



**OCCUPATIONAL SAFETY AND HEALTH  
HAZARD ABATEMENT BOARD**

BUILDING 12, ROOM 436  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NY 12240

**INSTRUCTIONS ON HOW TO OBTAIN CAPITAL ABATEMENT PROJECT FUNDING**

Article 2, Section 27-a of the NYS Labor Law, the Public Employee Safety and Health (PESH) Act, provides for seventy-five percent funding of the total covered expenditures of a Capital Abatement Project.

**“CAPITAL ABATEMENT PROJECT”** is defined as any undertaking requiring an expenditure of at least one thousand dollars (\$1,000) for the improvement of buildings, structures and other facilities and/or for the acquisition of machinery, apparatus or equipment where such improvement and/or acquisition is necessary to correct occupational safety and health conditions found by the public employee enforcement program to violate the New York State Public Employee Occupational Safety and Health Act, or to comply with hazard abatement recommendations issued by the public employee consultation program. **Maintenance**, (including projects undertaken in response to violations or recommendations issued under 29 CFR 1910.1001 (k) (2) which covers the cleanup of spills and releases of asbestos containing materials), **repairs, and personal protective equipment for firefighters** DO NOT COME WITHIN THE SCOPE OF THIS DEFINITION.

**RENTED PREMISES:** If a project is proposed for a facility or premises which is rented, contact the Secretary to the Board before proceeding any further.

**ELIGIBILITY:** Any political subdivision of the State, *except a State Agency or Public Authority created by the state*, which has been issued violations or hazard abatement recommendations by staff of the Public Employee Safety and Health (PESH) Bureau is eligible to apply for funding. The municipality’s chief executive or administrative officer or an agency head may file an application which must be countersigned by the responsible fiscal officer.

**APPLICATION PROCESS**

The application process consists of two parts - a request for review and an application for funding. Since a separate Notice of Violation and Order to Comply or Hazard Abatement Recommendation is issued for each premise visited, a separate request/application must be submitted for each premise.

***PART I - REQUEST FOR REVIEW OF PROJECT DESIGN***

1. Prepare the “Request For Review of Capital Abatement Project Design” (in duplicate) for each facility or premise involved; an original signature of the Administrative Officer/Chief Executive AND the Agency Fiscal Officer must appear on both copies of the Request form.
2. Submit a copy of the “Notice of Violation and Order to Comply” or the Hazard Abatement Recommendation issued to the facility or premise involved.
3. Attach a brief statement of how the proposed project design will abate the hazards for which the violations or recommendations were issued, and the estimated cost of the project design, if known.
4. Submit any plans, blueprints or sketches, detailed specifications and/or other technical data which describes the proposed project design. All plans, blueprints or sketches submitted must have the New York State registrant seal and signature of the architect or professional engineer who prepared them. This material will be retained by the Hazard Abatement Board.

5. Prepare a "Petition for Modification of Abatement Date" (PMA) form.

**NOTE: YOU MUST SUBMIT A PMA REQUEST - if the abatement date assigned to the violations or recommendations is less than 12 months from the date the proposed project design is submitted.**

Since applying for reimbursement from the Board *does not relieve you of your responsibility to comply the hazards found by the abatement date*, you are advised to send a complete PMA request with the project design.

Failure to comply the hazards or to request a PMA in a timely manner can result in the assessment of a penalty and/or legal action.

**Forward all material requested to the Board, Building 12, Room 436  
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Upon receipt of a "Request for Review of a Capital Abatement Project Design", the Board will issue an acknowledgement letter for the proposed project design. If a Petition for Modification of an Abatement Date (PMA) was not required at the time the proposed project design was filed, the acknowledgement letter will advise the applicant of the need to monitor the progress of the request so that a PMA can be filed in a timely manner, if necessary.

The review process by the Board will establish (a) that the project meets the criteria for a capital improvement; (b) that any missing or unclear information is provided; and (c) that such project will bring the applicant into compliance with the requirements of the PESH Act.

If the proposed project design is disapproved, the Secretary to the Board will indicate the reason(s) for disapproval. Modified proposals may be submitted for reconsideration.

Upon a determination that the proposed project design is eligible for consideration, an "Application For Capital Abatement Project Funding" with a letter approving the proposed project design will be sent to the applicant. Then, the applicant may make all necessary capital improvements to comply the violations/recommendations in accordance with the proposed project design.

## **PART II - APPLICATION FOR CAPITAL ABATEMENT PROJECT FUNDING**

1. Complete the "Application for Capital Abatement Project Funding" (original only) for each facility or premise involved. The certification statement must contain the original signature of the Chief Executive/Administrative Officer AND the Agency Fiscal Officer.
2. Attach any supporting documentation for the cost data submitted.

**NOTE:** Expenditures may include all costs attendant to a project design, such as, materials, machinery, apparatus and equipment, costs payable to contractors or vendors, and fees for certifications by professional engineers or registered architects.

The cost of labor or services provided by full time employees of an applicant's municipality or political subdivision must be indicated separately.

3. Submit a copy of the letter approving the proposed project design.

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Once a review establishes that the application material is complete, and a field inspection by staff of the PESH Bureau verifies compliance with the violations/recommendations issued, the funding application will be put on the agenda for the next scheduled meeting of the Hazard Abatement Board.