



U. S. Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Chairperson and Board Members

From: Christopher Warner, General Counsel 

Cc: Charles Jeffress

Subject: Board Action Report – Notation Item 239

Date: April 9, 2003

On April 8, 2003, the Board approved Notation Item 239, thereby authorizing publication of the CSB's Interim Final Data Quality Guidelines on the CSB website and a Notice of Availability of the CSB Guidelines in the Federal Register. Dr. Poje has suggested a number of minor editorial changes, which will be incorporated into the final version of the guidelines to be published on the CSB website for comment. Attached to this memorandum are the most significant of these changes, which concern the public description of the quality control provisions contained in the CSB's current investigation protocol. Although this revised language is slightly less detailed than that contained in the protocol or the language used in the draft guidelines that were presented for the Board's vote, it does not change the substance of the process that must be followed by investigators pursuant to the protocol or alter the substance of the description contained in the guidelines. Please let me know if you have any questions about these changes. Assuming there are no objections to the editorial changes, the Office of General Counsel will submit the notice to the Federal Register on Wednesday, April 16, 2003 and arrange for web publication of the guidelines immediately thereafter.

Voting Summary – Notation Item 239

Disposition: APPROVED

Disposition date: April 8, 2003

	Approve	Disapprove	Calendar	Withhold	Not Participating	Date
Chairperson Merritt	X					4/4/2003
Member Poje	X					4/8/2003
Member Rosenthal	X					4/8/2003
Member Taylor	X					4/9/2003
Member Bresland	X					4/8/2003

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other federal agencies will subject information submitted to them for purposes of public dissemination to adequate quality control measures. In drafting the material to be disseminated, the Lead Office will review and verify the data submitted by these agencies, as necessary and appropriate.

4. The Office of Investigations and Safety Programs will generally take the following basic steps to assure the “objectivity” and “utility” of the information to be disseminated in a final investigation report:

- a. A thorough review of the accuracy and completeness of source data to be used in the preparation of the report;
- b. Preparation of a draft report based on data collected in the course of the investigation, appropriate research, and consultations with all necessary offices within the CSB;
- c. Clearance of the draft report with the company or other entities that are the subject of the investigation for trade secrets, confidential business information (CBI), and factual accuracy issues;
- d. Following clearance for trade secrets and CBI as described above, the Investigator-in-Charge (IIC) will then seek review and comments on~~vet~~ the factual portions of the report with other appropriate parties, and revise the report to correct any factual error discovered during this ~~vetting~~ process.
- e. Ordinarily, the IIC will provide the draft report or relevant portions of the report~~(without recommendations)~~ for confidential review by (a) any federal, state, or local authorities that investigated the incident; and (b) other organizations ~~the union(s), if any, representing workers~~ with a significant involvement in the incident.
- f. To the extent the draft report may address technical issues on which external expertise may assist the CSB in improving the quality of the report~~substantial in-house expertise does not exist (either among the Board Members or the investigation staff)~~, the IIC should arrange for one or more written appropriate reviews by outside qualified experts that~~. If a technical issue is of limited scope, the IIC may arrange for a limited expert review of one or more specific sections of the draft report. Each review should~~ focus on factual issues that are within the direct knowledge or expertise of the particular reviewer.
- g. All outside reviewers’ comments (apart from minor editorial suggestions) obtained in steps c. - f. will be made available to the Board Members prior to their consideration of the final report.