

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Opening Statement Ranking Member Elijah E. Cummings

#### **“Rebuilding the Chemical Safety Board: Finding a Solution to the CSB’s Governance and Management Challenges” March 4, 2015**

It has been nine months since our Committee held its last hearing on the Chemical Safety Board (CSB). During that hearing last June, I said it was clear that there were serious management problems that needed to be addressed.

I also said these were not new revelations. For example, Henry Waxman, the former Ranking Member of the House Energy and Commerce Committee who helped establish the CSB in 1990, sent seven recommendations to address these challenges on May 2, 2014.

In addition, the Inspector General of the Environmental Protection Agency, which has jurisdiction over the CSB, issued five audit reports since 2011 with 23 additional recommendations on these issues.

In July 2014, the agency hired a management consultant that identified problems and made more recommendations, and the CSB also has an internal Workplace Improvement Committee that has identified concerns and suggested even more improvements.

Today, I am deeply troubled to report that despite all of this feedback and all of these recommendations, things have not improved at the CSB. To the contrary, management problems at the agency appear to have gotten worse.

Last September, the CSB hired another management consultant firm to address fundamental challenges within the agency. This company, Vantage Human Resource Services, briefed the Chairman and Board Members on its findings last month, on February 12, 2015.

We obtained a copy of Vantage’s presentation, which was based on interviews with agency employees. Vantage found that 80% of CSB employees feel “much frustration with top leadership.” That is an absolutely stunning statistic.

Vantage also reported that 47% of employees have “a perception of a climate where senior leadership discourage dissenting opinions.” That is nearly half the agency.

This is the latest in the long list of negative reports the CSB Chairman has received about his senior leadership, but instead of using this feedback in a productive way, the Chairman and his Managing Director appear to have retaliated against the CSB contracting officer in charge of the Vantage contract.

On the same day that Vantage briefed the Board on its findings last month, the CSB Managing Director, Daniel Horowitz, removed the contracting officer from the Vantage contract and designated himself as the contracting officer instead.

On that same day, the Managing Director asked the CSB Chairman for permission to search the emails of the former contracting officer, apparently looking for some incriminating evidence. Based on documents we have now obtained, it appears that the CSB Chairman agreed to this request, despite the fact that it included no specific justification whatsoever. It said only that he wanted to “examine a confidential personnel issue.”

Another troubling development occurred at a public meeting in Richmond, California on January 28, 2015. Board Member Manny Ehrlich offered a sweeping proposal to consolidate power in the CSB Chairman and to cancel three accident investigations. This motion came with no prior notice and no opportunity for Board Member Mark Griffon to review the motion. It also came after another Board Member was confirmed by the Senate—but before he was sworn in and able to vote.

These allegations are appalling, and they indicate that the CSB has gone off the rails.

Yesterday, President Obama nominated Vanessa Sutherland to be the new Chair of CSB—something the agency sorely needs in my opinion—but that does not end the matter. Until she is confirmed, the current Chairman apparently will remain in place, at least for the remaining three months of his term. So I want to hear from him directly. I want to listen to his explanations for these events. I want to understand why he believes he should remain in his position. And I want to know why he is not resigning, especially since he has now lost the confidence of the President.

I would also like to hear the perspectives of the other Board Members and the Office of the Inspector General of what reforms are needed to get this agency back on the right track.

CSB has a critical mission. The agency was created to investigate industrial chemical accidents, and it has done landmark work such as the 2014 report on the Deepwater Horizon explosion. We owe it to the employees who are working hard every day to carry out that mission to ensure that significant and meaningful changes come out of this hearing.

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