



# Childhood Lead Poisoning Prevention Act

(Local Law 1 of 2004)

Urban Homesteading Assistance Board  
**Healthy Homes Demonstration Project**

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For Information about this presentation, please read the notes sections of this presentation. At UHAB, we prefer using the Small Group Activity Method for seminars and trainings. The Small Group Activity Method is based on the principle that adults learn best by doing. This approach places the participants in a series of carefully constructed problem-solving or discovery situations to where they are asked as a group to apply their own experiences to solving problems that are relevant to their day to day task. The instructor's role is to organize this process within the workshop and to add his or her experience and expertise to the process. For more information about UHAB's training philosophy, go to <http://www.uhab.org/training/>

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## History

- 1786, Ben Franklin first identifies industrial lead poisoning
- 1960, NYC one of the first jurisdictions to ban the sale of lead paint
- 1978, Residential lead banned
- Past Laws
  - Local Law 1 (1982-1999)
  - Local Law 38 (1999-2003)



## Health Issues

### ■ Lead Poisoning (Neurotoxic)

- Nervous System
- Learning
- Behavior
- Blood Pressure
- Fertility
- Pregnancy



Neurotoxic – poisonous to nerves and nerve cells

Nervous System – seizer, coma, death

Learning/Behavior – disability in developing children, memory loss in adults (Alzhiemers)

Blood Pressure - high

Fertility

Pregnancy – premature birth, low birth weight, misscariage

During the period 1900-1933, over 3,400 adult deaths from lead poisoning were reported. Led to OSHA.

In 1786 Ben Franklin wrote about Lead Poisoning, he is credited with the first identification of industrial lead poisoning.

Lead banned from residential use in 1978

## Lead Poisoning Sources

- Industrial
  - Emissions
  - Processing
- Environmental
  - Water
  - Air
  - Soil
- Residential
  - Paint
  - Piping



<http://www.uncg.edu/ses/courses/compton/Gallery/images/dirty%20shoe.jpg>

Contaminated drinking water from older plumbing fixtures

Water – Safe Drinking Water Act & EPA’s Lead and Copper Rule

Adults aren’t as likely to be effected – volume of water to body size

15 ppm → action level

Soil contamination from exterior flaking paint and near roadways from past use of leaded gas in cars.

## Residential Lead Safety

- Lead Paint Hazard
- Intact Lead Paint



Paint that is peeling or chipping poses an immediate safety hazard for young children since eating even on paint chip can lead poison a child. Intact lead paint is still a potential problem, because eventually it will deteriorate and in the meantime it may be releasing lead dust. Removal of intact paint, however could release higher levels of lead inside the residence than leaving the paint in place.

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## Affects Whom?

- Existing Co-ops without Rentals
- Existing Co-ops with Rentals
- Sublettes
- Buildings in Development Pipeline



## Co-ops – no rentals, no sublets

- Article does not apply other than where a minor (0-18yrs) has an elevated blood lead level.
- **But** Pre 1960 construction “presumed” to include lead based paint which could lead to potential hazards including **common areas**.



(27-2056.14)

investigation by Dept of Health and Mental Hygiene done to identify sources of elevated blood lead level.

In 1960 in New York City, Lead-based paint was banned. In the rest of the United States the ban didn't go into affect until 1978.

## Owner's Responsibilities for Rentals & Sublets

- Notify
- Investigate
- Remediate Hazards using safe work practices
  - renovations
  - repairs
- Make apartments Lead Safe on Turnover



\*Presumption for Pre-1960

Owners Must notify the following of Local Law 1 of 2004:

Pre-1960 multiple dwellings

Post-1960 to pre-1978 multiple dwellings with known lead based paint

Owner must send notice inquiring about presence of children under age 7 between January 1-16.

Tenant response by February 15.

If there is no response, owner inspects between February 16-March 1 for residence of children under 7 – if no access, owner notifies DOHMH.

If there is a child under 7, owner inspects for lead hazards.

Owner must inform tenants of findings in writing and provide a copy of inspection report to the tenant.

Owner must keep report for 10 years and transfer to any subsequent owner.



## Violations

- Notification
  - Distribute EPA Booklet
  - Verify which apartments have children under 7
- Investigation
  - At least once a year, more if potential hazard
- Hazard
  - Must remove in 21 days using safe work practices



EPA booklet available from EPA and online at <http://www.epa.gov/lead/leadpdf.pdf>

## Violations

- Turn-over
  - Remove or permanently cover all lead on friction surfaces
    - Doors
    - Door frames
    - Windows
  - Make floors, sills and wells smooth and cleanable



All work will be finished after vacancy of unit and before re-occupancy. Owner must maintain records and transfer to new owner. (Records must be kept for a minimum of 10 years)

When transferring property to a new owner, federal regulations under Title 10 apply. See [www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm](http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm) for more information.

## Testing

- How to test
- Where to test
- When appropriate
- How to find firms
- Costs



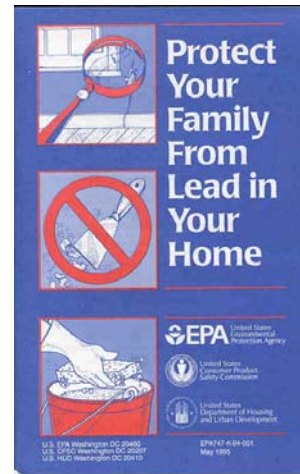
Inspect home or property for sources of serious lead exposure – risk assessment  
Paint inspection – X-Ray Fluorescent Analyzer gives a lead count of painted surfaces in home. Must be done by an EPA certified lead inspector.  
Visual inspection & dust samples from home analyzed for lead content in lab.

List of certified lead-based paint abatement firms available from EPA, in NYC call 311 or go online to ([www.epa.gov/lead/broch32e.pdf](http://www.epa.gov/lead/broch32e.pdf)).

Our average cost for \$200/apartment.

## Annual Notification Violation

- Distribute EPA Booklet
- Verify which apartments have children under 7 using HPD Form (appendix B) [Keep for 10 years]
  - If no response by Feb 15 must inspect to determine if child resides
  - If no inspection by Mar 1<sup>st</sup> must inform NY Dept of Health & Mental Hygiene



EPA booklet available online at <http://www.epa.gov/lead/leadpdf.pdf>

## New Leases & Renewals

- Determine if a child under 7 will reside in the unit using Appendix A “Lease/Commencement of Occupancy Notice for Prevention of Lead-Based Paint Hazards – Inquiry Regarding Child”
- Deliver pamphlet from Dept of Health & Mental Hygiene
- Keep response record for 10 years.



To get a copy of the needed annual forms for inquiring about children, go online to [www.nyc.gov/html/hpd/html/for-owners/lead-paint-treatment.html](http://www.nyc.gov/html/hpd/html/for-owners/lead-paint-treatment.html) or call 311

## Investigation Violation

### ■ Investigation for units with Children

- At least once a year look for:
  - peeling paint, chewable surfaces, deteriorated subsurfaces, friction surfaces and impact surfaces.
- More often if foreseeable to cause a hazard
- Whenever a resident requests an inspection
- When HPD issues a notice of violation or orders the correction of a violation that is likely to cause a hazard.



Chewable surface – interior edge or protrusion in a dwelling unit or multiple dwelling (window sill, rail or stair) where a child has, or could access for chewing.

Fiction surface – a painted surface that touches another surface and is capable of motion (e.g. window frames and jambs, doors and hinges).

Impact surface – an interior painted surface with evidence of denting or chipping from repeated sudden force (e.g. door frames, moldings, cabinets, baseboards).

## Investigation Violation

- After Inspection:
  - Inform tenants in writing of the results of an investigation undertaken including any test results if applicable.
  - Keep this investigation report for **10 years** and have available for HPD on request and transfer to shareholder when purchased.
- Violation = misdemeanor with fine of \$500 or imprisonment for up to 6 months or both.
- Civil Penalty of no more than \$1,500 per violation.



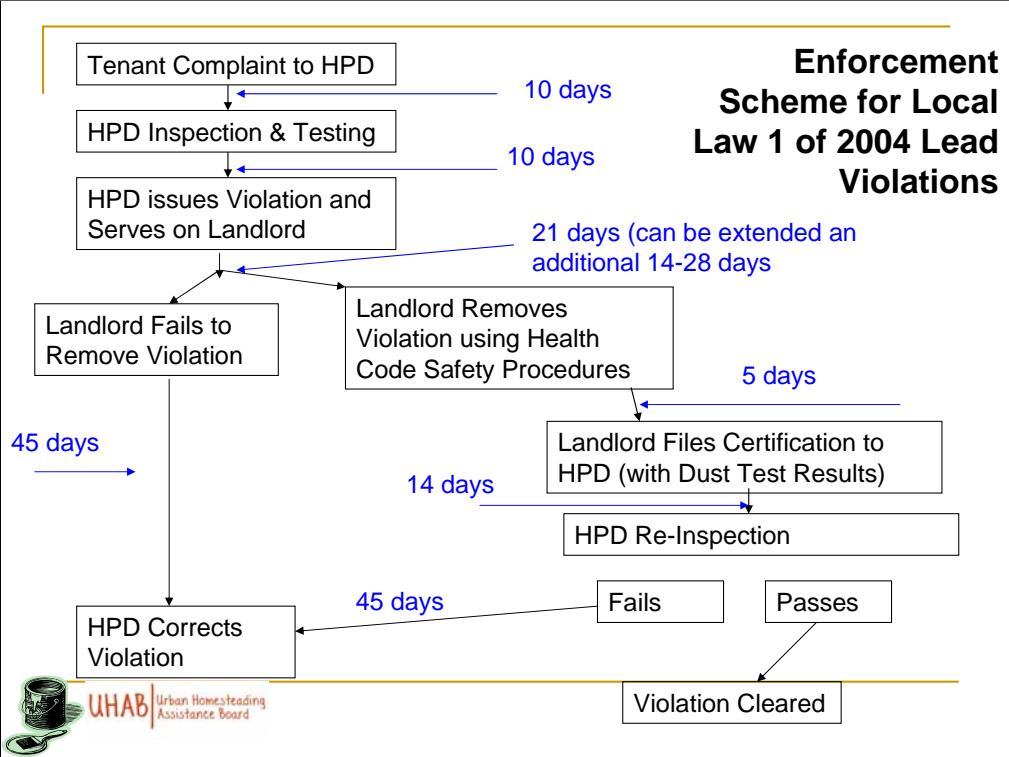
## Lead Hazard Violation in Unit

- The existence of lead-based paint in any dwelling unit in a multiple dwelling where a child under the age of 7 resides shall constitute a **class C** immediately hazardous violation if **such paint is peeling or is on a deteriorated subsurface**.





# Enforcement Scheme for Local Law 1 of 2004 Lead Violations



## Turn-over Violation

- Upon Turn-over
  - Remove or permanently cover all lead on friction surfaces
    - Doors
    - Door frames
    - Windows
  - Make floors, sills and wells smooth and cleanable
  
- Liable for a Class C immediately hazardous violation



## Safe Work Practices

- **Filing**
  - Ten days prior to work file with Dept of Health & Mental Hygiene (Post this notice at work site)
- **Record Keeping**
  - Contact information of contractor
  - Copy of licenses/certificates
  - Location of the work in each room
  - Invoices for work
  - Results of tests
  - Keep records for 10 years



## Safe Work Methods

- Minimize dust
- Set up a designated clean changing area
- Use wet sanding, wet scraping, removal, enclosure, replacement or abatement
- Don't use: (prohibited)
  - Open flame burning or torching
  - Machine sanding without HEPA exhaust
  - Abrasive blasting/sandblasting without HEPA exhaust
  - Heat guns above 1100°F
  - Dry Scraping/Sanding
  - Paint stripping in poorly ventilated space using volatile stripper



## Occupant Protection

- Postings
  - “Warning Lead Work Area – Poison – no smoking or eating”
  - Notice of work commencement as submitted to DHMH
- Pre-clean & protect movable items
- Seal vents & openings
- Affix doorway entrance flap
- Cover floors
- Instruct occupants not to enter work area



## Clean-up

- Hazardous material – material safety data sheets available on-site
- Daily
  - Wet-mopped or HEPA vacuumed
  - Large debris wrapped in six-mil polyethylene, sealed with water proof tape and moved to designated trash storage
  - Small debris HEPA vacuumed or “wet” swept
  - Clean adjacent areas
  - Store supplies in sealed containers or removed from site



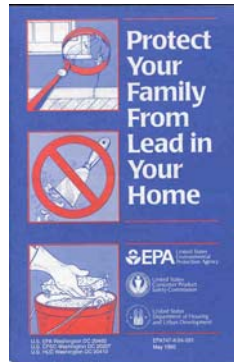
## Final Clean-Up

- Polyethylene misted and swept and placed in double 4-mil or single 6-mil plastic bags for removal
- HEPA vacuum from ceiling down
- Work area surfaces washed with detergent solution – dispose of water properly!
- HEPA vacuum again
- Visually inspect
- 3<sup>rd</sup> Party inspection – visual & dust-wipe



## Safe Work Practices

- Where to find materials (EPA, HUD)
- Where to find certified contractors



EPA “Protect Your Family From Lead in Your Home” available at <http://www.epa.gov/lead/leadpdf.pdf>

Paper copies or CD-ROMs of “Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work” can be ordered from the National Lead Information Center 1-800-424-5323 or downloaded at [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead)



## Exemption

- Apply to HPD in writing
- Written determination made by certified lead-based paint inspector or risk assessor
  - Each surface & component is free of lead-based paint – or substantial alteration that leads to a negative test (must show results of test) including:
    - Walls, ceilings, doors, windows, window sills, window wells, radiators, standpipes, & trim
- Application Includes:
  - Address, number of units, dates of alterations with descriptions, dates of inspections & copy of report



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## Summary

The New York City's Childhood Lead Poisoning Prevention Act has many protections for the families living in Multi-family housing. For more information about how you can protect family and learn more about the current legislation please contact the Healthy Homes Department at UHAB (212-479-3300) or HPD(311).

