



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

June 29, 2023

Mses. Linda Seemann, Teddi Mitchell, and Claudette Joyner
c/o Mr. Ward Morrow
AFGE General Counsel's Office
80 F Street NW
Washington, DC 20001

SENT VIA E-MAIL TO: morroj@afge.org

Re: OSC File Nos. DI-23-000706; DI-23-000708; and DI-23-000719

Dear Mses. Seemann, Mitchell, and Joyner:

The Office of Special Counsel (OSC) has completed its review of the information you referred to the Disclosure Unit. You alleged employees of Department of Agriculture (USDA), Agricultural Research Service, Beltsville Agricultural Research Center (BARC) in Beltsville, Maryland, engaged in actions that constitute a violation of law, rule, or regulation; gross mismanagement; a gross waste of funds; and a substantial and specific danger to public safety. You consented to the release of your names to the USDA in connection with the investigation.

OSC is authorized to determine whether disclosures should be referred to the involved agency for investigation, or review, and a report; however, OSC does not have the authority to investigate disclosures. OSC may refer allegations of violation of law, rule or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. Disclosures referred to the agency for investigation and a report must include information sufficient for OSC to determine whether there is a substantial likelihood of wrongdoing.

You disclosed that BARC leadership has failed to provide employees a workplace that is free from recognized hazards, as required by 29 U.S.C. § 654. Specifically, you alleged that BARC leadership has failed to adequately maintain many of the facility buildings and structures, resulting in an unsafe and deteriorating workplace environment for employees; BARC facilities employees do not have the required tools and equipment for adequate maintenance and repair of the buildings and structures; and the unsafe and deteriorating conditions have resulted in the loss and improper handling of scientific equipment, research, and data.

After reviewing the information you provided, we have requested that the Secretary of Agriculture conduct an investigation into these allegations and report back to OSC pursuant to 5

U.S.C. § 1213(c). We have provided the Secretary 60 days to conduct the investigation and submit the report to OSC. However, you should be aware that these investigations usually take longer and agencies frequently request and receive extensions of the due date. Should the USDA request an extension in this case, we will advise you of the new due date for the report.

Unless the report is classified or otherwise not releasable by law, we will send you a copy after our review so that you may comment on the report, if you wish. When the matter is closed, the Special Counsel will transmit the report and your comments to the President and the appropriate congressional oversight committees. Copies of these documents will be maintained by OSC in a public file, which is posted on OSC's website at www.osc.gov.

We emphasize that, while OSC has found a substantial likelihood of wrongdoing based on the information you submitted in support of your allegations, our referral to the Secretary for investigation is not a final determination that the allegations are substantiated. This remains an open matter under investigation until the agency's final report is forwarded to the President and Congress.

If you have questions or wish to discuss this matter, please contact me at 202-804-7099.

Sincerely,

A handwritten signature in black ink, appearing to read 'JL Oliver', with a long horizontal flourish extending to the right.

Johanna L. Oliver
Attorney, Disclosure Unit