

Title: Lead-Based Paint Management Procedure
Effective Date: November 2005
Revision Date: January 12, 2017
Issuing Authority: VP, Facilities and Construction Management
Responsible Officer: Director Environmental Health and Safety

PURPOSE OF THE PROCEDURE

To protect employees and their children from exposure to lead in residential facilities and employees in academic facilities during renovation projects. This procedure establishes general procedures for the identification, maintenance, accidental disturbance, and remediation of lead-based paint in accordance with local and federal regulations.

Lead-based paint (LBP) that is in poor condition is known to be a potential health hazard. This procedure provides guidelines for reporting potential lead-based paint hazards in University buildings (Academic and Residential) and provides guidelines and work practices to minimize exposure to lead-containing dust.

SCOPE OF THIS PROCEDURE

Lead has been recognized as a health hazard to those exposed to high levels, particularly young children and pregnant women. 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 particulates (29 CFR 1926.26).

This procedure 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.

WHO NEEDS TO KNOW THIS PROCEDURE

All New York University academic, commercial and residential facilities.

PROCEDURES FOR IMPLEMENTATION

Responsibilities:

Department of Environmental Health and Safety

1. Developing the Lead Management Program at the NYU Washington Square Campus, Dental Center, and Tandon School of Engineering campus.
2. Arranging for lead investigations where necessary.
3. Providing guidance to Capital Projects & Facilities and Faculty Housing properties prior to minor painting activities that deal with lead-based paint.
4. Managing lead-based paint waste disposal through the University's hazardous waste vendor.
5. Periodic audits of residential lease agreements to check for disclosure documents, as outlined in Section 4.0.
6. Revising the Lead Management Procedure, as necessary; and qualifying consultants and contractors.

Facilities Manager and Faculty Housing Departments

1. Ensuring that all applicable lead regulations are being followed on behalf of the University in their residential facilities; upon a new tenant signing a lease agreement, ask if there is a child five years of age or under is to reside in the dwelling; a hard copy of the questionnaire shall be placed in the tenant file.
2. Sending out a notice to tenants at least once a year requesting if there is a child five years or younger residing in the dwelling;
3. Arranging for visual inspections of the apartment once a year if a child five years or under resides there.
4. Coordinate with Environmental Health and Safety for Lead-based Paint investigations and remediation.
5. Making apartment's lead-safe by correcting any peeling lead-based paint; retain lead paint chips for hazardous waste disposal (through Environmental Health and Safety).
6. Notifying Environmental Health and Safety of all daycare centers in their properties.

Facilities & Construction Management (FCM)

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

University Health Care

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

Maintenance and Housekeeping

Personnel Medical Surveillance

Complaint Response

PROCEDURE 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 five 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.

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.

UNIVERSITY PROCEDURE

RESPONSIBILITIES

Disclosure of Lead-Based Paint

1. Faculty Housing and Cushman Wakefield are responsible for initial disclosures and information sharing related to Lead Based Paint within faculty residential apartments, these duties include:
 - a. At lease signing/lease renewal, FCM/Faculty Housing must provide tenant with required form, properly completed, and obtain tenant signature on form to keep in lease file;
 - b. Provide a copy of the EPA pamphlet Protect your Family from Lead in Your Home.
 - c. FCM/Faculty Housing must provide tenant with copies of all lead-based paint related reports for their specific apartment and common areas of the building. This includes reports for all inspections, tests, paint abatement, and dust clearance tests that have ever been performed in the applicable apartment, and all common areas. NOTE: All reports must be provided, even if abatement has been done in the apartment/common area, until a location is certified as "Lead Based Paint Free".
 - d. For Sublease Agreements – Faculty Housing will have a cover letter to the agreement indicating that subtenants must go to building management office before moving in to receive required documentation and to get subtenant contact information.
 - e. NYU Leased Apartments – Faculty Housing is in contact with the Building Owner to obtain lead-based paint information (inspection reports, confirmation of tenant notification information, etc.) and ensure that all lead-based paint reports are provided to the tenant at lease signing/renewal. Copies have been provided to Faculty Housing
2. New York City Local Law 1 – Requirements for All Apartments Constructed Prior to 1978
 - a. Annual notification form and lease signing & renewal form - Between January 1 and January 15 of every year, and at lease signing/renewal, provide every tenant with a form inquiring if they have a child under 6 residing in the apartment If residents do not respond by February 15, apartments must be inspected to determine if a child resides there (to be done by building management personnel). This determination must be made between February 16 and March 1, or the Department of Health & Mental Hygiene must be notified of failure to access.
 - b. Provide tenant with a copy of the New York City Lead Information Brochure.
 - c. For Sublease Agreements – Faculty Housing will have a cover letter to the agreement
 - d. indicating that subtenants must go to building management office before moving in to receive required documentation and to get subtenant contact information.
 - e. NYU Leased Apartments – Faculty Housing is in contact with the building owner to obtain lead-based paint information (inspection reports, confirmation of tenant notification information, etc.) and ensure that all lead-based paint reports are provided to the tenant at lease signing/renewal. Currently Peter Cooper Village/ Stuyvesant Town and Waterside provide all the required

disclosure directly to the affiliate tenant when they go to pick up their keys. Copies have been provided to Faculty Housing.

Lead Management

1. Occupational Exposure to Lead – Exposure Assessment
 - a. 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.
 - b. 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).
2. Engineering Controls
 - a. 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
3. Medical Surveillance
 - a. In the unlikely event that an employee is exposed above the OSHA Action Level or PEL, the University Occupational Health Center will:
 - i. Conduct a medical examination of the employee annually;
 - ii. 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
 - iii. Medical removal of lead may be required if elevated blood lead levels persist.
4. Personal Protective Equipment
 - a. Respirators will be used, as per Safety Procedure #109, if engineering and administrative controls and work practices do not reduce the lead levels below the Action Level or PEL.
 - b. 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. Hygiene Facilities and Practices
 - a. Eating, drinking, smoking, cell phone use, or applying of cosmetics is not permitted in areas where employees may be exposed to lead above the PEL.
 - b. Hand and face washing are required after performing activities that generate lead dust or fumes.
 - c. Street clothes should not be worn during activities that generate lead dust and fumes; disposable or washable clothing will be provided by the supervisor.
6. Training
 - a. Training will be provided to employees who may be exposed above the OSHA Action Level or PEL. The training session will consist of:

- i. the contents of the OSHA lead standard;
- ii. 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);
- iii. controls to minimize one's exposure to lead dust and fumes; and
- iv. A description and purpose of the medical surveillance program.

7. Lead Abatement

- a. 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.
- b. Outside vendors shall be notified by the department that retained them of this procedure, should lead-based paint be required to be removed.
- c. 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).
- d. Outside vendors are responsible for providing medical surveillance, training and personal protective equipment for their own employees.
- e. Outside vendors that disturb lead based paint must have EPA lead based paint certification for individual workers as well as the firm.
- f. 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 Health and Safety Department (x81450).

RELATED POLICIES

NYU Environmental Health and Safety Policy

RELEVANT RESOURCES

OSHA Lead Standard 29CFR 1910.1025