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January 28, 2010

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

Re: OSC File Nos. DI-08-0494, DI-08-0497, and DI-08-0550

Dear Mr. President:

The Office of Special Counsel (OSC) received disclosures from Elizabeth Dale, David Parker, and Vincent Sugent, current and former Air Traffic Control Specialists (controllers), U.S. Department of Transportation, Federal Aviation Administration, Detroit Metropolitan Airport (DTW), Romulus, Michigan. The whistleblowers alleged that previous attempts to remediate mold and moisture in the DTW air traffic control tower (Tower) were unsuccessful. The whistleblowers also alleged that DTW controllers have suffered severe health problems, including respiratory infections, sinus infections, coughs, itchy and burning eyes, frequent headaches including migraines, and memory problems, caused by the mold in the Tower.

The whistleblowers' allegations were referred to the Honorable Mary E. Peters, former Secretary of Transportation, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d) on March 11, 2008. Secretary Peters delegated the authority to conduct the investigation to Linda J. Washington, Assistant Secretary for Administration. OSC received the agency's report on October 24, 2008. The report acknowledged that mold and moisture problems in the Tower had not been fully remediated and key recommendations had yet to be implemented. OSC requested additional information and the agency submitted two supplemental reports on April 8, 2009, and October 9, 2009.

As discussed in the enclosed Analysis of Disclosures, the agency's reports did not find a causal relationship between the mold and moisture problems in the Tower and the controllers' health problems. Nonetheless, the agency agreed to conduct an employee health survey to better understand the scope of these health concerns. Planning for this survey is currently underway. In January 2009, the agency decided to abandon previous remediation efforts and begin the process anew. The agency and the whistleblowers' union jointly selected a team to evaluate the causes of the mold and moisture problems as well as to remediate the problems. This team identified the causes of the problems and the remediation is expected to take up to three years to complete.

The whistleblowers submitted comments on the agency's reports. Ms. Dale explained that the illnesses she suffered due to the mold prevented her from working and forced her to enter Leave Without Pay status. Instead of accommodating her condition, she recalled that management attempted to terminate her during this period. Mr. Parker detailed the numerous medical problems he suffered due to the mold, including being treated by nearly 60 physicians.

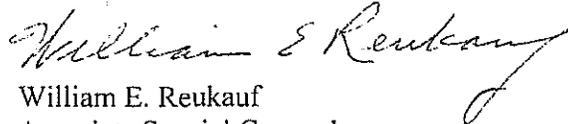
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His medical expenses have exceeded a quarter of a million dollars. Mr. Sugent focused his comments on disputing factual inaccuracies and faulty reasoning in the agency's reports, frequently utilizing outside experts and referencing their work as attachments to his comments.

We have reviewed the original disclosures, the agency's reports, and the whistleblowers' comments. Based on that review, OSC has determined that the agency's reports contain all of the information required by statute and their findings appear to be reasonable. We are pleased with the agency's decisions to perform an employee health survey and to jointly select an evaluation and remediation team with the whistleblower's union and encourage continued open communications with employees during these processes.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent copies of the reports to the Chairmen and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure. We have also filed a copy of the reports in our public file and closed the matter.

Respectfully,

  
William E. Reukauf  
Associate Special Counsel

Enclosures