

**CHAPTER 7 - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

**SUBCHAPTER 7A - GENERAL RULES AND OPERATIONAL PROCEDURES**

**SECTION .0500 - STATE ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH**

**Editor's Note:** 13 NCAC 7A .0501 - .0513 was recodified from 13 NCAC 7B .0701 - .0713 Eff. August 2, 1993.

**13 NCAC 07A .0501 PURPOSE AND SCOPE**

(a) G.S. 95-134 of the Occupational Safety and Health Act of North Carolina established a State Advisory Council on Occupational Safety and Health (hereinafter referred to as the council), to advise, consult with, and make recommendations to the Commissioner of Labor on matters relating to the administration of the act.

(b) This Section sets forth the procedures used by the council in fulfilling its responsibilities.

*History Note:* Authority G.S. 95-134;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977.

**13 NCAC 07A .0502 MEMBERSHIP**

The council is a continuing advisory board of 11 members. Three members will represent management, three members will represent organized labor, five members will represent the public sector, one member of which will have a knowledge of migrant labor. All members will be knowledgeable of occupational safety and occupational health professions. All the members will be appointed by the Commissioner of Labor, who will designate one of the public sector members as chairman. The commissioner should appoint members to the advisory council that represent both large and small industries, different labor unions, and various areas of the public sector.

*History Note:* Authority G.S. 95-134;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. February 21, 1978.

**13 NCAC 07A .0503 TERMS OF MEMBERSHIP**

Each member of the council shall serve a term of four years. Members may serve more than one term and such terms may be consecutive. The terms of the members shall be staggered. In the case of the members representing the private sector, two members will serve parallel terms. The chairman of the council shall be appointed for a term of two years and may be reappointed. Each member of the council shall serve his full term unless he resigns or becomes unable to serve in the judgment of the Commissioner of Labor because of disability or because he ceases to be qualified to serve on the council because he is found by the Commissioner of Labor no longer to meet the representational requirements of the act. In such cases the Commissioner of Labor may appoint for the remainder of the unexpired term a new member who meets the same representational requirements, and is designated in the manner of his predecessor.

*History Note:* Authority G.S. 95-134;  
Eff. February 1, 1976;

*Readopted Eff. September 30, 1977;*  
*Amended Eff. August 2, 1993.*

**13 NCAC 07A .0504 MEETINGS**

The council shall hold no fewer than two meetings during each calendar year and, it is contemplated that no more than 12 meetings a year will be held. At least one meeting each year will be held in the eastern area and one in the western area of the state. No meeting shall be held except at the call, or with the advance approval, of the Commissioner of Labor, or his duly authorized representative. An agenda shall be approved in advance by the person calling or approving the meeting, in consultation with the chairman or his delegate. No particular form for the agenda is prescribed. Members of the council may propose items for the agenda to the chairman.

*History Note: Authority G.S. 95-134;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977.*

**13 NCAC 07A .0505 ADVICE AND RECOMMENDATIONS**  
**13 NCAC 07A .0506 QUORUM**

*History Note: Authority G.S. 95-134;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Repealed Eff. July 1, 1988.*

**13 NCAC 07A .0507 NOTICE OF MEETINGS**

Public notice of any meetings of the council shall be given by the person calling the meetings in accordance with Rule .0501 of this Section or at his direction at least 14 days in advance of the meeting; except when it is impractical to do so, or in an emergency situation, in which event shorter advance notice may be given. Such notice shall be given by press releases in the major newspapers across the state and in newspapers in the area where the meeting is held.

*History Note: Authority G.S. 95-134;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977.*

**13 NCAC 07A .0508 CONTENTS OF NOTICE**

- (a) Notices of meetings shall describe fully or summarize adequately the agenda.
- (b) The notice shall announce that the meeting is open to the public.
- (c) The notice shall indicate that interested persons have an opportunity to file statements in written form with the council. The notice shall specify when the statements are to be filed with the council.
- (d) In the discretion of the chairman of the meeting, oral statements may be made before the council by interested persons, according to the following guidelines, after taking into consideration, the number of persons in attendance, the nature and extent of their proposed individual participation, and the time, resources, and facilities available to the council:
  - (1) Any citizen who has something of interest for presentation to the council shall be permitted to present this matter before the council at a regular council meeting.
  - (2) Any items for consideration by the council shall be submitted to the council in writing at least seven days prior to a regularly scheduled meeting requesting time before the council

and a brief outline of the subject matter to be presented for the council's consideration. A suggested time limit of 15 minutes shall be set by the council but the council shall have the right to allow extensions of time as required. All technical matters should be accompanied with supplementary documents at the time of formal presentation for the council members information and guidance. The seven days advance notice assumes that a public notice of the council meeting will be made at least 14 days prior to the council meeting.

- (3) Equal time shall be provided for rebuttal to any proposed matter before the council when requested in the same procedure as indicated in (2) of this Subsection for the original presentations. The rebuttal can of course be presented at the next regular meeting of the council after the original presentation is submitted.
- (4) The chairman of the advisory council shall reply to any request for action giving the results of the council's decision whether positive or negative and the chairman shall also keep petitioners advised of the status on an interim basis if the decision extends over a reasonable period of time.
- (5) At the end of any regular council meeting, time permitting, general comments from members of the public in attendance will be welcome with time limits being set at the chairman's discretion.
- (6) A public proposal is defined as one received from an individual who is not an employee of the North Carolina Department of Labor or an active member of the advisory council.
- (7) These policies and procedures may be amended by a majority vote of the membership of the council.

*History Note:* Authority G.S. 95-134;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977.

**13 NCAC 07A .0509 ASSISTANCE TO THE COUNCIL**  
**13 NCAC 07A .0510 MINUTES: TRANSCRIPT**  
**13 NCAC 07A .0511 SUBCOMMITTEES AND SUBGROUPS**

*History Note:* Authority G.S. 95-134;  
Eff. February 1, 1976;  
Amended Eff. September 20, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. July 1, 1988.

**13 NCAC 07A .0512 PETITIONS FOR CHANGES IN THE RULES: COMPLAINTS**

(a) Any interested person shall have the right to petition for the issuance, amendment or repeal of rules published in part. Any such petition will be considered in a reasonable time. Prompt notice shall be given of the denial in whole or in part of any petition. Except in affirming a prior denial or when the denial is self-explanatory the notice shall be accompanied by a brief statement of the reasons therefor.

(b) Any advisory council member or any other aggrieved person may file a written complaint with the Commissioner of Labor alleging noncompliance with the rules in this part. Any complaint must be timely filed, but in no case shall any complaint be filed later than 90 days following the day on which the act of alleged noncompliance occurred. Any complaint shall be acted upon promptly and a written notice of the disposition of the complaint shall be provided to the complainant.

(c) Complaints and petitions should make reference to this Rule and be filed and addressed as follows: Commissioner of Labor, North Carolina Department of Labor, Raleigh, North Carolina 27611.

*History Note:* Authority G.S. 95-134;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977.

