

# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240

IN REPLY REFER TO:

A2427 (2430)

APR 26 2010

Mr. William E. Reukauf  
Associate Special Counsel  
US Office of Special Counsel  
1730 M Street NW, Ste 218  
Washington, DC 20036

Dear Mr. Reukauf:

As noted in the enclosed letter from Secretary Salazar, I have been delegated the responsibility to respond to you regarding OSC File No. DI-09-0261. On behalf of the Department, I am forwarding our report on this matter.

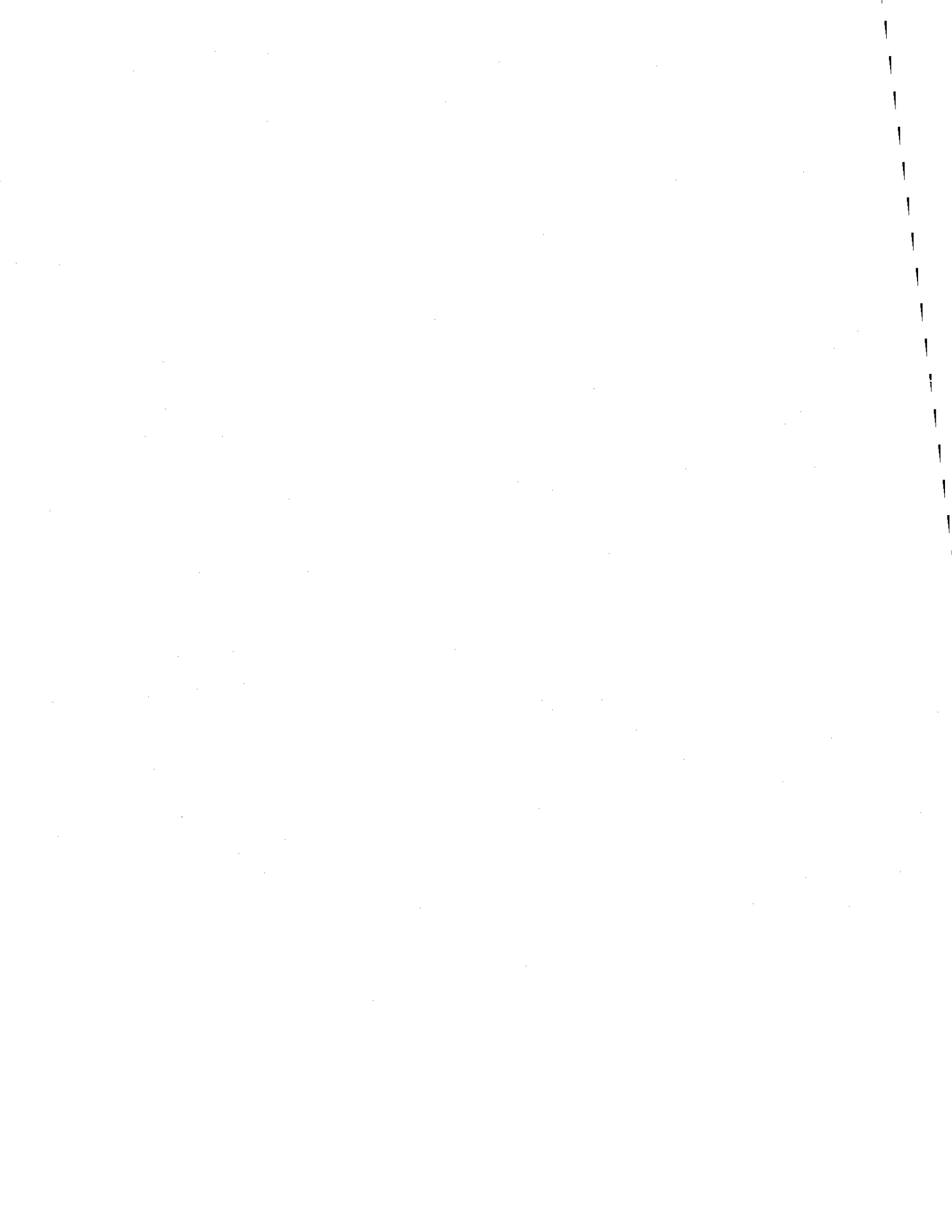
The report concludes that while safety issues existed at the park, 1) those safety issues did not directly contribute to the incident at issue in the whistleblower complaint, and 2) the leadership did not willfully violate safety and health standards. Furthermore, the park has taken and continues to take concrete steps to remediate safety issues.

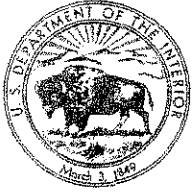
Please direct any questions to Rick Obermesser, Acting Deputy Associate Director, Visitor and Resource Protection, National Park Service, or Michael K. May, Occupational Safety and Health Program Manager, National Park Service, at 202-513-7222.

Sincerely,

Jonathan B. Jarvis  
Director

Enclosures





THE SECRETARY OF THE INTERIOR  
WASHINGTON

APR 26 2010

Honorable William E. Reukauf  
Associate Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

Re: OSC File No. DI-09-0261

Dear Mr. Reukauf:

This letter is to inform you that I have previously delegated to the Director of the National Park Service (NPS), responsibility for reviewing the above-cited referral of a whistleblower disclosure and allegation relating to safety concerns at Floyd Bennett Field. NPS Director Jon Jarvis has full authority to take the actions prescribed in 5 U.S.C. § 1213(d). Mr. Jarvis will respond to you directly in the immediate future.

Please contact Mr. Rick Obernesser on Mr. Jarvis' staff at (202) 565-1020, or Mr. Edward Keable, Associate Solicitor for General Law, at (202) 208-4722, if you have any questions or concerns.

Sincerely,

  
Ken Salazar

cc: Director, National Park Service  
Associate Solicitor – General Law



NORTHEAST REGION

Serious Safety and Health Deficiencies Investigation –  
GATE – Floyd Bennett Field



Final Report  
(Plus Supplemental Information)  
Accusation of Serious Safety and Health  
Deficiencies – GATE  
Floyd Bennett Field

April 23, 2010

NATIONAL PARK SERVICE

UNITED STATES DEPARTMENT OF THE INTERIOR

A handwritten signature in cursive script, appearing to read "R. Obernesser", written over a horizontal line.

Rick Obernesser,  
Associate Director, Visitor and Resource Protection (Acting)  
National Park Service



Investigation of Serious Safety and Health Deficiencies  
Gateway National Recreation Area  
Jamaica Bay Unit

Executive Summary

On September 16, 2009, the U.S. Office of Special Counsel sent a letter to Secretary of the Interior Kenneth Salazar regarding a whistleblower disclosure by Guiseppi Grassi, Jr., a former employee, who had worked as an electrician at the Jamaica Bay Unit (Unit) of Gateway National Recreation Area (GATE). The whistleblower complaint outlined a number of concerns: a) lack of adequate protective equipment, b) improper obstruction of designated exit routes, and c) issuance of respirators without medical evaluation.

A team of senior managers and safety professionals from the Northeast Region and the Washington Office of the National Park Service investigated the allegations. The Team went to Gateway National Recreation Area on October 14 and 15, 2009. The Team performed safety inspections of all the buildings cited in the Office of Special Counsel letter as well as other buildings identified, during interviews, as containing potential hazards. The Team conducted eighteen interviews.

The Team investigated the following three allegations by the whistleblower:

1. Lack of adequate personal protective equipment (PPE) – Mr. Grassi stated to numerous people that he had been a certified welder. All the appropriate equipment for safe welding operations, including all the appropriate gloves, eye and face protection, is available on Floyd Bennett Field. There is no evidence that there was a rush to complete the job that day. There is no evidence that the proper safety equipment was not available to Mr. Grassi; however, Mr. Grassi did not go into the Vehicle Maintenance Shop to retrieve the PPE. Mr. Grassi performed the welding without the proper PPE endangering himself and his co-workers.
2. Improper obstruction of designated exit routes – The Occupational Safety and Health Administration (OSHA) visited the park to inspect the stairways contaminated with bird guano in Building 98. Their report to the park stated, “I recommend that you voluntarily eliminate or reduce your employees’ exposure [to the contaminated areas].” The Unit staff relied on guidance from Mr. Joe Green, Unit Collateral Duty Safety Officer/Acting Unit Assistant Superintendent. Without seeking any additional advice or guidance, Mr. Green incorrectly interpreted OSHA’s recommendation to

mean that the doors to the exit stairwell should be locked to prevent access, and because there would still be two remaining exits from each floor that, this did not violate any life safety code or federal regulation. Via contract, the bird guano was removed from the stairway 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.

3. Issuance of respirators without medical evaluation – The Unit staff again relied on guidance from Mr. Joe Green to make the correct determination if respiratory protective equipment was required based on the job tasks assigned. Although Mr. Green served as a full-time safety professional in the Northeast Regional Office many years ago, Mr. Green did not know the procedures to determine if the park required the implementation of a respiratory protection program. In order to make this determination, the Park needed to conduct and document an analysis of all tasks that could potentially expose employees to airborne contaminants. If the hazard analysis determined this potential existed, the Park would be required to train all affected employees on the use and limitations of respirators and the contaminants to which they are occupationally exposed. All affected employees would require a medical evaluation followed by either quantitative or qualitative fit testing of the respirator(s) approved for use. Mr. Green was not familiar with these procedures and did not seek additional guidance from a safety and health professional.

The investigation team identified safety and health deficiencies in facilities throughout Floyd Bennett Field due in large part to the lack of a safety professional on staff to identify and evaluate hazards, recommend corrective actions, and track corrective actions to closure. Although these hazards did exist at the time of Mr. Grassi's complaints, they did not directly relate to the three allegations listed above.

Although violations to OSHA 29 CFR 1910, *General Industry*, existed based on the safety deficiencies identified during the investigation, the Team did not discover cause to believe these were willful violations by Park leadership of established rules and policies, but clearly due to a lack of awareness on OSHA requirements. Based on this determination, the Team did not recommend disciplinary action against any existing or former employee, but did recommend that Mr. Green be removed from the Collateral Duty Safety Officer position and that Mr. Gus Halouvas, Foreman, receive supervisory safety training to help him better understand his role in ensuring employee safety and health.



Following the receipt of this report by the Office of the Inspector General, Ms. Olare Nelson and Ms. Catherine McMullen, Office of Special Counsel, conducted a conference call with Linda Canzanelli, Associate Regional Director, Park Operations; and Michael May, WASO, Occupational Safety and Health Program Manager. During the call, Ms. Nelson and Ms. McMullen requested supplemental information on several issues.

The additional items requested:

- 1) Update on the status of each of the items in the "Recommendation" section, the five critical items identified, and the anticipated completion date for each item not already completed as outlined in the GATE report.

The Superintendent provided an update on each of the Recommendations. (See Appendix D - Update on All Recommendations and Critical Safety Information and Appendix D – Respiratory Protection Plan). The park resolved all of the critical safety issues before the original safety report was completed. (See "Safety Inspections and Findings")

- 2) Mr. Greene's status in the park (where is he working, what is his job title, is he still a collateral duty safety officer, etc.)

Mr. Joseph Green's official title is Project Manager and he is assigned to the Project Management Division of Gateway National Recreation Area, located at Fort Wadsworth, Staten Island, New York. He is no longer a collateral duty safety officer. (Appendix D - Update on All Recommendations and Critical Safety Information)

- 3) Notes on interview with Mr. Grassi (especially question of did Mr. Grassi know where the welding equipment was stored).

The Team interviewed Mr. Grassi twice (10/13/2009 with a follow up interview on 1/29/2010). Mr. Grassi said he knew where the welder was parked, but did not know for sure if the Personal Protective Equipment (PPE) was kept with the welding unit. Mr. Grassi assumed the PPE was stored with the welding unit. (Appendix E – Handwritten interview notes)



- 4) Notes from the interview from the two co-workers (Stacy Barden and Preston Baransky) about the alleged “cover up” discussion the day following the welding incident.

(Appendix F – Handwritten interview notes)

- 5) Interview Greg Hanson and Rino Gandolfo (new interviews) about the alleged “cover up” discussion the day following the welding incident.

Mr. Hansen said that the day after Mr. Grassi performed the welding task and was injured he heard Gus Halouvas telling the staff, during the morning meeting, not to talk about Grassi’s injury, especially to Bill Gregory, who is known to tease employees. During his interview with the Team, Gus Halouvas said he had told the crew not to talk about Grassi’s injury to protect Grassi from ridicule. These statements are consistent with statements made by Stacey Barden and Preston Baransky during their interviews. Mr. Rino Gandolpho was also asked the same question related to the alleged cover-up. He stated he had not heard Mr. Halouvas say anything about not telling anyone about Grassi’s welding injury. (Appendix F – Handwritten interview notes)

- 6) Any information that other maintenance employees know where the welding equipment is stored.

During the follow up interviews, the Team asked Mr. Hansen and Mr. Gandolpho if other maintenance employees knew where the welding equipment was stored. Mr. Hansen stated he did not know where the welding equipment and PPE were stored because he is not a welder and was never asked to weld. Mr. Gandolpho stated that he knew the welder was kept at the auto shop but was unsure if the PPE was kept with the welder. Mr. Bill Gregory was the only Floyd Bennett Field employee truly certified to weld, so other employees did not have a reason to know where the equipment was stored or how to use it. (Appendix F – Handwritten interview notes)

- 7) Update on the status of the respiratory protection program.

Appendix D



**Gateway National Recreation Area:**

Located in New York and New Jersey, Gateway National Recreation Area (GATE) provides abundant recreational and learning opportunities, from swimming, boating and fishing to team sports, bicycling and nature study. The living world can be explored in a wildlife refuge, holly forest, ocean dunes and coastal uplands. The nation's oldest operating lighthouse, forts that defended America and sites that trace aviation's early days tell significant stories.

GATE is readily accessible by 16 million people who live in the metropolitan area. Gateway was created to bring the National Park Service 'experience' to these people and approximately 9 million people visited the park in 2008.

The park has 26,607 acres, an annual operating budget in FY2009 of \$25,456,942 and a total of 326 FTE.

The Park consists of three units:

Jamaica Bay Unit in Brooklyn and Queens includes a wealth of history, nature and recreation, from New York City's first major airport and coastal fortifications to a wildlife refuge and pristine beaches. Areas within the Jamaica Bay Unit include Floyd Bennett Field, Fort Tilden, Riis Beach and the Jamaica Bay Wildlife Refuge.

The Sandy Hook Unit in New Jersey, which includes the Sandy Hook Light, America's oldest operating lighthouse (1764), as well as Fort Hancock and the Sandy Hook Proving Ground, outstanding beaches, a Holly forest and other natural and recreational resources.

The Staten Island Unit includes Fort Wadsworth (location of park headquarters), World War Veterans Park at Miller Field and the natural areas of Great Kills.

**Overall Guidance:**

On September 16, 2009, the U.S. Office of Special Counsel sent a letter to Secretary of the Interior Kenneth Salazar regarding a whistleblower disclosure by Guiseppi Grassi, Jr., a former employee, who had worked as an electrician at the Jamaica Bay Unit (Unit) of Gateway National Recreation Area (GATE). The whistleblower complaint outlined a number of concerns: a) lack of adequate protective equipment, b) improper obstruction of designated exit routes, and c) issuance of respirators without medical evaluation.

The letter from the Special Council also stated “The requirements of the report are set forth at 5 U.S.C. §1213(c) and (d)... As a matter of policy, OSC also requires that your investigators interview the whistleblower as part of the agency investigation when, as in this case, the whistleblower consents to the disclosure of his name.”

Reporting requirements under 5 U.S.C. §1213(d) include:

- 1) A summary of the information with respect to which the investigation was initiated;
- 2) A description of the conduct of the investigation;
- 3) A summary of any evidence obtained from the investigation;
- 4) A listing of any violation or apparent violation of law, rule or regulation; and
- 5) A description of any action taken or planned as a result of the investigation, such as:
  - a) Changes in agency rules, regulations or practices;
  - b) The restoration of any aggrieved employee;
  - c) Disciplinary action against any employee; and
  - d) Referral to the Attorney General of any evidence of criminal violation.

Per the October 8, 2009 memorandum from Acting Director Daniel Wenk, “two actions should occur immediately so that we may correct any deficiencies, address any leadership shortcomings, and respond to the Department.”

1. The WASO Risk Management Division’s Occupational Safety and Health Program Manager and Northeast Regional Safety Manager will conduct a comprehensive safety and health inspection of Floyd Bennett Field. A written report of the findings will be drafted and included in the response.
2. A Northeast Region senior leader will conduct a leadership assessment of Floyd Bennett Field to determine if the safety and health program is being implemented properly and if the program is fully supported by park leaders.

In completing these two actions, the assigned team had the responsibility to investigate the whistleblower’s allegations that include issues pertaining to:

- **Personal Protective Equipment** – Not providing appropriate PPE or training in the use of
- **Exit Routes** – Blocking and Locking of
- **Respirators** – Not providing adequate and appropriate

#### **Investigation:**

A team of senior managers and safety professionals from the Northeast Region and the Washington Office of the National Park Service investigated the allegations. Regional

Director Reidenbach tasked the Associate Regional Director for Park Operations to lead the investigation team (Team).

The Team included:

Linda Canzanelli, Associate Regional Director, Park Operations  
Michael May, WASO, Occupational Safety and Health Program Manager  
Michael Quinn, WASO, Occupational Health Manager  
Keith Newlin, Deputy Superintendent National Parks of Western Pennsylvania  
Jill Hawk, Regional Chief Ranger  
Dave Schuller, Regional Safety and Health Manager

The Team met at Fort Wadsworth, Park Headquarters for Gateway National Recreation Area on the morning of Wednesday, October 14, 2009. The Team clarified goals and objectives, and identified tasks and assignments.

GATE employee Brian Collier took the Team on a tour of Floyd Bennett Field and key facilities identified in the Special Council report. Gus Halouvas joined the Team for part of this orientation tour.

After the tour and over the course of the next week the Team conducted a series of interviews. Eighteen interviews were conducted in person or by phone. All interviews included at least two team members.

**Interview Schedule:**

The titles noted below are the titles that the employees held at the time of the incidents under investigation. Due to reorganization, there have been a number of job changes within the park in the past 6 months.

Tuesday, 10/13/2009

Mr. Guiseppi Grassi, Jr., Former Electrician (via phone)

Wednesday, 10/14/2009

Suzanne McCarthy, Acting Deputy Superintendent (in person)

Gus Halouvas, Maintenance Mechanic Supervisor (in person)

Kathleen Cuzzolino, Former Acting Park Safety Officer (in person)

Thursday, 10/15/2009

Christine Hoepfner, Union President and Management Assistant (in person)

Rick Barrett, Program Manager National Parks of New York Harbor and Chief of Asset Management for GATE (in person)

Nancy Wilson, Chief Human Resources (in person)

Dana Byas, Human Resources Specialist (in person)

Pete McCarthy, Former Acting Unit Superintendent Jamaica Bay Unit (in person)

Brian Collier, Facilities Operations Specialist (in person)

Stacy Barden, Maintenance Mechanic (in person)

Preston Baransky, Maintenance Mechanic (in person)

Tuesday, 10/20/2009

Hollis Provins, Former Sandy Hook Chief Ranger (via phone)

Joe Green, Former Jamaica Bay Acting Assistant Unit Superintendent and Collateral Duty Safety Officer (via phone)

Wednesday, 10/21/2009

Barry Sullivan, Superintendent (via phone)

Ricky O'Neill, Facility Manager Jamaica Bay Unit (via phone)

Friday, 1/29/2010

Greg Hansen (via phone) – Interview conducted by Steve Clark, Northeast Region Branch Chief of Law Enforcement and Emergency Services, and Dave Schuller, National Park Service, Northeast Region Occupational Safety and Health Program Manager

Rino Gandolpho (via phone) – Interview conducted by Steve Clark, Northeast Region Branch Chief of Law Enforcement and Emergency Services, and Dave Schuller, National Park Service, Northeast Region Occupational Safety and Health Program Manager

Guisseppi Grassi (via phone) – Follow up interview conducted by Steve Clark, Northeast Region Branch Chief of Law Enforcement and Emergency Services, and Dave Schuller, National Park Service, Northeast Region Occupational Safety and Health Program Manager

**Complaints and Investigation:**

All three whistleblower complaints were investigated.

- 1) Lack of adequate personal protective equipment – Mr. Grassi alleged that he and his co-workers, Stacy Barden and Preston Baransky, were instructed on March 9, 2009 by their supervisor, Gus Halouvas, to complete an arc welding assignment without being afforded proper protective equipment. Mr. Grassi and Mr. Baransky sustained arc burns on their face.

Background:

Gus Halouvas was hired by the National Park Service (NPS) less than two years ago. Prior to his employment by the NPS, he had no previous experience as a federal employee. For those on the Team who were familiar with Floyd Bennett Field it is obvious through observation and interviews that Mr. Halouvas has made significant positive changes in the condition and housekeeping of the buildings and facilities at Floyd Bennett Field. Although he has taken all of the mandatory ethics, computer and Privacy Act training there is no evidence that he has received any safety or supervisory training or mentoring in his new role as a federal supervisor. He does not have an Individual Development Plan that would identify critical training/developmental needs.

Mr. Halouvas holds regular tailgate safety meetings with his staff. He provided the Team with copies of sheets he uses to document these training sessions. The sheets include the topics and are signed by each staff member who is present and includes specific notations on who is absent.

Mr. Grassi stated to the team that he had been a certified welder, though his certification may have expired. Mr. Grassi also told Mr. Barden, Mr. Baransky and his supervisor, Gus Halouvas, that he was a certified welder. Mr. Halouvas did not ask for proof of Mr. Grassi's welding certification. Welding jobs at GATE are normally performed by the Park's automotive mechanic, William Gregory. According to payroll records Mr. Gregory was working on March 9, 2009. The welding equipment is stored at the auto mechanics shop. The trailer-mounted arc welder was stored outside of the Vehicle Maintenance Shop and, for security purposes, the required personal protective equipment (PPE) is stored inside the Vehicle Maintenance Shop. The PPE includes all the appropriate gloves, eye and face protection. There is no evidence that there was a rush to complete the job on that day. There is no evidence that the proper safety equipment was unavailable to Mr. Grassi; however, Mr. Grassi did not go into the Vehicle Maintenance Shop to retrieve the PPE. Mr. Barden and Mr. Baransky stated they had no knowledge of welding and that they relied on Mr. Grassi's knowledge and experience.

Mr. Halouvas visited the jobsite while the work was underway. When Mr. Grassi told Mr. Halouvas that they did not have the proper PPE, Mr. Halouvas did not order Mr. Grassi to cease the welding operation.

#### Findings:

Mr. Grassi misrepresented himself to Mr. Halouvas as a certified welder and Mr. Halouvas accepted Mr. Grassi's word without requiring proof (certification card). If Mr. Grassi were a certified welder, he would be expected to know the hazards associated with welding and the safety practices to prevent injury. Mr. Barden and Mr. Baransky corroborated Mr. Grassi's claim that he was a certified welder and they trusted in his experience.

The proper PPE for welding was available on Floyd Bennett Field. Mr. Halouvas stated that the welding job did not have to be completed that day, but he chose to do so after Mr. Grassi stated he was a certified welder. Mr. Grassi performed the welding without the proper PPE, endangering himself and his co-workers.

Mr. Halouvas visited the job site while the work was underway and should have ordered the work stopped when he saw that the proper protective equipment was not being used. He did not. He did tell the work team of Grassi, Barden, and Baransky to get the PPE from the Auto Maintenance shop.

- 2) Improper obstruction of designated exit routes – Mr. Grassi alleged that Mr. Halouvas improperly blocked a series of designated exit routes in Building 98.

#### Background:

Each of the three floors in Building 98 (maintenance building) has three exits that lead to stairwells that exit the building. The stairwell in the southwest corner had broken windows on the third floor. These windows had been broken for years, which had allowed birds to access the stairwell where they roosted, depositing large amounts of guano. Mr. Sullivan, former maintenance employee, called the Occupational Safety and Health Administration (OSHA) who visited the park on August 19, 2008 to inspect the contaminated stairways. Mr. Sullivan's report dated February 23, 2009, states "I recommend that you voluntarily eliminate or reduce your employees' exposure [to the contaminated areas]".

#### Findings:

The Unit staff including Mr. Halouvas, Unit Facility Manager, Richard O'Neill and Acting Unit Superintendent, Pete McCarthy, relied on guidance from the Unit Collateral Duty Safety Officer/Unit Assistant Superintendent, Joe Green. Mr. Green had been a Regional Safety Officer for the NPS approximately 15 years ago.

Without seeking any additional advice or guidance, Mr. Green incorrectly interpreted OSHA's recommendation to mean that the doors to the exit/stairwell should be locked to prevent access, and because there would still be two remaining exits from each floor, that this did not violate any life safety code or federal regulation. Blocking the exit was a violation of OSHA and National Fire Protection Association standards. The Unit

Managers did not seek any additional advice from other safety professionals. These individuals knew of Mr. Green's background as a safety professional and believed his advice was sound.

Via contract, dated September 18, 2009, the bird guano was removed from the stairway 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.

- 3) Issuance of respirators without medical evaluation – Mr. Grassi alleged that he and other employees were wrongly issued respirators without first being medically cleared by a physician or other licensed healthcare professional and that park management failed to address this problem.

#### Background:

A variety of maintenance employees, mainly grounds workers, were issued respirators. When Joe Green saw them with respirators he told the employees they needed medical approval before they could wear respirators and he sent them to a doctor. After the medical examination, Mr. Green conducted respirator fit testing for the employees. He did not appear to use either a qualitative or a quantitative fit test method, the only approved means to conduct fit testing in accordance with the applicable Code of Federal Regulations. Mr. Green also asked the maintenance supervisors if any of their employees needed respirators as part of their work. Mr. Green and the supervisors decided that a respirator program was not required for the park because the jobs did not warrant it.

A memorandum, dated June 1, 2009, from Superintendent Pete McCarthy, stated that the Jamaica Bay Unit conducted an evaluation of employee position descriptions, performance standards, roles and functions that resulted culminated in a determination that a mandatory use of full face or half mask respirators is required or recommended for employees in performance of routine duties (Appendix A – Park Respiratory Protection Memorandum).

#### Findings:

Employees interviewed stated they were issued respirators without being medically cleared, properly fit tested, or trained on how to wear respirators; all were violations of 29 CFR 1910.134, *Respiratory Protection*.

The Unit staff including Mr. Halouvas; Unit Facility Manager, Richard O'Neill and Acting Unit Superintendent, Pete McCarthy relied on guidance from the Unit Collateral Duty Safety Officer/Unit Assistant Superintendent, Joe Green. Mr. Green had been a Regional Safety Officer for the NPS approximately 15 years ago.

Mr. Green did not know that in order to make a determination of whether or not employees need a respirator the park needs to implement a respiratory protection program, which must include a documented, thorough hazard analysis of every job and



task being performed, not just a review of position descriptions. He also did not know how to properly fit test employees with respirators and he did not seek any additional advice or guidance on this matter. The Unit Managers did not seek any additional advice from other safety professionals.

NORTHEAST REGION

## SAFETY INSPECTION AND FINDINGS



Mike Quinn, Dave Schuller, and Mike May conducted safety inspections of Building 98, Hangar B, Pump House 30, and Lift Station 154 on October 15, 2009. Mr. Brian Collier, Facilities Operations Specialist, Jamaica Bay Unit, accompanied the three inspectors throughout the inspection.

The inspection team encountered the majority of the hazards repeatedly in all four facilities, which was a clear indication that Park personnel were unaware of the requirements in the applicable safety and health standards. A professional safety and health specialist employed by the Park could have identified these deficiencies well before the complaint or inspection. The WASO Risk Management Division will provide Gateway with a comprehensive safety and health inspection report and a corrective action plan to assist with the correction of these hazards. The following is a list of the types of hazards identified during the inspection:

- Fire extinguishers in all building were not inspected or properly mounted—many extinguishers had not been inspected and documented since the mid 1990s
- Emergency eye wash stations in Bldg 98 were empty of water or saline solution and had no inspection documentation affixed or available
- Energized, exposed electrical wiring and energized, unprotected fuse boxes existed in Bldg 98, particularly on the third floor
- Flexible electrical (extension) cords were being used as permanent wiring and routed through openings in windows, ceilings, and doorways
- Flexible extension cords were wired directly into circuit breaker boxes
- Suspected friable asbestos floor tiling existed in Bldg 98 (third floor) and Lift Station 154. Neither location contained the proper signage warning personnel of the hazard
- A lead acid battery was stored, without spill containment, directly on the floor
- Used florescent light bulbs were stored in the path of an emergency exit on the third floor of Bldg 98. Although the park staff is commended for properly recycling/disposing of the florescent light bulbs the accumulation of bulbs appeared to be far longer than a 180-day supply

- In the Hangar B volunteer workshops, many of the machines lacked the required guards to prevent contact with moving gears, blades, and pulleys
- Many of the same machines were not secured to the floor to prevent tipping or equipped with under-voltage protection to prevent inadvertent restart
- Also in Hangar B, small handheld bottles of water or saline solution were available for emergency eye wash; however, an emergency eye wash station capable of delivering 15 minutes of continuous eye wash wasn't available
- Several oscillating floor fans located in Bldg 98 and Hangar B contained openings in the guards greater than ½ inch.

The Park also lacked written Control of Hazardous Energy (Lockout and Tagout) and Confined Space Entry programs. These programs must be tailored specifically for the Park and reviewed by the NER Safety Manager prior to implementation. The Park should also conduct a hazard analysis of its operations to determine if it also requires the establishment of a Respiratory Protection Program.

The comprehensive safety inspection report will also contain a management action plan to relay the corrective actions to the Northeast Regional Safety Manager, who will verify the corrective actions completely abated the hazards during his safety program evaluations.

In addition to the items identified in the letter from the Special Counsel, the Team also identified five other items that needed immediate corrective action. This list was given to the park at 4pm on October 15, 2009.

- 1) Building 98 (maintenance facility) - close the building until all exposed, energized electrical wires and fuse boxes are isolated and corrected; document everything that is done.

The electrical issues were corrected October 16, 2009 and documentation was provided.

- 2) Buildings 154, 75 and 89 (lift stations) - Close the buildings immediately due to friable asbestos floor tiles; sign the buildings appropriately; conduct an immediate asbestos study.

On October 16, 2009, two buildings were closed; signs were ordered. Asbestos study was just completed and sent to the park. Buildings 75 and 89 do not have asbestos floor tiles (photos documentation sent), they were not closed. Park staff will develop a statement of work to hire a contractor to properly remove and dispose of the tiles in Building 154.

- 3) Building 30 (Pump House) – The “pit” in the building is closed, until the park has implemented an approved "Confined Space Entry" program in accordance with 29 CFR 1910.146. Dave Schuller, Regional Safety Officer, must approve the plan.

While the Confined Space Entry program is being developed and approved the Park is working with New York City Fire Department for assistance in case emergency access is needed before the plan is complete.

- 4) Fire Extinguishers - Need to conduct a full review of all fire extinguishers within the Jamaica Bay Unit. Fire extinguishers need to be inspected and properly mounted.

October 20, 2009 a structural fire specialist, Tim Regan, from the Sandy Hook Unit came to the Jamaica Bay Unit and all fire extinguishers in Building 98 have been inspected and properly mounted. Documentation was provided.

- 5) Hangar B – The equipment shops used by the volunteers must be closed immediately. No one is permitted to use them until safety issues such as safeguards on saws, moving belts guarded and equipment is properly mounted. The shops must be inspected prior to re-opening. Mr. Halouvas must seek the assistance of a qualified occupational safety and health professional to determine the equipment hazards and requirements for guarding.

October 16, 2009 equipment shops were closed. All the equipment needs to be assessed for proper guarding. Gus Halouvas will be asked to inspect shops, assess needs and coordinate establishing proper equipment shops.

NORTHEAST REGION

## SAFETY LEADERSHIP FINDINGS



### Leadership Assessment (Linda Canzanelli – Lead, Jill Hawk, Keith Newlin)

The Acting Director also asked that the Team conduct a leadership assessment of the health and safety program in the Unit and Park.

The park is undergoing a reorganization transitioning from Unit Superintendents to Unit Coordinators as the park organizes in a more a traditional organizational structure. The Unit Superintendent position at the Jamaica Bay Unit has been vacant for approximately a year. The former Acting Unit Superintendent, Jamaica Bay Unit is now the Unit Coordinator Sandy Hook.

### Senior Management Commitment to Safety:

All employees we talked to thought that there was support for safety from the Park Superintendent Barry Sullivan but they were unable to offer specific information about how this support was expressed. Many employees mentioned that former Deputy Superintendent, Billy Garrett (retired) stressed safety. Program Manager National Parks of New York Harbor and Chief of Asset Management for GATE Rick Barrett has only been at GATE since January 2009. Mr. Barrett said that he always talks about safety and stops unsafe practices that he sees them going on in the park but he also admitted that he rarely gets to any of the other Units or districts in the park. Consequently, the Jamaica Bay Unit maintenance staff has virtually no interaction with Mr. Barrett.

We heard numerous examples of senior managers stopping maintenance activities at Fort Wadsworth, site of the park's headquarters, when they observed unsafe practices. Senior managers rarely visit other Units except when they are going there for meetings. The challenge for management seems to be in making time to make safety a priority all the time, for every activity and every location in the park.

Senior management is very responsive and quick to correct issues when they are identified as part of formal reviews, by outside groups.

The Park Safety Manager retired 8 months ago and by all accounts was not the most effective, proactive safety professional. The park relies on Unit collateral duty safety officers. Due to the previous organizational structure, with each Unit run as a mini park, there was no formal interaction between the collateral duty safety officers. Although senior managers said that filling the safety position was a priority the position description has not been classified so the position has not been advertised. A series of park staff have been filling the role of acting park safety manager.

### Safety Professionals in the Park's Organizational Structure:

It is difficult to gauge how much access the former park safety manager had to the superintendent or deputy superintendent.

The former organizational chart had the Park Safety Manager reporting to Jose Rosario, Supervisory Park Ranger, Office of Strategic Planning & Project Management, GATE. The current organizational chart has the Park Safety Manager reporting to Hollis Provins, Chief of Resource & Visitor Protection, GATE. Because of Mr. Provins commitment to safety, this is a good short-term solution but when Mr. Provins leaves the park the superintendent should reassess as to whether the Park Safety Manager should report directly to the superintendent.

Also, with more than 300 FTE the park needs more than one safety professional. If the park is reluctant to hire additional permanent safety personnel and given the park's proximity to New York City, an alternative may be to hire safety professions to work with and augment park staff.

### Safety Committees:

The headquarters management team has regular safety meetings. The three Units each have their own safety meetings but there is little or no involvement in the Unit safety meetings from senior park management. There is no evidence of "All Employee" safety meetings. There is no evidence of park safety awards or park nominations for regional or national awards.

### Safety Training:

The Regional Office has taught three separate Operational Leadership classes for the park for a total of over 75 participants. More training is scheduled in the future.

### Joe Sordi fatality:

A Staten Island Unit heavy equipment operator was killed in a work related accident on December 6, 2005. A Serious Accident Investigation Team made a number of recommendations. The parks seems to have taken corrective action on all the specific recommendations from the report, such as heavy equipment operator training, buying and wearing high visibility vest while conducting any activities on roadways, etc. Beyond these specific actions, even when asked specifically, no employee thought that the Sordi fatality had a significant impact on the safety culture of the park.

NORTHEAST REGION

### RECOMMENDATIONS



- 1) The quality of the welding on the Hanger B doors, which led to the complaint, is very poor and has a great potential for failure. The doors should not be used until a qualified welder removes the existing plates and re-welds them to the Hanger's sliding doors.
- 2) Fill the permanent Park Safety Manager position immediately with a full performance, professional safety officer.
- 3) The current organizational chart has the Park Safety Manager reporting to Hollis Provins, Chief of Resource & Visitor Protection, GATE. Because of Mr. Provins commitment to safety, this is a good short-term solution but when Mr. Provins leaves the park the superintendent should reassess as to whether the Park Safety Manager

should report directly to the superintendent. In the interim, everyone should know that the Park Safety Manager has priority access to the Superintendent and Deputy Superintendent.

- 4) With more than 300 FTE, the park needs the services of more than one professional safety manager. If the park is reluctant to hire additional permanent safety personnel, and due to the park's proximity to New York City, an alternative may be to hire safety professions to work with and augment park the parks' safety manager, collateral duty safety officers and park staff.
- 5) The relationship between park safety program and regional and WASO safety managers needs to be strengthened. There should be regular contact between these groups so the park can be aware of and take advantage of the specialized resources available in the Regional Office and Washington. The WASO and Regional Safety Management staff will provide Gateway with a comprehensive safety and health inspection report and a corrective action plan to assist with the correction of these hazards. WASO and NERO staff will work with the park to develop additional guidance for the park, and until the park safety program is up and running, will work with the park to conduct onsite safety inspections.
- 6) As the Program Manager National Parks of New York Harbor and Chief of Asset Management for GATE Rick Barrett manages a number of projects and programs, and has an enormous span of control. Mr. Barrett is responsible for overseeing all major emergency projects at all of the National Parks of New York Harbor, as well as providing oversight and guidance to those parks' Facility Managers and the three Unit Facility Managers at GATE. The Facility Management program at GATE is undergoing significant changes at the same time as they are dealing with a number of major, long-standing maintenance issues. Mr. Barrett is not able to give the GATE Facility Management program or Unit Facility Managers the oversight and direction needed during this transition period. The park should fill a permanent Facility Manager position, which would supervise the Unit Facility Managers. When the position becomes vacant, after the new organization is in place and has been running smoothly for a number of years, the park could reassess the need for this position. An alternative would be to hire a term Facility Manager for the park. Again, given the NYC location this may be a viable alternative.
- 7) Conduct Operational Leadership training for all park staff.
- 8) Develop a training and mentoring plan for Gus Halouvas. This plan should in include supervisory as well as safety training and mentoring. The Individual Development

Plan (IDP) should be reviewed by the Regional Safety Manager and the Associate Regional Director for Park Operations. Progress on the IDP should be tracked.

- 9) An appropriate, specific, safety performance element should be developed for ALL GATE employees. Performance elements should be tailored for senior managers, supervisors and employees.
- 10) Review maintenance work order priority setting procedures to ensure highest priority work receives management approval and safety review.
- 11) Formally update the "Park Safety Management Plan" and ensure that there is a Senior Management Safety Council with a functioning safety committee at each park unit. Every three months (Quarterly), the park Management Safety Council and the park Safety Officer should travel to one unit to complete a safety walkabout in coordination with the unit safety committee. An action list will be developed from that walkabout that the Safety Officer is responsible for tracking – and the appropriate discipline and safety committee will be responsible for ensuring the work is done or solution identified and presented to the park management team. Only when the entire park management team – including the park Superintendent – are seen in the field taking ACTION, will the safety culture at GATE turn to a positive one. The staff in the field are ready, they need safety leadership.
- 12) All Employees Safety Meetings should be held 2 times a year. During the meeting staff should review the lessons identified in the fatality of GATE employee Joe Sordi and other significant safety issues at the park.
- 13) Create a Joe Sordi Safety Awareness Recognition/Award that rewards employees who bring safety to the forefront by solving issues or by being proactive in the safety area.

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CONCLUSION



The investigation team identified safety and health deficiencies in facilities throughout Floyd Bennett Field due in large part to the lack of a safety professional on staff to identify and evaluate hazards, recommend corrective actions, and track corrective actions to closure. Although these hazards did exist at the time of the incident referred to in Mr. Grassi's complaints, they did not directly relate to his three allegations against the park.

Although violations to OSHA 29 CFR 1910, *General Industry*, existed based on the safety deficiencies identified during the investigation, the Team did not discover cause to believe these were willful violations by Park leadership of established rules and policies, but clearly due to a lack of awareness on OSHA requirements. Based on this determination, the Team did not recommend disciplinary action against any existing or former employee, but did recommend that Mr. Green be removed from the Collateral Duty Safety Officer position and that Mr. Gus Halouvas, Foreman, receive supervisory safety training to help him better understand his role in ensuring employee safety and health.

The Team recommends the Park hire a qualified safety and health professional to correctly interpret the required codes, laws, standards, and policies as outlined in federal, Departmental, and the existing National Park Service Director's Order and Reference Manual 50B, *Occupational Safety and Health Program*. While this incident has not demonstrated a failure in Bureau-wide rules and regulations, it has illustrated an opportunity for GATE to implement safety standards and practices more effectively and to hire and assign only qualified individuals to advise Park leaders on matters of employee safety and health.

NORTHEAST REGION

DOCUMENTS



**Documents Reviewed and Available in Appendices:**

- JABA Use of Full Face and Half Mask Respirators memorandum, dated 3/16/2009
- JABA Respiratory Protection Program Policy memorandum, dated 6/01/2009
- Occupational Safety and Health Administration (OSHA) JABA inspection report (#312497571), dated 2/03/2009
- JABA OSHA inspection report (#312497571) response, dated 2/09/2009
- Guiseppi Grassi Notice of Termination, dated 5/22/2009

**Documents Reviewed and Available Upon Request:**

- Gateway NRA (GATE) Unified Safety Management Program, not dated
- GATE-JABA contract #C2011091691(PMIS #135755), Design, Build, Repair Roof at building 30 and Electrical Systems at buildings 57 and 30, date issued 8/20/2009
- GATE-JABA contract (document # P1774090616), Remediation of Building 98, award date 9/18/2009
- Jamaica Bay Unit (JABA) Park Management Plan, dated 2/04/2009



- Indoor Environmental Inc., Indoor Air Quality report for GATE-JABA, dated 2/17/2009
- Harbor Parks (HAPA) Facility Management Program, dated 6/25/2009
- HAPA Work Control Center Management Plan, dated 6/19/2009
- Weekly Chief of Maintenance meeting minutes (dates: 6/11/2009, 10/29/2009)
- Supervisory documentation:
  - JABA Supervisor Gus Halouvas Email Diary, dated 4/23/2009
  - Employee Guiseppi Grassi written request for return of annual leave

NORTHEAST REGION

APPENDIX A – Memorandums Respiratory Protection



United States Department of the Interior

NATIONAL PARK SERVICE  
Gateway National Recreation Area  
Jamaica Bay Unit  
Building 69, Floyd Bennett Field  
Brooklyn, NY 11234

IN REPLY REFER TO:  
A7615 (GATE-JBU)

March 16, 2009

Memorandum

To: Division Chiefs, Activity Supervisors, JABA  
From: Superintendent, Jamaica Bay Unit, GATE  
Subject: Policy: Use of Full Face and Half Mask Respirators  
Reference: 29 CFR 1910.134 (c)(2)(ii), 42 CFR 84  
Director's Order #50, Chapter 16

As we approach spring and summer season, we wish to reiterate NPS Policy & OSHA Regulations regarding Employee Respiratory Protection Programs. All employees permitted use of a full face or half mask respirator must have approval from a physician, based on a physical medical exam. This is not a discretionary call for supervisors.

If employees wish to use a respirator on a voluntary basis during their tour of duty, they must still get clearance by a physician. If an employee purchases a personal respirator, they must still provide proof to supervisors that they have physician's approval and clearance to use the respirator during their tour of duty.

If an employee's assigned duties require use of a full face or half mask respirator, the supervisor is required to ensure that the full face or half mask respirator is the last measure of protection for the employee (after engineering & substitution controls have been exhausted). Then the supervisor must coordinate with the employee and administration for the employer to pay for a medical exam (and respirator) for the employee, before the employee is permitted use of a full face or half mask respirator to perform their job.

Supervisors are responsible for ensuring employee compliance with management policy germane to health & safety practices. The above rules are compliant with NPS policy and OSHA regulations germane to Employee Respiratory Protection Programs. Should you have any questions, please call Joseph Green at 718-338-3338, X-234.

  
Pete McCarthy



**United States Department of the Interior**

**NATIONAL PARK SERVICE  
Gateway National Recreation Area  
Jamaica Bay Unit  
Building 69, Floyd Bennett Field  
Brooklyn, NY 11234**

IN REPLY REFER TO:

A7615 (GATE-JABA)

June 01, 2009

Memorandum

To: Park Files. Jamaica Bay Unit, GATE  
From: Superintendent, Jamaica Bay Unit, GATE  
Subject: Respiratory Protection Program Policy, JABA  
Reference: 29 CFR 1910.134 (c) (2) (ii), 42 CFR 84  
Director's Order #50, Chapter 16

Evaluation and scrutiny of employee position descriptions, performance standards, roles and functions has resulted in an informed management determination & consensus of the following.

As of June 2009, the Jamaica Bay Unit of Gateway NRA has no occupational series, position titles or position functions in which mandatory use of full face or half masks respirators is warranted or recommended for employees in performance of routine duties.

Incidental employee exposures to hazardous materials discovered in activity establishments during performance of routine duties will be addressed by termination of the subject activity until recommended protective actions are implemented - appropriate for the type of exposure encountered. Employees will be informed of types of hazards encountered and trained in protective measures for types of hazardous encounters in compliance with 29 CFR 1910.1200.

If an employees' assigned duties require use of a full face or half mask respirator, the supervisor is required to ensure that the full face or half mask respirator is the last measure of protection for the employee (after engineering & substitution controls have been exhausted). Then the supervisor must coordinate with the employee and administration for the employer to pay for a medical exam (and respirator) for the affected employee, before the employee is permitted use of a full face or half mask respirator to perform assigned tasks.

NORTHEAST REGION

APPENDIX B – OSHA Correspondence



U.S. Department of Labor

Occupational Safety and Health Administration  
Manhattan Area Office  
201 Varick Street, Room 908  
New York, New York 10014  
212-620-3200 Fax: 212-620-4121  
OSHA Website: <http://www.osha.gov>



February 03, 2009

Mr. Pete McCarthy, Assistant Superintendent  
National Park Service/Gateway/Jamaica Bay Unit  
Building 69, Floyd Bennett Field  
Brooklyn, NY 11234

Inspection # 312497571

06-02-09P03:59 RCVD

Dear Mr. McCarthy:

An inspection of your worksite, located at the Floyd Bennett Field, was conducted on August 19, 2008, disclosed the following hazards:

In the building 98, on the 3rd floor of the southwest corner and southwest stairwell, excessive amounts of bird dropping are found on the floor area. This condition may exposed employees to dust that may be contaminated with biological hazards. The biological hazards associated with bird dropping have been medically linked to illness in the form of psittacosis, cryptococcoses, and histoplasmosis.

Since no OSHA standard applies and it is not considered appropriate at this time to invoke Section 5(a)(1), the general duty clause of the Occupational Safety and Health Act, no notice of Unsafe or Unhealthful Working Condition will be issued for this hazard. In the interest of work place safety and health, however, I recommend that you voluntarily eliminate or reduce your employee's exposure to the hazards describe above.

~~- Eliminate access to the area until adequate cleanup has been done.~~

- Provide respiratory protection suitable for the purpose intended (HEPA Filter) and establishing a respirator program.

~~- Assuring adequate ventilation in the work area.~~

- Establish a "Bird dropping disease" training and prevention program which includes:
  - \* A description of the signs and the symptoms associated with disease linked to bird dropping.
  - \* Good housekeeping and work practices procedures.
  - \* Instructing workers to immediately report to the employer the development of any adverse signs and symptoms consistent with disease linked to bird dropping.



## United States Department of the Interior

NATIONAL PARK SERVICE  
Gateway National Recreation Area  
Jamaica Bay Unit  
Building 69, Floyd Bennett Field  
Brooklyn, NY 11234

IN REPLY REFER TO:

A7615 (GATE-JABA)

February 09, 2009

Richard Mendelson, Area Director  
Occupational Safety and Health Administration  
Manhattan Area Office  
201 Varick Street, Room 908  
New York, New York 10014

Reference: Inspection # 312497571

Dear Mr. Mendelson;

Thank you for the opportunity to respond to the referenced site inspection deficiencies. Below please find the national park's response to the "Notice of Unsafe or Unhealthful Work Conditions" report dated, February 03, 2009. The report was received in the park February 13, 2009.

Relative to OSHA recommendations for voluntary compliance in the report, National Park Service has completed Indoor Air Quality monitoring and sampling of Building #98 by an approved vendor. The national park is abiding by recommendations as prescribed in the I.A.Q. Report from Oasis Indoor Environmental, Inc. The building #98 3<sup>rd</sup> floor has been signed and employee access to the areas of bird droppings has been restricted. Park management is identifying a vendor to abate (clean-up) the bird droppings in the obsolete stairwells (not used).

Inspection Citation #01, Item #01, Item #02, Item #03 and Item #04 were corrected by park Facility Maintenance - Buildings & Utilities Foreman, Gus Halouvas, within fourteen (14) days (by September 02, 2008) from the date deficiencies were identified.

#### Actions Taken:

Inspection Citation #01, Item #01 & Item #02: Identified electrical boxes were secured closed and labeled. Exposed live wires were secured and signed. Electrical switch panel boxes were labeled as per requirements, i.e.; 29 CFR 1910.303

Inspection Citation #01, Item #03 & Item #04: 3<sup>rd</sup> floor areas of Building #98 on which encapsulated pipe and asbestos containing materials (ACMs) were found were immediately signed to warn employees of ACMs. Signing was posted to restrict access to the 3<sup>rd</sup> floor area to "Authorized Personnel" only. Employees exposed to the area were informed orally and in writing of the ACMs on the Building #98, 3<sup>rd</sup> floor.

Actions Taken:

Inspection Citation #02, Item #01, was resolved between OSHA Site Inspector Kyaw Thein and NPS Employee Relations Officer, Dana Byas. The reporting issue (discrepancy) was identified as a software fault between DOL computer software programs that do not interface with the OSHA Form 300 to provide accident causal details as required by OSHA. Specifically, Department of Labor, Office of Worker Compensation Programs (DOL - OWCP) software, used in tandem with the National Park Service's electronic accidents reporting system, i.e.; Safety Management Information System (SMIS), does not interface with the software for inputting accidents and detailed causal factors into the OSHA Form 300.

Inspection Citation #02, Item #02a and Item #02b deficiencies were resolved by bringing the national park's documented Respiratory Protection Program (RPP) into compliance with RPP Program requirements as defined by 29 CFR 1910.134.

Actions Taken:

Inspection Citation #02, Item #02a & Item #02b: The park discontinued use of toxic and hazardous substances that warranted implementation of a mandatory Employee RPP - to protect employees from unhealthful exposures. The park Safety Officer ceased (immediately) to provide half face and full face respiratory protection to employees upon request. Employees who request voluntary use of respirators are now required to comply with 29 CFR 1910.134 by undergoing a physical examination by a physician in advance of use. Park management is evaluating its RPP to determine if a RPP is warranted.

The safety and health of employees is of primary importance to National Park Service. We trust that you will find the above described abatement actions have been extremely responsive to deficiencies identified in your "Notice of Unsafe or Unhealthful Work Conditions" dated February 03, 2009. Please contact Joseph Green, Assistant Superintendent at 718-338-3338, X-234, should you have need for additional communications regarding the above abatement actions. Also, Mr. Green may be reached by cell phone at 917-295-9926.

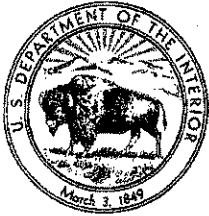
Sincerely,

Pete McCarthy  
Superintendent  
Attachment

Cc: Assistant Superintendent, JABA  
Chief, Human Resources, GATE  
Facility Manager, JABA

NORTHEAST REGION

**APPENDIX C – Update on All Recommendations and  
Critical Safety Information**



**United States Department of the Interior**

NATIONAL PARK SERVICE  
Gateway National Recreation Area  
210 New York Ave., Staten Island, N.Y. 10305

IN REPLY REFER TO:

A76 (GATE-DS)

February 19, 2010

Memorandum

To: Associate Regional Director, Park Operations

From: Superintendent, Gateway National Recreation Area

Subject: Follow up to Safety Report – Grassi Allegations to Office of Special Counsel

Enclosed is the report documenting the status of the recommendations in the “Final Report Accusation of Serious Safety and Health Deficiencies – GATE Floyd Bennett Field” dated November 16, 2009.

Mr. Joseph Green’s official title is Project Manager and his position is assigned to the Project Management Division of Gateway National Recreation Area, located at Fort Wadsworth, Staten Island, New York. He is no longer a collateral duty safety officer.

Please contact Acting Deputy Superintendent Suzanne McCarthy at (718) 354-4663 if you need any additional information. Thank-you for your support.

/s/ *Barry T. Sullivan*

Barry T. Sullivan

## Gateway National Recreation Area Status of Recommendations:

1. Hangar B is closed for the winter. The doors will be inspected and repaired in the spring, prior to any use of the doors.
2. The park recruited for the Safety Officer position in November 2009. The Chief Ranger received both a merit promotion and delegated examining unit certificate of eligibles. The Chief Ranger diligently reviewed and worked both certificates in an attempt to fill the position with a full performance, professional safety officer. A tentative selection was made, however, upon checking references; it was evident that this was not the right individual for the position. The Chief Ranger then conducted second interviews of other applicants. A thorough and careful analysis of all eligible candidates was done. The park will be re-advertising the Safety Officer position as a GS-11/12 merit promotion opportunity government wide.
3. The park concurs with recommendation three. Park employees are aware that the park Safety Officer is acting on behalf of the Superintendent and Deputy Superintendent and has priority access to both individuals at any time.
4. The park concurs with recommendation four and will bring in outside assistance at any time whether it is by contract, support from the Region or elsewhere.
5. The park concurs with recommendation five and looks forward to strengthening and further enhancing the park safety program and relationships with the Regional Safety Officer and WASO Safety managers.
6. The GATE Chief of Asset Management will have time to address GATE specific issues when vacant positions within the Harbor Parks Facility Management Program Work Control Center are filled.
7. Operational Leadership was conducted at all three units of the park in January 2010. 75 permanent employees attended this two day training class. Additional training is scheduled to be conducted in May 2010 addressing work leaders, lifeguard supervisors and other interested park staff.
8. The Jamaica Bay Chief of Maintenance is currently developing Mr. Halouvas' Individual Development Plan (IDP). A finalized plan will be in place by April 30th.
9. Safety is incorporated into the park senior management teams' employee performance appraisal plans (EPAPs). Safety is also included in all Jamaica Bay maintenance employee EPAPs. The park is working to develop a standard safety element for all employees' EPAPs.



10. A process is in place for reviewing all FMSS work orders to ensure safety related work orders are addressed in a priority manner. The Chief of Maintenance at each unit reviews work orders daily and assigns work.
11. The park currently has a senior safety management meeting with unit staff held at each unit monthly. In addition, the park's Senior Management Team meets bi-weekly rotating meetings throughout the park. The Deputy Superintendent chairs the headquarters safety committee meeting and meets with all headquarters supervisors monthly. Park headquarters employees also attend a monthly safety meeting.
12. The park will conduct a minimum of two employee safety meetings each year.
13. The park will continue to recognize excellence in safety and will consider implementing a specific safety recognition award.



## National Park Service Respiratory Protection Policy

### Reference Manual 50B, Occupational Safety & Health Program

#### Section 4.3, Respiratory Protection

Parks will assess respiratory hazards in the workplace. Engineering controls, such as enclosure of the operation, general and local exhaust ventilation and substitution of less toxic materials, will be implemented to the extent feasible to control airborne exposure to harmful dusts, fogs, fumes, mists, gases, smokes, sprays or vapors. When engineering controls are not feasible, appropriate respirators shall be used in compliance with 29 CFR 1910.134, Respiratory Protection and this guidance.

**Scope:** This program applies to all employees and volunteers of the National Park Service who use respirators in the course of their duties.

#### Program Elements

**1. Program Administration:** A Respiratory Protection Program Administrator (RPPA) shall be designated to administer, oversee and evaluate the effectiveness of the respiratory protection program. The RPPA must be qualified by training and experience to carry out these duties and responsibilities.

- OPEN.** The Superintendent will appoint the incoming safety and health professional to this position once he or she is in place. The Superintendent has received a certificate of the candidates and is undergoing the interview and selection process.

**Estimated Completion Date:** July 1, 2010

**2. Exposure Assessment:** The park shall assess exposures in the workplace (by way of personnel air sampling, mathematical modeling or some other objective means) to determine what hazardous exposures exist, what exposure levels are, the existence of atmospheres that are immediately dangerous to life and health (IDLH), and to determine the necessary level of respiratory protection required. Hazardous exposures are those determined to be greater than OSHA-permissible exposure limits or the Threshold Limit Values of the American Conference of Governmental Industrial Hygienists for work-shift and short-term exposures.

- OPEN.** A scientific, detailed analysis of all park areas and operations will need to be conducted, or facilitated by the incoming safety and health professional. It is extremely likely that the services of an industrial hygienist with access to monitoring and sampling equipment will be needed.

**Estimated Completion Date:** January 2011

**3. Engineering and Administrative Controls:** Parks shall implement engineering and administrative controls, including enclosure of the operation, general and local exhaust ventilation, work practice controls and substitution of less-toxic materials to control airborne exposure to harmful dusts, fogs, fumes, mists, gases, smokes, sprays or vapors. Engineering and administrative controls will be evaluated and implemented to the extent feasible before respirators are used to control personal exposures.

- OPEN.** The Park continues its efforts to evaluate operations to determine if suitable, cost effective engineering and administrative controls can eliminate or reduce the need for respiratory protection equipment.

**Estimated Completion Date:** October 2011

**4. Written Respiratory Protection Program:** Parks shall develop and implement a written respiratory protection program including park and work-site-specific procedures for protecting workers from hazardous inhalation exposures.

- OPEN.** The Park drafted a written respiratory protection program; however, it is not complete as of the date of this report. The union made several recommendations that are being added. The Park estimates that report is 98% complete as of April 23, 2010.

**Estimated Completion Date:** May 1, 2010

**5. Respirator Selection:** All respirators shall be NIOSH-approved and must be appropriate for the chemical state and physical form of the hazard. They must also operate within NIOSH-assigned protection factors and maximum-use concentrations limitations.

- CLOSED.** The Jamaica Bay Unit has two employees who wear filtering facepiece particulate respirators (dust masks) for mowing operations *on a voluntary basis*. In this situation, an airborne hazard does not exist, but the employer allows the wear of the respirators as long as the wear does not cause a hazard. Sandy Hook Unit firefighters wear self-contained breathing apparatus for structural firefighting and for self-rescue at the sewer plant. Select employees are

also wearing filtering-facepiece particulate respirators for building clean up, sanding, and other projects requiring particulate protection. Full-face respirators are used by select law enforcement personnel for self-rescue or to assist in the orderly evacuation of a terrorist or other similar incident.

**6. Medical Evaluation:** Parks shall provide employees required to wear respirators with a medical evaluation to determine the employee's ability to safely use a respirator before the employee is fit-tested or required to use a respirator in the workplace. A physician or other licensed healthcare professional will conduct the medical evaluation or review the OSHA provided medical questionnaire. A medical evaluation will be completed as described in Appendix D. It will, at a minimum, consist of the completion and evaluation of a medical questionnaire and any other tests required by the physician or other licensed healthcare professional in order to arrive at an opinion regarding the employee's ability to wear a respirator.

- CLOSED.** All park employees required to wear respirators (excluding those wearing voluntarily), have been medically cleared by a physician or other licensed healthcare official.

**7. Respirator Fit-Testing:** Tests shall be conducted to ensure the effective fit of all tight-fitting facepiece respirators.

- CLOSED.** The Park sent two employees to respirator fit test training. These two individuals have conducted the required fit testing for all affected employees.

**8. Employee Training:** Parks shall provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable and recur annually (or more often if necessary) to ensure safe use.

- CLOSED.** All Park employees required to wear respirators have been fit tested and trained on the proper use, wear, and limitations of respirators.

**9. Safe Use of Respirator:** Parks shall establish and implement procedures for the proper care and use of respirators, including the following:

- Cleaning, maintenance and storage of respirators
- Routine and scheduled inspection
- User seal checks
- A cartridge and canister change schedule
- Limitation of use in IDLH atmospheres
- Breathing air quality for supplied air respirators
- Emergency uses

- CLOSED.** This information is provided to employees as part of their initial respirator training and is included in the Park's respiratory protection program.

**10. Voluntary Respirator Use:** Conditions and procedures for voluntary use of respirators under non-hazardous conditions should be established. This is to ensure that employees are informed about the limitations of respirators and that their use does not present a hazard.

- CLOSED.** The Park provided 29 CFR 1910.134 Appendix D to those employees desiring to wear respirators on a voluntary basis.

**11. Record-Keeping:** The Park shall establish and maintain records of exposure evaluations, personal exposure monitoring, personnel training and written information regarding medical evaluations and fit-testing.

- CLOSED.** Records of all medical evaluations, training and fit testing are maintained by the park.

**12. Program Evaluation:** The program shall be reviewed at least annually and be updated as necessary to reflect those changes in workplace conditions that affect respirator use.

- OPEN.** The Park's respiratory protection program shall be reviewed at least annually once all elements are complete and implemented. The incoming safety and health professional will conduct the program evaluation on an annual basis.

**Estimated Completion (Start) Date:** March 2011 and annually thereafter

NORTHEAST REGION

**APPENDIX E – Interview Notes**



Steve Clark

Joe Grassi

(#2)

"Rino" Dandolpho - "that's fine" -

"not a hire" → Yes - moving - assigned different jobs

1. Joe showing a work

↳

welding done → job given to him -

- days later - work starts -

#2. Don't know - said by him -

(#3) PPE kept - "Bill Gregory" - do the welding  
he has the PPE Miller trailer - welder

"Every job given out - know what job consists  
safety equipment - the foreman

↳ should have not done the job - proper safety  
equipment -

↳ he was a "certified welder" - Yes - Rino  
said Joe say he was a certified welder -

↳ Bus - for a few - come up -  
most -

"Majority of jobs - dust masks - coveralls -

Dave Schuller Notes

192

Interview:

— 29 Jan 10 @ 0903

Greg Hansen:

- + Not in that way - Doc Asst - 4 hrs of.
- came in @ 1115 - saw rats Joe @ Hugo
- B. Came in - guys were welding on hanging doors with Joe + Zator and noticed.
- Auto goggles were used -
- said "why were you using them - should have been shut".
- Doc Grossi said this is what we have.
- Hansen doesn't have authority to tell him to stop using goggles - Hansen stated he self taught himself to weld and knew a face shield should have been used.
- Length of work @ Gate - 2 yrs in gen.
- Talked w/ Gen that afternoon - doesn't recall if he mentioned the use of goggles to Gen while they were welding.
- Next morning - doesn't remember how Grossi notified him of injury.
- felt like he had sand in his eyes + was going to doctors - close his cheeks were burning -



Cover up question:

- Michael - Bill Gregory - Auto Garage -  
\*\* tendency to pick on guys.  
\*\* Gus talked about not talking about  
the injury to Bill to keep him from  
picking on Grassi. That's what was meant  
by the discussion @ the wedding mtg. the  
day after the wedding event the day prior.
- "talker was only to keep Bill Gregory from  
picking on Grassi."
- Grassi took @ couple of days off -  
when the family seen him it looked  
like his face was extremely burned - like a  
severe sunburn.
- Didn't know where the welding equipment  
+ PPE was because he's not a welder.  
or was never asked to weld.
- kept @ auto garage - looked up on tractor
- Said he was ~~the~~ certified welder -  
- heard Mar Grassi say that.

Mr. Steve Clark

0950 1.29.2010

Ja Sep EL GRASSI

out of  
Lucky  
O'Neil

• follow-up -  
When you went to pick up the welder -  
did u know the PPE was kept - assumed - for  
goggles - that's  
"Bill Gregory" - he said everything was in it.  
say like - higher pay grade take  
whatever you gotta do - I'm the welder - got a  
work order - he was using it - safety cages -  
I'm using it: this - can't see - wrapped up  
equipment → all knew the welder was @

→ stopped - set up. Bus arrived @ job - Prestor  
mentioned we didn't have paper year - said  
had to get done today →

Bus - "supervisor of the year" - Joe seriously questioned  
that.

little issue left eye - float - arc welding -  
before terminated - getting Worker Comp - never gotten  
back -

→ Prestor - second degree burn -  
→ Joe definitely had a certification @ 1 point - unknown  
@ the time

→ take safety group - having us get it done -

2 years -  
Maintenance ← Grey Hansen - re Josegi Brassi (ele)  
Mechanics ←

⊗ on speaker... Steve Clark  
⊗

not in that morning - had a Dr. appt.  
in @ 1115 - saw longer B - saw vehicle - walked  
in during welding on one of the doors - Joe is  
Preston - noticed a pair cutting goggles - ? face  
shield - "that's what we got" - don't have the  
authority

do weld taught yourself - covers your  
eyes - one welding - problems -

"Dug" - that -

next morning - he called in - he felt - remember  
speaker - Joe called in - won't - felt like sand in  
his eyes" → "burnt"

② Mac "Bill Gregory" auto garage - part on the guys -  
"Joe didn't get tested" → men

→ not to be covered up from the park

don't say anything to Bill - because Joe never  
like it "done".

→ next morning - know the extent - how I had his  
checks - etc -

a couple days after - he took off -

when he came in - checks were returned →

2-3 days - saw quite clear -

#1

Greg Hansen - 0900 - 1.29.10

#3) No because he didn't do welding -  
↳ is a welder @ auto garage →  
looked up on a trailer - boiler -

Was a certified welder - "Greg Hansen"

- none of our maintenance guys -  
anything that the park deems not safe - not allowed  
to

10.13.09  
1545 HRS

Jill Hawk

## INTERVIEW W/ GRASSI

1545 HRS.

- NANCY WILSON DISCUSSION W/ UNION
- HEALTH + SAFETY ISSUES
- SUPV ISSUES
  - PERSONAL IDENTITY ISSUES
    - SSN → RICKY O'NEIL
  - TERMINATED SAME DAY
- SAFETY
  - MOLD
  - ASBESTOS

## NANCY WILSON

- LOOK INTO IT; SOME CHANGES MADE, FEW BACK
- GRASSI THEN FELT LIKE OUTSIDER W/ SUPV.

- OTHERS HAVE SAME ISSUES
  - BUDG 98; ELECTRIC SHOCK
  - ANIMAL FECEES LET DROPPED IN STAIRS
  - OTHERS MADE COMPLAINTS TO GUS ABOUT CONDITIONS
  - DID SPEAK TO BE GREEN ABOUT ASBESTOS + FIRE EXIT. NEVER CAME TO HIS KNOWLEDGE
  - EVERYONE SAID IT WAS GUS'S RESPONSIBILITY
    - ACCESS TO SUITS, CHAIR? OR TOLD NOT TO
    - DENIED "A LITTLE ACCESS" WHEN WENT TO S.I. - GUS TALKED W/ STAFF + TOLD TO COME TO HIM + THEN PICK UP BEFORE GOING WORKING ELSE
- SAFETY TRNG
  - DIDN'T DO ANY, SOME ON LINES
  - POINTED TO GUS AS TRIGGERING B.I.S. "BUT IT WAS IT OVER"

1.13.05

## NEW EMPLOYEE ORIENTATION?

- NO SAFETY TRAINING OR ORIENTATION
- DID LEARN ON-LINE (CONFINED SPACE...)

## · NOT TOLD NOT TO USE EXIT UNTIL AFTER COMPLAINTS WERE MADE

- EMERGENCY ROUTE

## · WELDING

- EXPERIENCE, AUTONOMOUS - SO HAD PRACTICAL
- WHY THEN CONTINUE IF YOU KNOW THE HAZARDS? 5-6 HRS
- "BECAUSE TOLD TO" - ALL DAY 0900 - LUNCH - 1430 HRS
- BILL GREGORY - RESPONSIBILITY OF WELDING
- UPSET THAT GRASSI TOOK EQUIPMENT

## · INJURY REPORTING

- OWC? PROCESS

· DANK ~~BY AS~~ BY AS

2 WAYS TO DO IT... SHE SAID

1. PAPERWORK TO MEDICAL FILE
  2. FULL CLAIM REQUEST - 2 WKS LATER
- SHE NEVER RETURNS CALLS

## · LACK OF SUPERVISION

- SUNBLOCK - DOES HELP WITH WELDING

- NO VALIDATION OF WELDING EXPERIENCE <sup>GUS</sup> NEVER ASKED FOR IT

## · ORIENTATION

- SAFETY EQUIPMENT → GENERAL
- LEADER NEVER PROVIDED DIRECTION ON JOB SITE FOR TASKS (CONFINED SPACE,

## · EVER THINK TO GO ABOVE GUS? OR PICKY?

"NOT REALLY, HE SHOULD KNOW IT"; ~~OR~~ HE SHOULD

GREG HANSON

10.13.09

3

Do you think you made it clear that you didn't have gear or tools? "YES, ABSOLUTELY"

Bucket Truck

+ ~~TOOK 3 WEEKS~~ BEFORE GOT SAFETY GEAR

+ ~~GEAR~~ CALON FIRE

• NO FEE PROTECTION TRNG

• OLD HARNESS IN TRUCK

I DID CALL OSHA ON CERTAIN OCCASIONS, BUT DIDN'T CALL HIM BACK

CONTROL OF AREA → ELECTRICAL SHOP  
APPROACH TO SAFETY

• LAST JOB SAFETY COORDINATOR

"MOSTLY" "GENERALLY"

"SAFETY EQUIPMENT" SOMETIMES  
MAKES YOU LESS SAFE"

↓

E.G. ROOF, FULL PROTECTION

MANDATORY MFG RE: BUDG 98

• OSHA → ASBESTOS, MOLD

• INSULATION AROUND PIPES

• TANKS WRAPPED, ON FLOOR IN  
BASEMENT

ASBESTOS MANAGEMENT PLAN? NO

• NO SURVEY

HAD TO ORDER LOCK OUT / TAG OUT MATERIALS

13.09

BUDGET

HANGER B

(9)

### DESIRED OUTCOMES

- EMPLOYEES ARE SAFE
- JOB BACK, OK, BUT FOCUS ON EMPLOYEES

### \* FILE MGT (ADDITIONAL OFFICE OF SPECIAL COUNSEL)

• GUS WAS MOVING OFFICES, DUMPED BOXES INTO DUMPSTER. INFO WENT TO PETE + USPP; GUS WAS TOLD TO REMOVE IT - BECAUSE IT HAD SSN'S ON IT.

• GUS BROUGHT IN 2 SEASONAL LABORERS TO PUT SSN PAPERS IN FIRE; PAPERS BLOWING EVERYWHERE. PUT BACK IN DUMPSTERS.

• BROUGHT TO RICKY O'NEILL'S ATTENTION

• SAME DAY WAS FIRED IN AFTERNOON

• DUMPSTER WENT TO LANDFILL w/ ALL SSN'S ON IT.

### WHY FIRED?

• BECAUSE FROM WHISTLEBLOWING

- ANY COUNSELING? NO, JUST OPPOSITE - ALL THE WORK I GOT DONE WAS COMMENTED BY OTHERS. \* (CONTRARY TO PACKET; WORK DOCUMENTATION)
- PROCEDURES FOR TERMINATION - NEVER GOT ANY NOTIFICATION

### WHO SHOULD WE TALK TO?

• ANY OF THE EMPLOYEES

• JIMMY TORTON (LORTON)

• CHRIS (SUPT @ BUS PARK)

• EVERY ISSUE IS DISPUTABLE ON DISCHARGE MEMO



At JBU-PBF Jill Hawk

GUS HALDOUAS INTERVIEW (John, Dave, Linda, Keith, Mike M, Mike Quinn)

- Q: ✓ 1) WHY MORE FEASIBLE TO CLOSE EXITS THAN CLEAN UP P.R.D?
- ✓ 2) NEW EMPLOYEE SAFETY ORIENTATION?
- ✓ 3) GIVE TIME FOR EMPLOYEES TO TRAINING?
- ✓ 4) WHY WASN'T SMS COMPLETE?

WG-10 - GRASSI →

- ELECTRICIAN - UNION JOURNEYMAN, LOCAL TRADE UNION
- OFF SHOOT FUNCTIONS

- KNOWLEDGE WAS NOT ISSUE
- GOOD INPUT, WORKED @ WG-10 LEVEL
  - SAPIU HAD TO ASK FOR INFO, WASN'T ALWAYS FORTHCOMING
  - NOT GOOD @ FOLLOWING INSTRUCTIONS
  - SPECIFIC EXAMPLE: GUS ON A SPECIFIC DIRECTION WAS NOT ACCOMPLISHED (SEE ENROLL THEORY/BOOKS)

- GRASSI HAD PROBLEM W/ IMMEDIATE COMMANDS; A NUMBER OF TIMES HE WENT TO TALK W/ RICKY O'NEIL, RICKY TOLD HIM TO TALK W/ GUS - GRASSI ~~WALKED~~ <sup>WALK</sup> OUT

- ATTENDANCE WAS ISSUE, IN 1ST 6 MONTHS, TOOK OFF 13 DAYS, WOOD, DID NOT ADVANCE LEAVE (FOR VACATION) WED-MON\*

WELDING

- WORK @ HANGER B ASSIGNED FOR MARCH 4-9
- CA-1 SUBMITTED ON MARCH 18, 2009
- INQUIRY ON MARCH 9, 2009

- GUS - SAYS GRASSI TOLD HIM HE WAS CERTIFIED AS A WELDER, GRASSI LEFT FULL FACE SHIELD ON, A MOTOR POUL. USES 1/2 SHIELD. GUS TOLD HIM TO FIGHT THE

10.14.09

(6)

Gus - Told Staff @ MtG Not to Tell Mr Gregory Grassi incorrectly used the equipment ~~intentionally~~ to save him embarrassment, NOT TO HIDE IT.

UNALCY

UNION INSPECTORS IN NYC CAN WEED IN MOST CASES, DIDN'T QUESTION HIS STATING HE WAS CERTIFIED

NO PRESSURE TO GET Docks OPERATING; COMPLAINTS SURE, BUT NOT 'PRESSING'

DANA WOULD PUT IT IN SMS FROM THE CA-1

WOLPING SAFETY MGT PLAN?

BUDG EXITS ACCUSATION

MS:  
SEE  
HA  
OTTER  
B 3, 2009

INSTRUCTED BY OSHA TO CLOSE EXITS UNTIL ADEQUATE VENTILATION - 2 OTHER EGRESS

MTS & 29 CFR TO CLOSE "ELIMINATE ACCESS"

\* INSPECTION # 312497571

→ TO PETE MCCARTHY

TOOK BULB OUT OF EXIT LIGHT

IMMEDIATELY CONTRACTED FOR AIR QUALITY FEB 5, 2009

RECOMMENDED FULL CLOSURE OF THAT AREA

OSHA WALKED THROUGH IN FOLLOW-UP OF W/ REMEDIATION

GRASSI WAS NOT SHOWN REPORTS OR GIVEN

GUS TALKED W/ MTC STAFF ABOUT THE AIR QUALITY RESULTS - 3 MAIN

TO NYC

10.14.09

7

- AIR QUALITY → STAFF WAS ISSUE,  
DO NOT USE BASEMENT AS SHOP.
- STILL HAVE STAFF MTG EVERY MORNING
- ISSUES - TRYING TO GET IT CLEAN THEN  
" CONTRACTING, EMAILS, ESTIMATES, CORRESPONDENCE  
BY MGT - TRYING, ~~BUT NOT SUCCESSFUL~~  
TO GET IT CLEAN. (STARTING MARCH → MAY)

## RESPIRATORY ISSUES

- 2.
- NO LONGER HAVE RESPIRATORY PROGRAM
  - IF NEEDED, EMPLOYEE WOULD BE  
SENT FOR FIT TESTING

## ASBESTOS

- STOPPED WORK @ FT TILDEN DUE  
TO ASBESTOS CONCERN → CONTRACT  
UNDERWAY

· TAILGATE - ALWAYS SIGNATURES

## Warehouse

- CONDITION OF FACILITY → SAFE?
- AIR QUALITY TESTING
- STAIRS
- GASES - HEAVIER → CONCERNS?
- GWS - ONLY IN THOSE DICES & 6 MTLS (DE-GREASING)
- MULTIPLE PERSONS FOR SAFETY

MIKE - CONFINED SPACE PLAN - TESTING, ATMOSPHERIC MONITORING, RESCUE

10.14.09

8

## NPS TRNG

- INSIDE GATE MTGS ONLY; NO TRNG OUTSIDE
- PARTICIPATE IN MTGS, DOESN'T RUN THOSE

ALWAYS HAD ACCESS TO SAFETY OFFICER - JOE GLASS  
ACTION TAKEN, BUT DIDN'T ALWAYS ACCOMPLISH  
WORK DUE TO OTHER ISSUES

- NO JHA'S ON FUEL

GUS - FEELS SAFETY IS IMPORTANT FOR MANAGEMENT,  
ALWAYS STRESS IT

- PUT STAFF FOR AWARD → SAFETY IS PART OF THAT

GLASSI CHOSE NOT TO DO TRAINING & WORK; TIME  
IS PROVIDED

EMPLOYEES HAVE ORIENTATION CHECKLIST  
THAT IS GIVEN TO NEW EMPLOYEES

PROCESS → TRAINING FOR SPECIFIC  
JOB CLASSIFICATIONS

↳ "NOT A CONCRETE ESTABLISHED PROGRAM -"

↳ GUS

## FALL PROTECTION

BUCKET TRUCK COMPLAINT (GLASSI)

HARNESSES → FIT PERSONAL (GUS NO PERSONAL HARNESSES)

GUS - ASKED TO CHECK OUT TRUCK, DIDN'T. STATION  
ISLAND DIDN'T REPLACE IT...

BOUGHT 2 NEW HARNESSES SYSTEMS

USE HARNESSES IN HANGER B

NO FORMAL WRITTEN FALL PROTECTION PLAN; NO JHA

GUS - "PUTTING OUT FIRES, UNDERSTAFFED, NOW COMING TO FULL  
(3 + GUS)

29 Jan 10 @ 0922

1-9-2

- Rino Gandolpho

Question: what do you know about Gross's injury -

- The next day he saw the burn marks on Gross's fence
- was @ work that day about work with Jim.
- Morning meeting he knew Gas assigned Jim duties to work @ merger B.

Q What you heard about the injury? -  
didn't hear nothing that day; had't heard about the injury.

- Didn't know Grossi rec'd medical attention

Q Gas cover up question?

↳ Don't know if anything that was said about Gas trying to cover anything up.

↳ no recollection of Gas telling anyone to not say anything to Bill Greger

↳ know the audit is normally done by Greger

29 Jan

Gandolpho -

- 2 of 2

↳ knew the welder was ~~kill~~ at outashep  
and the PPE was there with; not sure  
where the PPE was - doesn't know if it  
~~was~~ was kept outside w/ welder.

Do you know if he was a welder?

yes, he said he was a certified welder  
and heard at four Grossi.

Stated jobs assigned - PPE - is always

Grassi, Interview 29 Jan 10 @ 09:50

Did you know where the welder was? PPE?

- Said he didn't know where the welding PPE equipment was kept -- assumed it was w/ welder.
- Knows where the welder was but not equipment (PPE)
- ~~Barton~~: Greggy was upset he was using equipment
  - upset he was using the welding equipment
  - fixing pay grade.
  - said he was using it - had safety cages for welder - needed it - went and told Gus he couldn't get it.
  - Bill Greggy worked for Ricky O'Neil
    - Ricky told Bill to give him the equipment.

□

□ all new it was @ auto shop, but didn't know where the PPE was -

- said he stopped the job to get the PPE. Gus then showed up, and he and Barton mentioned they didn't have the right PPE.
  - ↳ what am I supposed to do - don't have the proper PPE - not 100% sure since it was so long.

□ Name received follow up from ~~Heather~~ <sup>Nancy</sup> Wilson about - Wake's Camp -

Grassi - 29 Jan -

2-9-2

- Wasn't aware of reporting an accident.
  - ↳ two ways to report by law
- said he talked to Dave ~~Taylor~~ about reporting incident
- Preston had second degree burns.
- owned automotive repair shop - had welder  
welder shop and request to have  
certification because of insurance requirements,  
→ said he was certified.



Dave Schuller

1 of 4

Interview: Mr. Grassi

\* Telephone @ 1545, Tuesday 12 Oct 09.

- Stated Gus was his supervisor
- Did unsafe things; interviewee brought up unsafe conditions and work practices
- Spoke w/ union about supervisors actions.
  - felt he was an outcast after talking w/ union + supervisors boss.
- B/t 98, employee has some type of safety issues + complaints.
  - + some make complaints to "Gus"
- stated "he" was following chain-of-command through his maintenance channels.
  - + Never spoke to Pete McCarthy.
  - + Spoke to Rick Barnett
- Worked for about 2 months - before his termination

Check  
Dave's  
Leaves

Online Courses - what was taken.

stated  
NOT done

→ Orientation by HR → stated lasted about 3 minutes  
only about HR stuff; no safety or new employees

Get copy

What does his Resume state he is certified or qualified to do.

- upon employment, please describe your training (i.e. types, content, etc...)
- †† stated no training

\* Welding : worked in automotive industry and did welding. but  
 "Bill" welder who stated he was the only one qualified to weld.

HR.

II said he spoke to Dana Byas - after welding injury on deep process. - Dana did not give specifics and he stated she never returned his call.

keep records?

- all day; - 0900 - 5 1/2 - 6 hrs. welding.
- Training - online - ROI learn.
- PPE on 2nd day - given bag of gen'l tools. that had a Respiator, safety glasses, leather work gloves. no other type of PPE or specialized training provided.

\* Protesters / Greg Hanson / other employees who were there.

- Handed that \* Horness - NOT available when started  
 ? George Cologn? showed him how to use bucket + truck.

Heads  
of local OSHA

\* Called OSHA about unsafe work practices.

+ Respirator issuance: not clear of respirator requirements until 4 or 5 months into employment.

+ meeting w/ doc<sup>s</sup> asbestos in Bldg 9A

+ + Mold + mildew.

+ + Bldg 9A - asbestos around pipe

+ Steve De Green was to come and evaluate asbestos concerns.

\* Not aware of asbestos management plan

\*

Tool Room: equipment available for use; electric rubber gloves; (dielectric testing probably not valid)

□ no other specialized work equipment issued.

No Lockout/Tagout equipment

Prior to his employment -- "Gus" was moving office and found several boxes that contained files - Gus just threw them out but they were found to have SS#, bank info, etc.

- used 2 seasonal laborers to "burn" privacy act documents + discard the rest in dumpster.

\* Ricky O'Neil - worked in bldg w/ him

4 of 4

□ ~~It~~ he was fired for whistleblowing, not for the alleged work performance deficiencies.

□ Coworkers applauded him for excellent work.

got copy?

Workers to talk w/ about his performance

□ EPAP: was this one? Is it required within 1 year == <sup>Advisory period?</sup>

[ Jimmy Torton  
Chris - (Chris Park) ]

Dave Schiller

Interview with Gas <sup>Halburas</sup> ~~Halburas~~ 13 Oct @ 1305

1 of 3

- = Hired Gianni - was under probationary period.
- Failed to meet work requirements under probation period.
- Important position in ~~IBB~~ due to skill.
- Main job duties:
  - Electrician responsible for all electrical work.
  - Other non-primary job duties.
  - Went through union journeyman program (electrician)
  - was very knowledgeable @ his job - but he stated ~~that~~ was not his problem.
  - felt had to "dig" info from him.
  - Had a problem with directives.
  - While on team - left work assignments - copy of Ed <sup>Bunch</sup> ~~Kicky~~ <sup>O'Neil</sup> and one with him.
  - Requested team during period of "No Leave"
  - Took 13 days off in quarters - "Leave w/no pay"
- CA-1 - filed on 18<sup>th</sup> of March;  
3/19/09
- 3/4/ → 3/9 2009 - was the work done on Hanger B
- 15% of time deviation from normal work tasks on other aircraft
- on hand ~~4<sup>th</sup>~~, looked burned. -- told guys not to mess w/him
- Did not order him to stop working; told him to go get the equipment back @ the shop.
- Courses for orientation.
- OSHA report does not state to chain lift doors; but to eliminate access until bird droppings could be cleaned.
- No concrete training program for new or existing employees.

917-577-6762 - Brian

2 of 3

- Bruce Lane - new CSO on detail - effective 5 Oct 09
- Priority testing did not have safety position on it.

□ Kathleen Cozzolino - <sup>prior</sup> CSO - Interview

\* \*

Contact Bonandez + Barton

Bldg 30  
Pump House

NOT SAFE TO WORK  
OPEN

Due to 40 hr. commitment

\*

Interview 19 Oct 09 @ 0750

(Brian Coulter)

Position: Power Ops Specialist

- Grassi knows electricity, didn't know him well
- Not around the workers to often
- Heard rumors w/ Grassi but no specifics - mainly rumors
- Feels Gus' leadership style is fine
- Stated safety is "prime" directive
- Joe Green good @ getting out bulletin + safety info
- [Roof + Elec. lighting] Bldg. 30, Pump House.

Interviews 14 Oct 09, 1300

Preston Barton: 1 1/2 years NPS - (B postal Service.  
 - Mex. Mech. + specialty, in locksmiths  
 \* No training provided other than safety talks & coffee breaks  
 # 2 in a year + 1/2. - didn't know about skeletons not  
 - to tell, only jokes w/ the team - don't

Welding Operation at Kangu B: Preston Barton, Stoy Baranisky,  
 and Giuseppe Grassi. only PPE he said they  
 had was bearing goggles; no gloves, welding helmet, etc...

Preston stated: he is not a welder + had no idea how or what he needed  
 Barkers (radiation) - Part 71 den.

+ ~~Radiation~~: P. 100; told to go long; no medical clearance.  
 employees said they use them due to air + dust issues  
 in vicinity of the buildings.

Used to go  
 Aviation  
 to /  
 warehouse  
 between workers  
 at shoreline

Job: motor pool  
 275/251

~~Stacey~~ Borden { 2 years - Nov. 11<sup>th</sup> }  
 { Mex. Mech. }

- No safety training or orientation related to work practices + safety
- Grassi only had on goggles; Borden only had gloves.
- No known knowledge about "not telling" anyone about the injury  
 due to welding - did not hear or confirm to report.
- Doesn't feel Gue would instinctively send anyone to work  
 in a hazardous area.