

**Opening Statement of Ranking Member Morgan Griffith
Subcommittee on Oversight & Investigations Hybrid Hearing
“Protecting Communities from Industrial Accidents: Revitalizing the
Chemical Safety Board”
September 29, 2021**

As Prepared for Delivery

Thank you, Chair DeGette for holding this hearing.

The Chemical Safety Board (CSB) is an independent, non-regulatory federal agency. According to its enabling statute, the leading charge of the CSB is to investigate and determine the cause of any accidental release resulting in a fatality, serious injury or substantial property damages.¹

Unfortunately, though, the Board has historically been criticized for falling short of accomplishing this primary responsibility. CSB was created by the Clean Air Act Amendments of 1990, but it did not become operational until 1998. Since then, the CSB has been saddled with functioning challenges. Back in 2000, two and a half years after its inception, the Government Accountability Office (GAO) identified management challenges and an investigative backlog. Now, 21 years later, we share in the same concerns as our colleagues of Congress’ past.

Since May 1, 2020, CSB has carried on with only one of its five board seats filled. Chair Lemos, I understand that under your leadership you have been

¹ 42 United States Code (U.S.C.) §7412(r)(6).

disadvantaged with a short staff and sharp learning curve. The vacancies in Board member positions impede the agency from making substantial progress on benchmarks. Board members are vital for facilitating and closing out investigations, such as participating in site visits and voting on investigative reports.

The CSB also faces challenges in recruiting and retaining qualified staff. The quality of investigations hinges on the expertise of investigators to conduct complete, unbiased investigations. These investigators should have solid backgrounds in chemical engineering or industrial process safety. We understand it is difficult to compete with the industry to find such a specialized skill set. But we are hopeful that CSB is taking actions to recruit these kinds of candidates for vacant investigator positions; and we would like to see that progress continue.

I believe CSB investigations can have a beneficial value to the industry, but I have real concerns with how this work is being conducted. Due to the ongoing challenges with management over the years, the Board has not created standardized processes for its investigations. The Board has finite resources and needs to establish unbiased criteria for selecting incidents to investigate and protocols to determine when to deploy an investigative team. The Board needs policies and procedures in place to ensure its objectivity and balance in its investigative work.

Based on the data and analysis of an investigation, investigative reports usually include recommendations. Yet, these recommendations have no legal criteria. They are lacking in cohesiveness from one report to the next. When recommendations favor a position, the report loses its independent, investigative aspects. A lack of standardized criteria allows for investigative reports to include agenda-setting recommendations that advance a viewpoint.

This is not the job of the CSB. The job of the CSB is to determine the root cause of an accident. Any periodic recommendations should suggest measures to minimize the consequences of an accidental release—their purpose as outlined in the statute. They should not need to be rewritten each time turnover places new staff on an investigation.

A “nation safe from chemical accidents” is a nation of closed chemical industrial plants. It is not practicable to eliminate all chemical accidents, the law doesn’t mandate it, and the CSB should not set expectations that are unreachable. First and foremost, the CSB must play the fact finder in these incidents. The Board should not seek out investigations or issue recommendations simply to spotlight disfavored technology or preferred, new process safety practices.

What the Chemical Safety Board must do is focus on completing the outstanding investigations as soon as possible. To gain the trust of stakeholders and

the public, the Board must remain transparent, and communications between CSB and industry should improve to repair the reputation of the Board.

Today, I hope we will focus on what CSB can and should do in the upcoming months to close out high-quality investigations in both an expeditious and efficient way. We need to hear from the CSB on how they will improve internal processes and allocate resources judiciously to complete rigorous and instructive investigations.

Thank you, Chair Lemos, for representing the CSB here today. We look forward to hearing your testimony.

I yield back.