

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Work Session: Safe Demolition

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Meeting Date: November 24, 2014  
Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 7  
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#### **ISSUE STATEMENT**

As Eugene grows and redevelopment increases, it is important that policies and practices are in place to ensure safe demolition. This work session provides an overview of existing regulations and proposes several recommendations to improve practices related to safe demolition in the City of Eugene.

#### **BACKGROUND**

Staff presented on this topic in July 2013, reviewing existing regulations and examples of safe demolition practices used in Eugene, elsewhere in Oregon, and across the country. After reviewing that information, additional concerns were raised specific to lead that was a common ingredient in paints used frequently until 1978. Staff presented information on the multiple agencies that have overlapping rules and regulatory authority related to practices whereby lead could spread from a demolition site.

As part of that work session, the council directed staff to meet with relevant agencies to determine if any regulatory gaps exist. More specifically, gaps that may allow lead from demolition to spread from a work site.

A meeting was held with representatives from the Environmental Protection Agency, Department of Environmental Quality, Oregon Health Authority, Lane Regional Air Protection Agency (LRAPA), along with the City's erosion prevention and building code staff. Councilor George Brown and local demolition contractor, Ron Richey, with Staton Companies, also participated.

The meeting confirmed that a number of regulations exist to ensure the health and safety of the community. There were also some lessons learned and some safeguards that can be bolstered further. For example,

- Ongoing coordination between Eugene and other regulatory agencies that administer regulations related to demolition must be increased and maintained. This increases effectiveness and reduces surprises for all involved.
- City staff working with building permits and construction were recently provided with information on the health hazard due to lead exposure and additional information on

where to refer interested or concerned residents.

- A relatively new form of licensing is now in place for renovation, repair and painting of homes and facilities designed for young children like day care and kindergarten. The licensing however is not applicable when an entire building is to be demolished.
- Existing regulations administered by LRAPA require reasonable precautions to prevent airborne dusts, not just those from demolition. Although not specific to lead, paint crumbs and dust that may contain lead are covered under these long established rules.
- Oregon Occupational Safety and Health Administration (OSHA) does not oversee demolition directly, but through the lens of worksite safety, the contractors performing the work fall under the authority of Oregon OSHA. Because of the direct exposure to lead-based paint at the point of demolition, OSHA and the contractors have a heightened attention to safety measures. When exposure to lead is minimized for workers, it tends to also limit exposure beyond the immediate structure.
- Contractors engaged on larger projects regularly monitor environmental conditions for airborne lead. This is a contractor's choice and usually intended to protect their interests and limit unfounded claims of contamination. This currently occurs outside the regulatory process and is not available under public record laws.
- Lead is a heavy element that does not easily become airborne. Lead may be released into the air during demolition of surfaces containing lead paint when grinding, sanding, or heating (e.g., torch cutting, fire, welding) occurs.

Although special licensing of contractors for renovation, repair and painting are exempt when demolishing a structure, the exemption does not eliminate regulations wholesale. Regulations still require reasonable precautions to prevent airborne dust thereby significantly reducing the possibility of lead paint debris leaving a site. Local LRAPA staff administers these standards with an active field presence and collaborative relationship with demolition contractors.

In addition to meeting with agencies to review for regulatory gaps, staff reviewed a significant case study and recommended protocols. Included in Attachment A, is a 2011 case study from the East Baltimore Development Initiative (EBDI) that confirms poor demolition practices can lead to significant health hazards surrounding demolition sites. Fortunately, independent tests also found that by following safe demolition protocols, lead levels remained well within federal safety guidelines with only marginal increases.

Based on the work in East Baltimore, the Annie E. Casey Foundation developed eight Responsible Demolition Safety Protocols as part of the case study. They are listed below in italics followed by comments relevant to Eugene's situation.

1. *Effective community notification, including prominent signs at the site well in advance of demolition, distribution of notices to neighbors throughout the surrounding area, and proactive community education efforts.*

Presently the City of Eugene has no requirement for notification. As part of this work session, the City Manager recommends that required notice to neighbors be added to the City Code.

2. *Adequate use of water to minimize the amount of dust spread during demolition and debris removal.*

Water spray is a requirement administered by LRAPA. This is intended to prevent all dust from leaving a demolition site.

3. *Partial deconstruction of homes; removing doors, windows, railing and other components with high amounts of lead before demolition.*

There is currently no requirement to partially deconstruct components of buildings prior to demolition that contain high amounts of lead.

4. *Fencing and other barriers to control the spread of dust during and after demolition and to keep children and other pedestrians away from condemned sites.*

Fencing and other barriers are the industry standard driven by insurance and as part of the construction culture in the Eugene area. Barriers may be required under existing City Code if a site or building is dangerous. Fencing and barriers do not provide effective wind-blown dust control but do restrict access to a site and concentrate traffic so tracking of debris can be effectively managed.

5. *Picker method for demolition, rather than wrecking ball, to minimize spread of dust and debris*

The picker method is the predominant practice used in demolition today. The wrecking ball is virtually obsolete, especially in Eugene where few unreinforced masonry and concrete structures remain. The picker method allows for a very controlled demolition as well as sorting of material. No additional requirement is recommended for Eugene.

6. *Prompt, careful debris removal with water to reduce dust, covers on all trucks carting debris out of the neighborhood, and carefully defined exit routes for hauling away debris*

The regulations administered by LRAPA are applicable to all demolition activities including the handling and removal of debris as well as the transport of material from a site. If materials are likely to become airborne, then covering is already required. There is currently no requirement in Eugene to define hauling routes.

7. *Replacing contaminated soil with new sod to eliminate topsoil contaminated during the demolition process.*

Replacing of soil is not required in Eugene under current regulations.

8. *Independent testing to measure the amount of lead dust emitted through demolition, including tests measuring lead accumulations.*

Independent testing is not a current requirement in the City of Eugene. Based on the East Baltimore case study, if safe demolition protocols are followed, testing showed that airborne lead levels remained below detectible limits both before and after demolition.

There are two demolition protocols not recommended by the case study, but reasonable for consideration in Eugene. First is the prohibition of demolition and related handling of debris when winds exceed 25 miles per hour. Another rule for consideration is a ban on demolition by implosion, or the use of explosives, with an exception that may be granted on a case-by-case basis and after consideration of a range of health, safety and livability concerns.

## **RELATED CITY POLICIES**

### Council Goals

- Safe Community: A community where all people are safe, valued and welcome.
- Sustainable Development: A community that meets its present environmental, economic and social needs without compromising the ability of future generations to meet their own needs.

## **COUNCIL OPTIONS**

- Direct staff to bring back to the council measures to further reduce the risk of lead contamination from building demolition and to provide notice to neighbors.
- Take no further action at this time.

## **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the council initiate changes to the applicable provision of the Eugene Code related to building demolition as outlined below.

## **SUGGESTED MOTION**

I move to initiate changes to the applicable provision of the Eugene Code that:

- Prohibit exterior demolition and debris handling when winds exceed 25 mph.
- Require notice to neighbors of pending demolition work.
- Prohibit demolition by implosion or other explosive means except in cases where a special permit has been obtained that addresses health, safety and livability concerns.

## **ATTACHMENT**

A. Responsible Demolition: A Baltimore Case Study with National Implications

<http://www.aecf.org/m/resourcedoc/aecf-ResponsibleDemolitionBmoreCaseStudy-2011.pdf#page=6>

## **FOR MORE INFORMATION**

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