

DECLARATION OF KIM R SCHAFERMEYER

1. This Declaration is being submitted pursuant to 28 U.S.C. 1746. I submit this Declaration in support of my Opposition to the Blue Grass Army Depot's Motion for Summary Judgment in Department of Labor Case No. 2007-CAA-1.
2. I am an adult citizen of the State of Kentucky. I hold a Bachelor of Science Degree in Chemistry from Lincoln University, Jefferson City, MO. I am a U.S. Army certified expert in Chemical Weapons Agent, Agent Custodian, Chemical Hygiene Officer, Sr. Physical Scientist, Sr. Analytical Chemist, and a Registered Professional Industrial Hygienist.
3. I was hired on 22 Aug, 2005 as Physical Scientist, 1301, GS 11/11 (USAJOBS Ann. No. SWAU05519354D) at Bluegrass Chemical Activity (BGCA), Richmond, KY. The Commander was LtC George B. Shuplinkov, US Army; James D. Rooney, Civilian Executive Assistant; Richard Hancock, Director Risk Management; Colleen Sydor, Director Surety; Thomas Bilyeu, Director Chemical Operations; Bonnie McCoy, Supervisory Chemist; Susan Epperson, Quality Assurance Specialist.
4. I do not have access to my BGCA emails or computer files, which I requested on 14 August, 2006 pursuant to FOIA, to obtain my Sent and Received emails and the information on my desktop computer at BGCA. On September 21, 2006 I received an acknowledgement from Dana L. Brant, Admin/FOIA Officer, BGCA. The request is identified as "BGCA06-0003." My next communication was from B. Kevin Bennett, Legal Advisor, BGCA, on 22 February, 2006, apologizing for the lengthy delay in responding to my FOIA request. To this date, I have not received the requested email and computer information. This seven month delay has negatively impacted my ability to appeal my wrongful termination as Physical Scientist from BGCA. Some of the matters I attest to below can be confirmed with documentary evidence when I receive these records, as well as other records which I have requested in discovery in this proceeding.
5. BGAD stores over 500 tons of chemical warfare agents in approximately forty-five igloos.
6. My duties included certification and application of Standing Operational Procedures (SOPs) in the Toxic Chemical Laboratory (TCL) and Real Time Analytical Platforms, (RTAPs). It was my responsibility to supervise three Assistant Physical Scientists, train RTAP operators, write SOPs and certify analytical chemistry data supporting storage status and safety issues within the igloos, adjudicate all safety issues and make recommendations to the command structure.
7. At my only Performance Review and Consultation during my employment at BGCA, on February 1, 2006, I received an "excellent" appraisal from Bonnie McCoy.

8. My first assignment at BGCA was mold remediation in the igloos containing the live chemical weapons. Working with other Army personnel, I researched the issue, designed tests and made recommendations to the Commander concerning remediation. The operation was successful, and the non-relocation re-palletization, i.e. replacement of mold-damaged pallets in which the chemical weapons were stored, is ongoing.

9. On or about, October/November 2005, I met Mr. Bill Buchanan, Jr., RPIH, and a Kentucky Department for Environmental Protection (KDEP) colleague in the Chemical Limited Area (CLA), Blue Grass Army Depot / Blue Grass Chemical Activity, (BGAD/BGCA). I explained to them the BGAD/BGCA black mold situation which I was working to remediate at the time. KDEP has Kentucky state oversight responsibilities for a permit to handle hazardous waste at BGCA/BGAD. I was reprimanded by US Army LtC Shuplinkov, BGCA Commander; Mr. Thomas Bilyeu, Director of Chemical Operations and Ms. Bonnie McCoy, Supervisory Chemist; as witnessed by Environmental Safety Officer Kirk Kopitzke, BGAD/BGCA. I was instructed by them, at that time, that I was not to speak to Mr. Buchanan or KDEP again, that this was not in my job description.

10. My next contact with Mr. Buchanan, by cell phone, was about two weeks after my termination from BGCA by certified and registered USPS mail notification which I received 12 July, 2006. At this time, Mr. Buchanan provided me with his personal contact information in addition to his KDEP information. I had his KDEP professional card from the Oct/Nov 2005 CLA interface. I informed him that I had been wrongfully terminated from BGCA and I offered my expertise in the area of air monitoring protocols for Chemicals Weapons Agent and safety issues at BGCA.

11. On 24 October, 2005 through 28 October, 2005, I attended in Las Vegas, NV, a US Army Chemical Materials Agency (CMA), Environmental, Monitoring, and Closure Roundtable. Present were Mr. Nick Kurlick, CMA-Monitoring, Mr. Kevin Dolan, CMA, and Mr. Kirk Kopitzke, BGCA Environmental Specialist, (who was not present for my private conversations with Dolan and Kurlick), and representatives of the other CMA Non-Stockpile sites, including federal employees and contractors. At this meeting, I address my predicament with the growing resentment toward me by McCoy and Bilyeu for questioning the scientific veracity of SOPs and safety issues at BGCA, to Mr. Dolan in private, and ask for possible avenues of relief. He informs me I can not be relocated within Bluegrass or promoted to a GS-12 to protect me from my Supervisors. He explains "time-in-grade" to me and asks me to "stick it out."

12. When, at this same Roundtable, I again address the transparent incompetence of McCoy, and Bilyeu's unwillingness to correct the mistakes of McCoy to Mr. Kurlick in a separate meeting, he denies the danger of the situation where a non-chemist (McCoy) is implementing CMA policy in a restricted area. He and Mr. Dolan state clearly that they feel that the problem is Mr. Bilyeu and that Ms. McCoy lacks training. I ask if McCoy has a degree in chemistry or any science, and Dolan and Kurlick state that they do not know factually. I pose this same question to Mr. Kopitzke over dinner alone, at a German restaurant near the hotel where we are both staying. He states that he thinks "she

has some kind of a degree.” I ask if she was properly vetted for the Supervisory Chemist job, and Mr. Kopitzke states clearly, “I don’t know that. You’ll have to ask Colleen (Sydor.) That’s her job.” Upon return from the conference, I pose this same question to Ms. Sydor. She is defensive and evasive without giving a clear answer, and some time soon after I leave her office, she reports my question to Mr. Bilyeu and Ms. McCoy.

13. Mr. Bilyeu then calls me into his office and is aggressive and inappropriate verbally, using profanity and language demeaning to women. He is physically intimidating at six feet four inches and over a hundred kilos. This is a harassment I will find myself subjected to with increasing regularity and gravity.

14. On Nov 7, 2005 thru Nov 18, 2005, I attended a training Mass Spectrometry seminar at the Chemical Demilitarization Training Facility (CDTF) General Physics, Aberdeen Proving Grounds (APG), Edgewood, MD. I was surprised to learn that 99.99% of the un-specified chemical warfare agents used to qualify and standardize each Gas Chromatograph Agilent 6890 FPD, and Gas Chromatograph/Mass Spectrometer, Agilent 5973 Inert, is being purged from the instruments through effluent vents and vacuum pumps, unfiltered, into the laboratory atmosphere. Without cowl ventilation above the instrument, live Chemical Weapon Agents are being passively ventilated via the working Laboratory Hoods. This is a violation of Army regulation. Inadequate ventilation could lead to exposures of workers and visitors to chemical warfare agents in excess of the Worker Population Limit and in violation of Kentucky laws and site specific permits. Even non-lethal exposures to these agents can negatively impact human health.¹ The instrument manufacturers of these Agilent devices recommend passive ventilating with common “dryer hose” to an unspecified exhaust mechanism. **See Ex. 1 hereto.** Commercial “dryer hose” is not designed to be chemically resistant to the mobile phase of dilute Chemical Agent Standard Analytical Research Material (CASARM) Agent or the Agent in any of its analogues, and thus cannot be considered an approved recovery system. Other, as yet unavailable, emails confirm the non-destruction of dilute CASARM Agent by this manufacturer.

15. The instruments at BGAD/BGCA, Chemical Limited Area, were installed without ventilation, under the supervision of Thomas Bilyeu, Director of Chemical Activity, and Bonnie McCoy, Supervisory Chemist. Funding for the instruments and HVAC upgrades to include ventilation as prescribed, was furnished as a Line-Item in H.R. 4613, (22 June, 2004), sponsored by U.S. Senator Jim Bunning, Kentucky. To date, the funds for HVAC upgrade have not been spent. The ventilation issues for the Real Time Analytical Platforms (RTAP) remain uncorrected by Chemical Material Agency (CMA), the parent organization of BGAD. After the Nov 7 to 18/2005 training I detailed the issue of the instruments venting chemical agent to Kurlick and Dolan, CMA Monitoring Group, Edgewood, MD and to Bonnie McCoy first and then James Rooney at BGCA. No action was taken by anyone. I later attempted to address this problem with my supervisors and others at CMA as described in # 18 below.

16. During December, 2005: Reprisals follow from McCoy, in the form of denied training that is required to sign SOPs. Particularly the Depot Area Air Monitoring

System (DAAMS) training course which I needed on the one occasion McCoy put me in charge of her responsibilities when she is TDY (Temporary Duty). This lack of training, specifically DAAMS tube training at the Chemical Demilitarization Training Facility (CDTF), was misinterpreted by Bilyeu as a point of justification in my 6 July, 2006 termination notification, received 12 July, 2006. My complete training schedule is attached as Exhibit 2 and verifiable by Colleen Sydor, BGCA.

17. I report the abusive treatment I am receiving to Colleen Sydor, and request she investigate Bonnie McCoy's credentials as a chemist, due to severe inaccuracies in her instructions and written SOPs. Sydor reports my concerns to Bilyeu. Bilyeu is abusive, verbally violent and physically intimidating toward me. Claude Poston, one of the Physical Science Technicians, is addressed in an abusive manner almost daily, over his insistence that the SOPs are not viable. This is an opinion that James L Jackson and I share. Corrections to the SOPs are rebuffed by McCoy and Epperson. See Ron Palo Declaration.

18. On or about, February, 2006, a routine CMA wide laboratory conference phone call took place. Present were Nick Kurlick and Kevin Dolan from CMA and technical representatives from the six CMA sites, including Bonnie McCoy and myself for BGCA. I polled everyone on the existence of ventilation over analytical instruments in fixed and mobile laboratories. All responded in the negative. Mr. Kurlick suggested that I could do the research regarding installation of ventilation and contact Matt Sadowski, PE at CMA for guidance. When I contacted Mr. Sadowski, we discussed the RTAP mobile labs and a design to remove exhaust port effluents from the MINICAMS by convection, a "passive ventilation technique." I questioned Mr. Sadowski as to the possibility that this was banned by Army regulation. He responded that he would research this matter. I never heard from him again. I consulted with the BGCA engineer, Rhonda Shay, P.E. about the addition of Cowl Vents above the four analytical instruments in the Toxic Chemical Laboratory (TCL). They were never installed.

19. Whenever there was a conversation that I was party to among management about the Toxic Chemical Laboratory and Ventilation of Weapon Grade Standards, I was lobbied by the management team of Shuplinkov, Rooney, Bilyeu, McCoy, and Epperson to not spend the "Bunning Money" (see # 15, above) on a lab we would "leave soon." This particular money was a subject of a unified agreement between Command and Management, whereby they usurped a US Congress line-item.

20. On 15 June, 2006, I refused to transport a needed Helium Compressed Gas Cylinder to the CLA/TCL in an unsecured, unauthorized minivan, as demanded by Thomas Bilyeu and Bonnie McCoy. I stated very clearly the practical regulations of OSHA, EPA and VA where I had primary responsibility for implementation as an Industrial Hygienist. The danger of a compressed gas is well known to end users who have been required to train via safety videos or classroom training such as the 40 hour HazMat 29CFR 1910.120, Univ of Louisville, please note my Certification # UL09190540H05. I contacted Mr. Ed Ambrose Blackman, PE of the BGAD Safety Office for guidance in addition to my extensive research. See Blackman email, Ex. 3 hereto and Mr.

Blackman's Declaration. Bilyeu and McCoy became more angry in emails after I contacted Blackman. Witnesses to this Retaliation were: Ron Palo, James L. Jackson, Claude Poston, Jr., and Debbie Boston. See Blackman Declaration at para 6.

21. On 22 June, 2006 I was subjected to retaliatory false accusations by Thomas Bilyeu in an effort to discredit me and divert responsibility from himself, Bonnie McCoy, and Susan Epperson for the noncompliance of a required analysis of exposed materials that had exceeded several months past Army, Treaty and KDEP Permit deadlines. This analysis is required in a timely fashion to allow disposal of the waste water or in the event of Chemical Weapons Agent, the proper Personal Protective Equipment level for entry into the site where the sample was taken. This intended deception by Bilyeu and McCoy was disarmed by the fact that I was only in possession of access to the facility in question for less than 25 HOURS. Kirk Kopitzke, BGCA Environmental Officer was witness. The water analysis remains unfinished to this day. See attached email, Ex. 4; Palo Declaration, p. 1.

22. On 27 June, 2006 I had my Chemical Personnel Reliability Program (CPRP) clearance removed. This action disqualified me from working in the area where chemical warfare agents are stored.

23. At my request, on 28 June, 2006, I met at BGAD Union Hall with International Association of Machinist & Aerospace Workers (IAM&AW) Union #859 officials to report Retaliation by management, Safety concerns and Environmental violations. Present were myself, Jimmy Bowling, Union President, Denver Begley, Shop Steward, and an invited retired Union Business Representative from Louisville, KY introduced as J.W. Bolleniger. In this two hour meeting, the primary topics we discussed were (1) incompetent BGCA Standard Operational Procedures(SOP)s, including the Chemical Hygiene Plan; (2) inappropriate behavior in the form of violence from Thomas Bilyeu toward myself and Mr. Begley and others; (3) the lack of ventilation over analytical instruments in the Toxic Chemical Laboratory (TCL), a fixed laboratory, and the RTAPs, mobile laboratories used daily by field personnel; (4) unsafe transportation and storage of compressed gas cylinders at BGCA and specifically the Chemical Limited Area (CLA) TCL; (5) extensive retaliation by management toward me. **Ex. 11.** I was seeking both to alert the union of these safety and environmental problems, and to obtain assistance concerning the retaliation against me. I had applied for union membership the day before, 6-27-06, and was disqualified 5 July, 2006. **Ex. 10.** I stated to the union representatives that I felt that I was about to be fired for reporting these issues and that I felt that Rooney, Bilyeu, McCoy and Epperson wanted to stop me from talking to the new commander who was to arrive on or about 15 July, 2006, the exact time I was in fact fired. I repeated this fear to Ambrose Ed Blackman, BGAD Safety Officer. See Blackman Declaration. The union representatives expressed to me their fear of command and management at Bluegrass, such that the exact details of this conference are only available by sworn testimony in the presence of Union Counsel.

24. 12 July, 06 USPS # 7001 1140 0003 9343 6877 Receipt Termination Notice. Ex. 5. This is 6 days before the effective date of 18 July, 2006. It was mailed from BGCA

11 July, 2006, exactly 25 hours after the 07:00 AM 10 July, 2006 phone call when my wife notified Mr. Johnnie Lee Allen, Emergency Ops Center that I was admitted to the Emergency Room at the University of Kentucky with a heart attack. My 17 year old daughter signed for the Registered mail, while I was being examined by my physician, Mary Meeks, M.D. on Wednesday 12 July, 2006. The notice informed me (at p. 2, # 6) that I had the right to appeal the action to the Merit Systems Protection Board (MSPB), and that it was enclosing a copy of the Board's regulation and appeal form. It stated that my appeal "must be filed within 30 calendar days of the effective date." I was not informed by this notice or in any other manner, nor was I aware of, any other avenues to appeal or contest my dismissal. I followed the direction in the Termination Notice, and timely filed with the MSPB as described in # 27, below.

25. During the first week of August, 2006 at my home, in the presence of my wife, Ana Rueda, I spoke with Special Agent Jennifer Coleman, Department of the Army, Criminal Investigation Command, Columbus Fraud Resident Agency, 200 N. High St., Suite 112, POB 151076, Columbus, OH 43215, 614-469-5943, cell 614-496-3192, jennifer.coleman1@us.army.mil and Libby H. Zuege, Resident Agent in Charge, US Environmental Protection Agency, Criminal Investigation Division, Louisville RAC Office, 600 Martin Luther King Jr. Place, Suite 806, Louisville, KY 40202, 502-582-5833, Zuege.Libby@epa.gov ; concerning my perceived violations of federal laws and regulations at Bluegrass Army Depot. I instigated this meeting and presented the concerns I have listed in this document. Additionally, the two agents had written questions that did not originate from my concerns about safety and environmental dangers at BGCA. I made a concise statement to them about the retaliation against me, but for the most part, focused on the safety issues and environmental concerns as outlined to the union. See # 23, above. They asked me to discuss any falsified data in the air monitoring as reported. I tried to explain that this covered a broad range of what I considered bad data that had been certified by McCoy and Epperson. The three forms are: (1) data that was produced by an incompetent Standard Operational Protocol (SOP), commonly implied protocols within the protocol, and thus was not reproducible by qualified scientist adhering strictly to the SOP as written; (2) data that was produced under an altered SOP, most commonly a MINICAM calibration "gate" that was shifted during air monitoring to alter the area under the bell curve used to calculate the concentration of analyte. This modification was done without re-calibration of the MINICAM, which would have taken a considerable amount of valuable time. This was the subject of intense argument with an RTAP operator from Tooele Army Depot who was loaned to BGCA in March 2006. I have been told he filed a complaint over that incident. James Jackson and I were first hand witnesses. We agreed with the Tooele RTAP operator and all three of us were over-ridden by McCoy and Epperson, who proceeded to over-write the data and then certified it into the monitoring records. (3) The third type of bad data is the fictitious type. James Jackson and I have separately witnessed times where McCoy would order all lab personnel out of the Chemical Limited Area Toxic Chemical Lab, and produce data on an instrument in less than half the required time to perform that specific analysis. This happened on critical occasions where she, McCoy was in danger of being reprimanded, again, for failing to complete her assigned task. My suggestion to the investigators was to secure approved, date

appropriate SOPs that the data was collected under and have a qualified chemist check the data against SOP and QA/QC protocol. My last contact with these investigators was in early 2007 at a Lexington Hotel lobby at their request. They have since told me that they were told by the Army not to have any further contact with former employees.

26. 21 July to August 1, 2006, approximately: Initial telephone contact with Mr. Bill Buchanan, RPIH, Kentucky Dept Environmental Protection, (KDEP). See # 10, above. I have requested all e-mails and phone records of contacts with KDEP to document this contact. See 30 November, 2006 e-mail attached hereto as **Ex. 6**.

27. 17 August, 2006 MSPB Appeal filed:

Merit Systems Protection Board Docket Number: CH-315H-06-0744-1-1

“I state that I was denied the resources to perform my duties as Physical Scientist and that these resources were non-existent prior to my employment at BGCA. These resources include: (1) viable Standard Operational Procedures as required by the Department of the Army and the State of Kentucky, and (2) a safe work environment as mandated by the Environmental Protection Agency and Occupational Health and Safety Administration, the Department of the Army, and the State of Kentucky.”

“Mr. Thomas Bilyeu, and his agents, has taken this action against me in retaliation for my refusal to compromise my scientific integrity.” **Ex. 7** (emphasis supplied).

28. 25 and 30 August, 2006 Email communications between me and Mr. Bill Buchanan, RPIH, detailing Safety and Environmental concerns as pertaining to Waste Permit with BGAD. I expressed these concerns and he asked clarifying questions.

29. 7 September, 2006 meeting with KDEP personnel in Frankfort, KY offices of KDEP. Present were Bill Buchanan, RPIH, and others. I offered expert advice to KDEP on monitoring issues, as permitted by my confidentiality agreements. Once again, my suggestion to the KDEP investigators was to secure approved, date appropriate SOPs that the data was collected under and have a qualified chemist check the data against SOP and QA/QC protocol. I then detailed to them the same corrupt data I described to Jennifer Coleman and Libby Zuege in my living room about in late July or early August, 2006. See # 25, above.

30. 23 October, 2006, 1200 ET, I received advice in the form of a phone call from:

Hon. Scott D. Cooper
Administrative Judge, MSPB
Central Regional Office
230 S. Dearborn Street, Room 3100
Chicago, IL 60604-1669
Telephone: (312) 353-2923
Fax: (312) 886-4231
V/TDD (800) 877-8339

He called me at my home to inform me that he was going to dismiss my 17 August, 2006 action based on the lack of relevance under 5 CFR 315.804, 315.805, and 315.806, i.e., based on my status as a probationary employee. His advice was that my

complaint belongs in OSHA Whistleblower protection program, not MSPB, as I had been instructed by BGAD/BGCA as my only avenue of appeal. The Judge did not mention the Office of Special Council as a prerequisite for filing a Whistleblower Complaint at MSPB, his venue. This is how I came to believe that I had filed my whistleblower complaint in the wrong forum, and needed to file with OSHA instead.

31. On 25 October, 2006: Two days after my telephone conversations with the MSPB Administrative Judge, in order to avoid any further delay, rather than wait for the formal dismissal of my MSPB complaint, I voluntarily withdrew my 17 August, 2006 MSPB Termination Appeal and filed my DOL/OSHA Whistleblower Complaint. **Ex. 8.**

35. At no time did the Department of the Army, BGAD/BGCA post any notices or offer any guidance as to Whistleblower Rights under federal law. I state clearly that I have never met, nor was I ever directed toward the guidance of one Mr. Bobby Simpson, Personnel Specialist in Human Resources, BGAD, Richmond, KY. Nor was I ever informed of or aware of the existence of the Civilian Personnel Advisory Center prior to reading BGAD's Motion for Summary Judgment in this proceeding.

36. My former BGCA "office" and thus desk and shared file cabinets located in the BGCA Chemical Limited Area, were situated in the kitchen area of a surplus FEMA trailer with the desks and shared file cabinets of the three Assistant Physical Scientists; Mr. Kenneth Kenly, Mr. James L. Jackson, and Mr. Claude Poston, Jr. Thus, my desk was in an open shared space, with high daily traffic. Ms. Bonnie McCoy in an 8 January, 2007 Affidavit (Ex. 9 to Respondent's Motion for Summary Judgment) claims that she had seen "a file on Mr. Donald P. Van Winkle's pending environmental whistleblower complaint inside [my] desk." In the next paragraph, she apparently corrects this claim and states that "actually, I saw what looked like a press release from the Public Employees for Environmental Responsibility (PEER) inside Mr. Schafermeyer's desk...[concerning] the status of Mr. Van Winkle's pending complaint." I did not keep any files or press releases concerning Mr. Van Winkle's case in my desk or file cabinets. I had met Mr. Van Winkle in October, 2005 and was aware of his suspension from the Personal Reliability Program (PRP), and some of his technical assertions, but I had no knowledge of his case details. I believed that his concerns were directly tied to his union affiliation in IAM&AW Local #859. As I stated previously, when on 27 June, 2006, I attempted to join this same union, I was rejected 5 July, 2006. Thus, I thought I could not file a complaint like Mr. Van Winkle's through PEER. I followed the BGCA guidance as outlined in my termination notification received 12 July, 2006. This adherence to official guidance was reinforced daily as a tenet of the stated mission I swore an oath to uphold 22 August, 2005.

37. In an Affidavit dated 20 February, 2007, J. Denver Begley, a Union Steward for the International Association of Machinist & Aerospace Workers #859 (Ex. 8 to Respondent's Motion for Summary Judgment), omits that in that 28 June, 2006 meeting were present Jimmy Bowling, union president, and "J.W. Bolleniger from Louisville, KY;" someone they "asked to sit in as a consultant. He is a former Business Representative and retired member." I had applied for union membership the previous day, 27, June 2006 and was rejected 5 July, 2006. Mr. Begley also has failed to completely list the topics discussed at that meeting: Safety and Retaliation as I have

indicated previously in this document. While I did not use the term “Whistleblower” in that meeting or in any discussion with the union, at the time I was unaware of the use of that term in connection with any sort of legal proceeding. However, the detailed subject matter of that 28 June, 2006 meeting was my safety and safety in general and environmental concerns and the retaliation which I had suffered at BGCA as a result of raising those concerns, as I described in paragraph 23, herein. I was asking the union for help in addressing my concerns, including the retaliation against me and my fear that I would soon be dismissed in retaliation for raising safety concerns. When I asked Mr. Begley to write a statement concerning that meeting to submit in my MSPB proceeding, he delivered it with the caveat that any mention of details concerning Safety Violations might put the union in a “dangerous” legal position due to its failure to take action. He stated that BGCA management was monitoring his actions, including the precise moment he drove off base to deliver that statement to me for my MSPB filing.

38. I hope it is clear from this Declaration that I have diligently fought to shed light on the dangerous situation at Bluegrass Army Depot / Blue Grass Chemical Activity in Richmond, Kentucky and to contest my dismissal in retaliation for raising those concerns through every avenue I knew about. I have done so at great risk to my career and enormous cost to my family. There was no advantage to me to make my complaints in what turned out to be entities that could not address my retaliatory dismissal. Obviously, I would not have done so had I been properly informed of my rights under federal whistleblower protection laws. I was without legal counsel and was led astray by incomplete guidance from the command structure I was required to follow obediently. I filed my OSHA complaint within 2 days of being informed that it was the correct forum for my complaint. Now, new laws require the posting of Whistleblower rights in common accessible areas in the work place. During my employment at Blue Grass Army Depot I did not have the advantage of any such posting or other information concerning my rights under Whistleblower laws.

39. If allowed to present sworn witnesses at a hearing, I will give voice to those BGCA workers like myself who are inappropriately silenced by the acts of retaliation from a vindictive management team led by James Rooney, CEA and Thomas Bilyeu, Director Chem Ops with the consent and full knowledge of then Commander LtC George Shuplinkov, United States Army. I have functioned professionally within the command structure of Bluegrass Chemical Activity, and when that failed to secure a safe work environment without retaliation, I took my concerns to other authorities outside of BGAD/BGCA. The fact that I did not use the written word “Whistleblower” does not diminish my diligent effort to affect profound change of a cavalier and inappropriate group of civil servants at BGCA who Retaliated against me and actively sought to hide my worker rights from me at the risk of injury to fellow workers and civilian populations nearby.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 6 April, 2007.

Kim Reinhardt Schafermeyer

¹ See, e.g., American Journal of Public Health Vol 95, Issue 8: "Mortality in US Army Gulf War Veterans Exposed to 1991 Khamisiyah Chemical Munitions Destruction" by Tim A. Bullman, Clare M. Mahan, Han K. Kang, and William F. Page. The article notes an increased risk of brain cancer deaths in Gulf War Veterans who were exposed to non-lethal concentrations of certain chemical warfare agents. An abstract of the article can be reviewed at <http://www.ajph.org/cgi/content/abstract/95/8/1382>.

Exhibits

- 1** Email: Agilent, Dr. Jim Crabtree, dated December 8, 2005, 2 pages.
- 2** Schafermeyer training schedule.
- 3** E mail from Blackman re compressed gas transportation.
- 4** Email re Bilyeu false accusation
- 5** Termination Notice.
- 6** Nov. 30, 2006 email requesting records from KDEP.
- 7** MSPB Appeal Form
- 8** MSPB Termination Appeal withdrawal and DOL/OSHA Whistleblower Application.
- 9** PEER Representation Agreement
- 10** Union Rejection 5July2006
- 11** Union Statement for MSPB