

Portland Has Broken Its Promise to Keep Neighborhoods Safe From Demolition Contaminants

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By Daniel Forbes |



In 2018, the city of Portland passed a landmark ordinance to protect people living in its residential neighborhoods from exposure to lead when old houses were ripped apart.

The ordinance, the most comprehensive in the U.S., required the city bureau in charge of building inspections to "conduct an inspection during demolition activities."

That mandate—designed to prevent lead dust from floating into neighborhoods—made Portland a national leader.

And yet in the 15 months since the ordinance went into effect in July 2018, the Bureau of Development Services has failed to analyze how many times inspectors were onsite for the nearly 400 times when the excavator started whacking a building to smithereens.

A senior inspector, Jeremy Russell, tells *WW* that the number of demolitions in which a city inspector was actually onsite at the time demolition machinery was operating may have been as few as 20 percent.

A BDS manager, Mike Liefeld, confirms Russell provided the number, but says the bureau does not track the data in any systematic way, and that the 1-in-5 figure does not account for the fact that multiple inspections are carried out at each demolition site.

The city's deputy ombudsman, who has watchdogged the city's failure to protect against lead dust, says that's not what the Portland City Council promised when it passed the ordinance.

"A key portion of city code is not being enforced. It's unacceptable," Tony Green tells *WW*. "Code unambiguously requires inspectors onsite during demolitions. Otherwise, there's no way to hold builders accountable to protect public health. The city is failing in its obligation to protect children from exposure to life-altering, toxic lead dust."

The ordinance requires contractors to remove siding, trim, porches and doors and the wetting down of homes before demolition—all to prevent the hazardous metal from spreading in a cloud of dust.

Inspectors fail to actually witness the moment demolitions occur, Bureau of Development Services officials say, because the law was written loosely enough to allow them wide latitude in what is meant by the words "during demolition activities."

Liefeld says they are in fact following the ordinance. But he admits BDS does not have a system in place to get inspectors to demolition sites when equipment is active—and the city neither required nor created one.

"BDS is not ignoring the law," says Tim Becker, a spokesman for Mayor Ted Wheeler, who oversees the bureau. "Both the BDS and legal counsel inform us that the bureau is in compliance with the code as it is written."

Becker says the "during demolition" inspection is "meant to be a point-in-time spot check rather than constant monitoring of the demolition process from start to finish."

A BDS official gave a different explanation at a September update for a panel of experts assembled from around the state.

"Interim [during-demolition] inspections are really hard for us to hit," said BDS senior site development inspector Jeremy Russell, who has daily oversight of the city's demolition inspection program, during a Sept. 9 lead-based paint stakeholder meeting hosted by the Oregon Health Authority. "The demolitions move fast. They can say, 'Yup, come back tomorrow to do your during-demolition inspections.' But they're already done by the time we get there. We can't ask people to slow it down just for us to come out there."

Russell added that a lot of demolitions occur on Saturdays, when BDS inspectors don't work.

A bureau spokesman later expanded on Russell's comments. The "during-demolition" inspection "is based on the contractor's estimated demolition schedule, which is actually a sequence of activities that take place over a span of time, not a single moment in time," says spokesman Alex Cousins.

"The real story here to be told is that the city of Portland has the most comprehensive program for addressing asbestos and lead-based paint in the country," he adds.

Cousins says the bureau is working with an advisory committee to update the policy and address concerns based on the first year of work.

The demolition of homes, particularly older ones, presents real public health risks.

Portland homes can contain a lot of lead. The paint on a house from the 1920s or 1930s that's been repainted about once a decade may contain 50 or 60 pounds of pure lead, says Ron Peik, president of Alpine Environmental in Chelmsford, Mass., which has been doing lead and asbestos abatement for 28 years.

National Center for Healthy Housing researchers found that unless demolition contractors take precautions, much of the lead from a tear-down can spread the length of a football field in all directions.

Lead neither decays, degrades nor washes away. Lead dust is a potent neurotoxin that may cling to the fingers of a toddler crawling around the backyard and then get into her mouth and eventually to her brain, causing permanent damage.

The American Academy of Pediatrics declares there's "no safe level of lead in blood." Even low levels of lead have been shown to affect IQ, ability to pay attention, and academic achievement. And the damage done cannot be corrected.

The health effects fall hardest on the most vulnerable children. In the 15 years before Portland passed its 2018 ordinance, there were an estimated 1,300 demolitions, a lot of them in "traditionally...minority or lower-income neighborhoods," BDS's Nancy Thorington [told a tutorial for builders and contractors in March 2018](#). "And there have been no protections. And so the only people who have really been able to get protections against asbestos and lead-based paint have been people who have enough money to test."

Only industrial-strength home cleaning, plus soil remediation, can remove the lead. And soil remediation might cost \$15,000 for each affected property. The BDS inspections are supposed to eliminate health risks and costs to neighbors.

"The during-demolition inspection is the one with the best chance of successfully ensuring that public health rules are being followed," says Perry Cabot, a senior program specialist with the Multnomah County Health Department and an expert on curtailing lead exposure.

That's easier said than done.

"Unfortunately, we live in a world where some individuals may cut corners if there isn't someone looking over their shoulder," Oregon Health Authority spokesman Jonathan Modie tells *WW*.

A key requirement of the 2018 law tells contractors to remove the siding and other painted features by hand prior to letting an excavator smash the house down.

Taking off exterior elements of the house by hand, including the siding—that is, the structure's oft-repainted outer walls— is known as partial deconstruction.

But there are financial incentives to skip it.

It's time-consuming and labor-intensive compared with letting a machine just crush the house. For demo contractors used to letting fly with an excavator, it's a new, painstaking task, requiring an additional crew of laborers to pry material off by hand and wrap debris in

heavy plastic for disposal.

And it costs around \$5,000 or \$6,000, according to Shawn Wood, who oversees the city's deconstruction program for the Bureau of Planning and Sustainability.

The city has repeatedly caught builders leaving the siding on. Of 29 enforcement actions over the first 12 months, the siding was still on in 26 of them while the excavator rampaged, BDS says.

It's not clear how fast the bureau can or will make a fix. Wheeler's office shows no urgency.

"We all recognize that improvements to the existing rules need to be made, and the program was set up to accommodate that," says Becker. That will take months—starting with monthly meetings of a reconvened demolition subcommittee.

In fact, it's going to take a while to change the industry's thinking.

Green, the deputy ombudsman, points to a \$4 million project in the Overlook neighborhood. The contractor failed to remove the siding before demolition took place. The penalty? Just \$876 in administrative fees due to the stop-work order. (BDS does not issue fines for first-time violations.)

"Why follow the rules if the fine totals \$876 and you've saved \$5,000 on removing the siding by hand?" Green asks. "Human nature is not on the side of doing right."

Daniel Forbes is author of [Derail This Train Wreck](#). He has [previously reported](#) on emissions from Portland glass factories.