

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART B

CHRISTIAN GRAY,

Petitioner-Tenant,

-against-

AMERICAN PACKAGE COMPANY, INC.,

Respondent-Owner,

THE DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT,

Respondent.

Index No. HP 6086/2020

**AFFIDAVIT IN OPPOSITION TO
PETITIONER'S MOTION TO
RESTORE**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

JOHN B. GLASS, JR. MS, CIH, being duly sworn, hereby deposes and says:

1. I am the Vice President ALC Environmental ("ALC") and the Director of the Environmental Health and Safety Division. My qualifications are set forth in the attached C.V.
2. On December 8, 2020, Edward Olmsted, CIH, CSP of Olmsted Environmental Services, Inc. ("Olmsted"), Candice Kowalewski, MPH ("Kowalewski"), and I were present in apartment G21 ("Apartment") in the building located and known as 97 Green Street, Brooklyn, New York 11222.
3. On that day, ALC and Olmsted conducted an inspection of the Apartment. After the inspection was completed, ALC and Olmsted agreed on the scope of

the mold abatement work necessary for the Apartment, which was attached as Exhibit A to the stipulation of settlement filed in this proceeding. See [NYSCEF Document No. 10](#).

4. On July 20, 2021, Olmstead, ServPro, and Kowalewski were present to conduct an initial inspection of the work area containment in the Apartment prior to the remediation work being commenced. Additionally, Olmstead and Kowalewski provided ServPro with the scope of work. ServPro's response to the solicitation was based on the scope of work provided.

5. From July 20, 2021 through July 27, 2021, ServPro conducted the remediation work based on the prescribed scope of work. On each of these days, an employee of ALC and/or Kowalewski were present to document ServPro's performance fully addressed the scope of work as required. Olmstead was not present on any of these days.

6. On July 27, 2021, ServPro completed the remediation work as stated in the scope of work. Consistent with the Stipulation, if remediation activities revealed additional visible mold growth, the contractor would expand remediation activities to include those surfaces.

7. On July 28, 2021, Kowalewski completed a Post Remediation Verification (PRV) site inspection. On this day, Olmstead was not present.

8. During Kowalewski's PRV, all exposed surfaces were clean, dry, and free of visible microbial growth.

9. Air sampling for airborne fungal spores demonstrated that indoor levels were consistent with outdoor levels and typical of urban living spaces.

10. On August 3, 2021, Kowalewski prepared a PRV that I reviewed and approved for release. See a copy of the August 3, 2021 PRV annexed hereto as **Exhibit A**.

11. Upon information and belief, on August 16 and 17, 2021, Olmsted conducted a post remediation inspection of the Apartment.

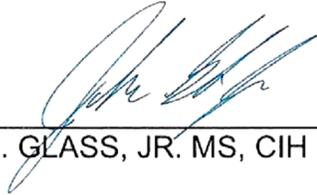
12. On April 11, 2022, I re-inspected the Apartment with Olmsted and observed that Olmsted had conducted additional demolition of the ceiling and walls during his post remediation inspection. This damage was not present after ServPro completed the remediation work on July 27, 2021. I did not observe evidence that Olmsted had taken any standard regulatory precautionary measures when creating the holes in the Apartment.

13. Olmsted's conduct of creating holes in the ceiling, walls, and floors to conduct probing for mold testing is not a standard and customary method to inspect for mold after mold remediation work has been completed. This is especially true when indoor survey results did not indicate amplified mold growth. Amplified mold growth on the underside of building materials that are sealed from the workplace do not create adverse exposures to building occupants. This is especially true when the original source of the uncontrolled moisture is certain, has been eliminated, and the conditions necessary for growth no longer exist. There was no need for Olmsted to expose those surfaces, especially without taking any standard regulatory precautionary measures, to determine mold growth since doing so could re-contaminate the Apartment.

14. The sole cause of inaccessible mold to remain in the underlying surfaces of this Apartment is the unconventional construction techniques that prevented observation of these surfaces either before or during remediation. This same unconventional construction techniques would have allowed for the safe reoccupation of the Apartment but for Olmsted's subsequent additional demolition.

15. Based on my professional experience, personal knowledge, the tests results included in the ALC Post Remediation Report, and Kowalewski's inspection of the Apartment after the remediation work was completed and after Olmsted conducted his post remediation inspection, it is my expert opinion that: (a) the Respondent-Owner complied with the terms of the Stipulation; (b) no evidence of adverse microbial impact was identified in the

Apartment after the remediation work was completed by ServPro; and (c) Olmsted's improper post remediation inspection caused the Apartment to be re-contaminated with mold.



JOHN B. GLASS, JR. MS, CIH

Sworn to before me this
6 day of July, 2022



Notary Public

IRENE J DELGADO
Notary Public, State Of New York
No. 01DE6039104
Qualified in New York County
Commission Expires 03/27/2026

JOHN B. GLASS, JR., MS, CIH

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ALC Environmental
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New York, New York 10001
Office 212-675-5544

1152 Old Indian Mills Road
Tabernacle, New Jersey 08088
Cell 609-668-7867

With over 35 years of professional experience, Mr. Glass is a seasoned and results-driven professional with comprehensive experience spanning safety, public/environmental health, environmental stressors, and industrial hygiene. He has a proven record of driving change in highly political and diverse environments, and in bringing consensus among opposing opinions. An analytical problem solver equipped with a strong history of developing, implementing, and managing effective programs that ensure regulatory compliance, enhance efficiency, and drive profitability. A self-motivated professional, skilled at developing corporate strategies and implementing programs to exceed their demands. International experience in consulting, training, and program management.

He has extensive knowledge in health and safety management, safety engineering, emergency response, disaster management, continuity of operations planning, water/wastewater management, laboratory design and safety, fire safety, emergency medical care, underwater safety (deep diving), regulatory compliance, policy development and implementation, public speaking, risk management, and conflict resolution.

He has led teams of professionals, lay people, students, and trainees. He can motivate and educate at any level. While possessing extensive technical knowledge, he has developed a national reputation for his management and leadership. He has served as the chairman or president of numerous professional and charitable organizations over his career and continues to be active in consensus building organizations that form the "State of The Art" practices.

EDUCATION:

- M.S.. Environmental Health-Industrial Hygiene/Occupational Health and Safety,
Temple University
- B.S.. Environmental Planning and Design, Rutgers University
- M.P.H. /Dr.P.H., Public Health/Environmental and Occupational Health Program of the Rutgers
University (Formerly the University of Medicine and Dentistry of New Jersey),
School of Public Health. *In Progress/On Hold.*

PROFESSIONAL LICENSES:

- C.I.H. Certified in the Comprehensive Practice of Industrial Hygiene by the American
Board of Industrial Hygiene*; #6157, 1993. *Now managed by the Board for Global
EHS Credentialing.
- C S P. Certified in the Comprehensive Practice of Safety by the Board of Certified Safety
Professionals: #14673, 1996 (Expired)

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- C.H.M.M. Certified by the Institute of Hazardous Materials Management as a Certified Hazardous Materials Manager at the Master Level; #7500, 1996 (Expired)
- C.P.E.A. Certified by the Board of Certified Environmental Auditors as a Certified Professional Environmental Auditor, 2006 (Expired)
- QEP Certified by the Institute for Professional Environmental Practice as a Qualified Environmental Professional, February 2007 (Expired)
- CHS-III Certified in Homeland Security, Level 3 by the American College of Forensic Examiners Institute, American Board for Certification in Homeland Security, #105070, September 2006 (Expired)
- C.E.T. Certified by the National Environmental Training Association as a Certified Environmental Trainer for Occupational Safety and Health; #96518, 1996 (Expired)

PROFESSIONAL EXPERIENCE:

ALC Environmental

39 West 29th Street, 8th Floor

New York City, New York 10001

Vice President, Environmental Health and Safety 2017-Present

Responsible for leading and developing the environmental health and safety efforts of the company. Training and developing a professional staff of scientists and consultants. Managing and expanding a diverse client network and managing a wide range of projects. Oversees the Quality Assurance/Quality Control activities of the corporation.

Rowan University

201 Mullica Hill Road

Glassboro, New Jersey 08028

Director of Environmental Health and Safety 2012-2017

Responsible for the environmental health and safety of Rowan University, Rowan University Medical School, and Rowan University School of Osteopathic Medicine. Leads and trains a growing staff of EHS professionals. Develops and maintains compliance with an aggressively conservative budget. A sitting member of the Institutional Biosafety Committee, Americans with Disability Act Committee, Institutional Research Committee, Safety Committee, and University Environmental/Aesthetics Committee.

J Tyler Scientific Company

1152 Old Indian Mills Road

Tabernacle, New Jersey 08088

Principal 2009-Present

J Tyler is a self-owned/private consulting firm that is used to perform pro bono services on

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occasion. All work is performed with the consent and encouragement of the primary employer
Tyler Scientific Company

Principal, 1992-1998

Founder and operator of a professional environmental health and safety private practice. Projects range from private homeowners to industrial building decommissioning. Performed plant-wide health and safety audits, compliance inspections and compliance training as well as environmental training for state licensure. Projects have included indoor air quality investigations, wastewater treatment facility services, and health and safety compliance program design. Responsible for business development, project management, and technical operations.

Health and Safety Officer at the Ohmsett research facility at Earle Naval Arsenal. These duties include periodic audits, and development of response activities to address identified concerns. Also provides required safety and health training to the employees of the facility.

Epsco Envirotech

Dubai, United Arab Emirates

Technical Consultant 2009-Present

Provides technical guidance, project advice and expert opinions in various countries throughout the Gulf Region. Provides annual training to staff and management. Developed SOPs and QA methods for a full-service laboratory. Provides coverage for international projects requiring advanced knowledge/skills.

National Asbestos & Environmental Training Institute (NAETI)

3321 Doris Avenue

Ocean Township, New Jersey

Adjunct Faculty 1990-Present

Provide training in asbestos, lead based paint, safety, mold, hazardous materials, etc. Authorized to instruct all levels of asbestos, lead and OSHA courses. Presented several hundred courses both in house and at client facilities. Clients have ranged from small companies to Fortune 100 corporations and have spanned several countries.

ICU Environmental Health and Safety-US Pentagon

26022 Oak Ridge Drive

The Woodlands, Texas 77380

Consultant 2008-2009

Managed a contract at the United States Pentagon Building. When he joined this project, the previous project leader had established a negative impression of the firm with the client and had alienated the staff. The initial goal of this assignment was to repair the client relationship and develop the staff into a professional team. During the 18 months of managing this contract, the client increased the volume of the contract by over 30 percent. The staff was formed into an effective team with each individual taking on independent management roles for a specific program. Although anticipated to be a financial loss in the first year, was able to achieve a profit in the initial year, and to increase the profit in the subsequent year.

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The Hillmann Group, LLC

1600 Route 22 East

Union, New Jersey 07083

Senior Vice President. 1998-2008

Director of Occupational Health. 1989-1992

General Manager of Mid-Atlantic Region. 1988-1989

Industrial Hygienist. 1987-1988

Responsible for directing and managing the Environmental Health and Safety Division of the corporation. In addition to the day-to-day management responsibilities, he was also responsible for developing corporate-wide policies and programs. These programs include drug-free workplace, medical surveillance, workers' compensation/accident reporting, and in-house training efforts. As Director of Occupational Health and Safety, was responsible for assuring compliance of the Corporation with all OSHA requirements. As Manager of the Mid-Atlantic Region, was responsible for operations, quality assurance, and project review. Throughout his tenure as General Manager, initiated and developed operations in the region, creating a stable client base while ensuring the highest professional standards were consistently maintained.

University of North Dakota

Grand Forks, North Dakota 58202

Director of Occupational Safety and Environmental Health Office 1996-1997

Faculty Member, Department of Industrial Technology

As Director, was responsible for the overall health and safety of over 5,000 employees, 13,000 students and 200 buildings. Chairman of the University Safety Committee, Radiation Safety Committee, and Biosafety Committee. His duties included department management, program development, accident investigation, hazardous material response and employee training. Since the university maintained its own trade shops, he was called upon to oversee the safety and health of each construction and renovation project that was conducted. He was responsible for implementing many aspects of the University's risk management program, safety program and workers' compensation programs. Acted as the university liaison to the city and county Emergency Operations Center during natural disasters. Following the largest flood in U.S. history, directed the environmental aspects of restoration for the University. In addition, he was an integral part in the restoration of both the city and the regional hospital.

As a faculty member in the Department of Industrial Technology, was instrumental in the redevelopment and approval of an undergraduate degree program in Occupational Health and Safety and was a member of the Industrial Technology Department Review Board. Also taught courses in Hazardous Materials, Radiation Protection, and Industrial Hygiene.

Omni Environmental Corporation

211 College Farm Road

Princeton, NJ 08540

Senior Consultant, 1994-1995

Oversaw the corporation's industrial hygiene projects and research. Developed, monitored, and

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serviced a growing client base in the health and safety field. These services included auditing, program development and implementation, training, emergency response and compliance services primarily in municipal wastewater treatment facilities. He also presented informative seminars and keynote addresses to public utility trade groups and the public. Published articles and newsletters were on a periodic basis for existing clients.

Thompson Land Company

Nassau Street

Princeton, New Jersey 08540

Environmental Consultant/Planner, 1986-1987

Performed numerous land audits, based on environmental factors and comparison of surrounding properties. Audits included estimation of wetlands/flood plains areas, zoning, topography, soil structure, geological base, aerial photography, soil tests and others. These factors, compared to neighboring properties, were used to determine an appropriate market valuation.

ADDITIONAL EXPERIENCE:

Elkin-Sinn, Inc., Pharmaceutical Manufacturing; Industrial Hygienist/Intern

Philadelphia Naval Shipyard; Industrial Hygienist/Intern

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES:

- Diplomat, American Board of Industrial Hygiene; Board of EHS Credentialing
- Member, American Academy of Industrial Hygiene
- Full Member, National American Industrial Hygiene Association
 - Member, Hazardous Waste Committee 1995-1997
 - Member, Construction Safety Committee
 - Vice Chairman 2001-2002
 - Chairman 2002-2003
 - Member, Safety Committee
 - Member, EnviroSIG
 - Chairman 2007-2008; 2015-2016
- Member, AIHA New Jersey Section, Delaware Valley Section
 - President Elect NJ 2000-2001; President NJ 2001-2002; Past President NJ 2002-2003
- Member, AIHA New York Metro Section AIHA
 - President NY Metro 2019-2021; Past President NY Metro 2021-2022
- Member, American Conference of Governmental Industrial Hygienists*
- Diplomat, Institute of Hazardous Materials Management*
- Diplomat, Board of Certified Safety Professionals*
- Member, American Society of Safety Engineers, National and Local

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- Member, Water Environment Federation, National & New Jersey*
 - Member, National Occupational Safety and Health Committee
 - Member, NJ Safety Committee
- Member, New Jersey Industrial Safety Committee*
- Member, American Society of Testing and Materials
- PADI Certified Master Diver/Rescue Diver
- Member, New Jersey Safe Schools Task Force*
- Member, Board of Advisors, Stockton College OSEH Accreditation Program
- Member, Association of Professional Industrial Hygienists*
- Member, National Environmental Training Association*
- Member, Pinelands Community Emergency Response Team
- Local Emergency Management Coordinator*
- Local Emergency Planning Committee, Chairman*
- Member, New Jersey and Burlington County Medical Reserves Corp.

*Past Activity/Expired Term

PROFESSIONAL QUALIFICATIONS AND TRAINING:

Not all registrations and or licenses are currently being maintained

- ABIH Certified Industrial Hygienist, #6157
- AIHA Registry for Airborne Asbestos
- Aseptic Techniques Training
- BCSP Certified Safety Professional, #14673
- Comprehensive Review of Industrial Hygiene, University of Cincinnati
- DDC4 Defensive Driving Instructor, NSC
- Delaware/New Jersey/New York/Maryland State Asbestos Licenses
- EPA Model, Lead Inspector, Worker & Contractor
- Emergency Medical Technician - Level A, NJ Department of Health
- Hazardous Material Management Review, NJIT
- IHMM Certified Hazardous Materials Manager, Master; #7500
- Incident Command Training, New Jersey State Police
- NETA Certified Environmental Trainer, #96518
- NIOSH 582 Certified, Temple University, Center for Environmental Studies
- NJ DCA Asbestos Safety Technician
- NJ DOH Certified Lead Inspector/Risk Assessor
- NY State Certified Air Sampling Technician, Worker, Instructor
- NY State Certified Mold Assessor/ Mold Remediator
- NYC Construction Site Safety Manager

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- OSHA 501, Instructor, General Industry
- OSHA 1910.120 HAZWOPER Training, Environmental Training Institute
- OSHA 1910.134 Respiratory Protection
- OSHA 1910.146 Permit Required Confined Space Entry
- OSHA 1910.147 Control of Hazardous Energy (LOTO)
- OSHA 1910.1025 Lead Standard
- OSHA 1910.1030 Bloodborne Pathogens
- OSHA 1910.1200 Hazard Communication Standard
- USEPA AHERA Certified Building Inspector/Management Planner/Project Designer
- USEPA Lead Inspector/Risk Assessor/Project Planner/Designer
- FEMA Emergency Management Training
- IS 100b & 100he-Introduction to Incident Command System
- IS 230 Fundamentals of Emergency Management
- IS 362he Multi Hazard Emergency Planning for Higher Education
- IS 700 National Incident Management System
- IS 800 National Response Program
- Management Training
- Motivating and Engaging Employees
- Handling Difficult Conversations
- Change Management
- NJ State Ethics Compliance
- Preventing Employee Discrimination

TEACHING EXPERIENCE:

Presented graduate and undergraduate courses and seminars including:

- Hazardous Material/Waste Handling, 2 Credits IT 415
- Radiation Protection, 1 Credit IT 305
- Hazardous Material Response, 1 Credit IT 304

Provided professional training and worker education in occupation and environmental health and safety. A partial list of the courses he has instructed includes:

- Access to Medical Records
- AHERA Inspector/Management Planner
- AHERA/NJ Brake and Clutch Repair Techniques
- Asbestos Awareness/Handler/Supervisor/VAT Removal
- Bloodborne Pathogens
- Bioterrorism Preparedness and Response

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- Chemical Hygiene/Lab Safety
- Confined Space Entry Training
- Confined Space Rescue Training
- Defensive Driving, DDC4
- Disaster Management
- Ebola and other Highly Infectious Diseases, Proper Response and Preparation
- Emergency Preparedness and Response.
- Hazard Communication Standard Training/Globally Harmonized System
- Hazardous Waste Operations
- Hazardous Materials Awareness/Operations/Technician
- Hearing Conservation Training
- Housekeeping Safety
- Industrial Hygiene Practice
- Laboratory Safety
- Lead Abatement; Awareness; Inspection and Analysis
- Lockout/Tagout Training
- Microbial Inspection and Control
- Mold Awareness
- NIOSH 582
- NJ PEOSHA Right-To-Know
- NYS Asbestos Worker/Supervisor/Inspector/Restricted Handler
- OSHA Compliance Overview
- Respiratory Protection Training
- Safety Seminars
- Supervisor Safety
- Trenching and Shoring
- Various Red Cross Certified Courses
- Walking/Working Surfaces

PUBLICATIONS:

Glass, J.B., "Health and Safety Compliance; A Comprehensive Approach", New Jersey Effluents, Vol. 27, No. 7, Winter 1995.

Glass, J.B., Editor, Health and Safety Report, A Quarterly Newsletter, December 1994.

Glass, J.B., "Health and Safety Compliance; Written Programs", New Jersey Effluents, Vol. 28, No. 2, Summer 1995.