



DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
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SUBJECT: Whistleblower Investigation- Alleged violation of law, rule, or regulation at Aberdeen Proving Ground (APG), Maryland (Office of Special Counsel File Number DI-22-000146)

Ms. McMullen,

This responds to Ms. Biggs' e-mail request of August 11, 2023, for supplemental information and clarification concerning this matter. Information in response to the two issues raised in the request is provided below.

1. Question: Please explain the basis for the following conclusion in the agency report that: "Based upon witness observations, the IO found that the floor tile was probably properly abated sometime between 2009 and 2019." (Summary of The Report of Investigation, Pg 19).

Response: The IO reached the conclusion that the missing floor tile in building E2354 was probably properly abated based on the sworn statement of (b) (6) (Tab C) and photographs of the building provided by (b) (6). (b) (6) was a contractor that provided air monitoring and overall oversight of asbestos removal on Aberdeen Proving Ground and worked on building E2354 during the abatement in June 2021 (Tab C). During his interview, (b) (6) surmised that it was likely the floor tile, which had been removed prior to his work on the building and its subsequent demolition, had been properly abated based upon his observation of tape residue around the doors and windows in photographs provided by (b) (6). (b) (6) explained that tape residue was typically observed in an abated property.

Upon further review, the evidence relied upon by the IO on this point is inconclusive. (b) (6) conjecture based upon photographs he reviewed is insufficient to support a conclusion concerning whether the sealing of windows and doors was performed correctly, or whether all other required abatement procedures were followed. The APG Directorate of Public Works (DPW) was unable to locate any records concerning the removal of the floor tile. Accordingly,

notwithstanding the IO's conclusion, the Army's Report substantiated the allegation based on record keeping failures in violation of Army Regulation 420-1.

2. Question: The investigating officer cites the witness interviews found in Tab D and Tabs M-P of the report, as support for this conclusion. However, these documents include statements on the propriety of asbestos abatement efforts after 2019, not the 2009-2019 time frame.

Response: The reference to Tabs D and Tabs M-P in the Army Report, Section V, paragraph B(14) OSC Referred Allegation 2, subsection 14, is in error. As explained above, the IO's finding on this point was based on the sworn statement of (b) (6) (Tab C).

Please advise if you need any other information to complete your review.

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