



U. S. Chemical Safety and Hazard Investigation Board

2175 K Street, NW Suite 400 Washington, D.C. 20037-1809

Phone 202-261-7600 Fax 202-261-7650

www.chemsafety.gov

Gerald V. Poje, Ph.D.
Board Member

Irv Rosenthal, Ph.D.
Board Member

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

Board Action Report

Notation No.: 101

Voting Period: Urgent Notation Item March 13, 2001 – March 20, 2001, but votes are requested as soon as possible

Subject: Final CSB Rule on Attorney Misconduct, Witness Sequestration, and Exclusion of Counsel

Whereas,

1. The CSB seeks to provide for the orderly and fair conduct of depositions during incident investigations by promulgating procedural rules dealing with attorney misconduct, sequestration of witnesses, and exclusion of counsel;
2. The Board determined (see Notation Item 85) that these rules should be published for public comment as proposed rules because they provide for the possibility of suspension of attorneys from practice before the Board;
3. The attached regulation on attorney misconduct, sequestration of witnesses, and exclusion of counsel was published as a proposed rule in the Federal Register of February 5, 2001 (66 FR 8926) and no comments on the rule were received during the 30-day comment period
4. The attached draft final rule, to be published in the Federal Register upon Board approval, is unchanged from the proposed rule and sets out procedures for sanctioning attorneys involved in repeated acts of misconduct, issuing suspensions from practice before the Board, sequestering witnesses, and excluding attorneys from multiple representation;

Therefore, pursuant to its authority under 42 U.S.C. § 7412(r)(6)(N), the Board hereby votes to adopt the attached draft final rule and to authorize its immediate publication in the Federal Register.

Approval Date: March 20, 2001

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