



**LMDC**  
Remember Rebuild Renew

Lower Manhattan Development Corporation  
One Liberty Plaza, 20<sup>th</sup> Floor New York, NY 10006  
Tel: 212.962.2300 Fax: 212.962.2431  
www.renewnyc.com

January 29, 2010

Bovis Lend Lease LMB, Inc.  
One North Wacker Drive  
Suite 850  
Chicago, IL 60606  
Attn: Mr. Jeffrey Arfsten

Re: 130 Liberty Street - Safety

Dear Mr. Arfsten:

I am writing to express the grave concern of LMDC and LMCCC with the quality of Bovis planning and supervision of demolition work at 130 Liberty Street.

As you know, under the terms of our contract Bovis is "responsible for all necessary site safety precaution/procedures during deconstruction..."

Since the re-start of demolition there have been a number of "safety incidents" or "near misses" on the job.

[REDACTED] Fortunately in each instance there were no injuries.

[REDACTED] we insist that personnel changes be made immediately to prevent similar events.

[REDACTED] we note:

1. On January 15<sup>th</sup> one of the steel containers used to lower debris from the demolition deck to the ground swung while debris was being unloaded and struck the "sidewalk bridge" which protects pedestrians on Liberty Street. This incident occurred because debris was being unloaded in an area not approved for such use. This incident resulted in DOB issuing Bovis violation number 34821238J for working contrary to approved plans.
2. On January 23<sup>rd</sup> a small tractor or "bobcat" was driven into an area from which such equipment is specifically excluded by the permit drawings prepared by the Engineer of Record. The deck collapsed below the bobcat. This incident resulted in DOB issuing Bovis violation number 34788784P for working contrary to approved plans.
3. On the morning of January 28<sup>th</sup> a "wobblelight" burned. This light was being used in a wet area [REDACTED]

[REDACTED]

The fireguard who found the burned light did not call 911 [REDACTED]. We note that the approved Bovis EHSP states at Section 5.16.7 "Any fire that ignites material, irrespective of the cause or size, must be immediately called into 911." In addition, Section 6.1.1 also requires "All site personnel, upon discovering an emergency situation, shall immediately call 911."

It is the obligation of the Fire Department, not site personnel, to determine whether the fire is fully extinguished and whether there are any further risks. This incident resulted in DOB issuing Bovis violation number 34786020X for failure to maintain lighting in a code compliant manner and violation number 34786021H for failure to notify DOB of the incident. In addition, the matter is under investigation by the Fire Department and we expect a report shortly.

[REDACTED]

[REDACTED]

OSHA regulations (1926.856(b)) require that "Floor openings shall have curbs or stop-logs to prevent running over the edge." This requirement is specifically incorporated in the Bovis Implementation Plan (Sections V.D.10.g and V.D.16.a), which states that "Equipment shall also be protected from falling at the perimeter of the building by stop-logs or curbs until otherwise approved by OSHA." This requirement must be complied with.

[REDACTED]

Accordingly, please note the following:

1. No deviations from the approved Bovis Implementation Plan, EHSP or permit drawings can be allowed, and all aspects of the Bovis Implementation Plan, EHSP and permit drawings concerning site protection must be implemented and regulator requirements be strictly adhered to.
2. Any supervisor who allows a deviation from the approved Bovis Implementation Plan, EHSP or permit drawings must be relieved of his responsibility immediately and replaced with a qualified field supervisor who is familiar with the Plan.
3. Employees who deviate from the approved Bovis Implementation Plan, ESHP or permit drawings must be removed from the job.
4. We reiterate that all fires must be reported to 911 immediately.



We are not comfortable that the present team can assure compliance with the plans going forward. Therefore, we request that you make appropriate changes in Bovis senior staff immediately and further request that you advise us in writing by the 4:00 pm meeting on Monday, February 1, 2010 as to what staff and protocol changes have been made to improve safety performance going forward.

Thank you for your attention to this. LMDC reserves all of its legal rights with respect to the failure of Bovis to comply with the Implementation Plan.

Yours sincerely,

David Emil

Attachments