



CHARTER

MINE SAFETY AND HEALTH RESEARCH ADVISORY COMMITTEE

Advisory Committee's Official Designation.

Mine Safety and Health Research Advisory Committee (MSHRAC).

Authority.

MSHRAC is required by 30 U.S.C. § 812(b)(1) (§ 102(b)(1) of the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173), as amended by the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164) and the Mine Improvement and New Emergency Response (MINER) Act of 2006 (Pub. L. 109-236, as amended by Pub. L. 109-280). The Committee is governed by the provisions of the Federal Advisory Committee Act, Public Law 92-463 [5 U.S.C. § 1001 et seq.], as amended.

Objectives and Scope of Activities.

The Federal Mine Safety and Health Act of 1977, as amended, 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. 91-173, as amended, § 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. 91-173, as amended, § 501(d)); and 3) make grants for research and experiments to develop effective respiratory equipment (30 U.S.C. § 951(g), Pub. L. No. 91-173, as amended, § 501(g)). Under other provisions relating to mining, HHS also conducts scientific and technological investigations with a view to improving health conditions and increasing safety in mines. The MSHRAC 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 the making of grants and entering into contracts for such research (30 U.S.C. § 812(b)(2), Pub. L. No. 91-173, as amended, § 102(b)(2)). The MSHRAC shall also provide advice and recommendations on the conduct of mine safety research.

Description of Duties.

The MSHRAC shall evaluate the degree to which: 1) the mine research activities of NIOSH conform to those standards of scientific excellence appropriate to Federal scientific institutions 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 Federal Officer Receiving the Advisory Committee's Advice/Recommendations.

The MSHRAC shall advise the Secretary, HHS; the Director, CDC; and the Director, NIOSH, CDC.

Support.

Management and support services shall be provided by the Office of the Director, NIOSH, 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 \$37,134. Estimate of annual person-years of staff support required is 0.50 at an estimated annual cost of \$71,778.

Designated Federal Officer (DFO).

NIOSH will select a full-time or permanent part-time federal employee to serve as the Designated Federal Officer (DFO) for MSHRAC and its subcommittees, and the DFO must:

- A. Ensure their advisory committee activities comply with the Federal Advisory Committee Act, the FACA Final Rule, their agency administrative procedures, and any other applicable laws and regulations;
- B. Approve or call all meetings of the MSHRAC or its subcommittees;
- C. Approve the agenda, except that this requirement does not apply to a Presidential advisory committee;
- D. Attend all MSHRAC and subcommittee meetings for their duration;
- E. Fulfill the requirements under §10(b) of the Act (codified at 5 U.S.C. §1009(b));
- F. Adjourn any meeting when the DFO determines it to be in the public interest;
- G. Chair any meeting when so directed by the agency head;
- H. Maintain information on MSHRAC activities and provide such information to the public, as applicable; and

- I. Ensure MSHRAC committee members and subcommittee members, as applicable, receive the appropriate training (*e.g.*, FACA overview, ethics training) for efficient operation and compliance with the Federal Advisory Committee Act and FACA Final Rule.
- J. Also, the DFO should ensure a public facing website is created and maintained for the advisory committee to which they are assigned, per 41 CFR § 102-3.120(b).

Estimated Number and Frequency of Meetings.

Meetings shall be held approximately once per year at the call of the DFO, 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. § 552b(c)) and Section 10(d) of the Federal Advisory Committee Act, as amended; notice of all meetings shall be given to the public.

Duration.

Continuing.

Termination.

Unless renewed by appropriate action prior to its expiration, the charter will terminate two years from the date this re-charter is filed.

Membership and Designation.

The MSHRAC shall consist of up to 10 appointed members, including the Chair, and three voting federal 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. 91-173, as amended, § 102(b)(1) and (3).

Up to six of the up-to-10 appointed members shall be selected based on equivalent (labor and industry) representation from the three major mining sectors: coal, metal/nonmetal, and stone, sand, and gravel and will be knowledgeable in mine safety and health research, dissemination of scientific research findings and currently practicing in their profession. 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 appointed 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. 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, or other subgroups 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. § 552.

Filing Date.

November 30, 2024

Approved:

Date

Director
Office of Strategic Business Initiatives