

**FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH**  
***BYLAWS AND OPERATING PROCEDURES***

**ARTICLE I - NAME**

The name of the organization shall be the Federal Advisory Council on Occupational Safety and Health (FACOSH).

**ARTICLE II - AUTHORITY**

FACOSH is authorized by 5 U.S.C. 7902; Section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, 668); Executive Order 11612, and continued by Executive Orders 11807, 11948, 12110, 12196, 12258, 12399, 12534, 12610, 12692, 12774, 12869, 12974, 13062, 13138, 13225, 13316, 13385, 13466, and 13511; 29 CFR Part 1960 – Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters; and Secretary of Labor’s Order (72 FR 31160).

**ARTICLE III - PURPOSE**

FACOSH is established to advise the Secretary of Labor (the Secretary) on matters relating to the occupational safety and health of federal employees. These matters include the development, implementation and maintenance of effective occupational safety and health programs in each federal agency for all of its employees. FACOSH also acts as a clearinghouse for information related to the occupational safety and health of all federal employees.

**ARTICLE IV - OBJECTIVES**

The objectives of FACOSH include:

- (1) Preventing and reducing the number and severity of occupational injuries and illnesses within the federal government; and
- (2) Encouraging the development, implementation and maintenance of effective and comprehensive occupational safety and health programs in each federal agency.

**ARTICLE V - MEMBERSHIP**

SECTION 1 – Composition. FACOSH shall consist of sixteen (16) representative members appointed by the Secretary. Eight members shall represent federal agency management, and eight members shall be from labor organizations that represent federal employees.

SECTION 2 – Management Members. Management members should be the Designated Agency Safety and Health Official (DASHO) for their agencies or have sufficient authority and responsibility to act on behalf of their agencies regarding matters related to occupational safety and health.

SECTION 3 – Labor Members. Labor members should have responsibility for federal employee occupational safety and health-related matters in their organization.

SECTION 4 – Terms.

- (1) Members shall be appointed to serve a term not exceeding three years.
- (2) Member terms shall begin on the date of appointment and end on December 31 of the year in which the term ends.
- (3) To provide continuity in the membership of FACOSH, members' terms shall be staggered so that the terms of five or six members will expire each year.
- (4) After a member's term expires, and if they are otherwise qualified, they may continue to serve until the Secretary appoints a successor.
- (5) The Secretary may reappoint members to successive terms.
- (6) Appointment of a member to FACOSH for a fixed time period does not affect the authority of the Secretary, in his or her discretion, to remove a member at any time.
- (7) If a member becomes unable to serve, resigns, or is removed before his or her term expires, the Secretary may appoint a new member who represents the same interest to serve the remainder of the unexpired term.

SECTION 5 – Participation. By accepting membership, FACOSH members shall commit to fully participate in the Council. Members are expected to attend all FACOSH meetings and actively participate in Council initiatives. Members who are absent from three consecutive meetings shall have their membership evaluated to determine their continued interest in serving on FACOSH. This evaluation may result in removal of the member.

SECTION 6 – Nominations.

- (1) OSHA shall publish a request for member nominations in the Federal Register at least 180 days prior to the close of the calendar year.
- (2) OSHA shall give interested individuals at least 60 days to submit nominations.
- (3) Nominations must include the following information:
  - (i) The nominee's name, occupation, and contact information;
  - (ii) The category (either management or labor) that the nominee is qualified to represent;
  - (iii) A resume or curriculum vitae of the nominee's background, experience, and qualifications; and

- (iv) A statement that the individual is aware of the nomination, is willing to serve on FACOSH and attend meetings for a three-year term, and does not have any conflicts of interest that would preclude membership on FACOSH.
- (4) All nominations shall be forwarded to the Secretary for consideration.
- (5) In selecting FACOSH members, the Secretary shall consider individuals nominated in response to the Federal Register notice. In addition, the Secretary also may consider other qualified individuals.

SECTION 7 – Compensation. Members shall 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.

## **ARTICLE VI - ORGANIZATION**

SECTION 1 – Chair. As the Secretary’s designee, the Assistant Secretary of Labor for Occupational Safety and Health shall serve as Chair of FACOSH.

SECTION 2 – Subcommittees.

- (1) FACOSH may establish subcommittees as necessary and the FACOSH chair shall appoint subcommittee co-chairs. Subcommittee chairs and representation on subcommittees shall be balanced and proportionate to that of FACOSH itself.
- (2) Subcommittees may collect information from technical experts, consultants, and Special Agency Liaisons (See ARTICLE VII, Section 4) who are not FACOSH members.
- (3) FACOSH subcommittees shall not work independently of the Council and must report their recommendations and advice to FACOSH for full discussion and deliberation. Subcommittees shall not have authority to make decisions on behalf of FACOSH or to report directly to the Secretary.

SECTION 3 – Operational Procedures. FACOSH shall operate in accordance with procedures set forth in these Bylaws and Operating Procedures, the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), and regulations implementing FACA (41 CFR Part 102-3).

## **ARTICLE VII - DUTIES AND RESPONSIBILITIES**

SECTION 1 – Chair. The Chair shall preside at all FACOSH meetings, facilitate member discussion, and oversee FACOSH votes. The Chair may designate a representative to preside over a meeting if he or she is unavailable to attend.

SECTION 2 – Members. Members are expected to attend all meetings and actively participate in deliberations on topics identified by or presented to FACOSH for review and consideration.

SECTION 3 – Designated Federal Official. The Designated Federal Official (DFO) shall work closely with the FACOSH Chair to:

- (1) Call, approve agendas for, attend, and adjourn FACOSH meetings;
- (2) Ensure the efficient operation of FACOSH and its subcommittees;
- (3) Maintain and make available to the public required records, including FACOSH costs and membership;
- (4) Provide copies of FACOSH reports to the Department of Labor’s Committee Management Officer for forwarding to the Library of Congress; and
- (5) Perform such functions with FACOSH as may be required by FACA.

SECTION 4 – Special Agency Liaisons. Because of the unique relationship that exists between the mission of certain federal agencies and occupational safety and health in federal workplaces, the FACOSH Chair may appoint Special Agency Liaisons (SALs) from those agencies to provide advice and guidance to FACOSH. SALs may participate in the deliberations of FACOSH, but are not permitted to vote. Agencies with SALs are not precluded from also having management members on FACOSH.

SECTION 5 – Experts and Consultants. When the FACOSH chair deems appropriate, experts or consultants may be made available to FACOSH. With the consent of FACOSH, any expert or consultant may participate in the deliberations of the Council, but they are not permitted to vote.

SECTION 6 – Agency Staff. The Office of Federal Agency Programs, Occupational Safety and Health Administration, U.S. Department of Labor, shall provide administrative services to support FACOSH.

SECTION 7 – Counsel. The Office of the Solicitor shall provide legal assistance necessary and appropriate for FACOSH to carry out its functions in accordance with the OSH Act, FACA and implementing regulations, Executive Order 12196 and related continuation Executive Orders, and other applicable laws and regulations.

## **ARTICLE VIII - MEETINGS**

SECTION 1 – Call of Meetings. FACOSH meetings shall be held only at the call of the DFO.

SECTION 2 – Agenda. Each FACOSH meeting shall be conducted in accordance with an agenda approved by the DFO. Members may propose items for the agenda. At least one week before a scheduled meeting, the DFO shall furnish members with the agenda for the meeting.

SECTION 3 – Notice of Meetings. The DFO shall provide public notice of any FACOSH meeting in the Federal Register at least fifteen (15) calendar days in advance of the meeting. In exceptional circumstances, OSHA may give less than 15 days notice, provided that the reasons for doing so are included in the FACOSH meeting notice published in the Federal Register. The meeting notice shall:

- (1) Give the time, date and place of the meeting, and whom to contact to request special accommodations for the meeting;
- (2) Fully describe or adequately summarize the agenda for the FACOSH meeting;
- (3) Announce that the meeting is open to the public;
- (4) Indicate that interested persons shall have an opportunity to submit written comments to FACOSH and the deadline for submitting comments; and
- (5) Specify whether interested persons may request to address FACOSH during the meeting and the deadline for submitting requests. Requests to address FACOSH may be granted as time permits and at the discretion of the FACOSH chair.

SECTION 4 – Quorum. A quorum shall consist of a majority of the current members of FACOSH so long as there are present at least one management and one labor member.

SECTION 5 – Voting. Only FACOSH members shall be permitted to vote during FACOSH meetings and FACOSH subcommittee meetings. If a member is unable to attend a meeting, they may notify the DFO and request that another member representing the same interest be permitted to vote in their place on the matters coming before the Council during that particular meeting.

SECTION 6 – Parliamentary Procedure. FACOSH meetings shall follow the most recent edition of Robert's Rules of Order.

SECTION 7 – Number of Meetings. FACOSH shall hold at least two meetings per calendar year.

SECTION 8 – Special Meetings. The DFO may call a special meeting of FACOSH upon the request of at least four members.

SECTION 9 – Meeting Records.

- (1) All FACOSH meetings shall be transcribed verbatim and detailed minutes of each meeting kept.
- (2) Minutes of FACOSH meetings shall include at least:
  - (i) A list of FACOSH members and agency employees attending the meeting;
  - (ii) Any recommendations FACOSH makes to the Secretary and reasons supporting the recommendations;
  - (iii) Any significant deliberations, votes, and conclusions that are not recommendations to the Secretary;
  - (iv) Any written information made available to FACOSH, including reports the Council has received or approved; and

- (v) A list of interested persons who gave oral presentations to FACOSH and a summary of their presentations.
- (3) Minutes of FACOSH meetings shall be certified as accurate by the Chair no later than 90 days after the meeting and provided to FACOSH members at least one week in advance of the next meeting.
- (4) FACOSH meeting transcripts, minutes, and other materials presented at FACOSH meetings shall be in the public record of the meeting, which shall be available at <http://www.regulations.gov>, the Federal eRulemaking Portal. These records also shall be available for public inspection and copying at the OSHA Docket Office.

#### **ARTICLE IX - RECORDS MANAGEMENT**

FACOSH records will be handled in accordance with FACA and the Department of Labor's approved records disposition schedule.

#### **ARTICLE X - AWARDS**

FACOSH may serve as advisors in the establishment of a program for the honorary recognition of outstanding contributions to the advancement of occupational safety and health in the federal government.