

1974 WL 27850 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 10, 1974

\*1 Mr. Robert C. Parks  
Director  
Division of OSHA  
Department of Labor  
P. O. Box 11329  
Columbia, South Carolina 29211

Dear Bob:

In response to your letter of July 1, in which you enclose OSHA files relating to the Heath Farms in Charleston County, please be advised that it is my opinion that Heath Farms is the employer in this situation. Although the facilities at which the migrant workers are housed are owned by the County of Charleston, they are nevertheless leased to Heath Farms and the migrant employees work for and are paid by Heath Farms. I realize, of course, that Heath Farms has little or no control over the particular migrant camp involved, however the Occupational, Safety and Health Act is designed to protect employees of an employer and the only employer relationship in this particular instance is between Heath Farms and the migrant workers.

I hope this sufficiently answers the questions which you have posed.

With kindest regards,  
Very truly yours,

Ellison D. Smith, IV  
Assistant Attorney General

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