



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

FY 2015

U.S. Chemical Safety and Hazard Investigation Board Management Challenges

Abbreviations

CFR	Code of Federal Regulations
CSB	U.S. Chemical Safety and Hazard Investigation Board
FY	Fiscal Year
GAO	U.S. Government Accountability Office
GSA	U.S. General Services Administration
HOGR	House Oversight and Government Reform Committee
IT	Information Technology
OIG	Office of Inspector General
OMB	Office of Management and Budget

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At a Glance

What Are Management Challenges?

According to the Government Performance and Results Modernization Act of 2010, major management challenges are programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse and mismanagement where a failure to perform well could seriously affect the ability of an agency or the federal government to achieve its mission or goals.

An internal control system is a continuous component of operations that provides reasonable assurance that an entity's objectives will be achieved.

As required by the Reports Consolidation Act of 2000, the Office of Inspector General is providing the issues we consider as the U.S. Chemical Safety and Hazard Investigation Board's (CSB's) major management challenges for fiscal year 2015. We are also noting an internal control weakness.

Send all inquiries to our public affairs office at (202) 566-2391 or visit www.epa.gov/oig.

The full report on CSB's management challenges is at: www.epa.gov/sites/production/files/2015-10/documents/20161022-16-n-0018_0.pdf

FY 2015 U.S. Chemical Safety and Hazard Investigation Board Management Challenges

Attention to CSB management challenges could result in stronger results and protection for the public, and increased confidence in management integrity and accountability.

Based on our continuous audit work, CSB public hearings, congressional hearings, and CSB board meetings, we propose the following management challenges for CSB.

CSB Should Address Employee Morale

- CSB's management must address its employee morale to improve accomplishment of its investigative mission. The House Oversight and Government Reform Committee held a hearing on CSB in June 2014 and found "...a toxic work environment" at CSB, "...retaliation against whistleblowers," and the former Chairperson's "...disregard for proper board governance."

CSB Should Increase Its Investigations and Improve Investigative Management Controls

- CSB is not investigating all accidents that fall within its legal jurisdiction, and should increase the number of investigations it conducts. CSB has a "gap" between the number of accidents that it investigates and the number of accidents that fall under its statutory responsibility to investigate. Also, CSB needs to improve controls over investigations that it does conduct.

CSB Should Determine the Need for a Chemical Reporting Regulation

- CSB has not published a chemical incident reporting regulation as envisioned in the Clean Air Act Amendments of 1990.

We also note an internal control weakness that CSB should address regarding operational controls to ensure its administrative operations are working in concert with its mission. These controls relate to purchase cards, program operation, the information security program, and electronic records management.

CSB is in a transition period and stated it is working on these areas to strengthen its agency.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

October 22, 2015

The Honorable Vanessa Allen Sutherland
Chairperson and Chief Executive Officer
U.S. Chemical Safety and Hazard Investigation Board
1750 Pennsylvania Avenue, NW, Suite 910
Washington, D.C. 20006

Dear Ms. Sutherland:

Enclosed are the Office of Inspector General’s (OIG’s) three fiscal year 2015 management challenges and one internal control weakness for consideration as part of the U.S. Chemical Safety and Hazard Investigation Board (CSB) Federal Managers’ Financial Integrity Act review. The Reports Consolidation Act of 2000 requires our office to report what we consider the most serious management and performance challenges facing CSB. We used audit and investigative work, public hearings, CSB board meetings, and additional analysis of CSB operations to arrive at the issues presented. We previously provided you a draft of this documentation, and we considered your comments in finalizing these management challenges and the internal control weakness.

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You are not required to provide a written response to this final report. Should you choose to provide a final response, we will post your response on the OIG’s public website. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification. We will post this report to our website at <http://www.epa.gov/oig>.

Further details concerning CSB’s management challenges and internal control weakness are provided in the enclosure. We are available at your convenience to discuss these matters with you or your staff and answer any questions.

Sincerely,

Arthur A. Elkins Jr.

Enclosure

cc: Mr. Rick Engler, Board Member, CSB
Mr. Manuel H. Ehrlich Jr., Board Member, CSB
Dr. Kristen M. Kulinowski, Ph.D., Board Member, CSB
Ms. Anna Brown, Director of Administration and Audit Liaison, CSB

CHALLENGE: CSB Should Address Employee Morale

CHALLENGE FOR CSB

The U.S. Chemical Safety and Hazard Investigation Board's (CSB's) management must address its employee morale to improve accomplishment of its investigative mission. The House Oversight and Government Reform Committee (HOCR) held a hearing on June 19, 2014, *Whistleblower Reprisal, and Management Failures at the U.S. Chemical Safety Board*, and found:

- A toxic work environment resulted in the departure of at least nine experienced CSB employees (almost 25 percent of its staff).
- Current and former CSB employees indicated that the former Chairperson retaliated against whistleblowers, resulting in employees fearing retaliation.
- The former Chairperson's disregard for proper board governance processes caused CSB employees and fellow board members consternation, leading to an unproductive work environment.

CSB needs to make improvements to address the morale issues noted by HOCR.

BACKGROUND

According to the HOCR report, prior to the term of the former CSB Chairperson, the board functioned as intended and there was open communication between staff, board, and Chairperson. The environment drastically changed under the former Chairperson. According to the HOCR report, witnesses interviewed by the committee stated, "the Chair alienated the agency's investigators by ignoring them, the Chairperson only communicated with the General Counsel and Managing Director, and has only minimal, if any interaction with his fellow Board Members." CSB employees also raised questions about various aspects of the agency's investigations with management. CSB management's reaction to questions from CSB employees led senior investigators to look for new jobs. Witnesses repeatedly told the Committee that the Chair created a dysfunctional and toxic work environment, leading to attrition of experienced engineers and investigators. At least nine investigators and employees resigned or requested to be transferred from the Washington, D.C., office. The loss of this vast amount of institutional knowledge made it difficult to complete investigations.

The HOCR report also states that the quality and pace of CSB investigations and related reports deteriorated under the former Chairperson. Specifically, the Chair's mismanagement caused investigations to take longer and cost more than they did under previous leadership. The sluggish production of CSB reports and resulting increase in associated costs show how the Chair's leadership has negatively affected the CSB's overall mission and purpose.

CSB'S PROGRESS

On March 18, 2015, HOCR requested the President to remove the CSB Chairperson pursuant to 42 U.S.C. § 7412(r)(6)(B) ("Any member of the Board, including the Chairperson, may be removed for

inefficiency, neglect of duty, or malfeasance in office.”), and remove two CSB employees—the Managing Director and General Counsel—pursuant to 42 U.S.C. §7412(r)(6)(R) (“...the President may remove any member, officer or employee of the Board for inefficiency, neglect of duty or malfeasance in office”).

The former Chairperson resigned from his position on March 26, 2015, about 3 months before his 5-year term was set to expire. His resignation followed a year of increased pressure from Congress, which conducted two hearings 9 months apart for alleged CSB failures and mismanagement. Further, a board member who was not identified by Congress as a contributor to the toxic work environment left the agency at the end of his 5-year term in June 2015. In addition, the Managing Director and General Counsel—two of CSB’s top executives—have been placed on administrative leave pending the results of an investigation.

A newly confirmed Chairperson was sworn in on August 11, 2015. An additional board member was sworn in on August 24, 2015, bringing the total number of CSB board members up to four. Lastly, CSB stated it has increased staff by hiring 14 employees, including 11 investigators.

The current CSB Chairperson is conducting an organizational review of the agency. The primary managers will report directly to the Chairperson. To improve communication between the staff and board, weekly meetings have been initiated, the Chairperson is meeting with staff in person, and the Chairperson is hosting board planning sessions. The Chairperson plans to hold regular all-hands meetings and provide mandatory training to staff and board members about the Whistleblower Protection Act and Prohibited Personnel Practices.

WHAT REMAINS TO BE DONE

The CSB is supposed to be composed of five board members who are appointed by the President and confirmed by the U.S. Senate. CSB has been in a state of transition since the Chairperson stepped down. With the two board members sworn into office in August 2015, CSB has four board members; we do not have any information on appointment of a possible fifth board member. The current board needs to assure that the CSB functions as intended and restores open communication among staff, the board, and the Chairperson.

CHALLENGE: CSB Should Increase Its Investigations and Improve Investigative Management Controls

CHALLENGE FOR CSB

CSB is not investigating all accidents that fall within its legal jurisdiction and should increase the number of investigations it conducts. Pursuant to its enabling statute, the Clean Air Act Amendments of 1990, 42 U.S. Code § 7412(r) (6), CSB “shall ... investigate (or cause to be investigated), determine, and report to the public in writing the facts, conditions, and circumstances, and the cause or probable cause, of any accidental chemical release resulting in a fatality, serious injury, or substantial property damages.” Further, CSB needs to improve controls over the investigations that it does conduct. CSB believes it is operating according to its statutory mandate and cites a lack of resources to investigate the additional accidents cited.

BACKGROUND

In fiscal years (FYs) 2010 through 2014, we noted that CSB recorded a number of accidents that involved fatalities—to either people employed where the accidents took place or members of the public—for which CSB did not deploy investigators. Table 1 notes the number of instances in which investigations were initiated for accidents involving fatalities compared with the number of accidents for which investigations were not initiated, as well as the percent of instances in which accidents involving fatalities were not investigated.

Table 1: Percent of accidents with fatalities not investigated by fiscal year

Fiscal year	Accidents and investigations with fatalities			Percent not investigated
	Investigations initiated	Investigations not initiated *	Total	
2014	2	47	49	96%
2013	2	47	49	96%
2012	1	64	65	98%
2011	5	46	51	90%
2010	6	32	38	84%

Sources: CSB budget justifications for FYs 2011, 2012, 2013, and 2014; CSB performance and accountability report for FY 2010; and other supporting data.

* The 47 accidents in FY 2014 involved 62 fatalities; the 47 accidents in FY 2013 involved 54 fatalities; the 64 accidents in FY 2012 involved 80 fatalities; the 46 accidents in FY 2011 involved 52 fatalities; and the 32 accidents in FY 2010 involved 38 fatalities.

CSB believed in 2013 that it could select incidents at its discretion based on funding and resources. CSB believed that the Supreme Court settled the issue in *City of Arlington, Texas et al. v Federal Communications Commission et al.*, 133 S. Ct. 1863 (2013). The court decision, relying on *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984), applied an agency’s interpretation of its own statutory jurisdiction. The Court held that applying the *Chevron* doctrine to an ambiguous statute would not upset an agency’s permissible creation of its own authorizing legislation and the authority entrusted to the agency administering the law.

We noted in 2013 that *Arlington* addresses deference to agency interpretation when a statute is silent or ambiguous as to the intended creation. However 42 U.S.C. § 7412(r)(6) is not ambiguous with regard to the issue of scope of cases to be investigated, stating that CSB “shall” investigate. CSB’s investigative “gap” between the number of accidents that it chooses to investigate and the number of accidents that fall under its statutory responsibility to investigate increased during the FYs 2010 through 2012 period, but decreased in FY 2013 and FY 2014. CSB plans to focus on how to best execute its mission to investigate accidents as it performs an internal organizational review.

Office of Inspector General (OIG) Report No. [13-P-0337](#), *U.S. Chemical Safety and Hazard Investigation Board Needs to Complete More Timely Investigations*, issued July 30, 2013, found that CSB does not have an effective management system to meet its established performance goal to conduct incident investigations and safety studies concerning releases of hazardous chemical substances. Specifically, CSB has not fully accomplished its related strategic objective to complete timely, high-quality investigations that examine the technical, management system, organizational and regulatory causes of chemical incidents.

CSB’S PROGRESS

CSB sought to clarify its mandate in a November 2009 letter to Congress, and in March 2013 by meeting with congressional staffers. Neither effort led to Congress changing the statutory language that would clearly give CSB discretion to select which accidents to investigate, nor did Congress endorse CSB’s interpretation of its statutory mandate.

CSB examined its existing approach for investigating serious chemical accidents and defined a new investigatory methodology to close the gap. The board’s traditional model focused exclusively on deployments to major chemical process accident sites, resulting in full investigations lasting more than 1 year. In 2010, CSB investigators began assessing smaller accidents with significant consequences and generating internal reports outlining the details of the accident. Also in 2010, the board initiated three short, focused safety bulletins and case studies on critical issues facing the chemical and petrochemical industries. Using this model, CSB is able to target high-risk industries with data collected from assessments as well as data in the incident-screening database.

CSB has been working toward completing investigations in a timely fashion. According to CSB’s website, CSB currently has seven open investigations, with the oldest dating back to October 23, 2009, as shown in Table 2:

Table 2: CSB open investigations as of August 2015

Incident	Date of occurrence	Length of time investigation open
ExxonMobil Refinery Explosion	2/18/15	6 months
Dupont LaPorte Facility Toxic Chemical Release	11/15/14	9 months
Freedom Industries Chemical Release	1/9/14	1 year, 7 months
Williams Olefins Plant Explosion and Fire	6/13/13	2 years, 2 month
West Fertilizer Explosion and Fire	4/17/13	2 years, 4 months
Macondo Blowout and Explosion	4/20/10	5 years, 4 months
Caribbean Petroleum Refining Tank Explosion and Fire	10/23/09	5 years, 10 months

Source: CSB website.

CSB stated that for the two investigations older than 3 years (Macondo and Caribbean Petroleum), final reports have been drafted and are in review.

Also, according to the CSB website, four investigations have been completed thus far in FY 2015, as shown in Table 3:

Table 3: Investigations closed in FY 2015 as of July 2015

Incident	Date of occurrence	Release date of report	Length of time to complete report
Horsehead Holding Company Fatal Explosion and Fire	7/22/10	3/11/15	4 years, 8 months*
Chevron Refinery Fire	8/6/12	1/28/15	2 years, 5 months
Millard Refrigerated Services Ammonia Release	8/23/10	1/15/15	4 years, 5 months
US Ink Fire	10/9/12	1/15/15	2 years, 3 months

Source: CSB website.

* The longest investigation listed was closed by an administrative closure of the investigation at a public meeting held January 28, 2015.

CSB has improved its management controls by adopting a process that scopes its investigations for better management. The improved process was suggested by a CSB employee and approved during a public meeting held on January 28, 2015, as an update to the first chapter of Board Order 040, *Investigations Protocol*.

WHAT REMAINS TO BE DONE

We recommend that CSB seek to close the investigative gap by reprioritizing its resources to investigate all accidents that fall within its statutory mandate. CSB noted that it has sought statutory amendments from its authorizing committees in Congress that would clarify its mandate. CSB plans to focus on how to best execute its mission to investigate accidents as it performs an internal organizational review.

CSB should develop an agency protocol for closing investigations that remain open for more than 3 years, and work on defining performance indicators, classifying investigation files and updating investigative policies. CSB has taken steps to close investigations more than 3 years old.

In addition, CSB intends to hold public meetings to review recommendations related to the DuPont LaPorte incident and to vote on the West Fertilizer incident. Also, CSB intends to hold a business meeting on the Caribbean Petroleum tank explosion and fire report.

CSB should finalize its Board Order 040 to ensure implementation of investigative management controls. CSB recognizes the need for an updated investigations protocol to improve investigation management. Part of CSB's organizational review would include setting a realistic and firm timeline for project completion.

CHALLENGE: CSB Should Determine the Need for a Chemical Reporting Regulation

CHALLENGE FOR CSB

CSB has not published a chemical incident reporting regulation as envisioned in the Clean Air Act Amendments of 1990. In 2008, the U.S. Government Accountability Office (GAO) recommended that CSB publish a regulation requiring facilities to report all chemical accidents. In 2009, CSB notified the public of a proposed reporting regulation. CSB has not yet published the regulation.

BACKGROUND

The Clean Air Act Amendments of 1990, at 42 U.S.C. § 7412(r)(6)(C)(iii), state:

...establish by regulation requirements binding on persons for reporting accidental releases into the ambient air subject to the Board's investigatory jurisdiction. Reporting releases to the National Response Center, in lieu of the Board directly, shall satisfy such regulations. The National Response Center shall promptly notify the Board of any releases that are within the Board's jurisdiction....

In its 2008 report, GAO suggested that the reporting regulation offered additional value. GAO stated that the rule would "better inform the agency of important details about accidents that it may not receive from current sources." GAO also suggested that the information obtained through the reporting rule could improve CSB's ability to "target its resources, identify trends and patterns in chemical incidents, and prevent future similar accidents." To improve surveillance of chemical accidents, GAO recommended that CSB "publish a regulation requiring facilities to report all chemical accidents, as required by law, to better inform the agency of important details about accidents that it may not receive from current sources."

On June 25, 2009, CSB published an advance notice of proposed rulemaking in the Federal Register, seeking comments and information in advance of drafting a proposed regulation to implement the accidental release reporting requirement. In the advance notice of proposed rulemaking from the Federal Register, CSB identified four potential approaches for implementing the statutory requirement.

CSB has not taken steps to publish a proposed rule or to request changes to the requirement in the Clean Air Act Amendments of 1990. After further considering this issue, CSB believes that it receives adequate incident notifications through constant media and Internet searches, as well as existing federal sources such as the National Response Center.

CSB stated that even if it had already adopted a reporting rule, the agency would have essentially no capacity to collect or interpret much of the data it received, or seek enforcement action against any non-reporters

CSB'S PROGRESS

CSB's ability to consider rulemaking and program development in this area has been further impacted by congressional budget cuts and sequestration, which effectively prevent any hiring for a regulatory reporting program. CSB has developed two written questionnaires that are being sent, on a discretionary basis, to companies that have incidents.

WHAT REMAINS TO BE DONE

CSB needs to address the proposed rule or request changes to the requirement in the Clean Air Act Amendments of 1990. CSB stated it has not moved forward with the incident reporting rule in part because of comments received on the 2009 Advanced Notice of Proposed Rulemaking. The comments were persuasive enough to discourage the board at that time from finalizing the rule because the board noted that an incident reporting requirement would create several conflicts with other statutes and regulations. CSB intends to revisit its rulemaking effort.

INTERNAL CONTROL WEAKNESS: CSB Should Address Operational Controls

CSB has several operational controls that should be addressed to ensure its administrative operations are working in concert with its mission. These controls relate to purchase cards, program operation, the information security program, and electronic records management.

PURCHASE CARD CONTROLS

CSB's risks regarding purchase cards need to be controlled to ensure the risks do not threaten the accomplishment of CSB's mission. During our purchase card risk assessment, as discussed in OIG Report No. [15-N-0171](#), *CSB's Fiscal Year 2014 Purchase Card Program Assessed as High Risk*, issued June 29, 2015, we determined that CSB's FY 2014 purchase card program was at high risk for illegal, improper, or erroneous purchases and payments. The program did not meet federal requirements and had the following deficiencies:

- CSB did not timely submit a charge card management plan to the Office of Management and Budget (OMB).
- CSB certified controls without written internal policies and procedures.
- CSB's management plan did not identify all key management officials.
- A compliance summary was not included in the management plan.
- CSB did not obtain prior written approval for purchases.

CSB did not submit its Charge Card Management Plan to OMB by the January 31, 2014, deadline. On November 6, 2014, we requested a copy of CSB's Charge Card Management Plan, and CSB provided an unsigned copy of the plan to the OIG on November 18, 2014. According to CSB, this was its first written Charge Card Management Plan and the document was provided as submitted to OMB. CSB stated it was not aware of any other written policies or procedures regarding charge cards and their use.

As part of CSB's 2014 Performance and Accountability Report, CSB's management made assurances that its internal management control system will help provide assurance that obligations and costs comply with applicable law; assets are safeguarded against waste, loss and unauthorized use or misappropriation; and revenues and expenditures are properly accounted for and recorded. We found that CSB did not have any internal written policies and procedures regarding purchase cards.

In addition, the U.S. General Services Administration (GSA) developed a compliance assessment tool to help document whether the required safeguards are in place. The tool requires completion of an internal control assurance assessment with the results documented in a compliance summary. The compliance summary is to be submitted to OMB annually starting in January 2014 and should be available for Inspector General review. CSB did not complete the compliance summary and the internal control assurance assessment in the Charge Card Management Plan provided to the OIG in November 2014. CSB was unaware of the requirement for the compliance summary and assurance assessment.

Also, cardholders must ensure proper use of the purchase card. This includes documenting funds availability prior to purchase, maintaining a purchase log, receiving prior approval of the purchase from the Approving Official, and reconciling the monthly e-statements. Of the five purchase card transactions reviewed, we found that for one transaction the check date was before the supervisory approval date and for another transaction the invoice and payment dates were before the supervisory approval.

CSB'S PROGRESS

CSB submitted a Charge Card Management Plan to OMB by the January 2015 deadline. CSB has also included the compliance assessment as part of its management plan.

WHAT REMAINS TO BE DONE

CSB needs to reiterate to cardholders and supervisors the importance of obtaining prior written approval for purchases made with purchase cards. CSB needs to ensure staffs are made aware that there are no agency-specific policies and, therefore, were required to follow the accounting service provider (Department of the Treasury's Bureau of the Fiscal Service) guidance. Based on our risk assessment, we plan to perform an audit of the purchase card and travel card programs in FY 2016.

CSB agrees with the OIG regarding the need to reiterate to cardholders and supervisors the importance of obtaining prior written approval for purchases made with purchase cards. CSB intends to ensure its cardholders are knowledgeable about the purchasing process as it continues to perform an internal review of the process.

PROGRAM OPERATION CONTROLS

CSB has not established and implemented a management control program to evaluate and report on the effectiveness of program operation controls. OMB Circular A-123, *Management's Responsibility for Internal Control*, states that internal controls "include program, operational, and administrative areas as well as accounting and financial management." CSB should develop and implement a comprehensive internal control program encompassing systems and processes; or program, operational, administrative, accounting and financial management functions.

In OIG Report No. [15-P-0245](#), *CSB Needs to Improve Its Acquisition Approvals and Other Processes to Ensure Best Value for Taxpayers*, issued July 31, 2015, which was conducted in response to a hotline complaint, we found that CSB contract files did not have the proper approvals to allocate funds for 13 contracts and interagency agreements totaling over \$1.9 million.

CSB had three existing board orders that governed acquisitions. In October 2014, CSB issued instructions for managing acquisitions that were inconsistent with the board orders. This caused confusion because CSB does not have a method to control or explain the distinction between board orders and management directives or which takes precedence. In January 2015, the Board rescinded those board orders eliminating the confusion.

CSB has not followed its internal controls and has not implemented a management control plan. By not adhering to its internal controls, CSB places its acquisitions process at risk. In addition, without a structure to implement controls, CSB is at risk for ineffective and inefficient operations.

Further, CSB did not perform market research actions for two contracts totaling over \$380,000, did not perform contract quality assurance surveillance actions, and did not create formal quality assurance surveillance plans. Also, CSB did not know the extent to which contractor past performance information was used.

CSB'S PROGRESS

CSB stated it has completed a draft Management Accountability Control Plan that is currently under review. CSB stated it is committed to ensuring the best value from its acquisition program for the American taxpayers, and its goal is to improve CSB's acquisition program governance and processes by the end of the fiscal year.

WHAT REMAINS TO BE DONE

CSB stated that the draft Management Accountability Control Plan will be provided to the board for review and it plans to finalize and approve the draft by the end of calendar year 2015.

INFORMATION SECURITY PROGRAM

In OIG Report No. [15-P-0073](#), *Key Aspects of CSB Information Security Program Need Improvement*, issued February 3, 2015, we found that CSB should improve key aspects of its information security program to better manage practices related to information security planning, physical and environmental security controls, vulnerability testing process, and internal controls over information technology (IT) inventory.

We recommended that CSB update and maintain its system security plan, implement a risk management framework, create a visitor access record for the server room, formally accept risk of unimplemented privacy and security controls and vulnerabilities, and develop a process for orderly shutdown of critical IT assets. We also recommended that CSB create plans to remediate systems with known vulnerabilities and expand its monthly vulnerability testing process to include all assets attached to the network. Further, we recommended that CSB improve its inventory control practices to ensure personnel do not perform incompatible duties, provide policies and procedures for safeguarding inventory, review and document lost items, and recover costs for lost items due to employee negligence.

CSB'S PROGRESS

CSB stated that it "did not believe that a visitor access record was necessary because non-IT CSB personnel do not frequently visit the CSB server room.... The CSB server room is in fact off limits to non-IT personnel. It is kept locked behind a cipher lock door 24/7 and is inaccessible to non-IT staff without a member of the IT staff present. The agency misinterpreted this to be a control enhancement

over the security control; however, CSB now understands this is insufficient. Consequently, we have added a visitor log to these rooms.” CSB concurred with the recommendations in our report and provided corrective actions with estimated completion dates for each recommendation. CSB has made progress in completing the agreed-to corrective actions for 13 of the 17 prior-year recommendations.

WHAT REMAINS TO BE DONE

CSB started to develop some aspects of the organization’s Risk Management Framework strategy. CSB developed a full draft framework program document, which CSB is in the process of implementing. Many of the recommendations will be addressed with the implementation of this program document. CSB indicated it will be working diligently to detail vulnerabilities in the Plan of Action and Milestones, and has already made a change to regularly scan all devices, including printers. Regarding inventory assets, CSB stated, “The conclusion that CSB’s IT property is ‘highly susceptible’ to potential misappropriation appears overstated given the level of lost devices in a 10-year period. We agree with the recommendations and are working to address these issues and improve our inventory program.” The OIG will continue to list the remaining four recommendations as open with corrective actions pending until CSB provides documentation to support corrective actions completed to address the recommendations.

CSB stated it takes information security very seriously and makes it a priority each year to close as many recommendations as possible. CSB plans to close the remaining recommendations by the end of this calendar year.

ELECTRONIC RECORDS MANAGEMENT

An EPA OIG investigation found the former CSB Chairperson and senior managers used private non-government email systems to communicate on CSB matters. As a result of these actions, communications were not preserved as official records in accordance with the Code of Federal Regulations (CFR) in 36 CFR Chapter XII, National Archives and Records Administration, Part 1236.

CSB’S PROGRESS

CSB has held training classes for employees regarding email and instant messaging record policies. The training informed CSB employees that federal records are “... made or received by an agency of the U.S. Government under federal law or in connection with the transaction of public business, and are preserved or appropriate for preservation as evidence of agency functions, organization, and activities or because of the value of the information they contain (44 U.S.C. § 3301).”

WHAT REMAINS TO BE DONE

CSB needs to create a formal policy that complies with the requirements and guidelines found in the Presidential and Federal Records Act Amendments of 2014. In addition, CSB stated it plans to:

- Create a SharePoint site with the agency file plan (retention periods for records).
- Perform records management training for each office.
- Implement efforts to digitize long-term records.

CSB stated that its Records Officer has been working with the Investigations Protocol work group to update these procedures and address the findings in this report. CSB anticipates updating these procedures and closing these recommendations in the first half of FY 2016.