

U.S. CHEMICAL SAFETY BOARD

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PUBLIC BUSINESS MEETING

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WEDNESDAY,  
MAY 6, 2015

+ + + + +

WASHINGTON, DC

+ + + + +

U.S. CHEMICAL SAFETY BOARD MEMBERS PRESENT:

MARK GRIFFON, Member, U.S. Chemical Safety  
Board

MANNY EHRLICH, JR., Member, U.S. Chemical  
Safety Board

RICK ENGLER, Member, U.S. Chemical Safety Board

STAFF PRESENT:

RICHARD C. LOEB, General Counsel

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## T-A-B-L-E O-F C-O-N-T-E-N-T-S

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## P-R-O-C-E-E-D-I-N-G-S

(Time not provided)

MEMBER GRIFFON: Good morning,  
everybody. My name is Mark Griffon and I'm a  
board member presiding over this public meeting.  
I'd like to also introduce my colleagues on the  
Board. Member Rick Engler is to my right.

MR. ENGLER: Good morning.

MEMBER GRIFFON: Member Manny Ehrlich  
to my left.

MEMBER EHRLICH: Morning.

MEMBER GRIFFON: We three constitute  
the Board. Having established a quorum of the  
three board members, this public business meeting  
will now (inaudible).

Mr. Richard Loeb, the Board's General  
Counsel will serve as the parliamentarian for  
this meeting. And Richard Loeb's right here.

Okay. Before we get started I just  
want to take care of a few of the housekeeping  
items. First, if we have an emergency, we're  
going to exit through the door where you came in,

1 down the stairs. And our point of gathering is  
2 actually sort of behind me on 22nd and  
3 Pennsylvania. So out the front door and to 22nd  
4 and Pennsylvania. We'd gather on the corner. I  
5 don't think that will happen, but just in case.

6 A couple other important points. The  
7 restrooms [are] also just out these doors and I  
8 think to either side on the hallway. And we will  
9 let you back in. I think someone's out there to  
10 make sure you can get back in.

11 Finally, there's a sign-up sheet out  
12 (inaudible) maybe a lot of you saw it, for  
13 attendance and also for public comment. So if  
14 you want to make a public comment today, if you  
15 could please sign up. That way we'll have an  
16 idea of how many commenters we have at the end of  
17 the meeting.

18 Also, for those online, or for those  
19 on the phone lines, it's a listen-only phone  
20 line, so if you have public comments to make,  
21 we'd ask that you send them in via email to  
22 comments@csb.gov and we will make them part of

1 the final transcript. So we'll incorporate those  
2 into the record.

3 Okay. So now I'd just like to start  
4 the business part of the meeting. And I think in  
5 the hallway there was an agenda provided, and  
6 I'll just quickly go through the items on the  
7 agenda. We're going to have opening statements  
8 by myself and Members Ehrlich and Engler. We  
9 have proposed amendments to 40 CFR 1600. We have  
10 proposed CSB public business meetings scheduled  
11 for 2015 to 2016. We have a notation item 2015-  
12 07 related to the Board governance that we're  
13 going to take on the table today for  
14 consideration. We have status reports on the  
15 development of an overall investigation plan and  
16 a process for updating the CSB's investigative  
17 protocol. And last, consideration of a CSB  
18 Action Plan. And then, finally, public comment  
19 and a short closing remark that I'll make.

20 So with that, I just want to make a  
21 short opening remark. As many may know, my two  
22 colleagues on the Board recently voted to

1 delegate interim administrative and executive  
2 authorities to me in the absence of a  
3 chairperson. I am honored that my two colleagues  
4 delegated these authorities to me and pledge to  
5 work with them to set the stage for the next  
6 chairperson and board.

7 I believe this is a very important  
8 meeting and hope that it sets the stage for  
9 greater openness and transparency of the CSB.

10 There are two primary items on the  
11 agenda today: One involves the governance of the  
12 Agency and the second involves some proposed  
13 amendments to our operating regulations, 40 CFR  
14 1600. One primary purpose of this meeting is to  
15 reset the board orders on governance --- so those  
16 in place prior to the motion that was passed in  
17 the January 28th meeting held in Richmond,  
18 California. The events of this meeting are  
19 pretty well documented and I don't need to repeat  
20 them all here, however, I do want to stress that  
21 the result of that meeting was a new board order  
22 on governance which eliminated 18 board orders

1 and consolidated the power in the chairperson.

2 The motion that I will propose today  
3 intends simply to reinstate the governance  
4 orders. It does not propose any changes to those  
5 orders. It should be noted that many of the  
6 orders related to governance have stood the test  
7 of time, many being in place over a decade.

8 I strongly believe that while the  
9 chairperson is the chief executive of the board  
10 and shall exercise the executive and  
11 administrative authorities or functions of the  
12 Board, this must be done with the oversight of  
13 the Board as a whole. These checks and balances  
14 are the essential elements of the governance of  
15 the Agency. The call for these checks and  
16 balances was stressed in a letter from Senator  
17 Frank Lautenberg in 1999 when he said that the  
18 chairperson must perform the executive functions,  
19 quote, "under the direction and approval of the  
20 Board as a whole."

21 The other primary item involves  
22 proposed amendments to our operating regulation,

1 40 CFR 1600. The two amendments are  
2 straightforward. One is to assure when a board  
3 member votes to calendar an item to discuss that  
4 item in a public meeting, that the item must be  
5 brought to a public meeting for discussion.

6 Sounds fundamental, but I think we have to  
7 clarify it. Secondly, it is to require at a  
8 minimum that the Board have quarterly business  
9 meetings, like this meeting that we're in today.

10 Both elements are intended to improve  
11 openness and transparency of the work of the  
12 Board. Although these types of changes to our  
13 regulations don't require a public comment  
14 period, if the motion passes, the proposed rule  
15 would be available in the Federal Register for a  
16 30-day public comment period.

17 In conclusion, I want to stress that  
18 process does affect product, and I believe that  
19 if we stabilize our governance and management  
20 procedures, it will be a very positive effect on  
21 the efficiency and effectiveness of the Agency.  
22 And I look forward to working in my last few



1 months here at the Agency with my colleagues on  
2 the Board to do just that. Thank you very much  
3 for attending this meeting. And with that, I'll  
4 turn it over to -- I can't read that name, but --  
5 I wasn't going to do that, but let me turn it  
6 over to you for opening remarks and then I'll --  
7 we can deal with that, yes.

8 MEMBER EHRLICH: Good morning. I have  
9 met a number of you before and I'm glad you're  
10 able to attend this meeting today. I'm going to  
11 tell you a little bit about me, some of which  
12 you've probably heard before, some of which may  
13 be new.

14 First of all, I've been in the  
15 chemical industry for 50 years, which is quite a  
16 feat for a guy that's 44.

17 (Laughter)

18 MEMBER EHRLICH: So I told NACD last  
19 week when I met with them that [when] I started  
20 this job -- I was 6'2" and before my five  
21 appearances before Congressional hearings. You  
22 see what you got left. Okay?

1                   Anyhow, most of my experience, all of  
2 my experience for the most part, is in the  
3 industrial sector. In the chemical world I work  
4 for companies like International Specialty  
5 Products, BASF. I ran the Emergency Response  
6 Training Center in Colorado. I worked for a  
7 company in Pittsburgh by the name of Pitt Penn  
8 Corporation. My areas of expertise; and I'm  
9 always careful about using that word "expert,"  
10 include manufacturing safety and health,  
11 emergency response, human resources. I spent a  
12 number of years in human resources. And I spent  
13 a lot of time negotiating labor contracts for  
14 International Specialty Products.

15                   I have some goals here at the Agency.  
16 As you know, we're tenured on a five-year basis,  
17 which in reality is not a terribly long time to  
18 get things accomplished. But first and foremost  
19 my goal is to foster the mission and move the  
20 mission of the Agency forward and support our  
21 staff.

22                   We have a wonderful staff here. We

1 have wonderful people. They do a hell of a job.  
2 I'm sure you've read the reports and seen the  
3 videos, and I don't know how you can not think  
4 that it's just absolutely incredible. I told one  
5 of the groups I talked to recently that I kind of  
6 refer to them as "kids." They're all in their  
7 20s and 30s and I think I can take the right to  
8 do that since I'll be 73 in a couple months. But  
9 they're a wonderful group of people. Very  
10 talented, very knowledgeable.

11 And for those of you who are here from  
12 our staff, why don't you at least raise your  
13 hands and identify yourself, if you would,  
14 please?

15 I don't hear anything.

16 MS. COHEN: Hillary Cohen,  
17 Communications.

18 MS. WENZEL: I'm Kara Wenzel,  
19 Assistant General Counsel.

20 MS. ROBINSON: Bea Robinson, the  
21 Financial Director.

22 MS. TYLER: Lucy Tyler (phonetic),

1 Investigator

2 MS. ANENBERG: Susan Anenberg, Deputy  
3 Managing Director for Recommendations.

4 MR. HOROWITZ: Daniel Horowitz  
5 (phonetic), Managing Director.

6 MS. BOUZIANE: Michele Bouziane,  
7 Assistant General Counsel.

8 MS. TINNEY: Veronica Tinney,  
9 Recommendations.

10 MR. KASZNIAK: Mark Kaszniak,  
11 Recommendations.

12 MEMBER EHRLICH: Great. Some people  
13 to get to know. They do a great job. My support  
14 of staff comes in areas obviously where I have  
15 some background and some expertise. Emergency  
16 response happens to be one of them. It's a very  
17 important issue to me. And I've spent probably  
18 20 of the 25 last years dealing with emergency  
19 response issues, not totally unrelated to what  
20 the Board does.

21 I have a lot of experience in  
22 organizational development and human resources,

1 and I'm glad to see you're here from the ACC,  
2 because I've been working with them for 25 years,  
3 right?

4 I have an objective to try to bring  
5 more business emphasis to the Agency. I think  
6 [of] the board [of] directors; and I don't know  
7 that we have consensus on this, so I'll just  
8 throw it out as my thought, I mean, we need job  
9 descriptions. We need goals and objectives. We  
10 need to be held accountable. Okay? And we need  
11 to be here to support our staff as opposed to  
12 having our staff support us. They're stuck with  
13 us, as I told the people in the meeting  
14 yesterday. We get here. We're here for five  
15 years. They have no say on who comes through the  
16 door, or for that matter, pretty much who leaves,  
17 but I think we need to realize that the staff is  
18 what gets the work done here. Okay?

19 So, public outreach is very important  
20 to me. I'm going to continue to do that. And  
21 again, I thank you all for coming and hope that  
22 this meeting is profitable for you as well as for

1 us.

2 What I suggested to Mark was --

3 MEMBER GRIFFON: I figured it would be  
4 difficult to introduce everybody because we got a  
5 lot of people on the phone lines, so I don't want  
6 to do that.

7 MEMBER EHRLICH: Okay. All right.

8 MEMBER GRIFFON: All right. Thanks,  
9 Mr. Ehrlich. Mr. Engler?

10 MR. ENGLER: Thank you, and thank you  
11 all for coming today to this important meeting.  
12 We really appreciate the engagement and  
13 involvement of you individually, but also of the  
14 key constituencies of the Board including  
15 industry, labor, community, environment,  
16 technical and professional associations,  
17 universities and others. I don't think that we  
18 can operate effectively without your engagement.  
19 And I mean that as a general approach to board  
20 governance moving forward. A small agency like  
21 ours with less than roughly 40 people simply  
22 can't operate unless it has an effective

1 participation and engagement by all of our key  
2 constituencies, so that your role is quite vital  
3 in what we do, whether it's the current  
4 composition of the Board or the future  
5 composition of the Board.

6 I have devoted much of my adult life  
7 to principles involving the right to know about  
8 chemicals in the work place and in the community,  
9 to assure that people have information about what  
10 they may be exposed to and what steps they can  
11 take to protect themselves, and also to ensuring  
12 that there is participation by all parties at the  
13 table, meaning that in various parts of society  
14 there's often power in balance. And in the CSB  
15 we have an opportunity to ensure that everyone  
16 has a voice and that their voice is heard, not to  
17 the detriment, but to the reinforcement of sound  
18 scientific principles and the issuance of our  
19 reports and recommendations and how we proceed as  
20 an agency.

21 And so, I am deeply committed to  
22 public participation. I have been throughout my

1 career. I hope to continue that in my  
2 (inaudible) and thank you for your engagement  
3 again today.

4 MEMBER GRIFFON: Thank you, Mr.  
5 Engler.

6 Okay. So the agenda that we passed  
7 out, I'm going to take things a little out of  
8 order, but bear with me. I'll introduce them  
9 carefully.

10 So Item 3 on the agenda we're actually  
11 going to take up first. And I just want to give  
12 a bit of background on this, because I'm not sure  
13 everyone's familiar with our terminology and  
14 everything.

15 So Notation Item 2015-07 does relate  
16 to the board order, board governance, but the  
17 notation item, as we did a notation vote  
18 internally, was to rescind the entire motion of  
19 the January 28th (inaudible), which included a  
20 new board order on governance, which was Board  
21 Order 2015-01, which also canceled the 18 board  
22 orders that I talked about. It also included a



1 new board order on recommendations and a part of  
2 a board order on scoping. It's part of our Board  
3 Order 40 on investigative protocol, a chapter of  
4 it called "Scoping." And it also canceled three  
5 [investigations, the Horsehead,] Silver Eagle and  
6 CITGO investigations. So that notation vote  
7 internally was calendared and calendaring -- now  
8 we're bringing it to the table in our public  
9 meeting. So just to give that clarification.

10 Now I'd like to put forward a motion.  
11 Now that the items on the table, I would like to  
12 make a vote to reinstate the governance actions  
13 that were rescinded in the motion made at the  
14 January 28th, 2015 meeting. Therefore, I move to  
15 reinstate all board orders that were rescinded by  
16 the January 28th, 2015 motion and to rescind  
17 Board Order 2015-01 while acknowledging that  
18 Board Order 2015-01 and its contents were in  
19 effect from January 28th, 2015 to today, May 6th.

20 PARTICIPANT: Second.

21 MEMBER GRIFFON: And I have a second  
22 for the motion, so the motion goes to the floor

1 for discussion. Is there any discussion of the  
2 motion?

3 PARTICIPANT: Yes, I have a question.  
4 Aren't you making the exception for the three  
5 incidents that we discussed about? Aren't they  
6 excluded from this motion?

7 MEMBER GRIFFON: I'm sorry. The  
8 second -- I missed my final part of the motion.  
9 Sorry about that. The following items that were  
10 revised on January 28th, 2015 are not rescinded  
11 by this action. That's Board Order 22, the  
12 scoping protocol, and the administrative closure  
13 of the Horsehead investigation. So we're not  
14 rescinding those pieces either. And I would  
15 assume your second still stands?

16 PARTICIPANT: Yes, certainly.

17 MEMBER GRIFFON: Okay. So, sorry.  
18 Sorry about that. Needed to clarify that.

19 So just to summarize, because these  
20 are complicated ways of maneuvering through this.  
21 But essentially what this motion would do is to  
22 reset to the board orders that were in place

1 prior to the January 28th meeting, reinstate the  
2 18 board orders that were canceled in that new  
3 Board Order 2015-01, cancelling Board Order 2015-  
4 01. What it would not do is -- I have accepted  
5 that the proposed Board Order 22 at that meeting  
6 in California was okay with me. I've also  
7 accepted the scoping protocol as presented in  
8 that meeting. So we're not asking to reopen  
9 those. Finally, it's not asking to reopen the  
10 Horsehead investigation. That would have  
11 remained administratively closed.

12 And subsequent to the meeting, the  
13 January 28th meeting, myself and I think the rest  
14 of the board members got additional information  
15 about Horsehead. I talked to several staff about  
16 that case, and it is apparent that there was a  
17 lot of agreement amongst the senior investigative  
18 staff that the consulting product that was  
19 produced is probably the best we're going to [do]  
20 right now with that case because of several  
21 reasons, including the investigators that worked  
22 on it are no longer here. Evidence is cold, I

1 guess we could say. And so, I think that -- at  
2 least my motion is to propose to keep that  
3 administratively closed. But it was worth  
4 looking through more analysis that was done by  
5 the teams as they looked at the evidence file to  
6 support that administrative closure.

7 So, any other comments about the  
8 motion?

9 MEMBER EHRLICH: Yes, I wanted to talk  
10 to Richard (inaudible).

11 MEMBER GRIFFON: Well, you'd have  
12 to --

13 MEMBER EHRLICH: (Inaudible) pose a  
14 question.

15 MEMBER GRIFFON: Yes.

16 MEMBER EHRLICH: When I discuss how  
17 and why I go for a certain issue a certain way,  
18 does that come now in the discussion or does it  
19 come afterwards?

20 MR. LOEB: You can -- so you can it in  
21 both ways. You can say -- state your position  
22 now.

1                   MEMBER EHRLICH: Okay. I wanted to  
2 state my position on 2015-01. Unfortunately, a  
3 lot of people saw that board order as an attempt  
4 to get the chair tremendous power. It was never  
5 intended to do that, and in fact it did not do  
6 that. And I believe strongly in what was done at  
7 that time, so my vote will reflect that  
8 accordingly -- will accordingly reflect that.

9                   MEMBER GRIFFON: Okay. Thank you.  
10 Mr. Engler, any comments on the motion?

11                   MR. ENGLER: I support the motion in  
12 full. I have a different interpretation of what  
13 happened that day. Among them (inaudible) was  
14 fully and completely violated, that the other  
15 elements of the motion, including the practical  
16 ones at this point on the safety study, on the  
17 Horsehead study, et cetera, are now appropriate  
18 and I'm prepared to vote in favor.

19                   MEMBER GRIFFON: Okay. So if there's  
20 no further discussion, I'll call it to a vote  
21 and --

22                   MR. LOEB: Call the question?

1 MEMBER GRIFFON: Call the question.

2 MR. LOEB: And the question is on the  
3 calendaring of Notation Item 2015-07 relating to  
4 Board governance, issuance of two board orders  
5 and scoping investigations as stated by the  
6 presiding member, and the administrative closure  
7 of three investigations: CITGO -- I'm sorry.

8 MEMBER GRIFFON: That's separate.

9 MR. LOEB: Right. Okay. We'll hold  
10 that separately.

11 MEMBER GRIFFON: Yes.

12 MR. LOEB: And the -- well, let's just  
13 leave it at that and I'll take call of the vote.

14 MEMBER GRIFFON: Okay.

15 MR. LOEB: Mr. Engler?

16 MR. ENGLER: Yes.

17 PARTICIPANT: I'm not clear on --

18 MEMBER GRIFFON: Do we need  
19 clarification on that?

20 PARTICIPANT: I'm not clear on --

21 MEMBER GRIFFON: I'm going to --

22 PARTICIPANT: Yes, take (inaudible).

1                   MEMBER GRIFFON: I'm restating the  
2 motion so we're clear what we're voting on. The  
3 motion is to reinstate the governance actions  
4 that were rescinded in the motion made in the  
5 January 28th, 2015 meeting. Therefore, I move to  
6 reinstate all board orders that were rescinded by  
7 the January 28th, 2015 motion to rescind Board  
8 Order 2015-01 acknowledging that it's been in  
9 effect from January 28th until today. Also the  
10 following items that were revised in the January  
11 28th, 2015 meeting are not rescinded by this  
12 action: That's the Board Order 22, the scoping  
13 protocol and the administrative closure of  
14 Horsehead. We'll deal with the other ones in a  
15 second.

16                   PARTICIPANT: Thank you.

17                   MEMBER GRIFFON: All right.

18                   MR. LOEB: I'll call the roll yet  
19 again.

20                   MEMBER GRIFFON: Right. Right.

21                   MR. LOEB: Mr. Engler?

22                   MR. ENGLER: Yes.

1 MR. LOEB: Mr. Ehrlich?

2 MEMBER EHRLICH: No.

3 MR. LOEB: Presiding Member Griffon?

4 MEMBER GRIFFON: Yes.

5 MR. LOEB: The motion passes two to  
6 one.

7 MEMBER GRIFFON: All right. Thank  
8 you. The next item I have is the Silver  
9 Eagle/CITGO question. And this very simply I  
10 move to reopen the Silver Eagle and CITGO cases  
11 for the purposes of establishing a CSB safety  
12 study. The individual cases will remain closed.  
13 And is there a second on that motion?

14 PARTICIPANT: Second.

15 MEMBER GRIFFON: Hearing a second,  
16 I'll bring it to the floor. Any discussion?

17 (No audible response)

18 MEMBER GRIFFON: I can start the  
19 discussion.

20 (Laughter)

21 MEMBER GRIFFON: I think it's  
22 important to clarify this also: that Silver Eagle



1 and CITGO, both those cases, in my view, are very  
2 important cases for the CSB. The CITGO case  
3 involves use of hydrochloric -- or releases of  
4 hydrochloric acid from alkylation units. There  
5 were multiple incidents at that CITGO facility.  
6 We certainly think it's important. I think  
7 there's been a lot of interest expressed by many  
8 stakeholders about that case.

9 Silver Eagle, also a refinery. This  
10 involved a question on -- a particular question  
11 on siting and effects of off-site from releases,  
12 or in this case an explosion. And there was  
13 significant damage to some houses in this  
14 particular incident at Silver Eagle in Utah.

15 And so, while again there is a problem  
16 with the Agency, these cases are old. Most of  
17 the investigators are no longer here; some may  
18 be. What was proposed at one point in the  
19 Agency's action plan was to incorporate these  
20 within a refinery safety study. And so this is a  
21 similar motion to not lose these cases, but we're  
22 not going to do full investigations on each one,

1 but they're going to be pulled in and  
2 incorporated into a larger safety study. And  
3 that's the motion on the floor, and seconded.  
4 And I support that motion.

5 Any other discussion or comments?

6 Rick?

7 MR. ENGLER: No.

8 MEMBER GRIFFON: All right. So we'll  
9 call the question, right? And again, the motion  
10 is to reopen the Silver Eagle and CITGO cases for  
11 the purposes of establishing a CSB safety study.  
12 The individual cases will remain closed.

13 MR. LOEB: Thank you. Call the  
14 question. Call the roll now. Mr. Engler?

15 MR. ENGLER: Yes.

16 MR. LOEB: Mr. Ehrlich?

17 MEMBER EHRLICH: Yes.

18 MR. LOEB: Presiding Member Griffon?

19 MEMBER GRIFFON: Yes.

20 MR. LOEB: Unanimous.

21 MEMBER GRIFFON: Okay. It's boring,  
22 but it's our business.

1 (Laughter)

2 MEMBER GRIFFON: This is good. This is  
3 what we want.

4 Okay. Third item is 40 CFR 1600,  
5 proposed amendment to 40 CFR 1600. Just to -- I  
6 can characterize it a little bit and I'll open it  
7 up if members have motions on this, but  
8 essentially this -- the two proposed amendments  
9 that we're considering today are to address the  
10 question of calendaring notation items. And this  
11 has been a problem, in my view anyway, for quite  
12 some time as the Board, where a notation item, an  
13 internal written vote can be calendared. The  
14 essential role of calendaring, or the rationale  
15 for it is sound and good. I think the spirit has  
16 been lost a little bit in how it's been used  
17 internally.

18 So the idea is if you have a written  
19 vote and a member, any member wants to have a  
20 discussion on that item in a public meeting  
21 rather than just doing a written vote, they can  
22 calendar the item and bring it to a public

1 meeting. And we think that at least one of the  
2 motions is to require that by a time certain  
3 these items are brought up on the agenda at a  
4 public meeting.

5 The second part of this simply -- the  
6 second amendment is simply to require quarterly  
7 -- at a minimum quarterly public meetings of the  
8 Board. Again, more transparency of our work and  
9 how we do it. And I think many people I've  
10 talked to support that.

11 So, I don't know if -- anyone have a  
12 motion on that?

13 PARTICIPANT: Are you going to handle  
14 those as two separate motions?

15 MEMBER GRIFFON: I think it's one  
16 motion right now. Do you have -- yes, it's one  
17 motion that he's proposing.

18 PARTICIPANT: And does that cover all  
19 the issues of 1600?

20 MEMBER GRIFFON: Yes.

21 PARTICIPANT: Okay.

22 MEMBER GRIFFON: Motion?

1           MR. ENGLER: I have a motion. I move  
2 to adopt proposed amendments to 40 CFR Section  
3 1600. If these two amendments are approved by  
4 the Board, they'll be noticed in the Federal  
5 Register as a proposed rule with requests for  
6 public comment. And I would like to add one note  
7 that as an independent agency we're not actually  
8 required to go through a major process that we  
9 are going through now. We're doing this because  
10 we believe that you should have input and that  
11 the broader public should have input on this.  
12 And I'm not sure how many conditions.  
13 Independent agencies that are exempt from such  
14 participation requirements just dispense with  
15 them, but we think it's -- at least a number of  
16 us think it's the right thing to do.

17           So specifically, the proposed  
18 amendments read as follows: "Amend 1600.5,  
19 Quorum and Voting Requirements, Section (b),  
20 Voting, by adding the following at the end of the  
21 section: If a board member votes to calendar a  
22 notation item, the Board must consider the

1 calendared notation item at a public meeting of  
2 the Board within 90 days of the date of which the  
3 item is calendared. A notation vote to schedule  
4 a public meeting may not be calendared. The  
5 Chairperson shall add any calendared notation  
6 item to the agenda for the next CSB public  
7 meeting if one is to occur within 90 days or to  
8 schedule a special meeting to consider any  
9 calendared notation item no later than 90 days  
10 from the calendar action."

11 "And second, to amend 1600.5, Quorum  
12 and Voting Requirements, by adding a new Section  
13 C, Public Meetings and Agendas. The chairperson  
14 or in the absence of the chairperson a member  
15 designated by the Board, shall schedule a minimum  
16 of four public meetings per year in Washington,  
17 D.C. to take place during the months of October,  
18 January, April and July.

19 "I. Agenda. The chairperson, or in  
20 the absence of the chairperson a member  
21 designated by the Board, shall be responsible for  
22 preparation of the final meeting agenda. The

1 final agenda may not differ in substance from the  
2 items published in the Sunshine Act notice for  
3 that meeting. Any member may submit agenda items  
4 related to CSB business for consideration at any  
5 public meeting and the chairperson shall include  
6 such items on the agenda.

7 "At a minimum each quarterly meeting  
8 shall include the following agenda items: (1)  
9 Consideration and vote on any notation items  
10 calendared since the date of the last public  
11 meeting; (2) a rescind by the Board for  
12 completion of all open investigation studies and  
13 other important work of the Board; and (3) a  
14 rescind and discussion by the Board of the  
15 progress in meeting the CSB's annual action plan.

16 "Publication of agenda information.  
17 The chairperson shall be responsible for posting  
18 information (inaudible) agenda item that is  
19 appropriate for public release on the CSB website  
20 no later than two days prior to a public  
21 meeting."

22 I so move.

1                   MEMBER GRIFFON: And seconded. Okay.  
2                   So the item is on the floor for discussion. Any  
3                   discussion on the proposed amendment?

4                   MEMBER EHRLICH: I have some  
5                   discussion. Does anybody else have any  
6                   discussion?

7                   MEMBER GRIFFON: All right. Go ahead.

8                   MEMBER EHRLICH: As you all know, we  
9                   are without a chair right now. There has been a  
10                  chair nominated by the President and she has  
11                  undergone her Senate testimony and is awaiting  
12                  confirmation. Putting these issues into effect  
13                  now would mean doing it in the absence of a  
14                  chair, which means that when; and hopefully it's  
15                  when and not if, Ms. Sutherland gets confirmed  
16                  and appointed, she would be faced with all of  
17                  this type of information in front of her. And it  
18                  may not necessarily be to her liking, which would  
19                  mean we have to go back to revisit the process  
20                  again. I just think putting this in place in the  
21                  absence of a chair is not the right thing to do.

22                  MEMBER GRIFFON: Any other comments?



1           MR. ENGLER: My attempt at making at  
2 this motion is to look at broad principles of  
3 public transparency and public accountability.  
4 And I would hope that any chair of any federal  
5 agency makes a commitment at all times to  
6 transparency, to openness and at a minimum has a  
7 reasonable schedule of public meetings,  
8 encourages a structure that fosters congeniality  
9 and collaboration among not only the staff of the  
10 agency, but among the board members, and I think  
11 this offered in that spirit.

12           That (inaudible) the reason we're  
13 going through this is to get further comment on  
14 this. I've already noticed what area which I  
15 would like to tweak that I think is important,  
16 but there will be a process to do that. There's  
17 a 30-day comment period for further public input.  
18 I would encourage you all to comment on this  
19 proposal. I would encourage you to comment as  
20 soon as possible and not wait to the last minute,  
21 because it will be an ongoing process for looking  
22 carefully and preparing responses to comments.

1 I know there could be an issue the  
2 chair might, a future chair or some chair might  
3 not like it, but it seems to me that this  
4 document, and however we might revise it, it's a  
5 question of [how] our government operates. It's  
6 a question of how we see the world operating and  
7 how democracy works. And whether it's the  
8 American Chemistry Council, the United Steel  
9 Workers, or the National Fire Protection  
10 Association, or any of the folks -- and I don't  
11 mean to single them out so much as that I know  
12 that folks are in the audience. This is an  
13 opportunity for you to come to a meeting and say  
14 something, to have your piece, to hold us  
15 accountable.

16 I said on March 4th at the  
17 Congressional hearing that I welcomed  
18 accountability and I hope that the meeting today,  
19 the adoption of this rule or a similar one by the  
20 Board continues that approach. I welcome  
21 accountability from Congress and from the public  
22 and from all those concerned about our mission to

1 help ensure the prevention of catastrophic  
2 chemical accidents. So I fully support this  
3 proposal.

4 MEMBER GRIFFON: Thank you. And I  
5 also support the motion, I think for many of the  
6 same reasons Rick Engler brought up. I think we  
7 want improved transparency, and I would hope the  
8 future chairperson would support that. And for  
9 over four years I've been asking for these sort  
10 of business meetings. I think stakeholders want  
11 to hear from us and we owe it -- as Rick says,  
12 owe it to the public, to the stakeholders to be  
13 accountable to them and to give them regular  
14 updates on what we're doing and where we stand on  
15 our investigations. And I think that's the  
16 reason we made these two amendments, both focused  
17 on transparency and openness, nothing more, but  
18 nothing less. So I also support the motion.

19 Any further comment?

20 MR. ENGLER: I guess I want to make  
21 one more point for the record. I have found  
22 (inaudible), deliberately found it because I'm

1 overwhelmed with paper, but Notation Item No. 3,  
2 Board Directive 19 from December 27th, 1999, a  
3 unanimous vote by four members of the Board  
4 representing a diversity of stakeholders to  
5 conduct regular public business meetings of the  
6 Board, to meet in, quote, "an open forum on the  
7 first Thursday of every month." So at some point  
8 in our history this stopped happening and it  
9 seems to me it's something that should be  
10 starting up anew.

11 MEMBER GRIFFON: Yes?

12 MEMBER EHRLICH: I do have one more  
13 comment. Clearly I'm not opposed to transparency  
14 and openness. I think it's vital, but my  
15 overwhelming concern about enacting this in the  
16 present without a chair takes precedence over  
17 other issues in this motion.

18 MEMBER GRIFFON: Thank you. If  
19 there's no further comments, I'll call the  
20 question, or actually -- it's a lengthy motion,  
21 so I don't know that we're going to --

22 MR. LOEB: Yes, why don't you just

1 summarize it.

2 MEMBER GRIFFON: Summarizing the  
3 motion, which is two amendments. The motion is  
4 to make two amendments to 40 CFR 1600 involving  
5 the calendaring question, as well as regular  
6 quarterly business meetings. And this is as a  
7 Notice of Proposed Rulemaking. Right.

8 MR. LOEB: I'll call the roll. Mr.  
9 Engler?

10 MR. ENGLER: Yes.

11 MR. LOEB: Mr. Ehrlich?

12 MEMBER EHRLICH: No.

13 MR. LOEB: Presiding Member Griffon?

14 MEMBER GRIFFON: Yes.

15 MR. LOEB: The motion is adopted by a  
16 two to one vote.

17 MEMBER GRIFFON: Okay. Thank you.  
18 The next item is I believe a proposed schedule of  
19 business meetings for this upcoming -- the  
20 several months in front of us. So we want to  
21 talk about a proposed schedule of CSB business  
22 meetings. And I think Mr. Engler has a motion on

1 that.

2 MR. ENGLER: Yes, I move to adopt a  
3 schedule for public business meetings and I would  
4 like to note that these dates were discussed and  
5 cleared essentially with all board members who  
6 would be on the Board at the time of the meeting  
7 in advance, so we do not anticipate conflicts.  
8 So I move to adopt the schedule.

9 The schedule appears on the back of  
10 the agenda that you should all have. So the  
11 motion is actually appears on the back of the  
12 agenda. This constitutes the entirety of the  
13 motion.

14 MEMBER GRIFFON: And I second the  
15 motion. And I'll bring it to the floor for  
16 discussion. Any discussion on the item?

17 (No audible response)

18 MEMBER GRIFFON: I just want to  
19 clarify that as you look at it and the proposal  
20 is to put out a schedule for the next basically  
21 calendar year. So it goes up through April 2016.  
22 This is a motion to set this year's calendar

1 separate and apart from the (inaudible) proposed.  
2 So that's all (inaudible).

3 MEMBER EHRLICH: Yes, Rick is right.  
4 We did discuss this, and so these dates just  
5 didn't magically fall out of the sky. But I have  
6 to say again that they're subject -- there's a  
7 caveat subject to the appointment and the wishes  
8 of a new chair.

9 MEMBER GRIFFON: Rick, any more  
10 comments on this item?

11 MR. ENGLER: Just to be clear about  
12 one informational issue. It's not that we  
13 haven't had meetings, right? There have been  
14 some very important meetings on recommendations  
15 and reports. Just to be crystal clear, these are  
16 for public business meetings here.

17 MEMBER GRIFFON: And so, let's call  
18 the question, which is to move to adopt a  
19 schedule of (inaudible) in the Washington, D.C.  
20 office, which is included on the back of your  
21 agenda.

22 MR. LOEB: And I'll call the roll.

1 MEMBER GRIFFON: Thank you.

2 MR. LOEB: Mr. Engler?

3 MR. ENGLER: Yes.

4 MR. LOEB: Mr. Ehrlich?

5 MEMBER EHRLICH: Yes, with the caveat  
6 as explained. Yes.

7 MR. LOEB: Is that --

8 MEMBER GRIFFON: Yes.

9 MR. LOEB: I wasn't calling you yet.

10 (Laughter)

11 MR. LOEB: I think the question that's  
12 been called is are you adopting these seven  
13 dates?

14 MEMBER EHRLICH: Yes.

15 MR. LOEB: Okay. That's a yes.

16 All right. Now, Presiding Member  
17 Griffon?

18 MEMBER GRIFFON: Yes.

19 MR. LOEB: Okay. And the motion is  
20 adopted.

21 MEMBER GRIFFON: Okay. All right. I  
22 think we should be done before 1:00 p.m., or a



1 lot of time for public comment. That's the other  
2 option.

3 Let's see. (Inaudible) item I have is  
4 our -- it's Item 4 on your agenda, which is the  
5 status reports on the development of an overall  
6 CSB Investigation Plan and the process for  
7 updating the CSB's investigation protocol.

8 And really this -- certainly we can  
9 all discuss this, but I don't see a vote here  
10 yet. So I just wanted to give an update on this  
11 and maybe some clarification for the record.

12 What I'm looking for is the development  
13 (inaudible) management systems for monitoring our  
14 investigations.

15 And the way I see this, we've had many  
16 discussions about. I've brought this up several  
17 times as something that I think is important to  
18 our Agency for management of these cases. And  
19 this would basically be a comprehensive plan,  
20 instead of individual investigation work plans a  
21 comprehensive plan that allows for the staff and  
22 management to understand where cases are at at

1 any given point in time. As many of you know  
2 that follow our work, oftentimes we can have a  
3 major deployment like (inaudible) and that's  
4 going to involve a great number of investigative  
5 staff. If we're pulling them off of other  
6 investigative work, reports that they're working,  
7 obviously timelines are going to slide.

8 So this is just a very internal sort  
9 of thing that we just need an overall management  
10 system to monitor this and to allow for regular  
11 reports to the Board on what the status is of all  
12 cases.

13 MR. ENGLER: Can I add --

14 MEMBER GRIFFON: Yes.

15 MR. ENGLER: -- what I think is a  
16 clarifying comment?

17 MEMBER GRIFFON: Yes.

18 MR. ENGLER: I think what's important  
19 to realize is that when we talk about a  
20 management system, or whatever art has in mind in  
21 a plant, we're not talking about the internal  
22 workings of a particular investigation. We're

1 talking about some type of management plan to  
2 follow the progress of each of these particular  
3 investigations. Whether we go a Microsoft  
4 solution or a Gantt chart, or whatever it is, I  
5 think it should be clear that's what he's talking  
6 about.

7 MEMBER GRIFFON: That's right. That's  
8 right. I agree. And any comments? I do have a  
9 motion on this, but it's -- my motion is just to  
10 establish a CSB internal task force to develop  
11 this overall investigation plan and tracking  
12 system. And that's a simple motion on that. Any  
13 second? Second on the motion anybody?

14 MR. ENGLER: Second.

15 MEMBER GRIFFON: Okay.

16 MEMBER EHRLICH: Yes, I guess the  
17 question I have in my mind is do we really need a  
18 motion as opposed to setting this as part of our  
19 goals and objectives to get it done? I mean,  
20 we're all agreed it has to be done. Do we need a  
21 motion to get it done?

22 MEMBER GRIFFON: My position on that

1 is that it's just affirming that the Board is  
2 committed to this and we all agree that it needs  
3 to be done and we're setting it as a priority by  
4 a vote, a formal vote. That's all.

5 MEMBER EHRLICH: Okay.

6 MEMBER GRIFFON: I don't think it's  
7 any further instruction than that, but yes.

8 MEMBER EHRLICH: Okay.

9 MEMBER GRIFFON: Rick, any other  
10 comment?

11 (No audible response)

12 MEMBER GRIFFON: So just to call the  
13 question on this, it's a move to establish a CSB  
14 internal task force to develop an overall  
15 investigation plan and tracking system.

16 MR. LOEB: I'll switch it around a  
17 little. Mr. Ehrlich?

18 MEMBER EHRLICH: Thank you. Yes.

19 (Laughter)

20 MR. LOEB: Mr. Engler?

21 MR. ENGLER: Yes.

22 MR. LOEB: Presiding Member Griffon?

1 MEMBER GRIFFON: Yes.

2 MR. LOEB: All right.

3 MEMBER GRIFFON: Thank you. And the  
4 last item likewise is just an update. And we got  
5 and I appreciate -- staff provided us recently  
6 with an updated version of our 2015 Action Plan.  
7 I have some questions. I think other board  
8 members may have (inaudible). Also I think it's  
9 at this point a document that shouldn't be  
10 released. It's got investigator names and things  
11 like that on it. So it's an internal document at  
12 this point.

13 What I'd ask is that -- and this isn't  
14 a motion, but just that we all, the Board, get  
15 comments to staff in the next week or two  
16 regarding that plan, and then we finalize and try  
17 to bring it to a vote. And whatever vote on I  
18 think should be in a format such that it can be  
19 put in the public. So we might have to modify  
20 some parts of the internal plan.

21 And I think it's worth stopping here  
22 and just saying that the first part of the plan

1 -- and this gets back to just acknowledging, as  
2 Mr. Ehrlich said, the hard work that our staff  
3 has done. Even in some tumultuous times in the  
4 recent past they have put out many products,  
5 along with our videos, and these (inaudible) sort  
6 in the first half of this plan now.

7 And unfortunately I don't have all of  
8 them in front of me, but some highlights include  
9 closing out our Chevron investigation. We had  
10 [two] investigations, US Ink in New Jersey and  
11 Millard. We closed out those reports. I'm sure  
12 I'm going to miss things doing this off the top  
13 of my head. We also did significant work of  
14 closing out some of our recommendations. That's  
15 why we're doing this business, right, is to get  
16 recommendations adopted. And we have successes  
17 in that area.

18 So I don't want to let this meeting go by without  
19 at least acknowledging that we've done some good  
20 work. And not to forget the videos. People love  
21 our videos. We put out several in this half of  
22 year. And I (inaudible) every time I go to speak

1 at a conference people speak very highly of our  
2 videos and use them often.

3 And so this is a good side. And my  
4 hope is that -- as I said in my opening remarks,  
5 that process matters and process can affect our  
6 product. And I think that the better [we]  
7 stabilize our governance and our management  
8 systems it's going to just improve our efficiency  
9 and effectiveness in getting our work done. And  
10 I think all of us support getting back to the  
11 mission work and having that go forward more  
12 smoothly. So I just wanted to say that, that  
13 that's part of the draft action plan and the  
14 staff deserves a lot of credit for getting all  
15 this stuff done in the midst of this, what is  
16 becoming a hot city again.

17 (Laughter)

18 MEMBER GRIFFON: Any other comments on  
19 that, Mr. Ehrlich or --

20 MEMBER EHRLICH: No.

21 MEMBER GRIFFON: So there's no motion  
22 on that, but we will take that up for a vote at a

1 future time and the Board will get comments to  
2 the staff on that 2015 action on the final draft.

3 Okay. So speaking of efficiency, this  
4 is well before 1:00 and we're at the point of  
5 public comments on the agenda.

6 Yes, we can take a five-minute comfort  
7 break.

8 PARTICIPANT: Or a 10-minute.

9 MEMBER GRIFFON: Ten-minute comfort  
10 break. Come back at 10:30. But we do want to  
11 hear from you, so I hope everybody stays for  
12 public comment.

13 (Whereupon, the above entitled matter  
14 went off the record briefly.)

15 MEMBER GRIFFON: Okay. Bringing the  
16 meeting back to order, and we have our quorum  
17 back.

18 So I'll start with public comment. I  
19 have five people signed up, but [at] the end I'll  
20 give an opportunity if anybody else wants to make  
21 comments. Now, usually we limit these to a  
22 couple of minutes, but we have time today, so I



1 would say two to five minutes. But be fair.  
2 There are others here that want to talk, so be  
3 fair to your other folks in the room.

4 The first person is John Morawetz.  
5 And as you introduce yourself -- we have the  
6 podium, which is right under a microphone. I  
7 think that's the best way to do it. If you could  
8 just say your name and spell your name for the  
9 record and your organization.

10 MR. MORAWETZ: Talk into the  
11 microphone?

12 MEMBER GRIFFON: Talk into the  
13 microphone. Yes. Yes.

14 (Laughter)

15 MEMBER GRIFFON: You got to go up over  
16 your head, John.

17 MR. MORAWETZ: Okay. My name is John  
18 Morawetz, the Director of the Chemical Worker  
19 HAZMAT Training Center in Cincinnati. The  
20 Chemical Worker Council is part of the United  
21 Food and Commercial Workers Union.

22 A few comments: One, I'm very glad we

1 had this meeting. I've been at one. It's been  
2 some time. I was at one public meeting. It  
3 probably was seven, eight years ago here in  
4 Washington, D.C. where we came in and had some  
5 discussion about various issues.

6 A few points. One is this is a forum  
7 where we can discuss things and agree to  
8 disagree, as there's been disagreement on the  
9 Board already about some of the questions. I  
10 would just comment that I think in terms of the  
11 Sunshine Act, the Sunshine Act was passed I think  
12 decades ago in the '70s. It's a very important  
13 act in terms of Government governance being open  
14 and the public knowing what happens, things were  
15 not happening in closed doors. Even though there  
16 is a role, there is exceptions to when it can be  
17 behind closed doors.

18 I would just say then a particular  
19 point about three out of a potentially five-  
20 member Board making decisions, I think that for  
21 various reasons in various times there's not  
22 going to be a full Board. And I think the Board

1 in some situations may delay a decision, but I  
2 think it's totally appropriate to make decision  
3 with a Board that is confirmed, that is active,  
4 especially because at this point of the two open  
5 positions there is no other confirmed candidate.  
6 I hope they are confirmed, but there is no other.  
7 So the Board has to function. Down the road it  
8 may change, but that's the function of democracy  
9 and a five-person board.

10 The other general comment is in terms  
11 of a small agency, 40 people; I don't know exact  
12 number in millions of dollars, but it's a  
13 relatively small federal agency, how to  
14 effectively do the work. We have an interest.  
15 Some people may or may not know, in a incident.  
16 Four people got killed in one of our facilities  
17 in Houston in November. And CSB is investigating  
18 it. And I think I expect it will be a great  
19 report, as the vast majority of them are.

20 As I've said in many public meetings,  
21 there's root causes and there's recommendations,  
22 recommendations that are not just why at La

1       Porte/Houston methyl mercaptan will -- this  
2       incident will not happen, but rather DuPont may  
3       be corporate-wide, which has been raised by CSB  
4       staff, but also many chemical processes. Are  
5       there broad recommendations to improve how safety  
6       is done?

7                   But the reality is is we know there  
8       are 4,000 workers who are killed every year by  
9       traumatic injuries, and CSB cannot investigate  
10      all of them. Many of them are not appropriate  
11      for CSB, but even those that are it's a limited  
12      staff and the question is leverage as far as I  
13      can see it. What is your decision logic? Which  
14      investigations do you want to do? Which ones  
15      when you send a team out are you then going to do  
16      a full report? Which ones are going to be safety  
17      bulletins, case studies? Which ones are you  
18      going to string together for a particular reason,  
19      as you've done with nitrogen, combustible dust.  
20      And with United Food and Commercial Workers Union  
21      with ammonia we're thinking about asking --  
22      communicating to the CSB about looking at a large

1 number of ammonia spills in the country.

2 So with that, that's really what I  
3 have to say. I have one particular question that  
4 maybe you could answer. I notice that you have  
5 eight days between the two June meetings.

6 Clearly the June 10th meeting is with stakeholder  
7 dialogue, but if somebody on the Board could  
8 explain a little bit more why these two meetings  
9 are being held especially for those of us who are  
10 from out of town as to why they're so close  
11 together and they can't be next to each other, if  
12 possible. Anyway, thank you.

13 MEMBER GRIFFON: And this is generally  
14 public comment. I don't want to get into a Q&A,  
15 but just to explain that, the stakeholder, the  
16 focus there is to have a discussion with  
17 stakeholders, a round table type of meeting. And  
18 the other one is purely a business meeting. So  
19 they're different types of meetings and just the  
20 scheduling that's how it worked out.

21 But we want the stakeholder meeting  
22 scheduled for June 10th is also going to be off

1 site out of our offices. And the hope is to get  
2 some input from all our stakeholders on how to  
3 best do a study looking at -- to sort of inform  
4 our strategic planning process for the next  
5 strategic plan that's developed for the Agency.  
6 So that's one of the goals in that.

7 MR. MORAWETZ: Thank you. I just hope  
8 in the future that to make the meetings, open  
9 meetings as accessible as possible to people  
10 outside Washington, D.C. consideration is given  
11 to making them on consecutive days. Thank you.

12 MEMBER GRIFFON: Thanks. The next  
13 person on my list is Jeff (phonetic) Ruch of  
14 PEER.

15 MR. RUCH: I'm Jeff Ruch, R-U-C-H.  
16 I'm the Executive Director of Public Employees  
17 for Environmental Responsibility, which is a  
18 national organization representing state, local,  
19 federal employees, many of whom have dedicated  
20 their careers, and in some cases their  
21 livelihoods depend upon improved safety in our  
22 industrial chemical facilities.

1           As we all know, the Chemical Safety  
2 Board has been through a recent period of  
3 extraordinary division and disruption. And what  
4 I'm concerned with is that the majority doesn't  
5 appear to have learned any lessons from the  
6 recent past. The majority today has done  
7 apparently exactly what the outgoing chair was  
8 accused of doing in January 2015, which was  
9 rigging the rules for your successor as one  
10 member's term ends, and worse, you're doing it in  
11 order to stymie the role of the incoming chair.

12           Today's action can only be seen as an  
13 unwarranted affront to the President's appointee  
14 for the chair, Vanessa Allen Sutherland.  
15 Moreover, it's done in a way that doesn't clarify  
16 and maybe further muddies a whole host of knotty  
17 issues concerning the inherent executive  
18 authority of the President's appointee. In  
19 short, all it does it appears to -- and maybe  
20 that's the intent -- to perpetuate a culture of  
21 conflict in this small troubled agency.

22           Now, as I understand it, this Board

1 was modeled on the National Transportation Safety  
2 Board. NTSB, which has an enviable record, has a  
3 strong chair. Today's action moves in a  
4 completely different direction. Moreover, it  
5 effectively places the chair in a position of  
6 being subservient to the members and prescribes  
7 (inaudible) administrative authority while at the  
8 same time imposing new administrative duties and  
9 it raises the question, which is why even have a  
10 chair if the person's hamstrung as the Board  
11 apparently designed it.

12 In more than 17 years of operation CSB  
13 board members have not established any formal  
14 roles or expectations for their own jobs.  
15 Individual board members have no accountability  
16 for being productive or even attending. Without  
17 formal defined duties board members spend an  
18 inordinate amount of time politicking and engaged  
19 in internal machinations frankly of the sort that  
20 I think are in display here today. If you look  
21 at the content of this meeting, very little that  
22 had to do with actual safety of industrial



1 operations and almost all it had to do with the  
2 [administrivia] that we would think that this  
3 Board would be above.

4 Back in 2002 the Board was under the  
5 purview of a much different Inspector General  
6 than it was now, probably mercifully so. That  
7 was the IG from FEMA, the Federal Emergency  
8 Management Agency. That IG published a  
9 comprehensive report on the inability of board  
10 members to properly govern the agency, including  
11 the lack of appropriate delegations of authority  
12 to the staff to accomplish the Agency mission.  
13 That report noted that CSB members spend, and  
14 apparently continue to spend, a disproportionate  
15 amount of their time on routine administrative  
16 functions rather than the Agency's core mission.

17 Now, whatever the alleged  
18 mismanagement decisions of the outgoing chair, we  
19 are heartened to see the Agency in recent months  
20 turn out a record number of reports in the past  
21 year. Now that report production appears to have  
22 slacked off. The Board is again spending a lot

1 of time talking about governance, administrative  
2 issues while potentially catastrophic chemical  
3 releases such as the recent Exxon Refinery  
4 incident in L.A. go unaddressed.

5 Finally, for all the talk of  
6 transparency, we have public comments that come  
7 after the action and public comments are only  
8 received from those are in a building on K  
9 Street. It's the form of transparency without  
10 the substance of it. In short, we would urge you  
11 to rethink the course you're on. And a full copy  
12 of my comments are available in the lobby.

13 MEMBER GRIFFON: Thank you.

14 PARTICIPANT: Mark, could I just say  
15 one sentence for the record to indicate that  
16 there was a deployment to Exxon in Torrance, that  
17 there's a continuing investigation. This is a  
18 major priority of the Board.

19 MEMBER GRIFFON: Okay. Thank you.  
20 Next I have Jerry Pogee (phonetic).

21 MR. POGEE: Hi, I'm Jerry Pogee. I'm  
22 in a serious situation of déjà vu having been a

1 founding board member of the Chemical Safety  
2 Board, having argued for its creation in the 1990  
3 Clean Air Act. I recall distinctly a meeting in  
4 1999 in which I took out my checkbook and  
5 purchased a room across the street at George  
6 Washington University, because the then-chair and  
7 his chief operating officer were in denial about  
8 the role of the Board, as a whole and the  
9 governance of the Agency. And I just view with  
10 great gratitude that you've broken a log jam that  
11 has resulted in an enormous catastrophic failure  
12 for this Board.

13 The fact of having a bipartisan branch  
14 of Congress demand that the President throw out a  
15 chairman and ask that the general counsel and the  
16 Managing Director go means that you have to  
17 confront the worst situation that's ever been had  
18 in this Agency. And I salute you for the work  
19 that you've done today. It's part of a pathway  
20 towards reformation.

21 You have to advocate for regular  
22 public meetings because you've lost the trust of

1 people in Congress, people from those committees  
2 who will come into meetings like this wanting to  
3 hear what stakeholders have to say, even if they  
4 don't stand up in public. They want to listen to  
5 it on their own computers as they're doing their  
6 work on the Hill. So this is an essential breath  
7 of fresh air.

8 And I salute you for elevating the  
9 Sunshine Act, because we had a situation where  
10 this Board has fallen into disrepute to the  
11 extent that the President has had to remove the  
12 chair of the Board for actions that were deemed  
13 harmful enough that an entire bipartisan  
14 committee of investigation in the House of  
15 Representatives said it's time for you to go.

16 I salute you for the actions that you  
17 voted upon today. I think it's so important that  
18 you end a reign of extraordinary disrespect for  
19 what I think is the essential value associated  
20 with being a board member.

21 And, Mr. Ehrlich, I want you to  
22 understand that being nominated by a president,

1 being confirmed by the U.S. Senate, each of you  
2 in that fashion makes your positions an  
3 extraordinarily valuable position for the  
4 institution of the Chemical Safety Board. And  
5 that means when you take your oath of office, you  
6 begin your work, you can't wait for others to  
7 catch up. There is no time like the present for  
8 starting the work of the Agency. And please  
9 dissuade yourself from thinking that we should  
10 wait for a nominee to come through. Nobody can  
11 guarantee the time schedule in the Senate. Mr.  
12 Engler and you can perhaps most fervently recall  
13 how much time it took between your official  
14 nominations and your ability to take office. So  
15 there's no time to wait for a next chair to come.  
16 You have to act right now.

17           You have some serious remaining issues  
18 that I'd love to see get calendared for future  
19 Board meetings. First is the role of the board  
20 members, the Board as a whole, in hiring and  
21 evaluating the performance of Senior Executive  
22 Service staff. When a Congressional committee

1 asks for the -- the President; because I don't  
2 believe he has the authority to do so, to remove  
3 a general counsel and a managing director, it's a  
4 statement that something has gone horrifically  
5 awry at the highest levels of management in an  
6 agency. And the evidence needs to be gathered as  
7 to what happened and why.

8 Even the matters that you're dealing  
9 with today speak to a question of performance at  
10 those high levels. When you're retiring an  
11 investigation and saying that the staff left and  
12 we didn't have the information with which to  
13 continue to pursue the investigation, that's an  
14 indictment of your management competency to do  
15 what is the core work of an agency. And you  
16 can't turn around and say, well, the staff is  
17 doing great work if you're in the position of  
18 having to retire an investigation without  
19 completion.

20 So you have work to do. Gather the  
21 evidence of what went wrong and why, make sure  
22 that there's no future investigation going to be

1 conducted that can be announced with press  
2 releases, with lofty comments about how we're  
3 going to get to the bottom of it, only to be  
4 retired years later in the darkness of nobody  
5 remembering how we got there, nobody remembering  
6 who was assigned to do that work. That is really  
7 quintessential. If you're going to recoup the  
8 reputation of this agency, you have to profess  
9 fidelity to your ongoing work. You have to  
10 choose wisely and well. But you've got a lot of  
11 work to do to make sure that that doesn't happen.

12           There also is a need for accountancy  
13 for the excessively long durations to complete  
14 investigations. The Macondo Well blowout  
15 occurred five years ago. What value is CSB's  
16 ongoing investigation going to contribute to the  
17 larger system of safety? As soon as an event  
18 occurs of a monumental catastrophic nature the  
19 clock starts ticking for your ability to leverage  
20 good recommendations. And you have to play a  
21 complex balancing game where the thoroughness of  
22 investigation has to be balanced with the urgency

1 of meeting recommendations needs ASAP.

2 So I think you've got some manifest  
3 problems. Just look at your ongoing  
4 investigation website for the CSB and things that  
5 are taking so long are an indictment of  
6 management problems in the inability to get  
7 things done in a timely fashion.

8 You also need to think about re-  
9 calibrating the process for deciding to  
10 investigate. I looked at the letter that was  
11 sent in response to two Congressmen about the  
12 ExxonMobil incident in California and that letter  
13 was responding to them in March for an incident  
14 that occurred two weeks earlier in February and  
15 the announcement is we're going to send a team,  
16 you've lost the initiative.

17 One of the best investigators ever for  
18 the National Transportation Safety Board, Charlie  
19 Batten, his advice to me when we were starting  
20 out was get there ASAP while everybody's in a  
21 rocked backed situation trying to understand what  
22 happened and begin to ask your questions. If you



1       come two weeks later, people have lawyered up and  
2       they've created a group think that avoids  
3       gathering the most cogent investigative evidence  
4       for you to draw your best conclusions. So that  
5       sits on your website right now and kind of an  
6       indictment to the good investigators that are out  
7       there as an organization that doesn't quite have  
8       its way set well.

9               And then even with the closing of the  
10       Horsehead, you know, remember that point I made  
11       earlier. If investigative staff leave, there has  
12       to be a plan of knowledge maintenance such that  
13       you don't use as an excuse Joe (phonetic) left.  
14       The investigation is gone. That's not how you're  
15       supposed to build an investigative team.

16              And then finally, because we know that  
17       Member Griffon in particular has a short tenure,  
18       I think it's very urgent that the three of you  
19       before you leave come to the conclusion about how  
20       you're going to assign presiding membership with  
21       you voting should there not be a new chair and  
22       new board members. I mean, we're in a difficult

1 position right now for the overall system of  
2 chemical safety in having CSB be at a very low  
3 point and be doubtful in the minds of many as to  
4 whether it can continue its work. All the  
5 matters I've raised today should be calendared as  
6 items for open discussion because that really  
7 will demonstrate your authenticity to want to  
8 rescue this institution. Thank you.

9 MEMBER GRIFFON: Thank you, Dr. Pogee.

10 MEMBER EHRLICH: I have a comment on  
11 that. I appreciate your comments directed to me.  
12 The only exception I want to take to what you  
13 said has to do with the staff. I have run  
14 organizations that have budgets 10 times what  
15 this organization is, like \$150 million chemical  
16 plants. This is the best staff, both senior and  
17 operating staff that I've worked with in my 50-  
18 year career. Thank you.

19 MEMBER GRIFFON: Okay. Next on our  
20 list for public comment is Carli Jensen with U.S.  
21 PIRG.

22 MS. JENSEN: Okay. Good morning. My

1 name is Carli Jensen. I'm an attorney. I work  
2 for U.S. Public Interest Research Group, also  
3 known as U.S. PIRG. I'm the Toxics Program  
4 Coordinator and I'm currently working on our  
5 chemical security campaign. I'd like to thank  
6 the Board for having this meeting and taking  
7 public comments. My comments are a little more  
8 forward looking and speak more to the overarching  
9 priorities of the CSB going forward in the next  
10 year.

11 As you know probably better than  
12 anyone, we have thousands of chemical facilities  
13 across the country that use and store chemicals  
14 that pose grave health and safety risks to the  
15 people who live, work, study and play in the  
16 surrounding communities, as well as to the  
17 workers in those facilities. Nationwide there  
18 are over 100 million people who are currently  
19 living in the danger zones around these chemical  
20 facilities.

21 And as you also know, the CSB's  
22 mission is to investigate the root causes of

1 these chemical accidents and make recommendations  
2 to regulatory agencies, including the EPA. The  
3 CSB website states that Congress designed the CSB  
4 to be non-regulatory and independent of other  
5 agencies. So its investigations might, where  
6 appropriate, review the effectiveness of  
7 regulations and regulatory enforcement.

8 The frequency and severity of the  
9 chemical incidents across the U.S. show that  
10 without a doubt it's appropriate at this time for  
11 the CSB to review the current EPA regulations and  
12 the other voluntary standards that are currently  
13 intended to prevent chemical incidents at these  
14 facilities.

15 The current regulations and voluntary  
16 standards are not keeping us safe. There have  
17 been over 350 chemical accidents in the past two  
18 years alone killing at least 79 people and  
19 hospitalizing at least 1,500 more. These numbers  
20 are a stark indication that these regulations and  
21 the current regulatory enforcement are not  
22 protecting people whose lives and health are put

1 at risk every day by these dangerous chemical  
2 facilities.

3 To prevent more of these chemical  
4 incidents and make these facilities less  
5 attractive targets for terrorists the CSB should  
6 recommend that the EPA work quickly to make a  
7 strong rule requiring chemical plants to switch  
8 to the safest cost-effective chemicals and  
9 technology available. As you guys also know,  
10 many dangerous chemicals and technologies that  
11 are used (inaudible) have safer alternatives that  
12 could reduce or completely eliminate the risk.

13 Safer alternatives include things like  
14 reducing temperatures or pressures to minimize  
15 the risk of explosion, changing the flow of  
16 chemical processes to avoid dangerous byproducts,  
17 storing smaller amounts of dangerous chemicals or  
18 replacing dangerous chemicals with benign ones.

19 All of these changes reduce the danger of a  
20 chemical accident and make these facilities less  
21 attractive terrorist targets. And a great  
22 example of switching to safer alternatives is

1 what Clorox did. I think between 2009 and 2012  
2 it switched from dangerous chlorine gas to high-  
3 strength liquid bleach in its bleach  
4 manufacturing processes. And this completely  
5 eliminated the risk of a dangerous chlorine gas  
6 release.

7 And despite the opportunity to  
8 dramatically reduce the threat posed by chemical  
9 plants the Federal Government has failed to  
10 remedy these deadly security gaps. In 2006  
11 Congress failed to pass comprehensive chemical  
12 security legislation that would have required  
13 plants to switch to these safer alternatives when  
14 feasible opting instead for weak regulations that  
15 still leave our communities at risk. We need a  
16 strong national rule requiring chemical  
17 facilities switch to the safest cost-effective  
18 chemicals and processes available. And a strong  
19 statement from the CSB in support of this could  
20 go a long way to making our communities safer.  
21 Thank you.

22 MEMBER GRIFFON: Thank you. Thank

1 you, Ms. Jensen.

2 And the last person I have on the  
3 sign-up sheet is Jim Frederick (phonetic).

4 MR. FREDERICK: Thank you. I'm Jim  
5 Frederick. I'm the Assistant Director of Health  
6 Safety Environment with the United Steel Workers  
7 Union. And I want to thank the Board for calling  
8 this meeting today. The Steel Workers are one of  
9 the stakeholders that came to participate in the  
10 meeting today and appreciate the opportunity to  
11 do so.

12 The Steel Workers and our members do  
13 appreciate the work of the Chemical Safety Board  
14 and we also -- as has been stated a couple of  
15 times in the comments today, we do appreciate the  
16 professionalism of this Chemical Safety Board  
17 staff. When called upon to come to one of the  
18 facilities that represent following a  
19 catastrophic event when the staff come to the  
20 facility to investigate an incident or accident.

21 We also look forward to the June 10th  
22 stakeholder meeting. We look forward to an

1 opportunity for additional interaction as a  
2 stakeholder in that forum to provide more detail  
3 on some of the specific incidents that have taken  
4 place, some of the cases that have taken place  
5 and to provide more content detail on those  
6 matters. The meetings today being more of the  
7 business meeting. This is more the  
8 administrative items that have occurred and we do  
9 appreciate that the business meeting needed to  
10 take place.

11 We're glad that you've taken the time  
12 out of your schedule to hold a public meeting on  
13 the business matters. Holding the business  
14 meeting is a vital part of the CSB's process and  
15 we want to make certain that you continue to hold  
16 the business meetings as you've taken steps to do  
17 so today.

18 Regarding the proposed rule that  
19 you've presented and put forward today, while we  
20 only received that this morning, we will  
21 certainly take the time to review that and put  
22 serious thought and contemplation toward that and



1 provide comments back. As Board Member Engler  
2 asked, we'll try to do so sooner rather than  
3 later in the 30-day comment period. But we  
4 certainly will take that seriously and provide  
5 comments back as a stakeholder.

6           Regarding the governance issues that  
7 were addressed today, we support the actions that  
8 were taken today by the CSB to reset the  
9 governance matters. We appreciate the positions  
10 of all board members that currently serve and we  
11 hope that further deliberation will continue to  
12 discuss these matters in the future. We want to  
13 ensure openness for public debate for the Board,  
14 not only for the individuals that currently serve  
15 as members, but we also want to make sure that  
16 it's for the members that currently serve and  
17 also for members that are nominated, but it's for  
18 the Board itself, not for future members. This  
19 is a matter for the Board, not for nominees. And  
20 we need to keep that in close consideration  
21 moving forward.

22           Pertaining to those closed cases, I

1 just wanted to make a couple of comments. Two of  
2 the three were pertaining specifically to steel  
3 worker represented facilities. First, pertaining  
4 to the Horsehead facility, that's a topic of a  
5 number of (inaudible) from the board members and  
6 then the public commenters. The one specific  
7 item I wanted to bring to light is in the future  
8 I would hope that all employees of the CSB and  
9 the board members themselves will take to heart  
10 something that's very important, and that is  
11 please do not make promises to the stakeholders  
12 that you can't meet. On a number of occasions  
13 the people at the facility were promised dates  
14 that reports would be issued. None of them were  
15 met.

16 Today the facility no longer exists.  
17 This case in particular -- as Board Member  
18 Ehrlich and I have talked about over lunch a few  
19 weeks ago, this case happens to be very close in  
20 proximity to where I live. I live very close to  
21 this facility. The facility is gone. It's  
22 leveled. The facility no longer exists. The

1 people that work there don't work there anymore.  
2 And they were promised over the course of the  
3 last several years on a number of occasions by  
4 staff, high-level staff in this organization as  
5 well as by former board members, that they would  
6 be provided reports on dates that were provided  
7 to them, and that never happened. So in the  
8 future I hope that that is something that is  
9 taken to heart by all involved in future cases.

10 On rolling into the other cases, into  
11 a safety model and input for a safety process, I  
12 think that's a good model to move forward, and we  
13 specifically are very supportive of one specific  
14 concern and again have talked with members of the  
15 Board on this matter, and it specifically  
16 pertains to the concern pertaining to hydrogen  
17 fluoride use in refining. And hopefully that's  
18 going to be a central part of the investigation  
19 moving forward and look forward to being a  
20 stakeholder in that role. As those on the Board  
21 are aware, we've done quite a bit of work on that  
22 already, have provided it to the Board and look

1 forward to being part of that process moving  
2 forward.

3 So finally, to kind of wrap this up,  
4 we as a stakeholder hope that these business  
5 meetings continue and that deliberation of the  
6 Board and its mission is done in full public  
7 disclosure and that the full public disclosure of  
8 the business meeting will only help to facilitate  
9 the better coordination of the mission of the  
10 safety portion of the Chemical Safety Board. So  
11 thank you for your time.

12 MEMBER GRIFFON: Thank you, Mr.  
13 Frederick.

14 So that's everyone I have signed up,  
15 but I'll open it up to the floor if there's  
16 anyone that wants to make a public comment.

17 Rick? And can you just state your  
18 name for the record and your organization?

19 MR. HINE: Certainly. My name is Rick  
20 Hine (phonetic). I'm legislative director for  
21 Greenpeace and I want to first thank you all for  
22 having this meeting. I'm looking forward to the

1 next and future meetings like this. I think that  
2 will increase the interest in participation of  
3 the public and the process that you're engaged  
4 in, which is essential.

5 For far too long this agency I think  
6 has been neglected in funding and by other  
7 agencies and the remit to both investigate  
8 accidents and recommend ways to prevent them is a  
9 critical need, something that is in the statute  
10 that created you in the Clean Air Act, Section  
11 112. And that section also has authority for  
12 EPA, something I want to reinforce with you --  
13 and we've recommended this in the past, but we  
14 urge the Board to recommend that the EPA issue  
15 regulations, which they are now considering for  
16 the first time since 2002, to require primary  
17 prevention of chemical facilities, all chemical  
18 facilities. This could have great benefits to  
19 preventing catastrophic refinery accidents as  
20 well as other chemical facilities around the  
21 country and would establish a real hierarchy of  
22 prevention that we think would lead to other

1 measures downstream in the production process.

2           Currently EPA is operating under  
3 Executive Order 13650, which was issued by the  
4 President August 1st, 2013 giving the Agency and  
5 all federal agencies really an open invitation,  
6 but also a direction to modernize their polices,  
7 regulations and standards. And the EPA, as I  
8 said, finally noted on OIRA's website plans to  
9 issue regulations this September. We think it's  
10 too late to start proposing regulations in  
11 September, that they should move that up this  
12 summer to June as they are also proposing to  
13 issue regulations on refineries.

14           We think that it is not expecting too  
15 much of an agency that drafted similar  
16 regulations in 2002 under Christine Todd Whitman  
17 and then had those revoked by the Bush OMB. And  
18 so, simply issuing rules under 112(r)(7)(A), that  
19 would require primary prevention and in fact  
20 could require what's called inherently safe  
21 technology, or sometimes methods to reduce the  
22 consequences, but policies that will actually

1 without any doubt eliminate catastrophic hazards.  
2 As Senator Lieberman said, it's the only  
3 foolproof measure that we can take that would  
4 both prevent the catastrophic event.

5 Also it has great security benefits,  
6 but that isn't necessarily your arena. The EPA  
7 does have security authority under the Clean Air  
8 Act. And so we urge you to give the EPA a kick  
9 in the pants to get going on this and to do it  
10 strongly and not just issue what we expect in the  
11 next few weeks an alert to the agency similar to  
12 February 2000, which is simply voluntary.

13 Volunteerism has not worked. Hundreds  
14 of plants have increased in the number since that  
15 time. There were over 355 accidents since the  
16 West Texas disaster that triggered this executive  
17 order, many of them fatal. And we all know that  
18 it's just a matter of when and where a  
19 catastrophic event far exceeding West Texas could  
20 occur. And that kind of prevention policy will  
21 help not only eliminate many of those, but again,  
22 as I said, affect downstream impacts that will

1 prevent pollution, which industry opponents have  
2 accused us of actually having an agenda to  
3 prevent pollution.

4 We think that's a good hidden agenda.  
5 We're not hiding that. But I think the benefits  
6 are so many. And in one study that we had done  
7 by an independent financial firm found that in  
8 fact those who oppose this are dead wrong about  
9 jobs. It would actually increase jobs. And  
10 that's why the Coalition to Prevent Chemical  
11 Disasters is in favor of this kind of regulation.  
12 The major unions working on this are. And we all  
13 know that it will not only benefit, but it will  
14 also secure jobs because the facility will then  
15 have renewed investment attractiveness and  
16 billions of dollars of less potential liability.

17 Anyway, thank you again for allowing  
18 me to submit comments today. I'm sorry I was  
19 late to the meeting. I was at a doctor's  
20 appointment. Thanks.

21 MEMBER GRIFFON: Thank you, Mr. Hine.

22 Are there any other folks in the room?



1 Peg Seminario? And please just state your and  
2 name and --

3 MS. SEMINARIO: Good morning. My name  
4 is Peg Seminario. I'm Safety and Health Director  
5 for the AFL-CIO. I actually hadn't planned on  
6 speaking this morning, but given the opportunity,  
7 just a couple of comments.

8 First, I want to thank you for having  
9 this meeting today. We all know, you all in  
10 particular, you know, that the Board's been  
11 through some really, really tough times. And in  
12 that process, unfortunately, I think as much as  
13 those of us who have supported this Agency over  
14 decades and know that it's had a very troubled  
15 history and unfortunately at different points in  
16 time it's been harder and harder for those of us  
17 who support you to answer questions of what is  
18 going on over there, I mean, quite frankly.

19 And so, what has happened here has had  
20 an impact, as Jim Frederick has said, on the  
21 investigations, but it's also had a real impact  
22 on the credibility of the Board and the trust,

1 the public's trust in what you do. And so, as  
2 you're going forward and putting together your  
3 action plan, putting together your process and  
4 your tracking of investigations, I think with all  
5 of this you have to have very, very high at the  
6 top of the list how what you're doing here is  
7 going to rebuild the trust of the public and the  
8 trust of the Congress in the work that you do.

9 It's very painful to see what the  
10 Board has gone through because the Board  
11 throughout its history has done such important  
12 and really meaningful work when it comes to the  
13 investigations and the recommendations and  
14 changing the conditions in work places and, you  
15 know, the safety in communities. And so, that  
16 work has to continue.

17 So, I do think that by having regular  
18 meetings provides an opportunity to show at each  
19 stage what progress is being made and to make  
20 that very public, and also to be inviting of the  
21 comments and the input from those in the safety  
22 and health and the chemical security community

1 who really do look to you for assistance, but  
2 also leadership. We're here to help you do your  
3 job. And so, don't be afraid to ask and get that  
4 input. I think if anything the Board has become  
5 really much too insular over the last few years,  
6 and I won't go into the problems that that's  
7 resulting.

8 But by having an open process and  
9 having clear priorities and having the Board  
10 accountable to the public and to the people that  
11 you are responsible for providing recommendations  
12 and hopefully getting those recommendations  
13 implemented that these processes will go a long  
14 way to, one, making progress, but most  
15 importantly rebuilding the trust that the public  
16 and the Congress have in this Agency and the  
17 terrific and important work that you do. Thank  
18 you.

19 MEMBER GRIFFON: Thank you. Thank  
20 you.

21 Are there any other public comments?

22 (No audible response)

1                   MEMBER GRIFFON: Thank you. And I  
2 know that we received at least one other comment  
3 online. I'm not sure if we got further email  
4 comments. But the comments that were submitted  
5 via (inaudible) included in the record, so I'm  
6 not going to read -- there's one from -- Former  
7 Member Bill Wright sent a comment, and that will  
8 be included in the record also.

9                   So, thank you. I just want to close  
10 now and just say thank you to all of you,  
11 including the people online. We do also want to  
12 hear from you. I know it's a listen-only line  
13 today. And the next version of this meeting  
14 hopefully we'll have more lead time and we can  
15 make that work out.

16                   But I want to pick up on the last  
17 public comments that were made, that I think what  
18 I'm trying to do in my last months here is to  
19 stabilize governance management, but most  
20 importantly I think the Sunshine is key to this  
21 and having these regular business meetings and  
22 doing this process in the public. I think it

1 will begin to restore trust in our stakeholders  
2 and we can deal with these business issues in a  
3 public setting. Maybe take a few lumps along the  
4 way, but don't shy away from them. Deal with  
5 them in the public meetings and address them and  
6 move on and restore trust. And I think are very  
7 good words for us to think about and to close on.

8           And I think I believe what we've done  
9 here today is at least a step in that right  
10 direction. And I hope that these business  
11 meetings, as I've been asking for for a number of  
12 years, become a norm and that it's not seen or  
13 viewed as a burden internally either. I know  
14 they require resources to pull these things  
15 together, but I think it should just be a normal  
16 way of us doing our business. It's so important  
17 to hear from all of you and to update all of you  
18 also on a regular basis. And I'm very happy that  
19 we've accomplished some of that today and I'm  
20 hopeful that it will remain in effect beyond my  
21 short remaining tenure.

22           So I'll ask, Mr. Ehrlich and Mr.

1 Engler, if you have a brief closing also. Then  
2 we can adjourn.

3 MEMBER EHRLICH: Well, first of all,  
4 thank you for coming. I appreciate your comments  
5 and we will go back and talk about them and take  
6 them under advisement. And look forward to  
7 working with your organizations individually as  
8 well. Thank you very much for your input.

9 MEMBER GRIFFON: Thank you. Mr.  
10 Engler?

11 MR. ENGLER: Just a couple of other  
12 things. The proposal that we handed out today  
13 will be placed on the CSB website. Right? I  
14 mean, just to clarify.

15 MEMBER GRIFFON: Yes, and also  
16 published in the Federal Register within a few  
17 days.

18 MR. ENGLER: So with that, if you know  
19 someone who's been involved firsthand in a CSB  
20 investigation or some other stakeholder that  
21 would like to comment, I would encourage you to  
22 alert them to what's going to be on the website

1 soon so they can make comments.

2           Again, please submit comments. Please  
3 do it sooner rather than later so we can get to  
4 work addressing them. I hope I can speak, but I  
5 think I can speak for the other board members. I  
6 plan to read every single comment that's  
7 submitted and to look at it carefully.

8           Also, on a slightly different matter,  
9 in mid-June, but very much related, it's my  
10 understanding that there's going to be a webinar  
11 set up by the EPA on the status of making  
12 progress on the President's executive order.  
13 Speaking for myself, I have some concerns about  
14 the extent of progress on that order. I would  
15 encourage people to watch that webinar and to --  
16 if you're not on, I guess it's the EPA list, to  
17 see where things are. The catastrophe of West  
18 focused public attention on this issue. There's  
19 a time right now that hopefully some positive  
20 advances can come out of that process initiated  
21 by President Obama. So mid-June is the apparent  
22 date of when that webinar is going to be, and

1 again we encourage people to tune into that.

2 So I would just add my thanks and  
3 appreciation for you coming and for all your  
4 thoughts and comments that we will take to heart.

5 MEMBER GRIFFON: And thank you all  
6 again and we hope that some of the dry matters  
7 here today don't discourage you from  
8 participating in the next one. We really want  
9 you to come back and participate in these  
10 meetings whether it be here or on the phone line.  
11 I think this is a great process and I'm very  
12 happy to do this one. And thank you all again.

13 And with that, I'm going to adjourn  
14 the meeting.

15 (Whereupon, the above-entitled matter  
16 went off the record.)



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C E R T I F I C A T E

MATTER: Public Business Meeting

DATE: 05-06-2015

I hereby certify that the attached transcription of page 1 to 101 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

*Neal R Gross*

**NEAL R. GROSS**

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