

STANDARD OPERATING PROCEDURE
ABATEMENT OF LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

August 15, 2023



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I. INTRODUCTION

Purpose

The Buffalo Municipal Housing Authority (BMHA) has developed this Standard Operating Procedure (SOP) to establish the procedures for conducting Lead-Based Paint (LBP) Abatement throughout its housing portfolio.

Regulatory Background

Title 40 of the Code of Federal Regulations (C.F.R.), Part 745, Subpart L contains the United States Environmental Protection Agency (EPA) Lead-Based Paint Activities regulations. When conducting LBP Abatement, various State and Local regulations may also apply including but not limited to the following:

Applicability

This Plan applies to the entirety of the Buffalo Municipal Housing Authority's (BMHA) and any/all contractors/subcontractors that work on lead abatement projects within the BMHA pre-1978 housing portfolio. Currently, the BMHA housing portfolio of residential structures that were constructed prior to 1978 consist of the following locations:

Development Name	Year Open
AD Price Courts	1939
Camden Apartments	1972
Commodore Perry Homes	1940
Commodore Perry Extension	1956
Commodore Perry Extension High-rises	1956
Elmhurst Apartments	1970
Frederick Douglass Tower - 515 Clinton	1959
Ferry Grider Homes	1953
Holling Homes	1970
Jasper Parrish Homes	1953
Kelly Gardens	1967
Kenfield Homes	1937
Kowal Apartments	1966
LB Johnson Apartments	1973
Langfield Homes	1941
LaSalle Courts	1941
Schwab Terrace	1966
FA Sedita Apartments	1972
Shaffer Village	1953
Slater Courts	1971
Stuyvesant Apartments	1920
Marine Drive	1950

Note that, in addition to the pre-1978 residential structures, the conversion of any class of

property (i.e., commercial, industrial, etc..) constructed prior to 1978 to residential use makes such property subject to the requirements of 40 C.F.R. Part 745 and this Plan.

The SOP for Lead Abatement is not a replacement for compliance with all applicable requirements and there may be additional and different federal, state, and local regulations with which BMHA must comply.

Limitations

The BMHA is not certified by the EPA or the State of New York as an Abatement Firm. BMHA employees are not certified by the EPA and/or NYSDOH as Abatement Workers/Supervisors. As such, BMHA shall not engage in lead abatement activities.

II. SCOPE

This plan is intended to provide direction to lead abatement firm contractors and subcontractors for conducting abatement of LBP or LBP hazards in BMHA's pre-1978 housing portfolio.

The EPA defines abatement as "any measure or set of measures designed to permanently eliminate lead-based paint hazards." Abatement includes, but is not limited to, the following:

- A. The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust or soil.
- B. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
- C. Specifically, abatement includes, but is not limited to projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:
 - a. Shall result in the permanent elimination of lead-based paint hazards; or
 - b. Are designed to permanently eliminate lead-based paint hazards and are described in (A) and (B) above.
- D. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals certified in accordance with 40 C.F.R. 745.226, except as detailed in (G) below.
- E. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section.
- F. Projects resulting in the permanent elimination of lead-based paint hazards, which are conducted in response to State or local abatement orders.
- G. Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or

elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

III. DETERMINATION OF ABATEMENT ACTION

The determination of whether a LBP Activity is an abatement action shall be made by the Director of Technical Operations in conjunction with the Executive Director and/or designee. See Appendix 1 for differences between Lead Abatement Vs. Lead Renovation Repair and Painting

IV. PROCEDURES FOR IMPLEMENTING AN ABATEMENT ACTION

When the Director of Technical Operations, Executive Director, or designee confirms that an LBP Activity is an Abatement action, a 3rd-party fully licensed contractor shall be retained to perform the work.

V. CONTRACTOR RESPONSIBILITIES

The Contractor shall have sole responsibility for ensuring compliance with all Federal, State, and Local regulations regarding lead abatement. This shall be reflected in the Contract Documents for each project.

VI. OCCUPANT PROTECTION

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.

VII. RECORD KEEPING

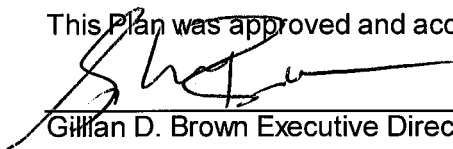
The Contractor is required by the EPA to maintain all records associated with an abatement for no less than three (3) years and to provide copies of all records to the building owner. Contractor shall be required to provide copies of all documentation pertaining to the abatement project including but not limited to reports, regulatory submissions, notifications, testing results, and plans/designs.

VIII. COMPLIANCE VERIFICATION

The Director of Technical Operations, Executive Director, or designee who initiates an Abatement shall complete the form titled Abatement Compliance Checklist included in **Appendix II**. A copy of the completed checklist shall be retained in the Property Management Office, along with all Contractor provided records, for at least three (3) years from the completion of the Abatement.

IX. SIGNATURES

This Plan was approved and accepted by:



Gillian D. Brown Executive Director

9/21/2023

Date

APPENDIX I

EPA - LEAD ABATEMENT VERSUS LEAD RENOVATION, REPAIR, AND PAINTING

LEAD-ABATEMENT VS. LEAD RENOVATION REPAIR and PAINTING

Abatement and Lead Renovation Repair and Painting (RRP) activities may sometimes look similar, but they are not!

Abatement is a specialized activity designed to address lead-based paint and/or lead-based paint hazards in the home. RRP activities (including most home contracting work) disturb paint as a consequence of the activity, but they are often undertaken for reasons unrelated to lead issues.

Lead-Based Paint Activities (Abatement)

- Lead-Based Paint Activities include lead-based paint inspections, risk assessments and abatements (lead-based paint removal);
- Lead abatement projects are designed to permanently eliminate existing lead-based paint hazards. They may be ordered by a Federal, State, or Local government in response to a lead-poisoned child or other reason or may be undertaken voluntarily at any time;
- Lead risk assessments are designed to identify lead hazards and management strategies and lead inspections are designed to locate all lead-based paint in a home;
- Individuals must be trained and certified to conduct lead-based paint activities and firms must be certified;
- Lead-based activities are regulated differently than renovation, repair and painting jobs, even though in some cases the activities are similar.

Lead Renovation, Repair and Painting (RRP)

- RRP projects are typically performed at the option of the property owner for aesthetic or other reasons, or as an interim control to minimize lead hazards. It is **NOT** designed to permanently eliminate lead-based paint hazards.
- Since RRP projects can disturb lead-based paint in homes and buildings built before 1978, thus creating new lead hazards, individual renovators must be trained in certified lead-safe RRP practices. Only firms that are certified can accomplish this work.

Lead Abatement Activities versus RRP Projects

Lead abatement activities and RRP projects may sometimes look similar, but they are two (2) separate programs that require different certifications and are regulated differently by EPA. The similarities and differences between the two are shown in the table below.

	Lead Abatement Activities	Similar or Different	RRP Projects
Purpose	<ul style="list-style-type: none"> Permanently eliminate existing lead-based paint hazards 	Different	<ul style="list-style-type: none"> Conduct renovations, repairs or painting to reduce lead-based paint hazards
Initiated By	<ul style="list-style-type: none"> Federal, State, or Local government Voluntary request by property owner 	Different	<ul style="list-style-type: none"> Voluntary request by property owner
Certifications	<ul style="list-style-type: none"> Individuals must be trained and certified in lead abatement activities Firms must be certified to conduct lead abatement activities 	Similar	<ul style="list-style-type: none"> Individuals must be trained and certified in RRP activities Firms must be certified to conduct RRP activities
Occupant Protection	<ul style="list-style-type: none"> Firms are required to make sure occupants are out of the home, child care facility or preschool 	Different	<ul style="list-style-type: none"> Firms are not required to make sure occupants are out of the home, child care facility or preschool Firms must distribute EPA's <i>The Lead-Safe Certified Guide to Renovate Right</i> before starting renovation work Occupants should not be present in the work area

Source: <https://www.epa.gov/lead/lead-abatement-versus-lead-rrp>

Note: Occupant protection for RRP includes posting signs.

APPENDIX II

ABATEMENT COMPLIANCE CHECKLIST

ABATEMENT COMPLIANCE CHECKLIST

Property Address _____ Abatement Date(s): _____

Pre-Abatement Checklist

- 1. The determination has been made that Lead Abatement is necessary and I have conferred with the Executive Director or designee regarding contractor selection and bid requirements.

Initials: _____ Date: _____

- 2. I am aware that the BMHA is not certified as an abatement firm, and their employees are not certified to perform abatement work.

Initials: _____ Date: _____

- 3. Contractor selected to perform abatement is licensed and certified by the State of New York to perform all aspects of lead abatement and any/all associated work of the assigned project.

Selected Contractor: _____

Certification No.: _____ *Received Copies of Current Certification(s)* _____

- 4. Contractor has provided the required pre-project documentation including but not limited to copies of regulatory agency notifications, abatement plan/design, Occupant Protection Plan, and copies of licenses for all workers/supervisors assigned to the project:

Initials: _____ Date: _____

Post-Abatement Checklist

- 1. Contractor has provided copy of abatement report and all other final documentation as required by the contract and these records have been filed in the Property Management Office.

Initials: _____ Date: _____

- 2. I am aware that all abatement records must be retained in the Property Management Office for at least three (3) years from the start date of completion of the abatement.

Date abatement completed: _____ Initials: _____ Date: _____

Certification

BMHA Authorized Representative (print name) Signature Date