

CSB Public Meeting (Virtual)
CSB Chairman and CEO Katherine Lemos
Managing Director David LaCerte

October 29, 2021 – Hosted Via Zoom

HOST

Good morning! You have joined the U.S. Chemical Safety and Hazard Investigation Board's, or CSB's, **Business Meeting**. We will now begin this meeting with Dr. Katherine Lemos, the Chairperson and CEO of the CSB.

Note for HOST: Highlight LEMOS

LEMOS

Welcome, and thank you to everyone that has joined our quarterly **Business Meeting**. These meetings are a great opportunity to provide an update on CSB activities and progress.

CSB Mission

Allow me first to **summarize** the **mission** of the CSB.

We are an independent, non-regulatory federal agency with a **mandate** to investigate **accidental chemical releases at fixed facilities** with *significant* impact to the **safety** of on-site workers, community members, and *our* environment.

The investigations examine and evaluate a **wide range** of aspects, to include:

- Equipment and system design
- Regulations, industry standards and guidance,
- Training, operations, and procedures, and
- Human and organizational factors

With the facts, we conduct analysis to **determine the probable cause and contributing factors**, so that we can better understand *not just what* happened, but **why**. We **issue safety recommendations** for the purpose of preventing the likelihood and consequence of similar incidents in the future.

Agenda and Purpose of Public Meeting

Today, I am joined virtually by:

- **Bruce Walker**, our Senior Advisor
- **David LaCerte**, our Executive Counsel, Senior Advisor and Acting Managing Director
- **Stephen Klejst**, our Executive Director of Investigations and Recommendations, and
- **Chuck Barbee**, our Director of Recommendations

Allow me to walk through today's agenda.

- I will start by reviewing some of our recent successes and upcoming plans.
- We will then hear from Acting **Managing Director LaCerte**, who will provide some critical administrative updates on the agency.
- **Executive Director Klejst** will announce in detail our Mission Performance for FY21 as presented in our recently published FY21 Impact Report. He will also introduce our plan for completing up to 11 investigations in FY22.
- **Director Barbee**, will highlight several key recommendations we have recently closed, of an especially impactful nature, as they are both on the top of our advocacy list.

Purpose

I'll start by reviewing the difference between **Business Meetings** and **Board Meetings**.

- The purpose of today's **Business Meeting** is to provide stakeholders and the general public with insight and transparency into the business of the CSB in meeting our mission.

ALL meetings where a quorum of Board Members convenes for official business will be held according to the Sunshine Act, and **accessible to the Public** moving forward.

- We are referring to the quarterly meetings required by law as **Business Meetings**. *(They have been referred to by various names in the past)*
- As mentioned in our previous quarterly **Business Meeting** in July, meetings where the Board convenes to review and vote on the completion of an investigation, will be referred to as **Board Meetings**
- **Both types of meetings are accessible to the public**, currently in a virtual medium, and in the *future*, also in person
- Transparency is our priority
- We continue to request **comments** from stakeholders and the general public at our Agency email: *public@csb.gov*.

This is our third virtual quarterly **Business Meeting**, and the CFR outlines the content and agenda in advance.

Some of these items include the **status** of our investigations and recent notations processed.

- This information is already posted on our website under ***Open Government*** and ***Investigations***, so
- During **Business Meetings** we have been referring you to this information on our website. It includes far more information regarding recommendation status changes than we can possibly review during this meeting timeframe.

This is great news, as it indicates our strong upward trend in performance.

For example, Director Barbee will highlight **two** of the recommendations we recently closed **successfully**.

- **Successfully** refers to recommendations that are closed with actions that are acceptable and either meet or exceed the intent of our recommendation.
- We advanced a total of **16** recommendations this week, which will be posted shortly on our website.

The two highlighted today involve high-priority critical drivers for the CSB, one to OSHA in the area of Reactives, and another in the area of local emergency response planning.

To provide even better transparency, we will be publishing our **plan for completing the current backlog of investigations**. Steve and I will address later.

For **Business Meetings**, we typically start with general business topics.

- It's important that you hear from our Managing Director and understand the significant progress we're making on a number of fronts to reclaim the administrative stability needed to function effectively as an agency, such as in
 - IT, HR, Communications, and legal.

We have been using **Business Meetings** as an opportunity to highlight safety recommendation status changes voted on through the notation process, to **communicate the important role** that recommendation status changes have in meeting our agency mission, and the dedication and effort of both staff and the recipients in making solid progress.

For FY22, in addition to the four quarterly **Business Meetings**, we conducted two **Board Meetings** to complete three investigations.

FY21 Impact Report

I'd like to highlight the incredible effort of our entire agency in FY21. The FY21 Impact Report reviews our progress in terms of

- completed reports,
- recommendations advanced and closed, and
- new deployments.

Executive Director Klejst will provide the details of the successes listed in the Impact Report, which was posted on our CSB website last week.

Successful Oversight Hearing:

On September 29th the House Committee on Energy and Commerce held a hearing to:

- express their bipartisan support for the CSB and our mission,
- to learn more about our strategy moving forward, and
- to better understand where Congress can provide assistance

We continue to engage with the committee on follow-up questions.

Summary of Upcoming Events and Products:

Upcoming **Board Meetings** are in queue for Board Member review and vote. We have advanced an aggressive schedule, which Managing Director LaCerte and Executive Director Klejst will describe, to include new Safety Videos.

Board Members in Queue:

The Agency is also looking forward to the onboarding of new Board Members. We thank President Biden for nominating new members and we thank the Senate for their duty in the consideration of those members for confirmation. Additional perspectives, backgrounds, and specialties will serve to strengthen our agency, and I look forward to working with them.

[Pause]

With that, I will now turn the meeting over to Acting Managing Director LaCerte. Mr. LaCerte please proceed.

Note for HOST: Switch to LACERTE

LACERTE

Thank you, Chairman Lemos.

As the Chairman stated, I am David LaCerte, and serve as Senior Advisor and Executive Counsel, and I'm also continuing to fill in as Acting Managing Director.

I'd first like to note that we are wrapping up our current round of hirings for Chemical Incident Investigators and we will begin another round of investigative hiring soon thereafter. All postings will be on USA Jobs and we encourage stakeholders to share and circulate our recruiting efforts so that we can fill our positions with a broad and diverse cross section of investigative staff.

We will also be hiring for multiple recommendations specialists in the coming months. These professionals are key to moving recommendations forward toward closure and advancing chemical safety.

We have recently added key support in the areas of contractual review and human resources, and we will continue to add support professionals to our team in conjunction with our mission vacancies.

As we are now in the first quarter of FY22, the agency is currently operating under the federal Continuing Resolution as authorized by Congress. While this is sufficient to meet our mission, we're hopeful that a FY22 budget will be advanced by congress before the current CR expires in December. We have also recently

submitted our FY23 budget request which contains a modest increase in funds as we ramp up staffing and hopefully will be onboarding new board members. If our budget requests are advanced by appropriators, this will allow the agency to reach an all-time high for mission staff by mid FY23. As the Chairman has stated, we're grateful for the bipartisan support which we receive from our partners in Congress.

Our finance operations have recently completed a fiscal audit and I would like to commend all fiscal staff on a clean audit report. This is rare in government and this is especially rare at small agencies who lack the luxury of specialization. We're continuing to improve in our audits and while we have a long ways to go in improving policies, procedures, and benchmarks, I'm confident that we're on the right track forward.

One question from our oversight hearing that I'd like to address here in our quarterly business meeting is the Biden Administration's executive order on Scientific Integrity. The CSB has always been a leader in Scientific Integrity and this excellence should be expected moving forward. We're committed to our products and findings being rooted in applicable science and the Agency under Chairman Lemos will always maintain this steadfast commitment.

We did receive one comment in our last **Business Meeting** that I would like to mention. Board Order 47, dealing with naming victim decedents in reports, was indeed misplaced on the agency website for quite some time. The problem was corrected and there was no actual change in policy; however, I do believe the

policy is somewhat unduly vague and we plan to clean up the language moving forward. You have seen BO47 implemented in our most recent investigation reports and I thank the commenter for bringing the matter to our attention.

Finally, you can expect two new safety videos to be released before the close of the calendar year outlining the investigative reports, findings, and recommendations from our recently closed files, AB Specialty Silicones and Evergreen. As we complete more investigations in the future, they will often be accompanied by a video which drives the message home in a graphical and easy-to-understand fashion.

David Closing

As you can see, we are making strides here at the at the agency and with our mission. We know this impacts stakeholders across government, industry, the workforce, and with a number of non-governmental organizations. We're happy to enjoy bipartisan support, but we absolutely must increase output. As we do so, the agency looks forward to continuing our dialogue on how to achieve our mutually beneficial outcomes with all stakeholders and partners.

As always, we look forward to providing the public with these updates and comments are welcome at public@CSB.gov which we will attempt to address at each public meeting. I can also be reached at David.lacerte@csb.gov if anyone would like to discuss a matter personally.

I thank Dr. Lemos for the opportunity to serve, and I thank all of our CSB staff again for all their hard work and dedication to our agency and mission.

I'll now hand the meeting over to Executive Director of Investigations and Recommendations, Mr. Klejst.

Note for HOST: Switch to KLEJST

As the Chairman mentioned, our FY21 Impact Report is posted on our website.

The CSB issued 20 new safety recommendations in FY 2021, in comparison to zero during FY 2020.

- A major focus for the CSB in FY 2021 has been advancing and closing previously issued recommendations, as recommendations are the CSB's key tool for creating positive safety change.
- In FY21, the CSB's Board voted on 47 recommendation status changes, 41 of those were closed, 28 of which were closed successfully.
 - Successfully is defined as one of three categories: Acceptable, Acceptable Alternative (meets intent), or Acceptable and EXCEEDS our intent.

The FY 2021 Impact Report also includes information on the five deployments as well as a summary of the many outreach and advocacy events undertaken by the Board.

In FY 2021, the CSB made a commitment to increase transparency. The agency has demonstrated this through initiating live virtual Board Meetings following completion of investigations.

- This provides the public with insight into the staff's investigative process, the facts and analysis, conclusions, and recommendations.
- Further, the Board's deliberation occurs in real time. In FY 2021, utilizing this new transparency process, the agency closed three investigations: Aghorn, AB Specialty Silicones and Evergreen Packaging.

Our performance in FY21 compared to FY20 is remarkable. I encourage you to download this report and review our accomplishments.

FY22 Plan to Complete Open Investigations

We have set an aggressive schedule to close our open investigations, and I'd like to share some detail on this with you:

The first four likely to be considered for closure are:

- Sunoco Logistics, Nederland, TX
- Didion Milling, Cambria, WI
- Bio-Lab Conyers, Conyers, GA
- Loy-Lang Box Company, St. Louis, MO

The CSB plans to consider nine investigations for completion in FY22, to include:

- Husky Energy Refinery

- Kuraray EVAL
- Intercontinental Terminals Company
- Philadelphia Energy Solutions
- Wendland 1H Well
- Bio Lab - Lake Charles
- TPC Group
- KMCO
- Watson Manufacturing and Grinding

The additional five investigations are scheduled for completion and consideration in FY23 with all investigations having assigned staff.

- Wacker Polysilicons North America
- Optima-Belle LLC
- Foundation Food Group
- Yenkin-Majestic
- LyondellBasell

Note for HOST: Switch to Lemos

Thank you, Steve. I'd like to add a few comments that we also provided to the Energy and Commerce Committee:

- All current investigations would be on track to complete within a two-year timeframe.
- The plan provides anticipated quarterly completions.

- The plan is based on our assessment as of today, and assumes flexibility in the timeframe for completing investigations, as dynamic re-assessments are required based on number external and internal factors.
 - For example, the order of completion may change based on factors outside of our control (e.g., unsafe structure, site contamination), or
 - if we identify a high-priority incident that is ready for release and warrants and accelerated placement in the queue.

Note for HOST: Switch to Steve

Steve introduces Chuck

Note for HOST: Switch to Barbee

Chuck gives Rec Presentation

[BOARD COMMENTS/QUESTIONS] (HOST: Back and Forth Barbee & Lemos)

Note for HOST: Switch to LACERTE

MD LaCerte:

Thank you Mr. Klejst and Mr. Barbee. I'd like to again recognize and thank staff in the advancement of these safety recommendations. The work of the recommendations staff often goes overlooked by those unfamiliar with our agency and I'd like to point out their efforts in driving our mission.

Dr. Lemos, this concludes the public meeting and I invite you to issue any closing remarks which you may have.

[CLOSING STATEMENTS]

Note for HOST: Switch to LEMOS

Chairman Lemos

Thank you for your attendance at this Public Meeting, and for your attention and support.

I also want to thank my Senior Advisors and our dedicated agency staff for their contributions here today. All of us share a strong interest in preventing chemical accidents in the future.

Once again, though we must remain true to our mission in conducting and issuing **independent** and **objective** analysis and recommendations, it is important to consider the expertise, knowledge and priorities of our stakeholder community.

Please look out for our upcoming announcements of Board Meetings to close out investigations, and our next quarterly Public Meeting.

With that, this meeting is adjourned.