



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300

Washington, D.C. 20036-4505

The Special Counsel

August 23, 2012

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

Re: OSC File No. DI-11-0487

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), enclosed please find an agency report and supplemental report based on a disclosure made by a whistleblower at the Department of the Air Force (Air Force), 50<sup>th</sup> Civil Engineering Squadron, Schriever Air Force Base (AFB), Colorado, alleging that employees engaged in conduct that may pose a substantial and specific danger to public safety. Mr. Keith D. Anderson, who consented to the release of his name, is a Utility Systems Operator in the 50<sup>th</sup> Civil Engineering Squadron. Mr. Anderson disclosed that seven cooling towers, located in the Central Utility Plant at Schriever AFB, do not have operational vibration and oil level switches, which could cause serious damage to employees and equipment in the event of a failure in the cooling system. The agency investigation did not substantiate Mr. Anderson's disclosure; nonetheless, the Air Force took action to correct the hazard identified by Mr. Anderson.

Mr. Anderson's allegations were referred to the Honorable Michael B. Donley, Secretary, Air Force, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). The investigation of the matter was delegated to the Headquarters Air Force Space Command (AFSC) who appointed an investigating officer and a subject matter expert to conduct an investigation into Mr. Anderson's allegations. On December 8, 2011, the Secretary submitted the agency's report to this office. On January 25, 2012, OSC received a supplemental report from the agency. On March 16, 2012, Mr. Anderson provided comments on the reports pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the reports and Mr. Anderson's comments to you.

In his disclosure, Mr. Anderson explained that the role of the vibration and oil level switches is to signal the cooling tower operator through system shutdown that a potential damaging condition is present in the fan drive system, thereby preventing damage to the fan drive equipment and the surrounding cooling tower structure. Mr. Anderson asserted that five of the seven cooling towers had vibration and oil level switches physically attached to

The President  
August 23, 2012  
Page 2

the towers, but not connected to the tower circuitry. In the remaining two, either the vibration switch or the oil level switch was not present.

Specifically, the AFSC investigation found that the vibration and oil level switches are recommended by the manufacturer for installation, but are not required for the equipment to be operational. Citing to the manufacturer's manual, the report noted the following warning with regard to the vibration cut out switch: "[f]ailure to wire and connect these devices to protect the rotating equipment will void all applicable warranties by the manufacturer and may result in serious damage to the equipment and injury to personnel." The manual also included a similar warning regarding the oil level switches. The investigation concluded that the switches were options for the equipment to retain manufacturer warranties and to avoid potential damage to the equipment and/or personnel, but were not required. In addition, the report indicated that because the cooling towers are located on a building rooftop, with only Plant Operators having consistent access to the towers, that there is a minimal likelihood of danger to the public. The investigation also found that employees violated Air Force policy by failing to submit required reports when cooling tower functions operated at decreased redundancy. See Air Force Space Command Instruction (AFSPCI) 32-1010, *Utility Outage and Incident Reporting*, 1 November 2004.

As a result of the investigation, the Air Force took corrective action to install operational vibration switches in the cooling towers. According to the Air Force, the operational vibration switches were installed in the cooling towers in mid-December 2011. The Air Force asserted that the installation of these switches should eliminate the risk posed to employees. It should also help prevent future damage to the cooling towers. In addition, the oil level sight glasses on every tower have been replaced, and those that had been located inside the towers were relocated outside of the towers.<sup>1</sup> Furthermore, as a result of the investigation, employees are now making proper outage reports as required under AFSPCI 32-1010.

In his comments, Mr. Anderson conveyed his dissatisfaction with the AFSC's investigation. He expressed his belief that there are a number of inconsistencies in the report regarding the fan blades, oil level checks, compliance with AFSPCI 32-1010, annual training, oil level switches, the damage to metal grates, and other related issues. Mr. Anderson asserted that the failure to address these issues would result in further safety problems.

I have reviewed the original disclosure, the agency's reports, and Mr. Anderson's comments. Based on that review, I have determined that the agency's reports contain all of the information required by statute, and the findings appear to be reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent copies of the agency's reports and Mr. Anderson's comments to the Chairmen and Ranking Members of the Senate Committee

---

<sup>1</sup> An oil level sight glass is a transparent tube used to indicate the oil level. It allows for continuous monitoring of the oil level on equipment with fluid lubrication systems.

The Special Counsel

The President  
August 23, 2012  
Page 3

on Armed Services and the House Committee on Armed Services. I have also filed copies of the redacted agency report, the supplemental report, and Mr. Anderson's comments in our public file, which is now available online at [www.osc.gov](http://www.osc.gov). The redacted report identifies Air Force employees, other than Mr. Anderson, and other individuals by title.<sup>2</sup> OSC has now closed this file.

Respectfully,



Carolyn N. Lerner  
Special Counsel

Enclosures

---

<sup>2</sup> The Air Force provided OSC with a redacted report, which substituted titles for the names of Air Force employees and other individuals referenced therein. The Air Force cited the Freedom of Information Act (FOIA) (5 U.S.C. § 552) and the Privacy Act of 1974 (Privacy Act) (5 U.S.C. § 552a) as the basis for these revisions to the report produced in response to 5 U.S.C. § 1213. OSC objects to the Air Force's use of the FOIA and Privacy Act to remove the names of these individuals on the basis that the application of the FOIA and Privacy Act in this manner is overly broad.