U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30329-4027

CHARTER

MINE SAFETY AND HEALTH RESEARCH ADVISORY COMMITTEE

Authority

The Mine Safety and Health Research Advisory Committee (MSHRAC) is required by 30 U.S.C. § 812 (b)(1), (§ 102(b)(1) of the Federal Mine Safety and Health Act of 1977). The Committee is governed by the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App., which sets forth standards for the formation and use of advisory committees.

Objectives and Scope of Activities

The Federal Mine Safety and Health Act of 1977 authorizes the Secretary, Department of Health and Human Services (HHS) to: 1) conduct such studies, research, experiments, and demonstrations to improve working conditions and practices in mines, and to prevent occupational diseases originating in the mining industry (30 U.S.C. § 951(a)(1), (Pub. L. No. 95-164, § 501(a)(1)); 2) conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons who work with or around the products of mines, which may adversely affect their health and well-being 30 U.S.C. § 951(d), Pub. L. No. 95-164, § 501(d)); and 3) make grants for research and experiments to develop effective respiratory equipment (30 U.S.C. § 951(g), Pub. L. No. 95-164, § 501(g)). Under other provisions relating to mining, the Department also conducts scientific and technologic investigations with a view to improving health conditions and increasing safety in mines.

Description of Duties

The Mine Safety and Health Research Advisory Committee shall advise the Secretary, HHS; the Director, Centers for Disease Control and Prevention (CDC); and the Director, National Institute for Occupational Safety and Health (NIOSH), CDC, on the conduct of mine health research including making of grants and entering into contracts for such research (30 U.S.C. § 812 (b)(2), Pub. L. No. 95-164, § 102(b)(2)). The Committee shall also provide advice on the conduct of mine safety research.

The Committee shall evaluate the degree to which: 1) the mine research activities of NIOSH conform to those standards of scientific excellence appropriate to Federal scientific instructions in accomplishing objectives in mine safety and health; 2) the mine research activities, alone or in conjunction with other known activities inside and outside of NIOSH, address currently relevant needs in the field of mine safety and health; and 3) the research activities produce intended results in addressing important research questions in mine safety and health, both in terms of applicability of the research findings and translation of the findings.

Agency or Official to Whom the Committee Reports

The Mine Safety and Health Research Advisory Committee shall advise the Secretary, HHS; the Director, Centers for Disease Control and Prevention (CDC); and the Director, National Institute for Occupational Safety and Health (NIOSH), CDC.

Support

Management and support services shall be provided by the Office of the Director, National Institute for Occupational Safety and Health, CDC.

Estimated Annual Operating Costs and Staff Years

Estimated annual cost for operating the Committee, including compensation and travel expenses for members but excluding staff support, is $43,252. Estimate of annual person-years of staff support required is 0.30, at an estimated annual cost of $43,169.

Designated Federal Officer

NIOSH will select a full-time or permanent part-time Federal employee to serve as the Designated Federal Officer (DFO) to attend each meeting and ensure that all procedures are within applicable statutory, regulatory, and HHS General Administration Manual directives. The DFO will approve and prepare all meeting agendas, call all of the committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Committee reports. The DFO or his/her designee shall be present at all meetings of the full committee and subcommittees.

Estimated Number and Frequency of Meetings

Meetings shall be held approximately once per year at the call of the Designated Federal Officer, in consultation with the Chair. Meetings shall be open to the public except as determined otherwise by the Secretary, HHS, or other official to whom the authority has been delegated, in accordance with the Government in the Sunshine Act (5 U.S.C. Section 552b(c)) and Section 10(d) of the Federal Advisory Committee Act; notice of all meetings shall be given to the public.

Duration

Continuing.

Termination

The MSHRAC is required by statute and, therefore, will continue indefinitely. However, unless renewed by appropriate action, the charter for the MSHRAC will expire two-years from the date it is filed.

Membership and Designation

The Committee shall consist of 10 appointed members, including the Chair, and three voting Ex-officio members. Members and the Chair shall be selected by the Secretary, HHS, or designee. The Chair and a majority of the persons appointed shall be individuals who have no economic interests in the mining industry, and who are not operators, miners, officers or employees of the Federal Government or any State or local government in accordance with 30 U.S.C. § 812(b)(1) and (3), Public Law No. 95-164, § 102(b)(1) and (3)).

Committee membership shall be structured as follows: the Chair and three voting Ex-officio members (or their delegates); the Assistant Secretary of Labor, Mine Safety and Health Administration; the Director, National Science Foundation; and the Director, National Institutes of Health (voting rights of Ex-officio members may be delegated to specified alternates); individuals knowledgeable in mine safety and health research and dissemination of scientific research findings and currently practicing in their profession; individuals representing labor mining organizations; and individuals representing the mining industry.

Membership shall be selected based on equivalent (labor and industry) representatives from the three major mining sectors; coal, metal/nonmetal and stone, sand and gravel. Additional members (4) will be selected from appropriate research and public health and safety organizations such as institutions of higher learning, medical establishments or relevant public institutions. The 10 appointed members will be 3 labor representatives, 3 industry representatives and 4 representatives from research and/or public health and safety organizations. Members shall be deemed Special Government Employees.

Members shall be invited to serve for overlapping terms of up to four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term. Terms of more than two years are contingent upon the renewal of the Committee by appropriate action prior to its termination. A member may serve 180 days after the expiration of that member's term if a successor has not taken office.

Subcommittees

Subcommittees composed of members of the parent committee and other subject matter experts may be established with the approval of the Secretary, HHS, or his/her designee. The subcommittees must report back to the parent committee and do not provide advice or work products directly to the agency. The Department Committee Management Officer will be notified upon establishment of each subcommittee and will be provided information on its name, membership, function, and estimated frequency of meetings.

Recordkeeping

The records of the Committee, and/or established subcommittees of the Committee, shall be managed in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. Section 552.

Filing Date

November 30, 2016

Approved:

11/21/16
Date

Director
Management Analysis and Services Office