



U.S. Chemical Safety and Hazard Investigation Board

Office of General Counsel

Memorandum

To: Board Members
From: Christopher Warner *all Warner*
Cc: Leadership Team
Subject: Board Action Report – Notation Item 651
Date: October 1, 2008

On September 16, 2008, the Board approved Notation Item 651, thereby authorizing the Chairperson to take the following actions:

- Establishment of a Denver, Colorado, office for the CSB in accordance with the revised Business Plan attached to the item;
- Execution of an Occupancy Agreement for a Denver, Colorado, office with GSA in accordance with the proposed Occupancy Agreement attached to the item (including the correction of typographical errors and other minor changes);
- Allocation and expenditure of available FY08 funds in the amount of \$43,950 for initial costs of the Denver office as indicated in the revised Business Plan for IT, office equipment, and travel; and
- All other necessary and proper actions to implement the revised Business Plan in accordance with law and relevant CSB Board Orders.

Member Visscher submitted a note accompanying his vote to approve, which is attached to this memorandum.

Voting Summary – Notation Item 651

Disposition: APPROVED

Disposition date: September 16, 2008

	Approve	Disapprove	Calendar	Not Participating	Date
J. Bresland	X				9/12/2008
G. Visscher	X				9/18/2008
W. Wark	X				9/12/2008
W. Wright	X				9/16/2008

Note accompanying vote on Notation Item 651

In voting for Notation Item 651, board members are voting, among other things, to "authorize the Chairperson to ... [establish] a Denver, Colorado office for the CSB *in accordance with the revised Business Plan;*" (emphasis added)

I appreciate the fact that the plan has been revised to reflect the discussion and comments of board members at the quorum meeting last week, particularly on the staffing of the Denver office. Our discussion at the meeting focused primarily on financial costs (and wherewithal), if the agency paid for moving one or more DC staff to Denver. I also hope that the investigative teams, HR, and the chair will continue to consider the administrative and management issues and trade-offs involved. Certainly there are challenges in having an investigative team working from two different offices. I think there would also be challenges, at least as substantial, if a separate investigative team is wholly located thousands of miles away from the rest of the agency. The challenge, either way, is to realize the benefits of a separate office, without creating a separate entity.

Second, I also want to memorialize a "reservation" about endorsing the Business Plan as is, specifically, the reference in Table 1, Objectives and Measures of Performance for the office, to do "two assessments of 'low' scoring incidents in Western Region." As I have previously indicated, I am not convinced that such "assessments," as currently described at least, are a worthwhile use of time and resources for the agency. I understand that this may be kind of a "placeholder" awaiting more consideration of the overall review of the incident selection process, as well as the agency's response to the GAO and House Appropriations Committee. As was discussed at the quorum meeting, whatever approach is ultimately decided on how the incident selection process works, or what if any change in types of investigations, etc., can be reflected in the action plan and individual performance plans. But I did want to indicate that my approval of this notation item does not reflect agreement or support for this particular item in the Business Plan.

