



U.S. Chemical Safety and Hazard Investigation Board

SUBJECT: STREAMLINING OF CHEMICAL SAFETY BOARD SYSTEM OF BOARD ORDERS

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1. **PURPOSE.** The purpose of this Board Order (BO) is to streamline and clarify the system of Board Orders and authorities contained in such Board Orders as used by the Chemical Safety Board. In addition, this BO removes and/or clarifies legal inconsistencies in CSB Board Orders that may conflict with Federal statutes, regulations and Executive Orders pertaining to the Chairperson's authority as the administrative head of a Federal agency.
2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
3. **SCOPE.** This Order applies to the Chairperson and individual Board Members.
4. **REFERENCES.** This Order is based upon 42 U.S.C. § 7412(r)(6)(B), as well as applicable Federal statutes, regulations and Executive Orders governing the administrative operations and functions of Federal agencies.
5. **POLICY.**
 - a) The Chairperson is the head of the agency and shall be responsible on behalf of the Board for the administrative operations of the agency, exercising all authorities reposed in an agency head by statute, regulation or Executive Order.
 - b) The Chairperson shall appoint and supervise all personnel, and distribute business among such personnel and among organizational components of the Board, to assist in the performance of the Board's functions. Such appointments shall be conducted in accordance with title 5 of the U.S. Code, and all applicable regulations issued by the U.S. Office of Personnel Management.
 - c) The Chairperson shall exercise the executive and administrative functions of the Board either directly or through delegations of authority to officers or employees of the Board as he/she deems necessary, in accordance with any applicable statutes, regulations or Executive Orders.
 - d) In exercising his/her administrative authorities, the Chairperson, to the extent practicable, shall consult with the Board.
6. **SPECIFIC AUTHORITY.**
 - a) The Chairperson is responsible for all matters of personnel administration, use and expenditure of funds, contracting and procurement, the scheduling and conduct of Board meetings, official communications, and the general administration of the Board as an independent agency.
 - b) The Chairperson is responsible for all budget submissions and requests made by the Board to the President, the Office of Management and Budget, or the Congress, subject to a majority vote of the Board on any final request submitted to Congress. In the event that a majority vote of the Board for any budget submission cannot be achieved by any applicable due date, the Chairperson may submit a budget request on behalf of the Board.
 - c) The Chairperson is authorized to initiate accident investigations and the deployment of investigators, subject to a vote of the Board to cancel an investigation.

d) The Chairperson is authorized to approve and implement Management Directives needed to support the administrative requirements of the CSB, as a Federal agency, in accordance with applicable statutes, regulations or Executive Orders.

7. **AUTHORIZED ACTIONS.** The Board affirms that the Chairperson’s prior exercise of authority with respect to the administrative operations of the CSB has been consistent with this Board Order. To the extent that certain previous Board Orders purported to limit the authority of the Chair to carry out administrative operations, they are null and without effect.

8. **RECISSIONS OF EXISTING BOARD ORDERS (BOs).** The following Board Orders are hereby rescinded:

3, 8, 10, 13, 14, 16, 18, 19, 21, 23, 24, 27, 28, 30, 31, 38, 42 and 45.

9. **READING OF BOARD ORDERS.** To the extent that any Board Order not rescinded by this BO 2015-01 purports to limit or impair the authority of the Chairperson to carry out the administrative functions of the Board, such sections of such Board Order(s) shall be read to repose full administrative authority in the Chair notwithstanding the limitations contained in the respective Board Order(s). The Chairperson may issue Management Directives as necessary to effect this section.

10. **INTERNAL AGENCY POLICIES REQUIRED BY STATUTE, REGULATION OR EXECUTIVE ORDER.** When a statute, regulation or Executive Order requires that the CSB establish an internal policy or procedure to effect the statute, regulation or Executive Order, the Chairperson is authorized to establish such policies or procedures as they pertain to the administrative operations of the agency.

11. **INTERNAL AGENCY POLICIES NOT REQUIRED BY STATUTE, REGULATION OR EXECUTIVE ORDER.** Nothing herein shall be read to impair the Chairperson’s authority to establish administrative policies or procedures not inconsistent with statute, regulation or Executive Order.

12. **BOARD AUTHORITIES.** The Board is responsible for the programmatic decisions of the CSB, including, but not limited to:

- a) Establishing procedures for the screening and selection of incidents for investigation, and consulting with the chairperson in the exercise of deployment authority;
- b) Providing guidance to the staff on the focus of specific investigations, issues to be pursued, and the form and content of final investigative products;
- c) Establishing procedures for investigations;
- d) The approval and issuance of written reports and recommendations relating to an incident;
- e) Evaluating the acceptability of recipient actions in response to CSB recommendations;

- f) The initiation and approval of safety studies under 42 U.S.C § 7412(r)(6)(F);
- g) The issuance of rules and regulations under the Administrative Procedure Act;
- h) Advocacy for safety recommendations; and
- i) CSB strategic plans;

13. CHAIRPERSON VACANCY. When the position of Chairperson is vacant, the residual administrative authority of the agency reverts to the Board as a whole. The Board may authorize one or more Board Members to exercise such administrative authorities as the Board determines to be appropriate.

14. REORGANIZATION OF BOARD ORDERS NOT RESCINDED. The Chairperson, in consultation with appropriate staff, may reorganize and renumber references to existing Board Orders, in order to simplify their administration and indexing.

15. ADMINISTRATIVE AND JUDICIAL REVIEW. This Board Order is intended to improve the internal management of the Chemical Safety Board and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity against the Chemical Safety Board or the United States, its agencies or other entities, its officers or employees, or any other person.

U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

January 28, 2015