

duly called meeting. If any person representing the interests of employers, employees, or the States is unable to be present at a duly called meeting, he may notify the Assistant Secretary or his designee, and request that another member of the Committee representing the same interests be permitted to vote in his place on any matters coming before the advisory committee in the particular meeting. The request may be oral or in writing, and shall be accompanied by a statement of reasons for the anticipated absence. The Assistant Secretary or his designee shall grant the request whenever he is convinced that the reasons for absence are valid and that number of requested proxies for any particular meeting will not be so numerous as to impede materially the deliberations of the advisory committee.

§ 1912.30 Quorum; committee procedure.

(a) A majority of the members of any advisory committee, including the Construction Safety Advisory Committee, shall constitute a quorum, so long as there are present at least one member who is a representative of employees and one member who is a representative of employers.

(b) In the absence of its chairman, the committee may designate a member to preside at any meeting thereof.

§ 1912.31 Experts and consultants.

At the request of an advisory committee or the person calling a meeting of an advisory committee, the Assistant Secretary may make available to the committee any experts or consultants in the field involved. Any expert or consultant so made available may participate in the deliberations of the committee with the consent of the committee.

§ 1912.32 Presence of OSHA officer or employee.

The meetings of all advisory committees shall be in the presence of an OSHA officer or employee designated for this purpose. Such officer or employee shall be empowered to adjourn any meeting whenever he determines adjournment to be in the public interest.

§ 1912.33 Minutes.

(a) Detailed minutes of advisory committee meetings shall be prepared, as directed, and certified as accurate, by the Chairman of the committee. In addition to the minutes there shall be kept verbatim transcripts of all advisory committee meetings.

(b) The minutes shall include at least the following:

(1) A list of the advisory committee members and agency employees who were present at the meeting;

(2) Any significant conclusions reached which are not recommendations;

(3) Any written information made available for consideration by the committee, including copies of all reports received, issued, or approved by the committee;

(4) Any recommendations made by the committee to the Assistant Secretary and the reasons therefor;

(5) An explanation of the extent, if any, of public participation, including a list of interested persons who presented oral or written statements; and an estimate of the number of the members of the public who attended the meeting.

§ 1912.34 Freedom of Information Act.

Subject to the Freedom of Information Act (5 U.S.C. 552) and part 70 of this title and part 1913 of this chapter, there shall be available for public inspection and copying in the Office of Standards, Occupational Safety and Health Administration, documents which were made available to or prepared for or by each advisory committee.

§ 1912.35 Availability and cost of transcripts.

Except where prohibited by contractual agreements entered into before the effective date of the Federal Advisory Committee Act (January 5, 1973), any transcripts of advisory committee meetings are to be made available to any person at the actual cost of duplication.

§ 1912.36 Advice of advisory committees.

(a) Approval by a majority of all members of an advisory committee is

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encouraged for rendering advice or making recommendations. However, a failure to marshal a majority of all members of an advisory committee shall not be a reason for not giving advice to the Assistant Secretary. The Assistant Secretary shall be informed of any concurring or dissenting views.

(b) An advisory committee shall submit to the Assistant Secretary its recommendations within 90 days from the date of its commencement of its assigned tasks, or within such longer or shorter period otherwise prescribed by the Assistant Secretary or one of his representatives. If a committee believes that it cannot submit its recommendations within the applicable period, its chairman may make a written request for an extension of time to the Director of the Office of Standards, before the expiration of the period. The Director of the Office of Standards may grant such a request, provided that the period of the extension or extensions, together with the original period for the submission of recommendations, is not longer than 270 days from the date the advisory committee commenced its assigned tasks.

(c) In a case where an advisory committee has not submitted its recommendations by the end of the applicable period therefor, the Assistant Secretary may dissolve the committee and direct the immediate transmittal to him of any materials submitted to, or prepared by, the advisory committee.

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§ 1912.40 General services.

The Assistant Secretary shall provide supporting services to advisory committees. Such services shall include clerical, stenographic, and other forms of technical assistance.

§ 1912.41 Legal services.

The Solicitor of Labor shall provide such legal assistance as may be necessary or appropriate for advisory committees to carry out their functions in accordance with the requirements of this part.

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§ 1912.42 Reservation.

The policies and procedures set forth in this part are intended for general application. In specific situations where the Assistant Secretary determines that different policies or procedures would better serve the objectives of the Act, such policies or procedures may be modified upon appropriate notice to any persons affected by the modification to the extent that such policies or procedures are consistent with the Federal Advisory Committee Act and OMB Circular A-63, and are approved by the Solicitor under part 15 of this title.

§ 1912.43 Petitions for changes in the rules; complaints.

(a) Each interested person shall have the right to petition for the issuance, amendment, or repeal of rules published in this 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 committee member or any other aggrieved person may file a written complaint with the Assistant Secretary 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 thirty (30) days following the act of alleged noncompliance. Any complaint shall be acted upon promptly and a written notice of the disposition of the complaint shall be provided to the complainant.

§ 1912.44 Definitions.

As used in this part 1912, unless the context clearly requires otherwise:

(a) *Act* means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 650).

(b)(1) For purposes of implementing the Federal Advisory Committee Act, the term *Advisory Committee* has the same meaning as set forth in section 3 (2) thereof. Hence, the term includes subcommittees to the extent that the conduct of their meetings relates to matters regulated by the Federal Advisory Committee Act. Consistent with that definition as interpreted in Office