

# LEAD EXPERTS

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A Lead Hazard Training Provider

# THE LEAD ABATEMENT ADVISOR

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SPECIALIZING IN LEAD PAINT  
ASBESTOS AND  
MOLD TOPICS

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## OUR SERVICES INCLUDE

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- OSHA Programs: Emergency Action, Respirator, PPE, HazCom, Fall Protection
- Customized Safety Programs ● DOT HazMat Training ● Air and Noise Sampling
- OSHA Training: Lift Truck, HazCom, PPE, Lockout-tagout, Confined Space, Emergency Evacuation, Fire Prevention, Spill Response, Lead Abatement Training, Electrical Shock & Arc Flash Protection, Bloodborne Pathogens, Excavation, Fall Protection, Scaffolding
- Respirator Training and Fit Tests ● Lead, Arsenic, Cadmium
- Consulting: Mock OSHA/EPA/DOT Audits ● Environmental Permitting and Reporting
- Lead Paint Risk Assessments and Clearance Reports ● Lead Abatement Consulting
- ISO 14001 EMS Training and Consulting
- Management Training: Supervisory Skills, Modern Safety Management Skills, Behavior Based Safety

**The Lead Abatement Advisor** is prepared by Lead Experts, Inc. to inform its clients and friends of developments in lead-based paint hazard evaluation and control, safety management, environmental compliance, and new developments in the environmental remediation field. The newsletter is available free of charge to interested parties. The articles appearing in this newsletter do not constitute legal or other advice or opinion. The views expressed in this newsletter are not necessarily those of Lead Experts, Inc. The application of various laws and regulations to your business operations may depend on many specific facts. Questions regarding your operation relative to the topics discussed in this newsletter should be directed to a qualified professional. For more information, call us at (800) 259-8930 or [info@leadexperts.org](mailto:info@leadexperts.org)

# **\$57 MILLION AWARDED IN LEAD POISONING SUIT**

A \$57 million judgment has been awarded to a Bronx family, in a lead poisoned child suit. The jury has ruled against The New York City Housing Authority, after a four-year-old registered a blood lead-level, nine times the acceptable range. The verdict follows revelations that the agency had neglected to perform thousands of mandatory lead-paint inspections at its properties. The Department of Investigation found false reports of both inspections and lead inspector training.

The attorney of the mother, Tiesha Jones, who moved into her home in 1999, said she'd complained repeatedly about mold and peeling paint, but was ignored.

Jones discovered her daughter, Dakota, was sick in 2010, during an annual checkup. Their pediatrician explained Dakota's lead level was 45 micrograms per deciliter. According to The Centers for Disease Control, lead poisoning is anything over 5mg.

Following Dakota's diagnosis the Department of Health and Mental Hygiene conducted their own lead screening of Jones' apartment. Inspectors found lead-based paint, and the apartment was abated, but the mother's attorney said the damage had been done.

High levels of lead in children can cause brain damage, developmental delays, kidney disease, hearing loss, and the damage from lead poisoning cannot be reversed. Jones says the lead poisoning has been devastating. Dakota learned to read early, but "everything erased." Dakota was held back, and then placed in special education. "She didn't have a chance to go to a regular school," said Jones.

Having become a tenant leader, and education advocate for lead poisoning, Jones is also working toward a law degree. "Imagine how many other residents have

gone through this,” she said.

The \$57 million verdict against the Housing Authority, only took the jury an hour to reach, sending a strong mandate to the city, to seriously address health concerns.

## **MOTHER SUES REAL ESTATE AGENTS AFTER KIDS EXPOSURE TO LEAD PAINT**

In a rare case, a Philadelphia mother of two, Sun-Mi Cho, is suing Allegiance Real Estate, Nina Goldberg Delia, and Bryan Reese, alleging a violation of the Federal Residential Lead-Based Paint Hazard Reduction Act.

Reese is a real estate broker, agent, and owner Allegiance Real Estate. Delia leased the family the home through Allegiance and Reese. The family signed a three-year lease which began September 2014.

In December 2017, district court judge, Nitza Alejandro, rejected a motion by Allegiance, Goldberg, and Reese to dismiss the lawsuit.

Cho filed a complaint stating, that the defendants failed to inform the family of hazardous lead-based paint in the home, and that her children have been injured from exposure.

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### *Quotables*

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“Unexpected money is a delight. The same sum is a bitterness when you expected more.” – Mark Twain

“We can only be said to be alive in those moments when our hearts are conscious of our treasures.” – Thornton Wilder

# CLEVELAND RENTAL REGISTRATION PROGRAM

To ensure safe rental housing, Cleveland began its Rental Registration & Inspection Program. The program maintains information on each of the city's residential rental units, and permits inspectors to evaluate these homes for lead hazards. Inspectors will be conducting rolling evaluations of all rental units, and contacting landlords approximately one month prior to the inspection. Owners, occupants, or property managers may be present during the evaluation.

Occupants can contact city inspectors with maintenance complaints, or other issues that inspectors should check at [bhcomplaint@city.cleveland.oh.us](mailto:bhcomplaint@city.cleveland.oh.us)

Property owners are encouraged to conduct their own inspections, and to address any maintenance concerns before the city's evaluation.

## ***Rental Inspection Checklist***

- Peeling paint in door jambs, windows, interior or exterior surfaces;
- Hot/ cold running water;
- Leaks under sinks (mold);
- Smoke detector / CO monitors;
- Excessive extension cord use;
- Open junction boxes;
- Self-closers on doors (where applicable)
- Hot water heater condition;
- Flue present & properly connected to chimney;
- Illuminated exit signs (where applicable), and
- Toilets flush & stable.

## ***Property Owners can Apply for Registration***

[Online](#); or

By mail: Department of Building & Housing Records Administration, 601 Lakeside Avenue #517, Cleveland, Ohio 44114, or

In person at City Hall, Room 517.

# OSHA UPDATE

## **OSHA Secretary Efforts to Protect Children from Lead Exposure**

OSHA Secretary Alexander Acosta and designees of the President's Task Force on Environmental Health Risks and Safety Risks to Children, have announced the federal strategy to reduce childhood lead exposure and associated health risks.

Acosta, speaking on their strategy, "Far too many Americans are exposed to lead in their workplace. Finding solutions to better protect these workers and minimize the amount of lead that is taken home, and potentially exposed to their children, is a priority."

OSHA's, [If You Work Around Lead, Don't Take It Home!](#), highlights the dangers to children of lead being transported home from work, and offers precautions that can be taken.

## **Court Rules OSHA Can Prohibit Drug Testing & Incentives**

A federal court has denied a challenge to OSHA's updated recordkeeping rule, Tracking Workplace Injuries and Illnesses, which would prohibit companies from certain types of drug testing and safety incentives.

Several trade associations, companies, and their workers' compensation provider, petitioned for temporary relief from sections of the OSHA recordkeeping rule. The complainants alleged the rule unlawfully, prohibits, incident-based safety incentive-programs, and mandatory post-injury drug testing.

- *employers must inform employees of their right to report work-related injuries free from retaliation*

- *employers will not retaliate against employees for reporting work-related injuries, and*
- *employer procedures for employee reporting of workplace injury-reporting be reasonable.*

The complainants did not dispute employees right to report injuries without employer retaliation, but they did object to the following provisions;

- *“It is a violation for an employer to use an incentive program to take adverse action, including denying a benefit, because an employee reports a work-related injury or illness, such as disqualifying the employee for a monetary bonus,” and*
- *“Drug testing policies should limit post-incident testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use.”*

The complainants claimed that workplace injuries were significantly reduced due to these types of incentives and drug testing. They argued, employers would be irreparably harmed because their inability to otherwise reduce injuries.

The agency countered, companies can offer incentives that don't punish injury reporting, drug-testing outside of situations involving injury-reporting, and after injuries that might have been caused by drug use.

The court found the complainants couldn't demonstrate that they would face any irreparable harm from the updated rule. The court agreed with OSHA, that the rule incorporates the existing prohibition on employer retaliation, against employees for reporting work-related injuries, and employer procedures that would discourage injury reporting.

# EPA UPDATE

## **The Court Ordered Lead-Paint Law**

In accordance with last year's ruling, The Environmental Protection Agency has released a proposal for public comment, to lower the lead-dust standards for floors and window-sills. In 2001, EPA set standards for lead dust for floors, and window-sills. Since 2001, new data demonstrates human health effects at lower blood lead levels, than previously analyzed. Late last year, a federal appeals court ordered the EPA "to act" on a 2009 petition to revise standards, meant to protect children.

The judges rejected the agency's request for additional time. In 2009 the EPA agreed to initiate rule-making, but did not set a time. The judges ordered the EPA to make a final rule within 14 months. "EPA fails to identify a single case where a court has upheld an eight year delay as reasonable, let alone a fourteen year delay, if we take into account the six more years EPA asserts it needs to take action," Judge, Mary Schroeder wrote.

The agency's proposal lowers the lead-dust hazard standards on floors and window sills from 40 µg/ft<sup>2</sup> and 250 µg/ft<sup>2</sup> to 10 µg/ft<sup>2</sup> and 100 µg/ft<sup>2</sup>, respectively. These standards apply to most pre-1978 housing and child-occupied facilities,

EPA will accept comments on the proposed rule until August 16, 2018, docket EPA-HQ-OPPT-2018-0166. [Read the proposed rule](#) [PDF].

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## *Quotables*

Life is pleasant. Death is peaceful. It's the transition that's troublesome. — Isaac Asimov



# CITATIONS & PENALTIES

## **Battery Company Cited for Lead & Other Hazards**

OSHA has cited C&D Technologies for exposing workers to airborne lead at levels 11 times the permissible limits. Violations included failure to; prevent exposure to lead, implement an effective lead management program, monitor ventilation for the presence of lead, provide respiratory protection, and install machine guarding.

Proposed penalties total \$147,822

## **Asbestos & Lead Hazard penalties for Electric Company**

OSHA issued 15 citations and proposed \$159,798 in penalties for exposing workers to lead and asbestos hazards. Inspectors found that Fink Electric failed to conduct exposure assessments required for asbestos and lead; train workers on lead & asbestos respiratory hazards; and provide personal protective equipment for exposure to airborne asbestos fibers.

## **Roofing Contractor Cited for Electrocution, Falls, & More**

The Design Roofing, LLC faces proposed penalties of \$101,988. At two separate residential construction sites, OSHA issued willful violations for exposing employees to fall hazards, and serious violations for, allowing work near an energized electrical conductor, and improper use of an extension ladder

## **Plastics Manufacturer Cited for Workplace Safety Failures**

OSHA proposed penalties of \$435,679 following an inspection of the Douglas Stephen Plastics facility. OSHA responded to a complaint of unsafe conditions, and determined that the company exposed workers to amputations, electric shock, and burns; allowed workers to use equipment without proper guards; failed to control hazardous energy; and failed to train industrial truck operators.

# 2018 TRAINING SCHEDULE LEAD EXPERTS

Type, Length and Price	Location	Course Dates
<b><u>Contractor Initial - 40 Hour</u></b> \$865 Per Trainee	Toledo Cleveland Columbus	Sep 10–14 Oct 22–26    Dec 3–6
<b><u>Contractor Refresher - 8 Hour</u></b> \$225 Per Trainee	Toledo Cleveland Akron	Nov 6 Aug 21    Sep 18    Oct 16    Nov 20    Dec 18 Aug 17    Dec 28
<b><u>Worker Initial</u></b> \$665 Per Trainee	The Contractor Initial and Refresher courses shown above satisfy Ohio Department of Health's requirements for Worker Classes.	
<b><u>Worker Refresher</u></b> \$225 Per Trainee	A Worker enrolling in these classes will be charged the <b>lower</b> fee shown in this section. Please call if you have <u>any</u> questions.	
<b><u>Inspector Initial - 24 Hour</u></b> \$515 Per Trainee	Toledo Cleveland Columbus	Oct 29–31 Sep 24–26    Nov 26–28
<b><u>Inspector Refresher - 8 Hour</u></b> \$225 Per Trainee	Toledo Cleveland Columbus	<b>**Risk Assessor Refresher classes shown below satisfy the Inspector Refresher**</b> <b>**requirements of the Ohio Department of Health**</b>
<b><u>Risk Assessor Initial - 16 Hour</u></b> \$350 Per Trainee	Toledo Cleveland Columbus	Nov 1–2 Sep 27–28    Nov 29–30
<b><u>Risk Assessor Refresher - 8 Hr</u></b> \$225 Per Trainee	Toledo Cleveland Akron	Nov 5 Aug 20    Sep 17    Oct 15    Nov 19    Dec 17 Aug 16    Dec 27
<b><u>Renovation, Repair and Painting Certification Initial - 8 Hour</u></b> \$209 Per Trainee	Toledo Cleveland Akron	Aug 13    Nov 7 Aug 23    Sep 20    Oct 19    Nov 15    Dec 14 Oct 4    Dec 26
<b><u>Renovation, Repair and Painting Refresher (Grandfather) - 4 Hr</u></b> \$109.00 per Trainee	Toledo Cleveland Akron	Nov 8 Sep 21    Nov 16 Oct 5    Dec 24

**IF YOU HAVE ANY SPECIAL NEEDS OR NEED A REASONABLE ACCOMMODATION, PLEASE CONTACT US IMMEDIATELY**

**EPA RRP accredited classes for certification under Section 402 of TSCA**

**Class dates can be changed, rescheduled or cancelled at any time due to demand. Please call the office for updates.**

**YOU ARE NOT ENROLLED IN ANY CLASS UNTIL YOU RECEIVE WRITTEN CONFIRMATION FROM US.**

**CERTIFICATES WILL NOT BE ISSUED IF YOU ARE LATE TO CLASS. CERTIFICATES ARE HELD UNTIL PAID IN FULL.**

**Licensing courses approved by Ohio Department of Health, ODH Requires Refreshers Taken within Two Years of Previous Class**

On Site Classes Available, Closed Enrollment - Your Location / Your Students - Priced per Day, Call for More Information

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