

NYCHA Compliance Department:
11th Assessment of Compliance with Requirements Of
Paragraphs 8, 14 and 15 of Exhibit A to the January 31, 2019 Agreement
Between NYCHA, HUD, SDNY and the City of New York
Covering Period of January 1, 2024 to July 31, 2024

I. Introduction and Methodology

On January 31, 2019, the New York City Housing Authority (“NYCHA”), the United States Department of Housing and Urban Development (“HUD”), the Southern District of New York (“SDNY”), and the City of New York (“City”) entered into a settlement agreement (“HUD Agreement”) which sets forth specific requirements for NYCHA to remedy physical conditions in its developments, including lead-based paint. Exhibit A of the HUD Agreement sets forth the requirements pertaining to lead-based paint.

Paragraph 30(b) of Exhibit A requires NYCHA to provide, every 6 months, “the United States and the Monitor a certification describing its compliance with paragraph 8 through 15” of Exhibit A. Paragraphs 8 through 13 of Exhibit A set forth obligations that NYCHA must comply with concerning lead abatement projects. Paragraphs 14 and 15 represent ongoing compliance obligations for NYCHA under the EPA Abatement Rule (40 CFR § 745.227) (“Abatement Rule”), and the lead safe work practice requirements set forth in the Lead Safe Housing Rule (24 CFR Part 35, subparts B – R) (“Lead Safe Housing Rule”) and the Renovation, Repair, and Painting Rule (40 CFR Part 745, subpart E) (“RRP Rule”). This is NYCHA’s 11th report assessing compliance with Paragraphs 14 and 15. This report also includes an assessment of NYCHA’s progress with respect to Paragraph 8, which requires that NYCHA abate all lead-based paint at Harlem River and Williamsburg within 5 years of the agreement (2024).

To evaluate NYCHA’s ability to certify to the requirements of Paragraphs 8, 14 and 15 on July 31, 2024, the Compliance Department conducted a review of NYCHA records and activities for the period between December 16, 2023 through June 15, 2024 (“Covered Period”). Additionally, the NYCHA Environmental Health and Safety Department (“EHS”) issued a report (annexed as Attachment A) documenting field oversight activities that should be read in tandem with this Report.

The Compliance Department uses the following methodology to evaluate NYCHA’s compliance with Paragraphs 8, 14 and 15:

- **Existence of Written Policies, Procedures or Contract Specifications:** This criterion evaluates whether NYCHA has established specific written policies, procedures, contract specifications, trainings or instructional materials that required staff and/or vendors to perform the requirements set forth in the regulations during the Covered Period.
- **Existence of IT Controls:** This criterion evaluates whether NYCHA’s Maximo Work Order system (or other system) has established IT controls that strengthen compliance with the applicable regulatory requirement during the Covered Period.
- **Quality Assurance or Field Monitoring Protocols:** This criterion evaluates whether NYCHA has performed any quality assurance or any field monitoring during the Covered Period of abatement, interim control, or RRP projects to assess compliance with each specific regulatory requirement and the results of the quality assurance or field monitoring activities.

- **Recordkeeping/File Review:** This criterion evaluates whether project files for work orders closed during the Covered Period contain documentation required by and/or evidencing compliance with each specific regulatory requirement.
- **Overall Assessment of Compliance:** This overall assessment of NYCHA's compliance during the Covered Period with each specific requirement is based upon the above-described criteria and any additional information provided by NYCHA staff. This shall also disclose any significant identified deficiencies with each specific regulatory requirement and, where available, provide action items that NYCHA must conduct in the next 6 months to address compliance shortfalls.

II. [Update on Compliance-Related Activities Since Last Paragraph 30\(b\) Certification \(January 31, 2024\)](#)

On January 31, 2024, NYCHA was unable to certify to compliance with Paragraphs 14 and 15 and had provided the following update in its certification:

Paragraph 14:

- NYCHA has made demonstrable progress and is in substantial compliance with the requirements of Paragraph 14(a), (b), (c), (e) and (f) through new procedures, IT controls, and training. This has improved compliance with several abatement requirements, including certified abatement supervision, EPA notifications, occupant protection plans, collection of dust wipes by certified personnel, and abatement reports.
- With respect to Paragraph 14(d), EH&S found a 99.58% rate of compliance in its field monitoring and Compliance found a 91% compliance rate in its document review, suggesting a high rate of compliance even if NYCHA cannot certify to substantial compliance.
- NYCHA also showed substantial improvement under Paragraph 14(g) in the production of Notices of Hazard Reduction and Lead Disclosure Summaries, however the failure to adequately maintain Lead Disclosure Rule documents and an 88% compliance rate with respect to the provision of Notices of Hazard Reduction impacted NYCHA's ability to certify compliance with Paragraph 14(g).

Paragraph 15:

- NYCHA has made demonstrable progress towards compliance with the requirements of Paragraph 15 through new procedures, IT controls, training, and field monitoring. These efforts have improved compliance with applicable requirements, particularly as they relate to NYCHA staff's worker certifications, ensuring storerooms have sufficient supplies to conduct lead safe work practices, NYCHA staff's worksite preparation, NYCHA staff's provision of the EPA Renovate Right pamphlet, NYCHA staff's cleaning activities, and the provision of notices of evaluation.
- NYCHA improved but still faces compliance related gaps with respect to conducting timely clearance examinations, NYCHA staff's completion of the renovator checklist and providing timely Notices of Hazard Reduction.
- NYCHA also continues to struggle to ensure proper controls and recordkeeping on vendor work across all workflows.

- Additionally, NYCHA needs to continue its work to ensure all NYCHA renovators are properly completing work order enforcement questions for RRP work orders in Maximo.
- For these reasons, NYCHA can certify to compliance with respect to Paragraph 15(c), (d) and (g) but cannot certify to compliance with respect to Paragraph 15(a), (b), (e), (f), (h), (i) and (j).

1. General Updates on Compliance

General Update on Compliance with Paragraph 8: NYCHA’s PACT partners continued abatement activities at Harlem River and Williamsburg. For the purpose of reporting progress in this report, NYCHA is using the “clearance end date” as provided by the PACT partner in its Smartsheet tracker to identify units where abatement and clearance are completed. In addition, the report currently provides detail only on units abated and not common areas. Common areas are included in the scope of work as abatement is conducted building-by-building, but it is difficult to calculate a percentage of completion that includes common areas. The denominator used for the purpose of reporting on progress is currently the total of all the units at the property. During the Covered Period, STV, a third party environmental monitoring firm with the assistance of the NYCHA Real Estate Development Department (REDD) and the Compliance Department continued field monitoring of abatement and clearance vendors at PACT sites.

As of June 15, 2024, 537 units (approximately 78% of the 693 total units at Harlem River I and Harlem River II) have been abated at Harlem River Houses. At Harlem River, during STV’s field inspections, compliance with lead abatement requirements was observed for all compliance tasks, as laid out in detail in this report. In addition, the documents reviewed demonstrate a high degree of compliance with the requirements of Paragraph 14 except that certain certifications had not been uploaded initially by unit but could be produced immediately upon request and the documentation lacked evidence that the EPA notification had been provided within the required 5 business days.

As of June 15, 2024, 1,340 units (approximately 84.1% of the total 1,621 units) have been abated and cleared at Williamsburg. At Williamsburg, during STV’s field inspections, compliance during the Covered Period was observed for all lead abatement tasks, but there were deficiencies found among 3 observations of clearance examinations. STV identified certain deficiencies related to clearance vendors’ use of templates and correct measuring of sampling areas but these issues were resolved during the Covered Period. The documents reviewed by NYCHA Compliance demonstrate a high degree of compliance with the requirements of Paragraph 14 except that certain certifications had not been uploaded initially by unit but could be produced upon request and one of the reviewed units had an incomplete clearance report.

Under Paragraph 8, NYCHA was obligated to abate all lead-based paint at both Harlem River and Williamsburg by January 31, 2024. As discussed above, both PACT Partners have abated approximately 78% to 84% of the units at each property but have not yet completed the work to abate all lead-based paint at the property. The change in the standard in New York City from 1.0 mg/cm² to 0.5 mg/cm² has led to some delays as additional testing was required after the properties closed. In addition, the closing for Williamsburg Houses in December 2021 and Harlem River Houses in February 2022 was delayed from earlier schedules and pushed back the start of abatement.

At Harlem River, the PACT partner hopes to complete abatement of all lead-based paint by December 2024. At Williamsburg, the PACT partner hopes to complete abatement of all lead-based paint by April 2025. If each PACT partner completes the same number of units in the next Covered Period that they

completed during this Covered Period, both PACT partners would be on pace to complete this work by the January 31, 2025 certification report. The work to abate all lead-based paint components via removal at the 0.5 mg/cm² standard is difficult, highly technical work and NYCHA's PACT Partners continue to make progress delivering lead-free units at these previously highly contaminated properties.

General Update on Compliance with Paragraph 14: NYCHA has made significant strides in building a compliant abatement program. Both documentary and field monitoring from the Covered Period show a high rate of compliance for abatement projects managed by the Lead Hazard Control Department. EHS observed 534 jobs and observed a 98.88% compliance rate with various requirements. Compliance's documentary monitoring exhibited a high rate of compliance in most areas. Based on results from field monitoring and file review, Compliance recommends that NYCHA can certify to substantial compliance with the following parts of Paragraph 14: a, b, c, f and g. With respect to Paragraph 14(d), EH&S found a 100% rate of compliance in its field monitoring and Compliance found an 89% compliance rate in its document review, suggesting a high rate of compliance even if NYCHA cannot yet certify to compliance. With respect to Paragraph 14(e), EH&S found a 100% rate of compliance in its field monitoring and Compliance found a 89% rate of compliance in its document review, even if NYCHA cannot yet certify to compliance.

With respect to Paragraph 14(g), NYCHA has now sustained its improvement in the production of Notices of Hazard Reduction. NYCHA Compliance found a 96% compliance rate in general when reviewing Notices of Hazard Reduction (NOHR) and the 3 work orders lacking a NOHR were vacant apartments.

General Update on Compliance with Paragraph 15: NYCHA continues to make strides to improve compliance with the RRP Rule and the Lead Safe Housing Rule requirements set forth in Paragraph 15. Field monitoring performed by EHS continues to show that NYCHA renovators are generally adhering to their training in the field. The major issues preventing certification with Paragraph 15 are issues with staff adherence to the RRP protocols in the work order, the failure to establish better controls for vendor RRP documentation, and the need to improve performance with respect to clearance examinations. EHS's compliance rate increased from 79.18% in the January 2024 certification to an 87.68% compliance rate when observing whether NYCHA staff is properly responding to the RRP question in compliance with Paragraph 15(a). NYCHA staff is not identifying whether work requires adherence to RRP protocols at the beginning of the process in the NYCHA handheld, which prevents certifying to compliance under Paragraph 15(a).

Based on results from field monitoring and file review, Compliance recommends that NYCHA can certify substantial compliance in the following parts of Paragraph 15: c, d, and g. To certify to Paragraph 15 a, b, e, f, h, i and j, NYCHA must evaluate whether staff is properly answering the RRP question when a unit has been flagged for RRP, strengthen its oversight of vendors performing RRP work, ensure NYCHA staff is completing renovator checklists in the Maximo system and further improve its clearance protocols.

2. Updated on Previously Identified Risks

In addition, there are two separate areas of Compliance risk that have been reported in prior Certifications.

First, as of June 21, 2024, NYCHA has received results for a total of 60,287 apartments across 148 developments for buildings that were previously thought to be exempt based on the random sampling

method based on the federal standard of 1.0 mg/cm². As of June 21, 2024, of the 60,287 apartments, 53,429 are negative under the federal standard and 6,858 are positive in buildings that were identified as being exempt. Additionally, 17,535 apartments in these developments remain untested, or have been tested but have results that are pending. As of June 21, 2024, LHC has identified 7,828 positive apartments at the city standard of 0.5 mg/cm² in buildings previously considered exempt. Based on the updated logic in the Maximo system, these units are flagged based on the unit results and will be flagged as (i) requiring RRP if work is performed on positive components, (ii) requiring annual visual assessments, and (iii) requiring inclusion in the abatement program if the resident agrees to relocate.

Second, Compliance has identified that, for 91.30% (59,317 out of 64,967) of work orders flagged as potentially subject to RRP requirements, NYCHA renovators are indicating on the work order that they are not performing work that requires RRP protocols. This represents a 0.35% decrease relative to the last reporting period, when NYCHA renovators had indicated they were not performing work that requires RRP protocols in 91.65% of flagged units. This does not necessarily mean these work orders are non-compliant. Indeed, renovators determine whether RRP work is required in a flagged unit based on a number of factors, including X-ray Fluorescence (XRF) component-level testing results, where applicable, and the square footage of presumed or known lead-based paint that the work will disturb. RRP work may have not been required in these units if the renovator was not performing work that disturbs more than two square feet or more than 10 percent of a single component of presumed or known lead-based paint in a room. To the extent testing results are available for that unit, renovators can know whether the work being performed is disturbing a known positive component in non CU6 units based on the component level testing at 1.0 mg/cm² and in CU6 units at component level testing at 0.5 mg/cm².

As mentioned above, EH&S added a component to its field oversight program to assess whether staff is properly answering the RRP question when a unit has been flagged for RRP. As detailed below, EH&S escalated several NYCHA staff members to Compliance who were not properly adhering to the RRP protocols in the handheld based on field oversight. Overall, however, EH&S' compliance rate on this item increased from 79.18% in the January 2024 certification to an 87.68% compliance rate

3. Update on EH&S Escalations

EHS Escalations: While EHS observed high rates of compliance with RRP procedures and other lead-based paint requirements during the Covered Period, they escalated 8 observations to Compliance. Six of these escalations were related to missing lead-disclosure documents. Compliance took the following actions in response to the EHS escalations.

EHS Inspection #	EHS Escalation Report Description	Description	Action Taken
118860932	Abatement inspection at Webster Houses	EHS observed Linear Environmental Corp. performing lead abatement activities with an unsealed bathroom vent.	Based on the report, the issue was immediately reported to the onsite supervisor and corrected onsite. Compliance also worked with Lead Hazard Control to provide reference to the relevant portions of the HUD guidelines and a letter of direction was subsequently sent to the abatement vendor.

EHS Inspection #	EHS Escalation Report Description	Description	Action Taken
127509091	Abatement inspection at Bronx River	EHS observed an Abatement Unlimited worker performing abatement related clean-up activities without the presence of an abatement supervisor.	Based on the report, the workers complied with EHS' directive to stop work until the supervisor returned. The supervisor advised EHS that he went to dispose of waste materials and would be back. EHS waited on-site to ensure compliance, and the abatement supervisor arrived more than 30 minutes later.
N/A	Lead disclosure document re-inspection failures (1 site, Dated April 1, 2024)	EHS reviewed the Lead Disclosure binder at Fort Independence. The development failed inspection and reinspection in November 2023 and December 2023, respectively.	EH&S LOT and Compliance provided guidance and instruction for retrieving lead disclosure documents. EHS returned to Fort Independence on April 1, 2024 and observed that all documents were present and in the correct order as per the Compliance Department's "Guidance for Lead Disclosure Rule Documentation."
N/A	Lead disclosure document re-inspection failures (4 sites, Dated June 26, 2024)	EHS reviewed the Lead Disclosure binder at various developments. Four developments failed both the initial inspection and re-inspection during the month of May 2024.	EHS emailed property management the Compliance Department's "Guidance for Lead Disclosure Rule Documentation" following the failed initial inspection to assist them with gathering the required documents. The Chief Compliance Officer also held a training session with Property Managers and Neighborhood Administrators on July 15, 2024 and provided instructions for retrieving lead disclosure documents.
N/A	Lead disclosure document re-inspection failures (1 site ¹ , Dated July 3, 2024)	EHS reviewed the Lead Disclosure binder at Clason Point.	EHS emailed property management the Compliance Department's "Guidance for Lead Disclosure Rule Documentation" following the failed initial inspection to assist them with gathering the required documents. The Chief Compliance Officer also held a training session with Property Managers and Neighborhood Administrators on July 29, 2024 and provided instructions for retrieving lead disclosure documents.

Separately, EH&S also provided to the Chief Compliance Officer a list of 13 work orders where EH&S had observed that staff did not properly answer the RRP question on their handheld device. The Chief Compliance Officer held a session inviting all staff involved and their supervisors in June 2024 and prepared instructional memos for staff that had failed to attend the session.

¹ The escalation included 6 other developments, but only Clason Point's re-inspection falls within the current covered period.

III. Updates on Other Significant Lead Matters

1. IT Updates

During the Covered Period, NYCHA's IT Department implemented two enhancements at the request of LHC. One enhancement adjusted the protocol for printing 2-week and 5-day notices for XRF inspections at the City's 0.5 mg/cm² threshold. Additionally, a second enhancement incorporated a new XRF datasheet template for the City's 0.5 mg/cm² threshold.

Immediately after the Covered Period, NYCHA's IT Department also put into production a series of changes to the Maximo system to reflect the transition of painters and other skilled trades (as well as all lead-based paint remediation work orders) from the centralized Special Repair Projects and TEMPO teams to the borough skilled trades departments and Lead Hazard Control's skilled trades unit. These structural changes were implemented in part based on findings detailed in prior certification reports. In addition, Compliance, Lead Hazard Control and IT continued to work on a project to automate the creation and population of information into NYCHA Form 060.275A, the Unit Disclosure Summary Form for Lead-Based Paint. The solutioning documents were finalized during the Covered Period and the changes will be put into production in the August Maximo build.

In the next six months, Compliance and Healthy Homes will also be working with NYCHA IT on an enhancement to ensure Healthy Homes' Crafts and Owner Groups (including Lead Abatement Workers and the Office of Mold Assessment and Remediations' special teams) receive the correct RRP prompts. During the Covered Period, NYCHA identified gaps involving these crafts when they work on maintenance tasks for positive or presumed positive components, but are not abating these components. Tasks like the RRP Renovator Checklist and other prompts are not being properly generated in the Maximo system.

2. Abatement Progress

NYCHA continued to make significant progress during the Covered Period with respect to its obligation to abate the portfolio along timelines defined by Paragraphs 9 through 12 of Exhibit A of the HUD Agreement. NYCHA is utilizing several sources of funds to abate the portfolio by January 2039 including (1) the PACT program, (2) a \$771.8 million program now managed by the Lead Hazard Control Department which is funded via the City Capital Action Plan, (3) utilization of recent HUD grants awarded to abate CU6 units and units at Red Hook Houses, (4) as part of the scope of its Comprehensive Modernization program and other capital projects, and (5) all vacant units are tested and abated if found to be positive.

PACT Program: During the Covered Period, testing and abatement at 0.5 mg/cm² continued at PACT sites, including Harlem River Houses, Williamsburg Houses, Boulevard Houses, Fiorentino Plaza, Linden Houses, Penn Wortman, Audubon Houses, Bethune Gardens, Edenwald Houses, Union Avenue Consolidated, Reid Apartments and Park Rock Consolidated. NYCHA also completed its work with the Manhattan Bundle and the Brooklyn Bundle² to determine how many units had been and needed to be abated at the prior 1.0 mg/cm² standard, since those transactions closed before the standard changed on December 1, 2021.

² Pre-1978 buildings for the Brooklyn bundle include 572 Warren Street, Armstrong I, Armstrong II, Independence, Weeksville Gardens, and Williams Plaza. Pre-1978 buildings for the Manhattan Bundle include 335 East 111th Street, 344 East 28th Street, Park Avenue-East 112th (123rd Street), Wise Towers, Fort Washington Avenue Rehab, Grampion, Manhattanville Rehab (Groups 2 and 3), Public School 139, Samuel (MHOP) I, II and III, and Washington Heights Rehab (Groups 1 and 2, Phase III, Phase IV(C) and Phase IV(D)).

NYCHA will need to now work with the new federal Monitor to determine the scope of the clearance report required by Paragraph 15.

As of June 2024, 2,828 units out of approximately 4,579 units based on current projections in the PACT program requiring abatement (62%) had been reported as abated and cleared among the PACT sites.

City Capital Action Plan, Move-Outs TEMPO Abatement: During the Covered Period, NYCHA's Lead Hazard Control Department continued to scale up its abatement program. As part of the first phase of the program, NYCHA was abating occupied CU6 apartments that tested positive at 0.5 mg/cm² where children live or visit for more than 10 hours a week and where the family voluntarily agrees to relocate. NYCHA has also subsequently launched the second phase of the program, where NYCHA will abate all units that test positive.

According to Lead Hazard Control, since the standard changed on December 1, 2021, from January 1, 2022 to June 30, 2024, NYCHA abated and cleared 8,157 units at 0.5 mg/cm² across the portfolio via a range of programs including its move-out program, TEMPO abatement program and other special projects.

Lead Hazard Control continues to validate the abatement totals. As discussed in the January 2024 certification report, Lead Hazard Control initiated a Verification Project to enhance quality assurance measures for lead-based paint abatements. Through quality assurance inspections, Lead Hazard Control identified a series of data quality and quality control issues in the Covered Period, especially from the first year as the program was scaling up. LHC identified a subset of units that were counted across both the moveout and occupied abatement program due to data control issues involving the use of moveout work orders for occupied apartments. Lead Hazard Control also had to establish consistent counting methodologies for units testing positive at the 1.0 mg/cm² standard that subsequently did not test positive at the 0.5 mg/cm² standard. The reported totals were since corrected and the program no longer uses the moveout work orders for occupied apartments.

More concerning, some units were determined, based on a desktop review and quality assurance inspections, to require additional abatement work. These units were identified as not having been fully abated properly because components were missed or only partially abated and so more work is still required even though the unit was counted as complete by the project manager or each separate job was counted. In response the Lead Hazard Control Department is taking several steps to address these concerns programmatically. As soon as a unit is determined to need additional abatement work, the Lead Hazard Control team notifies the resident through a revised Notice of Evaluation (NOE) and ensures the RRP flag in Maximo is turned back on. If the unit has a HPD exemption on file, it is revoked. Importantly, most of the units identified with deficiencies only involve a single partially abated component thus making the corrective action simpler to address. For units requiring additional work, the department is prioritizing and expediting the completion of the abatement work.

Of these issues, findings of partial abatement is the most critical. After issuing a failure to perform letter to the project manager, Lead Hazard Control has continued to work to ensure better quality assurance protocols and tracking are implemented as the program continues to scale up.

General Abatement Reporting: NYCHA plans to create a single dashboard to track unit abatements across the portfolio so it can begin reporting on the metrics outlined in Paragraphs 9 through 12 of Exhibit A of the HUD Agreement with more precision. Note that during NYCHA's 1.0 XRF initiative, NYCHA identified

approximately 25,840 units that were positive at the federal standard of 1.0 mg/cm² out of 104,066 units tested, which is a positivity rate of approximately 24.8% (more than 4,174 units are pending results). Thus, NYCHA expects that the denominator for the purposes of Paragraphs 9 through 12 of Exhibit A of the HUD Agreement would have included approximately 27,000 units that would have needed to be abated at the 1.0 mg/cm² standard. At 0.5 mg/cm², as of the end of June 2024, NYCHA had 33,788 units out of 75,894 units test positive to date, a positivity rate of approximately 44.5%. NYCHA expects a significant number of additional units will need to be abated at the new standard, even if they did not need to be abated at the 1.0 mg/cm² standard.

When combining the 2,828 units abated since December 1, 2021 as part of the PACT program with the more than 8,157 units abated by Lead Hazard Control since December 1, 2021, NYCHA has abated more than 10,985 units as of June 30, 2024 at the 0.5 mg/cm² standard. This would represent approximately 40.6% of the estimated 27,000 1.0 mg/cm² unit target. Under Exhibit A Paragraph 9 of the HUD Agreement, NYCHA must abate 50% of the units that contain lead-based paint and the interior common areas that contain lead-based paint in the same buildings as those units. Note that the 40.6% calculation is not a one-for-one calculation of progress against the Agreement's target as some of the units that have been abated at 0.5 mg/cm² since December 1, 2021, may not have required abatement at the 1.0 mg/cm² standard and the estimated 27,000 unit denominator uses the 1.0 mg/cm² standard that is included in the HUD Agreement. The HUD Agreement also requires that NYCHA abate interior common areas by the deadline in Paragraphs 9 through 12, and this calculation does not take interior common areas into account.

NYCHA continued to discuss amending the abatement benchmarks in the HUD Agreement with the new federal Monitor, HUD and the U.S. Attorney's Office so the metric better aligns with the City's new standard and with the agreed upon risk-based approach where NYCHA abates all units first and then would deliver lead-free buildings and developments, including all interior and exterior common areas. It is difficult, otherwise, to provide a percentage of completion that includes common areas as there is no simple unit of measure for calculating the denominator once common areas are included. Most importantly, if NYCHA can sustain its increased pace of approximately 400 units abated per month at 0.5 mg/cm², it will meet the Agreement's target with the caveat that the data would have to be validated based on the standard applicable and that common areas were also accounted for in the denominator to be abated.

Abatement During Capital Projects: During the Covered Period, A&CM continued reporting each quarter to NYCHA Compliance on projects that disturbed lead-based paint or required abatement, pursuant to the A&CM white paper. According to A&CM, from January 1, 2024 through June 30, 2024 there were two capital projects that impacted positive or presumed positive components.

In prior certification reports, NYCHA Compliance had identified concerns with some of the projects submitted by A&CM for review, namely that the scope of work may not comply with the requirements of the A&CM white paper and 24 CFR 25.1220(a). Compliance discussed the fact that certain positive components in public spaces that were impacted by the construction work were abated, while other components impacted or in the area of the work were wet-scraped using RRP protocols and stabilized by repainting even though they should have been abated. A&CM did update their reporting in this Covered Period to identify whether the components impacted were in a "common area" or a "non-public space." During this Covered Period, A&CM reported that both projects had components abated (including one via intact removal) and not only stabilized, ensuring compliance with the A&CM white paper and 24 CFR

25.1220(a). Compliance is reviewing documentation related to one of these projects as part of its Capital On-Site Monitoring program.

3. Visual Assessments and Remediations

NYCHA continues to perform visual assessments on an annual basis and now performs two visual assessments per year for child under 6 apartments with known or presumed lead-based paint pursuant to the TEMPO program. NYCHA continues to have an ongoing backlog of open work orders for remediation arising from the annual visual assessments.

During the Covered Period, as mentioned above, the remediation work orders were re-assigned away from a centralized painting team and the TEMPO repair program as painters were re-assigned instead to the borough skilled trades units. As part of this change, remediation work orders coming off a visual assessment work order, a biennial risk assessment work order, or an XRF inspection work order are now assigned to the Craft of Painter and an Owner Group for the borough where the work order is located. In addition, tools were built in Maximo to more easily identify these remediation work orders including using a defined "Lead Remediation" flag applicable to all work orders and a purple banner attached to each work order so staff can easily see which work orders are for lead-based paint remediation.

As these work orders were re-structured and organized to be more searchable in the July Maximo build, some of the reporting used to track completion of the work by visual assessment round must still be adjusted by NYCHA IT to accurately accommodate these changes. NYCHA has worked on these reports so it can provide an update on the completion rates of remediation work orders generated as a result of the biennial risk assessment and prior visual assessment rounds in the 20th Exceptions Report in October. An update was previously provided in the 19th Exceptions Report in May.

NYCHA Compliance, LHCD and Property Management Operations are now also working together on a plan for the new federal Monitor, HUD and the U.S. Attorney's Office to prioritize and address the backlog of remediation work orders as they have been re-assigned to a borough-based structure. This plan will include:

- NYCHA providing the federal stakeholders a list of remediation work orders that can be administratively closed based on the demographic and lead-based paint related criteria previously agreed upon with the federal stakeholders having been verified for each work order. This will include work orders being administratively closed because either (i) the apartment tested negative at the 1.0 mg/cm² federal standard under the Lead Safe Housing Rule or the 0.5 mg/cm² local standard under Local Law 1, with the standard applicable to the unit being based on the presence of a Child Under 6 (CU6) in the apartment as of June 2024; and/or (ii) the apartment was subsequently abated via removal of all lead-based paint found at the 0.5 mg/cm² standard. These work orders fit squarely within the exemptions applicable to lead-based paint remediation work under both federal and local law and the federal stakeholders agreed that NYCHA could proceed with closing them;
- NYCHA providing the federal stakeholders a plan for common area painting that includes developments where public space painting across the entire development was previously completed and where this work will be completed in the coming year so NYCHA can better structure its reporting on the common area remediation work orders;

- NYCHA providing a plan for addressing the remaining unit remediation work order backlog either by prioritizing abatement or testing in these units or scheduling borough based skilled trades to paint the apartment.

4. Other Compliance Updates

During the Covered Period, NYCHA representatives from the Compliance Department, Lead Hazard Control, Real Estate Development, Law and Asset and Capital Management completed work on an internal memo related to waste generated as a result of lead-based paint abatement projects and the application of the EPA's household waste exemption to this waste. NYCHA and its PACT Partners had been receiving inquiries and Notices of Violation from New York State DEC on this subject in prior months. After NYCHA completed this internal memo, the Chief Compliance Officer drafted a presentation to structure a conversation on this topic with DEC, which occurred in June 2024. Based on this conversation with NYS DEC, the following protocols were agreed upon:

- Residential Areas within NYCHA Property: DEC confirmed that lead-based paint waste generated from interior and exterior spaces common to residents is treated the same as waste from apartments within the building, and that all waste generated in units and these common areas qualify for the household waste exemption.
- Non-residential Areas within NYCHA Property: The household waste exemption does not apply to lead-based paint waste generated from community centers, daycares, and other non-residential areas used by both residents and the public. DEC referenced a 1996 guidance for the management and disposal of waste vinyl mini blinds, excluding non-residential buildings, which could include community centers, daycare facilities, and other typically inaccessible areas to residents, like basements, storage rooms, and boiler rooms, from the exemption. Lead-based paint waste generated from NYCHA's commercial facilities also falls outside the household waste exemption and must be handled differently from residential waste.
- DEC confirmed that work performed by contractors in areas classified as residential remains exempt. DEC clarified that previous statements regarding demolition waste not being exempt referred to large-scale building demolition, not the construction and demolition material removed as part of lead abatement activities.
- DEC recommended using drums over bags to prevent contamination from spreading, noting that bags may rupture and spill the material but confirmed that this was not required.
- DEC confirmed that where the household waste exemption is applied, NYCHA was not obligated to TCLP the lead abatement waste.
- DEC suggested an informal notification to receiving facilities about the nature of the waste, as facilities have their own permit limitations. However, because the household waste exemption applies, there is no obligation to dispose of the waste at a particular type of regulated facility.
- For waste manifesting, DEC advised using a non-hazardous waste bill of lading, but if the waste is manifested to clearly indicate under item 14 of the manifest that the waste is exempt from RCRA requirements and covered under the household exemption that documentation should be sufficient for regulators.
- DEC also confirmed there is no set quantity limit on the use of the household waste exemption, but reiterated that it would make sense to have an informal mechanism for notifying facilities receiving the residential lead abatement waste.

NYCHA has previously generally been utilizing the household waste exemption properly, but it will now work internally to draft guidance for its lead abatement programs and its partners to ensure consistency across its programs.

During the Covered Period, NYCHA Compliance also completed a study designed to help NYCHA and the federal stakeholders design a procedure to ensure NYCHA is compliant under 24 CFR 35.1345(a)(2)(iv), which requires that worksites where lead based paint was disturbed as part of regular maintenance and repairs be contained until occupants have “safe access” to the sleeping areas, bathroom and kitchen facilities without having to relocate residents each time work is performed in their unit.

NYCHA’s study assessed the effectiveness of red rosin paper as an alternative to temporary relocation of residents during and after RRP jobs. The paper would serve as a temporary barrier in order to eliminate the risk of lead dust exposure to children in the unit in the period between when the unit has been cleaned and dust wipes have been taken and the moment in time where the results have been received from the laboratory. A memorandum was prepared and issued to the new federal Monitor, HUD and the U.S. Attorney’s Office in March 2024.

[IV. Assessment of Compliance with Paragraph 8, 9 and 14 for the Covered Period at Converted RAD/PACT sites.](#)

The HUD Agreement sets forth specific requirements for abating lead-based paint across the portfolio, including for Project Site(s) that have converted under the PACT program if such conversions have occurred more than six (6) months after January 31, 2019, the effective date of the HUD Agreement. These obligations are set forth in Exhibit A of the HUD Agreement. To assess compliance at RAD/PACT sites with Paragraphs 8, 9, and 14, NYCHA employs various tools, described in the following sections. These tools include documenting abatement progress in Smartsheets for each RAD/PACT site, reviewing documents uploaded into the same Smartsheet to demonstrate that partners have adhered to the requirements established under Paragraph 14, and conducting field visits by contracted third parties to verify compliance with the requirements listed under Paragraph 14.

[Regulatory Requirements for Paragraph 8:](#)

Exhibit A, Paragraph 8, requires NYCHA to abate all lead-based paint within 5 years of the execution of the HUD Agreement (January 31, 2024) at Harlem River Houses and Williamsburg Houses, in accordance with 40 C.F.R. Part 745 Subpart L. Abatement conducted under Exhibit A, Paragraph 8, must meet the EPA standards established under Exhibit A, Paragraph 14. Additionally, the biannual certifications required under Exhibit A, Paragraph 30(b), must cover the work performed under Paragraphs 8 and 14.

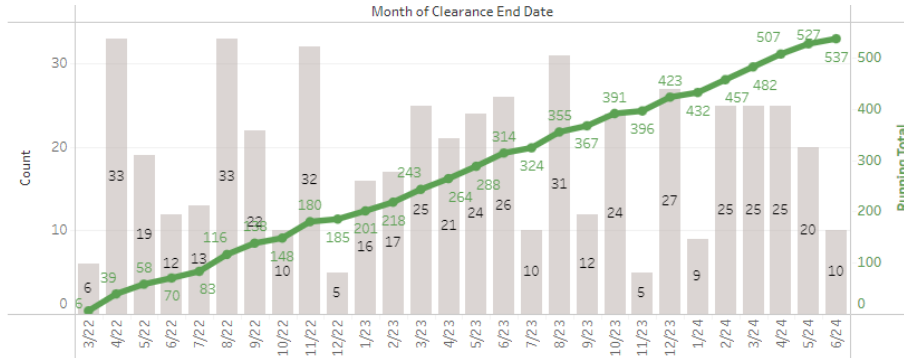
This is the fifth update concerning abatement at Harlem River Houses, Williamsburg Houses, and additional PACT program project sites. The graphs below present the abatement progress to date, showing the monthly abatements and respective clearances completed per month since abatement began for Harlem River and Williamsburg Houses, respectively. This provides a clear visualization of the abatement progress at each of these developments.

Compliance used information provided in the Smartsheets as of June 26, 2024, by the PACT Partners to report on the abatement and clearance performed during this period.

1. Harlem River Houses

Harlem River Houses (HRH) and Harlem River II (HRII) consists of 693 total units. Abatement activities began on March 7, 2022. As of June 15, 2024, 537 units (78% of the total units) have been abated and cleared at Harlem River Houses. This is an increase of 153 units relative to the previous reporting period.

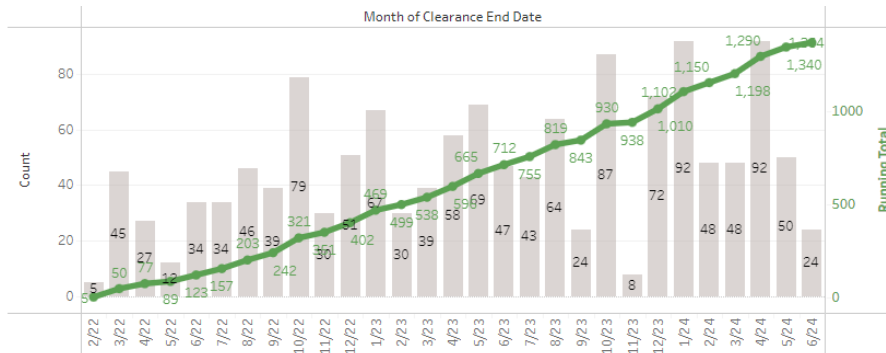
Harlem River Abatement/Clearance Progress



2. Williamsburg Houses

Williamsburg Houses consists of 1,621 units. Abatement activities began on February 18, 2022. As of June 15, 2024, 1,340 units (84.1% of the total units) have been abated and cleared at Williamsburg. This is an increase of 376 units compared to the previous reporting period.

Williamsburg Abatement/Clearance Progress



[IT Controls for Paragraph 8, and other RAD/PACT sites:](#)

Because PACT Partners do not use one system to collect documentation and information on each abatement project, NYCHA's Compliance and Real Estate Development Department (REDD) established a uniform reporting system using Smartsheet. PACT Partners must upload information on a unit-by-unit basis into individual rows and attach documents to each row so that NYCHA can track the developers' progress towards project completion by the deadline laid out in Paragraph 8. The Smartsheet also functions as a central repository to conduct file reviews and track compliance with the obligations under Paragraph 14.

Review and assessment of these uploaded documents is covered in the following section. REDD and Compliance do frequently need to remind PACT Partners to update the Smartsheet and upload documents

in a timely manner. Some PACT Partners have improved their performance by routinely updating and uploading records in the Smartsheet, but the lack of an automated reporting structure has proven to be difficult as the number of units converted increases.

[File Review for Paragraph 8 and Paragraph 14:](#)

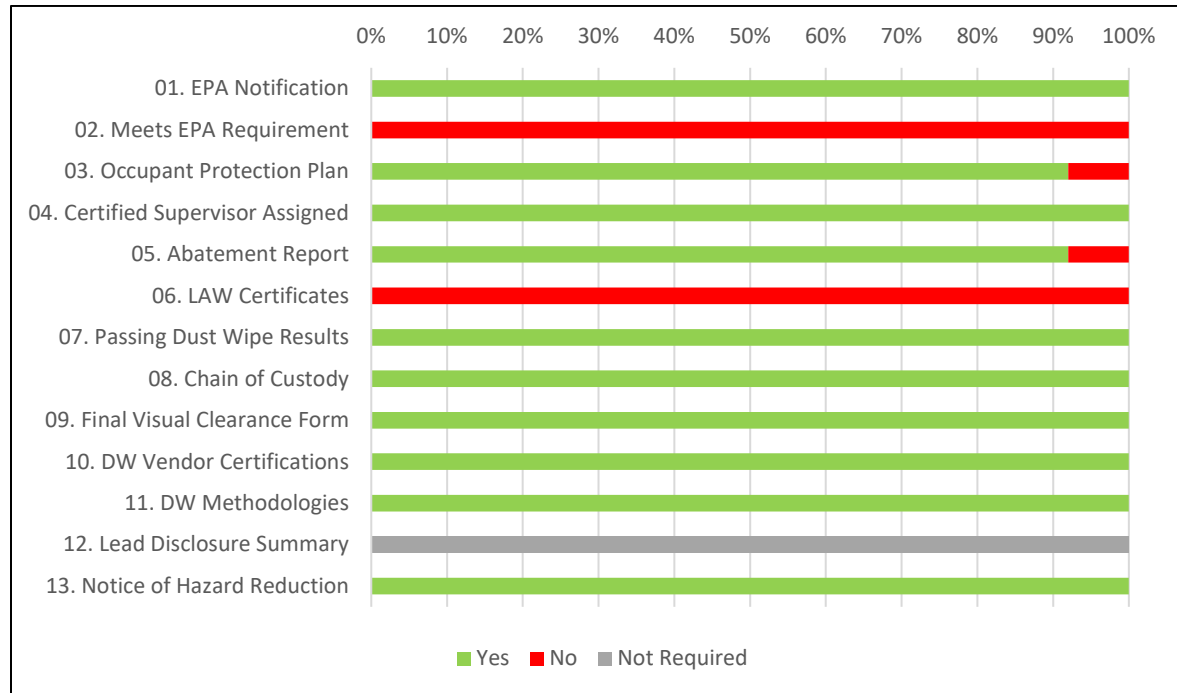
The Compliance Department conducted a review of the abatement documents for a random sample of units that were marked as having been abated and cleared during the Covered Period. NYCHA reviewed the documentation for 50 abated and cleared units across five sites based on the total number of units that had been abated at a site: Williamsburg (20 units reviewed), Harlem River (12 units reviewed), Linden Houses and Penn Wortman (5 units reviewed), the Audubon, Bethune Gardens, and Marshall Plaza Consolidation (2 units reviewed), Boulevard Houses (6 units reviewed), and Edenwald (5 units reviewed).

Documents were evaluated for compliance with regulatory requirements listed under Paragraph 14 including the presence of:

Indicator	Description	Regulations	Agreement Section Referenced
1. EPA Notification	EPA was notified of abatement, and original notification is uploaded to Maximo	40 C.F.R. § 745.227(e)(4)	14(b)
2. Meets 5-Day EPA Requirement	EPA must be notified 5 full business days prior to the start of abatement	40 C.F.R. § 745.227(e)(4)	14(b)
3. Occupant Protection Plan	Completion of the Occupant Protection Plan	40 C.F.R. § 745.227(e)(5)	14(c)
4. Certified Supervisor Assigned	Certified lead abatement supervisor assigned to abatement with current certification on file	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
5. Abatement Report	Completion of Abatement Report	40 C.F.R. § 745.227(e)(10)	14(f)
6. LAW Certificates	Certifications on file for each lead abatement worker assigned to abatement	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
7. Passing Dust Wipe Results	Final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
8. Chain of Custody	Chain of Custody completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
9. Final Visual Clearance Form	Visual Clearance form completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
10. DW Vendor Certifications	ELLAP and NLLAP Certifications	40 C.F.R. § 745.227(e)(8)	14(e)
11. DW Methodologies	Specified methods of collection and lab analysis of dust wipes	40 C.F.R. § 745.227(f)	14(d)
12. Notice of Hazard Reduction	LHC sends to development for future or present residents detailing components abated in unit	24 CFR § 35.125	14(g)

1. Harlem River Houses

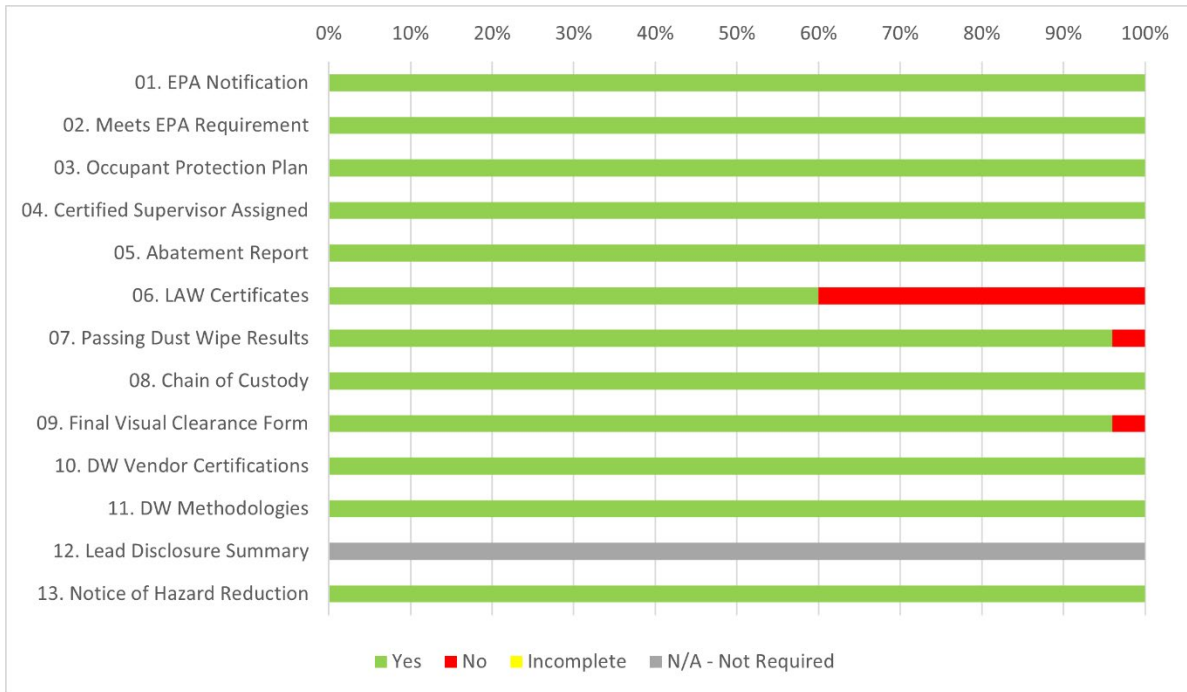
NYCHA reviewed the supporting documents for 12 units that had been abated and cleared. NYCHA Compliance noted the following items:



- Paragraph 14(a):** 0 of the 12 abatements contained the certifications for the lead abatement supervisor and workers. This is likely because the PACT Partner is uploading certificates by stair-hall and not for every row and NYCHA Compliance is having trouble locating the certificates in the Smartsheet. The certifications for the listed supervisors and workers appear to be provided in other locations in the Smartsheet and are listed on the abatement report.
- Paragraph 14(b):** EPA notifications were found for all 12 units, but there was no documentation showing the PACT partner notified the EPA within 5 business days.
- Paragraph 14(c):** 11 of 12 Occupant Protection Plans were uploaded to the file, and 1 of the 11 forms did not contain the start and end dates of the abatement period. In addition, 1 of the 11 forms had an Occupant Protection Plan with an abatement date that occurred after the abatement period. A subsequent version of this Plan fixed this issue.
- Paragraph 14(d):** 12 of the 12 abatements contained a dust wipe clearance report including passing dust wipe results, visual clearance forms, chain of custody, and dust wipe methodologies.
- Paragraph 14(e):** Dust wipe vendor certifications were uploaded for all the 12 abatements reviewed.
- Paragraph 14(f):** In 11 of the 12 abatements reviewed, an abatement report was uploaded to the Smartsheet. For the other abatement, a report was uploaded after the review period.
- Paragraph 14(g):** A Notice of Hazard Reduction was uploaded to the Smartsheet for all 12 abatements. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

2. Williamsburg Houses

NYCHA reviewed the supporting documents for 20 units abated and cleared. NYCHA Compliance noted the following items:



- **Paragraph 14(a):** 10 of 20 abatements contained current certifications for the lead abatement supervisor and abatement workers. This is likely because the PACT Partner is uploading certificates by stair-hall and not for every row and NYCHA Compliance is having trouble locating the certificates in the Smartsheet. The certifications for the listed supervisors and workers appear to be provided in other locations in the Smartsheet and are listed on the abatement report.
- **Paragraph 14(b):** EPA notifications were uploaded for all 20 abatements. All the reviewed notifications meet the EPA's required timeline.
- **Paragraph 14(c):** Occupant Protection Plans were uploaded for all 20 of the reviewed abatements.
- **Paragraph 14(d):** 19 out of 20 units reviewed had dust wipe clearance reports with results, chains of custody, methodologies and final visual clearance forms. One unit had a clearance report that was incomplete and was missing the passing dust wipe results and the final visual clearance report when it was initially reviewed by Compliance, and the PACT Partner planned to produce an updated report.
- **Paragraph 14(e):** All reviewed abatements had the dust wipe vendor certifications.
- **Paragraph 14(f):** For all 20 units reviewed, an abatement report was properly uploaded to the Smartsheet.
- **Paragraph 14(g):** All reviewed abatements had the Notice of Hazard Reduction uploaded to Smartsheet. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

[Field Monitoring for Paragraph 8:](#)

NYCHA continued using STV Inc. as a third-party environmental monitoring firm to oversee compliance with lead abatement and clearance requirements at PACT sites. Field inspections focus on:

1. Physical Abatement: Lead abatement inspections include:
 - a. Administrative Requirements: For example, whether the abatement subcontractor properly posted lead abatement notifications to the resident and regulatory agencies, whether it posted current supervisor and worker certifications, and whether occupant protection plans are present at the job site.
 - b. Engineering Controls: For example, the presence of signage and warning tape, and controls around the work area, including established containment.
2. Clearance: Inspections focus on whether a thorough visual inspection of the abatement work area was conducted, and whether dust wipe samples were properly collected, stored, and documented.

The tables below present the results of the field observations conducted during abatement and clearance activities at Williamsburg and Harlem River during the Covered Period. A total of 24 field observations were conducted at Williamsburg and 13 at Harlem River for abatement activities. The observed controls for abatement and clearance are presented in two separate tables because not all inspections included both abatement and clearance and some of the tasks may not be applicable to the particular period of time when the inspection is taking place. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses.

STV recorded no deficiencies in any of the lead abatements observed.

Compliance Task	Williamsburg	Harlem River
Administrative Controls		
Resident Notification Posted	24(0)	13 (0)
LBP Contractor's EPA/NYC Notification Posted	24(0)	13 (0)
LBP Supervisor's EPA/NYC Certifications Posted	24(0)	13 (0)
LBP Worker's EPA/NYC Certifications Posted	24(0)	13 (0)
NYCHA Approved Work Plan Posted	24(0)	13 (0)
Hazard Communication Program On-site	24(0)	13 (0)
Log Book On-site with Current Entries	24(0)	13 (0)
Equipment Manufacturer's Specification/Cut Sheet	24(0)	13 (0)
Engineering Controls		
Warning Tape & Signs Present	24(0)	13 (0)
Moveable Objects Cleaned & Removed	24(0)	13 (0)
Critical Barriers Established & Maintained	24(0)	13 (0)
Containment Established	24(0)	13 (0)

Similarly, STV performed clearance inspections for completed abatement activities at these developments. 23 clearance observations were performed at Williamsburg and 11 at Harlem River.

However, based on timing, not all tasks could be observed in all units inspected, so the numbers might differ from one task to another. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses.

STV identified three observations showing deficiencies at Williamsburg related to the sampling area being incorrectly measured by the clearance technician and not using the proper sampling template. No deficiencies were identified at Harlem River during this period.

Compliance Task	Williamsburg	Harlem River
Clearance Controls		
Met Minimum 1 Hour Waiting Period	23(0)	11(0)
Inspector Clearance Certification Available (and Not Expired)	23(0)	11(0)
Visual inspection Performed	23(0)	11(0)
Visual Inspection Results Recorded	23(0)	11(0)
Visual Inspection Passed	23(0)	11(0)
Sample Collection Observed by STV/Matrix	23(0)	11(0)
Unused Gloves for Each Dust Wipe Sample	23(0)	11(0)
Template or Acceptable Alternative Used	23(3)	11(0)
Template Cleaned Between Samples	18(0)	9(0)
Correct Sampling Collection Technique - Floors	23(0)	11(0)
Correct Sampling Collection Technique - Windows/Narrow Areas	23(0)	11(0)
Correct Wipe Sample Packaging	23(0)	11(0)
Hard Shell Sealable Centrifuge Tube for Container	23(0)	11(0)
Sample Collection Vials Correctly Labeled	23(0)	11(0)
Sample Container Label Matches Sample Location	23(0)	11(0)
Sample Area Correctly Measured	23(3)	11(0)
Correct Number of Field Blanks	23(0)	11(0)
One Dust Sample Taken from Floor for Each Room	23(0)	11(0)
Dust Samples Taken from Windows if Present	23(0)	11(0)
Sample Collected Outside/Within 10 Ft of Containment Area	23(0)	9(0)
Chain of Custody Form	23(0)	11(0)

Overall Compliance Assessment for Paragraph 8:

Under Paragraph 8, NYCHA was obligated to abate all lead-based paint at both Harlem River and Williamsburg by January 31, 2024. As discussed above, both PACT Partners are moving closer to 100 percent of the units, with Harlem River abating approximately 78% and Williamsburg approximately 84% of the units. However, they have not yet completed the work to abate all lead-based paint at the properties. The change in the standard in New York City from 1.0 mg/cm² to 0.5 mg/cm² has led to some delays, as additional testing was required after the properties closed. In addition, the closing for Williamsburg Houses in December 2021 and Harlem River Houses in February 2022 was delayed from earlier schedules, pushing back the start of abatement.

Field monitoring performed by STV indicates that both PACT Partners are substantially in compliance with the requirements of Paragraph 14, except for three observations related to the template and measuring of the sampling area at Williamsburg, all related to clearance activities.

Deficiencies identified during the abatement document review, primarily missing documents, are likely attributable to a lag in uploading the documents to each Smartsheet.

Other Converted RAD/PACT Developments:

This section aims to provide a status update for developments subject to Paragraph 9 of the agreement but converted to RAD/PACT. The evaluation method against Paragraph 9 follows the same methodology as for Harlem River and Williamsburg. The PACT partners are required to track their abatement progress using Smartsheets, and compliance with Paragraph 14 is performed through random field inspections performed by STV and selective document reviews of the lead abatement documents uploaded into Smartsheets.

Detail on the documentation review and site-based inspection findings related to the other PACT sites where abatement took place during the Covered Period is provided in Attachment K.

V. Assessment of Compliance with Paragraph 14 for the Covered Period

1. General Statement

NYCHA Compliance uses 2 methods for tracking compliance against the requirements of Exhibit A Paragraph 14 of the HUD Agreement for work impacting the public housing portfolio:

1. **Field Monitoring Report:** Documentation of the abatement field monitoring performed by EHS that is described in this section is set forth in Attachment A.
2. **Abatement File Review:** The Compliance Department Monitoring Unit (“MU”) performed file³ reviews of 75 abatements, including 49 abatements in vacant units (“moveouts”) and 26 abatements in occupied units. The MU selected a random sample of 49 moveout abatement work orders out of a total of 573 work orders that had an “Actual Finish” date between December 16, 2023 and June 15, 2024 (“Covered Period”), and a work order status of “CLOSE” as of June 15, 2024. The MU selected 12 closed abatements in units occupied by children under the age of 6, all of which were completed by vendors. Finally, the MU reviewed 14 elevated blood lead level (“EBLL”) abatements closed during the Covered Period. The results of this review are set forth in Attachment C.

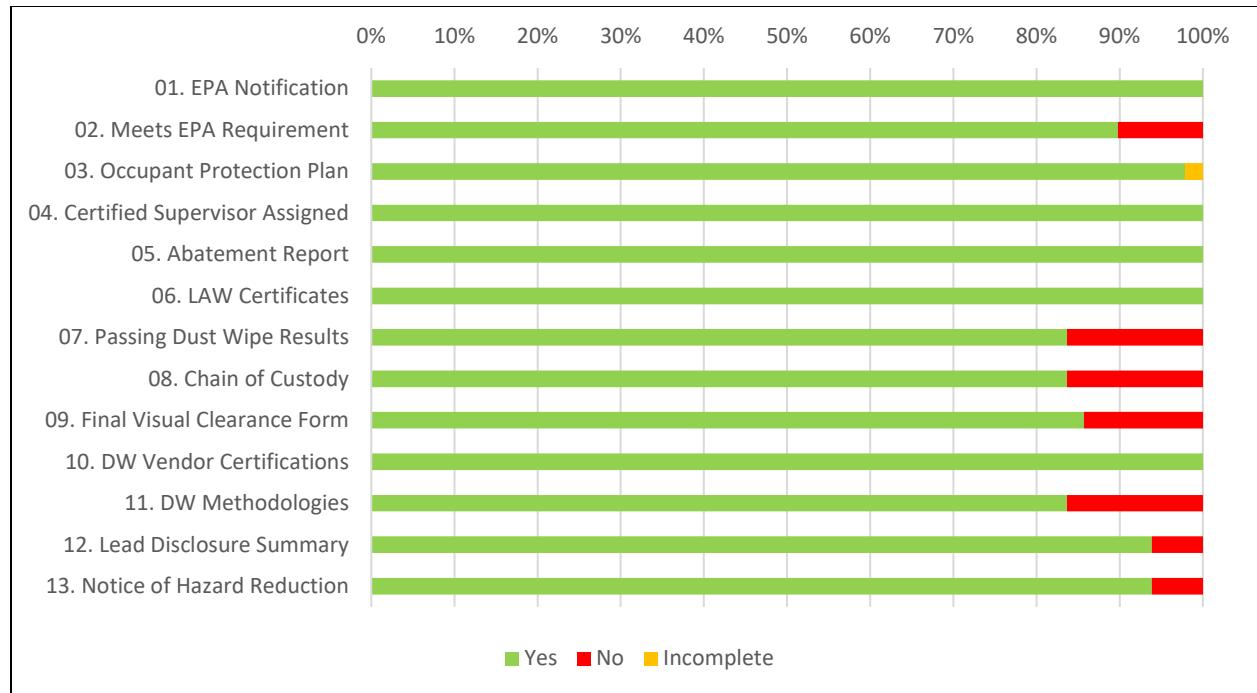
Indicator	Description	Regulations	Agreement Section Referenced
1. EPA Notification	EPA was notified of abatement, and original notification is uploaded to Maximo	40 C.F.R. § 745.227(e)(4)	14(b)
2. Meets 5-Day EPA Requirement	EPA must be notified 5 full business days prior to the start of abatement	40 C.F.R. § 745.227(e)(4)	14(b)
3. Occupant Protection Plan	Completion of the Occupant Protection Plan	40 C.F.R. § 745.227(e)(5)	14(c)

³ For the purposes of this review, “files” refers to Maximo work orders associated with a particular abatement.

Indicator	Description	Regulations	Agreement Section Referenced
4. Certified Supervisor Assigned	Certified lead abatement supervisor assigned to abatement with current certification on file	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
5. Abatement Report	Completion of Abatement Report	40 C.F.R. § 745.227(e)(10)	14(f)
6. LAW Certificates	Certifications on file for each lead abatement worker assigned to abatement	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
7. Passing Dust Wipe Results	Final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
8. Chain of Custody	Chain of Custody completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
9. Final Visual Clearance Form	Visual Clearance form completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
10. DW Vendor Certifications	ELLAP and NLLAP Certifications	40 C.F.R. § 745.227(e)(8)	14(e)
11. DW Methodologies	Specified methods of collection and lab analysis of dust wipes	40 C.F.R. § 745.227(f)	14(d)
12. Lead Disclosure Summary	LHC sends to development for future tenants to sign prior to move-in disclosing abatement of lead hazard	24 CFR Part 35 Subpart A	14(g)
13. Notice of Hazard Reduction	LHC sends to development for future or present tenants detailing components abated in unit	24 CFR § 35.125	14 (g)

Summary of File Review for Abatements Performed in 49 Moveout Units

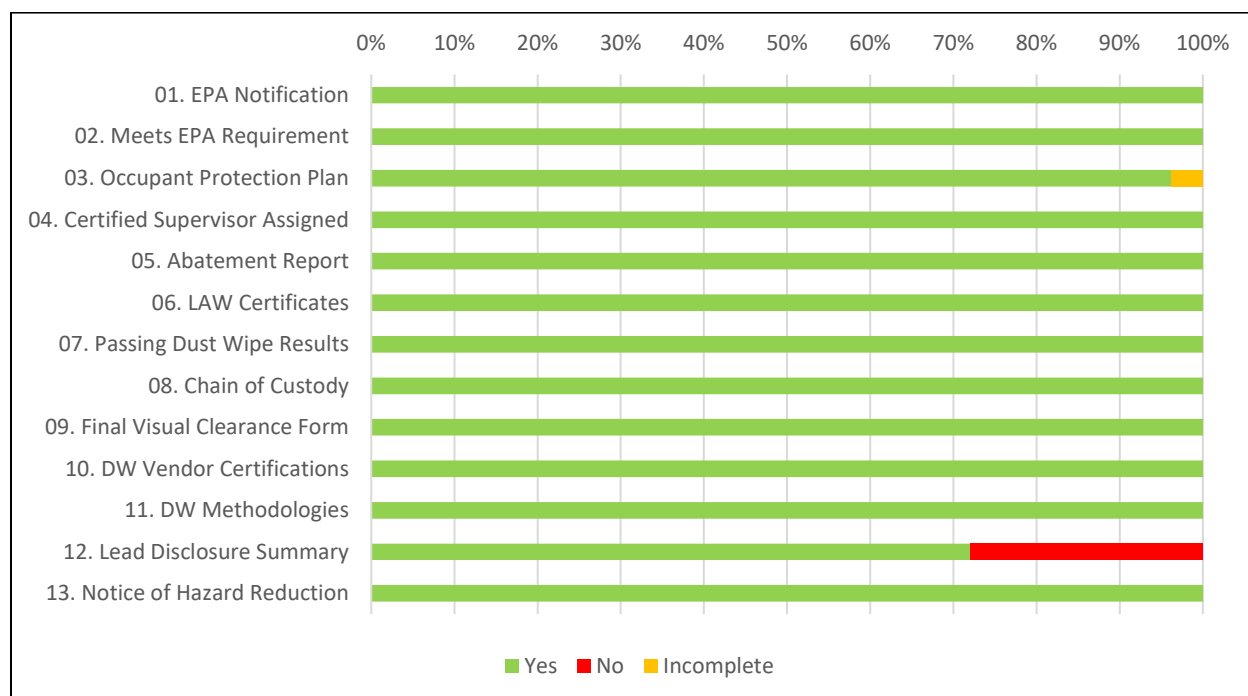
The MU reviewed a sample of 49 total moveouts with an “Actual Finish” date between December 16, 2023 and June 15, 2024 (“Covered Period”), and a work order status of “CLOSE” as of June 15, 2024.



In moveout abatements, NYCHA has the greatest level of compliance with the requirements set forth in Paragraph 14, as it relates to documenting that the Occupant Protection Plan, certified supervisor assignment, abatement reports, LAW certifications, and dust wipe vendor certifications were received for all 49 abatement files. A total of 46 of the 49 abatement files contained lead disclosure forms; and 46 of 49 files contained hazard reduction notification forms. In addition, 44 of 49 files contained the EPA notice, and 42 contained the visual clearance form; and 41 of 49 files contained the chain of custody form, passing dust wipe results, and dust wipe methodologies.

Summary of File Review for Abatements Performed in 26 Occupied Units

The MU also selected 12 abatements in units abated as part of the TEMPO Abatement Program, which are occupied by children under the age of 6, and all 14 EBLL abatements closed during the covered period. The results of this review are set forth in Attachment C.



For occupied abatements, NYCHA struggled with uploading lead disclosure summary forms.

Paragraph 14(a): NYCHA shall ensure that a certified supervisor is onsite or otherwise available in accordance with 40 CFR § 745.227(e).

Regulatory Requirements for 14(a):

40 CFR §745.226(a) and (b)(1) sets forth the EPA-certification requirements for certified supervisors.

40 CFR §745.227(e)(2) states “A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in no more than 2 hours.”

[Applicable NYCHA Written Policies, Procedures, and/or Contract Specifications for 14\(a\):](#)

Written Policies and Procedures: The Lead SP (annexed as Attachment D) sets forth the following procedures related to the requirement set forth in paragraph 14(a):

- A certified abatement supervisor:
 - 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. See Lead SP, § VII.H.1.i.(1)(b)(i).
 - Must be onsite or available on call and able to be present at the work area in no more than two hours at all other times when abatement activities are being performed. The certified abatement supervisor must post their telephone number at the abatement location to ensure they can be contacted. See Lead SP, § VII.H.1.i.(1)(b)(ii).

Contract Specifications: During the Covered Period, NYCHA utilized 7 vendors to perform abatements. The specifications for the contracts (annexed in Attachment E) are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)
Linear	See Attachment E.00, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.5.
Joseph Environmental	See Attachment E.01, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.5.
AGD	See Attachment E.02 § 1.1.6; <i>Id</i> § 1.2.1; <i>Id</i> § 1.4.7.
Abatement Unlimited	See Attachment E.03, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.7.
Empire Control	See Attachment E.04, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.8.
New York Environmental Systems	See Attachment E.05, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.6.
P.A.L. Environmental Safety Corporation	See Attachment E.06, § 1.1.6; <i>Id</i> , § 1.3.1; <i>Id</i> , § 1.3.2.

[IT Controls for 14\(a\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA placed controls within Maximo to reinforce the requirement for the lead abatement supervisor to be onsite during the set up and clean-up phases for apartment work orders. The business requirements document (“BRD”) explaining the scope of this, and other abatement-related IT controls is annexed as Attachment B. Maximo now has the following requirements for NYCHA performed and vendor performed abatement work orders:

- The system maintains the list of vendor personnel and NYCHA personnel who are certified as Lead Abatement Supervisors.
- Adding a trade skill level that is set to “Supervisor”;
- The abatement work order must have at least one labor transaction where the craft is that of a lead abatement supervisor. If it does not, the system will not allow the work order to be closed;
- Lead abatement work orders now must be made visible on handheld devices to both lead abatement workers and lead abatement supervisors.

During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing initiative. IT reported all system

enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

Field Monitoring/QA for 14(a):

During the Covered Period, EHS observed 534 abatement jobs. A certified supervisor was present for 532 (99.63%) of these jobs. The EHS Lead Oversight Team (“LOT”) evaluates whether the abatement supervisor is present on the jobsite during the required times, whether the individual present is the supervisor listed on the EPA Notice of Commencement (“NOC”), and if the supervisor’s credentials are available for review and valid. See EHS Report (Attachment A) for additional information.

File Review for 14(a):

The MU conducted a review of work order records in Maximo to determine if certified supervisors were identified for each abatement, either as indicated in the Labor Information field in Maximo, or consistently listed on the abatement report, Occupant Protection Plan (“OPP”), and EPA notification.

For Moveout Units:

The MU found that certified supervisors were assigned on all 49 moveout work orders. All 49 of these supervisors had valid certifications which were uploaded to the Maximo work order. Certifications for all lead abatement workers were uploaded to the Maximo work order in all 49 cases. A detailed table documenting this file review is annexed as Attachment C.

For Occupied Units:

All 26 reviewed work orders included assigned supervisors with valid certifications. All 26 of these supervisors had valid certifications which were uploaded to the Maximo work order. Certifications for all lead abatement workers were uploaded to the Maximo work order in all 26 cases. A detailed table documenting this file review is annexed as Attachment C.

Overall Description of Compliance for 14(a):

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(a) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 100% of occupied abatements reviewed were assigned a Certified Supervisor.
- EHS observed 534 abatement jobs, 99.63% of which had certified supervisors present.

Based on this documentation, there is evidence supporting NYCHA’s substantial compliance with the requirements set forth in 14(a).

Paragraph 14(b): “NYCHA shall notify EPA of lead-based paint abatement activities electronically using EPA’s Central Data Exchange (CDX) in accordance with 40 CFR § 745.227(e)(4)(vii).”

Regulatory Requirements for 14(b):

40 CFR § 745.227(e)(4)(vii) states as follows: “Notification must be accomplished using any of the following methods: Written notification, or electronically using the Agency’s Central Data Exchange (CDX). Written

notification can be accomplished using either the sample form titled “Notification of Lead-Based Paint Abatement Activities” or similar form containing the information required in paragraph (e)(4)(vi) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD (5323), or on the Internet at <http://www.epa.gov/lead>.”

[Applicable Written Policies, Procedures, and Contract Specifications for 14\(b\):](#)

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 14(b):

- A Lead Hazard Control Department assistant director ensures the EPA is notified at least five business days prior to the abatement using the EPA’s Central Data Exchange online portal. *See* Lead SP, § VII.H.2.b.(2)(b).
- If a vendor is performing the abatement, the vendor notifies the EPA at least five business days prior to the abatement using the EPA’s Central Data Exchange online portal. The vendor sends the EPA notice to a Lead Hazard Control Department assistant director. *See* Lead SP, § VII.H.2.b.(2)(b)(i).
- The EPA notice is printed and attached to the work order. *See* Lead SP, § VII.H.2.b.(2)(c).
- If an abatement start date is changed so it will start before the original start date provided to the EPA, the updated notification must be provided to the EPA at least 5 business days before the new start date. *See* Lead SP, § VII.H.2.g.(c).
- The updated notifications are attached to the work order. If a vendor performs these steps, they send the updated notifications to a Lead Hazard Control Department assistant director. *See* Lead SP, § VII.H.2.g.(e).

Contract Specifications: During the Covered Period, NYCHA utilized 7 vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(4)(vi)
Linear	<i>See</i> Attachment E.00, § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> 2.4.2; <i>Id</i> § 2.6.3.
Joseph Environmental	<i>See</i> Attachment E.01, § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> 2.4.2; <i>Id</i> § 2.6.3.
AGD	<i>See</i> Attachment E.02 § 1.4.3; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.3.
Abatement Unlimited	<i>See</i> Attachment E.03 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.3.
Empire Control	<i>See</i> Attachment E.04 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.4.
New York Environmental Systems	<i>See</i> Attachment E.05 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.2, <i>Id</i> § 2.6.3.
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § 1.5.1; <i>Id</i> § 1.6.2; <i>Id</i> § 2.2, <i>Id</i> § 2.5.4.

[IT Controls for 14\(b\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT instituted additional controls for abatement work orders. One of these controls requires LHC to upload a copy of the EPA notification as an attachment to the Maximo work order. Without this attachment, the work order cannot be closed. *See* Attachment B.

During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[Field Monitoring/QA for 14\(b\):](#)

EHS has developed field monitoring checklists for assessing compliance with abatement requirements, including the requirements set forth in Paragraph 14(b). See Attachment A. The Lead Abatement Inspection Work Order contains the following items:

- Is the EPA Notice posted at the entrance of the work area?
- Does the work location including the unit number match the location on the NOC?
- Is the abatement occurring within the timeframe specified on the NOC?
- Certified Abatement Supervisor: Does the abatement supervisor's name match the name on the EPA NOC?

The NOC 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 observation, the EHS Lead Oversight Team Supervisor ("LOTS") verifies that the notice is present, the required information is documented and accurate, and work is occurring within the timeframe indicated on the notice.

EHS conducted 534 inspections and 531 (99.44%) had proper NOCs with no deficiencies identified. See Attachment A for more details.

[File Review for 14\(b\):](#)

The MU conducted a review of work order records in Maximo to determine if the EPA notification required by 40 CFR § 745.227(e)(4)(vii) was present in the relevant project files.

For Moveout Units:

The MU reviewed a total of 49 moveout work orders completed during the Covered Period and found that all 49 included an EPA notification. However, 44 cases contained EPA notifications that were submitted less than five days prior to the abatement. See Attachment C.

For Occupied Units:

The MU reviewed a total of 26 occupied work orders completed during the Covered Period and found that 26 of these work orders included the EPA notification. In these 26 work orders, NYCHA or the abatement firm notified the EPA 5 or more business days ahead of the scheduled abatement or the abatement was an emergency case. See Attachment C.

[Overall Description of Compliance for 14\(b\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(b) of the HUD Agreement. Evidence of compliance consists of:

- 100% of move-out abatements and 100% of occupied abatements reviewed contained EPA notifications. For move-out abatements, 90% of the notifications were sent at least five days prior to commencement.
- 99.44% of the field observations had complete and accurate NOCs.

Based on this documentation, there is evidence supporting that NYCHA is in substantial compliance with the requirements set forth in 14(b).

Paragraph 14(c): NYCHA shall prepare and implement written occupant protection plans for all abatement projects in accordance with 40 CFR § 745.227(e)(5).

Regulatory Requirements for 14(c):

40 CFR § 745.227(e)(5) states: “A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures: (i) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards. (ii) A certified supervisor or project designer shall prepare the occupant protection plan.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(c):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in paragraph 14(c):

- Requires lead abatement supervisor or vendor to prepare and sign the OPP. *See* Lead SP, § VII.H.1.d. The Lead SP includes requirements on what must be included in the OPP. *Id.* The Lead SP includes a template OPP. *Id.*, Appendix F.
- Requires that the OPP be annexed to the abatement work order. *See* Lead SP, § VII.H.1.e.(1). The plan must be provided to the resident if the unit is occupied. *Id.*, § VII.H.1.f. It must be posted in common areas. *Id.* § VII.H.2.d.(3).

An updated Lead SP, effective July 5, 2022, was released and provided a new template for the OPP.

Contract Specifications: During the Covered Period, NYCHA utilized 7 vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(5)
Linear	<i>See</i> Attachment E.00, § 3.6.1.
Joseph Environmental	<i>See</i> Attachment E.01, § 3.6.1.
AGD	<i>See</i> Attachment E.02, § 3.3.3.
Abatement Unlimited	<i>See</i> Attachment E.03 § 3.3.3.
Empire Control	<i>See</i> Attachment E.04 § 3.3.3.
New York Environmental Systems	<i>See</i> Attachment E.05 § 1.4.3.
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § 3.3.3.

[IT Controls for 14\(c\):](#)

In December 2019, IT enhanced Maximo to require that the OPP be attached to Maximo abatement work orders. See Attachment B. The work orders cannot be closed without this attachment. This enhancement was initially reported in the July 2021 HUD Certification. During the Covered Period, IT reported that these controls remain in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[Field Monitoring/QA for 14\(c\):](#)

EHS finalized its inspection work order for abatement projects. The inspection checklist includes the following items:

- Does the Occupant Location on the Occupant Protection Plan match the unit's occupancy status during the abatement i.e., Occupied vs Unoccupied?
- The abatement inspection work order also includes numerous items regarding specific lead safe work practices.

The EH&S LOT reviewed 534 OPPs during abatement oversight inspections. 531 (99.44%) of the observed abatements had compliant OPPs. See Attachment A for more details.

[File Review for 14\(c\):](#)

The MU conducted a review of work orders in Maximo to determine if the written OPP required by 40 CFR § 745.227(e)(5) was uploaded in the relevant work orders.

For Moveout Units:

The MU reviewed a total of 49 moveout work orders, 48 of which contained a complete OPP. See Attachment C.

For Occupied Units:

The MU reviewed a total of 26 occupied work orders, 25 of which contained a complete OPP. See Attachment C.

[Overall Compliance Assessment for 14\(c\):](#)

- 98% of moveout abatements and 96% of occupied abatements reviewed contained a complete OPP.
- EHS observed 534 abatement work orders, and 99.44% had OPPs.

Based on this documentation, there is evidence supporting the conclusion that NYCHA is in substantial compliance with the requirements set forth in 14(c).

Paragraph 14(d): NYCHA shall specify methods of collection and lab analysis in accordance with 40 CFR § 745.227(f).

Regulatory Requirements for 14(d):

40 CFR § 745.227(f) states: “Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be: (1) Collected by persons certified by EPA as an inspector or risk assessor; and (2) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(d):

Policies and Procedures: The Lead SP contains the following procedures related to Paragraph 14(d):

- Clearance examinations following abatement must be performed by a certified risk assessor or lead inspector. *See* Lead SP, § VII.I.1. If the work is to be performed by a vendor, the LHC Assistant Director must ensure that the vendor submits the documentation meeting this requirement. *Id.*, § VII.I.3.
- Dust wipe samples following abatement must be submitted to an EPA National Lead Laboratory Accreditation Program (“NLLAP”) and New York State Environmental Laboratory Approval Program (“ELAP”) certified testing laboratory. *See* Lead SP, § VII.I.5.a.(1).
- Paint chip sampling, which is performed during lead paint inspections in advance of an abatement, must be performed by a certified risk assessor or lead inspector. *See* Lead SP, § VII.E.2. These samples must be submitted to an EPA NLLAP-recognized and NYS ELAP certified testing laboratory. *See* Lead SP, § VII.E.2.c.(4)(g).

Contract Specifications: During the Covered Period, NYCHA had nine active contracts with vendors that perform dust wipe sampling. The specifications for the contracts are described below and contracts are annexed in Attachment E. The packages provided to Compliance for review for four of these vendors, which are highlighted below, were missing the typical contract specifications that detail out qualification requirements for dust wipe inspectors and risk assessors and laboratories. Compliance will work with LHC to ensure this is included in the contracts.

Vendor Name	Agreement to comply with 40 CFR § 745.227(f)
ATC Group	See Attachment E.07
Atlas Environmental Lab	See Attachment E.08
Lead By Example Environmental	See Attachment E.09, § III.1-2 § IV.1-2.
Airtek Environmental, LLC	See Attachment E.10, § I.I.1-2 § III.
Genesis Environmental Services, Inc.	See Attachment E.11, § III.1-2 § IV.1-2.
SAI Environmental Consultants, Inc.	See Attachment E.12
Athenica Environmental Services (PO # 2022435)	See Attachment E.13, § I.1-4 § III.
Athenica Environmental Services (PO # 2110331)	See Attachment E.14, § III.1-2 § IV.1-2.
Accredited Lead Inspection, Inc. DBA/Accredited Environmental Solutions	See Attachment E.15

[IT Controls for 14\(d\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT enhanced Maximo to require that the abatement report, which should include the credentials of individuals and laboratories performing sampling/testing, be uploaded to the work order. The work order cannot be closed without these attachments. See Attachment B. During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[QA/Field Monitoring Protocols for 14\(d\):](#)

EHS observed NYCHA and vendor personnel and requested certifications for dust wipe technicians, certified risk assessors, and/or LBP inspectors for 534 abatements. Out of 282 NYCHA personnel certifications and 229 vendor personnel certifications for clearance examinations, EHS did not identify any missing personnel certifications. See Attachment A.

[File Review for 14\(d\):](#)

The MU conducted a review of work orders in Maximo to determine if documented methodologies specifying certifications of inspectors, risk assessors, and laboratories are contained in each file, as well as copies of relevant EPA certifications in accordance with the Lead SP.

For Moveout Units:

- The MU reviewed a total of 49 moveout abatement work orders and found that 41 (84%) of the files contained documented methodologies for the collection and lab analysis of dust wipes. See Attachment C.

For Occupied Units:

- The MU reviewed a total of 26 occupied abatement work orders and found that 26 (100%) contained documented methodologies for the collection and lab analysis of dust wipes. See Attachment C.

[Overall Compliance Assessment for 14\(d\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(d) of the HUD Agreement. Evidence of progress towards compliance consists of:

- 84% of moveout abatements and 100% of occupied abatements reviewed contained documented methodologies for the collection and lab analysis of dust wipes.
- EHS observed 282 NYCHA personnel certifications and 229 vendor personnel certifications for clearance examinations and found 100% compliance rate.

Compliance does not yet recommend certifying to paragraph 14(d) until documented methodologies for the collection and lab analysis of dust wipes for occupied abatements are consistently issued and retained in each file.

Paragraph 14(e): “NYCHA shall ensure that a clearance examination is performed, and a clearance examination report provided by a lead paint inspector/risk assessor certified and licensed as applicable for the property location, in accordance with 24 CFR § 745.227(e) (8)-(9). The lead paint inspector/risk assessor must be independent of the lead-based paint abatement firm, supervisor, and contractors performing the abatement work.

Regulatory Requirements for 14(e):

40 CFR § 745.227(e)(8) states, in relevant part: The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor.

“(i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(i) Following the visual inspection and any post-abatement cleanup required by paragraph (e)(8)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(ii) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(iii) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post- abatement cleanup activities.

(iv) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior windowsill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(B) After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior windowsill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.

(C) [*Exterior abatement provision omitted*]

(v) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

(vi) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with clearance levels in paragraph (e)(8)(viii) of this section for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.

(vii) The clearance levels for lead in dust are 40 µg/ft² for floors, 250 µg/ft² for interior windowsills, and 400 µg/ft² for window troughs.”⁴

[Applicable Written Policies, Procedures, and Contract Specifications for 14\(e\):](#)

The Lead SP contains the following provisions on the requirements set forth in Paragraph 14(e):

- Requires that the clearance examination be performed by a certified risk assessor or lead paint inspector. *See Lead SP, § VII.I.1.*
- Requires the certified risk assessor or certified lead paint inspector perform a visual inspection and sets forth the protocols if the work area fails the visual inspection. *See Lead SP, § VII.I.4.*
- Sets forth the basic protocols for the certified risk assessor or lead inspector to follow for dust wipe sampling. *See Lead SP, § VII.I.5.* The Lead SP does not provide detailed means and methods on how the risk assessor and lead inspector needs to conduct the dust wipe samples.
- Requires that the clearance be *documented* in a dust wipe report. *See Lead SP, § VII.I.5.*
- Requires the dust wipe report be uploaded to Maximo. *See Lead SP, § VII.I.6.*

Contract Specifications: During the Covered Period, NYCHA had nine active contracts with vendors that perform dust wipe sampling. The specifications for the contracts for vendors that perform dust wipe sampling are described below. The relevant parts of the specifications section of each contract are discussed below and found in Attachment E. The packages provided to Compliance for review for four of these vendors, which are highlighted below, were missing the typical contract specifications that detail out qualification requirements for dust wipe inspectors and risk assessors and laboratories. Compliance will work with LHC to ensure this is included in the contracts.

Vendor Name	Agreement to comply with 40 CFR § 745.227(f)
ATC Group	See Attachment E.07
Atlas Environmental Lab	See Attachment E.08
Lead By Example Environmental	See Attachment E.09, § III.1-2 § IV.1-2.
Airtek Environmental, LLC	See Attachment E.10, § I.I.1-2 § III.

⁴ On June 1, 2021, the city reduced the lead dust standards for floors to 5 µg/ft² for floors and to 40 µg/ft² for windowsills. The standard for window wells (troughs) remained at 100 µg/ft².

Vendor Name	Agreement to comply with 40 CFR § 745.227(f)
Genesis Environmental Services, Inc.	See Attachment E.11, § III.1-2 § IV.1-2.
SAI Environmental Consultants, Inc.	See Attachment E.12
Athenica Environmental Services (PO # 2022435)	See Attachment E.13, § I.1-4 § III.
Athenica Environmental Services (PO # 2110331)	See Attachment E.14, § III.1-2 § IV.1-2.
Accredited Lead Inspection, Inc. DBA/Accredited Environmental Solutions	See Attachment E.15

[IT Controls for 14\(e\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT implemented enhancements to the abatement work order. The creation of the abatement work order will now auto-generate a dust wipe work order and visual inspection. See Attachment B.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

As of September 21, 2023, NYCHA IT implemented improvements to recordkeeping controls within Maximo. Since December 2023, dust wipe technicians can now record “WORKSTILLNEEDED” under labor transaction types within dust wipe work orders should the technician observe uncleaned debris or incomplete work.

[Field Monitoring/QA for 14\(e\):](#)

EHS personnel observed 234 post abatement clearance jobs. 216 were performed by a vendor and 18 were performed by NYCHA. All clearance examinations observed were conducted by a certified risk assessor or certified lead paint inspector. NYCHA received permission from DOHMH to utilize its own certified personnel to clear an abatement job in July 2022, and NYCHA submitted the annual attestation to DOHMH in August 2022 and again in August 2023.

EHS observed that the timing between cleanup completion and the clearance examination was proper in all 511 clearance jobs observed (100%) across all RRP and abatement clearance jobs observed. EHS observed that the visual inspection was performed properly in all 511 observed clearance jobs (100%) across RRP and abatement clearance jobs observed. EHS observed that sample collections were performed properly in all 479 observed clearance jobs (100%) which includes RRP and abatement clearance jobs observed.

[File Review for 14\(e\):](#)

The MU conducted a review of work orders in Maximo to determine whether a clearance examination was performed, and if a clearance examination report was provided by a licensed lead paint inspector/risk assessor, independent of the contractors performing the abatement work. The MU ensured that the clearance examination report included passing dust wipe results, a chain of custody, a visual clearance form, and certifications for the risk assessor and laboratory.

For Moveout Units:

The MU reviewed 49 moveout abatement work orders and found that 41 (84%) contained passing dust wipe results and the chain of custody. 41 of the 49 work orders (84%) contained both the visual clearance form and certifications for both the risk assessor and laboratory. *See Attachment C.*

For Occupied Units:

The MU reviewed 26 occupied abatement work orders and found that all 26 (100%) contained passing dust wipe clearance results. All 26 (100%) also contained the chain of custody, the visual clearance form, and certifications for both the risk assessor and laboratory. *See Attachment C.*

Overall Compliance Assessment for 14(e):

During the Covered Period, NYCHA demonstrated compliance with the requirement set forth in Paragraph 14(e) of the HUD Agreement. Evidence of compliance consists of:

- 84% of moveout abatements and 100% of occupied abatements reviewed contained passing dust wipe results and the chain of custody.
- 84% of moveout abatements contained the visual clearance form; 84% contained certifications for both the vendor and the risk assessor.
- 100% of occupied abatements contained the chain of custody and visual clearance form; 100% contained certifications for both the risk assessor and laboratory.
- EHS found 100% of NYCHA employees and 100% vendors performing clearance examinations were certified and 100% compliance across other clearance related tasks.

Based on the file review and field oversight during the Covered Period, NYCHA is not yet in substantial compliance with the requirements referenced in Paragraph 14(e).

Paragraph 14(f): NYCHA shall ensure that the certified supervisor on each abatement project prepares an abatement report in accordance with 40 CFR § 745.227(e)(10).

Regulatory Requirements for 14(f):

40 CFR § 745.227(e)(10) states as follows: “An abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include the following information: (i) Start and completion dates of abatement. (ii) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project. (iii) The occupant protection plan prepared pursuant to paragraph (e)(5) of this section. (iv) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing. (v) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses. (vi) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(f):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in Paragraph 14(f):

- Requires that the certified abatement supervisor for each abatement project prepare an abatement report within 30 days of clearance. *See* Lead SP, § VII.I.9. The report must contain all of the items set forth in 24 CFR § 745.227(e)(10). *Id.*
- LHC adopted a template for certified supervisors to use in preparing the report. A copy of this template is annexed as Attachment F.

Contract Specifications: During the Covered Period, NYCHA utilized 7 vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(5)
Linear	<i>See</i> Attachment E.00, § 1.1.6
Joseph Environmental	<i>See</i> Attachment E.01, § 1.1.6
AGD	<i>See</i> Attachment E.02, § 1.1.6
Abatement Unlimited	<i>See</i> Attachment E.03 § 1.1.6
Empire Control	<i>See</i> Attachment E.04 § § 1.1.6
New York Environmental Systems	<i>See</i> Attachment E.05 § § 1.1.6
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § § 1.1.6

[IT Controls for 14\(f\):](#)

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT enhanced Maximo to require staff to upload the abatement report to the abatement work order. The work order cannot be closed without this attachment. *See* Attachment B.

During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[Field Oversight/QA for 14\(f\):](#)

There are no field oversight protocols in place or expected to monitor the creation of this final report.

[File Review for 14\(f\):](#)

The MU conducted a review of work orders in Maximo for an abatement report in accordance with 40 CFR § 745.227(e)(10) and prepared by a certified supervisor.

For Moveout Units:

The MU reviewed 49 moveout abatement work orders and found all 49 (100%) files contained the abatement report prepared by a certified supervisor. *See* Attachment C.

For Occupied Units:

The MU reviewed 26 occupied abatement work orders and found that 26 (100%) contained the complete abatement report prepared by a certified supervisor. *See* Attachment C.

Overall Compliance Assessment for 14(f):

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(f) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 100% of occupied abatements reviewed contained an abatement report prepared by a certified supervisor.

Based on this documentation, there is evidence supporting that NYCHA is in substantial compliance with the requirements set forth in 14(f).

Paragraph 14(g): NYCHA shall maintain records in accordance with 40 CFR § 745.227(i) and 24 CFR § 35.125.

Regulatory Requirements for 14(g):

40 CFR § 745.227(i) states “All reports or plans required in this section shall be maintained by the certified firm or individual who prepared the report for no fewer than 3 years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services.”

24 CFR §35.125 states, “The designated party ... shall keep a copy of each notice, evaluation, and clearance or abatement report required by subparts C, D, and F through M of this part for at least three years. Those records applicable to a portion of a residential property for which ongoing lead-based paint maintenance and/or reevaluation activities are required shall be kept and made available for the Department's review, until at least three years after such activities are no longer required.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(g):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in paragraph 14(g):

- “A Lead Hazard Control Department assistant director ensures all records related to this Standard Procedure are retained in the Lead Hazard Control Department central office for the life of the building while under NYCHA ownership, plus an additional three years.” *See Lead SP, § VIII.C.*
- Requires issuance of the hazard reduction letter following abatement activities. *See Lead SP, § VII.D.2.*

IT Controls for 14(g):

As reported in the January 2022 HUD Certification, NYCHA does not have IT controls that support this requirement, although as of December 2019, the OPP, the EPA notification, and abatement reports are to be attached to the Maximo work orders. During the Covered Period, IT reported that these controls continued to be in place and that no additional system changes were implemented in the last six months.

Field Monitoring/QA for 14(g):

There are no field oversight protocols in place or expected to monitor the creation and storage of the post-abatement NOHR documentation for a particular job.

File Review for 14(g):

The MU has performed a comprehensive review of required reports for abatements performed in NYCHA units since January 31, 2019 and has been performing a digital review of required reports in Maximo starting January 16, 2020. Reports in Maximo are presently retained indefinitely and in accordance with the three-year minimum as specified in 40 CFR § 745.227(i) and 24 CFR §35.125.

The MU performed a file review of the Lead Disclosure Summaries and NOHRs for moveout and occupied units.

The MU reviewed all 75 abatement work orders and found that 64 (85%) contained Lead Disclosure Summaries. 8 EBLI abatement work orders did not have the Lead Disclosure Summary. As previously reported in the January 2023 HUD Certification, LHC reported Lead Disclosure Summaries are not required for EBLI cases.

The MU reviewed all 75 abatement work orders and found that 72 (96%) of the 75 work orders contained the NOHR. The 3 abatement work orders missing the NOHR were all moveout work orders. 14 of the 14 EBLI abatement work orders reviewed contained a manually generated NOHR form that is not the official NYCHA Form 060.852. See Attachment C.

Hazard reduction letters continue to present a compliance challenge for NYCHA, especially for occupied units. According to LHC, hazard reduction letters are being uploaded to each abatement work order and delivered to property management. However, LHC is using a different form than the required NYCHA Form 060.852, Notice of Hazard Reduction Activity. Instead, LHC uses an alternative, manually created version of the NYCHA NOHR. The Lead SP specifically requires NYCHA to upload NYCHA Form 060.852. See Lead SP, § VII.D.2. As first reported in the January 2023 HUD Certification, Compliance continues to recommend the use of NYCHA Form 060.852, Notice of Hazard Reduction Activity.

Overall Compliance Assessment for 14(g):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the recordkeeping requirement set forth in Paragraph 14(g) of the HUD Agreement. Evidence of progress towards compliance consists of:

- 94% of reviewed moveout abatements and 100% of the reviewed CU6 non-EBLI occupied abatements contained the Lead Disclosure Summary. The 8 EBLI occupied apartment abatements did not contain or require a separate Lead Disclosure Summary.
- 94% of moveout abatements, 100% of CU6 non-EBLI occupied abatements, and 100% of EBLI abatements reviewed contained the NOHR.
- LHC demonstrated maintenance of all work orders in Maximo to the Compliance Department (although a small number of work orders were missing required documentation).
- Lead SP including the requirements set forth in Paragraph 14(g).

Compliance recommends certifying to substantial compliance with paragraph 14(g) related to abatement documentation and the ability to keep records of NOHRs and Lead Disclosure Summaries.

VI. Assessment of Compliance with Paragraph 15 for the Covered Period

Paragraph 15(a): Establishing and maintaining sufficient information in NYCHA's renovation and maintenance computer systems to readily identify renovation and maintenance projects involving work to which lead-safe work practices regulations

apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.89.

Regulatory Requirements for 15(a):

NYCHA interprets this requirement as ensuring that its computerized work order system, Maximo, can identify developments in which paint disturbing projects require adherence to lead safe work practices, as those requirements are defined in the above-cited regulations.

Effective December 1, 2021, New York City has a new standard for defining the presence of lead in paint, in accordance with Local Law 66 of 2019. The new standard changed the manner in which NYCHA classifies apartments for purposes of RRP enforcement controls. In general terms, NYCHA now requires RRP enforcement controls for all apartments in pre-1978 buildings where children under 6 live or visit for 10 or more hours per week. RRP enforcement will be in place even if the CU6 unit previously tested negative at the 1.0 mg/cm² standard or is considered exempt under federal or City requirements. For non-CU6 apartments, NYCHA continues to follow the federal RRP guidelines, and utilizes the XRF data taken at 1.0 mg/cm², which is integrated into the Maximo work orders.

Additionally, the IT controls previously being used were configured to classify XRF results as lead positive only when components are detected as positive at the 1.0 mg/cm² standard. In December 2021, a new design was implemented to perform XRF testing and upload XRF results using the 0.5 mg/cm² standard to classify any component as lead positive.

As was reported in the July 2023 HUD certification, the unit level flags previously implemented in December 2021 to accommodate the new standard were also adjusted to correspond with the City's change in standard but Compliance, IT and other stakeholders identified a series of issues related to the transfer of CU6 data and bugs in the logic used to flag units based on the new standard over time. As reported in the January 2024 certification, after work with Compliance and Lead Hazard Control, IT placed into production changes to the code used to flag units as requiring RRP and these changes were successfully tested prior to production in both August and October 2023.

Written Policies, Procedures, and/or Contract Specifications for 15(a):

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 15(a):

- “Maximo flags locations in which lead-based paint is or may be present and identifies when RRP requirements must be met. If a Maximo work order identifies that RRP is required and there are no results of an XRF test in that apartment available in Maximo, all painted surfaces in an apartment or component must be presumed to be lead-based paint.” See Lead SP, § VII.J.3.a.(1).
- Details the use of three messages or banners (the “RRP flags”) on a work order, depending on the demographic status and testing associated with the unit. See Lead SP, § VII.J.3.a.(2).

Compliance Advisory Alert: NYCHA published Compliance Advisory Alert #22 titled “Lead-Based Paint Standard Change” on December 1, 2021 (Attachment G), which states that “Starting December 1, 2021, NYCHA staff and vendors must follow RRP for any work that disturbs more than “de minimis” amounts of paint in all apartments with a child under 6 in a pre-1978 building, and in common areas in these buildings... All painted components in these apartments and common areas must be presumed to have lead-based paint until further notice. Work orders in apartments with children under the age of 6 now

have the following warning banner on the handheld device:

“CHILD UNDER 6 APARTMENT OR COMMON AREA – YOU MUST FOLLOW RRP RULES WHEN DISTURBING PAINTED SURFACES” (referred to as the “BLUE BANNER”)

Quick Reference Guide: NYCHA Compliance also published a “Quick Reference Guide” on Lead Safe Work Practices: Renovation, Repair, and Painting in 2023 (Attachment H), which includes a table outlining how staff should answer the RRP question based on the scenarios they find in the Maximo work order with respect to the banner present, the demographic status of the unit, whether there are XRF results at either the 1.0 or 0.5 mg/cm² in the Maximo system for the location, and other information.

[IT Controls for 15\(a\):](#)

Compliance, LHC, and IT worked together to design the logic which would address the bug identified in January 2023. The RRP design was enhanced to streamline the process, considering all information available from different XRF testing results, abatement records, exemption records, and CU6 status as recorded by LHC in Maximo or as generated from other systems. All existing open workorders were re-evaluated for RRP based on the updated logic, and the “RRP flags” on the open workorders were updated to reflect that a unit should be flagged accordingly. This logic is also applicable for any newly created work orders that qualify for RRP. This was rolled out in Maximo production in August 2023.

[Field Monitoring/QA for 15\(a\):](#)

Please refer to the EHS report (Attachment A) for a description of RRP-related field monitoring activities during the Covered Period. Additionally, it should be noted that EHS uses Maximo to identify work orders that might require RRP procedures for their onsite monitoring. EHS conducted onsite monitoring of 284 RRP work orders during the Covered Period.

In sum, EHS field monitoring found a higher rate of compliance where the RRP work order enforcement questions are appropriately followed than in the previous reporting period. In particular, when workers answered the question, “Are you performing RRP work?”, which was added last reporting period by LOT, compliance rose to 87.68% (from 79.18% as reported in the January 2024 HUD Certification). EHS attributes this to LOT consistently educating staff at the job sites and the Compliance Department’s training for Skilled Trades supervisors on the importance of accurate responses.

[File Review for 15\(a\):](#)

Potential RRP work orders contain a “flag” in Maximo signifying the presence of presumed or known LBP in the apartment. This “RRP flag” then requires that any paint-disturbing work in the unit requires renovators to follow RRP protocols, including a clearance examination.

The table below shows that, for 91.30% (59,317 out of 64,967) of work orders closed between December 16, 2023 to June 15, 2024 where renovators must answer the RRP enforcement questions, renovators indicated that they were not performing RRP work. This trend requires continued monitoring of whether the workers’ selection of “No” or “No Components Selected” to the RRP enforcement questions is appropriate.

RRP Selection from December 16, 2023 to June 15, 2024

Year-Month	No Count	% No	Yes Count	% Yes	Did Not Answer Yes or No	% Null Answer	Total
December 2023 (beginning December 16, 2023)	4,427	90.38%	54	1.10%	417	8.51%	4,898
January 2024	11,741	89.77%	151	1.15%	1,187	9.08%	13,079
February 2024	10,177	90.69%	105	0.94%	940	8.38%	11,222
March 2024	10,701	90.76%	85	0.72%	1,005	8.52%	11,791
April 2024	9,991	92.43%	62	0.57%	756	6.99%	10,809
May 2024	8,757	92.69%	33	0.35%	658	6.96%	9,448
June 2024 (ending June 15, 2024)	3,523	94.70%	6	0.16%	191	5.13%	3,720
Grand Total	59,317	91.30% (average)	496	0.76% (average)	5,154	7.93% (average)	64,967

Importantly, answering “No” to the RRP enforcement question does not necessarily indicate non-compliance and, indeed, can be entirely appropriate in several circumstances. For instance, NYCHA has a growing volume of XRF data showing that apartments are either negative or have a limited number of lead components at 1.0 and 0.5 mg/cm². If a renovator is performing work in a negative apartment or working on components that do not contain LBP, the renovator is correct to answer “No” to the RRP enforcement question. Additionally, for some work orders, the renovators are not performing work at all or are not performing work that disturbed paint above the de minimis thresholds, such as painting with no surface preparation or drilling small holes to install new cabinets on a wall. In these circumstances, renovators would also be correct to select “No.”

Overall Description of Compliance for 15(a):

NYCHA has established a sophisticated work order system that can identify the lead status of the apartment on a component-by-component basis. The system uses this information to prompt staff with RRP enforcement questions. Maximo was updated in December 2021 to address the City’s change of the standard for LBP, and further updated in August 2023 to account for all information available from different XRF testing results, abatement records and exemptions received, as recorded by LHC in Maximo as well as the CU6 status of a unit.

While the work order system meets the requirements of the certification set forth in Paragraph 15(a), additional training, supervision, and monitoring is needed to ensure that the system users (i.e., NYCHA staff) are properly following the required protocols. Compliance will continue to take steps to ensure that the system is used appropriately and hold staff accountable for deviations from the requirements.

Paragraph 15(b): Ensuring that only properly trained and certified firms and workers are assigned to perform work to which lead-safe work practices apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.90.

Regulatory Requirements for 15(b):

NYCHA interprets this paragraph, and the regulations cited therein, as requiring that NYCHA have policies, procedures, controls, and practices to only permit RRP-certified staff or vendors to perform paint-disturbing work in lead paint developments.

Written Policies, Procedures, and/or Contract Specifications for 15(b):

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 15(b):

- Regarding vendors, the Lead SP states: “Property maintenance supervisors ensure vendor employees have a physical or electronic copy of their valid RRP certification with them when the vendor is onsite and the information is entered into the log book, follow lead-safe work practices under federal and local law and regulations, and provide the required notifications.” See Lead SP, § XV.A.2.I.(7). Developments using vendors must also provide the vendor with the “Lead Safe Practices Vendor notice.” See Lead SP, § VII.J.2.c.(2) and Appendix E.
- Regarding NYCHA staff, the Lead SP states as follows: “Only Certified Renovators can perform Renovation, Repair, and Painting (RRP) work that requires RRP certification.” See Lead SP, § VII.J.2. The Lead SP further states, “Supervisors are not permitted to assign work that requires a Certified Renovator to employees who are not Certified Renovators. If an employee who is not a Certified Renovator is assigned to complete a work order that has the ACTION REQUIRED message noted above, the employee must tell their immediate supervisor that they are not certified to complete the work order. In Assignment Manager and ESD Dispatching, the Labor List has a field to indicate which employees are Certified Renovators. The RRP certification information is imported from the Human Resources Database daily.” See Lead SP, §§ . VII.J.3.a.2.d through VII.J.3.a.2.e.

IT Controls for 15(b):

As reported in the July 2021 HUD Certification, NYCHA has IT controls that ensure that NYCHA assigns potential RRP work orders in lead paint developments to RRP certified NYCHA staff. During the Covered Period, IT reported that these controls continued to be in place, and no further controls were implemented. A document describing this IT control is annexed as Attachment B.

At present, Maximo does not identify the vendor or vendor staff assigned to perform RRP work at the lead paint developments. NYCHA instead relies upon either development staff or NYCHA paint supervisors to manually check the qualifications of the vendor and vendor staff at the development.

Field Monitoring/QA for 15(b):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. All 445 NYCHA workers observed performing RRP work were RRP certified. In other words, for 284 jobs, a least one worker present had a valid Certified Renovator credential.

Despite this sample size, there were no vendor jobs observed. LOT is now utilizing NYCHA’s “Virtual Logbook” in an effort to provide LOT with more opportunities to observe vendors performing RRP work. This has been a longstanding compliance risk. However, as rollout of the logbook progresses, LOT will

continue to leverage this tool to identify vendor jobs.

[File Review for 15\(b\):](#)

The Compliance Department randomly selected approximately 35 work orders each month to verify whether employees and staff were certified. All 35 work orders for December 2023 were reported in the January 2024 Lead Certification Report. Further, only 17 RRP work orders were closed in the month of June 2024 as of June 15, 2024. This effort resulted in a review of 192 work orders for work performed during the Covered Period (December 16, 2023 to June 15, 2024). The Compliance Department compared data from closed RRP work orders in Maximo with training results from the Learning & Development Department. All 192 work orders were completed by RRP certified NYCHA employees.

[Overall Description of Compliance for 15\(b\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(b) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements of Paragraph 15(b);
- The existence of IT controls for work orders performed by NYCHA staff to ensure that only RRP certified workers can be assigned to RRP work orders;
- Strong evidence (100% compliance in the field and 100% compliance in file reviews) that these requirements are being followed for NYCHA staff.

Based on the documentation, NYCHA is showing significant progress on compliance with this paragraph but must still further strengthen its controls on vendors prior to certifying compliance.

Paragraph 15(c): Obtaining and Maintaining certification as a certified renovation firm if any of the workers described in this paragraph are NYCHA employees, and the work they do is covered by 40 CFR part 745, subpart E ... in accordance with 40 CFR §§ 745.81, 745.89.

[Overall Description of Compliance for 15\(c\):](#)

NYCHA is a certified RRP firm. Proof of the certification is annexed as Attachment H. Based on this documentation, there is evidence supporting NYCHA's certification that it is in compliance with the requirements set forth in 15(c).

Paragraph 15(d): Ensuring supplies necessary to perform lead-safe work practices in accordance with 24 CFR § 35.1350 and 40 CFR § 785.85 are readily available to trained and certified workers.

[Regulatory Requirements for 15\(d\):](#)

NYCHA interprets this requirement as ensuring that its storerooms have sufficient supplies that can be used by NYCHA staff daily to fulfill the lead safe work practice requirements.

Written Policies, Procedures, and/or Contract Specifications for 15(d):

The Lead SP sets forth the mandatory materials that must be included in the standard RRP kit and available at the developments. See Lead SP, § VII.J.9.

On April 1, 2019, MMD implemented an initiative to improve RRP storeroom supplies management at developments by establishing a visible model display of each item that is required to conduct RRP work. The Storeroom Caretaker at each development is responsible for RRP item monitoring, and reports to the MMD supervisor any issues or items that need replenishment.

As of December 2020, two separate NYCHA SPs govern storeroom management procedures: (1), and (2) NYCHA SP 040:04:2, Operation of Development Storerooms, for locations under development control.

As of November 30, 2022, MMD controlled all development storerooms. For storerooms under MMD control, MMD monitors and distributes all maintenance work related materials out of the storeroom, including RRP required supplies. NYCHA SP 006:19:1, Operations of Development Storerooms – MMD Locations, governs storerooms management procedures for locations under MMD control.

IT Controls for 15(d):

IT reported as of January 17, 2023, the IT enhancement allowing the Storeroom Caretaker to order materials at set min/max levels at each site was released to all storerooms across NYCHA. Auditors and Supervisors have access to make any changes to min/max levels based on reorder point (“ROP”) and overstock data showing usage rates.

Field Monitoring/QA for 15(d):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. This section briefly summarizes EHS’s findings relevant to Paragraph 15(d).

- Out of 284 total storeroom inspections for RRP supplies, 15 failed inspections, resulting in a compliance rate of 94.72%.

File Review for 15(d):

The Compliance Department does not conduct any file review to evaluate compliance with paragraph 15(d).

Overall Description of Compliance for 15(d):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(d) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(d);
- Field monitoring data showing an overall rate of 94.72% compliance for RRP storerooms.

Based on this documentation, there is evidence supporting NYCHA’s certification that it is substantially in compliance with the requirements set forth in 15(d).

Paragraph 15(e): Ensuring that firms and workers assigned to perform the renovation or maintenance work to which lead safe work practices apply use the RRP Renovation Checklist and establish and maintain records necessary to demonstrate compliance with the RRP Rule in accordance with 40 CFR § 745.86.

Regulatory Requirements for 15(e):

The relevant portion of 40 CFR § 745.86 states as follows:

“Documentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in § 745.82, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:

- (i) Training was provided to workers (topics must be identified for each worker).
- (ii) Warning signs were posted at the entrances to the work area.
- (iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.
- (iv) The work area was contained by:
 - (A) Removing or covering all objects in the work area (interiors).
 - (B) Closing and covering all HVAC ducts in the work area (interiors).
 - (C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
 - (D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
 - (E) Covering doors in the work area that were being used to allow passage but prevent spread of dust.
 - (F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building

extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors).

- (G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
- (v) If paint chip samples were collected, that the samples were collected at the specified locations, that the specified NLLAP-recognized laboratory analyzed the samples, and that the results were as specified.
- (vi) Waste was contained on-site, and while being transported off-site.
- (vii) The work area was properly cleaned after the renovation by:
 - (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
 - (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
- (viii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

[Written Policies, Procedures, and/or Contract Specifications for 15\(e\):](#)

The Lead SP sets forth the required procedures for lead safe work practices, and for completing the required renovator's checklist. See Lead SP, §§ VII.J.1. through VII.J.14. A template renovator's checklist, NYCHA Form 088.181, Renovation Recordkeeping Check List, is available on the FRL for vendors and staff.

In November 2019, NYCHA created digital versions of the post renovator checklists for use in the handheld and desktop versions of Maximo. Screenshots of the digitized checklists are located in Attachment I, Slides 11 and 12.

In May 2024, the Compliance Department published Compliance Advisory Alert 61 – RRP Renovation Checklist, which detailed findings from the last certification report and provided reminders to staff on the importance of completing all fields in the RRP Renovation Checklist available digitally.

[IT Controls for 15\(e\):](#)

As of November 2019, the pre-acknowledgment form and renovator's checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(e\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations based on 284 observations of RRP work orders:

- Among all the RRP work phases, the “Worksite Preparation” phase achieved 100% compliance rates. 151 “Worksite Preparations” activities were observed.
- 172 “Work Activities” were observed, with a 100% compliance rate.
- 78 “Cleanup Activities” were observed, with a 100% compliance rate.
- 106 “Cleanup Verification Activities” were observed, with a 100% compliance rate.
- During the reporting period, EHS did not observe any RRP jobs performed by a vendor.

[File Review for 15\(e\):](#)

The Compliance Department assessed 192 work orders (completed between December 16, 2023 and June 15, 2024) for the required attachments and confirmed whether the work orders had the RRP Renovation Checklist. 171 of the 192 work orders (89%) had staff that completed the RRP Renovation Checklist. The remaining work orders had partially completed RRP Renovation Checklists. A spreadsheet documenting this file review is annexed as Attachment J.

[RRP Checklists December 16, 2023 to June 15, 2024](#)

	December*	January	February	March	April	May	June
RRP Checklists Present	0	33	29	28	34	32	15
Partially Completed RRP Checklists	0	2	6	7	1	3	2
Total Work Orders Reviewed	0	35	35	35	35	35	17
Compliance Rate	-	94%	83%	80%	97%	91%	88%

***All work order forms for the month of December were completed prior to December 16, 2023.**

In 21 cases, MU identified partially completed RRP checklists. In 10 of 21 cases, the skilled tradesperson did not confirm whether they contained waste on-site and/or contained waste while it was transported off-site. In 11 of 21 cases, the skilled tradesperson did not confirm whether 1) doors in the work area were covered, closed, or sealed, 2) work site was properly cleaned after renovation, 3) floors in the work area were covered, 4) work area surfaces and objects were cleaned using HEPA vacuum and/or wet cloths or mops, or 5) a HVAC ducts in the work area were closed and covered with tape-down plastic.

When the Compliance Department identifies these issues, the skilled tradesperson is given an opportunity

to explain the reason for not following RRP procedures and Compliance informs them on how to properly complete the requirements in the future. Compliance asked Skilled Trades Supervisors for explanations and received an explanation in 5 of 21 instances. In 2 of 5 instances, the Manhattan Plasterer Supervisor explained that the omission from the checklists were due to no windows being present in the work area and not visibly observing debris transported off site. For the remaining 3 instances, the Queens/SI Deputy Director of Skilled Trades informed the MU that the omission from the checklists was due to input errors by skilled trades personnel and windows not present in the work area, which led to the worker not marking this off the checklist. Regarding the input errors, the Queens/SI Deputy Director informed the MU that the Plasterer Supervisor guided their personnel to ensure RRP work order checklists are completed properly in the future. For the remaining 16 instances, the MU did not receive responses from skilled trades personnel despite outreach to the respective borough Operation Administrator.

Overall Description of Compliance for 15(e):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirements set forth in Paragraph 15(e) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(e);
- Successful application of IT controls that require workers to complete the Renovator's Checklist before they can close the RRP work order;
- Field monitoring data providing a rate of compliance of 100% for the 4 work phases (worksite preparation, work activities, cleanup activities, cleanup verification);
- File review showing an upward trend of compliance to 89% (compared to 88% in the last certification) for completion of the renovator's checklist.

However, NYCHA currently does not have a system for remotely monitoring/controlling vendors performing RRP work.

Overall, the Compliance Department recommends not certifying to this requirement until (1) field monitoring shows a period of consistent compliance for vendors and NYCHA strengthens policies on vendor record-keeping and (2) until NYCHA staff improves their performance completing the renovator's checklist in the Maximo system.

Paragraph 15(f): Ensuring that residents of units and developments in which renovation or maintenance work to which lead-safe work practices apply will be performed are informed of the work to be performed and the risks involved in accordance with 24 CFR § 35.1345 and 40 CFR §§ 745.84, 745.85.

Regulatory Requirements for 15(f):

The regulations cited in paragraph 15(f) require NYCHA to distribute the U.S. Environmental Protection Agency ("EPA") Renovate Right Pamphlet, and to obtain acknowledgment from an adult occupant of the unit.

[Written Policies, Procedures, and/or Contract Specifications for 15\(f\):](#)

The Lead SP sets forth the required procedure for distributing the required pre-renovation materials and obtaining the acknowledgment form from the resident. See Lead SP, § VII.J.5.

[IT Controls for 15\(f\):](#)

As of November 1, 2019, the pre-renovation acknowledgment form and renovator’s checklist were digitized and added into the Maximo work ticket. A screenshot of the pre-renovation checklist as it appears in Maximo is located in Attachment I, Slide 8. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work. During the Covered Period, IT reported that these controls continued to be in place, and no further controls were implemented.

[Field Monitoring/QA for 15\(f\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. EHS made the following observations about the Lead Safe Certified Guide to Renovate Right:

- To assess compliance with this requirement, EHS asked residents if they had received this guide for 284 work orders.
- 281 residents confirmed they received the information, resulting in a 98.94% compliance rate.

[File Review for 15\(f\):](#)

The MU assessed 192 work orders (completed between December 16, 2023 and June 15, 2024) for the required attachments and confirmed if the pre-renovation acknowledgement form indicated the pamphlet was offered to the resident. 100% (192 out of 192) of the work orders indicated in the pre-renovation acknowledgment form that the pamphlet was offered to the resident. See the table below for details regarding completion of the renovator’s checklist and Attachment J for complete a list of the individual work orders:

[Pre-Renovation Acknowledgement Form December 16, 2023 and June 15, 2024](#)

	December*	January	February	March	April	May	June
Acknowledge Form Present	0	35	35	35	35	35	17
Acknowledge Form Incomplete	0	0	0	0	0	0	0
Total Work Orders Reviewed	0	35	35	35	35	35	17
Compliance Rate	-	100%	100%	100%	100%	100%	100%

*All work order forms for the month of December were completed prior to December 16, 2023.

Overall Description of Compliance for 15(f):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirements set forth in Paragraph 15(f) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(f);
- Successful application of IT controls that require workers to complete the pre-renovation acknowledgment form before they can close an RRP work order;
- 98.94% (281 of 284) of residents confirmed they had received the Renovate Right Pamphlet;
- File review showing a rate of compliance of 100% across the Covered Period.

Despite this progress, NYCHA is still developing a more cohesive policy on monitoring vendor performance and ensuring that residents receive the pre-acknowledgment forms when vendors complete work in their apartments.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance for vendors and NYCHA strengthens policies on vendor record-keeping. With respect to NYCHA's internal staff, there is evidence supporting NYCHA's certification that it is substantially in compliance with the requirements set forth in 15(f).

Paragraph 15(g): Retaining records demonstrating compliance with the regulations set forth at 24 CFR § 35.125 and 40 CFR § 745.84.

Regulatory Requirements for 15(g):

Paragraph 15(g) requires compliance with 24 CFR § 35.125, which, among other things, sets forth the requirements for issuing notices of evaluation ("NOE") following lead testing, inspections, and risk assessments, and notices of hazard reduction ("NOHR"), which must occur upon the completion or abatement or interim controls. 40 CFR § 745.84 sets forth the work notification requirements for RRP projects in residences and common areas. Compliance with section 40 CFR § 745.84 is also referenced in Paragraph 15(f) and this section shall focus on compliance with 24 CFR § 35.125.

Written Policies, Procedures, and/or Contract Specifications for 15(g):

Policies and Procedures: The Lead SP contains policies and procedures on the NOE and the NOHR.

- For policies and procedures for the NOE, *see* Lead SP, § VII.D.1.c. (NOE following XRF inspection); *Id.*, § VII.D.1.d. (NOE for biennial re-evaluations); *see also* NYCHA Form 060.851, Notice of Evaluation.
- For policies and procedures for the NOHR, *see* Lead SP, § VII.D.2.b.(1) (NOHR following hazard reduction activities performed in an apartment); Lead SP, § VII.D.2.b.(2) (NOHR following hazard reduction activities performed in a common area or exterior); *see also* NYCHA Form 060.852, Notice of Hazard Reduction Activity.

Contract Specifications: The contract specifications for the NYCHA XRF initiative require vendors performing the XRF testing to perform the following:

- (a) Each dwelling unit that is found to contain lead-based paint is to receive a “Notice.”
- (b) The Notice shall be in a single page format that is approved by NYCHA.
- (c) The Notice is to be received by the resident within 15 calendar days of knowledge that lead-based paint is present.
- (d) Notices are to be mailed directly to the Resident’s address.

IT Controls for 15(g):

IT has developed a system to automate the sending of the NOHR through Siebel. This automated process generates a hard copy NOHR after a passing clearance examination. The letter is then mailed to the resident. An electronic version of the letter (in 4 languages) is also stored in the resident’s digital folder. The process auto-generates letters for “non-exception cases,” meaning that all necessary criteria for the work order matches in Maximo and no manual review is necessary to resolve discrepancies.⁵ If a case does not meet these criteria, the process auto-generates a list of “exception” cases, which LHC must review, resolve discrepancies, and if necessary, manually generate the NOHR.⁶

Field Monitoring/QA for 15(g):

No field monitoring for the paragraph.

File Review for 15(g):

Notices of Evaluation:

The Compliance Department reviewed XRF inspection work orders in Maximo completed between December 16, 2023 and June 15, 2024. Based on data as of June 27, 2024, 6,140 of 16,864 (36%) completed XRF inspection work orders contained the required NOE in Maximo. According to LHC, 10,188 of the 10,453 work orders without the NOE are in their Dynamics Tracker, 239 of the work orders are in their SharePoint Tracker, and the remaining 46 work orders have no data present according to LHC. The 46 work orders with no data were most likely never scheduled from Phase 1 according to LHC.

Notices of Hazard Reduction – Non-Exception Cases:

Between December 16, 2023 and June 15, 2024, the IT data reflected 659 “Non-Exception” cases (meaning the NOHRs were automatically generated through the Siebel system). The MU selected a sample of 50 of these cases and found that all 50 of these cases contained a copy of the NOHR attached in Siebel.

⁵ **Non-Exception (auto) NOHR:** Hazard Reduction Notice that is automatically generated by Siebel and mailed out by General Services Department, if any 1 of the following categories is satisfied:

- Dust wipes taken matched exactly to the dust wipes that were planned
- Dust wipes planned at apartment level but were taken at the room level
- Dust wipes taken were more than dust wipes planned but contained all dust wipes that were planned

⁶ **Exception (manual) NOHR:** Hazard Reduction Notice that is manually generated by the LHC Dust Wipe Unit and mailed out, if any 1 of the following categories is satisfied, indicating further investigation is needed:

- Dust wipes taken were less than dust wipes planned
- Dust wipes taken were more than dust wipes planned but did not include all dust wipes planned

Notices of Hazard Reduction – Exception Cases:

For “Exception” cases (where the NOHR must be manually generated by LHC), the Compliance Department obtained a list of RRP work orders that were closed and passed dust wipe clearance between December 16, 2023 and June 15, 2024. The list contained 191 exception work orders, and the Compliance Department randomly selected a sample of 39 work orders for review.

The Compliance Department requested evidence of email delivery from LHC to the developments with the NOHR attached in the email to the development. Upon review on July 2, 2024, the Compliance Department found that 39 of 39 (100%) work orders sampled had the respective emails and NOHR uploaded in Maximo. This is a notable improvement in performance from the January 31, 2024 certification when only 90% of exception related work orders had emails and NOHRs uploaded in Maximo. Further, the Compliance Department found that 36 of 39 work orders sampled were sent to the development within the required 15 calendar day deadline, which is a 92% compliance rate.

According to LHC, for the 3 work orders not sent out within the 15-day window, the batch of work orders were a part of the system error LHC periodically faces with the data warehouse software. The 3 NOHR notices were sent outside of the 15-day window after a final review was made for those particular months.

Overall Description of Compliance for 15(g):

For the Covered Period, the Compliance review of the sample selection of 50 non-exception work orders exhibited a positive result for 100% of the notices. For manually generated and e-mailed NOHRs, the Compliance review of the sample selection of 39 exception work orders exhibited a positive result for 100% of the notices based on having the respective emails and NOHR uploaded in Maximo. When verifying for whether the NOHR was emailed to the development within the required 15 days, the Compliance review indicates a positive result for 92% of the notices, which is an 8% decrease from the previous Covered Period.

Based on the results for the Covered Period, Compliance believes NYCHA was substantially compliant with the requirements under 24 CFR § 35.125 with respect to work performed using the handheld where Notices of Hazard Reduction could be tracked in the Maximo system.

Though not explicitly required under 24 CFR § 35.125, there is still not a process for notifying residents in writing following a failed dust wipe. Instead, upon a failed clearance, residents are notified by telephone or email about the need for the development to reschedule a re-cleaning of the work area. A second clearance examination and the Notice of Hazard Reduction is only generated when the unit passes clearance. Now that an automated system is in place for NOHRs, NYCHA needs to work on a method to auto-generate written notice to the resident following a failed clearance examination.

Paragraph 15(h): Containing or causing to be contained any work area to which lead safe work practices will apply by isolating the work area and waste generated so that no dust or debris leaves the work area in accordance with 24 CFR § 35.1345 and 40 CFR § 745.85(a).

Regulatory Requirements for 15(h):

24 CFR § 35.1345(b)(1) states as follows: “The worksite shall be prepared to prevent the release of lead dust and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.”

40 CFR § 745.85(a)(2) states as follows: “Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment 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. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.”

[Written Policies, Procedures, and/or Contract Specifications for 15\(h\):](#)

The Lead SP sets forth the containment and worksite isolation requirements. See Lead SP, §§ VII.J.10. through VII.J.12.

[IT Controls for 15\(h\):](#)

The RRP containment requirements referenced in this paragraph are addressed in the renovator’s checklist. As of November 1, 2019, the pre-acknowledgment form and renovator’s checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(h\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- Out of 151 EHS observations of worksite preparation activities, 100% were found to be in compliance.

[File Review for 15\(h\):](#)

The results of the file review are discussed in the description of compliance with paragraph 15(e), which identifies the work orders where the RRP checklist was completed.

[Overall Description of Compliance for 15\(h\):](#)

During the Covered Period, NYCHA made progress towards compliance with the requirement set forth in Paragraph 15(h) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(h);
- Successful application of IT controls that require workers to complete the Renovator’s Checklist before they can close the RRP work order;
- Field monitoring data providing observed compliance rates of 100% for worksite preparation activities and 100% for work activities;

- File review showing an upward trend of compliance to 89% (compared to 88% in the last certification) for completion of the renovator’s checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy for monitoring vendor work and collecting required RRP documentation from vendors. EHS reported that it continues to experience difficulties in identifying RRP vendor jobs. EHS did not observe any vendor RRP job during the covered period.

Overall, the Compliance Department recommends not certifying to this requirement until NYCHA strengthens policies on vendor record-keeping and monitoring.

Paragraph 15(i): Containing, collecting, and transporting waste from the renovation in accordance with 40 CFR § 745.85(a)(4).

Regulatory Requirements for 15(i):

40 CFR § 745.85(a)(4) states as follows: “(i) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered. (ii) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. (iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.”

Written Policies, Procedures, and/or Contract Specifications for 15(i):

The Lead SP sets forth the protocols for managing waste for RRP projects. See Lead SP, §§ VII.H.1.j. and VII.J.12.

IT Controls for 15(i):

The waste control requirements referenced in this paragraph are included in the renovator’s checklist. As of November 1, 2019, the renovator’s checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

Field Monitoring/QA for 15(i):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- EHS conducted 78 cleanup work phase observations and found an overall compliance rate of 100%.

[File Review for 15\(i\):](#)

The results of the file review are discussed in the Description of Compliance with paragraph 15(e), which indicates which work orders had the RRP checklist.

[Overall Description of Compliance for 15\(i\):](#)

During the Covered Period, NYCHA made progress towards compliance with the requirement set forth in Paragraph 15(i) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(i);
- Application of IT controls that require workers to complete the Renovator's Checklist before they can close the RRP work order;
- Field monitoring data providing an observed compliance rate of 100% for cleanup activities;
- File review showing an upward trend of compliance to 89% (compared to 88% in the last certification) for completion of the renovator's checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy for monitoring vendor work and collecting required RRP documentation from vendors. EHS did not observe any vendors during its field monitoring.

Overall, the Compliance Department recommends not certifying to this requirement until NYCHA strengthens policies on vendor record-keeping and monitoring.

Paragraph 15(j): Performing cleanup of any work area to which lead safe work practices apply until no debris or residue remains in accordance with 24 CFR § 35.1345, 35.1335 and 40 CFR § 745.85(a) and (b) and conducting and passing a clearance examination in accordance with 24 CFR § 35.1340 (including any follow-up as required by that section's subsection (e) after clearance failure(s)), as provided by 40 CFR § 745.85(c).

[Regulatory Requirements for 15\(j\):](#)

The above regulations set forth the mandated cleaning requirements and clearance examination requirements. Due to the number and length of these requirements, they are not reproduced in this section.

[Written Policies, Procedures, and/or Contract Specifications for 15\(j\):](#)

Policies and Procedures: The Lead SP sets forth the protocol for cleaning, cleaning verification, and clearance examinations. See Lead SP, §§ VII.H.1.j, and VII.I.1. through VII.I.10. Over a period of about six months, from June 16 to December 15, 2021, NYCHA integrated 2 significant new protocols into its clearance examination process. First, before cleaning activities begin, NYCHA requires the renovator to call into a newly established centralized dispatcher to request a dust wipe technician to be routed to the worksite. The purpose of this new dispatcher function is to improve communications between field staff and LHC. Second, NYCHA requires certified renovators to perform the EPA cleaning verification after final cleaning.

[IT Controls for 15\(j\):](#)

With respect to clearance examinations, the creation of an RRP or remediation off a visual assessment (interim control) work order automatically generates a work order for a clearance examination.

In addition, the requirements referenced in this paragraph are included in the RRP checklist. As of November 1, 2019, the RRP checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(j\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to cleaning activities, EHS makes the following overall observations:

- 511 dust wipe sample collection jobs were observed. 277 were for RRP clearance and 234 were for lead abatement clearance.
- There was a 100% compliance rate in the RRP clearance jobs observed. *See Attachment A.*
- EHS reviewed 511 clearance examinations, covering both abatement and RRP projects. EHS noted that all clearance examiners had proper credentials for their job type; that 511 of 511 jobs adhered to the 1-hour wait time between clearance and cleaning activities; that all clearance examiners conducted the visual inspection phase of the clearance examination; and that the clearance examiners adhered to dust wipe sample collection protocols 100% of the time.

[File Review for 15\(j\):](#)

Compliance, NYCHA IT, and LHC have developed a series of dashboards and reports to evaluate overall compliance with clearance examination requirements for interim controls and other RRP work orders. This section provides an overview of these dashboards and the trends that they are currently showing for the reporting period (December 16, 2023 to June 15, 2024). It should be noted that NYCHA still needs to perform additional validation of the data from the dashboards, however, the below tables represent the best available information at this time. Compliance examines the following indicators to better understand the current compliance rate for clearance examinations:

- **Timing of Initial Clearance Examination:** Compliance evaluates whether NYCHA is performing or attempting to perform the clearance examination within 24 hours, 48 hours, or after 48 hours of the final labor transaction on the Corrective Maintenance work order. Compliance also assesses whether the clearance was performed before the end of each weekly reporting cycle.
- **Pass/Fail/Pending Status of Dust Wipe Batches:** Compliance examines the trends exhibited each month for the number of dust wipe batches that (i) have passed; (ii) have passed after the initial dust wipe failed; (iii) remain in fail status; (iv) have failed based on a visual clearance; and (v) have results pending at the laboratory. Compliance also evaluates the levels of failed dust wipe samples to distinguish between minor exceedances and more significant exceedances.
- **Re-Cleaning and Re-Clearance:** Compliance examines the timing of recleaning following a failed clearance examination.

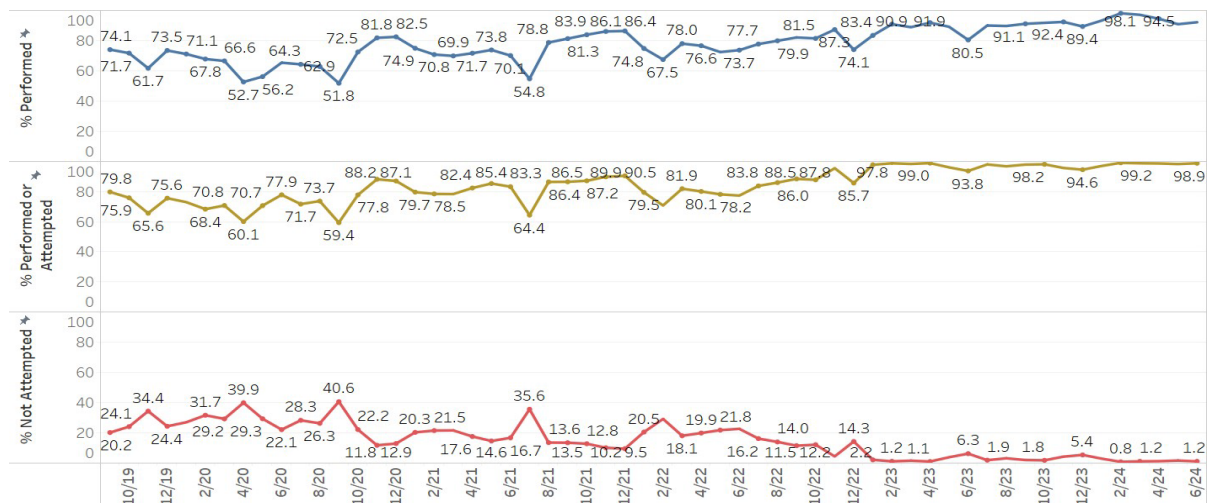
Timing of Initial Clearance Examinations and Overall Performance (December 16, 2023 - June 15, 2024)

Month	Total # of CM Work Orders	Total # of DW Performed in Reporting Week	Dust Wipes Performed in 24 Hours	Dust Wipes Performed in 48 Hours	Dust Wipe Batch Currently in Passed Status	DW 2 Attempts in 48 Hours for Dust Wipe Not Performed
December	180	147	130	10	171	2
January	493	416	326	35	452	4
February	569	483	371	52	530	1
March	592	513	386	52	550	2
April	632	529	413	40	578	3
May	425	302	217	37	367	5
June	134	86	57	11	87	1
Total	3,025	2,476	1,900	237	2,735	18

Analysis: During the reporting period, NYCHA completed 2,476 of 3,025 (81.9%) of clearance examinations within the weekly reporting cycle used to examine clearance examinations. NYCHA completed 1,900 of 2,476 (76.7%) of these clearance examinations within 24 hours of the last labor transaction on the Corrective Maintenance work order. NYCHA completed 2,137 of 2,476 (86.3%) of these clearance examinations within 48 hours of the last labor transaction on the Corrective Maintenance work order. These rates are all improvements relative to the last reporting period.

NYCHA maintained its prior improvements in clearance performance time from the previous reporting period. NYCHA attributes its increased performance to the strong coordination between Lead Hazard Control and the Department of Management and Planning, which oversees the interim control work.

Dust wipe trends performed or attempted by end of the weekly reporting cycle



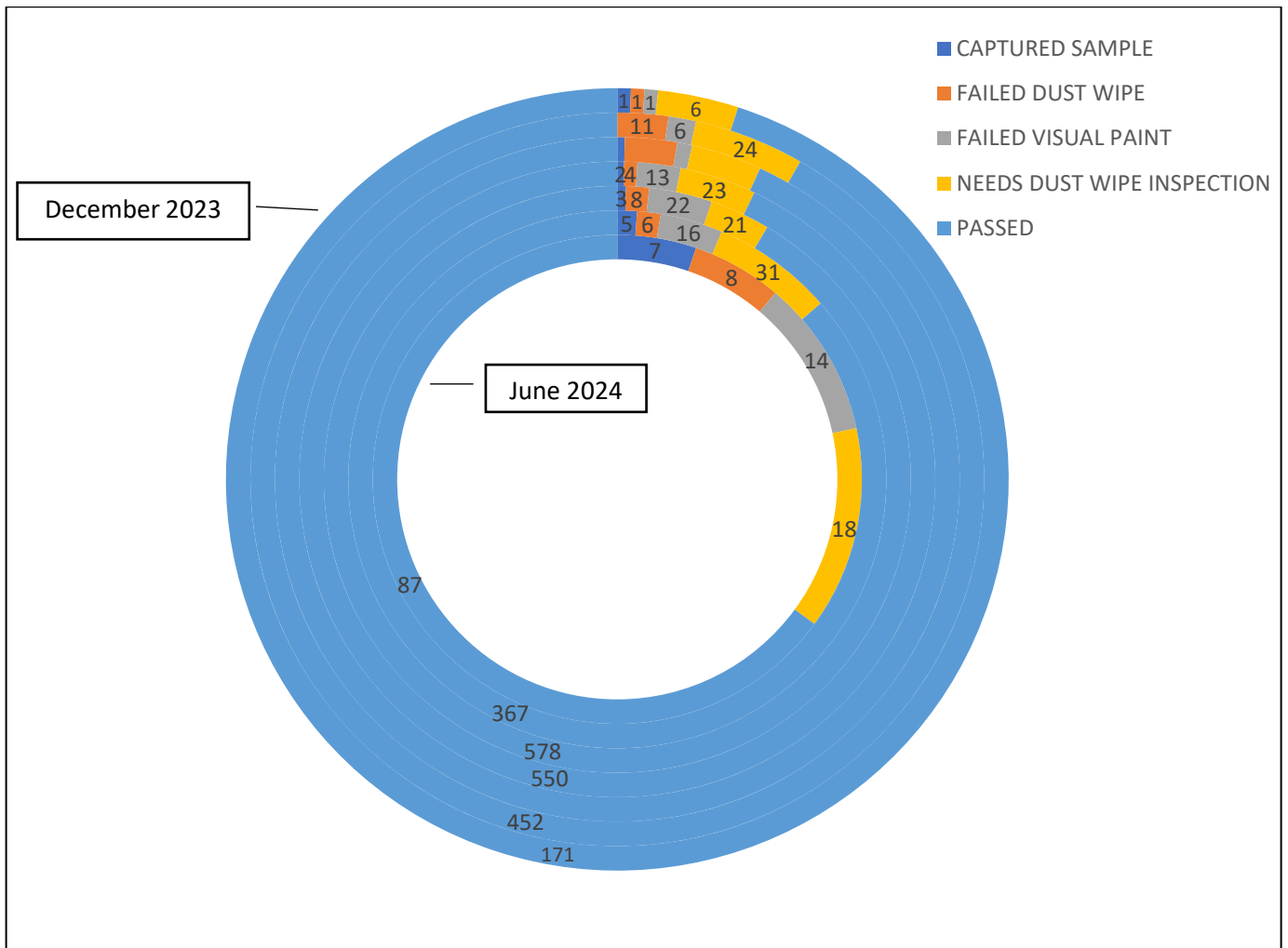
↑
December 2023

Analysis: Throughout the reporting period, LHC had consistently high performance both in terms of samples collected and attempted beginning in December 2023 through June 2024, typically ranging from nearly 90% to above 95%. In some weeks, LHC approached or achieved a 100% rate with respect to attempts.

Passed/Failed/Pending/Unperformed Statuses at the End of the Sixth Month Reporting Cycle:

Compliance conducted a review of the current status of all clearance examinations from December 16, 2023 to June 15, 2024. This analysis shows whether the clearance examination passed, remains in a failed status (and requires re-clearance), is still pending with the laboratory, or remains unperformed at this time. Note, the below visualization does not include the “fail history,” i.e., clearance examinations that initially failed but were re-tested and have now passed. Those clearance examinations are included in the “passed category.”

Each ring represents a calendar month, with June 2024 as the inner most ring and December 2023 as the outer most ring. The term “captured sample” means that the sample has been collected and is likely pending with the laboratory.



	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
CAPTURED SAMPLE	1	0	2	2	3	5	7	20
FAILED DUST WIPE	1	11	14	4	8	6	8	52
FAILED VISUAL PAINT	1	6	4	13	22	16	14	76
NEEDS DUST WIPE INSPECTION	6	24	19	23	21	31	18	142
PASSED	171	452	530	550	578	367	87	2,735
TOTAL	180	493	569	592	632	425	134	3,025

Analysis:

- 90.4% of the clearance examinations performed over the reporting period are in “pass” status (vs. 85.2% in the prior period). This sustained improvement is notable, given that NYCHA uses New York City’s clearance standards, which are more stringent than the federal standards;
- 4.7% have not had clearance examinations yet (vs. 9.1% in prior period);
- 0.7% have been collected and are pending lab analysis (vs. 0.7% in prior period);
- 1.7% remain in fail status (vs. 2.1% in prior period); and
- 2.5% failed the visual phase of the clearance examination (vs. 2.8% in prior period).

While NYCHA mostly sustained the improved performance reported in the last the six-month reporting period, there are still some compliance shortfalls that NYCHA needs to address, as 9.6% of dust wipe clearance examinations are not in passed status.

The number that are in fail status at the end of the reporting period is 1.7%. Some of these failed samples are several months old. This shows that NYCHA still has work to do in improving the re-cleaning and re-clearance process. While Compliance and LHC did build dashboards and trackers to monitor development responsiveness on re-cleaning needs, some lead clearance projects still remain in fail status for months.

Lead Dust Levels of Individual Failed Samples by Surface Area

The below analysis accounts for changes in June 2021 in New York City’s lead dust standards and is instructive to evaluate NYCHA’s performance under Paragraph 15(j). NYCHA will continue to report on these findings.

The current New York City and federal dust wipe thresholds are different for floors, window sills and window wells. NYCHA applies the New York City standards because they are more stringent than the federal standards. The below chart shows the difference between the two standards:

Surface	Federal	NYC (which NYCHA uses)
Floor	10 µg/ft ²	5 µg/ft ²
Window Sill	100 µg/ft ²	40 µg/ft ²
Window Well	400 µg/ft ²	100 µg/ft ²

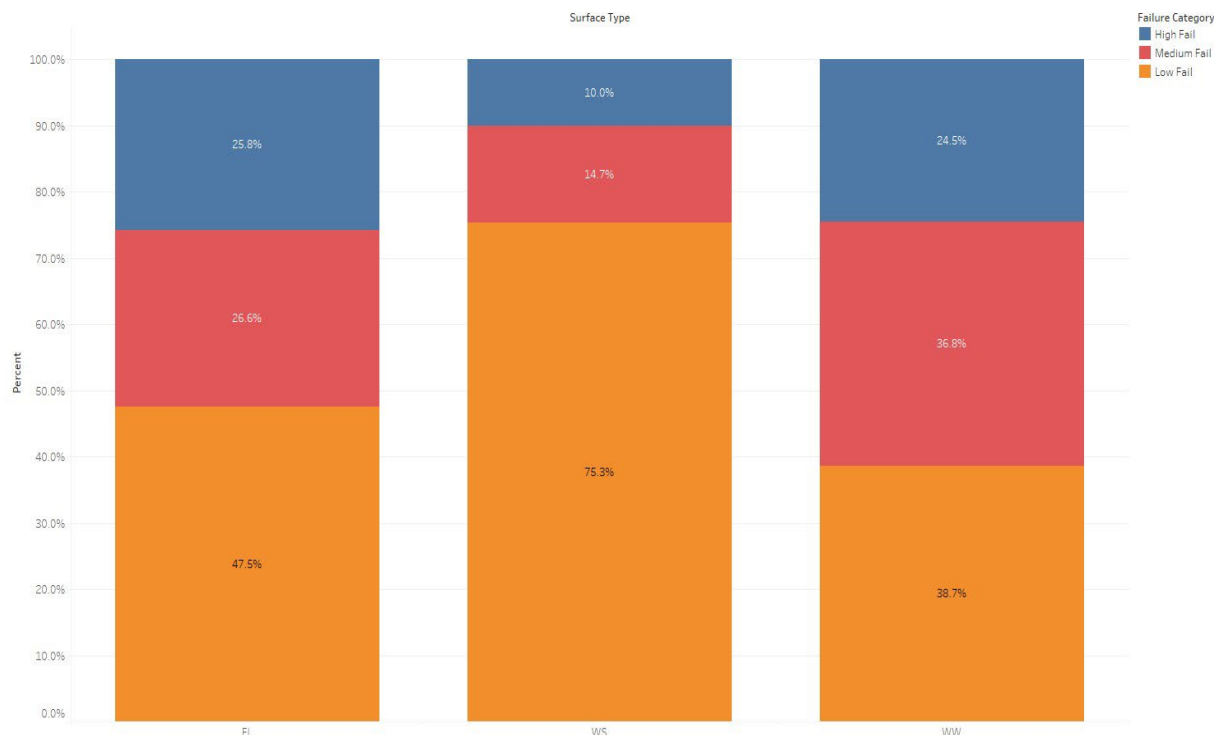
The chart and dashboard below show the lead levels of individual failed samples within pre-defined ranges, broken down by a range of low, medium, or high fail categories from December 16, 2023 to June

15, 2024. This analysis has been updated to match New York City’s revised lead dust standards in June 2021. In addition, regardless of the category, any failed sample requires re-cleaning and re-clearance.

NYCHA’s dashboards currently uses the following ranges (in $\mu\text{g}/\text{ft}^2$):

Result	Floor	Window Sill	Window Well
Pass	<5	<40	<100
Low Fail	5 to <10	40 to <100	100 to <200
Medium Fail	10 to <20	100 to <200	200 to <400
High Fail	20+	200+	400+

Lead Dust Levels on Surface Area



Analysis: The above chart shows that many failed samples for all three surface areas is in the lower fail range. The (i) Low Fail samples for window sills that fall between 40-100 $\mu\text{g}/\text{ft}^2$ (accounting for 75.3% of the failed window sill samples), (ii) Low Fail samples for floors that fall between 5-10 $\mu\text{g}/\text{ft}^2$ (accounting for 47.5% of the failed floor samples), and (iii) Low and Medium Fail samples for window wells that fall between 100-400 $\mu\text{g}/\text{ft}^2$ (accounting for 75.5% of the failed window well samples) would all be below the current EPA standards. Thus, the stricter NYC standards are driving the majority of fails.

It is important to note that for floors, the percentage of high fail dust wipes decreased from 32.3% in the January 2024 HUD Certification report to 25.8% in this Certification report. For window sills the percentage of high fail dust wipes slightly decreased, shifting from 12.5% in the January 2024 HUD Certification report to 10.0% in this Certification report. For window wells, the percentage of high fail dust wipes increased from 15.7% in the January 2024 HUD certification report to 24.5% in this Certification

report. Compliance plans to continue to increase its efforts to reinforce the importance of following cleaning protocols among staff that are consistently failing at high rates.

[Overall Description of Compliance for 15\(j\):](#)

With respect to clearance, during the Covered Period, NYCHA made progress towards compliance with the requirement set forth in Paragraph 15(j) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures;
- The improvement of IT controls and reporting on clearance examinations;
- Field monitoring observed high rate of compliance with cleaning verification and clearance protocols;
- Improving metrics with respect to collection and clearance performance.

However, a review of the Maximo data still shows that NYCHA needs to improve the timing of initial clearance examinations and the performance of re-clearance examinations. NYCHA also needs to reduce the number of projects without clearance examinations and improve the lab turnaround time. NYCHA has also not instituted worksite protections after cleaning but pending final clearance results, which is a very significant aspect of the clearance requirements. NYCHA also still faces implementation challenges in operationalizing same day clearance or temporary relocation efforts.

NYCHA cannot certify to compliance with this paragraph until these shortfalls are addressed.

Attachment A

[See attached – EHS July 2024 Lead Certification Report (FINAL)]

Attachments B, C, D, E, F, G, H, I, J

[Available Upon Request]

Attachment K

PACT Abatement and Documentation Oversight

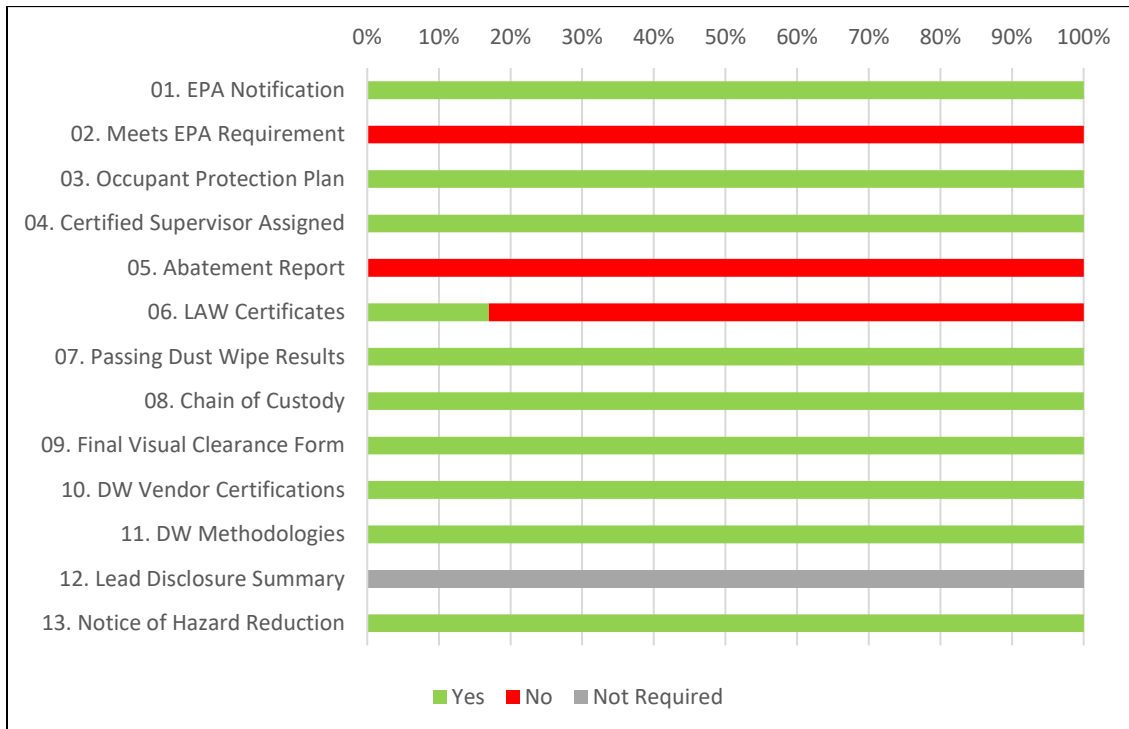
PACT Partners performing modernization activities at sites that closed after December 2021 are obligated under the transaction documents to abate all lead-based paint in units and interior and exterior common areas available for use by residents. The PACT Partner is abating all lead-based paint in units, and in interior and exterior common areas unless approved by NYCHA, via removal and the Partner must remove all lead-based paint that test positive at the 0.5 mg/cm² standard to ensure the development is “lead-free”. Two properties not covered by the oversight program, Union Avenue Consolidated and Reid Apartments/Park Rock Consolidated, closed more recently and only recently started abatement during the Covered Period. They will be covered in subsequent reports.

NYCHA has collaborated with the Manhattan Bundle and the Brooklyn Bundle to assess the number of units that require abatement at the prior 1.0 mg/cm² standard. Notably, these transactions closed before the standard changed on December 1, 2021 and they were not covered by requirements that they upload information to the Smartsheets.

1. Boulevard | Belmont Sutter Area | Fiorentino Plaza

This PACT project consists of approximately 1,673 apartment units. Based on the 0.5 mg/cm² positivity rate to date, new testing reveals that 789 units are presumed lead positive, up from the 669 units previously reported. As of June 2024, 425 units (approximately 54% of the total presumed lead positive units) have been abated and cleared.

NYCHA reviewed the supporting documents for 6 units abated and cleared. NYCHA Compliance noted the following items:



- Evidence that the EPA notification requirement was met was not found in the 6 files reviewed.
- None of the 6 reviewed files contained abatement reports.
- Only 1 of the 6 reviewed files contained LAW certifications.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

Field Monitoring at Boulevard

The tables below present the results of the field observations conducted during abatement and clearance activities at Boulevard during this Covered Period. A total of 106 field observations were conducted for abatement activities and 13 for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses.

Compliance Task-Abatement - Boulevard	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Administrative Controls	
Resident Notification Posted	106 (2)
LBP Contractor's EPA/NYC Notification Posted	106 (30)
LBP Supervisor's EPA/NYC Certifications Posted	106 (30)
LBP Worker's EPA/NYC Certifications Posted	106 (30)
NYCHA Approved Work Plan Posted	106 (2)
Hazard Communication Program On-site	106 (7)
Log Book On-site with Current Entries	106 (41)
Equipment Manufacturer's Specification/Cut Sheet	93 (6)
Engineering Controls	
Warning Tape & Signs Present	55(2)
Moveable Objects Cleaned & Removed	95 (0)
Critical Barriers Established & Maintained	50 (1)
Containment Established	52 (1)

Compliance Task- Clearance	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Clearance Controls	
Met Minimum 1 Hour Waiting Period	13(0)
Inspector Clearance Certification Available (and Not Expired)	14(0)
Visual inspection Performed	14(0)
Visual Inspection Results Recorded	14(0)

Compliance Task- Clearance	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Visual Inspection Passed	14(3)
Sample Collection Observed by STV/Matrix	13(0)
Unused Gloves for Each Dust Wipe Sample	13(0)
Template or Acceptable Alternative Used	13(0)
Template Cleaned Between Samples	4(0)
Correct Sampling Collection Technique - Floors	13(5)
Correct Sampling Collection Technique - Windows/Narrow Areas	7(1)
Correct Wipe Sample Packaging	13(5)
Hard Shell Sealable Centrifuge Tube for Container	13(0)
Sample Collection Vials Correctly Labeled	13(0)
Sample Container Label Matches Sample Location	13(0)
Sample Area Correctly Measured	1(0)
Correct Number of Field Blanks	13(0)
One Dust Sample Taken from Floor for Each Room	12(1)
Dust Samples Taken from Windows if Present	3(0)
Sample Collected Outside/Within 10 Ft of Containment Area	13(1)
Chain of Custody Form	14(0)

Summary of Field Observations

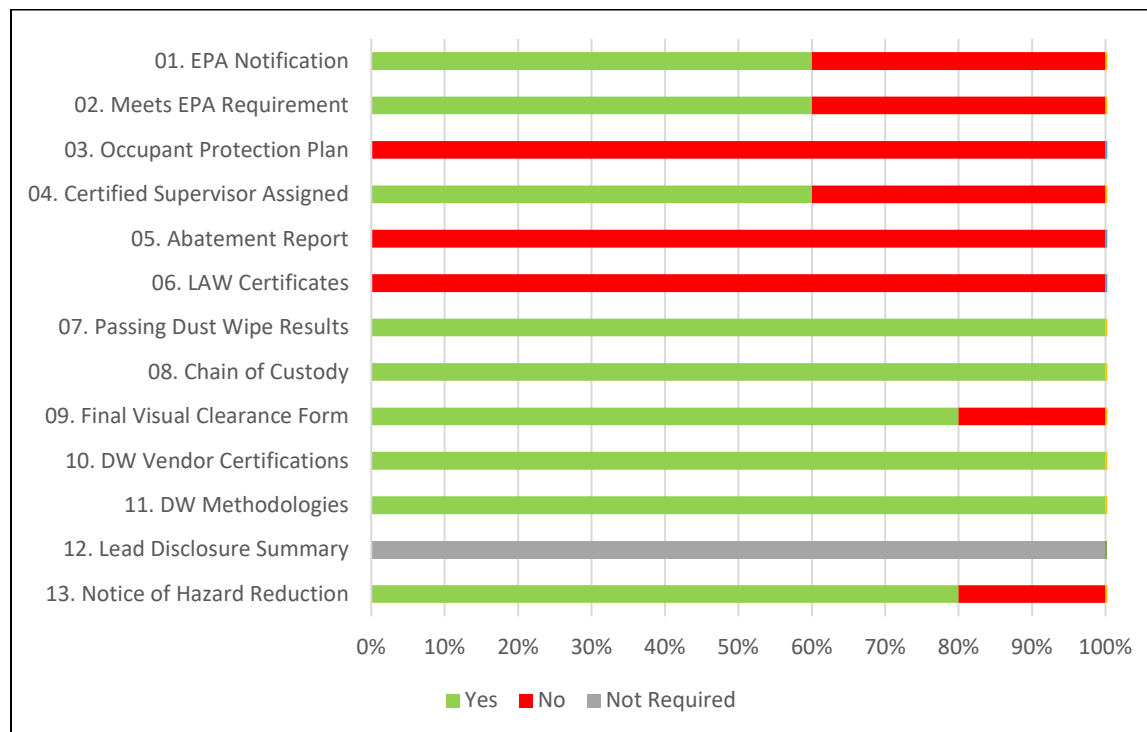
In the early part of the Covered Period, several deficiencies were noted at Boulevard. In January, numerous abatement and clearance issues arose, including expired paperwork, lack of logbooks, inadequate dust control, and improper use of HEPA vacuum shroud attachments. Poor coordination and quality of cleaning were also observed, with visible debris remaining post-abatement. Clearance sampling techniques and packaging were frequently inadequate. In February, issues with cleaning practices and logbook completeness persisted, along with visual inspection failures during clearance sampling. In March, observations included improper containment methods and one instance where entry was denied to the Matrix inspector (STV subcontractor) during post-abatement cleanup. Despite some issues being resolved in April, ongoing deficiencies required continued attention. By May, no new abatement deficiencies were reported, indicating improvement. Overall, corrective actions have been implemented, particularly in addressing clearance deficiencies, though some abatement issues remain ongoing.

2. Linden Penn Wortman

Lead abatement started in June 2022. This PACT project encompasses a total of 1,922 units, and the PACT Partner has initially identified a positivity rate when testing that suggests approximately 314 units with lead-based paint. As of June 2024, 117 units (37% of the identified lead units) have been abated and cleared. Linden Houses and Penn Wortman, relative to other PACT Partners that closed in late 2021 or early 2022, has been slow to abate units even though construction has been ongoing. During the Covered Period, NYCHA Compliance and REDD also worked with the PACT Partner to address concerns related to

older Elevated Blood Lead Level cases at the property and has been tracking the PACT Partner’s completion of risk assessments and re-cleanings in several units. NYCHA Compliance and REDD have been engaged with the PACT Partner to ensure the pace of abatement is increased and an analysis of potential dust hazards across the property is completed.

NYCHA reviewed the supporting documents for 5 units abated and cleared. NYCHA Compliance noted the following items:



- EPA notifications were found in 3 of the 5 reviewed files and were submitted in a timely manner for 3 of 5 abatement files.
- The OPP was not located in any of the of the 5 reviewed files.
- The abatement report and LAW certificates were not available for any of the 5 reviewed files.
- Passing dust wipe results were available for 5 of the 5 (100%) reviewed files.
- Dust wipe methodologies were uploaded for all 5 (100%) reviewed abatements.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

[Field Monitoring at Linden Houses and Penn Wortman](#)

The tables below present the results of the field observations conducted during abatement and clearance activities at Linden during this covered period. A total of 35 field observations were conducted for abatement activities and only one for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses.

	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Compliance Task-Abatement	
Administrative Controls	35(0)
Resident Notification Posted	35(0)
LBP Contractor's EPA/NYC Notification Posted	35(0)
LBP Supervisor's EPA/NYC Certifications Posted	35(0)
LBP Worker's EPA/NYC Certifications Posted	35(0)
NYCHA Approved Work Plan Posted	35(0)
Hazard Communication Program On-site	34(3)
Log Book On-site with Current Entries	35(8)
Equipment Manufacturer's Specification/Cut Sheet	28(6)
Engineering Controls	
Warning Tape & Signs Present	29(0)
Moveable Objects Cleaned & Removed	33(0)
Critical Barriers Established & Maintained	29(0)
Containment Established	31(4)

	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Compliance Task- Clearance	
Clearance Controls	
Met Minimum 1 Hour Waiting Period	1(0)
Inspector Clearance Certification Available (and Not Expired)	1(0)
Visual inspection Performed	1(0)
Visual Inspection Results Recorded	1(0)
Visual Inspection Passed	1(0)
Sample Collection Observed by STV/Matrix	1(0)
Unused Gloves for Each Dust Wipe Sample	1(0)
Template or Acceptable Alternative Used	1(0)
Template Cleaned Between Samples	0
Correct Sampling Collection Technique - Floors	1(0)
Correct Sampling Collection Technique - Windows/Narrow Areas	0
Correct Wipe Sample Packaging	1(0)
Hard Shell Sealable Centrifuge Tube for Container	1(0)
Sample Collection Vials Correctly Labeled	1(0)
Sample Container Label Matches Sample Location	1(0)
Sample Area Correctly Measured	1(0)

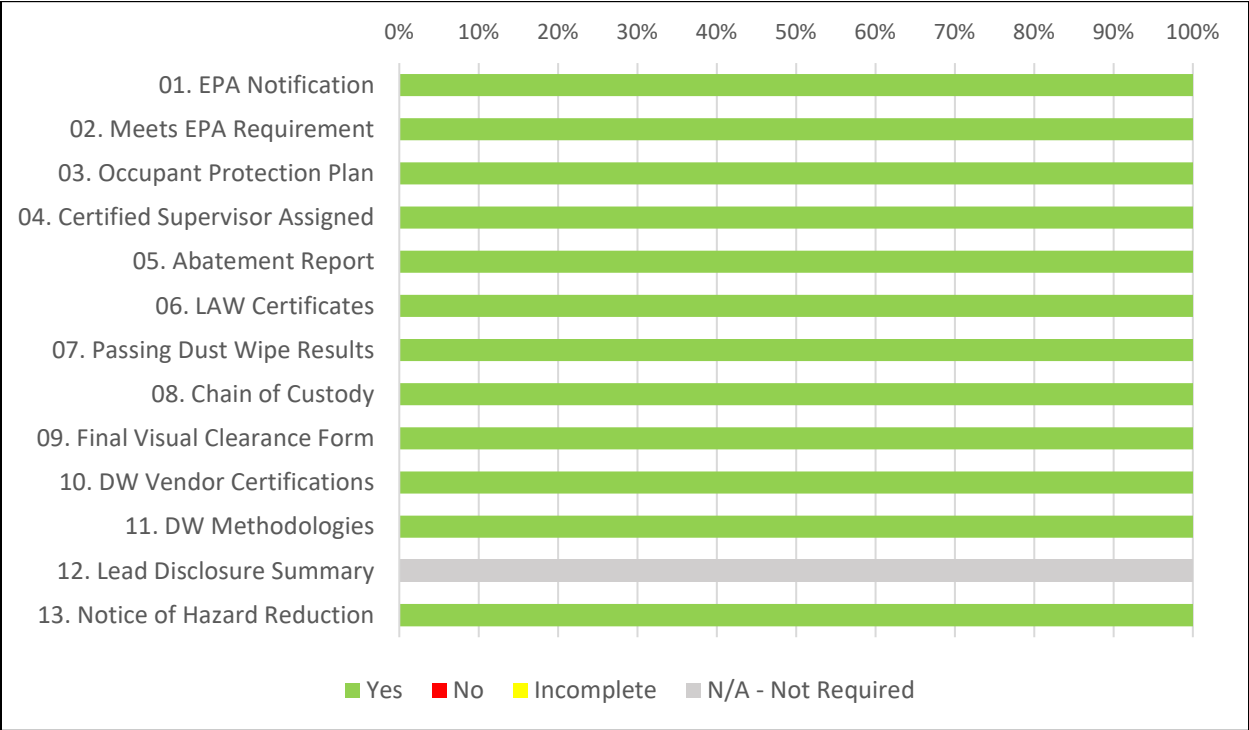
Compliance Task- Clearance	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Correct Number of Field Blanks	1(0)
One Dust Sample Taken from Floor for Each Room	1(0)
Dust Samples Taken from Windows if Present	0
Sample Collected Outside/Within 10 Ft of Containment Area	1(0)
Chain of Custody Form	1(0)

Summary of Field Observations

From February to May 2024, the abatement and clearance process experienced varying levels of deficiencies and corrective actions. In January, there were no abatement deficiencies or clearance inspections. February saw some issues, including improper equipment use, inadequate containment, log book deficiencies, all of which were corrected by late February. In April, equipment specifications were not provided on two occasions, a recurring problem. May reported no new deficiencies, but past issues from April persisted.

3. Edenwald

Lead abatement commenced in July 2023. Edenwald comprises 2,035 units, of which NYCHA estimates 879 will test positive for lead based on the current positivity rate. As of June 2024, 248 units have already been abated and cleared, representing approximately 28% of the estimated total. During this period alone, the PACT Partner abated and cleared 172 units. This is an increase of approximately 154% compared to the last reporting period. NYCHA Compliance noted the following items:



- The PACT developer uploaded all required documentation including full and complete OPPs, abatement reports. LAW certificates, passing dust wipe results and DW vendor certifications.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

Field Monitoring at Edenwald

During this period, STV performed 34 discrete field observations for each of the abatement controls and 11 observations for clearance controls. However, there were instances where not all controls could be observed in all units inspected; thus, the numbers might differ from one control to another (i.e. not all controls were observed during all inspections; therefore, the numbers may not match exactly between abatement and clearance). Observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in between parentheses.

Compliance Task-Abatement	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Administrative Controls	34(0)
Resident Notification Posted	34(0)
LBP Contractor's EPA/NYC Notification Posted	34(0)
LBP Supervisor's EPA/NYC Certifications Posted	34(0)
LBP Worker's EPA/NYC Certifications Posted	34(0)
NYCHA Approved Work Plan Posted	34(0)
Hazard Communication Program On-site	34(0)
Log Book On-site with Current Entries	34(0)
Equipment Manufacturer's Specification/Cut Sheet	25(0)
Engineering Controls	
Warning Tape & Signs Present	34(0)
Moveable Objects Cleaned & Removed	34(0)
Critical Barriers Established & Maintained	34(0)
Containment Established	34(0)

Compliance Task- Clearance	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Clearance Controls	
Met Minimum 1 Hour Waiting Period	11(0)
Inspector Clearance Certification Available (and Not Expired)	11(0)
Visual inspection Performed	11(0)
Visual Inspection Results Recorded	11(0)

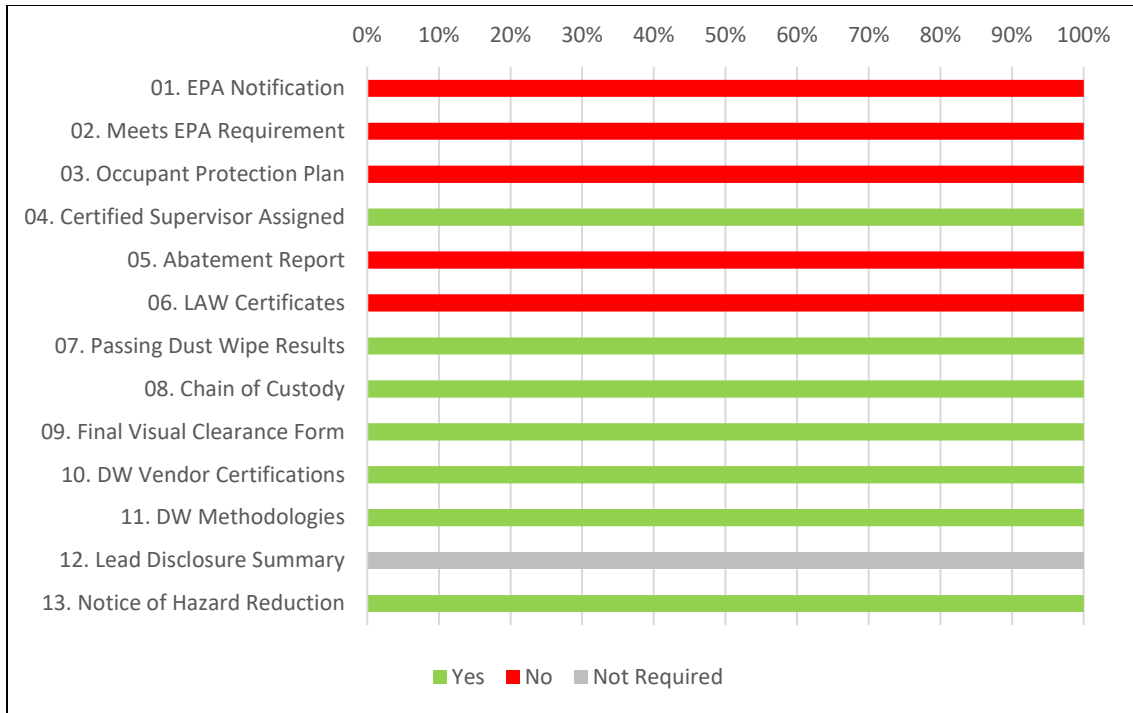
Compliance Task- Clearance	Number of inspections observed (# non-compliant) 12/16/23-6/15/24
Visual Inspection Passed	11(0)
Sample Collection Observed by STV/Matrix	11(0)
Unused Gloves for Each Dust Wipe Sample	11(0)
Template or Acceptable Alternative Used	11(2)
Template Cleaned Between Samples	10(0)
Correct Sampling Collection Technique – Floors	11(0)
Correct Sampling Collection Technique - Windows/Narrow Areas	11(0)
Correct Wipe Sample Packaging	11(0)
Hard Shell Sealable Centrifuge Tube for Container	11(0)
Sample Collection Vials Correctly Labeled	11(0)
Sample Container Label Matches Sample Location	11(0)
Sample Area Correctly Measured	8(0)
Correct Number of Field Blanks	11(0)
One Dust Sample Taken from Floor for Each Room	11(0)
Dust Samples Taken from Windows if Present	10(0)
Sample Collected Outside/Within 10 Ft of Containment Area	11(0)
Chain of Custody Form	11(0)

Summary of Field Observations

Edenwald abatement activities showed no deficiencies for the periods of January, February, and May, with all abatement and clearance tasks completed without issues. In March, there was one minor clearance deficiency where the template was not taped down during floor clearance sampling; the inspector was promptly alerted. No inspections were conducted in April 2024. Past deficiencies noted in earlier months were corrected by the subsequent inspections.

4. Audubon | Bethune Gardens | Marshall Plaza

ABM comprises 557 units, of which NYCHA estimates 38 will require lead abatement. As of June 2024, 36 units have already been abated and cleared. NYCHA reviewed the supporting documents for 2 units abated and cleared. NYCHA Compliance noted the following items:



- Evidence that the EPA notification was submitted and submitted in a timely manner was not found in the 2 reviewed files.
- Neither of the 2 reviewed files contained an OPP, abatement report, or LAW certificates.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

Summary of Field Observations

Due to the small number of abatements, no field observations were conducted at Audubon, Bethune Gardens or Marshall Plaza.