



Military and Naval Affairs

KATHY HOCHUL
Governor
Commander-in-Chief

RAYMOND F. SHIELDS, JR.
Major General
The Adjutant General

January 14, 2022

Mr. Ken Shulman
Assistant Comptroller
Office of the State Comptroller
110 State Street
Albany, NY 12236

Dear Mr. Shulman:

The Division of Military and Naval Affairs (DMNA) has reviewed the Lead Contamination of State Armories Report 2021-F-22 issued December 16, 2021.

The Division of Military and Naval Affairs generally concurs with the Office of the State Comptroller's (OSC) follow-up report as written. As your follow up audit indicates, DMNA has implemented OSC Audit recommendations 1, 2, 4 and 5, and partially implemented recommendation 3 and we recognize there is room for improving processes. Please see below for DMNA's updated response on OSC recommendation 3.

OSC Recommendation 3 Disclose Lead Contamination to co-tenants of the armory when testing results return over the ARNG threshold.

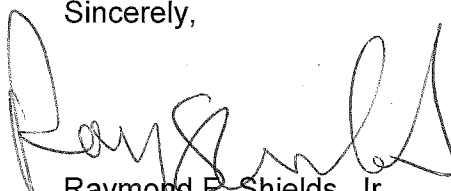
Status – Partially Implemented

Agency Action – “As previously indicated, DMNA officials advised that all armories have been closed since March 2020 due to COVID-19. Consequently, it has not been necessary to disclose lead contamination to co-tenants of the armory when testing results return over the Army National Guard (ARNG) threshold. However, when armories re-open in the future, such notification to co-tenants will be necessary. Division officials provided us with a transmittal sent by the New York ARNG to the Division in October 2021 that identified three armories with testing results over acceptable levels. The transmittal included a series of steps that the Division was directed to take, including notifying the Superintendent and Officer in Charge and Command of each armory of the test results. Division officials said the outlined steps are included in every transmittal of testing results sent to Division officials when lead testing results are over the threshold for an armory, whether there are co-tenants or not. According to Division officials, the steps serve as a template for the Division to follow to notify co-tenants of unacceptable test results. However, the Division does not have a written policy stating that the steps outlined in the ARNG transmittals are to be carried out by Division staff to ensure testing information is disclosed to armory co-tenants.”

DMNA Response: In regards to the above recommendation 3, DMNA will create an additional policy/job aid referencing the responsibilities to provide timely and accurate hazards notification to all facility occupants in accordance with existing federal standards, NYS Right to Know laws, NGB-ARNG Lead Hazard Guidance, DMNA Environmental Program, and DMNA Memorandums from the Office of The Adjutant General. This document will be written and distributed by March 31, 2022.

The point of contact in this matter is Patrick Center, Chief of Staff, State at (518) 786-6125 or patrick.j.center.nfg@army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Shields, Jr.", written in a cursive style.

Raymond P. Shields, Jr.
Major General, New York Army
National Guard
The Adjutant General