



U.S. OFFICE OF SPECIAL COUNSEL
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The Special Counsel

June 25, 2025

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

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

Dear Mr. President:

I am forwarding to you reports transmitted to the Office of Special Counsel (OSC) by the Department of Agriculture (USDA) in response to the Special Counsel's referral of a disclosure of wrongdoing at the Agricultural Research Service (ARS), Beltsville Agricultural Research Center (BARC), Beltsville, Maryland. OSC has reviewed the disclosure, agency reports, and whistleblower comments, and, in accordance with 5 U.S.C. § 1213(e), I have determined that the reports contain the information required by statute and the findings appear reasonable.¹ The following is a summary of the allegations, USDA's findings, and the whistleblowers' comments in response.

Whistleblowers [REDACTED], BARC employees who consented to the release of their names, disclosed that BARC leadership failed to provide employees a workplace free from recognized hazards as required by 29 U.S.C. § 654. They alleged that BARC leadership failed to adequately address complaints concerning workplace conditions since 2017 resulting in unsafe conditions throughout its approximately 300 buildings and structures. For example, the whistleblowers alleged that the elevator in building 001 was frequently out of service or trapped employees when considered operational. The whistleblowers also alleged that the entire campus was frequently without running water, the temperature in most buildings was poorly regulated, many buildings had water damage or flooding from unstable plumbing, and dozens of buildings had not had working fire suppression systems since 2021. The whistleblowers alleged the unsafe and deteriorating conditions at BARC have resulted in the loss and improper handling of scientific equipment, research, and data.

¹ The whistleblowers' allegations were referred to former Secretary of Agriculture Thomas J. Vilsack for investigation pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Vilsack assigned a multi-disciplinary team led by the USDA Forest Service and USDA Office of Human Resource Management to conduct the investigation.

The agency investigation largely substantiated the whistleblowers' allegations, finding pervasive safety deficiencies in many of the facilities and structures at BARC, including a general lack of housekeeping; excessive dirt and grime; flaking and peeling paint; damaged flooring; active and post flooding and other water intrusions; mold; and a lack of potable water. The agency determined that because the facility did not have Operation and Maintenance plans or a current Facility Master Plan for its infrastructure, staff were merely reacting to problems after they occurred. The agency found that BARC facilities employees did not have the required tools and equipment for necessary maintenance and repair of buildings and structures. Inadequate staffing, poor communication, and the lack of necessary training for employees in facilities management positions also contributed to the failure to implement preventative maintenance on BARC buildings and facilities. Based on the general safety and facility deficiencies found throughout the property, coupled with noted failures to meet or maintain existing compliant accessibility features, the agency determined that BARC leadership was in violation of 29 CFR 1910.146 *et seq.*, the Architectural Barriers Act of 1968, and the Rehabilitation Act of 1973.

The agency did not substantiate that unsafe and deteriorating conditions at BARC resulted in the loss and improper handling of scientific equipment, research, and data. The agency explained that although the investigative team concluded that the condition of the facilities damaged scientific equipment, derailed and delayed research studies, and resulted in increased costs to research operations at BARC, they found no evidence of irretrievable research loss and, thus, could not substantiate the allegation.

In response to the agency findings, former Secretary Vilsack directed the transfer of \$50 million previously allocated for a new building at another ARS location to BARC for crucial repairs and modernization to ensure employee safety and health. In addition, agency leadership established an Oversight and Support Team and an Executive Response Team to provide USDA and ARS oversight to the response efforts and ensure timely and successful completion of the 60 recommended corrective actions. To date, many corrective actions have been completed, for example, a new permanent BARC Director has been selected and the Executive Response Team has developed a new BARC Master Plan to plan, prioritize, and modernize future workspace and aligned the new Master Plan with ARS 2024 Capital Investment Strategy.

In their comments, the whistleblowers expressed their appreciation for the efforts and consideration given by the USDA Investigators and indicated that the agency has made a good start addressing the ever-deteriorating conditions at BARC. They highlighted that the hiring of new and highly competent BARC and Facilities Directors allowed employees to see real improvements at the facility.

The whistleblowers disagree with the agency's conclusion that research was not affected by the lack of leadership and inadequate infrastructure. They maintain that the

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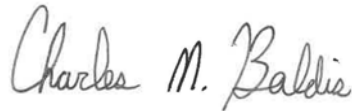
continuous failure of essential functions at the facility had a negative impact on the agency's research mission. The whistleblowers acknowledged that many pervasive and systemic issues were identified in the agency investigation, but identified additional issues the reports did not address and recommended that a forensic financial investigation be conducted to fully account for the facility's negligence and waste of taxpayer money.

The agency concluded that many of the problems at BARC have accumulated over decades due to inadequate funding from Congress to repair, maintain, and modernize BARC, as well as ARS laboratories and research centers nationwide. The agency identified \$190 million in deferred maintenance needs at BARC. However, as noted by the whistleblowers, years of inefficient facility management have likely resulted in wasteful spending. I am encouraged to see that the corrective actions include a plan to move BARC employees from 23 buildings to 11 modernized buildings. I urge USDA leadership to consider whether the facility deficiencies can be addressed through more efficient management and spending, rather than relying solely on an increase in funding.

I thank the whistleblowers for bringing these allegations to OSC. Given the significance of the whistleblowers' disclosures and the agency's comprehensive response, OSC recommends that the USDA recognize their contributions to improve government efficiency and the safety of BARC workers and consider issuing a monetary award to them.

As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency reports, and whistleblower comments to the Chairmen and Ranking Members of the Senate Committee on Agriculture, Nutrition, and Forestry and House Committee on Agriculture. OSC has also filed redacted copies of these documents and the letter referring the matter to the Secretary in our public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,



Charles N. Baldis
*Senior Counsel and Designee
of Acting Special Counsel Jamieson Greer*

Enclosures