

Edgar D. Lee

716 Elderberry Lane, Columbia, South Carolina 29229 Phone: (803) 834-3660 Cell (202) 425-2808
Email: leeedgar91@yahoo.com

March 18, 2011

U.S. Office of Special Counsel
1730 M Street, N.W. Suite 218
Washington, D.C. 20036-1505

Attention: Kevin Wilson

Re: Results of Investigation, Re: Whistleblower Disclosure of Asbestos
Conditions in the HCHB's 8th Floor/Attic

Dear Mr. Wilson,

I am in receipt of the Results of Investigation re: Whistleblower Disclosure of Asbestos Conditions in HCHB's 8th Floor/Attic. I appreciate the fact that your office listened to me and that the Commerce Inspector General diligently investigated the matter. However, I am troubled by a statement made on page 15.

“We do not have a recommendation that administrative action be considered for any responsible OAS personnel because those officials bearing responsibility for mismanaging HCHB's asbestos conditions are no longer with the Department.”

As you well know, there is nothing more important to the well being of an agency than the relationship between it's' workers and its' managers. I counted on and respected management and relied on their expertise as did everyone else in the building. They however counted on my ignorance and the ignorance of others and knowingly with malice deprived me of my civil rights. These rights include the right to required training, general and respirator physicals, subsequent annual updates, personal protective equipment, the right to know the hazards to which I was being exposed, and the right to view the reports concerning the building so that I would know how to properly protect myself as well as others.

Further, some of these same individuals used their positions to block any hope that I had of receiving a reasonable accommodation that would remove me to some degree away from the hazards instead of working directly with them. These people had the duty to care for the facility and its' occupants. Nevertheless, they actually united to;

- a) Ignore the hazards in the building,
- b) Keep others from gaining access to building information,
- c) Ignore the reports from industrial hygiene firms
- d) Snub their noses at federal guidelines that were put in place to protect employees. (FMR, EPA and the Occupational Safety and Health Act regulations, and ADA.)

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WILSON

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Because of these vile actions:

- a) I unknowingly took home the hazardous materials exposing my family to them
- b) I lost my federal career
- c) I encountered horrendous financial burdens
- d) My lung disease was aggravated and I am suffering a great deal of pain
- e) I am suffering with a great deal of stress and depression worrying about which asbestos related disease I will have to deal with.

These employees however were able to move up or laterally in positions in the federal government without any type of disciplinary and criminal sanctions against them. Their activity was far reaching. Listed below are the following Department of Commerce officials who had firsthand knowledge about the public health and safety danger in the 8th floor attic area of the Department of Commerce as well as other hazards therein. Each of these people were hired into their respective positions and paid taxpayer dollars in respect to their expertise in safety, health, and building management. For example:

1. **Fred Fanning** (Former Dir. Office of Administrative Services and was my mentor is now at DOE- Director, Programs Immigration and Logistics Operations and no doubt doing the same thing)
2. **Doug Elznic** (former Director for Building Management was upgraded to Deputy Director of OAS- and is still employed)
3. **Mario Aquino** (Former Building Manager is now at OPM)
4. **Jana Brooks** (Chief of Environmental Division then moved up to Associate Dir. Of Real Estate Property and Major Programs, was my supervisor as is now at DEA)
5. **Bill Fleming** (former Deputy Director Office of Human Resources, Human Capitol Officer and was over Occupational Safety and Health and is now Director of HR)
6. **Nancy McWilliams** (Director of Occupational Safety and Health is still employed)
7. **Larry Hess** (Associate Director Office of Building Renovation is still employed)
8. **David Wynn**- Safety and Health Specialist is now at EPA
9. **Otto J. Wolff**- Retired, former Chief Financial Officer

Each of these people were aware of the hazards from the first day (2007) and further back, but did nothing to help and everything to hinder me, my health and the health of others. The U.S. Department of Commerce as a federal agency has a responsibility to hold those federal employees liable. Instead again, the management officials and the former management who are liable have been allowed to move up and or leave the Department of Commerce and work for other federal agencies and go on to live their lives as though nothing never happened.

Great planning went into effect for the renovation of the HCHB well before 2007. The renovation was then funded. (See the report of the request for funds to Congress that you have). The attic was going to be impacted because of that renovation and there were funds delineated

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for asbestos abatement. However, in 2007, management was insistent: first, that there was no asbestos, then, that it was not in poor condition, and finally, that it did not pose a health threat. However, the report shows that management was well aware of the conditions before 2007 and as far back as 2002. It seems that Commerce management was requesting funds for asbestos abatement that they had no intentions of conducting. There was a lot of lying, those listed, and probably some more, did the lying.

It is as simple as this: management knew about the hazards; management knew that that they were obligated to use federal funds to clean up the hazard and requested the funds; management knew that they were obligated to notify and train occupants and management did not fulfill any of their obligations. Further, they moved any and everyone who found out about hazards out of the way, in any way that they could. Management pretended not to know and then each one of the above listed used their power and authority to cover it all up. Their cover-up was far reaching but Commerce has the duty and responsibility to effectively remove and hand over for prosecution all management that were involved in these vile and dangerous acts against me, my health, the environment and those working in the HCHB. .

There is still liable management officials employed at the U.S. Department of Commerce that the agency could conduct administrative actions against. The agency is able to process both administrative and criminal charges against all Commerce employees involved at the least. From the report, I am led to believe that the agency refuses to take any type of disciplinary actions to include criminal charges because of the number of high-level officials involved.

I am the one who is suffering through this issue in my health and finances. This has placed a burden on my family as well and the agency seems to show no interest in punishing those individuals involved. What they did is criminal!

Sincerely,



EDL

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