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

Advisory Committee Charter

WHISTLEBLOWER PROTECTION ADVISORY COMMITTEE

1. COMMITTEE'S OFFICIAL DESIGNATION.

The Whistleblower Protection Advisory Committee (WPAC).

2. AUTHORITY.

The WPAC 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 Part 102-3), chapter 1600 of Department of Labor Management Series 3 (Mar. 17, 2008), Secretary of Labor's Order 1-2012 (Jan. 18, 2012), 77 FR 3912 (Jan. 25, 2012), and the Secretary of Labor's authority to administer the whistleblower provisions found in Section 11(c) of the Occupational Safety and Health Act, 29 U.S.C. § 660(c); the Surface Transportation Assistance Act, 49 U.S.C. § 31105; the Asbestos Hazard Emergency Response Act, 15 U.S.C. § 2651; the International Safe Container Act, 46 U.S.C. §80507; the Safe Drinking Water Act, 42 U.S.C. § 300j-9(i); Federal Water Pollution Control Act, 33 U.S.C. § 1367; the Toxic Substances Control Act, 15 U.S.C. § 2622; the Solid Waste Disposal Act, 42 U.S.C. § 6971; the Clean Air Act, 42 U.S.C. § 7622; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9610; the Energy Reorganization Act, 42 U.S.C. § 5851; the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121; the Sarbanes-Oxley Act, 18 U.S.C. § 1514A; the Pipeline Safety Improvement Act, 49 U.S.C. § 60129; the Federal Railroad Safety Act, 49 U.S.C. § 20109; the National Transit Systems Security Act, 6 U.S.C. § 1142; the Consumer Product Safety Improvement Act, 15 U.S.C. § 2087; section 1558 of the Affordable Care Act, 29 U.S.C. 218C; the Consumer Financial Protection Act of 2010, 12 U.S.C. § 5567; the Seaman's Protection Act, 46 U.S.C. § 2114; section 402 of the FDA Food Safety Modernization Act, 21 U.S.C. 3990; and the Moving Ahead for Progress in the 21st Century Act, 49 U.S.C. §30171.

3. OBJECTIVES AND SCOPE OF ACTIVITIES.

The WPAC advises the Secretary of Labor (the Secretary) and the Assistant Secretary of Labor for Occupational Safety and Health (the Assistant Secretary) on ways to improve the fairness, efficiency, and transparency of OSHA's whistleblower investigations.

4. DESCRIPTION OF DUTIES.

The WPAC's duties are solely advisory and consultative. The WPAC advises, consults with, and makes recommendations to the Secretary and the Assistant Secretary on matters

relating to whistleblower complaints filed under the whistleblower statutes that the Occupational Safety and Health Administration (OSHA) enforces.

5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS.**

The WPAC reports and submits advice and recommendations to the Secretary and to the Assistant Secretary.

6. **AGENCY PROVIDING SUPPORT TO THE COMMITTEE.**

OSHA, through its Directorate of Whistleblower Protection Programs (DWPP), provides all necessary support for the WPAC.

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

The estimated annual operating costs are approximately $140,000, including 1.2 staff per year.

8. **DESIGNATED FEDERAL OFFICER.**

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

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

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

The WPAC will meet at least two times per year.

10. **DURATION.**

The WPAC is a discretionary advisory committee of indefinite duration, continuing as long as required to meet the needs of the Secretary and the Assistant Secretary.

11. **TERMINATION.**

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

12. **MEMBERSHIP AND DESIGNATION.**

The WPAC is comprised of 12 voting representative members appointed by the Secretary, one of whom the Secretary appoints to serve as chair. The composition of the WPAC is as follows:

- Four members represent Management in industries covered by the whistleblower laws;
- Four members represent Labor in industries covered by the whistleblower laws;
- One member represents the State OSH Plan states; and
- Three members represent the public with extensive knowledge and expertise on whistleblower statutes and issues.

Except as otherwise required by law, Committee membership will be consistent with the applicable FACA regulations, as follows:

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

Ad hoc/Non-voting members will be limited to regular government employees and include representatives from three other Federal Government agencies (and the offices in those Departments) that have jurisdiction over statutes with whistleblower provisions; for example, the Securities and Exchange Commission (Sarbanes-Oxley Act), or the Department of Transportation's Federal Aviation Administration (Wendell H. Ford Aviation Investment and Reform Act for the 21st Century), or the Federal Railroad Administration (Federal Railroad Safety Act).

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

The members generally serve two-year staggered 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 the WPAC, 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 the WPAC.

13. **SUBCOMMITTEES.**

The Assistant Secretary may establish any number of subcommittees and informal work groups for the purpose of assisting the Committee in carrying out its functions. Subcommittees and informal work groups may give advice, recommendations, and work products solely to the WPAC, but are not authorized to provide such advice, recommendations and work products directly to the Secretary or the Assistant Secretary.

14. **RECORDKEEPING.**

Detailed minutes are prepared for all WPAC, subcommittee and informal work group meetings. Transcripts, meeting minutes, work products, and other materials presented at the WPAC, subcommittee and informal work group meetings are entered into the public docket, which is available for inspection and downloading at www.regulations.gov, Federal eRulemaking Portal. In addition, all records of the WPAC and its subcommittees and informal work groups will be handled in accordance with General Records Schedule 6.2: Federal Advisory Committee Records. These records will be available for public inspection and copying, pursuant to the FOIA.

15. **FILING DATE.**

This Charter is filed on the date indicated below.

THOMAS E. PEREZ
Secretary of Labor

APR 25 2016

Date