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United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510–6175

March 12, 2015

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

The U.S. Chemical Safety Board (CSB) was created by the Clean Air Act and is an independent agency that serves a vital role in investigating industrial chemical incidents and issuing reports and recommendations to prevent future incidents. Unfortunately, since 2010, the CSB's fulfillment of this mission has been severely compromised by the leadership of its Chairman, Rafael Moure-Eraso and his senior staff. As detailed below, investigations into Chairman Moure-Eraso's actions by both the U.S. Environmental Protection Agency's (EPA) Office of the Inspector General (OIG) and by multiple Congressional Committees have shown a CSB Chairman who is incapable of executing the important functions for which he was appointed.

In September 2012, the EPA OIG began investigating whether the identities of CSB whistleblowers had been unlawfully revealed to CSB leadership. In the course of this investigation, the EPA OIG requested documents from Chairman Moure-Eraso relating to complaints that CSB officials were using nongovernmental email accounts to conduct official CSB business. According to IG Elkins' testimony before Congress in July 2014, "The CSB refused, and to this day continues to refuse, to provide the documents the EPA OIG requested and has determined are necessary for this investigation into those CSB activities." As IG Elkins concluded in his July 2014 testimony, Chairman Moure-Eraso's refusal to comply with his repeated requests amounts to "disregarding the law that Congress wrote for the protection of taxpayers."

On February 3, 2015, IG Elkins again testified before the House Committee on Oversight and Government Reform, this time verifying to Congress his belief that the Chairman and CSB senior staff had violated law. After affirming that Chairman Moure-Eraso continues to intentionally not comply with EPA OIG requests, IG Elkins confirmed that he has sent you the findings of his investigation containing the following conclusion:

> ***"There is evidence sufficient to support a conclusion that the Chairman and two of his senior officials violated the Federal Records Act, and implementing regulations, by using non-governmental email systems to conduct official government business and not capturing those emails in the CSB records system."***

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Mr. President, this finding is merely the latest development in what Members of Congress from both parties have acknowledged is a record of failed CSB leadership. Other examples include the following:

- In June 2014, the final report of the joint congressional investigation revealed that CSB leadership under Chairman Moure-Eraso: engaged in a "pattern of hostility toward career staff and whistleblowers" where CSB employees "fear retaliation" if they disagree with the Chairman or other members of the leadership team; "manipulated and ignored agency regulations and protocols;" and displayed "utter disregard for the collegial tradition" of CSB, "effectively rendering the CSB unable to issue any recommendations and fulfill its mission."

- On June 19, 2014, Chairman Moure-Eraso testified before the House Committee on Oversight and Government Reform and refused to commit to complying with the EPA OIG investigation. Members of the Committee from both parties expressed deep concern about the ability of the CSB to fulfill its public role under the leadership of Chairman Moure-Eraso. At this hearing, CSB Board Member Mark Griffon's written testimony stated, "It is clear that management deficiencies—including an untenable turnover rate—have also contributed to the inefficiencies in completing investigations." Former CSB Board Member Beth Rosenberg also testified that, in her time on the CSB Board, "Those whose opinions differed from those of senior leadership or the Chair are marginalized and vilified. At the CSB, disagreement is seen as disloyalty. Criticism is not welcome and staff fear retaliation."

- On March 4, 2015, the House Committee on Oversight and Government Reform held a hearing entitled: *Rebuilding the Chemical Safety Board: Finding a Solution to the CSB's Governance and Management Challenges*. At this hearing, Board Member Mark Griffon stated "At this point, I've lost all confidence in the Chairman." Ranking Member Elijah Cummings (D-MD) stated that the CSB Chairman's actions "shock the conscience" that the "leadership has become dysfunctional" and he asked the Chairman to "give some thought to taking an early retirement and letting this agency move forward." Rep. Gerry Connolly (D-MD) further stated that his "hope is that this morning's hearing may finally cause Chairman Moure-Eraso to recognize that it is in the best interests of the CSB for him to immediately step down and allow the agency to make a complete break from its current state of scandal and disrepair[.]"

There is no doubt that the CSB serves a critical public safety role. However, based on the aforementioned findings and statements, there is also no doubt that Chairman Moure-Eraso has lost the confidence of CSB staff, the EPA OIG, and Members of both parties in Congress. While Chairman Moure-Eraso has confirmed he will step down at the end of his term in June, it is our strong view that restoring the public's confidence in the CSB cannot wait that long. He has violated his oath of office. He has violated the law. The CSB can no longer continue to operate credibly under this leadership, and it is therefore our recommendation that you ask for Chairman Moure-Eraso's immediate resignation.

We look forward to working with you to put new leadership in place and make the appropriate changes to CSB authority and operating procedures in order to restore public trust and reestablish CSB's critical role in public safety.

Sincerely,

James M. Inhofe
Chairman
Senate Committee on Environment
Public Works

M. Michael Rounds
Chairman
Subcommittee on Superfund,
Waste Management, and
Regulatory Oversight