

**Office of Special Counsel Referral File No. DI-22-000146**

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OSC File  
No. DI-22-000146

EXHIBIT A

CESO-ZA

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
Washington, D.C. 20314-1000

EM 385-1-1

Manual  
No. 385-1-1

30 November 2014

## Safety

### SAFETY AND HEALTH REQUIREMENTS

1. Purpose. This manual prescribes the safety and health requirements for all Corps of Engineers activities and operations.

2. Applicability. This manual applies to Headquarters, US Army Corps of Engineers (HQUSACE) elements, major subordinate commands, districts, centers, laboratories, and field operating activities (FOA), as well as USACE contracts and those administered on behalf of USACE. Applicability extends to occupational exposure for missions under the command of the Chief of Engineers, whether accomplished by military, civilian, or contractor personnel.

3. References.

a. 29 Code of Federal Regulation (CFR) 1910, Occupational Safety and Health Standards for General Industry

b. 29 CFR 1926, Occupational Safety and Health Standards for Construction

c. 29 CFR 1960, Basic Program Elements for Federal Employees, OSHA

d. Executive Order (EO) 12196, Occupational Safety and Health Programs for Federal Employees, 26 Feb, 1980

e. Federal Acquisition Regulation (FAR) Clause 52.236-13, Accident Prevention, Nov 1991

f. Department of Defense Instruction (DODI) 6055.1, DOD Safety and Occupational Health Program, 14 Oct 2014

g. Army Regulation (AR) 40-5, Preventive Medicine

h. AR 385-10, Army Safety Program

4. General.

a. The provisions of this manual implement and supplement the safety and health standards and requirements referenced above. Where more stringent safety and occupational health standards are set forth in these requirements and regulations, the more stringent standards shall apply.

b. Mission applicability introduced in paragraph 2 above shall include the following:

(1) Construction contract work under the provisions of FAR Clause 52.236-13. Contractors shall comply with the latest version of EM 385-1-1 (including interim changes) that is in effect on the date of solicitation. Prior to making an offer, bidders should check the HQUSACE Safety and Occupational Health web site (see paragraph c) for the latest changes. No separate payment will be made for compliance with this paragraph or for compliance with other safety and health requirements of this contract. Note: Existing contracts will continue to apply the provisions of the previous edition of this manual until contract completion.

(2) Service, supply, and research and development contracting actions. Compliance with this manual shall be a contract requirement for such activities unless technical representatives (in coordination with safety and health professionals) advise that special precautions are not appropriate due to extremely limited scope of services or similar. However, it is understood that this manual in its entirety may be too complex for the type of work being performed under these contracts. These contractors may reference Appendix A, for abbreviated Accident Prevention Plan (APP).

(3) Contracting actions for hazardous, toxic, and radioactive waste site investigation, design, or remediation activities. Compliance with this manual shall be a contract requirement.

c. Changes. All interim changes (changes made between publication of new editions) to this manual, and the effective date of change, will be posted on the Safety and Occupational Health Office web site: <http://www.usace.army.mil/CESO/Pages/Home.aspx> and in USACE Electronic bid Sets. Hard copies of this manual are available from the local contracting official.

d. Interpretations. Within the Corps of Engineers, interpretations to the requirements contained within this manual shall be executed in accordance with the process contained in Appendix C. Interpretations will apply only to the specific situation in question and may not be used as a precedent to determine the meaning of a requirement as it may apply to another circumstance.

e. Variances and Waivers. Within the Corps of Engineers, variances and waivers to provisions of this manual require the approval of the Chief of Safety and Occupational Health, HQUSACE. Variances or waivers shall provide an equal or greater level of protection, shall be substantiated with a hazard analysis of the activity and shall be documented and forwarded through channels to Chief of Safety and Occupational Health, HQUSACE. The process for requesting variances or waivers is contained in Appendix D.

f. Activities performed OCONUS. Some of the technical requirements of this manual may not be applicable to overseas activities due to conflicting circumstances, practices, and laws or regulations of the locality or the unavailability of equipment. In such instances, means other than the ones specified in this manual may be used to achieve the required protection. In such instances, a hazard analysis must be developed to document that the required protection will be achieved by the alternate means.

g. Unless otherwise indicated, when publications are referenced in this manual, the most recent edition is to be used.

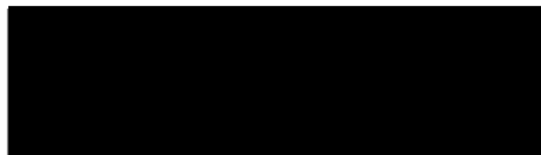
h. The use of underlining in this manual indicates new or changed text from the 2008 version.

i. Supplementation of this manual is not authorized except as published by the Safety and Occupational Health Office, HQUSACE.

(1) Local USACE organizations may develop Standard Operating Procedures (SOPs) to implement the provisions contained within this manual, but may not implement new requirements (e.g., more stringent, differing intent, etc.) without the specific approval of HQUSACE.

(2) Locally developed Safety and Health Requirements will not be included in contract requirements without the approval of HQUSACE.

FOR THE COMMANDER:



COL, EN  
Chief of Staff

CESO

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
Washington, DC 20314-1000

EM 385-1-1

Manual  
No. 385-1-1

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## SECTION 6

### Hazardous or Toxic Agents and Environments

#### 06.A General.

##### 06.A.01 Exposure standards.

a. Exposure, through inhalation, ingestion, skin absorption, or physical contact, to any chemical or biological agent in excess of the acceptable limits specified in the current American Conference of Governmental Industrial Hygienist (ACGIH) guideline, "Threshold Limit Values and Biological Exposure Indices", published Department of the Army (DA) or Department of Defense (DoD) Exposure Limits, or by OSHA shall be prohibited. For the purpose of this document, the applicable standard is the Occupational Exposure Limit (OEL). Physical agents are addressed individually in this section.

➤ Note: For Beryllium, the Department of Energy's exposure value of 0.2 ug/m<sup>3</sup> may be allowed with written permission from the HQUSACE-SO.

b. In case of conflicts between ACGIH, OSHA, DoD or DA standards or regulations referenced in this manual, the more stringent shall be used as the OEL.

c. The employer shall comply with all applicable standards and regulations to reduce contaminant concentration levels As Low As is Reasonably Achievable (ALARA).

d. Activities where occupational exposure to a chemical or biological warfare agent is possible, shall comply with current DA safety and occupational health requirements for chemical and biological agents.

e. Activities involving ammunition and explosives or their constituents or chemical warfare agents may have additional requirements as specified in EM 385-1-97, Explosives Safety and Health Requirements Manual.

##### 06.A.02 Hazard evaluation.

a. Jobsite operations, materials, and equipment involving potential exposure to hazardous or toxic agents or environments shall be evaluated by a qualified Industrial Hygienist, or equivalent competent person in Industrial Hygiene operations, to formulate a hazard control program. A description of the methods to be used must be accepted by the GDA or local Safety and Occupational Health Office (SOHO) before the start of the specific operation. > This evaluation shall be performed at least annually for USACE operations.

b. Activity Hazard Analysis (AHA) and/or Position Hazard Analysis (PHA) shall be used to document the evaluation of the hazards and the controls present. The hazard evaluation shall identify all substances, agents, and environments that present a health, explosive or fire hazard to workers or visitors, the risk of the hazard, and recommend hazard control measures. Engineering and administrative controls shall be used to control hazards; in cases where engineering or administrative controls are not feasible, personal protective equipment (PPE) may be used.

c. The hazard evaluation shall document: the nature of the evaluation (air, biological or radiological samples, etc.); that it serves as certification of hazard evaluation; the workplace and activity evaluated; the name, position and credentials of the person certifying that the evaluation has been performed; any controls and training being utilized; and the date of the evaluation. This evaluation shall be documented in a written report and available for review by the GDA or SOHO for USACE operations.

#### 06.A.03 Testing and monitoring.

a. Approved and calibrated testing devices shall be provided to measure hazardous or toxic agents and environments. Devices shall be labeled with calibration information (name of individual performing the calibration and date of the most current calibration). Calibration results shall be maintained in a calibration log.

b. Individuals performing testing and monitoring shall be trained in hazards and testing and monitoring procedures. Testing devices shall be used, inspected, and maintained in accordance with the manufacturer's instructions, a copy of which shall be maintained with the devices.

c. NIOSH, OSHA, Environmental Protection Agency (EPA) or DA sampling and analytical methods or other independently verified sampling and analytical methods shall be used. Laboratories used for analysis shall be accredited by nationally recognized bodies, such as the American Industrial Hygiene Association (AIHA), for the type of analysis performed.

d. Determination of the concentration of, and hazards from, hazardous or toxic agents and environments shall be made by a qualified industrial hygienist or other competent person during initial startup and as frequently as necessary to ensure the safety and health of the workers or other potentially exposed individuals.

e. Records of testing/monitoring shall be maintained on site and shall be available to the GDA or SOHO for USACE operations upon request.

06.A.04 The following methods shall be utilized for the control of exposure to hazardous or toxic agents and environments and shall be followed in the order below, unless infeasible:

- a. Substitution: if the substitute process or product is determined to provide the same outcome and to be less of a hazard;
- b. Engineering controls: (i.e., local/general ventilation), to limit exposure to hazardous or toxic agents and environments within acceptable limits;
- c. Work practice controls: when engineering controls are not feasible or are not sufficient to limit exposure to hazardous or toxic agents and environments within acceptable limits;
- d. Appropriate PPE (i.e., respirators, gloves, etc.) and associated programs: shall be instituted when engineering, work practice controls, or material substitution are not feasible or are not sufficient to limit exposure to hazardous or toxic agents;
- e. Regular housecleaning (work and break area surface cleaning) and personal decontamination procedures: shall be instituted in areas where the operations generate toxic dust and fume hazards. The frequency of surface cleaning and of decontamination procedures is dependent on the nature of the hazard, and frequency and risk from the exposure and shall be documented in the Project Safety and Occupational Health (SOH) Plan or Accident Prevention Plan (APP).

#### 06.B Hazardous or Toxic Agents Handling.

06. B.01 Chemical Hazard Communication (HazCom). A written HazCom Program shall be developed when hazardous or toxic agents (any chemical which is a physical/health hazard) are present or procured, stored or used at a project site (per 29 CFR 1910.1200). The written HazCom program shall address the following in project- specific detail:

a. Hazardous or Toxic Agent Inventory. A list of the hazardous or toxic agents with the following information:

- (1) Explanation of how the agents are to be used at the project.
- (2) For emergency response purposes, approximate quantities (e.g., liters, kilograms, gallons, pounds) that are onsite or will be on site at any given time shall be provided for each material. If the chemical name and/or quantity and/or location are classified information, it shall be maintained in a location so that it can be provided to emergency responders during an emergency. This could be in a secure area outside of the area the chemical is used or stored, or just outside the entrance to the location in a secure box.
- (3) A site map will be attached to the inventory showing where inventoried substances are stored.

(4) The inventory and site map will be updated annually at a minimum, but as frequently as necessary to ensure it is current and accurately reflects those materials on site.

b. Hazardous or Toxic Agent Labeling. Procedures for assuring that containers used to store and transport hazardous or toxic agents around the project site are appropriately labeled to communicate the physical and health hazards associated with the agents in the containers. The pictorial labels required by the OSHA HazCom standard are acceptable labels.

c. Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) Management. Procedures to ensure MSDSs (SDSs) are maintained at project site for each chemical, combustible dust, or product. During the period of 2013 through 2016, the MSDS will be phased out and replaced with the SDS. The new SDSs content is mandated and allows for the toxicological hazard to be based on similar chemicals. For the purpose of this manual, either a MSDS or SDS meeting the criteria of the OSHA globally harmonized system standard is acceptable.

(1) Employees shall have access to the MSDSs (SDSs) and the safety and health protection procedures.

(2) Applicable information contained in the MSDS (SDS) shall be incorporated in the AHA/PHAs. If the chemical or toxic agent is used extensively in the operation, the applicable information shall be incorporated into the AHA and MSDS (SDS) shall be attached to the AHA.

(3) The information will be followed in the use, storage, and disposal of material and selection of hazard control and emergency response measures.

d. Employee Information and Training. Procedures to ensure employees are trained initially and periodically when use of hazardous or toxic agents is altered or modified to accommodate changing on-site work procedures. Training shall be provided to employees working with or in the area of use of any potentially hazardous chemical. Training shall cover the following topics:

(1) Requirements of the HazCom program on the project;

(2) The location of all hazardous or toxic agents at the project;

(3) Identification and recognition of hazardous or toxic agents on the project;

(4) Physical and health hazards of the hazardous or toxic agents pertinent to project activities;

(5) Protective measures employees can implement when working with project-specific hazardous or toxic agents.

(6) The location and content of the MSDS (SDS) for the chemicals. The content and meaning of the information provided on the MSDS.

(7) All workers in locations covered by the HazCom standard shall be briefed on the recent changes to the standard. These changes include MSDS to SDS, label content, the new pictographs on the labels, and an explanation of chemical banding.

06.B.02 When engineering and work practice controls or substitution are either infeasible or insufficient, appropriate PPE and chemical hygiene facilities shall be provided and used for the transportation, use, and storage of hazardous or toxic agents.

a. When irritants or hazardous substances may contact skin or clothing, chemical hygiene facilities and PPE shall be provided. PPE may include suitable gloves, face/eye protection and chemical protective suits.

(1) The qualified IH or other competent person shall determine the scope and type of PPE required.

(2) Special attention shall be given to selecting proper chemical protection when working with materials designated with a “skin” notation by OEL. Such materials may produce systemic toxic effects through absorption through unbroken skin. > See Section 5.

(3) Before commencing use of epoxy resins, concrete, or other dermatitis-producing substances, employees shall be made aware of the manufacturer’s skin protection recommendations. Barrier cream ointment or other skin protection measures recommended by the manufacturer for the specific exposure shall be available for use.

b. When eyes or body of any person may be exposed to hazardous or toxic agents, suitable facilities that comply with ANSI Z358.1, Emergency Eyewash and Shower Equipment, for quick drenching or flushing of the eyes and body shall be provided in the work area for immediate emergency use and shall be no more than 10 seconds from the hazardous material. > See ANSI Z358.1.

(1) Emergency eyewash equipment must be provided where there is the potential for an employee’s eyes to be exposed to corrosives, strong irritants, or toxic chemicals.

(2) The emergency eyewash equipment must irrigate and flush both eyes simultaneously while the operator holds the eyes open.

(3) The emergency eyewash equipment must deliver at least 0.4 gal (1.5 L) of water per minute for 15 minutes or more, providing a minimum of 6 gal (22.7 L) of water).

(4) Water used in emergency eyewashes and showers shall meet drinking water standards. When these items are exposed to the elements, steps will be taken to ensure the water does not freeze or become stagnate.

(5) Personal eyewash equipment may be used to supplement emergency washing facilities. They must not be used as a substitute. Personal eyewash fluids shall be visually inspected monthly to ensure they remain sanitary with no visible sediments.

(6) All plumbed emergency eyewash facilities and hand-held drench hoses shall be connected to an approved potable water supply and activated weekly and inspected annually to ensure that they function correctly and that the quality and quantity of water is satisfactory for emergency washing purposes.

c. When personal protective clothing is required:

(1) An area shall be established for the removal of the personal protective clothing which limits the spread of any chemical waste, dust, or fume;

(2) Workers shall be trained in the removal of personal protective clothing and equipment to prevent further spread or contamination.

06.B.03 Storage prior to transportation of hazardous chemicals, materials, substances and wastes shall be under the supervision of a qualified person.

a. Transportation, use, and storage of hazardous or toxic agents shall be planned and controlled to prevent contamination of people, animals, food, water, equipment, materials, and environment.

b. All storage of hazardous or toxic agents shall be in accordance with the recommendations of the manufacturer, OSHA and NFPA requirements and accessible only to authorized personnel.

c. Disposal of surplus or excess hazardous or toxic agents shall occur in a manner that will not contaminate or pollute any water supply, ground water, or streams; and will comply with Federal, State, and local regulations and guidelines.

d. Containers used to hold hazardous or toxic agents should not be used to hold other materials unless they have been managed or cleaned under hazardous waste and DOT regulatory requirements.

e. Every hazardous or toxic agent being transported for disposal shall be transported with a copy of the substance's MSDS (SDS) whenever applicable.

f. Persons who prepare shipments of hazardous chemicals, materials, substances and/or wastes that are defined as hazardous material under DOT regulations are required to be DOT trained, certified and issued an appointment letter in accordance with Defense Transportation Regulation 4500.9-R, Chapter 204.

06.B.04 A Process Safety Management (PSM) Program of highly hazardous chemicals shall be employed in accordance with 29 CFR 1910.119 or 29 CFR 1926.64 whenever a work activity involves:

a. A process that involves a chemical at or above the threshold quantities listed in Appendix A of the above-cited CFRs; or

b. A process that involves a flammable liquid or gas on site in one location in a quantity of 10,000 lb (4,535.9 kg) or more as defined in 29 CFR 1926.59(c), except:

(1) Hydrocarbon fuels used solely for workplace consumption as a fuel if such fuels are not part of a process containing another highly hazardous chemical covered by the standards cited above; or

(2) Flammable liquids stored in atmospheric tanks or transferred that are kept below their normal boiling point without benefit of chilling or refrigeration.

## 06.C Lead and Asbestos Hazard Control.

### 06.C.01 General.

a. No asbestos-containing materials (ACMs) shall be used or brought onto any USACE projects. Lead-based paints (LBP) shall only be used with written approval of the GDA or USACE SOHO and shall never be used inside a residence, child care facility, or medical treatment facility.

b. All construction or maintenance projects will be evaluated for the potential to contact ACM and LBP.

(1) Lead and asbestos sources are to be labeled as a lead or asbestos hazard that should not be disturbed without proper protection. If infeasible to label each source, a site map may be posted which points out the location of the lead and asbestos hazards.

(2) If the evaluation shows the potential for activities to generate unacceptable occupational exposure to LBP, a written lead compliance plan shall be written. The lead compliance plan shall be in accordance with 29 CFR 1910.1025 and 29 CFR 1926.62.



(3) If the evaluation shows the potential for activities to disturb ACM, an asbestos abatement plan shall be developed. The plan shall be in accordance with 29 CFR 1910.1001; 29 CFR 1926.1101; and 40 CFR 61, Subpart M.

(4) These plan(s) shall be developed as an appendix to the APP or, for USACE operations, the Project SOH Plan. The written plan(s) shall be submitted for acceptance by the GDA or local SOHO before beginning work.

06.C.02 Lead Compliance Plan. A lead compliance plan shall describe the procedures to be followed to protect employees from lead hazards while performing lead hazard control activities. The Plan shall address the following:

a. A description of each work activity in which lead is emitted, to include equipment and materials used, controls in place, crew size, job responsibilities, operating procedures, and maintenance practices, work activity locations and lead-containing components keyed to the project drawings;

b. Description of means to be used to achieve exposure compliance, including any engineering controls;

c. Employee exposure assessment procedures to monitor and document employee lead exposure. Exposure monitoring shall include two types:

(1) Initial determination (may be omitted if there is sufficient objective/historical data showing action level compliance according to the requirements); and

(2) Continued exposure monitoring required as a result of initial exposure determinations.

d. Protective clothing, housekeeping procedures to prevent spread of lead contamination both in and beyond the lead hazard control area, and hygiene facilities and practices to prevent employees from inadvertent ingestion of lead;

e. Administrative controls to limit employee exposure to lead, including employee rotation schedule to be employed, if engineering controls or PPE fail to eliminate exposures exceeding the PEL;

f. Medical surveillance procedures to monitor employee exposures and ensure fitness for wearing respiratory protection;

g. Competent person (CP) and employee training required;

h. Detailed sketches identifying lead hazard control areas, including decontamination areas and facilities, critical barriers, and physical and air distribution boundaries;

- j. Perimeter or other area air monitoring outside or adjacent to the regulated area;
- j. Security required for each lead hazard control area; and
- k. Waste generation, characterization, transportation, and disposal (including recordkeeping).

06.C.03 Asbestos Abatement Plan. An asbestos abatement plan shall describe procedures to be followed to protect employees from asbestos hazards while performing work that will disturb ACM. It shall address the following:

- a. A description of each activity where asbestos will be disturbed, including OSHA class of work, equipment required, controls to be used, crew size, job responsibilities, maintenance practices, and locations keyed to the project drawings;
- b. The method of notification of other employers at the worksite;
- c. A description of regulated areas, types of containment, decontamination unit plan, and engineering controls;
- d. Air monitoring plan - personal, environmental and clearance. Employee exposure assessment procedures shall address monitoring and documenting employee exposures.
  - (1) An initial determination (may be omitted if there is sufficient objective/historical data showing compliance with the requirements);
  - (2) Continued exposure monitoring may be required as a result of initial exposure determinations;
  - (3) Environmental monitoring shall demonstrate the absence of asbestos fiber migration outside the regulated area; and
  - (4) Clearance monitoring to document that the area has met specified clearance criteria.
- e. PPE, including respirators and clothing;
- f. Housekeeping procedures that address prevention of spread of contamination both in and beyond the regulated area;
- g. Hygiene facilities and practices;
- h. CP and employee training required;

- i. Medical surveillance, as required, to assess exposure and to monitor employee fitness to perform work tasks while wearing PPE to include respiratory protection devices;
- j. Waste generation, containerization, transportation, and disposal (including recordkeeping); and
- k. Security, fire, and medical emergency response procedures.

#### 06.D Hot Substances.

➤ Note: For heating devices and melting kettles, see Section 09.E.

06.D.01 Protection from Hot Substances. Hazards from hot substances include increased inhalation and skin hazards and burns from the heat. When working with hot substances the following shall be considered:

- a. PPE (respirators, gloves, etc.) shall be evaluated for efficiency in hot atmospheres and protectiveness from heat as well as the chemical hazard;
- b. Heat stress precautions and measurements shall be taken as required by Section 06.I;
- c. Location where hot substances are heated shall be located away from any ventilation intake air vents. If hot substances are being applied to a roof, the ventilation intake air vents shall be temporarily relocated so as to prevent the uptake of the fumes into the building or the work shall be completed at a time when the building is not occupied.

#### 06.D.02 Transporting and handling hot substances.

- a. Runways or passageways, clear of obstructions, shall be provided for all persons carrying hot substances.
- b. Hot substances shall not be carried up or down ladders.
- c. When hoists are used to raise or lower hot substances, attention shall be given to assuring that the hoisting mechanism is adequate for the loads imposed and is securely braced and anchored.
- d. All persons handling hot substances shall be provided protection against contact with, or exposure to radiant heat, glare, fumes, and vapors of the substances. At a minimum, roofers handling roofing materials shall be fully clothed including long sleeved shirts, shoes secured and at least 6 in (15 cm) in height, and gloves up to the wrist. > See Section 5.

OSC File  
No. DI-22-000146

EXHIBIT B

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220405	3. TIME 12:41	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-13/DA Civilian	

**8. ORGANIZATION OR ADDRESS**

U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Room 08-A-06, Baltimore, MD 21201

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed there?

A: U.S. Army Corps of Engineers (USACE), Baltimore District; I've been employed by USACE for 14 years, 6 months

Q: What is your official title/position and grade? How long have you been in that position?

A: Supervisory Civil Engineer, GS-13; 2 years 4 months

Q: What are your duties and responsibilities as it relates to the USACE projects on Aberdeen Proving Ground, MD?

A: It depends on the project. I do not have oversight or responsibilities for all USACE projects on APG. My main area of duties and responsibilities are projects of smaller size and complexity. Most of the projects are on the Edgewood Campus and are primarily funded by the building customer/stakeholder and not the DPW (or IMCOM). For those projects, I am the contracting officer's representative (COR) providing oversight of the projects. I can provide interpretation of the contract if there are questions but nothing that has to do with funding or changes. Those must be processed through our contracting office.

Q: What projects have you predominately worked on at Aberdeen Proving Ground (i.e. Facility Reduction Plan (FRP) or decontaminated building demolition)? Please include the general dates (month and year).

A: I am the COR for a group of small projects at APG and Edgewood and I am also situationally aware of some of the larger O&amp;M and MILCON projects. I am the COR for the Perryman Carbon Vessels, FY18 FRP, Building E3510 Lab 19 Renovation, Building 4117 Renovations (Phase I and II), FY20 CECOM SEC (Buildings 6002, 6006, 6008), Building E4301 Bay 61 Renovation, Building 6006 Conference Room, Building E3524 Data Reduction Renovation, Building E3549 Quad 100 Renovation, Building E5612 Chambers, TACOM Building E5027 Renovation, Building E3510 Lab 21 Renovation and the DFAC Storefront Renovation.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT *(Continued)*

-----THIS PAGE NOT NEEDED-----

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE

OF

PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220405

9. STATEMENT (Continued)

Q: In early 2019, the USACE had indicated that they would like to recommend that the FRP contract be terminated for convenience to the government? What is your understanding of the events and reasoning surrounding the desire to terminate the contract? Please explain in detail?

A: As with all projects with execution challenges, all courses of action were considered to include terminating All Phase Solutions, LLC for Convenience to the Government. Termination for Default was never considered by Baltimore District. The contemplation had nothing to do with the contractor's performance or their ability to complete the work. Rather, it was due to the APG's Safety Office refusal to either approve safety plans or provide constructive comments to said plans. When plans were submitted to the APG Safety Office it took a very long time to receive comments, if any, and without approvals. Some of these plans were rejected simply due to page numberings, not receiving hard copies (when electronic copies were sent), and other various administrative items. These rejections did not help the contractor understand if there were any valid concerns of the safety plans that were submitted. The APG Safety Office was solely responsible for hindering the progress of this contract, causing significant delays (measured in years). Ironically, the APG Safety Office prevented Baltimore District and their contractor from demolishing buildings, that left standing, allowed safety concerns to continue.

-----END OF STATEMENT-----

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of April, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 2 PAGES

OSC File  
No. DI-22-000146

EXHIBIT C



## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220504	3. TIME 0837	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS Government Contractor	

8. ORGANIZATION OR ADDRESS

IPS Safety Services, (b) (6)

9.

(b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Please provide me with your contact information (business address and phone number).

A: (b) (6)

(b) (6)

Q: Where are you currently employed, and how long have you been employed there?

A: IPS Safety Services. Bought company around December of 2019

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: I am hired by the contractor to provide Air monitoring and oversight of asbestos removal. I ensure that regulations (OSHA, EPA, and EM 385) pertaining to asbestos are followed. I collect air samples to verify that asbestos fibers are not being released outside the work area. Sometimes I collect personal air samples to verify that workers are not being exposed to excessive levels of asbestos as per respiratory protection factor of the respirator that is being used. If project requires a containment, I verify containment is correct and that there is sufficient negative pressure. I verify that workers are donning the proper PPE (protective clothing, respirator, eye protection). That proper decontamination chamber is being used. Ensure that amended water is being used. Asbestos signs are posted, waste labeled,

Q: Which programs or projects have you worked on at Aberdeen Proving Ground, MD?

A: Buildings: 309,345,450,643,688,740B,3580,5027,4035,4220,5112,5114,520,450,3072, E1386,E1425,E2100,E2344,E2354,E3524,E3580,E3726,E4460,E5027,E5058,E5126,E5158,E5641,E5824,E5826,E5848,E5868,E5912,E5914,E7407, and the Crushing site.

Q: There have been concerns raised regarding building 5112 and asbestos allegedly not being abated properly. What is your understanding of any issues with this building, as it relates to asbestos?

A: I feel that the building was abated properly.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF **(b) (6)** TAKEN AT APG, MD DATED 20220504

9. STATEMENT (Continued)

Q: Were you provided an asbestos abatement plan for building 5112 prior to beginning work?

A: I believe so. As this project was a while ago, I do not have a copy but usually don't keep them after project is over.

Q: How long did the demolition of building 5112 last? Please provide the dates?

A: My records show that I was on site 01-13-20, 01-14-22, 01-17-22, and 09-04-20

Q: Were there any interruptions during the demolition of building 5112 for weather or other reasons? Please provide the dates. On 01-14-22 my daily report says that it started raining. I believe that we broke away from that job and RETRO started prepping for Building 5114 which was right down the street. My report for 5114 only shows 1 day (01-16-20) of work and from I feel it would have taken longer than 1 day to prep and complete the job. I am not required to be on site if they are prepping the job only needed once they are disturbing ACM.

Q: Was there any additional asbestos identified in or on the building during demo that was not annotated on the hazardous material survey or asbestos abatement plan?

A: No, only after we completed the job ACM was found by someone else.

Q: Did you inspect the hood vents for asbestos? Did you believe that the hood vents were Asbestos-Containing Material (ACM)? No I did not it was my understanding that the only ACM was the transite.

Q: What was the condition of the site at building 5112 when work was suspended?

A: Site is always cleaned up regardless of why we stop (end of day, or weather). The only way it would be left as is, would be in case of an emergency.

Q: What was the condition of the site at building 5112 after demolition was complete and after your final inspection had been done?

A: It was in good condition. When visual inspection is being done it is completed by myself a licensed inspector and supervisor, the licensed supervisor for the job, a licensed worker, and the general contractor all walk site

Q: Was the site secured during demolition in accordance with the applicable laws and regulations? Were asbestos signs, red tape and other indicators used to alert personnel that asbestos was being abated? Please explain in detail.

A: asbestos signage and red banner tape should have been up until final inspection on 01-17-20.

Q: Have you ever witnessed illegal abatement while working on the Facilities Reductions Plan on Aberdeen Proving Ground? Have you witnessed willful disregard for and laws and regulations related to asbestos abatement?

A: No

Q: Has a contractor ever expressed to you that you should find less asbestos during a hazardous materials survey or have you been asked to shortcut abatement practices in order to improve the bottom-line of the contractor?

A: No

Q: Do you know **(b) (6)** If so, how do you know him? Has **(b) (6)** ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG?

A: Yes, I was introduced to **(b) (6)** by my father. I worked for **(b) (6)** for about 6 months until **(b) (6)** sold IPS Safety Services to me. Yes, **(b) (6)** has brought up concerns about asbestos management to me both when I worked for **(b) (6)** and when **(b) (6)** worked for APG. **(b) (6)** has expressed that APG's asbestos management is basically nonexistent.

INITIALS OF PERSON MAKING STATEMENT

**(b) (6)**

PAGE 2 OF 3 PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220504

9. STATEMENT (Continued)

Q: Was (b) (6) a subcontractor of All Phase LLC? What were the circumstances around his departure from All Phase LLC?  
A: yes, I have been told both sides of the story (b) (6) claim (b) (6) was hired to complete surveys for the FY18 demo contract and that ALL Phase did not pay (b) (6) so (b) (6) did not provide them with the surveys. All Phase claims that (b) (6) was hired to complete surveys for FY18 demo contract, and they tried contacting (b) (6) by phone and email to get surveys and they were unable to reach (b) (6) so they had to end contract and hire someone else to complete surveys which they did from EA.

Q: There have been some concerns raised about abatement of asbestos and missing tile in building E2354? What is your understanding of the issue with E2354?

A: I heard second hand that (b) (6) had issue that the floor tile was missing from the site and that All Phase was getting paid for something they did not have to do. My concern is that the floor tile and mastic was removed from the site and appears to be removed correctly at least by the tape around the windows and doors but the government who owns the asbestos has no records or knowledge of what happened to it.

Q: In your opinion, was the missing tile in E2354 abated properly? What lead you to that conclusion? Yes, the was tape residue around the windows and doors.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: No

-----END OF STATEMENT-----

**AFFIDAVIT**

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of May, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 3 PAGES

OSC File  
No. DI-22-000146

EXHIBIT D

Interview with (b) (6)

I would like to make a few preliminary comments. Many of your questions deal with Building E2354. Other instances of non-compliance with asbestos are identified in No. 10. Please understand that the Agency's malfeasance and non-compliance regarding the management and abatement of asbestos at Aberdeen Proving Ground – Garrison ("APG-Garrison") has been an ongoing issue for as long as I have been employed at APG.

Additionally, there are two other significant issues that need to be investigated. I have included an Addendum to Interview with (b) (6) that further identifies these issues. First, there are issues relevant to EA Engineering work surrounding the demolition contract and the sole source solicitation process for All Phase Solutions ("All Phase"), the demolition contractor, as carried out by the U.S. Army Corps of Engineers ("USACE").

Second is the issue involving the conflict of interest regarding (b) (6). (b) (6) was the safety director for EA Engineering and, at the same time, was noted as the Director of Safety and Health for All Phase the demolition contractor. EA Engineering is a government contractor secured by the USACE and the APG-Garrison to act as a program manager for demolition operations.

See the Addendum to Interview with (b) (6) included herewith.

Additionally, I have included document production labeled WFA 0001 – WFA 0448, and specific references are cited herein. Please note that some documents have been remove from the sequential order because they are irrelevant to this matter.

**1. What were your dates of employment with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?**

June 2001 until Dec 31, 2021 when I retired.

**2. Who were your first and second-line supervisors during your tenure as Safety Manager at APG?**

From 2018 until my retirement, my first line supervisor was (b) (6) and second-line supervisors were Deputy to the Commander (b) (6) and then Deputy to the Commander (b) (6). Also, during this time, (b) (6) was detailed into other positions, so there were other individuals detailed as my first line supervisor including, (b) (6) and (b) (6).

If other supervisors are needed prior to this time period, please advise and I will supplement.

**3. What were your general duties and responsibilities as a Safety Manager?**

See included Position Description, WFA 0414 – WFA 0420.

**4. What were your general duties and responsibilities related to construction and demolition operations on APG?**

See included Position Description, WFA 0414 – WFA 0420.

**5. What were your general duties and responsibilities associated with asbestos management and mitigation, including (but not limited to) inspections, asbestos risk assessments, and asbestos abatement?**

See included Position Description, WFA 0414 – WFA 0420. Furthermore, I was ordered by (b) (6) to survey buildings that were contracted to be demolished to confirm whether the Agency complied with asbestos abatement laws, rules and regulations and other safety and health issues.

**6. Who were the primary APG and U.S. Army Corps of Engineers (USACE) officials you worked with on construction and demolition operations on APG? Please identify these individuals by name and position title, if possible.**

I primarily worked with the following individuals on construction and demolition operations:

1. (b) (6), Chief of Installation Safety Office that has been detailed into other positions;
2. (b) (6), Garrison Chief of Environmental;
3. (b) (6), Garrison Director of Directorate of Public Works;
4. (b) (6), USACE project point of contact;
5. (b) (6), Garrison Environmental point of contact; and
6. (b) (6), USACE project individual.

There may be other individuals and I reserve the right to supplement this response.

**7. Who were the primary APG and USACE officials you worked with, relating to asbestos management and mitigation on APG? Please identify these individuals by name and position title, if possible.**

See response to No. 6. Additionally, I was required to interact with personnel from EA Engineering, the government contractor secured by the USACE, and All Phase.

**8. What, if any, concerns do you (or did you) have with construction and demolition operations, asbestos management, and/or asbestos mitigation on APG? Please explain in detail.**

Many concerns regarding the Agency's noncompliance were highlighted in an Asbestos Report that I prepared at the direction of (b) (6), see WFA 371 – WFA 375. Additionally, see Response No. 10.

**9. If you have (or currently have) concerns with construction and demolition operations, asbestos management, and/or asbestos mitigation on APG, did you ever inform anyone of those concerns? If so, who specifically did you express your concerns to and when?**

Yes, in Response No. 10, I identified individuals associated with each disclosure identifying the Agency's violations of laws, rules and regulations; and evidencing gross mismanagement; a gross waste of funds; an abuse of authority; and a substantial and specific danger to public health or safety.

**10. What, if any, specific violations of law, policy, or regulation did you directly observe pertaining to construction and demolition operations, asbestos management, and/or asbestos mitigation on APG? Please explain in detail, including identifying: the specific action(s) or conduct in question; the law, policy, or regulation you believe was violated; and who you felt was responsible.**

I made numerous protected disclosures that go beyond violations of laws, policies, rules and regulations and evidence evidencing gross mismanagement; a gross waste of funds; an abuse of authority; and a substantial and specific danger to public health or safety.

The following are instances of my protected disclosures, numbered 1 through 15. These includes references to the Bates numbered documents included.

The laws, rules and regulations, with a brief explanation, are cited below, lettered A through N.

The Agency is responsible for the malfeasance and noncompliance regarding the ongoing asbestos issues. Agency personnel include, but may not be limited to:

1. Prior Garrison Commander (b) (6) ;
2. Prior Deputy to the Garrison Commander (b) (6) ;
3. Chief of the Installation Safety Office (b) (6) ;



4. Chief of Environmental (b) (6) ;
5. Environmental Engineer (b) (6) ;
6. Former Director of Public Works (b) (6) ;
7. Former Deputy Director of Directorate of Public Works (b) (6) ; and
8. Project personnel with the USACE including (b) (6) , (b) (6) , (b) (6) and (b) (6) .

The following are protected disclosures I made regarding ongoing noncompliance issues:

1. May, 2021 – Verbally and by email – The Agency does not have a compliant asbestos management plan and wanted (b) (6) to sign off on plan that is not compliant. (b) (6) communicated with (b) (6) . There was an e-mail exchange regarding asbestos issues relevant to the draft asbestos management plan. (b) (6) threatened (b) (6) . (b) (6) told (b) (6) that he would not agree with noncompliance nor can he provide alternatives to noncompliance. See WFA 0124 – WFA 0135.

2. April, 2021 – Verbally and by email – (b) (6) communicated with (b) (6) , (b) (6) , (b) (6) , (b) (6) , (b) (6) , (b) (6) , and (b) (6) regarding Building E2354. (b) (6) discovered that asbestos was already removed from inside this building and the contractor, All Phase Solutions, LLC, was planning to abate this same asbestos that had already been removed. During a meeting on April 7, 2021, there was push back about (b) (6) not signing off on the plan. EA Engineering asbestos report for Building E2354 performed in December, 2020 on behalf of All Phase Solutions, LLC did not mention the

missing asbestos floor tile and mastic in the report. No one has been able to produce any information or documentation pertaining to the missing asbestos, including how and when it was removed, and whether it was removed and disposed of compliantly. It costs more money to abate asbestos compliantly, and creates a danger to the public if not done compliantly. Further, Agency allowed individuals, including (b) (6), to enter Building E2354 with no knowledge that any clearance procedure had been performed. See WFA 0056 – WFA 0067, WFA 0136 – WFA 0138, WFA 200 – WFA 208, WFA 0274 – WFA 0289.

3. June, 2021 – Verbally and by email – (b) (6) communicated with (b) (6), (b) (6), and (b) (6) regarding DPW's continued failures of not meeting the requirement of an asbestos management plan. See WFA 0118 – WFA 0123.

4. April, August and September 2020 – Verbally and by email – (b) (6) communicated with (b) (6), (b) (6), (b) (6), (b) (6), (b) (6), and (b) (6) regarding Building 5188. (b) (6) shared novel ideas with the demolition contractor, HGL, and USACE to remove the asbestos roof in a compliant manner. Demolition work was allowed to proceed non-compliantly. See WFA 0117, WFA 0139 – WFA 0142. (b) (6) communicated with (b) (6) and (b) (6). Communications involved non-compliant demolition project for building E5188. See WFA 0146 – WFA 0148. (b) (6) communicated with (b) (6) about asbestos contaminated building demolition and general recommendations regarding asbestos safety practices. Contractor, HGL, was allowed

to proceed with demolition of buildings even though the asbestos was not fully abated.  
See WFA 0143 – WFA 0145.

5. January, 2021 – Verbally and by email – (b) (6), (b) (6), (b) (6), and (b) (6) were given notification from (b) (6) of several examples of asbestos malfeasance that had occurred over the last few years including Building B5112, Building B4035, Mulberry Point Tower, Building E5126, Building E4585, Building E3330 and Building 305. See WFA 0193, WFA 0200 – WFA 0208.

6. July, 2021 – Verbally and by email – (b) (6) communicated with (b) (6), (b) (6), (b) (6), and (b) (6). (b) (6) questioned ISO's involvement in asbestos work. See WFA 0195 – WFA 0199.

7. November, 2019 – Mulberry Point – Verbal and by email – (b) (6) communicated with (b) (6), (b) (6), (b) (6), (b) (6), and (b) (6). Agency's failure to explain asbestos abatement process was never provided as required by regulation. No ASHARA asbestos survey was ever produced. Government personnel were meeting to resolve this issue with (b) (6) and the building was already demolished. See WFA 0017 – WFA 0019.

8. December, 2019 – Verbally and by email – (b) (6) communicated with (b) (6). Directorate of Public Works summary to get Installation Safety Office out of involvement with demolition contracts. See WFA 0022 – WFA 0026.

9. October, 2019 – Verbally and by email – Demolition Contract – (b) (6) communicated with (b) (6). USACE threatened terminating contract for convenience if safety issues are not resolved. It is (b) (6) duty to

advise of deficiencies. It is the contractor's duty to resolve issues. Furthermore, the contract should have been terminated for default because the contractor was failing at meeting compliance. See WFA 0027 – WFA 0036.

10. May, 2020 – Verbally and by email – (b) (6) communicated with (b) (6) and (b) (6). DPW Environmental with government contractor, EA Engineering, develop a conflict resolution document that is in violation of Army Regulation 385-10. See WFA 0037 – WFA 0040, WFA 0444 – WFA 0448.

11. November, 2019 – May, 2020 – Verbally and by email – (b) (6) communicated with (b) (6), (b) (6), (b) (6) and (b) (6). Building E4405 and Demolition Contract – (b) (6) is an employee of EA Engineering, and is also identified as the director of safety and health All Phase Solutions, LLC, the demolition contractor. EA Engineering is an embedded government contractor running the project management office for demolition for the Army. For Building E4405, there were discrepancies noted for the asbestos sampling report. See WFA 0041, WFA 0042 – WFA 0046, WFA 0053, WFA 0146 – WFA 0148, WFA 0174 – WFA 0183.

12. May, 2020 – Verbally and by email – (b) (6) communicated with (b) (6), (b) (6), and (b) (6) regarding overlapping surveys of Building E4405. See WFA 0051 – WFA 0055.

13. April, 2020 – Verbally and by email – (b) (6) communicated with (b) (6), (b) (6), (b) (6), and (b) (6) (last name unknown). Building 4035 – DPW seeks alternative answers for demolition processes to a

government contractor when the ISO had already weighed in. See WFA 0047 – WFA 0050.

14. Winter, 2020 – Verbally and by email – (b) (6) communicated with (b) (6). (b) (6) restricted (b) (6) scope of inspections for demolition projects. This is in conflict with regulatory guidance on multi-employer worksites. See WFA 0070.

15. January, 2021 – There was a report dated February of 2012, but not received by (b) (6) until 2020 regarding Building E5912. (b) (6) spoke to (b) (6) and (b) (6). Contractor, EA Engineering, was paid to conduct an asbestos survey for Building E5912 where contractor did not sample the ceiling and roof areas for asbestos - these surveys were inconsistent and incomplete. See WFA 0079 – WFA 0115, WFA 0192.

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The following are citations of the laws, rules and regulations violated by the Agency:

A. A.) 29 C.F.R. 1910.1001(j)(3)(i)-(iii); B.) 29 C.F.R. 1926.1101(k)(1); C.) 29 C.F.R. 1926.1101(k)(2)(i); D.) 40 C.F.R. 61.145; E.) Army Regulation 420-1, Chapters 5-23 and 5-24; F.) Department of Army Pamphlet 40-513, Chapters 1 and 2; and G.) Engineering Manual 385-1-1 06.C.03 – Regulations that the Agency is responsible for the knowledge, information and documentation related to asbestos.

B. 29 CFR 1960.7(a) - OSHA regulation that requires agencies to have financial and other resources to effectively implement and administer the agency's occupational safety and health program.

C. Army Regulation 420-1, 5-19c and 5-24d - The development and implementation of an asbestos management plan and the elements to be included in the asbestos management plan.

D. Engineering Manual 385-1-1, 23.A.04 - All asbestos shall be removed from structures in accordance with all laws before demolition begins.

E. Engineering Manual 385-1-1, 06.C.03 - Requires written asbestos abatement plans.

F. 29 CFR 1910.1001(j)(3)(i, ii and iii) - Requires building and facility owners to determine the presence, location and quantity of asbestos and presumed asbestos materials, to maintain records of all information concerning the presence and location and quantity of asbestos and to share all this information with select groups of employees.

G. 29 CFR 1926.1101(g)(8)(ii) – Employer required to follow practices pertaining to the removal of roofing material that includes asbestos.

H. 29 CFR 1926.1101(k)(2)(i and ii) - Determine the location of asbestos and notify persons at worksites of the presence of the asbestos and other requirements.

I. Department of Army Pamphlet 40-513, Chapters 1 and 2 - Outlines basic elements of an installation asbestos management program, including how to go about maintaining a facility asbestos inventory to include assessment and control methodologies.

J. 40 CFR 61.145 - Inspection protocol for asbestos prior to demolition.

K. Army Regulation 385-10 – Overall Army safety program standard.

L. COMAR 26.11.21.06 – Control of emission from an asbestos project subject to NESHAP – clearance process needs to be executed subsequent to abatement.

M. Multi-Employer Worksite Directive (OSHA) – CPL2-0.124 - Multi-Employer Citation Policy.

N. ANSI A10.33 – Safety and Health Program Requirements for Multi-Employer Projects.

**11. If you directly observed or were aware of specific violations of law, policy, or regulation, did you ever report those violations to law enforcement or other appropriate officials? If so, who specifically did you report this to and when?**

See Response No. 10 and the Asbestos Report, WFA 0371 – WFA 0375. I made serious inquiries and reported the violations of laws, rules and regulations internally to APG personnel in an attempt to remedy and fix the problems. Inquiries for information and documentation remained unanswered. To my knowledge, the violations of laws, rules and regulations have not been corrected. I did not report the violations of laws, rules and regulations to any external individuals or agencies, including, but not limited to, Occupational Safety and Health Administration, the Environmental Protection Agency or Maryland Department of the Environment.

**12. To your knowledge, what are the general requirements for an asbestos management program, and where are those requirements found or outlined? Who is responsible for maintaining this program on APG?**

The APG-Garrison is responsible for maintaining the asbestos management program because it is the owner/landlord of the buildings that contain asbestos material. My knowledge of the general requirements for an asbestos management program are based upon the following laws, rules and regulations:

A. Army Regulation 420-1, 5-19c and 5-24d - The development and implementation of an asbestos management plan and the elements to be included in the asbestos management plan.

B. A.) 29 C.F.R. 1910.1001(j)(3)(i)-(iii); B.) 29 C.F.R. 1926.1101(k)(1); C.) 29 C.F.R. 1926.1101(k)(2)(i); D.) 40 C.F.R. 61.145; E.) Army Regulation 420-1, Chapters 5-23 and 5-24; F.) Department of Army Pamphlet 40-513, Chapters 1 and 2; and G.) Engineering Manual 385-1-1 06.C.03 - Regulations that the Agency is responsible for the knowledge, information and documentation related to asbestos.

C. 29 CFR 1960.7(a) - OSHA regulation that requires agencies to have financial and other resources to effectively implement and administer the agency's occupational safety and health program.

**13. Are you aware whether APG or USACE officials maintained (or currently maintain) an asbestos management program for APG?**

As of my retirement effective December 31, 2021, the Agency did not have a compliant asbestos management program. Agency personnel continually requested that I approve an asbestos management program that was not compliant. I was unwilling to compromise on compliance and would not approve any noncompliant asbestos management program.

**14. To your knowledge, what are the general requirements for asbestos mitigation, and where are those requirements found or outlined? Who is responsibility for ensuring appropriate asbestos mitigation on APG?**

The APG-Garrison is responsible for ensuring appropriate asbestos mitigation at APG because they are the owner/landlord of the buildings that contain asbestos material. The general requirements for asbestos mitigation are set forth in the following laws, rules and regulations:



A. A.) 29 C.F.R. 1910.1001(j)(3)(i)-(iii); B.) 29 C.F.R. 1926.1101(k)(1); C.) 29 C.F.R. 1926.1101(k)(2)(i); D.) 40 C.F.R. 61.145; E.) Army Regulation 420-1, Chapters 5-23 and 5-24; F.) Department of Army Pamphlet 40-513, Chapters 1 and 2; and G.) Engineering Manual 385-1-1 06.C.03 - Regulations that the Agency is responsible for the knowledge, information and documentation related to asbestos.

B. 29 CFR 1960.7(a) - OSHA regulation that requires agencies to have financial and other resources to effectively implement and administer the agency's occupational safety and health program.

C. Army Regulation 420-1, 5-19c and 5-24d - The development and implementation of an asbestos management plan and the elements to be included in the asbestos management plan.

D. Engineering Manual 385-1-1, 23.A.04 - All asbestos shall be removed from structures in accordance with all laws before demolition begins.

E. Engineering Manual 385-1-1, 06.C.03 - Requires written asbestos abatement plans.

F. 29 CFR 1910.1001(j)(3)(i, ii and iii) - Requires building and facility owners to determine the presence, location and quantity of asbestos and presumed asbestos materials, to maintain records of all information concerning the presence and location and quantity of asbestos and to share all this information with select groups of employees.

G. 29 CFR 1926.1101(g)(8)(ii) – Employer required to follow practices pertaining to the removal of roofing material that includes asbestos.

H. 29 CFR 1926.1101(k)(2)(i and ii) - Determine the location of asbestos and notify persons at worksites of the presence of the asbestos and other requirements.

I. Department of Army Pamphlet 40-513, Chapters 1 and 2 - Outlines basic elements of an installation asbestos management program, including how to go about maintaining a facility asbestos inventory to include assessment and control methodologies.

J. 40 CFR 61.145 - Inspection protocol for asbestos prior to demolition.

K. Army Regulation 385-10 – Overall Army safety program standard.

L. COMAR 26.11.21.06 – Control of emission from an asbestos project subject to NESHAP – clearance process needs to be executed subsequent to abatement.

M. Multi-Employer Worksite Directive (OSHA) – CPL2-0.124 - Multi-Employer Citation Policy.

N. ANSI A10.33 – Safety and Health Program Requirements for Multi-Employer Projects.

**15. According to the U.S. Office of Special Counsel (OSC), you referenced concerns with “large-scale demolition operations” managed by USACE, including “older buildings that contain asbestos.” Specifically, you identified concerns with asbestos mitigation involved in the demolition of Building E2354 on APG. What were your specific observations and concerns in this case? Please explain in detail.**

Late March into early April, 2021, (b) (6) was ordered to survey and inspect Building E2354, on behalf of the Installation Safety Office, to approve the demolition to proceed. (b) (6) had received an abatement plan signed by an accredited project designer, see WFA 0385 – WFA 0393, that included an accredited asbestos survey, see WFA 0377 – WFA 0384, that indicated asbestos existed in the

building and included plans to remove this asbestos. Upon entry into and inspection of Building E2354, (b) (6) discovered that asbestos floor tiles were already removed from inside this building, even though the survey and accredited abatement plan identified that asbestos floor tiles were in the building. The contractor, All Phase Solutions, was planning to abate this same asbestos that no longer existed in Building E2354 and had already been removed. During the monthly progress meetings in April, 2021, forward, (b) (6) inquired about this missing asbestos material and requested information and documentation about its removal. Agency personnel were unable to provide any information or documentation about the removal of this asbestos material. To this day, Agency personnel have not been able to produce any information or documentation about the removal of the asbestos material from Building E2354.

**16. What was your official involvement related to the “large-scale demolition operations” on APG, including with Building E2354? Please explain in detail.**

As ordered by (b) (6), I was required to provide approval on behalf of the Installation Safety Office, to inspect compliance issues regarding the demolition projects to permit the demolition projects to move forward. Due to the Agency’s failures ongoing noncompliance and failures to provide responsive information and documentation, I was unwilling to provide such approval.

**17. Are you aware of when Building E2354 was built, and when it was removed (i.e., demolition operations occurred)?**

I am not sure when Building E2354 was built. To my knowledge, it was demolished approximately in the Spring of 2021.

**18. Do you have a copy of any relevant documentation related to your noted observations and concerns, including (but not limited to) the site survey conducted for Building E2354? If so, please detail what that documentation is, and provide a copy for inclusion in this administrative investigation.**

Yes, See WFA 0056 – WFA 0067, WFA 0136 – WFA 0138, WFA 200 – WFA 208, WFA 0274 – WFA 0289, WFA 0377 – WFA 0384, WFA 385 – WFA 393.

**19. Do you know the specific APG or USACE officials that worked on this Building E2354 project, including any contractor employees? If so, please provide names and position titles, if possible.**

Your inquiry requires is ambiguous, please provide further clarification on what you mean by “officials that worked on this Building E2354 project.” For now, the following individuals were associated with the project:

1. (b) (6), project manager for USACE;
2. (b) (6), project person for USACE;
3. (b) (6), USACE safety person;
4. EA Engineering personnel; and
5. All Phase Solutions personnel.

There may be other individuals and I reserve the right to supplement this response.

**20. Do you know the specific contract and contractors that worked on this Building E2354 project? If so, please provide any details you have, including the name(s) of the contractor(s) and/or sub-contractor(s), and names of specific contractor employees involved, if possible.**

I do not have a copy of the entire contract. The contract number is W912DR18C0056. But, I do have information documenting buildings to be abated, including Building E2354.

EA Engineering and All Phase Solutions were contractors that worked with the demolition issues of Building E2354.

- 21. Do you know the specific officials, including any contractor employees, who conducted the site survey for Building E2354? If so, please provide names and position titles, if possible.**

EA Engineering and Franki & Associates were involved in conducting asbestos surveys for Building E2354.

- 22. According to OSC, you previously indicated you were able to detect asbestos in floor tile, “mastic,” and roofing material. Is this true, how were you able to confirm whether these materials in Building E2354 contained asbestos?**

Yes, from an accredited survey provided to me. See WFA 0377 – WFA 384.

- 23. What led you to suspect that asbestos-containing material had been improperly removed from building APG E2354?**

There is an accredited survey from 2009 identifying asbestos containing material in Building E2354. See WFA 0377 – WFA 0384. Furthermore, an asbestos project design abatement plan was prepared and submitted by All Phase Solutions, a USACE contractor, for the pending asbestos abatement for Building E2354, see WFA 0385 – WFA 0393. The scope of work in the asbestos abatement plan included the removal of floor tile, mastic and roofing material that contained asbestos.

However, the asbestos material inside Building E2354 was already removed because as of some point in 2019, the floor tile and mastic was noted as being missing. Robert Albrecht was hired to perform some asbestos survey work in Building E2354 at that time, and when he surveyed Building E2354, he noticed that the floor tile has already been removed. See WFA 0394 – WFA 0396. When I inspected the building on or about April 1, 2021, the floor tile was missing too.

**24. Who is the Building Manager of Building E2354?**

I do not know of any actual building manager. The building was vacant upon my involvement.

**25. With whom did you collaborate with or have discussions with while conducting a site survey of Building E2354? What was discussed and when?**

I collaborated with and had discussions with the following individuals while conducting a site survey of Building E2354:

1. (b) (6) from All Phase Solutions;
2. (b) (6) from EA Engineering;
3. (b) (6) from EA Engineering; and
4. (b) (6) from EA Engineering.

We discussed the missing asbestos floor tiles and mastic, and I inquired whether anyone knew anything about the missing asbestos floor tiles and mastic.

**26. According to OSC, you previously requested documentation (from APG and USACE) related to the prior removal of asbestos-containing materials on APG, but never received a response. If this is true, please explain in detail, including (but not limited to): the specific documentation you requested; the purpose or justification for your request(s); the name and position titles of those you requested the documentation from; and that date(s) of those request(s).**

Yes, since the progress meetings related to demolition projects in April 2021, I have requested information and documentation about the removal of the asbestos material in Building E2354 such as:

1. Who did it?
2. When did they do it?
3. How did they do it?
4. Was the removal and disposal done compliantly?

To date, no information or documentation has been provided. Even as of late January, 2022, I have been advised that information and documentation regarding the removal of the asbestos does not exist.

- 27. Other than the concerns related to Building E2354, could you elaborate on any other specific instances of non-compliance with asbestos mitigation requirements at APG? Please explain in detail, including names and position titles of officials involved, dates, locations, etc.**

See Response No. 10 and Addendum to Interview with (b) (6) included herewith.

- 28. In order to fully investigate your concerns related to asbestos management and mitigation on APG, who else would you suggest I speak with? Please provide names and position titles (if possible) for other relevant witnesses.**

(b) (6), Garrison Safety Specialist.

## **Addendum to Interview with (b) (6)**

### **Contract Award to Demolition Contractor, All Phase Solutions**

It has been brought to my attention whether or not the sole source procurement of the above contractor is compliant with sole source procurement justifications. This contract applies to Building E 2354, as well as other demolition projects at Aberdeen Proving Ground administered through the Army Corps of Engineers.

All Phase Solutions "All Phase" had and continues to have demolition contracts with the Army Corps of Engineers to perform demolition at Aberdeen Proving Grounds (APG). The demolition contracts were first administered through Huntsville Corps in Alabama. They were later awarded through Baltimore District Corps.

In short, All Phase had a checkered history when complying with safety issues including non-compliant asbestos operations. This, as well as not getting the work done and other reasons, the APG DPW contract was moved from Huntsville and awarded to the Baltimore District. The contract or procurement was moved, but a contractor had to be selected. Baltimore District awarded the new demolition contract right back to All Phase – sole sourced as a service contract, NOT a construction contract. Demolition is a construction process, not a service process.

These are big contracts involving millions of dollars.

Additionally, APG DPW Engineering Branch recently awarded All Phase a contract to perform demolition of two large facilities. I was informed this was another sole source procurement.

These procurement issues have been brought to my attention by numerous individuals and I personally witnessed them. I professionally do not know whether or not these procurement issues are compliant and/or legal, but under No Fear, "if you see something, you say something" and you let the experts figure it out. I will add that as things began to unravel with All Phase's safety performance, in accordance with Army Regulation, safety practitioners are to elevate situations to contracting officers when resolution is not made at the working level. I asked the Army Corps of Engineers for the contracting officer contact information and they would not provide it, nor would my supervisor back me on this request.

### **EA Engineering Involvement with Demolition, Asbestos, Etc.**

EA Engineering is an embedded contractor that, among other things, oversees demolition operations on behalf of the Army Corps of Engineers and the APG Garrison Environmental Office. The Army is paying a contractor to perform numerous oversight processes. There have been questions raised regarding the relationship of this contractor as to:



- Whether or not they are performing services that are Government in nature at the bequest of Government employees.
- They are at the same time running and staffing the project management office under an Army contract.
- They are, in fact, performing work/asbestos surveys directly for the demolition contractor (All Phase) and obviously billin accordin I .
- The EA Engineering director of safety, (b) (6), while em. lo. ed with EA Engineering, was noted as the safety director for All Phase, the demolition contractor.

Again, this relationship is what I have observed while doing my job, as well as brought up to me by other individuals. I, professionally, do not know whether or not this relationship is compliant and/or legal, but under the No Fear Act, "if you see something, you say something" and allow the experts to figure it out.

OSC File  
No. DI-22-000146

EXHIBIT E

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220217	3. TIME 11:31am	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS / DA Civilian	
8. ORGANIZATION OR ADDRESS Environmental Restoration Branch (ERB), Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD			
9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Q: (b) (6) AR 15-6 Investigating Officer) A: (b) (6)  Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland? A: Yes and 22 years.  Q: What are the names of your first and second-line supervisors and their respective duty titles? A: Currently my direct supervisor position is vacant. It would be Environmental Restoration Branch (ERB) Branch Chief (vacant) and my second line supervisor (b) (6)  Q: What is your official title/position and how long have you been in that position? A: Department of Public Works-Environmental Division, Environmental Engineer, 16 years  Q: What are your general duties and responsibilities in your current position? Please explain in detail. A: I am currently Project Manager for the Installation Restoration Program, Federal Facility Program Manager/DPW Point of Contact for the FY18 and FY20 and Contaminated Demolition Program. a. Installation Restoration Program – I conduct investigation of past activities that could have contaminated the soils or groundwater media. If contamination is found then I am responsible for cleaning up the site to industrial levels. b. Federal Facility Program (FRP) Manager/DPW Point of Contact - I am the DPW POC for the Program Management Office (PMO) that handles the oversight the demolition contract (FY18 and FY20) through the Baltimore CORP of Engineers. The office helps review work plans, coordinate with APG/DPW support organization and tenants (ie. Installation Safety Office, DPW Ground and Maintenance Division and Master Planning) and provide field oversight support. c. Contaminated Demolition Program – Same responsibilities as the Federal Facility Program Manager/DPW Point of Contact but we are dealing with potential contaminated buildings that dealt with Chemical Warfare Materials.			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)		PAGE 1 OF 8 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF **(b) (6)** TAKEN AT APG, MD DATED 20220217

9. STATEMENT (Continued)

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: Being part of the program management office we review work plans and is the liaison between Installation Safety Office (ISO) and the Baltimore CORP of Engineers. My role is an "oversight role" to make sure that plans are being review by PMO subject matter experts, interfacing with APG tenant organization, step in if they are issues that involves APG Garrison that requires DPW attention. The asbestos involvement is the fact that majority of the building being demolished was built prior to 1970 and requires asbestos abatement before they can be demolished. As the DPW overall program manager to ensure that the PMO is reviewing and tracking all asbestos work plans and responding to issues and comments relating to asbestos.

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: The primary stakeholder is the APG Garrison. The Baltimore CORP of Engineers are the one that ensures that the work is being done in accordance to the work plan and MDE regulations. They are also responsible to report back to APG where the asbestos goes and the amount sent.

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: Program Management Office

**(b) (6)** **(b) (6)** @army.mil, (EA contractor, PMO Program Manager) - **(b) (6)** handles the day to day operations and is involved with coordination between ISO and Baltimore CORP of Engineers.

**(b) (6)** **(b) (6)** @usace.army.mil, Baltimore CORP of Engineers, Program Manager for the FY20 FRP and Contaminated Demo Program.

**(b) (6)** **(b) (6)** @usace.army.mil, (Baltimore CORP of Engineers) - **(b) (6)** reviews work/health and safety plans to make sure they are compliant to EM-385 and to Maryland Department of the Environment (MDE) regulations and conduct field inspection to ensure contractor doing the work according to the plans.

Q: When was the current Installation Asbestos Management Plan (AMP) signed? Do you have a copy you could provide, as well as the previous two versions of this plan?

A: No, I do not. Please contact **(b) (6)** **(b) (6)** @army.mil, **(b) (6)** is the POC for DPW Environmental relating to the Asbestos Management Plan.

Q: Who is responsible for ensuring the update/maintenance of a current AMP on APG?

A: DPW Environmental Division is responsible for update/maintenance of a current AMP. The POC for that is **(b) (6)**

Q: Are installations, such as APG, required to maintain a current AMP? If so, what are the relevant laws and/or regulations that mandate this?

A: Please contact **(b) (6)** the draft AMP is currently being updated and that document should have all relevant laws and/or regulations you're requesting.

Q: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: For the FRP and Contaminated Building Program APG hires the CORP of Engineers to provide that oversight ensure compliance. The program management office is part of that oversight for the above program.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? If so, do you have copies of such surveys to provide, and have any surveys raised concerns to you or others you work with? Please explain in detail.

A: I can only speak for the FRP and the Contaminated Demolition Program. For the FY18 asbestos surveys were done to help provide the bidder an idea of potential asbestos issues. The CORP of Engineers reviewed the initial survey and walked the building and if anything was missed required the contractor fill in the gaps. One issue did come up that when conducting resurvey in building E2354. The original report discussed asbestos floor tiles being certain area but was not there when we resurvey.

INITIALS OF PERSON MAKING STATEMENT **(b) (6)**

PAGE 2 OF 8 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220217

9. STATEMENT (Continued)

Q: Have any surveys been performed at APG to identify the presence of asbestos hazards or asbestos containing material in all installation facilities constructed prior to 1990? If so, have any of these surveys identified the presence of asbestos, and have appropriate actions been taken to address those concerns? Please explain in detail.

A: I do not know.

Q: When was the last survey of APG buildings and facilities conducted on APG?

A: I do not know, however every building prior to being demolished will have asbestos/hazardous material survey.

Q: To your knowledge, were there issues surrounding funding in regards to the Asbestos Management Plan and conducting surveys on APG? If so, please explain in detail.

A: No.

Q: In the AMP (dated March 2021), it states, "APG conducted an installation wide asbestos survey and assessment between 1989 and 1992 for most, but not all real property inventory." How many buildings on APG prior to 1980 have been and have not been inspected? Can you provide documentation of the surveys?

A: I do not know.

Q: Who is the Asbestos Program Manager at DPW and for APG?

A: (b) (6) contact information was provided above.

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: On the share drive please contact France Mason for exact location. The FRP and Contaminated Program keeps a copy of all reports on the O: Drive.

Q: What is "ABTIS" and how is this system used as it relates to storing and managing asbestos and other hazardous material documentation for APG?

A: I do not know it is not used as part of our program.

Q: What is "DPW 4283" and how does this process work as it relates to matters/concerns related asbestos?

A: I do not know. My involvement happens after the 4283 is completed.

-----CONTINUED-----

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of February, 2022 at Aberdeen Proving Ground, Maryland

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 8 PAGES

**SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220217  
DA FORM 2823 (Continued) / Page 4 of 8 Pages**

Q: What government oversight inspections (i.e., AAA Audits, Inspector General Inspections, OSHA Inspections) have been conducted of APG's Asbestos Management Plan in the past ten years? What were the results? What actions were taken to correct any noted deficiencies, and by whom?

A: This is outside my program, however (b) (6) would be best answer this. We do have Army Environmental Command do an Environmental Performance Assessment System (EPAS) audit every two to three years on the Compliance Program and asbestos program is part of that review.

Q: Are APG or other personnel conducting asbestos hazard risk assessments, including assessments by Asbestos Hazard Emergency Response Act (AHERA) certified inspectors? Please explain in detail.

A: I do not know outside of my programs. For the FRP and Contaminated Demolition Program we verify that the contractor doing the work are certified and their people certification are up to date. The PM office along with CORP of Engineers have asbestos certified people to review plans and to conduct field inspection.

Q: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed? What is the confliction resolution policy?

A: ISO relating to E5188 had concerns using the alternate work practices to take down the roof. Because of the size and thickness of the panels and roof construction worker safety was in question the CORP agreed to the alternative work practices provided that the proper paperwork for the variance is completed and we have MDE concurrence. ISO was concern about asbestos partials leaving the site. The compromise was to demonstrate that the alternative work practices does work by performing initial work during off hours and taking air samples around the building and have them analyzed. The data was shared with ISO. Once the demonstration was successful the work was conducted during normal hours and continued monitoring to ensure asbestos was being contained on site.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: Other than E5188 and Building 4035 I am not aware of any safety concerns. The major concern was with the ISO about potential release of asbestos leaving the site.

Q: What is the Asbestos Management Team Environmental Quality Control Committee (EQCC)? How often does it meet? What is its charter? Who are the members and what are their roles? Please explain in detail.

A: There is a little confusion the Asbestos Team and Environmental Quality Control Committee they are not the one of the same.

(b) (6)  
(Initials)



**SWORN STATEMENT of (b) (6), TAKEN AT APG MD, DATED 20220217  
DA FORM 2823 (Continued) / Page 5 of 8 Pages**

Asbestos Team is run by DPW Grounds and Maintenance Division on DPW. They handle small asbestos clean-up operations. EQCC is a quarterly meeting with Garrison Commander and APG tenants to inform them of environmental issues or new policies. During this time Garrison Commander is updated on EPAS findings.

Q: Who is responsible for providing annual asbestos awareness training at APG, and who is required to receive this training?

A: Please contact (b) (6).

Q: How often is asbestos awareness training conducted? How is it coordinated installation wide? Do you have copies of training logs?

A: Please contact (b) (6).

Q: Who are the DPW/ECB employees who hold Maryland State Accreditation regarding asbestos?

A: Environmental Compliance Branch (ECB) of DPW holds there records for their employees and DPW Asbestos Team should hold a copy of certificate at their office. I do not know the names you have to ask the organizations list of people doing the work.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: As stated above a pre-survey was done that when E2354. The original report discussed asbestos floor tiles being in certain area but when we resurvey those tiles were not there. The PMO office informed ISO about it the discrepancy. The PMO did try to research what could have happened but no avail.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building E2354 abated properly, in your opinion? Please explain in detail.

A: I do not know.

Q: Who is the contractor responsible for asbestos abatement/removal for the Building E2354 project on APG?

A: Baltimore CORP of Engineer was responsible for asbestos abatement/removal and their contractor was Allphase. However, the incident in question was prior to them moving into the building.

Q: Who are the contractor(s) and contractor employee(s) that are generally or frequently involved with asbestos matters on APG? Do any of these contractors work full-time at APG within DPW? What are their general roles and responsibilities related to asbestos management, mitigation, and/or abatement? Please explain in detail.

(b) (6)

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220217  
DA FORM 2823 (Continued) / Page 6 of 8 Pages**

A: I do know outside the FRP and Contaminated Building Demolition Program. For us PMO office along with CORP of Engineers are responsible for reviewing asbestos plans, coordinating with ISO for asbestos plans, and providing oversight when the contractor is performing abatement. The support contractor through CORP of Engineers has dictated staff to support building demolition. See (b) (6) for more detail.

Q: Has anyone ever raised any concerns regarding contractor involvement, engagement, or performance related to their role in asbestos management, mitigation, and/or abatement on APG? If so, please explain in detail.

A: (b) (6) raised concerns that Allphase paid EA engineering to perform some of the surveys and the PMO is being supported by EA. However, that statement was immaterial because (b) (6), CORP of Engineer government employee and asbestos certified, independently review all the plans and conducted site visits to verify the survey.

Q: Who manages and administers the contracts and contractor employee(s) engaged in asbestos management, mitigation, and/or abatement on APG?

A: It depends. The DPW Engineering group would be responsible for any projects that involves renovations. They would be responsible for contracting the work out, identifying if asbestos mitigation is required, verifying that license asbestos contractor is doing the work. If it is small job then Building and Maintenance Asbestos Team (Government Team) might handle it. For FRP and Contaminated Building demolition the Baltimore CORP of Engineers.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E2354? Do you have a copy of the abatement plan?

A: No and yes. Will provide a copy of the abatement plan.

Q: Did you, or anyone you know, ever go to Building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

A: Please contact (b) (6)

Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: ISO had concerns using the alternate work practices to take down the roof. Because of the size and thickness of the panels and roof construction worker safety was in question the CORP agreed to the alternative work practices, provided that the contractor followed the guidance for the variance and get MDE concurrence. ISO was concern about asbestos partials leaving the site.

(b) (6)

(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220217**  
**DA FORM 2823 (Continued) / Page 7 of 8 Pages**

The compromise was to demonstrate that the alternative work practices does work by performing the work during off hours and taking air samples around the building and have them analyzed. The data was shared with ISO. Once the demonstration was successful the work was conducted during normal hours and continued monitoring.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E5188? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: No irregularities and documentation will be provide to you by DOD Safe Access.

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at Building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: Yes, during this time the contractor and the CORP of Engineers had several meeting to discuss other alternatives. Because the design of the roof workers would have to remove the panels from inside which lead to all kinds of risks to the worker.

Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: Yes, my understanding that the roof contains asbestos and that the alternative work practices not agreed upon by ISO. Their argument was that the contractor should manually take down the roof.

Q: Did you observe any irregularities in the contractor's abatement plan for Building 4035? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: No, the project was not under my program until a later after the worked stopped based on ISO concerns.

Q: Did you believe that there were alternatives to the abatement of asbestos roofing materials, or was demolition of the building wholesale warranted? Please explain in detail.

A: The issue is it could have been done either way however in review the documentation it need to be tighter to go the alternative method and provide air sample to ensure the asbestos is being contained. Currently the contractor is working with CORP of Engineer to provide an acceptable plan take down the roof.

Q: There have been concerns raised regarding Building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: No, the building was sampled and asbestos was not found in the building.

(b) (6)

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220217  
DA FORM 2823 (Continued) / Page 8 of 8 Pages**

Q: Did you observe any irregularities in the contractor's abatement plan for Building E4405? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: No, will provide documentation for E4405 showing the sampling results.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6) concerns addressed? Please explain in detail.

A: Yes, I have known (b) (6) since 1998. I have work with (b) (6) on various projects relating to installation restoration program. (b) (6) did some of the Health and Safety reviews for our projects. I did not get involved with asbestos until 2020 when I became DPW program manager for FRP and Contaminated Demo. Any concerns (b) (6) had on the FRP and Contaminated Demo we tried to address all (b) (6) concerns. When (b) (6) and CORP were at an impasse then we had to elevate it to (b) (6) to help move this along. E5188 is good example. Where we ultimately found a compromise to do it off hours and show that asbestos was not leaving the site.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: (b) (6), (b) (6) [r@army.mil](mailto:r@army.mil), (EA contractor) – (b) (6) handles the day to day operations and is involved with coordination between ISO and Baltimore CORP of Engineers.

(b) (6), (b) (6) [@usace.army.mil](mailto:@usace.army.mil), (Baltimore CORP of Engineers) – Program Manager for the CORP of Engineers for the FY20 FRP and Contaminated Demo Program and PMO.

(b) (6), (b) (6) [@usace.army.mil](mailto:@usace.army.mil), (Baltimore CORP of Engineers) – review Work plans to make sure they are compliant to EM-385 and to MDE regulations and conduct field inspection to ensure contractor doing the work according to the plans.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: I will send you meeting minutes between ISO and CORP relating to work/health safety plan reviews.

-----END OF STATEMENT-----

(b) (6)

(Initials)



(b) (6) – EnviroVantage EH&S Engineer

(b) (6)

(b) (6) – AECOM

(b) (6)

Re: Work Plan for Building E5188; Demolition with ACM in place; Alternate Work Practices

#### INTRODUCTION:

Building E5188 is scheduled for demolition. Interior asbestos abatement has been completed by EnviroVantage. The roofing system comprised of the top component being spray foam insulation, two layers of corrugated transite roof panels, one single layer of interior transite ceiling panel, multiple layers of paint and a steel truss system. Building E5188 has been examined by a structural engineer on December 16, 2019 (Report attached as Appendix A). In order to access the corrugated roof fasteners, the spray foam insulation would need to be removed. The typical removal process would be to have the workers access the roof and utilizing 2" carbide scrapers, remove the insulation. The structural engineer cannot determine or estimate the allowable roof live load capacity to facilitate safe access, therefore this is not a possibility. A penetration into the roof from the confines of an Aerial Work Platform (AWP) was performed by (b) (6), the Competent Person (CP) on site. The investigation revealed that the panels were in fact fastened to C8 purlins from above utilizing a through bolt and compression fastener. It was also noted that during the original installation of the corrugated roof panel that an asphalt sealant was used on both vertical and horizontal panel overlaps. The safest method for removing both roof and interior ceiling panels intact is through reverse engineering. The reverse engineering of the roof system as it stands is infeasible. It has been determined that an alternate work practice is necessary. The alternative work practice is full above grade building demolition with ACM panels intact. A letter of Interpretation from OSHA regarding the application of the asbestos standard to demolition of buildings with ACM in place, August 26, 2002 has been included as Appendix B. Our intention is to follow the provisions of this guideline.

#### GENERAL CONDITIONS:

All abatement and demolition work shall be conducted by EnviroVantage, a Maryland licensed abatement and demolition contractor. The work shall proceed in the following order:

Interior Abatement, Building E5188 Demolition, Slab and foundation removal.



#### BUILDING DEMOLITION WITH ACM IN PLACE:

It has been determined by (b) (6) (EV S.S/CP) that due to the current conditions as described in the introduction, the reverse mechanical removal of both the ACM corrugated roof and interior ceiling panels is infeasible. The roofing system cannot be verified to be structurally sound for workers to work from. Lift access from both the interior and exterior is also infeasible due to the interior transite ceiling panel being installed during the construction of the building from above prior to the roof being installed. Access from the exterior is also difficult given the exterior roof pitch angle, because the worker would be attempting to conduct work at a knee level from the basket. Given all of these issues, an alternate work practice is warranted.

Alternate methods we have previously evaluated include:

#### **Removal of spray foam:**

Removal of the spray foam was deemed unfeasible due to the Engineer's report dated 12/16/19 as well as the lift access observations and restrictions conducted by (b) (6).

#### **Removal of interior transite ceiling panels via scissor lift and scaffolding:**

Removal of the interior transite ceiling panel by scissor/boom lift and scaffolding was deemed unfeasible due to the additional hazards of having the worker break the transite panel from a position underneath the heavily weighted ceiling panel. Ceiling panels are on average 4' x 12' and weigh well over 100 lbs. The size of the panel relative to an average scissor lift basket is much larger and breaking the panels is not a precise science and could have parts of the panels fall uncontrolled. Although scaffolding can be erected into almost any size, the size and weight of the panels makes this difficult to have employees working above their heads. It was also noted that at no time could the breaking of the panel be done in such a way that would ensure the complete control of debris, placing the worker(s) at greater risk to being struck by projectiles.

All work shall be conducted will abide by the parameters in 1926.1101(g)(8)(vi) which sets forth procedures for using different or modified engineering and work practice controls. The area to be demolished shall be isolated using barrier tape that warns that there is an asbestos hazard. Access to the area shall be prohibited to all unauthorized personnel. The control access zone will be approx. 40' from the exterior of the building which is the approx. location of the current temporary fence line. The controlled access zone will be properly marked as stated within the MDE regulations. A three chamber personnel decontamination unit shall be constructed at the front of the exclusion zone. Misters and water hoses shall be used during all exterior and bulk loading activities at this site. Building demolition will be done utilizing heavy excavator equipment.

The asbestos containing debris shall be wetted and bulk loaded into double lined poly leak tight roll off container. Any stockpile of materials will be kept adequately wet during the work shift and covered at the end of each shift and on weekends. At no time shall there be visible emissions from the site. If visible emissions are observed, all work must immediately cease and corrective action must be taken. For dust control, continuous wetting using a hose and mechanical mister shall be required while all work is being conducted.



All demolition work and loading shall be conducted from within the regulated area. The building will be soaked down prior to any demolition activity. The excavator will grab the main trusses, apply a cyclical push/pull force on the truss to allow the panels to fall into the building envelope. Care will be taken to minimize any pulverization of the ACM. Once on the ground the ACM debris will be loaded into the lined container utilizing excavators outfitted with material handling attachments "rotating clam shell, two over three grapple". Perimeter air monitoring will be taken to ensure the site does not become contaminated. The project monitor will conduct visual clearances post HEPA vacuuming of the slab surface.

All equipment used in the loading process will be the property of EnviroVantage. The equipment operator doing the loading will be an employee of EnviroVantage. Any equipment used in the exclusion zone shall be decontaminated by washing it off before it leaves the exclusion zone. The container transporting waste to the permitted disposal facility shall be lined with two layers of 10 mil polyethylene sealed tightly. The double layered poly bag will have the required OSHA warnings, DOT codes, and generator labels with DOT class#9 labels before it leaves the site. All waste shipment records will be provided to appropriate parties once received from the disposal facility.

#### **Equipment decontamination**

All equipment and personnel associated with the asbestos abatement operation shall be fully decontaminated before being released to other service

#### **PERSONNEL REQUIREMENTS**

All personnel "equipment operators and ground crew" inside the exclusion zone shall be Maryland licensed asbestos abatement workers, inspectors or Supervisors, as well as medically qualified to work in an asbestos abatement area. All workers at a minimum shall be trained in accordance with 29CFR1926.1101(k)(9). The Competent Person training requirements will be in accordance with 29CFR1926.1101(o)(4).

#### **AIR MONITORING**

Initial Exposure Assessments (IEA) shall rely on air monitoring data collected from 2 other similar projects conducted by EnviroVantage. One project consisted of demolition with Class I (TSI) material still present. (Appendix C). Worker tasks during that operation consisted of operators in cabs and ground workers cleaning the site of potential asbestos containing building material (ACMB). Even though we have this historical data, on this site EnviroVantage will still require its workers to don PAPR's with HEPA filters until onsite monitoring results are analyzed and determined to be below the PEL.

Personal air monitoring will follow the asbestos abatement demolition plan. The sampling will be conducted by the Industrial Hygienist or competent person, consisting of full-shift sampling along with a 30 minute excursion and appropriate field blanks, will be conducted the first two days of each task at each building, and will be representative of exposures associated with the operation that is most likely to produce exposures above the excursion limit. Once onsite air monitoring proves levels below the PEL and the excursion limit, this data will be used to establish a Negative Exposure Assessment (NEA) if the identified CP sees fit. All air monitoring and visual inspections will be conducted by the project monitor, abatement supervisor and the competent person. All OSHA required personnel sampling is the responsibility of EnviroVantage. The project monitor shall review the notifications to verify



completeness, periodically inspect the work site prior to and during the demolition and loading operations, and record their results in a site logbook. All records shall be maintained on site.

Ambient air monitoring around the circumference of the work area shall be performed on a continuous basis during the demolition and loading operations. Attention shall be paid to the downwind adjacent areas to ensure the work controls are sound. If the air monitoring results reach or exceed the asbestos PEL of .1 f/cc or EL of 1.0 f/cc, then all work shall stop and corrective action shall be made. The work methods shall be evaluated prior to continuing any further work.

Inspection of the entire work area shall be performed jointly by the asbestos site supervisor and the project monitor. Once this inspection has been completed, the Competent Person will conduct a post-abatement visual inspection. The regulated area shall remain in place until this inspection has been completed.



## APPENDIX A



To:

(b) (6)

AECOM

(b) (6)

Project ref:  
60585909

Date:  
December 16, 2019

## Re: Update of Structural Condition Assessment Report - APG Building E5188

Dear (b) (6)

At your request, I visited the Edgewood Area of the Aberdeen Proving Ground on December 16, 2019 to conduct a non-invasive and non-intrusive structural inspection of Building E5188. The purpose of the structural inspection was to assist in the determination of the structural condition since the previous inspection in October 2018 and to determine the framing configuration of the structure.

The building continues to appear to be in good structural condition despite being abandoned, with no evidence of structural distress of the primary load carrying elements such as the rigid steel frame, foundations, roof purlins or wall purlins. The roof framing was not entirely visible due to the presence of the finished insulated ceiling with transite panels in the majority of the building. In the north-west corner of the building, the basement level was flooded.

Building E5188 is a one story warehouse building, approximately 310ft by 70ft. The eastern 240 feet of building is constructed typical of a warehouse with rigid frames spaced 20ft on center which create an interior space approximately 70-feet wide. The building is subdivided by interior partition walls that are non-structural elements of the building.

The western 70 feet of building is constructed of concrete walls. The concrete walls that run north-south should be considered bearing walls. The roof framing was not visible at the time of inspection, therefore it cannot be determined at this time whether the east-west walls are non-load bearing elements.



Picture No. 1 - Rigid Steel Frames w/Interior Non-Structural Partition Wall Visible in Background



Picture No. 2 - Fire Damaged Roofing Near White Phosphorus Loading Area



Roof access by personnel is not recommended. No structural drawings are available that depict the roof framing and the framing is not visible due to the presence of interior ceiling insulation and transite panels. I therefore cannot determine or estimate the allowable roof live load capacity to facilitate safe access. Also, near the center of the building at the white phosphorus loading area a portion of the roof appears to have been exposed to fire, and while no deformation of the steel frame is noted, the fire could have resulted in decreased roof capacity.

It is my understanding that the demolition contractor plans on demolishing the interior partition walls in the eastern 240 feet of building. The interior partition walls are not structural elements of the building and can be safely removed without compromising the roof structure. However, during the demolition process care must be taken to ensure that elements (curtain wall attachments, electrical conduit, steel ductwork, etc.) that connect between the partition and the primary structural elements are disconnected to prevent transfer of load into the structure.

Should you have any questions on this update, or require additional inspection, please do not hesitate to call me at (b) (6) or via e-mail at (b) (6) [@aecom.com](mailto:(b) (6)@aecom.com).

Sincerely,

(b) (6)

(b) (6) P.E, S.E.

AECOM

Maryland PE (b) (6)  
Professional Structural Engineer



## APPENDIX B

## Standard Interpretations

/ Application of the asbestos standard to demolition of buildings with ACM in place.

- **Standard Number:** 1926.1101(g)(1)(ii) ; 1926.1101(g)(6) ; 1926.1101(g)(8)(vi) ; 1926.1101(k)(8)(i) ; 1926.1101(k)(8)(iii) ; 1926.1101(k)(9) ; 1926.1101(l)(2) ; 1926.1101(o)(4)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

August 26, 2002

(b) (6)

Baker Environmental, Inc.

(b) (6)

Dear (b) (6)

Thank you for your May 9, 2001 letter to the Occupational Safety and Health Administration's (OSHA's) [Directorate of Enforcement Programs]. We apologize for the delay in our response. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not delineated within your original correspondence. You have questions about the OSHA requirements to be followed when a building with asbestos-containing material (ACM) is demolished with this material left in place. Your questions and our replies are provided below.

**Scenario:** EPA regulations permit demolition of buildings without prior removal if less than threshold quantities of friable ACMs are present. EPA also permits demolition without prior removal when any quantity of nonfriable ACM is present as long as the material is not likely to become friable.

**Question 1:** What OSHA Asbestos Standard requirements apply to a situation where ACM is present in a building and complete demolition is planned without prior removal of the ACM?

**Reply:** Demolition of a building with ACM left in place falls under the definition of removal of installed ACM. The removal of installed ACM is either Class I or Class II asbestos work, and all applicable requirements of the standard apply. Whether such demolition is Class I asbestos work or Class II asbestos work is determined by the type of ACM left in place. If any asbestos-containing thermal system insulation or



surfacing material is left installed in the building, then the work being performed is Class I asbestos work. If the ACM left installed in the building does not include any thermal system insulation or surfacing material, then the work being performed is Class II asbestos work. See 29 CFR 1926.1101(b) (definitions).

In a building demolition situation, neither the control methods referenced at 29 CFR 1926.1101(g)(5) (Class I work) nor all of the work practices and controls described in 29 CFR 1926.1101(g)(8)(i)-(v) (Class II work) can be used. Therefore, if the work performed is Class I asbestos work, you must abide by 29 CFR 1926.1101(g)(6) which sets forth requirements for instituting alternative control methods for Class I asbestos work. If the work performed is Class II asbestos work, you must abide by 29 CFR 1926.1101(g)(8)(vi) which sets forth procedures for using different or modified engineering and work practice controls. We have specifically mentioned the applicability of 29 CFR 1926.1101(g)(6) or (g)(8)(vi). Of course, the standard's general requirements covering subjects such as permissible exposure limits, multi-employer worksites, regulated areas, exposure assessments and monitoring, etc. also apply.

**Question 2:** Do the worker training, wet methods, bagging, and labeling requirements apply?

**Reply:** Yes. Also, you should take special note of the following provisions.

The standard indicates worker training requirements throughout its text. However, its main focus on training requirements for ordinary workers is at 29 CFR 1926.1101(k)(9); its main focus on training requirements for competent persons is at 29 CFR 1926.1101(o)(4).

Its general training requirements and its training requirements for performing Class I or Class II asbestos work apply to a building demolition situation. In addition, if you use a separate crew of workers for doing final cleanup at the demolition site, the standard's training requirements for performing Class IV asbestos work apply for those workers. It is apparent that building demolition does not involve the performance of any Class III asbestos work, therefore the standard's training requirements for workers who perform Class III work do not apply.

In accordance with 29 CFR 1926.1101(g)(1)(ii), you must use wet methods or wetting agents except where you can demonstrate that the use of wet methods is infeasible. Also, please be aware that the asbestos-containing waste produced by the demolition operation must be kept wet at all times until it has been loaded for transport away from the demolition site.

When you demolish a building without first removing the ACM you produce asbestos waste. In accordance with 29 CFR 1926.1101(l)(2), asbestos waste must be placed in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers. We assume that you will have a vast amount of rubble intermixed with asbestos waste when you demolish a building with the ACM left in place. If that is the case, in order to pick up asbestos waste and place it in a container, you will no doubt have to pick up at the same time a much greater amount of other rubble. In that situation, where such a large total amount of material must be picked up in order to pick up the asbestos waste, please be advised that you could comply with 29 CFR 1926.1101(l)(2) by using trucks with water-tight, dust-tight cargo haulers as your containers.

The asbestos waste produced by your described demolition contains 1% or greater asbestos because it comes from ACM. (ACM is defined in 29 CFR 1910.1101(b) as material containing greater than 1% asbestos.) Thus, in accordance with 29 CFR 1926.1101(k)(8)(i), you must label those containers in which you put the asbestos waste. Labeling must be in accordance with the stipulations of 29 CFR 1926.1101(k)

(8)(iii).

**Question 3:** Do the alternative work practices and control requirements apply?

**Reply:** Yes. See the last two paragraphs of our response to your first question.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statutes, standards, regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretations of the requirements discussed. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the [Office of Health Enforcement] at 202-693-2190.

Sincerely,

(b) (6)

Director

[Directorate of Enforcement Programs]

## UNITED STATES DEPARTMENT OF LABOR

Occupational Safety & Health Administration  
200 Constitution Ave NW  
Washington, DC 20210  
800-321-6742 (OSHA)  
TTY  
[www.OSHA.gov](http://www.OSHA.gov)

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## APPENDIX C

OSC File  
No. DI-22-000146

EXHIBIT F



## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220218	3. TIME 0837	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GG-12/DA Civilian	
8. ORGANIZATION OR ADDRESS Engineering and Construction Division (ECD), Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD			

9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: Directorate of Public Works – USAGAPG. I was hired on 03/24/2015.

Q: What is your official title/position and how long have you been in that position?

A: Engineering Technician, Contracting Officer's Representative, ~7 years.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: (b) (6) Branch Chief (A), (b) (6) Division Chief.

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

A: Oversight of construction projects as APG as they are awarded/assigned to me.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: Ensure contractors have provided the relevant information for proper testing, removal and disposal of identified Asbestos Containing Materials (ACM) during the course of building renovations.

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: General contractor (Ktr) and the Installation Safety Office (ISO).

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: Contractor names vary. ISO personnel are (were) (b) (6) and (current) (b) (6) ISO personnel are government safety managers.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 8 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



STATEMENT OF **(b) (6)** TAKEN AT APG, MD DATED 20220218

9. STATEMENT (Continued)

Q: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: Whether small construction projects or large scale demolition to reduce the Army building footprint, contractors are required to conduct ACM surveys to determine the presence of asbestos prior to demolition/renovation activities. Dependent on funding, the government has periodically commissioned third party engineering firms to perform ACM surveys on various buildings slated for demolition. In cases where ACM surveys don't exist, the contractor is tasked with performing the surveys and developing a mitigation plan that is reviewed by the ISO prior to demolition or renovation.

The DPW Environmental Division currently has a contract vehicle to perform ACM surveys of all identified/future demolition buildings. The umbrella contract (BESS III) can be used to perform ACM surveys of buildings scheduled for renovation. The DPW also has an in-house ACM abatement team that is primarily used for small scale mitigation projects.

All ACM surveys, abatement plans, and disposal are developed and conducted in accordance with 29 CFR 1926.1101 Asbestos Standards (Code of Federal Regulations), 29 CFR 1910.1001, 40 CFR 61 Subpart M, and EM-385-1-1, section 23.A.01 Demolition and renovation, and section 06.C.03 Asbestos Abatement plan.

Q: Have any surveys been performed at APG to identify the presence of asbestos hazards or asbestos containing material in all installation facilities constructed prior to 1990? If so, have any of these surveys identified the presence of asbestos, and have appropriate actions been taken to address those concerns? Please explain in detail.

A: Not in all installation facilities. It is cost prohibitive and impractical to fund an effort of that magnitude. Surveys have been, and are ongoing for any building scheduled for demolition or renovation.

Q: When was the last survey of APG buildings and facilities conducted on APG?

A: Surveys have been conducted on an 'as needed basis' when identified for renovation. The DPW Env Division has a functioning contract vehicle to perform ACM surveys on buildings scheduled for demolition as an ongoing effort. Within the last 4 years, the DPW Env Division contracted out to conduct ACM surveys of mechanical rooms in a large number of buildings. I am unaware of how many or which buildings.

Q: What is "DPW 4283" and how does this process work as it relates to matters/concerns related asbestos?

A: The DA4283 is a Dept of Army form called a Facilities Engineering Work Request.

AR 420-1 Army Facilities Management, Section III, 2-12 General (b.)

b. 'Work will not be started without prior written project approval from the proper authority. DA Form 4283 (Facilities Engineering Work Request) is the standard project approval document.'

Any project requiring renovation or demolition must have an approved DA4283 before work can begin. It is in essence, the birth of a project that will lead to the scope of work and project requirements, to include an ACM abatement plan if necessary.

AR 420-1, Section II, 2-6 Work and cost reporting (a.)

a. Public works records that provide visibility over what, where, why, how, when, and how much work is performed on real property facilities, including work performed by contractors. Work authorizing documents, regardless of the method of performance, will be recorded.

AR 420-1 Army Facilities Management specifically charges the Public works with document retention including authorization documents.

Q: Are APG or other personnel conducting asbestos hazard risk assessments, including assessments by Asbestos Hazard Emergency Response Act (AHERA) certified inspectors? Please explain in detail.

A: The DPW has in-house DPW shop personnel that can perform minor ACM abatement projects. I cannot attest to the qualifications of these personnel. I am aware of ongoing training for government personnel to receive the necessary training and have the ability to apply for, and receive certification and licensure from the state of MD to inspect and abate ACM.

INITIALS OF PERSON MAKING STATEMENT

**(b) (6)**

**(b) (6)**

PAGE 2 OF 8 PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220218

9. STATEMENT (Continued)

Q: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed? What is the confliction resolution policy? Who wrote it? Can you provide a copy of this document?

A: Concerns of asbestos exposure are handled with the utmost seriousness. Upon the discovery of presumed ACM (PACM), construction/demolition activities are halted. In the case of construction contracts, the Ktr notifies the COR who then informs the Contracting Officer (KO). The abridged process would be to have the Ktr perform an assessment with a third party licensed asbestos inspector to make the determination of the material, and submit for review and approval by the ISO of an ACM abatement plan. In matters of conflict resolution, the DPW and ISO came to an agreement on the format/process for conflict resolution on 05/19/20. This agreement was drafted and made between the DPW Director, (b) (6) and the ISO Safety Chief, (b) (6) (email consummating the agreement and a draft of the agreement are in the attachments).

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: The only safety concerns I'm aware of are the baseless allegations made by (b) (6) (b) (6) has alleged many times that he wasn't receiving ACM surveys and Abatement plan documents. These allegations are baseless because of direct email evidence demonstrating asbestos documents of various types have been sent to him as part of the safety review process. (Multiple email files are included as evidence in the attachments.) This evidence discredits his allegations that ACM is being removed without approval from the ISO or proper oversight by COR's and representatives of the Garrison working with USACE.

Q: What is the Asbestos Management Team Environmental Quality Control Committee (EQCC)? How often does it meet? What is its charter? Who are the members and what are their roles? Please explain in detail.

A: I am not familiar with the members of this committee, their charter or roles.

Q: Who are the DPW/ECB employees who hold Maryland State Accreditation regarding asbestos?

A: I am not aware of who is credentialed and who is not.

-----CONTINUED-----

**AFFIDAVIT**

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of February, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

(b) (6)

PAGE 3 OF 8 PAGES

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: Building E2354 is on the FY18 Facility Reduction Program (FRP). As the former program manager for this contract action (executed through Baltimore District USACE), I am aware of some documents relating to this building. These documents were used by the contractor to develop their initial demolition work plan and subsequent proposal prior to award. ACM was identified in a survey conducted in 2011 by USACE and identified again in an ACM abatement plan dated 3/23/21.

Q: Was the asbestos (*i.e.*, tile, mastic, and roofing) in Building E2354 abated properly, in your opinion? Please explain in detail.

A: Unknown. The FRP was transferred from me to the DPW Env Division in early 2020. E2354 was demolished over a year later.

Q: Who is the contractor responsible for asbestos abatement/removal for the Building E2354 project on APG?

A: All Phase Services, Inc. as the prime Ktr. Related documents to this project indicate an abatement company – Retro Environmental, conducted some of the ACM abatement.

Q: Who are the contractor(s) and contractor employee(s) that are generally or frequently involved with asbestos matters on APG? Do any of these contractors work full-time at APG within DPW? What are their general roles and responsibilities related to asbestos management, mitigation, and/or abatement? Please explain in detail.

A: The DPW has had several contract employees providing operational support in a variety of roles at DPW. I am aware of, but do not have firsthand knowledge of or the level of support provided by these contractors within the DPW relating to asbestos management. However, I am aware the DPW Env Division has a few contract personnel providing support to the Contaminated and non-contaminated FRP which would include ACM management.

Q: Has anyone ever raised any concerns regarding contractor involvement, engagement, or performance related to their role in asbestos management, mitigation, and/or abatement on APG? If so, please explain in detail.

A: Unknown.

Q: Who manages and administers the contracts and contractor employee(s) engaged in asbestos management, mitigation, and/or abatement on APG?

A: Unknown.

(b) (6)

(Initials)



Q: Did you observe any irregularities in the contractor's abatement plan for Building E2354? Do you have a copy of the abatement plan?

A: Unknown. The ACM abatement plan was submitted after operational oversight was transferred to the DPW Envi Division.

Q: Did you, or anyone you know, ever go to Building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

A: I visited every building on the FRP list and took site pictures as a matter of record. My inspections were not geared towards making determinations other than to locate, and photo document the condition of the building, and note building accessibility to the Ktr. In virtually all instances, I was alone when making these site visits.

Q: There have been concerns raised regarding the Mulberry Point Tower. What is your understanding of any issues with the Mulberry Point Tower as it relates to asbestos? Please explain in detail.

A: The Mulberry Point Tower (building 645) was built in ~1918 and was in a state of disrepair. An engineering study conducted on 11/15/17 by T-Squared Site Services LLC, determined the structure was in a failing state and not suitable to support the existing loading configuration. This conclusion supported the narrative the tower was at risk of collapsing. The primary safety issue was the close proximity of adjacent buildings and personnel working in them. Due to the structural report, the tower was deemed inaccessible for the purpose of performing an ACM survey. In addition, site photos of the tower show the internal staircase missing a couple of flights of stairs making it impossible to access the tower shack.

The ISO accepted the demolition plan on 10/16/18. When the tower was demolished, the platform and shack at the top were separated from the main structure and placed on the ground for further disposition. Due to the deteriorated condition of the structure, personnel were not allowed to climb onto the platform to perform an ACM survey. Because the tower shack was inaccessible, the Ktr chose to deem the entire structure as ACM in their proposal which precluded them from testing. All refuse and debris from the tower shack and platform would be disposed of in accordance with applicable rules, regulations and laws as regulated ACM.

The (b) (6) did not accept this method as satisfactory and went to the site and conducted his own survey. (b) (6) climbed onto the platform despite its condition and proceeded to identify certain elements of the tower as suspected ACM. The Ktr originally submitted an ACM abatement plan on 9/7/18 based on wholesale abatement of the tower shack and platform. Due to (b) (6) assessment, the Ktr resubmitted a revised Activity Hazard Analysis (AHA) of the ACM abatement activity on 11/1/18 which is confirmed in an email by USACE.

(b) (6)

(Initials)

It's unknown if (b) (6) possessed the credentials to perform an ACM assessment, but the Ktr hired Progressive Environmental as a subKtr to perform the ACM abatement based on this assessment. The tower shack PACM elements were abated on 11/14/18. The ACM waste manifest, air samples and final clearance documents were provided by the Ktr (see attachments).

Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: Elements of the roofing tested positive for ACM. The Ktr has submitted multiple demolition and ACM abatement plans for review but these have been repeatedly rejected by the ISO. The demo plan was accepted on 1/25/22, but rescinded by the USACE Program Management Office (PMO) on 2/4/22. The building is still standing.

Q: Did you observe any irregularities in the contractor's abatement plan for Building 4035? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: No irregularities were noted. Yes, ACM abatement plans are attached.

Q: Did you believe that there were alternatives to the abatement of asbestos roofing materials, or was demolition of the building wholesale warranted? Please explain in detail.

A: Yes. The Ktr's initial demo plan was to drop the building and abate the ACM on the ground. This method was rejected by the ISO. On 3/11/20, the Ktr's engineering firm on record provided a structural assessment and concluded: *".....placing workers on top of the roof would be unnecessarily putting the workers in greater danger due to the unknown full extent of the roof damage and decay."* The ISO has insisted that their prescribed method of placing abatement personnel on the roof was the only way to abate the ACM despite multiple engineering warnings of an unstable roof surface. There has been no flexibility to accepting alternative methods for ACM abatement.

Specifically, the Ktr's engineer of record recommended doing a 'wet' demo by dropping the building one bay at a time and separate the ACM while on the ground from regular debris. This method in various forms has been repeatedly rejected by the ISO despite the demo & ACM abatement plans addressing safety and exposure concerns. Safety & exposure concerns included working on the weekends when the Post is less populated, road closures, and combined with wet demo would have mitigated dust plumes with the dropping of the roof.

Another issue ignored by the ISO is the fact the identified ACM is Class II non-friable embedded in asphalt mastic and would not be released as free floating fibers during demolition. The subKtr's performing the work would also be completely outfitted in Personal Protective Equipment to ensure no exposure.

(b) (6)

(Initials)



Q: There have been concerns raised regarding Building 4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: The abatement of ACM and subsequent demolition occurred after the FRP was transferred to the DPW Env Div. My knowledge is limited to second hand information from the Ktr that is working with me on a separate contract. I am aware that the Ktr has conducted numerous ACM surveys. I am also aware that the two ISO safety managers have an extreme dislike for this Ktr (All Phase Services, Inc. - APSI). One of the managers (b) (6) worked as a third party Certified Industrial Hygienist (CIH) for APSI and was fired for failing to provide ACM survey information. (b) (6) was subsequently hired by the government and employed by the ISO. The ACM survey information captured by (b) (6) was then overlaid with the Ktr's ACM surveys and used to delay the project citing inconsistencies with sampling methods and a host of petty reasons. (b) (6) has a clear conflict of interest reviewing safety submittals for this Ktr. Unreasonable delays with the demolition of this building and 4035 are perceived by me as retaliatory action for being fired by APSI.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E4405? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: The abatement of ACM and subsequent demolition occurred after the FRP was transferred to the DPW Env Div. I did not get a chance to review the abatement plan.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6)'s concerns addressed? Please explain in detail.

A: Yes, I know (b) (6). (b) (6) was very opinionated and verbalized his thoughts many times on many topics to include issues related to asbestos. (b) (6) has made many assertions that he wasn't receiving asbestos documents for review. Email evidence refutes every one of his allegations. ACM surveys, ACM abatement plans have been consistently sent to him for review and acceptance. None of the work at APG proceeded without (b) (6)'s acceptance. Emails of (b) (6)'s acceptance are also included in the attachments. Due to years of contention, friction and overall bad behavior exhibited by (b) (6) on 12/20/19 an email from the DPW Director to the ISO Safety Chief informed him that all safety approvals for large scale demolition (FRP) would be handled by USACE. This email is included in the attachments.

(b) (6) has expressed many opinions, yet offered no solutions to issues he felt needed to be addressed. (b) (6) has leveled libelous accusations without foundation or merit to broad audiences and has never been held accountable for these accusations. (b) (6) and (b) (6) would alternately tag team or combine to conduct concurrent safety reviews and delay APSI with fervor any project that had a safety or ACM element to it. Both are inflexible and have resorted to unscrupulous tactics, a.k.a. death by a thousand resubmissions.

(b) (6)  
(Initials)

I have personally submitted two Administrative Grievances to the Garrison Commander against (b) (6) for his libelous comments and personal attacks. His actions resulted in two meetings with the Deputy Garrison Commander (DGC), and two meetings with the Garrison Commander (GC) to resolve these issues, without resolution. In my opinion, (b) (6) is a proven liar. He has fabricated false accusations, accusing me of failing to adhere to safety protocols in the presence of the DGC, senior DPW Leaders, LMER and when called out, reacted with embarrassment. He has flaunted published ALARACTS regarding online conduct with vicious and personal attacks via email. Documents to this behavior are included in the attachments.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: Personnel in the DPW Env Division and Baltimore District USACE, specifically those working the Contaminated and non-contaminated demo programs should be able to offer additional information.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: A CD containing relevant files and information as attachments for the subject matter will be provided.

I have no information relating to ACM at the following buildings:

5188 \*I believe this is E5188.  
305

(b) (6)

-----END OF STATEMENT-----

(b) (6)

(Initials)





## **Pre-Engineering Survey for building demolition, Aberdeen Proving Grounds, Edgewood Area. Structure, Utilities & Site Conditions**

**Report Date:** 10/27/2020**Who was on site:** (b) (6)**Contract:** FY-18 W912DR18C0056**Building #:** 4035**KW job#:** 20-091

(b) (6),

Per your request my office revisited the above referenced building on Aberdeen Proving Grounds to resurvey the building condition. The engineering survey is an evaluation of the conditions on a project site in preparation for the development of plans and procedures to bring the structure down and ensure the building is safe for preparatory activities required at the above referenced structure, such as furniture and nonstructural materials removal prior to demolition.

The survey was limited to readily accessible areas and does not include any type of demolition or removal of finishes. Surveys and related observations were performed in accordance with my understanding of EM 385 1-1, Section 23.A.01. Temporary structural stabilization does not appear to be required at the time of the site visit for the section of the building that is being entered.

**Building Description:** Building #4035 is approximately 12,982 square feet and is a single-story structure with a pitched roof. It is constructed as a metal framed building consisting of steel columns with steel girder trusses and wide-flanged beam roof purlins supporting a wooden deck. The roof covering is reported to be an asbestos containing material (ACM). The windows have been removed from the building. An addition located on the southwest side of the building has partially collapsed and is unsafe to enter. There were no signs of live electricity, water or gas in the building. The contractor has stated that confirmation is being coordinated with the Program Management Office (PMO).

### **Observations/Conditions:**

**Walls:** The lower exterior of the building is constructed of an approximately 4 ½ ft block wall. The windows have been removed leaving large openings in the midsection of the building. Both gables and the top section band are wrapped in corrugated metal siding. The addition on the southwestern side of the building has walls that are partially collapsed.

**Floor:** The floor appears to be a slab on grade constructed of a poured concrete. No crawlspaces were observed. An approximately 2000 sf addition to the structure on the southwest side of the building was inaccessible due to a collapsed roof.

**Roof:** The roof is constructed of steel girder trusses and wide-flanged beam roof purlins supporting a wooden deck. The roof covering is reported to be an asbestos containing material (ACM). The roof shows approximately 12 previous repairs. There are locations where the repairs have failed, demonstrating the lack of structural integrity. An estimated 65% of the roof shows signs of decay. This includes signs of water damage, failed repairs and collapsed sections of the roof. The condition of the roof shows increased signs of decay since the initial inspection conducted by KW Engineering on March 9<sup>th</sup>, 2020.

**Site Conditions:**

1. Roadways: There is an active roadway located approximately 13 ft from the exterior wall of the building. The proximity of the roadway should be taken into consideration when planning the demolition.
2. Parking Lot: There is an asphalt driveway located on the southern side of the building that will be removed as part of the SOW.
3. Pedestrian Traffic: The perimeter fence has closed off the northern sidewalk located within 13 ft of the building.
4. Temporary Fence: A security fence has been erected restricting the public from accessing the work area.
5. Erosion Sediment & Control Measures: The contractor has an Erosion Sediment and Control plan that has been approved by MDE. The controls have been installed and inspected by MDE.

**Client Information:** We were provided with various existing plans for the project some or all of the structural elements of the building may have been determined from these plans provided by others and not specifically observed.

**Findings:** After the structural review, it is my opinion that based upon the observations the roof is unsafe and should not be used to support workers, materials or equipment. The building has a partially collapsed roof, failed repairs, and continues to show signs of decay since the initial inspection conducted by KW Engineering on March 9<sup>th</sup>, 2020.

**Overhead Powerlines:** There are overhead powerlines carrying a load of 13.8 kV with pole mounted transformers running parallel with the Northern side of the building. The power poles are located approximately 12 ft from the exterior wall. The proximity of the powerlines should be taken into consideration when planning the demolition.

**Recommendations:** It would be my professional recommendation to perform a demolition with ACM in place under adequately wet conditions. Alternative methods such as the utilization of a fall arrest system would not be a safe option due to the risk of collapsing during the loading/traversing of workers, material and equipment. It is recommended that the contractor adhere to the accepted and approved by others Accident Prevention Plan (APP) when entering the building to perform the contracted work. E.g. To conduct salvage activities prior to demolition.

**Conclusions:** It is my professional opinion, with a reasonable degree of engineering certainty, that placing workers on the roof would unnecessarily put workers in greater danger by; exposing them to a roof with failed repairs, lack of structural integrity, and signs of over 65% decay.

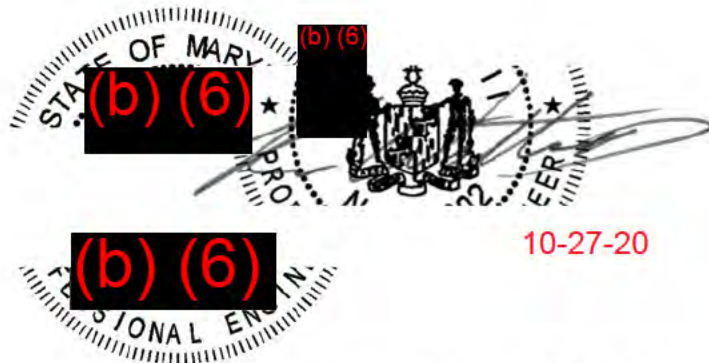
Should new or additional information regarding the structure become available, KW Engineering reserves the right to change or alter these findings as needed.

This letter is subject to the General Terms and Conditions of our engagement, which are incorporated into this letter by reference. Additionally, all products shall be applied per manufacturer's recommendation.

Distribution: All Phase Solutions LLC

Sincerely,

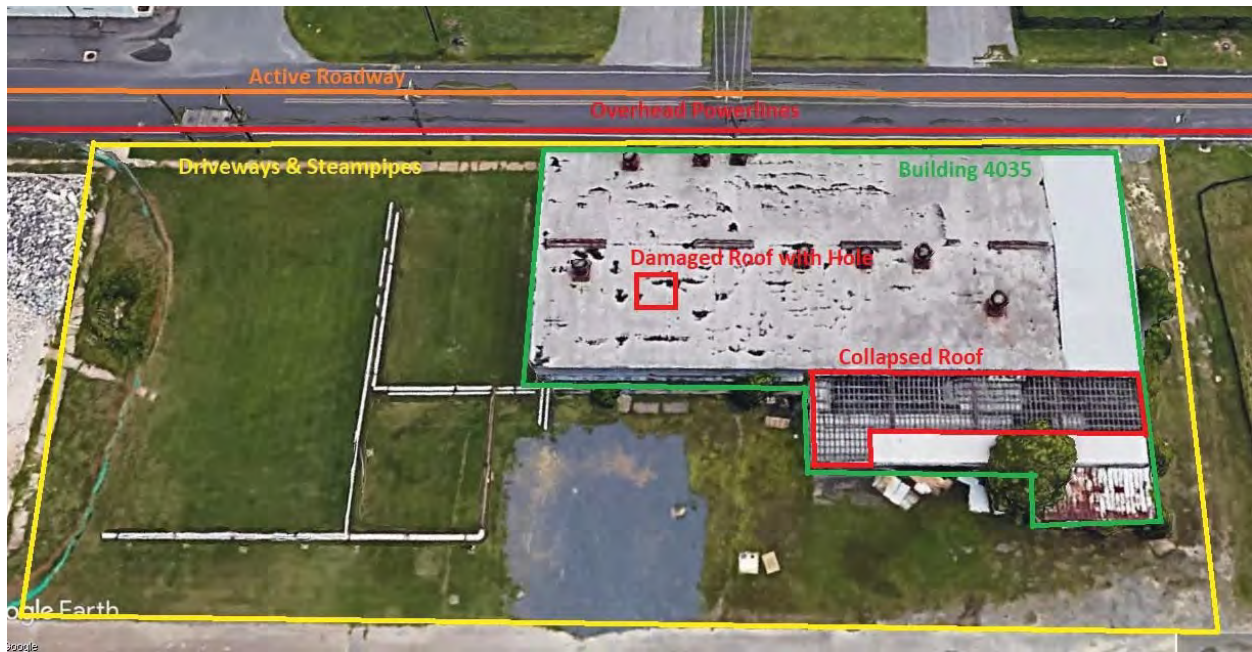
(b) (6)  
Principal  
KW Engineering



Neither the observations, nor this letter, are intended to be used for fire protection, life safety, environmental or any other part of the structure other than those described herein. This letter is not intended to be technically exhaustive in description of conditions observed. The observations do not include destructive testing and/or investigation and are based solely on the readily accessible locations indicated. Concealed faults and defects could exist in observed and unobserved areas of the home. Additional structural defects could exist that have not been observed and/or reported and could be discoverable during construction, demolition and repair. No claim is made that all faults and defects in the observed area indicated have been identified in this letter. No warranty or certification expressed or implied, of the fitness for any specific purpose or merchantability of the building or the various systems therein is made. This letter has been prepared solely for the benefit of the client. It is not intended to be used by any other parties, future owners or tenants for any purpose.



**Picture 1. Building 4035 Overview**



This picture displays the building to be demolished outlined in green, the driveways/steampipes outlined in yellow and the overhead powerlines, and roof damage outlined in red.

**Picture 2. Building 4035 Overhead Powerlines**



The roof covering is reported to contain asbestos and will require proper handling and disposal as per OSHA 29 CFR 1926.1101. Our scope of work includes determining the safest method of demolishing the building with consideration to the non-friable Asbestos Containing Material (ACM) located on the roof.

OSC File  
No. DI-22-000146

EXHIBIT G

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground, MD	2. DATE (YYYYMMDD) 20220224	3. TIME 0900	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-13/ DA Civilian	
8. ORGANIZATION OR ADDRESS U.S. Army Environmental Command (USAEC), 2455 Reynolds Road, JBSA Ft. Sam Houston, TX 78234			
9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Q: (b) (6) (AR 15-6 Investigating Officer) A: (b) (6)			
Q: Where are you currently employed (i.e., Command and Address), and how long have you been employed there? A: US Army Environmental Command (USAEC), (b) (6) Ft Sam Houston, TX 78234			
Q: What is your official title/position and grade? How long have you been in that position? A: Environmental Engineer/ GS-13, I've been in this position for 7.5 years.			
Q: What is the name of your first line supervisor? A: (b) (6)			
Q: What are your general duties and responsibilities? Please explain in detail. A: I'm a Team Lead and assessor for the Army's External EPAS program. I'm responsible for reviewing and auditing the installations' asbestos, lead-based paint, petroleum oil and lubricate, and air emissions programs for environmental compliance with federal, state, DOD and Army regulations and requirements. I also conduct staff assistance visits to help installation manage these programs. I conduct environmental hazards awareness training for installation staff.			
Q: What are your general duties and responsibilities related to the management and/or mitigation of asbestos and other hazardous materials? Please explain in detail. A: I'm the USAEC lead auditor and SME for the asbestos media. I'm responsible for auditing the installations' asbestos program for compliance with federal, state, DOD and Army requirements. I also support army installation with their asbestos management plan and provide awareness training.			
Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG? A: (b) (6), (b) (6), and (b) (6)			
Q: What is an Environmental Performance Assessment Systems (EPAS) audit? How often do they occur?			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)		PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



STATEMENT OF **(b) (6)** TAKEN AT APG, MD DATED 20220224

9. STATEMENT (Continued)

A: "The Environmental Performance Assessment System (EPAS) is the U.S. Army's program for assessing installation-level environmental performance, and is a key element in the plan-do-check-act framework of an environmental program. EPAS is used to help installation Commanders achieve and maintain environmental program excellence through continual improvement and the use of sound environmental management practices." The EPAS program helps the Army sustain its missions, minimize environmental impacts, eliminate fines and regulatory actions that impact mission activities, and achieve and maintain regulatory compliance. The USAEC conducts the external EPAS every 2 year at APG.

Q: What is the level of risk assigned to APG as it relates to EPAS and Asbestos?

A: Based on IMCOM EPAS risk model, APG is listed as high risk installation but the asbestos program is well managed.

Q: Did you conduct the last EPAS on APG? If not, who did?

A: I did not conduct the last EPAS on APG. **(b) (6)** was the asbestos assessor.

Q: What were the results of this past EPAS for APG as it relates to Asbestos?

A: There was one carryover Class III finding for an outdated/incomplete asbestos management plan not meeting army regulation 200-1.

Q: What's the difference between a Class I, Class II, and Class III findings?

A: Class I: Noncompliance with existing Federal, State or local regulation, or noncompliance with future regulatory requirement (effective now or within next 6 months) and represent the most risk to Army installations (fines and potential impact to mission). Class II: Noncompliance with future regulatory requirement (effective 6 months to 2 years from now). Class III: Noncompliance with Army/DoD regulation, SOP, guidance, or inconsistent with best management practices. Carryover: Finding is an identical deficiency at the same site/facility documented during a previous internal or external assessment, where documentation is provided to the EPAS team to demonstrate that the installation is actively working to correct the finding, but the finding has yet to be fully corrected.

Q: Does APG have a current Installation Asbestos Management Plan (AMP) in place? If not, what have been the issues surrounding developing and adopting a plan?

A: APG has an outdated AMP that is in the process of being update by APG DPW Environmental staff.

Q: In the 2021, EPAS audit APG had a class III/C finding for lack of Asbestos Management Plan (AMP) was inadequate and outdated. Can you explain in detail how the plan was inadequate?

A: APG DPW Environmental staff is working to update the AMP stakeholders' roles and responsibilities. The plan must review by the installation stakeholders and approve by the APG garrison commander. The draft plan is incomplete because APG safety office, **(b) (6)** refused to acknowledge the draft AMP and show no effort in providing constructive comments. **(b) (6)** misinterpreted asbestos regulations of requiring comprehensive and complete inspection surveys of all buildings on APG prior to having an AMP.

Q: Is the finding for lack of comprehensive surveys identifying asbestos in facilities on APG prior to 1980 or is because the plans is old or an outdated?

A: The finding is on plan needing review and update.

Q: Has APG garrison sought money to address the survey issue?

A: I'm not familiar with APG's budget.

Q: Are there funds available to conduct Asbestos surveys?

A: I'm not familiar with APG's budget

Q: Is there an enterprise wide tool or database for use in storing and tracking Asbestos related documentation available to APG DPW? In your experience, typically where are Asbestos related information/ documents stored on installations?

A: Currently there is not an enterprise wide tool or database for installation to track asbestos. Asbestos documents are normally store at the installation's DPW Environmental office.

INITIALS OF PERSON MAKING STATEMENT

**(b) (6)**

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220224

9. STATEMENT (Continued)

Q: Based on your experience and knowledge is APG compliant with the federal, state, and Army regulations as it relates to the asbestos management plan?

A: APG is in compliant with federal and state regulation regarding the AMP. Army regulations require installation to review update the AMP, APG has a draft updated plan pending review and approval.

Q: Based on your experience and knowledge is APG compliant with the federal, state, and Army regulations as it relates to the asbestos surveys and monitoring on APG?

Similar to previous questions.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: APG Environmental staff

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: Attached findings from FY20 and FY22 EPAS.

-----END OF STATEMENT-----

AFFIDAVIT

(b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of February, 2022 at Aberdeen Proving Ground, Maryland

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES



OSC File  
No. DI-22-000146

EXHIBIT H

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground, Maryland	2. DATE (YYYYMMDD) 20220228	3. TIME 8:15am	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GG-13/ Army Civilian	

8. ORGANIZATION OR ADDRESS  
Environmental Division, Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: APG Department of Public Works (DPW) Environmental Division, Compliance Branch Started in 1996 and now a Department of the Army Civilian in the same seat. The additional duties have change and now my main job is asbestos.

Q: What is your official title/position and how long have you been in that position?

A: Physical Scientist, Toxic Substance Control Act (TSCA) manager with the main area of asbestos. In Nov of 2018 all other additional duties were given to other so I could focus on asbestos.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: (b) (6) Environmental Compliance Branch Chief; (b) (6) Environmental Division Chief

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

A: - Review and comment on Records of Environmental Consideration (REC) for asbestos and lead paint required by National Environmental Policy Act (NEPA)

- Draft, maintain the Installation Asbestos Management Plan

- Participate in Environmental Performance Assessment System (EPAS) audits, respond as necessary

- Chair the Asbestos Management Team, call meetings, determine agenda, out brief the Environmental Quality Control Committee (EQCC)

- Attend and comment on asbestos at the Project Review Board and Customer Focus meetings

- Arrange training as required

- Provided access to past asbestos surveys

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: I do not "touch" / mitigate asbestos as part of my job. I work with the Asbestos, Lead Mold Team, Building and Structures Branch, Facilities Maintenance & Operations Division (shops), DPW who are state certified to perform sampling and removal of asbestos.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220228

9. STATEMENT (Continued)

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: DPW and tenants on APG

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: There are 80+ tenants on APG, some have Industrial Hygienists (IH). Kirk U.S. Army Health Clinic has different levels of IH's, Tec's to chiefs.

Q: When was the current Installation Asbestos Management Plan (AMP) signed? Do you have a copy you could provide, as well as the previous two versions of this plan?

A: You ask for the history of the AMP. (b) (6) with the Air program was responsible for asbestos in the early 2000s having a contractor prepare a plan that was signed in 2006. (b) (6) did not like it. Then (b) (6) (May 2010) from the Hazardous Waste Branch with (b) (6) of the Compliance (then called Industrial Operation) Branch drafted an interim get well plan that was not signed. Next was (b) (6) who wrote the 2011 signed memo that safety liked but was just quotes from the various laws about training but not a plan per the AR.

I started in asbestos in 2014. During my eight years I have had three branch chiefs. The first one (b) (6) agreed with everything safety said and met with them without inviting me. I learned about this at division meetings where the division chief (b) (6) shared his side of safety from safety-asbestos briefing to the garrison commander – environment was not invited to the briefing. Safety would not agree to the AMP until their issues were addressed. Since the first branch chief supported safety and was too busy to deal with me the plan did not move. Add in the second acting branch chief and then the current branch chief, started Aug 2021, who is learning asbestos on the job but is a breath of fresh air.

Between the current branch chief (b) (6)'s support, the safety POC (b) (6) retiring and the Army Environmental Command draft asbestos management plan, the current draft plan is out for comment.

Q: Who is responsible for ensuring the update/maintenance of a current AMP on APG?

A: Me, should be someone in DPW Operations and Maintenance Division.

Q: Are installations, such as APG, required to maintain a current AMP? If so, what are the relevant laws and/or regulations that mandate this?

A: No laws just AR 420-1

Q: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: State and Federal laws covering training/ certification/medical test to where the trash can go. Starts with a Hazardous material / asbestos survey to identify if asbestos is present. The survey should be conducted by a two person team starting with a review of building records. At APG normally this is contracted out to meet the federal requirements of annual up-dates to maintain status. This would include a site specific asbestos plan if the survey said asbestos was present.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? If so, do you have copies of such surveys to provide, and have any surveys raised concerns to you or others you work with? Please explain in detail.

A: This goes back to the 'As-Built' Inventory Tracking System (ABITS) and the spreadsheets emailed to you.

Q: To your knowledge, were there issues surrounding funding in regards to the Asbestos Management Plan and conducting surveys on APG? If so, please explain in detail.

A: Per higher HQ plans for the installation (not an active asbestos site) are to be completed by in house staff thus no funding. Not having one is being out of compliance with an Army regulation or a class III finding in the EPAS. Not breaking any federal or state law. In 1982-1992 an installation-wide survey & assessment was conducted. Buildings were not allowed to be damaged.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 7 PAGES



STATEMENT OF **(b) (6)** TAKEN AT APG, MD DATED 20220228

9. STATEMENT (Continued)

Q: In the AMP (dated March 2021), it states, "APG conducted an installation wide asbestos survey and assessment between 1989 and 1992 for most, but not all real property inventory." How many buildings on APG prior to 1980 have been and have not been inspected? Can you provide documentation of the surveys?

A: I shared a paper copy, showed how the information is stored on ABITS and emailed the spreadsheet with the numbers.

Q: Who is the Asbestos Program Manager at DPW and for APG?

A: I wear that hat

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: Master Planning Real Property Division MPRPD/ABTIS is the central location for building information. Trying to get away from individual computers because that is how information is lost when a person leaves. The As-Built Inventory Tracking System (ABITS) developed in the Engineering and Construction Division, DPW was moved to MPRPD, DPW where the scope was changed, the money reduced, a new branch chief could not be hired and FY2022 contractor support money is pulled by higher HQ's. Now there is no support of ABITS. No people, no money. **(b) (6)** wanted to add environmental money but could not because of how the scope had been changed. Paper asbestos records were to be stored in the basement of 4304 (DPW building). A REC for the work was approved. Occupants were moved. Then it stopped.

Q: What is "ABTIS" and how is this system used as it relates to storing and managing asbestos and other hazardous material documentation for APG?

A: ABITS is to receive all projects completed on facilities at APG. Asbestos projects is still expanding/changing in ABITS. This program started in Engineering & Construction Division where the asbestos tab was added in 2016 but the project was moved to Master Planning Real Property Division in 2017. Both are in DPW.

Q: What is "DPW 4283" and how does this process work as it relates to matters/concerns related asbestos?

A: DPW 4283 Individual Service Request is how all project starts, along with a Record of Environmental Consideration (REC). Asbestos should be addressed in the REC and if there is a survey it should be attached or a statement of no asbestos.

Q: What government oversight inspections (i.e., AAA Audits, Inspector General Inspections, OSHA Inspections) have been conducted of APG's Asbestos Management Plan in the past ten years? What were the results? What actions were taken to correct any noted deficiencies, and by whom?

-----CONTINUED-----

AFFIDAVIT

I, **(b) (6)**, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

**(b) (6)**

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of February, 2022 at

**(b) (6)**

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

**(b) (6)**

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 7 PAGES

**SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED  
20220228 DA FORM 2823 (Continued) / Page 5 of 7 Pages**

(This is here to show how unrealistic (b) (6) idea is besides clearing out a division for a year of their regular work)

Why did the meetings stop? The EPAS is the short answer.

EPAS added a new area to be evaluated, High Risk Facilities, which over lapped with asbestos. The assessor and I spent a lot of time together and meet with (b) (6). Think the assessor, (b) (6) who has a long history with asbestos was shocked by (b) (6) ideas and amazed at how stuck (b) (6) was.

Q: Are APG or other personnel conducting asbestos hazard risk assessments, including assessments by Asbestos Hazard Emergency Response Act (AHERA) certified inspectors? Please explain in detail.

A: Asbestos, Lead Mold Team, Building and Structures Branch, Facilities Maintenance & Operations Division has 8 individuals that maintain state inspector certification, (b) (6), (b) (6), (b) (6), (b) (6), (b) (6), (b) (6), (b) (6), (b) (6).

Risk assessments is now a required course for all DPW but usually Public Health Center is called in when there is an issue.

Q: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed?

A: Back during the OSHA letter issue, (b) (6) was acting environmental division chief. Don't remember why but it was thought that the signs Baltimore Corps of Engineers had out warning of asbestos were not the correct wording. (Side issue; The team from the BCE was two, GS 13, IH's that were enjoying doing IH work in the boiler rooms; at that time the chief of ISO was (b) (6) think I still have the email where he said the wording was good just needed to be mounted with screws instead of tape.) (b) (6) had a meeting WITH all the division chiefs in DPW and maybe some branch chiefs asking (b) (6) what the sign should say. (b) (6) would say read the OSHA law where it is about a third of the page of instructions but no example. Finally it was like the whole room said together (know that did not really happen) (b) (6) draft the sign so the shops can make it. But it took the room full of chiefs talking, getting frustrated to push (b) (6) to do his job. Once (b) (6) provided the wording the signs were made and up within a week. If I remember correctly, it was like 12 sites at which the signs needed to be changed (out of a 100+ sites check for asbestos).

After finishing the boiler room project that resulted in the OSHA letter, I went looking for another project that was similar and could use end of year money.

(b) (6)

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED  
20220228 DA FORM 2823 (Continued) / Page 4 of 7 Pages**

A: No formal inspections, just the Environmental Performance Assessment System (EPAS) audits. A report was filed with OSHA in Nov 2018 but no visit. (b) (6) and I visited all sites listed, posted new memos and cleaned up two sites removing the asbestos issue.

Q: How was the finding from the previous EPAS address in regards to the asbestos management Plan?

A: What is not mentioned is the group that Vance had me start summer 2021, before the EPAS in OCT 2021. Alcarese attend along with some chiefs and Industrial Hygienist's (IH) from different organization. The focus was to address safety issues. I have provided the initial agenda. These were live meetings to encourage (b) (6) to attend. I can provide sign in sheets if needed.

When I started to schedule the meetings (b) (6) had spread the word in DPW to attend. (b) (6) was on leave so they started once he was back. Initial a not environmental branch chief want them to be held on TEAMS. I told him that if they were not in person (b) (6) would not attend ((b) (6) had call out of meetings in past that were not in person) and that was the purpose to engage safety – (b) (6) – in the discussion.

I remember different division chiefs attending on different dates and being very helpful.

I also called (b) (6) a drama queen to (b) (6) face after one of his repeats of the history of asbestos incidents at APG. (b) (6) lived in the past. (b) (6) would repeat every asbestos incident for the last 30 years. When I started in 2014 I work on what I could change like closing the Class I EPAS finding. There was no money or fundable ideas to fix past mistakes. (b) (6) did not offer any paths forward of building a team to do a new inventory. (b) (6) along with two tenant IH's were always there. One on this IH's engage (b) (6) to provide a way to meet and work on his issues. After this try being repeated (b) (6) said that if all the people in Engineering & Construction Division (ECD) were trained inspectors they could spend a year performing a review of Foster Wheeler (FW). Since I have a box of FW under my desk I had brought enough in so those that came to the meeting would each have a copy. One of the FW's was for a building that belong to the tenant that the IH was from so they dug into it, think this was the first time they had seen it.

This was August –September 2021. Third week of Aug I received \$25,000 end of year money for certifiable asbestos training. This shows how fluid asbestos is. With this money the shop personnel received the annual refreshers required to allow them to respond to asbestos incidents. Also ECD received initial inspector training. This does not mean they are ready to inspect for asbestos. They still need to take the state test, be medically cleared and go out with an experience inspector. Normally a two person team performs an inspection.

(b) (6)

(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED  
20220228 DA FORM 2823 (Continued) / Page 6 of 7 Pages**

This project would be after a second year of doing the boiler rooms behind the fence. (behind the fence- APG has an internal fence with security guards to access the area) The projects I considered were the steam lines, hot water heaters, and vaults.

I was just looking for places that might have asbestos. I was tasked with identifying asbestos not removing it. This stopped when the second end-of-year money was pulled back I stopped. But I had conversations with DPW Engineering Constructions Division (ECD) that said the asbestos was gone in the vaults and the new hot water heaters don't have asbestos.

This is why I say all projects should address asbestos first. Even if it is just a statement that the door handle being changed is a newer version from the 1980's so no asbestos to making a hole to see what is behind the original wall.

Q: What is the confliction resolution policy? Who wrote it? Can you provide a copy of this document?

A: I am not aware of any of this.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: Asbestos is not mined or processed at APG. AR420-1 says to not remove asbestos if it is not damaged, When damaged asbestos is found the state certified team from the shops or a state certified contractor is used. The AMP states this. In the past and may still happen someone try's a shorty cut and something happens like a fire or a broken asbestos pipe. Then the state certified workers have to come and clean up. The chiefs have a meeting with Public Health Center. With the last report to OSHA "ALL" the shop personnel from chiefs to the asbestos team attended Asbestos Awareness training including union reps. I attended and presented the reports from the boiler room surveys prepared by IHS' from the Baltimore Corps of Engineers. The issue was that the results had not been shared from the top to the bottom of the chain of command.

Q: What is the Asbestos Management Team Environmental Quality Control Committee (EQCC)? How often does it meet? What is its charter? Who are the members and what are their roles? Please explain in detail.

A: The EQCC is required by AR 200-1, a quarterly meeting, open to all, normally attended by those who have an issue or are available. The POCs for a media brief. This quarter are subcommittees with a condense EPAS presented. Next quarterly will most likely cover the Oct 2021 EPAS in more detail since the final report should be here in time for that meeting.

Q: Who is responsible for providing annual asbestos awareness training at APG, and who is required to receive this training?

(b) (6)

(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED  
20220228 DA FORM 2823 (Continued) / Page 7 of 7 Pages**

A: Awareness training falls under me. It is not an annual requirement unless you are cleaning up asbestos. Most needing this training do not clean up asbestos. The cleaning up asbestos normally is performed by the Asbestos, Lead Mold Team, Building and Structures Branch, Facilities Maintenance & Operations Division who are state certified and do not require the awareness training.

Q: How often is asbestos awareness training conducted? How is it coordinated installation wide? Do you have copies of training logs?

A: The two hour awareness training is conducted as needed since I can teach this class. On 6 Oct 2021, ten attended at APG; on 14 Oct 2021 twelve attended at ALC; these were contractor taught so I could support with a display of asbestos items. A shorter class was presented during Pollution Prevention week. I will email the roster.

Q: Who are the DPW/ECB employees who hold Maryland State Accreditation regarding asbestos?

A: Asbestos, Lead Mold Team, Building and Structures Branch, Facilities Maintenance & Operations Division has 8 individuals that maintain state accreditation, (b) (6)

(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) (b) (6)

I have attended the asbestos training but do not state certify as I do not "handle" asbestos. I could not be medically cleared for this type of work.

Q: Do you know (b) (6) If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: See the FY21 CASP that you made a copy of.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: no.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: no.

-----END OF STATEMENT-----

(b) (6)

(Initials)

OSC File  
No. DI-22-000146

EXHIBIT I

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground, Maryland	2. DATE (YYYYMMDD) 20220228	3. TIME 9:45am	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-14 / Army Civilian	

### 8. ORGANIZATION OR ADDRESS

Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD

9.

I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) (AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: I have been employed by the US Army Garrison APG since Feb 2011.

Q: What is your official title/position and how long have you been in that position?

A: My current position is Deputy Director, Directorate of Public Works. I have been in this position since Feb 2016.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: My first line supervisor is (b) (6) Director of Public Works. My second line supervisor is (b) (6) Acting Deputy to the Garrison Commander.

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

A: My responsibilities include coordinating all public works functions for the installation including Master Planning and Real Property, Environmental Services, Housing Services, Facilities Operations and Maintenance, Engineering and Construction, and Business Operations and Integration.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: Asbestos and Hazardous Material management are run out of both the Environmental Division and the Engineering and Construction Division, both of which I supervise. The Environmental Division is responsible for Asbestos compliance including record keeping of asbestos management plans. The Engineering and Construction Division is responsible for the safe handling and disposal of asbestos containing material that is found in construction and demolition projects that they execute. I have oversight of both of these Divisions, but I am not involved in day to day operations within them.

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 1 OF 8 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

(b) (6)

TAKEN AT APG, MD

DATED

20220228

9. STATEMENT (Continued)

A: The primary stakeholders that I work with are (b) (6) Chief of Environmental Division, and (b) (6) Chief of Engineering and Construction Division.

Q: When was the current Installation Asbestos Management Plan (AMP) signed? Do you have a copy you could provide, as well as the previous two versions of this plan?

A: (b) (6) can provide details on the AMP.

Q: Who is responsible for ensuring the update/maintenance of a current AMP on APG?

A: (b) (6) is responsible for the AMP.

Q: Are installations, such as APG, required to maintain a current AMP? If so, what are the relevant laws and/or regulations that mandate this?

A: (b) (6) can provide details on the AMP.

Q: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: APG does not have a comprehensive asbestos survey for the installation that details all asbestos containing material. To mitigate this DPW requires asbestos surveys prior to any construction or demolition work. If asbestos containing material is identified during these asbestos surveys then the contractor performing the asbestos abatement is required to submit a work plan detailing the means and methods that will be utilized to safely abate the asbestos containing material in accordance with local, state and federal laws and regulations. These plans are reviewed by the Directorate of Public Works (DPW), the Installation Safety Office (ISO), and the US Army Corps of Engineers (USACE) if they are the construction agent for the project.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? If so, do you have copies of such surveys to provide, and have any surveys raised concerns to you or others you work with? Please explain in detail.

A: APG does not have a comprehensive asbestos survey for the installation that details all asbestos containing material. To mitigate this DPW requires asbestos surveys prior to any construction or demolition work. (b) (6) can provide copies of facility specific asbestos surveys. Surveys have not raised concerns to me, and I have not heard concerns from other based on survey results. Surveys identify asbestos containing materials which drive requirements for abatement.

Q: Have any surveys been performed at APG to identify the presence of asbestos hazards or asbestos containing material in all installation facilities constructed prior to 1990? If so, have any of these surveys identified the presence of asbestos, and have appropriate actions been taken to address those concerns? Please explain in detail.

A: APG does not have a comprehensive asbestos survey for the installation that details all asbestos containing material. To mitigate this DPW requires asbestos surveys prior to any construction or demolition work. With the age of APG's facilities many of the surveys have identified asbestos containing materials. To my knowledge all asbestos containing material that has been identified in the surveys have been properly abated and disposed of in accordance with local, state, and federal laws and regulations.

Q: When was the last survey of APG buildings and facilities conducted on APG?

A: (b) (6) can provide details on the dates of asbestos surveys at APG.

Q: To your knowledge, were there issues surrounding funding in regards to the Asbestos Management Plan and conducting surveys on APG? If so, please explain in detail.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 8 PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220228

9. STATEMENT (Continued)

A: Both funding and manpower are constraints to everything we do inside of DPW. We utilize risk based management and other mitigation measures to ensure that we are in compliance with local, state, and federal laws and regulations. In the case of asbestos to mitigate for the lack of a comprehensive installation asbestos survey we require asbestos surveys prior to construction or demolition activities. These specific asbestos surveys are funded and have not been denied due to lack of resources.

Q: In the AMP (dated March 2021), it states, "APG conducted an installation wide asbestos survey and assessment between 1989 and 1992 for most, but not all real property inventory." How many buildings on APG prior to 1980 have been and have not been inspected? Can you provide documentation of the surveys?

A: (b) (6) can provide details of the AMP.

Q: Who is the Asbestos Program Manager at DPW and for APG?

A: (b) (6) can provide the APM.

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: (b) (6) can provide details on record keeping with respect to asbestos.

Q: What is "ABTIS" and how is this system used as it relates to storing and managing asbestos and other hazardous material documentation for APG?

A: I am not familiar with ABTIS.

Q: What is "DPW 4283" and how does this process work as it relates to matters/concerns related asbestos?

A: A DD Form 4283 Facility Engineer Work Request is required prior to any work in a facility. Receipt of this form by DPW initiates a review process by all stakeholders, primarily DPW, Directorate of Operations (Police and Fire), and ISO. During this process the Environmental Division will review the proposed work and identify if there are any environmental compliance items to consider, including potential asbestos containing material. All of the review comments are provided to the execution agent to incorporate in the contract documents or work plan prior to the work starting.

Q: What government oversight inspections (i.e., AAA Audits, Inspector General Inspections, OSHA Inspections) have been conducted of APG's Asbestos Management Plan in the past ten years? What were the results? What actions were taken to correct any noted deficiencies, and by whom?

-----CONTINUED-----

AFFIDAVIT

(b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b) (6)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of February, 2022 at

(b) (6)

(Signature of Person Administering Oath)

(b) (6)

(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 8 PAGES

**SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220228  
DA FORM 2823 (Continued) / Page 4 of 8 Pages**

A: I am not aware of any specific audits on asbestos compliance that were performed by outside agencies. Internal to the Army the Environmental Division performs an annual Environmental Performance Internal Assessment (EPAS) which includes asbestos and hazardous material management. (b) (6) can provide details on past EPAS inspections, findings and corrective actions.

Q: Are APG or other personnel conducting asbestos hazard risk assessments, including assessments by Asbestos Hazard Emergency Response Act (AHERA) certified inspectors? Please explain in detail.

A: Yes, DPW has trained and certified AHERA inspectors that perform asbestos inspections and develop hazard risk assessments. DPW also has contractors that are trained and certified by AHERA to perform asbestos inspections and develop hazard risk assessments.

Q: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed? What is the confliction resolution policy? Who wrote it? Can you provide a copy of this document?

A: If DPW received any concerns related to asbestos, either formal or informal, immediate action would be taken to validate and address those concerns. DPW takes asbestos compliance very seriously and is committed to ensuring that all local, state and federal laws and regulations are followed.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: I am aware of several safety concerns raised by (b) (6) on several different facility demolition projects. DPW takes these concerns very seriously as asbestos has the potential to create a significant health and safety risk if not handled properly. In each instance we met with (b) (6) to better understand his concerns. We also provided alternate means to perform the work safely. In the majority of the situations (b) (6) insisted that his way of doing the work was the only acceptable way, and would not consider alternate means and methods. Local, state, and federal laws and regulations provide requirements for safe handling and disposal of asbestos containing materials. They do not specify in detail how the work is to be performed, they allow the individual performing the work to assess the situation and develop a work plan. DPW and USACE contracts are written to allow the contractor the latitude to determine the means and methods and to develop a compliant work plan. With (b) (6) refusing to accept any alternate means and methods aside from his own opinion DPW and USACE were unable to move forward. In the majority of the instances DPW attempted conflict resolution at the Director and Garrison Commander level but were unable to find a solution.

(b) (6)

(Initials)



**SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220228  
DA FORM 2823 (Continued) / Page 5 of 8 Pages**

Q: What is the Asbestos Management Team Environmental Quality Control Committee (EQCC)? How often does it meet? What is its charter? Who are the members and what are their roles? Please explain in detail.

A: The EQCC is an installation wide committee to discuss environmental compliance topics at the working level. Issues that are identified are taken by the DPW Environmental division for action and resolution. Asbestos Management is one of the many topics that are discussed at the EQCC.

Q: Who is responsible for providing annual asbestos awareness training at APG, and who is required to receive this training?

A: DPW Environmental Division facilitates the annual asbestos awareness training for the installation. There are two levels of training, one for inspection and awareness and one for asbestos handling and disposal. Training requirements are based on position responsibility. DPW has asbestos technicians that will perform asbestos abatement work. They require the higher level of training. DPW also has engineers, engineering techs, physical scientists and environmental protection specialists that work around asbestos including developing scopes of work for asbestos removal and abatement. These personnel require the lower level of training as they are not directly handling asbestos containing material. To ensure a broader awareness of asbestos DPW has required training for a large number of individuals, beyond the minimum requirement. This increases awareness of asbestos identification and abatement requirements and bolsters the entire asbestos management program (b) (6) can provide details on training courses and training rosters.

Q: How often is asbestos awareness training conducted? How is it coordinated installation wide? Do you have copies of training logs?

A: (b) (6) can provide details on training courses and training rosters.

Q: Who are the DPW/ECB employees who hold Maryland State Accreditation regarding asbestos?

A: (b) (6) can provide details on training requirements for the Engineering and Construction Division. (b) (6) can provide details on training courses and training rosters.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: I recall there being concerns over asbestos abatement in E2354, but do not recall the details. (b) (6) and (b) (6) can provide additional details on the project.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building 2354 abated properly, in your opinion? Please explain in detail.

(b) (6)

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220228**  
**DA FORM 2823 (Continued) / Page 6 of 8 Pages**

A: I recall there being concerns over asbestos abatement in E2354, but do not recall the details. (b) (6) and (b) (6) can provide additional details on the project.

Q: Who is the contractor responsible for asbestos abatement/removal for the Building 2354 project on APG?

A: I recall there being concerns over asbestos abatement in E2354, but do not recall the details. (b) (6) and (b) (6) can provide additional details on the project.

Q: Who are the contractor(s) and contractor employee(s) that are generally or frequently involved with asbestos matters on APG? Do any of these contractors work full-time at APG within DPW? What are their general roles and responsibilities related to asbestos management, mitigation, and/or abatement? Please explain in detail.

A: I recall there being concerns over asbestos abatement and individuals that performed work as independent contractors then transitioned to government employees, but do not recall the details. (b) (6) and (b) (6) can provide additional details on the project.

Q: Has anyone ever raised any concerns regarding contractor involvement, engagement, or performance related to their role in asbestos management, mitigation, and/or abatement on APG? If so, please explain in detail.

A: I am aware of concerns that (b) (6) raised specific to contractor involvement. These concerns were provided to the contracting agent, either Army Contracting Command (ACC) for DPW executed contracts, or US Army Corps of Engineers (USACE) for contracts executed thru their organization. All concerns were investigated and responses were provided. Responses were reviewed by all stakeholders to ensure they appropriately addressed the concerns. In all cases USACE, ACC and/or DPW were satisfied with the responses. In the majority of the instances (b) (6) was not satisfied with the responses. This created an impasse in moving forward. (b) (6) and (b) (6) will be able to provide more detail on the specific concerns and responses.

Q: Who manages and administers the contracts and contractor employee(s) engaged in asbestos management, mitigation, and/or abatement on APG?

A: Construction contracts are managed either thru DPW if the contracts are awarded by Army Contracting Command, or USACE if they are awarded by USACE contracting.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E2354? Do you have a copy of the abatement plan?

A: (b) (6) can provide a copy of the abatement plan and details on any possible irregularities.

(b) (6)

(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220228**  
**DA FORM 2823 (Continued) / Page 7 of 8 Pages**

Q: Did you, or anyone you know, ever go to Building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

A: (b) (6) can provide details on the management of E2354.

Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: (b) (6) can provide details on the management of E5188.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E5188? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: (b) (6) can provide details on the management of E5188.

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at Building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: (b) (6) can provide details on the management of E5188.

Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: I understand there were concerns with the transite roof panels on the building. Transite panels contains asbestos. They are safe in their current condition but that can become friable if not handled properly. (b) (6) can provide details on the management of 4035.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E4035? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: (b) (6) can provide details on the management of 4035.

Q: Did you believe that there were alternatives to the abatement of asbestos roofing materials, or was demolition of the building wholesale warranted? Please explain in detail.

A: From my understanding there were alternate means and methods to deconstruct/demolish the transite panels in the roofing system at 4035. (b) (6) was insisting on the method that he preferred. Other construction and safety experts from both DPW and USACE were open to alternative methods, but the Installation Safety Office deferred to (b) (6)'s opinion and would not consider the alternative methods. The building remains in a half demolished state as we are still unable to resolve this issue.

(b) (6)

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220228  
DA FORM 2823 (Continued) / Page 8 of 8 Pages**

Q: There have been concerns raised regarding Building 4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: I'm assuming this should be E4405. (b) (6) can provide details on the management of E4405.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E4405? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: (b) (6) can provide details on the management of E4405.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6) concerns addressed? Please explain in detail.

A: Yes, I know (b) (6) from my position in the DPW. DPW and the ISO work together on many different aspects of safety. (b) (6)'s primary area was construction safety, but (b) (6) also represented the ISO on accident investigations and other safety matters. (b) (6) frequently raised concerns based on (b) (6) review of safety plans submitted by contractors, including management, mitigation, and abatement of asbestos. When (b) (6) raised concerns DPW facilitated meetings with all stakeholders in an attempt to address the concerns. DPW also provided additional information and requested additional detail from contractors in an attempt to satisfy (b) (6)'s concerns.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A:

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A:

-----END OF STATEMENT-----

(b) (6)

(Initials)

OSC File  
No. DI-22-000146

EXHIBIT J



# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220302	3. TIME 0730	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-14/ Army Civilian	

8. ORGANIZATION OR ADDRESS  
Engineering and Construction Division, Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) R 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: I am currently the Engineering and Construction Division Chief in DPW. I have been employed with USAGAPG since 2011.

Q: What is your official title/position and grade? How long have you been in that position?

A: Engineering & Construction Division (ECD) Chief, General Engineer, GS-14. I have been acting ECD Chief about one year.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: 1st Line (b) (6) Dep Director, 2nd Line - (b) (6) Director

Q: What are your general duties and responsibilities? Please explain in detail.

A: Oversee operations of ECD. This includes execution of various construction, repair, maintenance, and service contracts for the DPW.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: In general, in ECD, we ensure contractors are notified of asbestos in facilities that they are contracted to perform repair/construction in. Once identified, the ECD PMs and CORs ensure the contractors are handling asbestos according to local & state regulations.

Q: Who are the primary personnel that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: Typically (b) (6) is the APG primary POC for asbestos. We also lean on our in-house asbestos team for mitigation/abatement. This team is supervised by (b) (6)

Q: Does APG have a current Installation Asbestos Management Plan (AMP) in place? If not, what have been the issues surrounding the plan?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220302

9. STATEMENT (Continued)

A: I understand there is a draft AMP being staffed and have heard the safety office has issues with it. Other than hearsay issues, I am not directly aware of issues surrounding the plan.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? Please explain in detail.

A: As far as I know, within ECD contracts, surveys have been appropriately conducted. These are usually executed via Government Purchase Card (GPC) buys through local consultants.

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: I don't think reports are centrally located unless this has been done recently. From observation, reports have been stored with environmental division, DPW asbestos team (OMD), and other folks having different roles in asbestos management.

Q: If a demolition or renovation project is identified and funded on APG? Where does the contractor, COR, or facility manager go to obtain information concerning asbestos in the facility?

A: Either environmental Division or OMD Asbestos team. There may be other locations as well.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: Shortly after taking this position in DPW, I was in attendance of a USACE In-progress review or IPR where USACE briefs the project status of the projects they are working on. When briefing the status of this particular project (b) (6) brought up a question about where some particular asbestos had gone. Apparently (b) (6) had asked this question in previous IPRs however (b) (6) had not gotten a response yet. USACE had told (b) (6) they would get (b) (6) a response. (b) (6) replied back that it had been several months since they gave (b) (6) the same response. (b) (6) maintained a professional attitude, even after a USACE representative interjected into the conversation. Other than this information at the IPR, I was not directly involved with the asbestos issues in this facility.

Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: I have not been directly involved with asbestos issues in this facility.

Q: There have been concerns raised regarding Building E4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been directly involved with asbestos issues in this facility.

Q: There have been concerns raised regarding Building 4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been directly involved with asbestos issues in this facility.

Q: There have been concerns raised regarding Building 5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been directly involved with asbestos issues in this facility.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6) concerns addressed? Please explain in detail.

A: I have known (b) (6) since I began working in DPW in 2011. (b) (6) has brought up to me on several occasions that APG does not have an asbestos management plan. (b) (6) has stated that APG does not have surveys on all facilities and that it is required. (b) (6) also has stated that a large "foster & wheeler" asbestos study that was conducted years ago is suspect and not accurate. DPW does not have funding to complete a comprehensive asbestos survey in all facilities. It was agreed in DPW to program a portion of the annual work plan to conducting surveys. I also worked with (b) (6) on various operational issues with the OMD asbestos in-house team relative to cutting asbestos pipe. Internal SOPs were developed to mitigate issues.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220302

9. STATEMENT (Continued)

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: I can not think of anyone other than the folks that you mentioned that you talked to.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: I do not have any other information or documentation relevant to this investigation.

CONTINUED (b) (6) 25 July 2022

END OF STATEMENT

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of March, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b) (6)

PAGE 3 OF 3 PAGES

OSC File  
No. DI-22-000146

EXHIBIT K



## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220302	3. TIME 0834	4. FILE NUMBER N/A
5. LAST NAME FIRST NAME MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS Contractor/ EA Engineering	

8. ORGANIZATION OR ADDRESS  
Program Management Office (PMO), Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
Q: (b) (6) (AR 15-6 Investigating Officer)  
A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: I am a contractor employed by EA Engineering, Science, and Technology, Inc. I have been employed with EA for 19 years and have worked on various projects at APG since 2003.

Q: What is your official title/position and how long have you been in that position?

A: For this project it is Deputy Program Manager of the APG Program Management Office. I have held this position since September 30 2017.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: Under the APG Program Management Office: Program Manager (b) (6)  
(USACE Baltimore District) and DPW Project Manager (b) (6)

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

A: I am the Deputy Program Manager within the APG Program Management Office. My primary duty is to manage the contract team that provides technical resources to support the APG Contaminated Building Demolition Program (CBD) and Fiscal Year (FY)18 and FY20 Facility Reduction Programs (FRP). I also provide communication and coordination support to Garrison Leadership, Army Headquarters, DPW, USACE, demolition contractors and tenant organizations for these demolition programs.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: I have no direct responsibility over the management and/or mitigation of asbestos or other hazardous materials.

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: USACE Huntsville District supported by Baltimore District and APG DPW for the CBD Program; and USACE Baltimore District and APG DPW for the FY18/FY20 FRPs.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 6 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220302

9. STATEMENT (Continued)

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: (b) (6) Program Manager, USACE Baltimore District; (b) (6) Industrial Hygienist, USACE Baltimore District; (b) (6) Project Manager, APG DPW; (b) (6) Chief of the Installation Safety Office; (b) (6) Occupational Safety and Health Specialist, Installation Safety Office; and (b) (6) (now retired), Occupational Safety and Health Specialist, Installation Safety Office.

Q: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: For this project, the contractor prepares an Accident Prevention Plan, uses existing asbestos containing material inspection reports (provided by government if available) or performs such inspections in the absence of those or to supplement existing if data gaps are identified during demolition pre-planning, and develops an asbestos abatement plan (if asbestos containing materials are confirmed by inspection/sampling within the building). During the demolition pre-planning, the Installation Safety Office provides building walkthroughs and gives feedback to the USACE and Program Management Office to capture any other observable data gaps (if any). Following their own building walkthroughs, USACE provides acceptance of those planning documents and then abatement activities can begin. Work begins with the contractor completing a 10-day notification process with the Maryland Department of the Environment. Once abatement begins USACE, and supporting technical personnel from Program Management Office, perform in-field oversight of abatement activities. Upon completion of abatement activities, a Notice of Intent is filed with the MDE to document that abatement has been completed. All monitoring data (both during and post abatement) as well as waste manifests are provided to the Program Management Office for record keeping. All final documents are also loaded onto a Share Point site for full transparency to interested parties, to include the Installation Safety Office.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? Please explain in detail.

A: Surveys have been appropriately conducted on all buildings included in the CBD and FRP 18/20 FRPs.

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: Final reports associated with the CBD and FY18/20 FRPs are located on a Share Point site.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: The Installation Safety Office personnel have raised concerns about data gaps observed in some buildings being demolished under the FY18 FRP. For those buildings being managed by the USACE Baltimore District, w/support from the PMO, any concerns were directly addressed via meetings and in-field walkthroughs and corrective actions were implemented where necessary. To include collection of additional samples of suspect asbestos containing materials.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: Approximately 500 square feet of floor tile confirmed to contain asbestos (as documented in 2011 inspection document) was observed to be missing from E2354 during a pre-demolition walkthrough conducted by the Installation Safety Office and Program Management Office personnel (b) (6) and (b) (6) USACE Baltimore District Industrial Hygienist) also conducted a building walkthrough on a separate visit. Installation Safety Office personnel inquired to USACE and APG DPW about the abatement activities that were conducted to remove those floor tiles. Neither USACE nor APG DPW had any documentation or knowledge of a previous abatement that was conducted on the floor tiles.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building E2354 abated properly, in your opinion? Please explain in detail.

A: Asbestos containing materials that were abated during my involvement with the project were conducted in accordance with USACE-accepted abatement plans.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 6 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220302

9. STATEMENT (Continued)

Q: Did you observe any irregularities in the contractor's abatement plan for Building E2354? Do you have a copy of the abatement plan?

A: The final USACE accepted abatement plan had no irregularities and a copy of the plan is available upon request or can be accessed via the Share Point site.

Q: Did you, or anyone you know, ever go to Building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

A: I did not perform an inspection or survey at Building E2354. Three personnel from the PMO including (b) (6) (b) (6) and (b) (6) performed a pre-demolition walkthrough with (b) (6) from the Installation Safety Office. (b) (6) (USACE Baltimore District Industrial Hygienist) also conducted a pre-demolition walkthrough.

Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: There was some disagreement between the Installation Safety Office and USACE about methods of demolition for E5188. The primary concern was demolishing the building with transite roofing panels left in place. The USACE team evaluated worker, environmental and outlying community health hazards and determined demolishing the building with the roof in place was the appropriate action. The work was conducted with engineering controls to contain any potential releases, which was confirmed by personnel and perimeter monitoring data.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E5188? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: The final USACE accepted abatement plan had no irregularities and a copy of the plan is available upon request or can be accessed via the Share Point site.

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at Building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: The demolition work at E5188 was conducted in accordance with associated USACE accepted plans, which were developed by Subject Matter Experts using governing policies and regulations to determine the appropriate methods of demolishing E5188.

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AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of March, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 6 PAGES

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED  
20220302 DA FORM 2823 (Continued) / Page 4 of 6 Pages**

Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: Our team began supporting the FY18 FRP around March 2020, and when we became involved with the project we were informed by the previous USACE project manager that demolition activities had been halted at Building 4035 due to the presence of asbestos containing materials in the roof. Currently, the contractor is developing revised demolition and abatement plans for this facility.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E4035? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: The contractor is currently developing revised demolition and abatement plans for Building 4035.

Q: There have been concerns raised regarding Building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: There were no asbestos containing materials identified in Building E4405.

Q: Did you observe any irregularities in the contractor's abatement plan for building E4405? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: There were no asbestos containing materials within E4405; thus, no abatement plan was required for this building.

Q: There have been concerns raised regarding building 5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: The Installation Safety Office raised concerns about suspect asbestos containing materials associated with 5112 prior to my involvement with the project (March 2020). After I became involved, I learned that the demolition had previously started on that building but work was suspended due to ISO concerns over suspect asbestos containing materials that were observed in a small area immediately outside the footprint of the building and three roof vents that were on the ground immediately adjacent to the building. A follow on asbestos containing materials inspection was performed by the contractor and those results confirmed that some fragments on the ground as well as components of the air vents did contain asbestos. Those materials were then abated per the USACE-accepted Asbestos Plan of Action.

Q: Did you observe any irregularities in the contractor's abatement plan for building 5112? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: The final USACE accepted abatement plan had no irregularities and a copy of the plan is available upon request or can be accessed via the Share Point site.

**(b) (6)**  
(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED  
20220302 DA FORM 2823 (Continued) / Page 5 of 6 Pages**

Q: There have been concerns raised regarding asbestos being removed from building 5112 and was not properly disposed of for seven months. What is your understanding of any issues with the alleged improper disposal? Did funding or testing play a part in the abatement process? Please explain in detail.

A: I have no understanding of improper disposal.

Q: There have been concerns raised regarding building 5114. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have no knowledge of activities conducted at Building 5114 as this demolition was completed prior to my involvement in the project.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: Yes. I have interacted with (b) (6) during various projects that I have supported at APG. During my involvement with the CBD and FY18/FY20 FRPs whenever (b) (6) (b) (6) provided input or had any concerns related to asbestos they were acknowledged and addressed via partnering meetings with the Installation Safety Office, USACE Baltimore District, DPW and PMO support. Partnering meetings were either in person or via teleconference and where applicable, corrective actions were implemented or alternative methods employed in accordance with applicable governing policies, regulations and USACE-accepted planning documents.

Q: Was the role of the Installation Safety Office in reviewing asbestos abatement plans or other safety documentation ever reduced? What was the reason?

A: No. During a June 2020 partnering meeting with the USACE Baltimore District (b) (6) DPW (b) (6) PMO (b) (6) (b) (6) and Installation Safety Office (b) (6) and (b) (6) project roles and responsibilities were discussed. During that meeting all parties in attendance agreed that USACE had ultimate responsibility over direct project and worker safety and Installation Safety Office had responsibility over safety of the outlying APG community. Any aspects of project work that could affect the outlying APG community would be brought to the attention of the Installation Safety office and concerns raised would be addressed prior to USACE acceptance of any planning documents or phases of work.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: (b) (6) (USACE Baltimore District Industrial Hygienist), (b) (6) (USACE Program Manager), (b) (6) (DPW Project Manager), (b) (6) (Installation Safety Office), and (b) (6) (Installation Safety Office).

(b) (6)  
(Initials)

**SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED  
20220302 DA FORM 2823 (Continued) / Page 6 of 6 Pages**

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: No.

-----END OF STATEMENT-----

\_\_\_\_\_  
(Initials)

OSC File  
No. DI-22-000146

EXHIBIT L

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220302	3. TIME 1107	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS Contractor/ All Phase LLC	
8. ORGANIZATION OR ADDRESS All Phase LLC, 32 SW 5th Avenue, Delray Beach, FL 33444			

9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)  
A: (b) (6)

Q: Where are you currently employed, and how long have you been employed there? Please provide an address as well.

A: I work for All Phase LLC 32 SW 5th Avenue, Delray Beach FL 33444 I have been working for this company for 10years

Q: What is your official title/position and how long have you been in that position?

A: my official position withing the company is Site Superintendent, Quality control and Site Safety and health officer or SSHO.

Q: What are the names of your first-line supervisors and their respective duty titles?

A: The key personnel for the APG FY18 contract the Site Super is (b) (6) and The Project Manager is (b) (6)

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: As the SSHO I am responsible for overseeing safety of All Phase and subcontractors by making sure that the accepted plans and contract documents are followed per local, state and Federal requirements. Also, identifying and correcting any safety deficiencies.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: I am aware of issues between the Installation Safety Office and Project Management Office. Specifically pertaining to E2354. The survey provided to All Phase by the Gov't showed the building containing floor tile in it but when All Phase, USACE and the PMO got there to inspect the building prior to commencing abatement activities, we found that it had been removed previously by a different party. Though, some residual mastic material was still present.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: The building was abated as per contract with the exception of the floor tile as it had already been removed by others.

Q: Did you perform a site walk of building E 2354? When and who else participated?

10. EXHIBIT	1. (b) (6) ON MAKING STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220302

9. STATEMENT (Continued)

A: a site walk was conducted prior to any work/mobilization or Asbestos Abatement Plan (AAP) was accepted. The personnel in this site walk was (b) (6) and (b) (6). After the Asbestos Abatement Plan was accepted and the roof abatement was completed another site walk was conducted with (b) (6).

Q: Was the asbestos (i.e., tile, mastic, and roofing) in building E2354 abated properly, in your opinion? Please explain in detail.

A: the Roof and residue Mastic removal that we conducted was done properly and in accordance with the Accident Prevention Plan, Asbestos Abatement Plan, Fall Protection Plan and Osha standards.

Q: Who is the contractor responsible for asbestos abatement/removal for the Building 2354 project on APG?

A: the contractor that performed the abatement of the Asbestos Containing Material or ACM Roof and residual mastic was Retro Environmental.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: I have only met/talked to (b) (6) only during the site walks conducted prior of (b) (6) accepting the AAP and FPP. (b) (6) (b) (6) drove to one of the buildings and stated that there is suspected ACM in one of the buildings E5914. All Phase then contacted the Third party Industrial Hygienist to conduct samples after the samples results was received the additional material was added to the abatement plan and submitted the plan for acceptance to Usace and the ISO.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: the person that would be of more help to you with more information would be (b) (6) the PM for this contract his email is (b) (6) and (b) (6) is the site superintendent his email is (b) (6).

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: None at this time.

—END OF STATEMENT—

INITIALS OF PERSON M

(b) (6)

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220302

9. STATEMENT (Continued)

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

(b) (6)  
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of March, 2022  
at Aberdeen Proving Ground, Maryland

(b) (6)

(b) (6)  
(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)  
2006

PAGE 3 OF 3 PAGES

OSC File  
No. DI-22-000146

EXHIBIT M

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220302	3. TIME 7:30am	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS Contractor/ EA Engineering	

### 8. ORGANIZATION OR ADDRESS

Project Management Office (PMO), Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD

9.

(b) (6)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, on Aberdeen Proving Ground (APG), Maryland?  
A: EA Engineering, >23.5 years, working on multiple projects on APG from ~2000 to present.

Q: What is your official title/position and how long have you been in that position?  
A: Team Member of the Project Management Office (PMO)

Q: What are the names of your first and second-line supervisors and their respective duty titles?  
A: With regards to this project, (b) (6) is my direct supervisor, supporting USACE-Baltimore and APG-DPW.

Q: What are your general duties and responsibilities in your current position? Please explain in detail.  
A: Technical support for USACE and DPW in both field oversight and/or document review of contractor submittals.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.  
A: None. I have no direct management responsibilities. If I'm supporting the project in the field, I observe the daily activities and provide a daily report documenting the daily activities of subcontractors to the PMO and the USACE. Otherwise, I provide document review of the subcontractor's submittals that include but are not limited to asbestos abatement plans (AAP) to support the USACE prior to document acceptance.

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?  
A: USACE-Baltimore and APG-DPW.

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?  
A: (b) (6) USACE-Baltimore (program manager); (b) (6) USACE-Baltimore (IH); (b) (6) APG-DPW, project manager; various members of APG's ISO, including (b) (6), and the PMO team (b) (6).

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220302

9. STATEMENT (Continued)

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? Please explain in detail.

A: Yes. Prior to any work commencing at any building on the demo lists, surveys are always conducted and done so appropriately. These surveys are reviewed during pre-abatement and demo activities walk-throughs and are then utilized to generate the AAPs.

Q: Who are the contractor(s) and contractor employee(s) that are generally or frequently involved with asbestos matters on APG? Do any of these contractors work full-time at APG within DPW? What are their general roles and responsibilities related to asbestos management, mitigation, and/or abatement? Please explain in detail.

A: All Phase is the general contractor for the FY18 FRP. Currently I'm only aware of Retro as their subcontractor performing ACM abatement work. None of them are full-time employees of APG.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: Before any work is initiated at any of the FY18 FRP buildings, a walk through is conducted with the ISO and members of the PMO and/or USACE. Observations are made of the building referencing the surveys. If there are any concerns or data gaps, they are raised at this time and addressed prior to moving forward with fieldwork. If something occurs during abatement or demo of concern it is addressed immediately.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: As previously stated, prior to any fieldwork (abatement or demo) commencing, a walkthrough of each building is conducted with all interested parties (USACE, PMO, ISO, etc.) with the survey of that building in hand. The survey for E2354 was approximately a decade old. During the walkthrough, it was discovered that one of the identified ACMs (~500 square ft of floor tile) was no longer present. APG DPW and the USACE had no record of a previous abatement effort. All of the ACM present at this building identified in the survey and/or during the walkthrough was properly abated prior to demo activities.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building 2354 abated properly, in your opinion? Please explain in detail.

A: Yes. All ACM present at Building E2354 after ownership turnover was abated properly.

Q: Did you observe any irregularities in the contractor's abatement plan for building E2354?

A: No. All ACM abatement was done IAW the accepted AAP.

Q: Did you, or anyone you know, ever go to building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

A: No. The survey was conducted by a third party prior to ownership being turned over. However, representatives from USACE, the PMO, and the ISO did a walkthrough of the building to cross check the survey prior to abatement and demo work being initiated.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6) concerns addressed? Please explain in detail.

A: Yes, I have worked with (b) (6) where (b) (6) was involved in projects that I supported both prior to and during my role with the PMO. Anytime concerns are raised, by (b) (6) or any other party, they are addressed appropriately before moving forward.

Q: Was the role of the Installation Safety Office in reviewing asbestos abatement plans or other safety documentation ever reduced? What was the reason?

A: No. Prior to my involvement in the project, roles and responsibilities were outlined/defined. When I came onboard, the USACE had direct responsibility of ensuring H&S and compliance of project tasks. The ISO had the responsibility of ensuring the safety of the APG community. Any work tasks deemed to possibly impact the APG community was brought to the ISO's attention for review and addressed prior to documents being accepted and field work commencing.

INITIALS OF PERSON MAKING STATEMENT (b) (6)

PAGE 2 OF 3 PAGES

STATEMENT OF (b) (6)

TAKEN AT APG, MD

DATED 20220302

9. STATEMENT (Continued)

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: No. All parties of concern that I am aware of have previously been identified earlier in this statement.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: No.

CONTINUED

AFFIDAVIT

(b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(b) (6)  
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of March, 2022 at Aberdeen Proving Ground, Maryland.

ORGANIZATION OR ADDRESS

(b) (6)  
(Signature of Person Administering Oath)

(b) (6)  
(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 3 PAGES

OSC File  
No. DI-22-000146

EXHIBIT N

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220303	3. TIME 11:54am	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN	7. GRADE/STATUS Contractor/ EA Engineering	

8. ORGANIZATION OR ADDRESS  
Program Management Office (PMO), Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: I am currently a contractor employed by EA Engineering, Science, and Technology, Inc. I have worked at APG on various contract mechanisms since 2007.

Q: What is your official title/position and how long have you been in that position?

A: Technical support for the Program Management Office (PMO). The PMO currently serves the Contaminated Building Demolition Program (CBDP) and the Facility Reduction Program [(FRP) FY18 and FY20] contracts at APG. I was hired by EA Engineering 4+ years ago (December 2017) to provide technical support to the PMO.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: (b) (6) is my direct supervisor and she is the Deputy Program Manager of the PMO. (b) (6) is the APG DPW Project Manager for both CBDP and FRP FY18 and FY20.

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

A: As technical support to the PMO, I provide project related coordination between Garrison APG, USACE, the demolition contractor and tenants, review documents, and ensure all relevant plans, trackers and documentation are saved to the DPW internal server and APG SharePoint site.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: I do not make decisions related to the management or mitigation of asbestos or any other hazardous materials.

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: USACE and Garrison APG [DPW and Installation Safety Office (ISO)].

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 1 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220303

9. STATEMENT (Continued)

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: (b) (6) (Industrial Hygienist, USACE CENAB) (b) (6) (Program Manager, USACE CENAB) (b) (6) (Project Manager, APG DPW) (b) (6) (APG ISO) (b) (6) (APG ISO, Retired)

Q: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: The demolition contractor develops an Accident Prevention Plan (APP) with ACM survey data provided by APG DPW and/or with supplemental surveys the contractor performs to fill in identified data gaps. If ACM is present, the contractor prepares an Asbestos Abatement Plan (AAP). The ISO is provided the AAP and the opportunity to comment and conduct a building walkthrough to identify any areas which may warrant additional sampling. USACE also conducts a walkthrough checking for data gaps, and USACE ultimately provides approval on the plan to allow for abatement to occur. The contractor then submits the required 10-day notification to Maryland Department of the Environment (MDE), MDE provides concurrence and abatement can occur. Once complete, the contractor submits a Notice of Intent (NOI) to demolish the facility to MDE, which verifies the building does not contain ACM. MDE signs the NOI and returns to the contractor. All of these documents are available on the DPW internal server and the APG SharePoint site.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? Please explain in detail.

A: Yes. For the CDBP and FRP FY18 and FY20 projects, information is gathered when available from surveys performed previous to the project awards, and new and/or supplemental surveys are conducted by the contractor to address any identified data gaps.

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: All of the final reports related to asbestos which are relevant to CDBP and FRP FY18 and FY20 facilities are available on the DPW internal server and APG SharePoint site.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: Yes, ISO personnel have raised concerns regarding asbestos abatement at multiple facilities on the FRP FY18 contract and at CDBP facility E5188. Concerns were addressed via emails, meetings, and walkthroughs and actions including additional sampling were conducted where necessary.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: I was present at a walkthrough at E2354 on 31 March 2021 and it was noted at this visit that the asbestos containing floor tiles that had been identified in a 2011 survey had been removed. The ISO inquired on the details regarding the floor tile removal action, and it was determined and communicated to the ISO that USACE and APG DPW have no records or understanding of an abatement of the floor tiles at E2354.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building 2354 abated properly, in your opinion? Please explain in detail.

A: Yes, the asbestos remaining in the facility was abated by the FY18 FRP contractor in accordance with the USACE accepted Asbestos Abatement Plan.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E2354? Do you have a copy of the abatement plan?

A: No, I did not observe any irregularities. The USACE accepted abatement plan is available on the DPW internal server and APG SharePoint site.

Q: Did you, or anyone you know, ever go to Building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

(b) (6)

PAGE 2 OF 5 PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220303

9. STATEMENT (Continued)

A: I was present at a walkthrough at E2354 on 31 March 2021 along with PMO team members (b) (6) and ISO representative (b) (6). It was identified during the walkthrough that the ACM floor tiles that were noted in a 2011 survey were no longer in the building. It was visually clear that floor tiles had once been in the building and had been removed.

Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: My understanding of concerns raised regarding E5188 as it relates to asbestos is that the ISO disagreed with the abatement method approved by USACE, which was developed to alleviate worker safety concerns. USACE considered multiple options and ultimately determined that demolishing the building with the roof intact was the safest course of action. Engineering controls were utilized to contain releases of asbestos, and air monitoring confirmed there were no releases.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E5188? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: I did not observe any irregularities in the E5188 AAP. The USACE accepted abatement plan is available on the DPW internal server and APG SharePoint site.

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at Building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: I believe alternative methods were appropriately explored and that USACE acceptance of demolishing the roof intact was based on a thorough review of alternative methods.

Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: When the PMO began supporting the FY18 FRP in March 2020, we were informed that demolition had started at 4035 but was stopped in February 2020 due to ACM that had been identified and not abated on the roof. An AAP and demolition plan is currently being developed by the contractor for 4035.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E4035? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

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AFFIDAVIT

(b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of March, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 5 PAGES

SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220303  
DA FORM 2823 (Continued) / Page 4 of 5 Pages

A: When the PMO began supporting the FY18 FRP in March 2020, we were informed that demolition had started at 4035 but was stopped in February 2020 due to ACM that had been identified and not abated on the roof. An AAP and demolition plan is currently being developed by the contractor for 4035.

Q: Did you observe any irregularities in the contractor's abatement plan for Building E4035? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: The abatement plan to address ACM remaining at 4035 is currently being developed. The PMO was not involved in work at 4035 prior to March 2020.

Q: There have been concerns raised regarding Building 4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: I am not aware of any asbestos issues at E4405. It is my understanding that no ACM was identified.

Q: Did you observe any irregularities in the contractor's abatement plan for building E4405? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: The contractor did not provide an ACM abatement plan for E4405 because ACM was not identified.

Q: There have been concerns raised regarding building 5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: When the PMO began supporting the FY18 FRP in March 2020, we were made aware that the contractor had previously conducted asbestos abatement at 5112 and that the ISO had stopped work during the demolition phase due to the presence of suspect materials on the ground adjacent to the facility. The materials were sampled in May 2020 and were found to contain asbestos. In July, an Asbestos Abatement Plan of Action had been developed and was accepted by USACE to properly clean up and dispose of the ACM debris and the action was implemented in September 2020.

Q: Did you observe any irregularities in the contractor's abatement plan for building 5112? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: I did not observe any irregularities in the 5112 Asbestos Abatement Plan of Action. The PMO has an electronic copy of the Asbestos Abatement Plan of Action (dated 7-17-2020), as well as the contractors initial abatement plan (dated 10-11-19), which covers the asbestos abatement work performed in January 2020 (prior to the PMOs involvement in the project).

(b) (6)

(Initials)

SWORN STATEMENT of (b) (6), TAKEN AT APG MD, DATED 20220303  
DA FORM 2823 (Continued) / Page 5 of 5 Pages

Q: There have been concerns raised regarding asbestos being removed from building 5112 and was not properly disposed of for seven months. What is your understanding of any issues with the alleged improper disposal? Did funding or testing play a part in the abatement process. Please explain in detail.

A: The ACM debris in question was discovered prior to the PMOs involvement in the project and I have no knowledge of its origin. Once the PMO came on board (March 2020), the debris was sampled and a plan was developed to properly dispose of the ACM. USACE accepted the plan and the materials were properly disposed in September 2020.

Q: There have been concerns raised regarding building 5114. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have no understanding of any issues relating to asbestos at 5114. Asbestos abatement at building 5114 was conducted prior to the PMOs involvement in the FY18 FRP.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: Yes, I do know (b) (6) from working on APG on various contracts since 2007. (b) (6) has raised concerns about asbestos abatement at several of the FY18 FRP facilities as well as CBDP facility E5188. (b) (6) concerns were discussed through a variety of emails, meetings and site visits, and concerns related to the APG community were addressed prior to USACE acceptance of documentation allowing the contractor to proceed with work.

Q: Was the role of the Installation Safety Office in reviewing asbestos abatement plans or other safety documentation ever reduced? What was the reason?

A: Not to my knowledge.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: (b) (6) (Project Manager, APG DPW), (b) (6) (APG ISO), (b) (6) (APG ISO), (b) (6) (Industrial Hygienist, USACE CENAB), and (b) (6) (Program Manager, USACE CENAB)

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: No.

-----END OF STATEMENT-----

(b) (6)  
(Initials)

OSC File  
No. DI-22-000146

EXHIBIT O

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground, Maryland	2. DATE (YYYYMMDD) 20220311	3. TIME 1:30pm	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GG-12/ Army Civilian	

8. ORGANIZATION OR ADDRESS  
Installation Safety Office, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b) (6) AR 15-6 Investigating Officer

Interview: (b) (6)

Q-1: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: I am employed (DAC) by the Installation Safety Office (ISO) since NOV 25 2019. Our location on the Garrison is: 6836 Civil Road, Building 305 on USAGAPG

Q-2: What are the names of your first and second-line supervisors and their respective duty titles?

A: 1st Line Supervisor: (b) (6), Chief of ISO

2nd Line Supervisor: Deputy Garrison Commander, presently acting (b) (6)

Q-3: What is your official title/position and how long have you been in that position?

A: Safety and Occupational Specialist, for approximately 26.5 months

Q-4: What are your general duties and responsibilities in your current position? Please explain in detail.

A: I provide various services to the APG community, specifically I review construction submittals for compliance with the Occupational Safety and Health Administration (OSHA) regulations, Army Corps of Engineers Safety and Health Requirements EM385-1-1 and Army publications. I also conduct accident investigations, maintain the record keeping for injuries/illnesses and represent the ISO to several directorates.

Q-5: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: I review safety and health (SH) related submittals presented by contractors through the Contracting Officers Representatives, DPW shops and Environmental Compliance Division. Many of the submittals are asbestos abatement work plans, HAZWOPER work plans, lead work plans among other hazardous/toxic materials.

10. EXHIBIT	11. INITIAL (b) (6) PERSON MAKING STATEMENT	PAGE 1 OF 19 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING: "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220311

9. STATEMENT (Continued)

Q-6: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: The ISO represents the Garrison Command Staff for safety and occupational health matters, among other safety issues. Whereby the primary stakeholder is USAG-APG as the owner and a significant employer. We work closely with DPW's Engineering and Construction Division and try to assist the Environmental Compliance Division (ECD) with asbestos related matters. The ECD has the Project Management Office (PMO) acting as a liaison on various large scale projects. Lower tier stakeholders include the U.S. Army Corps of Engineers (USACE) and tenant funded projects when asbestos related activities are involved in the scope of work. The ISO would also address any employee concerns about asbestos.

Q-7: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: 1) DPW – Engineering and Construction Division's Contracting Officer Representatives (there are 13 CORs and the Chief)  
(b) (6) Chief Engineering and Construction Division (b) (6) CIV USARMY ID-SUSTAINMENT  
(USA) (b) (6)

2) DPW, Environmental Compliance Division: (b) (6)

(b) (6)  
3) Project Management Office (PMO) – (b) (6)

(b) (6)  
(b) (6)

4) IPS Safety Services, LLC – (b) (6)

Q-8: When was the current Installation Asbestos Management Plan (AMP) signed? Do you have a copy you could provide, as well as the previous two versions of this plan?

A: I do not have information relating to the current AMP nor do I have a copy in the ISO records.

Q-9: Who is responsible for ensuring the update/maintenance of a current AMP on APG?

A: I believe that the following person is responsible: DPW – Environmental Compliance Division: (b) (6) TSCA  
Manager is the POC (b) (6)

Q-10: Are installations, such as APG, required to maintain a current AMP? If so, what are the relevant laws and/or regulations that mandate this?

A: There are various regulations that regulate asbestos OSHA, EPA and Army requirements. Specifically OSHA requires building owners to identify asbestos and notify occupants – see regulation below:

“1910.1001(j)(3)

Duties of employers and building and facility owners

1910.1001(j)(3)(i)

Building and facility owners shall determine the presence, location, and quantity of ACM and/or PACM at the work site. Employers and building and facility owners shall exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM.”

Additionally, Army Regulation 200-1, Environmental Protection and Enhancement requires Army installations to follow all regulations – below is the section of the regulation with emphases added for ease of use:

9–2. Toxic substances

a. General. As used in this regulation, toxic substances include asbestos, polychlorinated biphenyls (PCBs), and lead-based paints (LBP). Generators will pay disposal costs for toxic substances (except that the installation will pay disposal costs for toxic substances that are also classified as a RCRA–C hazardous waste).

(b) (6)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 19 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220311

9. STATEMENT (Continued)

b. Asbestos management.

(1) Policy. The Army proponent for asbestos hazard management is the Assistant Chief of Staff for Installation Management (ACSIM), Directorate of Facilities and Housing. Army facility policy and guidance on asbestos management is provided in AR 420-70, chapter 3. The Army's medical policy related to asbestos is found in AR 40-5.

(2) Legal and other requirements. Applicable legal and other requirements for asbestos management include Section 2651, Title 15, United States Code (15 USC 2651); Section 1801, Title 49, United States Code (49 USC 1801); Section 2601, Title 15, United States Code (15 USC 2651); Section 1801, Title 49, United States Code (49 USC 1801); Section 2601, Title 15, United States Code (15 USC 2601); 42 USC 7401, as amended; Section 1001, Part 1910, Title 29, Code of Federal Regulations (29 CFR 1910.1001); Section 1101, Part 1926, Title 29, Code of Federal Regulations (29 CFR 1926.1101); for overseas installations, the country-specific FGS requirements.

(3) Major program goals. Prevent human exposure to asbestos hazards on Army-owned property and maintain compliance with all pertinent regulations. This also applies to accommodations made available to the Army for its exclusive overseas use.

DPW's Environmental Compliance Division presents that compliance with performing surveys is unfunded. OSHA's asbestos regulation has been in effect for over 25 years so some form collective compliance could have and should have been ascertained. A lack of funding does not provide unbridled power to disregard regulatory compliance. The lack of funds is not a viable defense for compliance with federal safety and health regulations.

The key to lawful execution could come from other avenues. Including but not limited to triaging the buildings in APGs possession; assessing building built in the era where ACM was used; rule out buildings where full rehabilitation has occurred among several other methods.

Finally there are documents, such as Engineering Pamphlet 1110-1-22 Asbestos Surveys and Assessments by the U.S. Army Corps of Engineers that provide a standard scope of work that could be used in to begin compliance.

Q-11: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: The only procedure I am aware of to ensure compliance with asbestos abatement activities is the ISO review of abatement submittals. There was a draft Asbestos Management Plan that was being reviewed by former ISO member (b) (6). He indicated on several occasions that a survey component that effectively addressed the requirement was not provided in the draft plan.

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AFFIDAVIT

(b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 19. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of March, 2022

at (b) (6)

(b) (6)  
(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 19 PAGES

Q-12: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? If so, do you have copies of such surveys to provide, and have any surveys raised concerns to you or others you work with? Please explain in detail.

A: There have been select surveys over the past several decades and at one point APG had an Asbestos Coordinator that managed compliance with abatement activities. As a contractor in the 1990s the Asbestos Coordinator was very engaged in asbestos related activities with a notification, inspection and recordkeeping component.

In my opinion surveys have not been appropriately conducted to identify the presence, location and quantity of asbestos containing building materials on APG. This position is supported by the past and present Facility Reduction Programs (FRP18 and FRP20) where APG has included the asbestos survey of many structures in the contract to be performed by the contractor before demolition.

Q-13: Have any surveys been performed at APG to identify the presence of asbestos hazards or asbestos containing material in all installation facilities constructed prior to 1990? If so, have any of these surveys identified the presence of asbestos, and have appropriate actions been taken to address those concerns? Please explain in detail.

A: I do not have direct knowledge as to previous surveys except one survey called the "Foster Wheeler" survey performed before my employment within the ISO. I can say that from 2015 until October of 2019 I owned a private consulting company that provided AHERA accredited surveys and industrial hygiene services on APG. Whereby, much of my work was conducting surveys for contractors that had been awarded the demolition and/or renovation contracts. In the FRP18 the general contractor hired my services for 18 buildings out of 34.

SEE: Q-13-FRP18-SCHEDULE

Q-14: When was the last survey of APG buildings and facilities conducted on APG?

A: I do not have information about the last survey conducted on APG. Many surveys are building specific due to construction projects.

Q-15: To your knowledge, were there issues surrounding funding in regards to the Asbestos Management Plan and conducting surveys on APG? If so, please explain in detail.

A: I do not have intimate knowledge about funding for the management plan but the EQCC reported on February 15th, 2022 that compliance with asbestos issues are not presently funded. In my opinion OSHA regulations for asbestos have been enacted for over 25 years so compliance with fundamental management of asbestos are not a result of current funding shortfalls.

(b) (6)  
(Initials)

Q-16: In the AMP (dated March 2021), it states, "APG conducted an installation wide asbestos survey and assessment between 1989 and 1992 for most, but not all real property inventory." How many buildings on APG prior to 1980 have been and have not been inspected? Can you provide documentation of the surveys?

A: I do not know how many buildings have been surveyed for asbestos. As a private contractor my organization was hired to perform asbestos surveys for over 15 buildings due to the lack of information relating to the presence/location of ACM. Similarly recently released contracts also require the General Contractors to conduct asbestos surveys which contradicts the "installation wide" survey.

Q-17: Who is the Asbestos Program Manager at DPW and for APG?

A: (b) (6), TSCA Program Manager was the last person I was aware of being in control of the Asbestos management program.

Q-18: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: I do not know of any singular location or repository where asbestos survey reports are located.

Q-19: What is "ABTIS" and how is this system used as it relates to storing and managing asbestos and other hazardous material documentation for APG?

A: I do not know what ABTIS is nor have I had any experience in how it is/was used.

Q-20: What is "DPW 4283" and how does this process work as it relates to matters/concerns related asbestos?

A: I was informed once that form DA4283 is the 1st step in a construction related project. That is all information I have on this topic.

Q-21: What government oversight inspections (i.e., AAA Audits, Inspector General Inspections, and OSHA Inspections) have been conducted of APG's Asbestos Management Plan in the past ten years? What were the results? What actions were taken to correct any noted deficiencies, and by whom?

A: On February 15th, 2022 the EQCC reported that asbestos related findings have occurred, with one finding a repeat finding during the most recent ESAP inspection. I do not have any other information relating to this topic.

Q-22: Are APG or other personnel conducting asbestos hazard risk assessments, including assessments by Asbestos Hazard Emergency Response Act (AHERA) certified inspectors? Please explain in detail.

A: DPW has an "asbestos team" with ARERA accredited inspector(s) but I do not believe they are activity involved in conducting asbestos risk assessments. Otherwise I only know of contractors conducting asbestos surveys for general contractors. In my opinion allowing contractors to conduct surveys related to other scopes of work presents inherent conflict(s) of interest.

(b) (6)  
(Initials)



SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220311  
DA FORM 2823 (Continued) / Page 6 of 19 Pages

For example; a contractor that has to demolish a building that was bid without quantities of asbestos may be tempted to perform a limited scope inspection (See Q-43 below for an example). In contrast, a contractor who has work where asbestos is found by their survey may require a "change order" causing delay and increased cost to the project. In the event that a full survey with repository existed, APG would be able to effectively manage compliance with regulations, notify occupants of location of ACM, limit exposure to improper removal/disposal of ACM and control costs throughout the contracting process.

Q-23: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed? What is the conflict resolution policy?

A: I do not have a POC to forward with regard to asbestos related concerns.

To that end, having vast experience with asbestos, when I raised concerns to DPW's Environmental Compliance Division about willful violations of asbestos regulations I have experienced great resistance. In one case I overheard the Chief of DPW Environmental make derogatory comments about my person; a USACE staff member made a false report to the ISO Chief about my involvement in the noncompliant asbestos removal and a contractor incorrectly reported that asbestos was "planted" when the ISO found ACM strewn about an unsecured project.

It is my opinion that a pattern and practice of character persecution occurs when compliance related asbestos issues arise

Conflict resolution was a policy determined by DPW's leadership that I was not actively involved with but (b) (6) included a finding on the resolution in (b) (6) briefing to the Garrison Commander in 2021.

Q-24: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: (b) (6) has expressed concerns relating to asbestos in all areas listed in the question (b) (6) raised asbestos issues to DPW Environmental Compliance Division, USACE personnel and prepared a presentations for the GC in 2021.

I too have prepared many reviews of asbestos abatements projects with significant push-back from the USACE representative, DPW's Environmental Compliance Division, DPW's Contracting Representative (b) (6), the PMO, the General Contractors and subcontractors. This is not one or two times the resistance is on-going for the most fundamental requirements. The ISO has made some progress with the APG managed construction projects in the last six months. The USACE managed projects we continue to receive work plans that are not compliant with the USACE safety and health requirements as recently as January 2022.

The issues and concerns raised about asbestos activities and exposure scenarios are not exclusive to contracted work.

(b) (6)  
(Initials)



A workers' compensation claim (within the past five years) related to asbestos was filed when an employee of DPW Shops was allegedly exposed to asbestos when a pipe was dry-cut that was found to contain high levels of asbestos. I was part of a contracting team that was tasked to unearth the pipe and collect samples to determine if the pipe was ACM. The results were positive for asbestos, whereby any reports of dry cutting such a pipe would cause significant release of asbestos fibers.

Q-25: What is the Asbestos Management Team Environmental Quality Control Committee (EQCC)? How often does it meet? What is its charter? Who are the members and what are their roles? Please explain in detail.

A: I believe the EQCC meets quarterly as prior to August 2021 I represented the ISO as a committee member. Other than being present for the quarterly meeting today (FEB 15 2022) asbestos was listed as two "repeat" finding from EPAS inspection. The asbestos subcommittee was listed as a Class III, meaning it was not funded by the department of Army.

NOTE: During the interview I stated that the EQCC was focused on natural environmental issues but my statement was confused with a subcommittee not the EQCC.

Q-26: Who is responsible for providing annual asbestos awareness training at APG, and who is required to receive this training?

A: I do not information regarding who is "responsible" except to say that OSHA requires the "employer" to provide required training programs.

Q-27: How often is asbestos awareness training conducted? How is it coordinated installation wide? Do you have copies of training logs?

A: I do not have any knowledge of asbestos awareness training to report.

Q-28: Who are the DPW/ECB employees who hold Maryland State Accreditation regarding asbestos?

A: I do not have direct knowledge on the names or personnel that have State of Maryland asbestos licenses. I do know that there is an "Asbestos Team" in the DPW shops that perform small asbestos abatement projects but I cannot provide any further information.

Q-29: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: I was informed by (b) (6) that AllPhase Services (FRP18's General Contractor) submitted an asbestos abatement work plan that included ACM floor tile. When (b) (6) performed a walk through inspection of the building (b) (6) reported that there was no floor tile present.

(b) (6)  
(Initials)

I was not involved in this project on behalf of the APG but as a private contractor, prior to becoming a DAC, I conducted an asbestos survey in accordance with the EPA regulations in early 2019. At the time of the survey there was no floor tile observed on the site.

SEE: Q29/36-E2354-SURVEY

Q-30: Was the asbestos (i.e., tile, mastic, and roofing) in Building 2354 abated properly, in your opinion? Please explain in detail.

A: I do not have any information regarding abatement of ACM, including the floor tile in question.

Q-31: Who is the contractor responsible for asbestos abatement/removal for the Building 2354 project on APG?

A: AllPhase Services was/is responsible for the building and conducting a survey prior to demolition.

Q-32: Who are the contractor(s) and contractor employee(s) that are generally or frequently involved with asbestos matters on APG? Do any of these contractors work full-time at APG within DPW? What are their general roles and responsibilities related to asbestos management, mitigation, and/or abatement? Please explain in detail.

A: EA Engineering is a contractor that performs oversight of various projects for DPW's Environmental Compliance Division. The unit is referred to as the Program Management Office, aka PMO. The duties I am familiar with include: review of safety and health submittals; act as liaison between the ISO, DPW and USACE representatives; organize and chair project meetings; observe operations on job sites. They may have other functions that I am not aware of at this time.

(b) (6)

Q-33: Has anyone ever raised any concerns regarding contractor involvement, engagement, or performance related to their role in asbestos management, mitigation, and/or abatement on APG? If so, please explain in detail.

A: (b) (6) and I have raised several concerns relating to asbestos management, abatement, contractor performance and overall compliance with asbestos requirements.

(b) (6) prepared a briefing that was presented to the former GC last year.

I have prepared many document reviews for compliance and provided my professional opinion based on letters of interpretation, articles of promulgated rule making, plain language doctrine and best industry practices. Specifically, some of the buildings mentioned in this questionnaire have thorough review of the proposed work activity to include regulations, standards and avenues for requesting variances for noncompliant activity. In most cases the review documents were not well received and perceived a threat. The representation of accurate and irrefutable requirements also created hostility towards the ISO and even individuals within the department.

(b) (6)

(Initials)

Several documents associated with asbestos concerns being raised are provided in the response to other questions in this questionnaire.

Q-34: Who manages and administers the contracts and contractor employee(s) engaged in asbestos management, mitigation, and/or abatement on APG?

A: Some projects are administered through the U.S Army Corps of Engineers (USACE) with smaller projects overseen by DPW's Engineering and Construction Division – the contracting Officer Representatives work on behalf of the Contracting Officer assigned the project.

In some cases tenant funded projects do occur but I have little information on how asbestos is managed for such activities.

Q-35: Did you observe any irregularities in the contractor's abatement plan for Building E2354? Do you have a copy of the abatement plan?

A: I did not review the abatement plan nor do I have a copy of the plan.

Q-36: Did you, or anyone you know, ever go to Building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

A: (b) (6) reported that (b) (6) conducted a site visit but I do not any further information on (b) (6) visit except that (b) (6) indicated ACM floor tile was missing. In 2019, as a private contractor, I performed a survey of the building that included observations and collection of samples for analytical asbestos. Some ACM was identified as indicated in the report attached hereto.

SEE: Q-29/36-E2354-SURVEY

Q-37: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: I was involved in providing a secondary review of the asbestos abatement work plan for the ISO. The primary purpose was to evaluate compliance with OSHA, EPA and EM 385-1-1 and other USACE requirements relating to asbestos. The contractor submitted a plan to demolish the building without removing the asbestos containing building materials on the roof and interior ceiling. The materials covered the entire roof, reportedly two layers and the entire interior ceiling making is a significant amount of asbestos. The contractor asserted several positons including that the Maryland Department (MDE) of the Environment issued a variance to demolish the building with the asbestos in place. This was true although MDE is not the only regulator with asbestos requirements. The next assertions included stability of the roof could not be "determined"; infeasibility existed in using various tactics to remove ACM and that a greater hazard existed in removing the ACM.

(b) (6)  
(Initials)

Finally, the abatement work plan stated that "alternative work practices (AWP)" was applicable and that using earth moving mechanized equipment with attachments would suffice for compliance with the AWP criteria.

A discussion ensued about removal of roof panels and internal ACM panels by various work platforms between ISO, PMO, USSACE, DPW and the contractor. The contractor attempted to usurp the regulatory requirements by claims of "infeasibility" and "greater hazard". These terms are two primary options for noncompliance with OSHA regulations. The ISO's position was that many buildings on APG had the same roofing material removed and that interior panels could be accessed. The contractor proposed that a "greater hazard" existing although like-kind work was/had being performed at several other structures on the Garrison. In fact Building E5185, a neighboring building, has/had similar roof conditions where panels are removed and new roofing panels installed in their place. This phased project is underway at the time of this writing and provides strong evidence that removal of transite roof panels is and has been performed safely on the Garrison.

The U.S. Army Corps of Engineers' (USACE) industrial hygienist, (b) (6) affirmed the contractor's position. (b) (6) was further supported by nonsafety personnel in USACE with members (b) (6) and myself of the ISO being severely criticized publicly and between USACE and PMO staff.

The ISO continued to provide detailed overviews of the regulations being cited and the contractual requirement to remove all ACM prior to demolition. We also provided a means for compliance for USACE/contractor by requesting a variance from OSHA and USACE. The forms and links were part of the review in attempt of consideration by the construction team. APG, as the "building owner" has an obligation to ensure that contractors working on their behalf are compliant with all Federal, State, local and Army requirements. As the controlling entity any knowledge of noncompliant asbestos activities could be construed as "willful" or "egregious" by OSHA. Additionally, contractual obligation to follow Army regulations, USACE manuals and unified facilities guides (UFGS) could present problems for the Garrison.

In the alternative to complying with the abatement methodologies set forth by OSHA, removing the ACM as required by USACE's EM385-1-1, ISO presented the opportunity to request letters of interpretation to support the contractor's position. Both USACE and OSHA provide such avenues and at a minimum would have provided some course of action to show good faith in working in a compliant manner.

To my knowledge neither request has been made to OSHA nor USACE. The 1st four (4) bays were demolished without prior removal of the asbestos containing materials. Ultimately the ISO was not in concurrence with the wholesale demolition of the building and deemed the proposed work activity noncompliant.

(b) (6)

(Initials)



Here the recommendation to request a variance from the Army Corps of Engineers and the Occupational Safety and Health Administration was strongly suggested by the ISO. The ISO presented the contractor the links and references to make said request.

## DISCUSSION

OSHA requires that ACM roofing and siding components be removed "intact" or minimally damaged with roofing materials lowered to the ground. EM 385 requires that all ACM be removed prior to demolition. Removal of transite ceiling and roofing panels is laborious requiring a great deal of planning. Whereas, wholesale demolition is much more cost/time effective and has become a got-to maneuver for many contractors contracted to perform demolition. [See response to Q-40 through Q-42 for examples of how discrepancies in engineering surveys can be used to support wholesale demolition.]

When a structure is deemed unsafe then the greater hazard doctrine can be evoked and is generally easily supported due to the structures condition. Here on Building 5188 the engineering survey did not use invasive methods to confirm nor deny the structural integrity of the building. Even though every other components was deemed structurally sound and the contractor working in the building under a roof that could not be determined safe for months prior to demolishing the structure.

Q-38: Did you observe any irregularities in the contractor's abatement plan for Building E5188? Do you have a copy of the abatement plan or any other information / documentation you could share on this?

A: Please see above for the irregularities of the abatement plan.

SEE: Q-38-E5188-ISO PLAN REVIEW

Q-39: Did you believe that there were other alternatives to abating the asbestos transite panels at Building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: Yes, in my professional opinion removal of some, if not all, of the transite panels was feasible and did not present a greater hazard. Use of aerial lifts, scissor lifts along with an effective fall protection plan (among other methods) were viable and have been used frequently on many at APG.

Such work has and is being performed at APG at the time of this writing. I have personally prepared and inspected over five (5) similar projects. For example, the building closest to E5188 has an accepted abatement work plan and is presently having the roofing panels removed and replaced in a complaint manner. It is worthy to note that the degree of difficulty to work on an occupied building and not cause damage has been achieved on E5185. Building E5188 did not have such challenges and is constructed in a far superior manner.

SEE: Q-39-E5185-ABATEMENT PLAN

(b) (6)

(Initials)



Q-40: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: I was informed that the survey indicated that the surveyor did not have ladder, whereby the roof wasn't checked and some "power piping" inside the structure was not sampled due to lack of access.

There was a damaged area of the roof with a hole but otherwise over 80% of the roof visible and in good condition. Here AllPhase provided an engineering survey performed by:

- A Professional Registered Engineer (RPE) that was not licensed in the State of Maryland
- The RPE was registered in California as a "manufacturing" engineer - not a structural engineer
- The report indicated that there were "nine (9) wooden superstructures on the roof – the roof stacks were metal as observed from the adjacent road

The defects in the engineering report lead to USACE having an independent Registered Professional Engineer assess the roof system. The RPE found the roof to be structurally sound except for the area where damage was apparent.

Q-41: Did you observe any irregularities in the contractor's abatement plan for Building E4035? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: I do not have a copy of the abatement plan as reviewed a hardcopy of the plan that is no longer available. Defects of the review can be found in Q-40 above.

Q-42: Did you believe that there were alternatives to the abatement of asbestos roofing materials, or was demolition of the building wholesale warranted? Please explain in detail.

A: Yes, I have personally prepared work plans on similar structures, conducted training to employees working on the roof and performed monitoring to verify that the work was performed IAW the work plan in a compliant nature.

In my professional opinion the roof could and should have the ACM removed prior to demolishing the structure with some caution around the area deemed unstable.

If the roof was deemed unsafe then use of aerial lifts for the exterior panels would be prudent to the extent possible. In the alternative, use of man basket suspended by a crane, use of walking boards etc. would also be feasible means of abatement.

The methods described above are considered industry practice having worked in the asbestos industry for over 30 years. I have personally have performed each of these functions as a laborer, supervisor and finally observed them as a project monitor. This is hard, time consuming and tedious work but it meets the intent of the regulatory and contractual obligations.

(b) (6)

(Initials)

Finally, EM 385-1-1, 4.a states; "Where more stringent safety and occupational health requirements are set forth in these requirements, and regulations the more stringent shall apply".

SEE: Q-42-RCA-WORK PLAN

Q-43: There have been concerns raised regarding Building 4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: I was asked to review the Pre-Demolition Hazardous Materials Survey (Survey) for an objective opinion on the asbestos survey. Initially the amount of samples collected appeared to be in a range for such a structure but when the map of sample locations was reviewed there were anomalies.

I performed a walkthrough of the structure with (b) (6) to evaluate the sample locations and existing building materials. I determined the following:

- The number of samples for most of the homogenous areas did not conform to AHERA requirements
- One sample was collected from the roof – this was a large structure with a minimum amount of samples from a statistically random area of the roof required for compliance with AHERA
- Only two (2) samples were collected from the 2nd floor – again, statistically random samples from various areas of the structure would be prudent
- One sample of most nonfriable material were collected – EPA recommends at least two samples for each material
- Some drywall and joint compound samples were not collected in quantity of three (3) per set – friable material should be collected in sets of three (3) to reduce anomalies in sample collection and the analytical method
- Various homogenous materials were identified without collection of bulk samples to confirm or deny the presence of asbestos – 2nd floor textured ceiling paint, variations in drywall, floor mastics and plaster. Collecting samples in older structures from one floor is not representative as renovations over time may have been in phases or not occurred at all to remove ACM prior to demolition
- No samples were collected from the crawlspace – crawlspaces of older structures may have abandoned pipes, contamination and or old HVAC equipment with ACM. All accessible areas of a structure must be assessed to complete a thorough inspection
- Evidence of hydronic piping (holes in the floor) would lead to investigating the exterior for power piping and into the crawlspace below. As mentioned above, there were holes and fasteners remaining that clearly indicated use of stem and/or hit water was present in the past. Generally asbestos pipe coverings were specific by the Army due to several inherent properties of asbestos.
- Five of the samples were collected in Room 13 instead of being in a statistically random manner. This collection method is bizarre and cannot be qualified as a thorough inspection.

(b) (6)  
(Initials)

Overall the evidence from the walkthrough and the size of the buildings provided substantial evidence that the survey was not conducted in accordance with AHERA requirements. This survey was reviewed by a member of the PMO who also agreed that the survey was clearly not meeting the intent of the AHERA inspection criteria.

## DISCUSSION

The general contractor provided firm fixed pricing for all buildings on the FRP18 list with over 30% requiring asbestos surveys and removal of ACM identified by such surveys. All asbestos must be performed by a licensed contractor with each individual licensed, set of containment for control of asbestos fibers, disposal costs, third party industrial hygiene monitoring and final reports of work.

Whereby it is reasonable to assert that asbestos abatement has cost associated and could have an effect on profit with time consideration that impact completion of the project. Having worked as an independent contractor on FRP18 for this contractor and can attest that at least two people made statements that the presence of asbestos adds unnecessary cost to the project.

For example on July 3rd, 2018 I observed a building at the Edgewood area being demolished with the ACM roofing material. The general contractor did not attempt to remove the ACM from the structure prior to demolition, allowed the subcontractor to use personnel that were not licensed for asbestos work, did not apply any water during demolition and transported the waste in unlined dumpsters as construction debris.

This contractor is the same general contractor for Buildings E4405, 5112, 5114 in this questionnaire. The aforementioned was captured on video and one (1) still photograph and is provided to the Investigator.

SEE: Q-43-ACM Survey-4404

Q-44: Did you observe any irregularities in the contractor's abatement plan for Building E4405? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: No, I did not review the abatement plan for this structure.

Q-45: There have been concerns raised regarding Building 5112. What is your understanding of any issues with this building, as it relates to asbestos?

On January 16th, 2020 I was instructed to evaluate Building 5112 for asbestos activity as there was a report of work being performed. The ISO Chief in conversation with (b) (6) indicated that an asbestos abatement work plan was not submitted for work on the building.

(b) (6)  
(Initials)

Upon arrival I found the site unsecured with significant removal of asbestos building components and without asbestos warning signs required by OSHA. All of the ACM roofing, interior panels, caulk and three (3) roof top stacks had been removed. A closer assessment revealed pieces of ACM strewn about the ground and the three stacks dropped haphazardly to the unprotected ground behind the structure. Various pieces were collected for evidence.

The ISO Chief was informed of the defects. I was again instructed to meet on site with DPW representatives to go convey the noncompliant activity and provide recommendations for corrective actions. The DPW Director, Deputy Director, project COR and others were present when I arrived. After a brief discussion the COR, (b) (6) (b) (6) asked how I knew the material was asbestos. (b) (6) was informed that I surveyed the building as a private contractor in 2019 with all samples collected positive. Additionally the group was notified that all material must be presumed asbestos unless the contractor provides analytical data to the contrary.

The amount of debris present was plentiful enough that I filled one hand with debris in walking less than ten (1) feet along the exterior. The amount and debris is indicative that polyethylene drop cloths were not placed on the ground to prevent contamination of the soil and surrounding environment.

The fact that the ACM was left strewn about the unsecured site and an industrial hygienist was on site to monitor the work provide information that the contractor.

Q-46: Did you observe any irregularities in the contractor's abatement plan for Building E5112? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: AllPhase, the general contractor did not submit an abatement plan for Building 5112. Additionally, the ISO requested a copy of the AREHA Accredited Survey and credentials of the person that performed the 3rd party monitoring on several occasions – none of the information was provided.

Additionally, the U.S. Army Corps of Engineers, through the DPW's ECD and the PMO stated that the material has not been confirmed as ACM. The ISO presented that regulatory requirements for a building owner is to either deny that the material is asbestos containing by an approved analytical method or presume that the materials asbestos containing.

The ISO collected samples on original date the material was found and again at a later date. To be objective on February 5th I met a DPW Shops representative onsite to collect samples per the USACE and DPW requests. The AHERA accredited inspector identified six (6) separate homogeneous areas, confirmed that either the material was

(b) (6)  
(Initials)



PACM or required analysis. I also prepared a separate set of samples from my January 16th and 23rd site visits to confirm or deny the presence of ACM laying on the ground. Twenty-three of twenty-six samples contained asbestos with several samples at 60% asbestos! The results were provided to the PMO, DPW's ECD and USACE representatives in early March of 2020.

Once the USACE team presented the contractor with positive results to the debris, over four (4) months later on July 17th, the ISO received an asbestos abatement work plan for building 5112 for cleaning up the debris that was observed on the site on January 16th, 2020. (b) (6) requested a copy of the asbestos survey to contrast the abatement plan but the survey was not provided. The USACE industrial hygienist (b) (6) (b) (6) replied that there was an independent survey of debris at the building in May of 2020 and that ACM was present, yet still no report was provided.

The work plan indicated that there was no friable asbestos containing material! Even after the ISO, DPW Shops representative concluded that the material on the stacks was friable the contractor's abatement plan stated "nonfriable ACM". This plan was reviewed by POM and USACE prior to submittal to the ISO. At the time of this writing I possess bulk samples that clearly show the paper like material is friable.

NOTE: friable material can be crushed by hand pressure whereas nonfriable is a harder more substantial product. Friable asbestos containing materials liberate fibers easily and is more hazardous to work with.

All of the factors; length of time to respond to PACM, requirements of ISO to have samples analyzed, independent sample results and over seven months until USACE and the contractor acknowledge that the asbestos laying on the unprotected ground raises serious questions:

1. Was a survey performed prior to the initial work in January where ACM was left on the ground?
2. What wasn't the material identified prior to work?
3. Why was the ISO required to collect and samples and report back to USACE and the DPW environmental?
4. Was an abatement plan prepared IAW EM-385-1-1, Section 6?
5. Why wasn't the original work plan, original survey (if any) and the May 2020 survey ever provided to the ISO for review?
6. How did the surveyor miss the friable material located on the exterior of the stacks in May 2020?
7. Why did it take over eight (8) months to pick up the stacks and clean the area?
8. How much of the friable asbestos degraded and caused contamination of the soil and natural surrounding area after being thrown from the roof and sustain significant damage?
9. Was AllPhase Services contracted and ultimately paid to complete an asbestos survey prior to the removal of the ACM?

(b) (6)  
(Initials)

Q-47: There have been concerns raised regarding asbestos being removed from building E5112 and was not properly disposed of for seven months. What is your understanding of any issues with the alleged improper disposal? Did anyone raise concerns to you in regard to this alleged improper disposal or did you have concerns yourself? Please explain in detail.

A: Yes, please see Q-46 above.

Additionally (b) (6) and I raised concerns about the friable asbestos containing material laying on the uncontrolled site while the material continued to deteriorate for over eight months. I was tasked with evaluating the site weekly for three months, then monthly as a follow up. The friable asbestos containing material was delaminating from the metal stacks. At the time of this writing the ISO still has in its possession actual material from the site that includes friable and nonfriable material.

There were informal verbal allegations that the material were "planted" to cause harm to the construction team's reputation. I have been told that the USACE representatives put in writing that the material was planted because there were "no pipes" on the job. I personally performed a survey of the building and have included a photograph of the site with the three (3) asbestos covered stacks along with photographs of the same stacks lying on the ground for months following the discovery. I also was on site on January 17th, 2020 when the General Contractor, DPW and the asbestos abatement subcontractor, RETRO Environmental's Project Manager (b) (6) and his crew were on site. (b) (6) agreed that his crew dropped the stacks on the ground and that the asbestos laying elsewhere was inappropriate. (b) (6) also stated that the stacks were "not in my scope of work" and (b) (6) refused to have the crew remove them from the site.

Here it is worthy to note that (b) (6) stated that it would take no more than 20 minutes to remove the stacks by two people, yet (b) (6) refused. To that end, if the material was "planted" the following questions could be raised:

1. Why did the general contractor and subcontractor not contest while on the site?
2. Did the 3rd party independent industrial hygienist document that the ACM strewn across the site was unacceptable?
3. Why did the subcontractor state that the stacks were not in his scope of work? Wouldn't a survey for the building identified the material and been included in the abatement plan?
4. Why didn't USACE/DPW representatives require the contractor to remove the stacks and thoroughly clean the site for over eight months?
5. Was soil from around and under the stacks removed after the stacks laid on the ground for over eight months?

(b) (6)  
(Initials)

Additional photos are available from APG Real Estate when they submitted a demolition request showing the stacks on the roof.

See: Q-47- REF: 5112 – Real Estate Demolition Request

Q-48: There have been concerns raised regarding Building 5114. What is your understanding of any issues with this building, as it relates to asbestos?

A: Building 5114 was another building that I surveyed as a private contractor in early 2019. The survey identified ACM floor tile located inside the structure. The same day that uncontrolled ACM was observed at 5112, I also visited 5114 and found that the asbestos had been removed. Once I reported back to the ISO Chief and (b) (6) that the material had been removed I was informed that an asbestos abatement plan IAW EM385 had not been reviewed nor accepted by the ISO.

Q-49: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: I have known (b) (6) for over 25 years as a safety and health professional. In 2002 I was a site safety and health officer on a project at APG that lasted over 3 years where I got to know (b) (6) better when working on safety issues. (b) (6) has been raising issues with the noncompliant issues of both managing ACM and how many contractors do not submit complaint work plans. (b) (6) has raised this issue with the Army Corp on Engineers representatives, DPW's Environmental Unit, and the Chief of the ISO among others. The ISO Chief placed the asbestos issues raised by (b) (6) on the Commanders Annual Safety Plan for FY2021 where (b) (6) prepared a full report that was briefed to the GC in spring of 2021.

Additionally, (b) (6) and myself met with the USACE Baltimore District's safety supervisor and industrial hygienist to discuss the inherent issues on how asbestos work was being performed at APG. I recall that the USACE representatives were not receptive to taking corrective actions to meet compliance with regulatory requirements.

Q-50: Concerns have been raised with the reassignment of duties within the Installation Safety Office particularly in regard to (b) (6). How would you characterize the reassignment of duties? Where you impacted by reassignments? What was the purpose behind the reassignments? Please explain in detail.

A: I do not have a characterization of the reassignments. As a GS 12, I was given all of (b) (6) GS 13 level work with regard to managing the safety and occupational health related to construction. The assignments included attending preconstruction meetings, reviewing submittals, interfacing with the CORs on SH issues, performing random inspections and site visits with construction team members.

(b) (6)  
(Initials)

SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220311  
DA FORM 2823 (Continued) / Page 19 of 19 Pages

I was informed that the reassignment of duties was related to an incident that occurred between (b) (6) and a GS15 that works for the USACE. I was not at the meeting and have no further information relating to the incident.

Q-51: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: The following people were involved in the many of the buildings identified here and should be able to provide more information:

(b) (6) - USACE Industrial Hygienist  
(b) (6) - USACE  
(b) (6) Industrial Hygienist for IPS Safety Services, LLC  
(b) (6) Project Manager for AllPhase Services  
(b) (6) AllPhase Services  
(b) (6) HGL

Q-52: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: I have over 30 years of work involving asbestos. Having started in safety and occupational health as an asbestos laborer, then supervisor, then industrial hygienist. My experience with asbestos is very well documented with having prepared complex work plans and managed large scale asbestos projects.

Finally, I was a compliance officer for Maryland Occupational Safety and Health (MOSH) for over five years where I was a Subject Matter Expert for the agency conducting officer training and review of asbestos related case files.

To that end, I would set forth the opinion that work practices, contractor defects and overall management of asbestos at APG is noncompliant, ineffective and costs the government an extraordinary amount of resources due to the inadequate management of asbestos.

There are many actions that can be taken without additional funding to redirect the current situation towards compliance and save APG a significant amount of money.

-----END OF STATEMENT-----

(b) (6)

(Initials)



**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground, Maryland	2. DATE (YYYYMMDD) 20220422	3. TIME 0800	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GG-12/ Army Civilian	
8. ORGANIZATION OR ADDRESS Installation Safety Office, U.S. Army Garrison, Aberdeen Proving Ground, MD			

9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
This statement was provided subsequent to a followup interview with (b) (6) initial statement was taken in 11 March 2022.

Q-1: (b) (6) (AR 15-6 Investigating Officer)

A-1: (b) (6)

Q-2: Before you worked for the Installation Safety Office (ISO), did you perform work for All Phase LLC on the Facilities Reduction Program (FRP)? If so, how long did you perform work for All Phase LLC and what work did you perform?

A-2: Yes, my company, Infection Prevention Systems, LLC (IPS), a limited liability registered in the State of Maryland performed work on the FRP18 and earlier FRP14 projects for both AllPhase Solutions, LLC (APS) and RETRO Environmental, Inc.(RETRO). The latter was working for APS as a 1st tiered asbestos abatement subcontractor. Whereby when IPS was working for RETRO we were a 2nd tiered subcontractor to AllPhase.

IPS performed work for APS from 2016 (maybe 2017) up until June 2019. Most work entailed asbestos related activities: preparation of submittals, collection of bulk asbestos samples, provide air monitoring during asbestos abatement, asbestos training (awareness) for subcontractors, provide respirator training/fit testing and 3rd party medical surveillance for subcontractor(s).

In August 2018 I deliberately distanced IPS/myself from AllPhase after two serious issues arose:

1) A project were their subcontractor performed illegal asbestos abatement while IPS was performing industrial hygiene services.

[See answer to Question #4 below]

2) AllPhase's payment schedule was extremely slow with payments taking over 90 days for IPS'; RETRO Environmental payments from APS were over six (6) months behind; As a 2nd tier contractor IPS may not get paid until RETRO was paid.

Infection Prevention Systems relies heavily on credibility as a professional service within the safety, occupational health and environmental industry. Any willful deviations from compliance with OSHA/EPA/EM 385 would be construed as a defect in our ability to provide accurate consultation to our clients and could result in citations.

In early November of 2018 IPS was solicited by (b) (6) to provide pricing for asbestos surveys of 18 structures listed in the FRP18 contract. I was not interested in performing work but RETRO's Estimator (b) (6) asked me to seriously consider the project. This was under the pretense that RETRO was going to get the asbestos abatement work and RETRO would use IPS' services for the work over a two (2) year period. RETRO was one of IPS' highest revenue generating clients at that time.

I reluctantly provided pricing to APS in the form of a formal proposal in late November 2018. The scope of work included 18 AHERA accredited surveys only when (b) (6) added a building for a total of 19 - later the scope was changed several times. (SEE: Q-1-A, FRP18 Proposal)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 18 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220422

9. STATEMENT (Continued)

After receiving the proposal (b) (6) stated "the less asbestos found the better off we are". I found this statement concerning and replied "it is what it is". (b) (6) led the discussion to increasing IPS scope of work (SOW) to include identification of "other regulated materials" (containerized paints, compressed gasses, oil/fuel cleaners mercury tubes, thermostats etc.) (b) (6) expected this work to be performed at the same cost as the original pricing, this request began a second round of pricing.

APS accepted the 2nd round pricing with (b) (6) demanding that IPS also identify utilities service(s) to each of the buildings and provide disconnects thereto. In mid-December IPS accepted this inclusion into 2nd round pricing.

A contract was submitted in December by (b) (6) the terms were not acceptable to IPS, so negotiations continued. The main defect was the EPA "lead determination" of waste included in the contract at the 2nd round price! Again we declined to accept the terms and began a 3rd round of pricing for the project.

Each lead sample would incur more field work, significant increase of lab costs, shipping, increased reports and increased liability.

(b) (6) was provided a new price and parameters for initial assessment of lead based paint. (b) (6) was also informed that the "waste stream" must be sampled after demolition per EPA regulations. Any deliberate deviation otherwise can be a criminal offense. Here APS was adamant that we perform the lead survey in conjunction with the asbestos and ORM surveys.

NOTE: When lead based paints are present or suspected EPA requires that leachable products (such as lead based paint) must be quantified to determine if the waste is "hazardous". If the limits are exceeded then waste must be transported in a specific manner to an approved site. Deliberately not performing this duty is a criminal offense with penalties and incarceration possible for noncompliance. As the owner of the waste APG has a clause(s) that requires waste be determined prior to leaving the site.

During a discussion in mid-December, (b) (6) stated that IPS could simply "determine the condition of lead based paint" to meet the EPA-Waste determination Regulations(s). (b) (6) added "we do it all the time." This would place IPS in peril with the waste determination rules, impact our credibility and cause potential criminal prosecution for willfully breaking environmental regulations.

After considerable discussion and persuasion, IPS notified APS that we would not provide false documentation on the leachable lead in the waste stream. APS accepted an evaluation of the existing painted surfaces with limited sampling. This service would be provided prior to demolition activities.

Other defects in the contract also prevented execution. Here IPS was asked to begin work pending completion of the contract. This condition is known as "working at risk" because the exact scope of work, deliverable and terms of payment are not defined. This is not an idea situation but sometimes necessary when trying to find continuity in providing services on large projects like the FRP18. The hope is that a suitable agreement between both parties will be met.

In late December 2019 IPS was verbally notified "to proceed" by (b) (6) while the contract negotiations continued. In January 2019 we prepared and submitted an Activity Hazard Analysis and brief work plan to APS. In the next step we met with the US Army Corps of Engineers (USACE) representative, (b) (6) and APS's (b) (6) in mid-January. IPS was given a "verbal" notice to proceed to access the sites and begin surveys. Here the contract was still not ratified. I informed (b) (6) and (b) (6) that IPS would work "at risk" but the contract must be finalized by the end of January, this did not occur.

In late January IPS mobilized a two (2) person crew to APG and began the surveys. All data required was collected including bulk asbestos samples for analyses, evaluation of ORMs and associated quantities. Work proceeded until all buildings were completed in February with samples submitted (sans one or two buildings) to an accredited lab for analysis.

IPS continued working at risk without a contract through February 2019. The lead evaluation was not performed at this time because the condition of paint could change prior to demolition activities over the next two years.

Here it worthy to note that APS would greatly benefit in cost savings and early completion of the job when asbestos containing building materials are not accurately identified. (b) (6) stated again in February 2019 that "obviously the less asbestos you find the better off we (AllPhase) are". In May (b) (6) made an eerily similar statement. (b) (6) was very interested in analytical results and asked that I text him when results are received, which I did.

Contrarily, RETRO Environmental would benefit significantly when ACM is identified as they would perform the abatement activities which significantly increase revenue on APG.

Indifferent to either position or influence that each applied toward their cause, IPS performed surveys in accordance with the EPA-AHERA regulations. We also accounted for all accessible ORMs and utilities within/near the structures.

All of IPS's activities were provided in good-faith without a ratified contract. In March of 2019 IPS ceased work pending a completed contract. On/about March 15th, 2019, still acting in good faith, with the understating that the project would stop without ACM identification. Whereby, IPS prepared a table with the ACM quantities, content and designation. All 18 buildings were on the list and given to (b) (6)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 18 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220422

9. STATEMENT (Continued)

This document was reportedly called "the ROSTER" by several entities working on the project. RETRO was given a verbal line by line to prepare pricing on or about the same date. (SEE: Q-2-B, ROSTER)

Once given the ROSTER, (b) (6) all expressed concerns about the quantity of ACM reported thus far. RETRO provided pricing for asbestos abatement for many of the buildings listed on table with APS showing concern over costs for removal of the asbestos. It was apparent at that time that APS did not want have to pay to remove the quantities of asbestos IPS found during the surveys.

More detail on the FRP18 project in Question #3 below and the improper removal of ACM on July 3rd, 2018 in the Edgewood Area of APG is provided in Question # 4 below.

SEE: Q-2-A, FRP18 Proposal

Q-2-B, ROSTER

Q-2-C, CONTRACT DEFECTS

Q-2-D, NAIR SIGNED CONTRACT

Q-3: What were the circumstances surrounding you no longer working for All Phase? Did you complete the work that you were hired to do? Please explain in detail.

A-3: After three attempts with (b) (6) IPS was unable to obtain an acceptable contract with APS. AllPhase assigned a (b) (6) in February 2019 to complete the contract process and later (b) (6) was involved too. (b) (6) prepared at least two (2) more versions with addition of two new buildings and deletion of two other buildings that had already been surveyed. IPS expressed dismay at the error by APS as we incurred unnecessary cost of labor and collected samples from the two structures. Hence why a written contract was required by IPS to fully identify the scope of work and terms thereof.

In March 2019 IPS reviewed the 5th and 6th revisions the contract. [There so many attempts by APS to address the issues it is difficult to define how many attempts were actually made]. The last version sent via contract generation software could not be read due to a defect in the software. IPS was encouraged to sign the document even though it was illegible. We requested and received a copy via email, where on March 6th IPS electronically signed and returned the document as a PDF. [IPS may have struck out unacceptable language as is common in the industry]

AllPhase would not accept the electronically signed PDF as they required the illegible document to be signed in the software program. They were informed that we would not be signing a document that could not be read.

-----CONTINUED-----

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 18. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of April, 2022 at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(b) (6)

(Typed Name of Person Administering Oath)

5 U.S.C. 303

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

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On or about March 11<sup>th</sup>, 2019 IPS ceased all work on the FRP 18 surveys due to the lack of a fully executed contract. On this date all field work, laboratory results had been completed with draft reports prepared.

There were many conversations with (b) (6) about the contract and the fact that IPS surveyed buildings not originally intended to be surveyed (b) (6) sent over a formal list via email for me to review and we acquired a copy of APS contract with APG. I spent over

ten (10) hours trying to verify the buildings that were intended and deciphering the exact nature of APS' scope of work. None of this time, nor to the many hours reviewing unacceptable contracts was billable. IPS rate is \$120.00 per hour, whereby we lost well over \$1,200.00 just navigating APS's contract with the government.

In March (b) (6) were informed that IPS must speak with the APS's Owner, (b) (6) before work would resume. Neither person provided this information. (SEE: Q-3-C, REQUEST REBAH NUMBER)

As mentioned in Question #2 above, IPS still provided a table to APS to allow help project to move forward but we could not afford any further resources to an undetermined outcome of the contract.

On/about May 6<sup>th</sup>, 2019 I was contacted via email in regard to the survey reports. The POC was asking about the "reports" for FRP18. She was informed that IPS would not resume work on the project until I spoke to a principle of the company to resolve the remaining contractual issues.

Then on May 20, 2019 (b) (6) sent a message indicating the "...we have an executed contract....". (b) (6) was notified that there is no executed contract and that is that issue is what prevents IPS from resuming the activities to complete the work. With this being the fourth APS representative, again having incorrect information I asked for direct contact with a principal of the company.

A call was scheduled with (b) (6) on May 30<sup>th</sup>, 2019, we had a very realistic and productive discussion. I conveyed the difficulty we had in achieving a satisfactory contract, the continually increasing SOW, the two buildings that were unnecessarily surveyed and that the attempt to assess the lead in place as noncompliant. (b) (6) was surprised that there was not an executed contract between APS and IPS. I notified (b) (6) of the three (3) different POC for this project, none of which completed the task. (b) (6) was also informed that all field work, laboratory work and compilation related to ACM/ORM was completed by March 15<sup>th</sup> before IPS ceased work.

(b) (6)

(Initials)

(b) (6) stated that (b) (6) would personally assure payment on the date the survey reports were received and that the lead paint assessments would no longer be part of the work product from IPS. We agreed that single POC from APS would be provided with all other contacts eliminated due to inconsistencies in expectations that had thus far caused IPS to expend unnecessary resources. We also agreed the reports would be completed by COB June 5<sup>th</sup>, 2019.

(b) (6) was assigned as the POC for AllPhase. I had previous interactions with (b) (6) and spent considerable time on the phone with (b) (6) to ensure that the deliverable was acceptable to APS. To ensure that the work product was acceptable (b) (6) requested, and was given, one full and final report for (b) (6) review. Comments were received with some changes requested about nomenclature used by IPS. Once

we agreed on the terms used in the report IPS again worked to finalize all the reports in the accepted format.

From late May until June 5<sup>th</sup> an additional 80 hours of labor was afforded to the FRP18 project. This included review of data, field verification of existing conditions, completion of reports and quality control measures for accuracy. During the 1<sup>st</sup> week of June I personally spent over 50 hours performing quality control reviews of the reports and finalizing the work product.

At approximately 3:15 pm on June 5<sup>th</sup>, 2019 (b) (6) called and left a curt message that "the time had come" and other very odd comments about the reports. I called (b) (6) back at 3:45 pm and left a detailed message that the reports are completed and I am working on formatting, testing compression methods and requested the method of delivery (b) (6) was given several options including use of a dropbox, hand delivery of a thumb drive or DVD and even hard copies. (b) (6) did not return my call.

At 4:31 pm that same day I sent an email message to (b) (6), again indicating that I was finalizing some minor items and again requested how to deliver the work product. (b) (6) was asked in writing if APS had a dropbox for delivery, again without a response.

With the files size exceeding email capacity I called (b) (6) to see if (b) (6) would take delivery at APG proper. (b) (6) did not answer the call.

On June 6<sup>th</sup> at 7:46 am an email was sent with the revised format/term changes of the sample document and a 3<sup>rd</sup> request for delivery method of the files. (b) (6) replied back at 8:36 am with a discursive rant about the reports and indicated that IPS was to stop communicating with AllPhase.

(b) (6)  
(Initials)

**SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220422  
DA FORM 2823 (Continued) / Page 6 of 18 Pages**

*In the tirade there are comments about performance of the "North Carolina pre-demolition survey" format and other irrelevant information – with 30 years in the industry I have never heard of a "North Carolina" format. Then (b) (6) talks about "further hindering the project" the "you will not be compensated for any completed or approved work" among other statements. Interestingly (b) (6) never acknowledged the message and phone calls made to (b) (6) before beginning (b) (6) assault.*

*Infection Prevention Systems had completed the work, made several attempts to secure delivery method, deterred our involvement in improper waste determination(s) and was solicited to overlook asbestos in the surveys. Whereby, I sent an email notifying (b) (6) that we were once again at an "impasse".*

*At this point it was apparent that AllPhase Services was not content with quantity of asbestos found nor did they actually want the reports that would legally bind them with knowledge of the asbestos in each building. This was supported by (b) (6) who indicated that APS did not intend to have the quantities IPS reported in the table. When (b) (6) provided pricing for abatement APS rejected the costs. It is my position that AllPhase Services has established a pattern and practice, evidenced by their conduct that they do not want to remove asbestos in a prudent and legal manner. This premise is further supported by not submitting abatement plans, lack of asbestos surveys and the illegal removal of asbestos detailed in Question #4 below.*

SEE: Q-3-B, EMAIL CHAIN to/from AllPhase

Q-3-C, REQUEST REBAH NUMBER

Q-11-E, EMAIL RCA to COUNSEL (relevant for Question #4 and #11)

Q-11-F, RCA to COUNSEL (relevant for Question #4 and #11)

**Q-4: In your earlier statement, you indicated that you observed a contractor in the Edgewood area that failed to remove Asbestos Containing Material (ACM) prior to demolition, allowed the use of an unlicensed contractor, and did not apply water properly during abatement or demolition. Which building did that occur? Do you have additional information?**

**(b) (6)**  
(Initials)

SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220422  
DA FORM 2823 (Continued) / Page 7 of 18 Pages

A-4: Yes, on July 3<sup>rd</sup>, 2018 SORTO (subcontractor of APS) performed demolition of two (2) buildings on Igloo Street on the Edgewood Area. The asbestos containing roofing material was left in place. I had previously collected bulk samples from the roof of both Buildings #E5722 and E5725 with positive results on the felt paper reported by the accredited laboratory. The positive results were reported to AllPhase and RETRO.

IPS was later contacted about monitoring the abatement of the work at E5722 and E5725. Here I was told that RETRO (licensed asbestos contractor) would provide a licensed supervisor and laborer to remove the asbestos from the roof.

Later I was contacted by APS about training two SORTO personnel in asbestos awareness, respirator use and fit test them so they could use an excavator to lower down the ACM via an excavator bucket. On May 10<sup>th</sup>, 2018 one of the two employees of SORTO arrived for asbestos awareness, respirator training. The equipment operator (b) (6) asked if (b) (6) could use a bucket with thumb attachment to grab sections of the roof and place it in a dumpster. They were informed that the regulations do not provide for such activity but they could have RETRO strip the ACM at predetermined areas, cut the roof in sections and use the grapple method. This would also require polyethylene drop cloths inside the structures to capture any debris.

NOTE: removal of the ACM roofing material would normally involve wetting the roof before using ice/roof scrapers and to dissociate the material from the roof substrate. Then a container located on the forks of a rough terrain lift would be raised to be manually filled with debris.

AllPhase's Superintendent, Alberto Soto, informed me that RETRO environmental would have an asbestos supervisor and laborer on site to oversee the removal of the asbestos material. It was also presumed that RETRO would notify the Maryland Department of the Environment of the asbestos abatement project as required by Maryland law. When I arrived on site RETRO was not present. I called (b) (6) about their whereabouts - (b) (6) informed me that APS didn't agree to their price and that RETRO. Therefore they were not going to perform the work. (b) (6) and SORTO's representative stated that they were going to proceed without an asbestos licensed supervisor and laborer.

IPS informed (b) (6) and (b) (6) that such work was noncompliant and we (IPS) would collect the samples as originally agreed but IPS would have no responsibility for the illegal activity. We were asked to collect samples inside the excavator and on the perimeter of the site. We reluctantly complied with notification that the samples were purely "screening" and would not supersede the requirements for an asbestos licensed contractor nor personnel.

(b) (6)

(Initials)



*On July 3<sup>rd</sup>, 2018 SORTO demolished both buildings without use of water, without notification to MDE and without a licensed supervisor. Photographs and video were captured of E5725 structure to protect IPS from any liability of the illegal activity.*

SEE: Q-4-A, MAP BUILDINGS E5722 & E5725

(b) (6)

Q-4-C, PHOTO BUILDING E5725

Q-4-D, DAILY LOG - IPS

VIDEO Building E5725 being demolished with ACM roofing in place

**Q-5: Did All Phase submit hazardous material plans for building 5112 and building 5114?  
Did the ISO raise concerns that plans had not been submitted and to whom?**

*A-5: No, AllPhase did not submit abatement plans, surveys and other information IAW the requirements of regulations and contractual obligations. Yes, the ISO raised the question of abatement plans, surveys and supporting information on many occasions – see below.*

*On January 16<sup>th</sup>, 2020 I was told by (b) (6) that APS had not submitted an Asbestos Abatement Plan (Plan) for Buildings 5112 nor 5114. Whereby I was sent to evaluate the structures for work indications of work activities.*

*Later I was on a conference call with the USACE and PMO, on at least two (2) occasions, where (b) (6) and I asked for the asbestos abatement work plans and the asbestos surveys – the request was dismissed by the USACE Industrial Hygienist, (b) (6) I again informed everyone that EM 385 requires such a plan and the USACE Unified Document for asbestos requires more detail. Again the request was dismissed.*

*In the same phone conversations the PMO and USACE were also asked if the Maryland Department of the Environment (MDE) was lawfully notified IAW asbestos abatement requirements. Again no substantive answers nor evidence were provided for Buildings 5112 and 5114.*

*Later in summer of 2020 I was temporally assigned all construction activities while (b) (6) was on leave. Whereby, I was in direct contact with the PMO and (b) (6) (b) (6) USACE's Industrial Hygienist assigned to FRP18. (b) (6) was asked in writing by (b) (6) about the survey on July 28<sup>th</sup>, 2020 for 5112. (b) (6) response was vague and indicated that a survey was performed in May of 2020, five (5) months after the abatement activities took place. (SEE: Attachment Q-5-A)*

(b) (6)

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220422**  
**DA FORM 2823 (Continued) / Page 9 of 18 Pages**

On July 29<sup>th</sup>, 2020 I notified (b) (6) and others that it has been six (6) months since an asbestos survey was requested by the ISO with no reports received. (SEE: Attachment Q-5-A)

It is important to understand the (b) (6) position that the ISO review is no longer required is not allowed by various Army Regulations. The Installation Safety Office works on behalf of the Garrison's Command staff without transfer to any other entity.

SEE: Q-5-A, EMAIL Chain USACE

**Q-6: As a private contractor, before your employment with the ISO, did you conduct a hazardous material survey of building 5112? What were the results?**

A-6: Yes, I performed an asbestos survey in accordance with AHERA requirements and also evaluated the ORMs of the structure. Nine (9) samples were collected from 5112 on January 24<sup>th</sup>, 2019 with seven (7) samples positive and two (2) samples negative.

AllPhase was provide the survey on May 31<sup>st</sup>, 2019 to review as a sample survey.  
(SEE: Q-6-A)

**CORRECTION:** In my original questionnaire, Question 45 I stated:  
"He was informed that I surveyed the building...2019 with all samples collected positive." Having reviewed the report for this question, I discovered that the "black roof mastic" samples were negative for asbestos.

Review of the report also revealed that the friable wrap on the stacks and the black corrugated support blocks found on the ground on January 16<sup>th</sup>, 2020 were not sampled. The corrugated support blocks were not accessible as they were within the wall to ceiling cavity and were exposed due to the removal of transite panels. The roof stacks were inaccessible as IPS does not walk upon roofs without a full evaluation of the surfaces and GDA accepted fall protection plans. Roof samples are collected at the edge of a roof from a ladder.

To that end this does not in any way relieve the contractor nor the Government from having competent industrial hygienist on site during abatement activities.

Contracts with the Department of Army have clauses requiring contractors to follow Federal, State, Local regulations and Army documents. One specific document incorporated by reference is the USACE Unified Document UFGS 02.82.00, Asbestos Remediation.

This document requires two (2) separate personnel to monitor t asbestos abatement project:

(b) (6)  
(Initials)

SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220422  
DA FORM 2823 (Continued) / Page 10 of 18 Pages

1) 1.2.18 Government Consultant (GC)

That qualified person employed directly by the Government to monitor, sample, inspect the work or in some other way advise the Contracting Officer. The GC is normally a private consultant, but can be an employee of the Government. {emphasis added}

2) 1.2.26 Private Qualified Person (PQP)

That qualified person hired by the Contractor to perform the herein listed tasks. {emphasis added}

*The purpose of the dual monitoring is in place so that the GC ensures that PQP is monitoring the job IAW the work plan and regulations. The GC is also tasked with identifying suspect materials that were not found or accessible prior to the onset of work. Basically the GC is required to look out for the government's interest.*

*The PQP must work for the General Contractor, not the abatement contractor. Here on 5112 (b) (6) was working for the abatement contractor.*

*Therefore the Government did not have an independent set of eyes to ensure that ACM wasn't left strewn about the site, proper signs were erected, MDE was properly notified and the notification posted 10 days prior to work and provide guidance to the COR/KO when PACM outside the scope of work are identified.*

SEE: Q-6-A, IPS Survey Report

**Q-7: In January 2020, was All Phase LLC conducting work in 5112?**

*A-7: I did not see APS nor their subcontractor RETRO working at 5112 in January 2020 until they arrived onsite on January 17<sup>th</sup>.*

*In January 2020 (b) (6) of IPS Safety Services, informed me that RETRO did remove the stacks but I was not provided a date. (b) (6) reported that (b) (6) was on site the day the work occurred as (b) (6) was the industrial hygienist for RETRO. (b) (6) was evaluating all activities for compliance with EPAMDE regulations and collecting air samples as the industrial hygienist of record.*

*(b) (6) stated that they were thrown to the ground just before removing the transite asbestos building components. (b) (6) also stated that the stacks were not evaluated for ACM.*

(b) (6)

(Initials)

**Q-8:** You indicated in your earlier statement that you went to building 5112. Do you recall speaking with the All Phase LLC site superintendent, (b) (6) What did you discuss?

**A-8:** Yes, I recall speaking to (b) (6) – see below.

Early in the morning of January 17<sup>th</sup>, 2020 I was instructed to go to the site to represent the ISO. The purpose was to assess the operations underway to rectify the uncontrolled asbestos laying on the ground. While on site (b) (6) approached me and we had a cordial conversation before briefly discussing the conditions on the site.

(b) (6) was asked if a work plan was provided to the COR but (b) (6) did not clearly state yes or no. Other questions included; was Maryland Department of Environment (MDE) notified of the asbestos abatement; why the site was not controlled by a fence; why were no asbestos signs in place; why did RETRO leave the site in such poor condition and was polyethylene sheathing placed on the ground prior to abatement activities?

(b) (6) politely explained that a weather event occurred the day that RETRO started working and they left the site to get out of the weather. (b) (6) did not provide any other information but did state that they would get the site cleaned up that same day.

(b) (6) confirmed that a weather event did occur resulting of RETRO leaving the site but a date could not be determined.

All questions relating to the site are IAW the ISO's responsibility to collect data when noncompliant activities are discovered on Aberdeen Proving Ground.

**Q-9:** Have you had previous interactions with (b) (6) prior to your employment with the ISO? If so, how would you describe your relationship with him and your prior interactions?

**A-9:** Yes, I met (b) (6) in February of 2017 on the FRP14 project, first via email. Over the next two (2) years (b) (6) and I had a very good working relationship and on many occasions discussed our personal lives in some detail.

Our working relationship was so good that in 2019 when I inquired about a stack of brand new pressure treated lumber slated for disposal, (b) (6) gave me the entire stack of wood! I would estimate that value of the wood to be several thousands of dollars. I also had a conversation with (b) (6) about repurposing other materials, supplies equipment and building components that could save APS money reduce waste of disposal and benefit the environment.

(b) (6)

(Initials)



**SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220422  
DA FORM 2823 (Continued) / Page 12 of 18 Pages**

Additionally (b) (6) allowed IPS to store equipment in the building where (b) (6) maintained the APS office where we further discussed several options to repurpose the old growth wood from the building that held (b) (6) office.

In the course of our relationship (b) (6) was also informed on several occasions of the difficulty IPS was having getting the FRP18 contract ratified. (b) (6) informed me that (b) (6) understood the frustration I was experiencing in getting the contract completed and about the two (2) buildings that IPS surveyed, out of our SOW, as instructed by (b) (6) (b) (6). To which (b) (6) provided a detailed list of the Buildings that should have been provided to IPS prior to work commencing and supported me by personally showing me the correct buildings. In turn, (b) (6) was kept abreast of the findings via text messages as a professional courtesy. (SEE: Attachment Q-9-A)

After becoming part of the ISO, I encountered (b) (6) (I believe it was Building 430) where we had an informal discussion about various topics. I felt reassured that (b) (6) and I would continue to have a professional relationship, indifferent to the discourse between IPS and AllPhase or my new position in the ISO.

This is proven when (b) (6) accepted my offer to meet our team at the ISO office. (b) (6) was formally introduced (b) (6) to our Chief, (b) (6). As I recall, the meeting went so well that (b) (6) and myself sat in (b) (6) office discussing how we could all work together to complete the projects in a safe manner. (b) (6) assured us that (b) (6) intentions were such and (b) (6) was informed that we have an open door to discuss matters relating to safety and health.

We also discussed that any/all job specific interaction (b) (6) may desire would need to be coordinated through the COR(s). (b) (6) can confirm this cordial and professional discussion. Finally, (b) (6) worked for me on the FRP18 building surveys for two (2) months. (b) (6) was present to assist with several trips to get the lumber discussed earlier. (b) (6) can attest to the positive and friendly relationship between (b) (6) and myself. (b) (6) can be reached at (b) (6).

SEE: Q-9-A, SOTO TXT

**Q-10: In your earlier statement you indicated that you went to building 5112 on 16 January 2020? What was the purpose of your visit to building 5112?**

**A-10:** On January 16<sup>th</sup>, 2020 I was called into the ISO Chief's office to answer questions about buildings that were part of the FRP18 project. (b) (6) was on speaker phone indicating that (b) (6) was told that APS's subcontractor RETRO was performing asbestos abatement on APG proper. (b) (6) indicated that there were no asbestos abatement plans, surveys or other submittals for review and that work should not be occurring without accepted submittals.

(b) (6)  
(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220422**  
**DA FORM 2823 (Continued) / Page 13 of 18 Pages**

*I was asked what buildings were included in the FRP and indicated that there were four buildings in close proximity to the ISO office but only two were confirmed to have asbestos materials by the surveys IPS performed in 2019. The buildings were 5112 and 5114. Building 5112 is covered in its entirety (interior and exterior) with asbestos containing building materials and Building 5114 had under 1,000 square feet of ACM floor tile.*

*(b) (6) in conjunction with (b) (6) instructed me to go to the structures to determine if indeed asbestos abatement activities had been performed without submittals. I informed both men at that point and time that it could be construed that I have a conflict of interest and that a cooling down period is strongly recommended.*

*(b) (6) stated that "you work for the Government now..." and I was instructed to immediately go the buildings and report back on my findings.*

**Q-11: Do you recall receiving a check from All Phase in late 2000 or late 2001? If so, do you recall whether those funds were for work that you performed as a private contractor? Did All Phase LLC attempt to recoup the funds? What happened?**

**A-11: Yes, IPS did receive a check from APS for FRP18 work and yes IPS performed work to which is unpaid at this time.**

*The check was received over 11 months after the events at Buildings 5112/5114 and over 28 months after demolition of Buildings E5722 & E5725. Whereby, there is no relevance between AllPhase's illegal asbestos activities, inability to produce submittals and any payment made to IPS. A detail of the event(s) are listed below to demonstrate my/IPS's attempt to resolve any and all issues.*

*In early November of 2020 I received a voicemail message on my personal cell phone from a (b) (6) of AllPhase. (b) (6) indicated that (b) (6) needed a "mailing address to send payment". I contacted (b) (6) that same day. (b) (6) was asked if the payment was for asbestos surveys related to FRP18, (b) (6) stated "yes". I informed (b) (6) that address (b) (6) had on file was correct and that I was glad to see APS attempt to make payment on the services rendered.*

*When the check arrived the MEMO section listed "FRP18" and the associated contract number with APG. (b) (6) was called again and (b) (6) confirmed that the check was intended for surveys of APG for FRP18. (b) (6) was also asked if other payments were pending but (b) (6) did not have any further information.*

*The amount of \$850 is closely correlated with the amount of the overall contract, divided by eighteen buildings that IPS surveyed.*

**(b) (6)**  
**(Initials)**

**SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220422  
DA FORM 2823 (Continued) / Page 14 of 18 Pages**

*A completed survey was provided for acceptance of the content and format by AllPhase on May 31<sup>st</sup> and again on June 6<sup>th</sup>,*

*2019. Legal counsel has advised that AllPhase Services is still obligated to pay for all the work IPS performed on FRP 18 as a matter of law.*

*On February 10<sup>th</sup>, 2021 I received an email from (b) (6) of APS about the check. I immediately called my legal counsel and was advised to have (b) (6) represent IPS/myself in resolving the issue(s). Here I asked that initial contact be polite, courteous in attempt to foster a WIN-WIN situation.*

*(b) (6) sent an electronic message on February 19<sup>th</sup>, 2021 notifying (b) (6) that (b) (6) was representing IPS and (b) (6) would be in contact with (b) (6) within two (2) weeks. (b) (6) and I discussed the options and decided that it was best to approach the \$850.00 payment and the balance owed to IPS to try and settle all conditions.*

*In late February 2021 a professional request was made to AllPhase in attempt to open dialogue to resolve any and all issues between the two parties. I believe a letter was sent via certified mail, there was no response. Attachment Q-11-B shows the email from April 5<sup>th</sup>, 2021 where (b) (6) indicated no response for AllPhase Solutions and suggested next steps.*

*While I was compiling information for counsel, a second email was received from (b) (6) on April 15<sup>th</sup>, 2021 with the following statements:*

- 1) "You know what you did was wrong."*
- 2) "... otherwise I'll contact the authorities."*
- 3) "I know you work for the government and it will not look good on you if I contact your employer and let them know you cashed a check that wasn't yours."*

*(b) (6) prepared a message notifying (b) (6) that (b) (6) statements were inflammatory and could cause rise to further actions. (b) (6) response back was derogatory, inconsiderate and lacking any effort to resolve the legal issues. The APS Principal, (b) (6) was included but refused to provide assistance for resolution.*

*Under advice from counsel I am waiting for the next steps where we will respond in an appropriate and legal measure.*

**(b) (6)**

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220422**  
**DA FORM 2823 (Continued) / Page 15 of 18 Pages**

SEE: Q-11-A, EMAIL to/from COUNSEL  
Q-11-B, COUNSEL LETTER TO APS  
Q-11-C, EMAIL CHAIN COUNSEL  
to/from (b) (6)  
Q-11-D, EMAIL LEGAL DEFECTS  
Q-11-E, EMAIL RCA to COUNSEL  
Q-11-F, RCA to COUNSEL

**Q-12: At any time during your tenure with the ISO, have you served as a Contracting Officer Representative (COR) or Contracting Officer (KO)?**

*A-12: No, I have not served as a COR/KO nor have I directed contractors.*

**Q-13: How would you describe your duties and responsibilities with the ISO as they relate to communicating directly with contractors and contractor employees (including All Phase LLC)? Please explain.**

*A13: My assignments include submittal review, site inspections, and assistance to CORs, KO(s) relating to safety and health, accident investigations, emergency response to UXOs/CBRNE and other concerns. We also perform random inspections of job sites that are managed by APG CORs. Specifically excavation work, construction and other activities under the ISO's purview.*

*During submittal review I contact the COR about questions, defects etc. with the submittals. As the Governments Designated Authority on construction safety & occupational health related issues, my evaluation of a submittal is based on a due diligence review: did the contractor(s) submit a product that meets the intent of the standard/regulation and engineering manual(s) etc.*

*For example, when reviewing Accident Prevention Plans I review the contract language, regulatory requirements, Army Regulations and USACE documents (among others) to identify the elements of a specific area and apply the defined criteria to the evaluation.*

*During field operations the ISO interfaces with contractors as required to gather information but we do not direct contractors.*

**(b) (6)**

(Initials)



*In fact the statement "we do not direct contractors" and "I will contact the COR" is stated at every conversation with all contractor interventions. When defects are identified, and the COR is not present, verbal notification to the contractor is required to inform them that corrective action(s) must be implemented. Once the contractor has been notified, the findings are reported to the COR and ISO Chief. In most cases the Chief will ask me to follow-up with the COR by phone. The COR has the responsibility to inquire about the situation, request corrective actions and report back to the ISO.*

*This is exactly what happened at 5112 – I was asked to evaluate the site and report back. When the conditions were determined to be noncompliant then DPW's personnel were notified and responded to the site. DPW's Director, Chief of Engineering and Construction Division, (b) (6) and I believe Chief of Division of Environmental Compliance all arrived on site immediately upon notification.*

*NOTE: the terms "serious", "imminent danger", "other than serious", "egregious", "willful" and "immediately dangerous to life and health" are legal terms used by OSHA and throughout the safety industry to describe severity.*

*The ISO also communicates with contractors when they contact us directly about safety and health advice or opinions. The 1<sup>st</sup> question I ask is "is this is about a specific project?" If so then "have you notified the COR"? Many contractors can support all the aforementioned and how we conduct ourselves in the ISO.*

*As far as AllPhase Solutions is concerned I do not review any FRP18 submittals but I have reviewed documents on the Van Bibber project. Reviewing all construction submittals has been a direct assignments per (b) (6) since early August of 2021.*

*It is imperative to note that beginning in December of 2019 I formally requested to the ISO Chief and Safety & Occupational Health Manager to recuse myself from all FRP18 and AllPhase Solutions projects. Initially, this request was not honored but was implemented in late summer of 2020.*

**Q-14: For what reason or purpose do you have in communicating with All Phase LLC or its employees in your official capacity with the ISO? Please explain.**

(b) (6)  
(Initials)

A-14: The only official purposes for communicating with APS would include a directive by the ISO Chief, requested assistance from the former ISO Safety and Occupational Health Manager, ISO inspection of a site - when APS is on site, when excavation work is performed, when hazards are identified from the public way, when a formal complaint/concern is raised, during an accident investigation, when a UXO or CBRNE materials are suspected and if the Emergency operations Center were to ask for ISO staff to report to a scene.

Here compliance, defects would be conveyed directly to on site personnel for informational purposes. The contractor can then decide how to correct the issues, then notification of the project COR would occur. When imminent danger situations arise, or situations that could cause damage to Army personnel, equipment or impact the APG community at large, the Chief will provide directive on how the ISO is to respond.

It is worthy to note that other ISO staff have had interface with APS and its subcontractors when conducting official business. Such events have been described as adversarial and in some cases resulted in incorrect information attacking the ISO personnel's character.

Below is a brief overview of two such events that occurred on APS projects on/about August 2020:

- 1) (b) (6) and (b) (6) arrived at Building 390A to evaluate a dig permit when one of the people on APS's site challenged the ISO members in an unprofessional manner.

The USACE Industrial Hygienist later called (b) (6) making accusations that the ISO representatives were not professional and adversarial to the site personnel. (b) (6) also stated that the ISO should let USACE know when they are going to job sites. Here, (b) (6) let the IH know that (b) (6) was on site and it was the site personnel that were unprofessional and adversarial. (b) (6) also let (b) (6) know that the ISO maintains oversight of dig permits, and IAW APGR 385-7, that includes challenging contractors to show evidence of a current permit on demand.

- 2) Within a few days of the situation noted above, (b) (6) returned from inspecting the same site where (b) (6) was present. During the inspection (b) (6) made the following unsolicited statements:

"There are two sides to every story. (b) (6) was fired by AllPhase and we still owe (b) (6) money. (b) (6) didn't complete the work and there was something wrong with (b) (6) credentials..."

(b) (6)  
(Initials)

SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220422  
DA FORM 2823 (Continued) / Page 18 of 18 Pages

(b) (6) immediately came to my office and informed me of the statements made by (b) (6). (b) (6) stated that they "do not like you" and "have nothing good to say about you". (b) (6) was in the area so I asked (b) (6) to tell (b) (6) what (b) (6) had occurred. Upon completion of the statements I asked (b) (6) to repeat what (b) (6) thoughts were, again (b) (6) stated that "they do not like (b) (6) and [they] "have nothing nice to say about (b) (6) "

At that time I asked both (b) (6) if they ever heard me state that AllPhase owed IPS/me money – both replied that they had never heard me make that statement. Whereby it was apparent that (b) (6) was making statements to attack my character in attempt to influence people and defame my person.

Such statements were so prevalent, I heard the Chief of DPW-Environmental Compliance, (b) (6) state to the ISO Chief that "AllPhase had to fire (b) (6)", among other statements. (b) (6) was asked to intervene as such statements are indicative of defamation, incorrect and are an attempt to make my coworkers have negative perspective on my professional service.

I asked the ISO Chief again to remove me from any and all contact with AllPhase and for an investigation into the slanderous actions that were arising.

-----END OF STATEMENT-----

(b) (6)  
(Initials)

OSC File  
No. DI-22-000146

EXHIBIT P



# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220311	3. TIME 8:29am	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS Contractor/ EA Engineering	

8. ORGANIZATION OR ADDRESS  
Program Management Office (PMO), Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed on Aberdeen Proving Ground (APG), Maryland?

A:  
Employee of EA Engineering, Science, and Technology, Inc., PBC;

Q: What is your official title/position and how long have you been in that position?

A:  
Professional Geologist and Safety and Health Manager since ~2009.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: Within the program, I respond to (b) (6)

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

A: Duties/responsibilities numbered below with supporting below each bullet -Contaminated Building Demolition Program (CBDP)

- 1) Review building histories to identify potentially unidentified hazards/hazardous conditions
- 2) Provide program-specific safety documents to the ISO
- 3) Provision of APG-Specific guidance to USACE (e.g., APGR 385-007) to assist in performing compliant installation-specific behavior
- 4) Perform non-authoritative review of documents and present findings to ISO for ISO to review and consider
- 5) Create comment matrix for ISO; Assist ISO in meeting suspense dates
  - a. Print documents and transcribe comments into comment matrix from audible discussion or conversion of email comments into comment matrix.
- 6) Provide ISO comments to USACE
- 7) Provide Responses to Comment (RTCs) to ISO and discuss:
- 8) Provide backcheck of edits/RTCs from ISO to USACE

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: I have no direct duties and responsibilities related to management or mitigation of asbestos or other hazardous materials.

10. EXHIBIT (b) (6)	STATEMENT OF (b) (6) PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220311

9. STATEMENT (Continued)

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: I do not work with the management, mitigation and/or abatement of asbestos on APG. The ISO and DPW are the primary stakeholders and USACE is a tenant organization.

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A:

- 1) (b) (6) Installation Safety Office; Safety Manager
  - a. Reviewed safety documents relative to construction (FRP Programs)
  - b. Review of AMP (based on comments embedded in interim versions)
- 2) (b) (6) Installation Safety Office; Occupational Safety Specialist
  - a. Currently, performs document review for ISO for CBDP
  - b. Will review safety-related plans on the FRPFY20 demolition program
  - c. Was involved in COVID-19 mitigation strategies
- 3) (b) (6) Installation Safety Officer; Chief
  - a. Performs review of FRPFY18 documents
- 4) (b) (6) DPW; Toxic Substances Control Act (TSCA) Program Manager
  - a. Manages TSCA Substances, which includes asbestos
  - b. Manages asbestos inventory
  - c. Manages Asbestos Management Plan

Q: Does APG have an Asbestos Management Plan? What are the issues surrounding getting a signed final AMP in place?

A: Yes, there is an AMP in place. I do not know what is required to get a revised AMP signed and in final form.

Q: Did you find the draft Asbestos Management plan adequate?

A: I do not know the current status of the draft AMP.

Q: Who are the contractor(s) and contractor employee(s) that are generally or frequently involved with asbestos matters on APG? Do any of these contractors work full-time at APG within DPW? What are their general roles and responsibilities related to asbestos management, mitigation, and/or abatement? Please explain in detail.

A: I do not have a list of contractors and/or contract employees that meet the above criteria. All personnel on the installation are impacted by asbestos if entering a building where asbestos is present; therefore, all personnel on both installations who are contractors are involved in asbestos matters on APG.

Q: What procedures or policies are in place at APG to ensure compliance with asbestos management and mitigation at buildings and facilities on the installation? Please explain in detail.

A: The existing AMP is required via AR 420-1 to present information pertaining to the management, inventory, and communication related to asbestos. The AMP indicates that the TSCA Program Manager and ISO are the two key partners. Further detail would include all information contained within the AMP.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? Please explain in detail.

A: Surveys should be managed by the TSCA Program Manager who, based on the AMP, should also send to the ISO to determine the adequacy. An AMP usually covers notification procedures. Further detail would include all information contained within the AMP. For the CBDP, asbestos inspections were performed prior to contract award and provided to the Prime Contractor.

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: I have been told by the TSCA Program Manager that there is a central repository of asbestos inspections that is a combination of paper files in drawers of the TSCA Manager, some basement file storage repository of a late 1980s/early 1990s inspection performed by Foster Wheeler, and digital inspections are sent by the TSCA manager to the Computer Aided Design (CAD) group to be placed into a folder.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 7 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220311

9. STATEMENT (Continued)

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: All answers below are within the purview of the programs on which I work and for which documentation or meetings occurred:

- Several ISO personnel performing a site walk of E4405 disagreed with the sample locations performed during a recent inspection. The inspector resurveyed the building and the abatement plan was updated based on the findings.

- Prior to my involvement in the FRP FY18 Project I attended a site walk of 5112 and 4035 with (b) (6) (USACE), (b) (6) (b) (6) (ISO Chief), (b) (6) (DPW), (b) (6) (DPW), (b) (6), and (b) (6) (DPW). If other personnel were there, I do not recall nor did I have a written record. My involvement was to understand how other prongs of the FRP program were functioning relative to the CBDF (subset of FRP).

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: (b) (6) stated concerns that the asbestos abatement plan included floor tile abatement despite no floor tile being present during the December 2020 inspection or subsequent site walkthroughs.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in building E2354 abated properly, in your opinion? Please explain in detail.

A: Abatement occurred in accordance with the abatement plan accepted by USACE for the materials listed in the December 2020 and 2011 asbestos inspections.

Q: Did you observe any irregularities in the contractor's abatement plan for building E2354? Do you have a copy of the abatement plan?

A: The abatement plan included materials that were no longer present (e.g., floor tile). USACE and the ISO reviewed this abatement plan and it is on the USACE/ISO SharePoint.

Q: Did you, or anyone you know, ever go to building E2354 for an inspection or survey? If so, please explain, to include identifying when this occurred, who else was present during that inspection or survey, and what was identified.

A: A person from EA Engineering, Science, and Technology, Inc., PBC performed the December 2020 Inspection; however, I do not within the same division or group with him/her/them. An inspection performed in 2011.

-----CONTINUED-----

AFFIDAVIT

(b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of March, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

(b) (6)

(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 7 PAGES



SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220311 DA  
FORM 2823 (Continued) / Page 4 of 7 Pages

I, along with (b) (6) performed a walkthrough with the abatement plan and inspection in hand prior to demolition (not a survey nor inspection) in Spring 2021 (I believe).

Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: My understanding is that USACE accepted an ACM abatement plan authored by a Competent Person that included both manual abatement and demolition with ACM in place. Further, my understanding is that the ISO concurred that manual abatement occurred properly but that the demolition with ACM in place violated OSHA regulations. The ISO indicated no concern towards EPA regulations or an EPA (via MDE) variance.

The USACE plan included a variance from MDE that allowed the demolition to occur with asbestos in place. The ISO does not accept the variance and stated their opinion that a separate variance was required by OSHA. The work completed at E5188 showed no asbestos exceedances in air samples collected on the workers or on the site perimeter in any direction.

Q: Did anyone from the safety office offer novel ideas to the abatement plan of the transit panels? What were the ideas and were they considered?

A: ISO personnel proffered ideas of a "dancefloor" of elevated scaffolding, using aerial lifts and scissor lifts as workers and "lined bathtubs" to break the overhead transite panels and capture the broken ACM. A Competent Person for asbestos abatement for the Prime Contractor reviewed and responded to the comments.

Q: Did you observe any irregularities in the contractor's abatement plan for building E5188?

A: Several versions were generated as conditions changed. As stated, there were no issues with ISO concurrence of the USACE accepted plans with the manual abatement methods used to abate all ACM except for the ceiling/roof (removed via demolition). The initial asbestos abatement plan did not appear to include personal sampling data for similar work. Unclear about use of word "irregularities."

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: I am not yet a CIH and I am not an accredited Asbestos Project Designer, nor have I performed asbestos abatement work first hand. All materials except for the roof/ceiling were manually removed under 100% USACE oversight.

Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

(b) (6)



SWORN STATEMENT of (b) (6) TAKEN AT APG, MD DATED 20220311, DA  
FORM 2823 (Continued) / Page 5 of 7 Pages

A: Since my involvement in the FRPFY18 program, I have not seen an accepted plan for this building. The abatement and demolition plan of this building is in development by the FRP FY18 Prime Contractor at the time of this response. The ISO had concerns about the abatement and demolition of this building.

At the time of the site walk, there was disagreement between USACE, DPW, and the ISO regarding the structural integrity of the roof.

Q: Did you observe any irregularities in the contractor's abatement plan for building E4035? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: Please see the response above.

Q: There have been concerns raised regarding building 4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: The ISO had concerns that the inspection performed at E4405 did not include all homogenous areas and did not include a crawl space.

Q: Did you observe any irregularities in the contractor's abatement plan for building E4405? Do you have a copy of the abatement plan or any other information or documentation you could share on this?

A: Uncertain what is meant by "irregularities." A SharePoint site is maintained for open review of project related documents. The USACE-accepted abatement plan matched the inspection.

Q: Where any irregularities found in the asbestos survey or in the sampling report? Where those irregularities corrected?

A: Please see response above.

Q: There have been concerns raised regarding building 5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: Please see earlier comment regarding 5112. The issues with this building predated my involvement with this building.

Q: Did you observe any irregularities in the contractor's abatement plan for building 5112?

A: Please see response above.

Q: There have been concerns raised regarding asbestos being removed from building 5112 and was not properly disposed of for seven months. What is your understanding of any issues with the alleged improper disposal? Did funding or testing play a part in the abatement process. Please explain in detail.

A: Please see my response above.

(b) (6)

(Initials)

SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220311 DA  
FORM 2823 (Continued) / Page 6 of 7 Pages

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: (b) (6) was my ISO POC for all building demolition related activities and reviewed all safety-related plans relating to the CBDP and all safety-related plans relating to the FRPFY18 program after my involvement.

(b) (6) stated (b) (6) was on the OSHA team that initially cited APG for asbestos maintenance;

(b) (6) stated (b) (6) was part of the investigation regarding the E5126 fiber release;

(b) (6) stated (b) (6) believes that APG cannot have an AMP without an overarching Asbestos Program;

I have no knowledge that his concerns were, or were not, addressed.

Q: Was the role of the Installation Safety Office in reviewing asbestos abatement plans or other safety documentation ever reduced? What was the reason?

The role of the ISO, during all interactions with the CBDP, was never diminished

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: (b) (6), PMO Members; (b) (6) ISO Members (active/retired), (b) (6), Onsite OESS, (b) (6) of AECOM, (b) (6) of EnviroVantage.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: Not at this time.

Follow-on Questions:

Q: In regards to building E5188, did the USACE personnel request a variance from USACE HQs or from OSHA?

A: I am not involved with internal USACE communications and I would need to request that information from USACE personnel.

Q: In regards to building E5188, did the contractor provide a letter of interpretation from OSHA?

(b) (6)

(initials)

SWORN STATEMENT of (b) (6), TAKEN AT APG, MD, DATED 20220311 DA  
FORM 2823 (Continued) / Page 7 of 7 Pages

A: The contractor for the demolition of E5188 referenced the OSHA Letter of Interpretation from 29 CFR 1926.1101(g)(8)(vi) regarding demolition with asbestos in place. Source: Caution-<https://www.osha.gov/laws-regs/standardinterpretations/2002-08-26> < Caution-  
<https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.osha.gov%2FFlaws-regs%2Fstandardinterpretations%2F2002-08-26&data=04%7C01%7Cahughes%40eaest.com%7C49a7de58bc2b472e0aa808da00536758%7C037230a09aa24474a7fd1ffe5d8e4bfc%7C0%7C0%7C637822655474015625%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=wrNh%2BZ2FR729UPKVwOJP8cGnhmWKXokffDHbHFnCaaU%3D&reserved=0> >

Q: In your opinion, was the letter of interpretation from OSHA appropriately applied to the situation in building E5188?

A: I am not an EPA-accredited Project Designer, Registered Professional Engineer, or Certified Industrial Hygienist. The letter states "EPA also permits demolition without prior removal when any quantity of nonfriable ACM is present as long as the material is not likely to become friable." The prime contractor received a variance from EPA (via MDE Form 259 and email) to perform demolition with asbestos in place.

Q: In regards to building E5188, did you find the novel ideals suggested by the ISO using scaffolding, Aerial lifts and scissor lift reasonable and feasible techniques for abatement of the ceiling? Why or why not?

A: I am not an EPA-accredited Project Designer, Registered Professional Engineer, or Certified Industrial Hygienist. I did not evaluate the roof/ceiling firsthand. A Registered Professional Engineer and the OSHA Competent Person for Asbestos Abatement and Demolition viewed the roof/ceiling construction firsthand and documented findings and opinions. Use of scaffolding, aerial lifts, and scissor lifts are used as a control for fall hazards and are not novel technologies. The ISO and the USACE Prime Contractor disagreed with each other regarding the definition of "feasible" and "infeasible" during the process.

-----END OF STATEMENT-----

(b) (6)

OSC File  
No. DI-22-000146

EXHIBIT Q



# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220311	3. TIME 1:30pm	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-14/Army Civilian	

8. ORGANIZATION OR ADDRESS  
Installation Safety Office, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?  
A: US Army Garrison, Aberdeen Proving Ground since November 2018.

2. Q: What is your official title/position and grade? How long have you been in that position?  
A: Chief, Installation Safety Office. Since November 2018. (Temporary assignment within the USAG-APG to Garrison Manager, ALC 12/20-05/21 and Director of Operations 05/21-01/22)

3. Q: What are the names of your first and second-line supervisors and their respective duty titles?  
A: (b) (6) Acting Deputy to the Garrison Commander & (b) (6) Garrison Commander.

4. Q: What are your general duties and responsibilities in your current position? Please explain in detail.  
A: Responsible for administering the installation safety program for Aberdeen Proving Ground Garrison, including Adelphi Laboratory Center and the Blossom Point Research Facility, its mission partners and those organizations in accordance with support agreements. Serve as a principal staff member of the Garrison Commander. Responsible for policy determinations and compliance monitoring. In addition, provides leadership and management for the Installation Safety Office, including resource allocations.

5. Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.  
A: My office is responsible for providing overall coordination and assistance in occupational safety & health regulatory compliance. There are two regulatory bodies governing asbestos, OSHA, whose primary focus is occupational safety of the workers who handle or work with asbestos and EPA who governs the environmental aspects of asbestos and addresses responsibilities of the owners and proper disposal, etc. of asbestos. My office is responsible for administering the installation safety program for Aberdeen Proving Ground Garrison, including Adelphi Laboratory Center and the Blossom Point Research Facility, its mission partners and those organizations in accordance with support agreements. I serve as a principal staff member to the Garrison Commander. I am responsible for policy determinations and compliance monitoring. I provide leadership and management for the Installation Safety Office. I supervise five technical personnel. With respect to asbestos, I am responsible for the managing the OSHA compliance aspects of asbestos.

10. EXHIBIT	11. IN (b) (6) TAKING STATEMENT	PAGE 1 OF 18 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220311

9. STATEMENT (Continued)

I instruct my team reviewing contractor safety submittals to focus on areas where contractor operations project risk onto the residents, visitors and employees of Aberdeen Proving Ground, the mission of Aberdeen Proving Ground and the US Government property located on Aberdeen Proving Ground. Where contractor operations projects risk onto one of these three areas the ISO will demand compliance with the occupational safety & health standards in order to mitigate that risk. Absent risk being projected onto one of these three critical areas, my team was to make recommendations for compliance to the COR and move on.

6. Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: My staff works with all USAG-APG-DPW, tenant safety offices and tenant leadership, and US Army Corps of Engineers management and employees on matters related to management, mitigation, and/or abatement of asbestos on APG? Key individuals are listed in my response to Q #35.

7. Q: When was the current Installation Asbestos Management Plan (AMP) signed? What are the current issues with plan?

A: It was signed under (b) (6) in October 2011. The current plan acknowledges that the USAG-APG is not in compliance with asbestos regulations.

8. Q: What were the objections from the Installation Safety Office to the AMP? How were those resolved?

A: WRT the current (2011) AMP, as stated in the previous question, it acknowledges that the USAG-APG is not in compliance with asbestos regulations/requirements. WRT the proposed AMP, I do not recall reviewing any of the proposed documents. Although, it is entirely possible that I was copied on an email to which a copy of the proposed AMP was attached. Not having seen or read the document, I cannot speak to its deficiencies. In an email dated 29 JAN 2021 (attached (b) (6)) lays out the issues with the current state of asbestos management. To the best of my knowledge, these issues have not yet been addressed.

9. Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? Please explain in detail.

A: I do not have firsthand knowledge. This action would have been executed through USAG-APG DPW. However, an excerpt from the 2011 AMP states:

"An asbestos survey was conducted in 1990. However, the scope did not encompass the identification, composition, location and quantity of all ACM in all buildings on the installation at that time. The contract for the 1990 survey did not have sufficient funding to include all buildings on the installation."

10. Q: To your knowledge, were there issues surrounding funding in regards to the Asbestos Management Plan and conducting surveys on APG? If so, please explain in detail.

A: Yes, see answer above.

11. Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: I do not have firsthand knowledge of this. It is a function of USAG-APG DPW.

12. Q: What government oversight inspections (i.e., Environmental Performance Assessment System or EPAS) have been conducted of APG's Asbestos Management program in the past ten years? What actions were taken to correct any noted deficiencies, and by whom?

A: I do not have firsthand knowledge of this. As I mentioned in Q#4, there are two regulatory bodies governing asbestos, OSHA and EPA. My office is responsible for occupational safety (OSHA). Environmental assessments of the asbestos management plan would have been addressed by the USAG APG DPW.

13. Q: Did the Installation Safety Office (ISO) participate in meetings and/or discussions to remediate the Asbestos Management Plan? How were issues resolved?

A: Yes. To the best of my knowledge the issues have not been resolved. These meetings took place while I was on a temporary assignment as the Director of Operations. (b) (6) Chief DPW-Environmental Division, informed me that (b) (6) was not being cooperative in the meetings. I was copied on an email from (b) (6) during my tenure as Director of Operations (dated 16JUN21, wherein the team was still trying to coordinate the meeting to discuss updating the Asbestos Management Plan.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 18 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220311

9. STATEMENT (Continued)

14. Q: Did the ISO, PMO, DPW and USACE develop a conflict resolution policy for asbestos issues? How did the policy address any concerns raised related to asbestos in demolition and renovation projects?

A: Yes and no. On October 18, 2019, (b) (6) Chief, Military Branch, PPMD, U.S. Army Corps of Engineers, Baltimore District sent an email to (b) (6) Director of Directorate of Public Works, United States Army Garrison (USAG-APG). In that email (b) (6) expressed frustration with the lack of progress on resolving safety issues on the Facility Reduction Project (FRP). (The Facility Reduction Project is an effort to demolish surplus buildings on the installation that are beyond their useful lives that are not contaminated with chemical agents.) In her email she mentioned was considering terminating the FRP contract for convenience (b) (6) subsequently advised she would refuse any future FRP contracts and refer them to the Corps of Engineers office in Huntsville, Alabama.

Several meetings ensued in an attempt to salvage the relationship between the USAG-APG and the USACE Baltimore (b) (6) (b) (6) Deputy Director of DPW and myself attended all of those meetings. Ultimately, the USACE officials felt as though the relationship had not improved.

In late 2019, I was informed that the US Army Corps of Engineers was assigning a new project management team to the Facility Reduction Project due, to the deteriorating relationship and the previous team asking to no longer work with (b) (6) or the Installation Safety Office. The Garrison Commander (b) (6) instructed me to not let the relationship with the USACE Baltimore dissolve. (b) (6) ordered that I rebuild the relationship between the USACE Baltimore and the Installation Safety Office.

I began to participate in a series of monthly meetings with a representative of the USACE Baltimore and DPW. The primary focus of the meetings was rebuilding the relationship. (b) (6) lack of respect and willingness to provide workable solutions to problems was an agenda item at each and every one of these meetings.

In early 2019, the USACE project management team complained to me about project scheduling delays and cost overruns that were nearing \$750,000 as a result of the delays associated with (b) (6) unwillingness to provide workable solutions (b) (6) was demanding revisions and responses to issues in USACE Contractor submittals that were in turn having an impact on cost and schedule.

The conflict resolution process was not aimed solely at addressing asbestos issues, while the majority of the safety issues we discussed involved asbestos. Rather it was developed to sustain/improve the strained relationship between the USAG and the USACE.

-----CONTINUED-----

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 18. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL (b) (6)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of March, 2022

at (b) (6)

(b) (6)  
(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 18 PAGES



15. Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: Yes. Since my coming onboard with the USAG APG, (b) (6) has sent me emails or copied me on hundreds of emails concerning asbestos issues. I recognized and acknowledged the diversity and complexity of the problem and made asbestos compliance an element of the FY2021 Commander's Annual Safety Plan (attached). The ISO treated the totality of the asbestos problem as a Class A accident looking at all contributing and non-contributing factors in an attempt to develop long term solutions. (b) (6) was placed in charge of executing the investigation and developing methods of abatement to each of the findings. (b) (6) retired prior to his completion of the successful development of methods of abatement. The ISO continues to work on long term solutions to the Installation's asbestos problems.

16. Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: Sometime around April 2021, (b) (6) alerted me to "missing asbestos floor tiles" in a project he was reviewing. (b) (6) described the circumstances as such. A USACE contractor had submitted a demolition plan for the building and was awaiting his review. (b) (6) visited the proposed worksite USACE personnel. While on site (b) (6) noted that there were 9" x 9" marks on the floor, an indicator of the presence of asbestos floor tile. (b) (6) made inquiries of the whereabouts of the asbestos (an environmental issue). (b) (6) refused to review the contractor's demolition plan until the whereabouts of the missing asbestos tiles were discovered. I counseled (b) (6) and reminded (b) (6) that where the asbestos tiles currently resided had no impact on the safety & health of the demolition of the building. I instructed (b) (6) to review and comment on the demolition plan. (b) (6) begrudgingly evaluated the plan. On 16 JUL 2021, I learned that in a DPW / USACE Customer Focus Meeting (b) (6) threatened a GS-15 USACE leader with a criminal investigation over the missing asbestos floor tiles.

17. Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building 2354 abated properly, in your opinion? Please explain in detail.

A: I do not have sufficient information on which to base an opinion. Sometime in the Spring of 2021, (b) (6) advised that the asbestos was missing. (b) (6) a safety specialist in the ISO, previously worked for (b) (6) as a contractor and had occasion to visit E2354 in 2018. (b) (6) advised the asbestos floor tiles were missing in 2018.

(b) (6)



There is no evidence to suggest that it was, or was not, disposed of properly. Again, disposal of asbestos is an environmental matter and not the purview of the Installation Safety Office.

18. Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: E5188 is being demolished under the Contaminated Building Demolition program. There were heavy asbestos roof panels on that building. I believe the panels were 4x8'. The panels were set in metal "picture frames" and weighed approximately 750 pounds each. Prior to beginning the work, the USACE contractor submitted several versions of an asbestos abatement plan. Ultimately, a plan was submitted that mitigated the asbestos fiber hazard using a wet method. The USACE Industrial Hygienist accepted the plan, but (b) (6) did not. I was asked by USACE to independently review the plan. In addition to the wet method of asbestos abatement, the USACE and the contractor proposed placing asbestos monitoring equipment around the perimeter of the construction project. Monitoring records would be shared with the USAG-APG to demonstrate that there were no asbestos fibers migrating onto the Installation from the demolition project. I felt that they had effectively eliminated the risk to the Installations resident, visitors and employees, its mission and the US Government property. I concurred with the plan.

19. Q: Did you observe any irregularities in the contractor's abatement plan for Building E5188?

A: I did not review the plan, (b) (6). Their plan of abatement was explained to me in a face-to-face meeting. As stated in Q #18, I concurred that the contractors plan did not project risk onto the three areas of concern for the ISO and therefore had no further comments on their asbestos management plan. (b) (6) on numerous occasions shared with USACE project management officials and DPW officials how the contractor's plan was not in compliance with occupational safety and health standards.

20. Q: Did you believe that there were other alternatives to abating the asbestos transite panels at Building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: The building was not "demolished wholesale". The contractor took measures (wet method and worksite perimeter monitoring) to control asbestos emission from the construction site. While I am familiar with the asbestos management standards from an OSHA perspective, I lack the requisite knowledge about construction/demolition methods/practices necessary to remove a 750 pound panel which is set in a picture frame structure, from an elevated position. Rather, my expertise is in whether such methods are in compliance with occupational safety & health laws, standards and regulations.

(b) (6)

21. Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: B4035 is one of 34 buildings on the FY18 Facility Reduction Project slated to be demolished. This work was being executed through the USACE Baltimore District. Prevailing winds drift from B4035 toward Plum Point Loop, thereby projecting risk onto the Installation's residents, visitors and employees. During several face to face meeting the ISO advised both DPW and USACE that this was a concern and the ISO would closely scrutinize the safety submittals for the project. The contractor submitted several different versions of site specific safety plans. None of the submittals were in compliance with EM385 (06.C.03) or Code of Federal Regulations. The ISO spent more than 160 man hours reviewing non-complaint plans and providing support on this project alone. ISO shared point-by-point memorandums with USACE, including the USACE safety office (13FEB20), identifying the areas where the contractor is not compliant.

All of the plans submitted by the contractor stated: "The roofing material [2% Chrysotile] will be left in place and demolished with the building using the wet demolition method."

*29 CFR 1926.1101(g)(8)(ii)(A) states: "For removing roofing material which contains ACM the employer shall ensure that the following work practices are followed: Roofing material shall be removed in an intact state to the extent feasible."*

*29 CFR 1926.1101(g)(8)(ii)(E): "Asbestos containing material that has been removed from a roof shall not be dropped or thrown to the ground. Unless the material is carried or passed to the ground by hand, it shall be lowered to the ground via covered, dust-tight chute, crane or hoist."*

30 JAN 20: DPW and ISO met with USACE Deputy Chief of Construction and the USACE Resident Engineer to discuss problems with the contractor performing asbestos remediation work for the Facility Reduction program work. USACE promised to rely the urgent need for a meeting to take place and promised to seek a Contracting Officer directed stop work order on asbestos remediation until a safe path forward is agreed upon.

6 FEB 20: Deputy Director, DPW and Chief, ISO met with USACE leadership to discuss failures on asbestos management project in B5112 and B4035. (b) (6) and (b) (6) insisted on three principles to move the FY18 FRP forward: 1. A KO directed work stoppage on all FY18 FRP asbestos work until a compliant path forward is identified;

(b) (6)

2. USACE Safety Office engagement in reviewing FY18 FRP asbestos management plans (FY18 FRP safety plans already submitted and reviewed); 3. USACE officials visit the FY18FRP sites to ensure accepted plans are being put into practice on the project.

13 FEB 20: Chief, ISO and ISO team members met with USACE (Baltimore) Safety office to discuss FY18 FRP. Contractor still has not submitted a compliant plan for asbestos removal. USACE is threatening to terminate the contract for default. Terminating the contract could result in the Garrison losing \$4.9M in FY18 FRP funds. (b) (6) suggest (b) (6) address the issue with his counterpart, Deputy District Engineer USACE, Baltimore. (b) (6) coordinated a teleconference.

Ultimately, the Deputy to the Garrison Commander met with the USACE Baltimore Deputy Engineer and the Garrison Commander met with the USACE District Engineer (b) (6) to resolve the issues.

Considering that the prevailing winds would push any demolition dust from B4035 directly over Plum Point the ISO did not concur with the contractor's abatement plan. The project was stopped and the building still stands today awaiting a complaint method of abating the asbestos prior to any further demolition activity.

22. Q: Did you believe that there were alternatives to the abatement of asbestos roofing materials, or was demolition of the building wholesale warranted? Please explain in detail.

A: Assuming that this question is related to Q#21. No, the wholesale demolition of the building is not warranted. Nor will the ISO concur with a plan that suggests that is the path forward. The building is still standing and we are awaiting a new submittal from the contractor WRT the safe removal of the asbestos prior to demolition.

23. Q: There have been concerns raised regarding Building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: (b) (6) alerted me to asbestos issues in E4405 mostly through telephone communications. To the best of my knowledge I am reciting the circumstances surrounding E4405 correctly, but due to the fact that these were largely telephone conversation that were not memorialized in emails, I am relying primarily on my recollection of the events associated with E4405.

(b) (6)

In his review of the contractor's accident prevention plan, (b) (6) asked USACE (through DPW) for a copy of the asbestos sampling report for the building. The report was suspicious, because whereas the building was a very large building all of the asbestos samples were taken from a very small targeted area of the building. A good asbestos sampling plan should thoroughly test all building features, especially those known to likely be Asbestos Containing Materials (ACM). There seemed to be reluctance on the part of the contractor to respond to (b) (6) requests for copies of the sampling report. I believe one report that he received stated "no asbestos detected". There was no mention or accommodation addressing pipes in the building that were encased in Presumed Asbestos Containing Material (PACM).

(b) (6) visited the building to conduct a visual observation and immediately noticed the PACM which called into question the integrity of the report claiming no asbestos detected. I believe it was EA Engineering that conducted that survey and drafted a report. An EA Engineering team also works for DPW as the liaison to the USACE team on the contaminated building and facility reduction programs.

(b) (6) requested that any "new" report for E 4405 be provided to him in order to verify it was completed correctly and to address the issues of a power pipe (PACM) that travels between E4405

24. Q: Did you observe any irregularities in the contractor's abatement plan for Building E4405?

A: See answer to Q#23. I did not personally review the contractor's abatement plan. (b) (6) was assigned to conduct these reviews.

25. Q: There have been concerns raised regarding Building E5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: Building 5112 is part of a larger project, the FY18 Facility Reduction Project, managed by the US Army Corps of Engineers (USACE), Baltimore District. Asbestos abatement procedures were not submitted for the work proposed in Building 5112. During an assessment of the building on January 16<sup>th</sup>, 2020 the ISO found suspect asbestos containing material (ACM) strewn around, in and on the building without an established regulated area as required by the Occupational Safety and Health Administration (OSHA).

Aberdeen Proving Ground's Department of Public Works (DPW) working with the ISO determined that the abandoned work activities required immediate attention and further investigation.

(b) (6)



Over the next six (6) weeks ISO and DPW leaders repeatedly requested that USACE direct the contractor to properly abate the asbestos. USACE requested that asbestos samples collected from the site be analyzed to confirm and/or deny the presence of asbestos.

Sample were collected from around the site and results from three (3) different dates and at least seven (7) building components were submitted for analysis on February 20<sup>th</sup> with results returned on March 3<sup>rd</sup>, 2020. Twenty-two of the twenty-five samples were positively identified as asbestos containing materials (ACM), with 14 samples greater than 25% asbestos.

DPW and ISO leaders repeatedly requested the site be cleaned up. The ISO received an email on 15 September 2020 stating that the asbestos abatement had been conducted, nine months after it was first identified.

26. Q: There have been concerns raised regarding asbestos being removed from building E5112 and was not properly disposed of for seven months. What is your understanding of any issues with the alleged improper disposal? Did anyone raise concerns to you in regard to this alleged improper disposal or did you have concerns yourself? Please explain in detail.

A: See answer to Q#25. It was actually nine months before the asbestos was abated. Yes, I worked closely with my ISO team and DPW leadership to compel the contractor (through USACE, Baltimore) to properly dispose of the ACM construction debris.

27. Q: There have been concerns raised regarding Building 5114. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have reviewed my emails with respect to B5114. I know that it is a small building (~600 sq.ft.) that was a part of the FY18 Facility Reduction Project. I do not recall the issues surrounding that building, nor do I have any emails that help to refresh my memory.

28. Q: There have been concerns raised regarding the Mulberry Point Tower? What is your understanding of an issues with this as it relates to asbestos? Was the asbestos abated properly?

A: The Mulberry Point Tower was the first project that was reviewed by the ISO staff after I had assumed leadership of the ISO. This was the first building that I identified an asbestos problem. The problems I identified in this building and other subsequent asbestos issues led me to add asbestos to the FY 21 Commander's Annual Safety Plan and order that it be investigated like an Army Class A ground accident.

(b) (6)

The Mulberry Point Tower (B648) was also part of the Facility Reduction Project. The tower was deemed structurally unsound and therefore very limited surveys of the tower could be conducted prior to its demolition. The following is the timeline regarding asbestos issue with the Mulberry Point Tower building. The tower was demolished (with the top structure remaining intact) on or about 18 Oct 2018.

On 23 Oct 2018 (b) (6) advised the FRP COR that addressed suspect asbestos materials in the tower building. Also addressed, was that there was suspect asbestos tile material that had been most likely uprooted from the interior floor as if an abatement had been started. The tile was stacked in the building.

On 15 Nov 2018, safety followed up with DPW as to the status of testing suspect materials for asbestos. (b) (6) reported back that there was no intention to test that the building would be disposed of in its entirety. ISO advised DPW leadership that approval for this proposed course of action would need to come from the regulatory authority (Maryland Department of the Environment).

On 19 Nov 2018 there was a meeting in regard to current asbestos issues. Included was discussion related to the Mulberry Point tower building. A subsequent meeting took place with the Chief of the ISO and Chief of the DPW Engineering Construction Division. The take away was that testing and plans would be forth coming. Reading the attachments, the asbestos work process was completed on 14 Nov 2018, days before the additional meetings/sequence of events as outlined above.

29.Q: There have been concerns raised regarding Building E3330. What is your understanding of any issues with this building, as it relates to asbestos?

A: I was unable to recall any issues about E3330 from memory. I did an email search and found that (b) (6) did send me an email on 11 JAN 2021 wherein (b) (6) was recalling some specific instances of asbestos non-compliance and stated the following "E 3330 -engineering was warned of potential asbestos issues after a flood. Engineering poc took samples (that individual was not accredited/licensed). Those sample result were negative. After pointing out the issues regarding non-compliant sampling an accredited inspector was secured and asbestos results came back positive. This delayed the project and the government paid for sampling more than once."

30.Q: There have been concerns raised regarding Building E305. What is your understanding of any issues with this building, as it relates to asbestos?

A: There is no E305. I am assuming you are referring to B305 on APG. APG buildings are designated BXXX and Edgewood buildings are designated EXXX. In October of 2018 there was some restoration & maintenance work being performed on B305. Specifically, on the veranda, immediately outside the entrance to the Garrison Commander's office. This work was in direct line of sight from the Installation Safety Office.

(b) (6)

ISO team mates began asking questions about the nature and scope of the work being performed. Tiles were being removed from the veranda walkway. Those tiles were adhered using a mastic which was PACM. It was later discovered that the mastic was in fact, ACM.

An asbestos management plan was never submitted for the work nor was any activity hazard analysis or other notification received. The asbestos work is a definable feature of work with serious worker and general liability exposure potential, and as such required review by the ISO. Ultimately, the ok was stopped, abatement plans were submitted and reviewed by the ISO.

31. Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: Yes, (b) (6) worked for me in the ISO. (b) (6) was the Senior Safety & Occupational Health Manager in the ISO. (b) (6) and I have known each other, professionally, for over 27 years.

Yes, see answers above. In each case, I listened and provided guidance to each of the issues (b) (6) raised. Ultimately, I recognized that asbestos was a multi-faceted issue that required a systematic review and command level attention. This was accomplished in our FY21 CASP briefing to (b) (6)

32. Q: Was (b) (6) assigned to write a white paper on asbestos issues on APG to be reported to the Garrison Commander? Was the paper accurate? Did the paper adequately capture the issues surrounding asbestos management on APG? Do you have a copy that you can provide?

A: Yes, I recognized that the depth and breadth of the asbestos issue on Aberdeen Proving Ground was very large and multi-faceted. In order to effectively address the issue I incorporated the asbestos problems into element #6 of the FY2021 APG Commander's Annual Safety Plan (CASP). Element number 6 of the FY2021 CASP reads:

*"6. Develop Long Term Solutions to Systemic Asbestos Issues. Aberdeen Proving Ground is a facility that has hundreds of aged buildings and infrastructure that contain, or are likely to contain, asbestos. Asbestos is heavily regulated by both environmental and occupational safety regulators, and a very sensitive issue in our society.*

(b) (6)

*Asbestos management requirements include, but are not limited to, identification of asbestos within our facilities, a centralized management program to address inventory, administrative and engineering controls for the maintenance and abatement of asbestos, ongoing training and education and thorough construction oversight performed by qualified individuals. Over the years there have been issues with indiscriminant tampering with asbestos and potential occupational exposures. The ISO will identify the root causes of these issues and develop both short and long term methods for addressing asbestos issues at Aberdeen Proving Ground as well as Adelphi Laboratory Center."*

The 7 elements of the FY2021 CASP were divided among the ISO team for execution. (b) (6) was tasked with the responsibility of executing this element of the CASP.

A copy of the white paper (b) (6) submitted is provided. (b) (6) paper is accurate. However, the paper (b) (6) submitted to me in an email on 20 January 2021 does not contain the same level of detail, depth and scope expressed in (b) (6) complaints and allegations that I have seen since September 2021.

33. Q: Concerns have been raised with the reassignment of duties within the Installation Safety Office particularly in regard to (b) (6). How would you characterize the reassignment of duties? What was the purpose behind the reassignments? Please explain in detail.

A: (b) (6) was reassigned due to (b) (6) unwillingness/failure to preserve the deteriorating relationship between the ISO and the USACE.

During my tenure as the Chief of the Installation Safety Office, I have fielded numerous calls and emails from employees and leaders of the US Army Corps of Engineers (USACE) all requesting my personal engagement to address (b) (6) workplace behavior. In each case I addressed the issue directly with (b) (6).

On October 18, 2019, (b) (6) Chief, Military Branch, PPMD, U.S. Army Corps of Engineers, Baltimore District sent an email to (b) (6) (b) (6) Director of Directorate of Public Works, United States Army Garrison (USAG-APG). In that email (b) (6) expressed frustration with the lack of progress on resolving safety issues on the Facility Reduction Project (FRP). (The Facility Reduction Project is an effort to demolish surplus buildings on the installation that are beyond their useful lives that are not contaminated with chemical agents.) In (b) (6) email (b) (6) mentioned was considering terminating the FRP contract for convenience.

(b) (6)



(b) (6) subsequently advised (b) (6) would refuse any future FRP contracts and refer them to the Corps of Engineers office in Huntsville, Alabama. Several meetings ensued in an attempt to salvage the relationship between the USAG-APG and the USACE Baltimore. (b) (6) Deputy Director of DPW and myself attended all of those meetings. Ultimately, the USACE officials felt as though the relationship had not improved.

In late 2019, I was informed that the US Army Corps of Engineers was assigning a new project management team to the Facility Reduction Project due to the deteriorating relationship and the previous team asking to no longer work with (b) (6) or the Installation Safety Office. The Garrison Commander, (b) (6) instructed me to not let the relationship with the USACE Baltimore dissolve. (b) (6) ordered that I rebuild the relationship between the USACE Baltimore and the Installation Safety Office.

I began to participate in a series of monthly meeting with a representative of the USACE Baltimore and DPW. The primary focus of the meeting was rebuilding the relationship. (b) (6) lack of respect and willingness to provide workable solutions to problems was an agenda item at each and every one of these meetings.

In early 2019, the USACE project management team complained to me about project scheduling delays and cost overruns that were nearing \$750,000 as a result of the delays associated with (b) (6) unwillingness to provide workable solutions. (b) (6) was demanding revisions and responses to issues in USACE Contractor submittals that were in turn having an impact on cost and schedule. I met with (b) (6) and gave specific boundaries about the Installation Safety Office oversight of USACE construction projects on APG. The direction that I provided to (b) (6) was for (b) (6) to provide comment and guidance on any matter requested by USACE. (b) (6) was to review and comment on USACE Contractor submissions (i.e. safety plans, asbestos surveys, lift plans, demolition plans, etc.) to the extent that the actions of the USACE contractor projected risk to U.S. Government (USG) Property, the residents, employees and visitors of APG, and the APG mission. Beyond those three specific areas, (b) (6) was to summarize (b) (6) concerns or address short comings in USACE contractor submissions in an email to the USACE project manager and not cause further delays.

In late 2020, the Chief of the Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) Analytical and Remediation Activity (CARA) Explosive Ordnance Disposal (EOD) team contacted me asking for assistance about an issue (b) (6) was having with (b) (6). The issue was rooted strictly in compliance and was not a complaint about (b) (6) disrespect or unwillingness to provide workable solutions. I referred (b) (6) to (b) (6) to work the issue directly. The issue was resolved.

In early 2021, I received a call from the USACE project manager. Again, (b) (6) was complaining about (b) (6) unwillingness to provide a workable solution to a problem.

(b) (6)

I called (b) (6) and discussed the matter. (b) (6) pointed out that the last time (when the CARA Chief called) that I did not get involved and that I let him solve the problem. (b) (6) I acknowledged that fact and agreed to follow the same course of action. The next day the USACE Project Manager called and said that the issue had not been resolved and that (b) (6) was still not allowing the project to move forward over an issue that did not project any risk to USG Property, the residents, employees and visitors of APG, and the APG mission.

I called (b) (6) back and informed (b) (6) that I had given (b) (6) the chance to resolve the issue (b) (6) but that the USACE project manager was still not satisfied.

On 19 March 2021, I verbally counseled (b) (6) about the USACE issue, and a separate issue (b) (6) was having (involving a coworker's complaint about the lack of respect shown to (b) (6) by (b) (6)). The verbal counseling was documented in a MFR.

In April of 2021, another issue arose concerning missing asbestos floor tiles in E2354. Again, I received a call from the USACE project manager requesting assistance for (b) (6) unwillingness to provide a workable solution to the problem. I immediately call (b) (6) and reminded (b) (6) of my counselling one month prior and told (b) (6) that if this problem did not get resolved by the end of the day that there were no options that I was not considering on how to solve these issues once and for all, up to and including reassigning work assignments within the Installation Safety Office. (b) (6) gave (b) (6) approval to allow the project to move forward. On several occasions, (b) (6) mentioned to me on the phone that people should be going to jail and that members of the USACE team were guilty of a crime. (b) (6) began referring to specific (b) (6) members of the USACE project management team as (b) (6) (a reference to the recent headlines of a celebrity who was convicted of a college entrance scandal and was currently serving a prison sentence). These comments were made to both myself and (b) (6) of the Installation Safety Office.

On 15 July 2021, I received an email from the USACE project manager. (b) (6) (b) (6) had attended a USACE / DPW Customer Focus teleconference. The purpose of this meeting was for USACE to brief DPW on the status of their construction projects. On the phone was a senior leader (GS-15) with the Baltimore District USACE. According to (b) (6) threatened a CID investigation into missing asbestos on the E2354 project. (b) (6) attempted to calm (b) (6) down and suggested they take this issue up in a forum other than the customer focus meeting. (b) (6) described (b) (6) contribution to the meeting as a "rant", and the (b) (6) repeatedly "reiterated that CID (Criminal Investigation) should be called and our contractors should lose their licenses". (b) (6) described the interaction as both "disturbing" and "threatening". (b) (6) listed (b) (6) as three witnesses to (b) (6) outburst, none of which disavowed (b) (6) characterization of the meeting.

(b) (6)

After learning about this I briefed (b) (6) the Deputy to the Garrison Commander about the outburst in the meeting and let (b) (6) know that I would be reassigning work within the ISO. (b) (6) suggested that I contact (b) (6) Civilian Personnel Advisory Center (CPAC) Labor/Management Employee Relations Specialist (LMER) and explain what I intended to do and get guidance. I did in fact have a conversation about my intentions. The performance elements of all ISO teammates was very specific stating which customers each teammate would service. (b) (6) suggested standardizing the appraisal elements that spoke to customer service. I did. All employees acknowledged the change.

Concurrently, (b) (6) had just announced (via a phone text to me) that a member of (b) (6) family was very sick and that (b) (6) would be requesting significant amounts of sick leave to care for the sick member of the family.

On 28 JUL I sent an email to the ISO team announcing that I would be reassigning work within the office. My intention with the reassignment of work responsibilities was to 1. Remove (b) (6) from a deteriorating relationship with the USACE and DPW., and 2. Provide (b) (6) with a working situation that would allow (b) (6) greater flexibility to take sick leave as needed to care for (b) (6) sick family member.

(b) (6) called after receiving the email and said that if I didn't change my mind that (b) (6) was going to go see the Garrison Commander. I told (b) (6) that (b) (6) was free to do that and that I would make the call and set up the meeting for (b) (6) but that (b) (6) had to follow the chain of command and first meet with the Deputy to the Garrison Commander. I offered to set up the meeting for (b) (6) did not ask me to set up the meeting.

While I have describe several of the instances where I was asked to address (b) (6) lack of respect and unwillingness to work to come to a favorable resolution with respect to technical, work related issues, I have not address them all. I have identified only those instances related directly to the deteriorating relationship with the USACE Baltimore. There are numerous other instances where I was asked to address (b) (6) behavior, lack of respect or willingness to provide workable solutions to problems.

34. Q: Was the Installation Safety Office and/or (b) (6) role in reviewing and committing on safety issues related to asbestos ever curtailed or lessened? If so, for what reasons? Please explain in detail.

A: No. In fact, the ISO's role has improved since removing (b) (6) from the situation. (b) (6) from the ISO was assigned the responsibility of working with DPW and USACE. (b) (6) still maintained an AHERA accreditation as an asbestos inspector from (b) (6) previous work experience. (b) (6) was not an AHERA accredited inspector. Often times, (b) (6) sought answers from, and consulted with, (b) (6) prior to providing response to construction contractor safety submittals.

(b) (6)



35. Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: While I do not know who is on the interview list for this 15-6 investigation the following people will have information related to asbestos management at APG.

(b) (6) retired, Director Public Works USAG APG—(b) (6) has overall knowledge of Contaminated Building Demolition and Facility Reduction Projects (FRP) (b) (6) also has specific knowledge about the (b) (6) complaints about asbestos, knowledge of deteriorating relationship between USACE and ISO, and knowledge of (b) (6) directive to fix the relationship between the USACE and ISO. (b) (6) will also have firsthand knowledge about Contaminated Building Demolition and Facility Reduction Projects (FRP) and asbestos issues related to DPW and the tenants of APG.

(b) (6) Deputy Director Public Works USAG APG—(b) (6) has firsthand knowledge of the meetings (b) (6) and I attended in an attempt to address asbestos issues with USACE leadership (b) (6) will also have firsthand knowledge about Contaminated Building Demolition and Facility Reduction Projects (FRP) and asbestos issues related to DPW and the tenants of APG.

(b) (6) acting Deputy Director Public Works—(b) (6) has overall knowledge of Contaminated Building Demolition and Facility Reduction Projects (FRP), specific knowledge about the (b) (6) complaints about asbestos, knowledge of deteriorating relationship between USACE and ISO. Knowledge of (b) (6) directive to fix the relationship between the USACE and ISO.

(b) (6) Division Chief, DPW—(b) (6) has specific knowledge of (b) (6) deteriorating relationship with USACE and specific knowledge of Contaminated Building Demolition and FRP.

(b) (6) Division Chief, DPW—(b) (6) was present at the meeting between DPW and USACE where the (b) (6) engaged GS15 leaders from USACE. (b) (6) was also intimately involved in tenant asbestos related issues.

(b) (6) Environmental Division Chief, DPW—(b) (6) has detailed knowledge of Contaminated Building Demolition Project, Facility Reduction Project, the deteriorating relationship between the (b) (6) and USACE, specific knowledge of all buildings mentioned in this matter, knowledge of EPA standards regarding asbestos, and knowledge of USAGAPG management of asbestos program.

(b) (6)



SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220311  
DA FORM 2823 (Continued) / Page 17 of 18 Pages

(b) (6) Asbestos Program Manager, DPW—Has knowledge of USAGAPG asbestos program, knowledge of EPA regulations, knowledge of (b) (6) work to find solutions to Element #6 in the FY21 Commander's Annual Safety Plan Asbestos.

(b) (6) Project Manager, USACE Baltimore—(b) (6) has detailed knowledge of deteriorating relationship between USACE and ISO, detailed knowledge of (b) (6) disrespectful treatment of (b) (6) Safety Manager, USACE Baltimore, detailed knowledge of Contaminated Building Demolition Program and FRP, and detailed knowledge of all buildings demolished described herein.

(b) (6) EA Engineering—(b) (6) has knowledge of the deteriorating relationship between USACE and ISO, knowledge of EA Engineering, knowledge of asbestos sampling and submittals for asbestos mitigation plans from contractors.

(b) (6) EA Engineering—(b) (6) has knowledge of the deteriorating relationship between USACE and ISO, knowledge of EA Engineering, knowledge of asbestos sampling and submittals for asbestos mitigation plans from contractors.

(b) (6) ISO—(b) (6) is an accredited asbestos inspector. Further, (b) (6) has knowledge of the Appellant's complaints about asbestos, and knowledge of deteriorating relationship between USACE and ISO.

(b) (6) Safety Chief, USACE Baltimore—(b) (6) has knowledge of the deteriorating relationship between USACE and ISO, poor treatment of (b) (6) by (b) (6) asbestos regulations, in general work performed by USACE at Contaminated Building and FRP.

(b) (6) Division Chief, USACE Baltimore—(b) (6) has overall knowledge of Contaminated Building Demolition and Facility Reduction Projects (FRP) and knowledge of the deteriorating relationship between USACE and ISO.

(b) (6) Division Chief, USACE Baltimore—(b) (6) has overall knowledge of Contaminated Building Demolition and Facility Reduction Projects (FRP) and knowledge of the deteriorating relationship between USACE and ISO.

(b) (6) Safety Manager, USACE Baltimore—(b) (6) has detailed knowledge of deteriorating relationship between USACE and ISO, detailed knowledge of disrespectful treatment by (b) (6) detailed knowledge of Contaminated Building Demolition Program and FRP, and detailed knowledge of all of the buildings demolished that are at issue in these proceedings.

(b) (6)

SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220311  
DA FORM 2823 (Continued) / Page 18 of 18 Pages

(b) (6) Project Manager, USACE Baltimore (b) (6) has overall knowledge of Contaminated Building Demolition and Facility Reduction Projects (FRP) and knowledge of the deteriorating relationship between USACE and ISO.

Entire EA Engineering Team—These individuals have knowledge of the deteriorating relationship between USACE and ISO, knowledge of EA engineering, knowledge of asbestos sampling and submittals for asbestos mitigation plans from contractors.

36. Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: The ISO continues to work internally with DPW, and externally APG tenant safety offices and tenant leadership and the USACE to address the asbestos issues confronting APG. APG's asbestos problem is complex and multi-faceted. I believe that I have provided all the information requested to the best of my ability, but I am happy to expand upon any answer provided in this instigation.

-----END OF STATEMENT-----

(b) (6)

OSC File  
No. DI-22-000146

EXHIBIT R

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220316	3. TIME 1300	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-14/ Army Civilian	

8. ORGANIZATION OR ADDRESS  
Directorate of Public Works, Environmental Division, U.S. Army Garrison, Aberdeen Proving Ground, MD

9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) (AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed, with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: Directorate of Public Works as the Chief, Environmental Division. Since December 2011.

Q: What is your official title/position and how long have you been in that position?

A: Chief, Environmental Division (Supervisory, Environmental Protection Specialist GS-0028-14), just over 10 years.

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: First line supervisor (b) (6) Deputy Director of Public Works. Second line supervisor, (b) (6) Director Public Works.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: Advisory, specifically on recordkeeping of documentation to insure compliance with federal laws and implementing regulations under Toxic Substance Control Act (TSCA) and the Clean Air Act (CAA)/National Emission Standards for Hazardous Air Pollutants (NESHAP) and similar state laws and implementing regulations. Per Army Regulation 420-1, support the development of an Asbestos Management Plan as a best management practice to communicate asbestos hazards and minimize/eliminate asbestos exposures.

Q: Who are the primary stakeholders that you work with concerning the management, mitigation, and/or abatement of asbestos on APG?

A: Directorate of Public Works Operations and Maintenance Division, Engineering and Construction Division, Master Planning Division, Housing Division. Kirk Medical Industrial Hygiene. Garrison Safety Office. U.S. Army Corps of Engineers.

Q: Does APG have a current Installation Asbestos Management Plan (AMP) in place? If not, what have been the issues surrounding the plan?

A: APG has had a draft unsigned Asbestos Management Plan(s) in development for many years. The plan has not been finalized due to disagreements between the Garrison Safety Office (GSO) and the Directorate of Public Works (DPW).

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 6 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220316

9. STATEMENT (Continued)

Specifically, the plan has not been finalized because former GSO representative, (b) (6), believes that APG's asbestos program is noncompliant, thus (b) (6) would not provide safety office concurrence to allow Command signature of the final plan. The GSO's main point of contention is that APG does not have a current comprehensive asbestos survey for the Installation which makes the program noncompliant in (b) (6)'s eyes. This issue was elevated by DPW Environmental Division to IMCOM HQ Army Environmental Command (b) (6) with the latest discussions occurring in October 2021 during environmental audits. IMCOM HQ found no merit in the GSO's stance as asbestos surveys are conducted prior to all renovation and demolition projects. Result is comprehensive surveys, although useful are not required. The current plan is out for final comment and will be staffed for GSO concurrence this Spring.

Q: Are installations, such as APG, required to maintain a current AMP? If so, what are the relevant laws and/or regulations that mandate this?

A: Yes, an Asbestos Management Plan (AMP), though not required by federal or state law, is required by Army Regulation 420-1. Current IMCOM funding guidance does not provide funding support for non-statutory requirements. Army regulation requirements, such as the AMP, are worked with available in house labor as time allows. As stated earlier, the AMP has been in the works for many years, however, nonoccurrence by the Garrison Safety Office has not allowed staffing to be completed.

Q: Have surveys been appropriately conducted at APG to identify the presence of asbestos hazards or asbestos containing material within installation buildings and facilities? Please explain in detail.

A: Yes, surveys are carried out as part of every facility renovation and demolition project to insure compliance with asbestos requirements prior to construction. APG does have gaps in its comprehensive asbestos survey. Although surveys have been funded in the past, they do not cover the entirety of APG's real property inventory prior to 1990. As discussed previously, comprehensive surveys are not required, however, they are a useful informational tool.

Q: To your knowledge, were there issues surrounding funding in regards to the Asbestos Management Plan and conducting surveys on APG? If so, please explain in detail.

A: As discussed prior, the Asbestos Management Plan (AMP) is not a statutory requirement, but is required by Army Regulation 420-1. Current IMCOM funding guidance only supports funding associated with statutory requirements. The AMP is worked with in house labor as resources allow. Completing the plan has been delayed by nonoccurrence by the Garrison Safety Office. As far as conducting a comprehensive asbestos survey at APG, we have sought funding in the past, but it was cost prohibitive with funding cuts to IMCOM. Since surveys are attached to projects prior to every renovation and demolition to insure compliance with asbestos requirements, the benefit of the higher cost comprehensive survey did not compete well against higher risk items on the spend plan. We were successful in acquiring funding to survey asbestos high risk areas (boiler rooms) within the cantonment area to augment our existing survey.

Q: Where are reports related to asbestos on APG stored? Is there a centrally managed location?

A: At project closeout (completion), all project information to include asbestos abatement/maintenance information becomes part of the facility real property record centralized in the Directorate of Public Works Master Planning Division. During project development, information and records supporting asbestos compliance is shared in various ways between stakeholders using as-built database systems and SharePoint.

Q: What government oversight inspections (i.e., EPAS) have been conducted of APG's Asbestos Management program? What were the results? What actions were taken to correct any noted deficiencies, and by whom?

A: Multiple EPAS inspections have occurred on the program since I arrive in 2011. Any findings or concerns associated would have been addressed by the TSCA Program Manager (b) (6). The only outstanding issue remains the Asbestos Management Plan (AMP) which is going through another iteration of staffing at this time. As previously discussed, the AMP would not be concurred on by the Garrison Safety Office to allow finalization. The AMP is a Class III finding in EPAS meaning the lowest priority to close out as it is driven by Army Regulation and not federal or state law.

Q: There have been concerns raised regarding Building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 6 PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220316

9. STATEMENT (Continued)

A: This question would be best answered by the U.S. Army Corps Baltimore District (USACE) (b) (6) My understanding of E2354 is that floor tiles in early asbestos planning documents were not found to be in the facility at the time of abatement prior to facility demolition. USACE proceeded in a safe manner to approach the project as if the asbestos tiles may still be there. This was challenged by the Garrison Safety Office as a concern of overpaying the contractor for abatement work that had already been completed. Contractors are not paid for work not provided, so the concern was not valid. Moving forward with a more conservative plan only provided additional worker protection if asbestos tiles were found under the existing flooring in the area of concern.

Q: There have been concerns raised regarding Building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: This question would be best answered by the U.S. Army Corps Baltimore District (b) (6) My understanding is the issue that revolved around heavy transit (asbestos) roofing panels at E5188. These panels would be extremely difficult to remove as they were inset from above, causing worker safety concerns due to the weight of the panels and the scaffolding required to remove the panels from below. Garrison Safety Office and the U.S. Army Corps of Engineers disagreed in the approach to the project. The contractor pursued a variance to the abatement plan per governing regulations. Variances were received by Maryland Department of Environment and the Environmental Protection Agency. Revised abatement plans were followed in the demolition of the facility and there were no issues with the demolition.

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at Building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: This question would be best answered by the U.S. Army Corps Baltimore District (b) (6) Worker safety is key to the discussion. In my opinion, the U.S. Army Corps of Engineers and their Contractor pursued an alternate path that considered all safety aspects at the site. The work was done safely, and accomplished in compliance with all appropriate asbestos requirements.

Q: There have been concerns raised regarding Building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: This question would be best answered by the U.S. Army Corps Baltimore District (b) (6) Prior to my involvement in the FY18 Facility Reduction Program, work was stopped by Garrison Safety Office at 4035.

-----CONTINUED-----

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of March, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

(b) (6)

(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 6 PAGES

**SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220316**  
**DA FORM 2823 (Continued) / Page 4 of 6 Pages**

We (Environmental Division) were asked to get involved in the FY18 Facility Reduction Program (FRP) by the Director of Public Works, (b) (6) to mediate tensions between our Engineering and Construction Division, Garrison Safety Office, and the U.S. Army Corps of Engineers Baltimore District. The way this was accomplished was to remove work from our Engineering Construction Division and move it to my organization under our Program Management Office (PMO) for the Directorate of Public Works Contaminated Demolition Program (CDP). Additionally, tensions were mediated by moving work from the Construction Division of the U.S. Army Corps of Engineers Baltimore District which was overseeing the FY18 FRP to the Military Munitions Design Center U.S. Army Corps of Engineers Baltimore District. Once the work was integrated within the program the team began working with the contractor to rewrite the demolition plans to include the asbestos abatement plan. This has not been completed yet for 4305. I am not aware of any other specific concerns.

Q: There have been concerns raised regarding Building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: I do not have an understanding of concerns raised at E4405

Q: There have been concerns raised regarding Building 5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: This question would be best answered by the U.S. Army Corps Baltimore District

(b) (6) Abatement process had begun at 5112 and disagreements between Directorate of Public Works Engineering and Construction Division, Garrison Safety Office, and the U.S. Army Corps of Engineers Baltimore District came to a head concerning the asbestos abatement. We (Environmental Division) were asked to get involved in the FY18 Facility Reduction Program (FRP) by the Director of Public Works, (b) (6) to mediate tensions between our Engineering and Construction Division, Garrison Safety Office, and the U.S. Army Corps of Engineers Baltimore District. The way this was accomplished was to remove work from our Engineering Construction Division and move it to my organization under our Program Management Office (PMO) for the Directorate of Public Works Contaminated Demolition Program (CDP). Additionally, tensions were mediated by moving work from the Construction Division of the U.S. Army Corps of Engineers Baltimore District which was overseeing the FY18 FRP to the Military Munitions Design Center U.S. Army Corps of Engineers Baltimore. The issues at 5112 concerned vents that lay in the open that had asbestos containing material. U.S. Army Corps of Engineers Baltimore District called the contractor in to immediately police the site. U.S. Army Corps of Engineers Baltimore District worked with regulators to ensure there were no issues at the site and worked with the contractor to improve the asbestos abatement process at 5112. The building was demolished.

(b) (6)



**SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220316**  
**DA FORM 2823 (Continued) / Page 5 of 6 Pages**

Q: Who are the contractor(s) and contractor employee(s) that are generally or frequently involved with asbestos matters on APG? Do any of these contractors work full-time at APG within DPW? What are their general roles and responsibilities related to asbestos management, mitigation, and/or abatement? Please explain in detail.

A: Contractors are generally hired by the Directorate of Public Works to do renovations, or by the U.S. Army Corps of Engineers to provide facility demolition under the Facility Reduction Program (FRP). The Contractors are responsible for the asbestos abatement and insuring the safety of their workers during abatement activities. Contractor plans are coordinated with the appropriate safety offices and construction representatives in Directorate of Public Works or the U.S. Army Corps of Engineers to ensure plans consider impact to Garrison Mission, employee and public safety.

If this is in regards to the Contaminated Demolition Program Management Office (PMO), these contractors were hired as an independent monitor for the Directorate of Public Works to assist with the technical review and dissemination of planning documents and safety submittals due to the scale of the Contaminated Demolition Program. They provide coordination and communication to all supporting Garrison offices to insure comments are communicated through the Directorate of Public Works to the U.S. Army Corps of Engineers (USACE) on demolition projects. As discussed earlier, the Environmental Division was asked to take over the FY18 Facility Reduction Program to mediate conflicts between the USACE, Garrison Safety Office, and the Directorate of Public Works Engineering and Construction Division. Environmental Division has also been tasked to oversee the FY20 Facility Reduction Program.

Q: Do you know (b) (6)? If so, how do you know him? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: Yes I know (b) (6) as a Garrison Safety Office representative. (b) (6) raised many issues regarding asbestos compliance on demolition projects, most of which that I have been involved in since FY18. These have been previously discussed in this document. Despite (b) (6) conduct being unprofessional and at times threatening to our staff, our approach to address (b) (6) concerns has been to ensure increase communications with the Garrison Safety Office to include making sure they had all appropriate documentation, increasing partnership meetings to address concerns or issues, initiating weekly demolition program calls to address outstanding issues or concerns, increasing facility walk troughs to address outstanding issues or concerns, providing a SharePoint site that is transparent and inclusive of all demolition safety plans and submittals allowing the Garrison Safety Office access at any time, providing technical support from our PMO safety specialist to sit with (b) (6) to walk through submittals to facilitate (b) (6) review and answer questions (b) (6) may have, increasing Asbestos Management Plan meetings to facilitate communication on plan concerns or issues, elevating (b) (6) concerns to headquarters for

(b) (6)



**SWORN STATEMENT of (b) (6) TAKEN AT APG MD, DATED 20220316**  
**DA FORM 2823 (Continued) / Page 6 of 6 Pages**

consideration/decision, implementing (b) (6) comments where they provided value to the process. We've made every effort to work with (b) (6) during my tenure overseeing the Facility Reduction Program and to implement the Asbestos Management Plan. Where (b) (6) disagreed with our approach (b) (6) provided no solutions/suggestions to support a way ahead.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: (b) (6) U.S. Army Corps of Engineers Baltimore District

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: There have been no noncompliance actions or notice of violations from the Maryland Department of the Environment or the Environmental Protection Agency regarding the asbestos program during my tenure as Chief, Environmental Division (since 2011). With regards to the Facility Reduction Program (demolition programs), we take worker safety extremely seriously and have increased checks and balances to include Director of Public Works independent safety review using our Program Management Office, U.S. Army Corps of Engineers Baltimore District safety review, and where appropriate U.S. Army Engineering and Support Center Huntsville safety review. All safety plans and documents are also provided to the Garrison Safety Office for comment. In addition, I have worked to secure funding in FY21 to increase asbestos training throughout the Directorate of Public Works (DPW) by providing varying levels of training and accreditation by the Maryland Department of Environment to support DPW Contracting Officer Representative knowledge and oversight of asbestos abatement.

-----END OF STATEMENT-----

(b) (6)

OSC File  
No. DI-22-000146

EXHIBIT S

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220303	3. TIME 1539	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-15/Army Civilian	

8. ORGANIZATION OR ADDRESS  
U.S. Army Garrison BENELUX, Bldg 20005, Chievres Air Base, Belgium

9. I, (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: How long were you employed with the U.S. Army Garrison at Aberdeen Proving Ground (APG), Maryland?

A: I was assigned to USAG APG 05JUL20 – 29JAN22

Q: What were the names of your first and second-line supervisors and their respective duty titles?

A: 05JUL20-27MAR21 1st Line Supv: (b) (6), Deputy to the Garrison Commander (DGC)

2nd Line Supv: (b) (6), Garrison Commander (GC)

28MAR21-24JUN21 1st Line Supv: (b) (6), Garrison Commander

2nd Line Supv: (b) (6), Director ID-Sustainment

25JUN21-29JAN22 1st Line Supv: (b) (6)

2nd Line Supv: (b) (6), Director ID-Sustainment

Q: What was your official title/position and grade? How long were you in that position?

A: 05JUL20-27MAR21 – Director of Operations, GS14

28MAR21-25JUL21 – Deputy to the Garrison Commander, GS15

26JUL21-28AUG21 – Deputy to the Garrison Commander, GS14

29AUG21-29JAN22 – Deputy to the Garrison Commander, GS15

Q: What were your general duties and responsibilities in that position? Please explain in detail.

A: Director of Operations - Provided Leadership, direction and supervision to a team of 290 Department of the Army Civilian employees across four divisions, to ensure the integration and delivery of Garrison base support and installation management operations in the areas of operations, training, mobilization and security; law enforcement, fire & emergency services, and security & protection services. Established and led the development and execution of short, mid, and long range planning of support services, and formulated/drafted for approval, goals, policies, and objectives at an extremely large multi-mission U.S. Army Garrison with over 90 complex tenant organizations, and a supported community of 28,500, across four geographically disbursed sites.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF **(b) (6)** TAKEN AT APG, MD DATED 20220303

9. STATEMENT (Continued)

Deputy to the Garrison Commander - Direct and supervise the complex administrative, technical and professional installation support services directly affecting mission accomplishment of an extremely large complex, multi-mission military installation. Provide administrative program direction to various civilian directors and special staff involved in a wide variety of functional program areas including financial management, contracting services, law enforcement, protection, fire and emergency services, personnel management, family morale and welfare, public works, and other various activities. Ensure the short, mid, and long range planning of base support operations is completed and appropriately resourced. Direct and formulate goals, policies, and objectives for the enterprise. Implement internal controls to produce a sound system of accountability, and continually evaluate operations to ensure plans are followed to meet objectives and goals. Serve as senior civilian of the organization and provide program oversight and resolution authority for EEO/EO complaints, senior civilian hiring approvals and other personnel management related matters.

Q: Are you personally aware of any safety concerns raised by any person (including APG employees) regarding asbestos, asbestos containing material in APG buildings or facilities, or APG's mitigation or abatement of such hazards? If so, please explain those circumstances in detail, and what was done in response.

A: I am not personally aware of any first-hand knowledge of asbestos-related safety concerns. The only tangential information I know of was provided by **(b) (6)** and that was general information as it related to administrative actions with **(b) (6)** **(b) (6)**

Q: Do you know **(b) (6)** If so, how do you know **(b) (6)** Has **(b) (6)** ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of **(b) (6)** concerns addressed? Please explain in detail.

A: I know who **(b) (6)** is. I did not actually meet **(b) (6)** until around August 2021, when **(b) (6)** came to me on an "open door" meeting concerning **(b) (6)** reassignment of duties. During this discussion and a subsequent discussion with an outside Mediator (EEO), **(b) (6)** stated **(b) (6)** reassignment of duties was in response to **(b) (6)** concerns over asbestos, however **(b) (6)** never went into any details as to what actually took place. Specifically **(b) (6)** never brought any asbestos-related concerns to me.

Q: **(b) (6)** was tasked to write a white paper on issues related to asbestos to highlight certain deficiencies. Did you see the white paper? Did you have any concerns with the white paper? Please explain in detail.

A: I do not recall ever seeing or reading anything of this nature; I believe it was written before my time as the DGC.

Q: Concerns have been raised with the reassignment of duties within the Installation Safety Office particularly in regard to **(b) (6)** **(b) (6)** How would you characterize the reassignment of duties? What was the purpose behind the reassignments? Please explain in detail.

A: Sometime in mid-July 2021 I received a phone call from the **(b) (6)** supervisor **(b) (6)** stating that **(b) (6)** was contacted by a senior official from United States Army Corps of Engineers (USACE) with a formal complaint regarding extremely unprofessional behavior by the complainant towards one of their GS-15 **(b) (6)** leaders. Apparently the **(b) (6)** had accused **(b) (6)** of breaking the law and threatened **(b) (6)** with jail during a DPW-run public meeting. **(b) (6)**'s actions were perceived as unwarranted and unprofessional, and damaging to the relationship between USAG APG and USACE. The **(b) (6)** asked for my advice and I directed **(b) (6)** to coordinate with our Labor, Management and Employee Relations (LMER) Advisor **(b) (6)** on how to address the situation and move forward. After reviewing all of the Installation Safety Office (ISO) PDs, the advice provided by LMER to the Supervisor was to consider changing assigned customers of the team to ensure full utilization of position descriptions (apparently only a portion of the duties defined in **(b) (6)** PD were being accomplished). Since **(b) (6)** PD was broad in nature covering construction safety and a full range of industrial safety, the decision to reallocate customer assignments resulted in a change from solely focusing on Engineering Construction Division safety to a more broad focus of Directorate of Operations (DoO) and Directorate of Public Works (DPW) safety in general, the two Garrison areas with the most safety

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: Former USAG APG Command Team - **(b) (6)** (previous DGC) and **(b) (6)** (previous GC) USAG APG DPW - **(b) (6)** (previous DPW, now retired), **(b) (6)** Deputy DPW, **(b) (6)** DPW - Environmental, Mr. **(b) (6)** DPW - Asbestos Abatement Project Manager) USAG APG Installation Safety Office (ISO) **(b) (6)** **(b) (6)** Chief of Safety), **(b) (6)** Safety).

INITIALS OF PERSON MAKING STATEMENT **(b) (6)**

PAGE 2 OF 3 PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220303

9. STATEMENT (Continued)

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: (b) (6) currently has a MSPB case pending, which I believe to be related to these questions. The Lawyers working this case are (b) (6) from CECOM – Recommend you speak with them for additional information (if releasable).

-----END OF STATEMENT-----

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of March, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

5 U.S.C. 303

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 3 PAGES

OSC File  
No. DI-22-000146

EXHIBIT T

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220316	3. TIME 1325	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GS-12/ Army Civilian	

8. ORGANIZATION OR ADDRESS  
U.S. Army Corps of Engineers , Baltimore District

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6)  
A: (b) (6)

Q: Where are you currently employed, and how long have you been employed there?

A: I am currently employed by the U.S. Army Corp of Engineers, Baltimore District and I have been employed with them since May 2016.

Q: What is your official title/position and grade? How long have you been in that position?

A: My title and position is an Industrial Hygienist and I am a GS-12. I have been in this position since January of 2015

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: My First Line supervisor is (b) (6) Chief of the Environmental Safety Office in the Environmental and Munitions Design Center and my current second-line supervisor is (b) (6) Acting Deputy Chief of the Environmental and Munitions Design Center.

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

A: Generally, I serve as representative on Industrial Hygiene and Site Health and Safety aspects of toxic and hazardous waste site field investigations, feasibility studies, and remedial action designs or projects located within District boundaries.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: When requested I conduct inspections of buildings/sites for asbestos and hazardous materials, more frequently to support demolition or renovation projects within the district boundary, I collect samples if needed, generate inspection reports, and make appropriate recommendations based on the scope of the work. I also prepare safety and health plans for teams performing in-house work to ensure that they are adequately protected from asbestos and other hazardous substances. For contract actions I help to ensure that scope of work being developed include the appropriate regulatory requirements and standard that applies to the work regarding matters of environment and occupational health and safety that apply to asbestos or hazardous materials. I participate in some selection boards to review if the contractors' proposals to perform work that involves the demolition or renovations of facilities that contain asbestos and hazardous substances and provide recommendations to the board. I review contractor prepared hazardous materials and asbestos survey reports, work plans and Accident Prevention Plans for compliance with the regulatory requirements and provide recommendations to PM/COR on the submittal.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 11 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220316

9. STATEMENT (Continued)

I conduct Safety and Health Quality Assurance field visits during select periods of work to ensure the accepted plans are being implemented. To verify that the contractor personnel conducting the work have the appropriate training, medical clearance, fit test, and area and personal sampling are being collected properly, to verify that work practices, engineering controls, and administrative controls being used are consistent with plans and are compliant with requirements, and the waste generated are being managed properly. Depending on the planned work, potential risks, and performance of the contractor I may increase or reduce the frequency of field visits. As the work progresses, I periodically review daily quality control reports, project monitor reports and sampling data results to verify plan implementation and exposure control effectiveness. Once the asbestos abatement is completed and the area/building has passed visual and/or air sampling clearance from the third-party project monitor then I conduct field visit to verify that the asbestos containing materials and hazardous substances have indeed been removed completely before the demolition or renovation work commences.

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A:

(b) (6) USACE Program Manager)

(b) (6) DPW Customer)

(b) (6) (APG ISO Safety Specialist)

(b) (6) APG ISO Safety Specialist)

(b) (6) (APG ISO Chief)

(b) (6) (PMO Deputy Program Manager)

(b) (6) (PMO DPW Coordinator (waste and utilities))

(b) (6) (PMO Safety Coordinator)

(b) (6) (PMO full time onsite project observer and safety coordinator)

(b) (6) (PMO full time onsite project observer and safety coordinator)

(b) (6) (PMO coordinator)

Q: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed? What is the conflict resolution policy? Who wrote it?

A: If concerns are being brought up during the plan review phase of the project: then concerns are addressed through a comment review process between the party with the comment/question/concern to the developer of the plan, usually the contractor. The contractor usually receives these comments from USACE and Installation representatives. They review the comments and create responses and if the plan is revised because of the comments the changes are outlined and if the comment did not result in a change, then a response is provided only. The individual making the comment then has an opportunity to back check the response to their comments and verify that their comments/questions or concerns are addressed adequately if they were not then they can provide back check comment responses which then go back to the contractor to be addressed and the cycle continues until comments/questions/concerns are addressed satisfactorily and the plan to perform the work or associated safety and health plans are accepted. If a technical impasse occurs at which point a meeting is held between all parties to understand the requirements behind the comments/questions/concerns being brought up during the meeting. Upon a disagreement, if the remaining comments/questions/concerns are related clearly to compliance with requirements, then those are required to be addressed by the contractor, but if they are not then the decision to come to the middle or move forward is made by those responsible and that possess the authority.

If the concerns/question/comments are being brought up from field observations e.g. safety and health measures not being implemented compliantly or in accordance to the accepted plans in the field, then the person noticing these issues has the ability to stop the work or activity if there is a potential the issue poses an immediate safety and health risk to the personnel involved, ask for the site safety and health officer and site manager, communicate the problem and have them take the appropriate action to control the hazard. It is imperative the individual communicate the findings or observations to the COR assigned to that contract, and follow on corrective actions may be required to be provided by the contractor to document the corrective action, lessons learned and if necessary near miss or mishap reporting maybe conducted. The government representative may note these on the quality assurance documentation and depending on the observation they may even prepare a non-conformance report.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 11 PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220316

9. STATEMENT (Continued)

A conflict resolution process was prepared quite some time ago for FRP and CBD projects and I remember participating in the preparation of this process, and I believe various PDT members from USACE, PMO, and APG participated in the preparation or review of the document. Though I am uncertain if that process was agreed upon by all parties and implemented or where the final document resides.

Q: How are conflicts that arise between the Directorate of Department of Public Works, USACE, and the Installation Safety Office resolved?

A. Using the process I described in the previous question.

Q: There have been concerns raised regarding building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: There was only one issue encountered during the planning process at E2354 that may not have been fully resolved. This I believe is the installation provided survey of asbestos building materials including a quantity that could not be field verified completely by those that performed walk through of the facility prior to the abatement. The contractor basically included the very same quantity they were provided by the installation into their asbestos abatement plan that describes the work practices and controls and only doing so a retain a conservative overestimate to ensure their subcontractor removes all of the material described in the survey e.g. if some of the floor tile wasn't present it's likely the mastic could remain throughout and therefore floor tile and mastic abatement was planned for the entire floor plan. I did not have any issues with their approach given the description of the planned work practices, exposure controls, handling procedures, notifications to the state, and qualification of workers were reviewed and deemed to be compliant. (b) (6) from the installation safety office did not agree on the quantity and kept asking where the floor tiles that were surveyed went, but given (b) (6) concerns were not directly related to the plan the contractor put forward and were not a compliance related conflict the contractor or USACE could resolve we resumed with the field work. The field implementation of those plans was found to be satisfactory, and I performed a walk through of the facility after abatement was completed to ensure all the materials that were identified or suspected to contain asbestos were removed prior to demolition or sampled to verify that they did not contain asbestos.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building E2354 abated properly, in your opinion? Please explain in detail.

A: Yes the asbestos abatement conducted in the month of June 2021 in building E2354 was conducted properly.

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AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 11. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of March, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)  
(Signature of Person Administering Oath)

(b) (6)  
(Typed Name of Person Administering Oath)

5 U.S.C. 303

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 3 OF 11 PAGES

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316  
DA FORM 2823 (Continued) / Page 4 of 11 Pages**

Q: Did you observe any irregularities in the contractor's abatement plan for building E2354?

A: When contractors present plans originally or draft, draft final stages there are always irregularities that need additional clarification, comment or where concerns are brought up. The questions, concerns or comments that I had with earlier versions of the contractors plan were addressed adequately in the final version and I did not have any questions or concerns that were not addressed in their plans for the work at E2354.

Q: There have been concerns raised regarding building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: There were several asbestos abatement activities that took place and remain to take place at E5188. The interior abatement of Class I and Class II The installation safety office wanted the asbestos containing roof and ceiling materials in E5188 to be abated or removed by hand or using an aerial work platform. The contractor had an engineering survey performed that could not determine if the roof was safe for workers to use as working and walking surface which poses a greater hazard and the removal of this material from a low sloped roof using an aerial work platform was against the manufacturer recommendation and another OSHA standard. Additionally, they were asked by the installation to utilize scaffold to remove the ceiling material to gain access to the roof from the interior of the building, the size and wight and potential for unpredictable breakage and posing an unpredicted loading of the scaffold or posing an overhead crushing or struck by hazard the contractor also found that option to pose a greater hazard to their employees. The contractor therefore proposed an alternate approach consistent with 29 CFR 1926.1101 process. Their approach to demolish the structure with the Class II asbestos in-place, was based on the contractors past experience, objective data and competent person written evaluation. I evaluated the plan and found that it was compliant and consulted with EM 385-1-1 Section 24 authors in USACE to verify that this approach was consistent with USACE manual requirements. I also reviewed interpretation letters specifically issued on this topic by OSHA and found that the approach did not vary from the regulatory requirements and therefore a variance or interpretation was not required to be requested from OSHA for the work, but one was needed from the NESHAP regulator the Maryland Department of Environment. The contractor obtained the variance to perform the work using these work practices from MDE. The installation safety officer (b) (6) was presented with all of this information, after several comment review cycles, holding a meeting and presentation to (b) (6) and his supervisor and key project staff we determined that we were at a technical impasse. During the meetings regarding the topic, I felt (b) (6) (b) (6) was impolite, curt, and would not openly listen to the concerns from myself and the contractor team and would frequently cut people off. Ultimately, the contractor could not take the greater fall hazard or crushed by risk to perform the work as described by the ISO by being under the ceiling on a scaffold system, on top of the roof or from an aerial work platform and the installation did not agree that an alternate

(b) (6)  
(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316  
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installation did not agree that an alternate work practice was appropriate for this facility. Given the ultimate responsibility for the health and safety of the worker is the employer we could not ask the contractor to put themselves in harms way to perform the work against their better judgment and experience. The installation did not present any other recommendations that would not expose the contractors and their employees to these greater hazards. Ultimately the installation safety office did not provide concurrence with the approach to remove the roof and ceiling materials in E5188, but stated that they will not stand in the way of the work proceeding. The work was completed using wet methods that were adequate, work practices consistent with the entire standard with the exception that this material was not brought down from the roof by hand in an intact state rather it was demolished using an excavator that handled the material as carefully as possible, all of the work was performed by trained workers with the appropriate protective equipment, the work was conducted initially during the weekend when adjacent facilities were not occupied to showcase the controls are effective, sampling both personal and around the perimeter of the project was conducted continuously during the entire abatement activity and show case that controls were effective and no exposures about the Permissible Exposure Limit or Excursion Limit were observed at any time, the site was fenced secured and regulatory area observed, drop cloths were used around the facility as the removal progressed, waste was covered daily or containerized in leak tight appropriately labeled containers and disposed at an approved facility. In the end no one was injured or hurt during the performance of the work and all exposure assessment indicated a negative exposure assessment was attained. In addition, the observations from the ground on how the roof material behaved or looked as it was demolished confirmed the basis on why working on top of this roof would not be safe, because the foam material that was adhered to the ACM roof material and the ACM roof panel fasteners with sheets of panels simply slid off the roof frame and purlins as the structure was being lowered to the ground slowly. Additionally, the ceiling ACM material was so thick and large that it would not have been possible to work under this material safely. Later, under the same contract, we had another building E3224 which utilized an alternative work practice because the building condition was in such poor disrepair and it was deemed unsafe by the structural survey for worker to enter that facility and Mr. Alcares concurred with the alternate work practice of demolition of E3224 with ACM in-place was appropriate, which not only had class II but also Class I materials.

Q: Did you observe any irregularities in the contractor's abatement plan for building E5188?

A: When contractors present plans originally or draft, draft final stages there are always irregularities that need additional clarification, we have questions about, comment or concerns are always brought up as a part of the review process. The questions, concerns or comments that I had with earlier versions of the contractor's plan were addressed adequately in the final version and I did not have any questions or concerns that were not addressed in their plans for the work at E5188.

**(b) (6)**  
(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316**  
**DA FORM 2823 (Continued) / Page 6 of 11 Pages**

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: The question has an inaccuracy the building was not "demolished in wholesale" The materials that were safe to abate such as the transite siding, the flooring materials, thermal surface insulations (TSI) were removed using work practices that involved manual removal by workers being carefully lowered to the ground, basically measures that would not be considered as an alternate work practices. Also, a part of the building that was structurally isolated was also left to remain alone with the slab and trench structures for subsequent work that needs to be performed in that area. The ceiling and roofing Class II materials were removed using asbestos controls apart from lowering the ceiling and roofing panels by hand or by an enclosed shoot to the ground in an intact state. I evaluate the means and methods the contractor proposes to use for the roof and ceiling at E5188 for compliance and I was not presented with other alternative for abating this material by the contractor to evaluate. Although I do not make selection on the means and methods the contractor plans to utilize, I also do not believe there were other feasible means and methods for abating the roof and ceiling materials that were free of greater hazards.

Q: What was different about the roof structure for E5188 from others on APG that would require the asbestos to be taken down through demolition other than abatement by hand?

A: The roof and ceiling structure at E5188 was uniquely different than other roofs that I have worked on in APG. The ceiling material, the size of the panels and thickness was unlike any other building I have seen on APG. The roof could not be evaluated due to the occlusion provided by this sizable ceiling material and the sprayed on and painted foam overtop of the entire roof occluding the evaluation of the roof from the top as well as the weight of the double layers of corrugated transite panels. Basically, I have not worked on any project with roofing material like the one at E5188.

Q: Did USACE seek letters of interpretation from regulators (i.e., MDE, USACE, and OSHA) for the work on E5188? Did they receive a letter of interpretation?

A: Yes regulatory variance from NESHAP regulator MDE was sought by the contractor. We received an approval of the variance requested from MDE for the work at E5188.

Q: Did USACE or the contractor seek a variance from USACE and OSHA for the work on E5188?

A: OSHA standard and letters of interpretation clearly describe the applicability of an alternate work practice. An alternate work practice is applicable for the demolition of buildings with Class II asbestos containing materials and OSHA has clearly outlined the required controls for such operations. Therefore, variance was not determined to be required because the regulatory standard was met by the contractor. Additionally,

**(b) (6)**  
(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316**  
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USACE was being directed to seek a variance from OSHA by the installation safety officer (b) (6) but I explained to the ISO that that this is not consistent with the process outlined in AR 385-10 and a variance is not warranted when we are all seeking to comply with the language and intent of the standard for which there was an existing letter of interpretation. It was unusual for us to seek a variance when we are not requesting to perform work in a manner that varies from regulatory requirements.

Q: Did a structural engineer do an engineer survey on E5188? What was the result? Did you any concerns with the result?

A: The structural engineer did perform a survey of E5188 and the results showcased areas of the building that were evaluated and those that could not be evaluated. Additional investigation by the abatement and demolition competent person only confirmed or exposed additional concerns, which is detailed in the alternate work practice document. I did not have any concerns with the results as the survey or follow-on observations made by the structural engineer as they compliant with 1926 Subpart T requirements.

Q: Did the structural engineer or contractor use invasive methods to determine if the roof structure of E5188 was sound? Is that a standard practice? Please explain in detail?

A. The contractor performed an engineering survey consistent with the requirements in 1926 Subpart T, these surveys are performed by a qualified registered professional engineer and are based on their visual observations, knowledge and experience. Unclear what the question means by "invasive methods", please describe the standard where these "invasive methods" are described so I can accurately answer the question.

Q: There have been concerns raised regarding building B4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: I know at this time, building 4035 is a building under contract for demolition by the FY18 FRP contractor All Phase Solutions Inc. In the past prior to my involvement with this particular Facility Reduction Program I heard that they had an abatement performed at this facility that removed most of the asbestos containing materials with the exception of the asbestos containing asphalt roofing material and abatement in the collapsed section of the building. I was offered an opportunity to see the facility last year and the roofing materials and the collapsed portions of the building did cause me to be concerned. I since requested that the contractor have an engineering survey performed by a registered structural engineer licensed in the state of Maryland and the survey was provided that determined that the roof on the building and over the collapsed portions of the building are unsafe to work on top of. The contractor is currently working on developing an approach as to how they are going to remove the asbestos containing materials safely and compliantly, once those are developed then the plan is to review these and provided for APG ISO for their input similar to other documents.

**(b) (6)**

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316**  
**DA FORM 2823 (Continued) / Page 8 of 11 Pages**

Q: Did you observe any irregularities in the contractor's abatement plan for building B4035? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: I didn't observe any actual work at B4035 this must be prior to my involvement with this project, nor do I have documentation on past work performed prior to my involvement. Currently, the contractor is preparing plans for the abatement of the roofing material at this building.

Q: Was there any discrepancies with the engineer hired to perform the engineering survey? How were those discrepancies addressed?

A: The engineer APSI hired following my involvement with the Project was (b) (6) (b) (6) and I did not observe any discrepancies with (b) (6) survey or work that were beyond traditional review questions for clarifications that were addressed adequately.

Q: There have been concerns raised regarding building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: The only asbestos containing building materials at this building was TSI piping outside that were located between this building and the adjacent post office, which was not to be demolished. The removal of this TSI was determined to be outside the scope of the FY18 FRP contractor and this material was removed by APG DPW and connecting pipes cut and capped. Past surveys and additional surveys conducted during my involvement prior to the demolition of this facility did not indicate any asbestos containing building materials in and outside of this building. The building was then demolished following other regulated materials removal and some furniture removal for recycling.

Q: Did you observe any irregularities in the contractor's abatement plan for building E4405?

A: There was no asbestos abatement plan for E4405 given the asbestos containing material was removed by APG DPW or assumed materials from past surveys were sampled revealed not to contain asbestos material.

Q: There have been concerns raised regarding building B5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: When I initially became involved with the FY18 FRP I was notified that some abatement activities had already taken place at 5112 and there were concerns about those not being completed properly. I was asked to go visit the facility look to see if suspect asbestos containing materials were on site. I performed a walk thorough with (b) (6) from PMO and saw a very small quantity of debris on the grounds and three roof vents with some adhered black material with in them. I recommended these materials be sampled, these were sampled and determined to be asbestos containing materials.

(b) (6)

(Initials)

**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316**  
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An abatement corrective action was requested from the contractor to address these materials. The corrective action was submitted for APG ISO for review and at the time a new employee to the ISO (b) (6) provided input on the document and asked for items to be provided or included in the plan that are beyond those required by the USACE Safety and Health Manual EM 385-1-1. When the contractor learned that (b) (6) was involved, they described him to be a former subcontractor to them that was disgruntled and had worked with them on this very contract and at other facilities in APG. I expressed my discomfort to the PMO, USACE Program Manager, (b) (6) boss (b) (6) about the potential conflict of interest (b) (6) may have and asked that it may be best to have another reviewer be assigned to review submittals from this contractor, while at the same time we had the contractor address the valid concerns that were described by (b) (6). The review process was completed, and the abatement corrective action was completed in one day, using adequate work practices, exposure controls, training, sampling, waste handling, packaging and disposal and final visual clearance by a third-party monitor. I was also present during the entire work evolution to observe their work practices and sampling and performed a final walkthrough of the facility to determine that ACM materials that were identified were removed successfully. Following closure of the asbestos abatement the contractor demolished and performed site restoration at this facility.

Q: There have been concerns raised regarding building E5126. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been involved with any work at building E5126 at any time.

Q: There have been concerns raised regarding building E4585. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been involved with any work at building E4585 at any time.

Q: There have been concerns raised regarding building E3330. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been involved with any work at building E3330 at any time.

Q: There have been concerns raised regarding the (B648) Mulberry Point Tower. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been involved with any work at building B648 at any time.

Q: There have been concerns raised regarding the B5114. What is your understanding of any issues with this building, as it relates to asbestos?

A: I have not been involved with any work at building B5114 at any time.

**(b) (6)**

(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316**  
**DA FORM 2823 (Continued) / Page 10 of 11 Pages**

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A: I know who (b) (6) is through a few of the projects I work on at Aberdeen Proving Grounds, specifically through his involvement as a safety specialist working for the Installation Safety Office and providing input on contractor project submittals for impacts on APG personnel, mission, and facilities/equipment. (b) (6) has participated in the review of submittals for asbestos abatement projects and has brought questions, comments, and concerns regarding the submittals through the review process in a similar fashion as other project personnel from USACE and PMO. (b) (6) has brought up concerns about the alternate work practice that are to be used to remove the roof and ceiling materials at E5188, the quantity discrepancy with the abatement plan for E2354, and other concerns that were addressed. (b) (6) concerns were addressed through a very typical comment review process between the party with the comment to the developer of the plan, the contractor. As I have described earlier, the contractor usually receives these comments from USACE and Installation representatives. They review the comments and create responses and if the plan is revised because of the comments the changes are outlined and if the comment did not result in a change, then a response is provided. The individual making the comment then has an opportunity to back check their response to comments and verify that their comments/questions or concerns are addressed adequately if they were not then they can provide back check comment responses which then go back to the contractor to be addressed and the cycle continues until comments/questions/concerns are addressed a satisfactorily or a technical impasse occurs at which point a meeting is held between all parties to understand the requirements behind the comments/questions/concerns being brought up and solve them through emails, meeting and a mediation from supervisors.

Q: Was the Installation Safety Office or (b) (6) involvement in reviewing asbestos abatement plans or other safety related material reduced. If so, what was the reasons?

A: I am not sure if (b) (6) involvement was reduced. (b) (6) has always described that the ISO scope or role in the review of contractor projects is to ensure that the proposed approaches or measures have the potential to directly impact the "Big 3" impact on APG personnel, facilities, and mission. In our request for a review, we always sought (b) (6) input on these three areas and I never felt (b) (6) participation was reduced.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: This question is difficult to answer without any clarity on the scope of this investigation.

(b) (6)

(Initials)



**SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220316  
DA FORM 2823 (Continued) / Page 11 of 11 Pages**

I am not sure if the scope of the investigation is solely focused on how USACE contractors handled asbestos on APG during demolition projects, but if the scope is the management of asbestos on APG entirely then my professional recommendation would be to talk to building occupants and facility manager for facilities at APG that have asbestos building materials present and employees that have a responsibility to perform periodic surveillance of asbestos materials and inventory these items and those that are responsible for management of asbestos at APG. If the scope of this investigation is only focused on contractors, then recommend talking with those contractors and subcontractor personnel that were directly engaged in the work, competent personnel, project monitors, and workers.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: No, but if you need additional information, please feel free to reach out.

(b) (6)  
(Initials)

OSC File  
No. DI-22-000146

EXHIBIT U

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220404	3. TIME 0947	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GG-13 / Army Civilian	

8. ORGANIZATION OR ADDRESS  
U.S. Army Corps of Engineers, Baltimore District

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q1: (b) (6) AR 15-6 Investigating Officer)

A1: (b) (6)

Q2: Where are you currently employed, and how long have you been employed there?

A2: US Army Corps of Engineers, Engineering Branch, Military Section. Since 2008.

Q3: What is your official title/position and grade? How long have you been in that position?

A3: Program Manager / Project Manager. GS13. Since 2008.

Q4: What are the names of your first and second-line supervisors and their respective duty titles?

A4: (b) (6)

Q5: What are your general duties and responsibilities in your current position? Please explain in detail.

A5: Program Manager for the APG Contaminated Building Demolition Program. Project Manager for the FY18 and FY20 Facility Reduction Program Demolition projects. I am responsible for the overall planning and execution of work under the APG CBD PgM, and FY18 and FY20 FRP demolition contracts. I oversee and manage an office of program management and technical support staff at APG that supports the CBD and FRP programs at DPW, called the Program Management Office (PMO). This office is staffed by both government and contract professionals that are proficient in their respective areas of expertise, including environmental laws and regs, asbestos abatement, building demolition, remediation, and health and safety. The office acts as the primary hub coordinating and communicating between USACE, DPW, ISO, Emergency Services, and tenant organizations at the installation.

Q6: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: I am responsible for the overall planning and execution of work under the APG CBD PgM, and FY18 and FY20 FRP demolition contracts. I oversee all program management and technical support tasks being managed by the Program Management Office in coordination with DPW. We have established procedures for developing deliverables to ensure they are compliant with applicable laws, regulations, and installation requirements. I am responsible for ensuring that our processes for reviewing and coordinating these deliverables with the customer, tenant organizations, and safety office, are followed before deliverable acceptance by USACE. I also ensure quality standards are met and appropriate oversight is being conducted during field operations.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 8 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF **(b) (6)** TAKEN AT APG, MD DATED 20220404

## 9. STATEMENT (Continued)

Q6: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: **(b) (6)** Chief, Environmental Division.  
**(b) (6)** Restoration Manager, Environmental Division.  
**(b) (6)** Industrial Hygienist, USACE Baltimore District.  
**(b) (6)** Contract Support, Program Management Support.  
**(b) (6)** Contract Support, Certified Safety Professional, Industrial Hygiene.

Q7: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed? What is the conflict resolution policy? Who wrote it?

A7: Any safety concerns related to asbestos would be addressed directly by the PMO with the support of DPW. We (DPW, USACE, and Technical Support Staff) would meet with the commentor and discuss the issues, and provided written responses to document resolution. If there is an issue that cannot be resolved at the working level through our normal working processes, then the issue is elevated to the supervisors for resolution. If necessary, partnering meetings are conducted to resolve.

Q8: How are conflicts that arise between the Directorate of Department of Public Works, USACE, and the Installation Safety Office resolved?

A8: Normal review procedures on deliverables are resolved using the document review and response to comment process. Deliverables are provided to the ISO for review with requested SUS date for input. If necessary, staff from the PMO will meet with ISO staff to complete a line-item review of the document or to discuss specific concerns. Issues are resolved by providing written responses documenting resolution. For larger, more significant issues between DPW and ISO, USACE, DPW and ISO conduct in-person partnering meetings. A "formal" written conflict resolution process was drafted early in the program, but was never finalized in favor of active partnering meetings between organizations. The team was able to successfully use partnering to reinforce roles and responsibilities for all organizations involved in this work.

Q9: There have been concerns raised regarding building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A9: **(b) (6)** refused to concur with the asbestos abatement plan and work plan for this building because of discrepancies **(b) (6)** noted between the original asbestos surveys conducted in 2011 and 2015, and the hazardous materials survey conducted as part of this work (2021).

Specifically, the 2011 and 2015 surveys reported on ACM materials in E2354 (including the floor tile). There were some errors/inconsistencies in the original report, as not all ACM materials present in E2354 were properly characterized in the original surveys. To address this issue, the Demo contractor's 2021 Report evaluated additional suspect materials that were not included in the 2011 and 2015 original reports.

The purpose was to make sure that we understood what materials would be/could be encountered during the abatement and demolition. The new survey did not duplicate the work completed in the earlier surveys. Rather, the 2021 report was "in addition to" the 2011-2015 reports.

Combine the information and that's the information that was used to develop the abatement plan and workplan.

**(b) (6)** noted in **(b) (6)** review that floor tile had been removed from the building, and the 2021 survey didn't report on that. PMO's response was "that's because the 2021 report does not countermand the original report, it simply adds to the list of potential items we need to plan for during demo. In addition, we have no information/details about the floor tile removal action to report on."

**(b) (6)** wanted USACE to report on what happened to the material and include that info in the Abatement Plan/Work Plan. **(b) (6)** also wanted USACE to remove the procedures for dealing with ACM floor tile (since the floor tile no longer existed in the building). We told **(b) (6)** that there could be additional floor tile in the building under the layers of underlayment not currently visible, so the floor tile abatement procedures needed to be included in the plan. We also advised that we had no information on when/where the material had been removed. Since this work was done in the past and should have been under the purview of the ISO, we asked the ISO to provide documentation on this removal that occurred prior to USACE taking over the building on this contract. **(b) (6)** was unable to provide any information concerning the abatement or removal of the floor tile in building E2354.

It was clear from the recent survey that floor tile had been removed from the building at some point in the past. There were, however, many errors noted in the 2011 and 2015 surveys (items were missed/building numbers transposed). Assuming the information in the 2011/2015 surveys is correct, then we can assume that work took place sometime between the 2011 and 2021 surveys. However, we have been unable to find any information on this action. This work was not conducted by the FY18 Demo contractor.

INITIALS OF PERSON MAKING STATEMENT

**(b) (6)**

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STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220404

9. STATEMENT (Continued)

Q10: Was the asbestos (i.e., tile, mastic, and roofing) in Building E2354 abated properly, in your opinion? Please explain in detail.

A10: Yes. All asbestos present in Building E2354 at the time of abatement and demolition was abated properly and in compliance with all laws and regulations. The contractor completed a hazardous materials survey and developed a work plan based on the information contained in that report as well as 2011 and 2015 surveys. All asbestos containing material contained in the building at the time of demolition in 2021 was properly abated. All materials removed and disposed of were reported to the state of Maryland as part of the final reporting actions. The demolition and abatement work was performed with full oversight of the PMO.

Q11: Did you observe any irregularities in the contractor's abatement plan for building E2354?

A11: The contractor's abatement plan was thoroughly reviewed by USACE prior to acceptance of the deliverable. There were no irregularities noted as part of that review.

USACE reviewed the document to ensure full compliance with all laws, regulations, and installation requirements.

See supporting documentation Q11-2354

Q12: There have been concerns raised regarding building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A12: (b) (6) disagreed with USACE's technical approach for demolition of E5188, which included using an alternative method for asbestos abatement (in this case the alternative method was mechanical demolition of materials in place using heavy equipment and misting machines). USACE could not verify the integrity of the structure because engineering drawings were not available. In addition, the configuration of the ACM in the structure would require manual handling of extremely heavy panels from manlifts, which was deemed impractical and unsafe. USACE determined an alternative work practice was appropriate under these circumstances. Both the USACE and contractor Safety Professionals were in agreement on this issue. (b) (6) disagreed and wanted USACE to manually disassemble the building using workers on manlifts. Numerous meetings were held to discuss alternatives and input provided by (b) (6) over the course of eight months, causing significant delay and cost to the project. Ultimately, it was determined that the ISO's requests were not safe and ultimately unreasonable. Further, it was clarified that the purpose of the ISO review was not to dictate technical methods to USACE, rather it should focus on three primary categories: impacts to installation personnel, mission, and property. Additionally, it was clarified that it is the contractor's responsibility to ensure the safety of their personnel during execution of all work. USACE noted our disagreement with (b) (6) and completed the work using the alternative work practice. Air monitoring was conducted during all activities. Air monitoring showed that no release of ACM material occurred during this work. All work was conducted safely and in full compliance with all laws, regulations, and installation requirements. All work was conducted with USACE oversight.

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AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of April, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 8 PAGES

Q13: Did you observe any irregularities in the contractor's abatement plan for building E5188?

A13: The contractor's abatement plan was thoroughly reviewed by USACE prior to acceptance of the deliverable. There were no irregularities noted as part of that review.

Q14: Did you believe that there were other alternatives to abating the asbestos transite panels at building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A14: No. Please see response in A12

Q15: What was different about the roof structure for E5188 from others on APG that would require the asbestos to be taken down through demolition other than abatement by hand?

A15: Construction methods and size of materials. Over time, renovations had resulted in a layered structure of building materials with the transite material. The type and position of the fasteners made it impossible for the building materials to be separated without breakage. The roof materials could be removed in panels, but the panels were 30 feet off the ground and were estimated to weigh several hundred pounds depending on composition. This in addition to the PPE requirements and working with these materials at significant height above the workers heads were the primary reasons USACE and the Contractor determined an alternative work practice was appropriate for this work.

Q16: Did USACE seek letters of interpretation from regulators (i.e., MDE, USACE, and OSHA) for the work on E5188? Did they receive a letter of interpretation?

A16: No. USACE determined that we were following the existing letters of interpretation and OSHA standard for this work. Since we were operating within the current guidance, it was determined that we did not need to request additional interpretation for OSHA.

Q17: Did USACE or the contractor seek a variance from USACE and OSHA for the work on E5188?

A17: Not from OSHA because we did not vary from OSHA work requirements or existing letters of interpretation. USACE did seek a variance from the State of Maryland for the alternative work practice to ensure Clean Air Act requirements were being met. MDE approved the variance.

Q18: Did a structural engineer do an engineer survey on E5188? What was the result? Did you any concerns with the result?

A18: Yes, a structural survey was completed. The survey could not certify the roof was safe for workers. USACE had no concerns with this assessment. Structural drawings were not available so the loading capacity of the roof could not be calculated. In addition, the roof could not be accessed for visual inspection to determine the loading capacity for safe working/walking loads.

(b) (6)

(Initials)

SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220404 DA  
FORM 2823 (Continued) / Page 5 of 8 Pages

Q19: Did the structural engineer or contractor use invasive methods to determine if the roof structure of E5188 was sound? Is that a standard practice? Please explain in detail?

A19: The survey was conducted in accordance with established guidelines. The inspector did not disturb ACM materials during the survey because it would be significantly destructive and cause a hazard. This is standard practice to not disturb ACM materials during the survey.

Q20: There have been concerns raised regarding building B4035. What is your understanding of any issues with this building, as it relates to asbestos?

A20: My understanding is that the demo contractor began asbestos abatement work at Building 4035 on or around the time that PMO was asked to become involved in the project, but was told to stop work by the installation over concerns about asbestos. PMO is currently working with the contractor to develop required deliverables needed to do this work safely and in compliance with all laws, regulations, and installation requirements. The engineering survey has been completed and accepted by USACE. The contractor is currently working on an asbestos abatement plan and work plan. Both deliverables are still being developed by the contractor. When available and determined to be acceptable for review, PMO will coordinate these documents with ISO for input.

Q21: Did you observe any irregularities in the contractor's abatement plan for building B4035? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A21: PMO is currently working with the contractor to complete the asbestos abatement and demolition work plans. The documents are currently under development by the contractor.

Q22: Was there any discrepancies with the engineer hired to perform the engineering survey? How were those discrepancies addressed?

A22: Concerning Building 4035: Yes. The first survey report prepared by the contractor for Building 4025 was inadequate and was rejected when submitted to USACE for review. The contractor addressed USACE concerns and produced a revised deliverable that was eventually accepted.

Q23: There have been concerns raised regarding building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A23: No abatement was required at E4405. Asbestos containing material was located outside the structure and this material was removed by DPW. No other asbestos material was present in E4405.

Q24: Did you observe any irregularities in the contractor's abatement plan for building E4405?

A24: No. Please refer to response A23.

(b) (6)

(Initials)



Q25: There have been concerns raised regarding building B5112. What is your understanding of any issues with this building, as it relates to asbestos?

A25: The contractor was doing work at Building 5112 with very little oversight when PMO was engaged to assist in March 2020. My understanding is that the contractor did not perform a complete asbestos abatement prior to beginning demolition activities and was eventually told to stop work. PMO was engaged and we worked with the contractor to assess the situation and develop and implement a Corrective Action Plan. A second abatement was performed and demolition/site restoration was completed.

See supporting documentation provided Q25 5112 and Q25 Corrective Action.

Q26: There have been concerns raised regarding building E5126. What is your understanding of any issues with this building, as it relates to asbestos?

A26: None. PMO was not involved in the demolition of this building.

Q27: There have been concerns raised regarding building E4585. What is your understanding of any issues with this building, as it relates to asbestos?

A27: None. PMO was not involved in the demolition of this building.

Q28: There have been concerns raised regarding building E3330. What is your understanding of any issues with this building, as it relates to asbestos?

A28: None. PMO was not involved in the demolition of this building.

Q29: There have been concerns raised regarding the (B648) Mulberry Point Tower. What is your understanding of any issues with this building, as it relates to asbestos?

A29: None. PMO was not involved in the demolition of this building.

Q30: There have been concerns raised regarding the B5114. What is your understanding of any issues with this building, as it relates to asbestos?

A30: None. PMO was not involved in the demolition of this building.

Q31: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of his concerns addressed? Please explain in detail.

A31: Yes. (b) (6) worked at the ISO and the PMO coordinated with that office regularly concerning demolition and abatement at APG. (b) (6) has reviewed abatement and work plan documents for ISO and has provided review comments on those deliverables. When comments are submitted, the PMO works with the ISO to resolve and address those comments. When disagreements occur, or issues cannot be resolved at the working level, the issue is elevated for resolution. In extreme cases, ISO and DPW have partnered to resolve issues. (b) (6) routinely has stated that (b) (6) believes the asbestos management program is not being managed properly at APG.

(b) (6)

(Initials)



SWORN STATEMENT of (b) (6) R. TAKEN AT APG, MD, DATED 20220404 DA  
FORM 2823 (Continued) / Page 7 of 8 Pages

(b) (6) has routinely expressed concern over the quality of work from specific contractors, and (b) (6) has suggested many times that work is being done "illegally" at APG. (b) (6) has openly stated a dislike for specific individuals working as contractors and a dislike for specific individuals at DPW. Many of (b) (6) allegations are not supported by facts. This prejudice often complicates coordination and communication of issues that are under the purview of the ISO: impacts to installation people, mission, and property. To my knowledge, In the four years I have supporting work at APG (b) (6) has not provided any proof that his allegations are true. PMO's objective is to do this work correctly and when issues occur, to have a plan in place to address/resolve them effectively. We have included the ISO in every step of that process.

Q32: Was the Installation Safety Office or (b) (6) involvement in reviewing asbestos abatement plans or other safety related material reduced. If so, what was the reasons?

A32. Yes. On 15 JUL 2021, (b) (6) attended a USACE status meeting as the representative for ISO. Many senior USACE staff members were present. (b) (6) interrupted the status briefing on the FY18 contract and alleged that USACE was conducting asbestos abatement illegally at APG and threatened USACE and contractor staff with internal investigations and losing their professional licenses. (b) (6) stated that (b) (6) believed an internal investigation needed to be conducted because of illegal activities being conducted by USACE and our contractors. This (public) "rant" went on for about 5-10 minutes during which time (b) (6) threatened the professionalism and integrity of USACE and contractor staff repeatedly. (b) (6) behavior on this call was ultimately reported to (b) (6) supervisor, at which point (b) (6) was removed from the demolition program for unprofessional conduct. Once notified, PMO began utilizing (b) (6) as the primary POC at ISO for coordination of demolition and abatement deliverables.

See supporting documentation provided Q32-IPR.

Q:33 Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A33: (b) (6) with DPW.

(b) (6) Site Superintendent for Allphase (978-490-5394, alberto@allphase.org).

(b) (6) Restoration Manager, Environmental Division.

(b) (6) Industrial Hygienist, USACE Baltimore District.

(b) (6) Contract Support, Program Management Support.

(b) (6) Contract Support, Certified Safety Professional, Industrial Hygiene.

Q34: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A34: The PMO has, in good faith, worked with (b) (6) to coordinate demolition and abatement activities and address installation concerns/comments that fall under the purview of the ISO.

(b) (6)

(Initials)

SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED 20220404 DA  
FORM 2823 (Continued) / Page 8 of 8 Pages

Significant effort has been expended to document these efforts and issues. I have attached several emails that document some of the issues addressed in these responses for your consideration.

Q35: There have been concerns raised regarding to the asbestos survey that was conducted in building 5912. What is your understanding of any issues with this building, as it relates to asbestos?

A35:

See supporting documentation provided Q34-5912.

-----END OF STATEMENT-----

(b) (6)

(Initials)

OSC File  
No. DI-22-000146

EXHIBIT V

23 May 2022

## MEMORANDUM FOR RECORD

SUBJECT: Interview with (b) (6)

1. On 15 March 2022, I interviewed (b) (6) a U.S. Army Corps of Engineers Baltimore District employee and Project Manager for the Facilities Reduction Program FY18 contract at Aberdeen Proving Ground (APG), via Microsoft Teams from 1400-1500 EST. During the interview, (b) (6) indicated that there was a great deal of friction between the APG Installation Safety Office (ISO) and USACE in regards to safety submittals for the FRP FY18 contract. (b) (6) stated that the project suffered a year in delays because the ISO would not conduct timely reviews of the Accident Prevention Plan and other safety submittals. As one example, (b) (6) indicated that the ISO would not review digital copies and would require hardcopies of the documents. On at least two occasions, (b) (6) said that (b) (6), ISO Safety Manager, displayed a negative bias towards the FRP FY 18 contractor, All Phase Solutions LLC, and it appeared (b) (6) had a "vendetta" against the contractor. (Paraphrased by the Investigating Officer)

2. After I interviewed (b) (6) on 15 March, I sent him a list of questions to respond to in writing that form the basis of a sworn statement using the DA Form 2823. For the next seven weeks, I made considerable effort to contact (b) (6) in order to negotiate the signed statement. I contacted (b) (6) via email and/or phone on 23 March, 4 April, 8 April, 13 April, and 19 April. On 5 May, I received an email from (b) (6) with a pdf document containing a written response to the questions. Some of the responses lacked sufficient detail, and some of the information that (b) (6) told me during the interview was not in (b) (6) written response. I returned the document to (b) (6) with several comments and asked him to expand on some areas of (b) (6) statement, and I asked two follow-up questions. I did not receive any further communication from (b) (6). I reached out to (b) (6) again on 17 May. (b) (6) responded that (b) (6) had already sent (b) (6) response. I copied and pasted (b) (6) statement onto a DA Form 2823 and asked for (b) (6) to sign the form. I did not receive a signed form or any further communication from (b) (6). I have attached the unsigned written response that I received from (b) (6) on 5 May 2022 entitled, "SWORN STATEMENT of (b) (6) TAKEN AT APG, MD DATED 202203XX DA FORM 2823 (Continued)/Page \_ of \_ Pages."

ENCL

(b) (6)

Chief, Intelligence Branch



SWORN STATEMENT of (b) (6) TAKEN AT APG, MD, DATED  
202203XX DA FORM 2823 (Continued) / Page \_ of \_ Pages

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed there?

A: USACE, Aberdeen Proving Ground

Q: What is your official title/position and grade? How long have you been in that position?

A: Project Manager, GS13, 5 months

Q: What are the names of your first and second-line supervisors and their respective duty titles?

A: (b) (6) Chief of PPMD, (b) (6) IST Program Manager

Q: What are your general duties and responsibilities in your current position? Please explain in detail.

- A: Plan and Develop the Project Idea. Every project starts as an idea.
  - Create and Lead Your Dream Team.
  - Monitor Project Progress and Set Deadlines.
  - Solve Issues That Arise.
  - Manage the Money.
  - Ensure Stakeholder Satisfaction.
  - Evaluate Project Performance.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: Its my job to have the contractor prepare safety plans for the hazardous materials, provide those plans to all parties of the project delivery team, Address the comments and concerns of the Project Delivery Team after their review of the previous mentioned plans.

Q: What are the names, position titles, organizations, and responsibilities of those you work with (on a frequent basis) concerning matters related to management, mitigation, and/or abatement of asbestos on APG?

A: (b) (6) P.E.

Chief, Engineering & Construction Division-DPW

(b) (6)

Engineering & Construction Division  
Directorate of Public Works

(b) (6)

APG Installation Safety Office

Q: If anyone expressed safety concerns related to asbestos, how would those concerns be addressed? What is the conflict resolution policy? Who wrote it?

A: If anyone with in the PDT expressed safety concerns about asbestos, those concerns would be discussed and forwarded to USACE safety office for review.

Q: How are conflicts that arise between the Directorate of Department of Public Works, USACE, and the Installation Safety Office resolved?

A: If there is a issue between the Directorate of Department of Public Works, USACE, and the Installation Safety Office the conflict is usually resolved by having a meeting between all the mentioned parties. During that meeting between all parties a plan is derived to establish a path forward that appeases all requirements for each group and agreed upon.

Q: There have been concerns raised regarding building E2354, particularly involving asbestos removal/abatement. What is your understanding of any issues with building E2354 and asbestos? Please explain in detail.

A: ISO had concerns with abatement for this building that reference the disposal of the asbestos.

Q: Was the asbestos (i.e., tile, mastic, and roofing) in Building E2354 abated properly, in your opinion? Please explain in detail.

A: Per the plan that was provided and USACE Safety review the abatement plan for this building was approved.

Q: Did you observe any irregularities in the contractor's abatement plan for building E2354?

A: No I did not observe any irregularities in the plan.

Q: There have been concerns raised regarding building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail.

A: I cannot recall the issues for this building

Q: Did you observe any irregularities in the contractor's abatement plan for building E5188?

A: I cannot recall the issues for this building

Q: Did you believe that there were other alternatives to abating the asbestos transite panels at building E5188, or was demolition of the building wholesale the best option? Please explain in detail.

A: I cannot recall the issues for this building

Q: What was different about the roof structure for E5188 from others on APG that would require the asbestos to be taken down through demolition other than abatement by hand?

A: I cannot recall the issues for this building

Q: Did USACE seek letters of interpretation from regulators (i.e., MDE, USACE, and OSHA) for the work on E5188? Did they receive a letter of interpretation?

A: As part of the contractor's requirements to satisfy USACE safety plans are reviewed internally as well as sent for approval by MDE for permitting. It was determined throughout the time of the numerous projects that are mentioned throughout this document that APG ISO would quote the USACE EM385-1-1 as being more stringent than the OSHA requirements. There were also times that if the ISO did not like agree with the 385-1-1 interpretation the ISO would switch to OSHA requirements.

Q: Did USACE or the contractor seek a variance from USACE and OSHA for the work on E5188?

A: I cannot recall the issues for this building

Q: Did a structural engineer do an engineer survey on E5188? What was the result? Did you any concerns with the result?

A: A structural survey was required per the contract the contractor had with USACE. I do not remember the results of that survey.

Q: Did the structural engineer or contractor use invasive methods to determine if the roof structure of E5188 was sound? Is that a standard practice? Please explain in detail?

Q: There have been concerns raised regarding building B4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: The window Glazing, wall coverings, roofing material, Thermal systems insulation, and Thermal pipe fittings all contained asbestos material.

Q: Did you observe any irregularities in the contractor's abatement plan for building B4035? Do you have a copy of the abatement plan or any other information/documentation you could share on this?

A: No as the plan was reviewed by USACE safety office, along with the installation safety office which prompted several revisions of the plan.

Q: Was there any discrepancies with the engineer hired to perform the engineering survey? How were those discrepancies addressed?

A: The discrepancies with the engineering surveyor were presented by (b) (6) and reviewed by USACE.

Q: There have been concerns raised regarding building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: I cannot recall the issues for this building

Q: Did you observe any irregularities in the contractor's abatement plan for building E4405?

A: I cannot recall the issues for this building

Q: There have been concerns raised regarding building B5112. What is your understanding of any issues with this building, as it relates to asbestos?

A: I cannot recall the issues for this building

Q: There have been concerns raised regarding building E5126. What is your understanding of any issues with this building, as it relates to asbestos?

A: I cannot recall the issues for this building

Q: There have been concerns raised regarding building E4585. What is your understanding of any issues with this building, as it relates to asbestos?

A: I cannot recall the issues for this building

Q: There have been concerns raised regarding building E3330. What is your understanding of any issues with this building, as it relates to asbestos?

A: I cannot recall the issues for this building

Q: There have been concerns raised regarding the (B648) Mulberry Point Tower. What is your understanding of any issues with this building, as it relates to asbestos?

A: The tower was a falling hazard for all in the surrounding area. The top of the tower held a guard shed in which was unable to be reached due to the structural integrity of the tower, along with the stairs being destroyed by the elements over the years. USACE along with the contractor conducting the work was notified that the tower may have contained asbestos floor tiles in the guard shack.

Q: There have been concerns raised regarding the B5114. What is your understanding of any issues with this building, as it relates to asbestos?

A: I cannot recall the issues for this building

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6) concerns addressed? Please explain in detail.

A: I know (b) (6) through (b) (6) work on Aberdeen Proving Ground as the Safety Officer for the Installation.



Q: Was the Installation Safety Office or (b) (6) involvement in reviewing asbestos abatement plans or other safety related material reduced. If so, what was the reasons?

A: I am not sure that would have to be asked by (b) (6) leadership as USACE has provided all documents to the Installation Safety Office for review.

Q: Is there anyone else that you think I should talk to concerning asbestos management, mitigation, or abatement on APG?

A: no other person

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: No

OSC File  
No. DI-22-000146

EXHIBIT W

## MEMORANDUM FOR RECORD

SUBJECT: Interview with (b) (6)

1. On 14 March 2022, I interviewed (b) (6) via Microsoft Teams from 1630-1700 EST. (b) (6) is the Branch Chief for the Military Branch of the Programs and Project Management Division (PPMD) at the U.S. Army Corps of Engineers (USACE) Baltimore District. I asked (b) (6) approximately thirty questions covering (b) (6) duties and responsibilities, circumstances surrounding specific building abatement and demolition projects, methods of abatement, and questions related to the Installation Safety Office on APG. The following paragraphs (a-d) are transcribed from my notes during the interview.

a. **Question:** What are your general duties and responsibilities in your current position? **Answer:** (b) (6) indicated that (b) (6) serves as the senior rater for the Project Manager at Aberdeen Proving Ground. (b) (6) handles most of the day-to-day activities of the project. (Paraphrased by the Investigating Officer)

b. **Question:** There have been concerns raised regarding building E5188. What is your understanding of any issues with building E5188 as it relates to asbestos? Please explain in detail. **Answer:** (b) (6) indicated that (b) (6) believes that the means and methods that the contract, All Phase LLC, put forward were both acceptable and reasonable. (Paraphrased by Investigation Officer)

c. **Question:** Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6) concerns addressed? Please explain in detail. **Answer:** (b) (6) indicated that many of (b) (6) complaints were "red herrings" meaning that they were misleading. (b) (6) launched personal attacks and was the cause of significant delays in the Facilities Reduction Project (FRP) FY18 contract. For instance, (b) (6) would not review digital copies of safety submittals (i.e., Accident Prevent Plans and Asbestos Abatement Plans). (Paraphrased by Investigation Officer)

d. **Question:** Was the Installation Safety Office or (b) (6) involvement in reviewing asbestos abatement plans or other safety related material reduced. If so, what was the reasons? **Answer:** (b) (6) indicated that (b) (6) (ISO) would not approve any safety submittals from the contractor for FRP FY18, All Phase Solutions LLC., and the USACE eventually did discuss terminating the contract for convenience because of the delays caused by the ISO. (Paraphrased by Investigation Officer)

AMEL-MI

SUBJECT: Interview with (b) (6)

2. After my interview with (b) (6) I sent (b) (6) a list of questions to respond to in writing that would form the basis of (b) (6) sworn statement using the DA Form 2823. Over the next eight weeks, I made considerable effort to contact (b) (6) in order to negotiate the signed statement. I contacted (b) (6) via email and/or phone on 23 March, 4 April, 8 April, 13 April, 19 April, 6 May, and 16 May. I was unable to obtain a signed sworn statement.

(b) (6)

(b) (6)

Chief, Intelligence Branch



OSC File  
No. DI-22-000146

EXHIBIT X

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220405	3. TIME 1549	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS WS-17/DA Civilian	

### 8. ORGANIZATION OR ADDRESS

Engineering and Systems Integration Directorate, C5ISR Center, Aberdeen Proving Ground, MD

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: How long were you employed at the U.S. Army Garrison, Aberdeen Proving Ground? Please include months and years.

A: Jan. 1989 – Nov. 2021

Q: What was your official title/position and grade at the U.S. Army Garrison, Aberdeen Proving Ground, MD?

A: Last appointment – WS-17 – Site Manager

Q: What were your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: No

Q: There have been concerns raised regarding building E5126. What is your understanding of any issues with building E5126 as it relates to asbestos? Please explain in detail.

Only incident I'm aware of at E5126 was an underground water line that needed repair. There was an issue with how the DPW asbestos team cut the pipe. Their initial field determination was that the pipe was concrete and not Transite asbestos pipe. The decision of concrete pipe determined their cutting method but they treated the area and themselves just as if it was asbestos pipe since there was no sampling done. Their method of cutting the pipe was to use a powered concrete chop saw instead of a snap break system. Complaints were made as to possible exposure to workers on the sight when the pipe was cut. The DPW asbestos crew that did the cutting had installed the barrier tape in the recommended area outside and installed signs and barrier tape to building doors that opened into the area where the cutting was to be done as if they were dealing with an asbestos material. After the cutting was complete, repair made, and pipe buried, the complaints came in as to it being asbestos pipe. DPW contracted a third party company to dig the pipe back up and take samples of the pipe to determine its make-up. It was then found out through the samples that the pipe did contain some level of asbestos. There were concerns that asbestos dust had gotten inside the building. DPW had their third party contractor for sampling do interior air samples and found no asbestos detected in the air.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT *(Continued)*

-----THIS PAGE IS NOT NEEDED-----

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220405

9. STATEMENT (Continued)

Q: There have been concerns raised regarding building E3330. What is your understanding of any issues with building E3330 as it relates to asbestos? Please explain in detail.

I do not have any information on the issues of asbestos pertaining to E3330. This was a contract effort and taken care of by the DPW Engineering contracting personnel.

-----END OF STATEMENT-----

AFFIDAVIT

(b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of April, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 2 PAGES



OSC File  
No. DI-22-000146

EXHIBIT Y

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).  
**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.  
**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.  
**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220404	3. TIME 0730	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS GG-12/DA Civilian	
8. ORGANIZATION OR ADDRESS Engineering Division, Directorate of Public Works, U.S. Army Garrison, Aberdeen Proving Ground, MD			

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: How long were you employed at the U.S. Army Garrison, Aberdeen Proving Ground? Please include months and years.

A: I have been employed at APG since May 30, 1994 for a total of 27 years and 10 months

Q: What was your official title/position and grade at the U.S. Army Garrison, Aberdeen Proving Ground, MD?

A: I am currently a GS-0802-12-7, Civil Engineering Technician

Q: What were your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: Prior to 1998, I was assigned to the DPW asbestos Team as an asbestos worker WG-10. As such I was involved in a number of asbestos abatement projects that were conducted by the team in support of renovations and or demolition projects funding by the garrison. I was also part of the team that conducted the operational testing of the asbestos conversion facility. I have held accreditation as an AHERA Building Inspector, Management Planner, Project Designer and Contractor/Supervisor during my tenure with both private sector and the government. During the past ten years or so, I have been viewed as the SME for asbestos and lead related issues for the Design branch of Engineering Division of DPW.

Q: There have been concerns raised regarding a waterline pipe that was cut outside building E5126 non-compliantly. What is your understanding of facts surrounding the pipe cutting incident as it relates to asbestos? Please explain in detail.

A: I was assigned to investigate this incident and report my findings to the Director, DPW. I interviewed individuals involved and prepared my report based on the information obtained as a result of those interviews. I forwarded a copy of my findings to the Investigating officer for (b) (6) review and use.

Q: There have been concerns raised about an asbestos survey or hazardous material survey that was conducted in building E3330 prior to work that was being conducted after a flood? What is your understanding of any issues with the asbestos survey? Please explain in detail.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b) (6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220404

9. STATEMENT (Continued)

A: After the flooding incident, I was assigned the duties of project manager for the recovery efforts. The recovery efforts were contracted out due to the magnitude of the damage. During the development of the SOW, I personally obtained representative samples of floor tile and dry wall for the purposes of determining if these materials contained asbestos. After being advised that these samples were invalid as my credentials had expired, We contracted with an outside laboratory to conduct sample collection and analysis of these same materials. The results obtained by this outside lab mirrored the result obtained from the samples I had collected. As a result of the laboratory report from the outside lab, the SOW was modified to incorporate the removal of the asbestos containing floor tile and mastic from the areas affected by the flood.

Q: Was the asbestos survey conducted by an AHERA accredited and trained person?

A: Initially, No. My accreditation had expired. This is what prompted the follow-on survey and sampling

Q: What were the results of any and all asbestos surveys conducted on building E3330?

A: The results are detailed in the EA Engineering report sent to the investigating officer under a separate transmittal.

Q: Was the ISO provided with the asbestos survey and abatement plans on building E3330?

A: The ISO was provided with the EA Engineering survey as well as the asbestos abatement plan prepared by the contractor to address the asbestos issues found to exist. The abatement plan and AHA's were subsequently for to be acceptable to the ISO and the contractor was then allowed to proceed with the project.

-----END OF STATEMENT-----

AFFIDAVIT

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of April, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 2 PAGES

OSC File  
No. DI-22-000146

EXHIBIT Z



**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION Aberdeen Proving Ground (APG), MD	2. DATE (YYYYMMDD) 20220505	3. TIME 1320	4. FILE NUMBER N/A
5. LAST NAME, FIRST NAME, MIDDLE NAME (b) (6)	6. SSN (b) (6)	7. GRADE/STATUS Government Contractor	
8. ORGANIZATION OR ADDRESS All Phase Solutions LLC., (b) (6)			

9. (b) (6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b) (6) AR 15-6 Investigating Officer)

A: (b) (6)

Q: Where are you currently employed, and how long have you been employed there?

A: All Phase Solutions LLC. (b) (6) I have been employed with All Phase for over ten years.

Q: What is your official title/position and how long have you been in that position?

A: I am the Project Manager for the APG FY18 Demo project. I have been a Project Manager with All Phase since 2015.

Q: What are your general duties and responsibilities related to management and/or mitigation of asbestos and other hazardous materials? Please explain in detail.

A: Generally, I assist by managing the submittal process, subcontractors, field personnel and the scheduling of activities. My duties also include communication with the government counterparts and their subordinates. Typically, this includes the Contracting Officer's Representative (COR) all the way down to the Quality Assurance Representative (QAR) or similar field representative.

Q: There have been concerns raised regarding building 4035. What is your understanding of any issues with this building, as it relates to asbestos?

A: There were issues that began before building 4035 but as it pertains to building 4035, I can state the following: All Phase started abatement on 12/11/2019 after gaining acceptance of the site-specific plan on 12/10/2019. The acceptance followed the preparatory meeting also held on 12/10/2019 (Exhibit 1 – Preparatory Meeting Minutes). During the meeting (b) (6) identified material on piping that the government did not previously test. All Phase had the material tested in the following days and upon receiving positive test results, proceeded to issue a change order to the subcontractor for the additional material identified by (b) (6). All Phase completed abating the pipe and mobilized for demolition of building 4035 only to be shut down on 2/6/2020. This was due to claims that All Phase and specifically All Phase's asbestos abatement subcontractor Retro Environmental were not performing the work in compliance with local, state, and Federal laws. This claim originated when former owner of IPS, (b) (6) a recently terminated subcontractor of All Phase and new hire of APG ISO visited building 5112 on 1/16/20. (b) (6) allegedly found foreign asbestos that was not native to the building or its contents as documented by two separate asbestos surveys performed. One of which being performed for All Phase by (b) (6) himself only seven months prior.

10. EXHIBIT	11. INITIALS OF (b) (6) G STATEMENT	PAGE 1 OF 6 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.



STATEMENT OF (b) (6)

TAKEN AT APG, MD

DATED

20220505

## 9. STATEMENT (Continued)

Q: There have been concerns raised about the engineering survey conducted for building 4035? What is your understanding of any issues related to the first engineering survey conducted on building 4035?

A: All Engineering Surveys for the project were submitted to the Government on 11/13/18. The first comment All Phase received back from the Government in any capacity on the Engineering Surveys, specifically building 4035 was (b) (6) taking issue with metal roof vents being described as chimneys during the preparatory meeting on 12/10/19. All Phase revised and resubmitted on 12/30/19. The site specific 4035 plan containing the revised Engineering survey was accepted on 1/7/20 by USACE.

Q: There have been concerns raised regarding building E4405. What is your understanding of any issues with this building, as it relates to asbestos?

A: Building E4405 did not contain any asbestos according to the surveys performed by EA Engineering or the additional testing performed by (b) (6) from IPS.

Q: There have been concerns raised regarding building 5112 and asbestos allegedly being left on roof vents on the ground and loose ACM debris strewn about for several months. What is your understanding of any issues with this building, as it relates to asbestos?

A: Neither (b) (6) from IPS or EA Engineering tested the roof vents when they performed the surveys in 2019. The material wasn't visible until after the vents were removed. Once tested, All Phase issued a change order to the abatement subcontractor to properly dispose of them once we were allowed to return to performing the activity of abatement in August 2020. As far as asbestos being strewn about the job site. I take issue with this claim for many reasons. The first being the date that the initial samples were taken according to the chain of custody provided to me via email from Gov't PM (b) (6). The first chain of custody is dated 1/16/20. All Phase didn't complete abatement until 1/17/20. I (b) (6) came to the site and took samples on 1/16/20. (b) (6) took asbestos from an active abatement site that suspended work due to rain. Our third-party air monitor and the guy that (b) (6) told his company IPS to (b) (6) provided All Phase the report and visual clearance on 1/17/20. The report states all asbestos has been removed and the site was clean of debris. Second, I take further issue with the materials listed by (b) (6) in his chain of custody from 1/16/20 in which (b) (6) took seven samples of allegedly strewn about asbestos. If you look at both EA Engineering and (b) (6)'s survey for building 5112, they tested the same materials. The reason they tested the same materials is because the building was made of transite, caulk, metal vents and concrete. Some of the materials that (b) (6) lists in his chain of custody did not exist at building 5112. For instance, there are three pipe wrap samples that are on the chain of custody that (b) (6) signed. This material did not exist at building 5112. According to the second chain of custody, (b) (6) revisited building 5112 again on 1/23/20 and collected an additional seven samples only to return a third time on 2/5/20 to find an additional twelve samples. This time including additional red and orange pipe wrap, which is considered RACM (Regulated), none of which was initially found by either inspector at building 5112. I find it odd that the types of materials found by (b) (6) in 2020 are so different from the materials that he identified for All Phase in 2019.

Q: There have been concerns raised regarding building 5114. What is your understanding of any issues with this building, as it relates to asbestos?

A: There were no issues at building 5114. It did not contain asbestos according to the survey performed by EA Engineering.

Q: What dates were asbestos abatement activities begin and end for building 5114?

A: No abatement took place in building 5114.

Q: There have been concerns about (b) (6) appearing on multiple safety submittals for both EA Engineering and All Phase. Is (b) (6) an employee of all phase or has he conducted consulting for All Phase?

A: We used EA Engineering as a consultant to review our APP for compliance and concurrence due to the submittal issues that we experienced that delayed the project from 1/2019 until our initial start up at building 4035. We gained acceptance of our APP on 11/15/2019.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG? How, if at all, were any of (b) (6) concerns addressed? Please explain in detail.

A: I was assigned to APG in 2016. After arriving I was informed that my boss (b) (6) had filed a complaint with Huntsville against (b) (6) for acting in a hostile manner towards All Phase employees. Later in the project (b) (6) made allegations against All Phase at building E5026 stating that All Phase was illegally grinding transite and committing violations.

INITIALS OF PERSON MAKING STATEMENT

(b) (6)

PAGE 2 OF 6 PAGES



STATEMENT OF (b) (6) TAKEN AT APG, MD DATED 20220505

9. STATEMENT (Continued)

Due to APG's strict camera pass policy All Phase was reliant upon USACE QAR support to investigate if there was truth to the matter. All Phase was shut down for a matter of weeks while Huntsville Center USACE and Baltimore USACE looked into the matter. Upon close inspection of our materials, it was determined that All Phase was not at fault at which time we returned to work and completed the project successfully. Specifically building 314 that was positioned outside of the Garrison Commanders window. We received high praise for the execution and completion of that project.

Q: Do you know (b) (6)? If so, how do you know (b) (6)? Has (b) (6) ever raised concerns to you or others about asbestos management, mitigation, or abatement on APG?

A: Personally, I have had interaction with him in two capacities. The first as a second-tier subcontractor to Retro Environmental. Historically (b) (6) has been the air monitor / consultant for them on our projects. Second, we hired (b) (6) as a first tier subcontractor to perform the asbestos surveys on the APG FY18 Demo project. These are the two capacities that I have had direct interaction with (b) (6). I have not had direct contact since (b) (6) being hired to the ISO.

Q: Is there any other information or documentation you would like to share that might be relevant to this investigation?

A: I think you should talk to (b) (6) as he was in the field with (b) (6) working side by side when IPS was performing the survey work. (b) (6) may have additional information into the history of the project.

Also, this may or may not be of use. If the focus of this investigation is to look into the mishandling of asbestos on base, I have heard that (b) (6)'s license to conduct asbestos inspections and take samples may have been expired by the time he provided the survey for building 5112. This is just hearsay but I heard it nonetheless.

Q: Concerns have been raised in regards to safety submittals not being submitted to the government on APG for the Facilities Reduction Plan FY18? What was the process All Phase used to submit these forms to the government at APG? Who were the players involved? Please explain in detail?

-----CONTINUED-----

**AFFIDAVIT**

I, (b) (6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b) (6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of May, 2022 at Aberdeen Proving Ground, Maryland.

(b) (6)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b) (6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

5 U.S.C. 303

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 6 PAGES

**SWORN STATEMENT of (b) (6) ., TAKEN AT APG, MD, DATED  
20220505 DA FORM 2823 (Continued) / Page 4 of 6 Pages**

A: The process has evolved since award through three different COR's and their preferred approach. Initially, (b) (6) informed APSL that the submittals would be submitted in November of 2018, reviewed during a safety meeting that the COR would schedule prior to mobilization. During that meeting any Gov't comments were to be communicated by USACE and corrected by APSL. Approximately five months later (5/2019) it was determined that the ISO would also be commenting on the plan. This process lasted until 9/16 when (b) (6) held a meeting in the USACE office in Edgewood Area. During the meeting (b) (6) confirmed that all plans have been accepted except for the abatement and fall protection plan. When the second COR (b) (6) took over, he rescinded his predecessor's acceptance and had APSL start the APP submittal process all over. APSL finally gained acceptance of the APP on 11/15/2019. The direction we were given by the COR was to submit individual plans per building for the abatement and demo. This broke from our standard operating procedure but we were just happy to get to work after a year of delays. In 5/2020 the PMO was introduced, and we still continue working through the submittal process with USACE and the PMO. To date, building 4035 is the remaining major submittal that I am tracking. All other contracted facilities are either actively being worked on or are scheduled to begin in the near future.

Q: Did All Phase submit an asbestos abatement plan for building 5112 for the original demolition project? Who was it submitted to and when?

A: Yes, APSL submitted the site-specific plan to (b) (6) and gained acceptance on 1/13/2020. The day before the work began.

Q: Did All Phase submit an asbestos abatement plan for building 5114 for the original demolition project? Who was it submitted to and when?

A: Yes, APSL submitted the site-specific plan to (b) (6) gaining acceptance on 1/13/2020.

Q: In late 2018, All Phase was in contract negotiations with (b) (6), the owner of IPS services, concerning asbestos survey and monitoring work to be perform for the Facilities Reduction Plan FY18 contract. Do you recall discussing the acceptable amount of asbestos? What was your interpretation acceptable amount of asbestos? Did you or any other All Phase official indicate that the less asbestos that was found by IPS the better the company bottom line would be?

(b) (6)



**SWORN STATEMENT of (b) (6) ., TAKEN AT APG, MD, DATED  
20220505 DA FORM 2823 (Continued) / Page 5 of 6 Pages**

A: Additional asbestos would generally result in additional funding for the project. The quantity is determined by field verification performed by a licensed MDE inspector. APSL hires a third party to perform the work and has no influence on the types or quantity of material that the inspector finds suspect and has tested. This can be verified by contacting (b) (6) from EA Engineering who managed the performance all of the asbestos surveys for APSL on the FY18 contract and their numerous revisions. EA also performed several of the Gov't provided surveys and didn't solely work for APSL. They historically were used by APG to perform surveys which played a role in choosing them as our second choice since IPS failed to perform and were terminated as a subcontractor by APSL.

Q: In July 2018, All Phase solutions was involved in demolition of building E5725 and E5722 on Igloo Street on Edgewood area. Some concerns were raised about the abatement of asbestos prior to the demolition? What is your understanding of the issues surrounding the demolition of those building?

A: Both buildings were associated with an earlier contract FY14/15 that APSI, APSL's sister company performed from 2015 – 2019 (dates approximate). The buildings in question were subcontracted out to Sorto Contracting. I am including the final visual clearances performed by (b) (6) the owner of IPS who performed this work according to his email on 6/21, 7/3, 7/9 & 7/12 in the year 2018. There were no issues reported by the third-party air monitor (b) (6) the owner of IPS at the time of performance. APSI knows of no issues that took place on that jobsite as it pertains to the demolition of those facilities.

I have included the following supporting documentation:

- (b) (6) as APSI subcontractor 5112 ACM Survey
- (b) (6) as APSI Subcontractor 5112 ACM Survey with attachment
- APSI Terminating (b) (6) as a subcontractor
- Direction form COR to Stop Work
- (b) (6) as ISO employee inspection of 5112
- (b) (6) as ISO employee inspection of 5112 with attachment
- Eng Form 4025 B2112 Abatement Plan
- APG Preparatory Meeting Agenda 12.10.19
- Emails concerning at check that was mistakenly sent to (b) (6)
- 20190806\_DPW & COR email explaining ISO issues with submittals
- 20190916\_Partial -NTP for buildings without ACM.
- 20191021\_2nd COR submittal history
- 20191023\_2nd COR requesting APSL resubmit APP 20191112\_COR informing of -UXO funding issues. (The reason we transitioned from the buildings listed in the partial NTP to 4035, 5112 5114, 390A etc.) 20191115\_2nd COR APP acceptance.

(b) (6)

**SWORN STATEMENT of (b) (6) ., TAKEN AT APG, MD, DATED  
20220505 DA FORM 2823 (Continued) / Page 6 of 6 Pages**

- 20191210\_Meeting Minutes from Preparatory Meeting for building 4035 with DPW, ISO, CENAB & APSL in attendance.
- 20200107\_Building 4035 plan acceptance.
- W912DR18C0056 - Building 5112 acceptance.
- W912DR18C0056 - Building 5114 acceptance.
- 20200117\_APSL addressing 5112 COR concerns from initial (b) (6) visit to site.
- ACM Cert of Final Visual E5722 - Clearance performed by (b) (6) from IPS for building E5722.
- ACM Cert of Final Visual E5725 - Clearance performed by (b) (6) from IPS for building E5725 Modification to E5725 site restoration to stone. (showing compliance with MDE requirements and final acceptance of site) Invoices from (b) (6) for the work he performed at buildings E5722 & E5725.

-----END OF STATEMENT-----

(b) (6)

From: (b) (6) CIV USARMY CENAB (USA)  
To: (b) (6)  
Cc: (b) (6)  
Subject: RE: W912DR18C0056 - APG Demolition - Bldg 5114 (UNCLASSIFIED)  
Date: Monday, January 13, 2020 12:22:24 PM

---

CLASSIFICATION: UNCLASSIFIED

Thank you. (b) (6)

Plan is accepted

Best Regards,

(b) (6)  
Industrial Hygienist, CENAB-SA  
Designated Dive Coordinator (DDC)

(b) (6)  
SOHO Intranet: <https://intranet.usace.army.mil/nad/nab/sa/pages/home.aspx>

-----Original Message-----

From: (b) (6)  
Sent: Monday, January 13, 2020 11:02 AM  
To: (b) (6) CIV USARMY CENAB (USA) (b) (6) @usace.army mil>  
Cc: (b) (6) @allphase.org>; (b) (6) @usace.army mil> (b) (6) CIV USARMY CENAB (USA)  
(b) (6) @usace.army mil>  
Subject: [Non-DoD Source] RE: W912DR18C0056 - APG Demolition - Bldg 5114 (UNCLASSIFIED)

(b) (6) (b) (6)

Attached, please find the revised plan addressing your comments on pages 7 & 10. Thank you very much for the speedy review. I will do my best to get you the rest of the plans ASAP. If you have any questions please contact me.

Regards,

(b) (6)  
Project Manager  
All Phase Services Inc.

(b) (6)

-----Original Message-----

From: (b) (6) CIV USARMY CENAB (USA) (b) (6) @usace.army mil>  
Sent: Monday, January 13, 2020 8:51 AM  
To: (b) (6)  
Cc: (b) (6) (b) (6) CIV (USA)  
(b) (6) @usace.army mil> (b) (6) CIV USARMY CENAB (USA)

(b) (6) @usace.army mil>

Subject: W912DR18C0056 - APG Demolition - Bldg 5114 (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hello (b) (6)

Please address the following for building 5114 demolition:

1. The included photographs shows two adjacent structures to building 5114. Please provide a statement on exact proximity of these buildings to building 5114, and whether these buildings/structure are occupied or in use.
2. Included photographs shows badly deteriorated floor tiles which at this stage looks to have a probability of either being friable currently, or could become friable. Class I abatement may need to be considered for badly deteriorated tiles. Please provide a statement on how these tiles will be specifically addressed.
3. Include a statement on how LBP will be handled.

Best Regards,

(b) (6)  
Industrial Hygienist, CENAB-SA  
Designated Dive Coordinator (DDC)

(b) (6)

SOHO Intranet: Blocked<https://intranet.usace.army.mil/nad/nab/sa/pages/home.aspx>

-----Original Message-----

From: (b) (6)  
Sent: Sunday, January 12, 2020 7:14 PM  
To: (b) (6) CIV USARMY CENAB (USA) (b) (6) @usace.army mil>  
Cc: (b) (6) >  
Subject: [Non-DoD Source] FW: W912DR18C0056 - APG FY18 Demolition - Bldgs. 5112 & 5114 (1 of 2)

(b) (6)

I hope all is well! I am forwarding this email that I sent Friday. I will send the attachments in two different emails as together they may be too big to send. We are hoping to get started on these as soon as possible. If you have any questions please contact me.

Regards,

(b) (6)

Project Manager



All Phase Services Inc.

(b) (6)

From: (b) (6)  
Sent: Friday, January 10, 2020 9:04 AM  
To: (b) (6) CIV USARMY CENAB (USA) (b) (6) @usace.army.mil>  
Cc: (b) (6) CIV (USA) (b) (6) @usace.army.mil>; (b) (6) CIV  
USARMY CENAB (USA) (b) (6) @usace.army.mil>; (b) (6) >; (b) (6)  
<(b) (6)>  
Subject: W912DR18C0056 - APG FY18 Demolition - Bldgs. 5112 & 5114

(b) (6)

We have completed the asbestos abatement at Bldg. 4035. In an effort to keep us moving forward on Monday, I have generated two additional plans for the final two (2) buildings requiring abatement on the APG side of the project. The abatement is minimal consisting of Transite, caulk and some floor tile. The scheduled duration for the abatement at each building is two (2) days for each. All of the material is non-friable Cat I & II. I will be focusing my attention on the remaining plans over the weekend and over the next two weeks. During which I expect to have the remaining nineteen (19) plans completed. If you have any questions or require additional information please contact me.

Regards,

(b) (6)

Project Manager

All Phase Services Inc.

(b) (6)

CLASSIFICATION: UNCLASSIFIED