

U.S. CHEMICAL SAFETY BOARD

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BUSINESS MEETING

+ + + + +

JUNE, 2015

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U.S. CHEMICAL SAFETY BOARD MEMBERS PRESENT:

RICK ENGLER, Member
MARK GRIFFON, Member

STAFF PRESENT:

RAY PORFIRI, Deputy General Counsel

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P-R-O-C-E-E-D-I-N-G-S

(9:30 a.m.)

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3 OPERATOR: Welcome to the CSB Business
4 Meeting. My name is Chris and I will be your
5 operator for today's call.

6 At this time, all participants are in
7 a listen only mode. Later we will conduct a
8 public comment session.

9 Please note that this conference is
10 being recorded. I will now turn the call over to
11 Mr. Rick Engler. Mr. Engler, you may begin.

12 MR. ENGLER: Good morning and welcome
13 to the CSB Offices. My name is Rick Engler and I
14 am the Board Member presiding over this meeting
15 today.

16 I would like also to introduce my
17 colleague on the Board, Mark Griffon. The other
18 current member of the Board, Manny Ehrlich, was
19 unable to attend the meeting today.

20 Also with us is Ray Porfiri, CSB's
21 Deputy General Counsel.

22 Since we have a small group today,

1 could everyone here introduce themselves with
2 their name and affiliation?

3 MS. HAAS: Karen Haas (phonetic),
4 American Chemistry Council.

5 MS. FENDLEY: Anna Fendley, United
6 Steel Workers.

7 MS. FITCH: Ashley Fitch, United Steel
8 Workers.

9 MS. WARWICK: Ian Warwick (phonetic),
10 member of the public.

11 MR. CLARK: Charlie Clark, reporter
12 with Government Executive.

13 MR. ENGLER: Staff can -- yes, go
14 ahead.

15 MR. PORFIRI: Sure. Ray Porfiri,
16 Investigator with the Chemical Safety Board.

17 MS. WENZEL: Hi, I'm Kara Wenzel, I'm
18 an attorney.

19 MS. ANENBERG: Susan Anenberg,
20 Chemical Safety Board.

21 PARTICIPANT: (Inaudible).

22 PARTICIPANT: Albert (Indiscernible).

1 MS. TYLER: Lucy Tyler, Investigator,
2 CSB.

3 MR. CORONA: Michael Corona,
4 Investigator, CSB.

5 MS. BOUZIANE: Michele Bouziane,
6 Attorney, CSB.

7 MR. KASZNIAK: Mark Kaszniak,
8 Recommendations, CSB.

9 MR. LAU: John Lau, Human Resources,
10 CSB.

11 MS. BROWN: Anna Brown, Government
12 Administration, CSB.

13 MR. BANKS: Johnnie Banks,
14 Investigative Advisory, CSB.

15 MS. ROBINSON: Bea Robinson, Financial
16 Director, CSB.

17 MS. NGUYEN: Dai Nguyen, CSB Financial
18 Specialists.

19 MR. MILLER: Richard Miller,
20 (Indiscernible) Education and Workforce.

21 MR. ENGLER: Thank you. Since the
22 quorum of the board, given the current Board

1 makeup is three members, we do not have a quorum
2 today.

3 Today's gathering therefore does not
4 constitute a public meeting of the Board under
5 Sunshine Act Rule. Accordingly, we'll not be
6 able to take any Board action at this meeting.

7 Nonetheless, I would like to make a
8 short statement regarding the attended agenda and
9 allow those in attendance who would like to
10 comment make a brief statement.

11 Before we get started, some
12 housekeeping items. First, in the event of an
13 emergency, please exit out the front entrance and
14 down the stairs to the lobby. Our gathering
15 point is the corner of Pennsylvania and 22nd
16 Street.

17 The restrooms are in the hallway on
18 this floor, out the entrance you came through.

19 There is a sign-up sheet outside this
20 room, if you would like to make a comment.

21 For those calling into the meeting
22 please mute your phones. During the comment

1 session we will give those on the phone an
2 opportunity to comment.

3 Please limit your verbal comments to
4 three minutes or less. You can submit additional
5 written comments.

6 So to start this meeting I would like
7 to make a brief opening statement.

8 Today's agenda, as proposed, was
9 intended to focus on two primary items. One,
10 proposed changes to 40 CFR 1600, regulations to
11 basic internal operating rules of the CSB. And
12 possible votes concerning the continuity of
13 administrative and executive authority at the
14 agency while the chairperson position is vacant.

15 First, the proposed rule changes.
16 Essentially the proposal calls for two changes to
17 require a minimum of quarterly business meetings
18 at the Board in Washington, D.C.

19 This is in addition, by the way, to
20 what would normally be the meetings out in the
21 field that would of course continue to engage the
22 public concerning investigations and reports.

1 And to assure that when a board member
2 votes to calendar an item, to discuss the item in
3 a public meeting, that the item must be brought
4 to a public meeting for a discussion within 30
5 days.

6 Both of these elements were intended
7 to approve the openness and transparency of the
8 work of the Board. And I'm hopeful that the
9 Board will adopt these important proposed
10 changes.

11 The second item on the agenda was a
12 possible discussion and vote on the governance to
13 the absence of a chairperson. This item was also
14 on the agenda for discussion of last week's June
15 10th, 2015 business meeting.

16 Unfortunately, Member Ehrlich was
17 unable to attend that meeting. And so, since we
18 did not have a quorum, we could not vote on this
19 at the meeting.

20 Given the urgency of the matter,
21 Member Griffon's five year term is over on June
22 24th, next week. The Board decided to delegate

1 administrative and executive authorities to an
2 urgent notation vote, in other words a written
3 vote.

4 The validation of authorities was done
5 in accordance with Board Order 3. This vote
6 passed on June 11th. The copy of the notation
7 vote has been posted to our website in the Open
8 Government Section.

9 I also want to take this opportunity
10 to again thank Mark Griffon for his service on
11 the Board. Mr. Griffon has been on the Board for
12 the last five years, as of next week.

13 He's been involved in all of the major
14 investigations and recommendations. He has been
15 an incredibly dedicated public service servant
16 who's been through very tumultuous times.
17 Including at times where there were internal
18 difficulties where all board members voices were
19 not, in my view, entirely represented.

20 He's done a steadfast job caring about
21 the technical content and the scientific
22 integrity of the work. And he will be missed

1 here.

2 So I thank you for your contribution
3 to the important legacy.

4 I also look forward to working
5 collegially with Mr. Ehrlich and future board
6 members. Mr. Ehrlich returns and hopefully then
7 the nominated board members are confirmed as soon
8 as possible.

9 I also note that many of CSB's
10 incident investigations are scheduled for release
11 before the end of the year. This includes
12 CAPECO, West Texas And LaConda.

13 I look forward to a productive and
14 extremely busy few months in focusing on the
15 CSB's core mission to help prevent chemical
16 accidents.

17 With that, I would like to give an
18 opportunity for those, in accordance -- in
19 attendance, to make a brief comment. Before we
20 would start I'd like to make a brief policy
21 statement with regard to these comments.

22 Comments are of course encouraged.

1 Please keep your comments under three minutes.
2 Focus on the topics on the agenda, courteous and
3 respectful to all.

4 Please do not make negative comments
5 about specific individuals inside or outside the
6 CSB. Thank you for cooperating with these
7 comments and guidelines.

8 The floor is now open for comments.
9 Thank you. Anyone --

10 OPERATOR: Thank you.

11 MR. ENGLER: -- who's attended here --

12 OPERATOR: We will now begin the
13 public comment session. If you have a question,
14 please press star, then 1 from your touch tone
15 phone.

16 If you wish to be removed from the
17 queue, please press the pound sign or the hash
18 key.

19 If you are using a speaking phone, you
20 may need to pick up the handset first before
21 pressing the number.

22 Once again, if you have a comment,

1 please press star, then 1 from your touch tone
2 phone. And we're standing by for public
3 comments.

4 MR. ENGLER: Yes? So you had a
5 comment?

6 MS. HAAS: Yes, I do. This is Karen
7 Haas, I'm with the American Chemistry Council.

8 And first I want to thank you again
9 for the meeting last week. I think that was a
10 good start towards some transparent activities.

11 I also support the proposed rule that
12 you have. I think it's a good opportunity to get
13 more people involved and know what's going on and
14 understand it.

15 The one thing that was disconcerting,
16 the day after the hearing, was that I saw on the
17 internet that there was a request for information
18 for a land use study that the CSB was planning to
19 do. And it was posted at 2 o'clock in the
20 afternoon on the 11th. Which I think it's a
21 stretch in terms of the board mission.

22 And also with some of the -- there

1 were four points listed. I think some of the
2 points, it would be worth the CSB, if it is
3 considering something like that, to look at what
4 has been done in Simsa (phonetic) with PIPA, the
5 pipeline community alliance, because there's a
6 lot of work that's been done.

7 And in January of this year they put
8 out a report. And I think there could be some
9 good information from that.

10 MR. ENGLER: Okay, thank you for that
11 comment. Thank you very much. Anyone else who's
12 in the room?

13 MS. FENDLEY: Sure. Anna Fendley with
14 the United Steel Workers.

15 Just briefly. We also support the
16 rulemaking. Appreciate efforts to increase
17 transparency and stakeholder engagement in the
18 work of the board.

19 We're disappointed that there's not a
20 quorum today so that this could be a productive
21 meeting. But as to the governance, we're also
22 glad that some action or decision making has been

1 taken, pending Mr. Griffon's imminent departure.

2 MR. ENGLER: Thank you. Thank you for
3 that comment. Anyone else in the room? How
4 about on the phone line? I can check again,
5 maybe. Can you check again, Chris?

6 OPERATOR: Absolutely. Once again,
7 that is star, then 1 from your touch tone phone
8 if you have a public comment.

9 And we do have a comment. It comes
10 from John Morawetz. Your line is open, please go
11 ahead.

12 MR. MORAWETZ: Yes, I also support the
13 rule change. And in particular, as I mentioned
14 in the June 10th meeting, I think the need for
15 onsite meetings, as well business meetings in
16 Washington, D.C. is important. And I think a
17 rule proposal would help facilitate that process.

18 MR. ENGLER: Thank you. Anyone else
19 on the telephone line?

20 OPERATOR: At this time we have no
21 further comments.

22 MR. ENGLER: We thought we might have

1 a short meeting. We weren't --

2 OPERATOR: We do have a comment now.

3 MR. ENGLER: Okay.

4 OPERATOR: Joe Kamalick is on line
5 with a comment. Please go ahead.

6 MR. KAMALICK: Thanks very much. So
7 basically without a quorum this meeting --

8 MR. ENGLER: I'm sorry, could you
9 identify yourself --

10 MR. KAMALICK: I'm sorry, this is Joe
11 --

12 MR. ENGLER: -- for everyone sitting
13 here please.

14 MR. KAMALICK: Joe Kamalick at ICIS
15 News here in the Washington area. So basically
16 this meeting is moot without a quorum, right?

17 MR. ENGLER: We cannot take action
18 without a quorum. There are currently three
19 sitting board members, a quorum is three --

20 MR. KAMALICK: Right.

21 MR. ENGLER: -- board members. That's
22 the number required to take action.

1 MR. KAMALICK: And then do you have a
2 date in mind for a formalization of this proposed
3 rule change or whatever the, however you describe
4 the change in the --

5 MR. ENGLER: No, not yet.

6 MR. KAMALICK: Would it likely be 90
7 days or longer? Do you have any sense?

8 MR. ENGLER: We have to consider a
9 variety of factors. Including the extent of
10 comments, the contents of the comments made. And
11 that will be part of our deliberation over the
12 next few days moving forward.

13 MR. KAMALICK: Okay, thank you.

14 MR. ENGLER: Thank you. Any more
15 comments from the phone or here?

16 OPERATOR: We have John Morawetz again
17 with a follow up comment.

18 MR. MORAWETZ: Yes, just one question
19 then in terms of action you may take. You
20 originally had stated there were going to be two
21 additional meetings. I'm just confirming there
22 was a still schedule, July 22nd and September

1 16th as the next two immediate meetings. Is that
2 still scheduled?

3 MR. ENGLER: Yes, we'll be, and I
4 hesitate to get into a back and forth on
5 questions and answers because we are
6 distributing, at least to those in the room, a
7 list of the public business meetings. It's out
8 on the table.

9 And we're, so Hilary is not -- okay.
10 Because those will be -- if they're not on the
11 website already, and they may be not in the most
12 prominent position, they will be.

13 Any more questions? I'm sorry, any
14 more statements. Sorry.

15 OPERATOR: At this time we have no
16 further comments.

17 MR. ENGLER: So I'm going to hold the
18 floor open for another 15 seconds and then I'm
19 going to gavel the meeting to a close.

20 OPERATOR: And once again, if you have
21 a comment that is star, then 1 from your touch
22 tone phone.

1 MR. ENGLER: Thank you all for
2 attending.

3 OPERATOR: Thank you ladies and
4 gentlemen, this concludes today's conference.
5 Thank you for participating, you may now
6 disconnect.

7 (Whereupon, the above-entitled matter
8 went off the record.)

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C E R T I F I C A T E

MATTER: Business Meeting

DATE: June, 2015

I hereby certify that the attached transcription of page 1 to 21 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

Neal R Gross

NEAL R. GROSS

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