

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

May 2, 2014

The Honorable Rafael Moure-Eraso
Chairman
U.S. Chemical Safety Board
2175 K Street NW, Suite 400
Washington, DC 20037

Dear Chairman Moure-Eraso:

Thank you for taking the time to speak with my staff over the last few months about the Chemical Safety Board (CSB) and internal governance and staff morale issues facing the agency.

I support the CSB mission and believe the agency provides a critical service in identifying the root causes of the most serious chemical accidents in the United States. My goal has been to identify concrete ways that each Board Member and the Chairperson can work together to improve the functioning of your important agency.

I have attached a set of recommendations that I hope will move the agency in the right direction. I urge you to give them your careful consideration. I believe that their implementation could be a significant step forward in improving the functioning of the CSB. They are especially timely given the impending confirmation of two new Board Members.

I hope you will keep me apprised of developments at the CSB and report to my staff on how these recommendations are being implemented.

Sincerely,



Henry A. Waxman
Ranking Member

Recommendations from Rep. Henry A. Waxman to
The Chemical Safety Board

May 2, 2014

Regular Briefings and Meetings: The Chairperson should provide, and board members should attend, a weekly leadership meeting. At these meetings, senior CSB staff should provide an update on the status of major projects. The Chairperson should ask the board members prior to the leadership meeting whether there are topics they would like addressed and should ensure they are covered in the meeting.

The board members should request additional nondeliberative briefings if they believe there are issues that were not adequately addressed at the weekly leadership meetings. The Chairperson should facilitate prompt scheduling of any requested briefings.

In addition, the Chairperson should meet individually with each board member at least once a month.

Other Agencies: The Chairperson should inform the board members when another federal agency makes a nonroutine request for documents, information, or action from the CSB (unless the request relates to an internal investigation of the CSB and the investigating body has requested confidentiality). Any decision to challenge or reject a request should be elevated to the board for consideration.

MOU: The Chairperson should consult with the board members to develop a consensus approach to the interagency negotiations going forward (under EO 13650) to develop a Memorandum of Understanding. The Chairman should ensure the board members are briefed monthly on the status of the MOU negotiations and keep them apprised when major developments occur. The final MOU should be brought before the board for approval.

Chevron Investigation: The Chairperson (or a mutually agreed senior staff person) should meet individually with the board members to resolve concerns about the Chevron investigation report and to develop a proposal that could be brought before the board and adopted by consensus. If consensus cannot be reached on all matters, the Board should act on the items for which agreement exists. This proposal should be developed in time to be brought before the board for action as soon as feasible but no later than May 30, 2014.

Investigations Plan: The Chairperson should consult with the board members to establish a mutually agreed investigations plan for the agency. This plan should be established as expeditiously as possible but no later than July 31, 2014.

Investigation Protocol: The Chairperson should consult with the board members to establish a mutually agreed process for updating the agency's investigation protocol. This process should be started as expeditiously as possible but no later than July 31, 2014.

Board Order 28: There is a debate over the powers of the Chairperson and the board members under Board Order 28, which has the potential to interfere with implementing these recommendations. If there is a vacancy in the senior staff that would be subject to Board Order 28, the Chairperson and board members should seek consensus on the appointment as a matter of comity, thereby avoiding a need to resolve disputes about the application of the board order to appointments and the respective rights of the Chairperson and board members on this matter.