



U.S. OFFICE OF SPECIAL COUNSEL
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Washington, D.C. 20036-4505

The Special Counsel

April 23, 2024

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-23-000207

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the Department of the Air Force in response to the Special Counsel's referral of a disclosure of wrongdoing at the U.S. Air Force (Air Force), Air Force Materiel Command, Oklahoma City Air Logistics Complex (OC-ALC) Tinker Air Force Base (TAFB), Oklahoma City, Oklahoma. The whistleblower, [REDACTED], a former Tool and Parts Attendant, who consented to the release of his name, alleged that agency officials engaged in conduct that constituted a substantial and specific danger to public health. [REDACTED] declined to comment on the agency report. I have reviewed the disclosure and the agency report, and, in accordance with 5 U.S.C. §1213(e), have determined the report contains the information required by statute and the findings appear reasonable.¹

The Allegations

[REDACTED] alleged that during his employment with OC-ALC from January through October 11, 2022, officials failed to resolve sewage leaks at the OC-ALC base even after he and other employees submitted complaints. Specifically, he alleged that sewage pipelines in OC-ALC campus buildings 3001 and 9001 leaked liquid raw sewage waste onto the mechanical production floor, exposing mechanical workers in those buildings to hazardous conditions. He further alleged that OC-ALC leadership failed to repair the leaking sewage pipes after it was reported on numerous occasions.

¹ The allegations were referred to Secretary of the Air Force Frank Kendall, III for investigation pursuant to 5 U.S.C. §1213(c) and (d). The authority to review and sign the agency report was delegated to USAF Colonel John R. Lapore, Inspector General.

Agency Report

The agency report did not substantiate [REDACTED] allegations. The report confirmed that building 9001 experienced overhead sanitary leaks in 2022 and that both building 3001 and 9001 experience recurring rainwater leaks. However, the agency report did not substantiate that employees were exposed to raw sewage leaks on a regular and continuous basis or that leadership failed to ensure the safety of the workplace.

The investigation examined the period during [REDACTED] tenure to determine what led to the sewage leak and what mitigation efforts were taken to ensure the safety of the workers in buildings 3001 and 9001. In May 2022, a malfunctioning valve backed up a sewer pipe in one of the building's bathrooms causing a drainage overflow which turned into a raw sewage leak from the overhead pipeline onto the breakroom of the 9001 first floor. The leak occurred over the post V43/44 designated area, affecting the tool crib area.

The agency report found that OC-ALC took all necessary precautions and appropriate remediation actions to ensure safety of all personnel. The investigation found that agency officials submitted work orders to remedy the leak and collaborated with leadership and workers to control the safety concerns in accordance with the Department of the Air Force Instruction (DAFI) 91-202.² The DAFI prohibits Air Force officials from requiring personnel to work in environments and conditions hazardous to their safety or health without first providing adequate elimination, substitution, engineering controls, administrative controls, and/or PPE. Further, DAFI 91-202 requires Air Force officials to take immediate action to correct any violation of safety rules observed or reported to them. The investigation reported that, during this incident, the bathrooms were closed until the problems with the overhead sanitary lines were corrected to ensure employees would not be exposed to sewage. Also, OC-ALC imposed an Air Force Risk Assessment Code³ (RAC) 3 during the repair phase and lifted it when the overhead sewage lines repairs were completed. In May 2022, the sewage leaks were permanently fixed through a \$1.2 million project and one subsequent repair to fix an overflow issue in one of the newly installed pipes.

The agency report further found that the roofs in buildings 3001 and 9001 often contained leaks that caused rainwater to travel from the roof, through the building, and onto the production floor during recurring rainstorms. The report noted that the rainwater falling on the production floor is often tinted from the dirt it flowed over in the building and therefore, [REDACTED] may have misidentified it as sewage. Further, the report found that condensation from the HVAC pipes also falls in both buildings. However, the report notes that as of August

² DAFI, *THE US AIR FORCE MISHAP PREVENTION PROGRAM*, Mar 12, 2020, 1.6.28.3.

³ The Air Force Risk Assessment Code ensures personnel who are affected by the incident are moved to another location while a professional hazardous waste team addresses the matter and accomplishes repairs as soon as possible. The RAC 3 Matrix designates a moderate hazard, inflicting minor injury or damage, degraded mission capability or unit readiness.

2023, the Air Force dedicated a budget of \$60 million annually for repairs of the OC-ALC buildings. Further, the Air Force has dedicated \$10 million a year to replacing sections of the building 9001 roof, and work orders were approved to have new drainpipes installed in the building 9001 bathrooms to prevent any future pipe backups.

Special Counsel's Findings

I thank the whistleblower for bringing these allegations to OSC's attention. The Air Force represents that the public health and safety concerns related to the leaks have been addressed and has taken steps to resolve the remaining concerns with the leaks in the roof. I accept the representations and have determined that the report contains the information required by statute and the findings appear reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter and the agency report to the Chairs and Ranking Members of the Senate Committee on Armed Services and the House Committee on Armed Services. I have also filed redacted copies of these documents and the redacted referral letter in our public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,



Hampton Dellinger
Special Counsel

Enclosures