U.S. Department of Labor
Occupational Safety and Health Administration
Advisory Committee Charter
Maritime Advisory Committee for Occupational Safety and Health

OFFICIAL DESIGNATION:

Maritime Advisory Committee for Occupational Safety and Health (MACOSH)

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 part1912; 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).

OBJECTIVES AND SCOPE OF ACTIVITY:

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 sector. 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 standards; and assurance of safe and healthful working conditions for America's working men and women in the maritime industry. This charter reestablishes MACOSH in accordance with the provisions of FACA and its implementing regulations.

DESCRIPTION OF DUTIES:

The maritime industry historically experienced a high incidence of work-related fatalities, injuries, and illnesses in its workforce. The types of work vary widely, ranging from manufacturing type work in some shipyards to transportation type work in longshoring operations.

OSHA selected this industry for special attention because of the injury and illness rates and the specialized character of some of the work. OSHA may seek advice from the Committee on a variety of subjects, which may include development of guidance and outreach materials tailored to individual sectors of the industry, rulemaking to update regulatory requirements, and other activities to help focus actions in the industry and reduce work-related death, injuries, and illnesses. OSHA also may seek advice in new areas where the Agency chooses to pursue or expand its maritime programs and projects to address specific needs. The advice of the Committee will help the Agency in terms of substantive input on conditions in the maritime industry, ideas that OSHA could implement

to reduce maritime injuries and illnesses, and feedback on Agency initiatives affecting the maritime industry.

AGENCY OFFICIAL TO WHOM THE COMMITTEE REPORTS:

MACOSH reports and submits recommendations to the Secretary of Labor through the Assistant Secretary of Labor for Occupational Safety and Health.

AGENCY PROVIDING SUPPORT TO THE COMMITTEE:

OSHA provides all necessary support for MACOSH (29 U.S.C. 656(c), 29 CFR part 1912.31, .32, .40, and .41).

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:

The estimated annual operating costs are approximately $219,000, including 1 staff year.

DESIGNATED FEDERAL OFFICER:

The Director of OSHA's Office of Maritime and Agriculture, or his or her designee, will serve as the Designated Federal Officer (DFO). The DFO or his or her designee shall:

- Call or approve all MACOSH meetings and the meetings of MACOSH subcommittees and informal work groups;
- Prepare and approve all meeting agendas in consultation with the MACOSH chair;
- Attend all MACOSH meetings and meetings of MACOSH subcommittees and informal work groups;
- Adjourn any meeting when the DFO determines adjournment to be in the public interest;
- Chair meetings when the official to whom MACOSH reports so directs;
- Assemble and maintain the reports, records, and other papers of MACOSH; and
- Carry out the provisions of the Freedom of Information Act (FOIA) (5 U.S.C. 552) with respect to MACOSH reports, records, and other papers.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:

MACOSH will meet up to two times per year.

DURATION:

Pursuant to the OSH Act and implementing regulations, MACOSH is a discretionary advisory committee of indefinite duration, continuing as long as required to meet the needs of the Agency.

CHARTER TERMINATION:

This Charter will expire two years from the date of filing.

MEMBERSHIP AND DESIGNATION:

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 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 appointed by the Secretary of the Health and Human Services.

The members serve two-year terms. At the discretion of the Secretary, members may be appointed to successive terms and removed at any time.

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

Membership on MACOSH will be balanced fairly. Members will come from a cross-section of those parties directly affected, interested, and qualified as appropriate to the character and functions of MACOSH.

The composition of the Committee will depend upon several factors, including: (i) the Committee's mission; (ii) the geographic, ethnic, social, economic, or scientific impact of the Committee's recommendations; (iii) the types of specific perspectives required, for example, those of employers, workers, technical experts, the public at-large, academia, business, or other sectors; (iv) the need to obtain divergent points of view on the issues before the Committee; and (v) the relevance of state, local, or tribal governments to the development of the Committee's recommendations.

To the extent permitted by FACA and other laws, Committee 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.

SUBCOMMITTEES:

The MACOSH Chair, with OSHA's approval, may establish any number of subcommittees and informal work groups for the purpose of assisting MACOSH in

carrying out its functions. Subcommittees and informal work groups may give advice, recommendations, and work products solely to MACOSH, but are not authorized to provide such advice, recommendations, and work products directly to OSHA.

RECORDKEEPING:

All MACOSH meetings and subcommittee meetings are transcribed, and detailed minutes are prepared. Detailed minutes also are prepared for all informal work-group meetings. Transcripts, meeting minutes, work products, and other materials presented at MACOSH meetings, and meetings of MACOSH subcommittees and work groups, are entered into a public docket, which is available for inspection and downloading at *http://www.regulations.gov,* the Federal eRulemaking Portal. In addition, all records of MACOSH and its subcommittees and work groups will be handled in accordance with the National Archives and Records Administration's 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 will be available for public inspection and copying, pursuant to the Freedom of Information Act (5 U.S.C. 552).

FILING DATE:

This Charter is filed on the date indicated below.

SETH D. HARRIS
Acting Secretary of Labor

MAY 6 - 2013

Date