

**Second Supplemental Expert Report of Greg Myers
Addressing Additional Technical Document Submitted by Marquette
Appeal No. RLH RSA 23-13**

My name is Greg Myers, and my qualifications as a lead and asbestos expert are set forth in my Expert Report dated February 28, 2023 (“Initial Report”), which has been submitted in connection with this Appeal. I have been asked by Housing Justice Center to review another technical document recently submitted in the Rent Stabilization Appeal by Marquette Management (“Marquette”)—a Techtron Report dated October 25, 2023. The testing in the Techtron report does not change my opinion that Marquette has comprehensively violated asbestos laws.

This report shows that asbestos testing was conducted on only nine samples in a single bathroom of a single apartment at Haven, and that no asbestos was found in these limited samples. This testing comes nowhere near the comprehensive property-wide pre-renovation asbestos testing required under federal and state OSHA laws (29 C.F.R. § 1926.1101(k)(5); Minn. R. 5207.0035; 40 CFR Part 61 M) for a large multifamily complex with 216 units and extensive common areas that totals 335,446 square feet. This testing is especially deficient at a property where there has already been an affirmative finding of asbestos in units and common areas in the building complex, as reported in the 2017 Nova Report and discussed in my First Supplemental Report. Moreover, even in the single room in a single unit in which Techtron did perform limited asbestos testing, it did not test the flooring material and mastic that were identified as suspect materials in the 2017 Nova Report.

Indeed, the fact that Marquette has commissioned only this single limited asbestos test of a single room in a single unit of Haven in 2022 and 2023 underscores how comprehensive its violation of asbestos laws has been at Haven, where many dozens of units and common areas have undergone renovation activities disturbing presumed and identified asbestos-containing materials in violation of state and federal asbestos law. Marquette has produced no evidence that it conducted the required asbestos testing necessary to conduct renovation in these locations.

Under Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this supplemental report is true and correct to the best of my knowledge.

Kanabec County, Minnesota
November 29, 2023

s/Greg Myers
Greg Myers