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Safety and Accessibility Deficiencies at the Jacob K. Javits Federal Building in New York, New York

Report Number A240064/P/2/R25002
June 17, 2025

Executive Summary

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Why We Performed This Audit

We performed this audit because GSA's Public Buildings Service (PBS) plays a significant role in providing a safe, healthy, and secure environment for building occupants at more than 8,300 federally owned and leased facilities nationwide. Further, prior audit reports issued by our office have identified deficiencies in PBS's facilities management and its oversight of operations and maintenance (O&M) contractors. Effective management of PBS facilities is critical because deficiencies could pose fire, safety, and health risks to building occupants and the public. PBS Northeast and Caribbean Region's (PBS Region 2's) facility operations management of the Jacob K. Javits Federal Building (Javits Building) in New York, New York, directly affects the health and safety of the building's vast number of daily visitors.

Standing as the largest federal building outside of the District of Columbia area, the Javits Building serves as office space for many federal agencies and houses various federal courtrooms. Its prominent location on Broadway in downtown Manhattan regularly exposes the building to heavy pedestrian traffic. PBS's management of the building plays a crucial part in the safety of the building's occupants and the surrounding area. Our audit objective was to assess whether PBS Region 2 complied with applicable laws, regulations, and PBS policies governing fire protection, environmental safety, and property conditions at the Javits Building.¹

What We Found

PBS Region 2 did not fully comply with applicable laws, regulations, and PBS policies governing fire protection, worker safety, and accessibility at the Javits Building. We found various fire protection violations, worker safety hazards, and disability access deficiencies. We also found that PBS Region 2 did not notify building occupants of identified environmental, health, safety, and fire protection (EHSF) risks in a timely manner, in violation of PBS policies. Without corrective actions, proper monitoring, and timely notification of safety risks, these deficiencies can result in safety and health hazards for building tenants, workers, and visitors.

¹ Property conditions include custodial operations, occupational safety and health, and compliance with the Americans with Disabilities Act.

What We Recommend

We recommend that the PBS Region 2 Regional Commissioner:

1. Take immediate actions to address any fire protection and worker safety deficiencies at the Javits Building by:
 - a. Ensuring that all fire extinguishers are mounted and unobstructed, all elevator machine rooms comply with applicable requirements for fire barriers, and all fire evacuation route diagrams are up to date to comply with fire codes.
 - b. Confirming that the O&M contractor promptly repairs water leaks or displays proper signage in affected areas to prevent slipping accidents in accordance with Occupational Safety and Health Administration requirements. This is especially important for prolonged leaks for which PBS Region 2 is awaiting repair funding.
 - c. Strengthening oversight to improve O&M contractor performance and ensure that the O&M contractor is complying with contract requirements including, but not limited to, fire and work safety requirements and use of the National Computerized Maintenance Management System.
2. Take immediate actions to reassess compliance with Architectural Barriers Act Accessibility Standards requirements at the Javits Building by:
 - a. Ensuring that proper signage is installed that directs individuals to disability-accessible entrances, exits, restrooms, and other applicable building locations.
 - b. Cataloging all accessibility violations, resources permitting, throughout the building and developing a plan to remediate them.
3. Implement controls to ensure that appropriate PBS Region 2 officials notify building occupants of identified EHSF risks in a timely manner in accordance with PBS policies.

The PBS Region 2 Regional Commissioner agreed with the report recommendations. PBS's response can be found in its entirety in **Appendix B**.²

² The redacted information in PBS's response contains information that, if disclosed, would infringe on an individual's personal privacy.

Table of Contents

Introduction.....	1
Results.....	6
<i>Finding 1 – PBS Region 2 did not fully comply with applicable regulations and PBS policies governing fire protection and worker safety at the Jacob K. Javits Federal Building.</i>	<i>6</i>
<i>Finding 2 – The Jacob K. Javits Federal Building does not fully comply with some disability access requirements.....</i>	<i>14</i>
<i>Finding 3 – PBS Region 2 did not notify building occupants of identified EHSF risks in a timely manner, in violation of PBS policy.</i>	<i>15</i>
Conclusion	17
Recommendations	17
GSA Comments.....	18
Appendix A – Objective, Scope, and Methodology	19
Appendix B – GSA Comments.....	21
Appendix C – Report Distribution.....	24

Introduction

We performed an audit of the GSA Public Buildings Service's (PBS's) facility management operations at the Jacob K. Javits Federal Building (Javits Building) in New York, New York.

Purpose

We performed this audit because PBS plays a significant role in providing a safe, healthy, and secure environment for building occupants at more than 8,300 federally owned and leased facilities nationwide. Further, prior audit reports issued by our office have identified deficiencies in PBS's facilities management operations and its oversight of operations and maintenance (O&M) contractors. Effective management of PBS facilities is critical because deficiencies could pose fire, safety, and health risks to building occupants and the public.

Objective

Our audit objective was to assess whether PBS Northeast and Caribbean Region (PBS Region 2) complied with applicable laws, regulations, and PBS policies governing fire protection, environmental safety, and property conditions at the Javits Building.

See **Appendix A** – Objective, Scope, and Methodology for additional details.

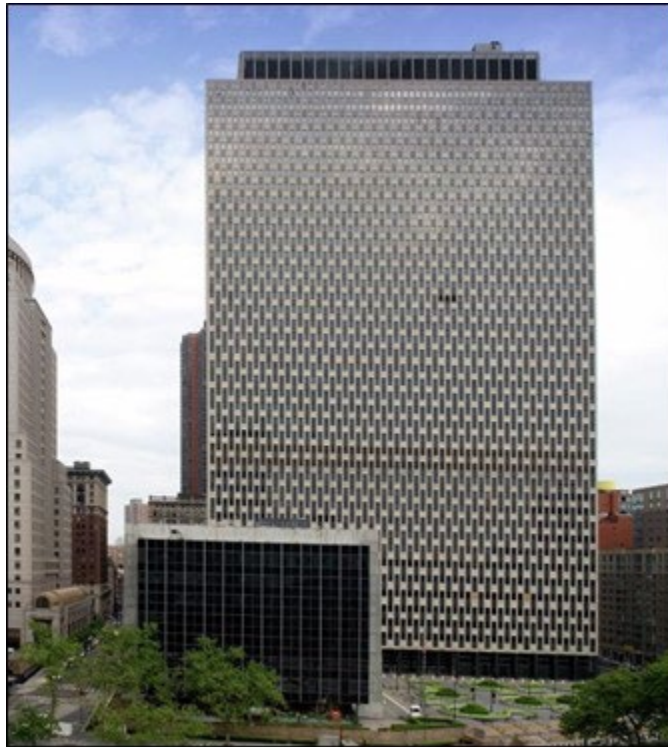
Background

PBS's mission is to design, deliver, and maintain safe and sustainable workspaces that enable employees and agencies to serve the American public. PBS manages more than 370 million rentable square feet of workspace for federal employees, operating 11 regions nationwide, including PBS Region 2, which services the Javits Building.

The Javits Building (shown in *Figure 1* on the next page) is a 41-story office tower located at 26 Federal Plaza in New York, New York. The office tower is linked via a pedestrian bridge to an 8-story court building, both of which were completed in 1967. A 45-story annex was added to the west side of the office tower in 1974. In 1981, the office tower was dedicated to Jacob K. Javits, a former New York senator.

The Javits Building houses many federal agencies, some of which provide daily services to the public. These include, but are not limited to, the U.S. Department of Justice Immigration Court, U.S. Tax Court, U.S. Court of International Trade, and U.S. Citizenship and Immigration Services. In addition to its many tenants, the Javits Building's location on Broadway in downtown Manhattan regularly exposes it to heavy pedestrian traffic.

Figure 1. Jacob K. Javits Federal Building³



PBS Region 2's Office of Facilities Management is responsible for the day-to-day operations and property management of the Javits Building. These responsibilities include programs that safeguard tenants, public visitors, and contractors.

Facility Management Requirements Applicable to the Javits Building

Numerous facility management requirements apply to the Javits Building. For the purposes of our audit, we focused on the following:

- **National Fire Protection Association 10, *Standard for Portable Fire Extinguishers*** – This standard establishes requirements to ensure that portable fire extinguishers will work as intended to provide a first line of defense against fires of limited size. Specifically, fire extinguishers are required to be conspicuously located where they are readily accessible and immediately available in the event of fire.

³ Source: GSA public website (<https://www.gsa.gov/real-estate/historic-preservation/explore-historic-buildings/find-a-building/all-historic-buildings/jacob-javits-federal-building-james-watson-cit-new-york-ny>). Accessed January 30, 2025.

- **Architectural Barriers Act Accessibility Standards** – These standards are issued by the U.S. Access Board under the Architectural Barriers Act.⁴ Guidelines for the Architectural Barriers Act Accessibility Standards (ABAAS) contain scoping and technical requirements for accessibility by persons with disabilities. These standards apply to federal buildings, including post offices, social security offices, federal courthouses and prisons, and national parks.
- **29 C.F.R. 1910, Occupational Safety and Health Standards** – This federal regulation, issued by the Occupational Safety and Health Administration (OSHA), establishes a wide range of workplace safety and health standards. Among other things, these standards: (1) establish requirements for walking-working surfaces to ensure these surfaces are free from hazards and (2) provide a safe environment to protect employees from falls and falling objects.
- **GSA Order PBS 5921.1, PBS Fire Protection Program Policy** – This policy establishes procedures, roles and responsibilities, and program activities for the PBS Fire Protection Program across all PBS regions. It also establishes “clear techniques for how fire and similar risks are managed in GSA-controlled [owned and leased] spaces.”
- **GSA Order PBS 2400.1, Risk Management Notification** – This policy establishes the GSA procedural requirements for timely notification to affected occupants, relevant GSA offices and personnel, and applicable regulatory agencies of all environmental, health, safety, and fire protection (EHSF) risks occurring in facilities under the jurisdiction, custody, or control of GSA.

Operations and Maintenance Contracts

O&M contracts specify that the contractors are responsible for the efficient, effective, economical, and satisfactory O&M of the building or buildings covered under their contracts. Services covered under O&M contracts include, but are not limited to, scheduled and unscheduled maintenance and repair of the following:

- Electrical systems and equipment;
- Mechanical equipment;
- Plumbing;
- Heating, ventilation, and air conditioning systems; and
- Fire protection and life safety systems and equipment.

O&M contractors are typically responsible for all management, supervision, labor, materials, equipment, and supplies to provide those services. The O&M contractor is also responsible for ensuring that the building complies with fire and environmental safety, and health and safety regulations.

⁴ 42 U.S.C. 4151–4157.

Quality control plan. O&M contracts require each contractor to develop and implement a quality control plan (QCP) to help ensure its compliance with the terms and conditions of its GSA contract. The QCP is the O&M contractor's complete written system for identifying and correcting deficiencies and monitoring and improving efficiencies to continually improve the quality of services it provides. The O&M contractor's QCP for the Javits Building states that the contractor performs daily and weekly site inspections. Specifically, it states:

We continually monitor contract performance through routine inspections, spot-checks, and surveys. Every day, our maintenance staff performs inspections of all building exteriors, interiors and systems.

Quality assurance surveillance plan. The PBS contracting officer's representative (COR) provides additional oversight by monitoring, assessing, recording, and reporting on the contractor's performance. The COR periodically validates the execution of an O&M contractor's QCP with PBS's quality assurance surveillance plan (QASP). The QASP is the government's method of monitoring and evaluating the contractor's performance. The COR uses the QASP to review such areas as the contractor's quality control inspection forms and the timeliness of corrective actions.

Management Analysis and Review System Reviews and EHSF Facility Surveys

PBS performs Management Analysis and Review System (MARS) reviews every 5 years to assess service center effectiveness, operations, and the delivery of required services.⁵ A MARS review also assesses compliance with laws, executive orders, regulations, directives, and policies governing implementation of PBS Facilities Management programs including, but not limited to, fire protection, environmental, occupational safety and health, and O&M. The scope of the review is at the discretion of PBS Facilities Management.

The Environmental Health and Safety Services, a division of the U.S. Department of Health and Human Services, performs EHSF facility surveys for government-owned buildings. EHSF facility surveys identify risks in similar areas as PBS's MARS reviews. The surveys aim to: (1) enhance MARS review results and (2) ensure PBS provides a safe and healthy workplace.

According to GSA Order PBS 2400.1, *Risk Management Notification*, PBS must respond to risks identified during EHSF facility surveys in a timely manner by notifying building occupants, relevant GSA offices and personnel, and applicable regulatory agencies. PBS performed its last MARS review of the Javits Building in August 2022, and the Environmental Health and Safety Services performed its last EHSF facility survey of the building in March 2023. Prior to the August 2022 MARS review, PBS Region 2 officials decided to forego the environmental, fire, and

⁵ PBS's service centers oversee the operations, maintenance, and technical support of a region's facilities. PBS Region 2 service centers consist of the Manhattan Service Center and Everything But Manhattan Service Center. The Javits Building falls under PBS Region 2's Manhattan Service Center.

occupational safety and health part of the MARS review and instead rely on the EHSF facility survey results.

Results

PBS Region 2 did not fully comply with applicable laws, regulations, and PBS policies governing fire protection, worker safety, and accessibility at the Javits Building. We found various fire protection violations, worker safety hazards, and disability access deficiencies. We also found that PBS Region 2 did not notify building occupants of identified EHSF risks in a timely manner, in violation of PBS policies. Without corrective actions, proper monitoring, and timely notification of safety risks, these deficiencies can result in safety and health hazards for building tenants, workers, and visitors.

Finding 1 – PBS Region 2 did not fully comply with applicable regulations and PBS policies governing fire protection and worker safety at the Jacob K. Javits Federal Building.

PBS Region 2 did not fully comply with applicable regulations and PBS policies governing fire protection and worker safety at the Javits Building. Specifically, we found fire safety violations and water leaks that are creating worker safety violations. This was caused by inadequacies in O&M contractor performance and PBS oversight. These deficiencies compromise the safety of building tenants, workers, and visitors.

Fire Safety Violations

We found fire safety violations that pose safety risks to building occupants and visitors in the event of an emergency. Specifically, we found: (1) improperly stowed portable fire extinguishers, (2) safety violations for fire barriers in the elevator machine rooms, and (3) missing and damaged fire evacuation route diagrams.

Improperly stowed portable fire extinguishers. PBS follows National Fire Protection Association 10, *Standard for Portable Fire Extinguishers* (fire extinguisher standard), which establishes specific safety requirements for portable fire extinguishers. However, we found that some fire extinguishers at the Javits Building were improperly stowed, violating the fire extinguisher standard.

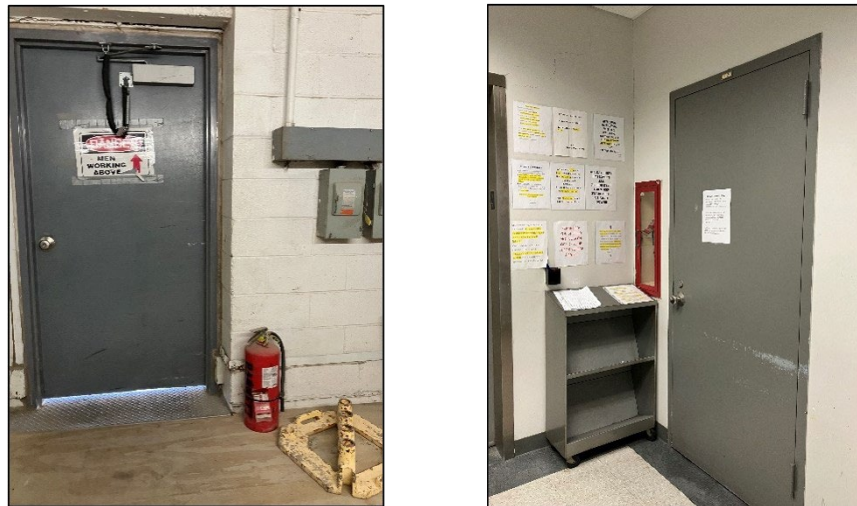
The fire extinguisher standard requires fire extinguishers to be conspicuously located where they are readily accessible and immediately available in the event of a fire.⁶ It also requires that all (non-wheeled) portable fire extinguishers be installed in any of the following manners:

- Securely on a hanger intended for the extinguisher;
- In a bracket incorporating releasing straps or bands supplied by the extinguisher manufacturer;
- In a listed bracket incorporating releasing straps or bands approved for such purpose; or
- In approved cabinets or wall recesses.

⁶ National Fire Protection Association 10, Paragraph 6.1.3.1, *Visibility*.

During our walk-throughs of mechanical rooms at the Javits Building, we found four fire extinguishers stored on the floor and one obstructed by a metal shelf (see *Figure 2* below).⁷ These are violations of the fire extinguisher standard. Properly stowing fire extinguishers can help ensure that they are in fixed and known locations, which can improve response time in the event of a fire.

Figure 2. Examples of Improperly Stowed Portable Fire Extinguishers⁸



Safety violations for fire barriers in elevator machine rooms. According to GSA's P100, *Facilities Standards for the Public Buildings Service*, GSA follows the requirements of the International Building Code (IBC) and the American Society of Mechanical Engineers (ASME) for elevator machine rooms. The IBC requires that elevator machine rooms, control rooms, control spaces, and spaces outside the hoistway enclosure must be enclosed with fire barriers.⁹ Furthermore, the ASME requires that elevator machine rooms must be separated from the remainder of the building by a fire-resistive enclosure (e.g., fire-resistant walls and doors).¹⁰ Both the IBC and ASME standards require machine rooms to be equipped with self-closing and self-locking fire doors.

⁷ The audit team performed walk-throughs of the Javits Building in July, August, and November 2024; and February and March 2025.

⁸ Left photograph taken by the audit team, August 13, 2024. Right photograph taken by the audit team, November 11, 2024.

⁹ IBC 3005.4, *Machine rooms, control rooms, machinery spaces, and control spaces*.

¹⁰ ASME A17.1-2004, *Safety Code for Elevators and Escalators*; Section 2.7, *Machine Rooms and Machinery Spaces*.

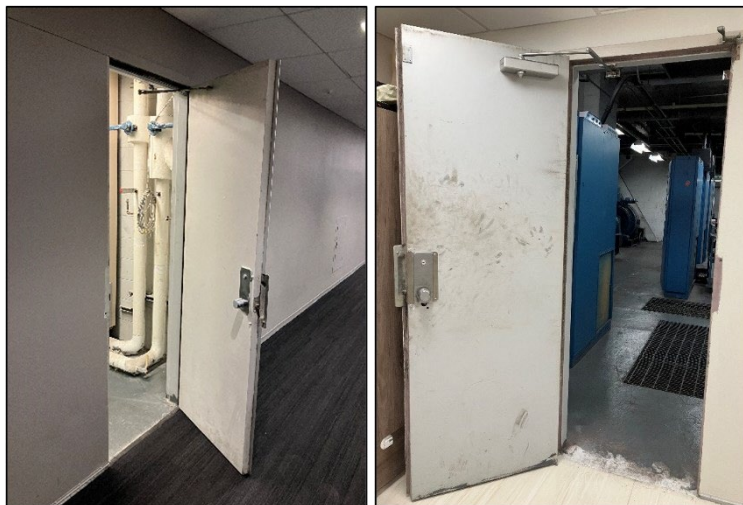
During a walk-through of three elevator machine rooms at the Javits Building, we found safety violations for some of the fire barriers. Specifically, we found 11 gaps in the fire-resistant walls that were caused by installation of various types of conduits, including the gaps shown in *Figure 3* below.

Figure 3. Examples of Gaps in the Fire-Resistant Walls of an Elevator Machine Room¹¹



As shown in *Figure 4* below, we also found that two fire doors did not self-close. The self-closure mechanism on the fire door, shown in the picture on the left, functioned properly but would not self-close without physical effort because it gets caught on the carpet. The fire door, shown in the picture on the right, had defective hardware that prevented it from closing without physical effort.

Figure 4. Examples of Elevator Machine Room Fire Doors That Did Not Self-Close¹²



¹¹ Photograph taken by the audit team, March 31, 2025.

¹² Photographs taken by the audit team, March 31, 2025.

Gaps in the fire-resistant walls and defective fire doors compromise the integrity of the fire barriers. As a result, fire and smoke could spread to and from the elevator machine rooms and jeopardize building occupant safety.

Missing and damaged fire evacuation route diagrams. According to GSA's P100, *Facilities Standards for the Public Buildings Service*; Section 7.4.2, *Evacuation Route Standards*:

Evacuation route diagrams must be posted in a tamper-resistant frame or engraved on a placard that is mounted on the walls in each passenger elevator lobby, freight elevator lobby, and any mechanical spaces that may be occupied by contractors or other personnel not familiar with floor layouts and exit locations.

The P100 requires the evacuation route diagrams to "consist of a CAD [computer-aided design]-generated floor plan for each floor with the evacuation routes identified." The evacuation floor plan must be legible and display a title indicating the floor number.

During our walk-throughs of the Javits Building, we checked for evacuation route diagrams on each floor we sampled and found instances of noncompliance with PBS's policy. Specifically, we found that evacuation route diagrams were missing from the second-floor elevator bank and that the evacuation route diagrams on the sixth floor and the basement were damaged and missing critical information. Photographs of these issues are shown in *Figures 5 and 6* on the next page.

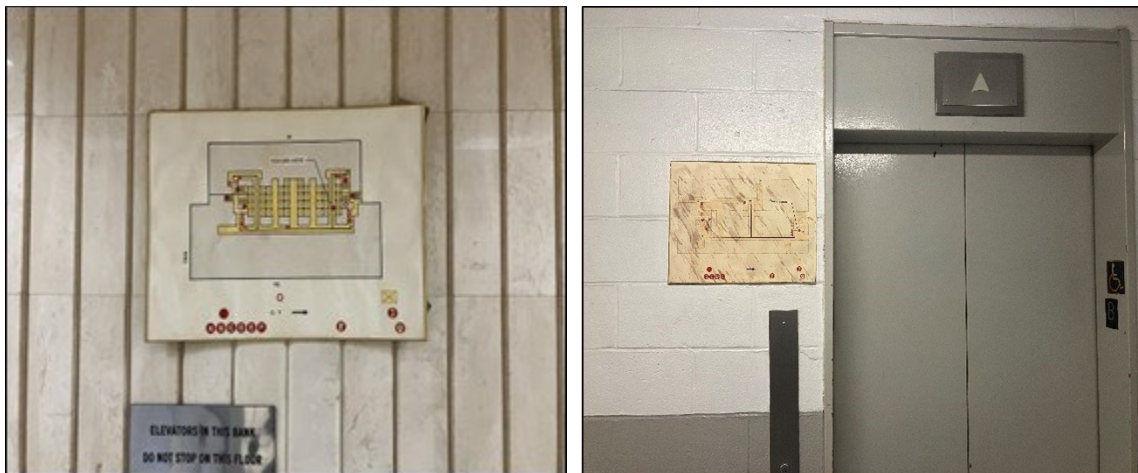
As shown in *Figure 5* on the next page, we found that an evacuation route diagram was missing for the elevator bank on the second floor of the Javits Building.

Figure 5. Elevator Lobby Without the Required Evacuation Route Diagram¹³



Figure 6 below shows two building evacuation route diagrams (on the sixth floor [left photo] and in the basement [right photo]) in the Javits Building. Both diagrams are old, visibly damaged, and worn. These diagrams are also missing critical information, such as street names and floor numbers.

Figure 6. Damaged and Worn Evacuation Route Diagrams¹⁴



The sixth floor of the Javits Building is a high-traffic area because it contains public restrooms. Visitors frequent this floor, and if they are in this elevator bank during an emergency, the incomplete diagram could hinder their ability to safely find the nearest evacuation route.

¹³ Photograph taken by the audit team, November 26, 2024. The audit team photographed both sides of the elevator bank and confirmed that neither had an evacuation route diagram. Due to space constraints in the report, we only included one side of the elevator bank for presentation purposes.

¹⁴ Photographs taken by the audit team, August 6, 2024.

The Javits Building's basement is another high-traffic area because it contains the O&M and janitorial contractors' offices. The basement is frequented by contractors and other building personnel. A legible evacuation route diagram is essential for safe evacuation of the basement in the event of an emergency.

Clear and proper evacuation route diagrams help building occupants quickly find the nearest building exit in the event of an emergency. Therefore, PBS Region 2 should fix the deficiencies noted above and ensure that evacuation route diagrams are updated, clearly posted in the appropriate areas of the building, and legibly contain all necessary and critical building evacuation information.

Worker Safety Violations

GSA Order PBS 5940.3, *Safety and Health Management*, requires PBS to "maintain all walking/working surfaces in a safe, undamaged state such as to avoid slips, trips or falls to any individual."¹⁵ The order also requires that wet floors must have cones or caution signs posted until the floor is dry. Furthermore, OSHA regulations require that: (1) walking-working surfaces are maintained free of hazards including, among other things, leaks and spills; and (2) surface hazards that cannot be fixed immediately should be guarded.¹⁶

During our walk-throughs of the Javits Building, we observed numerous water leaks. While PBS Region 2 is awaiting funding to fix some of the large-scale water leaks in mechanical rooms, PBS Region 2 and the O&M contractor have taken steps to contain them. However, we still found instances where leaking water created puddling on the floor, and rain created puddling on the roof. Photographs of these issues are shown in *Figures 7 and 8* on the next page.

As shown in *Figure 7* on the next page, a leaking condensate pump in the fifteenth-floor mechanical room created a large puddle of water on the floor. Given the condition of the hose and drain pans, this area has likely had leaks for quite some time and poses a slipping hazard. However, the required signage to warn workers of the slipping hazard is not present.

¹⁵ PBS Desk Guide For Safety and Health Management: Companion to GSA Order PBS 5940.3, *Safety and Health Management* (October 23, 2019).

¹⁶ 29 C.F.R. 1910.22 (a)(3), *Surface conditions*; and 29 C.F.R. 1910.22 (d)(2), *Inspection, maintenance, and repair*.

Figure 7. Leaking Condensate Pump with No Precautionary Signage¹⁷



Additionally, we observed a large puddle on the roof of the Javits Building from a recent rain that created a slipping hazard. *Figure 8* below shows a large puddle while the rest of the roof is dry. This suggests that standing water persists in this area for an extended period after a rain event; however, the required signage to warn workers of the slipping hazard is not present.

Figure 8. Large Puddle on the Roof with No Precautionary Signage¹⁸



¹⁷ Photographs taken by the audit team, November 26, 2024.

¹⁸ Photograph taken by the audit team, August 13, 2024. The most recent rain event before the photograph was taken was on August 9, 2024.

PBS Region 2 and the O&M contractor should have taken precautionary actions, such as posting caution signs, to warn workers of the slipping hazards in accordance with applicable policies and regulations.

Fire Protection and Worker Safety Deficiencies Resulted from Inadequacies in O&M Contractor Performance and PBS Region 2 Oversight

Overall, we found that the fire protection and worker safety deficiencies discussed above primarily resulted from inadequacies in O&M contractor performance and PBS Region 2 oversight.

Inadequate O&M contractor performance. The O&M contractor outlines the steps it takes to comply with its contractual obligations through its quality control plan (QCP). The O&M contractor's QCP for the Javits Building states the following:

We continually monitor contract performance through routine inspections, spot-checks, and surveys. Every day, our maintenance staff performs inspections of all building exteriors, interiors, and systems.

However, as discussed above, we noted multiple outstanding fire protection and worker safety deficiencies during our walk-throughs. If the O&M contractor had performed daily walk-throughs of all floors, as it stated in its QCP, these issues could have been identified and fixed. Therefore, it appears that the O&M contractor is not identifying and fixing these building deficiencies, and it may not be complying with its own QCP.

PBS oversight needs improvement. PBS Region 2 officials stated that they are not happy with the Javits Building O&M contractor's performance. To that end, PBS Region 2 has taken a number of steps to monitor and improve O&M contractor performance. For example, in response to our September 2021 audit report that identified deficiencies in the O&M contractor's performance, PBS Region 2 appointed a dedicated COR to enforce the Javits Building's O&M contract requirements.¹⁹ PBS Region 2 also performs monthly QASP inspections. During these inspections, PBS Region 2 building managers conduct walk-throughs of the building to identify deficiencies and create service requests in the National Computerized Maintenance Management System (NCMMS) for the O&M contractor to take corrective actions.

PBS Region 2 frequently deducted payments from the O&M contractor during its period of performance. However, most deductions imposed by PBS Region 2 were for O&M personnel leave or vacant positions, not poor performance. According to the O&M contract, PBS Region 2 can deduct payments from the O&M contractor for poor performance. This contract provision

¹⁹ *PBS's Northeast and Caribbean Region is Not Effectively Overseeing its Operations and Maintenance Contracts* (Report Number A201046/P/2/R21007, September 24, 2021).

gives PBS Region 2 an additional mechanism to ensure that the O&M contractor complies with the terms of its contract by promptly identifying and correcting building deficiencies.

In sum, PBS Region 2 did not fully comply with applicable regulations and PBS policies governing fire protection and worker safety at the Javits Building. PBS Region 2 should further strengthen its oversight of the O&M contractor by considering appropriate monetary contract deductions and other appropriate corrective actions to: (1) remedy the O&M contractor's poor performance and (2) ensure that the O&M contractor is complying with contract requirements including, but not limited to, fire and work safety requirements and use of the NCMMS.

Finding 2 – The Jacob K. Javits Federal Building does not fully comply with some disability access requirements.

The Javits Building lacks required disability access signage at three entrances and one restroom. GSA adopted the Architectural Barriers Act Accessibility Standards (ABAAS) in 2006. GSA regional accessibility officers oversee ABAAS compliance. In accordance with the ABAAS, if all building entrances are not disability accessible, then those entrances that are disability accessible must display ABAAS-compliant signage (International Symbol of Accessibility) indicating they are accessible.²⁰ The ABAAS also requires building entrances and restrooms that are not disability accessible to display signs with directions to the nearest accessible building entrances and restrooms.²¹

Accessible Entrances

The Javits Building has five entrances. During our building walk-throughs, we observed each entrance of the building and found that not all comply with ABAAS, as shown in *Figure 9* below.

Figure 9. Javits Building Entrance Accessibility Compliance

Entrance	Accessible Entrance	ABAAS Requirement	Compliant Signage
Broadway	Yes	International Symbol of Accessibility	No
Duane Street West	Yes	International Symbol of Accessibility	Yes
Duane Street East	Yes	International Symbol of Accessibility	Yes
Federal Plaza	Yes	International Symbol of Accessibility	No
Worth Street	No	Directional Sign	No

²⁰ ABAAS F216.6, *Entrances*.

²¹ ABAAS F216.6; and ABAAS F216.8, *Toilet Rooms and Bathing Rooms*.

We verified that four of the five building entrances are disability accessible; however, two of those four entrances did not have the required signage to indicate they were accessible. The remaining building entrance, which was not disability accessible, did not have the required signage with directions to the nearest accessible entrance.

Accessible Restroom Signage

There is a public restroom on the second floor of the Javits Building that is not disability accessible. However, there is no ABAAS-compliant signage at that restroom with directions to the nearest accessible public restroom.

We interviewed a PBS Region 2 official who told us that due to limited resources, they cannot go through all the spaces in the building to catalog and address all the code violations at once because it would require significant funds. Instead, PBS Region 2 brings the building up to ABAAS compliance over time. Generally, PBS Region 2 works with its project managers to allocate 20 percent of building alterations funds to address accessibility issues, including signage.

Compliance with ABAAS allows tenants and visitors with disabilities to participate in all the building's programs, services, and activities. Failure to display proper signage can put the government at risk of: (1) legal action and (2) penalties that include the withholding or suspension of federal funds for the building. PBS Region 2 should install proper signage that directs individuals to disability accessible entrances, exits, restrooms, and other applicable building locations; and, resources permitting, catalog every ABAAS violation in the building so it has an inventory of violations that need to be rectified.

Finding 3 – PBS Region 2 did not notify building occupants of identified EHSF risks in a timely manner, in violation of PBS policy.

In Fiscal Year 2023, PBS Region 2 entered into an agreement with the U.S. Department of Health and Human Services' Environmental Health and Safety Services to perform an EHSF facility survey. The survey was conducted to evaluate whether the Javits Building offers a safe working environment for its occupants. In August 2023, the EHSF facility survey revealed several moderate safety hazards that could potentially lead to minor injuries or minor property damage over time.

GSA Order PBS 2400.1, *Risk Management Notification*, mandates timely notification to affected occupants about any EHSF risks occurring in GSA-controlled facilities. Timely and thorough notification and response to EHSF risks are needed to minimize adverse consequences and eliminate or reduce the effect of identified EHSF risks on building occupants. However, as discussed on the next page, we found that PBS Region 2 did not notify building occupants of safety hazards in a timely manner.

Extension Cord and Power Strip Misuse

The EHSF facility survey identified a safety issue that affected 22 tenants across 77 different locations in the Javits Building. Specifically, the survey found appliances connected to power strips and extension cords, which is prohibited by OSHA 1910.303(b)(2), *Installation and use*, and poses significant safety risks. The survey recommended that tenants disconnect their appliances from the power strips and extension cords and connect them directly to wall outlets. Despite the potential dangers, PBS Region 2 took an average of 337 calendar days to notify tenants of the hazard.

Lack of a Permit-Required Confined Space Inventory List

The EHSF facility survey also found that the O&M contractor lacked an inventory of permit-required confined spaces within the building.²² According to OSHA 1910.146, *Permit-required confined spaces*, and the *PBS Desk Guide For Safety and Health Management*, it is essential to identify permit-required confined spaces and, whenever possible, modify them to eliminate hazardous conditions.

We found that PBS Region 2 and the O&M contractor did not complete an inventory of permit-required confined spaces until 467 calendar days after the EHSF facility survey report. Without an inventory of permit-required confined spaces, PBS does not have the necessary information to promptly notify building occupants about potential safety risks. PBS Region 2 is ultimately responsible for reporting any hazardous spaces to PBS Region 2's Office of Facility Management, service contractors, and others who require access. Since PBS Region 2 did not notify building occupants about these risks in a timely manner, they were in danger of harm.

PBS Region 2 should reemphasize the responsibilities of its key facility personnel and implement controls that ensure timely notification of safety risks to all affected building occupants.

²² A confined space is not for continuous employee occupancy. It is large enough and configured so that an employee can enter to perform assigned work. However, there is limited or restricted means for entry or exit. Permit-required confined space is confined space that contains or has a potential to contain a hazardous atmosphere; therefore, a permit is required to access the space.

Conclusion

PBS Region 2 did not fully comply with applicable laws, regulations, and PBS policies governing fire protection, worker safety, and accessibility at the Javits Building. We found various fire protection violations, worker safety hazards, and disability access deficiencies. We also found that PBS Region 2 did not notify building occupants of identified EHSF risks in a timely manner, in violation of PBS policies. Without corrective actions, proper monitoring, and timely notification of safety risks, these deficiencies can result in safety and health hazards for building tenants, workers, and visitors.

PBS Region 2 should take measures to improve O&M contractor performance to help ensure that deficiencies in fire and worker safety are identified and remediated in a timely manner in accordance with the O&M contract. PBS Region 2 should also develop a plan and take action to ensure that the Javits Building complies with ABAAS and should implement controls to ensure building occupants are quickly notified of EHSF risks.

Recommendations

We recommend that the PBS Region 2 Regional Commissioner:

1. Take immediate actions to address any fire protection and worker safety deficiencies at the Javits Building by:
 - a. Ensuring that all fire extinguishers are mounted and unobstructed, all elevator machine rooms comply with applicable requirements for fire barriers, and all fire evacuation route diagrams are up to date to comply with fire codes.
 - b. Confirming that the O&M contractor promptly repairs water leaks or displays proper signage in affected areas to prevent slipping accidents in accordance with OSHA requirements. This is especially important for prolonged leaks for which PBS Region 2 is awaiting repair funding.
 - c. Strengthening oversight to improve O&M contractor performance and ensure that the O&M contractor is complying with contract requirements including, but not limited to, fire and work safety requirements and use of the NCMMS.
2. Take immediate actions to reassess compliance with ABAAS requirements at the Javits Building by:
 - a. Ensuring that proper signage is installed that directs individuals to disability-accessible entrances, exits, restrooms, and other applicable building locations.
 - b. Cataloging all accessibility violations, resources permitting, throughout the building and developing a plan to remediate them.
3. Implement controls to ensure that appropriate PBS Region 2 officials notify building occupants of identified EHSF risks in a timely manner in accordance with PBS policies.

GSA Comments

The PBS Region 2 Regional Commissioner agreed with the report recommendations. PBS's response can be found in its entirety in ***Appendix B***.

Appendix A – Objective, Scope, and Methodology

Objective

We performed this audit because PBS plays a significant role in providing a safe, healthy, and secure environment for building occupants at more than 8,300 federally owned and leased facilities nationwide. Further, prior audit reports issued by our office have identified deficiencies in PBS's facilities management and its oversight of O&M contractors. Effective management of PBS facilities is critical because deficiencies could pose fire, safety, and health risks to building occupants and the public.

Our audit objective was to assess whether PBS Region 2 complied with applicable laws, regulations, and PBS policies governing fire protection, environmental safety, and property conditions at the Javits Building.

Scope and Methodology

Our audit scope included the Javits Building's overall operations and property conditions, including fire, environmental, and worker safety, as well as custodial operations and disability accessibility. We selected the Javits Building because it houses many tenant agencies, and its location on Broadway in downtown Manhattan regularly exposes it to heavy pedestrian traffic. We conducted several walk-throughs of floors with high pedestrian traffic, occupied tenant spaces, and mechanical rooms to assess PBS's compliance with applicable laws, regulations, and policies.

To accomplish our objective, we:

- Researched applicable laws and regulations governing environmental safety, fire protection, and property conditions at the Javits Building;
- Obtained and reviewed copies of custodial and O&M contracts, invoices, and other related documents;
- Reviewed prior GSA Office of Inspector General audit reports on subject matter related to our audit objective;
- Analyzed prior MARS review reports and EHSF facility surveys to identify the actions PBS Region 2 took, if any, to correct identified issues;
- Conducted walk-throughs of the interior and exterior of the property to observe and evaluate its operation and property conditions relative to fire, environmental, and worker safety, as well as custodial operations and disability accessibility;
- Took photographs and analyzed data for various property conditions in our sample of floors related to our audit objective; and
- Interviewed PBS Region 2 personnel to understand the state of the Javits Building and to identify corrective actions pertinent to our audit objective.

Sampling

Building Floor Walk-Throughs – We examined a judgmental sample of 10 out of 45 floors in the Javits Building to conduct our examination. We selected floors that receive frequent tenant complaints, have heavy pedestrian traffic from the public, and are frequently visited by maintenance workers.

Elevator Machine Rooms Walk-Throughs – We conducted a walk-through of a judgmental sample of three out of seven elevator machine rooms in the Javits Building to assess whether the machine rooms had sufficient fire protection measures.

NCMMS Work Orders – We selected a judgmental sample of 6 of 35 work orders created from PBS's QASP inspections with noted issues that should easily be detected during routine walk-throughs. We examined the sample to determine if the O&M contractor took corrective actions.

We also examined a judgmental sample of 7 of 27 custodial work orders from October and November 2024 to determine if the custodial contractor took corrective actions. We selected work orders with noted issues that the audit team could easily evaluate during routine walk-throughs.

Lastly, we examined a judgmental sample of 22 of 190 work orders created for our sampled walk-through floors from October 1, 2024, to January 17, 2025, to determine who created the work order in NCMMS. We selected work orders with noted issues that should easily be detected by the O&M contractor during routine walk-throughs to determine if the O&M contractor is proactive in finding building deficiencies.

While this nonstatistical sample design does not allow for projection of the results to the population, it allowed us to address our audit objective.

Internal Controls

We assessed internal controls significant within the context of our audit objective against GAO-14-704G, *Standards for Internal Control in the Federal Government*. The methodology above describes the scope of our assessment, and the report findings include any internal control deficiencies we identified. Our assessment is not intended to provide assurance on GSA's internal control structure as a whole. GSA management is responsible for establishing and maintaining internal controls.

Compliance Statement

We conducted the audit between October 2024 and March 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Appendix B – GSA Comments

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U.S. General Services Administration
Northeast and Caribbean Region

May 29, 2025

MEMORANDUM FOR: ARTHUR MAISANO
REGIONAL INSPECTOR GENERAL FOR AUDITS
NORTHEAST AND CARIBBEAN REGION
OFFICE OF INSPECTOR GENERAL (JA-2)

FROM: MICHAEL GELBER *Michael Gelber*
REGIONAL COMMISSIONER
NORTHEAST AND CARIBBEAN REGION
PUBLIC BUILDINGS SERVICE (2P)

SUBJECT: Response to the Draft Report *Safety and Accessibility
Deficiencies at the Jacob K. Javits Federal Building in New
York, New York* (Report No.: A240064)

The Public Buildings Service (PBS) Northeast and Caribbean Region is in receipt of the Office of Inspector General's draft audit report entitled *Safety and Accessibility Deficiencies at the Jacob K. Javits Federal Building in New York, New York* (A240064) dated May 8, 2025.

PBS concurs with the recommendations provided in the report and will document actions to address the recommendations in a Corrective Action Plan. Additional information regarding the audit findings are provided on the attached file.

Please contact Nadia Shokry Burns, Management Analyst at [REDACTED] or nadia.shokry.burns@gsa.gov, or me at [REDACTED] or michael.gelber@gsa.gov with any questions.

Attachment

Attachment

PBS Response to Draft Report (A240064)

Response to Recommendations

Recommendation 001:

Take immediate actions to address any fire protection and worker safety deficiencies at the Javits Building by:

- a. Ensuring that all fire extinguishers are mounted and unobstructed, all elevator machine rooms comply with applicable requirements for fire barriers, and all fire evacuation route diagrams are up-to-date to comply with fire codes.
- b. Confirming that the O&M contractor promptly repairs water leaks or displays proper signage in affected areas, according to applicable safety requirements, to prevent slipping accidents in accordance with Occupational Safety and Health Administration requirements. This is especially important for prolonged leaks for which PBS Region 2 is awaiting repair funding.
- c. Strengthening oversight to improve O&M contractor performance and ensure that the O&M contractor is complying with contract requirements including, but not limited to, fire and work safety requirements and use of the National Computerized Maintenance Management System.

PBS Response:

PBS concurs with this recommendation.

Fire Extinguishers:

PBS has addressed fire extinguisher deficiencies and other immediate safety items identified in the audit.

Water Leakages and Infiltration Issues:

- PBS is currently remediating immediate water infiltration issues and is engaged in a full roof replacement project scheduled to be completed by December 2027.
- Basement leaks due to valve/piping issues and water infiltration are being addressed as funding for this work becomes available.

Remediation Issues Tracking and Oversight:

PBS acknowledges the importance of contractor oversight and will ensure its contractors are held accountable for maintaining safety standards and addressing deficiencies promptly.

Recommendation 002:

Take immediate actions to reassess compliance with Architectural Barriers Act Accessibility Standards requirements at the Javits Building by:

- a. Ensuring that proper signage is installed that directs individuals to disability-accessible entrances, exits, restrooms, and other applicable building locations.
- b. Cataloging all accessibility violations, resources permitting, throughout the building and developing a plan to remediate them.

PBS Response:

PBS concurs with this recommendation.

The building currently has accessible restrooms, though not all restrooms meet current Architectural Barriers Act Accessibility Standards. PBS is committed to installing appropriate directional signage to guide building occupants and visitors to accessible restrooms and other accessible facilities. Temporary signage has been placed in some building areas. Additional work will occur to address this matter pending funding availability.

More permanent Architectural Barriers Act Accessibility Standards solutions will require structural alterations to the building that will require additional funding and a cost effectiveness determination.

Recommendation 003:

Implement controls to ensure that appropriate PBS officials notify building occupants of identified EHSF risks in a timely manner in accordance with PBS policies.

PBS Response:

PBS concurs with this recommendation.

PBS acknowledges the importance of timely communication with building occupants. PBS will review the regional risk management notification protocols to ensure that the appropriate steps are taken to guarantee timely communication. Additionally, PBS will work to ensure proper protocols are in place for prompt notification to building occupants, when safety issues are identified. PBS is committed to addressing identified issues quickly, as demonstrated by our recent remediation of several items during the course of this audit, and will extend this proactive approach to include occupant communications.

Appendix C – Report Distribution

Acting GSA Administrator (A)

GSA Deputy Administrator (AD)

Commissioner (P)

Deputy Commissioner (P1)

Acting Chief of Staff (P2)

Deputy Commissioner of Enterprise Strategy (P2)

Acting Chief of Staff (PB)

Acting Deputy Chief of Staff (PB)

Regional Commissioner (2P)

Real Property Officer (2PSM)

Building Manager (2PSMF)

Chief Financial Officer (B)

Acting Deputy Chief Financial Officer (B)

Office of Audit Management and Accountability (BA)

Assistant Inspector General for Auditing (JA)

Deputy Assistant Inspector General for Acquisition Audits (JA)

Deputy Assistant Inspector General for Real Property Audits (JA)

Director (JAO)



CONTACT US

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