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Chemical Safety Board Votes for Urgent Internal Reforms

For Immediate Release, June 24, 2015:

The U.S. Chemical Safety Board (CSB) today took urgent action to improve the agency’s public transparency and accountability and ability to help prevent chemical disasters. CSB’s action directly responds to calls for reform from the Inspector General, four Congressional Committees, and industry and labor stakeholders and aligns with President Obama’s initiatives for open government.

The CSB, by affirmative vote of two of its three members, approved an important change to its internal rules. Specifically, the Board voted to adopt these reforms:

- 1) **The CSB Chairperson is now required to schedule at least four public meetings in Washington, D.C. each year** – in addition to the CSB meetings in communities affected by chemical disasters. In recent years the CSB has not held regular public business meetings – until this May and June when three meetings were scheduled by Member Mark Griffon (who had been voted executive authority in the absence of a Chair).
- 2) **Calendared notation votes must now be considered at a public meeting within 90 days of the calendaring action.** The CSB conducts some business through “notation voting” by which Board Members can vote to approve, disapprove, or “calendar” a notation item for discussion at a public meeting. Calendaring matters have been used in the recent past to bury discussion of CSB management problems and investigation issues – many of which have been raised by the EPA Inspector General (IG).
- 3) **CSB public business meetings will include a review of current investigations and action plan progress.** In the recent past, rarely has the CSB discussed such matters in public.
- 4) **Other Board Members, not just the Chair, can add agenda items to the agenda for discussion at public meetings.** This lets all Members have a stronger voice.

Board Member Rick Engler said, “These changes are essential to ensure that the CSB can best help protect workers, communities, businesses, and our environment from chemical disasters.

Just like the public has a legal right to know about the chemicals in their communities, the public has a right to know about the governance of this agency and where our investigations stand.”

Board Member Mark Griffon, who voted for this urgent notation item on the last day of his five year term, said “Adoption of these reforms will promote the CSB’s active engagement with stakeholders, including communities, industry, labor, scientific organizations, and environmental constituencies. Our action today responds to the appropriate chorus of calls for positive changes at the CSB.”

Four Congressional Committees are now calling for urgent CSB reform, including immediate action to fix CSB governance. These include the House Committee on Government Oversight and Reform, the House Committee on Energy and Commerce, and the Senate Environment and Public Works Committee. Just last week, the Senate Appropriations Committee sent the CSB an unmistakable message by cutting \$300,000 from CSB’s FY 2016 budget of \$11 million. They noted that the Inspector General found “troubling issues” related to records management, contracting, and personnel management and said “...that more must be done to restore credibility in an expeditious manner.”

The proposed rules were discussed at CSB public business meetings on May 6, June 10, and June 18, 2015. During a thirty day comment period and at a June 18 public CSB meeting, the proposed rules, which were published in the Federal Register and posted on CSB’s website, were supported by the American Chemistry Council, the United Steelworkers, and the International Chemical Workers Council. Public Employees for Environmental Responsibility opposed the proposed rules. The official comment period began May 13, 2015 and closed June 12, 2015. The final rules (40 CFR part 1600) will be published in the Federal Register. While CSB was **not** required to provide public notice or comment opportunities on changes to its internal operating rules, the agency did so to promote public transparency. Adoption of these new rules follows the May 6, 2015 Board reinstatement of 18 time-tested Board Orders that had been revoked on January 28, 2015 without any notice to Board Member Griffon. That secretive action led to a Congressional investigation and the forced removal of the former CSB Chair by the President.

CSB Members Engler and Griffon, a majority of the Board, voted for the urgent notation item to approve the final rule. Urgent notation voting is available to be used when the regular order of business is not available or the voting process has been frustrated. Member Engler said “We are fixing a broken system and those who benefit from weaknesses in the current CSB governance system will be unhappy.”

Engler further said that “Regular meetings and the rights of members to place items on meeting agendas is basic to proper democratic governance of boards and commissions at every level of government across America.”

Engler added that “We don’t know when the nominated Chair or two other Board vacancies will be filed by the Senate. We hope it’s very soon. However, we have an obligation to our oaths of office and the American people to act. It took two years for Member Ehrlich and me to be confirmed. Member Griffon and I will not shutdown CSB in the meantime. If these new rules need further improvement, they can be updated in the future.”

At the close of business today, CSB will have only two of its five Members. Two Members are pending Senate confirmation.

The CSB is an independent federal agency charged with investigating industrial chemical accidents. The agency's board members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems. The Board does not issue citations or fines but does make safety recommendations to employers, industry organizations, labor groups, and regulatory agencies such as OSHA and EPA.