

**Comments of the
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union
on
Proposed Rule of the Chemical Safety and Hazard Investigation Board
40 CFR Part 1600 on Organization and Functions of the
Chemical Safety and Hazard
Investigation Board
Docket No. CSB-2015-0004-0001
June 12, 2015**

The United Steelworkers (USW) offer these comments and amendments to the proposed rulemaking supplementing 40 CFR Part 1600, which covers the actions of the U.S. Chemical Safety and Hazard Investigation Board (CSB). The 850,000 members of the USW include the majority of unionized workers in the chemical industry and hundreds of thousands of men and women whose workplaces use and store large quantities of industrial chemicals.

Many USW represented workplaces have been involved in CSB investigations. Since the Board's creation, USW has been strongly invested in the investigations and subsequent recommendations of the CSB. As a longtime stakeholder in the actions of the CSB, we appreciate this opportunity to comment on the proposed rulemaking.

The proposed rule amends the regulation which governs the daily operations of the board. We support the proposed rule because it will increase the transparency of the Board and facilitate stakeholder involvement and CSB accountability.

Public Meetings

The Board proposes to hold quarterly business meetings. During these meetings the agenda will contain specific items; a review of open investigations, vote on prior notation items, and a discussion of the CSB's annual Action Plan. Prior to the scheduled meetings, the appointed chairperson will post the related agenda information for public review.

Holding frequent public business meetings is a vital part of the CSB's business process. Developing a transparent structure, as mentioned in the proposal, will allow the viable input of stakeholders to be better utilized by CSB board members and staff. For example, the CSB will have a regular opportunity to receive input on its annual action plan to know if the stakeholders engaged with the board functions have key information pertaining to this plan to provide to the discussion.

The USW fully supports the decision to hold regular quarterly public meetings and to grant easily accessible meeting minutes. CSB meetings affect many industries and workers across the United States. We urge the Board to ensure that those who are not in Washington, D.C., are able to join the meetings by phone. A remote connection by phone will ensure that those workers, industry and other stakeholders who cannot travel to the meeting are not disadvantaged.

The members of the Board have a shared responsibility for fulfilling its mission, and each member of the Board must be afforded the opportunity to publicly discuss CSB-related business, as he or she deems appropriate. Therefore, USW also supports the proposal that any Board member may submit items related to CSB business for inclusion on the agenda of the public meeting, provided the items are submitted with sufficient advance time for public notice of the meeting and agenda as described in the proposed rule.

Notation Voting

To better align with the Memorandum on Transparency and Open Government (74 Fed. Reg. 4685, Jan 26, 2009), the proposal includes an amendment which increases the visibility of notation voting carried on by the board. As outlined in the proposal, the chairperson will be required to add notation votes that have been calendared for public discussion to the agenda of a public meeting within ninety (90) days of the calendared notation vote. This will allow the calendared items to be discussed at the public meetings within a reasonable time period.

The Memorandum on Transparency and Open Government (74 Fed. Reg. 4685, Jan 26, 2009) was released to set forth guidelines on transparency of government executive departments and agencies. The memorandum promotes these groups to conduct their business in a manner which is collaborative, transparent, and publically engaged.

The CSB's notation voting process should be used only to vote on noncontroversial issues. When a Board member chooses to calendar an item because it requires further discussion, it is crucial that the discussion occurs within a reasonable period of time. Recent history under the current rules allowed a calendared item to wait indefinitely to be put on the agenda at a public meeting.

The USW fully supports amending the 40 C.F.R. § 1600.5 as proposed. As described above, the Board must operate with transparency shared responsibility. A requirement that calendared items be discussed in public within 90 days will allow stakeholders to be more involved in the process and will strengthen CSB investigations and recommendations.

In addition to the stated proposal, the Board also amend the present regulation to incorporate motions about investigations under scrutiny. For full disclosure, no board members should have the importance to cancel an investigation without sufficiently notify all stakeholder member of the board.

We thank you again for the opportunity to comment. The USW fully supports this proposal and believe that implementation of the rule will better coordinate the mission of the CSB. Please feel free to contact us if you have questions about these comments.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ashlee Fitch', with a stylized flourish at the end.

Ashlee Fitch
Health, Safety and Environment Department