

1972 WL 25237 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 8, 1972

*1 Honorable Edgar L. McGowan
Commissioner
Department of Labor
State of South Carolina
P. O. Box 11329
Columbia, S. C. 29211

Dear Commissioner McGowan:

You have requested that this office render an opinion as to your authority to promulgate regulations which empower political subdivisions of the State to have the responsibility and authority to develop and enforce occupational safety and health standards under the provisions of Section 40–261 of the 1962 Code of Laws of South Carolina, as amended.

It is established law in this State that political subdivisions, being creatures of the Legislature, [Williams v. Wylie](#), 217 S.C. 247, 60 S.E.2d 586, possess only those powers expressly or necessarily implied by the Legislature. The general rule is that such subdivisions can exercise only those powers granted by the Legislature, [McKenzie v. City of Florence](#), 234 S.C. 428, 108 S.E.2d 825; and the question of power so granted will be strictly construed against the subdivision. [Lomax v. City of Greenville](#), 225 S.C. 289, 82 S.E.2d 191.

It necessarily follows that the Commissioner of Labor is not empowered by state law and cannot by regulation vest the political subdivisions of this State with the discretionary power to develop and enforce occupational safety and health standards.

I trust this has been sufficient to answer the question you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Assistant Attorney General

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