

**Rebuilding the Chemical Safety Board:
Finding a Solution to the CSB's Governance and Management Challenges
Statement of Rick Engler, Member, U.S. Chemical Safety Board to the
House of Representatives Committee on Oversight and Government Reform**

March 4, 2015

Good morning and thank you Chairman Chaffetz, Ranking Member Cummings, and Committee members for asking me to testify at this very important and timely hearing.

My name is Rick Engler. I was confirmed by the U.S. Senate to be a Member of the Chemical Safety Board (CSB) on December 16, 2014 and was commissioned to the Board for a five year term by the President on February 5, 2015. I am thus the newest CSB Member.

CSB's primary mission is to investigate major chemical incidents to determine their root causes and to make recommendations for how such incidents can be prevented.

Immediately before being appointed to the Board, I was Director of the New Jersey Work Environment Council, a collaboration of labor, community, and environmental organizations where preventing chemical disasters was a primary focus of work.

My past involvement with the CSB included working with late New Jersey Senator Frank Lautenberg, NJ Congressman Rodney Frelinghuysen, and Governor Christine Whitman to help secure initial appropriations for the CSB (1997). I assisted the CSB in addressing how incidents involving runaway chemical reactions could be prevented after tragedies occurred in chemical plants in Lodi and Paterson, NJ (1998). I also led a CSB stakeholder's process which prompted a new policy to ensure that both workers and management can fully participate in CSB investigations (2012).

The CSB and its dedicated staff have accomplished much. Its investigation reports and recommendations are essential tools for the prevention of major chemical incidents.

During my first few weeks at the CSB, I have reviewed extensive material, including CSB investigation reports, recommendations, and briefing documents; Inspector General audit findings; materials related to this Committee's hearing on the CSB last June 19; and a February 12, 2015 report by the Vantage consulting group that found serious CSB internal challenges and identified some solutions. I have also spoken to some past and all current Board members and many, but not all, CSB staff, as well as some outside stakeholders.

This initial learning process is by no means complete. Yet, I have already concluded that major changes are urgently needed for the CSB to fulfill its critical mission.

- First and foremost, changes are needed to resolve the controversy over CSB governance and the powers of the Chair in relation to other Members. The serious engagement of **all** CSB Members in major decisions provides critical checks and balances and would result in the best decisions. Unfortunately, Board Order 2015-1 was approved by a 2-1 vote on January 28, 2015. This action took place after I was confirmed by the U.S. Senate – but just five business days before I was sworn in as a CSB Member. It consolidated power in the Board Chair and eliminated, for example, the role of other Board members in deciding budgets and major use of funds, deciding key contracts, and approving appointment of department heads.

The Board should rescind its overall motion of January 28, 2015 (Order 2015-1). I respectfully ask this Committee to urge CSB to take such action. A new process, with deadlines, to clarify governance rules and policies and to ensure a system of checks and balances could then begin.

Other changes are also urgently needed to:

- Address the very serious issues raised by the new Vantage consultant's report, among them poor internal communications, lack of consistent policies and procedures, and employee frustration with senior management. These issues have led to very low staff morale.
- Ensure that CSB Members and staff work together collegially, where all views are respected, even when there are disagreements. It is especially important to respect differing scientific viewpoints.
- Adopt a thorough and specific project management tracking system, with clear objectives, benchmarks, and internal controls which reflect the Board's approved five year strategic plan and a Board approved annual implementation plan.
- Engage key stakeholders, including employers, trade associations, organized labor, environmental groups, professional associations, first responders, academic and scientific institutions, and the families of victims of chemical disasters.

- Hold frequent, publicized, public business meetings and votes and take other steps to ensure public transparency. Every public meeting agenda should include ample time for public statements and dialogue. I reject any notion that carrying out the people’s business by a public agency is merely theater.
- Initiate a new relationship with the Office of Inspector General, to view them as allies rather than enemies in building the highest performing CSB.
- Rebuild relationships with other federal agencies. CSB relationships with other agencies are frayed and must be fixed.

The CSB is a small but truly important agency. In its brief existence the CSB has accomplished much to prevent tragic chemical incidents which kill workers, harm the environment, damage our businesses and economy, and cost jobs.

Recent tragedies in West, Texas, Charleston, West Virginia, and LaPorte, Texas illustrate why CSB’s unique mission to find the root causes of these and other catastrophes and to press for adoption of safeguards is more essential than ever.

But to achieve this, CSB reform is needed now.

Over my five year term, I pledge to work with other Board Members and staff, this Committee and other Congressional committees, the Inspector General, key government agencies, and outside stakeholders to make the CSB the most transparent, collaborative, efficient and effective agency that it can be.

Thank you again for the opportunity to testify.

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Biographical Summary

Rick Engler was nominated by President Barack Obama to the U.S. Chemical Safety and Hazard Investigation Board in January of 2014 and confirmed by the Senate in December 2014. Before his appointment, Mr. Engler spent more than five decades helping to prevent chemical hazards. Much of his work has focused on ensuring that workers and the public have a “right to know” about the potential chemical dangers they may be exposed to on the job and in the community and that government agencies operate transparently. He has advocated for successful landmark state and national public policies that promote hazard communication, workforce development, chemical incident prevention, inherently safer processes, and whistleblower protection. Among these policies are the New Jersey Worker and Community Right to Know and Toxic Catastrophe laws and the national 1990 Clean Air Act amendments that enable both management and worker representatives to fully participate during Environmental Protection Agency and Chemical Safety Board investigations of facilities that use highly hazardous chemicals.

Mr. Engler was founder and Director of the New Jersey Work Environment Council (WEC), a collaboration of labor, community, and environmental organizations working for safe, secure jobs and a healthy, sustainable environment. He founded the Philadelphia Area Project on Occupational Safety and Health and served as an elected Vice President of the NJ Industrial Union Council, AFL-CIO. Mr. Engler served on the NJ Department of Health Occupational Health Surveillance Advisory Committee. He has been a leader in collaborative labor-management-community initiatives to help investigate and prevent chemical incidents.