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BY THE U.S. GENERAL ACCOUNTING OFFICE

**Report To Congressman Ed Bethune
House Of Representatives**

**GSA's Operation Of A Firing Range In The
Cincinnati Post Office And Courthouse Building**

This review concerns information provided to Congressman Ed Bethune by a constituent claiming that the firing range in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio, was allowed to remain open despite the General Services Administration's knowledge of its health hazard.

GAO disclosed that GSA erroneously told the constituent the range was closed after tests results indicated airborne lead contaminants exceeded safe levels. The range actually was open and used.

As a result of the GAO review, GSA's Inspector General initiated an investigation to determine management responsibility.



028525

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APRIL 4, 1984

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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-214075

The Honorable Ed Bethune
House of Representatives

Dear Mr. Bethune:

Pursuant to your request, the General Accounting Office reviewed certain allegations concerning the General Services Administration's (GSA) operation of the indoor firing range located in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio. Our review concerned information provided to you by your constituent who, as a Federal Bureau of Investigation (FBI) agent, used the indoor firing range in Cincinnati. Your constituent claims that the range, which has been used for many years by federal personnel for pistol firing practice and qualification purposes, was allowed to remain open when GSA knew that it was dangerous to the health of its users because of unsafe levels of airborne lead contaminants caused by weapon firings.

As agreed with your office, we limited our review to verifying and/or developing factual information about the operation of the range without drawing any conclusions about negligence or health hazards.

Our review disclosed that GSA tested the Cincinnati firing range in November 1977 and found an indication of excessive airborne lead during weapons firing. GSA closed the range, made interim modifications, and began plans for permanent improvements. GSA made additional tests and reopened the range in December 1977. Although the test results showed that airborne lead continued to exceed exposure limit standards, GSA kept the range open and in use until November 1981 when GSA again closed the range after an inquiry from the Occupational Safety and Health Administration (OSHA) about the range operation. In December 1981, GSA again tested the range and found that it exceeded exposure limit standards. Further tests in January 1982 and March 1983 by the National Institute for Occupational Safety and Health (NIOSH) disclosed similar results. GSA changed the range ventilation system, reopened the range in April 1983, and took steps to notify range users of the range use restrictions recommended by NIOSH. The range was again closed in October 1983 when the recommended restrictions and conditions of use proved to be impractical. As of January 1984, the range was closed. The permanent improvements for the range, identified in 1977, are scheduled for 1985.

We found that information on the 1977 range tests and range usage after the 1977 tests conflicts with information provided to your constituent by GSA's Chicago Regional Office in letters dated January 4 and March 9, 1983. Specifically, GSA stated in the 1983 letters that when the range failed the tests in December 1977, the range remained closed and that only one agency, the FBI, was authorized limited use of the facility after October 1978, because the need for training outweighed the possibility of exceeding the lead exposure limits. GSA further stated that when the range was again tested in December 1981 and still exceeded the exposure limits, the range remained officially closed and would remain closed until renovation of the ventilation system to meet OSHA standards.

On September 22, 1983, as a result of our review, the GSA Regional Office issued a letter to your constituent, together with a chronological listing of events concerning the range, advising that the information contained in their January and March 1983 letters was not correct. The GSA chronology furnished to your constituent confirmed that the range was open following the 1977 testing.

Further, on October 6, 1983, the GSA Chicago Regional Administrator, based on our findings, requested an internal investigation by GSA's Office of Inspector General to determine management responsibility for actions taken related to the firing range. Specifically, the Inspector General was asked to focus on two areas: (1) how the range was allowed to be opened in December 1977 before receipt of the results of the lead sampling tests and why it was allowed to remain open until November 1981 despite test results that indicated airborne lead contaminants exceeded safe levels, and (2) whether there was a deliberate attempt to circumvent the facts and provide erroneous information to your constituent.

We provided a draft of this report to the Administrator of General Services, the Attorney General, the Secretary of Labor, and the Secretary of Health and Human Services, for their review and comment. They all generally agreed with the information presented.

The appendixes to this letter will provide you with details of the results of our work (app. I) and comments we received on the draft of this report from the General Services Administration (app. II); the Department of Justice (app. III); the Department of Labor (app. IV); and the Department of Health and Human Services (app. V).

B-214075

As arranged with your office, we will send copies of this report to the Chairmen of the House Committee on Government Operations, Senate Committee on Governmental Affairs, and the House and Senate Committees on Appropriations. We will also send copies to the Director of the Office of Management and Budget, the Administrator of General Services, the Attorney General, the Secretary of Labor, and the Secretary of Health and Human Services. We will also make copies available to other parties upon request.

Sincerely yours,

W. J. Anderson

William J. Anderson
Director



SUMMARY OF GAO REVIEW
OF GSA'S OPERATION OF A FIRING RANGE
IN THE U.S. POST OFFICE AND COURTHOUSE BUILDING
IN CINCINNATI, OHIO

Pursuant to a request from Congressman Ed Bethune, the General Accounting Office reviewed certain allegations concerning the General Services Administration's (GSA) operation of the indoor firing range located in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio. Our review concerned information provided to Congressman Bethune by a constituent who, as a Federal Bureau of Investigation (FBI) agent, used the indoor firing range in Cincinnati. The constituent claims that the range, which has been used for many years by federal personnel for pistol firing practice and qualification purposes, was allowed to remain open when GSA knew that it was dangerous to the health of its users because of unsafe levels of airborne lead contaminants caused by weapon firings.

As agreed with Congressman Bethune's office, we limited our review to verifying and/or developing factual information about the operation of the range without drawing any conclusions about negligence or health hazards. We performed our review at the GSA Central Office in Washington, D.C.; the GSA Chicago Regional Office, which has management responsibility for GSA matters in Cincinnati; and the GSA Cincinnati Field Office. We interviewed GSA officials, examined files and records, and inspected the firing range to develop information on (1) its operation and use, (2) the decision to close it based on air tests, (3) the temporary modifications in order to keep the range open, and (4) the repair and alteration project scheduled for the range.

We also contacted Occupational Safety and Health Administration (OSHA) officials at their Chicago Regional Office and obtained information showing how they responded to the complaint filed by the constituent about the unsafe range. We also obtained the results of a health hazard evaluation of the range by the National Institute for Occupational Safety and Health (NIOSH) requested by GSA.

Our review, which was made from August 1983 through January 1984, was conducted in accordance with generally accepted government auditing standards.

TESTS CONDUCTED IN 1977

The GSA Chicago Regional Accident and Fire Prevention Branch tested the Cincinnati indoor firing range for airborne lead contamination on November 9, 1977. On the basis of air movement measurements and observations of the range while in operation, the Accident and Fire Prevention Branch believed shooters were being exposed to abnormally high airborne lead contaminants and directed on November 15, 1977, that the range be closed. The test results on the air samples subsequently confirmed that the range did not meet OSHA standards for safe levels of airborne lead contaminants. The range, which was in operation up to this time, was closed by GSA's Cincinnati Field Office on November 17, 1977.

The range measures approximately 15 feet in width, 9 feet in height, and 102 feet in length. It has four firing booths, a large podium behind the booths, automatic target setters, a steel bullet trap, and an air supply and exhaust ventilation system.

Five immediate interim changes were recommended by the Accident and Fire Prevention Branch on November 15, 1977, in order to keep at least two of the four firing booths open. At the same time a major repair and alteration project for improvement of the basic design of the range was identified. The range was to remain closed until the five interim changes were completed and the range was tested again. These changes were as follows:

1. Block off with plywood and close booths #1 and #4 from further usage to force all existing air movement through booths #2 and #3.
2. Block off the space below the firing table in booths #2 and #3.
3. Make a direct duct connection between the air supply outlet and the range inlet located in the range anteroom.
4. Replace the circular unidirectional air deflectors with directional air deflectors in the existing ductwork in the firing range.
5. Close off all downrange vent openings to utilize all available air movement to wash the gases away from the shooter's breathing zone.

Four of the five changes were completed by December 8, 1977. The ductwork installation to ensure continuous air flow in the range (change #3) was not done until March 1983.

The range was again tested on December 8, 1977. The Regional Accident and Fire Prevention Branch, on December 15, 1977, authorized it to be opened on an interim basis when some of the interim changes were completed but before the test results became known. However, the need for the major repair and alteration project for improvement of the range was reconfirmed.

The range was opened and operated by GSA's Cincinnati Field Office on December 16, 1977, based on authorization from GSA's Chicago Regional Office. No action was taken by GSA's Regional Office when the December 8 test results, indicating that airborne lead contaminants exceeded safe levels, became known in January 1978. The range remained open until November 1981, when GSA's Regional Office reviewed the results of the air sampling data obtained from the firing range in December 1977 and ordered the range closed. The range was closed by GSA's Cincinnati Field Office on November 20, 1981, until follow-up tests could be conducted to determine whether airborne lead was within acceptable limits.

RANGE USAGE AFTER 1977

The firing range was used by various federal organizations, including the FBI, following the December 8, 1977, tests. There were no usage restrictions on the range, and based on GSA's range records, its usage during the 12 months following the 1977 tests was greater than during the preceding 12 months. The range was used by GSA's Federal Protective Service, various organizations of the Department of Justice and the Department of the Treasury, and others. Between December 1979 and September 1980 there was an exchange of correspondence between the FBI's Cincinnati office and GSA's Chicago Regional Office concerning the range tests. The FBI requested the test results in connection with an occupational disease claim made by a special agent of their office. The GSA advised the FBI of the tests conducted in November and December 1977 and informed the FBI that the December 8, 1977, tests indicated a need for major range improvements even with temporary changes in place.

RANGE CLOSURE

GSA closed the range in November 1981 following the constituent's complaint about its unsafe operation to OSHA¹ in July 1981, OSHA's inquiry to GSA about the range operation, and the constituent's legal action against GSA initiated in August 1981.

The range was retested by GSA in December 1981 to determine whether airborne lead was within acceptable limits. The range was found to exceed exposure limit standards. GSA, in response to OSHA inquiries, reported the results of its 1977 and 1981 tests and informed OSHA on May 18, 1982, that since the airborne lead exceeded exposure limit standards, the range was to remain closed until the major repair and alteration project scheduled for 1985 is performed.

CURRENT RANGE STATUS

Following the December 1981 test, the GSA Cincinnati Field Office requested that NIOSH² evaluate the range for possible health hazards. NIOSH conducted air sampling tests to determine the level of airborne lead on January 19, 1982, and again on March 2, 1983, and evaluated the ventilation system of the range. The results of the January 1982 air sampling were provided to GSA's Cincinnati Field Office in an interim letter report dated July 23, 1982. NIOSH informed GSA that the air sampling data showed that exposures to airborne lead above the OSHA permissible exposure limit are occurring during weapon firings, and recommended that the range ventilation be improved. NIOSH conducted further air

¹OSHA, established pursuant to the Occupational Safety and Health Act of 1970, develops and promulgates occupational safety and health standards and conducts investigations and inspections to determine the status of compliance. The standard for occupational exposure to lead is established by OSHA.

²NIOSH, established pursuant to the Occupational Safety and Health Act of 1970, conducts field investigations of possible health hazards in the workplace. These investigations are conducted to determine whether any substance normally found in the place of employment has potentially toxic effects.

sampling tests on March 2, 1983, to determine lead levels resulting from a specific type of ammunition and to determine if the range could be reopened and used on a restricted basis. The results of the March 1983 tests were provided to GSA's Cincinnati Field Office by NIOSH in an interim letter report dated March 18, 1983. NIOSH noted specific restrictions under which personnel could use the range and be below the OSHA exposure standard, as follows:

- "1. Physical characteristics of the range shall remain essentially the same as on March 2, 1983 (e.g. ventilation systems "on" and "unchanged", the two outside lanes sealed off, etc.).
2. Shooters are restricted to one qualification attempt per day but may use 100 rounds of ammunition and have up to one hour within the range. Both lanes (two shooters) may be used.
3. Ammunition shall be 38 Special, 110 grain, copper jacketed hollow point, + P +, controlled expansion bullets.
4. Handguns shall be Smith & Wesson, Model 15, 6" barrel (J-Series), 38 Specials.
5. Shooters and range master shall wash hands and face with soap and water after using the range."

The Cincinnati Field Office forwarded the March 1983 NIOSH test results to GSA's Regional Accident and Fire Prevention Branch on March 22, 1983, and proposed reopening the range. The regional safety specialist approved on April 20, 1983, the proposal to reopen the range based on the NIOSH restrictions, noting that the range will be retested as soon as possible.

NIOSH issued to GSA on June 24, 1983, a Health Hazard Evaluation Report on the Cincinnati indoor firing range. A copy of the report was posted in the range to inform users. NIOSH recommended that nonlead or jacketed bullets be used to reduce lead contaminants inhaled by the range master and shooters. NIOSH also recommended that the range ventilation be improved and recommended several good work practices to be made a part of the standard operating protocol for this range.

A regional GSA letter dated August 11, 1983, to Federal Protection Service Zone Commanders was also posted in the range on September 2, 1983. The GSA regional letter stated that in order to reduce airborne lead contamination, only jacketed ammunition was authorized for use on the range and that use of lead-only ammunition could subject personnel using the range to an undue health hazard from airborne lead contaminants.

Although the range was reopened in April 1983, it was again closed in October 1983 when the recommended restrictions and conditions of use proved to be impractical. As of January 1984, the range is scheduled to be retested in June 1984, and the permanent improvements for the range, identified in 1977, are scheduled for 1985.

ACTIONS TAKEN BY GSA

We found that information on the 1977 range tests and range usage after the 1977 tests conflicts with information provided to the Congressman's constituent by GSA's Chicago Regional Office in letters dated January 4 and March 9, 1983. Specifically, GSA stated in the 1983 letters that when the range failed the tests in December 1977, the range remained closed and that only one agency, the FBI, was authorized limited use of the facility after October 1978, because the need for training outweighed the possibility of exceeding the lead exposure limits. GSA further stated that when the range was again tested in December 1981 and still exceeded the exposure limits, the range remained officially closed and would remain closed until renovation of the ventilation system to meet OSHA standards.

On September 22, 1983, as a result of our review, the GSA Regional Office issued a letter to Congressman Bethune's constituent, together with a chronological listing of events concerning the range, advising that the information contained in their January and March 1983 letters was not correct. The GSA chronology furnished to the constituent confirmed that the range was open following the 1977 testing.

On October 6, 1983, based on our findings, the GSA Chicago Regional Administrator requested an internal investigation by GSA's Office of Inspector General to determine management responsibility for actions taken related to the firing range. Specifically, the Inspector General was asked to focus on two areas: (1) how the range was allowed to be opened in December 1977 before receipt of the results of the lead sampling tests and why it was allowed to remain open until November 1981 despite test results

that indicated airborne lead contaminants exceeded safe levels and (2) whether there was a deliberate attempt to circumvent the facts and provide erroneous information to the Congressman's constituent.

The results of that investigation have been provided to the GSA Chicago Regional Administrator, and a determination is pending as to the appropriate administrative action to be taken.

COMMENTS OF AGENCY OFFICIALS

We provided a draft of this report on January 17, 1984, to the Administrator of General Services, the Attorney General, the Secretary of Labor, and the Secretary of Health and Human Services, for their review and comment. They all generally agreed with the information presented.

GSA stated that the information contained in this report is factual and said that the Cincinnati range currently remains closed pending a further health hazard evaluation scheduled for June 1984 to determine if restrictive use of the range can be reinstated. The General Services Administration also stated that the Office of the Inspector General has provided the results of its investigation to the GSA Chicago Regional Administrator and that a determination will be made as to the appropriate administrative actions to be taken. A copy of GSA's comments is included as appendix II.

The Department of Justice said they had no specific comments to offer bearing on the substantive issues discussed in the report and provided additional information relating to the disposition of the occupational disease claim and the FBI's concern for unsafe firing range operations. A copy of the Department of Justice comments are included as appendix III.

The Department of Labor said that there are presently no outstanding complaints to OSHA concerning the range, but that given its history, GSA should reinspect it in the near future as it has indicated it will do. Labor's comments are included as appendix IV.

The Department of Health and Human Services said that the report is a comprehensive and factual description of the situation regarding the operation of the indoor firing range and made several technical comments based upon their health hazard evaluation of the range. Health and Human Services comments are included as appendix V.



General
Services
Administration

Washington, DC 20405

FEB 24 1984

Honorable Charles A. Bowsher
Comptroller General of the United States
U.S. General Accounting Office
Washington, DC 20548

Dear Mr. Bowsher:

Thank you for the opportunity to comment on the draft General Accounting Office audit report entitled "The General Services Administration's Operation of the Indoor Firing Range in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio", (code 945724, January 1984).

The information contained in this draft report is factual. Currently, the Cincinnati range remains closed pending a further health hazard evaluation, scheduled for June 1984. The results of that evaluation will be utilized to determine if restrictive use of the range can be reinstated.

Additionally, this matter has been investigated by the Office of the Inspector General, and the results of that investigation have been provided to the Regional Administrator. A determination will be made as to the appropriate administrative action to be taken.

Sincerely,

Ray Kline
Deputy Administrator



U.S. Department of Justice

February 22, 1984

Washington D C 20530

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

This letter responds to your request to the Attorney General for the comments of the Department of Justice (Department) on your draft report entitled "GSA's Operation of a Firing Range in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio."

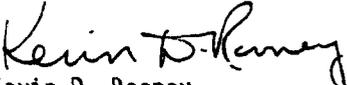
The Department has reviewed the General Accounting Office (GAO) draft report, and although we have no specific comments to offer bearing on the substantive issues discussed, we are providing additional information not contained in the report. First, the Federal Bureau of Investigation's (FBI) review of its workmen's compensation claim files reveals that a claim was filed by an FBI employee alleging injury from lead poisoning as a result of exposure during the use of the firing range located in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio. However, this claim was ultimately denied because the claimant had a preexisting condition stemming from his ingestion of lead as a child and could not demonstrate that exposure to the lead levels shown to exist in the Cincinnati range had aggravated his condition. The FBI is unaware of any other claim relating to lead poisoning having been filed as a result of the conditions which existed at the Cincinnati range.

Second, unsafe firing range operations are an important concern of the FBI, both to protect the health and safety of its employees and to minimize any possibility of loss to the Federal government through successful claims under the Federal Workmen's Compensation Act. Because of this concern, it is essential that indoor firing ranges utilized for the training of FBI personnel conform to all Occupational Safety and Health Administration standards, and that no training be conducted on a range which fails to conform to such standards. Instructions to this effect are presently included in the FBI's Manual of Investigative Operations and Procedures (MIOG), Part II, Section 12-3.1(7). When a range is deemed unsafe, the MIOG requires the Special Agent-in-Charge of the office in the area where the range is located to bring any safety deficiencies to the attention of the authority that is responsible for the range, requesting

that the deficiency be remedied. As such, the range should not be used until the safety deficiency is corrected.

We appreciate the opportunity to comment on the report while in draft form.

Sincerely,


Kevin D. Rooney
Assistant Attorney General
for Administration

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, DC 20210



FBI IS 884

Mr. Richard L. Fogel
Director, Human Resources Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Fogel:

The Department appreciates the opportunity to review the draft report entitled "The General Services Administration's Operation of the Indoor Firing Range in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio," dated January 17, 1984. There are no formal recommendations to the Secretary of Labor in the draft report. The following comments are offered in clarification of issues raised in the report.

Page 3 last paragraph

Under the Occupational Safety and Health Act of 1970, each Federal Agency has responsibility for ensuring that its employees are provided with a safe and healthful workplace. It should be noted that GSA has responsibility for the safety and health of GSA employees working at the Cincinnati Post Office Firing Range and that the various other agencies sending employees to use the GSA range such as the FBI and the Secret Service, are directly responsible for their employees' safety and health while these employees are using the range.

Page 8 last paragraph

Under the authority of Executive Order 12196 which provides for OSHA inspections in response to worker complaints of unsafe conditions, OSHA contacted GSA about the range in July, 1981. There are presently no outstanding complaints to OSHA concerning the range; however, given the range's past history and the fact that the range has been reopened since April, 1983, and has not been reinspected as of December, 1983, GSA should reinspect in the near future, as it has indicated it will do .

Sincerely,

Thorne G. Auchter
Assistant Secretary

GAO note: Page references correspond with pagination in the draft report.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Inspector General

FEB 13 1984

Mr. Richard L. Fogel
Director, Human Resources
Division
United States General
Accounting Office
Washington, D.C. 20548

Dear Mr. Fogel:

Enclosed are the comments of Public Health Service officials to your proposed report to Representative Ed Bethune on "GSA's Operation of a Firing Range in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio." Thank you for the opportunity for review and comment.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "F. J. Majka".

F.J. Majka
Assistant Inspector General
for Audit

Enclosure

COMMENTS OF THE PUBLIC HEALTH SERVICE ON THE GENERAL ACCOUNTING
OFFICE'S DRAFT REPORT TO REPRESENTATIVE ED BETHUNE ON GSA'S
OPERATION OF A FIRING RANGE IN THE U.S. POST OFFICE AND
COURTHOUSE BUILDING IN CINCINNATI, OHIO

General Comments

The General Accounting Office's draft report is a generally comprehensive and factual description of the situation regarding the operation of the indoor firing range in the U.S. Post Office and Courthouse Building in Cincinnati, Ohio.

The following technical comments are based upon our recommendations following a Health Hazard Evaluation of the shooting range by the National Institute for Occupational Safety and Health (NIOSH).

Technical Comments

- The report on page 8 lists four restrictions which are noted in the NIOSH interim report dated March 18, 1983, to General Services Administration's Cincinnati field office. In the NIOSH letter report, there were actually five restrictions noted. We request that the fifth restriction, "shooters and range master shall wash hands and face with soap and water after using the range," be included in the final report.
- The first sentence of the second paragraph on page 9 reads, "NIOSH also recommended that the range ventilation be improved." We request that this sentence be changed to, "NIOSH recommended the use of non-lead or jacketed ammunition, improvement of the range ventilation, and several good work practices."

GAO note: Page references correspond with pagination in the draft report.

(945724)

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