



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

August 20, 2015

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

Re: OSC File Nos. DI-10-0454; DI-13-0405; and DI-13-2292

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), enclosed please find a copy of Office of Special Counsel's (OSC) referral and the agency's report based on disclosures made by Edgar Dion Lee, Jana Brooks, and Fred Fanning, who are former employees at the Department of Commerce (DOC). The whistleblowers, who consented to the release of their names, alleged that reports submitted to OSC in 2011 (the 2011 reports) concerning possible asbestos exposure contained materially false information.

In 2011, Mr. Lee disclosed that managers knowingly exposed DOC employees to unsafe levels of asbestos, and permitted these employees to work in contaminated areas without personal protective equipment. The 2011 reports substantiated that the asbestos program in the Herbert C. Hoover Building was mismanaged and found three individuals responsible: Jana Brooks, Fred Fanning, and Mario Aquino.

The whistleblowers questioned the findings of the 2011 reports, and OSC referred the whistleblowers' concerns about false information to DOC for further investigation. In 2014, the DOC investigated and issued the enclosed report (the 2014 report), which found that the 2011 reports wrongly identified Ms. Brooks as bearing responsibility for the mismanagement of the asbestos program. The 2014 report also found that Mr. Fanning's responsibility should have been more limited. I have determined that the 2014 report contains all the information required by statute and the agency's findings appear reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent copies of the unredacted report and the whistleblowers' comments to the Chairman and Ranking Member of the Senate Committee on Commerce, Science and Transportation and the Chairman and Ranking Member of the House Committee on Energy and Commerce. We have also filed copies of the redacted report and the whistleblowers' comments in our public file and closed the matter.

Respectfully,

A handwritten signature in cursive script, appearing to read "Carolyn N. Lerner".

Carolyn N. Lerner

Enclosures