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.

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, 12196, 12258, 12399, 12534, 12610, 12692, 12774, 12869, 12974, 13062, 13138, 13225, 13316, 13385, 13466, 13511; and, most recently, 13585; 29 CFR Part 1960; and Secretary of Labor's Order 4-2010 (75 FR 55355, 9/10/2010). 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 duties are solely advisory and consultative. 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;
- 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.**

By E.O. 13585, the President has continued FACOSH through September 30, 2013 (E.O. 13585).

11. **TERMINATION.**

This Charter expires on September 30, 2013, unless terminated prior to such date.

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 representing Federal employees (labor members). Members serve at the pleasure of the Secretary for a term not exceeding 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.

Special Agency Liaisons (SALs) from the Department of Health and Human Services, Department of Labor – Office of Workers' Compensation Programs, General Services Administration, and Office of Personnel Management shall have permanent non-voting positions on FACOSH due to the unique relationship that exists between their agencies' mission and occupational safety and health in the Federal Government. SALs shall serve as advisors to FACOSH.

13. **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 functions. Subcommittees and informal work groups may not work independently of FACOSH and may not report directly to the Secretary or OSHA. Subcommittees and informal work groups only may provide advice and recommendations to FACOSH for deliberation.

Representation on subcommittees shall be balanced and proportionate to that of FACOSH itself. The FACOSH Chair shall appoint subcommittee chairs. Members of FACOSH subcommittees need not be members of FACOSH, but only FACOSH members may vote at subcommittee meetings.

14. **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. In addition, the records of FACOSH, including subcommittees and workgroups, are handled in accordance with the Department of Labor approved records disposition schedule. These records are available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

15. **FILING DATE.**

This Charter is filed on the date below.

Hilda L. Solis

HILDA L. SOLIS
Secretary of Labor

OCT 19 2011

Date