

ORDER

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

1110.134

5/15/03

**SUBJ: AVIATION SAFETY AND HEALTH PARTNERSHIP PROGRAM
AVIATION RULEMAKING COMMITTEE**

1. PURPOSE. This order constitutes the charter for the Aviation Safety and Health Program (ASHP) Aviation Rulemaking Committee, which is designated and established pursuant to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) 106 (p) (5).

2. DISTRIBUTION. This order is distributed at the director level throughout the Office of the Associate Administrator for Regulation and Certification in Washington headquarters; to the Assistant Administrators for Financial Services, Government and Industry Affairs, and Public Affairs.

3. BACKGROUND. The joint Federal Aviation Administration (FAA) and Occupational Safety and Health Administration (OSHA) Aviation Safety and Health Team (ASHT) was established by a Memorandum of Understanding (MOU) between the two agencies. The ASHT determines whether certain OSHA requirements could be applied to the working conditions of employees on aircraft in operation (other than flightdeck crew) without compromising aviation safety.

a. The team identified several issues, including a lack of reliable empirical data, that prevented a definitive determination or recommendation that FAA's jurisdiction over the working environment of employees on aircraft in operation be granted or ceded to OSHA.

b. Subsequently, the team developed an action plan that created the FAA ASHP and proposed that air carriers voluntarily enter into an Aviation Safety and Health Partnership Program (ASHPP) with the FAA.

(1) The ASHPP proposes:

(a) That air carriers provide certain safety and health protections.

(b) The establishment of a rulemaking committee (steering group) that consists of members from the FAA, air carriers, and air carrier employee unions.

(c) The development of evaluation criteria to assert program effectiveness and procedures for air carriers to report employee injury and illness data to the FAA, thereby enabling the FAA to obtain the required data on injury and illness hazards within the air carrier industry.

(2) This data will be analyzed and used by the ASHP Rulemaking Committee to recommend if the FAA should or should not take additional measures, including rulemaking activities, to address safety and health issues in air carrier operations.

4. OBJECTIVES AND SCOPE OF ACTIVITIES. The objectives and scope of the Rulemaking Committee is to provide advice and recommendations to the FAA concerning the identification and extent of hazards to employees in air carrier operations and to determine how best to resolve the issues through FAA protocols without compromising aviation safety. The Rulemaking Committee will:

- a. Assist in development of the core elements and scope of the data collection covered by the ASHPP agreement.
- b. Review the analyzed data results obtained from the ASHPP.
- c. Only undertake tasks assigned by the FAA.
- d. Act solely in an advisory capacity.
- e. Make its recommendations to the FAA Chair, including any recommendations for rulemaking, as appropriate.

5. ORGANIZATION AND ADMINISTRATION.

a. The FAA shall have the sole discretion to appoint members to the Rulemaking Committee. The Rulemaking Committee shall consist of employees of the FAA and members of the air carrier industry who are selected by the FAA as most representative of the various viewpoints pertinent to the purpose and operation of ASHP.

b. The manager of AFS-200W shall receive all committee recommendations and reports and Flight Standards will be responsible for providing administrative support for the committee.

c. The FAA's ASHP Manager shall chair the Rulemaking Committee. The duties of the Chair are as follows:

- (1) Determine, in coordination with the other members of the committee, when a meeting is required and where it will be held.
- (2) Arrange notification to all committee members of the time and place for any meeting.
- (3) Formulate an agenda for each meeting.
- (4) Conduct the meeting.
- d. The Rulemaking Committee is not required to keep minutes, but may elect to do so.

e. The Rulemaking Committee's meetings shall not be open to the public.

6. MEMBERSHIP. The committee will consist of member organizations selected by the FAA based on a balanced representation of interests and knowledge of the subject matter.

7. COMPENSATION. Non-Government representatives serve without Government compensation and bear all costs related to their participation on the committee.

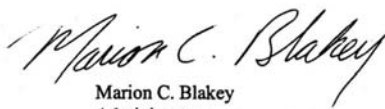
8. ESTIMATED COST. The estimated annual operating cost (including pro rata share of salaries of FAA employees) is \$155,000. PC&B costs will be borne by the employee's home organization. Any additional costs, such as for miscellaneous supplies, will be borne by the Associate Administrator for Regulation and Certification.

9. PUBLIC PARTICIPATION. Unless otherwise decided by the FAA, all meetings of the committee shall be closed. People who want to attend a meeting, but are not members of the committee, must request and receive approval in advance of the meeting from the Chair. The FAA anticipates that meetings will be held quarterly.

10. AVAILABILITY OF RECORDS. Subject to the conditions of the Freedom of Information Act, 5 U.S.C section 552, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the committee shall be available for public inspection and copying at the FAA, Flight Standards Service, 800 Independence Avenue, SW., Washington, D.C. 20591. Fees shall be charged for information furnished to the public in accordance with the fee schedule published in Title 49 of the Code of Federal Regulations part 7.

11. PUBLIC INTEREST. The establishment of the ASHP Rulemaking Committee is determined to be in the public interest in connection with the performance of duties imposed on FAA by law.

12. EFFECTIVE DATE AND DURATION. This committee is effective May 15, 2003, which is the filing date of this charter. The committee shall remain in existence for 2 to 5 years after this date, unless sooner terminated or extended by the FAA.



Marion C. Blakey
Administrator