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Description of document: Chemical Safety and Hazard Investigation Board (CSB) records provided to Chairman Darrell Issa, House Oversight and Government Reform Committee, concerning the administration of the Freedom of Information Act (FOIA), 2011

Requested: 10-December-2011

Released date: 11-January-2012

Posted date: 12-March-2012

Source of document: FOIA Request  
CSB FOIA Officer  
US Chemical Safety and Hazard Investigation Board  
2175 K Street, NW  
Suite C-100  
Washington, DC 20037

Note: This is one of several files on the same subject for various agencies available on governmentattic.org. See: <http://www.governmentattic.org/5docs/chairmanIssa.htm>

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**Chemical Safety and Hazard Investigation Board**  
2175 K Street, NW Suite 650 Washington, DC 20037  
Phone 202-261-7619 Fax 202-974-7619  
[www.csb.gov](http://www.csb.gov)

January 11, 2012

Via Email

Re: FOIA Request R12-007

This is a response from the Chemical Safety and Hazard Investigation Board (CSB) to your Freedom of Information Act (FOIA) request, dated December 10, 2011. Your request seeks copies of records and correspondence provided by the CSB to U.S. House of Representatives committee Chairman Darrell Issa concerning the FOIA. The CSB received your request on December 12, 2011.

The CSB identified a total of five records responsive to your request – three e-mails to Chairman Issa's committee and two documents, one of which is attached to the 2/15/11 e-mail and the other attached to the 3/11/11 e-mail. I have determined that each of these records may be released in full to you. Electronic copies of the records accompany this letter.

This response completes the CSB's processing of your FOIA request. If you have any questions, please feel free to contact me by telephone at 202-261-7619, or by e-mail at [Chris.Kirkpatrick@csb.gov](mailto:Chris.Kirkpatrick@csb.gov). Thank you.

Sincerely,

  
Digitally signed by Christopher J. Kirkpatrick  
DN: cn=Christopher J. Kirkpatrick,  
o=Chemical Safety and Hazard  
Investigation Board, ou=Office of  
General Counsel,  
email=Chris.Kirkpatrick@csb.gov,  
c=US  
Date: 2012.01.11 18:04:09 -0500

Christopher J. Kirkpatrick  
FOIA Officer

**From:** [Kirkpatrick, Chris](#)  
**To:** [Mills paw, Tegan](#)  
**Subject:** RE: Chemical Safety and Hazard Investigation Board - FOIA Information Requested by the Committee on Oversight and Government Reform  
**Date:** Tuesday, February 15, 2011 5:19:00 PM  
**Attachments:** [COGR Response Letter.pdf](#)

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As a follow-up to my telephone call this afternoon, please see the attached letter from the Chemical Safety and Hazard Investigation Board providing an initial response to the Committee's FOIA information request. Please feel free to contact me if you have any questions or concerns. Thank you.

Christopher Kirkpatrick  
FOIA Officer

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**From:** Mills paw, Tegan [mailto:Tegan.Mills paw@mail.house.gov]  
**Sent:** Thursday, January 27, 2011 12:48 PM  
**To:** Kirkpatrick, Chris  
**Subject:** Chemical Safety and Hazard Investigation Board - FOIA Information Requested by the Committee on Oversight and Government Reform  
**Importance:** High

Dear FOIA Officer:

Attached, please find a letter from the Committee on Oversight and Government Reform Chairman Darrell Issa concerning Freedom of Information Act (FOIA) requests received by your agency. The original will follow by U.S. Mail. If you require any clarification or have problems opening the attachment, please do not hesitate to contact me. The Committee appreciates your attention to this matter and looks forward to your response.

Thank you,

Tegan N. Millspaw  
Committee on Oversight & Government Reform  
Darrell Issa, Chairman  
350 Rayburn House Office Building  
Washington, DC 20515  
(202) 821-8623

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

2175 K Street, NW • Suite 650 • Washington, DC 20037-1809  
Phone: (202) 261-7600 • Fax: (202) 261-7650  
www.csb.gov



February 15, 2011

Via Email: [Tegan.Millspaw@mail.house.gov](mailto:Tegan.Millspaw@mail.house.gov)

House of Representatives  
Committee on Oversight and Government Reform  
Attn: Tegan Millspaw  
2157 Rayburn House Office Building  
Washington, DC 20515

Re: FOIA Oversight Request

Dear Ms. Millspaw:

This is an initial response from the Chemical Safety and Hazard Investigation Board (CSB) to the January 25, 2011, letter from Chairman Issa requesting information, records, and explanations regarding the agency's processing of Freedom of Information Act (FOIA) requests.

The CSB is able to provide an immediate and complete response to items "4." and "5." of Chairman Issa's letter, as follows:

In response to item "4.," the CSB has not been ordered by the court in any federal judicial action to pay any attorneys' fees or other litigation costs incurred by a FOIA requester under 5 U.S.C. § 552(a)(4)(E) or any similar law or regulation, during the five years preceding January 25, 2011, or in any other time period since the agency began operations in 1998.

In response to item "5.," and given the preceding response, the CSB does not have any court orders requiring the agency to pay attorney fees or other litigation costs.

Regarding items "1.," "2.," and "3." of Chairman Issa's letter, the CSB respectfully requests an extension of time to compile and collect the information and records necessary to respond. The CSB expects that it can provide a response to the Committee on those three items by 5:00 p.m. on March 4, 2011.

If there is any problem with the CSB's extension request, or if you have any other questions or concerns, please feel free to contact me by e-mail, at [Chris.Kirkpatrick@csb.gov](mailto:Chris.Kirkpatrick@csb.gov), or by phone, at 202-261-7619. Thank you for your consideration of the CSB's request.

Sincerely,

Christopher J. Kirkpatrick  
FOIA Officer

**From:** [Kirkpatrick, Chris](#)  
**To:** [Mills paw, Tegan](#)  
**Bcc:** [Porfiri, Ray](#)  
**Subject:** RE: Chemical Safety and Hazard Investigation Board - FOIA Information Requested by the Committee on Oversight and Government Reform  
**Date:** Friday, March 04, 2011 2:59:00 PM

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Ms. Millspaw:

As a follow-up to my previous communications with you, I wanted to update you on the status of the Chemical Safety and Hazard Investigation Board (CSB) response to the Committee's FOIA information request. In the CSB's initial response on February 15<sup>th</sup>, I indicated that the CSB expected to be able to provide the remaining requested information by today, March 4<sup>th</sup>. Regrettably, that information will not be ready to submit as expected. As I explained in our earlier phone conversation, the CSB does not normally maintain some of the requested information in the form desired by the Committee, so additional work is required to compile and prepare the information prior to submission. That process has taken longer than anticipated.

I want to assure you again that the CSB understands the importance of the Committee's request, and of providing a response in the form most useful for the Committee's oversight activities. To enable the CSB to accomplish that, I respectfully request that the CSB be permitted an additional week to complete its response, with the submission due on Friday, March 11, 2011.

Thank you for your consideration of this request. If you have any questions or concerns, please do not hesitate to contact me by e-mail or at 202-378-3852.

Christopher Kirkpatrick

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**From:** Kirkpatrick, Chris  
**Sent:** Tuesday, February 15, 2011 5:19 PM  
**To:** 'Mills paw, Tegan'  
**Subject:** RE: Chemical Safety and Hazard Investigation Board - FOIA Information Requested by the Committee on Oversight and Government Reform

As a follow-up to my telephone call this afternoon, please see the attached letter from the Chemical Safety and Hazard Investigation Board providing an initial response to the Committee's FOIA information request. Please feel free to contact me if you have any questions or concerns. Thank you.

Christopher Kirkpatrick  
FOIA Officer

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**From:** Millspaw, Tegan [<mailto:Tegan.Millspaw@mail.house.gov>]  
**Sent:** Thursday, January 27, 2011 12:48 PM  
**To:** Kirkpatrick, Chris  
**Subject:** Chemical Safety and Hazard Investigation Board - FOIA Information Requested by the Committee on Oversight and Government Reform  
**Importance:** High

Dear FOIA Officer:

Attached, please find a letter from the Committee on Oversight and Government Reform Chairman Darrell Issa concerning Freedom of Information Act (FOIA) requests received by your agency. The original will follow by U.S. Mail. If you require any clarification or have problems opening the attachment, please do not hesitate to contact me. The Committee appreciates your attention to this matter and looks forward to your response.

Thank you,

Tegan N. Millspaw  
Committee on Oversight & Government Reform  
Darrell Issa, Chairman  
350 Rayburn House Office Building  
Washington, DC 20515  
(202) 821-8623

**From:** [Kirkpatrick, Chris](#)  
**To:** [Mills paw, Tegan](#)  
**Bcc:** [Porfiri, Ray](#)  
**Subject:** RE: Chemical Safety and Hazard Investigation Board - FOIA Information Requested by the Committee on Oversight and Government Reform  
**Date:** Friday, March 11, 2011 5:12:00 PM  
**Attachments:** [Backlogged FOIA Requests.xlsx](#)

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Ms. Millspaw:

This is a further response from the Chemical Safety and Hazard Investigation Board (CSB) to the January 25, 2011, letter from Chairman Issa requesting information, records, and explanations regarding the agency's processing of Freedom of Information Act (FOIA) requests. On February 15, 2011, I sent an initial response with answers to certain questions from Chairman Issa's letter. This additional response provides information that I hope will meet the intent of the Committee's request.

Specifically, attached to this e-mail is a Microsoft Excel spreadsheet containing the requested information for FOIA requests currently outstanding in the CSB's processing backlog. As I explained in our telephone conversations, because the CSB has a very small FOIA operation with limited resources, it has not been our practice to keep running logs of all requests received. Since the Committee's request was received, we have not had sufficient time to undertake the significant effort of creating logs for the past five years from information in the FOIA files. For context, I would note that other than the backlogged requests, most of the requests received by the CSB are routine, are processed with a simple exemption or "no records" determination, and are processed within 20 working days. Numerical data on the processing of such simple requests can be found in the CSB's Annual FOIA Reports, which are available on the agency's web site, [www.csb.gov](http://www.csb.gov).

Similarly, the Committee's request for all communications related to all requests in the backlog presents a significant challenge to the CSB. We would need to gather numerous communications, in a variety of formats (letters, e-mails, etc.), from an extended time period. Although the CSB is seeking more resources, the agency currently has no full time FOIA personnel. The time spent on gathering those communications would take the limited available personnel time away from the direct processing of requests in the backlog. As an alternative, we respectfully offer that, if the Committee's review of the CSB backlog list identifies requests of particular interest or concern, the CSB would provide the communications related to those particular requests.

I hope that the attached information will still prove to be useful for the Committee's oversight activities. To the extent that the Committee finds it necessary to request follow-up information or explanations from the CSB, the agency will, of course, be attentive and responsive to those requests.

Thank you for your patience in awaiting this response.

Christopher Kirkpatrick

## 03-11-2011 Backlogged FOIA Requests

Tracking No.	Request Date	Requestor	Records Requested	Records Released
R05-030	05/02/05	Elizabeth C. Morlock Sidley Austin LLP	CTA Acoustics incident - Investigation case file	Yes: Partial releases in batches
R07-028	04/04/07	Richard Grungo, Jr. Archer & Greiner	Data on fatal incidents analyzed for Nitrogen Safety Bulletin Data on nitrogen asphyxiation incidents since 2003	Yes: Records on fatal incidents
R07-038	09/05/07	Marianne Lloyd Aho McConaughay, Duffy, Coonrod, Pope & Weaver, P.A.	Bethune Point Wastewater Treatment Plant incident - Investigation case file	Yes: Partial releases in batches
R07-044	09/28/07	Joanne L. Byrd Robins, Kaplan, Miller & Ciresi L.L.P.	Sterigenics incident - Investigation case file	Yes: Partial releases in batches
R08-007	02/14/08	Craig J. Ledet King & Spalding LLP	Formosa Plastics Corp. (Point Comfort, TX) incident - Investigation case file	Pending
R08-017	07/02/08	Ashley D. Brightwell Alston & Bird LLP	Records created by OSHA or state agencies re: inspections of facilities with combustible dust hazards/incidents	Pending
R08-019	07/29/08	Rich Melendez Ngo & Melendez, PLLC	BP (Texas City, TX) Resid Hydrotreater Unit incident - Investigation case file	Pending
R08-022	08/06/08	William S. Norton Motley Rice LLC	Imperial Sugar incident - selected investigation records	Pending
R08-025	08/28/08	Tisha Thompson WTTG-TV Fox 5 News	CSB databases of chemical incidents	Yes: Databases from 2001-2005
R09-001	10/08/08	Cory B. Kravit Seiden, Alder Matthewman & Bloch, P.A.	Little General Store incident - Investigation case file	Pending
R09-004	10/14/08	Peter Ranzino Learning Sciences Corporation	CSB contracts with Sandy Gilmour Communications, or other firms, for CSB safety videos	Pending
R09-010	12/04/08	Tracey Greene Safe Area for Everyone	Information, including MSDSs, provided to CSB by CAI, Inc. or Arnel Company, Inc. re: solvents used at plants	Pending
R09-017	02/17/09	Craig Cawley Marcus Oil & Chemical	Marcus Oil incident - Investigation case file	Pending
R09-018	03/13/09	Ken Ward Jr. The Charleston Gazette	Records concerning CSB investigation of the August 2008 explosion at Bayer CropScience plant in Institute, WV	Yes: Partial releases in batches
R09-019	03/17/09	Jeff Johnson Chemical & Engineering News	Records concerning CSB investigation of the August 2008 explosion at Bayer CropScience plant in Institute, WV	Yes: Partial releases in batches



## 03-11-2011 Backlogged FOIA Requests

Tracking No.	Request Date	Requestor	Records Requested	Records Released
R09-024	03/24/09	Aaron F. Fishbein Mound Cotton Wollan & Greengrass	Formosa Plastics Corp. (Illioopolis, IL) incident - Investigation case file	Yes: Partial releases in batches
R09-030	05/11/09	Linda F. Glasgow Cozen O'Connor	Allied Terminals incident - selected investigation records	Pending
R09-034	07/21/09	Mark L. Freed Zarwin Baum DeVito Kaplan Schaer Toddy P.C.	Avery Dennison Performance Polymers incident - Investigation case file	Pending
R09-036	07/30/09	Cheryl Rodgers Gallivan, White & Boyd, P.A.	Tanner Industries incident - Investigation case file	Pending
R09-044	09/25/09	Larry Peterson Savannah Morning News	Imperial Sugar incident - Investigation case file	Pending
R10-001	10/06/09	John Christopher Clark O'Neal, Brown & Clark	Imperial Sugar incident - Investigation case file	Pending
R10-002	10/07/09	Charles H. Morgan Alston & Bird LLP	Imperial Sugar incident - Investigation case file	Pending
R10-003	10/13/09	Robin Winchester Barroway Topaz Kessler Meltzer & Check, LLP	Imperial Sugar incident - Investigation case file	Pending
R10-006	10/23/09	Mark A. Brady Weinstock & Scavo, P.C.	Imperial Sugar incident - Investigation case file	Pending
R10-007	10/23/09	Mark Cunard City of Jacksonville, FL	T2 Laboratories incident - Investigation case file	Pending
R10-008	11/13/09	William J. Cranston III Albemarle Corporation	T2 Laboratories incident - selected investigation records	Pending
R10-009	11/16/09	Patrick A. Genzler Vandeventer Black LLP	Allied Terminals incident - Investigation case file	Pending
R10-011	12/28/09	Diego Guevara Compex Legal Services, Inc.	Southwest Gases incident - Investigation case file	Pending
R10-015	02/08/10	Michael K. Mixson Tate/Mixson	Imperial Sugar incident - Investigation case file	Pending
R10-017	03/05/10	Jackie Robinson Thompson & Knight LLP	Barton Solvents (Valley Centre, KS) incident - Investigation case file	Pending

## 03-11-2011 Backlogged FOIA Requests

Tracking No.	Request Date	Requestor	Records Requested	Records Released
R10-021	04/07/10	B.J. Walker Rose Law Firm	TEPPCO incident - selected investigation records	Pending
R10-022	05/18/10	Ken Ward Jr. The Charleston Gazette	Presentations to Board on DuPont (Belle, WV) investigation	Pending
R10-023	05/19/10	Patrick D. McVey Riddell Williams P.S.	T2 Laboratories incident - Investigation case file	Yes: Partial releases in batches
R10-024	05/28/10	F. Joseph Jaskowiak Hoepfner Wagner & Evans LLP	TEPPCO incident - Investigation case file	Yes: Partial releases in batches
R10-025	06/07/10	Ken Ward Jr. The Charleston Gazette	Records of CSB deployment decisions on Deepwater Horizon incident, and other incidents	Pending
R10-026	06/07/10	Ken Ward Jr. The Charleston Gazette	Letter from CSB Chairman to Congressional Committees	Pending
R10-027	05/28/10	Paul D. Kerpan Clausen Miller PC	Praxair incident - Investigation case file	Pending
R10-028	06/11/10	Adele L. Abrams Law Office of Adele L. Abrams P.C.	Selected incident data from Combustible Dust Study	Yes: Partial releases in batches
R10-029	07/23/10	John K. Palchak Crivella West Incorporated	BP Refinery (Texas City, TX) incident - Investigation case file	Pending
R10-031	07/30/10	Ken Ward Jr. The Charleston Gazette	Records re: plans by Bayer CropScience in Institute, WV to reduce inventory of Methyl Isocyanate	Pending
R10-033	08/25/10	Jason C. Astle Wheeler Trigg O'Donnell LLP	Xcel incident - Investigation case file	Yes: Partial releases in batches
R10-034	09/21/10	Laura J. Evans Wilkes Bowers, P.A.	Records re: incident at Raisio Staest US, Inc.	Pending
R10-035	09/27/10	Kimberly L. Sawyer Hall & Evans LLC	Xcel incident - Investigation case file	Pending
R10-036	09/29/10	Ninfa Villarreal Constant Law Firm	Imperial Sugar incident - Investigation case file	Yes: Partial releases in batches