



U. S. Chemical Safety and Hazard Investigation Board

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Gerald V. Poje, Ph.D.
Board Member

Irv Rosenthal, Ph.D.
Board Member

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

May 13, 2002

Board Action Report

Notation No.: 175A

Voting Period: May 8, 2002 – May 22, 2002

Subject: Interim Operating Protocol During a Vacancy in the Position of Chairperson

Whereas,

1. The Board's authorizing legislation, 42 U.S.C. § 7412(r)(6)(B), provides that the executive and administrative functions of the Board shall be exercised by the Chairperson of the Board;
2. The position of Chairperson of the Board is currently vacant by reason of resignation, having been so since January 12, 2000;
3. During times, such as the present, when the position of Chairperson is vacant, it is necessary for the Board to provide for the orderly continuation of its functions and duties;
4. Toward that end, the Board, by Notation Item 25A (1/14/2000) adopted Order 003, "Interim Operating Procedures During a Vacancy in the Position of Chairperson";
5. Pursuant to Order 003, the Board, by Notation Item 26 (1/14/2000), divided its executive and administrative functions among the four Members then serving;
6. Pursuant to Order 003, the Board, by Notation Item 44 (5/15/2000), extended the delegations made by Notation Item 26 until such time as those delegations were rescinded or a new Chairperson was confirmed;
7. Pursuant to Order 003, the Board, by Notation Item 47 (6/30/2000), revised one of the delegations made by Notation Item 26 and extended by Notation Item 44;
8. Order 003 was amended by Notation Item 45 (6/6/2000);
9. The Board, by Notation Item 38 (4/24/2000), Notation Item 111 (7/17/2001), and Notation Item 118 (9/5/2001), made several additional delegations of particular areas of authority to individual Board Members;
10. The CSB Office of Inspector General (OIG) has recommended that the Board, "[i]n the absence of a Chairperson, establish the necessary protocol to assign to one Board member on an interim basis executive and administrative functions";
11. Also as recommended by its OIG, the Board has obtained an opinion from the Department of Justice, Office of Legal Counsel confirming that it may assign its

executive and administrative authority to a single Member when the position of Chairperson is vacant;

12. The appropriate authorities in Congress and at the White House have been advised of the Board's intent to implement the OIG recommendation;
13. The attached draft revised Order 003, consistent with the OIG recommendation, establishes a protocol to delegate to one Board Member, on an interim basis, executive and administrative functions during those times when the position of Chairperson is vacant; and
14. Member Rosenthal has proposed that executive and administrative functions be delegated to Member Gerald V. Poje, pursuant to a revised Order 003;

Therefore, pursuant to its authority under 42 U.S.C. § 7412(r)(6)(N), the Board hereby votes:

- a. To amend Order 003, as previously amended by Notation Item 45, by adopting the attached draft revised Order 003;
- b. To rescind all delegations of authority made by Notation Item 26 (1/14/2000), Notation Item 38 (4/24/2000), Notation Item 44 (5/15/2000), Notation Item 47 (6/30/2000), and Notation Item 118 (9/5/2001), and any further delegations made by individual Members of the authority they received pursuant to those notation items;
- c. To rescind the delegations of authority made to the General Counsel and Dr. Gerald Poje, respectively, by Notation Item 111 (7/17/2001);
- d. To delegate to Member Gerald V. Poje, executive and administrative authority pursuant to, and as described in, Order 003, as amended by this Notation Item;

Provided that, nothing herein shall be construed as altering the substance or effect of Notation Item 45 (6/6/2000), which delegated to Dr. Andrea Kidd Taylor authority to oversee the Board's EEO obligations and ordered that the CSB EEO Director report directly to Dr. Taylor.

Approval Date: 5/9/02

| | <u>Approve</u> | <u>Disapprove</u> | <u>Not Participating</u> | <u>Withhold</u> |
|--------------------------|----------------|-------------------|--------------------------|-----------------|
| Isadore Rosenthal | x | | | |
| Gerald Poje | | | | |
| Andrea Taylor | x | | | |