FEDERAL ADVISORY COMMITTEE
MEMBERSHIP BALANCE PLAN

(1) FEDERAL ADVISORY COMMITTEE:

National Advisory Committee on Occupational Safety and Health (NACOSH)

(2) AUTHORITY

NACOSH is established 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 1-2012 (77 FR 3912, 1/25/2012). NACOSH also operates in accordance with 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).

(3) MISSION/FUNCTION

NACOSH's duties are solely advisory and consultative. NACOSH advises, consults with, and makes recommendations to the Secretary of Labor (Secretary) and the Secretary of Health and Human Services (HHS) on matters relating to the administration of the OSH Act. The Secretary and HHS Secretary may consult with and seek 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.

NACOSH's advice will help the Secretary and HHS Secretary in terms of providing substantive input on workplace safety and health issues; ideas that could be implemented to reduce worker deaths, injuries and illnesses; and feedback on OSHA and HHS initiatives to improve occupational safety and health.

(4) POINTS OF VIEW

The OSH Act established the specific membership composition and representation for NACOSH. The OSH Act specifies that NACOSH be comprised of the following 12 representative members who the Secretary appoints:

- Two members represent management;
- Two members represent labor;
- Two members represent the occupational safety professions;
- Two members represent the occupational health professions. The HHS Secretary designates these members; and

- Four members represent the public. The HHS Secretary designates two of these members (29 CFR 1912a.2).

The OSH Act also specifies that members be selected on the basis of their experience and competence in the field of occupational safety and health.

(5) OTHER BALANCE FACTORS

NACOSH membership will be consistent with applicable FACA regulations as follows:

- NACOSH membership will be fairly balanced;
- NACOSH members will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of NACOSH;
- NACOSH membership, therefore, will consider and depend on several factors, including:
    - NACOSH's mission;
    - The geographic, ethnic, social, economic, or scientific impact of NACOSH's recommendations;
    - The types of perspectives required;
    - The need to obtain divergent points of view on the issues before NACOSH, such as those of consumers, technical experts, the public, academia, business, and other sectors; and
    - The relevance of state, local, or tribal governments to the development of NACOSH's recommendations.

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

(6) CANDIDATE IDENTIFICATION PROCESS

The Designated Federal Officer (DFO) solicits candidates for NACOSH through a Federal Register notice requesting nominations for membership. Interested persons have approximately 60 days to submit nominations. The notice specifies that nominations must include:

- The nominee's resume or curriculum vitae;
- The nominee's membership in relevant organizations and associations;
- A summary of the nominee's background, experience, and qualifications to serve on NACOSH;
- A list of articles and other documents the nominee has authored that indicates the nominee's expertise in worker safety and health; and
- A statement that the nominee has no conflicts of interest that would preclude membership on NACOSH.

The DFO evaluates the nominees for expertise, experience, and balance, and provides a list of the most highly qualified candidates to the Assistant Secretary of Labor for

Occupational Safety and Health (Assistant Secretary) for discussion and deliberation. The Assistant Secretary also may consider other relevant sources of information in identifying the most highly qualified candidates.

The Office of the Solicitor, Office of Congressional and Interagency Affairs, and Committee Management Officer evaluate the candidates for balance and conflicts of interest. In addition, the Department has well-established vetting and public record search procedures. The HHS Secretary conducts these procedures for their designees. After completion, the Assistant Secretary presents the recommended candidates to the Secretary for appointment. The Secretary extends formal letters of invitation to the approved candidates.

Members serve at the pleasure of the Secretary for staggered two-year terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. If a vacancy occurs because a members resigns, becomes unqualified to serve, or is removed; the Secretary may appoint a new member who represents the same interest as the predecessor to serve the remainder of the unexpired term.

(7) SUBCOMMITTEE AND WORK GROUP BALANCE

NACOSH subcommittees and work groups are open to all NACOSH members. As such, they generally maintain the same balance as the Committee as a whole. Where possible, each NACOSH subcommittee and work group will include at least one labor and one management representative.

(8) OTHER

The Department adheres to the Administration's prohibition against the inclusion of federally registered lobbyists as members of NACOSH.

DATE PREPARED/UPDATES: June 2014.