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Description of document: U.S. Chemical Safety and Hazard Investigation Board (CSB) Board Order 036: Incident Screening and Selection Process (2012); Board Order 046: Advocacy Program (2023)

Requested date: 26-September- 2018

Release date: 27-September-2024

Posted date: 25-November-2024

Source of document: FOIA Officer-FOIA Request  
Chemical Safety and Hazard Investigation Board  
1750 Pennsylvania Ave. NW, Suite 910  
Washington, DC 20006.  
[U.S. Chemical Safety and Hazard Investigation Board](#)  
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**U.S. Chemical Safety and  
Hazard Investigation Board**

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**Steve Owens**  
Chairperson

**Sylvia E. Johnson, Ph.D.**  
Board Member

**Catherine J.K. Sandoval**  
Board Member



IN REPLY REFER TO: CSB-2018-000002

09/17/2024

This letter is an initial and final response from the United States Chemical Safety and Hazard Investigation Board (CSB) to your Freedom of Information Act (FOIA) request. The CSB FOIA office received your request on 09/26/2018 and assigned it control number R18-051. The request has been reassigned control number CSB-2018-000002. Please cite this number in any future communications with our office regarding your request.

**Requested Materials**

You requested the following:

1. a copy of the any Memorandums of Understanding between CSB and other entities, established since January 1, 2016.
2. a copy of the CSB Incident Screening handbook, guide or manual
3. a copy of the Advocacy Plan for Most Wanted Issues
4. a copy of the CSB SWOT Assessment (Strengths, Weaknesses, Opportunities and Threats)
5. a copy of the Organizational Assessment prepared by Ms. Stone in 2016

**Disposition of Request**

1. Regarding your request for a copy of the any Memorandums of Understanding between CSB and other entities, established since January 1, 2016, we conducted a search of our records and located no Memorandums of Understanding established since January 1, 2016.

## **U.S. Chemical Safety and Hazard Investigation Board**

2. Regarding your request for a copy of the CSB Incident Screening handbook, guide or manual, we are releasing a copy of the Incident Screening and Selection Process in part. We have withheld a portion of this document under Exemption 7, which protects from disclosure “records or information compiled for law enforcement purposes” if the records fall within one or more of six specific bases for withholding set forth in subparts (A) through (F). 5 U.S.C. § 552(b)(7) (A)-(F). In this instance, we are withholding portions under Exemption 7(E) of the Freedom of Information Act. This exemption affords protection of information that "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."
3. Regarding your request for a copy of the Advocacy Plan for Most Wanted Issues, one responsive document was located and is being released to you in full.
4. Regarding part 4 of your request, we conducted a search consulting subject matter experts in this area and were unable to locate any responsive documents.
5. Regarding part 5 of your request, we conducted a search consulting subject matter experts in this area and were unable to locate any responsive documents.

### Appeals

You may appeal this response to the CSB’s FOIA/Privacy Act Appeals Officer. Such an appeal must be made in writing and must be postmarked, or electronically transmitted, within 90 days of the date of this response letter. An appeal should include: a copy of your initial request; a copy of this letter; and a statement of the circumstances, reasons, or arguments supporting your position. The appeal should also clearly identify the adverse determination/s that is/are being appealed and the assigned request number. To ensure proper handling, you should mark an appeal letter and its envelope as a “FOIA Appeal.” FOIA appeals should be submitted electronically, e-mailed to foiaappeals@csb.gov, or mailed to: ATTN: Office of the General Counsel/FOIA Appeals, Chemical Safety and Hazard Investigation Board, 1750 Pennsylvania Ave, NW, Suite 910, Washington, DC 20006.

### Office of Government Information Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road - OGIS College Park, MD, 20740-6001, E-mail: ogis@nara.gov. Web: <https://www.archives.gov/ogis>. Telephone: 202-741-5770. Fax:

**U.S. Chemical Safety and  
Hazard Investigation Board**

202-741-5769. Toll-free: 1-877-684-6448. Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

This response completes the CSB's processing of your request, which is now closed. Rachel McRae, FOIA Officer, is responsible for this denial. If you have any questions about this response, feel free to contact me by telephone at: (202) 809-4871, or by e-mail at [rachel.mcrae@csb.gov](mailto:rachel.mcrae@csb.gov). Additionally, if you have any questions about our response to your request, you may contact our FOIA Public Liaison, Hillary Cohen, by phone at (202) 261-3601.

Sincerely,

//s//

Rachel K. McRae  
FOIA Officer  
Office of General Counsel



# U.S. Chemical Safety and Hazard Investigation Board

**SUBJECT:** Incident Screening and Selection Process

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1. **PURPOSE.** This Order establishes an Incident Screening and Selection Process for the U.S. Chemical Safety and Hazard Investigation Board (CSB). The Incident Screening and Selection Process establishes criteria and an evaluation procedure to aid the CSB's internal decision-making process to select chemical incidents for investigation.
2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
3. **SCOPE.** The provisions of this Order apply to CSB employees involved in evaluating chemical incidents for potential investigation by the CSB.
4. **REFERENCES.** This Order implements policies and procedures to execute provisions of 42 U.S.C. § 7412(r)(6)(C) and (F).
5. **POLICY.** The purpose of the CSB's investigation of chemical incidents is to determine the facts, conditions, and root and contributing causes of such incidents and to report such information and pertinent safety recommendations in writing to the public and relevant stakeholders. In this way the CSB seeks to prevent future similar events. By making use of selection criteria set forth in the Incident Screening and Selection Process, the Board intends to identify incidents for investigation that will offer the maximum possible benefit in preventing future incidents. The Board may also decide to conduct safety studies through a separate selection process based on analysis of data trends, regulatory gaps, and relevance to new or existing recommendations. However, the selection criteria do not presumptively establish the CSB's investigative jurisdiction, nor can third parties rely on the selection criteria to force CSB action or avoid a CSB investigation.

The CSB will maintain this decision-making system in a state of readiness to facilitate the CSB's goal that investigators arrive at an incident scene within 24 hours of initial notification.

6. **BACKGROUND.** The Clean Air Act Amendments of 1990 created the U.S. Chemical Safety and Hazard Investigation Board, 42 U.S.C. § 7412(r)(6). The enabling statute places special emphasis on incidents that affect or have the potential to affect the public, requiring that "in no event shall the Board forego an investigation where an accidental release causes a fatality or serious injury among the general public, or had the potential to cause substantial property damage or a number of deaths or injuries among the general public." 42 U.S.C. §7412(r)(6)(E). It is recognized that numerous incidents could have potential consequences falling under the Board's jurisdiction, but due to resource limitations, the Board must necessarily exercise discretion in all cases in deciding whether to initiate an investigation. For the CSB to fulfill its statutory mandate, it is vital that the agency have an effective screening tool to ensure the systematic and timely evaluation of information on chemical incidents throughout the nation, as well as the prudent selection of incidents for further investigation.

7. **DEFINITIONS**

**Adverse environmental health impact** – contamination of the environment (air, land or water) resulting from a chemical incident that causes community exposure to chemicals and may result in current or future adverse health impacts.

**Chemical incident** – an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source. Some examples of unanticipated emissions include an explosion, fire, or toxic chemical release. Such an incident may result in or has the potential to result in, one or more deaths, injuries, hospitalizations, evacuations/sheltering-in-place of employees or private citizens, or significant property damage.

(b)(7)(E)

[Redacted]

[Redacted]

**Inside the facility** – used in the selection factors to account for consequences to people and property onsite. This term applies to employees, contractors, consultants, first responders, members of the public and anyone else performing duties or visiting onsite. Members of the general public and emergency responders who may be onsite are included in this factor due to the fact that they are assumed to be onsite by choice; however, the weight given to deaths or injuries to responders or members of the public is higher because impact to the public is emphasized in the CSB enabling statute.

(b)(7)(E)

[Redacted]



[Redacted]

(b)(7)(E) [Redacted]

**Members of the general public** – any members of the public, emergency responders, or workers at neighboring facilities who are outside the facility fenceline at the time of the incident.

(b)(7)(E) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Precautionary measure** – measures taken in a preemptive manner to prevent harm should conditions change. An example of a preemptive measure would be to call for a Shelter-In-Place for all communities within a defined radius of a facility, even though there is no evidence that any material was released from the site. When applied to medical evaluations and treatment, this term means that service is provided when the person shows no measurable symptoms of exposure, but evaluation is sought because the person *may* have been exposed.

**Outside the facility** – used in the selection factors to account for consequences to people and property offsite, as opposed to impacts to facility visitors or emergency responders who may be inside the facility to respond to the incident or equipment that is onsite.

(b)(7)(E)



## 8. RESPONSIBILITIES

**Board** – establishes general policy and procedures for operation of the Incident Screening and Selection Process. In addition, individual Board members may consult with the Chairperson and staff members on deployment decisions.

**Chairperson** – possesses the authority to deploy investigators and to initiate an investigation on behalf of the Board, or to withdraw investigators from a site. The Chairperson should convene a deployment meeting and consult with available Board members and staff on decisions to deploy or to withdraw an investigation team. The Chairperson should also notify the other Board members of any decision to deploy or withdraw an investigation team.

**Managing Director** – oversees the incident screening and selection process and assures that serious incidents that may warrant deployment are promptly notified to the Chairperson. In the absence or unavailability of the Chairperson, may authorize the initial deployment of investigators to an incident site after

consulting with other Board members. The Managing Director also oversees the quality of data maintained in the incident screening database.

**General Counsel** – has responsibility to consider and review CSB jurisdiction regarding an incident selected for investigation prior to issuing a notice of inspection authority; remains available for consultation at all times regarding jurisdictional issues and other questions regarding incident selection arising under the CSB enabling statute.

**Director of Incident Screening and Selection (Director)** – has responsibility for ensuring that a trained incident screener is on-call and available at all times to monitor information on chemical incidents. The Director reviews serious incidents, and in turn informs other staff, including the Managing Director, about them, as appropriate. The Director also reviews at minimum all high-consequence incidents that are recorded electronically by Incident Screeners to assure accurate reporting and categorization of incidents. The Director should periodically review selected incidents not included as “high consequence” to confirm the appropriateness of the exclusion. The Director also is responsible for developing detailed training materials and operating procedures for incident screening.

**Incident Screener(s)** – are responsible for daily surveillance of the news media, National Response Center, and other data sources to identify chemical incidents that may fall within the CSB’s investigative jurisdiction; for collecting available information in an expeditious manner to minimize the time required to respond to an incident; and maintaining the CSB’s electronic incident screening record database. Screeners will monitor chemical incidents and inform the Director of Incident Screening and Selection of serious incidents based on initial screening of information, as outlined in this order.

9. INITIAL NOTIFICATION

(b)(7)(E)



(b)(7)(E) [Redacted]

[Redacted]

10. SELECTION CRITERIA

a. (b)(7)(E) [Redacted]

b. (b)(7)(E) [Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(7)(E) [Redacted]

[Redacted]

[Redacted]

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[Redacted]

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[Redacted]

[Redacted]

(b)(7)(E) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

<sup>2</sup>(b)(7)(E) [Redacted]



(b)(7)(E) [Redacted]



12. **QUALITATIVE FACTORS.** (b)(7)(E)

[Redacted]

[Redacted]

[Redacted]

13. **PROCEDURES FOR DEFINING NEXT STEPS.** Following the decision to deploy CSB investigators to a site, further decisionmaking on the nature and scope of the investigation should follow the procedures of Board Order 40 and other applicable guidance. However, the incident screening record should be updated with any significant new facts uncovered by the field investigation (e.g. the death of additional victims). In addition, the incident screening record should be updated if there is a decision to withdraw from a deployment, including a brief rationale for withdrawing.

14. **RECORDKEEPING.** The Director of Incident Screening shall maintain a records management plan for the incident selection process. The Director will be responsible for ensuring that all records generated by the incident selection process are maintained in accordance with the file plan and records schedule, as well as Board Order 019 and requirements of Federal law.



15. **NO RIGHT OR BENEFIT.** Nothing contained herein is intended to create any rights or benefits, substantive or procedural, enforceable by any party against the U.S. Chemical Safety and Hazard Investigation Board (“CSB”), its officers or employees, or any other person. The CSB procedures and functions described herein are subject to continual review and may be modified from time to time at the discretion of the Board.
  
16. **REVIEW.** This Board Order should be reviewed every two years to ensure that the CSB’s mission is being met and resources are being used in the most cost-effective and beneficial way, and to provide input to the CSB’s budgeting and strategic planning activities.

**U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD**

Adopted February 25, 2005; Amended February 6, 2012.



# U.S. Chemical Safety and Hazard Investigation Board

**SUBJECT: Advocacy Program / Drivers of Critical Chemical Safety Change**

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1. **PURPOSE.** This Order establishes the U.S. Chemical Safety and Hazard Investigation Board's (CSB) *Advocacy Program* and as a part of that, the *Drivers of Critical Chemical Safety Change Program*,<sup>1</sup> also known as the Critical Drivers List. The overall goal of the program is to drive chemical safety excellence to protect communities, workers, and the environment. As a result of and in concurrence with this program and its goal, CSB safety recommendations will also be brought to acceptable closure. The Advocacy Program includes the following processes:
  - a. Establish the CSB advocacy priorities in a collaborative manner;
  - b. Identify the most important drivers of chemical safety improvement in the form of a Critical Drivers List;
  - c. Establish the CSB's messages/proposed actions customized for each advocacy priority to various audiences/venues;
  - d. Target audiences and venues upon which to focus special advocacy efforts by Board Members and staff; and
  - e. Monitor and assess data on the impacts of the Advocacy Program to determine its effectiveness and as a part of a continual improvement process.

As a general rule, active advocacy is preferred over passive advocacy activities. As described in this Order, the extent of CSB advocacy activities will depend upon the resources available. This Order provides policy guidance for the conduct of the Advocacy Program, but does not include specific guidance on developing, approving, and publishing written, video, and social media material.

2. **EFFECTIVE DATE.** This Order is effective upon passage by the Board.
3. **BACKGROUND AND AUTHORITY.** 42 U.S.C. §7412(r)(6)(C)(ii) assigns the CSB the responsibility to "issue periodic reports to the Congress, Federal, State and local agencies [...] concerned with the safety of chemical production, processing, handling and storage, and other interested persons, recommending measures to reduce the likelihood or the consequences of accidental releases and proposing corrective steps to make chemical production, processing, handling and storage as safe and free from risk of injury as is possible [...]."

Guided by our core values, the CSB conducts investigations, studies, and research, and produces reports concerning chemical incidents and hazards (or potential hazards). Preventive, mitigative, and/or corrective recommendations are issued to various parties based upon the findings, analysis, and conclusions from the various CSB products with the primary goal of preventing similar incidents in the future. These CSB products serve as the foundation for the Advocacy Program.

4. **DEFINITIONS.**
  - a. **Advocacy Priorities** – A list of important topics/issues selected by CSB staff gleaned from incidents that the CSB has investigated, studied, or about which it has conducted

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<sup>1</sup> Previously called the "Most Wanted Chemical Safety Improvements Program."

extensive research. Additionally, unresolved items from the Critical Drivers List may be transitioned to the list of advocacy priorities when opportunities for safety change are limited/reduced. These items may also be returned to the Critical Drivers List should opportunities for safety change increase for some reason.

- b. **Advocacy Products**<sup>2</sup> – CSB products that specifically support the goals of the Advocacy Program. Though primarily drafted by investigators and/or recommendations specialists, advocacy products are managed by the Office of Recommendations. Advocacy products include, but are not limited to:
- (1) **Investigation Digest:** An advocacy product that provides plain-language summaries of completed Investigation Reports.
  - (2) **Safety Alert:** An advocacy product that provides advisory information when there is a specific safety issue or hazard that could result in a catastrophic chemical incident with serious or fatal injuries.
  - (3) **Safety Bulletin:** An advocacy product typically focused on a single safety topic.
  - (4) **Safety Spotlight:** An advocacy product that highlights the activities or innovations of those entities, to include recommendation recipients, that positively drive chemical safety change.
  - (5) **Safety Study**<sup>3</sup>: An advocacy product that details significant chemical safety topics from previous CSB work/products that, unlike a safety alert or safety bulletin, results in issuing recommendations. As recommendations are issued, a Board vote is required.
  - (6) **Safety Video:** An advocacy and outreach product that provides video images and/or an animated description of an incident report or amplifies CSB safety messages.
- c. **Critical Drivers List** – A list of critical safety improvements approved by the Board for intensive advocacy and heightened awareness. The list will be based primarily on CSB recommendations and their potential to drive chemical safety change at the national level when implemented. The selection criteria for the Critical Drivers List will consider information such as:
- (1) The nature of the risk and estimated extent of exposure to workers, offsite populations, and the environment;
  - (2) Previous loss and potential for future loss of life, injury, environmental damage, or damage to property;
  - (3) Very high risks disproportionately affecting discrete but highly identifiable groups of individuals (e.g., a narrow sector of industry, or certain specialized workers facing a very high probability of risk); and
  - (4) Strong concerns of specific sectors of a community, stakeholders, etc.

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<sup>2</sup> Some of these advocacy products have the same or similar names as past CSB products. These products and their names are newly established for consistency purposes and should not be confused with or categorized the same as those past CSB products.

<sup>3</sup> This should not be confused with a Hazard Study (also referred to as a Hazard Investigation) which is the product of much larger investigative effort and not an advocacy product.

- d. **Active Advocacy** – Proactive, targeted advocacy activities that include selecting one or more established advocacy priorities to present, targeting specific audiences and venues, and developing general or customized messaging to deliver to those audiences/venues.
- e. **Passive Advocacy** – Evaluating and responding to meeting requests that are reviewed and approved via Outreach Vetting Form (CSB-BF-003).

**5. POLICY.**

- a. CSB staff will develop, maintain, and update the CSB’s advocacy priorities, which will include the Critical Drivers List.
- b. CSB staff will target audiences and venues upon which to focus special advocacy efforts by Board Members and staff.
- c. CSB staff will establish the CSB’s messages/proposed actions customized for each advocacy priority for various audiences/venues that were targeted or that requested CSB to make a presentation.
- d. At least once per fiscal year, the Board will vote to revise or affirm the Critical Drivers List based upon factors such as: a review of the advocacy activities of the previous year, new incidents, staff advice, newly arising or emerging opportunities for driving safety change or making other significant impact, and others.
- e. The Critical Drivers List and the other advocacy priorities will be published on the CSB website and through other means, such as videos, speeches, and printed materials.
- f. Board Members and staff will forward all outreach and advocacy activities and invitations to the Office of Congressional and Public Affairs and to Board Affairs to process/address.
- g. All external presentation requests (passive advocacy) will be reviewed by the appropriate Board Members and staff to ensure there are no conflicts of interest and that the audience/venue is an appropriate use of CSB resources.
- h. Targeted audiences/venues that the CSB has committed to attend must be attended in the manner agreed, barring exigent circumstances such as a government shutdown.
- i. Advocacy priority items and a developed message should be included in CSB presentations. For Board Member presentations, the Critical Drivers List and/or specific Critical Drivers List items should be presented as part of a developed CSB message.
- j. Board Members and staff will advocate for the items on the Critical Drivers List (and the other advocacy priorities, as appropriate) through these and similar tools/methods:

- (1) Web announcements, safety videos, press releases, press conferences, interviews, editorials, safety alerts, op-eds, rulemaking comments, training/awareness materials, and social media;
  - (2) Provide testimony at Federal, state, or local legislative, administrative, and rulemaking hearings, and similar venues; and
  - (3) Feature the Critical Drivers List in Board and staff speeches at meetings, conferences, and workshops, especially before groups that may advance the implementation of issues on the list.
- k. The Advocacy Program will be used to inform the CSB's deployment decisions and strategic allocation of staff resources.

**6. RESPONSIBILITIES.**

a. Board Members will:

- (1) Annually vote on the selection of the Critical Drivers List; and
- (2) Prioritize active advocacy over passive advocacy when developing outreach and advocacy schedules.

b. Staff Offices will:

(1) Office of Recommendations.

- (a) Act as the primary staff office responsible for coordinating the implementation and execution of the Advocacy Program;
- (b) Annually prepare a Critical Drivers List for a Board vote;
- (c) Identify, recommend, and participate in advocacy opportunities consistent with available resources;
- (d) Recommend updates to the Critical Drivers List, as necessary;
- (e) Manage the development of Advocacy Products;
- (f) Collaborate with the Offices of Congressional and Public Affairs, Board Affairs, Investigations, and others, as appropriate, in the execution of the Advocacy Program; and
- (g) Assist, as needed, in preparing speeches, articles, editorials, and similar written pieces, electronic publications, audio-visual materials, etc., for other staff and Board Members.

(2) Office of Congressional and Public Affairs and Board Affairs Staff.

- (a) Prepare and distribute written, audio-visual, and other relevant materials to encourage coverage of the Advocacy Program priorities and appropriate messaging;
- (b) Contact media sources to encourage coverage of the Advocacy Program priorities and appropriate messaging;

- (c) Post the Advocacy Program priorities, messaging, and other related information on the CSB website and update it, as needed;
- (d) Coordinate the passive advocacy process;
- (e) Prior to their presentations, ensure presenters have the necessary Advocacy Program priority information and the most current applicable messaging for the audience/venue. Remind presenters to request attendee information and/or lists in order to expand the CSB list of potential audiences/venues for targeting;
- (f) Oversee Advocacy Program information management (e.g. Outreach Vetting Forms, conference/meeting attendee lists, etc.);
- (g) Board Affairs will track Board Member events for subsequent analysis of impact and effectiveness;
- (h) Board Affairs will identify and assist in resolving Board Member scheduling conflicts for advocacy events; and
- (i) Collaborate with the offices of Recommendations and Investigations in establishing CSB advocacy priorities, targeting audiences/venues, and developing appropriate messaging.

(3) Office of Investigations.

- (a) Collaborate with the Offices of Recommendations, Congressional and Public Affairs, and Board Affairs in establishing CSB advocacy priorities, targeting audiences/venues, and developing appropriate messaging;
- (b) Provide subject matter experts, as needed, for specific advocacy priorities;
- (c) Support advocacy activities through testimony, hearings, contacts with recipients and potential supporters, public presentations, interviews, and similar activities as resources allow; and
- (d) Assist, as needed, in preparing speeches, articles, editorials, and similar written pieces, electronic publications, audio-visual materials, briefing memos, etc., for other staff and Board Members.

c. Presenters.

- (1) For passive advocacy, submit a completed Outreach Vetting Form (CSB-BF-003) to Board Affairs to distribute for clearance/approval;
- (2) Coordinate with the Offices of Recommendations, Congressional and Public Affairs, and Board Affairs to ensure they have consistent presentation material/information;
- (3) Acquire attendee information at the venue to provide to the Offices of Congressional and Public Affairs and Board Affairs; and
- (4) Update the [SharePoint Staff Outreach List](#). (Board Affairs will track the activities of Board Members.)

7. **REVIEW AND UPDATE.** The Office of Recommendations (in consultation with the Chairperson) will be responsible for reviewing this Order on a biennial basis and for proposing revisions to the Board when appropriate.

**U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD**

June 12, 2012, March 7, 2017, October 16, 2023.