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xxx August 2007

MEMORANDUM FOR Karl Gibson, GS-0690-11, Industrial Hygienist

SUBJECT: Notice of Unacceptable Performance - Performance Improvement Plan

1. The purpose of this correspondence is to: (1) advise you that you have failed to meet critical performance objectives in your civilian evaluation support form, (2) provide you with a performance improvement plan to assist you in bringing your performance up to a successful level, and (3) alert you to possible actions that will be required if your performance does not improve to a successful level.
2. Your performance has failed to meet standards for two (2) of your critical performance objectives as defined in your civilian evaluation support form. Your initials on the support form indicate your receipt and acknowledgment of these objectives/standards on 08 January 2007.
3. On 19 April 2007, you were provided with your mid-point counseling during which specific deficiencies were outlined and you were notified of your performance deficiencies. In addition, you were counseled either verbally or in writing on 8 January 2007, 05 March 2007, 14 March 2007, 11 July 2007 and 12 July 2007. You were advised of the need to improve your performance in the identified areas and provided an opportunity to make suggestions to help improve your performance to an acceptable level. Despite these efforts of assistance, your performance continues to be unacceptable.
4. A description of the objectives/standards and examples of your unsuccessful performance follow:
 - a. Objective: Perform at least 350 operations in the workplace per fiscal year. As resources permit, provide consultation and education on worksite hazards, to monitor hazards to insure thorough follow-up with reports and consultation; to provide staff training in conducting Industrial surveys and investigations; and consultation to the installation safety, fire, and environmental personnel to include Emergency Response Operations.
 - (1) Deficiencies: During the period 8 January 2007 through 1 August 2007, you have issued at least four (4) industrial hygiene survey reports which contain inaccurate and misleading information. A review of 32 draft reports, generated by you during the period 8 January 2007 through 1 August 2007, show similar discrepancies. Your inaccurate, misleading and often inflammatory representations have had significant operational and

economic ramifications. In addition, these action(s) have negatively impacted the professional creditability and reputation of this Command.

(2) Rating: UNSUCCESSFUL: fails to meet one or more objectives.

b. Objective: Provide consultation to the installation safety personnel to plan, coordinate, and conduct special monitoring programs such as the Asbestos, Lead, Ergonomics, Carbon Monoxide, Formaldehyde, Nitrous Oxide, and Indoor Air Quality.

(1) Deficiencies: During the period 8 January 2007 through 1 August 2007, you have issued at least four (4) industrial hygiene survey reports and/or consultations which contain inaccurate and misleading information. A review of 32 draft reports, generated by you during the period 8 January 2007 through 1 August 2007, show similar discrepancies. Your inaccurate, misleading and often inflammatory representations have had significant operational and economic ramifications. In addition, these action(s) have negatively impacted the professional creditability and reputation of this Command.

(2) Rating: UNSUCCESSFUL: fails to meet one or more objectives.

5. I am providing you with a 90-day opportunity period in which you must at least meet performance standards for the objectives contained in your civilian evaluation support form. During this period, I will provide you with added assistance and counseling as necessary. In order to improve your performance to an acceptable level, you must immediately begin to follow and adhere to the PIP provided below. The following outlines the necessary steps you must take to be rated "Success" in each objective and achieve an acceptable performance level.

a. To achieve a successful level of performance for the objective, provide accurate and technically sound industrial hygiene survey and consultative reports to MAHC and Ft Leavenworth customers, the following improvements are necessary:

(1) As part of this performance improvement plan (PIP) you will be required to redraft all reports listed in TABLE 1 using the prescribed format as outlined in APPENDIX A listed below (IH General Report Template).

(a) Weekly work assignments will be provided by 0900 each Monday morning.

(b) You will be required to redraft each assigned report and submit a draft to the supervisor by 1500 each Thursday.

- (c) Each redrafted report will be reviewed for technical accuracy and content. Each report will contain no more than two (2) substantive errors.
- (d) The reviewed report will be returned to you no later than 1500 the following Tuesday for final corrections and formatting. The final draft will be returned to the supervisor no later than 1600 on Friday.
- (e) The final report will be approved and distributed in accordance with established policy and procedures.
- (f) All assigned redrafted reports should be approved within 10 business days.

(2) Each report will follow the prescribed format of APPENDIX A. This format will provide the reader with a clear, concise, and accurate report. The format follows AR 25-50 recommendations and adheres to basic industrial hygiene best practices. You may reference this document at http://www.apd.army.mil/pdf/files/r25_50.pdf.

(3) You will develop and clearly state the purpose of the report. Provide a clear and concise explanation as to the purpose of the report. See template instructions.

(4) You will provide any background information pertinent to the particular operation and/or process that is being addressed.

(5) You will list all equipment used during the evaluation. To include, but not limited to, name of equipment; serial number, and calibration date.

(6) You will provide a listing of all references used specific to the report. Your reference list should be accurate and concise.

(7) In Section 6 of the report, you will state your initial findings and/or conclusions.

- (a) State your findings in a clear and concise manner based on the data collected or observations made at the time of the survey.
- (b) Compare your findings against established regulatory/consensus standards (e.g., OSHA, ASHRAE, TG, AR, TB MED, CFR etc.)

- (c) Tables and graphs should be used where appropriate throughout the report. Tables and/or graphs should clearly depict the sampling data and should be specific to the topic being discussed.
- (d) Personal commentary should be minimized/eliminated from the report. Reports should be clear and concise, stating the facts and adhering to good science and best practices.
- (e) Use accepted terminology. Exposure data should be expressed as below, meets or exceeds the established standard. This should be clearly stated in the report.
- (f) Where necessary, you will be required to recalculate the air change exchange rate in various work areas. You will use a hot wire bolometer and calculate the AC/hr using the prescribed formula. All measurements and calculations will be shown using the prescribed format in APPENDIX B (Industrial Ventilation).
- (g) All noise survey measurements must be documented using the "NOISE SURVEY" form, DD FORM 2214, Jan 2000, see APPENDIX C.

(8) Based on the data collected during the survey, you will make recommendations for correction. The recommendations should be clear and concise.

(9) All lighting survey measurements must be documented using a diagram of the area surveyed, see APPENDIX D.

(10) You will be required to recalculate all health risk assessment codes (RAC) using the DA PAM 40-503 pages 30-34 as a guideline as described in APPENDIX E. You will provide the supervisor with a copy of the worksheet used for each RAC and be able to verbally justify your rationale for each.

(11) You will establish and maintain an Industrial Hygiene Tracking Log as described in APPENDIX F. You will be required to perform a 30-45 day follow-up on each deficiency noted on the log.

(12) Where necessary, you will reaccomplish sampling based on specific stressors identified in the work area using information listed in the shop chemical inventory or hazards identified in

the area. Sampling data must be compared to the appropriate agency standard for evaluation of the hazard.

(13) In addition, you will continue to update the Industrial Hygiene Implementation Plan (IHIP). This plan should include as a minimum:

- List of potentially hazardous operations.
- Health hazards present in each area.
- Priority action code (PAC) assigned to each health hazard.
- IH evaluations necessary for each health hazard.
- Worksites scheduled for evaluation.
- Completed evaluations.
- Amount of time needed to complete the evaluation.
- Risk assessment codes assigned the operation.

NOTE: The automated data manipulation and retrieval features of the DOEHRS-IH will allow you to transfer the data database to word processing and then help you construct the IHIP.

(14) In September 2007, technical representative(s) from USACHPPM-Main will assess your technical competency level. You will be provided specific instruction on various basic industrial hygiene principles and practices and allowed the opportunity to demonstrate your understanding of each. These competencies are based on required journeyman skill levels outlined in the Industrial Hygiene ACTEDS criteria document. Your supervisor will provide you a list of technical competencies that will be assessed by 1 September 2007.

b. To achieve a successful level of performance for the objective, providing consultative industrial hygiene services to both internal and external customers, you will need to accomplish the improvement(s) listed above.

6. During the allotted opportunity period, you will be responsible for performing all performance objectives included in your civilian evaluation support form. By the end of the opportunity period, I expect you to perform at a level of independence that does not require constant oversight. Unless your performance improves so that you at least meet performance objectives in the next 90 days, I will have no choice but to propose your removal from your present position and possibly from the Federal service. Additionally, you are advised that if your performance improves by the end of the opportunity period, but is not sustained for the one-year period following the start of the opportunity to improve, you may be subject to removal or reduction in grade without any further opportunity to demonstrate acceptable performance in the critical objectives at issue.

7. If you believe your unsuccessful performance may be caused by personal, physical, or medical problems; substance abuse; and/or other reasons not directly related to the duties of your position, you are advised and strongly encouraged to use the services of the Civilian Counseling Program at Fort Leavenworth. This program is designed to assist employees with problems and refer them to sources within the community that offer treatment or rehabilitative care. For additional information regarding this service, contact the Program Coordinator, Ms. XXXXX XXXXX, at (913)555-5555.

8. I expect you to fully comply with this memorandum and encourage you to make every effort to improve your performance. I will be available to assist you at your request to bring your performance up to an acceptable level.

██████████ ██████████
2ND LT, MS
Environmental Science Officer

████████████████████
LTC, ANC
Chief, Preventive Medicine

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Exhibit 18



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

REPLY TO
ATTENTION OF:

2 September 2008

CENWK-ED-EF (200-10)

FOR Chief, Preventive Medicine, Munson Army Hospital, Fort Leavenworth, Kansas

SUBJECT: Industrial Hygiene Support - technical comments on draft IH Work Assessment,
BLDG 50 - CALL Offices dated 20 August 2008.

1. References.

a. DA PAM 40-503, Industrial Hygiene Program, October 2000.

b. Memorandum, CENWK, ED-EF, 27 August 2008, Subject: 22 August 2008 - Field
Observations of the Industrial Hygiene Facility Assessment Process.

2. It is our opinion that the report is not effective in providing the Director documentation of
identified occupational health hazards associated with the facility nor does the report include
existing measures used to control exposure to these hazards (DA PAM 40-503 4-4 b).

3. DA PAM 50-503 identifies two main documentation requirements associated with annual
facility inspections; 1) Identify chemical, physical, biological, and ergonomic hazards inherent to
each activity; and 2) existing measures employed to control exposure to each hazard. In our
opinion, the majority of the information contained in the draft report is outside of the scope of
these objectives. The majority of standards referenced in the report would not be considered to be
an enforceable health or safety standard. More detailed comments follow.

4. Page 1 References: In general standards used to evaluate employee exposure to hazardous
chemical, biological, and physical agents are specified in DA-PAM 40-503 1.8 - Standards. In
rare cases, the use of alternate standards is appropriate. For the purposes of this report, use of
standards that are not accepted health standards may not be appropriate. In relation to references
and the standards section of the report comments are below:

a. ASHRAE 55-2004 - This document is not considered to be a health standard. According to
ASHRAE, "The standard specifies conditions of the indoor thermal environment that occupants
will find acceptable. It is intended for use in design, commissioning, and testing of buildings and
other occupied spaces and their HVAC systems, and for the evaluation of existing thermal
environments." A summary of the standard is enclosed.

b. ASHRAE 62.1-2007 - ASHRAE standards in general should not be interpreted as a
occupational health standard. ASHRAE Standards, as an industry consensus standard, are to be
used in the design of new HVAC systems. Although health issues are a factor during development
of these standards, caution should used in applying these standards outside of design activities.

CENWK-ED-EF

SUBJECT: Industrial Hygiene Support - technical comments on draft IH Work Assessment,
BLDG 50 – CALL Offices dated 20 August 2008.

c. Application of USEPA regulation to occupational settings under jurisdiction of OSHA may not be appropriate. If used, the material should be clearly identified as a guideline.

d. AR 420-1 – Facility Management. As this is not a health standard, delete. Refer to appropriate occupational health standards.

e. UFC 3-410-04N – Industrial Ventilation Systems. For the purposes of this report, as this is not a health standard it is recommended that it is not used. UFC are applicable to “planning, design, construction, sustainment, restoration, and modernization of DOD facilities”. See enclosed memorandum, subject: Department of Defense Unified Facilities Criteria dated 29 May 2002.

f. Quick Selection Guide for Chemical Protective Clothing – As this is not a relevant health standard, delete.

5. Page 5. Section 6.c. Lighting. – use available OSHA standard. AR 420-1 should not be considered to be a health standard.

6. Page 6 Section 6 d. Carbon Monoxide – Operations. For listed hazards a priority assessment code should be utilized.

7. Page 6, Section 6.e.2 – Environmental Noise. Use of this standard is not applicable to occupational environments. Delete.

8. Page 9, Section 8. Provide a “Priority Action Code” for each identified hazard. Pending their prioritization, a RAC can be assigned at a future date. (See DA PAM 40-503 C-2).

9. Page 10 - Remove discussion relating to assigning RACs. If needed, include reference to standard.

10. Page 11, Section 9- Stressors: It may be beneficial to organize this section by major categories of hazards – chemical, physical, and biological.

11. Page 13, Table 2. delete

12. Page 15, Table 3: delete

13. Page 17, Table 4: delete

14. Page 18, d – recommendation: Limit discussion to accepted occupational health standards.

CENWK-ED-EF

SUBJECT: Industrial Hygiene Support - technical comments on draft III Work Assessment,
BLDG 50 - CALL Offices dated 20 August 2008.

15. Page 18, e - Limit discussion to accepted occupational health standards.

16. Page 19, Table 5 - Delete

17. If you have any questions or concerns related to these comments, the point of contact is Mr. [REDACTED] CIH. He can be reached at [REDACTED] or via email at [REDACTED]@usace.army.mil

Encls

[REDACTED]
Chief, Section ED-EF

CF:

MCXN-PM [REDACTED]

MCXN-PM (Gibson)

GPRMC-BAMC-OH [REDACTED]

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Exhibit 19, Mr. Karl Gibson's sworn statement with associated sub-exhibits, is contained in a separate loose-leaf notebook.

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• Diplomates/Certificants

☐ Certification Maintenance

• General Information

- CM Worksheet Audit Info
- Question Bank / Submittal Info
- Certification Expired or Revoked
- Fees

• Inquiries

- CM Worksheet Due Date Inquiry
- CM Course Database Search

• Documents

- CM Program Handbook
- CM Worksheet
- CM Point Request Form
- CM Guidance on Regulatory Courses (Asbestos, Lead, and HW Courses)
- Details on CM Category 7, Other Activities
- CM Point Attendance Verification Form
- Security Agreement
- Retired Status/Policy /Request Form
- Voluntary Termination of CIH/CAIH Request Form
- Certification Appeals Procedure

• Ethics

- Code of Ethics
- Ethics Case Procedure
- Ethics Complaint Form
- Ethics Review Committee
- Disciplinary Actions

• CM FAQ

- Certification Maintenance FAQ

• Academy of Industrial Hygiene

Director Nomination Process

☐ Roster

- Roster Search
- Full Roster Access
- Update Roster

Detailed Database Search Results for persons Certified for the Practice of Industrial Hygiene by the American Board of Industrial Hygiene

There are 6 CIHs that match your search criteria.

Name / Preferred Mailing Address /Contact Information

Philippa K. Gibson CIH

Department of Labour


PO Box 105 146

Auckland,

NEW ZEALAND

TEL: 64 9 985 4298

FAX: 64 9 984 4115

EMAIL: 

Employer: New Zealand Government

Certificates: CP 9482

David Raymond Gibson CIH

2411 Galeano Way

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Employer: EPA

Certificates: CP 7184

Mark D. Gibson CIH

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Employer: National Inst. of Health

Certificates: CP 4643

Kathleen C. Gibson CIH (Ret)

151 Driftwood Lane

Trumbull, CT 06611

TEL: (203) 452-7045

Certificates: CP 5527

Herbert W. Gibson CIH

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TEL: (303) 844-5285

EMAIL: 

Employer: USDOL/OSHA

Certificates: CP 4430

Sidney C. Gibson CIH

1652 W. Sheridan Road

San Bernardino, CA 92407

TEL: (661) 275-0491

EMAIL: 

Employer: CH2M, Hill

Certificates: CP 1150

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Exhibit 21

TAB 1



DEPARTMENT OF THE ARMY
U.S. ARMY MEDICAL DEPARTMENT ACTIVITY
550 POPE AVENUE
FORT LEAVENWORTH KS 66027-2332

MCXN-PM

28 August 2007

MEMORANDUM FOR KARL GIBSON

SUBJECT: DEFERMENT OF INDOOR AIR QUALITY AND OCCUPATIONAL EXPOSURE TESTING

1. This is to inform you that you are to defer further Indoor Air Quality (IAQ) and Occupational Exposure testing until notice to resume is given by the undersigned or LTC Jefferson, C, Preventive Medicine, to resume such testing.
2. The results of investigative visits by Scott Bentley, GPRMC Regional Industrial Hygiene Program Manager, on 16-19 July and 20-24 August, 2007, noted that there are fundamental errors in the Munson Army Health Center (MAHC) Industrial Hygiene (IH) program. These errors include, but were not limited to, improper use of sampling techniques, misuse of regulatory standards and IH guidelines, and inappropriate interpretation of sample results.
3. In order to compound the impact of the above noted deficiencies within the IH program, you are not to perform routine testing until you have been given the opportunity for refresher training in IH techniques, procedures, and interpretations, and until the CHPPM Assessment and Training visit to MAHC which is scheduled to occur in the middle of September 2007 (dates forthcoming). In the interim, emergency IH testing that is determined necessary by the MAHC Command or your supervisory chain will be considered on a one-for-one basis and will be overseen by the first line supervisor or a proxy.
4. Your established performance expectations (e.g., the 350 operations expected to be surveyed annually) will be adjusted so that the above discontinuance of IH testing is not counted against your annual performance expectations.

Jacob Derivan

JACOB J. DERIVAN
2LT, MS
Environmental Science Officer

RECEIPT ACKNOWLEDGED:

Karl L. Gibson

Karl L. Gibson

28 Aug 07

Date

I NON-concur, please explain above paragraphs.