Federal Advisory Committee (FAC) Membership Balance Plan

(1) FEDERAL ADVISORY COMMITTEE NAME

Maritime Advisory Committee for Occupational Safety and Health (MACOSH)

(2) AUTHORITY

MACOSH is established and operates in accordance with Section 7(b) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 656); 29 CFR part 1912; and Secretary of Labor's Order 1-2012(77 FR 3912, Jan. 25, 2012). In addition, MACOSH is established and 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 parts 101-6 and 102-3), and chapter 1600 of Department of Labor Manual Series 3 (Mar. 17, 2008).

(3) MISSION/FUNCTION

MACOSH's mission is to obtain advice for the Secretary of Labor through the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) from a broad range of representatives from the maritime industry on matters relevant to the safety and health of workers in the maritime industry. The Assistant Secretary may seek the advice of this Committee on activities in the maritime industry related to the priorities set by the Agency, including: worker training, education, and assistance; setting and enforcing of standards; and assurance of safe and healthful working conditions for America's working men and women in the maritime industry.

(4) POINTS OF VIEW

MACOSH is comprised of 15 representative members appointed by the Secretary, and one Special Agency Liaison (SAL). The SAL, head of the Office of Workers' Compensation Programs, is a non-voting member selected because of that office's work in upholding the Longshore and Harbor Workers' Compensation Act (LHWCA), which protects most waterfront workers. One of the 15 representative members is appointed by the Secretary to serve as the Committee chair. The Assistant Secretary may designate a Committee member to preside at a MACOSH meeting if the chair is not able to attend. The composition of MACOSH is as follows:

- Four members represent management;
- Four members represent labor;
- Three members represent the occupational safety and health professions; and
- Four members represent government, one of which must be from a state safety and health agency, and one must be designated by the Secretary of the Health and Human Services.

(5) OTHER BALANCE FACTORS

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

- MACOSH membership will be fairly balanced, as specified in 41 CFR Appendix A to Subpart B of Part 102 - 3;

- MACOSH members will come from a cross-section of those parties directly affected, interested, and qualified as appropriate to the character and functions of MACOSH;

- MACOSH membership, therefore, will depend upon several factors, including:

  - MACOSH's mission;
  - The geographic, ethnic, social, economic, or scientific impact of MACOSH's recommendations;
  - The types of specific perspectives required;
  - The need to obtain divergent points of view on the issues before MACOSH, such as those of employers, workers, technical experts, the public, academia, and other sectors; and
  - The relevance of state, local, or tribal governments to the development of MACOSH's recommendations.

To the extent permitted by FACA and other laws, MACOSH membership also should 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 Official (DFO) solicits candidates for MACOSH through a Federal Register notice requesting nominations for each membership vacancy. The notice specifies that nominations must include the nominee's resume or curriculum vitae; membership in relevant organizations and associations; summary of the background, experience and qualifications to serve on MACOSH; articles and other documents the nominee has authored indicating expertise in workplace safety and health; and a statement that the nominee has no conflicts of interest that would preclude membership on MACOSH. The DFO evaluates the nominees for expertise, experience, and balance. The DFO provides a short list of the most highly qualified candidates to the Assistant Secretary for discussion and deliberation. The Office of the Solicitor, Office of Congressional and Intergovernmental Affairs, and Committee Management Officer evaluate the candidates for balance and conflict of interest. The Department has well-established vetting and public records search procedures. After vetting is completed, the Assistant Secretary presents the recommended candidates to the Secretary for appointment. The Secretary extends formal letters of invitation to the candidates to serve on MACOSH. If a vacancy occurs during the term of an MACOSH member, the DFO reviews the initial candidate list and other information to identify the best qualified candidate to replace the lost member, and initiates the review process described above. The Secretary appoints the most appropriate candidate to fill the remainder of the unexpired term. Members serve at the pleasure of the Secretary for two-year terms. The Secretary may reappoint any member to a successive term, or may remove and replace a member at any time.

(7) SUBCOMMITTEE BALANCE
To the extent possible, each MACOSH work group chair represents a different point of view as defined in Section 4. MACOSH members may serve on any MACOSH work group. These practices ensure that work groups are balanced and proportionate to the composition of the full Committee.
(8) OTHER
Not applicable.
(9) DATE PREPARED
September 2016.