



# U.S. Chemical Safety and Hazard Investigation Board

**SUBJECT:** INTERIM OPERATING PROTOCOL DURING A VACANCY IN  
THE POSITION OF CHAIRPERSON

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1. **PURPOSE.** This Order establishes a protocol to delegate to one Board Member, on an interim basis, executive and administrative functions during those times when the position of Chairperson is vacant.
  2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
  3. **SCOPE.** This Order applies to the Board and its individual Members.
  4. **REFERENCES.** 42 U.S.C. § 7412(r)(6)(B) and (N); Department of Justice Office of Legal Counsel Opinion, *Authority of the Chemical Safety and Hazard Investigation Board to Delegate Power* (April 19, 2002).
  5. **POLICY.** During such times as the position of Chairperson is vacant, the Board shall adhere to the protocol set forth in this Order to ensure the orderly continuation of its functions and duties.
  6. **VACANCY.**
    - a. **Start**

The position of Chairperson of the Board becomes vacant if the incumbent Chairperson completes her five-year term, resigns, dies in office, or is removed from office under 42 U.S.C. 7412(r)(6)(B) .
    - b. **End**

The position of Chairperson remains vacant until the President has commissioned a new Chairperson following Senate confirmation and the new Chairperson has taken the oath of office.
  7. **MANNER OF DELEGATION.** The delegation of executive and administrative functions to one Member, as provided for in this Order, shall be accomplished by a recorded vote of the Board by an Urgent Notation Item or at a Board meeting, such vote to be conducted otherwise in accordance with the relevant provisions of Order 001. A delegation proposed pursuant to this Order shall require the affirmative votes of a majority of the Members of the Board to be effective. Notwithstanding the foregoing, if the Membership of the Board is reduced to only a single Member (due to the departure of the Chairperson and all other Board Members, for whatever reason), the remaining single Member shall automatically be delegated the functions identified herein without the need for a recorded Board vote, if the Board did not previously vote to delegate such functions to the remaining Member.
  8. **SPECIFIC DELEGATIONS.** As soon as possible and no longer than five business days after the position of Chairperson becomes vacant, the Board shall delegate to one Member, specified by name, all the executive and administrative functions exercised by the Chairperson pursuant to Board Order 028 as subject to the limitations and restrictions set forth in Board Order 028. However, if the Membership of the Board is reduced to only a single Member (due to the departure of the Chairperson and all other Board Members, for whatever reason), the remaining single Member shall automatically be delegated the functions identified
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herein without the need for a recorded Board vote, if the Board did not previously vote delegate such functions to the remaining Member,

9. **RESTRICTION ON DELEGATIONS.**

The Board Member to whom executive and administrative functions are delegated pursuant to this Order shall be governed in the exercise of those functions by all applicable Federal statutes and regulations, and by the regulations, orders, and rules of the Board.

10. **EXCLUSIONS.** All Board business, the authority for which has not been delegated to an individual Member pursuant to this Order and Board Order 028, shall be decided by the Board, in accordance with the relevant provisions of Board Order 001 and Board Order 028.

11. **REDELEGATION.** The Board Member to whom executive and administrative functions are delegated pursuant to this Order may redelegate any of those functions (except (i) presiding at Board meetings and (ii) approving investigation reports, recommendations, or changes in the status of recommendations) to one or more CSB employees, consistent with all applicable Federal statutes and regulations, and the regulations, orders, and rules of the Board.

12. **DURATION OF DELEGATION.**

A delegation of executive and administrative authority to one Board Member pursuant to this Order shall remain in effect until the earliest of one of the following events occurs:

- 1) A new Chairperson has been commissioned and has taken the oath of office; or
- 2) A majority of the Members of the Board votes to rescind the delegation and make a new delegation to another of its Members.
- 3) The Board Member to whom executive and administrative authority has been delegated is no longer in office.

In no event shall the Board fail to make a delegation of executive and administrative authority pursuant to this Order during any time when the position of Chairperson is vacant. Notwithstanding the foregoing, if the Membership of the Board is reduced to only a single Member (due to the departure of the Chairperson and all other Board Members, for whatever reason), the remaining single Member shall automatically be delegated the functions identified herein without the need for a recorded Board vote, if the Board did not previously vote to delegate such functions to the remaining Member.

13. **TITLE.** When it is necessary to refer to the Board Member delegated executive and administrative authority pursuant to this Order in his or her capacity as such, that Board Member shall be referred to as the "Interim Executive" or "IE."

14. **CONSTRUCTION WITH OTHER ORDERS.** During such time as a delegation of executive and administrative authority pursuant to this Order is in effect, all references in other Board orders to the “Chairperson”, “Agency Head,” “Board Member delegated personnel authority under CSB Order 003,” “Board Member designated with personnel authority under CSB Order 003,” “Board Member designated authority to handle personnel matters,” or the like shall be construed as referring to the “Interim Executive” (the Board Member who has been delegated interim executive and administrative authority pursuant to this Order).
15. **REVIEW AND UPDATE.** The Chairperson and/or the General Counsel shall review and propose revisions to this Order, if needed, at least once every three years.

#### **U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD**

May 9, 2002; Amended, August 2, 2007; Amended, October 25, 2007;  
Amended, May 15, 2018; Amended, December 19, 2019; Amended December 15, 2023;  
Amended June 24, 2026.