USDA United States Department of Agriculture

Food Safety and Inspection Service, Office of Public Health Science

CHARTER

1. Committee's Official Designation

The Committee shall be known as the National Advisory Committee on Microbiological Criteria for Foods (NACMCF), hereafter referred to as the Committee or the NACMCF.

2. Authority

The NACMCF was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.

3. Objectives and Scope of Activities

The purpose of the Committee is to provide impartial, scientific advice, and/or peer reviews to federal food safety agencies for use in the development of an integrated national food safety systems approach that assures the safety of domestic, imported, and exported foods.

4. Description of Duties

The duties of the Committee are solely advisory in nature.

5. Agency or Official to Whom the Committee Reports

The Committee reports to the Secretary of Agriculture through the Under Secretary for Food Safety and to the Secretary of Health and Human Services through the Assistant Secretary for Health.

6. Support

A representative of the Food Safety and Inspection Service (FSIS) will serve as the Executive Secretary to the Committee. In addition, FSIS will provide administrative staff support to the Committee.

7. Estimated Annual Operating Costs and Staff Years

A total annual operating cost for the Committee is estimated at $200,000. The operating expenses are $120,000; the Federal salary expense is $80,000 or 0.71 full time employees (FTEs), not to exceed $80,000. Reimbursement will be

provided to members for travel expenses and per diem for attendance at Committee and subcommittee meetings.

8. Designated Federal Officer

A permanent Federal employee from FSIS is to be appointed in accordance with agency procedures and will serve as the Designated Federal Officer (DFO). The DFO will approve the Committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

9. Estimated Number and Frequency of Meetings

The Committee will meet approximately twice a year. All meetings are open to the public.

10. Duration

Continuing.

11. Termination

The Committee shall terminate two years from the date this charter is filed, unless the Secretary of Agriculture determines prior to that date that continuation of work is not in the public interest.

12. Membership and Designation

12a. This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

12b. The Secretary of Agriculture will appoint the membership of the Committee after consultation with the Secretary of Health and Human Services. The Secretary may consult with other Federal Agencies such as the Department of Commerce's National Marine Fisheries Service, the Department of Defense's Defense Logistics Agency, and the Department of Health and Human Services' Centers for Disease Control and Prevention regarding appointments.

Membership will consist of not more than 30 individuals. Members of the Committee will be chosen based on their expertise in microbiology, risk

assessment, epidemiology, public health, food science, and other relevant disciplines. Non-Federal Government employee members will be appointed as Special Government Employees (SGEs). One individual affiliated with a consumer group will be included in the membership of the Committee to serve in a representational capacity. Members will serve at the discretion of the Secretary of Agriculture.

12c. The Secretary of Agriculture or designee will appoint the NACMCF Chairperson who is recognized for his or her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. The Secretary of Agriculture or designee will assign the Committee Vice-chairperson after consultation with the Secretary of Health and Human Services.

12d. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any "specific party matters" (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to disclose immediately to the DFO any specific party matter in which the member's immediate family, relatives, business partners, or employer would be directly seeking to benefit financially from the Committee's recommendations.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee's advice and recommendations. Members who are appointed as "Representatives" are not subject to Federal ethics laws because such appointment allows them to represent the point of view of a particular group, business sector, or segment of the public.

Members appointed as "Special Government Employees" (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGEs are appointed due to their personal knowledge, academic scholarship, background, or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form); upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards, USDA will provide ethics training to SGEs on an annual basis. The provisions of these

paragraphs are not meant to cover all Federal ethics laws exhaustively and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

12e. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

13. Subcommittees

FSIS has the authority to create subcommittees. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Agency.

14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

http://www.fsis.usda.gov/About_FSIS/NACMCF/index.asp

15. Filing Date