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Exhibit 19 – KG Exhibit # 31



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

REPLY TO  
ATTENTION OF

MCCXN-PM

20 November 2007

MEMORANDUM FOR RECORD

SUBJECT: MOLD IN THE ENVIRONMENT

1. In accordance with the guidance of the Munson Army Health Center (MAHC) Commander, based on Great Plains Regional Medical Command recommendations, mold sampling will not be performed, due to its universal prevalence in the environment, unless there is a medical directive to do so.
2. Circumstances:
  - a. Mold is ubiquitous in the environment and therefore will be found both indoors and outdoors.
  - b. Most buildings tested for mold, unless they are specially designed to keep molds and other particulate matter out (for example, a hospital's operating room), would produce positive test results because, again, the mold is everywhere.
  - c. Most people, allergic and non-allergic alike, will test positive to some kinds of molds and pollens because of its natural prevalence in the environment.
  - d. The only real concern is when someone has a medically documented suppressed immune system (for example, organ transplant patients, chemotherapy patients, etc.) or a medically documented moderate-severe allergy to one of the molds. In instances such as these, it may be necessary to perform testing to determine if mold levels in their environment are elevated.
  - e. At this time, there are no Environmental Protection Agency or Indoor Air Quality standards or regulations on mold in the indoor environment.
3. Recommendations:
  - a. Mold requires a source of water in order to grow (for example, a leaking ceiling, foundation, or broken plumbing). If you fix all leaks and remove the source of the water, you will stop the mold.
  - b. If you see mold, clean it up. For hard surfaces, soap solutions or commercial cleaning products are effective cleaners. A mild bleach solution may also be used (no more than one cup of bleach in one gallon of water). For fabrics, a simple washing is often effective, although staining frequently occurs.

MCXN-PM  
SUBJECT: MOLD IN THE ENVIRONMENT

c. It is recommended that regular preventive maintenance be performed on all HVAC systems regularly (for example, cleaning drip pans, changing of filters, etc.). DPW can perform a more thorough cleaning of the HVAC system if mold problems persist.

4. If you see mold and are still concerned, call the MAHC Preventive Medicine department with your questions at 913-684-6533.

5. The POC for this MFR is the undersigned @us.army.mil.

ILT, MS  
Environmental Science Officer

DISTRIBUTION:  
B

*Karl Gibson did not receive copy of this until 18 Apr 08.*

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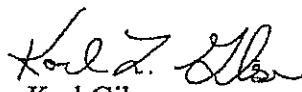
Exhibit 19 – KG Exhibit # 32

Memorandum For Record

9 May 2008

SUBJECT: Unlabeled Chart Received from LT [REDACTED] on 9 May 2008

1. On 9 May 2008, LT [REDACTED] provided the Unlabeled Chart to Karl Gibson. I asked LT [REDACTED] what this was? LT [REDACTED] stated that this was [REDACTED] answers to my questions I provided in February 2008.
2. LT [REDACTED] stated that if I had any questions, I needed to provide them to him latter.
3. POC is undersigned

  
Karl Gibson  
GS-11, Industrial Hygienist  
USA MEDDAC

Received by \_\_\_\_\_ Date \_\_\_\_\_

Provided to [REDACTED] on 9 May 08, but he would not sign receipt of.

KG #32


TCIHC	STANDARD	QUESTION	RESPONSE	REFERENCE	STATUS
1. CUSTOMER SERVICE		1. What does "outside regular scheduled testing" when any testing has been prohibited?	<p>You were instructed to revise/update the Leavenworth Industrial Hygiene Implementation Plan (IHIP) by 15 FEB 2008. You have failed to meet that requirement. In the IHIP you were to schedule prioritized tasks composed of primarily surveys (e.g., workplace evaluations and monitoring). The IHIP would include the sampling strategies to be accomplished to perform a comprehensive industrial hygiene (IH) survey for a specific work environment. Once approved by the supervisor, you have been instructed to implement the IHIP in accordance with the prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated. Management will help you decide what corrective action(s) need to be initiated to meet the IH Program requirements.</p> <p>You are encouraged to complete the revision of the IHIP within 10 working days. The IHIP is a schedule of prioritized tasks composed primarily of IH field surveys (e.g., workplace evaluations and monitoring), but should also include scheduling of other functions, such as program development and administrative duties. M██████████ GPRMC Regional IH Program Manager spent one-on-one time with you 19-22 FEB 2008 addressing your issues and concerns with regard to IH program development and the IHIP.</p>	AR 40-11; AR 40-503	<input checked="" type="checkbox"/>
		2. What is the tracking log to look like? Provide example.	<p>You have been provided examples of tracking logs over the past 12 months. You are encouraged to develop/adopt a</p>		<input type="checkbox"/>



			tracking logs templates can be found in APPENDIX B - Tracking Log.		
			Deficiencies can be tracked through DOEHS-IH once the information has been entered.		
2. INDUSTRIAL HYGIENE SURVEYS					
	You are expected to perform IH hazard assessments surveys each month on work sites maintained on Fort Leavenworth.	1. What kind of surveys are these to be? Since any air samples are prohibited? Since any noise, ventilation or other measurements are prohibited?			
		2. Is it related to one the DOEHS-IH items?	Reference Master Scheduler module in DOEHS-IH.		
		3. Is it IAW my job description? And if so, how did the follow up (details) paragraphs comply?			
		4. Is it IAW DA Pam 40-503 in Paragraph 4-4. Survey frequency and scope?	Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503. <del>CAUTION: In your response, it appears that you have not fully considered all the program elements defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.</del> There is an annual requirement to review all work processes within your program office based upon shop priority. The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.		
		5. Is it IAW DA Pam 40-503 in Paragraph 4-8. Purpose and Scope?	DA PAM 40-503 Paragraph 4-8 a. states "health hazard evaluations are the foundation on which the OH is built". If		

		6. Is it IAW DA Pam 40-503 in Paragraph 7-10. Standard Army safety and occupational health inspections?	accurate and timely - the program will fail. DA PAM 40-503 Paragraph 7-10 refers the reader to AR 40-5 identifies IH responsibilities to the overall Safety and Occupational Health Program. To meet this performance standard you MUST present IH survey data in a clear, concise, accurate and timely manner.		
	Documentation of all chemicals used within each workplace surveyed?	1. How is this to be documented?	Reference 29 CFR 1910.1200 for specific program HAZ COM standards. IHPM responsibilities under Hazard Communications are outlined in DA PAM 40-503.	29 CFR 1910.1200 DA PAM 40- 503	
		2. Is this a requirement that includes all needed areas in DOEHRS-IH?	The above process will provide a listing of potential chemical exposures found in a specific work area. The IH will need to use professional judgment and technical knowledge to determine the potential risk(s) associated with the chemicals used to the worker(s). Follow the procedures for IH exposure assessment in DOEHRS-IH.		
		3. Is it IAW DA Pam 40-503 in Paragraph 4-9 Frequency.	DA PAM 40-503 4-9 states "Health hazard evaluation is a continuous process. Changes in operations over time may affect levels of exposure to chemical, physical, and biological agents. Therefore, the IHPM should ensure that operations are evaluated to build hazard level and exposure histories for each operation when— a. The process changes. b. Personnel change. c. The work rate changes. d. Engineering controls degrade or are modified. e. Building and structural changes occur".		
	Interview of no less than 30% of the workplace occupants to determine if the need for testing warranted?	1. What is the purpose of this interview?	The purpose of the interviews with workers and management is to: ➤ establish rapport with the customer ➤ learn about the work processes and how the work is accomplished	Best Practice	

		<p>a. This suggests that untrained occupants (not even workers) are more qualified to assess need for monitoring than a trained IH. What if they think IH should monitor, with MEDDAC refusal to allow air monitoring, will it be allowed?</p>	<p>➤ ensure understanding</p> <p>There is no suggestion stated that implies "untrained" occupants are more qualified to assess work areas. As the technical expert, the IH is considered the technical authority.</p> <p>Trained and/or qualified means that the surveyor has the knowledge and experience to use technical and professional judgment in the collection and evaluation of the survey data. Qualifications of an effective surveyor also include the management abilities necessary for planning, organizing, and directing the effort. The surveyor should also have good interpersonal skills. This will help deal effectively with other team members, management, workers and command.</p> <p>The survey can be an important source of information to affected workers and management. Informal, two-way communication should be encouraged. Both workers and management have the opportunity to learn about industrial hygiene practices and principles as well as ask and discuss questions on particular operations. In addition, you, as the surveyor, have the opportunity to learn about a particular work process and the workers. If alternate methods of correcting a discrepancy are possible, workers should be encouraged to express their opinions as to which solution is most practical with minimal adverse impact on work task accomplished. Although it is best to conduct an exit brief immediately after the survey, it may be necessary to wait until analysis results or further information and consultation are obtained.</p> <p>Review of your written communications and subsequent follow-up with customers has revealed a lack of communication and teamwork. Open communication between you, as the IH</p>	<p>Best Practice</p>	
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		(b) Is it IAW DA Pam 40-503 in Paragraph 4-8 Purpose and Scope?	overall effectiveness of the IH Program at Leavenworth. DA PAM 40-503 Paragraph 4-8 a. states "health hazard evaluations are the foundation on which the OH is built". If information provided by you, as the IH technical expert is not clear, concise, accurate and timely - the program will fail.		
		(c) Is it IAW DA Pam 40-503 in Paragraph 4-9. Frequency?	DA PAM 40-503 4-9 states "Health hazard evaluation is a continuous process. Changes in operations over time may affect levels of exposure to chemical, physical, and biological agents. Therefore, the IHPM should ensure that operations are evaluated to build hazard level and exposure histories for each operation when— a. The process changes. b. Personnel change. c. The work rate changes. d. Engineering controls degrade or are modified. e. Building and structural changes occur".		
		2. How will these interviews be documented?	The information/data collected during the interviews should be included in the field notes and summarized on the written IH survey report.	Best Practice	
	Document physical layout of each building	1. What is the purpose of this documentation in relationship with the IH program? Is this not a safety issue? This deals with the Life Safety Code and NFPA, not IH. Did not the MEDDAC Command want "IH to stay in IH lane"? How does this comply?	These requirements are part of the basic competencies for an Industrial Hygienist at your level and grade. Industrial hygiene personnel shall demonstrate a working level knowledge of assessment performance, including assessment planning, the use of field observations, employee interviews, and document reviews in the assessment of industrial hygiene performance.  The information collected is used to characterize workplace exposure to potential health hazards, facilitating exposure-based medical surveillance and occupational healthcare. Aids in the documentation of chronological workplace history.	AR 40-11, AR 40-503	
				AR 25-400-2	

			<p>visit, it was noted that case files/building files were not be maintained by the IHPM at Leavenworth. Reports are not maintained in an organized easily accessible manner. It is strongly recommended that a case file/building file be established for each location on the facility. Survey files may be maintained indefinitely to meet local or regulatory needs. 29 CFR 1910.1020 specifics additional requirements for sampling data.</p> <p>In addition, Industrial hygiene personnel shall demonstrate the ability to prepare assessment reports that document assessment results, support assessment conclusions, and clearly communicate conclusions and recommendations for corrective action.</p>	
		2. Where is DA-PAM 40-503 is this requirement?	DA PAM 40-503. Evaluations of health hazards and operation per paragraph 4-8 and 4-9. These are tools to help the IH perform a comprehensive health hazard assessment.	
		3. How will these physical layouts be documented? I have requested art training as this was talked about, but management has refused to educate me on this. How will this be entered into DOEHS-IH?	<p>These are basic investigative techniques. Sketches, photographs, etc., should be documented and maintained in the appropriate case file/building file. A camera was purchased by Command for your use to assist in documenting workplace conditions/findings.</p> <p>Refer to DPORD 70-62 (DOEHS-IH Implementation) and the web-based DOEHS-IH training modules for detailed information.</p> <p>Training records indicate that you have completed both the Exposure Assessment and DOEHS-IH training modules.</p>	<p>DPORD 70-62; AR 40-5; DA PAM 40-503</p> <p>Best management practices</p>
	Document biological concerns	1. How is this to be documented (See paragraph 2.a.2) Sir my air	Based on 19 years IH work experience, training and education and professional judgment you should be able to make a	

		<p>workplace observations and interviews are your best source of information. Direct-reading measurements of the IAQ parameters (temperature, RH and carbon dioxide levels) are also good indicators. The survey will vary in scope depending on the type of biological agent. The surveyor should evaluate procedures to identify and control biological agents of concern. It is imperative, however, that you appropriately apply the standards/guidelines when making judgment.</p> <p>Based on your findings and professional judgment, you may be required to administer the Annex B forms to help assess a specific problem or issue. These forms are a tool to help you (the surveyor) make a professional determination and to adequately assess the potential problem or condition. You should refer and adhere to the DA technical guides for IAQ situations.</p>		
		<p>2. Is it IAW DA Pam 40-503 in Paragraph 4-4. Frequency and scope?</p>	<p>Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503.</p> <p><b>CAUTION:</b> In your response, it appears that you have not fully considered all the program elements defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.</p> <p>There is an annual requirement to review all work processes within your program office based upon shop priority.</p> <p>The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.</p>	

workplace observations and interviews are your best source of information. Direct-reading measurements of the IAQ parameters (temperature, RH and carbon dioxide levels) are also good indicators. The survey will vary in scope depending on the type of biological agent. The surveyor should evaluate procedures to identify and control biological agents of concern. It is imperative, however, that you appropriately apply the standards/guidelines when making judgment.

Based on your findings and professional judgment, you may be required to administer the Annex B forms to help assess a specific problem or issue. These forms are a tool to help you (the surveyor) make a professional determination and to adequately assess the potential problem or condition. You should refer and adhere to the DA technical guides for IAQ situations.

2. Is it IAW DA Pam 40-503 in Paragraph 4-4. Frequency and scope?

Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503.

**CAUTION:** In your response, it appears that you have not fully considered all the program elements defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.


There is an annual requirement to review all work processes within your program office based upon shop priority.

The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.

	Ergonomic Hazards	<p>1. How is this to be documented (See paragraph 2.a.2). Since any air samples are prohibited? Since any noise, ventilation or other measurements are prohibited? Are they to complete the Job Requirements and Physical Demands Survey form?</p>	<p>As the facility technical expert in IH, you should check materials handling procedures and any use of mechanical aids. Offices, control room, equipment and work station layout should be checked for good ergonomic design. Tool use also requires ergonomic evaluation.</p> <p>Systems for work station and task review should be surveyed. These systems should reduce ergonomic stresses. The IH survey of an ergonomic program also should check improvement plans for identified concerns.</p> <p>The ergonomic survey can identify changes required to reduce physical injuries and illnesses. These change may also increase performance, improve maintenance, raise output and improve quality of work.</p> <p>Based on your 19 years IH work experience and Army-funded professional development, you should be able to independently perform these basic IH tasks.</p>		
		<p>2. Is it IAW DA Pam 40-503 in Paragraph 4-4. Frequency and scope?</p>	<p>Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503.</p> <p>CAUTION: In your response, it appears that you have not fully considered all the program elements defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.</p> <p>There is an annual requirement to review all work processes within your program office based upon shop priority.</p> <p>The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized activities which are beyond the resource</p>		

		3. How is this to be documented in DOEHS-IH?	Potential ergonomic hazards MUST be selected before one can enter any other hazard information into DOEHS-IH. Baseline or periodic IH surveys MUST address ergonomic hazards in a given work area.		
		4. Is the Insulation ready to support this requirement? Current policy is to only do medically required ergonomics surveys. Has the policy changed?	Inappropriate terminology - assumption is that you meant to use "Installation" instead of "Insulation". The DA Ergonomic Program is viable and command supported. As a trained, journeymen level IH you should be able to identify potential ergonomic problem areas within a given work center. On occasion, Occupational Health may request you to conduct an ergonomic survey for an individual work area. Typically, this is request is generated after examination for a work-related injury and/or illness. During your IH assessments you should be recognizing ergonomic hazards and providing appropriate recommendations for improvements. When entering hazard information into DOEHS-IH the user is required to first identify ergonomic hazards in a process.		
	Placed in DOEHS-IH	1. With the slowness of the web based system, how?	There will be times that the system is "slow" based on number of users, amount of information, but many installations are effectively utilizing the mandated software program.		
		2. Level of support.			
3. REPORTING					
	Reports will be written in a clear, concise and accurate manner.	1. With no example of a memorandum, how can this be complied with? How measured? What is clear? What is correct? Define	These are commonly accepted terms used in communication - both verbal and written. Please refer to definitions presented in the Webster dictionary for further clarification.		<input checked="" type="checkbox"/>



		<p>report to this standard.</p>	<p>scientifically correct and factual - absent of personal opinion and misleading statements.</p> <p>An industrial hygiene survey report is forwarded to the official responsible for correcting the identified deficiencies or health risks. A scientific, problem solving sequence of paragraphs (problem, statement/introduction, facts and findings, conclusion and recommendations) is normally used. Identified deficiencies must contain references to applicable standards, regulations or criteria.</p> <p>Recommendations should be practical and address both short- and long-term solutions to any problem. Progress on implementation of corrective actions should be tracked.</p> <p>Another option for reporting can be found within DOEHS-IH. Templates are available for use.</p> <p>Additional report templates are provided for the majority of IH surveys you will be conducting.</p>	
		<p>2. With the paragraph 2 requirements, what is the format and example of this kind of reports? What kind of surveys are these to be? Since air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document?</p>	<p>You were instructed to revise/update the Leavenworth Industrial Hygiene Implementation Plan (IHIP) by 15 FEB 2008. You have failed to meet that requirement. In the IHIP you were to schedule prioritized tasks composed of primarily surveys (e.g., workplace evaluations and monitoring). The IHIP would include the sampling strategies to be accomplished to perform a comprehensive industrial hygiene (IH) survey for a specific work environment. Once approved by the supervisor, you have been instructed to implement the IHIP in accordance with the prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.</p> <p>Survey activities result in both positive and negative conclusions. The unit commander, manager and/or supervisor should be prepared to address the</p>	<p>See response to 3.a.1 for further detailed instruction</p> 

			<p>respect to good practice guidelines. Open items might pose a future liability to the command. The post-survey activities should be well developed and implemented so that the information obtained from the IH survey does not become buried and/or forgotten. To minimize liability, the program should include:</p> <ol style="list-style-type: none"> <li>1. well defined policies and procedures for addressing deviations from good practice guidelines;</li> <li>2. follow-up on survey findings and development of corrective actions, as appropriate; and</li> <li>3. communication with top management on the content and status of survey findings.</li> </ol> <p>Based on 19 years DA IH work experience and Army-funded professional development, you should be able to independently perform these basic IH tasks. Additional report templates may be found in Appendix C.</p> <p>You are encouraged to complete the revision of the IHIP and Industrial Hygiene Program document as soon as possible.</p>	
		<p>3. . Is it IAW DA Pam 40-503 in Paragraph 4-4. Survey frequency and scope?</p>	<p>Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503.</p> <p><b>CAUTION:</b> In your response, it appears that you have not fully considered all the program elements defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.</p> <p>There is an annual requirement to review all work processes within your program office based upon shop priority.</p> <p>The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized</p>	<p>DA PAM 40-503</p>

			<p>annotated.</p> <p>Based on 19 years DA IH work experience and Army-funded professional development, you should well versed in the IH program requirements and be able to independently perform these basic IH tasks.</p>		
		4. Is it IAW DA Pam 40-503 in Paragraph 4-8. Purpose and scope?	DA PAM 40-503 Paragraph 4-8 a. states "health hazard evaluations are the foundation on which the OH is built". If information provided by you, as the IH technical expert is not clear, concise, accurate and timely - the program will fail.		
		5. Is it IAW DA Pam 40-503 in paragraph 4-12. Worker Notification?	SEE ABOVE REPOSE		
		6. Is it IAW DA Pam 40-503 in Paragraph 7-10. Standard Army Safety and occupational health inspection.	DA PAM 40-503 Paragraph 7-10 refers the reader to AR 40-5 identifies IH responsibilities to the overall Safety and Occupational Health Program. Without clear, concise, accurate and timely IH survey reports the essential elements of the program will fail.	AR 40-5 DA PAM 40-503	
	Provide technically sound findings and recommendation commensurate with scope and complexity of the service provided.	1. With an example of a memorandum, how can this be complied with? How measured? What is clear vs technically sound findings and commensurate with the scope and complexity? What is concise vs technically sound findings and commensurate with the scope and complexity?	<p>These are commonly accepted terms used in communication - both verbal and written. Please refer to definitions presented in the Webster dictionary for further clarification.</p> <p>Based an a review of your previous reports, your reports need to be technically correct and factual - absent of personal opinion and misleading statements.</p> <p>An industrial hygiene survey report is forwarded to the official responsible for correcting the identified deficiencies or health risks. A scientific, problem solving sequence of paragraphs (problem, statement/introduction, facts and findings, conclusion and recommendations) is normally used. Identified deficiencies must contain references to applicable standards, regulations or criteria.</p>		

			solutions to any problem. Progress on implementation of corrective actions should be tracked.		
		2. With the paragraph 2 requirements, what is the format and example of this kind of reports? What kind of surveys are these to be? Since air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document?	You were instructed to revise/update the Leavenworth Industrial Hygiene Implementation Plan (IHIP) by 15 FEB 2008. You have failed to meet that requirement. In the IHIP you were to schedule prioritized tasks composed of primarily surveys (e.g., workplace evaluations and monitoring). The IHIP would include the sampling strategies to be accomplished to perform a comprehensive industrial hygiene (IH) survey for a specific work environment. Once approved by the supervisor, you have been instructed to implement the IHIP in accordance with the prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.	AR 40-5; DA PAM 40-503	
		3. See questions in paragraph 3.a	See response to 3.a.	AR 40-5; DA PAM 40-503	
	Utilized recognized consensus standards, federal and state regulations, DA policies and procedures, and MEDCOM guidance.	1. How will this be measured?	<p>IH surveys will be reviewed for technical accuracy, professional requirements and regulatory compliance. Your application of applicable standards will be evaluated to determine regulatory compliance, comprehensive awareness and professional judgment.</p> <p>IH data are used for patient care decision and legal proceedings, and the IH Program Manager (IHPM) must verify that the data entered into the DOEHS-IH are an accurate and complete record of the identification and evaluation of health hazards.</p>		
		2. Is it IAW DA Pam 40-503 in Paragraph 1-8. Standards?	Absolutely. As the IH technical expert, you must use the information contained in 29 CFR 1910 and the documentation of other standards to evaluate employee exposure to hazardous chemical,	DA PAM 40-503	

			<p>other standards described in DA PAM 40-503, paragraph 1-8 except for those published in U.S. Army Medical Department (AMEDD) policy documents, are subject to the application of professional IH judgment. The written record of the IH evaluation must contain the justifications for any deviations from the non-OSHA standards described below.</p>	
		3. What MEDCOM guidance is provided?	MEDCOM guidance documents may be found on the intranet at <a href="http://www.usapa.army.mil">www.usapa.army.mil</a>	
	Assign appropriate risk assessment codes (RAC) using the criteria outlined in DA 40-503 and MEDCOM guidance.	1. How will this be measured?	Verification of data to ensure accuracy and completeness.	DA PAM 40-503
		3. What MEDCOM guidance is provided?	MEDCOM guidance documents may be found on the intranet at <a href="http://www.usapa.army.mil">www.usapa.army.mil</a> .	AR 40-5; DA PAM 40-503; OPORD 07-62 (DOEHRS-IH Deployment)
	Sampling results and associated data will be presented in a clear, concise and factual manner.	1. How will this be measured?	Verification of data to ensure accuracy and completeness.	DA PAM 40-503
		2. With no example of a memorandum, how can this be complied with? How measured? What is clear? What is concise? Define what is meant by "accurate manner"? Compare LT <span style="background-color: black; color: black;">XXXXXX</span> PX Lighting report to this standard.	<p>These commonly accepted terms used in communication - both verbal and written. Please refer to definitions presented in the Webster dictionary for further clarification. Based on a review of your previous reports, your reports need to be technically correct and factual - absent of personal opinion and misleading statements.</p> <p>An industrial hygiene survey report is forwarded to the official responsible for correcting the identified deficiencies or health risks. A scientific, problem solving sequence of paragraphs (problem, statement/introduction, facts and findings, conclusion and recommendations) is normally used. Identified deficiencies must contain</p>	

			<p>... should be practical and address both short- and long-term solutions to any problem. Progress on implementation of corrective actions should be tracked.</p> <p>DOEHRS-IH also provides statistical analyses options for your use. Please refer to the IH Assessment module.</p>	
		<p>3. Is it IAW DA Pam 40-503 in Paragraph 4-4. Survey frequency and scope?</p>	<p>Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503.</p> <p><b>CAUTION:</b> In your response, it appears that you have not fully considered all the program elements defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.</p> <p>There is an annual requirement to review all work processes within your program office based upon shop priority.</p> <p>The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.</p> <p>Based on 19 years DA IH work experience and Army-funded professional development, you should well versed in the IH program requirements and be able to independently perform these basic IH tasks.</p>	DA PAM 40-503
		<p>4. Is it IAW DA Pam 40-503 in Paragraph 4-8. Purpose and scope?</p>	<p>DA PAM 40-503 Paragraph 4-8 a. states "health hazard evaluations are the foundation on which the OH is built". If information provided by you, as the IH technical expert is not clear, concise, accurate and timely - the program will fail.</p>	
		<p>5. Is it IAW DA Pam 40-503 in paragraph 4-12. Worker Notification?</p>	<p>Formal and informal, two-way communication should be encouraged. Workers should be notified of any IH</p>	

		503 in Paragraph 7-10. Standard Army Safety and occupational health inspection.	the reader to AR 40-5 which identifies IH responsibilities to the overall Safety and Occupational Health Program. Without clear, concise, accurate and timely IH survey reports the essential elements of the program will fail.	40-503	
	Reports will be submitted to the supervisor within 5 working days of initial survey for final review and approval. All supporting documents (including work product) will accompany all reports for supervisor final approval.	1. With no example of a memorandum, how can this be complied with? How measured? What is initial? What is final?	"Initial" would be the preliminary first draft before supervisor edit. "Final" is the work product to be distributed to the customer.  Timelines are established to ensure work product is delivered to customer in a timely manner.  Based on 19 years DA IH work experience and Army-funded professional development, you should well versed in the IH program requirements and be able to independently perform these basic IH tasks	Best Practice	
		2. With the paragraph 2 requirements, what is the format and example of this kind of reports? What kind of surveys are these to be? Since air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document?	Industrial hygienists have the responsibility to practice their profession in a objective manner, following recognized principles of IH. Realizing that the lives, health and welfare of individuals may be dependent on their professional judgment. As the IH technical expert at Leavenworth, you have the obligation to respect confidences, advise honestly, and report findings and recommendations accurately.	AIHA Code of Ethics	
		3. Does this change the method and procedures in processing memoranda? What are the new memo procedures? Will I just submit hardcopy of memo with final?	We are unclear as to the intent of your statement "Will I just submit a hard copy of the memo with final?". Please clarify your question.	DA PAM 40-503; internal best practice.	
4. PROGRAM MANAGEMENT		a. To the requirement "Complete set up of the Defense Occupational and Environmental Health	Review of the information entered into DOEHRs-IH for Ft Leavenworth shows incomplete shop information, missing		

		use the DOEHRS-IH for all subsequent IH surveys and projects:"	for each survey conducted.	
		1) What is "Complete"? What is "set up"? How will it be documented?	Review shows that the basic "tree" has been initiated, however, critical shop information is lacking. (i.e., processes, hazards, engineering controls, PPE, shop personnel, etc.). The Leavenworth IHPO is reporting a 99.8% overdue status.	
		2) What are the Army's DOEHRS-IH goals for implementing this program?	DOEHRS-IH is a DoD mandated software program designed to document industrial hygiene work. Please refer to USER DOCUMENTATION module which states "The Industrial Hygiene module for DOEHRS is a key enabling technology within the Presidentially mandated FHP and is further supported by Public Law 105-85. DOEHRS is a comprehensive, automated information system for assembling, comparing, using, evaluating, and storing environmental health surveillance data, occupational personnel exposure information, workplace environmental monitoring data, personal protective equipment usage data, observation of work practices data, and employee health hazard educational data. DOEHRS provides information needed by Occupational Health (OH) staff and command surgeons for reporting options to commanders regarding the reduction of health threats.	OP OPORD 07-62 (DOEHRS-IH Deployment)
		b. To the requirement "75% of the IH Program Office's (IHPO) core shops (semiannual, annual surveys) will be mapped in the location tree."  1) Where did this goal come from? Is it realistic goal? Since it was done here before 1 October	The mandated goal is 100% annually. Recognizing available resources the goal of 75% was arbitrarily set as a reasonable expectation for this program office.  Review of information in the DOEHRS-IH for this program office is incomplete.	



		<p>is it a 2008 requirement?</p> <p>2) Since the Army reported only 21 % of the IH shops met this goal, and Fort Leavenworth under me was part that archived this. Is it a good, fair goal if so few are able to achieve it?</p> <p>3) To note "75% of the IHPO's core shops should be scheduled, not necessarily conducted." How will this be measured and what needs to be scheduled? What are the priorities?</p>	<p>this statement.</p> <p>The master schedule in DOEHS-IH will suffice as your IHIP. All shops included in the program office should be have annual surveys scheduled. You were provided a listing of shop priorities to be completed within the next 12 months.</p>	
		<p>c. To the requirement "Surveys should be conducted for 5% of the total number of core shops that have been scheduled. The data from these surveys should be entered into DOEHS-IH"</p> <p>1) Where did this goal come from? Is it realistic goal? Is it a monthly, quarterly, or annual goal? How will it be measured? Since most IH programs can't meet the earlier goal, is it a fair goal?</p> <p>2) With the paragraph 2 requirements, what is the format and example of this kind of surveys? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document?</p> <p>3) Is it IAW DA Pam 40-503 in Paragraph 4-4.</p>	<p>Based on entries you have made into DOEHS-IH, there are 494 core shops listed for Ft. Leavenworth. In order to succeed in this goal you are required to complete 25 IH surveys (to include entry into DOEHS-IH) within the rating period.</p> <p>You have completed the DOEHS-IH training program and have demonstrated a reasonable knowledge of its functionality and requirements.</p> <p>See above responses.</p> <p>See above responses.</p> <p>See above responses.</p>	<p>Leavenworth IHPO entires dated 2 March 2008.</p>

		4) Is it IAW DA Pam 40-503 in Paragraph 4-8. Purpose and scope?			
		5) Is it IAW DA Pam 40-503 in Paragraph 4-12. Worker notification?	Regardless of outcome, the IHPM notifies, in writing, the workplace supervisor of the assessment results. The supervisor in turn notifies the employees.		
		6) Is it IAW DA Pam 40-503 in Paragraph 7-10. Standard Army safety and occupational health inspections?	DA PAM 40-503 Paragraph 7-10 refers the reader to AR 40-5 identifies IH responsibilities to the overall Safety and Occupational Health Program. Without clear, concise, accurate and timely IH survey reports the essential elements of the program will fail		
		7) With the slowness of the web based system, how?	There will be times that the system is "slow" based on number of users, amount of information, but many installations are effectively utilizing the mandated software program.		
		8) Level of support. It was discussed that I might be able to enter data using lap top computer then have it synced by IMD. I turned in the lap top on 16 January 2008 and it has not returned back to me as of 19 February 2008. How will this be measured?	DOEHRS-IH is a web-based system and access is available through your desktop PC. You are encouraged to use the desktop PC in lieu of the laptop computer.		
	d. To the requirement "Establishing similar exposure groups for the IHOP."	1) With the paragraph 2 requirements: Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document? How will this be measured?	Completeness and accuracy of information contained within DOEHRS-IH program office.		
		2) Is it IAW DA Pam 40-503 in Paragraph 4-4. Survey frequency and scope?	Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503. CAUTION: In your response, it		

			<p>defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.</p> <p>There is an annual requirement to review all work processes within your program office based upon shop priority.</p> <p>The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.</p>	
		3) Is it IAW DA Pam 40-503 in Paragraph 4-8. Purpose and scope?	<p>DA PAM 40-503 Paragraph 4-8 a. states "health hazard evaluations are the foundation on which the OH is built". To meet this performance standard IH survey data MUST clear, concise, accurate and timely.</p>	
	e. To the requirement "Implementation of the workplace monitoring plan."	1) With the paragraph 2 requirements, what is the priority of this kind of surveys? Since any air samples are prohibited, what is to be in the monitoring plan? Since any noise, ventilation or other measurements are prohibited, what is to be in the monitoring plan? How do you document this? How will it be measured?	<p>Completeness and accuracy of information contained within DOEHRs-IH program office.</p>	
		2) Is it IAW DA Pam 40-503 in Paragraph 4-4. Survey frequency and scope?	<p>Absolutely. Clear, concise, accurate and prompt reporting is required under the guidance provided in DA PAM 40-503.</p> <p>CAUTION: In your response, it appears that you have not fully considered all the program elements defined and/or discussed in DA-PAM 40-503. The excerpts that you cite are incomplete and do not capture the full intent of the instruction.</p> <p>There is an annual requirement to review all work processes within your</p>	

			The Industrial Hygiene Program document will outline the survey prioritization scheme. Prioritized activities which are beyond the resource or manpower capabilities will be annotated.		
		3) Is it IAW DA Pam 40-503 in Paragraph 4-8. Purpose and scope?	DA PAM 40-503 Paragraph 4-8 a. states "health hazard evaluations are the foundation on which the OH is built". To meet this performance standard IH survey data MUST clear, concise, accurate and timely.		
	f. To the requirement "Characterization of exposures".	1) With the paragraph 2 requirements, what is the priority of this kind of surveys? Since any air samples are prohibited, what is to be characterized? Since any noise, ventilation or other measurements are prohibited, what is to be characterized?	Completeness and accuracy of information contained within DOEHS-IH program office.		
		2) How do you document this? How will it be measured?	To meet this goal – you will be required to accurately characterize all known or suspected occupational health hazards within a given work process.		
	g. To the requirement "Conduct an assessment of on any of the employee exposure data collected during the survey (e.g. ergonomics, air monitoring, noise monitoring)".	1) What kind of "assessment" is this?	In most cases, these IH surveys will be baseline or periodic. Recognition/identification of these hazards (e.g., ergonomic, ventilation, etc) should be included in the baseline and/or periodic IH survey assessment.		
		2) How do you document this? How will it be measured?	Completeness and accuracy of information contained within DOEHS-IH program office.		
		3) Since any air samples are prohibited, what is to be	Completeness and accuracy of		

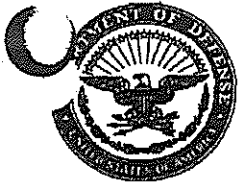
		prohibited, what is to be assessed?			
5. EQUIPMENT MAINTENANCE AND CALIBRATION	5. Equipment Maintenance and Calibration. Please show where Equipment Maintenance and Calibration is in my job description.	a. To the requirement "develop and maintain an equipment tracking log."	This is a built-in feature of DOEHRS-IH. 100% of all IH equipment is REQUIRED to be entered into DOEHRS-IH. Review of the IHPO equipment inventory in DOEHRS-IH shows complete.		
		c. To the requirement "Develop a log to document before and after calibrations of equipment used for testing."	The IH is required to maintain a bounded sample logbook to document pre and post calibration of all equipment used during an IH Survey. Furthermore, DOEHRS-IH under IH sampling module requires pre and post calibration information.	OSHA Field Manual	
		1) What is log to look like?	The bound laboratory book is to be maintained. See the OSHA Field Manual for specific criteria to be included.	OSHA Field Manual	
		2) Is it different from the TMDE system?	Yes -- TMDE maintains ANNUAL equipment calibration information.		
		3) Is it different from the DLMSS system? Is it different from the DOEHRS-IH system?	See paragraph 5.c above.		
		4) How will this be measured?	To meet this standard 100% of all IH equipment will be maintained and calibrated within manufacturer's specifications.		
		5) IAW DA PAM 40-503 paragraph 5-5. Verification of equipment calibration	To obtain reliable quantitative data, equipment used requires operational and periodic calibration. Operational calibration is usually performed before and after the use of equipment. Periodic calibration is performed on very stable types of equipment at least annually or depending on equipment use and manufacturer recommendation.  The IHPM—		

			<p>(2) Ensures that calibrations are based on a method traceable to a recognized authority, such as the National Institute of Standards and Technology.</p> <p>(3) Allows manufacturer and/or contract calibration facilities to calibrate equipment only if their methods meet traceability and calibration standards.</p> <p>(4) Ensures that complete records of calibrations are maintained per AR 25-400-2.</p>		
	b. To the requirement "Maintain complete records of calibration as per AR 25-400-2.	1) What is complete?	100% equipment inventory maintained and with current calibration.		
		2) Explain the issue? How will it be measured?	To meet this standard 100% of all IH equipment will be maintained and calibrated within manufacturer's specifications.		
	c. To the requirement "Develop a log to document before and after calibrations of equipment used for testing."	1) What is log to look like?	The bound laboratory book is to be maintained. See the OSHA Field Manual for specific criteria to be included.		
		2) How will it be measured?	To meet this standard 100% of all IH equipment will be maintained and calibrated within manufacturer's specifications.		

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Exhibit 19 – KG Exhibit # 33





REPLY TO  
ATTENTION OF

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

MCXN-PM (40-5f)

31 May 2008

MEMORANDUM FOR RECORD

SUBJECT: Questions Unanswered from February 2008 Through May 2008

1. To the 15 February Question: On Customer Service.

- a. What does "outside of regularly scheduled testing" when any testing has been prohibited?
- b. What is this tracking log to look like? Provide example.
- c. These questions were not answered in the 9 May 2008 response.

2. To the 15 February Question: Industrial Hygiene Surveys.

~~a. "You are expected to perform IH hazard assessment surveys each month on buildings maintained on Fort Leavenworth." What kind of surveys are these to be? Since any air samples are prohibited? Since any noise, ventilation or other measurements are prohibited? How do the current limitations made by management allow me to comply or do this?~~

b. These questions were not answered in the 9 May 2008 response. The answer was left blank.

3. To the 15 February Question: Industrial Hygiene Surveys.

- a. Is it related to one of the DOEHRS-IH items?
  - a) Baseline survey
  - b) Ergonomic Evaluation
  - c) Food Establish Risk Assessment
  - d) Food Service Establishment Survey – Comprehensive
  - e) Food Service Establishment Survey – Routine
  - f) HACCP Survey
  - g) HAZCOM Inspection
  - h) HVAC Inspection
  - i) Indoor Air Quality Assessment
  - j) Periodic Survey
  - k) Respiratory protection survey

b. This question was not answered in the 9 May 2008 response.

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31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

4. To the 15 February Question: Industrial Hygiene Surveys.

- a. Is it IAW my job description? And if so, how did the follow up (details) paragraphs comply?
- b. These questions were not answered in the 9 May 2008 response.

5. To the 15 February Question: Industrial Hygiene Surveys.

- a. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope?*
- b. These questions were not answered in the 9 May 2008 response.

6. To the 15 February Question: Industrial Hygiene Surveys.

- a. Is it IAW DA Pam 40-503 in **Paragraph 4-8. Purpose and scope?**

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b. How do the current limitations made by management allow me to comply or do this?

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c. ~~These questions were not answered in the 9 May 2008 response.~~

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7. To the 15 February Question: Industrial Hygiene Surveys.

- a. Is it IAW DA Pam 40-503 in *Paragraph 7-10. Standard Army safety and occupational health inspections?*

- b. How do the current limitations made by management allow me to comply or do this?

- c. These questions were not answered in the 9 May 2008 response.

8. To the 15 February Question: Industrial Hygiene Surveys. To requirement #1 "Documentation of all chemicals used within each workplace surveyed."

- a. How is this to be documented? Is this a requirement that includes all the needed areas in DOEHRS-IH?

- b. These questions were not answered in the 9 May 2008 response.

9. To the 15 February Question: Industrial Hygiene Surveys. To requirement #2 "Interview of no less than 30% of the work place occupants to determine if a need for testing is warranted."

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a. Is it IAW DA Pam 40-503 in Paragraph 4-8. **Purpose and scope?** This requires *A comprehensive health hazard assessment requires the IHPM to collect both qualitative and quantitative data.*

b. Since management prohibits all qualitative and quantitative, how is this to be complied with?

c. These questions were not answered in the 9 May 2008 response.

10. To the 15 February Question: Industrial Hygiene Surveys. To the requirement #3 "Document the physical layout of each building. This is to include, fire exits, storage areas for chemicals and supplies, etc."

a. What is the purpose of this documentation in relationship with the IH program? Is this not a safety issue? This deals with the Life Safety Code and NFPA, not IH. Did not the MEDDAC Command wants "IH to stay in IH lane"? How does this comply?

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b. ~~Where in DA-PAM-40-503 is this requirement?~~

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c. How will these physical layouts be documented? I have requested art training as this was talked about, but management has refused to educate me on this. How will this be entered into DOEHRs-IH?

d. These questions were not answered in the 9 May 2008 response. In the response, where in AR 40-5 or DA PAM 40-503 is there a requirement for case file/building file?

11. To the 15 February Question: Industrial Hygiene Surveys. To the requirement #4 "Document any biological concerns within each building, to include but not limited to water damage, mold growth, etc."

a. How is this to be documented? Since any air samples are prohibited? Since any noise, ventilation or other measurements are prohibited? Are they to complete the IAQ SOP Annex B forms? Short or long version?

b. Is it IAW DA Pam 40-503 in Paragraph 4-4. *Survey frequency and scope?* How do the current limitations made by management comply?

c. How is this to be documented in DOEHRs-IH?

d. These questions were not answered in the 9 May 2008 response.

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SUBJECT: Questions Unanswered from February 2008 Through May 2008

12. To the 15 February Question: Industrial Hygiene Surveys. To the requirement #5 "A visual inspection of the work place to determine any other potential risk or hazards. (Photo index of surveyed buildings).

- a. How is this to be document?
- b. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope*?
- c. How is this to be documented in DOEHRS-IH?
- d. These questions were not addressed in the 9 May 2008 response.

13. To the 15 February Question: Industrial Hygiene Surveys. To the requirement #6 "Document each ergonomic hazard inherent to each activity surveyed."

~~a. How is this to be document? Since any air samples are prohibited? Since any noise, ventilation or other measurements are prohibited? Are they to complete the Job Requirements and Physical demands Survey form?~~

- b. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope*? How do the current limitations made by management comply?
- c. How is this to be documented in DOEHRS-IH?
- d. Is the Installation ready to support this requirement? Current policy is to only do medically required ergonomics surveys. Has the policy changed?
- e. These questions were not answered in the 9 May 2008 response.

14. To the 15 February Question: Industrial Hygiene Surveys. To the requirement "All the above information will be placed in DOEHRS-IH report by the end of the month surveyed."

- a. With the slowness of the web based system, how?
- b. Level of MEDDAC Command support. It was discussed that I might be able to enter data using lap top computer then has it synced by IMD. I turned in the lap top on 16 January 2008 and it has not returned back to me as of 19 February 2008 (and now on 31 May 2008 it is still not available). How will this be measured?

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c. These questions were not addressed in the 9 May 2008 response. Since I am unable to obtain names and SSN and it has been show that DOEHRS is almost if not completely wrong in the employee listing, How am I to enter this data?

d. These questions were not answered in the 9 May 2008 response.

15. To the 15 February Question: Reporting. To the requirement "Reports will be written in a clear, concise and accurate manner."

a. With no example of a memorandum, how can this be complied with? How measured? What is *clear*? What is *concise*? Define what is meant by "accurate manner"? Compare LT Derivan's PX Lighting report to this standard.

b. With the paragraph 2 requirements, what is the format and example of this kind of reports? What kind of surveys reports are these to be? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document?

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~~c. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope*? How do the current limitations made by management allow me to comply or do this?~~

d. Is it IAW DA Pam 40-503 in *Paragraph 4-8. Purpose and scope*? How do the current limitations made by management allow me to comply or do this?

e. Is it IAW DA Pam 40-503 in *Paragraph 4-12. Worker notification*? How do the current limitations made by management allow me to comply or do this?

f. Is it IAW DA Pam 40-503 in *Paragraph 7-10. Standard Army safety and occupational health inspections*? How do the current limitations made by management allow me to comply or do this?

g. These questions were not answered in the 9 May 2008 response.

16. To the 15 February Question: Reporting. To the requirement "Provide technically sound findings and recommendations commensurate with the scope and complexity of the services provided."

a. With no example of a memorandum, how can this be complied with? How measured? What is *clear vs. technically sound findings and commensurate with the scope and complexity*? What is *concise vs. technically sound findings and commensurate with the scope and complexity*?

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b. What is the format and example of this kind of reports? What kind of surveys reports are these to be? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document? How can there be any with no measurements? How to do this with ergonomics?

c. These questions were not answered in the 9 May 2008 response.

17. To the 15 February Question: Reporting. To the requirement "Utilize recognized consensus standards, federal and state regulations, DA policies and procedures, and MEDCOM guidance."

a. How will this be measured?

b. Is it IAW DA Pam 40-503 in *Paragraph 1-8. Standards?*

c. What MEDCOM guidance is provided? Please provide.

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d. These questions were not answered in the 9 May 2008 response.

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~~18. To the 15 February Question: Reporting. To the requirement "Assign appropriate Risk Assessment Codes (RAC) using the criteria outlined in DA PAM 40-503 and MEDCOM guidance."~~

a. How will this be measured?

b. What MEDCOM guidance is provided? Please provide.

c. These questions were not addressed in the 9 May 2008 response.

19. To the 15 February Question: Reporting. To the requirement "Sampling results and associated data will be presented in a clear, concise and factual manner."

a. With no example of a memorandum, how can this be complied with? How measured? What is *clear*? What is *concise*? Define what is meant by "factual manner"? Compare LT [REDACTED] PX Lighting report to this standard

b. What is the format and example of this kind of reports? What kind of surveys reports are these to be? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document?

c. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope?* How do the current limitations made by management allow me to comply or do this?

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d. Is it IAW DA Pam 40-503 in Paragraph 4-8. **Purpose and scope?** How do the current limitations made by management allow me to comply or do this?

e. Is it IAW DA Pam 40-503 in Paragraph 4-12. **Worker notification?**

f. Is it IAW DA Pam 40-503 in Paragraph 7-10. **Standard Army safety and occupational health inspections?**

g. These questions were not answered in the 9 May 2008 response.

20. To the 15 February Question: Reporting. To the requirement "Reports will be submitted to the supervisor within 5 working days of initial survey for final review and approval. All supporting documents (work product) will accompany all reports for supervisor final approval.

a. With no example of a memorandum, how can this be complied with? How measured? What is *initial*? What is *final*?

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b. There is a statement "Initial" would be the preliminary first draft before supervisor edit" in the response. By what authority and regulation do untrained personnel "EDIT" a professional Industrial Hygienist and IH Program Manager's reports?

c. What is the format and example of this kind of reports? What kind of surveys reports are these to be? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document? How do the current limitations made by management allow me to comply or do this?

d. Does this change the method and procedures in processing memorandums? What are the new memo procedures? Will I just submit hard copy of memo with file? Am I to provide a paper copy of my memorandums (known as hard copy) as any edits by management can be documented or am I to send e-file memorandums and "trust" management with a history of changing my reports and not informing me?

21. To the 15 February Question: Reporting. To the requirement "All noncompliant results will be explained in a clear and concise manner, include reasoning for the noncompliant values."

a. With no example of a memorandum, how can this be complied with? How measured? What is *clear*? What is *concise*?

b. What is the format and example of this kind of reports? What kind of surveys reports are these to be? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How am I to document?

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c. These questions were not addressed in the 9 May 2008 response.

22. To the 15 February Question: Reporting. To the requirement "Follow-up worksite visits will be conducted until appropriate corrective measures are implemented and effective."

a. How will this be measured? Are these follow-ups hourly, daily, weekly, monthly, annually, biannually, or every ten years? How will they be documented? With the paragraph 2 requirements, what is the format and example of this kind of reports? What kind of surveys reports are these to be? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How am I to document?

b. Since management does not staff IH with enough personnel, why is this a requirement of mine? How does this differ from DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope* which USA MEDDAC does not comply with?

c. These questions were not addressed in the 9 May 2008 response.

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~~23. To the 15 February Question: Reporting. To the requirement "There will be no more than 3 exceptions noted per month."~~

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a. What is an "exception"?

b. How will they be documented?

c. How will they be measured?

d. These questions were not addressed in the 9 May 2008 response.

24. To the 15 February Question: Program Management. Please show where DOEHRS-IH is in my job description. This question was not addressed in the 9 May 2008 response.

25. To the 15 February Questions: Program Management. To the requirement "Complete set up of the Defense Occupational and Environmental Health Readiness System – Industrial Hygiene by 15 April 2008. Maintain and use the DOEHRS-IH for all subsequent IH surveys and projects:"

a. What is "Complete"? What is "set up"? How will it be documented? How will it be measured?

b. What are the Army's DOEHRS-IH goals for implementing this program?



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c. These questions were not answered in the 9 May 2008 response.

26. To the 15 February Questions: Program Management. To the requirement "75% of the IH Program Office's (IHIP) core shops (semiannual, annual surveys) will be mapped in the location tree."

a. Where did this goal come from? Is it realistic goal? Since it was done here before 1 October 2007 and LT Derivan approved reporting it, why is it a 2008 requirement?

b. Since the Army reported only 21 % of the IH shops met this goal, and Fort Leavenworth under me was part that archived this. Is it a good, fair goal if so few are able to achieve it?

c. To note "75% of the IHPO's core shops should be scheduled, not necessarily conducted." How will this be measured and what needs to be scheduled? What are the priorities?

d. The "answer" that "*the master schedule in DOEHRs-IH will suffice as your IHIP*" does not comply with the guidance and example given in February visit.

~~e. These questions were not answered in the 9 May 2008 response.~~

27. To the 15 February Questions: Program Management. To the requirement "Surveys should be conducted for 5% of the total number of core shops that have been scheduled. The data from these surveys should be entered into DOEHRs-IH."

a. Where did this goal come from? Is it realistic goal? Is it a monthly, quarterly, or annual goal? How will it be measured? Since most IH programs can't meet the earlier goal, is it a fair goal?

b. What is the format and example of this kind of surveys? Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document? How do the current limitations made by management allow me to comply or do this?

c. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope*? How do the current limitations made by management allow me to comply or do this?

d. Is it IAW DA Pam 40-503 in *Paragraph 4-8. Purpose and scope*? How do the current limitations made by management allow me to comply or do this?

e. Is it IAW DA Pam 40-503 in *Paragraph 4-12. Worker notification*?

MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

f. Is it IAW DA Pam 40-503 in *Paragraph 7-10. Standard Army safety and occupational health inspections?*

g. With the slowness of the web based system, how?

h. Level of MEDDAC Command support. It was discussed that I might be able to enter data using lap top computer then have it synced by IMD. I turned in the lap top on 16 January 2008 and it has not returned back to me as of 19 February 2008 (and now on 31 May 2008 it is still not available). How will this be measured?

i. These questions were not answered in the 9 May 2008 response.

28. To the 15 February Questions: Program Management. To the requirement "Establishing similar exposure groups for the IHOP."

~~a. Since any air samples are prohibited, what is to be in it? Since any noise, ventilation or other measurements are prohibited, what is to be in it? How do you document? How will this be measured? Since I am unable to obtain names and SSN and it has been show that DOEHRS is almost if not completely wrong in the employee listing, how am I to enter this data? Create SEGs?~~

b. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope?* How do the current limitations made by management allow me to comply or do this?

c. Is it IAW DA Pam 40-503 in *Paragraph 4-8. Purpose and scope?* How do the current limitations made by management allow me to comply or do this?

d. These questions were not answered in the 9 May 2008 response.

29. To the 15 February Questions: Program Management. To the requirement "Implementation of the workplace monitoring plan."

a. What is the priority of this kind of surveys? Since any air samples are prohibited, what is to be in the monitoring plan? Since any noise, ventilation or other measurements are prohibited, what is to be in the monitoring plan? How do you document this? How will it be measured? How do the current limitations made by management allow me to comply or do this?

b. Is it IAW DA Pam 40-503 in *Paragraph 4-4. Survey frequency and scope?* How do the current limitations made by management allow me to comply or do this?

MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

c. Is it IAW DA Pam 40-503 in Paragraph 4-8. **Purpose and scope?** How do the current limitations made by management allow me to comply or do this?

d. These questions were not answered in the 9 May 2008 response.

30. To the 15 February Questions: Program Management. To the requirement "Characterization of exposures".

a. What is the priority of this kind of surveys? Since any air samples are prohibited, what is to be characterized? Since any noise, ventilation or other measurements are prohibited, what is to be characterized? How do you document this? How will it be measured?

b. These questions were not answered in the 9 May 2008 response.

31. To the 15 February Questions: Program Management. To the requirement "Conduct an assessment of on any of the employee exposure data collected during the survey (e.g. ergonomics, air monitoring, noise monitoring)".

~~a. What kind of "assessment" is this?~~

b. How do you document this? How will it be measured?

c. Since any air samples are prohibited, what is to be assessed? Since any noise, ventilation or other measurements are prohibited, what is to be assessed? How do the current limitations made by management allow me to comply or do this?

d. These questions were not answered in the 9 May 2008 response.

32. To the 15 February Questions: Equipment Maintenance and Calibration. Please show where Equipment Maintenance and Calibration is in my job description. This question was not answered in the 9 May 2008 response.

33. To the 15 February Questions: Equipment Maintenance and Calibration. To the requirement "develop and maintain an equipment tracking log."

a. What is log to look like? Answer is a "bound laboratory book". Please provide AR requirement for this answer.

b. Is it different from the TMDE system? Is it different form the DLMSS system? Is it different from the DOEHRS-IH system? Since I have had to produce a excel listing of calibration, why is another list needed? Please provide AR requirement for this answer.

MCXN-PM (40-5f)

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c. How will this be measured? How does the answer "to meet this standard 100% of all IH equipment will be maintained and calibrated within manufacturer's specifications" apply to this question?

d. How does this do anything to be LAW DA PAM 40-503 paragraph 5-5. **Verification of equipment calibration?**

e. These questions were not answered in the 9 May 2008 response.

34. To the 15 February Questions: Equipment Maintenance and Calibration. To the requirement "Develop a log to document before and after calibrations of equipment used for testing."

a. What is log to look like? Is this different than the Paragraph 33 log? Answer is a "bound laboratory book". Please provide AR requirement for this answer.

b. How will it be measured?

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~~c. This question was not answered in the 9 May 2008 response.~~

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35. To the Questions to the 30 Day Performance Counseling for Karl Gibson dated 25 February 2008 provided to LT Derivan on 26 February 2008.

a. In Paragraph 2.a. Customer Services, says that I was successful. What is excellence?

b. In Paragraph 2.d. Program Management, says I was unsuccessful. I asked "Since you tasked me to do other things, you have provided no guidance on what is wanted, or have you answered my questions - how can you evaluate me like this if I am doing what you want me to do? Since I received the example of the IHIP you wanted on 22 February 2008 and this new was completed on 23 February 2008 and Mr [REDACTED] and LT [REDACTED] stated my old IHIP complied to AR and DA PAM 40-503, why is this unsuccessful?"

c. In Paragraph 2.e. Equipment Maintenance and Calibration, says I was successful. What is excellence?

d. In Paragraph 3.a & b. I have had questions about the Performance Standards and I made them at the 11 and 15 January 2008 counseling, as well as, the 5 and 15 February 2008 questions memos have not been answered. You have tasked me to other duties other than the items in my IPS, yet you want to hold me accountable for not doing all the IPS and for doing the items you tasked me with as higher priority. How is this fair? How am I not communicating? How are you communicating with me since you have not answered my questions?

MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

36. Questions to MFR SUBJECT: Update to Individual Performance Standards dated 19 May 2008.

a. Since most of my questions have not in fact been answered, when will I receive answers that actually address my questions?

b. This document states "were responded to by the documents "Response to Questions Pertaining to the Industrial Hygiene Program Document and Industrial Hygiene Implementation Plan" dated 3 March 2008 and "Gibson - Response" (my copy did not have this title) which you received on 9 May 2008. Since these answered just a few of my questions, how am I to respond to the IPS requirements?

c. Suspense 3.a. As was asked before, what is meant by "Complete setup"? I am given 60 days to do this but it includes weekends, holidays and approved leave. Is this fair? Is this legal?

d. Suspense 3.b. It has been completed and copies provided. Why is this still an issue?

e. ~~Sample Log, since samples are not allowed to be collected, what is the purpose of this log?~~

37. Questions to MFR SUBJECT: Performance Counseling Regarding Industrial Hygiene Workplace Assessments and Reports dated 30 May 2008.

a. The first example of assessment report was provided to my supervisor on 14 May 2008. I was later provided a copy of an example report from my supervisor via Mr. Bentley.

b. The assessment reports follow the requirements of the IPS that I was provided on 15 January 2008 and subsequent instruction I received in 20-22 February 2008 requirements for these assessment memorandums. Now when these are actually performed and written as per my IPS, there are "some fundamental deficiencies."

c. References - "The references that are quoted need to be accurate and up-to-date." This paragraph was copy directly from my Supervisor's example memorandum. I was informed that I should not trust items provided by my Supervisor as accurate and up-to-date. I was not informed and did not know AR 40-5 Preventive Medicine had been updated. Is this a professional way to conduct business?

MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

d. Description of Operations – the descriptions given are vague and general. As per the example provided by my Supervisor, the description has been completed to match. If it is a normal or typical office, as most of the assessments are, what further description is needed? Since this has been defined as an office that has use of a computer with one monitor, some filing and phone use. Since the memo is going to these same office and the terms used were discussed with management and staff, who will not understand?

e. Description of Operations. Paragraph 3.b.1) "SEGs should be identified and described." This is not part of the requirements of the IPS that I was provided on 15 January 2008 and subsequent instruction I received in 20-22 February 2008 requirements for these assessment memorandums. I have explained that I cannot establish SEGs because the employee lists are not available. Why was this requirement added on 30 May 2008? How can it be "fundamental," if it has not been given before or need identified?

f. Description of Operations. Paragraph 3.b.2) "Do not just cut-and paste potential health hazards that run the gamut of possibilities. If there are chemical hazards, identify them. If there are ergonomic hazards, identify them. Are there complaints of Indoor Air Quality issues? List them. Likewise, if a hazard is not present, it should not be mentioned as a potential."

1) As per the example provided and the using the approved list of potential hazards I am to ask about, I wrote the assessment memo. Mr. [REDACTED]'s example provided to me by my supervisor disagreed with my first version when I did not include low, nonhazardous building noise and other "potential" hazards.

2) As for identifying specific hazards, these are included in the stressor section as per Mr. [REDACTED]'s example provided to me by my supervisor.

3) Since any air samples are prohibited, what is to be characterized? Since any noise, ventilation or other measurements are prohibited, what is to be characterized? How do you document this? How will it be measured? Since these prohibitions have not been lifted, how can I do otherwise?

4) "Do not air issues with the DOEHRs-IH in a report that is designed to be distributed externally from our office." Yet, I am to compare between DOEHRs-IH listing and who actually works in the office. Since the management in these areas are provided with a DOEHRs-IH list as directed by my supervisor, why documenting this is not wanted? Why is this not acceptable? How is these management issues to be documented? Since it is a real part of the true IH history of these buildings, why not document this?

MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

g. Operations:

1) "Descriptions of the operations and the table of operations and stressors should match up." This was discussed and was written IAW Mr. [REDACTED] example provided to me by my supervisor. Since IAQ is a building issue regardless to the operation being performed, it cannot be identified with a particular operation.

2) "Reporting a Risk Assessment Code (RAC) as 'Not Able To Calculate' is unacceptable." Doing RACs are not part of the requirements of the IPS that I was provided on 15 January 2008 and subsequent instruction I received in 20-22 February 2008 requirements for these assessment memorandums. I have explained that I cannot establish a level of risk without measurements. Since any air samples are prohibited, what is to be characterized? Since any noise, ventilation or other measurements are prohibited, what is to be characterized? How do you document this? How will it be measured? Since these prohibitions have not been lifted, how can I do otherwise?

~~3) In Note: "Perhaps this is a source of confusion for you. Occupational exposure sampling (i.e. sampling to determine the 8-hour TWA of an exposure) that you recommend is to be submitted through the IHIP and approved before it is performed. However, during these workplace assessments, direct-reading measurements are a rudimentary IH necessity for making your assessment. How else would we determine if there were the potential for an over-exposure? These measurements need to be taken and included within the workplace assessment reports."~~

a) This is the first time my supervisor has suggested that any samples of any kind would be taken. Since any air samples are prohibited, what is to be characterized? Since any noise, ventilation or other measurements are prohibited, what is to be characterized? How do you document this? How will it be measured? Since these prohibitions have not been lifted, how can I do otherwise?

b) Since I was the one that specifically asked about measurement during the IPS and Mr. Bentley's visit and ALL MEASUREMENTS ARE PROHIBITED BY MY SUPERVISOR, I want to know what I am allowed to do and what I am not allowed to still do. Since this is a radical change in my job, differs from my IPS and is dealing with issues greater than this rating period, I require further written guidance to understand the limits. Are we going to comply with OSHA 29 CFR 1910.1000-.1055? In speaking, I understand from my Supervisor that I am to not order supplies to do even spot testing, so what are all the types and kinds of testing is being allowed?

MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

h. Stressors.

1) "The language and syntax of this section is extremely important in clearly and concisely articulating the workplace hazards and recommendations for handling of these hazards." These were written IAW Mr. [REDACTED] example provided to me by my supervisor. What is not clear? What is not concise? How does this not conflict with your paragraph 3.b.2) where you require items be identified, listed, etc? No examples have been provided or shown as to what this issue is about. I require further written guidance to understand the limits.

2) "This is the section of the report where direct-reading measurements would be presented in some kind of a table, and referenced and discussed in the bullets pertaining to the findings." Since I was the one that specifically asked about measurement during the IPS and Mr. [REDACTED] visit and ALL MEASUREMENTS ARE PROHIBITED BY MY SUPERVISOR, I want to know what I am allowed to do and what I am not allowed to still do. Since this is a radical change in my job, differs from my IPS and is dealing with issues greater than this rating period, I require further written guidance to understand the limits. Are we going to comply with OSHA 29 CFR 1910.1000-.1055? In speaking, I understand from my Supervisor that I am to not order supplies to do even spot testing, so what are all the types and kinds of testing is being allowed?

3) "Photos and sketches of the physical layout of the building would also be included in this section where appropriate." These were written IAW Mr. [REDACTED] example provided to me by my supervisor. No such photos and sketches of the physical layout of the building were included. How is this wanted? What is "appropriate"?

4) "If a potential chemical hazard were identified during the survey, it should be stated whether or not it needs to be assessed based on frequency of work, professional judgment, etc." Since I was the one that specifically asked about measurement during the IPS and Mr. [REDACTED] visit and ALL MEASUREMENTS ARE PROHIBITED BY MY SUPERVISOR, I want to know what I am allowed to do and what I am not allowed to still do. Since this is a radical change in my job, differs from my IPS and is dealing with issues greater than this rating period, I require further written guidance to understand the limits. Are we going to comply with OSHA 29 CFR 1910.1000-.1055? In speaking, I understand from my Supervisor that I am to not order supplies to do even spot testing, so what are all the types and kinds of testing is being allowed? Since I am not to list all the chemicals found, how is this to be done? Since several of these workplaces do not have either a chemical inventory or MSDSs, how can this be done?



MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

i. Miscellaneous.

1) "In section 5.a (Assessment), listing the individual tasks involved in performing the workplace assessment (5.a.1-5) does not need to be relayed to the customer as it adds un-needed bulk to the report." These were written IAW Mr. [REDACTED] example provided to me by my supervisor and this includes the limits of the assessment. This is going to be included because these are not IH Surveys and I do not want them to be confused as such. Why would my supervisor want to remove clarity from the assessment memo?

2) "Don't become over-zealous with the "cut-and-paste" feature of Microsoft Word." Since these Assessment Reports are to be written in the same format, style as per Mr. [REDACTED] example provided to me by my supervisor – why would that be radically different from each other? Since they are similar offices doing similar things, why would the memos be different?

j. Suspenses – "It is the end of May 2008 and while we are moving slowly forward, we still have nothing tangible to show for our efforts in the way of reports"

---

1) ~~This is not factually correct. The assessments were performed with my supervisor's guidance and since this wanted changes are a radical change in my prescribed job, differs from my IPS and is dealing with issues greater than this rating period and these reports were written IAW Mr. [REDACTED] example provided to me by my supervisor, I require further written guidance to understand the limits and changes to my job.~~

2) I was finally provided an example of the written assessment on 22 May 2008. I was off for the holiday from 23 May 2008 through 27 May 2008. They were written IAW Mr. [REDACTED] example provided to me by my supervisor and provided to my supervisor on the 28, 29 and 30 May 2008. This is well within the 5 work day suspense required of me.

k. Other Business – Customer Service Requests. Please reread my IPS. None of these so called 'requirements' are identified in my IPS or are they included in the IH Priorities or counseling. I require further written guidance to understand the limits and changes to my job.

MCXN-PM (40-5f)

31 May 2008

SUBJECT: Questions Unanswered from February 2008 Through May 2008

38. POC is Mr. Karl Gibson, Industrial Hygienist and Industrial Hygiene Program Manager at [REDACTED]@amedd.army.mil.

*Karl L. Gibson*  
KARL L. GIBSON  
GS-11, Industrial Hygienist  
USA MEDDAC

Received by:

(Signature)

(Printed Name)

(Date)

Provide to [REDACTED] on 2 June 08, but he refused to sign for.  
*Karl L. Gibson*

34

Exhibit 19 – KG Exhibit # 34

Memorandum For Record

23 June 2008

Subject: Counseling with LT [REDACTED] on 23 June 2008

1. On 23 June 2008, a visible upset LT [REDACTED] called me into his office without warning. I asked LT [REDACTED] what the meeting was about. LT [REDACTED] refused to respond to me to let me know what the meeting was about.
2. Concerned for my safety, I requested a witness. LT [REDACTED] refused my request. LT [REDACTED] began yelling at me and reading a document. LT [REDACTED] was so upset that I could not understand what he was saying, but he appeared to be threatening me. I read my Weingarten Rights. LT [REDACTED] refused to allow me a Union witness. After some more threats, LT [REDACTED] shouted that I would be held accountable to follow the documents that he was trying to read.
3. I requested a copy of the documents so I could read them and us to have a meeting later when he had calmed down. While cursing me, he ordered me out of his office.
4. I have not received these documents.
5. POC is the undersigned

---

*Karl Gibson*  
Karl Gibson  
GS-11, Industrial Hygienist  
USA MEDDAC

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Received By \_\_\_\_\_ Date \_\_\_\_\_

Provide to [REDACTED] on 24 Jun 08; but he did not sign received by.

KG #34

35

Exhibit 19 – KG Exhibit # 35

**Gibson, Karl L MAHC**

**From:** Gibson, Karl L MAHC  
**Sent:** Monday, June 30, 2008 7:39 AM  
**To:** [REDACTED] 1LT MAHC  
**Cc:** [REDACTED]  
**Subject:** RE: IH Equipment & Testing You Want - Request For Written Clarity (UNCLASSIFIED)  
**Signed By:** karl.gibson@us.army.mil  
**Attachments:** MFR Question 30 June 2008.doc



MFR Question 30  
June 2008.doc

Classification: UNCLASSIFIED

Caveats: NONE

Hello LT [REDACTED]

As I have requested before and I have received no guidance from you, I request written clarity for this e-mail.

I have attached my written document and have placed a signed copy on your desk. I request you sign receipt acknowledgement and return a copy to me.

Karl Gibson

-----Original Message-----

**From:** [REDACTED] 1LT MAHC  
**Sent:** Thursday, June 26, 2008 2:14 PM  
**To:** Gibson, Karl L MAHC

**Subject:** RE: IH Equipment & Testing You Want (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Karl,

Now that the Eisenring Deposition is out of the way, your computer is up and running, and your equipment has been returned to you, I am reinstating the suspense for the completion of your IH reports from the counselings "Failure to Correct Industrial Hygiene Reports in Compliance with Guidance" and "Failure to Produce Industrial Hygiene Reports in Compliance with Guidance" that you were presented with on 23 JUN 08.

You have until close-of-business 01 JUL 08 to resubmit the Building 77, 275, 43, and 80 reports in accordance with the specific guidance of 30 MAY 08 counseling.

[REDACTED], MS  
Environmental Science Officer  
Department of Preventive Medicine  
Munson Army Health Center  
Office [REDACTED]

1 KG#35



Fax 913-684-6534

-----Original Message-----

From: Gibson, Karl L MAHC  
Sent: Monday, June 23, 2008 1:07 PM

Subject: RE: IH Equipment & Testing You Want (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Hello [REDACTED],

All my IH equipment that could be used to perform the testing you now want done is either with SSG Ealim for Great Plains' USDB survey or waiting to go to calibration (the calibration is void due to being past due to the Summer calibration & should have left in early May 2008).

Therefore testing is unable to be performed until equipment is returned.

As I understand from the 3 June 2008 e-mail from [REDACTED], Chief Steward, there is a first meeting with management on this issue in regards to managements recent actions of making a change in the working condition environment as they relate to Mr. Karl Gibson duties on June 26, 2008 at 1300.

Karl Gibson  
IH

-----Original Message-----

From: [REDACTED] 1LT MAHC  
Sent: Monday, June 23, 2008 9:10 AM  
To: Gibson, Karl L MAHC  
Subject: RE: IH Equipment You Wanted (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

We should have the equipment back by the end of the week.

[REDACTED]  
1LT, MS  
Environmental Science Officer  
Department of Preventive Medicine  
Munson Army Health Center

[REDACTED] 913-684-6534

-----Original Message-----

From: Gibson, Karl L MAHC  
Sent: Friday, June 20, 2008 10:14 AM

[REDACTED]  
Subject: IH Equipment You Wanted (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Lo [REDACTED],

SSG [REDACTED] signed for the IH equipment that was on your list on a DA 3161. There is about \$22,000. worth of equipment that he has.

There is only one light meter, because the other one's calibration voids on 21 June 2008.

understand that you and SSG [REDACTED] with the Commander's approval will be responsible if any of the equipment is damaged or destroyed.

When will the equipment be returned?

Karl Gibson  
Industrial Hygienist  
IH Program Manager  
USA MEDDAC  
550 Pope Ave, Fort Leavenworth, KS 66027

[REDACTED]  
fax (913) 684-6534  
Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

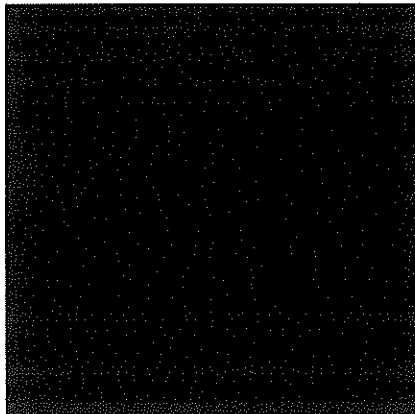
Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

Packing:

Recipient



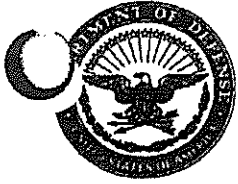
Delivery

Delivered: 6/30/2008 7:39 AM

Delivered: 6/30/2008 7:39 AM

Delivered: 6/30/2008 7:39 AM

Delivered: 6/30/2008 7:39 AM



REPLY TO  
ATTENTION OF

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

MCXN-PM (40-5f)

30 June 2008

MEMORANDUM FOR RECORD

SUBJECT: Request For Clarity From Email Subject: IH Equipment & Testing You Want from  
LT [REDACTED] On 26 June 2008

1. In LT [REDACTED]'s email on 26 June 2008, he stated that my "computer is up and running". To this date I am still experiencing the following difficulties with my computer: Others who log in as [REDACTED] are editing my H-drive files as found on 23 June 2008 and I was denied access to my own H drive, 18 different equipment program files are needed to be reloaded, my e-mail archives are missing and form flow and other like programs are missing. IMD spent most of Friday afternoon trying to find and fix these problems. I am waiting on IMD to fix them. I request to know who has access to my H drive and who was modifying my files.

2. In LT [REDACTED] email on 26 June 2008, he stated that your "equipment has been returned to you". As of the writing of this document at 07300 hrs on 30 June 2008, none of the equipment that has been hand receipted for by SSG [REDACTED] and by LT [REDACTED] from me has been returned to me. Once returned, I will still need to ensure they the equipment is in proper working condition.

3. In LT [REDACTED] email on 26 June 2008, he stated that "you are reinstating the suspense for the completion of your IH reports from the 23 June 2008 counseling". At this meeting, I requested a witness to this event and you refused. At this meeting, I read my Weingarten Rights and you refused to allow me a Union Representative and you declared that I would be held accountable to follow these documents. I do not have, nor have you provided me with copies of either document that you refer to.

4. I want to be able to do my Industrial Hygiene job, but I am unclear as to what I am permitted to do as a result of the written prohibitions put in place by LT [REDACTED]. As I have requested before, LT [REDACTED] has refused to provide written clarity as to what am I allowed to do. LT [REDACTED] has repeatedly stated that all testing, measuring and sampling are prohibited. When told to do testing - I have requested written clarity concerning what testing, measuring or sampling that I am permitted to perform. Management has held to a steadfast refusal to provide me written guidance, or alternate instructions that allow me to conduct testing. Again, I request written clarity concerning what I am prohibited from testing, measuring, or sampling?

5. Why?

MCXN-PM (40-5f)

30 June 2008

SUBJECT: Request For Clarity From Email Subject: IH Equipment & Testing You Want from LT [REDACTED] On 26 June 2008

a. According to the MFR SUBJECT: Deferment of Indoor Air Quality and Occupational Exposure Testing dated 28 August 2007, Karl Gibson is prohibited from testing, measuring, or sampling anything. When given orders to do unspecified testing by my supervisor, I have repeatedly asked (to include at the 23 June 2008 counseling) if this 28 August 2007 written order had been lifted. LT [REDACTED] has always stated "No, it has not been lifted."

b. According to MFR SUBJECT Individual Performance Standards for Karl Gibson dated 10 January 2008, it lists 6 things that these "assessments" are to include. It does not include any testing, measuring, or sampling during these "assessments". I have repeatedly asked (to include at the 23 June 2008 counseling) if my IPS have changed. LT [REDACTED] says the IPS has not been changed. Management has not specified what an assessment is or the authority for under what circumstances an "Assessment" is to be conducted. DA PAM 40-503 clearly defines that IH surveys will be conducted – but does not cover "walk-thrus" or "assessments." If some other authority exists that precludes surveys in lieu of an "assessment", these standards have not been brought to my attention.

---

c. According to the second meeting concerning the IPS for Karl Gibson conducted with Mr. Bentley (on the phone), LT [REDACTED] and Karl Gibson on 15 January 2008 and the minutes in MFR SUBJECT: Initial Counseling of Karl Gibson by LT [REDACTED] Part #2 on 15 January 2008, dated 15 January 2008, I record from both LT [REDACTED] and [REDACTED] "I am prohibited from doing any survey air sampling for monitoring employee exposures, doing ventilation measurements, or any other measurements (i.e. Light, noise, etc.)" I have repeatedly asked (to include at the 23 June 2008 counseling) if these prohibitions have changed. LT Derivan says they have not.

d. According to LT Derivan's 13 Feb 2008 e-mail SUBJECT: GPRMC Visit 19-22 Feb 2008, to inform me of the upcoming visit from Mr. Scott Bentley. LT [REDACTED] tasked me to "use this time with [REDACTED] wisely and efficiently." I prepared additional questions for IPS to ask both LT [REDACTED] and Mr [REDACTED] during this visit.

e. According to the MFR SUBJECT: Additional Questions on IPS Feb 2008, dated 15 February 2008, I asked in paragraph 2.a.1) "What kind of surveys are these to be? Since air samples are prohibited? Since noise, ventilation or other measurements are prohibited?" I have repeatedly asked (to include at the 23 June 2008 counseling) if this prohibitions have changed. LT [REDACTED] says the prohibitions have not been lifted.

MCXN-PM (40-5f)

30 June 2008

SUBJECT: Request For Clarity From Email Subject: IH Equipment & Testing You Want from LT [REDACTED] On 26 June 2008

f. According to the visit and minutes recorded in IH Work Log for 19-22 Feb 2008 and sent to LT [REDACTED] on 22 February 2008, For Walk Thurs and Assessments: "I am prohibited from doing any survey air sampling for monitoring employee exposures, doing ventilation measurements, or any other measurements (i.e. Light, noise, etc.)" I have repeatedly asked (to include at the 23 June 2008 counseling) if this prohibitions have changed. LT [REDACTED] says the prohibitions have not been lifted.

g. According to the MFR SUBJECT: 30 Day Performance Counseling for Karl Gibson, dated 25 February 2008. It documents that "there were no IH hazard assessment surveys conducted during this time period" and it was "NOT RATED". I asked LT [REDACTED] what was successful and what would reflect excellence? LT [REDACTED] reminded me that "Everything is subjective." I stated that that is not my understanding of the TAPES and I asked under what authority or standard did LT [REDACTED] find this? LT [REDACTED] had provided no response.

h. On 4 April 2008 in the emailed IH Work Log 31 March to 4 April 2008, I provided LT [REDACTED] ~~a draft IH Work Place Assessment Form. On the first page, it clearly states what the~~  
assessment would cover:

"IH hazard assessment on buildings on Fort Leavenworth IAW "IH Project priority List":

- (a) Document all chemicals used
- (b) Interview = or > 30% of occupants to determine need for testing
- (c) Document physical layout of building (include fire exits, storage of chemicals, and supplies
- (d) Document any biological concerns within each building
- (e) A visual inspection of work place to determine other potential hazards (do photo index of surveyed buildings)
- (f) Document each ergonomic hazards inherent to each activity.
- (g) All above information will be placed in DOEHRS-IH by the end of each month surveyed.
- (h) No sampling or measurement of hazards will be conducted."

i. On 23 April 2008, I received verbal changes to the "IH Work Place Assessment Form". None of these verbal changes changed LT [REDACTED] prohibition from doing any survey air sampling for monitoring employee exposures, doing ventilation measurements, or any other measurements (i.e. Light, noise, etc.).

j. On 9 May 2008, LT [REDACTED] provided me a copy of a chart called "response to the question (s) presented by Mr. Gibson on 22 February 2008 requesting clarification to the IPS". On page 2 (not labeled as such), the question from Mr. Gibson Additional Questions MFR was "What kind of surveys are these to be? Since air samples are prohibited? Since noise, ventilation or other measurements are prohibited?" The answer was left blank. I have not been presented with any instructions, whereby, LT [REDACTED] has lifted any testing, measuring or sampling prohibitions.

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k. According to the MFR SUBJECT: Update to Individual Performance Standards dated 19 May 2008 and provided to Karl Gibson on 20 May 2008, the document does not state anything about assessments or lifting LT [REDACTED] prohibition from doing any survey air sampling for monitoring employee exposures, doing ventilation measurements, or any other measurements (i.e. Light, noise, etc.)" I have repeatedly asked (to include at the 23 June 2008 counseling) if these prohibitions have changed. LT [REDACTED] says they have not. I asked without testing, how do samples come about and what was the purpose for paragraph 4 which states: "Sample Log - From this point forward, all samples that are collected will be tracked in a sample log for ease of information retrieval. An example of this log will be forwarded to you through email." I asked LT [REDACTED] if this meant that LT [REDACTED] prohibition from doing any survey air sampling for monitoring employee exposures, doing ventilation measurements, or any other measurements (i.e. Light, noise, etc.) was changing?" LT [REDACTED] says the prohibitions have not been lifted.

l. According to the MFR SUBJECT: Performance Counseling Regarding Industrial Hygiene Workplace Assessments and Reports dated 30 May 2008, paragraph 3.c.2) states:

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"Reporting a Risk Assessment Code (RAC) as 'Not Able To Calculate' is unacceptable. This is the whole purpose of these workplace assessments. 'Direct-reading' measurement taken during the assessment will be the initial basis for how we RAC an operation, and be the basis for whether or not occupational exposure sampling is appropriate. \*NOTE: Perhaps this is a source of confusion for you. Occupational exposure sampling (i.e. sampling to determine the 8.0 hour TWA of an exposure) that you recommend is to be submitted through the IHIP and approved before it is performed. However, during these workplace assessment, direct-reading measurement are a rudimentary IH necessity for making your assessment. How else would we determine if there were the potential for over-exposure? These measurements need to be taken and included within the workplace assessment reports."

1) This was a major change to the previous direction given by LT [REDACTED]

2) I asked what he really meant by this? I requested written clarity concerning what testing, measuring or sampling I am permitted to perform? What am I prohibited from testing, measuring, or sampling? LT [REDACTED] has refused to provide written clarity of what he wants.

m. On 4 June 2008, I emailed to LT [REDACTED] a MFR with questions concerning MFR SUBJECT: Performance Counseling Regarding Industrial Hygiene Workplace Assessments and Reports dated 30 May 2008.

1) On page 2, paragraph b. Operations: 3) I wrote:

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"3) In Note: "Perhaps this is a source of confusion for you. Occupational exposure sampling (i.e. sampling to determine the 8 hour TWA of an exposure) that you recommend is to be submitted through the IHIP and approved before it is performed. However, during these workplace assessments, direct-reading measurements are a rudimentary IH necessity for making your assessment. How else would we determine if there were the potential for an over-exposure? These measurements need to be taken and included within the workplace assessment reports."

a) This is the first time my supervisor has suggested that any samples or measurements of any kind would be taken. Since any air samples are prohibited, what is to be characterized? Since any noise, ventilation or other measurements are prohibited, what is to be characterized? How do you document this? How will it be measured? Since these prohibitions have not been lifted, how can I do otherwise?

b) Since I was the one that specifically asked about measurement during the IPS and Mr. Bentley's visit and ALL MEASUREMENTS ARE PROHIBITED BY MY SUPERVISOR, I want to know what I am allowed to do and what I am not allowed to still do. Since the testing prohibitions are a radical change in my job, and they differs from my IPS and these changes deal ~~with issues greater than this rating period, and I require further written guidance to understand~~ the limits. Are we going to comply with OSHA 29 CFR 1910 regulations? In speaking to my Supervisor, his guidance is that I am not order supplies or to even do 'spot' or grab testing. So what are all the types and kinds of testing I'm allowed to do? What has changed since the 28 August 2007 MFR SUBJECT: Deferment of Indoor Air Quality and Occupational Exposure Testing was published? Am I allowed to perform my job IAW my job description? This calls for me to "Plan and executes on-site studies and surveys covering the full range of occupational operations at Fort Leavenworth, the U. S. Disciplinary Barracks, and the Fort Leavenworth Health Services area. Coordinates and schedules surveys with the appropriate activity/facility. Collects, or supervises the collection of various samples which may involve exposure to a variety of potential hazards requiring the use of PPE & C." If not, I require further written guidance to understand the limits. Am I allowed to do IH surveys IAW OSHA Technical Manual (OTM) TED 01-00-015? Use NIOSH manual of Analytical Methods? Am I allowed to follow OSHA Guidance on Biological Agents? Am I allowed to follow OSHA Guidance on Direct-Reading Instruments? Am I allowed to follow OSHA Guidance about Indoor Air Quality? Am I allowed to follow OSHA Guidance for Noise and Hearing Conservation? Am I allowed to follow EPA Guidance on Ventilation and Air Quality in Offices? Am I allowed to follow OSHA Sampling and Analytical Methods and Sampling Survey Protocol? Am I allowed to follow SKC Guide to OSHA/NIOSH/ASTM Air Sampling Methods? Am I allowed to follow OSHA Sampling and Analysis Standards? Am I allowed to follow OSHA 29 CFR 1910.1000? For Ceiling Values, if instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15 minute TWA exposure. For 8-hour TWA, employee's exposure to any substance will be measure and insure Table Z-1 limits for Air Contaminants are complied with. Am I allowed to follow OSHA 29 CFR 1910.1001 Asbestos standard to include paragraph (d)? Am I allowed to follow OSHA 29 CFR 1910.1027 Cadmium standard to include paragraph (d)? Am I allowed to follow the other

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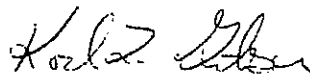
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specific OSHA 29 CFR 1910 chemical specific standards? Am I allowed to follow OSHA 29 CFR 1910.252 to include paragraph (c) Health protection and ventilation? Am I allowed to follow AR 385-10? Am I allowed to follow AR 40-5? Am I allowed to follow DA PAM 40-11 to include paragraphs 4-14, 4-15, and 5-2? Am I allowed to follow DA PAM 40-501 to include paragraphs 4-1, 4-2, 4-4, 4-5, and Chapter 5? Am I allowed to follow DA PAM 40-503 to include paragraphs 1-8, 4-4, 4-5, 4-8, 4-9, 4-10, 4-12, 4-14, 4-15, 7-2, 7-3, 7-4, 7-6, 7-7, 7-8, 7-9, 7-10, Appendix B, and Appendix D? Am I allowed to follow DA PAM 40-506 to include paragraphs 3-7 and 5-3? Am I allowed to follow TG 040? Am I allowed to follow TG 141? Am I allowed to follow TG 181? Am I allowed to follow TG 278 to include Assessments Requiring Sampling paragraph? Am I allowed to follow IH SOP Personal Sampling For Air Contaminants and Quality Assurance? Am I allowed to follow IH SOP Noise Surveys and Hearing Conservation? Am I allowed to follow IH SOP Ventilation Survey Data? Am I to follow MFR SUBJECT: Performance Expectations for Karl Gibson dated 9 April 2007 but provided to me on 19 April 2007? Am I to follow any of the changes in my working conditions made from 10 May 2007 through 1 August 2007?"

2) I have received no response from LT [REDACTED] to my 4 June e-mail.

6. I requested written clarity concerning what testing, measuring or sampling I am permitted to perform? What am I prohibited from testing, measuring, or sampling? LT [REDACTED] has refused to provide me this information.

7. POC is the undersign.



Karl Gibson  
Industrial Hygienist  
USA MEDDAC

CC:  
AFGE 738

Recipient Acknowledged

Printed Name

Sign

30 JUN 08  
Date