



# Chemical Safety and Hazard Investigation Board

## Office of General Counsel

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### Memorandum

To: Board Members

From: Christopher Warner

Cc: Leadership Team

Subject: Board Action Report – Notation Item 827

Date: February 21, 2011

On February 11, 2011, the Board approved Notation Item 827, thereby adopting the CSB Final Budget Request for Fiscal Year 2012, and authorizing submission of the request to the Office of Management and Budget and to Congress. Dissenting statements submitted by Members Wark and Wright are attached to this memorandum.

### Voting Summary – Notation Item 827

**Disposition: APPROVED**

**Disposition date: February 11, 2011**

	Approve	Disapprove	Calendar	Not Participating	Date
<b>R. Moure-Eraso</b>	X				2/11/2011
<b>J. Bresland</b>	X				2/11/2011
<b>M. Griffon</b>	X				2/11/2011
<b>W. Wark</b>		X			2/15/2011
<b>W. Wright</b>		X			2/14/2011

Notation No.: 827  
Subject: Fiscal Year 2012 Final Budget Request

[continued from preceding page]

Therefore, the Board hereby votes to adopt the attached proposed final budget request as the CSB Final Budget Request for Fiscal Year 2012, and to authorize submission of the request to OMB and Congress.

I **APPROVE** this notation item **AS PRESENTED**.

I **CALENDAR** this notation item for discussion at a Board meeting.  
 *Some of my concerns are discussed below or on the attached memorandum.*

I **DISAPPROVE** this notation item.

*A dissent is attached.*  
 *I will not file a dissent.*

I am **NOT PARTICIPATING**.

Note: An urgent notation item is either adopted or disapproved when the affirmative or negative votes of a majority of the participating members are received by the Office of General Counsel.

Date: February 14, 2011

Member:

  
William E. Wright

Dissent is attached and is based in part on the following facts:

- a. CSB has realized significant increases in past few years (FY 09 to FY 10 = 13.82% increase)
- b. CSB received a \$600K plus up for NAS study for BCS
- c. Written report metric has failed to improve vice higher budgets and additional hires
- d. Summary misrepresents actual proposed increase (cites \$94K above previous year's request) and should more accurately state increase over actual allocation from last year = \$2.3M - noting that CSB received \$600K for NAS study **apart** from bottom line allocation of about \$10.5M.
- e. Unclear how one can determine CSB failed to deploy to 32 cases. Unknown number of factors not presented in order to ascertain if all 32 cases rose to the level of a CSB deployment. Implication is they all rise to that level.
- f. Redefining case investigations has never been fully vetted and voted on by the Board, save as a minor point in past year budgets.
- g. Future hire of investigators is important but Board has not determined Denver as location where new investigators should go.

Dissent of Board Member William E. Wright on Notation Item # 827 (FY 2012 Budget submit)

In addition to the points made on my actual vote sheet regarding this budget I fail to see why this agency should not as a matter of course bear some reduction in funding become better stewards of the American taxpayers' monies. This agency has had significant budget growth for the past several years yet now requests approximately \$1.7M increase for FY12 or a 15.3% increase. I am not sure this can be justified particularly during these strained economic times. The CSB also appears to be using the same justification given several years ago to hire the Knowledge Manager that is, to help reduce FOIA workload. The full time incident screener was hired last year or the previous year but has been diverted to assist with the Deep Water Horizon case which is due to end in FY12. Thus I fail to understand the need for another full time incident screener in this FY12 budget.

These budget increases include \$897,000 in personnel costs, \$94,000 in contracting costs and \$666,000 in increased fixed and variable costs above that required in FY 11. Including positions which have been diverted to support the Deep Water Horizon case (incident screener, additional investigator positions, and support personnel) and are justified as offsets for DWH work which due to end January 2012.

Absent the \$600,000 which rolled into the FY11 budget (\$11.1M) even though I believe it was originally intended as a one-time cost in FY 2010 associated with the National Academy of Science (NAS) study on inherently safer technologies in lieu of using MIC (Methyl Isocyanate) at Bayer Crop Science facility in Institute, West Virginia the CSB budget for FY11 would only be \$10.54M. Comparing this level of funding to the \$12.8M requested in the FY12 budget amounts to an increase of **21.44%**. In my opinion this is unrealistic growth for a small agency at this time.

FY	FY 08	FY 09	FY 10	FY 11	FY 12
<b>\$ in Millions Allocated</b>	9.26	10.2	11.1	<11.1	unkn
<b>Requested</b>				12.71	12.8
<b>% increase</b>		10.10%	9.30%	0	
<b>Requested % increase</b>				14.50%	15.30%

I also question the rationale for stating the CSB failed to deploy to 32 cases as listed in the budget submit. We have no ranking of these cases and the question of whether we deploy or not is predicated I believe on the availability of qualified personnel and the priority of the particular case at that time. Merely listing these cases as lost opportunities may not be accurate. The current incident selection Board Order has not been formally updated since February 2005; and that criteria may not be strictly followed now. This document should be updated to accurately reflect the Board's intent with incident selection criteria.

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Date: 2/15/11

Member: William B. Wark

*My request for a briefing was ignored.  
See attached email of a week ago. Board Order 38  
on budget preparation continues to be violated.*