



Subject: LEAD MANAGEMENT

Policy No. 124

APPLICATION

All New York University academic and residential facilities.

PURPOSE

To protect employees and their children from exposure to lead in residential facilities and employees in academic facilities during renovation projects.

POLICY AND GENERAL INFORMATION

1.0 Introduction

Lead has been recognized as a health hazard to those exposed to high levels, particularly young and unborn children. The Environmental Protection Agency (EPA) has passed legislation (the Residential Lead-Based Paint Hazard Reduction Act, Title X, of 1992 and 40 CFR 745) intended to protect children from exposure to lead-based paint in housing. Local Law 1 of 2004, of the City of New York, is the local governing law pertaining to the prevention of lead poisoning. In addition, the Occupational Safety and Health Administration (OSHA) passed legislation to protect construction workers who may be exposed to airborne lead (29 CFR 1926.26).

This policy incorporates the various regulations to ensure that University staff are not exposed to lead during renovation activities and that children of staff members in University housing are not exposed to lead.

2.0 Definitions

Action Level – The OSHA action level is 30 micrograms/cubic meter of air over an 8-hour time weighted average.

Child-Occupied Dwelling – a housing facility that houses a child seven years and under or is visited by that child regularly (i.e., residences, preschools and day care centers).

Lead-based paint – paint that contains greater than 0.5% lead by weight.

Lead Poisoning in Children – those having a blood lead level of 20 micrograms/deciliter or greater or two reported blood lead levels of 15 micrograms/deciliter or higher at least three months apart.

Lead-Based Paint Hazard – peeling or deteriorated lead-based paint or lead-based paint on a deteriorated surface. Also included are friction and impact surfaces.

ISSUE DATE	REPLACES	ORIGINATOR	APPROVAL
11/05	09/02	ENVIRONMENTAL SERVICES	SR. VP OPERATIONS AND ADMINISTRATION

Permissible Exposure Level – The OSHA permissible exposure level (PEL) for lead is 50 micrograms/cubic meter of air over an 8-hour time weighted average.

3.0 Responsibilities

3.1 The Sr. Director of Environmental Services Department is responsible for:

- developing the Lead Management Program at the NYU Washington Square Campus;
- arranging for lead investigations where necessary;
- providing guidance to Real Estate and Housing properties prior to minor painting activities that deal with lead-based paint;
- managing lead-based paint waste disposal through the University's hazardous waste vendor;
- periodic visual inspections of Real Estate lease agreements to check for disclosure documents, as outlined in Section 4.0; and
- revising the Lead Management Policy, as necessary.

3.2 The Real Estate Department (landlord) is responsible for:

- Grubb & Ellis is the managing agent for NYU's Real Estate Department; they are responsible for ensuring that all applicable lead regulations are being followed on behalf of the University;
- upon a new tenant signing a lease agreement, ask if there is a child seven years of age or under is to reside in the dwelling; a hard copy of the questionnaire shall be placed in the tenant file;
- sending out a notice to tenants at least once a year requesting if there is a child seven years or younger residing in the dwelling;
- visually inspecting the apartment once a year if a child seven years or under resides there;
- coordinate with Environmental Services for Lead-based Paint investigations and remediation;
- correct any peeling lead-based paint; retain lead paint chips for hazardous waste disposal (through Environmental Services).
- notifying Environmental Services of all daycare centers in their properties.

3.3 The Departments of Maintenance and Operations and Planning and Construction are responsible for:

- notifying Environmental Services of upcoming projects that may generate lead dust or fumes; a case by case investigation will be performed;
- notifying Environmental Services which employee will perform any activity that may generate lead dust or fumes;
- ensuring that outside construction contractors comply with the Lead Management Program and applicable regulations; all paint waste generated must be retained and packaged properly for hazardous waste disposal (through Environmental Services).

3.4 The University Health Center is responsible for:

- developing and implementing an OSHA medical surveillance program for lead, and
- maintaining employee records, as required.

4.0 Disclosure of Lead-Based Paint

Under 24 CFR Part 35 and 40 CFR Part 745, the University, as landlord, is required to notify residential tenants of any known lead-based paint within the dwelling.

Leasing agreements must include the following documents

- written request asking tenant if there is a child, age seven and under, who will be residing in the apartment or visiting regularly;
- disclosure of information stating that the apartment contains lead-based paint;
- a copy of the EPA pamphlet, "*Protect your Family From Lead in Your Home*".

5.0 Lead Management

5.1 Occupational Exposure to Lead – Exposure Assessment

If there are any employees who perform work that may generate lead dust or fumes, an initial assessment will be made to determine if employees will be exposed to lead at or above the Action Level or PEL and to determine the number of days per year the worker will be involved in this activity.

OSHA personal air monitoring will be conducted on employees performing activities that may generate lead dust or fumes. Employees will be notified of the results of the monitoring. Should the Action Level or PEL be exceeded, medical surveillance and training will be triggered (see Section 5.4).

5.2 Engineering Controls

When any person is performing an activity that may generate lead dust or fumes (i.e., demolishing, scraping, sanding, abrasive blasting, welding, cutting, torch burning, etc. on surfaces coated with lead-based paint), engineering controls shall be used. Engineering controls include, but is not limited to, work area separation with plastic sheeting, placing the work area under negative air pressure, misting the air to minimize dust levels, etc.). All means necessary to keep exposure below the PEL shall be followed.

5.3 Medical Surveillance

In the unlikely event that an employee is exposed above the OSHA Action Level or PEL, the University Health Center will:

- conduct a medical examination of the employee annually;
- perform a blood test to determine the level of lead in blood; if blood lead levels are equal to or greater than 40 micrograms of lead per deciliter of blood, an annual medical exam will be provided; and
- medical removal of lead may be required if elevator blood lead levels persist.

5.4 Personal Protective Equipment

Respirators will be used, as per Safety Policy #109, if engineering and administrative controls and work practices do not reduce the lead levels below the Action Level or PEL.

Protective work clothing should be donned during activities that may create lead dust and fumes. Disposal or laundering of the clothing will be provided. No clothing will be allowed to be taken home by employees.

5.5 Hygiene Facilities and Practices

- 5.5.1 Eating, drinking, smoking or applying of cosmetics is not permitted in areas where employees may be exposed to lead above the PEL.
- 5.5.2 Hand and face washing are required after performing activities that generate lead dust or fumes.
- 5.5.3 Street clothes should not be worn during activities that generate lead dust and fumes; disposable or washable clothing will be provided by the supervisor.

5.6 Training

Training will be provided to employees who may be exposed above the OSHA Action Level or PEL. The training session will consist of:

- the contents of the OSHA lead standard;
- the nature of activities that may generate lead dust and fumes that would cause the Action Level or PEL to be exceeded;
- requirements for personal protective equipment (PPE);
- controls to minimize one's exposure to lead dust and fumes; and
- a description and purpose of the medical surveillance program.

5.7 Lead Abatement

- 5.7.1 If lead-based paint is determined (from the facility assessment), it shall be removed in a manner as to minimize the generation of lead dust and fumes;
- 5.7.2 Outside vendors shall be notified by the department that retained them of this policy, should lead-based paint be required to be removed;
- 5.7.3 Outside vendors must have a written lead compliance program which describes the activities that may generate lead dust and fumes and what preventative measures will be taken during such activities to control exposure to their workers and University employees (29CFR1926.62);
- 5.7.4 Outside vendors are responsible for providing medical surveillance, training and personal protective equipment for their own employees;
- 5.7.5 Outside vendors that disturb lead based paint must have EPA lead based paint certification for individual workers as well as the firm.
- 5.7.6 Lead waste generated (paint chips, rags used in the chemical stripping of lead paint, etc.) shall be collected in NYC DOT approved steel transport drums (#17C). Disposal shall be arranged by the Environmental Services Department (x81450).