U.S. Department of Labor

ADVISORY BOARD CHARTER
Advisory Board on Toxic Substances and Worker Health

1. Committee's Official Designation (Title)
Advisory Board on Toxic Substances and Worker Health (the Advisory Board).

2. Authority
The establishment of the Advisory Board on Toxic Substances and Worker Health was authorized by Section 3141(a) of the National Defense Authorization Act of 2015, Pub. L. 113-291 (December 19, 2014), which added Section 3687 to Pub. L. 106-398, and Executive Order 13699 (June 26, 2015). The Advisory Board is governed by the provisions of the Federal Advisory Committee Act (FACA), Pub. L. 92-463 (5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees. The Advisory Board is subject to FACA and its implementing regulations.

3. Objectives and Scope of Activities
The Advisory Board provides specifically enumerated categories of technical advice to the Secretary of Labor (Secretary) regarding aspects of the EEOICPA program.

Since World War II, hundreds of thousands of men and women have served our Nation in building our nuclear defense. Thousands of these courageous Americans, however, paid a high price for their service, developing disabling or fatal illnesses as a result of hazards unique to nuclear weapons production and testing. The Federal Government enacted the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA; 42 USC 7384 *et seq.)* to provide fair and timely benefits to workers who contracted illnesses related to exposure to radiation or other toxic substances while employed by the Department of Energy (DOE) or its contractors. The statute specifically provides lump-sum compensation and health benefits to eligible DOE nuclear weapons workers (including employees, former employees, contractors and subcontractors) and lump-sum compensation to certain survivors if the worker is deceased. The Advisory Board on Toxic Substances and Worker Health is tasked with providing specific categories of technical advice to the Secretary regarding EEOICPA.

4. Description of Duties
The Advisory Board advises the Secretary with respect to:

1) the Site Exposure Matrices (SEM) of the Department of Labor;
2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants;

3) evidentiary requirements for claims under EEOICPA subtitle B related to lung disease; and
4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency.

The Advisory Board, when necessary, coordinates exchanges of data and findings with the Advisory Board on Radiation and Worker Health.

5. Agency of Official to Whom the Committee Reports

The Advisory Board reports to the Secretary of Labor.

6. Support

The Department of Labor's Office of Workers' Compensation Programs (OWCP) will provide administrative services, funds, facilities, staff and other necessary support services and perform the administrative functions under the FACA, as amended (5 U.S.C. App. 2), with respect to the Advisory Board to enable it to carry out its duties.

The Secretary of Energy will ensure that the members and staff of the Advisory Board, and the contractors performing work in support of the Advisory Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate and should provide a determination on eligibility for clearance within 180 days of receiving a completed application.

The Department of Energy will provide support to the Advisory Board as required by the Pub. L. 106-398, Section 3687(f)(security clearances and related costs) and Section 3687(g)(information including Restricted Data under the Atomic Energy Act of 1954 and Privacy Act data).

7. Estimated Annual Operating Costs and Staff Years

Estimated annual costs for operating the Advisory Board, including travel expenses for members and 2.5 person-years of staff support, is approximately $400,000 for each fiscal year of operation.

8. Designated Federal Officer (DFO)

The Secretary shall appoint a staff to facilitate the work of the Advisory Board, and shall also appoint a Director under subchapter VIII of chapter 33 of title 5, United States Code, who shall serve as the Designated Federal Officer (DFO). This person will be a current permanent employee in the Senior Executive Service (SES), appointed in accordance with agency procedures. A member of the SES from OWCP, but not the Program Director for the EEOICPA program, will serve as DFO.

The DFO will approve or call all Advisory Board meetings, prepare and approve all meeting agendas, attend all Advisory Board meetings (or designate someone to attend in his or her stead), chair meetings when directed to do so by the official to whom the Advisory Board reports, adjourn any meeting when the DFO determines adjournment to be in the public interest, assemble and maintain the reports, records and other papers of the Advisory Board, and carry out

the provisions of the Freedom of Information Act (FOIA)(5 U.S.C. 552) with respect to Advisory Board reports, records, and other papers.

9. Estimated Number and Frequency of Committee Meetings

The Advisory Board shall meet at least twice per year.

Meetings shall be open to the public except as otherwise determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and Section 10(d) of the FACA. Notice of all meetings shall be given to the public.

10. Duration

As provided in Pub. L. 106-398, Section 3687(i), the Advisory Board shall terminate on December 19, 2019, five (5) years after the date of the enactment of the legislation, which was December 19, 2014.

11. Termination

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

12. Membership and Designation

The Secretary will appoint 12 to 15 members, one of whom the Secretary will appoint as Chair. In accordance with Section 3687(a)(2), Advisory Board appointments shall be made in consultation with organizations with expertise on worker health issues to ensure that the membership of the Advisory Board reflects a proper balance of perspectives from the scientific, medical, and claimant communities, and to address the tasks assigned to the Advisory Board.

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

- Membership on the Advisory Board will be fairly balanced.
- Members will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of the Advisory Board.
- The composition of the Advisory Board will therefore depend on several factors, including:
    - The Advisory Board's mission;
    - The geographic, ethnic, economic, or scientific impact of the Advisory Board's recommendations;
    - The types of specific perspectives required, as previously outlined;
    - The need to obtain divergent points of view on the issues before the Advisory Board; and
    - The relevance of state, local or tribal governments to the development of the Advisory Board's recommendations.

To the extent permitted by FACA and other laws, Advisory Board membership should be consistent with achieving the greatest impact, scope and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, age, race, gender, disability, sexual orientation, and gender identity.

Pursuant to Section 3687(d) of Pub. L. 106-398, no Advisory Board member, employee, or contractor can have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA.

The Advisory Board members serve two- or three-year terms. At the discretion of the Secretary, members may be appointed to successive terms and removed at any time.

Members are Special Government Employees (SGEs). A high degree of independence is important to maintain public trust of the Advisory Board, which is statutorily required to evaluate and offer opinions independently of the DOL compensation program. Members do not receive compensation for serving on the Advisory Board, but are allowed travel expenses, including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703.

The Secretary may designate an Advisory Board member to preside at an Advisory Board meeting if the Chair is not able to attend.

13. Subcommittees

The Secretary may create any number of subcommittees and informal work groups for the purpose of assisting the Advisory Board in carrying out its functions. Subcommittees and informal work groups must report back to the Advisory Board and must not provide advice or work products directly to the Secretary.

14. Recordkeeping

Detailed minutes are prepared for all Advisory Board, subcommittee and information work group meetings. In addition, the records of the Advisory Board and any established subcommittees or other subgroups of the Advisory Board shall be handled in accordance with General Records Schedule 26, Item 2, or other approved agency records disposition schedule. Those records shall be available for public inspection and copying, subject to the Freedom of Information Act, 2 U.S.C. 552.

15. Date

This Charter is amended on the date indicated below and expires on July 2, 2017.

THOMAS E. PEREZ
Secretary of Labor

FEB - 5 2016
Date