U.S. CHEMICAL SAFETY BOARD

+ + + + +

BUSINESS MEETING

+ + + + +

JUNE, 2015

+ + + + +

U.S. CHEMICAL SAFETY BOARD MEMBERS PRESENT:

RICK ENGLER, Member
MARK GRIFFON, Member

STAFF PRESENT:

RAY PORFIRI, Deputy General Counsel

This transcript produced from audio provided
by the U.S. Chemical Safety Board.
OPERATOR: Welcome to the CSB Business Meeting. My name is Chris and I will be your operator for today's call.

At this time, all participants are in a listen only mode. Later we will conduct a public comment session.

Please note that this conference is being recorded. I will now turn the call over to Mr. Rick Engler. Mr. Engler, you may begin.

MR. ENGLER: Good morning and welcome to the CSB Offices. My name is Rick Engler and I am the Board Member presiding over this meeting today.

I would like also to introduce my colleague on the Board, Mark Griffon. The other current member of the Board, Manny Ehrlich, was unable to attend the meeting today.

Also with us is Ray Porfiri, CSB's Deputy General Counsel.

Since we have a small group today,
could everyone here introduce themselves with
their name and affiliation?

MS. HAAS: Karen Haas (phonetic),
American Chemistry Council.

MS. FENDLEY: Anna Fendley, United
Steel Workers.

MS. FITCH: Ashley Fitch, United Steel
Workers.

MS. WARWICK: Ian Warwick (phonetic),
member of the public.

MR. CLARK: Charlie Clark, reporter
with Government Executive.

MR. ENGLER: Staff can -- yes, go
ahead.

MR. PORFIRI: Sure. Ray Porfiri,
Investigator with the Chemical Safety Board.

MS. WENZEL: Hi, I'm Kara Wenzel, I'm
an attorney.

MS. ANENBERG: Susan Anenberg,
Chemical Safety Board.

PARTICIPANT: (Inaudible).

PARTICIPANT: Albert (Indiscernible).
MS. TYLER: Lucy Tyler, Investigator, CSB.

MR. CORONA: Michael Corona, Investigator, CSB.

MS. BOUZIANE: Michele Bouziane, Attorney, CSB.

MR. KASZNIAK: Mark Kaszniak, Recommendations, CSB.

MR. LAU: John Lau, Human Resources, CSB.

MS. BROWN: Anna Brown, Government Administration, CSB.

MR. BANKS: Johnnie Banks, Investigative Advisory, CSB.

MS. ROBINSON: Bea Robinson, Financial Director, CSB.

MS. NGUYEN: Dai Nguyen, CSB Financial Specialists.

MR. MILLER: Richard Miller, (Indiscernible) Education and Workforce.

MR. ENGLER: Thank you. Since the quorum of the board, given the current Board
makeup is three members, we do not have a quorum today.

Today's gathering therefore does not constitute a public meeting of the Board under Sunshine Act Rule. Accordingly, we'll not be able to take any Board action at this meeting.

Nonetheless, I would like to make a short statement regarding the attended agenda and allow those in attendance who would like to comment make a brief statement.

Before we get started, some housekeeping items. First, in the event of an emergency, please exit out the front entrance and down the stairs to the lobby. Our gathering point is the corner of Pennsylvania and 22nd Street.

The restrooms are in the hallway on this floor, out the entrance you came through.

There is a sign-up sheet outside this room, if you would like to make a comment.

For those calling into the meeting please mute your phones. During the comment
session we will give those on the phone an
opportunity to comment.

Please limit your verbal comments to
three minutes or less. You can submit additional
written comments.

So to start this meeting I would like
to make a brief opening statement.

Today's agenda, as proposed, was
intended to focus on two primary items. One,
proposed changes to 40 CFR 1600, regulations to
basic internal operating rules of the CSB. And
possible votes concerning the continuity of
administrative and executive authority at the
agency while the chairperson position is vacant.

First, the proposed rule changes.
Essentially the proposal calls for two changes to
require a minimum of quarterly business meetings
at the Board in Washington, D.C.

This is in addition, by the way, to
what would normally be the meetings out in the
field that would of course continue to engage the
public concerning investigations and reports.
And to assure that when a board member votes to calendar an item, to discuss the item in a public meeting, that the item must be brought to a public meeting for a discussion within 30 days.

Both of these elements were intended to approve the openness and transparency of the work of the Board. And I'm hopeful that the Board will adopt these important proposed changes.

The second item on the agenda was a possible discussion and vote on the governance to the absence of a chairperson. This item was also on the agenda for discussion of last week's June 10th, 2015 business meeting.

Unfortunately, Member Ehrlich was unable to attend that meeting. And so, since we did not have a quorum, we could not vote on this at the meeting.

Given the urgency of the matter, Member Griffon's five year term is over on June 24th, next week. The Board decided to delegate
administrative and executive authorities to an urgent notation vote, in other words a written vote.

The validation of authorities was done in accordance with Board Order 3. This vote passed on June 11th. The copy of the notation vote has been posted to our website in the Open Government Section.

I also want to take this opportunity to again thank Mark Griffon for his service on the Board. Mr. Griffon has been on the Board for the last five years, as of next week.

He's been involved in all of the major investigations and recommendations. He has been an incredibly dedicated public service servant who's been through very tumultuous times. Including at times where there were internal difficulties where all board members voices were not, in my view, entirely represented.

He's done a steadfast job caring about the technical content and the scientific integrity of the work. And he will be missed
here.

So I thank you for your contribution to the important legacy.

I also look forward to working collegially with Mr. Ehrlich and future board members. Mr. Ehrlich returns and hopefully then the nominated board members are confirmed as soon as possible.

I also note that many of CSB's incident investigations are scheduled for release before the end of the year. This includes CAPECO, West Texas And LaConda.

I look forward to a productive and extremely busy few months in focusing on the CSB's core mission to help prevent chemical accidents.

With that, I would like to give an opportunity for those, in accordance -- in attendance, to make a brief comment. Before we would start I'd like to make a brief policy statement with regard to these comments.

Comments are of course encouraged.
Please keep your comments under three minutes. Focus on the topics on the agenda, courteous and respectful to all.

Please do not make negative comments about specific individuals inside or outside the CSB. Thank you for cooperating with these comments and guidelines.

The floor is now open for comments.

Thank you. Anyone --

OPERATOR: Thank you.

MR. ENGLER: -- who's attended here --

OPERATOR: We will now begin the public comment session. If you have a question, please press star, then 1 from your touch tone phone.

If you wish to be removed from the queue, please press the pound sign or the hash key.

If you are using a speaking phone, you may need to pick up the handset first before pressing the number.

Once again, if you have a comment,
please press star, then 1 from your touch tone phone. And we're standing by for public comments.

MR. ENGLER: Yes? So you had a comment?

MS. HAAS: Yes, I do. This is Karen Haas, I'm with the American Chemistry Council. And first I want to thank you again for the meeting last week. I think that was a good start towards some transparent activities. I also support the proposed rule that you have. I think it's a good opportunity to get more people involved and know what's going on and understand it.

The one thing that was disconcerting, the day after the hearing, was that I saw on the internet that there was a request for information for a land use study that the CSB was planning to do. And it was posted at 2 o'clock in the afternoon on the 11th. Which I think it's a stretch in terms of the board mission.

And also with some of the -- there
were four points listed. I think some of the points, it would be worth the CSB, if it is considering something like that, to look at what has been done in Simsa (phonetic) with PIPA, the pipeline community alliance, because there's a lot of work that's been done.

And in January of this year they put out a report. And I think there could be some good information from that.

MR. ENGLER: Okay, thank you for that comment. Thank you very much. Anyone else who's in the room?

MS. FENDLEY: Sure. Anna Fendley with the United Steel Workers.

Just briefly. We also support the rulemaking. Appreciate efforts to increase transparency and stakeholder engagement in the work of the board.

We're disappointed that there's not a quorum today so that this could be a productive meeting. But as to the governance, we're also glad that some action or decision making has been
taken, pending Mr. Griffon's imminent departure.

MR. ENGLER: Thank you. Thank you for that comment. Anyone else in the room? How about on the phone line? I can check again, maybe. Can you check again, Chris?

OPERATOR: Absolutely. Once again, that is star, then 1 from your touch tone phone if you have a public comment.

And we do have a comment. It comes from John Morawetz. Your line is open, please go ahead.

MR. MORAWETZ: Yes, I also support the rule change. And in particular, as I mentioned in the June 10th meeting, I think the need for onsite meetings, as well business meetings in Washington, D.C. is important. And I think a rule proposal would help facilitate that process.

MR. ENGLER: Thank you. Anyone else on the telephone line?

OPERATOR: At this time we have no further comments.

MR. ENGLER: We thought we might have
a short meeting. We weren't --

OPERATOR: We do have a comment now.

MR. ENGLER: Okay.

OPERATOR: Joe Kamalick is on line with a comment. Please go ahead.

MR. KAMALICK: Thanks very much. So basically without a quorum this meeting --

MR. ENGLER: I'm sorry, could you identify yourself --

MR. KAMALICK: I'm sorry, this is Joe --

MR. ENGLER: -- for everyone sitting here please.

MR. KAMALICK: Joe Kamalick at ICIS News here in the Washington area. So basically this meeting is moot without a quorum, right?

MR. ENGLER: We cannot take action without a quorum. There are currently three sitting board members, a quorum is three --

MR. KAMALICK: Right.

MR. ENGLER: -- board members. That's the number required to take action.
MR. KAMALICK: And then do you have a
date in mind for a formalization of this proposed
rule change or whatever the, however you describe
the change in the --

MR. ENGLER: No, not yet.

MR. KAMALICK: Would it likely be 90
days or longer? Do you have any sense?

MR. ENGLER: We have to consider a
variety of factors. Including the extent of
comments, the contents of the comments made. And
that will be part of our deliberation over the
next few days moving forward.

MR. KAMALICK: Okay, thank you.

MR. ENGLER: Thank you. Any more

OPERATOR: We have John Morawetz again

with a follow up comment.

MR. MORAWETZ: Yes, just one question
then in terms of action you may take. You
originally had stated there were going to be two
additional meetings. I'm just confirming there
was a still schedule, July 22nd and September
16th as the next two immediate meetings. Is that still scheduled?

MR. ENGLER: Yes, we'll be, and I hesitate to get into a back and forth on questions and answers because we are distributing, at least to those in the room, a list of the public business meetings. It's out on the table.

And we're, so Hilary is not -- okay. Because those will be -- if they're not on the website already, and they may be not in the most prominent position, they will be.

Any more questions? I'm sorry, any more statements. Sorry.

OPERATOR: At this time we have no further comments.

MR. ENGLER: So I'm going to hold the floor open for another 15 seconds and then I'm going to gavel the meeting to a close.

OPERATOR: And once again, if you have a comment that is star, then 1 from your touch tone phone.
MR. ENGLER: Thank you all for attending.

OPERATOR: Thank you ladies and gentlemen, this concludes today's conference.

Thank you for participating, you may now disconnect.

(Whereupon, the above-entitled matter went off the record.)
briefly
Bouziane
board
basically
Banks
back
authority
attorney
attend
Ashley
area
approve
Anenberg
American
allow
alliance
ahead
agenda
agency
afternoon
adopt
administrative
Administration
additional
action
Absolutely
able
a.m.
b.jpg
CERTIFICATE

MATTER: Business Meeting

DATE: June, 2015

I hereby certify that the attached transcription of page 1 to 21 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

__________________________
Neal R. Gross

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701
(202) 234-4433
www.nealrgross.com