

## **U.S. Chemical Safety and Hazard Investigation Board (CSB) (Small Agency)**

### **Chief FOIA Officer Report 2018**

#### **CSB's Chief FOIA Officer: Acting General Counsel Kara Wenzel**

The CSB is a micro-agency of 40 employees. The CSB's Acting General Counsel is also the agency's Chief FOIA Officer and FOIA Public Liaison. The CSB's Annual FOIA Report Raw Data spreadsheet for 2016 shows 50 requests in Fiscal Year (FY) 16. In FY 17, the CSB received 58 FOIA requests. Additionally, in FY17, the CSB received at least 5 FOIA requests through its [public@csb.gov](mailto:public@csb.gov) e-mail address.

Over the past ten fiscal years (including FY17), the CSB has received, on average, 44 requests per year. Many of the requests, however, require the collection and review of thousands of pages of documents. The agency conducts root cause investigations of chemical accidents, and many requests seek copies of complete investigative files, including, for example, all photos, notes, correspondence, and written and audio interviews of witnesses.

#### **Effective System for responding to requests and steps to reduce backlog**

CSB's continued practice of calendaring reminders of deadlines and use of a Pending FOIA Request List that is updated monthly have assisted CSB FOIA staff in keeping up with current requests.

When the CSB receives a new request, it is promptly logged into our FOIA request tracking sheet. The Chief FOIA Officer then evaluates the request, places the request on the appropriate track, and assigns an attorney to take the lead on responding to the request in accordance with applicable legal requirements. The

due date is calendared and automatic reminders are sent out to at least two staff members to assure timeliness and continuity.

The Pending FOIA Request List has headings for: the CSB-generated FOIA Number; FOIA requester; the date the request was received; track (expedited, simple, complex); whether fees will be assessed; substance of the request; the attorney to which the request is assigned; and the next step required in processing of the FOIA request.

The Pending FOIA Request List assists the office in troubleshooting precise causes of backlogged requests and also provides a history for each FOIA request.

#### Spirit of cooperation with requesters

CSB's FOIA personnel have been engaging more frequently with requesters to better understand, and if appropriate, narrow, FOIA requests so that requesters can receive the information they seek more promptly. CSB's FOIA personnel reach out by telephone and e-mail to contact FOIA requesters whose requests lack clarity. During FY17, CSB FOIA personnel have sent some requesters indexes of available files so that they may prioritize the order in which they would like to receive requested files. All such interactions with requesters have been, and are, professional and productive.

#### Compliance with FOIA Improvement Act of 2016

In FY17, the CSB issued an updated and streamlined Interim Final FOIA Rule, which supersedes all previous CSB FOIA rules and guidance. The rule became

effective on September 29, 2017. The rule was modeled after the OIP template. The CSB received no public comments on the proposed final rule before issuing the final rule on December 8, 2017.

CSB FOIA response letters incorporate the requirements of the FOIA Improvement Act of 2016, namely, notification of the right to seek assistance from the FOIA Public Liaison, and for adverse determinations, the right to a 90-day window for appeal, and the right to seek dispute resolution services from the agency FOIA Public Liaison or OGIS.

#### Steps to greater utilize technology

In FY 2017 and into FY2018, the CSB worked with OIP to set up the agency's new page on the National FOIA Portal, FOIA.gov. This will permit requesters to more easily submit electronic FOIA requests to the CSB with sufficient specificity to ensure timely responses.

The CSB has taken steps to train program staff and records custodians to synthesize and improve labelling on commonly-requested electronic records. The CSB has also explored options for acquiring internal FOIA processing software that would generate templates for common responses and store requests and associated records.

#### Openness/Proactive disclosures

To effectuate the federal government's "presumption of openness" guiding principle, the CSB continued its longstanding policy and practice of publishing the following types of documents on its public website: transcripts of all Sunshine Act

meetings, all Board voting records, new and revised policy documents such as Board Orders, Federal Register notices, and rules, and outreach materials for the public, such as one-page information sheets, safety bulletins, and safety videos.

### FOIA Training

The CSB FOIA Officer attended the American Society of Access Professionals' annual National (FOIA) Training Conference July 24 - 26, 2017.