



# Chemical Safety and Hazard Investigation Board

OFFICE OF GENERAL COUNSEL

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Memorandum

To: Board Members  
From: Kara Wenzel, Acting General Counsel *KAW*  
Cc: Leadership Team  
Subject: Board Action Report – Notation Item 2018-24  
Date: March 23, 2018

On March 22, 2018, the Board approved Notation Item 2018-24, thereby adopting revised Board Order 028, Executive and Administrative Functions of the Board.

Voting Summary – Notation Item 2018-24

**Disposition: APPROVED**

**Disposition date: March 22, 2018**

|                      | Approve | Disapprove     | Calendar | Not Participating | Date      |
|----------------------|---------|----------------|----------|-------------------|-----------|
| <b>M. Ehrlich</b>    | X       |                |          |                   | 3/22/2018 |
| <b>R. Engler</b>     |         | X <sup>1</sup> |          |                   | 3/23/2018 |
| <b>K. Kulinowski</b> | X       |                |          |                   | 3/20/2018 |
| <b>V. Sutherland</b> | X       |                |          |                   | 3/20/2018 |

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<sup>1</sup> Dissenting statement was attached and is reproduced on the next page.

**Statement Submitted by Member Engler:**

“My dissent is based on the following reasons:

-Board Members should have a role in deciding appointment of the heads of CSB major administrative units because it provides appropriate checks and balances and can contribute to hiring the best qualified candidates.

-There is no evidence that the current procedure in Board Order 28, where Board Members have already played this role, has caused any problem or issue, at least under the current Board composition. If something is not broken, there is no need to fix it.

-While this current ability of Board Members under Board Order 28 to approve or disapprove heads of major administrative units may (or may not) be an atypical policy in the federal government and its independent agencies, various agencies have widely varying practices. Just because some other agencies do not offer individual Board Members this authority is not a reason why CSB can't maintain current policy.

-Finally, the heads of Administrative Units do not report to individual Board Members or the Board as a whole. They report to the Chairperson. Thus, while Board Members can and should have a decision-making role in hiring, there is no confusion about lines of reporting or supervisory authority subsequent to hiring.

Thank you for understanding my views.”