To: Collins, NRR

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NEPC

NATIONAL ENVIRONMENTAL PROTECTION CENTER

October 21, 2002

Hon. Jennifer Gee
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
50 Fremont Street – Suite 2100
San Francisco, CA 94105
(415) 744-6577
(415) 744-6569 FAX

Dear Judge Gee:

Enclosed herewith please find the National Environmental Protection Center ("NEPC") petition for leave to participate in the above-styled cases in accordance with 29 C.F.R. Part 18.10(c). Inasmuch as the undersigned serves as the Executive Director of NEPC and is also represented in the above-styled cases pro se, this petition serves to recognize NEPC as a party to this proceeding with leave of the court to join in the representation the Complainant as a matter of right under the law. Accordingly please also find enclosed herewith NEPC's notice of appearance by and through its undersigned Executive Director.

Sincerely,

Thomas Saporito
Executive Director
Complainant pro se

CC: Cindy A. Coe, OSHA Regional Administrator
Jeff Immelt, CEO General Electric Company
David Burrage, EHS Leader
Julie Arrieta, CEO Adecco, Inc.
Greg Bradley, Branch Manager Adecco
U.S. Nuclear Regulatory Commission, EDO

P. O. BOX 1234, BUCKEYE, ARIZONA 85326 PHONE: 623-386-6863 FAX: 309-294-1305 NEPC@THEPOSTMASTER.NET

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UNITED STATES DEPARTMENT OF LABOR
BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES

October 21, 2002

OSHA CASE NOS. 2003CAA00001 and 2003CAA00002

IN THE MATTER OF
THOMAS SAPORITO

COMPLAINANT,

v.

GE MEDICAL SYSTEMS et al.,

and

ADECCO TECHNICAL et al.,

RESPONDENTS.

PETITION FOR LEAVE TO PARTICIPATE AS A PARTY AND NOTICE OF APPEARANCE

COMES NOW, the National Environmental Protection Center (hereinafter "NEPC" or Petitioner) in accordance with 29 C.F.R. 18.10(c) by and through its undersigned Executive Director, and hereby submits its Request for Leave to Participate as a Party in the above-styled proceeding.

Pursuant to 29 C.F.R. 18.10(c)(1) Petitioner states that its Executive Director is the complainant in this proceeding. The undersigned has acted to created a public organization called the "National Environmental Protection Center" ("NEPC"), a nonprofit educational organization advocating the enforcement of environmental laws and regulations under the U.S. Environmental Protection Agency ("EPA"), the enforcement of nuclear safety under the U.S. Nuclear Regulatory Commission ("NRC"), and the enforcement of "whistleblower" employee protection provisions

promulgated under 29 C.F.R. Part 24 and implemented under the Clean Air Act ("CAA"), 42 U.S.C. 7622 (1988); the Toxic Substances Control Act ("TSCA"), 15 U.S.C. 2622 (1988); the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 300j-9(i) (1988); the Safe Drinking Water Act ("SWDA"), 42 U.S.C. 6971 (1988); the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. 6971 (1988); and the Energy Reorganization Act ("ERA"), 42 U.S.C. 5851 (1974) as amended. In general, these provisions prohibit employers from retaliating against employees who "blow the whistle" or otherwise engage in certain actions in furtherance of the enforcement of environmental statues. Thus, a central function of NEPC is to represent whistleblowers in U.S. Department of Labor ("DOL") administrative proceedings under 29 C.F.R. Part 24, and to provide such representation on a contingency fee basis with the intent to recovery costs and fees through successful litigation of whistleblower complaints as provided under the applicable statues.

Pursuant to 29 C.F.R. 18.10(c)(2) Petitioner states that its participation as a party will contribute materially to the disposition of the proceeding because NEPC's Executive Director will represent complainant in a pro se fashion at hearing. NEPC's Executive Director is an experienced litigator in DOL/OSHA administrative law proceedings under 29 C.F.R. Part 24 and has represented other environmental whistleblowers in such proceedings. Thus, Petitioner brings its knowledge of environmental law and litigation experience to hearing which will materially expedite the disposition of the proceeding through aggressive prosecution of the complainant's *prima facie* case-in-chief.

Pursuant to 29 C.F.R. 18.10(c)(3) Petitioner states that its Executive Director will appear for petitioner.

Pursuant to 29 C.F.R. 18.10(c)(4) Petitioner states that the issues on which petitioner wishes to participate are before the court delineated in complainants OSHA complaints.

Pursuant to 29 C.F.R. 18.10(c)(5) Petitioner states that it intends to present witnesses at hearing.

WHEREFORE, Petitioner has demonstrated requisite interest to be a party in the proceedings, as defined under 29 C.F.R. 18.10 (a) and (b) and should be granted leave to participate and to represent the interests of the complainant in these proceedings.

NEPC hereby gives **NOTICE OF APPEARANCE** as complainant's representative at hearing in accordance with 29 C.F.R. 18.34(a).

RESPECTFULLY SUBMITTED, this 21st day of October 2002.

Thomas Saporito, Complainant Pro se
Executive Director, NEPC
POST OFFICE BOX 1234
BUCKEYE, ARIZONA 85326
PHONE: 623-386-6863 FAX: 309-294-1305
EMAIL: NEPC@THEPOSTMASTER.NET

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document was furnished to the following by service described below at their last know address:

BY U.S. MAIL
Hon. Jennifer Gee
Administrative Law Judge
U.S. Department of Labor
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50 Fremont Street – Suite 2100
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BY U.S. MAIL
Cindy A. Coe, OSHA Regional Administrator
U.S./DOL/OSHA
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Chief Executive Officer
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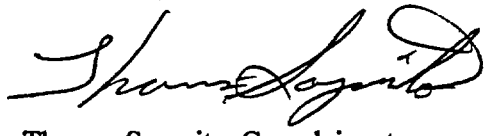
CERTIFICATE OF SERVICE CONTINUED

BY U.S. MAIL
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

By: 

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