

1 are poised to modernize their process safety  
2 rules and put this state at the forefront of the  
3 nation's accident prevention efforts. To them I  
4 say God speed. I also call upon federal  
5 regulators to closely study the progress that is  
6 underway here in California.

7 I believe it is a model for the whole  
8 country to emulate and will make our communities  
9 safer. I also would like to recognize and to  
10 express my deeply felt thanks to the entire CSB  
11 Chevron team for their tireless work on this case  
12 over two and a half years.

13 I know the whole Board joins me in  
14 congratulating your efforts. That concludes the  
15 discussion of the Chevron investigation and now  
16 pursuant to the agenda I ask if there is any  
17 other business before the Board during this  
18 public meeting.

19 MR. EHRLICH: Mr. Chairman, I have a  
20 motion to normalize the government of the CSB,  
21 governance of the CSB to approve agency  
22 operations in general. Having spent an excess of

1 50 years in the private sector I look at the CSB  
2 from an executive's perspective where lines of  
3 authority and a command structure are known to  
4 all.

5 First and perhaps foremost, is the  
6 fact that the products produced by the staff are  
7 outstanding and excellent. The Board continues,  
8 consists of remarkably dedicated, extremely  
9 bright and exceptionally committed, hard working  
10 group of professionals.

11 Looking at the agency's management and  
12 administration there are a number of issues that  
13 require, in my mind, clarification and  
14 solidification. For example, I have never worked  
15 in an organization where there is no clear  
16 delineation of responsibility for implementation  
17 of administrative tasks.

18 In this agency's case it would seem to  
19 me that the Chairperson of the Board should be  
20 responsible for such administrative issues for  
21 all the agency members, including the Board.  
22 Complicating matters is the fact that the agency

1 adopted the majority of its internal procedures  
2 or Board orders during a brief period between  
3 2000 and 2002 where there was no Chairperson and  
4 no permanent staff director at the agency.

5 With regard to Board orders there  
6 appear to be too many, most of which deal with  
7 purely administrative issues and in my opinion  
8 should be eliminated. To the extent standard  
9 procedures are needed for such issues as  
10 contracting, budgeting and personnel these should  
11 be developed by the Chairperson or his delegates  
12 and updated on routine basis following government  
13 norms.

14 By clearly delineating the  
15 administrative issues to the chair and the  
16 programmatic responsibilities to the Board then  
17 delegating authority is appropriate in both areas  
18 I'm of the opinion that the Board would function  
19 much more smoothly and more time could be spent  
20 on the mission of the agency.

21 My motion has four components. First  
22 it adopts a new Board Order, Number 2015-01 that

1 rescinds numerous unnecessary, conflicting and  
2 antiquated Board orders related purely to the  
3 agency's administrative functioning. It  
4 clarifies that administration is and always has  
5 been the Chair's responsibility.

6 That is fully consistent with the  
7 statute best practices of other agencies  
8 including the NTSB and my philosophy of  
9 management based on 50 years of private sector  
10 experience. It encourages the Chair to develop a  
11 modern, streamline set of management directives  
12 covering administration, budgeting and personnel.

13 Second, my motion provides for  
14 adopting an updated Board Order Number 22  
15 establishing updated procedures for the Safety  
16 Recommendations Program. This proposal was  
17 developed by the staff but has been waiting at  
18 the Board for resolution for more than two years.

19 Third, my motion adopts a new  
20 procedure for what is called investigation  
21 scoping. That is the critical process for  
22 planning out how individual investigations are

1 going to be conducted and what issues are to be  
2 pursued.

3 This will be a new chapter of the  
4 Board's investigation protocol. Once again the  
5 procedure has been proposed by staff and has been  
6 sitting before the Board for a number of months.

7 Finally, my motion would  
8 administratively close three very old CSB cases  
9 dating from 2009 and 2010 where there is no  
10 realistic opportunity to issue a CSB report.  
11 These are the investigation of two accidents from  
12 2009 at the Silver Eagle refinery in Utah, a  
13 series of releases from the Citgo Corpus Christi  
14 refinery starting in 2009 and a 2010 zinc fire at  
15 the Horsehead facility in Monaca, Pennsylvania  
16 which has been closed and demolished.

17 In the case of the Silver Eagle and  
18 the Citgo cases the CSB has already issued  
19 technical reports or recommendations that  
20 establish many findings about the incidents. In  
21 the case of Horsehead the CSB staff is contracted  
22 with a distillation expert who has reviewed the

1 file and has prepared technical analysis which  
2 should be made available to the public after  
3 completion of staff reviews.

4 However, especially with both the  
5 plant and the process no longer in existence it  
6 would be fruitless to put more researchers into  
7 the case. These are the four parts of my motion  
8 and I urge that it be adopted by the Board.

9 I move the Board take the following  
10 actions to improve and facilitate mission  
11 operations, part one. Adopt a new Board Order  
12 2015-01 entitled Streamlining of a Chemical  
13 Safety Board System of Board Orders.

14 Part two, rescind the existing Board  
15 Order 22 entitled CSB Recommendation Program and  
16 adopt an updated version of the Board order as  
17 recommended by the CSB staff. Part three, adopt  
18 a new chapter one of the CSB's investigation  
19 protocol, Board Order Number 40 entitled  
20 Investigation Scoping Process as recommended by  
21 the CSB staff.

22 And part four, terminate the following

1 CSB investigations. Investigation of the January  
2 12, 2009, flash fire and November 4, 2009,  
3 hydrogen explosion at the Silver Eagle refinery  
4 in Woods Cross, Utah. Investigations of the July  
5 19, 2009, hydrogen fluoride release and  
6 hydrocarbon fire at the Citgo refinery in Corpus  
7 Christi, Texas and a subsequent smaller hydrogen  
8 fluoride release on March 5, 2012.

9 Investigation of the July 22, 2010,  
10 zinc fire at the former Horsehead Corporation  
11 facility in Monaca, Pennsylvania and authorize  
12 the CSB staff to make available to the public the  
13 final results of a technical review of the  
14 Horsehead case file already conducted by the zinc  
15 distillation expert.

16 Upon completion of appropriate factual  
17 and confidential business information reviews,  
18 sorry, and completion of the business information  
19 reviews.

20 CHAIRPERSON MOURE-ERASO: So I hear a  
21 motion. There is a motion on the floor. Is  
22 there a second for this motion? I second the

1 motion. So there is a motion on the floor that  
2 has been read and second. Is there any  
3 discussion?

4 MR. GRIFFON: Mr. Chairman, I make a  
5 motion to table this matter.

6 CHAIRPERSON MOURE-ERASO: There is a  
7 second motion to table this matter. Is there a  
8 second for the motion to table the matter?

9 Hearing no second I call the question  
10 for the first motion. I will ask if there is any  
11 further discussion on this.

12 MR. GRIFFON: Yes, I have further  
13 discussion. First and foremost, we have another  
14 Board Member who has been confirmed by the Senate  
15 and is due to be on the Board in a few weeks.

16 And I think we're basically modifying  
17 all governance practices right here live in this  
18 meeting when another Board Member that's been  
19 confirmed by the Senate I believe should have an  
20 opportunity to speak to these very important  
21 issues that affect the agency going forward for  
22 some time.

1           Secondly, I've been delivered this  
2 document right now. This is the first time I've  
3 seen this. There is no way I can vote on this  
4 matter with, fully understanding what I'm voting  
5 on without some time to look this over  
6 completely.

7           And finally, these governance matters  
8 have been under discussion on the Board and great  
9 debate for several years. That is true. Several  
10 of them involve components that, quite frankly,  
11 get to this very meeting, which is conducting our  
12 business in the public, transparency.

13           And I think the current version of  
14 Board Order 22 effectively would, if it was put  
15 in place, would involve most of our  
16 recommendations, evaluations votes to be done in  
17 the private of our offices. And I have been  
18 pushing for several years on this Board to have  
19 more of that work done in front of the public.

20           The recommendations, where we want to  
21 see them through and make sure they happen at the  
22 plants, at the communities. And I think that's

1 totally very important for this Board to be  
2 effective.

3 So I urge my colleagues on the Board  
4 to at least wait until another confirmed member  
5 of this Board is seated and has an opportunity to  
6 review this material and debate it fully. Thank  
7 you.

8 CHAIRPERSON MOURE-ERASO: So you have  
9 a motion to make.

10 MR. GRIFFON: My motion was to table  
11 the matter until we have our confirmed member of  
12 the Board joins us.

13 CHAIRPERSON MOURE-ERASO: Well your  
14 motion as stated requires a second. And I ask  
15 again is there a second for that motion? Having  
16 heard none I would like to call the question to  
17 the first motion presented by Mr. Ehrlich.

18 So there is a motion on the floor by  
19 Mr. Ehrlich that has been read and copies of it  
20 has been distributed among the Members. And I  
21 ask Mr. Loeb, our General Counsel, to proceed  
22 then with a vote.

1 MR. LOEB: Mr. Ehrlich?

2 MR. EHRLICH: Yes.

3 MR. LOEB: Mr. Griffon?

4 MR. GRIFFON: A resounding, no.

5 MR. LOEB: Mr. Chairman?

6 CHAIRPERSON MOURE-ERASO: Yes. .

7

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9 CHAIRPERSON MOURE-ERASO: Okay. I

10 guess this ends the business of the Board  
11 tonight. Okay. So I forgot to say after I was  
12 interrupted that the motion carries 2-1. The  
13 motion is approved.

14 So this ends the business of this  
15 public meeting. Thank you very much for all of  
16 you to be here.

17 (Whereupon, the above-entitled matter  
18 went off the record.)

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