



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-254-3600

January 31, 2011

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

Re: OSC File No. DI-09-2611

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), the Office of Special Counsel is forwarding to you agency reports concerning disclosures from a whistleblower at the Department of the Interior (DOI), National Park Service (NPS), Floyd Bennett Field (FBF), Brooklyn, New York. Mr. Guiseppi Grassi, Jr., who consented to the release of his name, is a former electrician at NPS. Mr. Grassi disclosed that NPS failed to provide employees with adequate safety equipment, improperly blocked emergency exit routes, and erroneously issued respirators to employees without a medical evaluation in violation of 29 CFR 1910.134(e)(1), *Respiratory Protection*. He asserted that the actions of these employees constituted a violation of law, rule, or regulation, and a substantial and specific danger to public health and safety.

Mr. Grassi's allegations were referred to the Honorable Kenneth L. Salazar, Secretary, DOI, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). On December 29, 2009, the Secretary submitted a report to this office. On April 26, 2010, OSC received a supplemental report from the agency. On November 1, 2010, OSC received a second supplemental report from DOI. Mr. Grassi provided comments on the first two reports pursuant to 5 U.S.C. § 1213(e)(1). He declined to provide comments on the second supplemental report. As required by law, 5 U.S.C. § 1213(e)(3), OSC is now transmitting the reports and Mr. Grassi's comments to you.

Floyd Bennett Field opened in 1930 and was the first municipal airport in New York City. Mr. Grassi explained that FBF is now an inactive airfield that maintains a series of airplane hangars and public exhibits. Mr. Grassi and his former co-workers were part of the group of employees that performed maintenance and other restorative work at FBF in order to preserve the historic value of the site for the public. A team of senior managers and safety professionals from the Northeast Region and the Washington Office of the National Park Service (NPS Team) investigated this matter. Mr. Grassi's allegations were substantiated in part. In its investigation, the NPS Team concluded that the proper personal protective equipment (PPE) was available on-site at FBF, that Mr. Grassi performed the welding project without the proper PPE, and that Mr. Grassi's supervisor, Gus Halouvas, failed to terminate the project when he observed that Mr. Grassi and his co-workers were not wearing PPE.

Additionally, the NPS Team substantiated that emergency exit routes in the southwest corridor of Building 98 were improperly obstructed. Specifically, it was found that birds had access to the stairwell through broken windows and had deposited large amounts of guano in the stairwell over the years. The Unit Collateral Duty Safety Officer/Unit Assistant Superintendent, Joe Green, locked those exits in violation of Occupational Safety and Health Administration and National Fire Protection Association standards. Subsequently, the bird guano was removed from the stairwell and the openings through which the birds were gaining access were sealed. The doors to the southwest stairwell were reopened after the work was completed.

The investigation further substantiated Mr. Grassi's allegation that employees were issued respirators without a proper medical examination. It was also found that employees were not properly fit tested or trained on how to wear the respirators in violation of 29 CFR 1910.134, *Respiratory Protection*. The staff relied upon the advice of Mr. Green who did not know that NPS needed to implement a respiratory protection program, nor was he aware of the other requirements associated with respirator use. Furthermore, on its own initiative, NPS conducted safety inspections of a series of buildings located in FBF, including Building 98. NPS identified a number of hazards relating to electrical wiring, asbestos exposure, emergency eye wash provisions, guards, and other safety concerns. NPS has taken steps to address these issues.

As a result of these determinations, DOI is filling the Park Safety Manager position with a full performance professional safety officer and will bring in outside assistance as necessary in order to avoid such safety deficiencies in the future. DOI has also updated its organizational structure in order to enhance the Park Safety program and strengthen relationships between the Regional Safety Officer and the Safety Managers. Additionally, employees at all three units of the NPS were trained in January 2010 regarding operational leadership and other safety issues. Management officials have implemented safety issues as part of the employee performance appraisals as well as a process for reviewing all work orders to ensure safety related matters are addressed in a timely manner. NPS also conducts periodic safety meetings with its employees. For instance, a monthly senior safety management meeting with unit staff is held at each unit, and the Deputy Superintendent presides over the headquarters safety committee meetings and meets with all headquarters supervisors on a monthly basis. NPS' Senior Management Team meets bi-weekly to discuss safety issues and other matters, and NPS headquarters employees also attend a monthly safety meeting. NPS has implemented a minimum of two employee safety meetings each year.

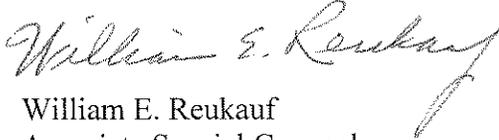
In his comments, Mr. Grassi conveyed his concern about the limited scope of the investigation. Among other things, he disagreed with the agency's determination that he was at fault for failing to use the proper PPE. Rather, he asserted that management officials failed to adequately respond when safety concerns were brought to their attention, and that the agency's reports contain a number of contradictions.

We have reviewed the original disclosure, the agency's reports and Mr. Grassi's comments. Based on that review, OSC has determined that the agency's reports contain all of the information required by statute, and the findings appear to be reasonable.

The President  
Page 3

As required by 5 U.S.C. § 1213(e)(3), we have sent copies of the agency's reports and Mr. Grassi's comments to the Chairmen and Ranking Members of the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources. We have also filed copies of the reports and Mr. Grassi's comments in our public file, which is now available online at [www.osc.gov](http://www.osc.gov), and closed the matter.

Respectfully,

  
William E. Reukauf  
Associate Special Counsel

Enclosures