



## Chemical Safety and Hazard Investigation Board

### Office of General Counsel

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#### Memorandum

To: Board Members

From: Ray Porfiri *rp*

Cc: Leadership Team

Subject: Board Action Report – Notation Item 702

Date: August 11, 2009

On July 30, 2009, Notation Item 702 was disapproved. The item provided for adoption of a Determination and Finding supporting payment of dues by the CSB, from its appropriated funds, to the American Institute of Chemical Engineers, Center for Chemical Process Safety, for an agency membership in CCPS for the current membership year. Member Wright's dissent to the item is attached to this Board Action Report.

#### Voting Summary – Notation Item 702

**Disposition: DISAPPROVED**

**Disposition date: July 30, 2009**

	Approve	Disapprove	Calendar	Not Participating	Date
J. Bresland	X				7/29/2009
G. Visscher		X			7/30/2009
W. Wark	X				8/3/2009
W. Wright		X			7/30/2009

Dissenting Opinion of Board Member William E Wright - re: Notation item # 702 (CCPS)

My position has not changed with regard to government funded membership in technical associations. My philosophical objections contained in my dissenting vote on Notation Item # 644 on 17 Jun 2008 remain unchanged (attached).

I will add however that we should strive to remain neutral in our relationships with organizations that may someday be recipients of CSB recommendations. And note that the CSB staff has historically interfaced with various organizations and associations like CCPS, NFPA, and unions in the past, and have limited their interaction to discussion of key issues or concerns as various subjects arose. This approach has worked effectively in the past and I believe will work just as effectively in the future. To my knowledge the CSB has not participated in any votes or deliberations within these organizations. Although I cannot be certain on this point as the current CSB Chairman is listed as a member of the CCPS Advisory Board. Hence, I do not know the level of his participation or involvement within the CCPS in that capacity. However, I believe this could be perceived as a potential conflict of interest by some, particularly when he is sitting as Chairman of the CSB. Although Chairman Bresland has a longstanding membership and association with the CCPS, I believe his being a member of the advisory board to be inappropriate for a sitting Board Member of the CSB.

I believe we are to operate the CSB as an independent and thoroughly objective organization that cannot be perceived as having any conflicts of interest as we pursue our congressional mandate to investigate and report on chemical incidents.

Accordingly I submit this dissenting vote on Notation item # 702.

Notation # 644 (Funded Membership in CCPS) Dissent by Board Member Wright

I philosophically disagree with becoming a funded member of any entity, particularly when that entity may be subject to our recommendations. In the case of CCPS they have stated specific benefits from being "dues paying members", namely:

- a. realize reduced book prices
- b. ability to sit on various committees within their organizational structure
- c. have a voice at the table
- d. increased networking and or awareness

Simply put, we would have access to what is happening in their world if we pay for a membership in CCPS. They have also stated that absent a membership they would not allow us to sit in or have "observer status" as they do not allow others to participate if they are not paying members. However, I see this as problematic for us as we may be perceived as "buying" a seat at the CCPS table (even though we have well meaning intentions here). This perception may appear even greater when that entity we provide funds to may in fact be subject to some recommendations we may proffer in the future. We should maintain an objective position with respect to this and other similar entities (CCPS, ACC, SOCMA, USW, others). I believe we can stay informed by subscribing various periodicals and or buying books at full price vice signing up to get a discounted price. Again, the perception here is what we need to keep in mind here. Further serving on committees and being a full participant also skews perception of others with respect to our "objectivity". To serve in those capacities sends a signal that we share the same ideas and/or pursuits presented by the CCPS committees vice reaching our own conclusions. And if we voice our opinions at their meetings we could be viewed as trying to unduly influence what happens within the industry vice simply reporting on incidents or assessing various proposals. We are in effect "part of them" vice "apart from them."

Again, I believe we should remain *objective* here and not use agency funds to join this or any other organization, even though we have well intentioned motives, e.g., getting discounted books or being able to observe meetings from the table. Further, I believe our membership can be played against us too. For example, they may look for us to favorably endorse their work on some activity which we need to remain neutral on until we assess the input from those we made recommendations to in the past. The key example that comes to mind here is CCPS's effort on addressing Leading and Lagging Indicators as the way forward when we made the recommendation to API and USW vice CCPS. This approach can put us in a very precarious position if we are not careful. We would await a response to one of our recommendations from one entity while endorsing a particular approach as the answer to that recommendation. I believe we are better served by remaining objective and not pursuing funded memberships with these types of organizations.

Finally, where do we draw the line with respect to these types of memberships? Unions are strong advocates for safety and yet we have not, to my knowledge, applied for funded memberships in those organizations. I am also unaware of any organizations that our

sister agency (NTSB) has funded memberships in today. I believe they do not because they desire to remain objective about potential future recommendations they may issue with respect to those entities and purposefully distance themselves from such funded affiliations.

Finally, what is "special" about the CCPS versus say, SOCMA, ACC or USW? Again, I am not aware that we have funded memberships with any of these entities now or plans to do so in the future? Is the benefit greater here? Can we keep abreast of what is going on by simply purchasing periodicals and books at full rates? In the past I advocated we not have a voice at these meetings but rather observe, yet CCPS professes one must pay to observe – and by paying we can be perceived as being fully involved here vice objective in our approach here.

For the above cited reasons I voted against this Notation item (644) and proffer this dissenting opinion.