

EH&S Lead Oversight Activity Summary

June 16, 2022 – December 15, 2022

Executive Summary

As required by the HUD Agreement, the Environmental Health and Safety Department's ("EHS") Lead Oversight Team ("LOT") performs compliance assurance inspections of NYCHA personnel and vendors conducting Renovation, Repair, and Painting ("RRP") jobs, Lead Abatement, Visual Assessments, Risk Assessment, and Dust Wipe Clearance activities to ensure NYCHA and its vendors are protecting the health and safety of its residents by following 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 follows 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, notifying supervisors, and making the necessary adjustments to bring the activity into compliance. Additionally, some deficiencies/violations are escalated to the Compliance Department for further action. During this reporting period EHS identified 23 observations requiring escalation to the Compliance Department – 20 for lead disclosure document violations and 3 RRP violations. The escalation reports are attached.

LOT Key Updates and Highlights

New Lead Oversight Process for Risk Assessments

During this reporting period LOT and IT implemented the Risk Assessment Oversight process and created a checklist in Maximo. Oversight of Risk Assessment activities began in August; however, IT is currently building a report to allow the results to be collectively reviewed and analyzed.

Oversight of NYCHA/Vendors RRP Jobs

During the current reporting period LOT performed five hundred and forty-seven (547) oversight inspections of RRP work. Only two (2) of these RRP jobs were being performed by vendors. Identifying vendor jobs for oversight continues to be a challenge for various reasons, including poor documentation of these jobs in Maximo. To address this, EHU has been given access to the Micro-Purchase Team's mailbox to identify locations where vendors are performing RRP work. LOT will provide an update on the outcome of utilizing this strategy during the next 6-month reporting period.

EHU/A&CM Collaboration

During this reporting period the Asset and Capital Management (A&CM) Division's Construction Safety & Quality Department (CSQ) continued shadowing LOT during their oversight assignments to gain knowledge about the RRP, Lead Abatement, and Dust Wipe oversight inspection process. In September, CSQ started performing their own inspections of A&CM contractors performing rehabilitation and construction activities that potentially disturb lead-based paint. LOT will periodically shadow CSQ inspectors to ensure that their inspectors' lead-based paint oversight meet the required standards.

LOT also met with A&CM’s Comprehensive Modernization Department (COMPMOD) to discuss development of an oversight process for CompMod contractors. The EHS Lead Oversight Team shared their lead oversight process and checklists with CompMod leadership to create a similar oversight process for their staff. These collaborative efforts with A&CM will lead to a more comprehensive oversight of LBP activities throughout NYCHA.

Compliance Assurance Vendor and LOTS QA

At the end of July, LOT ceased utilizing H2M as a compliance assurance vendor. LOT has been in communication with the Law Department and has concurred with their recommendation to default the contractor for lack of providing services and frequent errors in their oversight work.

LOT continues to perform field and desktop QA of the Lead Compliance Assurance vendor, UNYSE, and LOT Specialists to maintain oversight quality and standards and to mitigate data entry or field oversight errors. LOTS performed forty (40) field QA inspections of vendor work, while the LOTA conducted twenty (20) field QA inspections of the LOT Specialists. All oversight inspections evaluated had satisfactory ratings. Although the field QA did not reveal any issues with the vendor’s performance in the field, a review of completed work orders revealed several data-entry errors. The LOTA met with the vendor’s staff in August and December to discuss these errors and how to avoid them in the future. LOT has implemented a daily review of all work orders previously completed by the vendor to check for data-entry errors. Any errors found are immediately discussed with the vendor and corrections are made by the LOT Administrator.

June 16, 2022 – December 15, 2022

Field Oversight Activity	# Observations	Total Compliance Rate¹	# of Jobs Escalated to Compliance
Storeroom Inspection	295	97.63%	0
Management Office Lead Disclosure Review	291	72.85%	20
Tenant Folder Review	165	98.79%	0
RRP	547	98.90%	3
Lead Abatement	258	99.22%	0
Post-RRP Clearance	158	100%	0

¹ The QA process established for both the Visual Assessment and Risk Assessment processes is a subjective review of the task that was recently completed by a vendor and not an evaluation of compliance. As EH&S is not side by side with the vendor, this approach allows for changes in conditions that may have occurred after the Risk Assessment/Visual Assessment. When EH&S personnel note a deficiency, EH&S advises LHC to revisit the location to validate and to take appropriate corrective actions.

Post-Lead Abatement Clearance	100	100%	0
Visual Assessment QA	161	N/A	0
Risk Assessment QA In-Unit	90	N/A	0
Risk Assessment QA Common Area	31	N/A	0
Risk Assessment QA Exterior	10	N/A	0

A. Storeroom & Lead Disclosure Compliance

Task/Area Assessed	June 16, 2022 – December 15, 2022		
	# Inspections Completed	#Failed Inspections	Compliance Rate (%)
Storeroom Inspections	295	7	97.63%
Property Management Lead Disclosure Files	291	79	72.85%
Tenant Folder Review	165	2	98.79%

Notes:

- NYCHA currently has 137 storerooms where RRP supplies are maintained. During this reporting period LOT inspected all 137 storerooms at least once. Some storerooms were re-inspected due to initial failures while others received multiple inspections based on overlapping inspection schedules during the reporting period, resulting in the completion of 295 storeroom inspections. The 7 storerooms that failed due to missing supplies were re-inspected during the reporting period and passed the subsequent re-inspection. The most frequently missing RRP supply was 6 mil polyethylene sheeting. This item was observed missing during 5 storeroom inspections.
- Of the 291 inspections conducted at Management Offices to assess compliance with NYCHA’s Lead Disclosure Document requirements, 79 Management Offices failed, resulting in a compliance rate of 72.85%. The Neighborhood Administrators and Property Management staff were notified and provided with guidance regarding NYCHA’s Lead Disclosure recordkeeping requirements. Of the 79 failed inspections, (20) were identified for escalation to the Compliance Department after failing a subsequent re-inspection.
- A data quality review identified four (4) Storeroom/Lead Disclosure Oversight Inspections with data entry errors, resulting in discrepancies between this report and Maximo/Data Warehouse. All data discrepancies were reconciled in this report and documented in a discrepancy log with detailed explanations. The discrepancy detail is available upon request.

B. Renovation, Repair and Painting (“RRP”) Compliance

Task/Area Assessed	June 16, 2022 – December 15, 2022		
	# Observations	Deficiencies	Compliance Rate (%)
NYCHA Form 060.632, The Lead-safe Certified Guide to Renovate Right	546	13	97.62%
NYCHA Personnel Certifications	838	3	99.64%
Signage	546	11	97.99%
Worksite Preparation	442	2	99.55%
Work Activities	444	2	99.55%
Cleanup Activities	59	1	98.31%
Cleanup Verification	50	0	100%

Notes:

- A data quality review revealed twenty-two (22) RRP Oversight Inspections with data entry errors, resulting in discrepancies between this report and Maximo/Data Warehouse. All data discrepancies were reconciled in this report and documented in a discrepancy log with detailed explanations. The discrepancy detail is available upon request.

C. Lead Abatement Compliance

Task/Area Assessed	June 16, 2022 – December 15, 2022		
	# Observations	Deficiencies	Compliance Rate
Occupant Protection Plan	258	1	99.61%
Signage	258	1	99.61%
EPA Notice of Commencement	258	0	100%
Lead Abatement Supervisor	258	0	100%
Task/Area Assessed	June 16, 2022 – December 15, 2022		
	# Observations	Deficiencies	Compliance Rate
Work Area Preparation & Containment	161	0	100%
Work Activities	172	0	100%
Cleanup Activity	78	0	100%

Notes:

- A data quality review revealed twenty-three (23) Lead Abatement Oversight Inspections with data entry errors, resulting in discrepancies between this report and Maximo/Data Warehouse. All data discrepancies were reconciled in this report and documented in a discrepancy log with detailed explanations. The discrepancy detail is available upon request.

D. Clearance Examinations Compliance

Tasks/Areas Assessed	June 16, 2022 – December 15, 2022		
	# Observations	Deficiencies	Compliance Rate
Timing between cleanup completion and clearance examination	258	0	100%
NYCHA Personnel Certifications	132	0	100%
Vendor Personnel Certifications	126	0	100%
Visual Inspection	258	0	100%
Sample Collections	241	0	100%

NYCHA Certified Personnel

Type of Certified Personnel	Post RRP	Post Abatement
Dust Wipe Technician	122	0
Certified Risk Assessor	0	1
Lead based Paint Inspector	0	9

Vendor Certified Personnel

Type of Certified Personnel	Post RRP	Post Abatement
Dust Wipe Technician	22	0
Certified Risk Assessor	2	50
Lead based Paint Inspector	12	40

Notes:

- A data quality review revealed nineteen (19) Clearance Examination Oversight Inspections with data entry errors, resulting in discrepancies between this report and Maximo/Data Warehouse. All data discrepancies were reconciled in this report and documented in a discrepancy log with detailed explanations. The discrepancy detail is available upon request.

E. Visual Assessment Quality Assurance (QA)

Inspection	# Observations	# Requiring LHC Review/Re-assessment
Visual Assessment QA	161	9

Notes:

- During the current reporting period LOT performed oversight inspections of one hundred sixty-one (161) visual assessments jobs. LOT instructed LHC to review and determine if re-assessment was needed for 9 of these jobs based on discrepancies between LOTS’ observations and those documented by the LHC visual assessor.

F. Risk Assessment Oversight

Inspection	# Observations	# Requiring LHC Review/Re-assessment
Risk Assessment QA In-Unit	90	0
Risk Assessment QA Common Area	31	0
Risk Assessment QA Exterior	10	0

Notes:

- During the current reporting period LOT performed oversight inspections of risk assessments in ninety (90) units, thirty-one (31) common areas, and ten (10) exterior areas. In August, while testing the new oversight process, LOT observed that staff from LEW Corp were collecting dust-wipe samples without the use of a template or masking tape for the floor measurement. The LEW Corp Risk Assessor mentioned to the LOT Specialist that they have not been utilizing templates for sample collections. This matter was brought to the attention of the LHC Risk Assessment Coordinator for corrective action. A letter of direction was issued to LEW Corp and shared with LOT.

Exhibit A: Escalation Memo – Lead Disclosure Documents (June 15, 2022 – December 15, 2022)



Environmental Health & Safety Department

To: Brad Greenburg, Chief Compliance Officer
From: Patrick O'Hagan, VP Environmental Health and Safety Officer
Date: October 20th, 2022
Re: Lead Disclosure Document Re-Inspection Failures (Quarter 3)

The EH&S Lead Oversight Team (LOT) reviewed the Lead Disclosure Documents at various developments during the months of June to September 2022. If a development was missing some or all the required documents, the development was re-inspected after approximately 10 business days.

During the review those covered the months of Quarter 3, LOT would confirm that hardcopies of the following documents are present in a development's Lead Disclosure binder and placed in the following order:

- Development Disclosure Form
- Executive Summary Report
- Risk assessment Re-Evaluation Report
- List of Units with Individual Unit Disclosure Forms
- These documents must be placed within a Blue 3-Ring Binder

The table below summarizes those developments that failed the first inspection and the follow-up re-inspection from during the months of June to September. When developments fail the first inspection LOT's Logistics Coordinator emails property management the Compliance Department's "Guidance for Lead Disclosure Rule Documentation" which provides them with instructions for retrieving lead disclosure documents to assist them with gathering the required documents.

Development	First Inspection Date	Re-Inspection Date	Passed Re-Inspection
Bethune Gardens	05/20/22	06/16/22	No
Vladeck	05/27/22	06/17/22	No
Cypress Hills	06/03/22	06/17/22	No
Soundview	06/29/22	07/14/22	No
Woodson	07/20/22	08/05/22	No
Washington	08/11/22	08/26/22	No
Ravenswood	08/12/22	08/26/22	No
Vladeck	08/17/22	08/26/22	No



Environmental Health & Safety Department

Edenwald	08/22/22	09/06/22	No
Mill Brook	08/23/22	09/02/22	No
Taft	08/26/22	09/08/22	No
Vandalia	08/24/22	09/05/22	No
Bushwick	9/7/2022	9/21/2022	No
Wise	9/8/2022	9/28/2022	No
Grant	9/9/2022	9/26/2022	No
Rangel	9/9/2022	9/26/2022	No
Gowanus	9/13/2022	9/29/2022	No
Red Hook West	9/16/2022	9/29/2022	No

In response to these findings of non-compliance, I am requesting that your department initiate appropriate corrective actions against the leadership teams of these locations.

Thank you in advance and please let me know if you have any questions.



Environmental Health & Safety Department

To: Brad Greenburg, Chief Compliance Officer
From: Patrick O'Hagan, VP Environmental Health and Safety Officer
Date: January 3rd, 2023
Re: Lead Disclosure Document Re-Inspection Failures - **REVISED**

The EH&S Lead Oversight Team (LOT) reviewed the Lead Disclosure Documents at various developments during the months of November to December 2022. If a development was missing some or all the required documents, the development was re-inspected after approximately 10 business days.

During the review, LOT confirms that hardcopies of the following documents are present in property management office's Lead Disclosure Binder and placed in the following order:

- Development Disclosure Form
- Executive Summary Report
- Risk Assessment Re-Evaluation Report
- List of Units with Individual Unit Disclosure Forms
- These documents must be placed within a Blue 3-Ring Binder

The table below summarizes those Management Offices that failed the first inspection and the follow-up re-inspection during the months of November and December. When Management Offices fail the first inspection LOT's Logistics Coordinator emails property management staff the Compliance Department's "Guidance for Lead Disclosure Rule Documentation" which provides them with instructions for retrieving lead disclosure documents to assist them with gathering the required documents.

Management Office	First Inspection Date	Re-Inspection Date
Castle Hill	09/27/22	11/07/22
Sumner	11/09/22	12/15/22
Farragut	11/16/22	12/30/22
Union	12/07/22	12/29/22

In response to these findings of non-compliance, I am requesting that your department initiate appropriate corrective actions against the leadership teams of these locations.

Thank you in advance and please let me know if you have any questions.

Exhibit B: Renovation, Repair and Painting (RRP) Escalation Reports (June 16, 2022 – December 15, 2022)



Environmental Health & Safety Department

EHU OVERSIGHT ESCALATION REPORT			
1. VENDOR or NYCHA PERSONNEL? NYCHA	2. VENDOR/NAME(S) OF NYCHA PERSONNEL (if Vendor also indicate company name) Sylvester Belgrave ID 78368	3. TYPE OF JOB RRP (Paint)	4. EHS INSPECTION WO# 92648386
			5. CM WO# 85396567
6. ADMINISTERING DEPARTMENT Department of Paint Administration	7. DEVELOPMENT: King Towers	8. OBSERVATION ADDRESS 40 West 115th Street Apt 8E	
<p>9. INCIDENT DESCRIPTION:</p> <p>On 6/16/22 at 40 West 115th Street Apt 8E (King Towers) Lead Compliance Assurance Vendor employee Jennifer Jean conducted an RRP inspection where required the lead warning sign was not placed at the entrance of the apartment or the lead work area.</p> <p>40 CFR 745.85(a)(1) states that:</p> <p>(1) Occupant protection. Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification have been completed. If warning signs have been posted in accordance with 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are not required by this section.</p>			
<p>10. CORRECTIVE ACTION TAKEN: (Describe what was done after you observed the deficiency, was this reported to the job supervisor, were the corrective actions implemented, did you remain onsite to see completion?)</p> <p>After observing the deficiency, the worker Sylvester Belgrave was asked if he has any in his supply kit. He stated that he did not and would retrieve one during his break. It was not possible to remain onsite to see the corrective action.</p>			



Environmental Health & Safety Department

11. PHOTOS:		
12. EHS PERSONNEL/EHS VENDOR UNYSE (Jennifer Mith Jean)		
NAME:	DATE & TIME OF OBSERVATION:	
	6/16/22	
13. ADDITIONAL INFORMATION (provide any other information that may be of importance)		



Environmental Health & Safety Department

EHU OVERSIGHT ESCALATION REPORT			
1. VENDOR or NYCHA PERSONNEL? NYCHA	2. VENDOR/NAME(S) OF NYCHA PERSONNEL <small>(if Vendor also indicate company name)</small> Garces Albeiro - ID#77946 Silverio Grajales - ID#81280	3. TYPE OF JOB RRP Paint	4. EHS INSPECTION WO# 92654893 5. CM WO# 91658522
6. ADMINISTERING DEPARTMENT Manhattan Property Management	7. DEVELOPMENT: Dyckman Houses	8. OBSERVATION ADDRESS 3736 Tenth Avenue, 9G New York, NY 10034.	
9. INCIDENT DESCRIPTION: <p>During an oversight inspection of RRP Paint work at Dyckman Houses, EH&S Lead Oversight Team Specialist (LOTS) Chibuzor Nwobodo observed the following on 08/16/2022 at about 3:10 pm:</p> <p>Painters Garces Albeiro and Silverio Grajales were performing RRP paint work with inadequate containment of their work area and not in compliance with the requirements of NYCHA Standard Procedure and EPA regulation. They did not close the door or cover the entrance to the bathroom where they were working with plastic sheeting or any impermeable material. They also did not cover a cabinet inside the bathroom that contained the resident's belongings. At the time of inspection, one of the Painters was just starting to paint the bathroom while the partner was about to start surface preparation of the kitchen.</p> <p>The deficiencies are violations of section(s) of NYCHA Lead Safe Standard Procedure and EPA regulation as follows:</p> <p>40 CFR 745.85.2 - Containing Work Area Before beginning the renovation, the work area must be isolated so that no dust or debris leaves the work area while the renovation is being performed. In addition, the containment integrity must be maintained 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.</p> <p>SP050201-Lead Safe Standard Procedure Section.V11.I.10(b)(1) - Site Preparation</p> <p>b) Secure the apartment and/or work area against unauthorized entry.</p> <p>d) Cover all items which were not moved from the work area with one layer of disposable polyethylene sheeting. The sheeting must be taped together with duct tape, and taped to the floors or bottom of the walls or baseboards, to form a continuous barrier to the penetration of dust.</p> <p>g) Cover the work area entrance or vertical containment doorway with one layer of sheeting. Tape the sheeting to the top of the door frame or vertical containment high point and weigh down the bottom to create a seal. Create a door flap on the sheeting that allows access into the work area.</p>			
10. CORRECTIVE ACTION TAKEN: <small>(Describe what was done after you observed the deficiency, was this reported to the job supervisor, were the corrective actions implemented, did you remain onsite to see completion?)</small> <p>LOTS, Chibuzor Nwobodo asked Painters Garces Albeiro and Silverio Grajales to adequately contain their work area. Painters Supervisor Fernando Do Santos was also contacted and he stated that he constantly reminds his crew to always do proper setup when performing RRP work. The Painters complied with my directive to adequately contain the work area as they created barriers between the work area and the resident by covering the bathroom door and also covered the cabinet inside the bathroom while I was on site.</p>			



Environmental Health & Safety Department

11. PHOTOS:



12. EHS PERSONNEL/EHS VENDOR
Chibuzor Nwobodo

NAME:

DATE & TIME OF OBSERVATION:

06/16/2022 @ 3:10 pm.

13. ADDITIONAL INFORMATION (provide any other information that may be of importance)

Empty space for additional information.




Environmental Health & Safety Department

EHU OVERSIGHT ESCALATION REPORT			
1. VENDOR or NYCHA PERSONNEL? NYCHA	2. VENDOR/NAME(S) OF NYCHA PERSONNEL <small>(if Vendor also indicate company name)</small> David Dixon - ID# 11417 PLASTERER	3. TYPE OF JOB RRP Paint	4. EHS INSPECTION WO# 94495155 <hr/> 5. CM WO# 92674392
6. ADMINISTERING DEPARTMENT BROOKLYN BOROUGH	7. DEVELOPMENT: Red Hook West Houses	8. OBSERVATION ADDRESS 135 Richards Street, 7A	
9. INCIDENT DESCRIPTION: During an observation of RRP work performed on 08/24/2022 at about 11:20 am, EH&S Lead Oversight Team Specialist (LOTS), Akinola Idowu observed the following: 1) There was inadequate containment in the kitchen during work activities. Plasterer used 1 mil plastic sheeting to cover the window and failed to properly seal off the kitchen window. Plasterer should have sealed off kitchen window from top to bottom with 6mil plastic sheeting. 2) The work area (Kitchen) was very dusty because plasterer did not adequately wet the disturbed paint surface with water during demolition. These deficiencies violated EPA regulations and NYCHA Lead Safe Standard Procedure as follows: - 40 CRF 745.83 : Work area containment "Containment measures should be designed to prevent the release of lead-containing dust, which can be spread by workers' shoes or by airborne dust, taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed" and NYCHA Lead Safe Standard Procedure for containment page 48 "Close windows, and cover the windows with one layer of 6-mil sheeting to prevent dust and debris from settling on windowsills. - NYCHA SP 050.201 Page 93 iv. (l) Close windows, and where applicable, cover the windows with one layer of sheeting to prevent dust and debris from settling on windowsills. - Lead safe work practices guidance at Section II.D of Chapter 11 and 745.80(b): Prohibited activities "Workers must never use prohibited paint-removal practices, should work wet to dampen dust spread (except where this would create an electrical safety hazard), and should clean up thoroughly after the work. During paint-disturbing work, painted surfaces should be wet with a fine mist of water before scraping or sanding to reduce generation of airborne paint dust and RRP works are conducted using lead-safe work practices that do not increase the hazards of lead-based paint to the occupants of the dwelling or child-occupied facility. - NYCHA SP 050.201 Page 95 11 a Using the spray water bottle, spray the surfaces that will be disturbed to limit the creation and dispersal of dust. Periodically re-wet the area while working.			
10. CORRECTIVE ACTION TAKEN: <small>(Describe what was done after you observed the deficiency, was this reported to the job supervisor, were the corrective actions implemented, did you remain onsite to see completion?)</small> LOTS Akinola Idowu asked the plasterer to wet the wall and work area with a fine mist of water to bring down the visible dust in the work area but he said "you cannot tell me how to do my job" LOTS insisted that the plasterer needed to spray more water to bring down the dust and he said " fuck out of this place clown". LOTS told the plasterer to lower his voice and be professional but he again said " I am tired, sweating and frustrated by motherfuckers like you". Plasterer failed to comply with the LOTS directive he was given. Plasterer supervisor (Frank Romano) was informed about the behavior of his plasterer. Capital Project Department inspectors training with LOT witnessed this incidence.			



Environmental Health & Safety Department

11. PHOTOS:	
	
12. EHS PERSONNEL/EHS VENDOR Akinola Idowu	
NAME:	DATE & TIME OF OBSERVATION: 08/24/2022 @ 11:20am
13. ADDITIONAL INFORMATION (provide any other information that may be of importance)	