U.S. Department of Labor
Occupational Safety and Health Administration
Advisory Committee Charter
National Advisory Committee on Occupational Safety and Health

OFFICIAL DESIGNATION:

National Advisory Committee on Occupational Safety and Health (NACOSH).

AUTHORITY:

NACOSH is established under and operates in accordance with Section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656); 29 CFR 1912a; and Secretary of Labor's Order No. 1-2012 (77 FR 3912, 1/25/2012). NACOSH also operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), its implementing regulations (41 CFR 102-3), and chapter 1600 of Department of Labor Management Series 3 (8/15/2013).

OBJECTIVES AND SCOPE OF ACTIVITIES:

NACOSH advises, consults with, and makes recommendations to the Secretary of Labor (the Secretary) and the Secretary of Health and Human Services (HHS) on matters relating to the administration of the OSH Act (29 U.S.C. 656(a)(2)). The Secretary and HHS Secretary may consult with and seek advice and recommendations from NACOSH on Agency priorities, including:

- Leadership in the national dialog on worker safety and health;
- Strong, fair and effective enforcement;
- Expanded compliance assistance;
- Guidance and research, including research needs and priorities;
- Expanded partnerships and voluntary programs;
- Regulatory matters; and
- Other activities to help reduce work-related deaths, injuries and illnesses.

The Secretary and HHS Secretary also may consult with and seek advice and recommendations from NACOSH on new areas and emerging issues involving occupational safety and health.

DESCRIPTION OF DUTIES:

NACOSH's duties are solely advisory and consultative. NACOSH's advice will help the Secretary and HHS Secretary in terms of providing substantive input on workplace safety and health issues; ideas to reduce worker deaths, injuries and illnesses; and feedback on the Occupational Safety and Health Administration (OSHA) and HHS initiatives to improve worker safety and health.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS:

NACOSH reports and submits advice and recommendations to the Secretary and the HHS Secretary, through OSHA.

AGENCY PROVIDING SUPPORT TO THE COMMITTEE:

OSHA provides all necessary support for NACOSH (29 U.S.C. 656(a)(4); 29 CFR 1912a.9).

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:

The estimated annual operating costs are approximately $181,000, including 1.5 staff years.

DESIGNATED FEDERAL OFFICER:

The Director of OSHA's Directorate of Technical Support and Emergency Management or his/her designee, serves as the Designated Federal Officer (DFO) for NACOSH. The DFO:

- Calls and approves all NACOSH Committee, subcommittee and work group meetings;
- Prepares and approves all meeting agendas in consultation with the NACOSH Chair;
- Attends all NACOSH meetings and meetings of NACOSH subcommittees and informal work groups;
- Adjourns any meeting when the DFO determines adjournment to be in the public interest;
- Chairs meetings when the official to whom NACOSH reports so directs;
- Assembles and maintains reports, records, and NACOSH documents; and
- Carries out the provisions of the Freedom of Information Act (FOIA) (5 U.S.C. 552) with respect to NACOSH reports, records, and other papers.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:

NACOSH meets two to four times per year.

DURATION:

Pursuant to the OSH Act, NACOSH is a continuing non-discretionary advisory committee of indefinite duration.

CHARTER TERMINATION:

This Charter expires two years after the date of filing.

MEMBERSHIP AND DESIGNATION:

NACOSH is comprised of 12 representative members the Secretary appoints (29 U.S.C. 656(a)(1)). The composition of NACOSH is as follows:

- Two members represent management;
- Two members represent labor;
- Two members represent occupational health professions. The HHS Secretary designates these members;
- Two members represent occupational safety professions; and
- Four members represent the public. The HHS Secretary designates two of these members (29 CFR 1912a.2).

The Secretary appoints one public member to serve as Chair (29 U.S.C. 656(a)(1)).

Except as otherwise required by law, NACOSH membership is consistent with applicable FACA regulations, as follows:

- Membership on NACOSH is fairly balanced in terms of the points of views represented and the functions to be performed;
- Members come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of NACOSH;
- The composition of NACOSH considers and depends upon several factors, including:

    1. The Committee's mission;
    2. The geographic, ethnic, social, economic, or scientific impact of the Committee's recommendations;
    3. The types of specific perspectives required;
    4. The need to obtain divergent points of view on the issues before NACOSH, such as, for example, those of consumers, technical experts, the public at-large, academia, business or other sectors; and
    5. The relevance of state, local or tribal governments to the development of the Committee's recommendations.

To the extent FACA and other laws permit, NACOSH membership is consistent with achieving the greatest impact, scope and credibility among diverse stakeholders. The diversity in membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

To provide for Committee continuity, NACOSH members normally serve staggered two-year terms that expire at the end of a given calendar year (29 CFR 1912a.3). At the discretion of the Secretary, members may be appointed to successive terms and removed at any time (29 CFR 1912a.3).

Members do not receive compensation for serving on NACOSH, but are allowed travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5703). Members are not deemed to be employees of the United States by virtue of their membership on NACOSH.

SUBCOMMITTEES AND WORK GROUPS:

OSHA, in consultation with the NACOSH Chair, may establish any number of subcommittees and work groups for the purpose of assisting NACOSH in carrying out its functions. The purpose of subcommittees and work groups is to provide advice and make recommendations solely to the full NACOSH Committee (29 CFR 1912a.13(b)). Under no circumstances may any subcommittee or work group report directly to the Agency (29 CFR 1912a.13(b)).

RECORDKEEPING:

OSHA transcribes and prepares detailed minutes for all NACOSH Committee and subcommittee meetings. OSHA also prepares detailed minutes for all informal work group meetings. OSHA places transcripts, meeting minutes, work products, and other materials presented at NACOSH Committee, subcommittees and work group meetings into the public docket. The public docket is available for inspection and downloading at http://www.regulations.gov, the Federal eRulemaking Portal. In addition, all records of NACOSH and its subcommittees and work groups are handled in accordance with General Records Schedule 26, Item 2, "Records Created by Advisory Commissions, Committees, Councils, Boards and other Groups established under the Federal Advisory Committee Act (FACA)." These records are available for public inspection and copying, pursuant to FOIA.

FILING DATE:

This Charter is filed on the date below.

Thomas E. Perez
Secretary of Labor

OCT - 7 2014

Date