



# **U.S. Chemical Safety and Hazard Investigation Board**

**SUBJECT:** CSB Recommendation Program

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1. **PURPOSE.** This Order establishes and defines procedures for the development, issuance, follow-up, and closing of U.S. Chemical Safety and Hazard Investigation Board (CSB) recommendations. It also establishes the required documentation and coordination of this process.
2. **EFFECTIVE DATE.** This Order is effective upon adoption by the Board.
3. **REFERENCES.** This order implements the provisions of 42 USC § 7412 (r)(6).
4. **POLICY.** Recommendations issued by the Board are justified and supported by the findings of incident or hazard investigations, the review of incident trends, or the conclusions based on the results of safety studies.

Draft recommendations are presented to the Board for consideration via the Board's voting procedure. After Board approval, each recommendation is tracked from the date of issue until the closing of the file. Recommendations receive follow-up activity at least once every 6 months. A computerized permanent record of all recommendations (open and closed) is maintained. Further, all hard copy documentation related to recommendations is maintained electronically via optical scanning.

Recommendations issued by the Board are published in CSB reports, and related responses and follow-up letters may be requested by the public.

Recommendations are closed only by vote of the Board. The votes of the Members on closure are typically registered by a signature on a notation form (See Appendix A) attached to letters and memoranda, indicating a closed status, by action taken in the adoption of accident reports, safety studies, letters of recommendation, and through other official Board correspondence signed by the Chairperson or designated board representative.

5. **SCOPE.** Recommendations made by the Board will address a variety of chemical safety preventative activities such as correction of safety system deficiencies (managerial, technical, industry guidelines, legal and regulatory systems, etc.), communication of lessons learned, data collection and the conduct of hazard investigations and safety studies. Recommendations may be issued to a variety of appropriate parties including corporations, trade associations, government entities, trade unions, safety organizations, educational institutions, emergency response organizations and public interest groups.
6. **DEFINITIONS.**

**Recommendation** - A suggested course of action that has been adopted by the Board and transmitted by letter to appropriate recipients to correct an identified safety deficiency. This course of action may have been developed through CSB incident or hazard investigation reports and safety studies. If the Board determines that the course of action

requires urgent attention to avoid imminent loss due to a similar accident, the recommendation is designated “Urgent.”

Recommendation Response - Any correspondence from the recipient of a recommendation discussing the recommendation but, more specifically, indicating intent to:

- (1) Adopt the recommendation in full, pursuant to a proposed timetable, a copy of which is included.
- (2) Adopt the recommendation in part, pursuant to a proposed timetable, a copy of which is included. The response sets forth in detail the reasons for the refusal to implement the remainder of the recommended action.
- (3) Refuse to adopt the recommendation. The response sets forth in detail the reasons for the refusal.
- (4) Implement any part or combination of (1), (2), or (3).

An acknowledgment of the receipt of a recommendation does not constitute a response.

Response Evaluation Form – An internal CSB document prepared by staff as a result of a critical review of a recommendation response. The evaluation contains the text of the recommendation under review, a synopsis of the response, an evaluation of the response, and a proposed status assignment. The document contains signature lines for the evaluator and the Director of the Office of Investigations and Safety Programs (See Appendix B). This document is an internal working document of the CSB, which is not to be given to anyone outside of the Board.

Recommendation Status - A classification to track the response to a given recommendation and/or to describe the quality of the response and/or the action taken by the recommendation recipient. The specific reason for a status assignment and any changes in status are inputted into the *Status Log* field of the Recommendation Information System (RIS) system. The following eight designations are approved status assignments used by CSB:

- Open – Awaiting Response or Evaluation/Approval of Response  
Either a recommendation has been issued and no substantive response was received from the recipient; or a response has been received from the recipient but the evaluation by CSB staff is pending or the Board has not yet acted on staff recommendation of status.
- Open - Acceptable Response or Alternate Response  
Response by recipient indicates a planned action that would satisfy the objective of the recommendation when implemented.

- Open - Unacceptable Response  
Recipient responds by expressing disagreement with the need outlined in the recommendation or attempts to convince the Board (unsuccessfully) that an alternative course of action is acceptable. The Board believes, however, that there is enough supporting evidence to ask the recipient to reconsider.
- Closed – Acceptable Action  
The recipient has completed action on the recommendation. The action taken (either that which was specified by the Board in the original recommendation or approved as an acceptable alternate action) meets the objectives envisioned by the Board.
- Closed – Exceeds Recommended Action  
Action on the recommendation meets *and* surpasses the objectives envisioned by the Board.
- Closed - Unacceptable Action/No Response Received  
Recipient responds by expressing disagreement with the need outlined in the recommendation, or a response to the recommendation has not been received within 270 days of the issuance of the recommendation. In the case of the recipient expressing disagreement with the recommendation, this designation will be assigned only if the recipient has not provided sufficient evidence to convince the CSB that the alternative response is acceptable or that the recommendation should be reconsidered. This designation is only assigned by a vote of the Board after it concludes that further correspondence on, or discussion of, the matter would not change the recipient’s position.
- Closed - No Longer Applicable  
Due to subsequent events, the recommended action no longer applies (e.g., the facility was destroyed or the company went out of business).
- Closed – Reconsidered/Superseded  
Recipient rejects the recommendation and also supports the rejection with a rationale with which the Board concurs. Reasons for the “Reconsidered” status would include situations when later facts indicate that the concerns expressed in the recommendation were actually addressed prior to the incident. This designation also applies when a recommendation should have been directed to a different recipient, or when a recommendation is superseded by a new, more appropriate recommendation.

Evidence of Completed Action – Data collected by the CSB, which shows that the recommended action has been successfully completed. To evaluate the response from a recommendation recipient, CSB staff will request from the recommendations recipient sufficient evidence of completed actions. Such evidence may include statements concerning actions taken, written documentation, photographs of the site reflecting actions taken, etc. For recommendations that cannot be fully evaluated based on

correspondence and written documentation, the staff may also conduct field examinations.

Recommendation Information System (RIS) – The internal database of all relevant information pertaining to recommendations and responses. The RIS is maintained by the Office of Investigations and Safety Programs. The supporting documentation for recommendations is maintained in both hard copy and electronically. Recommendations developed as a result of incident and hazard investigation reports and safety studies are given a log number by the Office of Investigations and Safety Programs and placed in the RIS when the recommendation letter is issued.

The RIS contains fields to identify the date, recipient, and type of recommendation, as well as the investigation or hazard study on which the recommendation is based. A summary of the response, evaluation of the response, and any activity associated with the recommendation are also listed.

A report is presented to the Board at least once every 6 months on the status of current open recommendations, as well as recent activity and steps required for closure.

## **1. PROCEDURES.**

### **a. Recommendation Notification Letters.**

Recommendations are issued to the recipient in the form of a letter with the full report attached to provide pertinent facts and analysis to justify the recommended action. With the exception of recommendations designated by the Board as “Urgent,” recommendations have no classification or internal priority. The issue date is the date the Chairman, Chief Operating Officer, or designated Board member signs the letter.

### **b. Recommendation Follow-up.**

(1) The following procedures provide general guidance to agency staff in performing follow-up activity. (See Appendix C for Flow Chart). It is recognized that special circumstances may require follow-up procedures other than those outlined below.

- (a) Once a recommendation response is received from the recipient, staff will evaluate the response and input the appropriate information into the RIS database. A Recommendations Response Evaluation form is generated for the recommendation. (See Appendix B). The proposed action is evaluated and the staff proposes a status for the recommendation, subject to decision-making by the Board in accordance with these guidelines. A response letter is sent to the recommendation recipient. If the proposed action is deemed unacceptable, then the CSB staff reply to the recipient will include a discussion of what further action is desired to close the recommendation.

- (b) If no response is received within 90 calendar days of issuance, CSB staff will send a reemphasis letter to the recipient urging a report on actions considered or taken.
- (c) If a response is received after the 90-day period, it is evaluated as described in (a).
- (d) If no response is received within 270 calendar days of issuance, the staff will propose to the Board that the recommendation be classified as “Closed-- Unacceptable Action/No Response Received.”
- (e) At the end of 3 years, if the recipient has not produced completed satisfactory action, CSB staff will review the recommendation and associated action. If it is determined that the ongoing action is acceptable and there are compelling reasons for going beyond 3 years for implementation, the recommendation will remain in an “Open” status. If it is determined that the action could have been completed in 3 years or less, CSB staff will ask the Board to classify the recommendation as “Closed -- Unacceptable Action” and send a letter to the recipient noting that this status is being assigned due to a lack of timeliness of implementation.
- (f) CSB staff will monitor all open recommendations. No longer than 6 months will pass without some form of follow-up activity, such as a site meeting, letter, or phone call depending on the perceived effectiveness of the contact. Final action on recommendations that did not require urgent attention should generally be completed as soon as possible, but no later than 3 to 5 years after issuance of the recommendation. If the action is not completed within 5 years from the issue date of the recommendation, staff will carefully review the file and determine whether further time should be allowed. If staff determines that the action could have been completed within the 5-year period, CSB staff will ask the Board to classify the recommendation “Closed--Unacceptable Action.” Only in rare cases will recommendations be carried past the 5-year time frame.

(2) Urgent Action Recommendation.

An urgent action recommendation may be developed if an issue is identified during the course of an investigation:

- That is considered to be an imminent hazard and has the potential to cause serious harm unless it is rectified in a short timeframe, or
- A hazard is identified that is likely to exist in a large segment of industry such that the probability of an incident is significant.

Such recommendations will be communicated according to the timeline presented below, and may be issued in advance of the actual investigation report.

- (a) The Recommendation Notification letter will request a response within 30 days of issuance of the recommendation. If no response is received within 30 calendar days of issuance, CSB staff contacts the recipient asking for a written response.
  - (b) If no response is received within 90 calendar days of issuance, the Board sends the recipient a letter reemphasizing the need for prompt action.
  - (c) If the urgent recommendation has not been responded to in an acceptable manner, within 6 months and is not at a point where completion is imminent, the recommendation will be presented to the Board for reclassification as “Open--Unacceptable Response.” A letter will be sent to the recipient documenting the reasoning behind the determination.
  - (d) Alternatively, if, after 6 months, the Board believes the recommendation no longer requires immediate action, the Board may remove that classification. Follow-up continues as stated under (1) above.
  - (e) At the end of 1 year, if all action to satisfy the recommendation is not completed and the Board still believes the recommendation qualifies as an urgent recommendation, it will be classified “Closed--Unacceptable Action.”
- (3) All Recommendations.

Recommendation follow-up must be documented. Letters on official CSB letterhead and/or on official letterhead stationery of the recipient are the best and most desired documentation. However, in the interest of simplicity, telephone, personal visit, electronic mail, and fax communications are acceptable as documentation of contact if they are recorded on the CSB recommendation follow-up documentation form. (See Appendix D). This form is retained in the Recommendations file.

c. Changing Recommendation Status

- (1) Only the Board has the authority to change the status of a recommendation to “Open – Unacceptable Response” or to close a recommendation. The Chairperson or designated Board representative has the authority to change the status of a recommendation to “Open – Acceptable Response or Alternate Response”.
- (2) The logic flow chart in Appendix E can be used as a guideline to assist in determining the status to be assigned to a recommendation.
- (3) For record-keeping purposes, the following guidelines apply:
  - (a) In general, single recommendations sent to multiple recipients or multiple

recommendations sent to a single recipient will be tracked separately. In other cases in which recommendations have not been tracked in this way, the recommendation should be submitted to the Board for appropriate action when 60% or more of the recipients have responded at the end of the recommended time limits.

- (b) Periodically, the Office of Investigations and Safety Programs will compute the “Acceptance Rate” of the recommendations in the RIS.

This computation is the number of recommendations that have been acceptably closed divided by the total number of proposed recommendations, with recommendations that are still awaiting response or final action factored out. Specifically, the calculation is represented as follows

Recommendations that have been closed (acceptably)

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Total Recommendations – {Recommendations awaiting a response or final action, or cancelled<sup>1</sup>}

1 – The actual calculation is:  
Closed Acceptable Action + Closed Exceeds Recommended Action ÷  
[Total # Proposed – (Closed Reconsidered + Closed No Longer Applicable +  
Open Unacceptable Action + Open Awaiting Response or Approval of Response  
+ Open Acceptable Response or Alternate Response)]

**U.S. Chemical Safety and Hazard Investigation Board**

**Date** \_\_\_\_\_

## Appendix A



**Gerald V. Poje, Ph.D.**  
Board Member

**Irv Rosenthal, Ph.D.**  
Board Member

**Andrea Kidd Taylor, Dr. P.H.**  
Board Member

\_\_\_\_\_  
(DATE)

### U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD MEMBER VOTING RECORD

**Notation No.:**

**Voting Period:** Urgent Notation Item \_\_\_\_\_ (Voting Period)

**Subject:** \_\_\_\_\_ Recommendation

Whereas,

1. The Board is authorized by 42 USC § 7412 (r)(6)(C)(i) to investigate and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of “any accidental release resulting in a fatality, serious injury or substantial property damages”;
2. The Board is further authorized by 42 USC § 7412 (r)(6)(C)(ii) to issue periodic reports to the Congress, Federal, State and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration, concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of accidental releases;
3. The Board has issued such recommendations to \_\_\_\_\_ (Recipient) arising out of an incident that occurred at \_\_\_\_\_ (Location), on \_\_\_\_\_ (Date); and
4. The Board seeks to ensure its recommendations are tracked and adopted in order to promote the prevention of any similar occurrence.

Therefore, pursuant to its authority under 42 U.S.C. § 7412 (r)(6)(C)(ii) the Board hereby votes to adopt the attached Recommendation Response Evaluation and designate Recommendation \_\_\_\_\_ (#) \_\_\_\_\_ with the status of \_\_\_\_\_.

\_\_\_ I **APPROVE** this notation item **AS PRESENTED**.  
\_\_\_ *Minor editorial suggestions are marked on attached pages.*

\_\_\_ I **CALENDAR** this notation item for discussion at a Board Meeting.  
\_\_\_ *Some of my concerns are discussed below or on the attached memo*

\_\_\_ I **DISAPPROVE** this notation item.  
\_\_\_ *A dissent is attached.*  
\_\_\_ *I will not file a dissent.*

\_\_\_ I am **NOT PARTICIPATING**.

\_\_\_ I **WITHHOLD** my vote pending staff response to the following comments or proposed revisions and will vote on the revisions after reviewing the staff response.

Note: An urgent notation item is either adopted or disapproved when the affirmative or negative votes of a majority of the participating members are received by the Office of General Counsel.

Date:

Member: \_\_\_\_\_

**Appendix B**



US Chemical Safety and Hazard Investigation Board  
Recommendation Response Evaluation  
Office of Investigations and Safety Programs

<b>Recommendation #</b>	<b>Date Issued:</b>
<b>Report:</b>	

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1. Recommendation:

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2. Response: (date)

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3. Evaluation of Described Action:

\_\_\_\_\_  
**Evaluator**

4. Staff Recommendations to Board for Disposition:

**Status:**

**Approved:**

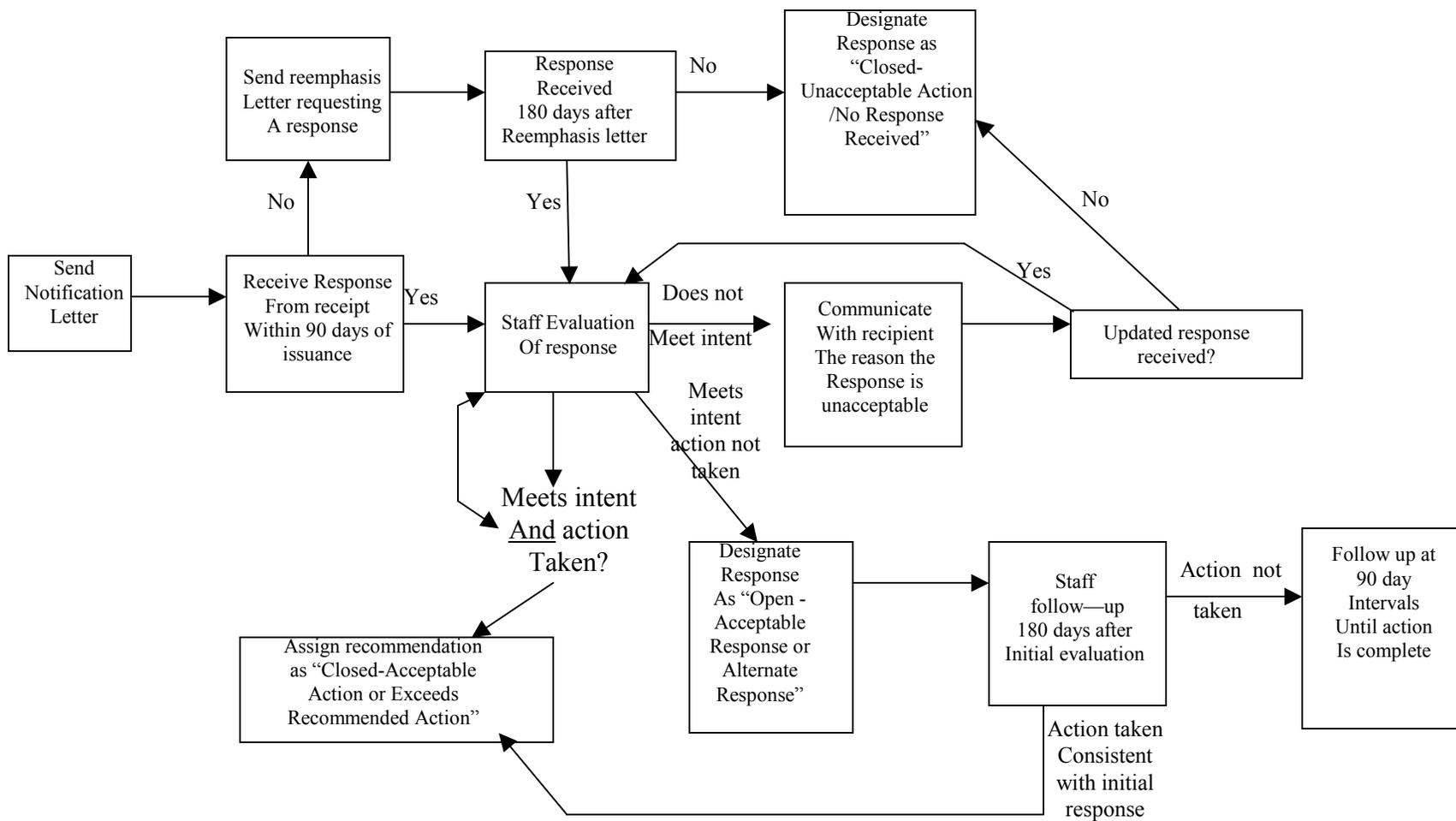
\_\_\_\_\_  
**Director, Office of Investigation and Safety Programs**

\_\_\_\_\_  
**Date**

**NOTE:** If the staff is proposing that a recommendation be closed or re-categorized as “Open-Unacceptable Action”, this evaluation sheet must be presented to the Board for approval. A proposed designation of “Open-Acceptable Action” must be authorized by the Chairperson or designated Board representative.

## Appendix C

### Flow Chart for Follow-up on Recommendations





**APPENDIX D**

US Chemical Safety and Hazard Investigation Board  
**Safety Recommendation Follow-up Documentation**  
**Personal Contact—Telephone—Fax—E-Mail—Visit**

**Safety Programs Staff      Investigations Staff      Board**

**Report:**

**Recommendation Number**

**Name of Person Making Contact:**

**Log Number:**

**Date of Contact:**

**Person Contacted:**

**Organization Contacted:**

**Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_  
**Fax:** \_\_\_\_\_

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**Signature:** \_\_\_\_\_

## Appendix E

### Recommendation Response Evaluation Decision Process Flow

