



Chemical Safety and Hazard Investigation Board

Freedom of Information Act (FOIA) Annual Report for Fiscal Year 2013

December 6, 2013

I. BASIC INFORMATION REGARDING REPORT

1. Person to be contacted with questions about the Report:

Christopher Warner Chemical Safety and Hazard Investigation Board Suite 400 2175 K Street, NW Washington, DC 20037
(202) 261-7600

2. Electronic link for access to the Report on the agency Web site:

<http://www.csb.gov/service/legal.aspx>.

3. How to obtain a copy of the Report in paper form:

You may obtain a copy of this Report in paper form by mailing a written request to the person listed in section I.1., above.

II. MAKING A FOIA REQUEST

1. All FOIA requests for records believed to be in the possession of the Chemical Safety and Hazard Investigation Board (CSB) are received at the following address:

Chemical Safety and Hazard Investigation Board ATTN: Chief FOIA Officer, Suite 650 2175 K Street, NW

Washington, DC 20037
(202) 261-7624

Detailed information and instructions on how to make a FOIA request are provided in the CSB FOIA Reference Guide, which can be accessed on the agency Web site at: http://www.csb.gov/UserFiles/file/legal/CSB_FOIAGuide.pdf. You also may obtain a copy of the Guide in paper form by mailing a written request to the address listed above.

2. Brief description of why some requests are not granted and overview of certain general categories of CSB records to which the FOIA exemptions apply.

Why some requests are not granted:

- The requested records are exempt from disclosure pursuant to one of the nine exemptions under the FOIA.
- The requested records do not exist or are not yet in existence.
- The requested records were properly disposed of prior to the date of the request.
- The request would require the agency to compile or create records solely for the purpose of satisfying that request.
- The requester failed to comply with administrative requirements, e.g., reasonable description of records, agreement to pay fees.

Overview of certain general categories of CSB records to which FOIA exemptions apply:

- Records submitted to the CSB by the subjects of agency investigations that contain trade secrets and/or confidential commercial or financial information – Exemption 4.
- Records of communications between CSB personnel, or between CSB personnel and the personnel of other federal agencies, that are protected by a legal privilege, e.g., deliberative process privilege, attorney-client privilege – Exemption 5.

- Records containing private personal information about individuals, including Personally Identifiable Information – exemption 6.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Agency-specific acronyms or terms used in this Report: CSB – the Chemical Safety and Hazard Investigation Board.
2. Definitions of terms used in this Report:
 - a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
 - c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
 - d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
 - e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
 - f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
 - g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
- i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
- ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
- iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days)

from receipt of a perfected FOIA request).

3. Concise descriptions of the nine FOIA exemptions:

- a. **Exemption 1:** classified national defense and foreign relations information.
- b. **Exemption 2:** internal agency rules and practices.
- c. **Exemption 3:** information that is prohibited from disclosure by another federal law.
- d. **Exemption 4:** trade secrets and other confidential business information.
- e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
- f. **Exemption 6:** information involving matters of personal privacy.
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- h. **Exemption 8:** information relating to the supervision of financial institutions.
- i. **Exemption 9:** geological information on wells.

Agency Information

Agency	Chemical Safety and Hazard Investigation Board
Agency Abbreviation	CSB
FOIA Annual Report Year	2013
Date Prepared	2013-12-06

Component Definition

Component Abbreviation	Component Name

V. FOIA REQUESTS / A. Received, Processed and Pending FOIA Requests

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
CSB	18	40	57	1
				0
AGENCY OVERALL	18	40	57	1

Footnotes

One remaining request was received right at the end of the fiscal year.

V. FOIA REQUESTS / B. (1) Disposition of FOIA Requests - All Processed Requests

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions										TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below		
CSB	23	3	18	3	0	7	0	0	0	0	0	3	0	57
														0
AGENCY OVERALL	23	3	18	3	0	7	0	0	0	0	0	3	0	57

Footnotes

V. FOIA REQUESTS / B. (2) Disposition of FOIA Requests - Other Reasons

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
<input type="text"/>	<input type="text"/>		0
<input type="text"/>	<input type="text"/>		0
AGENCY OVERALL			0

Footnotes

V. FOIA REQUESTS / B. (3) Disposition of FOIA Requests - Number of Times Exemptions Applied

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CSB	0	0	0	21	18	21	18	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	21	18	21	18	0						

Footnotes

VI. ADMINISTRATIVE APPEALS / A. Received, Processed and Pending Administrative Appeals

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
CSB	0	0	0	0
				0
AGENCY OVERALL	0	0	0	0

Footnotes

VI. ADMINISTRATIVE APPEALS / C. (1) Reasons for Denial on Appeal - Number of Times Exemptions Applied

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CSB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0													

Footnotes

VI. ADMINISTRATIVE APPEALS / C. (2) Reasons for Denial on Appeal - Reasons Other than Exemptions

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
CSB	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0

Footnotes

VI. ADMINISTRATIVE APPEALS / C. (3) Reasons for Denial on Appeal - Other Reasons

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
<input type="text"/>			0
AGENCY OVERALL			0

Footnotes

VI. ADMINISTRATIVE APPEALS / C. (4) Response Time for Administrative Appeals

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	0.00	0.00	0.00	0.00

Footnotes

VI. ADMINISTRATIVE APPEALS / C. (5) Ten Oldest Administrative Appeals

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Date of Appeal										
	Number of Days Pending										
AGENCY OVERALL	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

Footnotes

VII. A. Processed Requests - Response Time for All Processed Perfected Requests

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	5	4	<1	14	685	664	38	1192	0	0	0	0

Footnotes

Took over FOIA program in January 2013 with 16 backlogged cases dating back to 2008. By the end of the calendar year all backlogged cases were closed and 39 out of 40 cases in 2013 had been completed. The one open case was logged in on the last day of fiscal year 2013

VII. B. Processed Requests - Response Time for Perfected Requests in Which Information Was Granted

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
<input type="text"/>												
AGENCY OVERALL	6	5.6	1	12	685	664	38	1192	0	0	0	0

Footnotes

All complex cases backlogged from prior years have all been completed this fiscal year.

VII. C. Processed Requests - Response Time in Day Increments - Simple Requests

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CSB	36	0	0	0	0	0	0	0	0	0	0	0	0	36
														0
AGENCY OVERALL	36	0	0	0	0	0	0	0	0	0	0	0	0	36

Footnotes

VII. C. Processed Requests - Response Time in Day Increments - Complex Requests

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CSB	0	1	1	0	0	0	0	0	0	0	0	0	18	20
														0
AGENCY OVERALL	0	1	1	0	0	0	0	0	0	0	0	0	18	20

Footnotes

The 16 cases over 400 days represent the 16 backlogged cases I inherited upon taking over the FOIA responsibilities. All backlogged cases were resolved in this fiscal year and all new cases were completed.

VII. C. Processed Requests - Response Time in Day Increments - Requests Granted Expedited Processing

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
CSB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
														0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Footnotes

VII. D. Pending Requests - All Pending Perfected Requests

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
AGENCY OVERALL	1	1	1	0	0	0	0	0	0

Footnotes

VII. E. Pending Requests - Ten Oldest Pending Perfected Requests

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Date of Receipt										
	Number of Days Pending										
AGENCY OVERALL	Date of Receipt										
	Number of Days Pending										

Footnotes

VIII. A. Requests for Expedited Processing

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
<input type="text"/>					
AGENCY OVERALL	0	0	0	0	0

Footnotes

VIII. B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
<input type="text" value=""/>				
AGENCY OVERALL	4	0	0	0

Footnotes

IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
CSB	0	0	0	\$1,486.00	\$0.00	\$1,486.00
			0			\$0.00
AGENCY OVERALL	0	0	0	\$1,486.00	\$0.00	\$1,486.00

Footnotes

X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
CSB	\$1,486.00	100.00%
AGENCY OVERALL	\$1,486.00	100.00%

Footnotes

XII.A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
<input type="text"/>		
AGENCY OVERALL	0	0

Footnotes

One pending request - not backlogged

XII. B. Consultations on FOIA Requests - Received, Processed, and Pending Consultations

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
<input type="text" value=""/>				0
AGENCY OVERALL	0	0	0	0

Footnotes

XII. C. Consultations on FOIA Requests - Ten Oldest Consultations Received from Other Agencies Pending at Your Agency

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
	Date										
	Number of Days										
AGENCY OVERALL	Date										
	Number of Days										

Footnotes

XII. D. 1. Comparison of Numbers of Requests from Previous and Current Annual Report

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
CSB	18	40	18	57
AGENCY OVERALL	18	40	18	57

Footnotes

XII. D. 2. Comparison of Backlogged Requests from Previous and Current Annual Report

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CSB	18	0
AGENCY OVERALL	18	0

Footnotes

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XII. E. 1. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report

Agency / Component	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
<input type="text" value=""/>				
AGENCY OVERALL	0	0	0	0

Footnotes

XII. E. 2. Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
<input type="text"/>		
AGENCY OVERALL	0	0

Footnotes
