

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

June 16, 2023 – December 15, 2023

EH&S Lead Oversight Activity Summary

June 16, 2023 – December 15, 2023

Introduction

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, and 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.

Executive Summary

For the period of June 16, 2023, through December 15, 2023, LOT observed over 1700 lead-based paint assessment, interim control, and hazard reduction activities occurring throughout NYCHA's portfolio such as lead abatement, RRP, clearance examinations, visual and risk assessments. In total, the team visited 170 developments to perform oversight activities, while assessing lead disclosure document ("LDD") compliance in 128 Property Management offices and inspected all 130 of NYCHA's storerooms to assess management and inventory of RRP supplies. Over 53% of the RRP jobs observed by LOT were conducted in units identified on the corrective maintenance ("CM") work order ("WO") as having a child under 6 ("CU6") occupant, and 24% of abatement jobs observed were in CU6 units. Ten (10) RRP jobs and two (2) abatement jobs were escalated to the Compliance Department for further review and action as a result of observed non-compliance. The escalation reports are attached in the appendix of this report.

Clearance examinations observed for both RRP and lead abatement jobs had the highest compliance rate of all activities observed (99.63% and 100%, respectively). However, RRP jobs had the lowest compliance rate (79.18%). This lower rate was the result of an addition to LOT's inspection checklist to assess staff responses to the RRP enforcement question on CM WOs- "*Are you performing RRP Work?*." LOT observed that this question was correctly answered on 82.11% of the RRP jobs assessed. Failure to answer this question accurately prevents the auto-generation of associated dust wipe WOs. Therefore, it is critical that accurate responses are entered on the work orders. LOT worked with staff at the job sites to enter the correct responses on these CM WOs. However, while most of the CM WOs were corrected in the field and the required dust wipes were completed, some continue to reflect the inaccurate responses. EHS identified 10 of these jobs where this resulted in a failure to perform the required dust wipes. These jobs were escalated to the Lead Hazard Control Department ("LHC") and the Compliance Department for further investigation and appropriate action.

There was a significant improvement in the lead disclosure compliance rate (86.29%) for this reporting period. For the previous certification period of December 16, 2022, to June 15,

2023, EHS observed a 77.20% compliance rate. . There were no LDD escalations to the Compliance Department for this reporting period since all locations passed re-inspections. Additionally, following the findings of HUD's 2023 REAC inspections, EHS will be expanding its lead oversight program to include privately managed developments. EHS hopes to see continued improvement in this area across the NYCHA portfolio.

LOT performed 341 oversight inspections of RRP work. Despite this sample size, there were no vendor jobs observed. On December 11th, Operations began a pilot of a virtual contractor logbook. EHS will attempt to leverage this logbook to more easily identify vendor RRP jobs.

A notable limitation of the lead oversight process is the challenge of observing RRP and lead abatement jobs during the cleanup phase. In comparison to observations of other phases, there is a significantly lower number of jobs observed during cleanup activities. The team continues to explore and test strategies to improve its observation of this critical task. There was some improvement in the number of observations of this task during this reporting period. Of the 341 RRP jobs assessed, LOT observed cleanup activities on 60 of these jobs and the cleaning verification process on 97 of these jobs; this is an increase from the previous reporting period where LOT only observed 25 cleanup activities and 28 cleaning verifications. For the 543 lead abatement jobs assessed, cleanup activities were observed during 112 of these jobs; this is an increase from the previous reporting period where LOT observed 87 cleanup activities.

For this reporting period, LOT observed 283 in-unit Visual Assessments. Of the 283 observations, 10 of these jobs required LHC to conduct a review/re-assessment. LHC confirmed the errors and recommended further training for their staff for future visual assessment inspections. Additionally, LOT observed 13 common area Visual Assessments; none of the observations s required an escalation.

June 16, 2023 – December 15, 2023

Field Oversight Activity	# Observations	Total Compliance Rate	# of Jobs Escalated to Compliance
Storeroom Inspection	311	96.14%	0
Management Office Lead Disclosure Review	321	86.29%	0
Tenant Folder Review	308	91.88%	0
RRP	341	79.18%	10
Lead Abatement	543	97.79%	2
Post-RRP Clearance	272	99.63%	0
Post-Lead Abatement Clearance	291	100%	0
Visual Assessment QA In-Unit	283	N/A	0
Visual Assessment QA Common Area	13	N/A	0

A. Storeroom & Lead Disclosure Compliance

Task/Area Assessed	June 16, 2023 – December 15, 2023		
	# Inspections Completed	#Failed Inspections	Compliance Rate (%)
Storeroom Inspections	311	12	96.14%
Property Management Lead Disclosure Files	321	44	86.29%
Tenant Folder Review	308	25	91.88%

Notes:

- The 12 storerooms that failed due to missing supplies were re-inspected during the reporting period and passed the subsequent re-inspection. Escalations were not required. The most frequently missing RRP supply was the 6-mil poly and the utility knife.
- Of the 44 failed inspections, zero (0) were identified for escalation to the Compliance Department as they all passed subsequent re-inspection.
- A data quality review identified four (4) Storeroom/Lead Disclosure Oversight Inspection 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, 2023 – December 15, 2023		
	# Observations	Deficiencies	Compliance Rate (%)
RRP Work Verification by Personnel	341	61	82.11%
NYCHA Form 060.632, The Lead-safe Certified Guide to Renovate Right	341	7	97.95%
NYCHA Personnel Certifications	520	0	100%
Vendor Personnel Certifications	0	0	N/A
Signage	341	10	97.07%
Worksite Preparation	234	3	98.72%
Work Activities	270	2	99.26%
Cleanup Activities	60	0	100%
Cleanup Verification	97	0	100%

Notes:

- A data quality review revealed eight (8) 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, 2023 – December 15, 2023		
	# Observations	Deficiencies	Compliance Rate
Occupant Protection Plan	543	1	98.82%
Signage	543	5	99.08%
EPA Notice of Commencement	543	2	99.63%
Lead Abatement Workers	1139	0	100%
Lead Abatement Supervisor	543	3	99.45%
Work Area Preparation & Containment	224	0	100%
Work Activities	317	1	99.68%

Cleanup Activity	112	0	100%
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Notes:

- A data quality review revealed 12 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, 2023 – December 15, 2023		
	# Observations	Deficiencies	Compliance Rate
Timing between cleanup completion and clearance examination	563	0	100%
NYCHA Personnel Certifications	240	1	99.58%
Vendor Personnel Certifications	323	0	100%
Visual Inspection	563	0	100%
Sample Collections	534	0	100%

NYCHA Certified Personnel

Type of Certified Personnel	Post RRP	Post Abatement
Dust Wipe Technician	186	0
Certified Risk Assessor	0	11
Lead-Based Paint Inspector	3	40

Vendor Certified Personnel

Type of Certified Personnel	Post RRP	Post Abatement
Dust Wipe Technician	7	0
Certified Risk Assessor	42	94
Lead-Based Paint Inspector	34	146

Notes:

A data quality review revealed 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 In-Unit	283	10
Visual Assessment QA Common Area	13	0

Exhibit A: Lead Abatement Escalation Report (June 16, 2023 – December 15, 2023)



Environmental Health & Safety Department

EHU OVERSIGHT ESCALATION REPORT			
1. VENDOR or NYCHA PERSONNEL? Vendor: Stepan Kalenyuk	2. VENDOR/NAME(S) OF NYCHA PERSONNEL (if Vendor also indicate company name) Vendor: AGD Construction Corp.	3. TYPE OF JOB Lead Abatement	4. EHS INSPECTION WO# 110822419
		5. CM WO# 105390579	
6. ADMINISTERING DEPARTMENT LEAD HAZARD CONTROL (LHC)	7. DEVELOPMENT: Glenwood Houses	8. OBSERVATION ADDRESS 5704 Farragut Road, #5E Brooklyn, NY 11234	
<p>9. INCIDENT DESCRIPTION:</p> <p>During an oversight inspection of lead-based paint abatement work at Glenwood Houses, EH&S Lead Oversight Team Specialist (LOTS) Chibuzor Nwobodo observed the following on 09/14/2023 at about 15:55 hrs:</p> <p>Abatement Workers from AGD were performing abatement related clean-up activities and an Abatement Supervisor was not on site. They were observed mopping floors, cleaning window sills and other surfaces within the work area. All the containment including windows, doors, and floor coverings had been taken down, bagged and removed from the apartment. Upon inquiry, the workers stated that Abatement Supervisor went to the store to get supplies. LOTS was able to speak to the Abatement Supervisor Stepan Kalenyuk on the phone and he stated that he went to Home Depot to buy materials. LOTS instructed the workers to stop further clean-up activities until a supervisor is present on site as per NYCHA standard procedure.</p> <p>The above cited deficiency violates NYCHA's Lead Safe Standard Procedure as follows:</p> <p>SP 050.201- Lead Safe Standard Procedure Section VII.H.j.1(a) Lead Abatement H. Lead Abatement, page 67 j. Cleanup (1) Personnel (b) The certified abatement supervisor must be on site during all post-abatement cleanup of work areas, including any re-cleaning activities following a failed clearance examination. The supervisor must enter their actual start and end date in a log book or, if available, the employee's NYCHA handheld device whenever they are on site during any post-abatement cleanup of work areas.</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>LOTS contacted LIRO Inspector Samson Ajibade who was assigned to monitor the vendor at this location and informed him about the deficiency. LOTS instructed the workers to stop further clean-up activity until a Lead Abatement Supervisor arrives on site. The workers complied with the directive and LOTS waited on site to ensure compliance. Abatement Supervisor Stepan Kalenyuk arrived more than half an hour later.</p>			





Environmental Health & Safety Department

11. PHOTOS:



12. EHS PERSONNEL/EHS VENDOR

NAME:

  Newobodo

09/14/2023 @ 15:55 hrs:

9/14/2023 @ 15:55 hrs:

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

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EHU OVERSIGHT ESCALATION REPORT			
1. VENDOR or NYCHA PERSONNEL?	2. VENDOR/NAME(S) OF NYCHA PERSONNEL (if Vendor also indicate company name)	3. TYPE OF JOB	4. EHS INSPECTION WO# 112529798
Vendor: Tommy Villarroel	Vendor: Abatement Unlimited	Lead Abatement	5. CM WO# 102511971
6. ADMINISTERING DEPARTMENT	7. DEVELOPMENT:	8. OBSERVATION ADDRESS	
Lead Hazard Control (LHC)	Van Dyke	361 Livonia Avenue, 13C Brooklyn, NY 11212	
<p>9. INCIDENT DESCRIPTION:</p> <p>During an oversight inspection of lead abatement work at Van Dyke Houses, EH&S Lead Oversight Team Specialist (LOTS) Chibuzor Nwobodo observed the following on 10/12/2023 at about 13:30 hrs.:</p> <p>Abatement Unlimited abatement worker Juan Suarez was performing work area preparation for lead abatement related activities, and an abatement supervisor was not on site. He was completing the containment set-up at the time of LOTS arrival. Upon inquiry, the worker stated that he was just completing the containment set-up and waiting on instruction from the supervisor on whether to proceed with the paint removal activity. He further stated that the abatement supervisor went to another Development for a job. LOTS was able to speak to abatement supervisor Tommy Villarroel on the phone, and he stated that he was in the Bronx to complete an ongoing job. LOTS instructed the worker to stop further work and wait for the supervisor's directive on how to proceed.</p> <p>The deficiency violates NYCHA's Lead Safe Standard Procedure as follows: SP050201 Lead Safe Standard Procedure Section VII.H.i.1(b).i Performing an Abatement, page 60</p> <p>i. Performing an Abatement (1) Personnel</p> <p>(b) A certified abatement supervisor:</p> <p>i. Must be onsite during all work area preparation. The certified abatement supervisor confirms they are on site by entering the actual start time in Maximo.</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>LOTS contacted LHC Project Inspector Vitalis Francois, who is assigned to monitor the vendor at this location and informed him about the observed deficiency.</p> <p>LOTS instructed the worker to stop further containment set-up activity until a lead abatement supervisor arrived on site; he complied with the directive. Abatement supervisor Tommy Villarroel informed LOTS that there will be no further work in the unit for the day and that work will probably resume the next day, 10/13/2023. He did not arrive on-site at the time of departure.</p>			



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11. PHOTOS:		
		
12. EHS PERSONNEL/EHS VENDOR		
NAME: Chibu Nwobodo	DATE & TIME OF OBSERVATION: 10/12/2023 @ 13:30 hrs.	
13. ADDITIONAL INFORMATION (provide any other information that may be of importance)		

**Exhibit B: Renovation, Repair and Painting (RRP) Escalation Reports (June 16, 2023
– December 15, 2023)**



Environmental Health & Safety Department

To: Brad Greenburg, Chief Compliance Officer
From: Patrick O'Hagan, VP Environmental Health and Safety Officer
Date: October 16, 2023
Re: RRP Jobs Completed Without Dust Wipes

During field oversight of RRP jobs, the EH&S Lead Oversight Team (LOT) reviews the associated corrective maintenance work order for each job to determine if the RRP verification question: "Are you performing RRP work?" is accurately completed. During the period of June 24, 2023, to September 15, 2023, LOT observed 165 RRP jobs and determined that on 31 jobs, personnel either failed to enter a response to this question or they indicated that they were not performing RRP work even though XRF data and onsite observations indicated that they were.

While onsite, LOT assisted personnel in entering the correct responses to ensure that the required dust wipe work orders were generated. However, a subsequent QA review identified several CM work orders that still show incorrect responses on the CM work order, despite being corrected onsite. As a result of this, EHS has identified 10 RRP jobs where dust wipes were required but there is no indication in Maximo that DW work orders were completed. Below are the 10 RRP jobs that were completed with no record of the required dust wipes being taken. I am requesting that your department conduct further investigations and initiate appropriate corrective actions to address this matter.

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

CM WO Observed by EHS	Development	Location
69905889	HIGHBRIDGE GARDENS	078.04. 004.F07.07G
107706639	NOSTRAND	043.03. 005.F04.04D
105591459	SEDGWICK	045.07.007.F07.07B
83011898	NOSTRAND	043.13. 025.F03.03A
103693288	BAY VIEW	092.18. 018.F04.04C
103436015	EAST RIVER	009.06. 023.F03.03A
103181868	WAGNER	074.16. 016.F01.01F



Environmental Health & Safety Department

CM WO Observed by EHS	Development	Location
104585129	ST. MARY'S PARK	093.01. 001.F17.17C
97227322	SEDGWICK	045.06. 006.F02.02A
105543183	JUSTICE SONIA SOTOMAYOR HOUSES	067.08. 008.F06.06G