



July 24, 2013

Board of Directors

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U.S. Chemical Safety and Hazard Investigation Board
2175 K Street, NW
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Re: CSB's Most Wanted Program

Advisory Council

Patricia Bauman
Frances Beinecke
Eula Bingham
W. Thompson Comerford, Jr.
Sally Greenberg
John Passacantando
Henry Waxman
Robert Weissman

Chairman Maure-Eraso and Members of the Board:

Thank you for the opportunity to comment on the initiation of Chemical Safety Board's (CSB's) "Most Wanted" Program. It is a potentially valuable tool for reducing the life-threatening hazards that pervade certain industries and lead to worker deaths that are ultimately preventable.

As researchers and advocates, we appreciate the thorough investigations that CSB staff undertake. The analysis presented in CSB reports and the findings contained therein inform our own work in many ways. Without commenting on any specific CSB recommendations, we are struck by the number of recommendations that have not been implemented by the target organizations. Used wisely, the newly created Most Wanted list will benefit your advocacy efforts by sending a clear signal to OSHA about CSB's priorities and by creating a tool that allied stakeholders can use in their own work. The Government Accountability Office's "High Risk" program provides an example of how a similar list of top priorities can be a powerful tool for an investigatory agency. In establishing CSB's Most Wanted Program, Board Order 46 addresses several programmatic design elements that will be critical to success, including assurances of regular updates and clear criteria for adding recommendations to the list.

The last criterion for adding a recommendation to the Most Wanted list – "the possibility that advocacy will help bring about change" – will be the most controversial, especially for CSB recommendations aimed at the Occupational Safety and Health Administration (OSHA). CSB is just one voice among many and OSHA's regulatory priorities are based on its own analysis of potential impact and other stakeholders' input. More important than those factors, though, are OSHA's political calculations arising from the increased centralization of regulatory agenda-setting in the White House. The case of OSHA's proposed rule on crystalline silica is the best current example of how the White House can disrupt OSHA's rulemaking agenda. OSHA sent a draft notice of proposed rulemaking to the White House for review over two years ago. The Executive

Order that mandates such centralized review states that the review should generally be complete in 90 days or less.

In the end, the utility of CSB's Most Wanted Program, like the efficacy of OSHA's regulatory program, turns on the White House's priorities: if the current zeitgeist persists, CSB's recommendations will not go far, but if CSB and OSHA can work with a broader coalition of stakeholders to force the White House to prioritize occupational health and safety reforms, the Most Wanted Program could be a success.

Again, thank you for the opportunity to comment on this new program. We hope it will be a powerful tool for protecting workers.

Sincerely,



Rena I. Steinzor
President, Center for Progressive Reform
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Matthew Shutz
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