

PART 1600—ORGANIZATION AND FUNCTIONS OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

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AUTHORITY: 5 U.S.C. 301, 552(a)(1); 42 U.S.C. 7412(r)(6)(N).

SOURCE: 68 FR 65403, Nov. 20, 2003, unless otherwise noted.

§ 1600.1 Purpose.

This part describes the organization, functions, and operation of the Chemical Safety and Hazard Investigation Board (CSB). The CSB is an independent agency of the United States created by the Clean Air Act Amendments of 1990 [Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7412(r)(6) *et seq.*]. Information about the CSB is available from its Web site, <http://www.csb.gov>.

§ 1600.2 Organization.

(a) The CSB's Board consists of five Members appointed by the President with the advice and consent of the Senate. The President designates one of the Members as Chairperson with the advice and consent of the Senate. The Members exercise various functions, powers, and duties set forth in the Clean Air Act Amendments of 1990 (42 U.S.C. 7412(r)(6) *et seq.*).

(b) The CSB's staff is comprised of the following administrative units and such other units as established by the CSB Board:

- (1) The Office of Administration;
- (2) The Office of Investigations and Recommendations;
- (3) The Office of the General Counsel;
- (4) The Office of Financial Operations; and
- (5) The Office of Equal Employment Opportunity.

[68 FR 65403, Nov. 20, 2003, as amended at 88 FR 36256, June 2, 2023]

§ 1600.3 Functions.

(a) The CSB investigates chemical accidents and hazards, recommending actions to protect workers, the public, and the environment. The CSB is responsible for the investigation and determination of the facts, conditions, and circumstances and the cause or probable cause or causes of any accidental release resulting in a fatality, serious injury, or substantial property damages.

(b) The CSB makes safety recommendations to Federal, State, and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration and private organizations to reduce the likelihood of recurrences of chemical incidents. It initiates and conducts safety studies and special investigations on matters pertaining to chemical safety.

(c) The CSB issues reports pursuant to its duties to determine the cause or probable cause or causes of chemical incidents and to report the facts, conditions, and circumstances relating to such incidents; and issues and makes available to the public safety recommendations, safety studies, and reports of special investigations.

§ 1600.4 Operation.

In exercising its functions, duties, and responsibilities, the CSB utilizes:

(a) The CSB's staff, consisting of specialized offices performing investigative, administrative, legal, and financial work for the Board.

(b) Rules published in the FEDERAL REGISTER and codified in this title of the Code of Federal Regulations.

(c) Meetings of the Board Members conducted pursuant to the Government in the Sunshine Act and part 1603 of this title (CSB Rules Implementing the Government in the Sunshine Act) or voting by notation as provided in § 1600.5(b).

(d) Public hearings in connection with incident or hazard investigations.

(e) Board Orders and other policies and procedures adopted by the Board.

[68 FR 65403, Nov. 20, 2003, as amended at 88 FR 36256, June 2, 2023]

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§ 1600.5 Quorum and voting requirements.

(a) *Quorum requirements.* A quorum of the Board for the transaction of business shall consist of three Members; provided, however, that if the number of Board Members in office is fewer than three, a quorum shall consist of the number of Members in Office, subject to the limitations on the authority of a single-Member Board set forth in this section and in Board Orders adopted by the Board; and provided further that on any matter of business as to which the number of Members in office, minus the number of Members who have disqualified themselves from consideration of such matter is two, two Members shall constitute a quorum for purposes of such matter. Once a quorum is constituted, a simple majority of voting Members is required to approve an item of the Board's business. A tie vote results in no action. If the Board consists of only a single Member (whether the Chairperson or another Member), that single Member may not transact Board business or take any action that requires approval by the Board, except as provided in Board Orders adopted by the Board.

(b) *Voting.* The Board votes on items of business in meetings conducted pursuant to the Government in the Sunshine Act. Alternatively, whenever a Member of the Board is of the opinion that joint deliberation among the members of the Board upon any matter at a meeting is unnecessary in light of the nature of the matter, impracticable, or would impede the orderly disposition of agency business, such matter may be disposed of by employing notation voting procedures. A written notation of the vote of each participating Board member shall be recorded by the General Counsel who shall retain it in the records of the Board. If a Board member votes to calendar a notation item in accordance with applicable Board Orders, the Board must consider the calendared notation item at a public meeting of the Board within 90 days of the date on which the item is calendared. This section does not permit a notation item to be calendared other than as provided in applicable Board Orders. A notation vote to schedule a public meeting or a special

meeting may not be calendared. The Chairperson shall add any calendared notation item to the agenda for the next CSB public meeting if one is to occur within 90 days or schedule a special meeting to consider any calendared notation item no later than 90 days from the calendar action. Any disagreement about whether a notation item has been calendared effectively in accordance with applicable Board Orders shall be decided by the Board.

(c) *Public meetings and agendas.* The Chairperson, or in the absence of a chairperson, a member designated by the Board, shall schedule a minimum of four public meetings per year in Washington, DC, to take place during the months of October, January, April, and July.

(1) *Agenda.* The Chairperson, or in the absence of a chairperson, a member designated by the Board, shall be responsible for preparation of a final meeting agenda. The final agenda may not differ in substance from the items published in the Sunshine Act notice for that meeting. Any member may submit agenda items related to CSB business for consideration at any public meeting, and the Chairperson shall include such items on the agenda. At a minimum, each quarterly meeting shall include the following agenda items:

(i) Consideration and vote on any notation items calendared since the date of the last public meeting; and

(ii) A review by the Board of the schedule for completion of all open investigations, studies, and other important work of the Board.

(2) *Publication of agenda information.* The Chairperson shall be responsible for posting information related to any agenda item that is appropriate for public release on the CSB Web site no less than two days prior to a public meeting.

[68 FR 65403, Nov. 20, 2003, as amended at 80 FR 46824, Aug. 6, 2015; 88 FR 36256, June 2, 2023]

§ 1600.6 Office location.

The principal offices of the Chemical Safety and Hazard Investigation Board

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are located at 1750 Pennsylvania Avenue NW, Suite 910, Washington, DC 20006.

[88 FR 36257, June 2, 2023]

PART 1601—PROCEDURES FOR DISCLOSURE OF RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Subpart A—Purpose, Scope, and Applicability

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- 1601.1 Purpose and scope.
- 1601.2 Applicability.

Subpart B—Procedures for Requesting and Disclosing Records

- 1601.10 Proactive disclosures.
- 1601.11 Requirements for making requests.
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- 1601.13 Timing of responses to requests.
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Subpart C—Appeals

- 1601.20 Processing of appeals.

Subpart D—Administration

- 1601.30 Protection of records.
- 1601.31 Preservation of records pertaining to requests under this part.
- 1601.32 Other rights and services.

Subpart E—Fees

- 1601.40 Procedures for fees.

AUTHORITY: 5 U.S.C. 552.

SOURCE: 82 FR 45502, Sept. 29, 2017, unless otherwise noted.

Subpart A—Purpose, Scope, and Applicability

§ 1601.1 Purpose and scope.

(a) *In general.* This part contains the Chemical Safety and Hazard Investigation Board (“CSB” or “agency”) regulations implementing the Freedom of Information Act (“FOIA”), 5 U.S.C. 552. These regulations provide the procedures by which members of the public may obtain access to records compiled, created, and maintained by the CSB, along with the CSB procedures for responding to such requests. The rules in

this subpart are to be read in conjunction with the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the White House Office of Management and Budget (OMB Guidelines).

(b) *Definitions.*

(1) *Chairperson* means the Chairperson of the CSB.

(2) *Chief FOIA Officer* means the person designated by Chairperson who has overall responsibility for the CSB’s compliance with the FOIA.

(3) *FOIA Officer* means a person designated by the Chief FOIA Officer to process requests for the CSB documents under the FOIA.

(4) *Record* means information regardless of its physical form or characteristics including information created, stored, and retrievable by electronic means that is created or obtained by the CSB and under the control of the CSB at the time of the request, including information maintained for the CSB by an entity under Government contract for records management purposes. *Record* includes any writing, drawing, map, recording, tape, film, photo, or other documentary material by which information is preserved.

(5) *Requester* means any person, including an individual, Indian tribe, partnership, corporation, association, or public or private organization other than a Federal agency that requests access to records in the possession of the CSB pursuant to 5 U.S.C. 552.

§ 1601.2 Applicability.

(a) *In general.* The FOIA and the regulations in this part apply to all CSB documents and information. However, if another law sets specific procedures for disclosure that supersede the FOIA, then CSB must process a request in accordance with the procedures that apply to those specific documents. If a request is received for disclosure of a document to the public that is not required to be released under the provisions of law other than the FOIA, then the CSB must consider the request under the FOIA and the regulations in this part. Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with CSB’s Privacy Act regulations (part 1602 of