U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Advisory Committee Charter

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

1. COMMITTEE'S OFFICIAL DESIGNATION.

The Federal Advisory Council on Occupational Safety and Health (FACOSH).

2. AUTHORITY.

FACOSH is established and operates in accordance with 5 U.S.C. 7902(c); Occupational Safety and Health Act of 1970 (29 U.S.C. 651, 668); Executive Order (E.O.) 11612, and continued by E.O. 11807, 11948, 12110, 12258, 12399, 12534, 12610, 12692, 12774, 12869, 12974, 13062, 13138, 13225, 13316, 13385, 13466, 13511, 13585, 13652, and, most recently, E.O. 13708 (80 FR 60271, 10/5/2015); E.O. 12196; 29 CFR Part 1960; and Secretary of Labor's Order 1-2012 (77 FR 3912, 1/25/2012). FACOSH operates in accordance with the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), and its implementing regulations (41 CFR 102-3).

3. OBJECTIVES AND SCOPE OF ACTIVITIES.

FACOSH advises the Secretary of Labor (Secretary) on matters, policies, plans, and programs relating to the occupational safety and health (OSH) of federal employees.

4. DESCRIPTION OF DUTIES.

FACOSH advises, consults with, and makes recommendations to the Secretary on the development and maintenance of effective OSH programs and policies, and on ways to reduce and keep to a minimum the number and severity of workplace injuries and illnesses in the Federal Government. In addition, FACOSH acts as a clearinghouse for federal departments and agencies on OSH-related information.

5. AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS.

FACOSH reports and submits advice and recommendations to the Secretary, through the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary).

6. AGENCY PROVIDING SUPPORT TO THE COMMITTEE.

The Occupational Safety and Health Administration (OSHA), through its Directorate of Enforcement Programs, Office of Federal Agency Programs (OFAP), provides all necessary support for FACOSH.

7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.**

The estimated annual operating costs are approximately $200,000, including 2.0 staff years.

8. **DESIGNATED FEDERAL OFFICER.**

The Director of OFAP, or his/her designee, serves as the Designated Federal Officer (DFO). The DFO shall:

- Call and approve all FACOSH meetings and meetings of FACOSH subcommittees and informal work groups;
- Prepare and approve all meeting agendas in consultation with the FACOSH Chair;
- Attend all FACOSH meetings and meetings of FACOSH 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 FACOSH reports so directs;
- Assemble and maintain the reports, records, and other papers of FACOSH; and
- Carry out the provisions of the Freedom of Information Act (FOIA) (5 U.S.C. 552) with respect to FACOSH reports, records, and other papers.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS.**

FACOSH meets at least two (2) times per calendar year.

10. **DURATION.**

The need for FACOSH is continuing; however, it is subject to termination pursuant to Section 11 below.

11. **TERMINATION.**

Unless continued by the President, FACOSH will terminate on September 30, 2017.

12. **MEMBERSHIP AND DESIGNATION.**

FACOSH consists of sixteen (16) representative members appointed by the Secretary. Eight (8) members represent management of federal departments and agencies (management members), and eight (8) members are from labor organizations that represent federal employees (labor members). Members serve at the pleasure of the Secretary for a term of three (3) years. The Secretary may reappoint any member to a successive term.

Except as otherwise required by law, Committee membership shall be consistent with applicable FACA regulations, as follows: a) Membership on FACOSH shall be fairly

balanced; b) Members shall come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of FACOSH; c) the composition of the Committee will therefore depend upon several factors, including: i) FACOSH's mission; ii) the geographic, ethnic, social, economic, or scientific impact of FACOSH's recommendations; iii) the types of specific perspectives required; iv) the need to obtain divergent points of view on the issues before FACOSH, such as, for example, those of consumers, technical experts, the public at-large, academia, business, or other sectors; and v) the relevance of State, local or tribal governments to the development of FACOSH's recommendations.

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

Members do not receive compensation for serving on FACOSH, 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 FACOSH.

The Secretary or his/her designee serves as the FACOSH Chair. The FACOSH Chair may designate a representative to preside at a FACOSH meeting if the Chair is not able to attend.

13. **SPECIAL AGENCY LIAISONS** (SALs).

SALs are not members of FACOSH. SALs shall serve as experts and technical advisors to FACOSH. SALs are from federal agencies that have a mission and expertise relevant to the function of FACOSH and the OSH of the federal workforce. SALs include representatives from the Department of Labor – Bureau of Labor Statistics, and Office of Workers' Compensation Programs; the Department of Health and Human Services – National Institute of Occupational Safety and Health; the General Services Administration; and the Office of Personnel Management. SALs may participate in FACOSH deliberations, but may not vote.

14. **SUBCOMMITTEES.**

The Secretary, through the FACOSH Chair, may establish any number of subcommittees and informal work groups for the purpose of assisting FACOSH in carrying out its duties. The sole purpose of any subcommittee or work group is to give advice and recommendations to the full Committee. Subcommittees and informal work groups may not work independently of FACOSH, and may not report directly to the Secretary or OSHA.

Although FACA notice and open meeting requirements are not applicable to FACOSH subcommittees and work groups, representation on subcommittees shall be balanced and proportionate to that of FACOSH itself. The FACOSH Chair shall appoint subcommittee co-chairs from the membership, representing each category of membership. Members of

FACOSH subcommittees do not need to be members of FACOSH, but only FACOSH members may vote.

15. **RECORDKEEPING.**

All FACOSH meetings are transcribed and detailed minutes are prepared. Meeting transcripts, meeting minutes, work products, and other materials presented at FACOSH meetings are entered into a public docket, which is available for inspection and downloading at *http://www.regulations.gov*, the Federal eRulemaking Portal. Records of FACOSH and its subcommittees or workgroups shall be handled in accordance with General Records Schedule 6.2, Federal Advisory Committee Records. These records are available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

16. **FILING DATE.**

This Charter is filed on the date below.

THOMAS E. PEREZ
Secretary of Labor

OCT 14 2015
Date