



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

July 27, 2007

**The Special Counsel**

The President  
The White House  
Washington, DC 20500

Re: OSC File Nos. DI-06-2424

Dear Mr. President:

I received disclosures from Antonio Vierra, a whistleblower at the Department of the Navy, Pearl Harbor Naval Shipyard (PHNS), Pearl Harbor, Hawaii. Mr. Vierra, Painter, alleged that a PHNS employee illegally manufactures and sells dangerous cooling vests to painters and sandblasters working in main ballast tanks on nuclear submarines. As discussed in the attached report, an agency investigation partially substantiated Mr. Vierra's allegations. Agency investigators found widespread use of homemade cooling vests, such as those made and sold by the subject employee, by painters at the shipyard. Although the agency determined that these cooling vests did not pose a substantial risk to employee safety, the investigators found that supervisors and employees failed to obtain the approval of health and safety officials before using the vests, in violation of applicable safety regulations. In response to the investigative findings, PHNS banned homemade cooling vests and designed a new government-issued cooling vest that it plans to distribute among shipyard painters. The agency also took disciplinary action against several individuals implicated by the investigative findings.

I required the Honorable Donald C. Winter, Secretary of the Navy, to conduct an investigation into the whistleblower's disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary subsequently submitted a report to this office. Mr. Vierra provided comments on the agency report to this office pursuant to 5 U.S.C. § 1213(e)(1); his comments are attached. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report to you.

Based on the representations made in the agency report and Mr. Vierra's comments, I have determined that the agency report contains all of the information required by statute and the findings appear to be reasonable. As required by § 1213(e)(3), I have sent a copy of the report and Mr. Vierra's comments to the Chairmen of the Senate and House Committees on Armed Services. We have also filed a copy of the report and the whistleblower's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott J. Bloch".

Scott J. Bloch

Enclosures