



At a Glance

Why We Did This Audit

The Office of Inspector General (OIG) of the U.S. Environmental Protection Agency, which is also the OIG for the U.S. Chemical Safety and Hazard Investigation Board (CSB), received a hotline complaint expressing concerns about CSB actions at its January 28, 2015, public meeting that were not in compliance with The Government in the Sunshine Act (Sunshine Act). Specifically, the complaint cited a board motion that consolidated the former Chairperson's authority over the agency and terminated CSB investigations without explaining why CSB failed to complete them and the related cost to taxpayers. In response to the complaint, the OIG initiated an audit to determine whether CSB was compliant with requirements of the Sunshine Act (5 U.S.C. 552b) for the January 28, 2015, public meeting.

This report addresses the following CSB goal:

- *Preserve the public trust by maintaining and improving organizational excellence.*

Send all inquiries to our public affairs office at (202) 566-2391 or visit www.epa.gov/oig.

The full report is at:
www.epa.gov/oig/reports/2015/20150930-15-P-0304.pdf

CSB's Public Meeting Announcement Violated The Government in the Sunshine Act

What We Found

CSB's public meeting announcement for its January 28, 2015, meeting, posted in the Federal Register, was not compliant with the Sunshine Act. The announcement included a description of what CSB would present and discuss prior to the possible board vote on the final report of CSB's investigation into the Chevron Richmond Refinery Fire. However, at the public meeting, CSB also presented a motion that terminated five investigations on which CSB had already spent over \$800,000, consolidated the former Chairperson's authority over the agency, and rescinded 18 of 46 board orders. CSB members and staff were unable to explain why the motion was not included in the public meeting announcement. By not announcing a motion that included terminating investigations, CSB kept the public uninformed of its planned actions to end the investigations, in violation of the Sunshine Act and the act's transparency goals. In addition, one board member, who was not notified, did not have sufficient time to review and familiarize himself with the motion's subject matter and was left unprepared to discuss or vote on the motion.

At a public meeting, CSB passed a motion to terminate five investigations on which it had already spent over \$800,000 in taxpayer funds without announcing the planned motion in advance, as required by the Sunshine Act.

For the January 28, 2015, meeting, CSB also did not comply with a requirement in its own guidance to circulate agenda items to board members prior to meetings.

Recommendations and Planned Agency Corrective Actions

We recommend that CSB comply with the Sunshine Act and ensure that public meeting announcements provide adequate subject matter information so that the public is informed of decisions concerning investigations and operations. We also recommend that CSB provide training on Board Order 001, *Board Quorum and Voting*, to ensure board members and staff are familiar with the requirements of public meetings and notifications to board members.

CSB acknowledged it was not compliant with the Sunshine Act "Open Meetings" requirement when it conducted the January 28, 2015, meeting and should have announced all orders of business in the Federal Register prior to the meeting. CSB provided planned corrective actions and completion dates.