



Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Board Members
From: Christopher Warner 
Cc: Leadership Team
Subject: Board Action Report – Notation Item 746
Date: March 26, 2010

On February 1, 2010, the Board approved Notation Item 746, thereby adopting the CSB Final Budget Request for FY 2011, and authorizing its submission to OMB and Congress. Board Member Wright's dissent is attached to this Board Action Report.

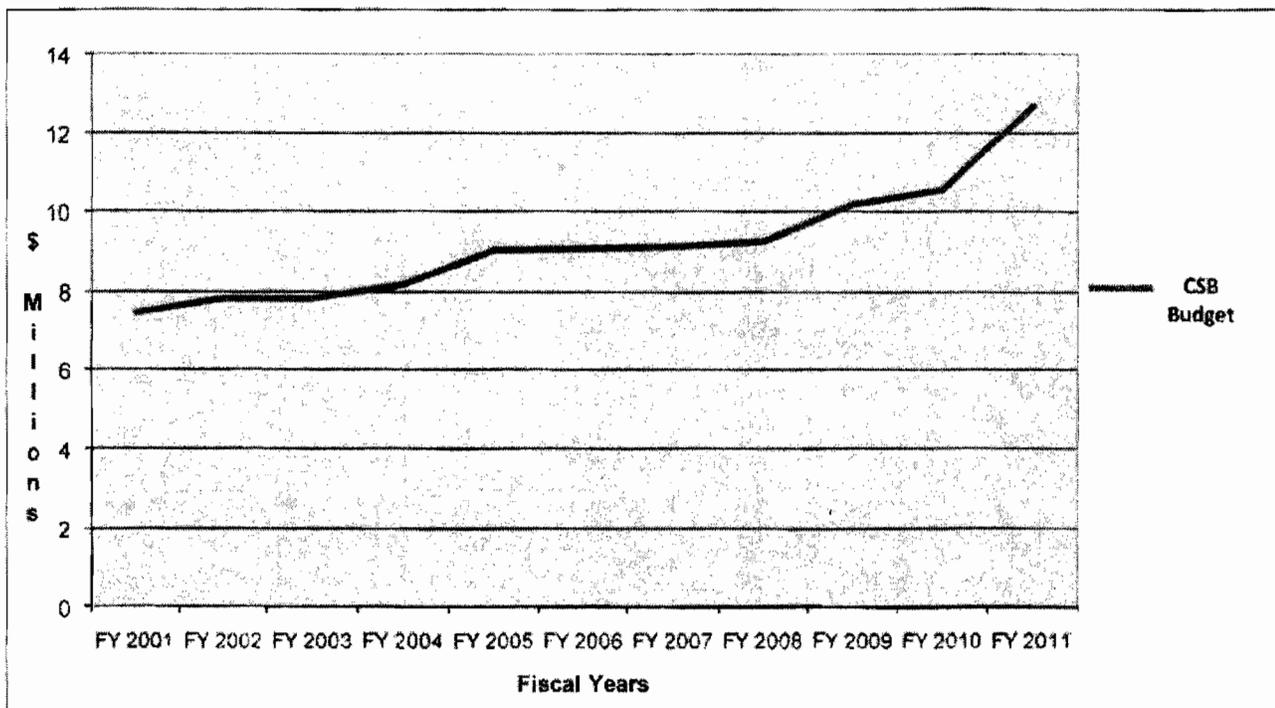
Voting Summary – Notation Item 746

Disposition: APPROVED

Disposition date: February 1, 2010

	Approve	Disapprove	Calendar	Not Participating	Date
J. Bresland	X				2/1/2010
W. Wark	X				2/1/2010
W. Wright		X			2/12/2010

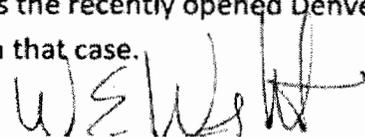
I voted NO on Notation Item #746 (FY2011 budget request) as it vastly increases funding for an undisclosed or unknown return on investment for the government. The inclusion of a Houston office is predicated on the Denver office model, but that office has yet to produce a written report (save a short 5-page safety bulletin) and has the highest number of incomplete reports currently in the queue. As drafted, this budget request is unclear to me what the ratio of investigative personnel (front line mission) will be to support personnel (administrative, legal, financial, public affairs) if this budget is approved. It also seems to request funds that we currently receive (Board Member salaries and benefits). I believe we have always received these funds whether a board member's position is filled or not. Hence we appear to be asking for something that is already in our budget. Further the request includes a three person assessment team to produce two page reports on a number of incidents in order to reduce the investigatory gap. A gap that is, from my perspective, not fully defined. And the assessment team requested to deal with this gap is also not defined nor has it been discussed among the Board to any degree. Because of these points I am not sure how this team will interact with the current investigative teams. I believe the concept calls for the assessment team to refer cases they determine to be "outside their scope" to the regular investigators, but I am unsure how this assessment team will be equipped to make such a referral if they do not possess the same background experience as regular investigators do. My preference is to see additional investigators hired who can respond to these short report incidents on an ad hoc basis vice having a unique in-house response capability. Hiring more investigators will also provide redundancy in investigative efforts when the need arises.



The FY2011 CSB budget request represents a 20.9% increase over the FY 2010 CSB operating budget. Although I agree with the need to hire additional investigators to make up a fourth investigative team,

I do not agree with the extra expense associated with opening an additional office location (Houston). We have yet to see any appreciable improvements or results from opening the Denver office (no additional reports (save one safety bulletin) published and have actually realized an increase in the number of backlogged investigative cases - more opened yet incomplete cases). This approach also appears to ignore President Obama's declaration for limiting growth in government agencies during these difficult economic times. Further, I also do not agree with the choice of some of the other requested staff billets outlined in this document as they tend to put more emphasis on supporting staff than on mission related operational staff. Further hiring a full time employee as an explosive blast analyst may appear to help reduce consulting and/or contracting problems associated with hiring blast effects experts, but will present other problems. Namely, need for expensive software, follow on education and constant involvement in this area as this type of engineering skill set is generally based on years of experience and requires vast amounts of dedicated time and effort to maintain. Expertise that I believe will perish if not maintained and or supported. Nor has the Board been briefed on the advantages and limitations of such a hire. I would argue that one will be able to obtain better qualified blast effects assessments by contracting this expertise from the outside on an as needed basis. I recognize some difficulties we have historically experienced in hiring experts but believe we can work through those difficulties by putting contracting mechanisms in place to do so. I believe we should pursue additional funds to hire "experts" to assist in formulating report requirements when needed in specific areas as other agencies do now. For example, the Securities and Exchange Commission regularly contracts "experts" without much difficulty and we should be able to put the same type of mechanisms in place to do so as well.

Additionally, the CSB has yet to produce a Human Capital Plan which will lay out a strategy for hiring personnel and expanding the agency where needed. I have repeatedly supported hiring additional investigative personnel to reduce use of compensation time, provide for vacations and training, and to create a normalized workload for our investigators. When I was appointed in 2006 there were 17 investigators on staff; today if my calculations are correct there are 15. This is a net loss of two investigators since 2006. There is no doubt we have been unable to make progress in publishing reports when we fail to hire sufficient numbers of investigative staff. Yet some would argue there is no correlation between the number of reports produced and the number of investigators on staff. I believe we proved the need for a fourth investigative team several years ago to allow personnel to take leave, reduce compensation time, train and write reports. This problem persists as we do not have sufficient teams to allow personnel to complete work in a timely manner. It is particularly disturbing to me after a majority of the board recently voted to hire additional support personnel over investigative personnel in the FY 2010 operating budget. The justification to hire new investigators, as presented in this budget, calls for opening a Houston regional office as it is closer to a large segment of the industry. One rationale given for this regionalization concept is that the closer our offices are to centers of industry the quicker we can respond and develop relationships with industry. Yet I have not seen any data to support that premise as the recently opened Denver office responded to an incident in North Carolina and is still working on that case.

A handwritten signature in black ink, appearing to be 'W. S. West', is located at the bottom right of the page.