

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

**NATIONAL CHEMICAL TRANSPORTATION SAFETY ADVISORY
COMMITTEE CHARTER**

1. Advisory Committee's Official Designation:

National Chemical Transportation Safety Advisory Committee

2. Authority:

The National Chemical Transportation Safety Advisory Committee (Committee) was authorized on December 4, 2018, by § 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018* (Public Law 115-282, 132 Stat. 4192), and codified in 46 U.S.C. § 15101. The Committee operates under the provisions of the *Federal Advisory Committee Act* (5 U.S.C. chapter 10) and 46 U.S.C. § 15109.

3. Objectives and Scope of Activities:

The function of the Committee is to provide advice the Secretary of Homeland Security through the Commandant of the United States Coast Guard on matters relating to the safe and secure marine transportation of hazardous materials.

4. Description of Duties:

The Committee will submit, in writing, to the Secretary of the Department of Homeland Security its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the Committee.

The duties of the Committee are solely advisory in nature.

**5. Agency or Federal Officer Receiving the Advisory Committee's
Advice/Recommendations:**

The Committee provides advice and recommendations to the Secretary of Homeland Security through the Commandant of the United States Coast Guard and the Director of Commercial Regulations and Standards.

6. Support:

The Department of Homeland Security is responsible for providing financial and administrative support to the Committee via the Hazardous Materials Division (CG-ENG-5), United States Coast Guard.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the National Chemical Transportation Safety Advisory Committee is \$ 217,500, which includes 1.10 staff years of support.

8. Designated Federal Officer:

A full-time employee of the United States Coast Guard is appointed by the Director of Commercial Regulations and Standards as the Committee Designated Federal Officer (DFO). The DFO must:

- A. Ensure their advisory Committee activities comply with the *Act*, FACA Final Rule, their agency administrative procedures, and any other applicable laws and regulations;
- B. Approve or call all meetings of the advisory Committee or subcommittee;
- C. Approve the agenda, except that this requirement does not apply to a Presidential advisory Committee;
- D. Attend all advisory Committee 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 directed by the agency head;
- H. Maintain information on advisory Committee activities and provide such information to the public, as applicable; and
- I. Ensure advisory Committee members and subcommittee members, as applicable, receive the appropriate training (*e.g.* FACA overview, ethics training) for efficient operation and compliance with the Act and FACA Final Rule.

Also, the DFO should ensure a public facing website is created and maintained for the advisory Committee to which they are assigned according to 41 CFR § 102-3.10(b).

9. Estimated Number and Frequency of Meetings:

It is expected the Committee will meet at least twice a year, but it must hold a meeting at least once a year. Meetings may be held in person, virtual, or hybrid of in person and virtual depending on the needs of the Committee to allow maximum flexibility. Meetings are held at the call of the Secretary or a majority of the members of the Committee, subject to the approval of the Designated Federal Officer who will make arrangement for the meeting, including publishing a timely notice in the *Federal Register*. Members will

not be reimbursed for expenses incurred in the performance of their duties, including travel and per diem. Committee meetings are open to the public unless a determination is made by the appropriate Department of Homeland Security official in accordance with Department of Homeland Security policy and directives that the meeting should be closed in accordance with the *Government in the Sunshine Act* (Sunshine Act) 5 U.S.C § 552 b(c).

10. Duration:

Under 46 U.S.C. § 15109(m), the Committee is authorized to continue until September 30, 2029.

11. Termination:

This charter shall be in effect for two years from the date it is filed with Congress and must be renewed in accordance with section 5 U.S.C. §1013(b)(2), which directs that a charter for a Committee such as this one established by an Act of Congress be filed each successive 2-year period.

12. Member and Designation:

The Committee shall consist of not more than 25 members appointed by the Secretary of Homeland Security. Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee. Each member of the Committee shall represent one of the following:

- (A) Chemical manufacturing entities
- (B) Entities related to marine handling or transportation of chemicals
- (C) Vessel design and construction entities
- (D) Marine safety or security entities
- (E) Marine environmental protection entities

In accordance with 46 U.S.C. § 15101(c)(3), the Secretary of Homeland Security will, based on the needs of the Coast Guard, determine the number of members of the committee who represent each entity specified above. As stated in the statute, an equal distribution of members representing each entity specified above is not required. Following the procedures in 46 U.S.C. § 15109, the Secretary of Homeland Security will appoint persons in a manner that ensures diverse representation of the aforementioned subject matter.

Members serve as representatives of their respective industries and are not Special Governmental Employees as defined in 18 U.S.C. § 202(a). As representatives, the members are expected to represent and speak on behalf of interests, views, or biases of a recognizable group of persons or class of stakeholders.

Appointments will be made without regard to political affiliation.

In order for the Department to fully leverage broad-ranging experience and education, the National Chemical Transportation Safety Advisory Committee must be diverse with regard to stakeholders represented. The Department is committed to pursuing opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the Nation's people.

Any Federal agency with matters under the agency's administrative jurisdiction related to the function of the Committee may designate a representative to attend any Committee meeting, and that representative may participate as an observer at Committee meetings that relate to such matter.

The term of each Committee member will expire on December 31 of the third full year after the effective date of the appointment. Each member serves at the pleasure of the Secretary of Homeland Security. The Secretary of Homeland Security may reappoint a member of the Committee for any term, other than the first term, of the member without soliciting, receiving, or considering nominations for such appointment. When the term of a member ends and a successor has not been appointed, they may continue to serve as a member for up to one additional year, until a successor is appointed. In the event the Committee terminates, all appointments to the Committee will terminate.

The Committee will elect a Chair and Vice Chair from among the Committee's members. The Vice Chair will act as Chair in the absence or incapacity of the Chair or in the event of a vacancy in the office of the Chair. The term of office of the Chair and Vice Chair may be up to two years, and Officers may serve more than one term. A person may serve as Chair or Vice Chair only if that person is also serving as a member of the Committee.

13. Subcommittees:

The Chair may establish and disestablish subcommittees for any purpose consistent with the function of the Committee. Such subcommittees may not work independently of the chartered Committee and must present their work to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Committee and may not report directly to the Federal Government or any other entity. Only Committee members may serve as Chair of the subcommittee.

14. Recordkeeping:

The records of the Committee, formally established subcommittees, or other subgroups of the Committee, are handled in accordance with General Records Schedule 6.2 and Commandant Instruction 5212.12B, "Records & Information Management Program Roles and Responsibilities." These records will be available for public inspection and copying, in accordance with the *Freedom of Information Act* (5 U.S.C. § 552).

15. Filing Date:

10/25/2024
Department Approval Date

10/25/2024
Committee Management Secretariat
Consultation Date

10/25/2024
Date Filed with Congress