



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.** This Order is based upon 42 U.S.C. § 7412(r)(6)(B) and (N).
5. **POLICY.** It is the policy of the Board that, 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. **DEFINITION.**
 - a. **Vacant** – for the purposes of this Order, the position of Chairperson of the Board shall become vacant upon the completion of the term or the death or resignation of the incumbent of that position and shall remain vacant until such time as another individual has been commissioned as the Chairperson of the Board.
7. **MANNER OF DELEGATION.** The delegation of functions to one Member, as provided for in this Order, shall be accomplished by a recorded vote of all the Members of the Board, 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 in order to be effective.
8. **SPECIFIC DELEGATIONS.** As soon as possible after the position of Chairperson becomes vacant, the Board shall delegate to one Member, specified by name, the following executive and administrative functions:
 - a. **Personnel Administration**
 - 1) Authority over all personnel matters and personnel actions, including, but not limited to, the appointment and supervision of staff employed by the U.S. Chemical Safety and Hazard Investigation Board (CSB), except that the appointment of the head of any major administrative unit of the CSB requires a majority vote of the Board. The term personnel matters as used in this subsection shall not include the Equal Employment Opportunity (EEO) obligations of the CSB.
 - 2) Authority over the distribution of business among the personnel employed by the CSB and among the administrative units of the CSB.

b. Use and Expenditure of Funds

- 1) Authority to control the use and expenditure of funds, including the power to authorize and execute contracts and interagency transfers in an amount not to exceed \$50,000.
- 2) Authority to control the preparation of the CSB budget, except that final approval of the budget and submission or transmission of the budget as described in 42 U.S.C. § 7412(r)(6)(R) requires a majority vote of the Board.

c. Settlement Authority

- 1) Authority to take all appropriate action, including the execution of agreements and the expenditure of funds in an amount necessary, to settle and resolve all MSPB appeals or EEOC and OSC complaints filed against the CSB.

d. Investigations

- 1) Authority to authorize the initiation of an accident investigation and the deployment of investigators, subject to a vote by the Board to recall the investigators and cancel the investigation.

e. Conduct of Board Meetings

- 1) Authority to preside at meetings where a quorum of Board Members is present, consistent with the Sunshine Act and the CSB regulations implementing the Act.

f. Official Communications

- 1) Authority to supervise and authorize the response to all inquiries from Congress, the media, and the public concerning the Board and/or the CSB, except as specifically excluded by this Order.
- 2) Authority to supervise the preparation of all official statements and other communications concerning, or on behalf of, the Board and/or the CSB, except as specifically excluded by this Order.
- 3) Authority to make and/or authorize all statements, written communications, and pronouncements on behalf of the Board and/or the CSB, except as specifically excluded by this Order.

9. RESTRICTION ON DELEGATIONS.

- a. 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 a single Member pursuant to this Order, shall be decided by the Board, in accordance with the relevant provisions of Order 001. Items that must be approved by the Board include, but are not limited to, the following:

- a. Investigation reports;
- b. Safety studies;
- c. Regulations, rules, or orders of the Board;
- d. Final approval of the budget and submission or transmission of the budget as described in 42 U.S.C. § 7412(r)(6)(R);
- e. Final approval of the operating budget of appropriated funds;
- f. Contracts, interagency transfers, or other expenditures exceeding \$50,000;
- g. Appointment of the head of any major administrative unit;
- h. Final CSB strategic plans;
- i. Statements to Congress or the President on behalf of the Board.

11. **REDELEGATION.** The Board Member to whom executive and administrative functions are delegated pursuant to this Order may redelegate any of those functions (except presiding at Board meetings) 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. **Initial 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;
 - 2) A period of 180 days has elapsed from the date of the initial delegation; or
 - 3) A majority of the Members of the Board votes to rescind the delegation.
- b. **Extension of initial delegation.** In the event that 180 days elapse from the effective date of the initial delegation, and a new Chairperson has not been commissioned, the Board may, in the manner prescribed by section 6. of this Order, vote to extend the initial delegation for another 180-day period. The initial delegation may be extended for as many successive 180-day periods as are necessary until a new Chairperson has been sworn-in. The extended delegations shall be treated in all respects the same as the initial delegation. Alternatively, the Board may, in the manner prescribed by section 6. of this Order, vote to rescind the initial delegation and make a new delegation to another of its Members. In no event, however, 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.
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 must only be referred to as the “Board Member Delegated Interim Executive and Administrative Authority.”
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 “Board Member Delegated Interim Executive and Administrative Authority” pursuant to this Order.
15. **REVIEW AND UPDATE.** The General Counsel shall be responsible for reviewing and proposing revisions to this Order, if needed, at least once every three fiscal years.

U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

May 9, 2002

Amended, August 2, 2007

Amended, October 25, 2007

Amended, May 15, 2018