

MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (EXCERPT)
Act 154 of 1974

408.1046 Board of health and safety compliance and appeals; creation; appointment, qualifications, and terms of members; chairman; vacancy; scope of authority; meetings; quorum; prerequisite to official action; compensation and expenses; hearing; evidence; fees; rules; construction and application of identical state and federal standards.

Sec. 46.

(1) A board of health and safety compliance and appeals is created within the department of labor. The board of health and safety compliance and appeals consists of 7 members appointed by the governor by and with the advice and consent of the senate for terms of 4 years or until their successors are appointed and qualified. Of the members first appointed 2 shall be appointed for 1 year, 2 shall be appointed for 2 years, 2 shall be appointed for 3 years, and 1 shall be appointed for 4 years. The first chairman of the board of health and safety compliance and appeals shall have a 4-year term. Vacancies shall be filled in the same manner as the original appointments except that a vacancy occurring during a term of office shall be filled by appointment for the unexpired term. Of those appointed to the board of health and safety compliance and appeals:

(a) Three shall represent labor and shall, individually or jointly, represent each of the following areas in which they shall be actively engaged: (i) general industry; (ii) construction; and (iii) health.

(b) Three shall represent management and shall, individually or jointly, represent each of the following areas in which they shall be actively engaged: (i) general industry; (ii) construction; and (iii) health.

(c) One shall represent the general public and serve as chairman.

(2) The board's authority shall apply to all safety and health citations, orders, and appeals.

(3) The board shall meet as necessary to discharge its duties under this act and shall hold regular quarterly meetings in Lansing. Interim meetings may be called at any time by the chairman, the director of labor, the director of public health, or by 4 members thereof. A majority of the members of the board constitutes a quorum and official action can be taken only on the affirmative vote of a majority of the members. The per diem compensation of the board and the schedule for reimbursement of expenses shall be established annually by the legislature.

(4) The board may order testimony to be taken at a hearing or by deposition in proceedings pending before it at any stage of the proceedings. A person may be compelled to appear and depose, and to produce books, papers, or documents in a proceeding under consideration by the board. Witnesses ordered to appear in any proceeding pending before the board or whose depositions are taken under this subsection, and the person taking the depositions shall be entitled to the same fees as paid for like services in circuit court.

(5) The board shall promulgate rules of procedure for the conduct of hearings or in response to appeals which rules shall provide for a hearing officer to make a determination upon a proceeding before the board.

(6) In construing or applying any state occupational safety or health standard which is identical to a federal occupational safety and health standard promulgated pursuant to 29 U.S.C. section 651 et seq., the board shall construe and apply the state standard in a manner which is consistent with any federal construction or application by the occupational safety and health review commission created pursuant to 29 U.S.C. section 661.

History: 1974, Act 154, Eff. Jan. 1, 1975 ;— Am. 1975, Act 105, Imd. Eff. June 6, 1975

Compiler's Notes: For the transfer of the board of health safety and compliance and appeals from the department of licensing and regulatory affairs to the department of labor and economic opportunity by type I transfer, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

Admin Rule: R 408.21401 et seq. of the Michigan Administrative Code.