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OCCUPATIONAL SAFETY LEGISLATION

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HEARINGS BEFORE THE GENERAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

SECOND SESSION

ON

H.R. 12306

A BILL TO ENCOURAGE THE DEVELOPMENT, INITIATION, AND EXPANSION OF OCCUPATIONAL SAFETY PROGRAMS IN THE STATES THROUGH GRANTS TO STATES FOR DEMONSTRATION AND EXPERIMENTAL OCCUPATIONAL SAFETY PROJECTS, AND FOR OTHER PURPOSES

HEARINGS HELD IN WASHINGTON, D.C., APRIL 17, 18;
MAY 1 AND 2, 1962

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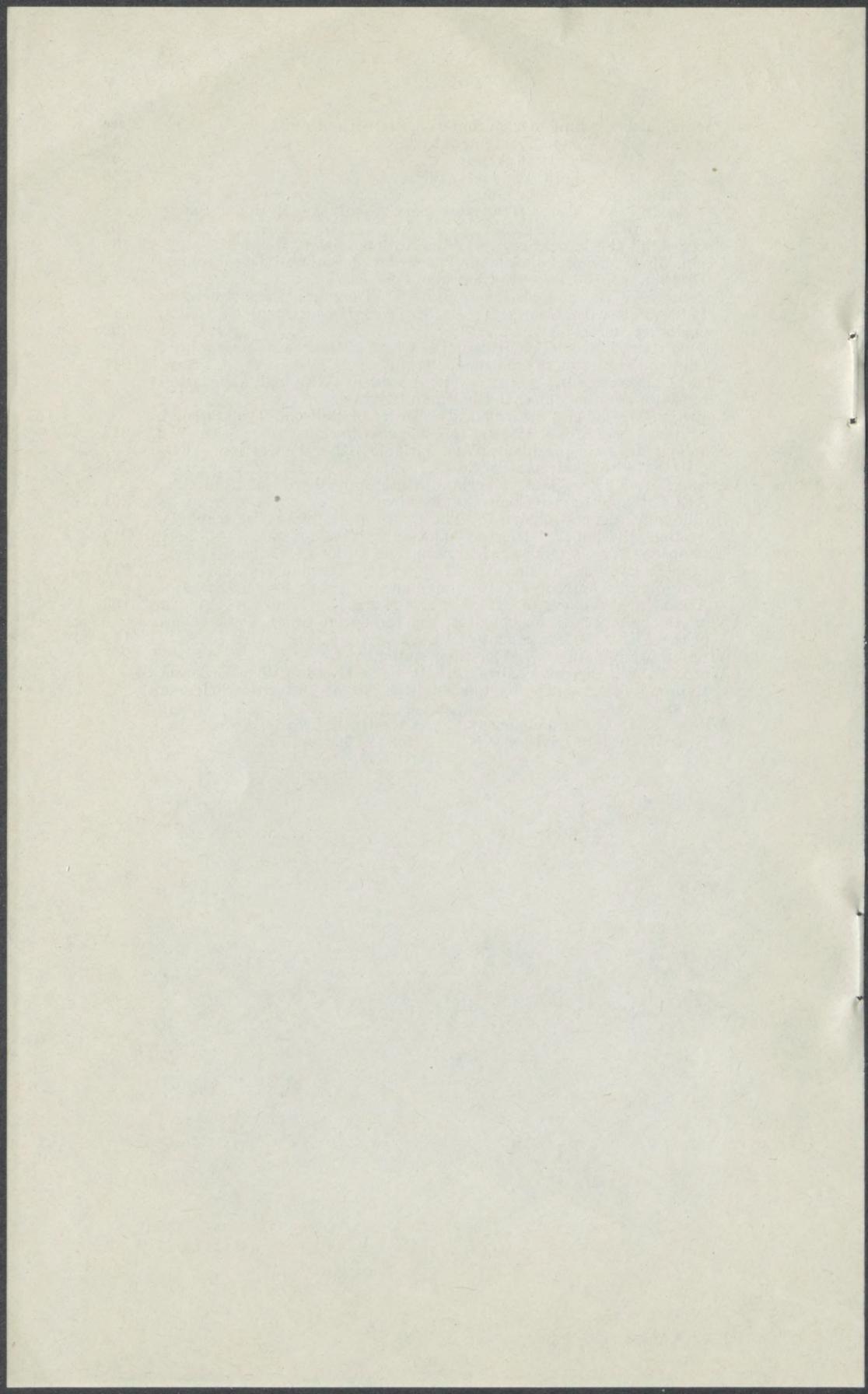
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OCCUPATIONAL SAFETY LEGISLATION

TUESDAY, APRIL 17, 1962

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Joelson, and Griffin.

Also present: H. D. Reed, Jr., counsel, and Mrs. Gertrude Moser, clerk.

Mr. PERKINS. The subcommittee will come to order.

We have a quorum present, and I have been advised that the Secretary of Labor will be compelled to leave here shortly because of other important business.

We are delighted to have him with us here again this morning. In fact, since he has been a member of the President's Cabinet, he is a more frequent visitor on the Hill than he has been in the past.

The purpose of these hearings is to take a thorough look at the actual working conditions throughout the States and to determine to what extent State action to promote and enhance occupational safety can be encouraged and assisted by Federal action. Some of the questions we expect to be answered by these hearings are—

1. What is the effect of occupational injury on the national economy?
2. To what extent is industry, labor, and State and local governments moving to minimize occupational hazards?
3. To what extent have modern technological and automated work innovations affected the safety of various occupations?
4. What type of occupational safety programs show promise of reducing occupational injuries?

Preliminary investigation by the subcommittee indicated that there may be as many as 2 million occupational injuries annually, and our colleague and subcommittee member, Congressman Charles S. Joelson, is to be commended for his concern over this problem, as evidenced by the introduction of H.R. 11192, a bill to encourage the development, initiation, and expansion of occupational safety programs in the States through grants to States for such purposes.

I do want to state at this point that the administration has offered a specific legislative proposal. Secretary Goldberg will transmit and Congressman Joelson, as I understand, has agreed to sponsor the new legislation which in some respects differs from 11192.

The committee is highly honored by the presence of Secretary of Labor, the Honorable Arthur J. Goldberg, who is to be our first witness at these hearings. The committee will be pleased to have the viewpoints of the Secretary not only as the representative of the

administration which has shown an interest in this field and in the improvement of the working conditions of people generally throughout the country, but also because of the great contribution the Secretary has personally made in the field of labor-management and manpower resources.

Mr. Secretary, as I stated, we are delighted to have you, and you may proceed at this point in any way you prefer.

STATEMENT OF HON. ARTHUR J. GOLDBERG, SECRETARY OF LABOR

Secretary GOLDBERG. Mr. Chairman and gentlemen of the committee, I appreciate very much the kind words, Mr. Chairman, you have had to say about me and the administration's general programs.

I want in turn to say that this committee, of which you gentlemen are members, is in our opinion proving to be one of the most productive committees in the Congress. I was delighted to see the House yesterday pass another bill emanating from this committee. And the subjects with which this committee has been dealing are of great concern to all of the American people.

I have with me, Mr. Chairman, Mr. George Brown, who is known to you, one of my distinguished colleagues, and with your permission, he will carry on when I have to leave. I believe I explained to you the necessity to leave at 10:30.

Mr. PERKINS. That will be fine, sir.

Secretary GOLDBERG. I have prepared testimony which I would like to offer for the record.

Mr. PERKINS. Without objection, it is so ordered. It will be inserted in the record at this point, and you may proceed in any way you wish.

(Statement referred to follows:)

STATEMENT OF ARTHUR J. GOLDBERG, SECRETARY OF LABOR

The administration is extremely pleased that this subcommittee is considering legislation to improve occupational safety, a subject which warrants the most expeditious attention of Congress. I therefore greatly appreciate the opportunity to discuss the matter with you today.

The administration firmly believes the Federal Government should lend a helping hand to the States in their efforts to finance occupational safety programs and to make them more effective. It is our conviction that through appropriate Federal-State partnership arrangements occupational accidents can be significantly reduced.

I am pleased to be able to state that the administration has developed a bill to carry out this objective which we hope will be introduced shortly. This bill follows the method of promoting more and better State occupational safety programs through a Federal grant-in-aid system.

Briefly, the bill would authorize the Secretary of Labor to make grants to the States for their safety programs on the basis of (1) the number of wage earners, (2) the special hazards in industry, (3) the extent and adequacy of existing State safety laws in industry, (4) the financial needs of the respective States, taking into account sums previously expended in safety programs, and (5) such other factors considered relevant.

The administration proposal authorizes grants for the first 2 years of up to 75 percent of the total cost of the State plan; for the second 2 years of up to 66 percent and thereafter up to 50 percent. Our proposal provides that the State plans under which the Federal aid would be allocated must meet certain criteria. These include providing efficient methods of administration and personnel merit standards; educational compliance programs; a requirement for information reports, and the establishment of standards requiring safe conditions

and work practices and for methods and procedures to administer these standards. Where appropriate, the Secretary of Labor could require the States to establish special projects relating to occupational safety to demonstrate or test the effectiveness of particular safety techniques, or to provide special training and new techniques. These projects could be used as a substitute for meeting any or all of the other requirements for receiving grants.

H.R. 11192, introduced by Congressman Joelson, is substantially similar in design and approach, although there are certain differences in language as well as the provision for 100 percent Federal grants in the first 2 years of the program, and the use of different criteria for allocating the funds among the States.

The intelligent application of efforts to preserve the health and lives of our workers is a purpose which has no equal. To this, I am sure all workers who have been permanently injured in occupational accidents—and they are all too many—will give the strongest assent.

As a nation, we are shocked out of our normal detachment toward occupational accidents when we read of a spectacular disaster. Many of these occurrences are fraught with the most tragic overtones. Injuries of any degree, however, have their individual and inescapable content of misery. It is an unfortunate consequence of our industrial processes that lives and limbs are all too frequently destroyed or damaged. We must do everything possible to prevent this.

In 1961 we had 13,500 occupational deaths, 80,500 cases of permanent impairment, and 1,836,000 temporary work injuries each of which resulted in an inability to work for at least a full day. The totals for the last decade: 141,000 deaths; 812,000 permanent impairments; and over 18 million temporary disabilities of 1 or more days.

We hear a great deal about life expectancy. Some figures were worked out a number of years ago by the Bureau of Labor Statistics to indicate accident expectancy. Based on 1956 experience, the forecast was that 1 out of every 100 boys and girls 14–19 years of age who were entering the labor force would die as a result of a work injury. Six would suffer a permanent impairment and 70 others would experience one or more disabling work injuries before reaching retirement. Only 23 of the 100 would complete their working lives without a disabling work injury.

Suffering and death have no monetary measure. Money, while it may indemnify to some extent, can never compensate. The humane considerations for accident prevention are well undergirded by graphic economic arguments as to the dollar costs of work injuries to our economy.

The Social Security Administration estimates the direct cost to employers for workmen's compensation in 1960 at about \$2 billion. This takes no account of the financial losses absorbed by the injured workers and their families. These workers rarely are reimbursed for more than half of their actual wage loss. Nor does it take into account the many subsidiary, or so-called indirect costs resulting from injury producing accidents which the employer must bear. The National Safety Council, using a conservative formula, estimates the total cost of work accidents in 1961 at \$4.4 billion. In the past 10 years the economy has lost 1.8 billion man-days of productive ability because of these injuries. Obviously, even a small reduction in the incidence of work injuries will produce substantial savings to employers.

Federal aid is needed to stimulate State safety action for a number of reasons. The vigor of State action is spotty. For one thing, there is wide variation in the adequacy of State safety laws. Other variable factors are the fiscal demands on the various States, and their financial resources. The narrow and ineffective scope of some State laws or of their ineffective administration may be ascribed in many cases to the lack of money to finance the programs they have or the slim prospects of financing better programs.

The extent of public interest in State safety programs materially affects both the content of programs and the effectiveness of enforcement efforts. In this area also there are great differences among the States.

Forty States, the District of Columbia and Puerto Rico have general rulemaking authority in the occupational safety field. Six other States have authority to make rules respecting special hazards, such as those arising from the operation of boilers or elevators or in construction work. In almost all of the States there are laws containing specific safety provisions, such as those governing methods for guarding machines.

However, a recent survey of State budgets for safety services, with 31 States reporting, indicates the amounts spent range from .006 cents to \$2.20 per worker per year. Of those not reporting, several spend nothing. The indications are that more than two-thirds of the States do not have sufficient staff to make even one inspection per plant annually.

The number of full-time safety inspectors in those States reporting ranges from 1 per 4,000 workers to 1 per 1½ million workers. Of those not reporting, several had none.

Federal aid funds would stimulate States which are at a standstill in expanding their occupational safety programs or administrative services to get underway. We believe their success will be so gratifying that they will not turn back. As for other States more active in safety, momentum from Federal funds with corresponding improvements in their safety records will undoubtedly inspire them to continue to press forward in safety matters at an accelerated rate.

Our aim here is to stimulate more effective State action to improve the safety conditions in work places and the practices of employers and workers where the major part of the safety battle is won or lost.

However, the administration realizes the gravity of safety responsibility in the Federal orbit and has not shirked it. As the Nation's largest employer, we are exercising great vigilance in safety matters in the Federal departments and agencies under the guidance of the Federal Safety Council which President Kennedy recently reconstituted on a more effective basis by the issuance of Executive Order 10990. Further, we have exerted safety promotional efforts on a national basis by convoking the President's Conference on Occupational Safety in March of this year. Industrial, governmental, and labor safety experts from all parts of the Nation were brought to Washington under the leadership of our Department to plan a concerted attack on occupational accident problems.

In considering legislation in this area, one basic question always comes to mind—can safety methods really reduce occupational accidents? The emphatic answer is "Yes." Our personal experience is replete with instances showing that foresight, caution, and planning are essential to our own safety. Organized safety programs use qualities of this kind on a systematic and scientific basis to meet not only generalized risks but special hazards presented by job performance. The keys to success are planning, foresight, and application. Special safety problems regarding radiation hazards and others concerning nuclear weapons and processes, must be resolved. Answers to these problems will be found by safety engineers as have multifarious other problems presented by our ever-changing industrial mechanisms.

Safety experts generally agree that 90 percent of all work injuries can be prevented. Some well-known practitioners and teachers of industrial accident prevention express the even more optimistic view that, in the light of our existing knowledge, 98 percent of our work accidents could be prevented. Our own studies in the Department of Labor confirm that the 90-percent figure is certainly not too sanguine. We are convinced also that since know-how to prevent occupational accidents is constantly being improved, the preventable potential continues to grow.

In attempting to evaluate the magnitude of the occupational safety problem I do not mean to imply that the safety movement in the United States has not made substantial progress in the reduction of occupational accidents. The all-manufacturing injury frequency rate—that is, the number of disabling work injuries experienced in each million employee hours worked—is now at its alltime low, and equally good records can be cited for a few other classifications of employment. Looking back over the past 10 years, we find that in this period total employment has risen approximately 8.7 percent, but the annual volume of disabling work injuries has actually declined 9 percent. These are indeed noteworthy achievements.

The real problem is to spread our existing occupational accident prevention knowledge to the areas where it is most needed and where substantial results can be anticipated. Our studies definitely indicate that the major occupational accident prevention problems today do not lie in the operations of large establishments. In fact, several of our largest industrial corporations have reduced the frequency of job injuries 90 percent or more in 40 years. All too often, the occupational safety movement, as we know it today, starts and stops in our large establishments. They constitute the membership of most safety organizations. They employ the great majority of our trained safety engineers and maintain their own effective safety programs.

The picture is strikingly different in respect to small and medium size establishments. These establishments rarely have direct contacts with the safety movement. It is unusual to find an establishment of less than 500 employees with a full-time safety officer on its payroll. Only rarely do we find even the rudiments of a safety program in establishments with less than 100 employees. The effect of these factors can be readily demonstrated.

Tabulations of data collected by the Bureau of Labor Statistics for the year 1958 show that manufacturing establishments employing 2,500 or more persons had an average injury frequency rate of approximately one-third the all-manufacturing average. The corresponding average for establishments with less than 100 employees was approximately double the all-manufacturing rate. The evidence indicates, therefore, that injuries are five to six times more common in small establishments than in the very large establishments. The import of this finding lies in the fact that over half of our total employment is concentrated in establishments which have less than 100 employees. Obviously this is the area in which accident prevention must be intensified. State help is especially needed in these establishments. Through State safety experts, the small plants may have access to the successful safety techniques operating in the large establishments.

It has been 10 years since congressional hearings were held on a safety measure. During this span, many workers have lost their lives or sustained lasting and disabling injuries. Many of these losses could have been prevented. And money directed into well-planned channels of accident prevention can save them.

We are frequently asked, "Is there an irreducible level of work injury occurrence and are we not approaching that point?" The answer is emphatically "No." Specialists in the safety field generally do not subscribe to this. The Department of Labor does not subscribe to this. We believe that any other attitude is defeatist.

The conclusive arguments for legislation of this kind in the final analysis are the humane ones. Under this legislation the Federal Government, together with the States, would invest a modest sum of money in reducing pain, suffering, and disaster which presently—but not inevitably—accompany the business operations of our Nation. The dividends for dollars spent in accident prevention would be days—days of life, of health, of productivity. We urge that this investment be made and I offer the full cooperation of the Department of Labor in giving the subcommittee any possible assistance.

Secretary GOLDBERG. We are extremely pleased, in the administration, that this subcommittee is considering legislation to improve occupational safety. This is a subject which warrants the expeditious attention of the Congress.

We believe that the philosophy of the bill offered by Congressman Joelson is essentially correct, that the Federal Government should lend a helping hand to the States in their efforts to finance occupational safety programs and to make them more effective.

What Congressman Joelson's bill proposes is a Federal-State partnership arrangement to curb occupational accidents and to reduce them; and this objective is one that we fully share.

As you have stated, Mr. Chairman, we, based upon the very constructive ideas contained in Congressman Joelson's bill, have been developing an administration proposal in this area, which carries out the same philosophy, embodies the same spirit, and is designed to achieve the same objectives.

This bill has now been cleared through the Budget Bureau and all appropriate administration channels, and, as you have indicated, will be offered by Congressman Joelson on behalf of the administration.

Now, briefly, the bill which the administration is going to propose would authorize the Secretary of Labor to make grants to the States for their safety programs on the basis of the number of the wage earners, the special hazards in industry, the extent and adequacy of existing State safety laws in industry, the financial needs of the respective States, taking into account sums previously expended in safety programs, and other similarly relevant factors.

The administration proposal would authorize grants for the first 2 years of up to 75 percent of the total cost of the State plan, for the second year up to 66 percent, and thereafter up to 50 percent. It

would be contemplated that this would be a permanent and continuing program.

I think you would be interested, of course, in knowing what we estimate the cost of such a program would be. It is estimated that enactment of the proposed legislation will require, for the first full fiscal year of operation, \$6,300,000. The next 3 succeeding fiscal years would require approximately \$8,400,000, \$10,400,000, and \$12,400,000, respectively. And then based on our experience, future costs could be projected.

Now, these amounts are, by the yardstick of the amounts being appropriated for many other programs, modest sums, but they will nevertheless be significant sums in the safety area, which requires attention.

I think every American must be strongly concerned with the problem involved in occupational accidents and injuries. Of course, it is an inevitable consequence of industrial life that injuries and accidents occur. But far too many occur that could be avoided and could be prevented by adequate, intelligent safety programs.

Actually, the number of occupational deaths and injuries is enormous. In 1961, we had 13,500 occupational deaths, 80,500 cases of permanent impairment, and 1,836,000 temporary work injuries, each of which resulted in an inability to work for at least a full day. The totals for the last decade are 141,000 deaths, 812,000 permanent impairments, and over 18 million temporary disabilities of one or more days.

We hear a great deal about life expectancy, and we are all pleased that under our system and under our way of life, life expectancy is increasing. But we have projected some figures by the Bureau of Labor Statistics dealing with accident expectancy. The forecast of the BLS, based upon 1956 experience, is that 1 out of every 100 boys and girls 14 to 19 years of age who are entering the labor force will die as a result of a work injury. Six will suffer a permanent impairment, and 70 others will experience 1 or more disabling work injuries before reaching retirement. Only 23 of the hundred will complete their working lives without a disabling work injury.

I think any of us who had experience in working in factories, mines, construction projects, et cetera, will recognize the validity of these statistics. I remember when I started, while I was in school, working on a construction project, I sustained an injury. I stepped on a rusty nail. I was fortunately not permanently injured, but I was a victim of an occupational accident. These figures cited demonstrate that these accidents are to be anticipated in too many instances.

Now, we cannot estimate in money terms what accidents mean to human beings; and that is, of course, our primary concern—the human beings involved. Accidents, however, are not only disastrous to human beings; they cost a lot of money. They cost money to the workers involved, and they cost money to the employers involved.

The Social Security Administration estimates the direct cost to employers for workmen's compensation in 1960 at about \$2 billion; and this does not take into consideration what happens to the worker, because the worker, in most occupational accidents, is only reimbursed for a part of the cost. Our estimates are that it is about a half of the cost.

There are waiting periods in many State laws during which a worker gets no compensation. In many States also, workmen's com-

pensation laws, like many other laws with social objectives, have fallen behind the times in achieving the objectives originally contemplated.

The National Safety Council, trying to calculate the costs for both employers and workers, has estimated the total cost of work accidents in 1961 at \$4,400 million. In the past 10 years, the economy has lost 1,800 million man-days of productive ability because of these injuries. So there is a human stake and a tremendous financial stake in reducing the volume of work injuries.

Now, why do we need Federal aid in this area? We need Federal aid because the States need help. They need help both financially and to encourage them to take more vigorous action in this area.

There are great differences among the States in their safety program. Forty States, the District of Columbia, and Puerto Rico have general rulemaking authority in the occupational safety field. Six other States have authority to make rules respecting special hazards. In almost all of the States, there are laws containing specific safety provisions, such as those for guarding machines.

However, a recent survey of State budgets for safety purposes and safety services, with 31 States reporting, indicates the amounts range from 0.006 cents to \$2.20 per worker per year. Of those not reporting, several spent nothing. The indications are that more than two-thirds of the States do not have a sufficient staff to make even one safety inspection per plant annually.

The number of full-time safety inspectors in those States reporting ranges from 1 per 4,000 workers to 1 per 1½ million workers. Of those not reporting, several had none.

The relatively small amount of Federal money that we are talking about here would stimulate the States to expand their occupational safety program, by following the traditional congressional device of grants-in-aid; larger in the first years, because of the inadequacies of the State programs, but reduced to the general level of 50 percent Federal assistance after the first 4 years. This is the traditional level of congressional grant-in-aid programs.

Now, the skeptics wonder: Can safety methods really reduce occupational accidents? The emphatic answer is "Yes." We know that, on the basis of statistics available.

Safety experts generally say that at least 90 percent of all work injuries can be prevented. Some are even more optimistic. Some experts say with proper programs we can eliminate 98 percent of work accidents or injuries.

Now, if this is so, then we are having a shameful and shocking waste of human life and human limb by the present neglect in this area.

I do not mean to indicate there is a complete lack of progress in accident prevention. As a matter of fact, we are making much better progress than we have in times past as a result of effective safety programs. The Bureau of Labor Standards and the Bureau of Labor Statistics of the Department of Labor contribute to accident reduction. The State labor commissioners and State safety programs contribute, and so on. We have had some notable achievements in the last 10 years. We find, for example, that total employment has risen approximately 8.7 percent, but the annual volume of disabling work injuries has actually declined 9 percent. So this is a good record of achievement.

But the fact of the matter is that we have not done what we can do. We have been largely successful with the larger industrial corporations, who have the resources themselves to initiate safety programs. In fact, in many of those corporations, since they are unionized companies, the unions and the corporations have cooperated through joint safety committees and joint safety programs to reduce accidents. Many of our larger corporations—and this is where we get our statistics to prove what can be done—have reduced their work accidents and injuries 90 percent or more over a period of years.

We must report to you that where help is needed is in the smaller and medium-sized establishments where very often not even the rudiments of a safety program are present.

The statistics that we had in 1958 showed that manufacturing establishments employing 2,500 or more persons had an average industry frequency rate of approximately one-third the all-manufacturing average. The corresponding average for establishments with less than a hundred employees was approximately double the all-manufacturing rate.

So you see that we have to intensify accident prevention in these areas. And State help is especially needed in these establishments. Through the State safety experts, the small plants may have access to the successful safety techniques operating in the large establishments.

Obviously, I do not mean to imply that a small employer is not as solicitous about the health of his employees as any other employer; maybe even more so, because the small employer is in daily touch with the worker, while the larger employer, the boss, is far removed from the workshop. But the small employer just cannot afford the elaborate safety programs which larger concerns have. This bill would make possible help to the States, to enable the small employer to get the benefits through State safety channels of what is known in accident prevention.

Finally, I would say this: It is about 10 years, I believe, since the Congress considered programs to promote safety in the States in the constructive way in which this committee is now studying the subject. The administration strongly approves what you are attempting to do in this legislation. We want to compliment this committee, including Congressman Joelson, the sponsor of this bill, for directing attention to this subject. And we are glad to promise our cooperation to the committee in the tendering of our bill and in the developing of a committee bill which I am sure we can enthusiastically support.

Mr. PERKINS. Mr. Joelson, any questions?

Mr. JOELSON. I know the Secretary is busy, and I want to thank him for coming over here and for endorsing this bill, and I certainly will be very happy to substitute the administration's proposals for the contents of the present H.R. 11192. I will reserve my questions for the Department's representative.

Mr. PERKINS. Mr. Griffin?

Mr. GRIFFIN. Mr. Secretary, I am pleased to join my colleagues on the subcommittee in thanking you for appearing and giving us this insight into the problem of safety, as you see it.

I hope, in view of the fact that the House has had no hearings on this subject for a period of 10 years, that the committee will go into the subject quite thoroughly, because I think we ought to go into the background and develop the information in detail on a subject like this.

Mr. PERKINS. Thank you very much, Mr. Secretary.

I do want to say to the gentleman from Michigan that we will hold adequate hearings, and will expedite the legislative determinations along as fast as we reasonably can.

I certainly appreciate your views that you have expressed to the committee this morning, Mr. Secretary, and I again thank you very much.

Secretary GOLDBERG. Thank you.

Mr. Brown is here to respond to any questions.

Mr. PERKINS. You may take it up, Mr. Brown, where the Secretary left off.

If you have any prepared statement, I assume that you will want to insert it in the record at this point.

STATEMENT OF GEORGE BROWN, DEPUTY DIRECTOR, BUREAU OF LABOR STANDARDS

Mr. BROWN. No, I have not a prepared statement.

Mr. PERKINS. What is your position with the Department?

Mr. BROWN. I am Deputy Director of the Bureau of Labor Standards, whose functions involve the safety work of the Department.

Mr. PERKINS. How long have you been with the Department?

Mr. BROWN. One year.

Mr. PERKINS. Proceed.

Mr. BROWN. Very well.

The significant fact about accidents in occupations is not that it happens to the individual worker. Behind each individual worker there lies a family. And recently the State of California studied this problem and developed the fact that in the typical accident involving death, two children were left orphans, and the children's ages averaged 8½ years. There were widows who were averaging about 41 years of age.

Here was the impact. The family took on the brunt of an industrial accident. Even worse, in many families the grandparents were living with the son or daughter, and they suddenly were confronted with a new problem.

So it is this humane aspect of safety, which I think has been overlooked by the mere matter of statistics.

The basic fact is that the development of safety techniques, as exhibited by a number of the leading States, indicates very clearly that if avenues of applying known techniques were to be utilized in other States, we would have an appreciable decline in accidents.

The State of New York, for example, has developed a consultative approach, in which inspectors are sent to plants to look them over with management, to point out the areas of improvement, and to suggest lines of development.

This is a far cry from the idea of "cops and robbers," which sometimes comes to mind when you say there ought to be safety regulations, safety codes. The idea of a code is to present a minimum basis of action, and this is the consultative approach. It calls upon the employer to see his problems, to see them with the representative of the State and take the necessary steps.

Also it is true that the necessity of adding a career aspect to safety among the employees of a State is necessary. The States of California and New York, for example, have done this.

The lines of action are quite clear. The State officials should design training courses which they can give to the supervisory personnel and to the employees in an industry to inculcate essentially a belief that accidents do not just happen. They are caused. And in this respect, this is the kind of a stimulant which we could look forward to giving in these States through a grants-in-aid program.

I certainly believe that it would be demonstrating leadership on the part of the Federal Government now to enter into this area and to stimulate interest by placing some relatively small funds available to the States upon which they could: (a) Build up their department personnel, (b) develop a consultative sector, (c) develop their training programs and thereby approach their real problems.

Thank you.

Mr. PERKINS. Mr. Joelson, any questions?

Mr. JOELSON. I just have one question, Mr. Brown.

On page 4 of the prepared statement of the Secretary, there is a statement that the direct cost to employers for workmen's compensation in 1960 was about \$2 billion. Now, what do you mean? In benefits? Or in premiums? Or what is this \$2 billion figure? Do you know?

Mr. BROWN. Yes. Those were the premiums paid by employers for workmen's compensation.

Mr. JOELSON. These are workmen's compensation premiums?

Mr. BROWN. That is right.

Mr. JOELSON. I do not want to argue against my own bill, but these costs would be maintained, even in the light of this bill; would they not?

Mr. BROWN. They would decline as the experience rating would improve.

Mr. JOELSON. I see. You are making the point, then, that there is a direct relationship between the cost of premiums and the accident experience?

Mr. BROWN. Oh, yes.

Mr. JOELSON. And if the accident experience goes down, then the premium costs go down?

Mr. BROWN. Correct.

Mr. PERKINS. That has always been the case with employers carrying workmen's compensation. If there is an industry where you have a lot of accidents, the rate for the compensation is much higher.

Mr. BROWN. Correct.

Mr. PERKINS. But if it is an occupation where the hazards are very low, or the accident rate is very low, the workmen's compensation rates are very low, or much lower.

Mr. JOELSON. I have no further questions.

Mr. PERKINS. Mr. Griffin?

Mr. GRIFFIN. Mr. Brown, on the subject of workmen's compensation, it seems to me that in the record we should have a rather detailed summary of what the situation is now with respect to workmen's compensation laws. Can you give us some background and detail as to the impact of the workmen's compensation laws on this problem?

Mr. BROWN. I would rather submit that later.

Mr. GRIFFIN. What is your position with the Department of Labor?

Mr. BROWN. Pardon me?

Mr. GRIFFIN. What is your position with the Department of Labor?

Mr. BROWN. I am the Deputy Director of the Bureau of Labor Standards.

Mr. GRIFFIN. Well, this is an important part of the problem, is it not?

Mr. BROWN. Oh, yes, indeed.

What is your question? In terms of impact?

Mr. GRIFFIN. Well, it seems to me that we should start with a review and consideration of the existing laws which bear on the problem. I am trying to find out where we are now on this problem of safety; and certainly workmen's compensation laws, insurance—the fact that accidents in plants and experience ratings affect insurance premiums—these are factors which are part of the picture at present, are they not?

Mr. BROWN. Yes.

Mr. GRIFFIN. Well, I would sort of like to know about it.

Mr. BROWN. Well, of course, the State compensation systems vary all over the lot.

Mr. GRIFFIN. Each State has its own?

Mr. BROWN. Each State has its own system. And by and large, we find that the injured worker can obtain up to 40 percent of the wages he lost by being unable to work. So in effect he is bearing a heavier part of the load when he is injured.

Also, there are qualifications and waiting periods, which indicate that this adds to the burden of injury.

Finally, we notice that in the administration of workmen's compensation laws, the time lag is such that in some cases it may be 8 or 9 months after an accident before any compensation is received by the injured workman.

Mr. GRIFFIN. That is because of processing the claim?

Mr. BROWN. Yes.

Mr. GRIFFIN. Does every State have a workmen's compensation law? Mr. Brown, by asking this question, I do not want to indicate that I am advocating a particular course of action, because I really do not know; but have you considered working on the problem through the avenue of workmen's compensation, and have you rejected that approach for some reason or other?

Mr. BROWN. Well, workmen's compensation does not stop the accident. It is a measure of the occurrence of accidents.

Mr. GRIFFIN. In the back of my mind is this thought: That in and of itself, workmen's compensation does not stop the accident, but it does provide a real incentive for an employer to have a safety program in his plant because the rate of premiums on his workmen's compensation insurance will be affected by how many accidents occur in his plant.

Mr. BROWN. This is very true of the larger corporations.

Mr. GRIFFIN. But in the smaller corporations it does not play as large a part?

Mr. BROWN. It does not play as large a role.

Mr. GRIFFIN. I think that is a good thing to know.

Mr. BROWN. As a matter of fact, the larger insurance companies, with their large accounts, will put on programs at the expense of the company; but this they would not do with the small employer of only a hundred people.

Mr. GRIFFIN. It would seem to me that in the record, Mr. Chairman, we should have from the Department of Labor a rather thorough analysis, I would say, of the various workmen's compensation programs.

Mr. PERKINS. I am sure that the gentleman will see that we get an analysis of the workmen's compensation statutes of all the States, and just how the rates vary, particularly in hazardous industries, in comparison with nonhazardous industries.

Mr. BROWN. Right. Will do.
(Analysis referred to follows:)

STATE WORKMEN'S COMPENSATION LAWS

For more than a half century the individual States of the United States have been developing their individual workmen's compensation systems. Bulletin 161, published by the Bureau of Labor Standards of the U.S. Department of Labor, entitled "State Workmen's Compensation Laws" and its supplement summarizes the main provisions of these acts.

In view of the development of workmen's compensation systems by the individual States the major provisions of State laws show a wide variation. In the opinion of experts some steps should be taken to introduce a movement toward uniformity. Bulletin 212 (revised) was published by the Bureau of Labor Standards as a contribution to this effort. Under the title of "State Workmen's Compensation Laws: A Comparison of Major Provisions with Recommended Standards," this bulletin presents a comparison together with standards recommended by the U.S. Department of Labor, the International Association of Industrial Accident Boards and Commissions, American College of Surgeons, American Medical Association, and the Council of State Governments. The attention of the committee is particularly directed to pages 34-37 where there is an analysis and tables describing the ratio of maximum weekly benefit for temporary total disability to average weekly wages, by State.¹ These tables emphasize the economic burden borne by the injured wage earner along with his physical injury. The historical development of workmen's compensation in America is summarized in a publication of the U.S. Department of Labor entitled "Growth of Labor Laws in the United States" in pages 157 ff. which is enclosed.²

Attached hereto is a copy of a report entitled "Workmen's Compensation Payments and Costs, 1960" which appeared in the January 1962 issue of the Social Security Bulletin, volume 25, No. 1. You will note that the employers spend approximately \$2 billion to insure or self-insure their risks under workmen's compensation. Of this amount, \$1,290,314,000 is paid to the injured workers for medical and hospitalization expenses and compensation to the worker or his survivor.

COMPENSATION RATES FOR HAZARDOUS AND NONHAZARDOUS OCCUPATIONS

The Bureau of Labor Standards does not report information on compensation rates for hazardous and nonhazardous occupations, but in an effort to be helpful we did secure facts from "The Workmen's Compensation and Employers' Liability Insurance Manual" published by the National Council on Compensation Insurance which is the principal ratemaking organization in the United States.

To illustrate the range in such rates data are presented on plumbing (class 5183) as a typical occupation that is not too hazardous and on wrecking buildings or structures (class 5701) as a hazardous occupation. A table is attached that shows the basic premium charge for each \$100 of payroll for each of these two classifications.

¹ See p. 19, *infra*.

² See p. 22, *infra*.

Workmen's compensation insurance premium rates for plumbing and wrecking buildings or structures

State	Plumb- ing ¹	Wrecking buildings or struc- tures ²	State	Plumb- ing ¹	Wrecking buildings or struc- tures ²
Alabama.....	0.92	9.04	Michigan.....	1.93	(³)
Alaska.....	1.71	13.95	Minnesota.....	2.19	18.48
Arkansas.....	2.01	21.16	Mississippi.....	2.17	18.75
Colorado.....	2.07	15.50	Missouri.....	2.52	19.70
Connecticut.....	2.01	15.92	Montana.....	1.99	19.77
District of Columbia.....	3.17	21.69	Nebraska.....	1.27	13.45
Florida.....	2.22	21.79	New Hampshire.....	1.20	10.74
Georgia.....	1.71	9.34	New Mexico.....	2.34	19.28
Hawaii.....	2.31	30.05	North Carolina.....	1.68	13.50
Idaho.....	1.41	17.87	Oklahoma.....	2.80	19.22
Illinois.....	1.87	14.16	Rhode Island.....	1.76	24.60
Indiana.....	1.36	8.10	South Carolina.....	1.95	25.85
Iowa.....	1.17	10.16	South Dakota.....	.84	8.96
Kansas.....	1.84	13.56	Tennessee.....	1.73	13.76
Kentucky.....	1.16	11.28	Utah.....	1.18	14.29
Louisiana.....	3.40	22.33	Vermont.....	1.30	11.40
Maine.....	.96	9.61	Virginia.....	1.08	6.69
Maryland.....	2.46	21.05	Washington.....	1.72	21.52
Massachusetts.....	2.34	26.70	Wisconsin.....	1.78	⁴ 15.87

¹ Plumbing N.O.C. code No. 5183 (National Council on Compensation Insurance)—gas, steam, not water or other pipefitting—including house connections, shop operation, drivers. Automatic sprinkler installations to be separately rated.

² Wrecking buildings or structures code No. 5701 (National Council on Compensation Insurance)—not marine—all operations including salesmen or clerical at site of wrecking. Drivers to be separately rated as 824 "building material yards—secondhand."

³ Not available.

⁴ General chargeable rate for jobs entailing less than \$100 of payroll. 1-story brick or frame building no t exceeding 20 feet in height and 1- and 2-story residence building with less than \$100 payroll shall be three-fourths of printed rate.

WORKMEN'S COMPENSATION PAYMENTS AND COSTS, 1960 ¹

A moderate growth—6.7 percent—featured the payments for wage loss and medical benefits under State and Federal workmen's compensation laws in 1960. This increase was less than the advance (8.3 percent) registered in the preceding year but larger than that recorded in 1958 (4.6 percent).² In terms of dollars, the increase of \$80 million from the 1959 total of \$1,210 million was the third largest reported since 1952.

Of the total payments (\$1,290 million) in 1960, 63 percent came from private insurance carriers, 25 percent from State funds (including the Federal workmen's compensation system), and 12 percent from self-insurers. This distribution has shown only slight changes in the past few years.

The rise in 1960 benefit payments results largely from increases in medical costs and wage levels and from amendments liberalizing workmen's compensation laws. Disabling work injuries—compensable and noncompensable—as reported by the Bureau of Labor Statistics, declined slightly in 1960 but not enough to offset the effect of the other factors. Medical care prices, according to the Consumer Price Index of the Bureau of Labor Statistics, went up 4 percent from 1959 to 1960, and average wages, to which cash benefits are related, advanced 3 percent.

Although only 4 States increased the amount of cash benefits payable to injured workers in 1960, 30 States had increased their benefits in 1959 and in most of these States the full force of the liberalizing amendments was first felt in 1960. At the end of the year, 16 States and the District of Columbia were paying a weekly maximum for temporary total disability of \$50 or more, 14 were paying \$40–\$49, and 20 were paying \$30–\$39.

The estimated number of workers covered by workmen's compensation in an average week in 1960 was 42.9–43.3 million, about 800,000 more than in the preceding year. This expansion in the covered labor force plus higher wage rates resulted in a 4.5-percent increase in the covered payroll—from an estimated \$200 billion in 1959 to \$209 billion. Aggregate benefit payments were equivalent to

¹ Prepared in the Division of Program Research by Alfred M. Skolnik with the assistance of Julius W. Hobson. Previous estimates of workmen's compensation payments in recent years have appeared in the December or January issues of the Bulletin.

² The 1959 and 1958 percentage changes exclude data for Alaska and Hawaii. If these data were also excluded from the 1960 computations, the percentage increase from 1959 to 1960 in total benefit payments would be 6.6 percent.

0.62 percent of covered payroll in 1960—a new postwar peak surpassing the previous high of 0.61 percent in 1958.

Medical and hospital benefits probably accounted for as much as \$435 million of the \$1,290 million paid out in 1960. The greatest liberalizations in workmen's compensation laws have been made in the area of cash benefits. The higher costs of providing these benefits have been matched, however, by the increased cost of medical services rendered to injured workmen. The estimated distribution of benefit payments, by type, is shown below.

[In millions]

Type of payment	1960 ¹	1959 ¹	1958
Total.....	\$1,290	\$1,210	\$1,111
Medical and hospitalization.....	435	410	380
Compensation, total.....	855	800	731
Disability.....	760	710	646
Survivor.....	95	90	85

¹ Includes Alaska and Hawaii.

It should be noted that the 1959 data presented in the accompanying table have been considerably revised from the preliminary estimates published in last year's review. This revision developed from the fact that the *Spectator*, which through 1958 was the source of data on direct losses paid by private insurance carriers, in 1959 discontinued the collection of such statistics, and the 1959 figures had to be roughly estimated on the basis of percentage changes from 1958 to 1959 in direct losses incurred.

To obtain actual figures on direct losses paid, the Division of Program Research this year initiated arrangements with the State insurance commissions in the 50 States and the District of Columbia. Their extensive cooperation made it possible to secure exact data on direct losses paid by private carriers for 1959 for all but five States. From these data, a revised national estimate of \$1,210 million for total benefit payments was developed—about \$20 million less than the preliminary estimate.

Thirty-two States and the District of Columbia were also able to furnish 1960 data on direct losses paid. For the other States the 1960 data in the accompanying table are therefore preliminary estimates, which will be revised next year when actual data become available from the State agencies.

STATE VARIATIONS IN BENEFIT PAYMENTS

Year-to-year variations in the levels of benefit payments among the States are related to differences in the incidence and composition of covered employment, the frequency and severity of compensable injuries, the level and distribution of wages, and the liberality of benefit provisions.³

Among the States, 1960 benefit payments showed percentage changes from the preceding year that ranged from a decrease of 7.4 percent in Vermont to an increase of 31.2 percent in South Dakota. For 1959, the corresponding range was from a decline of 10.2 percent in Louisiana to a rise of 36.1 percent in New Hampshire. Only 18 States had benefit increases in 1960 that were greater than those of the preceding year.

The Federal workmen's compensation program showed the greatest fluctuation. In 1960 the Federal program covering injuries to persons other than civilian Federal employees had a 36-percent drop in payments, after having experienced a 42-percent rise in the preceding year. The 1959 rise resulted from an administrative decision of the Department of Labor to pay compensation retroactively to dependents of military reservists who had died while on active duty for the period covered by the 6-month death gratuity; this period had previously been excluded from the period of compensation. With the completion of this one-time payment, benefit outlays to this group in 1960 dropped back to former levels.

Declines in benefit payments were reported in 1960 by six States that had one-seventh of the covered labor force, compared with only two States covering less than 2 percent of the insured labor force in 1959. In one State the level of benefit payments was the same in 1958, 1959, and 1960.

³ Data for Alaska and Hawaii are excluded from the analysis of State variations in this section.

Only four States registered increases of 15 percent or more in 1960, compared with nine in 1959. For three of the four States—South Carolina, South Dakota, and California—the increase was a continuation of a rise that had been greater than the national increase during the preceding year. Eight States in 1960 had increases of 10.0–14.9 percent, compared with 12 in 1959. Among the eight States were Ohio, Indiana, Minnesota, and Arizona, where the increase again was a continuation of a higher-than-average rate of gain that began in 1959 or earlier.

Though fewer States in 1960 than in 1959 had benefit increases of 10 percent or more, the disparity is less when the States are weighted in terms of covered employment. The 12 States in 1960 with benefit increases of 10 percent or more accounted for 35 percent of the covered labor force—only 2 percentage points less than the proportion represented by the 21 States in that range in 1959.

In both 1959 and 1960, more States experienced increases in their total benefit payments within the range of 5 to 9.9 percent than in any other percentage category. Thirteen States and the District of Columbia (with 46 percent of the covered labor force) registered benefit increases within this range in 1959. Seventeen States (with about one-third of the insured labor force) reported increases of 5 to 9.9 percent in 1960. The rest of the covered labor force—20 percent in 1959 and 17 percent in 1960—were under State or Federal programs that experienced total benefit payment increases of 0.1 to 4.9 percent.

Regionally, the States of the Far West, the Great Lakes, and the Plains accounted for the greatest percentage increases in total benefit payments in both 1959 and 1960. The smallest relative advances occurred in the Southwest and Gulf States, with the Rocky Mountain States second lowest in 1959 and the Middle Atlantic States in 1960.

COST RELATIONSHIPS

In keeping with the increased benefit payments, the cost of workmen's compensation rose both in dollar amounts and as a percentage of covered payroll in 1960. The amounts spent by employers to insure or self-insure their risks under workmen's compensation hit the \$2 billion mark for the first time in 1960 and represented about 97 cents per \$100 of covered payroll, compared with 95 cents in 1958 and 93 cents in 1959. The 1960 total, which was about \$150 million more than the 1959 estimate of \$1,870 million, consists of (a) \$1,423 million in premiums paid to private insurance carriers; (b) \$431 million in premiums paid to State funds for the Federal programs financed through congressional appropriations, these "premiums" are the sum of the benefit payments and the costs of the administrative agency; and (c) about \$165 million as the cost of self-insurance (benefits paid by self-insurers, with the total increased 5 to 10 percent to allow for administrative costs).

The \$1,290 million paid in medical and cash benefits amounted to 64 cents for every dollar of the \$2 billion spent in premiums by employers during 1960 to insure their workers. This proportion is approximately the same as that recorded for 1958 and 1959. It was as low as 57 percent in 1953 and 61 percent as recently as 1957.

For private carriers alone, the ratio (direct losses paid as a percentage of direct premiums written) was unchanged from 1959's 57 percent. This is the highest loss ratio for private carriers in any year beginning with 1939, the first year reported in the Bulletin series. A loss ratio based on losses incurred (which include amounts set aside to cover liabilities for future claims payments) would have been still higher. According to data from the National Council on Compensation Insurance, losses incurred by private carriers, as a percentage of net premiums earned, amounted to 64 percent in 1960.

In contrast to the experience of private carriers, the State funds (with the Federal fund excluded) showed a drop of 3 percentage points in their ratio of benefits paid to premiums—from 75 percent in 1959 to 72 percent in 1960. The loss ratios for private carriers and, to some extent, for State funds do not take into account the amount of premium income that is returned to employers in the form of dividends or retrospective rating credits.

OCCUPATIONAL SAFETY LEGISLATION

Estimates of workmen's compensation payments, by State and type of insurance, 1958-60¹

[In thousands]

State	1960				1959				1958				Percentage change in total payments from preceding year	
	Total	Insurance losses paid by private carriers ²	State fund disbursements ³	Self-insurance payments ⁴	Total	Insurance losses paid by private carriers ²	State fund disbursements ³	Self-insurance payments ⁴	Total	Insurance losses paid by carriers ²	State fund disbursements ³	Self-insurance payments ⁴	1960 from 1959	1958
Total.....	\$1,260,314	\$814,211	\$324,204	\$151,899	\$1,209,809	\$752,580	\$315,990	\$141,239	\$1,111,353	\$694,402	\$284,780	\$132,171	+6.7	+8.3
Total, excluding Alaska and Hawaii.....	1,282,946	808,512	324,204	150,230	1,203,998	748,072	315,990	139,936	1,111,353	5,047	8,785	3,280	+1.9	+2.1
Alabama.....	8,667	4,952	-----	3,715	8,804	4,859	-----	3,645	8,327	5,047	-----	3,280	+25.5	+14.7
Alaska.....	2,923	2,728	-----	195	2,329	2,174	-----	155	9,333	258	-----	280	+13.1	+14.7
Arizona.....	12,113	7,456	11,299	358	10,709	335	10,028	346	6,333	5,493	8,785	280	+1.9	+13.8
Arkansas.....	7,560	6,195	-----	1,365	7,626	6,251	-----	1,375	119,087	78,985	27,772	12,330	+18.5	+11.3
California.....	156,979	104,029	36,695	16,255	132,511	86,474	32,317	13,720	8,715	2,986	4,989	1,785	+7.6	+12.2
Colorado.....	10,925	3,350	6,220	9,955	9,781	3,344	5,547	8,900	17,944	16,059	-----	1,785	+5.8	+7.3
Connecticut.....	19,869	17,884	-----	1,985	19,142	17,227	-----	1,915	1,626	1,321	-----	305	+1.8	+16.4
Delaware.....	1,959	1,594	-----	365	1,925	1,575	-----	305	3,477	2,880	-----	280	+2.9	+5.3
District of Columbia.....	4,069	3,754	-----	315	3,955	3,650	-----	305	26,709	24,584	-----	2,125	+2.9	+2.5
Florida.....	30,050	27,320	-----	2,730	27,380	25,485	-----	1,895	10,334	8,884	-----	1,500	+1.9	+4.8
Georgia.....	11,032	9,429	-----	1,003	10,828	9,253	-----	1,576	-----	-----	-----	-----	+27.7	+1.5
Guam.....	4,445	2,971	-----	1,474	3,482	2,334	-----	1,148	4,377	2,892	999	486	+10.1	+5.4
Hawaii.....	4,927	3,277	1,133	517	4,444	2,980	992	4,462	58,125	47,753	-----	10,372	+10.8	+15.7
Idaho.....	67,444	56,391	-----	11,053	61,261	49,564	-----	2,890	16,860	14,360	-----	2,500	+8.6	+9.4
Illinois.....	21,614	18,409	-----	3,205	16,615	16,615	-----	2,890	7,869	6,294	-----	1,575	+8.6	+9.4
Iowa.....	9,348	7,478	-----	1,870	8,605	6,885	-----	1,720	10,308	8,248	-----	2,090	+9.1	+15.4
Kansas.....	12,978	10,383	-----	2,595	11,893	9,513	-----	2,380	11,062	7,902	-----	3,160	+7.0	+2.6
Kentucky.....	12,143	9,118	-----	3,025	11,353	8,523	-----	2,890	28,210	24,320	-----	3,890	+4.4	+10.2
Louisiana.....	26,462	23,012	-----	3,450	25,338	22,033	-----	3,305	2,771	2,411	-----	3,360	+5.2	+10.8
Maine.....	3,230	2,810	-----	420	3,071	2,671	-----	400	16,943	12,779	1,774	2,390	+9.9	+8.4
Maryland.....	20,187	15,204	2,398	2,585	18,364	13,961	2,030	2,373	16,343	12,779	-----	2,805	+9.7	+9.2
Massachusetts.....	45,357	41,997	-----	3,360	41,335	38,275	-----	3,060	37,858	35,053	-----	2,805	+10.0	+5.2
Michigan.....	50,301	34,168	3,473	12,670	42,151	28,874	2,852	10,425	40,061	26,501	2,585	10,995	+19.3	+8.4
Minnesota.....	22,033	18,994	-----	3,039	20,024	17,292	-----	2,732	18,464	15,972	-----	2,492	+10.0	+8.4
Mississippi.....	8,371	7,740	-----	631	7,423	6,805	-----	618	6,200	5,660	-----	540	+12.8	+19.7
Missouri.....	22,617	19,842	-----	2,775	20,798	18,243	-----	2,555	20,063	17,463	-----	2,600	+8.0	+3.7
Montana.....	5,401	1,394	2,951	1,056	5,401	1,300	3,097	1,004	5,403	1,211	3,173	1,019	+2.1	+0

Nebraska.....	4,468	4,343	4,203	125	4,287	4,167	3,956	120	3,976	3,864	4	4,124	112	+4.2	
Nevada.....	4,422	4,166	4,100	10	4,166	4,167	3,956	200	4,333	4,333	4	4,124	112	+4.2	
New Hampshire.....	3,741	3,651	3,580	80	3,635	3,565	3,460	70	4,333	2,621	205	---	205	+3.9	
New Jersey.....	59,880	53,132	6,746	6,746	59,430	49,883	6,535	6,535	54,113	47,551	50	---	6,535	+2.0	
New Mexico.....	7,070	6,470	6,971	6,971	6,971	6,971	6,971	6,971	5,984	5,554	430	---	6,430	+1.3	
New York.....	164,580	101,273	43,343	19,912	166,113	102,221	43,659	20,233	154,621	95,482	19,348	40,091	19,348	+7.2	
North Carolina.....	14,939	12,449	2,490	2,490	13,823	11,518	2,401	2,305	12,213	10,093	2,120	---	2,120	+1.5	
North Dakota.....	2,438	15	2,423	2,412	2,412	2,412	73,693	11,090	76,064	103	10	2,048	9,908	+17.2	
Ohio.....	94,495	12,289	82,035	12,305	85,107	84	73,693	11,090	76,064	103	10	2,048	9,908	+17.2	
Oklahoma.....	15,172	12,289	1,763	1,110	15,477	12,274	2,073	1,130	15,451	12,213	2,108	---	2,108	+1.9	
Oregon.....	25,539	3,013	22,526	3,013	25,729	20,673	20,673	1,130	25,092	2,114	3,744	---	1,130	+7.4	
Pennsylvania.....	48,431	32,371	3,505	12,555	45,938	30,298	3,745	11,915	43,281	28,357	3,703	---	11,221	+7.6	
Puerto Rico.....	7,573	7,165	408	408	6,651	6,263	388	388	6,388	6,297	311	---	311	+1.7	
Rhode Island.....	8,138	6,838	1,300	1,300	7,009	5,888	1,121	1,121	6,175	5,206	869	---	869	+13.5	
South Carolina.....	1,960	1,660	300	300	1,494	1,264	230	230	1,740	1,134	215	---	215	+16.1	
South Dakota.....	14,256	12,996	1,260	1,260	13,387	12,203	1,184	1,184	12,118	10,538	1,580	---	1,580	+31.2	
Tennessee.....	69,740	69,740	1,877	575	65,433	65,433	1,679	565	59,737	59,727	1,010	---	1,010	+6.5	
Texas.....	3,460	1,008	1,097	1,097	3,331	1,097	1,679	565	3,307	1,167	560	---	560	+9.0	
Utah.....	1,720	1,565	155	155	1,857	1,687	170	170	1,665	1,515	150	---	150	+7.7	
Vermont.....	1,720	1,565	155	155	1,857	1,687	170	170	1,665	1,515	150	---	150	+11.5	
Virgin Islands.....	10,477	10,477	---	---	12,083	9,983	2,100	2,100	10,823	8,873	1,950	---	1,950	+4.9	
Virginia.....	25,122	550	24,332	240	23,764	508	22,986	270	21,936	567	300	---	300	+5.7	
Washington.....	14,325	105	12,491	1,729	14,562	103	13,227	1,232	13,966	56	887	---	887	+8.3	
West Virginia.....	22,067	18,036	1,606	4,031	21,551	17,580	1,536	3,971	18,634	15,500	3,134	---	3,134	+2.4	
Wisconsin.....	1,616	10	---	---	1,547	11	---	---	1,339	13	---	---	---	+15.7	
Wyoming.....	42,329	42,329	17,602	41,551	41,551	41,551	41,551	41,551	40,076	40,076	---	---	---	+1.9	
Federal workmen's compensation.....	17,602	17,602	---	27,703	27,703	27,703	27,703	27,703	19,514	19,514	---	---	---	+3.7	
Civilian employees ¹	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Other ²	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

¹ Data for 1960 preliminary. Calendar-year figures, except that data for Montana and West Virginia, for Federal workmen's compensation, and for State fund disbursements in Maryland, Nevada, North Dakota, Oregon, and Utah represent fiscal years ended in 1958, 1959, and 1960. Includes benefit payments under the Longshoremen's and Harbor Workers' Compensation Act and the Defense Base Compensation Act for the States in which such payments are made.

² Net cash and medical benefits paid by private insurance carriers under standard workmen's compensation policies. 1958 data furnished by the Chilton Co., publisher of the Spector; Insurance by States of Fire, Marine, Casualty, Surety, and Miscellaneous Lines. Data for 1959 and 1960 obtained from State insurance commissions, except in a few States where estimates are based on percentage changes in direct losses incurred from preceding year as reported for individual States by the Spector and the National Council on Compensation Insurance.

³ Net cash and medical benefits paid by State funds; compiled from State reports (published and unpublished) and from the Spector; estimated for some States.

⁴ Cash and medical benefits paid by self-insurers, plus the value of medical benefits paid by employers carrying workmen's compensation policies that do not include the standard medical coverage. Estimated from available State data.

⁵ Payments to civilian Federal employees (including emergency relief workers) and their dependents under the Federal Employees' Compensation Act.

⁶ Includes primarily payments made to dependents of reservists who died while on active duty in the Armed Forces, to individuals under the War Hazards Act, War Claims Act, and Civilian War Benefits Act, and to cases involving Civil Air Patrol and Reserve Officers Training Corps personnel, and maritime war risks.

⁷ Net cash and medical benefits paid by State funds; compiled from State reports (published and unpublished) and from the Spector; estimated for some States.

⁸ Cash and medical benefits paid by self-insurers, plus the value of medical benefits paid by employers carrying workmen's compensation policies that do not include the standard medical coverage. Estimated from available State data.

⁹ Payments to civilian Federal employees (including emergency relief workers) and their dependents under the Federal Employees' Compensation Act.

¹⁰ Includes primarily payments made to dependents of reservists who died while on active duty in the Armed Forces, to individuals under the War Hazards Act, War Claims Act, and Civilian War Benefits Act, and to cases involving Civil Air Patrol and Reserve Officers Training Corps personnel, and maritime war risks.

[Excerpts from "State Workmen's Compensation Laws: A Comparison of Major Provisions With Recommended Standards," Bulletin No. 212, U.S. Department of Labor]

RATIO OF MAXIMUM WEEKLY BENEFITS TO AVERAGE WEEKLY WAGES

Most of the laws base cash benefits on varying percentages of average weekly wages received by the worker, usually 66 $\frac{2}{3}$ percent. However, workers do not as a rule actually receive the amount indicated by the percentages because most laws also set a dollar limitation on the payments. This means that the worker may receive less than the statutory percentage. Only five jurisdictions provide maximum weekly benefits equal to at least two-thirds of the State's average weekly wage.¹ Nineteen States had weekly benefit levels less than 50 percent of the average weekly wage in 1961.

It is suggested that a formula based on the State's average weekly wage be provided for determining the maximum weekly benefit in order to eliminate the necessity for constantly adjusting the benefit rate at each session of the legislature. The Connecticut workmen's compensation law provides that the maximum weekly benefits shall be a percentage of the average production wage in the State for the current year. The rate is to be determined annually by the labor commissioner, in accordance with standards for the determination of average production wages established by the Bureau of Labor Statistics of the U.S. Department of Labor.

OBJECTIVE

To provide a maximum weekly benefit rate which will be sufficient to allow an injured worker and his dependents to maintain a standard of living above the subsistence level.

RECOMMENDED STANDARD

Maximum weekly benefit should be equal to at least 66 $\frac{2}{3}$ percent of the State's average weekly wage.

¹ Based on ratio of maximum weekly temporary total disability benefits as of December 1961 for worker, wife, and two dependent children and the wages of workers covered under the State unemployment insurance laws for 1960.

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE

State	Maximum weekly temporary total disability benefit for single worker or for worker with dependents where law makes no provision for dependency allowances					Maximum weekly temporary total disability benefit for worker, wife and two dependent children where additional compensation is allowed for dependents					Average weekly wage as reported under the State unemployment insurance acts					Ratio of maximum temporary total disability benefit for worker, wife, and two dependent children to average weekly wage ¹				
	1940	1952	1958	1961	1961	1940	1952	1958	1961	1961	1940	1952	1958	1960	1940	1952	1958	1961		
	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent		
Alabama	18.00	23.00	31.00	33.00		18.96	55.84	70.99			18.96	55.84	70.99	94.9	41.2	43.7				
Alaska	(²)	(²)	100.00	100.00		34.77	119.08	132.97			34.77	119.08	132.97	75.2		75.2				
Arizona	(²)	150.00	150.00	150.00		25.09	68.62	85.91	\$156.90		25.09	68.62	85.91	94.12	218.6	182.6	166.7			
Arkansas	20.00	25.00	35.00	35.00		16.37	48.85	59.48			16.37	48.85	59.48	122.2	51.2	58.8	55.0			
California	25.00	35.00	50.00	70.00		31.17	75.04	97.38			31.17	75.04	97.38	80.2	46.6	51.3	66.2			
Colorado	14.00	28.00	36.75	40.25		25.58	67.39	86.78			25.58	67.39	86.78	54.7	41.5	42.3	44.2			
Connecticut	25.00	36.00	45.00	52.00		29.11	72.81	90.88			29.11	72.81	90.88	85.9	49.4	49.5	53.3			
Delaware	15.00	30.00	35.00	50.00		29.64	71.68	95.53			29.64	71.68	95.53	50.6	41.9	36.6	48.5			
District of Columbia	25.00	35.00	54.00	70.00		26.69	65.28	85.22			26.69	65.28	85.22	93.7	48.8	63.4	76.0			
Florida	18.00	35.00	35.00	42.00		20.11	56.89	74.43			20.11	56.89	74.43	89.5	61.5	47.0	51.9			
Georgia	20.00	24.00	30.00	30.00		17.85	53.37	67.42			17.85	53.37	67.42	112.0	45.0	44.5	41.1			
Hawaii	25.00	35.00	75.00	75.00		21.51	56.45	69.18			21.51	56.45	69.18	116.2	62.0	108.4	95.0			
Idaho	16.00	20.00	28.00	28.00		22.17	63.48	77.60	41.00	41.00	22.17	63.48	77.60	79.4	34.7	52.8	50.2			
Illinois	20.00	25.50	39.00	51.00		29.65	76.33	96.36	55.00	55.00	29.65	76.33	96.36	67.5	35.6	43.6	53.2			
Indiana	16.50	27.00	36.00	39.00		27.44	73.07	90.52			27.44	73.07	90.52	60.1	37.0	39.8	40.1			
Iowa	15.00	28.00	32.00	32.00		23.72	64.05	79.46	38.00	38.00	23.72	64.05	79.46	63.2	43.7	40.3	44.3			
Kansas	18.00	25.00	34.00	38.00		23.09	67.45	81.40			23.09	67.45	81.40	78.0	37.1	41.8	44.5			
Kentucky	15.00	27.00	32.00	36.00		22.00	62.13	76.42			22.00	62.13	76.42	68.2	43.5	41.9	44.4			
Louisiana	20.00	30.00	35.00	35.00		21.21	59.09	78.15			21.21	59.09	78.15	94.3	50.8	44.8	42.3			
Maine	18.00	24.00	35.00	39.00		20.98	57.90	70.30			20.98	57.90	70.30	85.8	41.5	49.8	51.1			

¹ The Percentages in these columns are found by dividing the maximum weekly benefit for a worker, his wife, and two dependent children by the average weekly wage. The 1961 benefit is divided by the 1960 average weekly wage, as the wage data for 1961 was not available when the ratios were computed.

² No maximum.

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY
TO AVERAGE WEEKLY WAGES, BY STATE—Continued

State	Maximum weekly temporary total disability benefit for single worker or for worker with dependents where law makes no provision for dependency allowances				Maximum weekly temporary total disability benefit for worker, wife and two dependent children where additional compensation is allowed for dependents				Average weekly wage as reported under the State unemployment insurance acts					Ratio of maximum temporary total disability benefit for worker, wife, and two dependent children to average weekly wage							
	1940	1952	1958	1961	1940	1952	1958	1961	1940	1952	1958	1960	1940	1952	1958	1961	1940	1952	1958	1961	
Maryland	\$20.00	\$32.00	\$40.00	\$40.00	.....	.....	.....	.....	\$24.68	\$61.15	\$79.64	\$85.21	81.0	52.3	50.2	46.9	81.0	52.3	50.2	46.9
Massachusetts	18.00	30.00	40.00	50.00	\$37.50	\$47.00	\$68.00	.....	26.41	62.71	80.70	87.53	68.2	59.8	58.2	77.7	68.2	59.8	58.2	77.7
Michigan	18.00	28.00	33.00	33.00	34.00	45.00	45.00	.....	32.66	83.33	102.44	109.69	55.1	40.8	43.9	41.0	55.1	40.8	43.9	41.0
Minnesota	20.00	32.00	45.00	45.00	.....	.....	.....	.....	25.84	66.37	83.52	90.75	77.4	48.2	53.9	49.6	77.4	48.2	53.9	49.6
Mississippi	.....	25.00	35.00	35.00	.....	.....	.....	.....	17.15	47.81	61.30	64.77	.....	52.3	57.1	54.0	.....	52.3	57.1	54.0
Missouri	20.00	30.00	37.50	47.50	.....	.....	.....	.....	25.50	66.56	83.67	90.68	78.4	45.1	44.8	52.4	78.4	45.1	44.8	52.4
Montana	21.00	21.50	28.00	29.00	25.50	36.50	40.00	.....	26.32	64.52	77.66	83.01	79.8	39.5	47.0	48.2	79.8	39.5	47.0	48.2
Nebraska	15.00	26.00	34.00	37.00	.....	.....	.....	.....	23.78	60.93	75.43	83.13	63.1	42.7	45.1	44.5	63.1	42.7	45.1	44.5
Nevada	16.62	24.23	37.50	41.25	34.62	51.92	57.12	.....	27.79	74.35	92.93	99.05	84.7	46.6	55.9	57.7	84.7	46.6	55.9	57.7
New Hampshire	18.00	30.00	37.00	42.00	.....	.....	.....	.....	21.48	56.98	71.40	76.83	83.8	52.7	51.8	54.7	83.8	52.7	51.8	54.7
New Jersey	20.00	30.00	40.00	40.00	.....	.....	.....	.....	29.45	74.36	93.17	100.93	67.9	40.3	42.9	39.6	67.9	40.3	42.9	39.6
New Mexico	18.00	30.00	30.00	38.00	.....	.....	.....	.....	20.82	63.06	81.32	87.19	86.5	47.6	36.9	43.6	86.5	47.6	36.9	43.6
New York	25.00	32.00	45.00	50.00	.....	.....	.....	.....	30.91	74.31	94.25	102.40	80.9	43.1	47.7	48.8	80.9	43.1	47.7	48.8
North Carolina	18.00	30.00	35.00	35.00	.....	.....	.....	.....	17.99	51.90	63.17	68.91	100.1	57.8	55.4	50.8	100.1	57.8	55.4	50.8
North Dakota	20.00	25.00	31.50	42.00	34.00	37.25	48.00	.....	22.33	61.96	73.71	78.06	89.6	54.9	50.5	61.5	89.6	54.9	50.5	61.5
Ohio	18.75	32.20	40.25	49.00	.....	.....	.....	.....	29.37	74.57	93.80	101.68	63.8	43.2	42.9	48.2	63.8	43.2	42.9	48.2
Oklahoma	18.00	25.00	35.00	35.00	.....	.....	.....	.....	25.27	66.51	80.25	84.50	71.2	37.6	43.6	41.4	71.2	37.6	43.6	41.4
Oregon	22.38	25.38	30.00	32.31	38.07	48.46	50.77	.....	25.59	73.47	86.32	91.82	87.5	51.8	56.1	55.3	87.5	51.8	56.1	55.3
Pennsylvania	18.00	30.00	37.50	47.50	.....	.....	.....	.....	26.10	66.08	83.62	90.19	69.0	45.4	44.8	52.7	69.0	45.4	44.8	52.7
Puerto Rico	10.00	15.00	25.00	35.00	28.94	33.56	86.4	105.2

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE—Continued

State	Maximum weekly temporary total disability benefit for single worker or for worker with dependents where law makes no provision for dependency allowances				Maximum weekly temporary total disability benefit for worker, wife and two dependent children where additional compensation is allowed for dependents				Average weekly wage as reported under the State unemployment insurance acts				Ratio of maximum temporary total disability benefit for worker, wife, and two dependent children to average weekly wage ¹			
	1940	1952	1958	1961	1940	1952	1958	1961	1940	1952	1958	1960	1940	1952	1958	1961
Rhode Island	\$20.00	\$28.00	\$32.00	\$40.00					\$23.89	\$62.67	\$74.32	\$79.76	83.7	44.7	43.1	50.2
South Carolina	25.00	25.00	35.00	35.00					16.30	55.18	61.09	66.84	153.4	45.3	57.3	52.4
South Dakota	15.00	25.00	30.00	35.00					22.60	59.32	71.61	77.63	66.4	42.1	41.9	45.1
Tennessee	16.00	25.00	32.00	34.00					20.45	57.09	71.14	75.92	78.2	43.8	45.0	44.8
Texas	20.00	25.00	35.00	35.00					23.81	65.47	80.04	84.56	84.0	38.2	43.7	41.4
Utah	16.00	27.50	35.00	39.00	\$17.60	\$30.25	\$39.90	\$47.25	24.43	63.58	80.20	85.58	72.0	47.6	49.8	55.2
Vermont	15.00	25.00	30.00	36.00			34.00	40.00	24.06	60.61	71.72	78.80	62.3	41.2	47.4	50.8
Virginia	16.00	25.00	33.00	35.00					21.36	57.32	70.42	76.35	74.9	43.6	46.9	45.8
Washington		23.08	28.85	38.08	13.84	39.23	48.46	57.69	27.07	72.52	90.83	98.09	51.1	54.1	53.4	58.8
West Virginia	16.00	25.00	33.00	38.00					25.78	68.33	84.65	91.71	62.1	36.6	39.0	41.4
Wisconsin	21.00	37.00	49.00	60.00					28.56	71.50	87.74	94.76	73.5	51.7	55.8	63.3
Wyoming	20.77	21.23	30.00	40.38		35.54	42.48	55.38	23.50	64.15	79.24	88.23	88.4	55.4	53.6	62.8

EXCERPTS FROM: *Growth of Labor Law in the U.S., U.S. Dept. of Labor, 1962*

WORKMEN'S COMPENSATION

Workmen's compensation is still a fairly recent development in social legislation, particularly in this country. The first successful State law passed only 50 years ago.

Workmen's compensation was devised to assure that benefits would be paid to workers injured on the job, and that they would be paid promptly, with a minimum of legal formality, and without the necessity of fixing the blame for the injury. Under these laws, the cost of work injuries is considered part of the cost of production. This system was the result of growing dissatisfaction with the common-law procedures and employers' liability laws formerly applying in cases of work injuries.

History

There has been a long period of development of the workmen's compensation system. Back in the days of the handicraft guilds, when a "master" had only a few "servants" learning the trade and then working for him, there was no real problem of what to do about an injured worker. The work was done by hand, and thus much more slowly than now and on a much smaller scale, and as a result there were few accidents. When a worker was injured on the job, it was the general practice for his master to take care of him. Perhaps one reason for this was that workers were well known to their employer; they were often related.

Thus the theory that the employer had some responsibility for the safety of his workers began to develop as part of the common-law doctrine.

It was after the industrial revolution that the problem of injured workmen became acute. As industries developed on a larger scale, the number and severity of accidents increased rapidly. Relationships between employers and employees were no longer personal, and the employer did not feel the same sense of responsibility for his employees as before. It now became necessary for the worker to go to court to get redress against his employer in case of injuries.

The common-law principle of an employer's responsibility toward his employees now included the theory that it was the

employer's duty to provide a safe place for his employees to work, and to use reasonable care in protecting his workers against perils he knew of, or should have known of, and in selecting competent fellow workers. It would thus appear that the worker had fairly adequate protection, with court remedies against his employer if he were injured. But in actual practice, this was far from the truth. In bringing suit, the worker ran into all kinds of difficulties.

First, the process of bringing suit was very costly, which in itself deterred many workers from court action. The time element was another deterrent; sometimes years would elapse between the accident and the final court decision.

In addition, if the worker needed witnesses to help prove his employer's negligence, he was often in trouble. His fellow workers were usually afraid they would lose their jobs if they testified.

In any case, if an employee did sue his employer, he was pretty sure to lose his job—and this was true whether he won or lost the case.

Finally, there was a good chance the worker would not win anyhow. The employer was entitled to three specific defenses and so strictly were these applied by the courts that only an exceptional case was won by a worker. These employer defenses were:

1. *Assumption of risk*.—This meant that in taking any job, the worker accepted the ordinary risks of any dangers there might be in that particular employment, and such risks were his own responsibility.

2. *Fellow-servant rule*.—Under the general law of negligence, an employer was responsible for an injury to a *third party* due to an employee's negligence. However, under the fellow-servant rule, the employer was not held responsible if the third person was another one of his employees—i.e., a fellow servant of the injured employee. This theory was definitely established in England and the United States around the middle of the 19th century. One of the most important cases in the United States was the Massachusetts case of *Farwell v. Boston and Worcester R.R. Co.* (4 Metc. 49, 1842). In this case, an engineer had been injured in an accident caused by the failure of a switchman to change a switch. The engineer brought suit, but lost the case; the judge stated that the carelessness of a fellow servant was one of the risks of employment.

3. *Contributory negligence*.—In bringing suit, the injured employee had first of all to prove that the employer had been negligent. This in itself was hard to do, but once having proved it, the employee then had to go further and establish his own

complete freedom from negligence. For his "contributory negligence," be it ever so slight, could nullify the employer's negligence, no matter how great.

It is easy to see why, with these defenses available to the employer, it was exceedingly difficult for any worker to win a case. And it is easy to see why the workers were so dissatisfied with the common-law procedures. Continuous and growing agitation for some modification led to the passage of the so-called employers' liability acts, under which the common-law defenses were modified or even in part abrogated. For instance, under some of these laws, the fellow-servant rule was virtually abrogated; under some, the contributory negligence rule was modified so that even though the injured worker had been negligent to some extent, he could still charge negligence on the part of the employer.

Georgia, in 1855, was the first State to pass an employers' liability law; Iowa followed in 1862; both of these laws, however, applied only to cases brought by railroad employees. Most States eventually had such laws, but in many cases their application was limited to workers in certain industries, particularly the railroads.

One good feature of these acts was that they usually abrogated the former theory and practice that a right of action died with the death of the injured worker, which meant that, for the first time, dependents of deceased workers could bring suit.

Although these laws were a great improvement over the harshness of the common-law defenses, there were numerous criticisms of this system also. It was still necessary to take a case to court. And taking a case to court was still very costly and time-consuming. Sometimes years would still elapse between the accident and the final decision of the courts. It was reported that, in a study of 33 employer liability cases in California between 1905 and 1911, the average time elapsing between the date of accident and the California Supreme Court decision was over 4 years and 9 months.

By about the beginning of the 20th century, when most injured workers in the United States remained uncompensated by their employers or were trying to win benefits through the courts, a new way to handle such cases had been adopted by most European countries. The method was a radical change from the common-law system or employers' liability theory. The idea was to make the employer responsible for granting compensation to workers injured on the job, regardless of who was to blame for the accident, on the theory that costs of providing such compensation were to be part of the cost of production and should be borne by the consumer of the product.

Switzerland, in 1881, was the first country to pass a law making the employer liable in case of accidents in certain industries, without proof of fault. However, Germany, in 1884, passed the first modern workmen's compensation act. The German act at first applied only to manufacturing, mining, and transportation, but persons employed in agriculture, forestry, and the public service were added in 1886. Later other employments were added.

The movement soon spread to other European countries—Austria, Hungary, Norway, Finland, and, in 1897, to Great Britain. By 1903, practically every European country had such a law. The German and Great Britain acts both received study in the United States and they became models for many laws later adopted in this country.

The U.S. Bureau of Labor was particularly interested in these laws, and in 1891 commissioned John Graham Brooks to study the German system. His report on it was published in 1893 as the Fourth Special Report of the Commissioner of Labor.

A bill modeled on the British system was introduced in New York in 1898, but this was not passed. The first act in the nature of a workmen's compensation act in this country was passed in Maryland in 1902. It was limited in application and through a defect provided payments for only fatal and not nonfatal injuries. However, this law was shortly declared unconstitutional.

In the meantime, legislative commissions on workmen's compensation were appointed and became active in Massachusetts in 1903, Illinois in 1905, and Connecticut in 1906.

By the beginning of 1908, there was still no workmen's compensation law in this country. President Theodore Roosevelt recognized the injustice of this in a message to Congress in January of that year, when he urged passage of an act for Federal employees. He pointed out that at that time the burden of an accident fell upon the helpless man, his wife, and children. The President declared this to be "an outrage." He said:

It is a matter of humiliation to the Nation that there should not be on our statute books provision to meet and partially to atone for cruel misfortune when it comes upon a man through no fault of his own. . . . In no other prominent industrial country in the world could such gross injustice occur; for almost all civilized nations have enacted legislation embodying the complete recognition of the principle which places the entire trade risk for industrial accidents . . . on the industry as represented by the employer. . . .

Exactly as the working man is entitled to his wages, so he should be entitled to indemnity for the injuries sustained in the natural course of his labor. The rates of compensation and the regulations for its payment should be specified in the law, and the machinery for determining the amount to be paid should in each case be provided in such manner that the employee is properly represented without expense to him. . . .

Later in 1908, the first actual workmen's compensation law was passed in this country. This was a Federal act granting very limited compensation to certain Federal employees in extra-hazardous jobs. It was replaced in 1916 by an act applying to all Federal employees.

Agitation continued for State laws. In the meantime, committees were formed in at least 18 other States in 1909, 1910, and 1911. Actually, a law was passed in Montana in 1909, applying to miners and laborers in coal mines, but it was declared unconstitutional. New York tried it in 1910, but their act met the same fate.

Success was close, however. The first States to pass permanent workmen's compensation laws were Washington and Kansas, both on March 14, 1911; both laws had a later effective date. The first State to put an act into effect was Wisconsin, whose law was approved and became effective the same day—May 3, 1911. Seven other States passed laws in 1911 (California, Illinois, Massachusetts, Nevada, New Jersey, New Hampshire, Ohio), three in 1912 (Arizona, Michigan, Rhode Island), and eight in 1913 (Connecticut, Iowa, Minnesota, Nebraska, New York, Oregon, Texas, West Virginia).

By March 1921, laws were in effect in 44 States, and Puerto Rico, and all Federal employees were covered by the act of 1916. It was not till 1948, however, that the last State law was passed. There are now (since 1948) 54 workmen's compensation laws: those in the 50 States, the District of Columbia, Puerto Rico, and two Federal acts—one applying to Federal workers, mentioned above, and one to longshoremen and harbor workers.

From the beginning, there have been marked differences in the 54 laws. They differ as to whether the law is compulsory or elective, as to the method of insuring, the extent of coverage, the inclusion of occupational diseases, the waiting period, the amount of benefits, and the type of administration.

The 1910 New York law that was declared unconstitutional had been a compulsory-type law applying to certain hazardous employments. The adverse decision in the case, *Ives v. South Buffalo Railway Company*, 94 NE 431 (1911), had far-reaching effects for this type of legislation. The unconstitutionality was based on the theory that to require an employer to pay workmen's compensation, especially where the accident was not the fault of the employer, was to deprive him of "life, liberty, or property without due process of law." Though compulsory-type laws were later tested in other States, and declared constitutional, many States nevertheless passed elective rather than compulsory laws.

New York itself took care of the situation by amending its

constitution in November 1913 and adopting another compulsory workmen's compensation law December 16 of that year. Since the constitutional amendment did not become effective till January 1, 1914, the State reenacted its law with a few amendments on March 16, 1914, to remove all doubt as to its legality.

Under an elective law, the employer has a choice of accepting or rejecting the workmen's compensation law. Usually, if he rejects it, he has to notify the administrative agency in writing of this fact. If an employer rejects (or does not accept) the law, he is penalized by not being permitted to use any of the three common-law defenses described above: assumption of risk, fellow-servant rule, and contributory negligence. Under some laws, an employee may reject even though the employer accepts, but in these cases the employer would be free to use these defenses in event of an injury to such an employee.

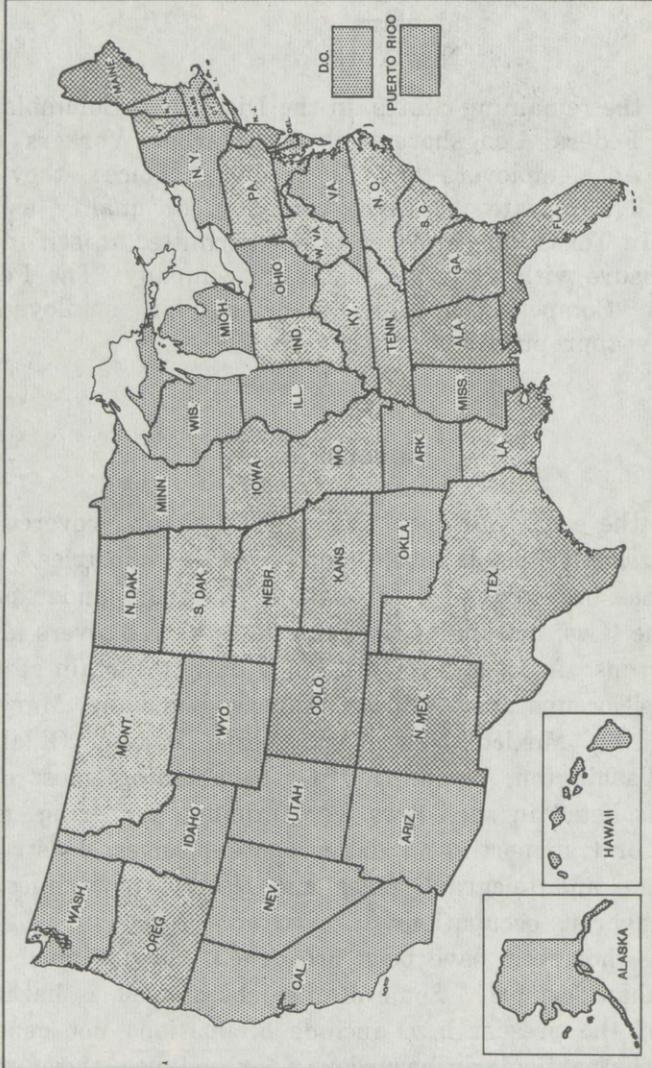
While most laws were elective at first, the trend has changed, and now half are compulsory. For instance, as of January 1924, 13 States and Puerto Rico had compulsory laws for covered private employments, and 31 had elective laws. (Six States and the District of Columbia still had no law.) Now 30 of the laws are compulsory, 24 are still elective. (See maps 14 and 15.) Of the 24, election is presumed in 19 unless specifically rejected; in the other 5, it has to be specifically accepted.

As to how the employers are to meet their obligations, the laws provide three methods: insurance with a private insurance company, insurance with a State fund, and self-insurance. Certain conditions must be met for self-insurance, such as filing a bond or depositing securities.

Heavy penalties are incurred by the employer who fails to secure compensation in a manner approved by the State if one of his employees suffers an injury. The penalties range from a fine of 10 cents a day per employee to a fine of \$500 a day. Some laws specify a fine plus imprisonment, the imprisonment ranging from 10 days to 1 year. In addition, in several States the employer may be enjoined from doing business until he complies with the requirement.

Nineteen jurisdictions have "State funds" at the present time. These are classified as "exclusive" or "competitive." At present, 8 of the 19 have an exclusive fund: Nevada, North Dakota, Ohio, Oregon, Washington, West Virginia, Wyoming, and Puerto Rico. In a State with an exclusive fund, employers must insure in that fund. They are not permitted to choose a private insurance company, nor, except in Ohio and West Virginia, may they self-insure. Competitive State funds exist in the other 11 States,

Map 15. COMPULSORY AND ELECTIVE WORKMEN'S COMPENSATION LAWS—JANUARY 1961



where the employers have a three-way choice—to insure in the State fund, to insure with a private company, or to self-insure:

Arizona	Maryland	Oklahoma
California	Michigan	Pennsylvania
Colorado	Montana	Utah
Idaho	New York	

In 31 of the remaining States, in the District of Columbia, and under the Federal Longshoremen's and Harbor Workers' Compensation Act, employers have a two-way choice: they may insure with a private insurance company, or qualify as self-insurers. In Texas, an employer is not permitted to self-insure; he must insure with a private insurance company. The Federal Employees' Compensation Act, covering civil employees, is financed by appropriations of Congress.

Coverage

Most of the early workmen's compensation laws covered only certain hazardous occupations, or only certain industries. While coverage has been extended throughout the years under practically all the laws, not one of the State laws as yet covers all employed persons. A dozen laws still apply only to certain so-called "hazardous" occupations: Illinois, Kansas, Louisiana, Maryland, Montana, New Mexico, New York, North Dakota, Oklahoma, Oregon, Washington, Wyoming. In the beginning, most of the occupations listed in such laws were mining, lumbering, manufacturing, or transporting of dangerous explosives, construction of telephone and telegraph poles and electric powerlines, and similar dangerous occupations.

The lists, however, have been broadened and are much more inclusive than formerly. Some of the jobs classed as hazardous in some of the present laws include occupations not generally deemed to be particularly hazardous—for instance, those of outside salesmen, musicians at hotels or theatres, janitors, dishwashers in restaurants, public schoolteachers, and employment in a hotel, laundry, or bakery, or by a municipal corporation or State.

Major groups of persons not usually covered are farmworkers, domestic servants, and those engaged in casual employment. Many laws also exempt others, such as employees of charitable or religious institutions.

Numerical Exemptions

Twenty-eight of the laws exempt employers having fewer than a specified number of employees. The exemptions apply generally where there are fewer than 2, 3, 4, or 5 employees but in eight States the number is from 6 to 15 employees. The laws which have no numerical exemptions are:

Alaska	Maryland	South Dakota
California	Minnesota	Utah
District of Columbia	Montana	Washington
Hawaii	Nebraska	West Virginia
Idaho	New Jersey	Wyoming
Illinois	New York	United States (Federal employees and longshoremen)
Indiana	North Dakota	
Iowa	Oregon	
Louisiana	Pennsylvania	
	Puerto Rico	

Agricultural Workers

Agricultural employments are usually excluded from coverage. In fact, hired farmworkers constitute the largest population group deprived of workmen's compensation protection. Some steps toward specific inclusion of agriculture, however, have been taken. Seventeen States and Puerto Rico now have some coverage of agricultural workers. Only eight of these laws (those of Alaska, California, Connecticut, Hawaii, Massachusetts, Ohio, Vermont, and Puerto Rico) cover agricultural workers in the same way as other workers. Seven of the eight are compulsory. The eighth, Vermont, is an elective law, under which workers are covered unless the employer elects not to come under the act.

Another elective law, that of New Jersey, is sufficiently broad to apply to farmworkers, but it expressly provides that farmers are not required to carry insurance.

In the remaining nine States having some coverage (Arizona, Kentucky, Louisiana, Minnesota, New York, Oklahoma, South Dakota, Wisconsin, and Wyoming), only agricultural workers engaged in certain mechanized or power occupations are covered.

In all but 4 of the other 33 jurisdictions, it is possible for the farmer-employer to choose to come under the act. Such voluntary coverage is distinguished from elective coverage in that the employer does not lose his common-law defenses if he does not choose the voluntary coverage. The laws of Alabama and the District of Columbia expressly prohibit voluntary coverage of farmworkers, while the Tennessee and Texas laws are silent on this subject.

Public Employees

All of the State laws, as well as those of Puerto Rico and the District of Columbia, have some coverage of public employees, but there are marked variations in these laws.

The over 2 million civilian employees of the Federal Government are covered by the Federal Employees' Compensation Act, administered by the Bureau of Employees' Compensation, U.S. Department of Labor. Such coverage is all-inclusive and compulsory.

Some of the State laws have broad coverage of public employees; others are limited to certain groups of employees. Some of the laws are neither compulsory nor elective for public employees, but are voluntary, where coverage of employees depends entirely upon the election of the State, city, or other political subdivision, or agency to bring employees under the act.

Exemptions of Railroad and Maritime Workers

Two other major groups outside the coverage of the compensation laws are interstate railroad workers and maritime employees. Railroad employees, any part of whose duties shall be the furtherance of interstate commerce, are covered by the Federal Employers' Liability Act. Maritime workers are subject to the Jones Act, under which the provisions of the Federal Employers' Liability Act are made applicable to seamen. The Federal Employers' Liability Act is not a workmen's compensation act. It gives an employee an action in negligence against his employer and provides that the employer may not plead the common-law defenses of fellow servant or assumption of risk. It also substitutes the principle of comparative negligence for the common-law contributory negligence.

Occupational Disease Coverage

Compensation laws are limited not only as to persons and employments included but also as to injuries covered. While it is now generally true that most accidents due to the job are covered, this is still not true for occupational diseases.

Development of Coverage

The earliest of the State workmen's compensation laws did not expressly cover occupational diseases. Most of the early laws applied to "accidental injuries"; some, while applying to injuries or to "personal injuries," specifically excluded occupational diseases. A few covered injuries or personal injuries with-

out such specific exclusion, and these terms were interpreted to include occupational diseases. For example, a Massachusetts court held in 1914 that the term "personal injury" was broad enough to include occupational diseases, marking the beginning of coverage of such diseases.

There are two types of coverage: "full" and "schedule." Under full coverage, all occupational diseases due to employment are covered by the law; under schedule coverage, only those specifically named in the law. Of the 46 laws in effect by 1920, only 7 (those of California, Connecticut, Hawaii, Massachusetts, North Dakota, Wisconsin, and the Federal Employees' Compensation Act) provided compensation for all occupational diseases. In Massachusetts, North Dakota, and the act covering Federal employees, the inclusion at that time was the result of a court or an administrative commission decision. During the next few years, occupational diseases were covered in Illinois, Minnesota, New Jersey, New York, Ohio, and Puerto Rico; coverage in all was of the schedule type.

Today, while every State has a workmen's compensation law applicable to accidental injuries, the laws in two States, Mississippi and Wyoming, still do not cover any occupational diseases. Full coverage is provided by 34 laws—those of 30 States,¹ the District of Columbia, Puerto Rico, the Federal Employees' Compensation Act, and the Longshoremen's and Harbor Workers' Act.

Coverage of Radiation and Dust Diseases

With the growing use of atomic energy for peaceful purposes, the full protection of workers who are injured on the job as a result of radiation hazards is of prime importance. The jurisdictions having full coverage of occupational diseases would cover injuries due to radiation. All but three (Alabama, Mississippi, and Wyoming) of the other States specifically include in their schedule certain diseases due to exposure of radioactive substances and materials. In some cases, however, this coverage appears to be quite restricted.

Another particularly important area in occupational diseases is that of dust diseases, because of their continued prevalence in this country. Again the full-coverage States would automatically cover all of the dust diseases. Of the schedule-coverage States, 10 list silicosis and asbestosis; a few add other dust diseases; but in six States, silicosis is the only dust disease covered.

¹ Alaska, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Virginia, Washington, West Virginia, and Wisconsin.

Time Limits for Filing Claims

In the field of occupational diseases, however, coverage under the law is not enough. Because of the slowly developing nature of some of these diseases, particularly radiation and dust diseases, an employee may not know that he has the disease for a long period of time following his exposure to it. Thus it is imperative that the time limitation for filing his claim be based on his knowledge of the disease.

The International Association of Industrial Accident Boards and Commissions in the report of its Atomic Energy Committee in 1956 recommended that "the time limitation in filing of claims not begin to run until the date on which the employee had knowledge of the nature of his disability and its relation to his job and until after disablement." Only a very few laws include such a provision at present. In fact, many of the laws require that to be compensable an occupational disease must occur within a certain period, such as 6 months or 1 year, after the last exposure. Many States make no allowance for the fact that some occupational diseases, particularly those caused by exposure to radiation or to dust, may take a much longer period to develop than other occupational diseases. Even if the time limit is generous, it may expire before the worker has become disabled or has knowledge that the exposure was injurious. (See table 9.)

TABLE 9.—*Time limits for filing an occupational disease claim under workmen's compensation laws—January 1961*

State	Date of worker's knowledge	Date of disablement	Date of manifestation of symptoms	Date of injury	Date of last exposure
Alabama					1 year.
Alaska	2 years ¹				
Arizona		60 days ²			
Arkansas					2 years.
California	1 year ³				
Colorado		60 days ²			
Connecticut			1 year		
Delaware	6 months ⁴				
District of Columbia				1 year	
Florida				2 years	
Georgia				1 year ⁵	
Hawaii				2 years ⁶	
Idaho		1 year			
Illinois					3 years.
Indiana		2 years ⁷			
Iowa					1 year ⁸
Kansas		1 year ⁹			

TABLE 9.—Time limits for filing an occupational disease claim under workmen's compensation laws—January 1961—Continued

State	Date of worker's knowledge	Date of disablement	Date of manifestation of symptoms	Date of injury	Date of last exposure
Kentucky			1 year ¹⁰		
Louisiana			4 months ¹¹		
Maine		1 year ¹²			
Maryland		1 year ¹³			
Massachusetts				6 months ¹⁴	
Michigan				3 years	
Minnesota				6 years ¹⁵	
Mississippi	No occupational disease coverage.				
Missouri	1 year ¹⁶				
Montana	60 days ¹⁷				
Nebraska				6 months ¹⁸	
Nevada		4 months			
New Hampshire	1 year ¹⁹				
New Jersey	1 year ²⁰				
New Mexico		60 days ²¹			
New York		2 years ²²			
North Carolina		1 year			
North Dakota				1 year	
Ohio	6 months ²³				
Oklahoma				1 year	
Oregon	180 days ²⁴				
Pennsylvania		16 months			
Puerto Rico ²⁵					
Rhode Island	2 years ²⁶				
South Carolina					1 year.
South Dakota		1 year			
Tennessee		1 year			
Texas					1 year ²⁷
Utah		60 days ²⁸			
Vermont					2 years.
Virginia	1 year ²⁹				
Washington	1 year ³⁰				
West Virginia				1 year	
Wisconsin	2 years ³¹				
Wyoming	No occupational disease coverage.				

¹ Two years after the employee has knowledge of the nature of his disability and its relation to his employment.

² Disability must result within 120 days from exposure.

³ One year from the date on which employee first suffered disability and knew or should have known that his disability was caused by the job.

⁴ The employer must be notified within 6 months and claim must be filed with the Industrial Board within 1 year after knowledge and 5 years after last exposure.

⁵ Disablement must result within 1 year after last exposure.

⁶ May be waived if employer not prejudiced thereby.

⁷ Claim must be filed within 2 years after disablement, and disablement must occur within 2 years after last exposure.

⁸ For radiation diseases, within 2 years from the last day of injurious exposure, and claim must be filed within 90 days after such disablement or after the employee had knowledge or should have known of his disablement.

Other Limitations

Many State laws also contain other qualifying requirements that the worker suffering from an occupational disease must meet to establish his eligibility for compensation. For instance, many of the laws specify a minimum period of exposure before an occupational disease is compensable. Often a law will state that disablement from a dust disease is not due to the nature of the occupation unless, during the 10 years preceding disablement,

⁹ For radiation diseases, within 3 years from date of last exposure.

¹⁰ One year after employee first experiences a distinct manifestation of an occupational disease or after date of last exposure, whichever date is later.

¹¹ Notice to employer within 4 months of contraction of disease or 4 months of manifestation constitutes claim.

¹² For radiation diseases, 1 year from the time the person claiming benefits knew or should have known of the causal relationship between his employment and his incapacity, or after incapacity, whichever is later.

¹³ Claim must be filed within 1 year after disablement, and disablement must occur within 1 year after the last injurious exposure, but failure to file within such time limits may be waived under certain circumstances.

¹⁴ Within 6 months "after its occurrence." However, failure to make a claim within the 6 months shall not bar proceedings under certain circumstances.

¹⁵ Two years after employer reports occupational disease to commission, but not to exceed 6 years from date of accident. Disease must be contracted in employment within 12 months previous to date of disablement.

¹⁶ One year after it becomes reasonably discoverable and apparent that a compensable injury has been sustained.

¹⁷ Claim must be filed within 30 days after notice to employer. Notice must be filed within 30 days after worker's knowledge of the impairment and its relation to the employment. Disability must occur within 120 days after last day of work for the employer against whom claim is made (may be extended to 1 year).

¹⁸ Within 6 months from date of injury, and disability must have commenced within 2 years subsequent to the date of termination of the employment.

¹⁹ One year from date of first treatment by a licensed physician.

²⁰ Within 1 year after the employee knew or ought to have known the nature of his disability and its relation to his employment and within 5 years after exposure.

²¹ Disablement must occur within 120 days after last day of work for the employer against whom claim is made.

²² With respect to certain slow-starting occupational diseases including those due to "exposure to X-rays, radium, ionizing radiation or radioactive substances" failure to file within said 2 year period shall not bar the claim provided it is filed thereafter but within 90 days after both disablement and knowledge that the disease is or was due to the nature of the employment.

²³ Six months after diagnosis by a licensed physician or within 2 years after disability. For radiation diseases, 6 months after diagnosis by a licensed physician or within 1 year after disability. Disability must occur within 8 years after last exposure.

²⁴ Within 180 days from the date the claimant is informed of the disease by a physician or becomes disabled, whichever is later, and within 7 years after last exposure.

²⁵ No time-limit provision.

²⁶ Time begins to run after the worker has knowledge of the impairment and its relation to his employment or until after disability, whichever is later.

²⁷ For radiation diseases, 1 year after date employee first suffered incapacity and knew or should have known that the disease was caused by his employment.

²⁸ Within 60 days after cause of action.

²⁹ One year after diagnosis is first communicated to him or 1 year after first manifestation, whichever occurs first.

³⁰ One year from date claimant has notice from physician of his occupational disease.

³¹ Within 2 years after the employee knew or ought to have known the nature of his disability and its relation to his employment, or within 2 years from the "date of injury" (defined as last day of work for last employer whose employment caused disability).

NOTE: Except for radiation diseases, this table does not include special provisions for time limits for filing claims that apply only to specified diseases, such as silicosis and asbestosis.

the employee was exposed to dust for a period of not less than 5 years, 2 years of which must have been in the State. Many laws also provide that to be eligible for compensation the worker must contract the disease within a specified period after exposure. Thus, where the disease does not manifest itself within the specified time from his last exposure, the worker would not be eligible for compensation. Whether or not such limitations are unnecessarily restrictive depends on the amount of time that is prescribed in the act, and the period of time it may take for a disease to develop and disable the worker.

In addition, the worker who has only a partial disability may find that his State law does not provide indemnity benefits for partial disability in the case of occupational diseases. (See table 10.) And finally, twice as many States permit waivers of benefits for dust diseases as permit waivers for accidental injuries. (See p. 194.) It is evident that these various limitations may create special problems for the worker.

TABLE 10.—*Permanent partial disability benefit provisions for occupational diseases and for accidental injuries—January 1961*

A. Jurisdictions authorizing payment of same indemnity benefits for permanent partial disability from any occupational disease covered as for accidental injury

Alabama	Hawaii	Nebraska	Tennessee
Alaska	Illinois	New Jersey	Texas
California	Indiana	North Carolina	Virginia
Connecticut	Kentucky	North Dakota	Washington
Delaware	Louisiana	Oregon	West Virginia ¹
District of Columbia	Massachusetts	Puerto Rico	Wisconsin
	Missouri	Rhode Island	Federal Employees' Compensation Act
			Longshoremen's and Harbor Workers' Compensation Act

B. Jurisdictions authorizing no indemnity benefits for permanent partial disability from some or all occupational diseases, or limiting them as noted

Arizona	None, for any occupational disease.
Arkansas	Provides compensation for asbestosis or silicosis if disability is one-third or more of total disability.
Colorado	None, for any occupational disease.
Florida	None, for any dust disease.
Georgia	Provides benefits in the case of occupational disease causing total (but not partial) loss, or loss of use, of members or loss of vision of an eye.
Idaho	None, for any occupational disease.
Iowa	Provides compensation for silicosis if disability is one-third or more of total disability.
Kansas	None, for any dust disease.

TABLE 10.—*Permanent partial disability benefit provisions for occupational diseases and for accidental injuries—January 1961—Continued*

B. Jurisdictions authorizing no indemnity benefits for permanent partial disability from some or all occupational diseases, or limiting them as noted—Continued

Maine	None, for any dust disease.
Maryland	Provides for payment of \$1,000 if the worker has demonstrable evidence of a pulmonary dust disease and his capacity for work has been impaired but the impairment is less than total.
Michigan	None, for any dust disease.
Minnesota	Provides compensation for partial disability from silicosis or asbestosis only if it follows compensable total disability.
Montana	None, for any occupational disease.
Nevada	None, for any occupational disease.
New Hampshire	None, for any dust disease.
New Mexico	None, for any occupational disease.
New York	Committee of expert consultants on dust diseases may determine the feasibility of allowing compensation for partial disability.
Ohio	None for silicosis or occupational disease of the respiratory tract other than berylliosis.
Oklahoma	None, for silicosis or asbestosis. No limitation on anthracosis pulmonary fibrosis.
Pennsylvania	None, for silicosis, asbestosis, or anthraco-silicosis.
South Carolina	Benefits lower than for accidental injury. For permanent partial disability due to occupational disease, limited to 52 weeks.
South Dakota	None, for any occupational disease.
Utah	Benefits lower than for accidental injury. The total maximum for permanent partial disability due to occupational disease is \$4,042.50 as compared with \$8,421.90 in case of accidental injuries.
Vermont	None, for any occupational disease.

¹ West Virginia has special provisions applicable to silicosis. See text.

Special Provisions Relating to Silicosis

A number of States, in recognition of the special nature of dust diseases, include in their laws specific provisions applicable primarily or exclusively to the dust diseases. For instance, New York makes available special medical treatment and hospital care for silicosis, and in addition provides for a committee of expert consultants on cases of silicosis or other dust diseases to determine "the feasibility of allowing compensation for partial disability."

The most common is a provision under which special compensation is payable to an employee who loses or changes his job because he is afflicted with nondisabling silicosis. In six States—Arkansas, Idaho, North Carolina, Ohio, South Dakota, and Wisconsin—the laws provide special benefits for such employees. In

Idaho, Ohio, South Dakota, and Wisconsin, the special provisions apply only to silicosis, while in Arkansas and North Carolina, they apply to both silicosis and asbestosis. These laws apply when the employee is discharged or quits because of the disease.

In Arkansas, the terminated employee is entitled to compensation, until he can find other steady employment, for a maximum of 26 weeks. While other steady employment is being sought, compensation is at the same rate as for disability. If the employee finds such employment during the 26-week period, but at a wage loss, compensation is at a reduced rate for the remainder of the period. If the workmen's compensation agency finds that the employee requires training to be fit for another job, the law provides for such training and associated traveling expenses, up to \$400. Idaho allows up to \$750 upon termination of employment, South Dakota up to \$1,000. In North Carolina, a maximum weekly benefit of \$35 for 104 weeks may be paid. Under the Ohio law, the employee may be granted \$49 for 30 weeks, plus 66 $\frac{2}{3}$ percent of any wage loss sustained by the employee in changing employment, up to a maximum of \$40.25 per week for an additional 75 weeks. Medical and other benefits may also be authorized. In Wisconsin, provision is made for special compensation, not exceeding \$3,500. The employee, however, must have been employed, by the employer who pays the compensation, in work exposing him to inhalation of silica dust for a total period of at least 90 days.

In Idaho and Wisconsin, an employee who has been ordered to submit to a medical examination and who does not do so forfeits his right to benefits. In Arkansas, an employee who has been compensated for nondisabling asbestosis or silicosis and who again engages, without the approval of the commission, in an occupation that exposes him to the hazards of these diseases forfeits his right to such benefits. A similar provision in North Carolina applies to a worker who has once been removed from such employment by the commission.

Benefits Under Workmen's Compensation Laws

Under the workmen's compensation laws, various types of benefits are provided the injured worker, or, in case of his death, for his family. These include medical services, indemnity benefit payments to the worker during period of disablement and for permanent disabilities, death benefits to the worker's family, and, under most laws, burial expenses. In many States they also include special benefits; for instance, rehabilitation services for

the injured workers, or extra benefits for minors injured while illegally employed.

Medical Provisions

Benefit payments under the workmen's compensation system in the United States amounted to approximately \$1,230 million in 1959, according to a report published by the U.S. Department of Health, Education, and Welfare.² Medical and hospital benefits probably accounted for as much as \$415 million of this total.

When workmen's compensation laws were first adopted in this country in 1911, provisions for medical care were very restricted. One of the reasons for the limitation may be that members of the medical profession were very rarely consulted in the drafting of the first compensation laws in this country.

A more important reason for the limitation on medical care, however, was the influence of workmen's compensation laws of Europe. The law of Germany yielded the greatest influence on United States laws as far as medical care provisions were concerned. Under the German system the expenses for the first few weeks for medical care were paid for from illness funds to which the employees and the employers contributed. After the first few weeks, payment for medical care was made from the accident funds which were wholly supported by the employers.

This principle from the German law was adopted by the early drafters of State workmen's compensation legislation. The theory followed by many of these early drafters was that the cost of the industrial injury, to be passed on to the general public as part of the price of the finished product, should include medical care.

The restrictions on medical aid in the early laws are shown in a report given in 1916 by Royal Meeker, U.S. Commissioner of Labor Statistics, to the International Association of Industrial Accident Boards and Commissions:³

In the provisions for medical service we find the greatest degree of heterogeneity. Washington and Wyoming have enacted compensation laws which make no provision whatever for medical, surgical, and hospital treatment. Alaska, New Hampshire, Kansas, and Arizona are united in refusing to grant medical, surgical, and hospital costs, unless the injured worker dies leaving no dependents. The logic of this limitation of medical costs is impossible to discern.

Ten States, Maine, Vermont, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Louisiana, Iowa, Montana, and Hawaii, have limited to two weeks the time during which medical, surgical, and hospital services shall be furnished, but the amounts granted vary from \$25 in Penn-

² Social Security Bulletin, January 1961, p. 20.

³ Proceedings of the Third Annual Meeting of the International Association of Industrial Accident Boards and Commissions, Bulletin 210, pp. 94-95, U.S. Bureau of Labor Statistics.

sylvania for ordinary cases to \$30 in Maine, \$50 in New Jersey, Montana, and Hawaii, \$75 in Vermont, and \$100 in Iowa and Louisiana. Four States, Maryland, West Virginia, Oregon, and Ohio set no definite limit on the time during which medical service shall be furnished and ten States, Michigan, Wisconsin, California, New York, Indiana, Oklahoma, Massachusetts, Nevada, Rhode Island, and Texas, prescribe no definite limit to the money allowance for medical costs. Connecticut and the Canal Zone grant what the physician thinks reasonable, with no specific limitations as to time and amount. Texas limits the time to one week, while Nevada provides for reasonable medical services for four months.

The early students of workmen's compensation predicted that those States that limited their medical obligations would soon change their workmen's compensation laws to make medical care unlimited.⁴ The students today still agree that the workmen's compensation system should provide full medical benefits for workers who suffer an accidental injury or an occupational disease.

But what is this situation today? The workmen's compensation laws of 34 States, the District of Columbia, and Puerto Rico, as well as the two Federal laws, provide for unlimited medical benefits for accidental injuries. Of these, nine States do not provide for unlimited medical benefits for occupational diseases. Table 11, below, shows the great variations that exist in the provisions for medical service under these laws.

Indemnity Benefits for Disability

There are various types of disabilities for which benefits are paid. The great majority of compensation cases involve *temporary total disability*—that is, the employee is unable to work at

TABLE 11.—*Medical benefits under workmen's compensation laws—January 1961*

A. *Jurisdictions which provide full medical benefits, by law or by administrative authority, for both accidental injuries and occupational diseases¹*

Alaska	Hawaii	Missouri	Oregon
California	Idaho	Nebraska	Pennsylvania
Connecticut	Indiana	New Jersey	Puerto Rico
Delaware	Maryland	New York	Rhode Island
District of Columbia	Massachusetts	North Dakota	South Carolina
Florida	Michigan	Ohio	Washington
	Minnesota	Oklahoma	Wisconsin
			Federal Employees' Compensation Act
			Longshoremen's and Harbor Workers' Compensation Act

⁴ Rhodes, J. E., 2d, *Workmen's Compensation*, The Macmillan Co., 1917, p. 143.

TABLE 11.—*Medical benefits under workmen's compensation laws—January 1961—Continued*B. *Jurisdictions which limit medical benefits*

State	Benefits limited generally		Benefits limited in special cases	
	Limited by time	Limited by amount	Limited by time	Limited by amount
Alabama	6 months	\$1,200		
Arizona				\$1,000 for total disability from occupational diseases generally; \$500 if employee able to continue work while being treated for specified diseases including radiation diseases.
Arkansas			90 days for silicosis and asbestosis; may be extended for an additional 90 days.	\$500 for hernia.
Colorado	6 months	\$1,500. Additional \$500 may be authorized for occupational disease cases if the worker's condition will be materially improved.		
Georgia	10 weeks; period may be extended for additional time.	\$1,125, plus \$375 in discretion of board.		

TABLE 11.—*Medical benefits under workmen's compensation laws—January 1961—Continued*

B. *Jurisdictions which limit medical benefits—Continued*

State	Benefits limited generally		Benefits limited in special cases	
	Limited by time	Limited by amount	Limited by time	Limited by amount
Illinois.....			6 months for silicosis or asbestosis or either complicated by tuberculosis.	
Iowa.....		\$1,000 for medical and surgical services; \$2,000 hospital services and supplies; full payment for special nurses and ambulance charges. commission may authorize an additional \$2,000.		
Kansas.....	120 days; in extreme cases, commissioner may extend time.	\$2,500.....	For silicosis commissioner may extend the 120-day limit by 90 days if there is substantial prospect that such continued treatment will materially improve employee's condition.	

TABLE 11.—*Medical benefits under workmen's compensation laws—January 1961—Continued*

B. *Jurisdictions which limit medical benefits—Continued*

State	Benefits limited generally		Benefits limited in special cases	
	Limited by time	Limited by amount	Limited by time	Limited by amount
Kentucky.....		\$2,500 (board may order an additional \$1,000).		
Louisiana.....		\$2,500.		
Maine.....				\$1,000 for silicosis.
Montana.....	36 months for accident cases. No time limit for occupational disease cases.	\$2,500. In cases of total disability where the \$2,500 is insufficient to meet all hospital expenses, additional hospital and medical expenses may be allowed in special cases.		\$1,000 for an employee suffering from an occupational disease who is able to continue in his employment while being treated.
Nevada.....				Total payable for compensation, medical nursing, and hospital benefits for silicosis may not exceed \$14,250; the amount payable for hospital, medical or nursing benefits shall not exceed \$50 per month.

TABLE 11.—*Medical benefits under workmen's compensation laws—January 1961—Continued*

B. *Jurisdictions which limit medical benefits—Continued*

State	Benefits limited generally		Benefits limited in special cases	
	Limited by time	Limited by amount	Limited by time	Limited by amount
New Hampshire	Initial 90-day period may be extended by labor commissioner, subject to aggregate maximum benefits of \$13,640 and 341 weeks.			
New Mexico	5 years	\$1,500. The court may order additional amount. Total amount not to exceed \$15,000.		
North Carolina			3 years for asbestosis and silicosis.	\$1,000 in any one year for asbestosis and silicosis.
South Dakota	20 weeks	\$300 for medical and surgical services; \$700 for hospital benefits including prostheses; additional \$1,000 may be authorized.		
Tennessee	1 year	\$1,800		
Texas			91 days for silicosis or asbestosis.	
Utah				\$1,283.33 for occupational diseases; commission may increase to \$1,925.01 in cases of prolonged hospitalization.

TABLE 11.—*Medical benefits under workmen's compensation laws—January 1961—Continued*

B. *Jurisdictions which limit medical benefits—Continued*

State	Benefits limited generally		Benefits limited in special cases	
	Limited by time	Limited by amount	Limited by time	Limited by amount
Vermont		\$5,000	3 years for silicosis or asbestosis.	\$500 for silicosis or asbestosis.
Virginia	60 days; may be extended for two years including the first 60 days. No limit in hernia cases.			
West Virginia		\$1,600; additional \$800 may be authorized.	No allowance for medical treatment for silicosis.	

¹ The workmen's compensation laws of Mississippi and Wyoming provide full medical benefits for accidental injuries, but do not provide coverage of occupational diseases.

all while he is recovering from the injury, but he is expected to recover fully and go back to work. The Federal Employees' Compensation Act and 13 States pay benefits for the entire period of disability without a monetary limitation, but most of the laws limit either the period during which such benefits may be paid or the maximum amount that may be paid.

The monetary benefits in all but two of the laws are based on a percentage of the worker's average wages, usually 60, 65, or 66 $\frac{2}{3}$ percent. Injured workers, however, do not necessarily receive the amount of their wage loss that would be indicated by the percentages. Other provisions in the laws, such as the waiting period and maximum dollar limitations on weekly and total aggregate payments, operate to reduce the amount.

Though in recent years benefits have been increased by liberalization of the weekly and total maximums, they have not kept pace with rising wages. The dollar limitations on maximum payments in most cases operate to nullify the statutory percentage,

which is usually $66\frac{2}{3}$ percent. Instead of this proportion, it has been estimated that the maximum weekly benefits for temporary total disability now amount to only about 50 percent of the average weekly wage. The most recent trend on monetary maximums has been toward a maximum of \$50 or more. Nineteen laws now contain such a standard: the two Federal laws and those of Alaska, Arizona, California, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Massachusetts, Michigan, Nevada, New York, North Dakota, Oregon, Washington, Wisconsin, Wyoming. But this leaves 35 laws with a maximum of under \$50. In fact, in over a third of the laws, the maximum benefits for this type of disability are still below \$40, including benefits for dependents. (See table 12.)

Permanent total disability means that the worker has become permanently injured. Over half of the laws provide benefits for life in such cases. But in the remaining laws, the payments are limited as to time, amount, or both. Where they are so limited, the time periods range from 330 to 550 weeks, and the money limitations range from a low of \$7,500 to a high of \$20,000. The usual limit is 400 or 500 weeks and between \$10,000 and \$13,500. In the laws that limit permanent disability benefits, no provision is made for compensating the employee after the time or money limitations are reached even though the worker is still completely disabled.

Another type of disability is designated *permanent partial disability*. This means that the worker has a permanent injury, but he is usually able to work. If he cannot go back to his old job, he can often do, or be trained to do, other types of work. There are two classes of permanent partial disabilities: schedule injuries, meaning those specifically listed in the law (the loss of an arm, leg, eye, ear, or other member of the body); and non-schedule injuries, which are those of a more general nature, such as a disability caused by injury to the head or back.

Benefits for schedule injuries are payable under most laws for a fixed number of weeks, depending on the body member that has been lost. For instance, in one State, Michigan, benefits are paid for 269 weeks for loss of an arm, 215 weeks for loss of a hand or leg, 65 weeks for a thumb, and 162 weeks for loss of sight of an eye. There is great variation from State to State in the number of weeks set and consequently in the benefits received. This is illustrated by the fact that for loss of a foot the number of weeks for which benefits are paid is 104 in Colorado, 175 in Florida, and 250 in Wisconsin—or, in monetary benefits, \$4,186 in Colorado, \$7,350 in Florida, and \$10,000 in Wisconsin.

TABLE 12.—*Current maximum benefits for temporary total disability under workmen's compensation laws—January 1961*

State	Maximum weekly benefits ¹	Maximum duration in weeks	Maximum amount of benefits ¹
Alabama.....	\$31.....	300.....	\$9,300
Alaska.....	\$100.....	Period of disability.	\$20,000
Arizona.....	\$150 plus \$2.30 for each total dependent.	433.....	\$64,950 plus dependents' allowances.
Arkansas.....	\$35.....	450.....	\$12,500
California.....	\$65.....	240.....	\$15,600
Colorado.....	\$40.25.....	Period of disability.	
Connecticut.....	55% of State's "average production wage."	Period of disability.	
Delaware.....	\$50.....	Period of disability.	
District of Columbia.....	\$54.....	Period of disability.	\$17,280
Florida.....	\$42.....	350.....	\$14,700
Georgia.....	\$30.....	400.....	\$10,000
Hawaii.....	\$75.....	Period of disability.	\$25,000
Idaho.....	\$28-\$48.....	400; thereafter at reduced rate.	
Illinois.....	\$45-\$51.....	Period of disability.	\$12,250-\$15,000
Indiana.....	\$39.....	500.....	\$15,000
Iowa.....	\$32-\$44.....	300.....	\$9,600-\$13,200
Kansas.....	\$38.....	Period of disability.	
Kentucky.....	\$36.....	425.....	\$15,300
Louisiana.....	\$35.....	300.....	\$10,500
Maine.....	\$39.....	500.....	\$19,500
Maryland.....	\$40.....	312.....	\$5,000
Massachusetts.....	\$45 plus \$6 for each total dependent but total may not be more than average weekly wage.	Period of disability.	\$14,000 plus dependents' allowances.
Michigan.....	\$33-\$57.....	500.....	\$16,500-\$28,500
Minnesota.....	\$45.....	350.....	\$15,750
Mississippi.....	\$35.....	450.....	\$12,500
Missouri.....	\$45.....	400.....	\$18,000
Montana.....	\$28-\$42.50.....	300.....	\$8,400-\$12,750
Nebraska.....	\$37.....	300; thereafter maximum \$27.50 per week.	

See footnote at end of table.

TABLE 12.—*Current maximum benefits for temporary total disability under workmen's compensation laws—January 1961—Continued*

State	Maximum weekly benefits ¹	Maximum duration in weeks	Maximum amount of benefits ¹
Nevada.....	\$41.25-\$57.12....	433.....	\$17,861.25- \$24,732.96
New Hampshire.....	\$40.....	341.....	\$13,640
New Jersey.....	\$40.....	300.....	\$12,000
New Mexico.....	\$38.....	500.....	\$19,000
New York.....	\$50.....	Period of disability.	\$6,500
North Carolina.....	\$35.....	400.....	\$10,000
North Dakota.....	\$38-\$53.....	Period of disability.	
Ohio.....	\$49.....	Period of disability.	\$10,750
Oklahoma.....	\$35.....	300; may be extended to 500.	\$10,500-\$17,500
Oregon.....	\$32.31-\$66.92....	Period of disability.	
Pennsylvania.....	\$42.50.....	Period of disability.	
Puerto Rico.....	\$35.....	312.....	\$10,920
Rhode Island.....	\$36.....	Period of disability.	
South Carolina.....	\$35.....	500.....	\$10,000
South Dakota.....	\$35.....	312.....	\$10,920
Tennessee.....	\$34.....	300.....	\$10,200
Texas.....	\$35.....	401.....	\$14,035
Utah.....	\$37-\$49.50.....	312.....	\$10,510.50- \$14,189.17
Vermont.....	\$36, plus \$2 for each dependent under 21.	330.....	\$11,880 plus dependents' allowances.
Virginia.....	\$35.....	500.....	\$14,000
Washington.....	\$28.85-\$56.77....	Period of disability.	
West Virginia.....	\$35.....	208.....	\$7,280
Wisconsin.....	\$54.....	Period of disability.	
Wyoming.....	\$33.46-\$53.08....	Period of disability.	
United States:			
Federal employees.	\$121.15.....	Period of disability.	
Longshoremen and harbor workers.	\$54.....	Period of disability.	\$17,280

¹ Where two figures are shown, the second is the maximum including dependency allowances.

Not only physical but emotional adjustments are required when an individual loses some member of his body—a loss that may affect his working capacity and future job opportunities. The idea of a fixed period for schedule injuries is to give the injured worker time to make such adjustments. Under about half the laws, there are express provisions for rehabilitation in the form of retraining, education, job guidance, and sometimes placement, to help the injured person make the adjustments and find suitable work before the period of compensation runs out.

Death benefits provide income for dependents of the deceased workman. The amount of compensation and the length of time it is paid vary considerably under the different laws. In Alaska, Arizona, Connecticut, the District of Columbia, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, and the Federal employees' and the longshoremen's acts, the laws provide for the payment of benefits to a widow for life or until remarriage, and in case of children until they are 18 (sometimes beyond 18 if the children are incapable of self-support). The other States limit the period or total amount of payments; benefits for the widow vary in maximum weeks payable from 300 weeks to 600 weeks, and the maximum monetary death benefits range from \$9,000 to \$25,000 for a widow and children.

Four States recognize the dire need in which a family may find itself when the father dies as a result of an occupational injury, by providing for an immediate lump-sum payment to the widow. Mississippi authorizes the immediate payment of a lump sum of \$100; Washington pays \$350; North Dakota grants \$300 to the widow and \$100 for each dependent child, up to a maximum of \$600; and Puerto Rico pays \$100 to the widow and \$50 to each dependent child up to a maximum of \$500. These sums are in addition to other benefits.

In all but one of the compensation acts, provision is made for the payment of burial expenses, the maximum amount ranging from \$200 to \$1,000, with two-thirds paying \$400 or more.

Benefits for Illegally Employed Minors

All the compensation laws cover legally employed minors. Eighteen of the acts (Alabama, California, Florida, Illinois, Indiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Utah, and Wisconsin) provide additional compensation, usually double, in the case of injury to minors who are illegally employed. Five States (Oklahoma, South Dakota, Tennessee, Vermont, and West Virginia) do not cover minors illegally employed. In the remaining States, the District of

Columbia, and under the Longshoremen's and Harbor Workers' Act, compensation is paid to minors illegally employed on the same basis as if they were legally employed.

Rehabilitation

Increased emphasis upon the rehabilitation of injured workers has been called the most significant development in the field of workmen's compensation in recent years. By rehabilitation is meant the restoration of a handicapped person in every phase of his life—physical, mental, social, vocational, and economic usefulness. A complete rehabilitation program thus includes both medical and vocational restoration. The medical phases aim at maximum recovery of health and the fullest possible restoration of lost function; the vocational phase is directed toward the best possible economic adjustment through vocational training, counseling, and selective placement.

Workmen's compensation agencies have a special responsibility in promoting the rehabilitation of workers injured in the course of their employment. These agencies are the first to learn about a work injury and thus are in a position to direct the worker toward rehabilitation shortly after his injury. Authorities agree that early referral to a rehabilitation program is essential to the achievement of maximum results. Unless rehabilitation is begun as soon as possible following the injury, full physical restoration may be prevented.

As mentioned earlier, physical restoration was accepted in this country, at least in part, as one of the responsibilities of this social insurance program. More than a third of the laws enacted by the end of 1919 defined medical care to include such items as crutches, artificial limbs, and mechanical appliances. It is probable that some of the other States also furnished such apparatus under the general requirements to provide all "necessary" or "reasonable" services, medicines, and supplies.

Vocational rehabilitation is, in part, an outgrowth of the experience of workmen's compensation officials. Some of the early administrators soon recognized the incompleteness of the programs they were directing and gave vigorous support to the movement for vocational rehabilitation. When the First World War came, their efforts paved the way for the first national legislation for the rehabilitation of veterans. A few States promptly acted to bring vocational rehabilitation within the scope of the compensation system. Massachusetts led the way in 1918 by establishing a division for the instruction and training of persons "whose capacity to earn a living has in any way been destroyed

or impaired through industrial accident." California, North Dakota, and Oregon adopted similar amendments to their laws the following year.

But resistance developed to the inclusion of vocational rehabilitation within the framework of the workmen's compensation system. For one thing, people began to believe that rehabilitation ought to be made available to all disabled persons, regardless of the origin of disability. Moreover, under the workmen's compensation laws of most States rehabilitation programs would be limited by inadequate financing and restricted coverage, while an effective integration of workmen's compensation and vocational rehabilitation requires a strong administrative agency with much greater authority than most State workmen's compensation agencies possess.

As a result, progress in making provision for rehabilitation within the workmen's compensation system has been slow. The number of workers who receive rehabilitation is much smaller than it should be. Only 23 jurisdictions and the 2 Federal acts include special provisions relating to rehabilitation. Table 13 lists these jurisdictions and shows: (1) the maintenance and other benefits payable under each law; (2) special provisions, if any; and (3) jurisdictions that have rehabilitation centers established under the workmen's compensation law.

Four States (Ohio, Oregon, Rhode Island, Washington) and Puerto Rico directly operate rehabilitation facilities under the workmen's compensation program, to make available to injured workers the full services necessary to restore their ability to perform a job. These centers do not emphasize physical or vocational rehabilitation so much as complete preparation for the worker to return to his old job or to be capable of doing other work satisfactorily. This has been stated by the Washington Department of Labor and Industries in its annual report for 1957-58, as follows:

Any successful Rehabilitation program requires a professionally competent staff working as a Rehabilitation team and dedicated to the belief that every injured worker is entitled to a "total rehabilitation service" in order that he may live as full and useful a life as possible. This is prerequisite no matter how adequate the facility and its equipment may be. We have had such a staff for the past twelve years who, through their devotion and teamwork, have pioneered a pathway for restoration of injured workers to useful living. This has been accomplished by means of an integrated Rehabilitation program that "treats the whole man, not just his injury."

In most of the 25 acts, special maintenance and other benefits are provided to facilitate the vocational rehabilitation of the worker. The Arizona law gives the commission broad authority

to provide such awards as may be necessary for the promotion of vocational rehabilitation. Massachusetts requires all services necessary to rehabilitate a worker who has been declared eligible by the rehabilitation commission. Under the Wisconsin law, provision is made for the payment of full compensation for a maximum period of 40 weeks during rehabilitation training. The actual and necessary costs of maintenance and travel are paid for a maximum period of 40 weeks, if the training is elsewhere than at the place of residence. In addition, for amputees there is no limit on the number of weeks for which full compensation is paid them while they are receiving training in the use of prosthetic devices. The Oregon law provides for benefits of \$50 to \$100 a month and, in addition, authorizes the commission to expend such funds as may be necessary to accomplish rehabilitation.

Some laws require payment of special maintenance benefits for the "period of rehabilitation," in addition to payment of indemnity benefits. For instance, New York pays as much as \$30 a week for maintenance; Connecticut, \$15 a week; and the District of Columbia, \$25 a week (to those permanently disabled). Under some of the other laws, a time limitation is placed upon the amount of maintenance benefits. For instance, Minnesota pays a maximum of \$45 a week for 52 weeks; Massachusetts, \$10 a week for 52 weeks; and North Dakota, \$25 a week for 72 weeks.

Six States have special provisions relating to the giving of advice to workers on rehabilitation. In Minnesota, Missouri, and Texas, a special board or commission is authorized to study each notice of injury incurred by a worker to see if rehabilitation is indicated, and to advise the worker of available facilities. A rehabilitation commission in Massachusetts also studies rehabilitation problems, and in addition, is authorized to establish and operate rehabilitation facilities in workshops, and supervise small-business enterprises conducted by handicapped persons. This commission, although under the board of vocational education, is authorized to administer the rehabilitation provisions of the workmen's compensation law. In Connecticut, the workmen's compensation commissioners are to compile a list of the rehabilitation facilities suitable for disabled workers. The workmen's compensation commission in Maryland is directed to employ a rehabilitation counselor and the necessary clerical staff to review all permanent disability cases, and to select appropriate cases for referral to the division of vocational rehabilitation within 60 days after injury, or as soon thereafter as possible.

In addition to any special rehabilitation benefits and services provided under the workmen's compensation law, as shown on table 13, an injured worker may also be eligible for the services

TABLE 13.—*Specific rehabilitation benefits for injured workers under workmen's compensation laws—January 1961*

(These provisions are in addition to the provisions of the Federal Vocational Rehabilitation Act, which has been accepted by all the jurisdictions.)

Jurisdiction	Maintenance and other benefits
Alaska	Maximum \$100 a month for maintenance for permanently disabled persons. Total maximum \$5,000 for additional compensation, treatment, instruction, and transportation.
Arizona	The industrial commission is authorized to provide such additional awards as may be necessary for the promotion of vocational rehabilitation.
Arkansas	Maximum \$400 for training and incidental travel expenses for persons disabled from silicosis or asbestosis.
Connecticut	Maximum \$15 a week (in addition to compensation) during rehabilitation.
District of Columbia	Maximum \$25 a week for maintenance of permanently disabled persons during vocational rehabilitation as directed by the U.S. Secretary of Labor (in addition to compensation). Secretary of Labor may furnish prosthetic appliances or other apparatus.
Florida	The industrial commission is directed to assist permanently disabled workers to obtain appropriate training, education, and employment, and is authorized to cooperate with the proper Federal, State, and other public or private agencies in the vocational rehabilitation of injured workers, and may pay for such services out of administrative funds.
Hawaii	Maximum expenditure of \$1,000 for any permanently disabled person for retraining and rehabilitation, including evaluation, instruction, necessary transportation, and maintenance.
Massachusetts	Needed rehabilitation services including travel, and room and board when necessary, training, guidance and placement services (in addition to compensation).
Minnesota	66 $\frac{2}{3}$ percent of wages, maximum \$45 a week, for not more than 52 weeks (in addition to compensation).
Mississippi	Maximum \$10 a week, for not more than 52 weeks, for maintenance (in addition to compensation).
Missouri	Maximum \$10 a week to injured employees while receiving rehabilitation. Period limited to 20 weeks except that the board of rehabilitation may, in unusual cases, extend the period for not more than an additional 20 weeks. Board may order employer to pay for transportation to rehabilitation facility.
New Jersey	Law specifies that after 450 weeks of receiving permanent total benefits such compensation shall cease unless the employee shall have submitted to such rehabilitation as may have been ordered by the rehabilitation commission.

TABLE 13.—*Specific rehabilitation benefits for injured workers under workmen's compensation laws—January 1961—Continued*

Jurisdiction	Maintenance and other benefits
New York.....	Maximum \$30 a week for maintenance for totally or partially disabled workers. Also additional compensation necessary for rehabilitation.
North Dakota.....	Maximum \$25 a week for 72 weeks payable to dependents during period of rehabilitation.
Ohio.....	Maximum \$40.25 a week for 52 weeks for maintenance. Industrial commission may also pay cost of artificial appliances. State rehabilitation center (Ohio State University) authorized to restore, train, and reeducate, and place in productive employment physically handicapped workers.
Oregon.....	Rehabilitation center to make available to injured workers modern techniques for rehabilitation. From \$50 a month if single, to \$100 a month if married with 2 or more children, for retraining. Industrial accident commission authorized to expend such funds as may be necessary to accomplish rehabilitation.
Puerto Rico.....	Rehabilitation center established to make available to injured workers the best in physical medicine and rehabilitation services.
Rhode Island.....	Curative center established to make available to injured workers "all possible modern curative treatment and methods."
Texas.....	Medical services to include treatments necessary for physical rehabilitation, including training in prosthetic devices.
Utah.....	<p>Maximum \$735 for use in rehabilitation and training:</p> <p><i>In case of accidental injuries</i>, payable for permanent total disability, or for permanent partial disability that results from a subsequent injury.</p> <p><i>In case of occupational diseases</i>, payable for permanent total or permanent partial disability. (In addition, those suffering from permanent partial disability are granted \$37 a week for not to exceed 10 weeks during rehabilitation. This amount, however, is a part of the total benefits payable for permanent partial disability. After the 10 weeks, the weekly amount payable is reduced.)</p>
Washington.....	Rehabilitation center established to make available to injured workers the best in physical medicine and rehabilitation services.

TABLE 13.—*Specific rehabilitation benefits for injured workers under workmen's compensation laws—January 1961—Continued*

Jurisdiction	Maintenance and other benefits
West Virginia	Maximum \$800 for each permanently disabled worker, plus temporary total payments for vocational training, including the use of crutches, artificial limbs, or other appliances or medical treatment as necessary. Each case to be authorized by the commissioner.
Wisconsin	Actual and necessary maintenance and travel costs during maximum of 40 weeks of rehabilitation, if training provided elsewhere than at place of residence; employer shall supply training in use of artificial members or appliances (in addition to full compensation during training period, including rehabilitation period).
United States: Federal employ- ees. Longshoremen and harbor workers.	Maximum \$100 a month for maintenance. Also provides for cost of rehabilitation services (in addition to compensation). Maximum \$25 a week for maintenance (in addition to compensation). Secretary of Labor may furnish prosthetic appliances or other apparatus.

provided by the Federal-State program of vocational rehabilitation. This program is operated in all the States, the District of Columbia, and Puerto Rico by the State divisions of vocational rehabilitation, and applies to disabled persons whether or not the disability is work connected. The services rendered include medical care, counsel and guidance in selecting the right job, and training for and placement on the right job. In addition, the medical treatment, transportation, maintenance, occupational tools and equipment, and training supplies are provided without cost where the client's inability to pay has been established.

This Federal-State program has achieved remarkable results, considering its great responsibilities and limited budgets. But a large percentage of injured workers do not receive rehabilitation services. In addition, there are delays in referrals and in providing services.

Subsequent-Injury Fund

When an employee has sustained an injury involving the loss of a member of the body, and suffers another such loss as a result of an industrial injury, he may become permanently and totally disabled, thus increasing the amount of workmen's compensation

benefits to be paid, if the worker receives full payment for his combined disabilities.

Assessing the total cost of such compensation upon the latest employer acts as a very real obstacle to the employment of handicapped persons. To meet this problem, "second injury" or "subsequent injury" funds have been established under most laws, so that when a subsequent injury occurs the employer has to pay only for the last injury. Yet the employee is compensated for the disability resulting from the combined injuries, the remainder of the award being paid from the fund.

The problem which handicapped workers would face under workmen's compensation laws was recognized even before the first State workmen's compensation law was enacted. In 1910, for example, delegates from 10 States that were considering the adoption of the workmen's compensation system held a historic conference in Chicago to discuss the implications and consequences of such a system.

When they turned for guidance to the experience of the British with workmen's compensation, they learned that "a hundred and fifty thousand English workmen . . . could not get employment . . . by reason of . . . some partial disability"⁵ after the English workmen's compensation law went into effect.

The conferees recognized that some provision would have to be made in this country to protect the jobs of men and women with physical handicaps. A committee appointed by the conference to draw up standards therefore recommended that if the employer could clearly establish that any injury was due in whole or in part to the employee's previous physical condition, then "and to that extent only" benefits otherwise payable should be reduced.

For some reason the specific second-injury provision that had been suggested at this conference did not gain very wide acceptance. A few States followed it in spirit by providing that the employer's liability, in cases involving prior handicaps, should be limited to the amount of compensation payable for the second injury only. A few, however, tried to meet the problem by permitting physically handicapped workers to enter into contracts with their employers, in which they "waived" their rights under the workmen's compensation law if the second injury were due to the prior physical defect. Others had no statutory provision for second-injury cases. In some of these, employers were held liable for the entire resulting disability when a worker with a prior disability suffered a second injury.

Some workmen's compensation agencies, in the absence of a

⁵ Proceedings of Conference of Commissions on Compensation for Industrial Accidents. (Geo. H. Ellis Co., Boston) 1910, p. 121.

special provision in the law limiting compensation benefits for handicapped workers to the effect of the second injury, were hesitant to hold employers responsible for the entire resulting disability in second-injury cases, because of the effect such a decision would have on the jobs and employment opportunities of other handicapped workers. An interesting case that serves to explain this hesitance occurred in one of the Western States soon after its law went into effect. Here a large employer, with more than a hundred handicapped workers, directly asked the workmen's compensation board to rule on the extent of his liability in the event one of them was injured by a work accident. He plainly indicated that if the board intended to hold him responsible for more than the second injury, he would immediately discharge all of these disabled workers. The board held in this case that the employer would not be liable for anything more than the second injury.

The problem was a difficult one. There seemed to be no way to do justice to the employer and to the employees. If the law made employers responsible for full benefits in second-injury cases, they would refuse to hire physically handicapped workers. On the other hand, if it cut off the employer's liability beyond the second accident, the employee received "grossly inadequate compensation." Waivers were also unacceptable as a solution, since to some extent they made the compensation law a dead letter for the handicapped worker and threw him upon public charity in the event of a second injury.

First Law

It was not until 1916 that one State found a really workable solution that was fair both to employers and employees. This State was New York, and the solution was the "second-injury fund" system set up by law. This law provided that if a worker with one hand, arm, foot, leg, or eye lost a second such member or organ in a work accident, his employer would be liable only for the second loss, and any remaining compensation due for the combined injury would be paid from a special fund financed by requiring an employer to make a \$100 payment whenever an employee was fatally injured on the job and left no dependents to whom death benefits were payable.

Although the second-injury fund system provided full benefits to handicapped workers without penalty to their employers, it was, strangely enough, slow to catch on. A handful of States—Minnesota, North Dakota, Ohio, Utah, and Wisconsin—followed New York's lead almost immediately, but during the 1920's and 1930's only seven additional States⁶ followed suit.

⁶ Arkansas, Idaho, Illinois, Massachusetts, New Jersey, North Carolina, and South Carolina.

In fact, the second-injury fund principle did not really become a common and accepted feature of State workmen's compensation laws until the 1940's. It was then, while hospital ships were plowing back from Europe and Asia during World War II, that men and women at home began to scrutinize the laws and programs that would help or hinder the rehabilitation and readjustment of disabled veterans. Workmen's compensation naturally fell under this scrutiny. In the months that followed, many persons and groups worked together to get second-injury-fund laws adopted in more States. As a result, 21 additional jurisdictions provided for such funds before the war was over. Since the end of the war, 13 of the remaining 18 jurisdictions have adopted similar legislation. Today, therefore, only five States fail to provide this protection to physically disabled workers: Georgia, Louisiana, Nevada, New Mexico, and Virginia.

One recent trend in second-injury legislation is to broaden the coverage, rather than limit the application of the provision to workers who have lost the use of a member of the body, or the member itself. The laws of 17 jurisdictions have been broadened to apply to any previous permanent disability: Alaska, California, Connecticut, Delaware, the District of Columbia, Florida, Hawaii, Minnesota, Missouri, New Jersey, New York, Oregon, Puerto Rico, Utah, Washington, West Virginia, and Wisconsin.

The method of financing the second-injury fund, or, as it has more recently been called, the subsequent-injury fund, differs under the various laws. The funds are usually supported by a charge, ranging from \$300 to \$2,695, made against an employer or his carrier when a worker who has been killed on the job does not leave any dependents. Such funds are sometimes supplemented by special appropriations. In two States, California and Pennsylvania, the fund is supported entirely by appropriation.

A few States require employers to make payments to the fund in all death cases, while others require payments in certain permanent partial or permanent total disability cases. Some States finance the subsequent-injury fund program entirely by annual assessments on workmen's compensation insurance carriers. In six jurisdictions—North Dakota, Ohio, Oregon, Puerto Rico, Washington, and West Virginia—the program is financed from the general State workmen's compensation insurance fund, which is exclusive.

Waiver of Compensation

The establishment of a subsequent-injury fund helps to prevent pressure on employees already handicapped to waive their right to compensation in the event of a subsequent injury. As mentioned

previously, it had been customary in many States to permit handicapped workers to waive benefits, because of the reluctance of employers to hire or keep an employee whose physical condition he thought might result in an extra insurance risk. Such waivers are now restricted or prohibited in most jurisdictions. There are still some States, however, where an employee handicapped by an existing disability such as blindness, epilepsy, or loss of a member, may by special contract waive his right to compensation in the event of a subsequent injury, subject to approval by the compensation agency. Where such a practice exists, the scope of the compensation law is narrowed, and workmen and their dependents may suffer losses they can ill afford to bear. Waivers are permitted in certain cases for accidental injuries under the laws of 10 States:

Connecticut	Maine	New Hampshire
Illinois	Maryland	Ohio
Iowa	Massachusetts	Wisconsin
Kansas		

Usually the workmen's compensation agency has to approve the waiver, and a few of these States report that waivers have not at any time been permitted. There are provisions permitting waivers of compensation for aggravation of all or specified occupational diseases in the laws of 6 of the above 10, and in 15 other States. The 21 laws permitting waivers for occupational diseases fall into the following categories:

Law permits waivers for all occupational diseases 12

Colorado	Kansas	South Carolina
Illinois	Maine	Tennessee
Indiana	Massachusetts	Vermont
Iowa	Minnesota	Virginia

Law permits waivers for silicosis or asbestosis 6

Arkansas	Maryland	Oklahoma
Georgia	North Carolina	Texas

Law permits waivers for silicosis 3

Idaho	Nevada ⁷	South Dakota
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In 11⁸ of these 21 States, a limited amount of compensation is nevertheless payable. In Idaho and South Dakota, this is true for a person already employed who executes a waiver, but not for a person seeking employment.

⁷ In Nevada, waivers are not permitted where the employee has been exposed for 4 years in the State.

⁸ Arkansas, Georgia, Idaho, Kansas, Minnesota, Nevada, North Carolina, Oklahoma, South Dakota, Texas, and Vermont.

In 17⁹ of the 21 States, a worker "affected but not disabled" by the disease may waive benefits for aggravation of his condition that may occur if he chooses to continue in the hazardous occupation. In Massachusetts, an employee who is for any reason peculiarly susceptible to injury, or who is peculiarly likely to become permanently or totally incapacitated, may waive benefits for total or partial disability. The Iowa law provides that the subsequent disability for which benefits are waived must be owing "directly or indirectly" to a preexisting physical defect. The laws of Illinois and Indiana permit waivers whether or not there is a preexisting defect.

In four of the States that permit waivers for silicosis and/or asbestosis, waivers are not permitted for other dust diseases which are covered by the law. Three of these, Arkansas, Maryland, and Nevada, are full-coverage States, while the fourth, Oklahoma, in addition to covering silicosis and asbestosis, covers anthracosis pulmonary fibrosis caused by the breathing of coal dust not containing sulfur dioxide.

Administration

Table 14 shows the administrative agency of each of the laws of the 50 States, the District of Columbia, and Puerto Rico. As shown, in 19 States and Puerto Rico, the laws are administered in the labor department. In 26 States, the law is administered by an independent workmen's compensation agency. In two of these, Maine and Montana, the labor department participates through representation of the labor commissioner on the workmen's compensation board or commission. In the other five States, there is court administration. The Federal acts, applying to longshoremen and to private employments in the District of Columbia, and to civil employees of the Federal Government, are all administered by the Bureau of Employees' Compensation of the U.S. Department of Labor.

Workmen's compensation administration involves many correlated responsibilities. It presents difficult administrative problems and requires continuous supervision. Administration by a director of the labor department, a board, or commission has been found more effective in achieving the full purpose of the law than has administration by courts, which are not equipped to render the type of service needed.

⁹ Arkansas, Colorado, Georgia, Idaho, Kansas, Maine, Maryland, Minnesota, Nevada, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, and Virginia.

TABLE 14.—*Agencies administering State workmen's compensation laws—
January 1961*

States in which the workmen's compensation law is administered in the labor department—19 States and Puerto Rico:

Alaska	Minnesota	Rhode Island
Arizona	Missouri	South Dakota
California	New Hampshire	Utah
Colorado	New Jersey	Vermont
Florida	New York	Washington
Hawaii	Pennsylvania	Wisconsin
Kentucky	Puerto Rico	

States in which a separate independent agency administers workmen's compensation—26 States and the District of Columbia:

Arkansas	Massachusetts	Ohio
Connecticut	Michigan	Oklahoma
Delaware	Mississippi	Oregon
District of Columbia ¹	Montana (labor com- missioner is a member of board)	South Carolina
Georgia	Nebraska	Texas
Idaho	Nevada	Virginia
Illinois	North Carolina	West Virginia
Indiana	North Dakota (Work- men's Compensation Bureau administers unemployment in- surance and employ- ment service)	
Iowa		
Kansas		
Maine (labor com- missioner is ex officio member of com- mission)		
Maryland		

States with court administration of workmen's compensation—5 States:

Alabama	New Mexico	Wyoming
Louisiana	Tennessee	

¹ The District of Columbia act is administered by the Bureau of Employees' Compensation, U.S. Department of Labor.

What of the Future?

While it is clear that passage of workmen's compensation laws has infinitely improved the situation in regard to indemnifying workers for injuries on the job, there are still many gaps in protection. Perhaps the major areas that need improving are coverage—including full coverage of occupational diseases with adequate time provided in which to file claims—and the amounts of benefits and length of time they are paid.

Because no State covers all workers, and because there are numerous exemptions to most of the laws, and because almost

half the laws are still elective rather than compulsory, there are still millions of workers unprotected by these laws.

Coverage of occupational diseases has lagged behind that of accidental injuries. One reason for this has been the fear that the cost of covering all occupational diseases would be prohibitive for any State. However, it is encouraging that this fear, long a stumbling block to broad legislation, has been proved to be without foundation. State experience shows that it is only a very small percentage of the total costs for all accidental injuries. Thus there should be more rapid action in the future to include in the coverage all workers who suffer from occupational diseases.

Since many of these diseases, particularly radiation diseases, are of delayed development, it is of major importance that time limits for filing claims be 1 year after the date the worker learns of his disease and its relation to his job, and after the beginning of his disablement.

Benefits in almost all States need to be brought closer in line with the current cost of living. They should cover all medical expenses, and should be paid for the entire period of disability in the case of total disability. Benefits should be the same, whether the disability is due to accident or to occupational disease.

The objective of the future, as in the past, is to give adequate workmen's compensation protection to all gainfully employed workers. While there is still a long way to go before this goal is attained, every legislative session sees some progress toward this goal.

Mr. PERKINS. I am of the opinion that in a hazardous industry like mining, where the premium rates fluctuate based on the frequency of accidents, you will find well-developed safety training programs, because in the long run it saves money for those hazardous industries. But in other industries that do not have a reputation for being hazardous, where employees are considered less likely to receive injuries in the course of their employment, little or no attention may be given to safety training. You may find that those industries do not have any training programs, and I take it that it is along that line that you want to build an incentive for training programs practically in all the occupations where these accidents do occur.

Mr. BROWN. Correct.

Mr. PERKINS. Where you do not have these training programs at the present time. Is that it?

Mr. BROWN. That is precisely the point.

Mr. GRIFFIN. Mr. Chairman, I would think, also that we should have information, to the extent that they have compiled it, on the safety program that each State now has in effect in this field, over and beyond workmen's compensation.

Mr. PERKINS. You can supply that information for the record, can you not, and will supply it?

Mr. BROWN. We will supply it.

(The information referred to follows:)

SAFETY TRAINING CONDUCTED BY STATE LABOR DEPARTMENTS

Relatively few State labor departments conduct safety training programs for industrial supervisory personnel as a means of obtaining compliance with State safety regulations and of improving the accident prevention activities in industry. Nine States and Puerto Rico are providing various degrees of safety training according to the Division of Safety, Bureau of Labor Standards, U.S. Department of Labor.

In 1948, Florida began preparations for conducting supervisory training by having their safety inspection personnel given instruction by the Bureau of Labor Standards safety consultants. The State then developed a 10-hour course and visual aids with which chosen instructors conducted training for industry supervisors. This program has continued, tying in with special industry programs for special types of work such as roofing and logging.

Colorado has followed the Florida pattern and provides similar training services to industry.

Approximately 5 years ago, South Carolina appointed a group of safety personnel as instructors. After being given special training in the "Instructor Institute" by the Bureau of Labor Standards, these instructors began a program of safety courses for industry supervisors.

The State of Virginia, whose inspectors also participated in the Instructor Institute of the Bureau of Labor Standards, provides training programs.

Puerto Rico, in 1960, made use of the Bureau's Instructor Institute to prepare five or six safety instructors to conduct safety training in the island's growing industries.

The Industrial Commission of Ohio has been providing safety training for industry, using filmstrips and other materials which they have developed, principally for construction trades.

Seven men were given special instructor training in the State of Pennsylvania in preparation for their conducting safety training for union personnel and supervisors of the construction industry.

In Washington, Oregon, and California the States sponsor training courses through the U.S. Department of Labor or through local universities.

In total, fewer than 40 State representatives are prepared to conduct industrial safety training, and of these, nearly all devote only a small proportion of their time in this activity. It is estimated that in all of the States offering this service, there are no more than 3 or 4 sessions conducted each month in "courses" of 2 to 10 hours' duration with approximately 15 to 20 persons attending each.

A SURVEY OF STATE SAFETY PROGRAMS

Just recently the Safety Division of the Bureau of Labor Standards, U.S. Department of Labor, conducted a survey by questionnaire of State safety programs. The information acquired indicated the number of full-time safety inspectors, the number of full-time inspectors per number of employees, the range of budgets for State safety services, and the expenditures per employee.

NUMBER OF FULL-TIME SAFETY INSPECTORS (38 STATES)

Based on figures from 38 States, the range in number of full-time safety inspectors (excluding administrative personnel) is as follows:

	States
From 1 to 5 inspectors.....	8
From 6 to 10 inspectors.....	10
From 11 to 15 inspectors.....	4
From 16 to 30 inspectors.....	5
From 31 to 50 inspectors.....	3
From 51 to 150 inspectors.....	6
Over 150 inspectors.....	2

The total number of full-time safety inspectors in these 38 States is 1,496.

NUMBER OF FULL-TIME SAFETY INSPECTORS PER NUMBER OF EMPLOYEES (38 STATES)

Table 1 shows in descending order the number of employees per full-time safety inspectors for 38 States for which data are available.

TABLE 1.—Number of employees in nonagricultural establishments for all industry divisions per full-time safety inspectors for 38 selected States, 1961

State	Number of employees per inspector	State	Number of employees per inspector	State	Number of employees per inspector
1.....	2,542,000	14.....	52,800	27.....	26,500
2.....	131,300	15.....	52,700	28.....	24,800
3.....	119,100	16.....	51,700	29.....	24,700
4.....	101,500	17.....	43,900	30.....	21,400
5.....	80,100	18.....	42,700	31.....	19,300
6.....	77,200	19.....	41,600	32.....	18,800
7.....	73,600	20.....	40,700	33.....	16,900
8.....	68,600	21.....	33,700	34.....	16,700
9.....	66,800	22.....	33,000	35.....	15,700
10.....	59,600	23.....	32,800	36.....	11,400
11.....	55,400	24.....	30,500	37.....	10,300
12.....	54,300	25.....	28,700	38.....	6,200
13.....	53,000	26.....	28,400		

NOTE.—Arithmetical average for 38 States=31,400.

RANGE OF BUDGET FOR STATE SAFETY SERVICES (31 STATES)

Based on figures from 31 States, the range of budget for safety services is as follows:

	States
Under \$50,000.....	5
\$50,000 to \$100,000.....	5
\$100,000 to \$200,000.....	8
\$200,000 to \$500,000.....	4
Over \$500,000.....	9

The lowest budget reported was \$9,000. The highest budget reported was \$2,613,000. It should be noted that some States (not included in the above tabulation) do not have any budget for State safety services.

EXPENDITURES PER EMPLOYEE

Table 2 relates the budget for State safety services to employment in 31 States by showing the expenditure in dollars per employee

TABLE 2.—*Yearly expenditure in dollars per employee in nonagricultural establishments for all industry divisions for 31 selected States, 1961*

State	Expenditure per employee	State	Expenditure per employee	State	Expenditure per employee
1.....	0.0035	12.....	0.1876	23.....	0.3675
2.....	.0525	13.....	.2156	24.....	.4007
3.....	.0937	14.....	.2292	25.....	.4227
4.....	.1313	15.....	.2361	26.....	.4391
5.....	.1383	16.....	.2734	27.....	.4787
6.....	.1441	17.....	.2776	28.....	.7738
7.....	.1476	18.....	.2885	29.....	1.2136
8.....	.1579	19.....	.3227	30.....	1.4180
9.....	.1622	20.....	.3240	31.....	1.4210
10.....	.1676	21.....	.3364		
11.....	.1740	22.....	.3554		

NOTE.—Arithmetical average for 31 States=0.2963.

The wide range of expenditures reflects the range of State services available. It should be noted that the arithmetical average for all 31 States is \$0.29.

Mr. GRIFFIN. I think it is very difficult to try to evaluate a legislative proposal such as the one before us without starting with a consideration of present laws and programs. We should know what is going on now in more than just general terms.

Mr. PERKINS. As I understand, the basic purpose of the legislation is to stimulate interest in the various industrial relations departments of the States, to put on better training courses, and so forth; and, by providing some limited funds, the States will in all probability see that the results produced or the results obtained will be highly favorable, and will make greater efforts in these areas to prevent these occupational hazards.

Mr. GRIFFIN. Does this bill represent something that the States want, or is it something that some bureaucrats over in the Labor Department want in order to build up their bureaucracy?

Mr. BROWN. This has been a desire by the States for a number of years. And I think that one of your witnesses will be the president of the International Association of Government Labor Officials to the Labor Commissions, and I think he will report to you that by their recent actions they have endorsed the idea of grants-in-aid to the States.

Mr. JOELSON. I might, if you would yield for a moment, say that I have discussed this matter with the New Jersey commissioner of labor and industry, who happens to be chairman of a subcommittee of the commissioners of labor and industry of the 50 States, and I believe he is going to testify to the consensus of opinion of all the 50 commissioners of labor and industry that this legislation is desirable.

Mr. GRIFFIN. I thank the gentleman for that information.

Mr. PERKINS. Thank you very much for appearing here this morning.

We have a gentleman here from the Kentucky Department of Labor. Mr. Owen Kerth.

If you will come around, Mr. Kerth, we will be delighted to hear from you at this time.

Will you proceed and identify yourself for the record?

STATEMENT OF OWEN KERTH, COMMISSIONER, DEPARTMENT OF INDUSTRIAL RELATIONS, COMMONWEALTH OF KENTUCKY

Mr. KERTH. My name is Owen Kerth, and I am the commissioner of the Department of Industrial Relations for the Commonwealth of Kentucky.

I certainly appreciate the opportunity of appearing before you gentlemen in favor of the Occupational Safety Act of 1962, or the one as outlined, the substitute as outlined by the Secretary of Labor.

From what I have heard, and looking over his prepared text, I think we would endorse that with equal fervor.

Before leaving Kentucky, I attempted to contact the Governor of our State to determine any special message that he might desire to convey to this committee, but he was out of town and could not be reached. So I did confer at length with his administrative assistant, and I can affirm the Governor has strong and definite opinions, as well as a general philosophy and sentiments, relative to an Occupational Safety Act. And as the commissioner, I can say to you the Commonwealth and its department staunchly supports this bill.

Governor Combs, as your chairman knows, coming from and residing in the coal fields of eastern Kentucky, is a firm advocate of any safety measure.

Now, prior to his becoming Governor, he served as a judge on our court of appeals, where he handled numerous workmen's compensation cases, and prior to this he represented many coal mining companies in their workmen's compensation proceedings; and he therefore knows at firsthand, and much better than I, the pressing, almost crying need for this type of legislation.

He knows the potential and the ever-present dangers that exist in our mechanized society of today.

The Federal Government long ago set up standards in mining that are fairly adequate. However, last year, mining in the Commonwealth of Kentucky still produced the most fatalities.

In our State alone, last year—and we are admittedly a depressed State, with some 86 out of 120 counties eligible for Federal assistance, and one in which we have been unable to match the national population growth; and thus, again, this decade, must lose another congressional seat—but in our State alone, we had reported, and our department investigated, over 13,000 industrial accidents.

Of this number, almost 2,000 were totally disabled temporarily, and 786 were permanently disabled to some degree. There were 93 fatalities, and this is an increase of 13 over last year. And we have had more safety inspectors in the field this year than we have ever had.

Now, more than 300 of these 13,000 persons who were injured in our State necessitated an amputation of one type or another. So bearing in mind that we are a small State, a rural State, an agricultural State, we are feeding into the wheels of industry 13,000 men, women, and children annually. So you can well imagine the toll claimed by larger, more industrialized States of this Nation, and I am sure that each of you gentlemen can picture a community of 13,000 persons somewhere in your own home State.

Now, these men, women, and children are and should be the primary consideration of any safety program or any safety bill.

But secondly, and of no little moment, is the tremendous cost to industry. Industry's operational overhead is almost with every

session of every State's legislature increased by additional benefits in State workmen's compensation laws, and I believe properly so. Few States pay enough or even adequate compensation.

Further, I think manufacturers in some States are placed at a tremendous disadvantage with their competitors in other States by reason of the fact that they are required to expend considerable sums of money in complying with and promoting occupational safety and health under State law, while other States have little or no legislation in this field.

I do firmly believe that every State is sincerely interested in occupational safety and that only a lack of funds prevents them from getting into this. They need guidance. They need direction.

I further believe that if this bill, or the bill as outlined by the Secretary of Labor, is finally enacted into law, all the States will get into this field.

In my own State, we are vitally concerned with this wanton waste of manpower and money caused by industrial accidents. Governor Combs is concerned, and so much so that he directed me to create two positions in our safety staff and to fill an existing vacancy that was and had been vacant for many years, bringing our safety staff from two to five people, at an annual cost in our small budget of \$22,500.

Now, we have in addition to these 5 full-time safety investigators 17 wage-and-hour people in the field. These people are also fully schooled in industrial safety, and representatives of the U.S. Department of Labor have twice in the past 2 years come to Kentucky with competent, qualified experts in this field to conduct week-long courses for 22 field people, for which we are grateful.

The Kentucky Revised Statute, 336.040, our State statute governing the functions and duties of our department, state, and I quote:

The department shall inquire into the causes of accidental injuries and occupational diseases, advance measures for their prevention, accumulate and publish industrial statistics—

and so forth.

Even though our State effected a 3-percent sales tax some 18 months ago, we in the department have been unable to procure enough of an additional budgetary appropriation to employ a statistician, as per the dictate of our statutes. The additional revenue that our State has raised has gone primarily to education, where it was sorely needed, and the payment of a veterans' bonus. We cannot quarrel with that.

This bill, if enacted into law, would permit us to do so. It would permit us to employ a statistician. Right now we are groping in the dark. We try to pick out the accidents that cost the most lives and see what we can do about it, but we actually do not know too much about what we are doing.

And I feel sure that I speak for the great majority of the more than 600,000 employed men, women, and children in our State—and this 600,000 is exclusive of agricultural employment—when I urge you to report this bill and Mr. Goldberg's bill finally, and finally to enact it into law.

Thank you.

Mr. PERKINS. Mr. Joelson, any questions?

Mr. JOELSON. No. I want to thank the gentleman for his statement.

I have no questions. When I agree, I do not ask much.

Mr. PERKINS. Mr. Griffin?

Mr. GRIFFIN. We are glad to have you with us, Mr. Witness, particularly because you are from the great State of our chairman, whom we all admire so much, and who does such a good job here in the Congress.

You said that in the last year you had more inspectors in the field and more accidents?

Mr. KERTH. Yes, sir.

Mr. GRIFFIN. Is there any particular explanation for that?

Mr. KERTH. No. Actually, I have not analyzed it. I would assume possibly the mining accidents might be up a little bit this year. I do not have the figures with me, but I think there were some 39 of these 93 fatalities that occurred in the mining industry. And if what I say is true, if my premise is correct, that the biggest increase, the largest increase, was in the mining industry, I would attribute it to a decentralization.

The larger mines in the chairman's home district are closing down, and they are going to small operations, where there are no Federal or State inspections or rules or regulations governing three and four man family-operated mines.

I do recall that within the past 3 months three young men were killed in a mine in eastern Kentucky.

Mr. GRIFFIN. What do you think you would do if this bill passed that you are not doing now?

Mr. KERTH. Well, I think we would—

One thing we would do: Instead of conducting a week-long course for these people, they come in from all over the State, and they listen to a man who knows what he is talking about for a week, and then they go back home, and they have other things to do, or 5 safety people can concentrate on safety, but our other 17 wage and hour people soon lose track of it. I think we would perhaps double that course, make it a 2-week course.

I think we would employ a statistician.

We do need guidance of someone who is knowledgeable in this field of safety, and I admittedly am not, and on our staff we have people who are actually not qualified.

And I think we would be able to educate our people and to do a better job, to compile statistics, to have someone to tell us where our trouble area is, to put on a special course to eliminate, and if we find our punch presses are producing the most accidents, then we would put a drive on for punch press machines, or something like that.

Mr. GRIFFIN. Now, apparently in your State you gave a higher priority to veterans' bonuses than you—I do not refer to you personally—than your State did to what you think are the needs for safety programs.

It seems to me, out of your statement, I detect this one justification for Federal intervention: that you do not have enough money. Is that the only reason that you come to the Federal Government?

And by the way, what kind of financial shape do you think we are in?

Mr. KERTH. I understand it is just about the same.

Mr. GRIFFIN. Just about the same? Do you know how much the Federal Government is in debt? Three hundred billion dollars.

Mr. KERTH. It is a tremendous amount.

Mr. GRIFFIN. But go ahead. Maybe you have an answer.

Mr. KERTH. Well, actually, we had no choice on where we allocated this money. This was by a referendum of the Commonwealth that the bonus was voted through, that particular portion of it.

Mr. GRIFFIN. Well, I am not going to argue. The allocation of your State's resources is something that your legislature and the people had to decide, of course. But I do think that if people come to Washington for aid because they believe we have money that they do not have back in the States, It may be well to put the picture in perspective, because that is not necessarily so.

Mr. KERTH. Well, I would say, on that score, that I am not a States righter. I think that there should be more general supervision and establishment of standards by the Federal Government, and I think through such a program it would help promote an equality of standards for all the States.

Mr. GRIFFIN. I think that is a good point. Perhaps, working toward more standardization in this area is a desirable goal. And I wonder if the Federal Government's role might be tied in on that point a little bit easier than by using the argument that the Federal Government has money but the States do not.

Mr. KERTH. No, I think that is the important point, that the Federal Government has recommended certain laws. Child labor legislation we have adopted, and many States have not. They recommend to the States certain standards for workmen's compensation. In Kentucky we give a man 8 years if he loses both his arms and both of his legs, or if he becomes blind, or both. He has 8 years to grow himself a new set of eyes or arms. While in other States, Wisconsin or New York, that man is disabled for life. He is paid for life. But after 8 years in Kentucky, he is through.

Mr. PERKINS. I think, if I may interrupt, you will find even in Kentucky, though the workmen's compensation law is compulsory, many small business people engaged in hazardous occupations are not carrying compensation insurance. When a death or injury occurs the result is many dependents without any workmen's compensation or any other source of income.

Is that not still true in Kentucky?

Mr. KERTH. Yes, sir. That is very true. I think the requirement sets in that they have to employ four people before it is obligatory.

Mr. PERKINS. Even though the requirements say four, do you have enough inspection to see that that law is complied with? In many instances they can even escape your department, can they not?

Mr. KERTH. That is true. We are one of those States that cannot, with only five safety people to cover 120 counties, inspect every factory, workshop, and industry in our State.

Mr. PERKINS. Now, let us get it in the record. Just what constitutes your safety department in the department of industrial relations?

Is that what they call it now? They change the terminology from time to time.

Go ahead and tell us what constitutes your safety department insofar as occupational injuries are concerned.

Mr. KERTH. Well, at the present time, we have four persons employed as safety investigators under our workmen's compensation section. That is just another division and another payroll. And then we have in the department proper a position filled by a safety

inspector. And we have five persons who meet certain standards. They are by no means expert.

I think we start out at some \$5,200 a year, and you do not get a graduate safety engineer for \$5,200 a year. And in the past it has been a political patronage thing. We now do have a merit system which helps us educate and retain these people. They will not be thrown out of a position every 4 years.

So actually, that is our complete safety staff at this time, those five people.

As I said previously, we have 17 wage-and-hour investigators, who go into the 5 and 10's and the downtown stores. And we call those people in when the U.S. Department of Labor sends us an instructor.

Mr. PERKINS. An instructor on safety?

Mr. KERTH. Yes, sir. They sit in on the course, too, so that, in the course of going into even a 5- and 10-cent store, if they see a hand railing off or if they see a broken step or something, they can report on that.

Mr. PERKINS. Now, assuming that this legislation is passed by the Congress, what do you visualize will then happen in Kentucky? Just how will it promote safety activities in your department? How will it reduce the number of occupational injuries?

Mr. KERTH. Well, if I understand this bill, as proposed, I had been told that we could possibly meet the qualifications of the Department, and that we would be entitled to some \$62,000, possibly, which would allow us to either double our staff, to put twice as many people in the field, to visit these plants maybe twice a year, which they properly should be—they should be inspected at least every 6 months.

Some of these plants deteriorate pretty rapidly when they know an inspector has been there, and it will be another year or 14 months before he comes back.

I think the first thing we could do is provide twice as many inspections. We could get the statistician, which I think is vital. We need someone who knows this field, someone we could pay \$7,200 to and who could tell us where our trouble spots are, and what we can do.

Mr. PERKINS. Assuming you got the \$62,000, do you think that would serve as an incentive or encourage the General Assembly in Kentucky to perhaps matching or doubling your present program? Would you then be able to send the suitable people, trained in the field of safety, out to these various industries, have safety meetings with the employees and supervisors? Would this enable you to get safety programs going in the various industries where you have a lot of injuries, and where they do not have safety programs at the present time?

Mr. KERTH. Mr. Chairman, I think very definitely we could and we would. A safety bill is not a sensational sort of thing, but I think under our setup in Kentucky, as I explained, we have four safety inspectors in our workmen's compensation section; and if we can get with the insurance people, if we can show them that we are producing, that we are cutting down the number of injuries, the number of fatalities, that those are the people we have to sell, then it will not have to be a general appropriation out of the general fund, which the Governor is very hesitant to—he is overtaxed, already, and he is hesitant to take any more money out of the general fund. He is operating in the red, too, in Kentucky.

But I think, if we sold the insurance companies, that the Governor very well could order that our staff be doubled under the workmen's compensation division. I do not think the insurance companies would squall if we could show that we could keep the injuries down to where they did not have to raise the premiums. I think it is possible, very possible.

Mr. PERKINS. Any further questions, gentlemen?

Thank you very much, Mr. Kerth, for appearing here this morning.

Mr. PERKINS. The next witness is Mr. William N. Cooper, who is the chapter manager of the National Electric Contractors Association, and its management representative from western Kentucky. Come around Mr. Cooper. We are delighted that you are here. Do you have a prepared statement?

**STATEMENT OF WILLIAM N. COOPER, CHAPTER MANAGER,
NATIONAL ELECTRIC CONTRACTORS ASSOCIATION**

Mr. COOPER. No, I do not have a prepared statement, Mr. Chairman.

Mr. PERKINS. All right. Proceed in any way that you prefer.

Mr. COOPER. Mr. Chairman and gentlemen of the committee, like your distinguished chairman, I, too, am from the great Commonwealth of Kentucky, and I would like to say I would rather renew a note in the State of Kentucky than to declare a dividend in any other State of the Union.

I am a unique Kentuckian, in that I happen to be a Republican, and this is a peculiar breed in the State of Kentucky.

Mr. GRIFFIN. Mr. Cooper, I hope that is not true. Some important elections are coming up out there.

Mr. COOPER. I hope so, too. And I do not know your name, Mr. Committee Member, but I am very much impressed with the keenness and the perception of your questions to those who have appeared before you so far.

I am a management representative. And when I was invited to appear before this committee to offer testimony, I thought, well, this is another one of those Federal handouts. And I learned a long time ago, from some expression that was quoted to me, that, "There ain't no such thing as a free lunch."

So I am not here to appear before this committee to say, "Please give us money," because I would like to repeat again that we are aware that there "ain't no such thing as a free lunch."

My interest in this bill is set forth in the opening paragraph of the bill, in that it is to encourage the development, the initiation, the expansion, of occupational safety programs in the States, through grants to States for such purposes, and for other purposes.

I represent a group of employers in this State of Kentucky, and more particularly the area of western Kentucky.

You asked a question a moment ago to Mr. Kerth. You pointed out that while they had had more inspectors, they had also had more accidents, and you asked why. I do not know that I can give the answer as to why, but I can give you what I think is the answer, and that is competition.

As competition increases in any industry, in any area, safety standards go down. And unless there is some standardization of

safety programs throughout the States, we will continue to have the misery and the suffering and the maiming of human beings through indifference to safety.

I would like to digress just a moment and give you a bit of my background in this realm of safety.

Prior to assuming the position that I hold as a trade union association representative, I was with the Hoosier Cardinal Corp., a manufacturing concern, in the industrial relations department, and here was responsible for setting up and developing a safety program.

After leaving this company, I went with the International Harvester Co., their refrigeration division, and here was the assistant to the safety director.

Now, you need not be concerned about the safety programs of our large industries. The larger industries are aware of the cost of accidents, and they have taken upon themselves to assume the burden of a safety program as an overhead cost item to institute well-rounded and well-administered safety programs. And if this is all the Department, particularly the Department of Labor, and this committee, had to concern itself with, then you would have no problem, and there would be no need for this bill.

The honorable chairman spoke a moment ago of hazardous and nonhazardous industries. Well, I wonder what is a nonhazardous industry. Where do we get into what is hazardous and what is not?

There is no such thing as a nonhazardous industry. This is proven by the point that even in our homes, where we have ample opportunity to be safe and to practice every precaution, one of the single and worst sources of accidents are injuries in the home.

The gentleman on the right—

Mr. GRIFFIN. Griffin is my name.

Mr. COOPER. Mr. Griffin. In the question he posed, Mr. Griffin asked: How can this bill be of help to the States?

It can be of help in the standardization of safety programs. And in the standardization, I mean that it can use many media to develop safety for the recipients of safety programs.

What is safety?

I would like to ask one of the members of the committee to tell me: What is safety?

Mr. JOELSON. Well, I would say prudent precaution.

Mr. COOPER. In other words, it is education, is it not?

Mr. JOELSON. Yes.

Mr. COOPER. We can define safety in the simplest terms by saying it is education. How have we eliminated illiteracy in our country? By having teachers.

This program, here, set forth to develop and initiate and expand. To develop and initiate means to me that the Federal Government is going to provide to the States a means whereby extra teachers can be added to the State forces to spread the gospel of safety in all of the occupational fields.

I am not going to attempt to bore the committee with statistics. We can leave this for the record.

But here it is classified into the various categories of industry, agriculture, mining and quarrying, construction, manufacturing, and then the miscellaneous breakdowns of these various broad industries.

We find in the industry in which I now find myself associated,

there were 21 fatalities. And when you speak of the construction industry, and particularly the electrical industry, you are speaking of highly trained and skilled men. It is impossible to go off the street and find a qualified electrician that has not spent from 4 to 5 years in learning his trade. Maybe legislators come easier, but I can assure you that electricians do not.

In one particular instance, with one of the employers' representatives, we have a crippled electrician. He slid down the pole, ignoring all of the basic rules of safety, and suffered an injury to his heels. They were driven up into his legs. Now he is crippled permanently, for the rest of his life.

Education would have prevented this.

You might ask: Well, how could a State go about educating the people about safety in some of the rural areas, where you do not have a manufacturers' association or you do not have a well-organized manufacturing group of local unions or a building trades local union?

Well, there are many ways. In all communities we have PTA, we have civic groups, we have Rotary, we have farmers' organizations. And through these funds, and by the Department setting up a standardization, a suggestion, a guide, to the States, in the use of the funds, these organizations can be employed to spread the gospel of safety; plus the fact that the media of radio, the press, and television can be used to disseminate information to people about safety; providing that these organizations, who would do this as a public service feature, are provided with the information that they can disseminate to their listening or reading public. Here are areas where the funds can be used to good advantage.

The honorable chairman cited an instance, and it was a very keen observation. Some of the smaller employers just ignore the law. Now, he was not talking off the top of his head when he made this observation, because I happen to know from first-hand experience in the city of Henderson, Ky., where this is true. I know the person very well. He is in the construction business. He should be carrying the workmen's compensation insurance. He is employing a number of people. But he is not. He is gambling.

Now, suppose one of the workmen is injured, or suppose he is killed. What happens?

Well, it is impossible for my good friend, Kurth, as the commissioner of industrial relations for the State of Kentucky, because of limited funds, to have enough assistants to police all of the areas. And I think, as much as I dislike the Federal handouts, that such handouts to the States, to be widely used, will be of much benefit in conserving the manpower and the skills of the citizens of this great Nation.

Mr. Chairman, this concludes my remarks.

Mr. PERKINS. Thank you very much, Mr. Cooper; your remarks have been very interesting. Pursuing your point a little further, I know of actual experiences where those things have happened in the last year, in the last 6 months. It is distressing to see an accident where a father has lost his life, and 8 or 10 or 11 children are involved, and there is no workmen's compensation—you run into those things. I have seen them myself.

I think your remarks have been most interesting and most helpful to the committee, here, this morning, Mr. Cooper. I certainly appreciate your coming.

Mr. Joelson, any questions?

Mr. JOELSON. No. I want to thank Mr. Cooper. I enjoyed his presentation.

And even though you are a Republican, I do want to thank the people of your State, if not you, for sending us Carl Perkins. He is a tremendous inspiration to all of us.

Mr. COOPER. It certainly has been a pleasure.

Thank you, gentlemen.

Mr. JOELSON (presiding). Thank you.

The next witness is Mr. J. F. Dwyer, director of the bureau of inspection, Harrisburg, Pa.

Come around, Mr. Dwyer.

STATEMENT OF JOHN F. DWYER, DIRECTOR, BUREAU OF INSPECTION, PENNSYLVANIA'S DEPARTMENT OF LABOR AND INDUSTRY

Mr. DWYER. Thank you.

My name is John F. Dwyer. I am director of the Bureau of Inspection of Pennsylvania's Department of Labor and Industry. In this capacity, I and my staff annually investigate for the prevention and causes of occupational injury producing accidents and, therefore, have considerable first hand knowledge on this subject.

I wish to thank the committee and its distinguished chairman, Carl D. Perkins, on behalf of Governor Lawrence and myself for this opportunity to support H.R. 11192, the Occupational Safety Act of 1962, which would provide encouragement, initiation, and expansion of occupational safety programs in States through grants to States for such purposes and for other purposes.

Under the Pennsylvania Administrative Code of 1929, section 2202, the bureau of inspection institutes and assists in administering safety training programs for labor and management groups; compiles and maintains records of industrial accidents; prepares and distributes information on such accidents.

Approves plans for newly erected buildings other than residences and for alterations to existing buildings. (Acts of April 27, 1927, Public Law 465, as amended; May 14, 1949, Public Law 1342.)

Approves plans for the installation or modification of elevators and hoists and inspects them annually when in operation. (Act of May 2, 1921, Public Law 1518, as amended; April 8, 1937, Public Law 277.)

Approves installation plans for boilers; regularly inspects boilers, unfired pressure vessels and vessels used for the storage of liquid petroleum gas. (Acts of May 2, 1929, Public Law 1513, as amended; December 27, 1951, Public Law 1793, as amended.)

Regulates the manufacture and storage of explosives and inspects and approves plans for buildings in which explosives are stored; licenses blasters who use explosives. (Acts of May 18, 1937, Public Law 664; July 1, 1937, Public Law 2681; July 10, 1957, Public Law 685.)

Inspects twice a year all mines (other than coal mines), quarries, tunnels, and sanitary sewers to assure compliance with departmental safety requirements. (Act of May 18, 1937, Public Law 654.)

Registers bedding and upholstery dealers and manufacturers and inspects production facilities; inspects bedding and upholstery prod-

ucts; maintains a textile laboratory for the analysis of these materials. (Acts of May 27, 1937, Public Law 926; May 22, 1963, Public Law 206.)

Analyzes and approves all filling material for stuffed toys. (Act No. 372, July 25, 1961.)

In cooperation with the department of health, conducts investigations and educational programs for the prevention of occupational diseases. (Acts of May 18, 1937, Public Law 654; June 21, 1939, Public Law 566.)

Supervises and licenses private employment agencies. (Act of July 31, 1941, Public Law 616 as amended.)

Licenses and supervises motion picture projectionists. (Act of April 27, 1927, Public Law 465 as amended.)

Administers a safety control program in industrial plants where atomic radiation is found and provides safety training courses for engineers and supervisors in such plants; cooperates with the Atomic Energy Commission to educate community public safety forces in radiator protection. (Act of May 18, 1937, Public Law 654 as amended.)

Approves, interprets, and modifies new and existing departmental regulations through hearings of the industrial board, which is assisted by technical advisory boards on boilers, buildings, and elevators. (Act of June 2, 1913, Public Law 396; Administrative Code of 1929, secs. 445 and 2214.)

A total of 140 inspectors are employed to carry out the above functions.

To operate the Bureau of Inspection during the fiscal year 1960-61, \$1,166,858 was expended. For the fiscal year 1962-63, \$1,227,022 was allocated for the same purpose. However, it is estimated that to improve and expand our safety training programs, our bureau would need an additional \$350,000.

During 1961, the department received 75,986 reports of occupational injuries. However, the bureau of inspection was able to investigate only about 2,000 to 2,500 of these injury producing accidents, a fact which clearly demonstrates the need for additional assistance.

As you can note from the above data, the Commonwealth of Pennsylvania has made important strides in performing this needed service. Within the limits of our State's financial ability, safety training programs have been instituted in the form of construction safety training programs, foundry safety training programs, and safety training programs for the use of radioactive materials in industry.

Incidentally, in the Commonwealth of Pennsylvania, there is in excess of 3,000 users of radioactive materials.

The department of labor and industry's bureau of research and statistics compiles reports relating to occupational injuries, copies of which I am submitting as a part of my testimony. In addition, this bureau has prepared special studies of occupational injury trends in support of our construction training program. These statistics were of great value. However, again due to budget limitations, it is not possible to provide similar special studies for other individual industries.

Our experience has indicated the need for additional education in the field of safety. In Pennsylvania we have adopted a policy of attempting to sell the idea of safety, as opposed to enforcement alone.

We are of the firm belief that properly supervised safety training programs in all fields of industry would greatly reduce the number of occupational accidents. Our efforts in the construction and foundry industries proved that safety training can be effective in preventing occupational injuries.

And on that, if you were just to read the statistics that are included in here, we have reduced considerably the number of injuries in the construction field, and we like to believe, it is as a result of this safety training program.

In Pennsylvania, we have a safety division in the bureau of inspection but do not sufficient personnel to man it properly, and we use personnel who have in addition to this safety training other duties to perform. We would like to have a safety division manned with competent personnel so that we could offer all industries affected safety training programs. We urge the passage of H.R. 11192.

I am including as a part of this testimony also a copy of the organizational chart of our department.

(Chart referred to appears in subcommittee files.)

Mr. DWYER. In this one summary, we have all the accidents that occurred in the Commonwealth of Pennsylvania during the year 1960, which amounted to 701 fatalities and better than 78,000 injuries.

These are the compensable injuries in the Commonwealth of Pennsylvania, for which we must pay compensation.

These are facts and figures that are supplied to us by the industries within the Commonwealth of Pennsylvania. This is a voluntary basis, and it is more or less of a selected group and represents approximately 15 to 20 percent of the people.

This is the type of statistics we set up for the construction safety training program that we put on. We have also put on a number of programs for not only the industry itself but for such as firemen, doctors, nurses, engineers, in the need for protection in the event they were involved in some catastrophe associated with industry that could have radioactive materials within the plant.

We found in one particular instance, and I would not care to relate all the facts for fear of embarrassing some people, it developed that there was a fire in this building. Someone said there was radioactive material in there, and the firemen were rather timid about going in. It was one of the least dangerous commodities in the building, because of the minute amount stored there, and its half life was such that it would not actually be a problem.

That completes my presentation, and if there are any questions, I would be willing to answer.

Mr. JOELSON. Thank you, Mr. Dwyer.

The material you presented will be made a part of the record.

(Material referred to appears in the subcommittee files.)

Mr. JOELSON. I notice that you stressed, as Mr. Cooper did, the word "education," and not so much "regulation." I agree with this approach. I do not believe that employers are heartless. Nobody likes to see people injured or maimed. I feel that it is a lack of knowledge, not a lack of interest, that is our problem.

Mr. DWYER. We have found, dealing with industry as such, that 99 percent of your American people want to abide by the laws, and they want to do the right thing.

And we have in a sense augmented our present inspection force through the American Safety Engineers and a number of other organi-

zations that have supported and helped us. Now, they assist us in putting on our safety conferences. They work on all our advisory boards. And they do this free.

Mr. JOELSON. And I would like to stress that there have been in the past many private organizations that have been very active in this field, and we do not intend or mean in any way to minimize their efforts. However, we feel that this is a problem of Government, and we would like the cooperation of the private groups that up to now have had to carry the full burden practically by themselves.

Mr. Griffin?

Mr. GRIFFIN. In your State, are the employees of this particular department under a civil service program, or are they political appointees?

Mr. DWYER. In 1955, we were successful in getting a number of them under civil service. It was the opinion of many persons there that we would have liked to have seen civil service. We think possibly this would be the answer, if it came into the Commonwealth of Pennsylvania, the civil service; because in the department of labor and industry the preponderance of the employees are civil service.

I am very proud to state that we have one of the recognized best rehabilitation centers in the United States, and they are also a service; that is, Federal-State money.

We also have the bureau of employment security, which is entirely Federal money. It is mandatory that they be civil service.

And we have a number of other agencies within the State, the union relations, for instance, which under no circumstances can have any taint or association with politics, although they are not civil service.

In our own particular bureau, we have three agencies that are civil service.

Mr. JOELSON. Thank you, Mr. Dwyer.

This concludes the hearings for this morning. They will be continued tomorrow morning at 10 a.m., in room 100-B of the George Washington Inn, which is presently being used for Government offices.

The meeting is recessed until tomorrow morning at 10 a.m.

(Whereupon, at 11:35 a.m., the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, April 18, 1962, in room 100-B, George Washington Inn.)

OCCUPATIONAL SAFETY LEGISLATION

WEDNESDAY, APRIL 18, 1962

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 100-B, George Washington Inn, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Joelson, and Griffin.

Also present: H. D. Reed, Jr., counsel to the subcommittee.

Mr. PERKINS. The committee will come to order.

When the committee recesses today, it will recess to reconvene at 10 a.m. on May 1, for the purpose of continuing these hearings.

We have with us today Mr. Harold Bockman as our first witness.

Will you identify yourself completely for the record?

STATEMENT OF HAROLD BOCKMAN, DIRECTOR, BUREAU OF LABOR STANDARDS, DEPARTMENT OF LABOR AND INDUS- TRIAL RELATIONS, STATE OF DELAWARE

Mr. BOCKMAN. Mr. Chairman, members of the committee, my name is Harold Bockman, director of the Bureau of Labor Standards of the Department of Labor and Industrial Relations of the State of Delaware.

I appear today in behalf of H.R. 11192, the Occupational Safety Act of 1962.

In Delaware, in the calendar year January 1, to December 31, 1961, the latest figures available in 1961, 16 percent of our labor force suffered accidents in 1961; 1.5 percent of the labor force suffered compensable injuries. A compensable injury in these cases is equal to 3 or more days of lost time for a permanent injury of some type.

The average compensable injury cost was \$390.

Compensation paid out for this 12 month period amounted to \$903,010.12.

This proposed bill would be exceedingly beneficial to the State of Delaware.

Mr. PERKINS. Just a moment, Mr. Bockman.

Is 11192 the old bill or is that the new bill, Mr. Joelson?

Mr. JOELSON. That is the old bill. It will be changed as far as the amounts and the percentage of matching grants but the principle of the bill is identical. It will do the same thing. It is just a question of how much money will be spent and the distribution between the Federal Government and the States.

Mr. PERKINS. Do you have a number for the last bill?

Mr. JOELSON. The new bill has not been introduced.

Mr. PERKINS. But with the explanation of the gentleman from New Jersey, Mr. Joelson will support the administration's bill since the principle is identical.

The CLERK. The new bill was transmitted to the Speaker last night by the Secretary so that it ought to be in our hands today for introduction.

Mr. PERKINS. Proceed.

Mr. BOCKMAN. This was written on the premise of the old bill as was explained.

This proposed bill would be exceedingly beneficial to the State of Delaware.

As of today, Delaware has no industrial safety code. In fact, it was only this year on March 29 that legislation creating a State department of labor and industrial relations became effective.

The bureau of labor standards of our department is charged with the responsibility of developing this code. Without the assistance as provided in H.R. 11192, it is unlikely that Delaware would be able to initiate and develop a safety code which has been demonstrated is needed when you examine the statistics I have presented and submitted with this statement.

Submitted with this statement is a copy of the report of the industrial action board which breaks down the statistics I have presented as to the types of injuries.

In conclusion I wish to thank the committee for the opportunity today in behalf of H.R. 11192.

Mr. Chairman, this is a new department. I have only been in office 2 weeks. This is the best I could do with this short notice but we definitely did not want to miss this opportunity.

Mr. PERKINS. Assuming we pass the administration's proposal, which is very similar to 11192 with the exception of the amount of money involved, do you feel that it will cause the State of Delaware to concentrate on a more adequate safety program in the future?

Mr. BOCKMAN. We feel definitely that there is a real need and we are sure that we would participate in this. On the statistics of the \$5 million amount, I think it would break down in the State of Delaware like \$13,000 to \$13,500 with a 190,000 work force.

Mr. PERKINS. Mr. Joelson, do you have any questions?

Mr. JOELSON. I heard that in some States the State funds are made available to insurance companies to run some type of industrial safety program.

Mr. BOCKMAN. We have in the State of Delaware a safety council that asks for an appropriation from the State legislature every year.

Mr. JOELSON. Is that a private group?

Mr. BOCKMAN. That is a private group. That is about all I can tell you on that in that area.

We are sorely in need of a real safety program.

Mr. PERKINS. Do you think that this legislation, from your knowledge in this field, will bring about more adequate safety programs throughout the country? Is that your judgment?

Mr. BOCKMAN. We are sure of that from our bureau's information as far as we could go into statistics.

Mr. PERKINS. Thank you very much, Mr. Bockman.

Mr. BOCKMAN. I would like to leave this statement with the committee.

Mr. PERKINS. Without objection, the statement and other exhibits which you have will be inserted in the record at this point.
(The documents referred to follow:)

[Vol. VII, No. 2, February 1962, released March 28, 1962]

EMPLOYMENT—HOURS—EARNINGS

EMPLOYMENT

The total Delaware labor force rose to 190,000 persons on February 15, 1962, reflecting a monthly gain of 3,100 persons, and was 1,200 greater than at mid-February 1961. Total employment (177,000) was up 1,300 during the month with gains being registered in agriculture (600); in self-employed, domestic service, and unpaid family workers (600); and in wage and salary employees (100). There were 147,500 persons working in wage and salary establishments on February 15, 1962, with 53,100 employed in manufacturing firms of 94,400 in nonmanufacturing ones. Few significant employment changes occurred during the month; however, the return of furloughed workers at an automobile assembly plant did result in a 200-worker gain in machinery and transportation equipment payrolls while continued seasonal layoffs led to a 300-worker decline in contract construction. Manufacturing employment has declined 400 during the past year as a result of plant closings and technological changes; however, a 3,100-person gain in non-manufacturing establishment payrolls has offset losses with significant increases occurring in contract construction (500), trade (900) services (600), and in government (1,100).

UNEMPLOYMENT

There were 13,000 unemployed workers in Delaware on February 15, 1962, a gain of 1,800 during the month but 1,700 lower than during the comparable February 1961 period. Temporary layoffs in the machinery and transportation equipment industry, bad weather in Kent and Sussex Counties, and usual seasonal declines are largely responsible for increased unemployment.

OUTLOOK

Employment is already beginning its annual spring improvement and non-manufacturing payrolls should increase during April following seasonal trends. Minor employment gains are also anticipated in manufacturing industries and unemployment should, therefore, decline during the coming months.

HOURS AND EARNINGS

Delaware manufacturing employees averaged \$92.90 in earnings for the week ending February 17, 1962, while working 39.2 hours at average hourly earnings of \$2.37. Weekly earnings were down \$2.22 from comparable January data but were \$3.27 greater than in February 1961. Weekly earnings for durable goods workers declined \$4.08 during the month while those for nondurable goods employees dropped \$1.09. In the durable-goods category, a short workweek, at a major automobile assembly plant plus less overtime work at machinery plants led to decreased weekly earnings (\$7.19) for machinery and transportation equipment workers; similarly, less overtime work at major primary and fabricated metal plants led to industrywide earnings decreases of \$3.63 and \$2.38, respectively. In the nondurable-goods category, a shorter workweek at controlling food-processing plants was instrumental in a \$3.33 drop in weekly earnings for food and kindred products workers as was a sharp drop in overtime pay at major papermills and oil refineries, which led to a drastic drop of \$20.45 in weekly earnings for "other nondurable goods" workers whose pay returned to previous levels; however, an increase in overtime pay at several printing firms resulted in an \$8.45 hike in earnings for printing and publishing-house personnel.

LABOR TURNOVER

Delaware manufacturing establishments reported 51 accessions and 71 separations per thousand workers employed during February as unsettled conditions in automobile assembly plants were primarily responsible.

Delaware labor force summary

[In thousands]

	Febru- ary 1 1962	January 1962	February 1961	Net change from—	
				January 1962	February 1961
Total labor force.....	190.0	186.9	188.8	+3.1	+1.2
Persons involved in work stoppages.....	0	0	0	0	0
Unemployed.....	13.0	11.2	14.7	+1.8	-1.7
Employed.....	177.0	175.7	174.1	+1.3	+2.9
Agriculture.....	9.1	8.5	9.0	+6	+1
Nonagriculture.....	167.9	167.2	165.1	+7	+2.8
Self-employed, domestic service, and unpaid family workers.....	20.4	19.8	20.3	+6	+1
Wage and salary.....	147.5	147.4	144.8	+1	+2.7
Manufacturing.....	53.1	52.9	53.5	+2	-4
Durable goods.....	11.2	11.1	12.4	+1	-1.2
Primary metal industries.....	2.2	2.2	2.0	0	+2
Fabricated metal products.....	2.0	2.0	1.8	0	+2
Machinery and transportation equipment.....	5.0	4.8	6.1	+2	-1.1
Other durable goods.....	2.0	2.1	2.5	-1	-5
Nondurable goods.....	41.9	41.8	41.1	+1	+8
Food and kindred products.....	5.8	5.7	5.6	+1	+2
Textile mill products.....	2.2	2.2	2.2	0	0
Apparel.....	3.4	3.4	3.7	0	-3
Printing and publishing.....	1.3	1.3	1.4	0	-1
Chemicals and allied products.....	23.5	23.5	23.2	0	+3
Rubber and plastic products.....	3.1	3.1	2.6	0	+5
Leather products.....	1.6	1.6	1.5	0	+1
Other nondurable goods.....	1.0	1.0	.9	0	+1
Nonmanufacturing.....	94.4	94.5	91.3	-1	+3.1
Contract construction.....	9.0	9.3	8.5	-3	+5
Transportation, communications, and public utilities.....	10.5	10.4	10.7	+1	-2
Wholesale and retail trade.....	29.3	29.3	28.4	0	+9
Finance, insurance, and real estate.....	6.2	6.2	6.0	0	+2
Services and miscellaneous.....	19.2	19.2	18.6	0	+6
Government.....	20.2	20.1	19.1	+1	+1.1

1 Preliminary.

Delaware manufacturing industries—Hours and earnings of production and related workers

Industry	Weekly earnings ¹			Weekly hours ³			Hourly earnings ⁴		
	February 1962 ²	January 1962	February 1961	February 1962 ²	January 1962	February 1961	February 1962 ²	January 1962	February 1961
	Manufacturing:	\$82.90	\$85.12	\$89.63	39.2	39.8	38.8	\$2.37	\$2.39	$2.31
Durable goods.....	95.50	93.33	93.00	37.6	38.9	37.5	2.54	2.56	2.48
Nondurable goods.....	32.17	93.26	88.08	39.9	40.2	39.5	2.31	2.32	2.23
Durable goods:									
Primary metals.....	110.37	114.00	101.68	39.0	40.0	37.8	2.83	2.85	2.69
Fabricated metals.....	106.11	108.50	97.71	40.5	41.1	39.4	2.62	2.64	2.68
Machinery and transportation equipment.....	97.43	104.62	98.01	33.3	37.5	36.3	2.75	2.70	2.70
Other durable goods.....	62.92	63.47	71.02	38.6	38.7	38.6	1.63	1.64	1.84
Nondurable goods:									
Food and kindred products.....	65.27	68.00	66.39	37.3	39.2	38.6	1.75	1.75	1.72
Textile mill products.....	73.85	74.06	77.33	40.8	40.8	41.8	1.81	1.85	1.85
Apparel.....	62.69	62.43	58.72	38.7	38.3	37.4	1.62	1.63	1.57
Printing and publishing.....	129.15	120.70	113.80	38.9	36.8	35.9	3.32	3.58	3.77
Chemicals and allied products.....	120.51	120.93	116.05	41.7	41.7	41.3	2.89	2.80	2.51
Rubber and plastic products.....	95.88	94.25	94.05	40.8	40.4	40.8	2.35	2.36	2.31
Leather products.....	73.91	75.24	76.49	38.1	38.0	36.6	1.94	1.95	2.09
Other nondurable goods.....	129.90	150.35	(c)	43.3	48.5	(c)	3.00	3.10	(c)

¹ Average weekly earnings: Represent the product of average hourly earnings and average weekly hours. The averages are affected by premium pay, shift differentials, piecework and incentive payments, and by changes in the length of the workweek, part-time work, stoppages for various reasons, and labor turnover.

² Preliminary.

³ Average weekly hours: Represent total hours worked or paid for, divided by the number of production and related workers. The averages are affected by labor turnover, changes in overtime hours, and changes in part-time employment.

⁴ Average hourly earnings: Represent production worker payrolls divided by total hours worked or paid for, including paid holiday, vacation, and sick leave hours. The averages are influenced by premium pay, changes in work force composition, in wage rates and other factors, and consequently should not be interpreted as wage rates.

⁵ Comparable data unavailable.

Delaware labor turnover rates, February 1962

[Per 100 employees]

Industry	Em- plov- ment, Feb- ruary 1962	Accession rate						Separation rate								
		Total			New hires			Total			Quits			Layoffs		
		Feb- ruary 1962	Jan- uary 1962	Feb- ruary 1961	Feb- ruary 1962	Jan- uary 1962	Feb- ruary 1961	Feb- ruary 1962	Jan- uary 1962	Feb- ruary 1961	Feb- ruary 1962	Feb- ruary 1961	Jan- uary 1962	Feb- ruary 1962	Jan- uary 1962	Feb- ruary 1961
	Thou- sands															
All manufacturing-----	51.7	7.7	7.8	1.3	1.3	.7	7.1	10.0	8.3	.6	.8	.5	5.9	8.6	7.3	
Durable goods-----	11.2	17.7	29.8	2.5	2.5	.8	27.8	37.8	20.3	1.0	1.1	.4	26.1	36.0	28.5	
Nondurable goods-----	40.5	1.6	1.4	1.0	.7	1.4	1.4	2.4	1.8	.5	.7	.5	.4	1.1	.8	
SELECTED INDUSTRIES																
Primary and fabricated metals-----	4.2	3.0	5.0	2.5	2.5	.9	2.9	3.1	4.8	.5	.8	.2	1.6	1.7	4.1	
Machinery and transportation equip- ment-----	5.0	34.7	62.8	2.0	2.0	.4	59.0	82.4	55.1	1.5	1.4	.4	56.9	80.3	54.4	
Other durable goods-----	2.0	6.8	3.6	3.5	.7	1.5	2.7	4.3	2.2	.6	1.1	.6	1.5	2.9	.9	
Chemicals-----	23.5	1.3	1.1	.8	.7	.4	1.0	1.2	1.0	.3	1.4	.3	.1	.1	.1	
All other nondurable goods-----	17.0	2.0	2.4	1.3	1.6	1.3	2.0	4.1	3.0	.7	1.0	.7	.7	2.4	1.6	

NOTE.—February figures preliminary.

Month-to-month changes in total employment in manufacturing industries as indicated by labor turnover rates are not precisely comparable with those shown by the Commission's employment reports, as the former are based on data for the entire month while the latter refer to a 1-week period ending nearest the 15th of the month. Plants on strike are excluded. Explanatory notes outlining briefly the concepts, methodology, and sources used in preparing the turnover data are available upon request. Excludes cannaming industry.

The secretary reported to the board the following 6-month report:

"During the first 6 months from January 1 through June 30, 1961, there were filed with the industrial accident board a total of 10,821 cases of industrial accidents.

"Of the accidents sustained during this period, there were:

"Arm.....	924	Hand.....	1,585
Fingers.....	3,587	Eyes.....	1,553
Leg.....	633	Foot.....	601
Toe.....	97	Back.....	556
Head.....	405	Hernia.....	71
Miscellaneous.....	704	Fatal.....	7
Dermatitis.....	47	Ear.....	51

"Compensation paid for the first 6 months of 1961 amounted to \$370,357.02.

"Agreements closed out for the first 6 months of 1960 amounted to 1,046 of which there were: Time lost more than 3 days.

"Fingers.....	145	Back.....	195
Arm.....	80	Eye.....	27
Hand.....	75	Head.....	49
Leg.....	115	Dermatitis.....	17
Foot.....	139	Ear.....	1
Toe.....	32	Disfigurement.....	8
Hernia.....	46	Fatal.....	4"
Miscellaneous.....	113		

The secretary presented to the board the following 6-month report:

"During the last 6 months from July 1 through December 31, 1961, there were filed with the industrial accident board a total of 12,855 cases of industrial accidents.

"Of the accidents sustained in 1961 from July 1 through December 31, there were:

"Arm.....	1,194	Hand.....	1,883
Finger.....	4,481	Eye.....	1,519
Leg.....	763	Foot.....	679
Toe.....	172	Black.....	728
Head.....	534	Hernia.....	93
Miscellaneous.....	656	Fatal.....	10
Dermatitis.....	71	Ear.....	71

"Compensation paid for the last 6 months of 1961 from July 1 through December 31 amounted to \$532,653.10.

"Agreements closed out for the last 6 months of 1961 from July 1 through December 31 amounted to 1,232, of which there were:

"Finger.....	189	Back.....	217
Arm.....	94	Eye.....	40
Hand.....	105	Head.....	53
Leg.....	143	Dermatitis.....	19
Foot.....	149	Disfigurement.....	11
Toe.....	43	Ear.....	1
Hernia.....	47	Fatal.....	6"
Miscellaneous.....	115		

Mr. PERKINS. Do we have with us this morning Mr. James A. Brownlow, president of the Metal Trades Department, AFL-CIO, Washington, D.C.?

COUNSEL. Mr. Paul Hutchins, I understand, is going to appear for him since Mr. Brownlow is ill.

Mr. PERKINS. We have a quorum call in the House of Representatives.

We will recess for 10 minutes in order to answer the quorum call. (Short recess.)

Mr. PERKINS. Come around, Mr. Hutchins.

I understand, Mr. Hutchins, you will submit a statement in place of Mr. James A. Brownlow, president of the Metal Trades Department of the AFL-CIO here in Washington.

I understand that Mr. Brownlow is away and you are to testify in his stead.

STATEMENT OF PAUL R. HUTCHINS, METAL TRADES DEPARTMENT, AFL-CIO, APPEARING ON BEHALF OF JAMES A. BROWNLOW, PRESIDENT, METAL TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, WASHINGTON, D.C.

Mr. HUTCHINS. That is correct.

I appreciate very much your courtesy in hearing me in Mr. Brownlow's stead.

Mr. PERKINS. Please identify yourself for the record. If you have a prepared statement, unless there is objection from some committee member, it will be inserted in the record at length at this point. You can summarize it, read it, or proceed any way you prefer, Mr. Hutchins.

Mr. HUTCHINS. Thank you very kindly.

My name is Paul R. Hutchins. I am representing the Metal Trades Department of the AFL-CIO and I am appearing on behalf of our president, James A. Brownlow. Our offices are at 815 16th Street N.W., in the AFL-CIO Building.

First of all, I want to say that we greatly appreciate this opportunity to appear before your subcommittee in connection with its hearings on H.R. 11192, the Occupational Safety Act of 1962, introduced by Congressman Joelson of New Jersey.

The Metal Trades Department is composed of 20 affiliated international unions of the AFL-CIO with a total membership of more than 3 million workers employed at their various crafts and trades in industry of all types throughout all of our 50 States.

We desire to go on record with your subcommittee as being heartily in accord with the intent and purposes of H.R. 11192. There is a very real need for our Federal Government to take the initiative to encourage the development and expansion of State occupational safety programs through grants-in-aid to the States; also, to assure the supplying of needed reports from the States from which the Department of Labor can develop and publish accurate and meaningful statistical data on occupational accidents.

It is indeed a sad commentary that, with all of our technological progress and our high national standards of life and living, we still are killing thirteen and one-half thousand of our work force through on-the-job accidents each year and injuring an additional 2 million workers annually.

The compound effect of these job accidents is awesome indeed. First and foremost is the human suffering and tragedy. Not only is there the loss of human life, or the maiming or crippling of the workers involved, but also the severe impact on the wives and the children of such accident victims.

Studies made by the State of California indicate that, on the average, two and one-quarter persons are dependent on every worker killed in a fatal on-the-job accident.

If this ratio holds nationally, it means that more than 30,000 dependent members of the families of industrial accident casualties are faced suddenly each year with the need to meet this catastrophe.

This 30,000 figure includes only the dependents of those who lost their lives on the job. When we consider the heartache, the tragedy, and the loss in earnings suffered by some additional 2 million workers who are injured on the job each year and the adverse effects felt by their families, the full impact of our occupational accidents becomes even more apparent.

Incidentally, I noted with interest Secretary Goldberg in his testimony yesterday gave indication that a modest estimate indicates that 90 percent of these accidents could be prevented and perhaps even as high as 98 percent.

When we take that into consideration and looking at the intent and purposes of this bill, I think it underscores our support of this kind of measure to encourage meaningful State programs.

Our national figures on job deaths and injuries are computed, we understand, through the use of a sampling technique. The actual total figures on all accidents are not available.

Here again, we run into the problem of receiving reports on a voluntary basis from employers who are willing to cooperate and submit such reports.

Again we might emphasize at this point that it is the smaller establishments where the accident frequency tends to be the highest these days. There is less of a tendency for these smaller employers to do the paperwork of making these reports.

This is one area in which H.R. 11192 would be of real help. As we read the bill it requires that the Secretary of Labor collect, compile, and publish statistical information on the frequency, type, severity, cause, social implications, cost, and geographical location of occupational accidents throughout the United States.

Provision is made for the States receiving grants in aid under the bill to make reports to the Secretary of Labor in such form and containing such information as to enable him to make these reports.

This, in itself, constitutes a major step forward from where we are now.

It would provide a continuing reservoir of basic facts from which helpful and informative studies could be made, bringing into sharp focus those occupational accident areas requiring particular attention. Such meaningful reports will identify clearly the most frequent and troublesome types of occupational accidents, making it possible for the States and for industry and labor to concentrate their efforts and energies on these accident prone trouble spots.

We in the metal trades department view occupational safety as a three-way responsibility.

We certainly do not want to be put in the category of thinking that the passing of a bill will, in and of itself, help to reduce our industrial accidents.

First, it is the obligation of the employer to provide a safe and healthy work place, equipped with properly guarded tools, good ventilation, light, healthful temperatures, adequate and well-kept sanitary facilities, protective clothing, and other safety devices. It is also the obligation of the employer to enforce safety regulations and practices with equity and fairness.

Second, it is the obligation of the worker to follow established safety practices in his work performance, to use the protective clothing, devices, and guards, and to follow the prescribed safety procedures in doing his job.

Every worker must develop a safety consciousness and continuously be on the alert to avoid the commission of any unsafe act which might harm him or his fellow workers. He should not compound an unsafe condition or unsafe act by becoming a party to it.

Here again we might note that frequently we find the type of person who may, in his opinion—in his opinion which we feel is wrong—try to make a mark for himself by going ahead and doing something, showing that he has courage or trying to impress a particular foreman with his ruggedness at the expense of safe performance of a particular operation. This we do not condone.

Third, it is the obligation of government to provide sound and comprehensive industrial safety and occupational accident legislation which must be complied with by all within its jurisdiction. This requires that our States must have competent occupational safety staffs including fully trained inspectors who are well paid and not subject to political appointment or removal.

It is of utmost importance that all of our States develop meaningful occupational safety codes, making use of the recommendations of the American Standards Association.

These safety codes should be uniformly applied throughout the State and should be coupled with a growing program of occupational safety which will constantly be directed toward minimizing injury-producing occupational accidents.

This means that each State must keep its industrial safety codes updated to cope adequately with changing industrial equipment, practices, and techniques.

It means that each State should develop adequate reports and statistics to enable it to accurately keep close tab on the frequency, severity, types, and causes of its occupational accidents.

This will enable it to initiate, develop, and keep up to date its occupational safety program, its industrial safety codes, its inspections, and its educational efforts, so as to assure the best results in accident prevention and in reduction in both the frequency and severity of its on-the-job accidents.

The bill which you are considering should serve as a helpful stimulant in developing in the States a greater concern for their role in the occupational safety of their work force.

In saying this, we do not in any way belittle the very worthwhile efforts and very fine programs that have been established in some of our States who are moving forward in recognition of their responsibility to have safe workplaces for their workers.

The use of the grant-in-aid device is certainly justified in arousing the States to more active and result-producing programs in the safety field.

Through our Federal Government, the States presently receive grants-in-aid for vocational education programs of all types. Certainly it is logical that similar grants-in-aid should be given to encourage improvement of their safety programs. In this manner our Federal Government can effectively assist in reducing the accidental death or impairment of the workers many of whom have received

vocational training with Federal funds made available under the Smith-Hughes and George-Barden Vocational Education Acts and the recently passed Manpower Development and Training Act.

The relatively small amount of money authorized to be appropriated in the bill you are considering is an extremely small price to pay to achieve the substantial improvement in our occupational accident record which a careful administration of such a law will surely bring.

A recent survey indicates that presently our various States are spending anywhere from a high of \$2.20 per worker per year to a low of absolutely nothing each year for State occupational safety services.

The number of full-time occupational safety inspectors ranges from a high of 1 inspector for every 4,000 workers down to the several States which have no full-time safety inspectors.

There is no possible monetary measure of the human misery and suffering caused by occupational accidents each year. Neither is there any available figure on the total loss in earnings experienced due to these accidents each year.

We do know that workmen's compensation benefits paid to workers, exclusive of compensation costs under Federal laws, totaled over \$1¼ billion in the year 1960. Costs of uninsured accidents have been estimated to raise this figure to a total of about \$4½ billion annually.

Real benefits cannot but help to accrue directly to the participating States through reduction in loss of earnings and hence in the purchasing power of their residents as a direct result of meaningful programs instituted under this act.

Our Nation as a whole will likewise gain through reduction in the loss of its skilled manpower and in loss of national income.

(Discussion off the record.)

Mr. PERKINS. I certainly wish to compliment you, Mr. Hutchins. Your statement is excellent in my judgment. I feel that your statement certainly is making a worthwhile contribution and will be very helpful when the Congress considers the legislation, I hope in the near future.

Mr. HUTCHINS. Thank you very kindly.

Mr. JOELSON (presiding). Will you continue, Mr. Hutchins?

Mr. HUTCHINS. Thank you.

Our greatest national asset lies in our skilled manpower and in our ability to increase our skills and the numbers of our skilled workers. The passage of this bill will help to protect our national investment in our work force upon which we as a nation must constantly rely.

In testifying in support of this proposed legislation we do desire to point out that we feel the bill should be more specific in its requirements.

In section 5, it should spell out more definitely the minimum standards which a State should meet if its program is to qualify it for grants-in-aid. Such items should include the ratio of full-time safety personnel to the size of the work force, the responsibilities of such safety personnel, and their minimum qualification and training requirements.

It should require that State safety personnel be employed and retrained on their merit. It should also specify that a State's safety program provide for the establishment of safety standards and

regulations and indicate the method to be followed in obtaining observance of such standards and regulations. It should also indicate the proposed distribution of funds as between safety promotion and enforcement activities in the State.

Nonetheless, we believe that this bill is a real step in the right direction. It will provide stimulus and give the States meaningful aid and encouragement in a field that is all too frequently slighted.

Our Federal Government has a national equity in the occupational safety of our work force regardless of the State in which employed. It is in our national best interest that the States be encouraged to institute or to further develop meaningful State safety programs, good safety codes, adequate safety educational facilities, and qualified staffs of inspectors.

The development under this act of reports on occupational accidents will not only aid directly in shaping the safety programs in the States, but will improve our national knowledge and statistics on job accidents, thus helping to focus attention on safety problems and areas where attention is particularly warranted.

Again, I state that occupational safety is a three-way obligation shared by labor, management, and by government—Federal, State, and local.

Job safety must be recognized as a continuing responsibility of both management and labor working in close cooperation with government to the end that our occupational safety record may truly become one of which we can be justly proud. This proposed legislation will be of real assistance to this end.

We are heartily in accord with the intent and purpose of the bill. We think it is high time some legislative action of this type be taken by our Federal Government and give a real stimulus to the States to move forward in this direction.

Thank you very kindly, sir.

Mr. JOELSON. Thank you very much.

I merely want to echo Chairman Perkins' fine remarks about your statement and thank you for coming here.

Perhaps Mr. Griffin has some questions.

Mr. GRIFFIN. Mr. Hutchins, I do not know that I have any questions but I want to say to you, and I hope you will take back to Mr. Brownlow and the people in your establishment, that I think this is one of the finest and most responsible statements that we have had, not only on this bill, but from any group in organized labor on legislation that I have had an opportunity to hear.

I commend you, for example, for coming forth with some reasons why you believe a Federal role in this field is justified—reasons other than the one we hear over and over again: that the States have no money and the only place we can go is to the Federal Government. It seems to me that there should be more reason than that; because we do not have any money in Washington either. You have given us some reasons in your presentation which I think are sound and have some merit to them.

You have made a point, for example, that at the present time information and statistics are being collected in Washington on a voluntary basis. You point out that the Federal Government can perform an important role in gathering statistics and compiling information. I can agree that this may be a role that the Federal Government can and should perform.

I agree with your criticism of the bill, too. The points you make, whether I agree with the specific suggestions or not, are points to which we should give consideration.

You point out how general the bill is; it seems to me that the bill should be a little bit more specific.

Over and over again we are confronted with legislation here in the Congress which is nothing more than just a broad *carte blanche* delegation of raw power to somebody in an executive department, with the Congress abdicating responsibility for even setting down standards or guidelines.

It seems to me that Congress has some responsibility in this area.

It may be that the people who are proposing the legislation at this particular time have the utmost confidence in the bureaucrat who happens to be in a particular department at the time. But I think we have to look a little bit beyond that.

We are going to have a different Secretary of Labor sometime. It seems to me that the standards ought to be in the law.

So I agree with you on that point.

I feel that this legislation is so important, the field is so complex, and, frankly, I know so little about it, that I hope the subcommittee will take enough time to try to seek out the experts around the country who know this field and can give us some help in developing legislation that will be a little bit more than just a *carte blanche* delegation of power to the Secretary of Labor.

This is not intended as a criticism. I think the bill has served a good purpose in focusing our attention upon this problem.

Mr. JOELSON. If the gentleman will yield, I think it has to be agreed that section 5 is on the vague side. But the purpose of that is not to give power to a bureaucrat in Washington; the purpose of that is so that we will not be accused of superimposing our will on the States which have to submit plans and to obviate the charge that we are telling the States exactly what they must do and depriving them of their rights.

I think it is for this reason that section 5 leaves as much latitude as it does.

Mr. GRIFFIN. I may have some of these remarks thrown back at me sometime, but I see a difference between this field and the field of education, for example.

In this field, developing and encouraging some standardization can be desirable.

In education, I do not feel that way. I believe that diversity in the control of education, differences in educational systems, and differences in curriculums are the strength of education.

The last thing we would want to do is to standardize education. Unfortunately, some people are pushing us as far as they can in that direction.

Here we are talking about safety. The considerations that concern us in the field of education are not the same in the field of conserving human lives by preventing accidents.

So I look at these two subjects a little differently. Yet the form of the legislation is developed along the same lines. I throw that out as an observation.

Mr. JOELSON. I never thought the day would come when the gentleman from Michigan would be arguing against States rights and I would be arguing for them. If you are patient everything happens.

Mr. HUTCHINS. If I could just make an aside in connection with the comments that you gentlemen both have made:

First, we are indeed appreciative for your receipt of our statement this morning and your comments with regard to the same.

We do feel that in section 5, it would be helpful to all concerned if there could be some guidelines established.

It might result in less use of the other section of the bill where the Secretary of Labor might find himself involved in a proceeding in a circuit court in connection with the question of withholding of funds from a State if there were certain guidelines which at least would serve as benchmarks for a court to decide whether there had been any misuse of administrative authority.

Again, let me point out we have all the confidence in the world, as has been expressed from your side of the table, in the Secretary of Labor's ability to do a good job in this field; but certain guidelines not tying every State perhaps to the same level of performance, because we know they are starting at different levels, some of them with absolutely nothing, and certainly we do not want to foreclose them from having the opportunity to move ahead in this field. These are the ones we want to move ahead.

Mr. JOELSON. You will notice here in subsection (c) of paragraph 5, this bill goes so far as to deny the Secretary the right of prescribing a regulation under this section unless the State is first given notice and an opportunity to be heard, which again was done to take away the charge, well, here is the Federal Government just taking a bunch of regulations and slapping them on the State and saying, "Take it or leave it."

Mr. HUTCHINS. We are appreciative of that. We certainly have no quarrel with that procedure.

We do feel that guides might be set forth in section 5 indicating the areas in which a program should be moving forward. Not that they would all have to come to a certain benchmark level at one time but at least the basic ingredient, what makes a program, so that we will not have one State proposing to concentrate all of its grants-in-aid money on education, or so we will not find a State taking all its grants-in-aid money and using it to employ its first inspector when it has done nothing in the way of advertising and promoting safety through the use of some of the funds made available. These sorts of things we think can be handled administratively but we think it might be helpful both to the Secretary of Labor and to the purposes of the bill if some of them could be set forth as the basic benchmarks in section 5.

Mr. GRIFFIN. I should like to say something else that I have on my mind. One of the reasons that I emphasized the word "responsible" in referring to your statement is that you point out and underscore the importance of the employees and the employer as well as Government taking some responsibility in this field. I agree with you because in the last analysis, it seems to me that Government can play only a very limited role in this field of safety.

It is most important to provide some incentive for the employee and the employer and their organizations to do something about this

safety problem. If we should depend only on some Government inspectors who are supposed to look over their shoulders, that is not going to work. We cannot have and do not want that kind of a safety program.

I believe that there may be ways to provide more incentive for employers and employees to give more emphasis to safety practices.

Mr. HUTCHINS. In this connection, Mr. Congressman, you are no doubt aware of the fact that the AFL-CIO has been holding annual safety conferences in which we have been endeavoring to stimulate and focus the attention of labor leadership on the safety problem.

When I say "on the safety problem," I mean the safety problem as it relates to their management relationships.

We feel that we in labor should make safety a part of our collective bargaining, that we should work right in our own work spots to establish effective safety committees, to jointly investigate accidents when they occur, and get the true facts out on the table so that we can both benefit by them, and that we should not condone violations of established safety practices by our members.

Mr. JOELSON. Mr. Goldberg made the point yesterday that the need here is not so much in the larger corporations which have safety engineers and safety programs but in the smaller businesses where it is not economically feasible for them to have that kind of program.

Mr. HUTCHINS. Yes. We have found, however, that in the case of some large employing corporations there is in our opinion an unwarranted desire on the part of management to hold unto itself the responsibility and the administration of the safety function in the plant. We feel that this is something in which we have a very definite stake, it is our life and limbs that are involved, and that we should be able to work jointly through a joint committee with the employer to attack the safety problems and to move upward toward greater safety.

Mr. GRIFFIN. I have another comment on standardization.

Section 5 provides that the Secretary would approve plans that are submitted by the State. He is going to have to have some standards that he will have to develop in deciding whether a proposed State plan will meet what he considers to be the purposes of this act.

So, whether it is this bill in this vague form or not, if we should pass a law, we would be moving in the direction of standardization.

So the question really is: who do we want to set the standards? and shouldn't we at least provide some guidelines and benchmarks for the Secretary?

This observation can be applied to Federal aid to education legislation. The language in some of the bills is vague and the argument is made that no Federal control is intended, but, in the last analysis, the Secretary of Health, Education, and Welfare or the Secretary of Labor, in this case, is going to have to approve State plans which are submitted, and he is going to have to set up some standards.

I just want to indicate my feeling that Congress should move a bit further in trying to provide some of the guidelines for legislation such as this.

I realize that it is difficult to do. It is easier to pass a bill in this form, but I do not think we are really fulfilling our responsibility when we stop there.

Mr. HUTCHINS. We are certainly with the committee, Mr. Joelson, in the promotion of safety in this field.

Thank you very kindly, sir.

Mr. JOELSON. We are now recessed until May 1.

(Whereupon, at 11:05 a.m., the subcommittee recessed, to reconvene at 10 a.m., Tuesday, May 1, 1962.)

OCCUPATIONAL SAFETY LEGISLATION

TUESDAY, MAY 1, 1962

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in the caucus room, Old House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Present: Representatives Perkins, Joelson, and Griffin.

Also present: H. D. Reed, Jr., counsel to the subcommittee.

Mr. PERKINS. The committee will come to order. A quorum is present.

Now, our first witness is Robert A. Ewens, executive vice president of the Wisconsin Manufacturers Association.

Come around, Mr. Ewens. Do you have a prepared statement?

Mr. EWENS. Yes, sir. With the committee's permission, I should like to read it.

Mr. PERKINS. Go ahead.

STATEMENT OF ROBERT A. EWENS, EXECUTIVE VICE PRESIDENT, WISCONSIN MANUFACTURERS ASSOCIATION

Mr. EWENS. In German Milwaukee, where my family have lived for 35 years, my name is pronounced "Evans," like Wagner in German. There is no "w" in German.

My name is Robert A. Ewens.

I am executive vice president of the Wisconsin Manufacturers Association which has 1,250 members who employ 85 percent of the 460,000 factory workers in our State; this membership includes 500 companies employing less than 50 persons.

I am appearing here also for the Conference of State Manufacturers Associations, an organization composed of 34 statewide manufacturers associations similar to our own.

The following are members of the Conference of State Manufacturers Associations:

Associated Industries of Alabama.
Associated Industries of Arkansas, Inc.
California Manufacturers Association.
Manufacturers Association of Colorado.
Manufacturers Association of Connecticut, Inc.
Associated Industries of Florida.
Associated Industries of Georgia.
Illinois Manufacturers Association.

Indiana Manufacturers Association.
 Iowa Manufacturers Association.
 Associated Industries of Kentucky.
 Louisiana Manufacturers Association.
 Associated Industries of Maine.
 Associated Industries of Massachusetts.
 Michigan Manufacturers Association.
 Mississippi Manufacturers Association.
 Associated Industries of Missouri.
 Associated Industries of Nebraska.
 New Hampshire Manufacturers Association.
 New Jersey Manufacturers Association.
 New Mexico Business & Manufacturers Association.
 Associated Industries of New York State, Inc.
 Ohio Manufacturers Association.
 Associated Industries of Oklahoma.
 Associated Oregon Industries, Inc.
 Pennsylvania Manufacturers Association.
 Tennessee Manufacturers Association.
 Texas Manufacturers Association.
 Utah Manufacturers Association.
 Associated Industries of Vermont.
 Virginia Manufacturers Association.
 Association of Washington Industries.
 West Virginia Manufacturers Association.
 Wisconsin Manufacturers Association.

The number of companies represented by these combined associations exceeds 60,000.

As a member for 16 years of the statutory Committee on Workmen's Compensation in Wisconsin, I have developed a keen interest in safety work. This has led the Wisconsin Manufacturers Association to work closely with the Wisconsin Council on Safety and I am a trustee of that organization; we also cooperate with the Wisconsin Industrial Nurses' Association and similar groups. As a result of my interest in this work, I have been a member of the President's Conference on Safety since 1948, and I have served on a number of committees of those conferences.

I am appearing here to discuss H.R. 11451 which provides for Federal standards and Federal aid of a minimum of \$15,000 to each State for inspection and enforcement of those standards.

COSMA is convinced that this bill should not be enacted either in toto or in part. The bill is based on fallacious assumptions and serious disregard of industrial safety programs now in successful operation. The bill seeks to impose upon the Federal Government certain responsibilities now being faithfully and adequately discharged by the several States and by many private agencies and by industry itself.

In the past 20 years many prominent persons in Government of both political parties have asserted time and time again that safety is essentially a local and a State problem and that the only successful safety program is one done on a voluntary basis and not through legislation. The human factor is always important in safety endeavors and that is why so many of us believe that persuasion of individuals rather than legislative mandatory acts is the key to the solution. In the face of such longstanding evidence, it appears obvious that this

bill is not so much concerned with safety legislation as it is with obtaining a much greater and unnecessary Federal regulation of industry.

The validity of this observation is spelled out in section 3(a). Note that under subsection (1) a State plan "must" provide for a "single" State agency to administer it and subsection (2) thereupon provides for the establishment and maintenance of personnel standards while subsection (3) provides for the establishment of standards requiring safe work places and work practices.

There is no real limitation on the terms just quoted. Presumably, therefore, the Secretary of Labor would be justified into inquiring about anything he deems proper for the so-called protection of the general well-being or welfare of employees.

Now, if we are to have a single agency under the control and direction of the U.S. Department of Labor, I should like to inquire, at least for my own State, just what the thousands now engaged in safety work either on a voluntary basis or as trained technicians in the field should do. The Wisconsin Council of Safety has 500 members, 250 of which are companies and a like number of individual memberships. Our council holds a 2-day annual meeting which attracts over 1,000 sincere enthusiasts in the safety movement. In addition, there are each year six regional meetings each of which draws an attendance of between 500 to 1,000 persons and they are held in the various industrial sections of the State. Supplementing this statewide effort are 30 local safety councils which each year sponsor an average of eight meetings each.

Also, our own industrial commission has somewhere between 40 and 50 safety code committees, the membership of which is made up of labor and management persons. Sometimes public hearings are held and a safety code is agreed upon and under our statutes is promulgated and than has the force of law. I repeat, What would all those good people who work so strenuously in the cause of reduction of accidents do if a Federal grant-in-aid prevented them from performing their humanitarian job simply because the Secretary of Labor did not approve of them or disapproved standards which they themselves have so carefully established?

I am quite familiar with similar functions in most of the other States and the results are indeed gratifying in the whole United States.

The success of the Wisconsin safety program is indicated by the fact that the number of injuries reported to the industrial commission per 1,000 workers covered by the Workmen's Compensation Act has consistently been reduced. In 1951, the number of injuries for 1,000 workers was 34, and in 1961 was 25.6, a reduction of 25 percent in 10 years.

The National Safety Council reports that in 1950 there were 9.3 accidental deaths per 100,000 workers. That has been reduced in the year 1961 to 7.4, another 25-percent reduction. I am proud that in my own State it was only 3.1 for the year 1961.

The news release of the U.S. Department of Labor, dated February 7, 1962, also points up these reductions and in that report it is emphasized that the "principal" decrease in injuries occurred in the manufacturing industries while the slight decreases in agriculture, mining, transportation, and public utilities paralleled the declines in employment in these fields.

The Milwaukee Association of Commerce Milwaukee Foremen's Safety School, which is held each year, is also a great stimulant to safety work, drawing an average annual enrollment of over 10,000 individual workers and supervisory representatives. Cooperating with these groups day in and day out are approximately 50 safety engineers employed by workmen's compensation insurance carriers doing business in Wisconsin, and 12 safety inspectors of the Wisconsin Industrial Commission, all of whom provide written data and oral suggestions for improvements in the safety field. It should be emphasized that these 12 State employed safety inspectors are doing an outstanding job for the industrial commission in Wisconsin. That body whose regulatory policies are considered a model in this Nation, finds a staff of about that size adequate because of the excellent job that industry itself is doing, especially because of the close liaison that is maintained with industry, since the executive secretary of the Wisconsin Council on Safety is a liaison officer to the industrial commission.

The scope of the safety program in Wisconsin is representative of that in the other States for whom I speak.

It should also be pointed out that the workmen's compensation insurance carriers cooperate with industry in promoting sound safety practices by providing financial incentives in addition to their extensive counseling in making factories, stores, and warehouses safer places to work.

Such financial benefits stem from experience rating schedules established by rating bureaus and State insurance commissions. These provide, for example, at the present time in Wisconsin, that any company paying \$500 a year or \$1,000 in 2 years in compensation premiums may have its compensation insurance rates reduced in direct ratio to the decline of accident frequency in the assured's plant. The present minimum premium level on experience rating is sufficiently low to permit any factory in Wisconsin employing more than 18 individuals to qualify for such consideration. This fact refutes the widely held impression that smaller companies are not encouraged to permit safety campaigns in their plants. Likewise, smaller plants below the \$500 minimum required for individual experience rating benefit in lower normal rates wherever there are successful statewide safety programs which reduce industrial accidents.

Thus, industrial nurses groups, insurance carriers and industrial organizations like the Wisconsin Manufacturers Association, are going forward with concrete plans which provide part-time industrial nursing services for even the smallest establishments; this, of course, is in addition to present comprehensive programs which have been functioning for years for small plants. It must be recognized that only 16 percent of industrial accidents involve machinery; that 22 percent occur from handling objects; 17 percent from falls; 13 percent from falling objects; and 32 percent from miscellaneous causes. This analysis of the varied nature of accidents is in keeping with the detailed and effective safety operations that have been conducted in larger factories in the past; thus small plants may also solve the problems involved because the causes are recognized.

There is another facet to this picture. Carriers and industrial establishments alike have recognized that while accident prevention is of paramount importance, the restoration of injured workers to full

and normal lives is equally desirable. To that end hospitals, industry, and the carriers, are working in ever closer cooperation so that mental, physical, and financial effects on victims of accidents are held to an absolute minimum. So effective is this joint effort that we have had cases in my State of double arm amputees who in 9 months were not only back to work but holding better jobs, and receiving greater incomes than before the loss of their limbs. In some instances such rapid rehabilitation stems from the adoption of pioneering methods developed by military medical teams before and after World War II. Considerable pioneering has been done by private practitioners and private institutions long before the war casualty rehabilitation programs were inaugurated.

H.R. 11451 is designed to give the Federal Government control over industrial safety practices, the U.S. Department of Labor operating it through a State grant-in-aid arrangement. The end result of this proposed legislation is that Federal funds would be used for State safety purposes.

I said earlier that preparation of the bill stemmed from apparent fallacious assumptions. We sincerely believe that the record shows beyond a shadow of a doubt that industry is making tremendous strides in reducing accidents. These results have, in the main, been obtained through voluntary efforts. Through the medium of education, inplant training, community workshops, regional and statewide conferences, national conventions and a host of other media, the effort goes on throughout the entire country.

Nor is it a recent effort inspired by fears of Government action. In most States, sometimes with, oftentimes without, the cooperation and assistance of labor or industrial commissions, safety work on an intensified basis has been going on for decades. In my own State it has been in progress since 1911, long before anyone in Washington felt that the Federal Government should force States to abdicate powers in this field which are rightly those of the sovereign States.

I must emphasize that this extensive and effective work on the part of industry was not on an entirely humanitarian basis. As a matter of fact, the effort extended refutes the premise of the bill which implies that many manufacturers do not have safe establishments for their workers. In reality, sound industrial safety practices pay big dividends. Actually, it is widely accepted in industry that four-fifths of the cost of industrial accidents are not insurable. When workmen are injured in industrial accidents there are large losses arising from interrupted production, training of replacement workers, repair of equipment, and reestablishment of production schedules. Therefore, a company with a safety program which reduces accidents actually saves money as compared with the isolated installation which has no such program. Rather than being placed at a competitive disadvantage the manufacturer with a sound safety program actually serves to encourage competitors to emulate his efforts.

It is our hope that the data submitted should serve to convince the Congress that all adequate accident prevention activities are being conducted on the community and State level; that through a network of interrelated private and public institutions and organizations constant progress is being made in introducing new and improved devices and spreading safety education through literature, movies, and word of mouth. To interject Federal regulation into a smoothly

and effectively functioning program would serve only to create confusion, hinder advancement and increase accidents.

Obviously, with the dismal history of Federal supervision of safety in air traffic, shipping and railroads America is much more safe from accidents under local and State control, both voluntary and by State existing agencies.

Mr. PERKINS. I notice, Mr. Ewens, that you addressed your remarks to one of the bills introduced by the distinguished gentleman from New Jersey, Mr. Joelson. That is 11451. You have throughout your statement more or less dwelled on this bill and Federal control. Now you have not had occasion to study Mr. Joelson's earlier bill, H.R. 11192, also being considered by this subcommittee?

Am I correct in that statement?

Mr. EWENS. I have not seen that bill; no, sir.

Mr. PERKINS. Then your remarks are addressed to H.R. 11451 and not addressed to H.R. 11192?

Mr. EWENS. That is correct, sir.

Mr. PERKINS. That is all.

Go ahead, Mr. Joelson.

Mr. EWENS. I would like to point out, however, that not having seen the bill I am at a loss to know what it contains but if it has anything in connection with the Federal Government entering into the field of safety, I still think it should be left to the States.

Mr. JOELSON. Mr. Ewens, I notice you say you have a Wisconsin Council of Safety and 30 local safety councils; is that right?

Mr. EWENS. Yes, sir.

Mr. JOELSON. What studies have been made on the problem of occupational disease?

Mr. EWENS. They have made considerable study of occupational disease. Wisconsin, sir, was the first State to have a supreme court hold nondisabling silicosis as a compensable occupational disease.

Mr. JOELSON. I am not talking about what the courts have held. I am talking about the studies on the cause of occupational disease.

Mr. EWENS. After that decision, the law was amended, subsequently, by our own advisory committee to make it compensable and a schedule was set up.

We instituted, I think, 65 conferences around the State to discuss the problem of silicosis and what could be done in the bad areas which caused it, particularly in foundries.

Today you can go into practically any foundry in Wisconsin and the air is as pure as in this room.

Mr. JOELSON. Do you have asbestos manufacturing plants?

Mr. EWENS. No, sir.

Mr. JOELSON. None at all in the State?

Mr. EWENS. None at all.

Along with another subject of occupational disease, about 4 years ago our Supreme Court held that loss of hearing from industrial noises, even without a loss of pay, even without a loss of work time, was compensable.

The union representatives and ourselves and the management went along with that philosophy. We have amended the law to provide a schedule for loss of hearing from industrial noises.

We have set up 38 meetings around my State to cope with this problem. We established meter machines to determine the decibel

sounds. We suggested the use of devices for the ear for workers to use to keep out the sounds in excess of 100 decibels.

As these problems have arisen, we have alerted our people to do everything conceivably possible to meet them and to reduce the number of injuries.

Mr. JOELSON. I notice that you represent a Conference of State Manufacturers Associations.

Mr. EWENS. Yes, sir.

Mr. JOELSON. I will start with the first one on the list, Associated Industries of Alabama. Do you know what they are doing in the field of occupational disease?

Mr. EWENS. Only in a general way, sir.

In our meetings of the State manufacturers group, we discuss workmen's compensation and safety program.

I will say about 5 years ago, I addressed the annual meeting of that association on the subject of safety.

Mr. JOELSON. You keep talking about workmen's compensation. I am sure you appreciate that this bill has nothing to do with workmen's compensation directly in that we do not establish what is compensable or rates of compensation. This is purely occupational safety. That is understood, is that right?

Mr. EWENS. Yes. But the genesis of safety inspectors in practically every State industrial commission administering workmen's compensation is because of workmen's compensation.

Mr. JOELSON. Are you trying to tell me that people are only interested in industrial safety because they are compensable and they might cost them some money?

Mr. EWENS. I think that is a large part of it, as I said in my statement. But I do not think we yield to anybody in our humanitarian aspects.

Mr. JOELSON. I must say I consider this a shocking statement.

Mr. EWENS. I beg your pardon?

Mr. JOELSON. I say, with all due respect to you, I consider that a shocking statement that the interest in safety for the employees is in direct proportion to the potential cost via compensation payments.

Mr. EWENS. In operating any business, sir, the element of cost is very important.

Mr. JOELSON. Now, can you tell me whether in Arkansas lung cancer would be compensable under the Workmen's Compensation Act.

Mr. EWENS. I do not know. I can get that information for you.

Mr. JOELSON. Would you have us believe that if it was not compensable under the Workmen's Compensation Act there would be no meaningful program to prevent occupational disease?

Mr. EWENS. Indeed there is need for a program to prevent occupational disease.

Mr. JOELSON. Do you know what the State of Georgia is doing about occupational diseases?

Mr. EWENS. I know they discussed that at a program of the Georgia association not over 6 months ago.

Mr. JOELSON. They discussed it but what are they doing?

Mr. EWENS. It is not dissimilar to what we do in Wisconsin. They discuss the problem with their own safety people, with their own commission and discuss it before their own State legislature as to what, if any, remedial legislation might be needed.

Mr. JOELSON. Are there plans in Georgia to deal with radioactive material, do you know?

Mr. EWENS. I do not know.

Mr. JOELSON. Are there plants in Georgia that manufacture paint?

Mr. EWENS. I do not know, but I would guess so, because of the turpentine there. I am not certain.

Mr. JOELSON. Do you know what the State of Georgia is doing about the possibility of lead poisoning in the manufacture of paint?

Mr. EWENS. I think they are.

Mr. JOELSON. What are they doing?

Mr. EWENS. I think they have a statute which permits compensation for lead poisoning.

Mr. JOELSON. I am not talking about compensation.

Compensation is something which tries to reimburse financially.

I am talking about the prevention of lead poisoning at the outset. What is Georgia doing in its paint factories about the lead poisoning?

Mr. EWENS. I would suspect that every safety engineer in every Georgia paint manufacturing plant is doing everything he can to eliminate the poisoning exposure.

Mr. JOELSON. You would suspect that?

Mr. EWENS. Yes.

Mr. JOELSON. I have no further questions.

Mr. PERKINS. Thank you very much for appearing this morning.

Mr. EWENS. Thank you, sir.

May I ask, Mr. Chairman, is the administration bill in printed form? Can I get a copy?

Mr. PERKINS. Yes, sir.

Mr. EWENS. Thank you.

Mr. PERKINS. The next witness is the New Jersey commissioner of labor and industry, Mr. Raymond Male.

If you will come around, Mr. Male, we will be delighted to hear from you at this time.

I am delighted that you are from the State our distinguished member comes from, Congressman Joelson, who is one of the hard workers in the Congress and is always trying to do something for the general welfare of the people that he represents.

This is just one of the many pieces of legislation that Congressman Joelson has supported showing his great interest not only in the safety of people who work in public works but legislation in general, for the general welfare of the people.

We are delighted to have you here this morning.

You proceed any way that you prefer, Mr. Male.

Do you want to read the statement or insert it in the record?

STATEMENT OF RAYMOND MALE, COMMISSIONER OF LABOR AND INDUSTRY, STATE OF NEW JERSEY

• Mr. MALE. Thank you, Mr. Chairman, members of the committee.

I especially appreciate, coming from New Jersey, the fine words you said about our distinguished Congressman, Mr. Joelson. We have known him for many, many years, and we knew in the Congress he would serve as strongly as he has in his home State.

If you will permit me, sir, I would like to appear under two hats this morning.

Mr. PERKINS. That is perfectly permissible.

Mr. MALE. I believe you have had presented to the committee, but I would like permission to have entered into the record, the statement of my distinguished colleague, the commissioner of labor from the State of Arkansas, Mr. Clarence R. Thornbrough.

Mr. PERKINS. Without objection, that statement will be entered in the record at this point.

(The statement referred to follows:)

STATEMENT OF CLARENCE R. THORNBROUGH

Mr. Chairman, my name is Clarence R. Thornbrough; I have been commissioner of labor for the State of Arkansas for the past 8 years and am presently serving as president of the International Association of Governmental Labor Officials, an organization made up of the commissioners, secretaries, and ministers of labor of the 50 States, Puerto Rico, the Provinces of Canada, and the Federal Departments of Labor of the United States and Canada. I am a member of the Executive Committee of the Board of Directors of the National Safety Council Labor Conference, and, in this instance, speak in behalf of all three organizations.

Safety, as it affects the workers of this country, is one of the few areas of great need in which there is no Federal-State joint financial participation. It has been recognized that there is a joint responsibility in the areas of health, education, welfare, highways, protection and development of water and other natural resources, and much good has resulted from this joint financial participation.

It would be difficult to deny that the protection of the lives and limbs of the 70-odd millions of Americans in the work force today is of at least equal importance with the wildlife of our Nation, yet much has been done toward the protection of wildlife in Federal-State participation programs while similar programs for the protection of the lives and limbs of our workers have been conspicuous by their absence.

Many Federal laws have been passed for the protection of workers who come within the scope of such laws, and the passage has been implemented by Federal programs; many State laws have been passed for the protection of workers who come within the scope of such laws, and the passage has been implemented by State programs; but there has been little or no relationship between the two groups of laws. Cooperation between the U.S. Department of Labor and the comparable agencies of State governments (usually the State departments of labor) has generally been excellent; the U.S. Department of Labor furnishing technical and training aids to the States, as well as instructors for the schooling of factory inspectors; the States, in many cases, doing the actual safety-inspection work in Government contracts.

It has long been recognized by those closely involved that there is a need for a joint financial participation program which could establish minimum standards to bridge the vast differences in 50 State operational procedures; to develop accurate and understandable statistics on occupational accidents and injuries; to encourage the development of comprehensive programs of accident prevention, and to initiate a nationwide educational program which will acquaint both employer and employee of their individual responsibilities in this area.

Through grants-in-aid for safety it will be possible for many States to reactivate occupational safety programs which have been postponed or discarded for lack of financial support; it will be possible to initiate, develop, and expand new and presently operating programs into a dynamic accident prevention and safe work habit program which will have nationwide appeal and support.

Brought to the level of my own State of Arkansas and to the operations of the Division of Industrial Safety of the Arkansas Department of Labor, the passage of H.R. 11192, or similar legislation, would permit us to expand our accident prevention and our inspection and enforcement programs tremendously through the purchase of additional safety aids and equipment; better and more frequent educational opportunities for our safety engineers and the establishment of labor-management committees to assist in the development of safety codes and training programs for those citizens who have an interest in occupational safety. Since this is purely a voluntary program on the part of the States, I do not see it as an invasion of the rights of any State.

As president of the international Association of Governmental Labor Officials, I am including the resolutions from the annual conventions of 1957 and 1961 which

favor the passage of this type of legislation. These resolutions were passed in regular business meetings of the association and represent the feelings of those people generally who administer the safety laws of their various jurisdictions.

“RESOLUTION No. 1—INDUSTRIAL SAFETY

“(Adopted at the Boise, Idaho, convention of the International Association of Governmental Labor Officials, Oct. 7, 1957)

“Whereas there is now pending before the U.S. Senate and House of Representatives legislation known as the Industrial Safety Act; and

“Whereas the purpose of this act is ‘To provide for assistance to States in their efforts to promote, establish, and maintain safe workplaces and practices in industry, thereby reducing human suffering and financial loss and increasing production through safeguarding available manpower’; and

“Whereas such a program of Federal aid has been supported for a number of years by both Democratic and Republican leadership and has now been endorsed by the present administration and Secretary of Labor James P. Mitchell; and

“Whereas the Legislative Committee of the International Association of Governmental Labor Officials in its report to this convention has pointed out forcefully the need for such a program and the necessity of protecting the Nation’s manpower. This committee also reports from figures of the National Safety Council that the passing of each hour is marked by the death of two workers through job accidents, every 17 seconds an American workingman is injured on the job. These tragedies occur around the clock and it is estimated that costs to employers exceed \$3½ billion per year; and

“Whereas looking to the future we see that there will be a great need for establishing a safety program for those workers to be employed in the field of atomic energy—a highly technical problem: Now, therefore, be it

“Resolved, That the 40th Annual Convention of the International Association of Governmental Labor Officials be recorded in favor of the principles contained in the Industrial Safety Act and that the executive board and legislative committee be instructed to support this legislation in the coming session of Congress; and be it further

“Resolved, That a copy of this resolution be forwarded to the Honorable Lister Hill, U.S. Senator from Alabama and chairman of the Senate Labor Committee, and to the Honorable Graham Barden, U.S. Representative from North Carolina, and chairman of the House Labor Committee, and to the President of the United States, Dwight D. Eisenhower.”

“RESOLUTION No. 4—INDUSTRIAL SAFETY

(Adopted at the Portland, Oreg., convention of the International Association of Governmental Labor Officials, August 31, 1961)

“Whereas there will soon be introduced in the U.S. Senate and House of Representatives legislation known as the Industrial Safety Act; and

“Whereas the purpose of this act is ‘to provide for assistance to States in their efforts to promote, establish, and maintain safe workplaces and practices in industry, thereby reducing human suffering and financial loss and increasing production through safeguarding available manpower’; and

“Whereas such a program of Federal aid has been supported for a number of years by both Democratic and Republican leadership, as well as by this association; and

“Whereas the Legislative Committee of the International Association of Governmental Labor Officials in its report to this convention has pointed out forcefully the need for such a program and the necessity of protecting the Nation’s manpower; and figures of the National Safety Council show that the passing of each hour is marked by the death of two workers through job accidents; that every 17 seconds an American workingman is injured on the job; and that these tragedies occur around the clock and are estimated to cost employers in excess of \$3½ billion per year; and

“Whereas, looking to the future, we see that there will be a great need for establishing a safety program for those workers to be employed in the field of atomic energy—a highly technical problem: Now, therefore, be it

“Resolved, That the 44th Annual Convention of the International Association of Governmental Labor Officials be recorded in favor of the principles contained

in the Industrial Safety Act and that the executive board and legislative committee be instructed to support this legislation in the coming session of Congress; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable Lister Hill, U.S. Senator from Alabama and chairman of the Senate Labor Committee, and to the Honorable Adam Clayton Powell, U.S. Representative from New York, and chairman of the House Labor Committee, and to the President of the United States.

"Although the National Safety Council is a nonpolitical organization and takes no part in lobbying for any particular piece of legislation, it is easy to judge the feelings of any group. The individual members of the labor conference definitely favor Federal grants-in-aid for safety. Following is a report I made at one of their meetings in 1960:

"REPORT OF IAGLO SAFETY ACTIVITIES TO THE NATIONAL SAFETY COUNCIL
LABOR CONFERENCE, WASHINGTON, D.C., APRIL 6, 1960

"Van Atta presented the following report on State labor departments sent in by C. R. Thornbrough, the State labor department representative to the executive committee:

"Several matters of national scope in the safety movement have seen action of State labor departments in the past few months.

"The International Association of Governmental Labor Officials (IAGLO) as an organization as well as through State labor commissioners who are members, is giving full support to the proposed Federal aid to safety legislation in Congress. This action joins another strong, safety-conscious organization with the labor conference, the national AFL-CIO, and the U.S. Department of Labor in support of this much-needed legislation which will guarantee adequately trained personnel and vigorous enforcement of the safety statutes in the various States.

"It is difficult to cover all the benefits which would accrue from a Federal-State partnership in the area of occupational safety. Certainly, first should come the reduction of human grief and suffering which is caused to the injured worker and his family, or to the surviving widow and children of a worker killed on his job; needlessly killed in most instances. Reduction of the financial loss to both the worker and his family and to his employer and the increased production because the worker was not injured or killed. All these and more could be the benefits of such a program.

"Recognition by the Congress of the need for some sort of grants-in-aid for safety may well be a quarter of a century late, but certainly at this point there can be no excuse for further delay in this program to safeguard the lives and limbs of the workers of America.

"Mr. Chairman, I strongly urge the passage of H.R. 11192, or similar legislation."

Mr. MALE. Commissioner Thornbrough has been for the past 8 years commissioner in Arkansas and is serving as president of the International Association of Governmental Labor Officials. This was a group made up of the commissioners, the secretaries, and ministers of labor of the United States and Canada. This body has served for many years, made a careful study of this area of concern of your committee. So I am here as Mr. Thornbrough's vice president of IAGLO, to speak for that group.

His statement will speak for itself but I would like to point up just one or two special parts of it.

On this business of State-Federal relationship, those of us in the field have worked closely in partnership with Federal agencies for many years and we do not fear the control or invasion that some seem to hint at here.

We have had joint participation in programs of vocational rehabilitation, for example, where without thought of control or fear of it or any evidence of it, the Federal and State agencies concerned have been dealing with the repair and rehabilitation of the injured worker.

It makes greater sense to work together in prevention of the injury at the outset.

We also feel that the grants-in-aid for safety that H.R. 11192 and H.R. 11451 or any similar legislation would provide would make it possible for the State to move forward even more rapidly in programs that they have begun but which have not been financed adequately.

I will speak now for my own State of New Jersey where we have pending in the legislature two major bills, one I presume was passed late last night by our senate, on construction safety, but, at the same time, that this will improve the enforcement powers of the State in this important field covering about 100,000 workers in our State, the legislation in its appropriating wisdom has not granted any additional positions to provide for the inspection and enforcement under the law.

An omnibus health and safety bill was introduced yesterday by Governor Hughes, of New Jersey, and with bipartisan support, a piece of legislation drafted, I might say, after years of study, by experts in the field from management, labor, from safety organizations, and from public agencies.

There again if it is passed, the number of establishments to be inspected by State officials would increase from 15,000 in New Jersey to 50,000, without any increase in the manpower available to do the job.

In the International Association of Governmental Labor Officials, as President Thornbrough would tell you if he were here, in 1957 at their convention in Boise, Idaho, their Resolution No. 1 was on industrial safety and it endorsed exactly the area of interest proposed in the pending legislation. Copies of that resolution were submitted to the then Secretary of Labor, to the chairman of this committee, the chairman of the Labor Committee in the Senate, and to the then President of the United States.

Again, in 1961, in Portland, Oreg., the same Association of Governmental Labor Officials again endorsed the very principles contained in the proposal now before us.

Copies of both of those resolutions will be found in Mr. Thornbrough's statement.

Mr. Thornbrough also, at the National Safety Council Labor Conference here in Washington in April of 1960, put the International Association of Governmental Labor Officials strongly on record in favor of this kind of legislation.

So that we have here a long record of the fact that in the several States, and without dissent, I might say in our conferences in recent years, there has been a strong thrust in favor of the passage of legislation which would have these provisions.

I might say, Mr. Chairman, that I have read with great interest the testimony of the distinguished Secretary of Labor who was before you I believe on April 17 of this year, and I am sure that the commissioner from Arkansas for whom I speak, as well as our other colleagues, would strongly endorse his statement. Certainly those of us in New Jersey feel strongly that under his leadership and without threat or fear of invasion of our clear responsibilities here, that we have working for us a kind of interest and kind of leadership that, with proper legislative support and proper appropriation at both levels, can help us to accomplish this job.

We think that there is more to this, too, than enforcement. We think that the great role that the Federal Government can help us with will be in better coordination of 50 separate State efforts,

helping us in research where no one State alone can afford the cost of it and where it need not be duplicated in 50 States, and in the important exchange of information that can save us time and money at the State and local level.

I do not share the feeling of some that safety is only an interest where money is to be saved. I, too, find it a shocking concept that industry or business or employers generally would only be interested for this reason. If that were the only reason, perhaps it would be reason strong enough to proceed with this legislation but, as you know, there are many, many more important reasons. Certainly the humanitarian reasons are not to be overlooked.

We have at the Federal level legislated for many years now important programs dealing with health, education, welfare, highways, protection, and development of water and other natural resources, and a lot of good has come to the people of this country from this joint financial participation.

So, Mr. Chairman, I would say in strong support of this pending legislation that those of us who administer worker protection legislation in the several States, speaking officially now, through our organization and those of us such as myself who can speak personally as responsible members of the Governor's cabinet concerned daily with these problems, urge, sir, that your committee with due deliberation and due haste bring us to the point where this program can be pushed forward.

New Jersey has had a record for half a century of trying to build a strong safety program but it is not enough for us to be doing this alone. We feel even with that record there is great room for improvement.

If there are any questions, I shall be very happy to try to answer them.

Mr. JOELSON (presiding). I thank you, Commissioner Male. In view of the generous things you said about me at the outset, you might think this is a mutual back scratching in which Congressmen especially are so adept, but I assure you it is not, and your reputation has preceded you here and we are very happy that a person of your background endorses the purposes of this bill.

I have no questions but I do want to thank you for your very fine statement.

Mr. MALE. Very good. Thank you.

Mr. JOELSON. Is Dr. F. A. Van Atta in the room?

Doctor, I understand you are the industrial hygienist for the United Automobile Workers in the State of Michigan.

STATEMENT OF DR. F. A. VAN ATTA, ON BEHALF OF THE INDUSTRIAL UNION DEPARTMENT OF THE AFL-CIO

Dr. VAN ATTA. That is correct, industrial hygienist for the United Automobile Workers International. I reside in the State of Michigan and have my headquarters there.

Mr. JOELSON. Do you have a statement you care to make?

Dr. VAN ATTA. I am here as the representative of the Industrial Union Department of the AFL-CIO as well as of the UAW.

We represent approximately 6 million of the people who are most concerned with the contents of this bill, the people who are getting

hurt. I am personally concerned because I have been a professional in this business for almost 30 years. It is a problem of substantial proportions to working people.

The National Safety Council tabulates 40 million man-days lost from work in 1959 by occupational injuries and an additional 130 million man-days which will be lost in the future due to the permanent disabilities produced by those occupational injuries. This in general does not include occupational diseases about which we know nothing.

This represents something like the loss of 152,000 people in the work force for the full year and those figures do not include the additional loss of time which results from slowdowns from care of the injured individual, from all of those ancillary things that go along with injury, and they do not include anything about the increased load in welfare on the community in general, which represents quite a lot of additional time.

The sum of those things which troubles me represents five to six times the direct time lost. This is the big problem. We have very good evidence that the time loss, the injuries, can be almost completely eliminated by methods and procedures which are currently known if they are properly used and our main problem is getting it used. It would be nice to have some more knowledge but it would be even nicer to use the knowledge that we have.

You see this very largely in comparison of injury frequency rates as reported by the National Safety Council and as reported by the Bureau of Labor Standards of the Department of Labor.

In general, the National Safety Council figures run anywhere from 25 to 60 or 70 percent lower than Bureau of Labor Statistics figures for identical industries. The difference essentially is that National Safety Council figures are compiled mainly from National Safety Council reporters who tend to be, first, the large industries who can afford to have occupational health and safety people full time on their staff and, second, that the National Safety Council figures tend to be reported by the people who are sufficiently interested that they are willing to spend some time, effort, and money on occupational safety. Both of these types of things have the disadvantage that they are voluntary reports.

We have some information from British experience that when they went from voluntary reporting to compulsory reporting under law, the frequency rates jumped to double and when 4 years later they went from compulsory reporting under law to compulsory reporting with a penalty for not reporting, the frequency rates jumped by a further factor of four.

So that, these reports are not exaggerated in the sense of being too high, I am sure.

Mr. JOELSON. Let us not fence around here. You are saying that in your opinion the reports tend to minimize the accident frequency? Is that a fair statement?

Dr. VAN ATTA. I am sure that they do.

Now, we know that the highest rates which we see is in the smallest group of plants pretty much without exception, that these are an important group because actually in spite of all we hear about big industry, a very large proportion of our work people are employed in small plants.

Now, the United Automobile Workers is a union which characterizes big industry but in spite of that, in spite of the fact that our types

of plants are only economic if they are big, 15 percent of our people still work in plants of less than 500 employees, and certainly less than 500 employees represents a group which does not have any professional occupational health and safety personnel on their own payrolls. They get help from the State factory inspectors and from the engineers of the casualty insurance people. Of course, the casualty insurance people are badly limited by the economics of the situation. They can only go so far as their premiums will permit, and the State factory inspectors are limited both as to quality and as to quantity.

I made a small survey about 2 years ago of 37 States and I found that the median number of nonagricultural employees per State factory inspector was 52,000, and that it varied from 9,058 to 400,000 employees per factory inspector.

Mr. JOELSON. Would you know, offhand, what State was involved in that 400,000 figure?

Dr. VAN ATTA. I am not right sure whether it was Texas or Mississippi. But I can give you a copy of that tabulation, if you wish. I do not happen to have it here.

Mr. JOELSON. All right. Thank you.

Dr. VAN ATTA. The one I am sure about is 9,058, which is Oregon.

Mr. JOELSON. I see that both Texas and Mississippi manufacturers associations are on the list represented by our first witness this morning.

Dr. VAN ATTA. This tabulation is not quite accurate also because in addition to safety, which should be their primary consideration, these State factory inspectors in a great many States have to enforce wage payment laws, lodging house acts, minimum wage laws, this sort of thing.

I know of one State where they even have supervised boxing matches.

Now, there have been some continuing efforts by the Bureau of Labor Standards to improve at least the quality of safety services offered by State factory inspectors. They have not helped a great deal partly because the wages that most States pay their factory inspectors are not very good, and the best people and the best trained people tend to disappear rather rapidly into private agencies and, more importantly, there just are not enough people in most States to have increase in quality to do much good even at the very best.

We have some pretty good evidence that you can improve this sort of situation by a grants-in-aid program. We get that from the industrial hygiene services under the Public Health Service.

The State industrial hygiene services were in a very low state, indeed, I think possibly as bad as present factory service, when they began to get some Federal money as a result of the Social Security Act of 1935, and mostly as a result of this act and this Federal money they picked up 23 State programs between 1936 and 1939 and 31 more between 1940 and 1946. Mostly they were State programs; a few were county, and municipal programs. They were started with social security money and with health personnel on loan from the Public Health Service.

The Public Health Service got some money in 1946 from direct grants and they made direct grants-in-aid between 1947 and 1950.

Now in terms of professional personnel, in 1939, after the program was well started, there were less than 100 in State and local units. By 1942 there were 200. When the grants-in-aid stopped in 1950 there was some temporary loss and there was a continuing loss, as

shown in the table in my statement, until 1954, at which time it began to pick up and there are presently 480-odd.

Now, I do not know that you would use an identical program, but I do think that you can expect quite confidently that if you give these factory inspection units this kind of a shot in the arm that there will develop a sufficient local demand for the kind of services that when the grants-in-aid are stopped in 4 or 5 or 6 years the programs will continue in just precisely the same way.

I want to say that we are strongly in support of the principle of this bill 11451.

Thank you.

Mr. JOELSON. Thank you very much, Doctor.

I seem to be a little bit "hep" today on the subject of industrial disease, but it is my feeling that this is one area in which a bill like this can be of maximum importance.

Would you care to comment on this particular area?

I thought possibly you might list some of the occupational diseases with which we may have to contend.

Dr. VAN ATTA. Let us take the simple ones, the ones which have been known for 700 years.

Lead poisoning is the most obvious. It has been known for at least 700 years and accurately described. The methods of prevention are perfectly well known, perfectly straightforward and not very difficult. There is no excuse, so far as I can see, for ever having occupational lead poisoning. It has been handled in its most dangerous form by the Ethyl Corp. for 25 years. They have not had, I am sure, three cases in that time.

About 2 months ago, I investigated one of our locals in Oklahoma, of a group of just under 100 in a lead battery plant, we had 22 active cases of lead poisoning under treatment purely because of inexcusably bad working conditions.

Now, I cannot comment in general on lead poisoning. I do not know how much lead poisoning there is in the country. It is not reported.

Mr. JOELSON. In other words, when accidents are reported usually what we call occupational diseases are not included?

Dr. VAN ATTA. Very commonly they are not included.

I cannot say to what extent they are not included because we just do not have any figures.

But I know, for instance, silicosis is another one of the extremely well known occupational diseases.

Mr. JOELSON. Is that a lung disease?

Dr. VAN ATTA. That is a lung condition due to the inhalation of finely divided silica. You find it in such occupations as molders and sand handlers and cleaningroom people in foundries and quarries and brick handlers, particularly in refractory bricks in the steel industry, this sort of thing.

Now, I have some indication that this is not always diagnosed and reported because we have one lawyer in the State of Michigan who has gotten posthumous compensation awards for, I believe, nine people, maybe it is eight, in the last few years, for silicosis which was not diagnosed or at least not reported in life, and they have exhumed them and taken lung sections and proven that what the man died of was silicosis.

So we know, at least, that many were not reported in our State.

We know that even such obvious things as dermatitis—now dermatitis is an occupational disease. It is not very hard to diagnose. It sticks out in front of your face when we look at it.

Mr. JOELSON. Contact dermatitis?

Dr. VAN ATTA. Yes, from handling directly irritable materials. We know that these are not reported.

I picked up one plant about a year ago in which we had, I do not remember the figures exactly now, 90-odd cases of more or less disabling dermatitis in the plant. We picked up back compensation for 14 of those people for periods of 2 to 3 years, and we know that none of those cases had been reported prior to our intervention in this plant.

We also know that there has not been a case since the plant was cleaned up and has been operated properly.

Now, I am quite sure that people are inclined to do these health and safety things voluntarily as a matter of conscience, but I am also sure that conscience has a lot to do with that still small voice that tells us somebody is looking, and it would help to have somebody look a little more closely which is one of the things that you get out of these grants-in-aid programs.

Mr. JOELSON. Have any meaningful or really useful studies been made in the field of lung cancer with regard to industrial and occupational disease?

Dr. VAN ATTA. This is a pretty hard question to answer.

Lung cancer is a very complex business. The studies which have been made are generally small and scattered.

We have some indication that hematite miners have 10 or 15 times the incidence that the general population in their area has.

We know that there are some cases of the upper respiratory system, not specifically lung cancer, in tin smelters.

There have been a few other small studies, but they are very small, they are not very definitive. It is just a hard problem.

Mr. JOELSON. Congressman Griffin?

Mr. GRIFFIN. Doctor, I represent Muskegon, and I am going to ask you whether or not the lawyers which you mentioned earlier who were so successful with respect to the silicosis litigation happen to be from Muskegon?

Dr. VAN ATTA. Yes; they are.

Mr. GRIFFIN. Would they have been Mr. Marcus and Mr. McCroshey?

Dr. VAN ATTA. That is correct, the Ben Marcus firm.

Mr. GRIFFIN. I happen to know them; they are very active in this field and are very competent lawyers.

Doctor, earlier in your statement you talked about this Federal aid program coming to an end in 4 or 5 years. You did not seem to have your tongue in your cheek.

Do you really think that one of these programs ever ends once it is put into operation?

Dr. VAN ATTA. Let us say that the Public Health Service program ended. There was not any real further need for it, and the project is going on and going on at an increasing velocity since it ended. I see no reason why this type of thing, after it once got a good healthy start on a substantially better basis, than it has in most of our States now, should not go on of its own momentum once you got it rolling.

I admit that there is a cynical feeling that Government handouts never end, but I do not see any reason why they should not end.

Mr. GRIFFIN. I am glad to hear you make that statement, particularly since you are speaking for and representing the United Automobile Workers.

I think there is a general feeling, whether or not it is justified, that too many of those who speak for organized labor seem bent upon perpetuating every grant-in-aid program once it has started. In fact, I call your attention to the fact that the Government Operations Committee, at the present time, is considering a resolution which would require each grant-in-aid program to be reviewed every 5 years automatically, with the idea in mind that some of them could be terminated.

Although I do not know whether the UAW was represented, I do know that some of the spokesmen for organized labor are opposing the resolution. I do not know why they should but anyway they are.

So, I am glad to hear your statement on this point.

I have no other questions, Mr. Chairman.

Mr. JOELSON. Thank you, Dr. Van Atta, for some very enlightening testimony.

Dr. VAN ATTA. Thank you, Mr. Chairman.

(The prepared statement referred to follows:)

STATEMENT OF F. A. VAN ATTA

Mr. Chairman, members of the committee and guests, I am here representing the Industrial Union Department of the AFL-CIO in favor of the principle of grants-in-aid for State factory inspection and safety services and specifically of House bill 11192. We represent approximately 6 million of the people most directly concerned with this legislation. The ones who work in the plants and who get injured in occupational accidents. I am personally concerned because occupational safety and health has been my professional life for quarter of a century.

The fact that there is a problem of substantial proportions is shown by the National Safety Council tabulation of 40 million man-days lost from work in 1959 by people injured in their occupation and an additional 130 million man-days to be lost in the future because of the permanent loss of abilities caused by these injuries. This is equivalent to the loss of 152,000 people to the work force for the full year. These figures do not include the additional time loss and waste of production involved in the treatment of those injured, in slowdowns and stoppages resulting from the injuries and from the physical damage which goes with them, or in time lost in medical examination and treatment after return to work. Nor do they include the increased costs in welfare and social services to the community at large. All of these items probably represent five to six times the direct time loss.

We have excellent evidence that this human wastage can be almost entirely eliminated by methods and procedures now known. It is mainly a problem of getting the knowledge used. This is quite apparent from a comparison of the injury frequency rates reported by the Bureau of Labor Statistics and those reported by the members of the National Safety Council. In general the reporters to the National Safety Council show accident frequency rates 35 to 50 percent lower than reporters to the Bureau of Labor Statistics. Both of these sources have the weakness that the reports are voluntary so that they probably tend to minimize the problem, it is unlikely that the worst performers would tend to report voluntarily, but the main difference is that the reporters to the National Safety Council are the firms which have a sufficient interest in injury prevention to spend some money on it. Most of them have their own full-time health and safety personnel. The reporters to the Bureau of Labor Statistics tend to be the plants which do not fit this description. Many of them are units which are too small to afford the services of full time health and safety personnel. These differences show up much more clearly if one compares the frequency rates of the best performers in the industry with the industry average.

This group of plants which are too small to afford their own health and safety personnel are of great importance because they employ a large majority of the workers. Even in my own union—the United Automobile Workers—which is typical of an industry with very large production units, about 15 percent of our members work in plants with 500 or less employees. These small units have to depend in large measure upon the help and guidance they can get from the State factory inspector and the casualty insurance company safety engineer. The casualty companies are limited by the economics of the situation in the amount of help they can offer and the factory inspection services of the States are variable in both quantity and quality of services. In a small survey I made of 37 States the median number of nonagricultural employees per State safety inspector was 52,000, with a variation from 9,058 to 400,300. And perhaps I should note at this point that another part of the variation is that many of these State safety personnel are charged with the enforcement of such things as minimum wage laws, wage payment laws, lodging house acts, and so on. The net result with some exceptions, are not very satisfactory.

There have been continuing efforts by the Bureau of Labor Standards to improve these services by inservice training of the State people but they have not helped very much. Partly because the wages paid in most States are not very high and the better trained people tend to be hired by private agencies and partly because there just are not nearly enough trained people in most States.

We have some evidence that the situation could be improved by grants-in-aid in the history of what happened in the industrial hygiene services under the Public Health Service. Some Federal money became available for these services in the various States in 1935 under the Social Security Act. As a direct result of this, 23 programs were started in the period from 1936 to 1939 and 31 more in the 1940 to 1946 period. Most of these were State programs, a few were county or municipal. They were largely started with social security money and with Federal personnel on loan to get the local people organized. In 1946, the Public Health Service got some money for direct grants-in-aid and in the period of 1947-50 when the grants were stopped the program expanded until there were programs in all but two States. In terms of professional personnel, there were something less than 100 in State and local units in 1939, by 1942 the number had increased to 203 and the progression since has been as shown in the table. When the grants-in-aid were stopped in 1950, there was some loss of personnel and seven States discontinued their units but there was sufficient demand for the service that it has expanded on local funds since this temporary setback. While I do not think that the same sort of a program should necessarily be followed, I do believe that a program which will demonstrate widely the advantages of a really competent factory inspection service in the various States will have the same eventual result of making the services self-sustaining and there is a high probability that the cost will actually be self-liquidating in terms of savings of lives, limbs, and industrial production.

Occupational health personnel (professional only)

	<i>State and local govern- mental units</i>		<i>State and local govern- mental units</i>
1942	203	1951	408
1943	179	1952	389
1944	202	1953	375
1945	207	1954	371
1946	229	1955	370
1947	333	1956	377
1948	379	1957	360
1949	407	1958	425
1950	421	1959	484

Mr. JOELSON. Is Clinton M. Fair here?

Mr. Fair, I understand that you are the legislative representative of the American Federation of Labor and Congress of Industrial Organizations; is that correct?

STATEMENT OF CLINTON M. FAIR, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. FAIR. That is correct, Mr. Chairman.

Mr. JOELSON. I should say a legislative representative.

Mr. FAIR. It should be "a."

Mr. JOELSON. You may proceed in any way you wish.

Mr. FAIR. Yes. If you wish me to introduce the statement in the record, I could just comment on it.

Mr. JOELSON. All right. Without objection, it is so ordered. The statement will be included in the record.

(The statement referred to follows:)

STATEMENT OF CLINTON M. FAIR, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

My name is Clinton M. Fair. I am a legislative representative of the American Federation of Labor and Congress of Industrial Organizations. Because the American trade union movement has from its earliest days been concerned about legislation to improve occupational safety, we appreciate, Mr. Chairman and members of the subcommittee, the opportunity to present our views on H.R. 11451.

We support H.R. 11451. Our State central bodies have supported State safety legislation for many years. Section 3(a)(1) of the bill before you states that to be approved a State plan must "provide for the establishment of standards requiring safe workplaces and work practices, and for methods and procedures to administer the observance of such standards."

In 1911 we supported legislation drafted by John R. Commons granting to Wisconsin's new industrial commission a quasi-legislative power; namely, to prepare safety codes for the various occupations and to make them enforceable by administrative order.

In 1950 the Bureau of Labor Standards reported 36 jurisdictions had enacted general rulemaking power.

And 12 years later (1962) the Bureau reported: In 34 jurisdictions State labor departments have general rulemaking authority in the occupational safety field. In seven others, the agency administering the workmen's compensation law has such authority, and in Mississippi the State board of health, which administers the labor laws through its division of industrial hygiene and factory inspection, has rulemaking authority for safety and sanitation.

Fifty years after the Wisconsin experiment 10 States have failed to adopt the principle that a State agency shall have authority to adopt safety codes. In fact since 1950 only six jurisdictions have extended general rulemaking authority to a State administrative agency.

The Bureau of Labor Standards, March, 1962, points out that only 29 States have expressly by law placed the general responsibility for occupational safety on the employer.

But the statutes create authority only; their administration determines their effectiveness.

H.R. 11451 states (sec. (a)(2)) that to be approved a State plan must "provide such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of the plan, including after June 30, 1963, (a) methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods; and (b) a training program for the personnel necessary for the administration of the plan."

One State commissioner of labor reports to his Governor:

"The present industrial inspection staff can make regular inspection of less than 50 percent of the manufacturing establishments each year. The law requires regular, annual inspections."

He continues his report:

"One hundred thousand places of employment for women and juveniles are subject to regular, annual inspection under the law." Yet the report indicates

that there were only 8,212 inspections made and that there were only 1,054 orders issued.

The commissioner of labor of Kentucky in his testimony before your committee portrayed an equally desperate attempt to administer that State's safety legislation with an inadequate staff. Inspection staffs will have to be beefed up if adequate administration is to take place. Section 3(a)(5) states that to be approved a State plan must "provide an estimate of the total annual cost of carrying out the plan, the extent of State financial participation, and the intended distribution of funds for enforcement and promotional functions so as to insure the uniform application throughout the State of standards requiring safe workplaces and work practices as established by the State."

Thirty years ago Bishop Francis J. Haas pointed to an additional problem: "There is general agreement among competent authorities that if reasonable precautions were taken, three out of four accidents could be eliminated. The American Federated Engineers estimate that the number of accidents and deaths in American industries could be reduced by 75 percent * * *. The most striking example is furnished by the Bethlehem Steel Co., which showed a reduction of 65 percent in 1920 over 1919, among a working force of 13,000 employees. The achievements of these larger companies are, however, not typical of all establishments, especially the small ones."

Yet on April 17, Secretary Goldberg testified before your committee as follows: "Tabulations of data collected by the Bureau of Labor Standards for the year 1958 show that manufacturing establishments employing 2,500 or more persons had an average injury frequency rate of approximately one-third the all-manufacturing average. The corresponding average for establishments with less than 100 employees was approximately double the all-manufacturing rate.

"The evidence indicates, therefore, that injuries are five to six times more common in small establishments than in the very large establishments. The import of this finding lies in the fact that over half of our total employment is concentrated in establishments which have less than 100 employees. Obviously this is the area in which accident prevention must be intensified."

We can only speculate as to the cause of the unsatisfactory record of small establishments, but there are considerations which merit our attention.

Establishments employing more than 2,500 employees in most States of this Union are self-insured. The employer who self-insures has a direct financial interest in the cost of each accident compensable under the State's workmen's compensation law.

Smaller plants, on the other hand, carry their insurance of injury on the job with private carriers. The employer's premium cost in such cases is determined on the basis of the experience of all employers in a State who have in their employment similar classifications of work. Hence, the direct relationship of the expense of an accident to an employer's insurance costs is not present.

The insurance carrier's rates of insurance are approved by the State's insurance commissioner. The ratio between pure premium and expense loading varies slightly in different jurisdictions but the standard ratio over the years has been approximately 60 percent for pure premium, the payment of indemnity and medical expenses, and 40 percent for expense loading.

Among the items in the 40 percent for expense loading is an item for inspection which presumably should be spent for safety. The allowance varies between 2 and 2.5 percent of premium. Each employer, therefore, of a small establishment presumably has set aside 2 percent of his workmen's compensation insurance premium for safety.

However, this system has not and is not about to produce the desired results, for safety is not alone education, although I do not disparage its importance.

The insurance industry, highly competitive as it is, has no effective means of enforcing its safety recommendations. True, the insurance carrier can cancel the policy and lose the business. But this is indeed not a very happy thought for the local insurance agent. Secondly, engineering recommendations can be extremely costly, and a small manufacturer may not wish to invest such sums at the time. However, the insurance carrier hesitates to enforce such standards at the risk of losing the business. If high safety standards are to be maintained, the State must assert its responsibility.

An analysis of the statistics from the time of the writing of Bishop Haas to Secretary Goldberg's appearance before your committee makes clear that the States in their efforts and on the whole small employers in theirs have been unsuccessful in effecting adequate safety programs.

H.R. 11451 expressly provides that in order to be approved by the Secretary a plan must "include a program for fostering the acceptance and observance of

State laws or regulations respecting safe workplaces and work practices through the voluntary cooperation of labor and management, which program may include cooperation with any non-Government safety organization act in the State.

It should be pointed out that non-Government private organizations have not been unaware of their responsibility. The National Safety Council celebrates its 50th anniversary this year. The National Safety Council in turn cooperates with the American Standards Association and the American Association of Safety Engineers on research and standard setting problems.

Our organization a few years ago, recognizing the need for well trained and competent safety personnel as well as educational programs, established a safety program within its executive department. Last year the AFL-CIO conducted a National Safety Training Institute for the members of its affiliated unions. This institute proved so successful that it will be repeated again this year.

The institute is organized in four 1-week units. One unit is held every 3 months. Their purpose is to train teachers for AFL-CIO affiliates in the basic fundamentals of safety and occupational health. We urge and assist those who attend the institutes to set up programs for the general membership of their respective organizations.

In addition we have held two very successful national conferences in the past 3 years on occupational health and safety to promote better labor-management relations.

One of the best examples of labor-management cooperation in safety was the excellent program developed in the paper, pulp, and lumbering industry on the Pacific coast. The results were most gratifying.

With each year an increasing number of AFL-CIO members are affiliated directly with the National Safety Council, or its State, county, and city safety councils. Because of the increasing membership, the National Safety Council has set up a special labor department similar to its department for industry, transportation, and farmers for the many unions which have affiliated.

In spite of the efforts of industry, of labor, and State governments, in spite of the progress over the years, much more needs to be done to reduce the terrific toll of injury on the job.

The Federal Government on its part, exclusive of mine safety, has to date only a limited function. The Bureau of Labor Statistics is unable to do more than encourage States to set up good reporting systems. The Bureau has had only limited success.

The measure before you clearly spells out that a State plan to be approved by the Secretary shall contain provisions for reporting "in such form and containing such information as the Secretary may from time to time reasonably require to carry out his functions under this Act."

The Bureau of Labor Standards has a most modest but commendable safety program. Its limited field staff does provide certain technical services such as training State personnel, counseling on safety codes, and guiding educational programs.

Unfortunately, this has not been enough. Based on the record, a record compiled over many years, we believe the Federal Government must come to the aid of the private organizations and of the States if accident frequency is to be reduced.

The administration has recommended a modest program and we believe a worthwhile one. It proposes (1) to establish standards, methods, and procedures requiring safe work places and practices within each State; (2) to foster acceptance, and observance of standards through voluntary cooperation of labor and management; and (3) to promote research with the aid of public and private agencies into the causes and methods of preventing occupational accidents.

We believe that if this bill is adopted that we shall be able to obtain not only a more accurate reporting of accidents but a more accurate reporting of their causes. We believe the States, encouraged by Federal participation, will increase their efforts in this humanitarian crusade.

We believe that industry will profit through reduction of industrial accidents. We believe lastly, if selfishly, that our members in substantial numbers will be freed from the personal suffering and economic insecurity of occupational safety.

Mr. FAIR. We support H.R. 11451.

May I preface this by saying that our State central bodies have in the States for years supported State safety legislation. Section 3(a)(1)

of this bill provides that, in order for a State plan to be approved, the State must—

provide for the establishment of standards requiring safe work places and safe work practices, and for methods and procedures to administer the observance of such standards.

Now it is approximately 30 years ago that a bishop from the State of Michigan, at that time a professor at Marquette University, in his book on "Man and Society," brought out the importance of this business of safety and pointed out, as did our Secretary of Labor in his appearance before this committee, that our problem was mainly before the small size plants, it is not before the large plants.

Now, there are some real reasons for this, I think, on a cost basis. As you know, under our compensation system in most of the States of this Union—there are exceptions—the large plants self-insure, any industrial plant of larger than 2,500 employees will be self-insured if their operation is such that they can. They have a direct interest in a safety program because of the fact that the costs are borne directly by the company.

But when you get into smaller plants, you run into a different situation. There they insure with our private carriers.

Now, in making up a—

Mr. JOELSON. Could I interrupt at this point?

Mr. FAIR. You may at any time.

Mr. JOELSON. Do not the private carriers have an interest in keeping the costs down and, therefore, have some kind of safety programs?

Mr. FAIR. Indeed they do. Let me say on that point that in the making up of a rate of the premium to the industry, the insurance commissioners allow an overhead expense. Approximately in our country 60 cents of every dollar of premium goes to pay benefits either for the injured party in indemnity or toward the medical care part of the program and 40 cents goes into the overhead part of the program. Within that 40 cents, our insurance commissioners allocate to the insurance carrier a sum of about 2 percent to 2.5—and it varies among the States—for the purposes of safety. However, there is a difficulty which arises with this. An insurance carrier can always refuse to insure you if you do not carry out the safety requirements, but you must remember this is a highly competitive business and it is not too easy on the part of the agents locally; they are not anxious to recommend or the carrier to recommend that the insurance be lifted upon the plant.

Secondly, many of these safety devices are expensive. Small industry is in a highly competitive field.

Again, the insurance carrier has no authority to compel the kind of operation but must by law insure, but not a specific company insure, they have different ways of handling this, but there is not the direct responsibility as there should be.

But there is another thing involved on the part of the employer. His rates are not made up on his own experience. The classification of the kind of workers he has in his plants determines this rate for the classifications within that particular State.

So he does not have a direct interest in cost in the same manner that our large employers have.

I think that has something to do with our problem with small employers in this regard.

Secondly, I would point out to you that there are still 10 States in this country which do not permit their—either the department of labor and in some States it is the department of health or a department of health, industrial health, which administers the safety legislation—does not allow them the broad authority to make codes, and the legislature cannot continuously be adding new industries and making codes, and 10 States have not seen fit yet to give their legislatures the right to do this.

Equally important is the fact that once the code is made then comes the administration and you will note that I have cited in the testimony that one commissioner of labor reported to his Governor—this is on page 2—that his present industrial inspection staff can make regular inspections of less than 50 percent of the manufacturing establishments each year although his law requires the regular and annual inspections.

Also, in the same report, there are 100,000 places of employment for women and juveniles and they are subject to regular annual inspection but his report indicates that there were in 1960-61 only 8,212 inspections, and 1,054 orders issued.

You will note that H.R. 11451 provides for the assistance in this particular area to the State governments to stimulate this program.

Mr. JOELSON. At this point, of course there is nothing in here that requires the State to cooperate in the program, is there?

Mr. FAIR. Absolutely nothing.

Mr. JOELSON. So if the State felt it was an invasion of its rights, it would have the right not to submit a plan?

Mr. FAIR. On the part of the State this is a voluntary program in that the State submits a plan to the Secretary. If the Secretary approves the plan, then the grant-in-aid program goes into effect just so long as the State continues to comply with the overall plan.

Mr. JOELSON. If the State omits to submit a plan, that would be the end of it so far as the State is concerned?

Mr. FAIR. Yes.

May I point out that in the field of safety, we have no accurate records of what goes on in the country. I am sure you know that many of our workmen's compensation laws—well, in one State, for example, employers of less than 15 are not covered. In another State, less than 10 are not covered. In many States there is no real coordination between the industrial safety departments or the departments which enforce the safety laws, and the reporting systems within the workmen's compensation division. So that there is no actual place we can go in the United States and get with surety a statistical record of the number of injuries within our country.

I think we support this bill not only for the main reason that we think it is necessary but I would emphasize the encouragement that this will give to States to review their programs, to review the administration of their programs.

It is easy to point out that there are terrific savings in this program both to the Federal Government—yes, I should say even in taxes to the States and especially to industry. We actually believe there will be a substantial decrease in the number of persons who are injured.

Mr. JOELSON. I am glad I am part of the economy bloc.

There are no further questions from me but I do want to thank you for a very cogent statement and the facts that you have made have added to its weight.

Mr. Griffin?

Mr. GRIFFIN. I have no questions.

Thank you for coming before the subcommittee.

Mr. FAIR. You are very welcome, sir.

Mr. JOELSON. Is Commissioner Edmond Boggs from the department of labor and industry in Virginia in the room?

Mr. BOGGS. Yes, sir.

Mr. JOELSON. Mr. Boggs.

STATEMENT OF EDMOND M. BOGGS, COMMISSIONER, VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Mr. BOGGS. Mr. Chairman, I appreciate very much the opportunity of appearing before you to express our views in regard to this bill, H.R. 11451 and H.R. 11192, which are similar bills to me. I suppose they were meant to be about the same.

If I may, sir, I would like to digress from the statement here and say to you that I listened to my very good friend from New Jersey, Commissioner Male, and the remarks that my very close personal friend, Mr. Thornbrough, from Arkansas, had to make in regard to occupational safety legislation.

I have been a member of the International Governmental Labor Officials group for 14 years and I can say to you truthfully, sir, that I do not think Mr. Thornbrough is speaking for this group as a whole. I know about how these resolutions are adopted at the IAGLO. I have been a part of a number of resolutions which have been adopted.

Mr. JOELSON. It says "Statement of Clarence R. Thornbrough." At the outset he says he has been commissioner of labor for Arkansas for 8 years and is presently serving as president of the International Association of Governmental Officials.

He does say that the statement is a statement of the association but he does include in it a resolution dated October 7, 1957, on industrial safety, and another resolution dated August 31, 1961, and then again one dated April 9, 1960, which evidently are the products of the organization.

I do not think we have to go behind how they were enacted.

Mr. BOGGS. No, sir. I just wanted to know that he was not really expressing our views at all in regard to this matter.

Mr. GRIFFIN. Mr. Chairman, will you permit me to add something?

Mr. JOELSON. Surely.

Mr. GRIFFIN. In the last sentence of the first paragraph of the statement he says, "I am a member of the executive committee of the board of directors of the National Safety Council Labor Conference, and, in this instance, speak in behalf of all three organizations."

Mr. JOELSON. Yes; I am sorry I did not see that. He does purport to speak for these three organizations.

The statement is in the record and will speak for itself.

Would you continue?

Mr. BOGGS. My statement is brief. If you have no objection, sir, I would like to read it and make a comment.

We are completely opposed to the enactment of H.R. 11192 and H.R. 11451 (Occupational Safety Act) or any other proposal of similar intent, because it is unnecessary and undesirable and would, in fact, prove harmful.

State legislation gives to the Virginia Department of Labor and Industry the personnel, the law, and the budget needed to maintain an excellent safety program in Virginia. Our statutes authorize the safety codes commission to study and investigate all phases of safety and to formulate rules and regulations to further protect and promote the safety and health of workers.

It is readily apparent in Virginia that the department of labor and industry has all of the law, regulation, and cooperation that it needs to carry on a positive industrial safety program. Let me emphasize that cooperation at the local level and at the scene of the job is the most important aspect of safety, and our program enjoys maximum acceptance and cooperation. Federal intervention would hinder this program.

Safety is a noncontroversial goal, and all involved can work together for its attainment. It is hard to believe that any State cannot afford what is required for an effective industrial safety program. In fact, no State can afford not to have it. The savings involved in life and money are worth many times what is required to maintain a good safety program.

The legislation being considered by your subcommittee is unnecessary and highly undesirable as regards the administration and promotion of industrial safety. Not only is Federal aid not needed, it is an unwanted intrusion of Federal Government into a field of State responsibility where local effort and cooperation have produced steady improvements in working conditions, generally.

The operations of the Virginia Department of Labor and Industry are versatile and complete in the field of job accident prevention. Our program involves direct contacts with employers and employees and safety programs designed for different types of industries as well as for individual plants. Our inspection services, consultation services, and educational services, and enforcement all have the same common goal—to hold to a minimum the economic and human losses due to accidents and injuries. The safety schools for supervisors and safety personnel, conducted throughout Virginia with the full cooperation of industry and county and city governments, have achieved statewide support and wide acclaim.

Virginia has, over the years, recorded a steady lowering of injury frequency rates, which is positive proof of the overall effectiveness of our accident prevention efforts. We maintain, in Virginia, a modern system of accident reporting. Our accident data is compiled in accordance with the American standard method of compiling industrial injury rates.

The safety division of the department of labor and industry in Virginia enjoys the broadest possible cooperation from local government, State and local safety associations, and trade and employers' associations. This close working relationship involves many years of dedicated effort and is based more on cooperation and positive effort than law or regulation. We all understand the necessity for the law and the regulation we have forged, but we appreciate that safety cannot, in fact, be legislated—that it thrives only on cooperation

and local effort with a minimum of outside guidance, apparent or otherwise.

In our State, we have all of the law, all of the manpower, all of the authority, and all of the cooperation we need to discharge our responsibility with regard to job safety. Unneeded funds and unnecessary interference from the U.S. Department of Labor could only detract from the good program and the positive effort we have achieved in Virginia.

For these reasons, I hope that it will be your pleasure to reject this bill or anything similar to it.

Now, I make these statements to this committee in all sincerity. There may be States who do not do anything about their problems but our State I do not believe would want to participate in any program accepting any \$15,000-plus just for the purpose of selling our program down the river. We think we have a good program.

It has been stated here today that State inspectors are unqualified and there are not enough of them. I may say to you in the event that we ever have to go to Federal inspectors, that they be required in law to pass the necessary examination to do the work within that State in which they work.

Mr. JOELSON. Do you think that this law calls for better inspectors in the States?

Mr. BOGGS. It certainly does. While it does not say it in exact words, the Secretary of Labor would have the authority to assign any person he saw fit to a particular State to try to give any information which he may see fit to give.

It is not what this particular bill itself says. It is what is going to come in the future in these bills.

We have been through the Federal Bureau of Mines now practically every year since I don't know when. To tell you the honest truth, there are only two men that I know of, of the Federal mine inspectors in our State, today that can pass examination to inspect a coal mine in accordance with our law.

We have the quantity, we have the quality, we have the cooperation, and we do not limit ourselves to an industrial plant because of the fact you cannot promote industrial safety just inside a plant because a worker has to travel from a plant to his home, he has his work at home to do. His injury, his fall off a roof makes him an injured man.

I am all in favor of safety. I do not wish to appear here to you, I want it understood, that I am against safety in any way, I am for it. I think everyone should assume responsibility in promoting it.

We have fine cooperation from the Bureau of Labor Standards. They have given us help with some technical help to help us organize our safety schools.

I was very much surprised to see the U.S. Department of Labor supporting a bill of this type.

So far as I know, they have always recognized these problems as being one that the State itself should take care of, and they did give us technical aid and we appreciated it and they have some fine services to render to you.

All these States have to do is to make themselves available to it.

I am sure that Mr. Martin or anyone in the Department would be just as kind to them as they have been to us.

Mr. JOELSON. I notice you said in your statement that safety cannot be legislated.

Mr. BOGGS. Yes, sir.

Mr. JOELSON. Is there not an industrial safety law in the State of Virginia?

Mr. BOGGS. When I speak of industrial safety and so far as legislation is concerned, we talk about on-the-job safety. We go into a plant, we establish a safety committee, our program is only recognized as being a program if both the management and the employees participate in that program.

Mr. JOELSON. You operate under a law, do you? You must be established by law?

Mr. BOGGS. We are established by law; yes, sir. We have the authority now, effective as of June 29, to adopt rules and regulations. We will have a safety codes commission.

Mr. JOELSON. How many inspectors do you have?

Mr. BOGGS. We have 15 in the field in industrial safety and we have 15 in our coal mine safety.

Mr. JOELSON. You have 15 in industrial safety in the whole State of Virginia?

Mr. BOGGS. Yes, sir.

Mr. JOELSON. Do these 15 men inspect every plant in Virginia annually?

Mr. BOGGS. Particularly all the small plants. When we get safety programs going it does not require as much of your time because we get those people interested in safety and we make them a part of our program.

I think the only way you are ever going to get full results, is to make all your associations, the Virginia Manufacturers Association, the Retail Merchants Association, the Virginia Restaurant Association, and your chamber of commerce and your local safety council, the Virginia Safety Association, and all of these people and your rural people, a part of your safety program. You go in and you set it up. You put on demonstrations. You hold schools.

Mr. JOELSON. I do not think you quite answered my question. I do not want to sound like a lawyer but do those 15 men make an annual inspection of every plant in the State of Virginia?

Mr. BOGGS. I could not answer your question as to whether they make it on every plant or not but I would say they do a pretty good job making them on most plants in the area because each man is charged with the responsibility.

Mr. JOELSON. It is a physical impossibility, is it not?

Mr. BOGGS. No, not if you do your job. There are plants where you can go out and make 8 or 10 tours of a plant, small plants. We have no real large plants in the State. Plants like Dan River Mills employ something like 10,000 or 12,000 people. We probably will spend 1 week in there. We conduct schools in there, even at night, on the graveyard shift—things like that, for the employees.

Mr. JOELSON. The Federal Coal Mine Safety Act was referred to by you. Are you opposed to this legislation?

Mr. BOGGS. I certainly am. There never was a safety program to begin with, sir.

Now, under your Federal bill, you have your title I and title II.

I do not know whether you want me to comment on it or not.

Mr. JOELSON. I do not think we have to go into it. I just wanted to get your general philosophy and I think I have it when you tell me you are opposed to the Federal Coal Mine Safety legislation.

Mr. BOGGS. You just do not come out and say you are opposed to safety. I am opposed to the principles of what that bill really means; and it was not safety to begin with. In my judgment it was not.

Mr. JOELSON. Now, referring to your accident reporting system in the State, do you include under accident reporting occupational diseases, such as lung cancer?

Mr. BOGGS. No, sir; that is under our State health department. We have a very close working relation with the State health department and our industrial commission. We get two forms from the industrial commission on every first injury report. The reason for that is one of those comes into our office, the other one goes to the man in the field. He follows that injury report up to determine the injury, what can be done to correct it at the scene of the accident.

We have nothing to do with evaluating as to what should be the man's compensation or whether he qualifies for it or not.

If we run into situations where there is a health measure involved, all we have to do is to call on the health person to go into the area.

The fact of the matter is we just had them in a plant 2 weeks ago in regard to where they were using X-rays, X-raying a well, to get a reading. Most of our people can determine this but we are no industrial hygienists. We have all the types of equipment it is imaginable to use, to check dust, all kinds of air pollution and everything else. If it becomes the slightest case where the Health Department should be notified we notify them and they go in and do it.

They give us a complete report on their findings of what they found.

We also do this with the Federal Wage and Hour Division, not that particular thing but we go out and check where there are Federal contracts; we go out and make an inspection, we make a complete report to the Federal Wage and Hour Division on their request.

We have a cooperative program with them.

Mr. JOELSON. How much is the average salary of your industrial inspector?

Mr. BOGGS. They have a starting salary, effective as of April 1, of \$5,400 running up to \$6,700.

Mr. JOELSON. Thank you.

Mr. Griffin?

Mr. GRIFFIN. Mr. Boggs, I should like to have you comment further on the coal safety bill. You made the point, or made the statement, that it is not primarily a safety bill. I wonder if you would elaborate as to what you meant by that?

Mr. BOGGS. It is quite a long story, sir, if you would like for me to go into it. I have no objection to doing it.

Mr. GRIFFIN. I do not think we want to devote a half hour to it but, if you can, give us in a nutshell what you meant by that statement, because I suspect in making it you were suggesting, or perhaps I am reading more into your statement than is justified, that this is not a safety bill before us.

Mr. BOGGS. I say that I see nothing in this bill that outlines any provisions for safety other than money and reporting to the Federal Government and putting it under the Secretary of Labor.

Now, so far as the coal mine safety bill is concerned, the State has a law that is even recognized by the United Mine Workers and the Federal Bureau of Mines as being one of the outstanding laws in the State of Virginia.

Now, the purpose of the bill, in our judgment, was to permit Federal coal mine inspectors to go into the smaller mines who employ less than 15 people.

Our whole survival in the coal mining industry in Virginia, so far as our work force is concerned, is in these small mines. We employ about half of our 13,500 people in small mines. We have a very fine record of production of coal. We have a very fine record of safety in all of our mines.

It only encourages a duplication of services.

Our coal mines under our law in the gassy mines are required to be inspected every 45 days or more; in the nongassy mines, every 90 days or more, depending on the circumstances in the mine.

There are mines that we inspect practically every week. They are now opening up a large mine in Buchanan County, a shaft mine, that will go down 1,300 feet below ground, the Island Creek Coal Co. That is a real hot mine. Of course, it comes under the Federal. Yet we keep people there on the job to be sure that this mine is kept well ventilated. It is hot and it needs more attention than another mine that is not hot.

Most of your problems come in coal mining, and we analyze every accident that occurs in these mines, from roof falls, bad timbering. Roof falls are very difficult to detect, whether it be a Federal man or not.

If they were to provide that these mine safety people would have to qualify under the State law and take the same examinations that the State inspectors do, it would be a horse of a different color.

Now, our people are well qualified, and have to have—according to law—the experience in mining and the knowledge of mining.

Mr. GRIFFIN. Mr. Boggs, as you indicated at one point, safety is a universal goal. I think we are all for safety. So your statement that the coal mining bill is not a safety bill made me wonder whether you were suggesting that this is not a safety bill. If it should be that this is not a safety bill, and we would be enacting some other kind of legislation, then we ought to know about it.

Would it make any difference in your opposition in any way if this legislation were to be handled by the Department of Health, Education, and Welfare rather than the Department of Labor? Would that have any bearing?

Mr. BOGGS. I do not think it would at all, sir. I do not see where there would be one bit of difference in it.

Now, I respect all of these departments. I am not here to criticize Federal Government. We need Federal Government. We need their aid in many instances and we get their aid in many instances. But it appears to me that each year we are going a little further and further and going into the field of responsibility where the State should assume the responsibility.

I cannot imagine a person standing before your committee and testifying here and say we do not have.

Now, those people who live in New Jersey, Arkansas, and Virginia are all human beings and if they were interested in developing their program—we have done it and people think that Virginia is the tightest bunch in the world, but, so help me, they just about give us everything we ask in the department so far as the promotion of these programs are concerned. I have never run out of a dime of money

since the first year I went in that office to carry out our programs. I do not think that there is anything spectacular about me in any way, shape, or form. I think it is the desire to go out and get people to work with you and make them a part of your program. You cannot just take over on labor's side and management's side and say, "I am going to work with one." This is everybody's business. If you do not bring everybody in and make them a part of it and give them a chance to help you, I think you invite them out.

Mr. GRIFFIN. To the extent you are doing a good job in Virginia, you are to be commended.

Mr. Chairman, I should like to have the record indicate that there has come to my attention another piece of legislation which may, to some extent, overlap this bill before us. H.R. 133 is a bill pending before the House Interstate and Foreign Commerce Committee, and I believe that hearings have been held on that bill.

I believe the chairman should request the Department of Health, Education, and Welfare either make an appearance or file a statement with this subcommittee indicating its position on this legislation as well as H.R. 133.

Perhaps the two bills are not overlapping, but I believe we should look into that possibility.

Mr. JOELSON. I think the point is well taken. I will join the gentleman in the request to Chairman Perkins.

(The information requested follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
August 17, 1962.

HON. CARL D. PERKINS,
*Chairman, General Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In order to close the record of hearings on occupational safety legislation insofar as this Department is concerned, this letter will transmit the views which were informally communicated to the counsel of your subcommittee on May 2 with regard to H.R. 11451, a bill to provide for assistance to States in the promotion, establishment, and maintenance of safe workplaces and work practices, thereby reducing human suffering and financial loss and increasing production through safeguarding available manpower, and H.R. 11192, a bill to encourage the development, initiation, and expansion of occupational safety programs in the States through grants to States for such purposes, and for other purposes.

The bills would provide authority for the Secretary of Labor to make grants to State agencies to support occupational safety programs in the States. Both bills require that participating States designate a single agency to administer the program and develop plans for approval by the Secretary of Labor. H.R. 11451, an administration bill, specifically requires that the plans provide for the development of a merit system and training program for the personnel to administer the program. H.R. 11192 provides that the formula for allotment of funds be based solely on the relative number of persons in the workforce within each State whereas H.R. 11451 provides for the development of a formula to include (1) the number of wage earners; (2) the special hazards in industry; (3) existing State safety laws; (4) financial needs; and (5) such other factors as the Secretary finds relevant.

The Department of Health, Education, and Welfare supports the objectives of both bills but prefers H.R. 11451 because of the greater flexibility in the proposed formula and the requirement for a merit system and training programs for the personnel administering the State programs.

We would therefore recommend that H.R. 11451 be enacted by the Congress.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Assistant Secretary.

Mr. GRIFFIN. I have no further questions.

Mr. JOELSON. I assume, Commissioner, if this law should ever be enacted, you or your department would not ask for Federal funds in connection with it. But what I fail to see is why you object to another State, that might want to take advantage of it, doing so.

Mr. BOGGS. Do you want me to answer you?

Mr. JOELSON. Yes.

Mr. BOGGS. I have my answer, sir, whether it is a good one or a bad one.

I think, as I stated before, that a State that can stand before you and say, "we cannot afford and we do not have the manpower and we do not have the quality of people to do a safety job," that they are in a pretty sorry shape. I think it is their responsibility to do that.

I would hate to think that my taxes have to go to pay for something in Idaho. I love Idaho; it is a great State. I love New Jersey; my daughter was born in New Jersey, and I love the people in New Jersey. I thank them for letting me live there at one time, but I do not think it is the responsibility of the people in New Jersey to pour the money in the till for me to slide along and do nothing to help myself.

Mr. JOELSON. Of course, you understand that this provides that the States would have to provide matching funds. It is not a complete Federal grant.

Mr. BOGGS. I understand that. I think it is on a percentage basis.

Supposing you took it on a matching fund basis, any dollar that you take from the Federal Government then is going to make you responsible in total for your whole program to the Federal Government. We have no objection to submitting an annual report—it is a public document with everything written out into it—to the Federal Government every year. In fact, we do it. In fact, in other years I have furnished them copies of legislation.

Mr. GRIFFIN. Is it on a voluntary basis?

Mr. BOGGS. Yes, sir; it is. However, on our statistical program, we work in cooperation with the Bureau of Labor Statistics. We have a cooperative program with the Federal Wage and Hours Division. I have had fine service and cooperation from the Bureau of Labor Standards.

Mr. GRIFFIN. I would like to pursue that further.

If we did no more in this legislation than to, on some basis other than voluntary, have a gathering of statistical information in Washington, on the details of the various programs, the kind of accidents, things that are being done, so that the information is available, do you see any violent objection to the Federal Government performing a function like that?

Mr. BOGGS. I do not see any objection to what I think you are saying, sir, but I cannot understand why any State would not be willing to do it on a cooperative basis.

I think it is much better to get things done on a cooperative basis rather than to be legislated.

Now, I might say to you that in our accident and statistical program, we go much further than the Federal Government does because we go into every phase of what comes out of an industrial injury and a study and evaluation of these programs.

Mr. JOELSON. One of the witnesses this morning testified that in his opinion—I guess you were here when he said it—that voluntarily produced statistics were in fact loaded statistics.

Would you care to comment on that?

Mr. BOGGS. I have never had that experience at all. I do not think that that is correct. I can only speak for myself. I think any time you load statistics you are only fooling yourself—you are cheating yourself. And I do not believe that is true generally.

Mr. JOELSON. Are there any further questions?

Mr. GRIFFIN. I just want to indicate that, to the extent of providing a central gathering place of information, I think the Federal Government has a responsibility and a function that can be helpful. I am just indicating my own opinion.

Now, beyond that, to what extent Congress should impose Federal standards, Federal requirements, in this field, is a little bit more controversial in my mind.

I think that the Federal Government would be serving a good purpose, at least, to gather information and statistics about safety. I am just indicating my own opinion to that extent.

Mr. BOGGS. May I make a statement, please, sir?

Mr. GRIFFIN. Yes. And I think the statistics should be reliable statistics.

Mr. BOGGS. I do not think there is any question about it. I think anybody that would forge the statistics or go out and carry the injured person into the plant on a stretcher to keep him from losing a day's work, is strictly kibosh with me. I do not think that is right. I have heard of it. In fact, I was at a safety conference some years ago and I heard a man bragging about it. I do not think that is anything to brag about. I am ashamed of it.

So far as the statistical program is concerned on accident frequency and injury rates, and I believe this is true, and I am not the statistician of the department, we cooperate and do file these statistics with the Bureau of Labor Statistics.

Mr. GRIFFIN. You do, but does every State do it on the same basis?

Mr. BOGGS. I do not know. I cannot answer your question about every State. I know that there are several States that have gone into the statistical programs.

If you had asked me in 1949 what I filed, we had none. We went from scratch to where we are.

We are recognized by the Bureau of Labor Statistics as having the best research and statistical department on the State level in the United States. Mr. Clague made the statement. So we are proud of it.

Mr. GRIFFIN. Mr. Chairman, I would think that part of our record of the hearings should reflect the extent to which the Department of Labor, the Bureau of Labor Statistics now gathers information and statistics from all the States on a voluntary basis. Do they have a form that they use? To what extent do the various States actually cooperate, as Virginia says it does?

I would suggest that perhaps we should have that kind of information in the record.

Mr. JOELSON. Before I turn the chair back to our chairman, Mr. Perkins, I would also again like to join—I think this is important information—in the request that counsel obtain information for us on the amount of voluntary reporting, how standard it is and how satisfactory it is from the point of view of the Department of Labor.

(The information referred to follows:)

WORK-INJURY STATISTICS IN THE UNITED STATES

I. NATIONAL STATISTICS

(a) Bureau of Labor Statistics program

The Bureau of Labor Statistics regularly compiles national work-injury statistics in the following categories:

Annual estimates of the total volume of disabling work injuries in the United States and of the total number of days of disability resulting from those injuries. These estimates are based primarily upon data collected in the injury-rate surveys described below, supplemented by very limited data compiled by a few State workmen's compensation agencies. No similar data are available for any of the States although some States publish totals of the cases reported under their respective workmen's compensation acts. The latter figures are not comparable from State to State nor with the national figures.

Monthly injury-frequency rates for all-manufacturing and approximately 140 manufacturing industries: These data are collected quarterly from a small national sample of manufacturing establishments. Two States (Iowa and Michigan) participate with the Bureau in this survey on a cooperative basis and publish comparable figures for their own jurisdictions. No similar figures are available for any other States.

Annual injury frequency and severity rates for about 160 manufacturing and some 50 nonmanufacturing industries: These data are collected annually by mail from a reasonably comprehensive national sample of manufacturing establishments and from a limited sample of nonmanufacturing establishments. All mining, interstate transportation, agricultural, Federal Government, and domestic services are excluded from these surveys. Ten States (Maine, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, Alabama, Florida, and Wisconsin) participate in this survey on a cooperative basis and publish comparable data for their jurisdictions. A few other States compile injury-rate statistics on a limited nonstandard basis.

Detailed studies of the incidence and causes of work injuries by occupation and activity within selected high-hazard industries: The Bureau of Labor Statistics conducts one of these special industry studies on a national basis each year utilizing an extensive sample of establishments within the selected industry and basing the analysis upon all disabling injuries. None of the States participate in these studies. Four States, however (California, Wisconsin, Florida, and New York), are making occasional studies of this general nature, but are basing their analyses upon cases reported in their workmen's compensation programs. Because of differences in the workmen's compensation reporting requirements the findings of these State studies are not comparable. Nor are the analysis procedures applied by the States uniform.

(b) Bureau of Mines program

The Bureau of Mines compiles national annual work-injury totals and injury occurrence rates for the extractive industries. A few of the States, which have their own bureau of mines, compile injury totals for their own jurisdictions.

2. STATE STATISTICS

As indicated above, 12 States are participating on a cooperative basis in the Bureau of Labor Statistics injury-rate surveys. They apply uniform procedures and produce comparable injury-rate data. A few others produce a limited amount of noncomparable injury-rate data. Approximately half the States compile some statistics on the volume of cases reported under their workmen's compensation laws and show varying degrees of breakdown in these data. A smaller group of States (12 to 15) perform some analysis of their compensation cases and present statistical tabulations showing injury patterns in terms of nature of injury, accident type, accident cause, and compensation costs. The procedures applied in these analyses vary widely and the statistics produced are not comparable from one State to another.

3. OTHER SOURCES OF WORK-INJURY STATISTICS

The National Safety Council and a few trade associations compile a limited volume of work-injury statistics based upon the experience of their members. These data usually come from the largest and most safety-minded establishments and as a result commonly understate the overall incidence of injuries. Their greatest usefulness is that they indicate a level of good safety performance for other establishments to strive for.

4. NEED FOR EXPANDED WORK-INJURY STATISTICS PROGRAMS

Injury statistics are basic tools of the safety engineer. He uses them to convince management and workers that there is an accident problem, and he uses them to measure the success of the accident-prevention programs that have been established. Nature of injury statistics point out the need for personal safety devices, such as gloves, hard hats, goggles, and safety shoes. Accident type and accident cause statistics identify the kinds of events which produce injuries and pinpoint the kinds of hazards which have to be eliminated in order to avoid the occurrence of such events. Without such information, accident prevention efforts flounder wastefully. With such information, accident prevention can be directed effectively to the factors most in need of correction.

For their most effective application, these data should be available in comparable form for each industry at both the National and State levels. National data should provide the general guides for accident-prevention planning, and the State data should point out the specific differences in the needs of the different jurisdictions. At the present time, the national statistics are quite limited in scope and detail, and only partially meet the needs they are expected to serve. Existing State statistics are far more limited in scope, and are drastically limited in their application because of their lack of uniformity. In many States no work-injury data of any kind are available.

(Prepared in the Division of Industrial Hazards, Bureau of Labor Statistics, U.S. Department of Labor, for Hon. Carl D. Perkins, chairman, General Subcommittee on Labor, May 8, 1962.)

Mr. PERKINS (presiding). I have no questions.

Mr. BOGGS. If I may, sir, I will be glad to mail to your committee the type of form we use in making out our industrial accident injury frequencies and so forth, and the type that the Bureau of Labor Statistics use in this cooperative program and how far that goes.

We go much further in our accident statistics overall than the Federal Bureau does at this time. I think we are working pretty hard on trying to get that information. We got this strictly through the cooperation of our businesses where we had access to these reports from our industrial commission that we could follow these up.

Mr. JOELSON. But your reports do not include occupational disease?

Mr. BOGGS. No, sir. We do not carry them on our report because the occupational disease business is handled by your industrial hygienist and those people. Anything that resembles an occupational disease we refer, as I stated before, to the Department of Health.

Mr. GRIFFIN. Does that information get to the Department of Labor then?

Mr. BOGGS. To Washington?

Mr. GRIFFIN. Yes.

Mr. BOGGS. As to what the State Health Department does, I think, send to the U.S. Health Department, now I am getting out of my field, because I do not know.

Mr. GRIFFIN. That seems to indicate there is some information that we need to gather so that our record will be complete. Thank you.

Mr. JOELSON. Thank you very much, Commissioner. We have enjoyed your testimony. I enjoyed it even though personally I have some disagreement. I respect your point of view.

Mr. BOGGS. Thank you, sir.

Mr. JOELSON. Are there any other witnesses on call this morning?

Mr. PERKINS. We have a witness by the name of Dr. Anderson Engh, of the Anderson Clinic, who called in and requested an opportunity to testify at 2 p.m. Without objection, we will hear him at that time.

I do not know what will be the nature of his testimony.

I told the clerk of the committee this morning to tell him that we would hear him this afternoon.

If there are no other witnesses, the committee will stand in recess until 2 p.m. this afternoon.

(Whereupon, at 11:50 a.m., the subcommittee recessed until 2 p.m. this same day.)

AFTERNOON SESSION

Mr. PERKINS. Dr. Engh, will you come around?

Dr. ENGH. Dr. White and I are both going to testify today.

Mr. PERKINS. Will you identify yourself for the record? The other doctor will also identify himself.

STATEMENTS OF DR. O. ANDERSON ENGH AND DR. ARTHUR E. WHITE, NATIONAL ORTHOPAEDIC & REHABILITATION HOSPITAL, ARLINGTON, VA.

Dr. ENGH. I am Dr. O. Anderson Engh from Alexandria, Va. My associate is Dr. Arthur E. White from Arlington, Va.

Mr. PERKINS. You wish to make a statement concerning the legislation before the committee, is that correct?

Dr. ENGH. Yes.

Mr. PERKINS. Go ahead.

Dr. ENGH. I really had not planned to make a statement until I noted that the hearing was open to the public so that you will realize this is not a prepared statement.

Mr. Joelson's bill appealed to me since I am an orthopedic surgeon and my speciality is being particularly interested in injuries to workmen. Originally I came from western Pennsylvania where I worked in the steel mills and had many opportunities to become acquainted with injuries due to the lack of proper safeguards. My interest, however, is not in mechanical safeguards but in the human factor such as strain, fatigue, overexertion, et cetera.

For the past 20 years I have been the chief orthopedic consultant in the Washington, D.C., area for the Bureau of Employees Compensation. I have made a special study over a 10-year period for the Bureau of Employees Compensation to determine the causes of disability arising out of injuries to civil service employees. As a result of this experience it can be stated that many of the injuries can be prevented if one takes certain physical and psychological considerations into account. In this respect I will use as an example low back disorders. This is one of the most costly disabilities which exist today. I can think of no physical disorder which requires as much hospitalization and can state that at the present time we have 36 low back cases in the National Orthopaedic and Rehabilitation Hospital in which there are 100 beds. In addition to requiring a considerable amount of time in the hospital these patients frequently end up with disc operations and spinal fusions. Many of the results from these procedures are not good and in our Bureau of Employees Compensation cases more than 50 percent have permanent disability to some degree.

The low back disorder is one of many examples which we have encountered. These are not cases in which some mechanical safe-

guard should have been used but are cases in which the injury could have been prevented if we understood the physical and psychological factors responsible. The physical and psychological factors, however, are not easy to evaluate since little information of a scientific nature has been available. From the histories of these cases we cannot determine whether the patient was in an awkward position when he lifted a heavy object or possibly that the weight of the object itself was a factor.

Injuries to the knee joint such as torn cartilages make up a relatively large number of workmen's injuries. We realize that a particular type of twist or strain produced the tearing of the knee cartilage but records from the patient's employer or the doctor who originally saw the patient neglect to give this information. We go year after year with the same problem and yet we realize that a more accurate description of the injury is necessary if we are to prevent such injuries in workmen.

It is most essential that a start be made somewhere so that information can be given to employers and to the doctors in the areas in which workmen are injured.

Mr. PERKINS. Mr. Griffin?

Mr. GRIFFIN. Doctor, I was trying to relate your testimony to the legislation. I think perhaps we can relate it to a part of it. One of the purposes of this bill is to assist the several States in—

promoting investigation and research with the aid of public or private agencies relating to the causes and methods of preventing occupational accidents.

Dr. ENGH. This is true.

Mr. GRIFFIN. I suppose that would be the phase of this legislation that you are particularly interested in?

Dr. ENGH. Yes. I feel this is what has been neglected in the past and offers a tremendous potential as far as cutting costs.

Mr. GRIFFIN. I might call your attention to the fact that this legislation as it is drafted, H.R. 11451, contemplates Federal grants in aid to the States and that it would actually be the States who would carry out the program rather than the Federal Government, as such.

Dr. ENGH. I understand this is true. I think any legislation enacted, however, should be comprehensive and if necessary additions made where it will result in more effective and durable legislation. I have noted in the past that on various occasions there have been additions made to legislation which has been offered and believe that such an addition could be made to Mr. Joelson's bill. The additions which I suggest would be in the nature of a program for research and demonstrations taking into consideration the physical and psychological factors responsible for injuries. I mentioned the National Orthopaedic and Rehabilitation Hospital because of its past experience with the Bureau of Employees Compensation and since it is a nonprofit institution.

Mr. GRIFFIN. Doctor, you and your institution have a very excellent reputation. You are well known for the wonderful work you have done in the field.

Would you want to elaborate and give us any more information about this 10 year study you have been carrying on? It would be helpful.

Dr. ENGH. In 1952, Dr. Franklin Halpin, with the Bureau of Employees Compensation, realized that the Federal Government was rapidly becoming responsible for many cases of prolonged and permanent disability. Dr. Halpin requested that our institution make a study of these cases since we have been working with injured civil service employees for many years.

This study began in 1952 and will terminate at the end of this year. We will be able to determine whether delay in treatment, improper diagnoses, faulty management, relatively high compensation benefits and other causes are responsible for the rapidly increasing costs. Let me give an example. A young man of 19 years and is married was earning approximately \$4,800 a year. He had suffered a compound fracture of his leg with a large ulcer of his foot. He hadn't worked for 4 years following the injury. It appeared he would continue out of work the rest of his life getting 75 percent of his salary. You can appreciate the many thousands of dollars it would cost the Government during this patient's lifetime. The patient had developed a psychiatric disorder following the injury which probably could have been prevented. The prognosis for this patient in view of the combined physical and psychological factors is poor. There are thousands of cases throughout the country of this type not only with the Federal Bureau of Employees Compensation but occurring under the industrial commissions of the various States. A great percentage of prolonged and permanent disabilities in these cases can be prevented but the question which must be answered is how can we prevent these permanent conditions from developing. I would suggest the utilization of a center in the Metropolitan District of Columbia area which can carry on studies, investigations, research, that is required.

Mr. GRIFFIN. To your knowledge, is there any existing legislation under which the Federal Government now carries on research of that kind?

Dr. ENGH. No. I have looked for it but I have been unable to find any legislation which deals specifically with the prevention from the human standpoint of injuries to workmen.

Mr. PERKINS. Mr. Joelson?

Mr. JOELSON. I have no questions.

Thank you very much, Doctor.

Mr. PERKINS. Dr. White, will you identify yourself and proceed?

Dr. WHITE. I am Dr. Arthur E. White, medical coordinator, National Orthopaedic and Rehabilitation Hospital, Arlington, Va.

I have been associated with Dr. Engh for 6 years very closely in dealing with these physically disabled people that we have come in contact with that he has mentioned.

I wish to say that while Dr. Engh commented on cases who will be permanently disabled we take pride in the fact that the great majority of our patients have been helped.

Getting to the point of the question regarding the legislation before us, I was very favorably impressed but I feel that it is essential that we must talk about the human element in the prevention of accidents.

Reminiscing a little on the prevention of sickness we may talk about antitoxins, polio vaccine, and so forth, but as far as accidents pertaining to human beings we treat them afterward giving very little attention to preventing them.

A person has certain basic requirements for securing a job. Maybe they are glossed over, maybe they are not looked into, or maybe they are not adequate requirements to see whether an individual can perform and hold a job. This affects not only himself but others. Ofttimes a person will have a position and has a very satisfactory work record extending over a period of years. All of a sudden something happens and the person is hurt because of some inherent physical disorder but along with his own injury others working with him are injured.

Now, is the prevention of accidents associated with keeping a record of the people physically, where they are physically competent to do it safely at one time and not competent later on? Are they psychologically changed due to their aging process or the competition they are up against or other factors? These are not explainable by the direct trauma of an accident. Certainly if a man falls down a stairwell and breaks his back, we know what caused the accident. But if the same man develops a painful shoulder in repeating over and over the same job for a period of years or if he develops a bad back or painful knee we do not put our finger on just one specific thing that caused this but there must be an explanation for it.

Premature aging of a joint or any part of the body has to have an explanation. What is it? Oftentimes we don't know and haven't kept tract of these people to evaluate and determine what caused these factors. A person that secures a position of some kind or other, even though the job is simple but repetitive, produces physical disabilities within the patient. There is also the psychological factor in repetitive types of jobs which results in injuries. So the evaluation of what causes injuries to a person is difficult. You cannot put your finger on it since this type of problem has never been fully studied and explained. It warrants a continuation of a study performed by the Bureau of Employees Compensation at the National Orthopaedic and Rehabilitation Hospital. As the President said, we do it for cattle and sheep, why not do it for our humans?

I think basically this is a fundamental principle, that we evaluate the people as well as their surroundings.

Mr. GRIFFIN. I do not think I have any further questions.

Dr. ENGH. May I suggest this to the committee. It seems to me that this is the proper time to pass a bill which is adequate. An outline of the bill which in my opinion would be appropriate is as follows:

1. Prevention of injuries—
 - (a) Through adequate mechanical safety essentials.
 - (b) Human factors (physical and psychological).
2. Prevention of disability—
 - (a) Delay in treatment.
 - (b) Faulty diagnosis.
 - (c) Errors in management.
 - (d) Psychiatric disorders.
 - (e) Other factors.

It seems to me that we must think of more than just prevention of injury. We must consider the prevention of disability that results from injury to workmen. They can all be contained within this bill. As stated previously, Mr. Joelson's bill is a good one. With the addition of a section dealing with research, demonstrations, training, and other related services a very effective attack on this problem can

be reached. Through the information gained employers throughout the entire country would benefit.

I would suggest to Mr. Joelson that he consider the addition of a special section dealing with research, and so forth, to his bill. It has been noted that this has been the plan of other agencies such as the U.S. Public Health Service and the Office of Vocational Rehabilitation.

Mr. JOELSON. Of course, when you get into rehabilitation you are getting into a completely new field and I think it is mutually exclusive.

We do plan to have, as I understand it, a representative from the Department of Health, Education, and Welfare. I certainly will be glad to ask whoever this representative is his views on possible inclusion of this type of program in this legislation.

Mr. Griffin brought out that there is some legislation pending—is it before Interstate and Foreign Commerce?

Mr. GRIFFIN. Yes.

Mr. JOELSON. Frankly, I am not familiar with it. It may possibly cover the rehabilitation phase. I do not know.

Dr. ENGH. What we are talking about does not come under "rehabilitation." "Rehabilitation" is usually defined as the third phase of medicine.

Mr. JOELSON. "Prevention of disability" is the term rather than "rehabilitation." Is that correct?

Dr. ENGH. Would you want to answer that Dr. White?

Dr. WHITE. Rehabilitation is trying to restore an individual to his best physical and psychological status, after having deteriorated from some previous level. That is the basic concept of rehabilitation. Now, to prevent someone from being a candidate for rehabilitation, which would mean they are to be retained, reducing it down to the stem words, is what Dr. Engh and I are trying to bring out at this time.

We prevent these accidents from which people have to eventually be retrained and rehabilitated. Of course, that includes the medical side of it, the psychological side, educational side, and the vocational aspect. What we are bringing out at this time is that by proper training and by proper evaluation we can prevent a great percentage of these types of accidents from which people later on have to be rehabilitated.

Mr. GRIFFIN. You feel that with some intensive research in the low back injury situation you would then be able to help in preventing such accidents?

Dr. ENGH. I do.

Mr. GRIFFIN. And that some followthrough into the treatment and evaluation after the accident, in which phase you are involved, is a part of the whole process of preventing the accident?

Dr. ENGH. I do, but it will require detailed study particularly from the history of the case. For instance, if an injured workman comes to see me with a low back pain with sciatica, it is a question as to what actually took place. One workman will say "I was bent over for a long time in one position." Another will indicate that he was in a certain position and twisted his low back. A third will say that he lifted an extra heavy object. At the present time we are very much in the dark as to whether it was the type of strain, the effort exerted, the age of the individual, or other causes. We know

that in athletic injuries such as football we rarely see a patient with a ruptured intervertebral disc. These injuries occur usually after 30 years of age. The point I wish to bring out, however, is that statistics today reveal the tremendous cost to employers from low back injuries to their workmen.

Mr. GRIFFIN. If we authorized money for research into a question like that and you got the award, how would you find out?

Dr. ENGH. I think we would start first with the Bureau of Employees Compensation cases, since civil service is the biggest industry in the country, since we have already made a preliminary 10-year study in this direction. The fact that these cases come under the Department of Labor and this is a labor bill would suggest that this is a natural place for conducting the research. It requires a great deal of work, studying thousands of cases of injured civil service employees. In addition, one would have to contact the patient's doctor in his own area, getting as much detailed information as possible. It would be suggested to the community doctor who handles workmen's compensation cases that he follow a certain pattern so that the type of injury producing the disability would be available. Otherwise, we will go along blindly for years as we have done in the past.

Mr. JOELSON. Would the gentleman yield?

I would like you to know that I am very much in sympathy with your proposal to widen this bill but, as a practical matter, I am very fearful of the fact that we may get into realms of medical diagnoses, medical treatment, and we might possibly excite the opposition of the various medical groups in the country.

For that reason, I think we have to tread very gingerly in opening this up too much because I feel we will have enough difficulty in making the start proposed by this bill without getting into this wide, essentially medical aspect.

I would like your comment on that.

Dr. ENGH. In the past, we have been working with employers and doctors from many States throughout the country in our Federal Bureau of Employees Compensation cases. We have never run into this problem because we have not taken over the cases. It is not our plan to do surgery on these cases or give them medical attention. What we have done in the past and propose in the future is evaluating these cases.

In regard to getting into the medical field, overlapping to some degree takes place with the U.S. Public Health Service, the Office of Vocational Rehabilitation, and other agencies. For instance, one would not expect physical restoration services to be a part of vocational rehabilitation and yet this division appears to be working quite satisfactorily even though this is a vocational division. Certainly one would expect prevention of injuries and disability in workmen to be a part of the Labor Department.

I have recommended our particular center to work with the Department of Labor in this effort just as the two institutes in New York and Minnesota function with the Office of Vocational Rehabilitation.

Mr. JOELSON. Thank you.

Mr. PERKINS. Are there any further questions?

Mr. GRIFFIN. No, Mr. Chairman.

Mr. PERKINS. Thank you very much for appearing. Your testimony has been most interesting.

I more or less entertain the views of Congressman Joelson but we certainly will look at your viewpoint and do the best we can in studying this legislation.

Dr. ENGH. Thank you.

Mr. PERKINS. Are there any other witnesses who wish to testify at the present time?

Mr. JONES. Mr. Chairman, I, as an individual citizen of this country, would love to testify. Is that possible?

Mr. PERKINS. Come around.

Mr. JONES. I have my associate boss, my associate director. I am a Federal employee.

Is it permissible for him to testify?

Mr. PERKINS. Bring him around.

Mr. JONES. I don't care if I get fired tomorrow, sir, but I do have something to say about this bill.

Mr. PERKINS. Come around. Identify yourself for the record and proceed.

STATEMENT OF WALTER JONES, SPRINGFIELD, VA.

Mr. JONES. First of all, I am a citizen of the State of Virginia.

Mr. PERKINS. Identify yourself for the record.

Mr. JONES. I am Walter Jones. I am a resident of 6500 Heffen Avenue, Springfield, Va.

Mr. PERKINS. What Government agency are you with?

Mr. JONES. I am a Federal employee. I am with the U.S. Department of Labor. So, as such, I know something about all these questions that came in this morning and came in previously.

I realize, sir, that I am now sticking my neck out but I do it in this respect. If what I have to say now by chance could save one life, what happens to me tomorrow makes no difference, sir.

Mr. PERKINS. Well, you have freedom of speech, Go ahead and testify.

Mr. JONES. Thank you very much, sir.

This bill itself is a very good bill. It is needed. You gentlemen have heard various witnesses testify this morning and last month. You have heard various commissioners of labor speak for and against this bill. There was a gentleman speaking this morning, a very close friend of mine, commissioner of labor of Virginia. Virginia has a good program. It has a good program because the State of Virginia has used the services of the U.S. Department of Labor to the utmost.

By every program we have, we have taught our State inspectors, we have improved the State of Virginia. The U.S. Department of Labor has improved their program.

If you picked up the editorial page of this morning in the Post, you saw an editorial. We spent \$672 million to subsidize the sugar interests in this country. This bill is only asking for \$5 or \$6 million. That \$672 million with which we subsidized the sugar industry is not coming back to the American people or the taxpayers of this Government of ours.

This bill is asking for \$5 or \$6 million. I can assure you that that money will come back to the American people, to the American Government, as honest, hard-working people pay taxes.

A gentleman testified this morning that last year there was \$4,100 million that was lost in wages and expenses. If \$4,100 million was

lost, the average taxpayer in this country spends 20 percent of his salary in taxes to the Federal Government. In other words, one-fifth of that, sir, is about \$82 million. Think about that. That is money that my Government, your Government, has lost. We did not have an opportunity to earn that to pay these taxes we are talking about.

I have paid very close attention to Mr. Griffin and I understand his viewpoint.

My point to you, gentlemen, is this. The man who is able with his hands, his eyes, to work, to earn a day's pay, can pay taxes. The man who is not in that position cannot pay taxes and he is a detriment. We have to support him, you and I, all of us do.

So, stop and look at it in that light.

Now, I have no more to say. I have been following these hearings very closely. I have no authority to speak, I grant you that.

Right now I tell you, gentlemen, that I am sticking my neck out, but I believe so strongly on this. This gentleman who spoke this morning is a very close friend of mine.

Mr. PERKINS. How long have you been with the Department of Labor?

Mr. JONES. About 9 years, sir.

Mr. PERKINS. What is your job?

Mr. JONES. I am a liaison representative to organized labor in regard to safety promotion.

My job is to get out and get the unions to participate, to take an active part in safety training.

We sponsor the training program.

Mr. PERKINS. Are there any questions?

Mr. GRIFFIN. The witness you referred to this morning did not actually say this but he implied in one of his statements that perhaps this was not a safety bill or that it was more than a safety bill.

You are the liaison between the Labor Department and the unions. Without trying to quote him, let me ask you. Is it any more than a safety bill?

Mr. JONES. I think it is purely and simply a safety bill, purely and simply a safety bill. I speak not as a resident of the State of Virginia, having resided there now for better than 8 years. I know all the State inspectors of the State of Virginia. I know what they are qualified for. They are very competent, many of them are. They could be better.

Questions were asked this morning that you gentlemen did not get an answer to in regard to the number of industries that are visited. They could not possibly visit those places.

Now, I do not know who this gentleman was speaking for. I know him as a personal friend. I have a lot of admiration for him. But I cannot say in truth from my knowledge of him or the State of Virginia that they are saying all they are doing.

Mr. JOELSON. It just stands to reason, Mr. Jones, that 15 men in a State as industrialized as I believe Virginia to be, simply cannot adequately inspect the industrial complex of that State.

Of course, the commissioner has said that he feels that they do. Who am I to argue with him. But it is my opinion that it is very questionable whether a proper job can be done by 15 men.

Mr. JONES. You are right, sir. The State of Virginia is doing a good job. As a matter of fact, there are only 17 States lower than

them so far as frequency rate is concerned. This is the National Safety Council's figures which you developed this morning you cannot rely on, you cannot say that is that, you cannot accept that as the fact. It is the best we have to offer. But they do have training programs.

I want to bring out this to you. Their program is possible today because of the U.S. Department of Labor.

We have trained their inspectors, we have given them every possible course that we possess, and they are qualified people.

He is telling the truth. I should know because we have trained his employees.

Now, all I ask is this. If we can spend millions of dollars to subsidize something, with no return coming back to us, why could we not invest \$5 or \$6 million with the hopes—not a matter of hope but assurance—that this money is coming back to us?

Mr. GRIFFIN. If safety is our only objective, would you know of any particular reason why this job should not be assigned to the Department of Health, Education, and Welfare?

Mr. JONES. You see, that is where I am sticking my neck out. I do not care where you put it, sir. Actually, I would not put it in the Department of Health, Education, and Welfare because, in the first place, they do not possess the competent employees, the people to carry it out.

In my Department of Labor, I am very proud to be in the Department of Labor, we have the most outstanding lecturer safety prevention unit in this country. Our whole staff stands by itself.

We are invited to speak before States, conferences, the Governor invites us, the chamber of commerce invites us, labor organizations invite us. We just concluded a training program sponsored by the AFL-CIO.

For your information, one union alone spent \$5,000 to send one individual to take that course. That is a lot of money, gentlemen, to take the course.

I had the privilege of going to Harvard. I did not spend that money to go there. I do not know what schools you went to, but I think we have something to offer.

I would say as far as HEW is concerned, yes, they have their place. If I have something in my eye, a foreign body, I go to a competent doctor. He has been trained, he knows how to remove it, he knows how to treat that injury.

But when it comes to prescribe the methods of how to prevent that foreign object entering my eye, he is not qualified for that. That is not his bailiwick.

I do not go to a shoemaker if I want a suit of clothes made.

That is why I tell you the U.S. Department of Labor has the competent people and this bill belongs, if it ever is passed, and it should be passed, in the Department of Labor because the Department of Labor is for the welfare of the working people.

Mr. PERKINS. Are there further questions?

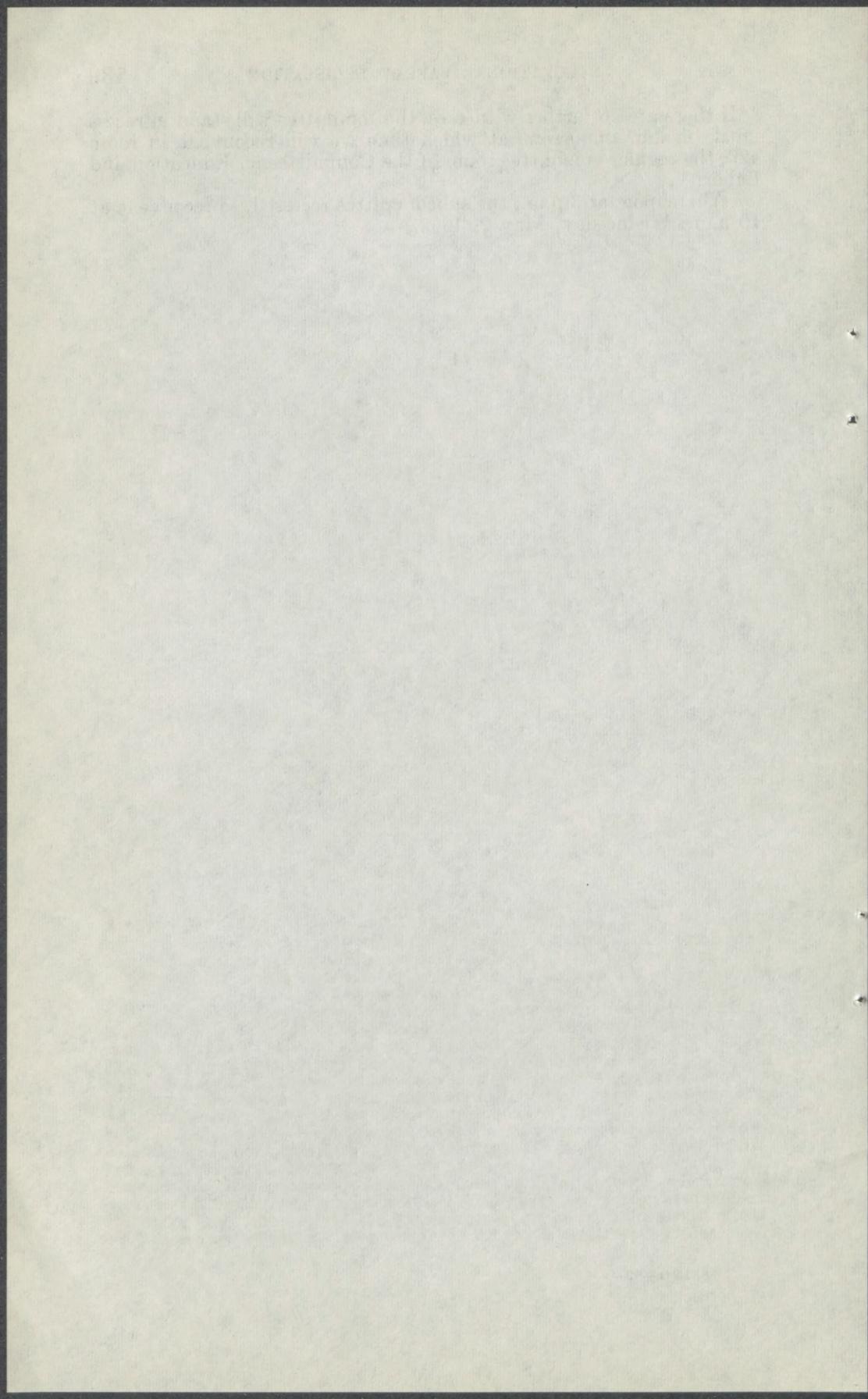
Thank you very much, Mr. Jones. We have enjoyed your appearance.

Mr. JONES. Thank you, sir.

Mr. PERKINS. Are there any further witnesses?

If there are no further witnesses, the committee will stand in recess until 10 a.m. tomorrow, at which time we will reconvene in room 429, the regular committee room of the Committee on Education and Labor.

(Whereupon, at 3 p.m., the subcommittee recessed, to reconvene at 10 a.m., Wednesday, May 2, 1962.)



OCCUPATIONAL SAFETY LEGISLATION

WEDNESDAY, MAY 2, 1962

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10:08 a.m., pursuant to recess, in room 429, Old House Office Building, the Honorable Carl D. Perkins presiding.

Mr. PERKINS. The committee will come to order. A quorum is present.

Do we have with us this morning Mr. Edgerton Hart?

At any rate, we have his statement here. Unless there is objection from the subcommittee members, his statement will be inserted in the record at this point.

(The statement of E. Edgerton Hart, secretary, Illinois Manufacturers' Association, Chicago, Ill., follows:)

STATEMENT BY E. EDGERTON HART, SECRETARY, ILLINOIS MANUFACTURERS' ASSOCIATION

My name is E. Edgerton Hart, I am secretary of the Illinois Manufacturers' Association, Chicago, Ill.

The Illinois Manufacturers' Association embraces in its membership of 5,000 industrial firms practically every representative manufacturing firm in Illinois—large, small, and medium-sized—engaged in a wide variety of production.

I am appearing on behalf of the members of the association in opposition to the enactment of H.R. 11451 and H.R. 11192.

The employers of Illinois are vitally concerned with the prevention of occupational injuries and the improvement in the industrial accident rate. Safety activities have been a very important function of the Illinois Manufacturers' Association for many years.

We have held many safety conferences for our members throughout the State of Illinois and have been instrumental in the formation of local safety councils. We engage in joint efforts with the National Safety Council, local safety councils, American Society of Safety Engineers, insurance companies, trade associations, educational institutions, and other groups in activities aimed at making the workplaces in Illinois safer places in which to work.

IMA represents Illinois employers in the development of health and safety rules, to eliminate work hazards and promote the safety of workers. The Illinois Health and Safety Act provides that such rules have the force and effect of law. Illinois was in the foreground among the States in formulating safety codes, and our set of hundreds of health and safety rules is as complete and numerous as most any other State. A good working relationship exists between employers and organized labor in the development of safety rules. At the present time, we are actively engaged in formulating several new and revised rules.

In our legislative activities at the State capitol, in Springfield, we have initiated and supported legislation to increase the effectiveness of the State department of labor in the enforcement of State safety rules and educational activities designed to reduce occupational injuries. In the 1961 session of the legislature, for example, IMA instigated legislation to reorganize the safety inspection and education division of the department of labor for the purpose of making its work even more

effective. This legislation created an advisory board consisting of representatives of employers and organized labor. All of the employer members of this advisory board are members of the IMA industrial health and safety committee.

Accident prevention is a function that is the responsibility of industry and of the States. Intrusion of the Federal Government into the functions and responsibilities of the States, as proposed in the bills which you have under consideration, is unnecessary and unwarranted. The entry of the Federal Government into this activity would induce duplication of services, financial wastes, and undesirable Federal controls. It would result in expanding the Federal Department of Labor bureaucracy, increased Federal payrolls, and would require appropriations of vast Federal funds to pay for services which are now the functions of the individual States.

Safety is a matter of education, not legislation. Laws in themselves will not reduce accidents. Voluntary constructive effort is the solution to the accident problem. Outstanding success has been achieved in the reduction of occupational accidents through the voluntary efforts of employers, by instituting effective programs of safety inspection, safety education, and supervision. Any governmental supervision which is necessary should continue to be the function of the individual States.

In Illinois and in the other States, employers and the State labor departments have the desire, incentive, and facilities to continue the very successful achievements which have been made in the reduction of occupational accidents.

We entertain grave doubts as to whether this proposed legislation if enacted, would in fact result in any concrete reduction of accidents. Such a law would complicate the problem by introducing another Government agency with which industry must deal in matters pertaining to industrial health and safety. Of course, much still remains to be done, but progress to date has been very substantial and this outstanding safety performance was accomplished without Federal help or interference. This legislation would have a detrimental effect on such progress, and it might entirely counteract and nullify the voluntary and successful effect which would otherwise be expected to continue.

These bills ignore the great strides in occupational safety which have been and are being made through the voluntary programs sponsored by industry in cooperation with the State labor departments and other agencies. The effect of these programs has been an ever growing and substantial reduction in accident frequency and severity.

As a result of the effective work in accident prevention in Illinois on a voluntary and local basis, the frequency rates of disabling injuries in Illinois has been, for many years, consistently lower than the rate for the United States. According to the Federal Bureau of Labor Statistics, the number of disabling injuries per million employee working hours in the manufacturing industry in Illinois has consistently been 10 to 15 percent lower than the rate for the United States. In 15 manufacturing classifications by types of industries, the frequency figure in 1960 was lower in Illinois than the average for the United States and higher in only 3 industries.

The injury rate in Illinois has shown a steady reduction over the years. In 1927 there were 28 compensable injuries per 1,000 nonagricultural workers. There has been a continuous reduction in this figure to 16.2 in 1960.

Likewise, the fatal injury rate per 100,000 workers has shown a steady reduction from 37 in 1927 to 12.3 in 1960. For the manufacturing industry, this figure was 15.2 in 1940, the earliest year for which figures are available, and 8.6 in 1960. The National Safety Council's publication "Accident Facts, 1961" indicates that there were 7.7 work injuries resulting in death per 100,000 population in the United States in 1960. The Illinois figure was 3. Only seven States were lower than Illinois.

These statements about the reduction of accidents in Illinois are not just true of Illinois. The accomplishments in the reduction of work injuries in all States has been outstanding. Since 1926 disabling injuries per million man-hours worked in the manufacturing industry in the United States have fallen nearly 50 percent. In 1926 the frequency was 21.2 and in 1961 it was 11.

In Illinois, we have the tools to do the job. We don't need nor want Federal interference. The Illinois Department of Labor has been working assiduously to reduce work injuries. Considerable progress has been made in improving the competence of the State inspectors and safety education personnel through improved selection and training. Safety efforts are being especially directed to small employers, to high hazard industries, such as construction, and to safety education programs. Similar aggressive and effective action is in progress in most of the other States. To name a few, New York, Indiana, Wisconsin, Ohio,

California, and Pennsylvania have very well organized and effective State safety programs.

Although the accomplishments in the reduction of occupational injuries and fatalities is outstanding, continuous efforts must be, and are being made to further reduce them. We are convinced, however, that the injection of the Department of Labor into this subject would complicate the problem without offering any compensating reduction in accident frequency rates. We urge this committee to reject this legislation.

Mr. PERKINS. Off the record.

(Discussion off the record.)

Mr. PERKINS. While there is a quorum present, I wish to announce that there will be an executive session of the subcommittee next Wednesday morning at 9:30 a.m. for the purpose of considering the legislation we now have before the subcommittee.

The committee, when it recesses today, will recess subject to the call of the Chair. In all probability, there will be other witnesses we will hear between now and next Wednesday morning.

Since the Labor Department representative is here this morning, I certainly hope you will be able to supply the information we requested by the first of next week in order that it may be placed in the record.

Is there anyone else in the committee room who wishes to make a statement this morning? There seem to be no further witnesses. Counsel of the subcommittee is instructed to make a part of the record communications and statements relative to the legislation which are received before submission of the record to the printer.

The committee will stand recessed, subject to the call of the Chair. (Whereupon, at 10:15 a.m., the subcommittee adjourned, subject to the call of the Chair.)

(The communications and statements referred to above follow:)

STATEMENT BY THE NATIONAL SAFETY COUNCIL

This statement is submitted at the invitation of Hon. Carl D. Perkins, chairman of the Subcommittee on Labor.

The following National Safety Council policy is quoted from "Safety in Action" (exhibit 1).

"Government—Federal, State, and local—has responsibility for enacting and administering laws and regulations relating to safety, and for safe construction and operation of publicly owned facilities. The National Safety Council cooperates with and assists such official agencies and their associations and helps develop public support for official safety measures and programs."

The National Safety Council supports adequate and effective enforcement of safety laws, is the principal sponsor of the American Standards Association's safety standards, and has participated in the development of reports of the President's Conferences on Occupational Safety, which included recommended principles and practices of State labor department operation. The Council's members and affiliates participate in advisory capacities in the development by States of codes and other programs.

No Council committees or conferences have considered the financial policy question of Federal grants-in-aid to State labor departments. Consequently, the National Safety Council has not developed an authorized position on the grants-in-aid proposed in H.R. 11451, "Occupational Safety Act." However, the National Safety Council is submitting certain data, analyses, and reports which the subcommittee will find useful in assessing the significance of the action contemplated in H.R. 11451 in terms of the total context of the safety movement. The information is intended to help answer the following general questions:

1. How do different industries compare in rates and trends, and in applicability of State and Federal governmental programs?

2. How can governmental programs best contribute to comprehensive, effective safety programs?

3. Is there a need for research to develop better safety programs?

The National Safety Council concurs in the excellent statement of the size and importance of the total occupational accident problem given to the subcommittee by the Secretary of Labor. It was particularly appropriate that the Secretary called attention to the reductions in occupational injury rates which have been occurring, especially in manufacturing. Sometimes discussions of additional needs in accident prevention have not properly recognized the success of past progress and the steps which have been proven effective are undervalued.

How do different industries compare in rates and trends and in applicability of State and Federal governmental programs?

Industry group	Deaths			Death rates			Disabling injuries ¹ 1960
	1960	1950	Percent change	1960	1950	Percent change	
All industries.....	13,800	15,500	-11	22	27	-19	1,950,000
Trade.....	1,200	1,500	-20	9	12	-25	370,000
Manufacturing.....	1,700	2,600	-35	10	17	-41	380,000
Service.....	2,800	2,200	+27	15	14	+7	470,000
Transportation and public utilities.....	1,600	1,600	0	38	39	-3	190,000
Agriculture.....	3,300	4,300	-23	58	57	+2	290,000
Construction.....	2,400	2,300	+4	73	93	-22	200,000
Mining, quarrying, oil and gas wells.....	800	1,000	-20	123	110	+12	50,000

¹ Disabling beyond the day of the accident. Totals include deaths.

Source: U.S. Bureau of Labor Statistics and the National Safety Council. (1960 data are used because not all 1961 data are now available.)

All industries.—Occupational deaths dropped 11 percent in 10 years, but the death rate per 100,000 employees dropped 19 percent because employment had increased.

Trade.—This occupational category has had significant reductions in deaths and death rates during the last decade. Nevertheless the difficulty of adequately reaching very small establishments, including large numbers of self-employed, remains an acute problem. The associations of merchants have done a considerable amount of effective work.

Manufacturing.—The manufacturing category had far and away the best trend in occupational deaths and death rates, largely reflecting the well-developed safety programs of leading manufacturers and trade associations. Despite its excellent record, this work category still tends to get primary attention of State inspectors. Manufacturing is also the category subject to the Walsh-Healey Act's safety clause and the inspections thereunder. Other Federal programs affecting principally manufacturing include Atomic Energy Commission control of isotope production and use, Department of Labor supervision over ship repair, Defense Department supervision over ordnance and other operations, and Public Health Service research and consultation services on occupational hygiene to assist State health departments and other agencies.

Service.—This category includes the large employment in Federal, State and local government, schools, churches and social agencies, financial institutions, and major groups of self-employed professionals and others. The trend in deaths has been sharply upward as employment has increased. Deaths have increased more than employment, with a 7 percent increase in the death rate in the last 10 years. Major segments of the service category are not normally affected by the work of State labor departments.

Transportation and public utilities.—Major transportation segments of this category of employment are already supervised in varying degrees under Federal regulations administered by the Interstate Commerce Commission, Federal Aviation Agency, Coast Guard, and the Department of Labor for stevedoring. Even so, work in roundhouses, at airports and stevedores in warehouses usually comes under State departments. Major aspects of this work category are supervised by State agencies other than State labor departments, for example, the administration of State chauffeurs' license laws and vehicle inspection laws, and State public utility commissions. Less than a fifth of the deaths in this category are public utility; four-fifths are transportation.

Agriculture.—The bulk of agricultural workers are not under the safety supervision of State departments of labor. (A subsequent paragraph describes briefly the farm safety work in which the U.S. Department of Agriculture is an important leader.)

Construction.—Although the death rates in this category are extremely high, there has been a significant reduction in the death rate in the last 10 years. Some Federal regulation over safety is exercised through the construction contracts of the Corps of Engineers, Bureau of Reclamation, Atomic Energy Commission, Bureau of Public Roads, Hill-Burton hospital assistance, and other Federal programs.

Mining, quarrying, oil and gas wells.—Although the number of deaths in this category has dropped in the last 10 years with reduced employment, the death rates are extremely high and show a significant increase over the last decade. The Federal Coal Mining Safety Act already brings a major segment of this category under Federal regulation. In addition it may be noted that technical and advisory services are furnished to subcategories other than coal mining by the U.S. Bureau of Mines and by State agencies, many of which are independent of State departments of labor.

Injury frequency rate trends are not available on a basis fully comparable with the death rate data above. However, the U.S. Bureau of Labor Statistics has reported as follows:

	Percent
Manufacturing, 1950 to 1960.....	-23
Construction, 1950 to 1958.....	-25
Trade, 1950 to 1958.....	-2

Many additional details of occupational accidents are more fully reported in Accident Facts, the National Safety Council's annual statistical publication. (See exhibit 2—pp. 23-39, 62, 78-79, 85-88 and 90.)

The scope of State labor department programs varies from State to State. From data on the types of employment, plus injury data reported to State labor departments, it would appear that the employments covered by State labor department programs experience about 7,700 deaths, 65,000 permanent disabilities, and 1 million temporary disabilities, and an economic loss of \$3 billion, or in other words, roughly three-fifths of the total occupational accident problem. These estimates should help appraise the portion of the total occupational problem likely to be affected by H.R. 11451 and indicate the portion of the problem which must be reached by other means.

Testimony already presented to the subcommittee has called attention to the generally low rates which have been attained by the larger businesses; indicating, therefore, that proposed State labor department programs would have potential significance in the smaller establishments thus far less effectively reached by the organized safety movement. Some industry comparisons between large and small establishments show small establishment rates typically ranging 3 or more times higher than large establishment rates.

HOW CAN GOVERNMENTAL PROGRAMS BEST CONTRIBUTE TO COMPREHENSIVE EFFECTIVE SAFETY PROGRAMS?

To appropriately appraise the potential value of strengthened State labor department programs it is essential that the overall nature and elements of occupational safety be fully understood. The conduct of safety work in industry or other employment is the responsibility of management. The responsibility of employers (whether a business or a nonbusiness institution) must be discharged by types of programs far broader than those embodying only the detailed regulations of physical conditions.

The kinds of programs management needs to control hazards are illustrated by A Safety Guide for Park and Recreation Employees (exhibit 3—p. 27), recently developed by the American Institute of Park Executives, in cooperation with the council. The Guide also admirably illustrates two other major points:

1. Use of a voluntary association channel to reach small employers.
2. Need for increased attention to safety of governmental employees, such as park employees, not normally reached by regulatory programs directed at business (chart on p. 9, exhibit 3).

It is vital that activities supported through contemplated legislation not impair the functioning of the voluntary safety movement which has been responsible for the bulk of occupational safety progress. The voluntary movement includes not

only the work of the National Safety Council, but also the work of the American Standards Association, the National Fire Protection Association, the American Society of Safety Engineers, and a substantial number of trade associations, unions, and State and local safety councils. The objective of safe work cannot be attained if the voluntary movement is not strengthened. State labor department programs can help particularly with organizations which do not know what needs to be done, or have failed to take appropriate preventive action.

The National Safety Council's assistance to elements of the voluntary safety movement includes the numerous services provided under the supervision of the council's Industrial and Motor Transport Conferences (see exhibits 4¹ and 5). Services to organized labor and State labor departments are supervised by the Council's Labor Conference (see exhibit 6).

The council's services to agriculture, a distinct field, are supervised by the Farm Safety Conference, in which the U.S. Department of Agriculture fully participates. The Department also assists the council in rendering these services. (Since agriculture is not typically within the scope of activities contemplated by Federal grants-in-aid for occupational safety, the Farm Conference report is not transmitted as an exhibit. However, it is available upon request.)

One commendable innovation in several States has been the use of what has been termed a "consultative approach." The New York State Department of Labor has just published a very encouraging report of its success with this plan.² The story contains these salient points:

1. The vast majority of accidents do not stem from clear violations of labor laws.

2. The preventive work which New York encouraged and promoted was directed at control of unsafe practices as well as unsafe conditions.

3. Consultants "can sell an employer on safety, diagnose faults, and demonstrate safe procedures. But they cannot do the safety job for the employer."

4. " * * * government can legislate and through inspectors and consultants can protect against unsafe conditions but it cannot eliminate unsafe acts. This can be achieved only by management with the cooperation of labor."

All approaches to occupational safety should support the ultimate goal of convincing managers that the degree of work control needed for safety is the same as the control needed for attainment of an organization's general objective.

By way of profiting from the experience of others, the council calls attention to the fact that occupational safety programs of European governments have typically placed primary emphasis on government regulation of physical conditions. This has tended to produce a situation where occupational managers do very little beyond what is required by government. Representatives of foreign countries, many of them visiting this country under the auspices and guidance of the U.S. Department of Labor, commonly state that they are particularly anxious to see and understand the successful voluntary safety programs of American industry which stem from management acceptance of responsibilities and extend to the control of employee behavior as well as physical conditions. American safety training programs have been of particular interest to these people. The most recent visiting group to express these views was the West German Parliamentary Committee on Health and Safety which visited National Safety Council headquarters April 26, 1962, to inquire about the steps which produce injury rates far below theirs.

IS THERE A NEED FOR RESEARCH TO DEVELOP BETTER SAFETY PROGRAMS?

The National Safety Council has repeatedly stated to congressional bodies that one of the primary safety roles of the Federal Government lies in support of research to develop better methods, particularly as research and development may be fostered without the transfer of public safety authority from the States to the Federal level. In addition to the study of accident causes and remedies, about which we need to know more, there is need for study and development of new and better techniques of safety regulation and administration by governmental agencies. This latter need is exemplified by recent discussions within the council and the U.S. Department of Labor of the use of safety performance

¹ Exhibit 4 appears in the subcommittee files.

² Industrial Bulletin, February 1962. The "consultative approach" is also described in U.S. Department of Labor Bulletin 223.

standards based on accident rates (as contrasted with regulation of physical details). Another common need is for better and more uniform accident record systems in the States.

The National Safety Council commends the growing interest and concern for accident prevention of the Subcommittee on Labor and other committees of the Congress.

Great good can be accomplished by improving the safety programs of State labor departments. In considering how it may properly contribute to this objective the council is confident the subcommittee desires to be fully aware of the other elements of the Nation's occupational safety program.

EXHIBIT No. 1

Safety in ACTION

The Safety Movement

The elimination of accidents is vital to the public interest. Accidents produce economic and social loss, impair individual and group productivity, cause inefficiency and retard the advancement of standards of living.

The erection of physical barriers to accidents, the development of a sense of individual responsibility and an attitude of mind conducive to the avoidance of accidents, and the general dissemination of education to increase the safety of men, women and children constitute the Safety Movement.

It is American in concept and its strength lies in the voluntary participation and active support of all who are in a position to promote safety.

The National Safety Council

To achieve its purpose the Safety Movement needed the leadership of a national organization devoted to this single objective. The National Safety Council was developed in response to this need.

It is a council in the true sense of the word—a cooperative association of groups and individuals working together for the conduct of safety activities, both separately and jointly. The Council is non-commercial and non-political. It is concerned with every aspect of accident prevention and its membership and field of interest are nation-wide.

The Council's organizational, financial and membership structure is purposely broad and flexible so that it will provide continuity of operation and always serve as a place for group planning and execution by all who take part in the Safety Movement.

The Council's Creed

Safety is positive. It is doing things the right way. It is interest in the welfare of others.

It is a contribution to good living, to good government and respect for law and order, to efficient production, and to the well-being of every individual.

The Council in Action

The Council, through its component conferences, sections and committees and its full time staff, undertakes to:

- Discover the facts of accident occurrence, cause and prevention, by collecting and studying accident records, and through research.
- Devise or help devise engineering, educational and enforcement measures for accident prevention.
- Assist in determination of engineering requirements for the safe design, construction and use of machines and equipment.
- Help formulate model safety legislation and in this connection provide, on request, technical information and advice.
- Participate in planning and executing training and educational programs; produce needed educational and promotional materials.
- Disseminate all this information widely to interested groups and to the general public, to arouse them to the need and acquaint them with the methods of accident prevention.
- Encourage and assist the establishment and functioning of community and state safety organizations.
- Cooperate with other agencies in fire prevention and in the prevention of occupational disease.

Individual and Group Responsibility

The size and complexity of the accident problem require the acceptance of responsibility not alone by individuals but by organizations and agencies, such as are found in agriculture, transportation, business and industry, civic enterprises, health and welfare work, education, government and labor. The many groups, agencies, and individuals interested in safety require a high degree of coordination and cooperation.

Government Agencies

Government — federal, state and local — has responsibility for enacting and administering laws and regulations relating to safety, and for safe construction and operation of publicly-owned facilities. The National Safety Council cooperates with and assists such official agencies and their associations and helps develop public support for official safety measures and programs.

Management-Labor Cooperation

The Council recognizes the need for active participation in accident prevention on and off the job by both employers and employees, as individuals and as groups. The Council also recognizes that the conduct of safety work in industry is the responsibility of management. Whole-hearted cooperation for safety is urged between management and em-

ployees. Since various methods have been successfully used to bring about such cooperation, the Council does not advocate any one method as opposed to another. The Council believes that the most effective procedure must be determined in the light of circumstances surrounding each situation and that the suitability of the method should be judged on the basis of the results secured in terms of accident prevention.

Looking Ahead

The Safety Movement in America has proved itself. Hundreds of thousands of people are alive today who would have been killed in accidents had the accident rates in effect in 1913, when the national movement began, continued without reduction.

Accidents remain a primary national problem. Great numbers of people in all walks of life are unaware of accident dangers and how to avoid them. There is a constant need for emphasis upon the responsibility of the individual in the observance of sound safety practices. New machines and new methods require continuous adaptation of safety programs to meet new conditions—to conquer new hazards, before they become acute.

The Safety Movement depends upon voluntary action. It deserves and must obtain public acceptance and support on a much wider scale than ever before. The National Safety Council pledges all its resources and energies to the accomplishment of this objective and calls upon all those associated with it to go forward together in this crusade for safety.

EXHIBIT No. 2

WORK ACCIDENTS, 1960

(See also page 2 for National Health Survey totals)

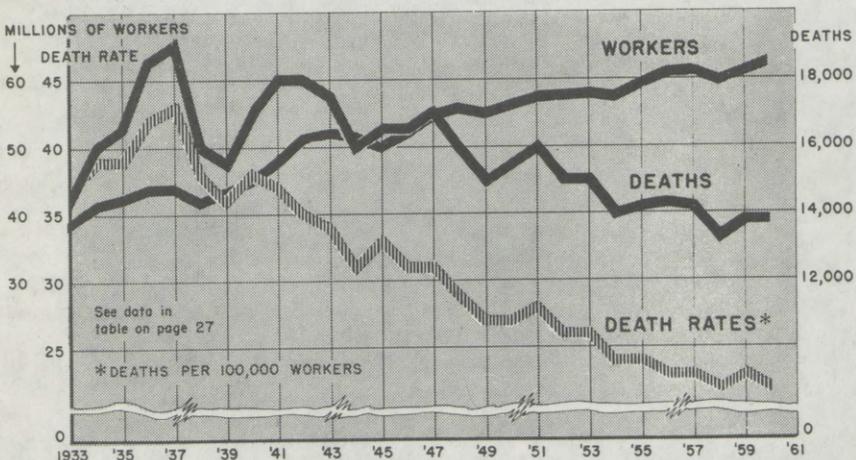
Industry Group	Deaths			Death Rates			Disabling Injuries* 1960
	1960	1950	% Change	1960	1950	% Change	
ALL INDUSTRIES	13,800	15,500	-11%	22	27	-19%	1,950,000
Trade	1,200	1,500	-20%	9	12	-25%	370,000
Manufacturing	1,700	2,600	-35%	10	17	-41%	380,000
Service	2,800	2,200	+27%	15	14	+7%	470,000
Transportation and public utilities	1,600	1,600	0%	38	39	-3%	190,000
Agriculture	3,300	4,300	-23%	58	57	+2%	290,000
Construction	2,400	2,300	+4%	73	93	-22%	200,000
Mining, quarrying, oil and gas wells	800	1,000	-20%	123	110	+12%	50,000

*Disabling beyond the day of the accident. Totals include deaths.

Accidental work deaths in 1960 totalled 13,800, no change from the 1959 total. Disabling work injuries totalled 1,950,000, also the same as the 1959 figure. These totals remained the same despite an increase in total hours worked; employment rose about 2 per cent and average hours per week went up 1 per cent.

The death rate in 1960 again reached the record low established in 1958. The actual number of deaths was the second lowest on record, as shown in the chart below and in the table on page 29.

Deaths and death rate trends



Time lost because of work injuries

	MAN-DAYS
TOTAL TIME LOST IN 1960 _____	230,000,000
By Injured Workers _____	40,000,000
By Other Workers _____	190,000,000



Time lost by injured workers includes primarily the actual time lost during the year from disabling injuries, except that it does not include time lost on the day of the injury or time required for further medical treatment or check-up following the injured person's return to work.

Fatalities are included at an average loss of 150 days per case, and permanent impairments are included at actual days lost plus a small allowance for lost efficiency resulting from the impairment. These injuries will cause about 130,000,000 more lost days in future years.

Time lost by workers other than those injured arises when these persons stop to help the injured or to discuss the accidents. Also included is the time required to replace damaged products or equipment.

Accident costs

(For additional cost information, see pages 4, 5, 30, 31)

Compensation paid to all workers in the nation who are under workmen's compensation laws was approximately \$1,230,000,000 in 1959 (latest figures reported by the Social Security Board). Of this amount, \$415,000,000 was for medical and hospital costs and \$815,000,000 was for wage compensation.

TOTAL COST IN 1960 _____	\$4,400,000,000
Visible Costs _____	2,200,000,000
Other Costs _____	2,200,000,000
Cost Per Worker to Industry _____	65



The total cost of work accidents in 1960 is estimated about 5 per cent higher than in 1959.

Visible costs were higher due to increases in medical costs and the overhead cost of insurance. Wage losses remained unchanged at \$1,200,000,000. Medical expense and insurance overhead each totalled about \$500,000,000.

Other costs shown here include the money value of damaged equipment and materials, production delays, and time losses of other workers not involved in the accidents.

All deaths and injuries of workers

	Deaths		Death Rates*			Injuries 1960
	1960	1950	1960	1950	% Change	
ALL ACCIDENTS..	43,000	47,000	69	83	-17%	4,200,000
At Work	13,800	15,500	22	27	-19%	1,950,000
Away from Work	29,200	31,500	47	56	-16%	2,250,000
<i>Motor-vehicle .</i>	<i>17,400</i>	<i>18,000</i>	<i>28</i>	<i>32</i>	<i>-13%</i>	<i>650,000</i>
<i>Public non-</i>						
<i>motor-vehicle</i>	<i>6,200</i>	<i>7,200</i>	<i>10</i>	<i>13</i>	<i>-23%</i>	<i>750,000</i>
<i>Home</i>	<i>5,600</i>	<i>6,300</i>	<i>9</i>	<i>11</i>	<i>-18%</i>	<i>850,000</i>

*Deaths per 100,000 workers.



Workers suffer more accidental deaths and injuries off the job than they do on the job. In 1960, nearly seven out of ten deaths, and more than half of the injuries occurred off the job.

Off-job deaths and injuries cause loss of production time, too. In 1960, workers injured off the job lost a total of 50,000,000 man-days compared with 40,000,000 man-days lost by workers injured on the job. Off-job injuries seldom cause any indirect losses of time, though, in contrast with on-job injuries which caused a loss of about 190,000,000 man-days in 1960.

Safety may be industry's best salesman



Nearly \$150,000,000,000 of sales are required to pay industry's costs of work accidents, assuming an average profit on sales of 3 per cent. Among individual companies, the dollar amount of sales required to pay for their accidents will vary from the above proportion as the company's profit margin varies.

The table below shows the dollars of sales required to pay for different amounts of accident costs at varying profit margins. If a company's profit margin is 5 per cent, they would need sales of \$20,000 to pay for every \$1,000 worth of accident costs. With a low profit margin, \$10,000,000 of sales would be required to pay for \$100,000 of accident costs.

During times of high competition and low profit margins, safety may contribute to more profits than industry's best salesmen.

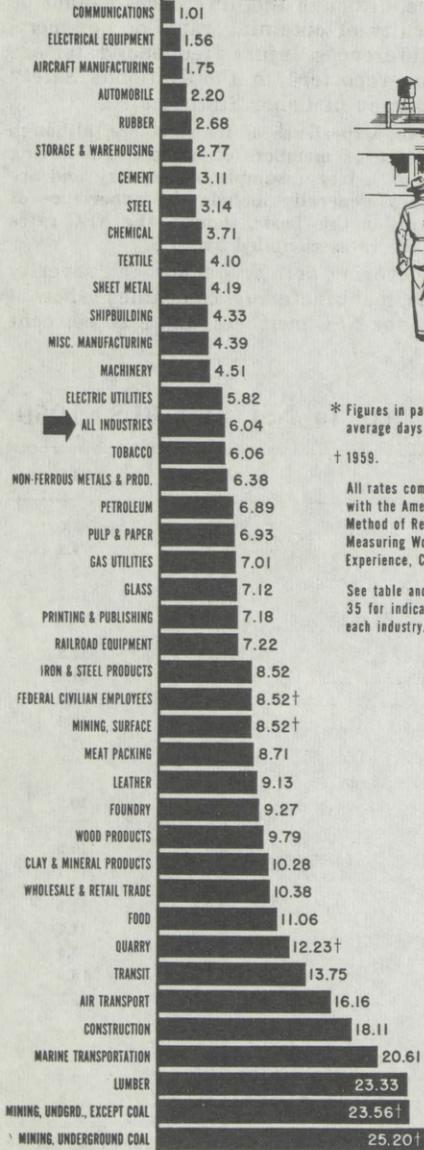
Sales Required to Pay for Accidents

Accident Costs	Profit Margin				
	1%	2%	3%	4%	5%
\$ 1,000	\$ 100,000	\$ 50,000	\$ 33,000	\$ 25,000	\$ 20,000
5,000	500,000	250,000	167,000	125,000	100,000
10,000	1,000,000	500,000	333,000	250,000	200,000
25,000	2,500,000	1,250,000	833,000	625,000	500,000
100,000	10,000,000	5,000,000	3,333,000	2,500,000	2,000,000

1960 injury rates, reporters to National Safety Council

FREQUENCY RATE

DISABLING INJURIES
PER 1,000,000 MAN-HOURS



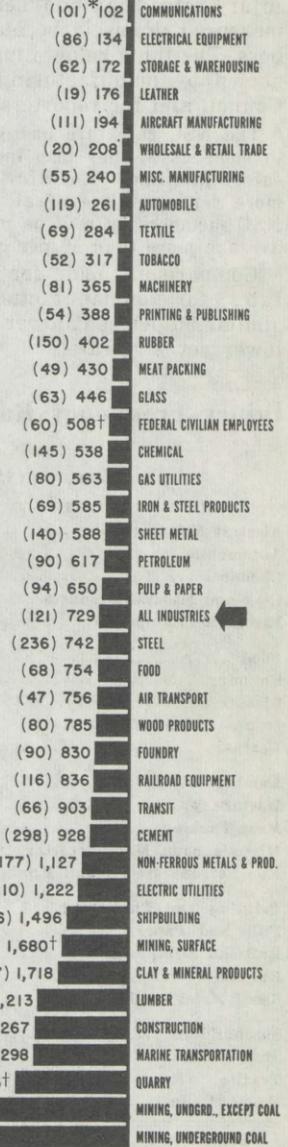
* Figures in parentheses show average days charged per case. † 1959.

All rates compiled in accordance with the American Standard Method of Recording and Measuring Work Injury Experience, Code Z16.1-1954

See table and footnote on page 35 for indication of coverage in each industry.

SEVERITY RATE

TIME CHARGES (DAYS)
PER 1,000,000 MAN-HOURS



Injury rates of NSC members are lower than rates of non-members

Member companies of the National Safety Council generally have lower injury rates than non-member companies, although the differences cannot be measured precisely because of the difficulty of obtaining rates of non-members. The table below illustrates these differences. Injury frequency rates are shown by manufacturing industries for reporters to the National Safety Council and for reporters to the U. S. Bureau of Labor Statistics.

The NSC rates are based principally on the experience of its members, although in some cases they also include the experience of members of associations having safety programs. The BLS rates are based on a larger sample of industry and are more representative of all industry, but they generally include the experience of NSC members as well as non-members. Even on this basis, though, the NSC rates average more than 50 per cent lower than the rates compiled by BLS.

Comparisons made for earlier years, covering both frequency and severity rates, for nonmanufacturing as well as manufacturing companies, show a similar 50 per cent lower frequency rate for NSC members, and a 25 per cent lower severity rate.

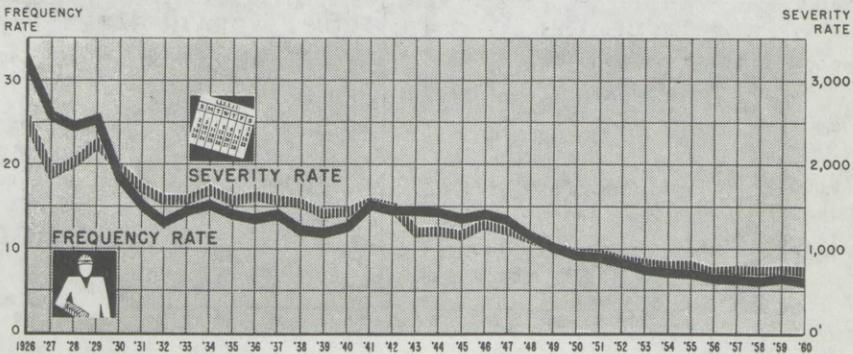
Injury Frequency Rates of Reporters to NSC and BLS, 1960

Industry (NSC Classification)	NSC	BLS
Aircraft Manufacturing	1.8	3.0
Automobile	2.2	4.3
Chemical	3.7	7.9
Clay and Mineral Products	10.3	19.7
Electrical Equipment	1.6	4.6
Food	11.1	17.5
Foundry	9.3	21.8
Glass	7.1	8.6
Iron and Steel Products.....	8.5	13.4
Leather	9.1	11.6
Lumber	23.3	44.1
Machinery	4.5	10.2
Meat Packing	8.7	26.6
Miscellaneous Manufacturing	4.4	10.9
Non-Ferrous Metals and Products.....	6.4	10.7
Printing and Publishing.....	7.2	11.2
Pulp and Paper.....	6.9	11.7
Railroad Equipment	7.2	7.4
Rubber	2.7	8.0
Sheet Metal Products.....	4.2	13.8
Shipbuilding	4.3	17.2
Steel	3.1	3.8
Textile	4.1	7.7
Wood Products	9.8	22.3

Source: NSC—reporters to National Safety Council; BLS—reporters to U. S. Bureau of Labor Statistics.

Injury experience of reporters to the National Safety Council, 1926 to 1960

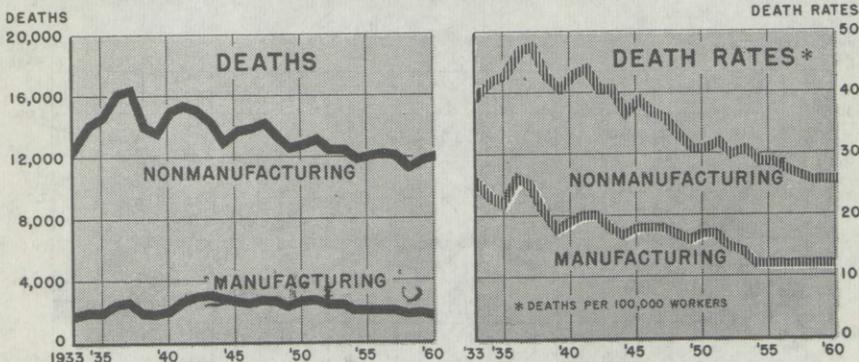
Year	Number of Units	Frequency Rates				Sever-ity Rates	% of AH Disabilities			Average Days Lost per Temp. Total Disability
		Fatal, Perm. Total	Perm. Partial Disab.	Temp. Total Disab.	All Disa-bilities		Fatal, Perm. Total	Perm. Partial Disab.	Temp. Total Disab.	
1926	1,725	.23	.93	30.71	31.87	2,500	.7	2.9	96.4	17
1927	2,089	.17	.76	25.02	25.95	1,880	.7	2.9	96.4	15
1928	2,552	.19	.71	23.62	24.52	2,030	.8	2.9	96.3	17
1929	3,603	.22	.93	24.24	25.39	2,250	.9	3.7	95.4	16
1930	4,198	.19	.78	17.50	18.47	1,970	1.0	4.2	94.8	19
1931	4,383	.17	.64	14.31	15.12	1,720	1.1	4.2	94.7	21
1932	3,937	.16	.58	12.46	13.20	1,590	1.2	4.4	94.4	21
1933	3,776	.16	.63	13.77	14.56	1,590	1.1	4.3	94.6	20
1934	3,866	.17	.69	14.43	15.29	1,700	1.1	4.5	94.4	20
1935	3,796	.15	.73	13.14	14.02	1,580	1.1	5.6	93.3	21
1936	4,093	.16	.71	12.70	13.57	1,640	1.2	5.2	93.6	22
1937	4,032	.15	.76	13.14	14.05	1,580	1.1	5.4	93.5	20
1938	4,497	.15	.65	11.38	12.18	1,530	1.2	5.3	93.5	25
1939	4,734	.14	.65	11.04	11.83	1,420	1.2	5.5	93.3	23
1940	5,163	.14	.67	11.71	12.52	1,440	1.1	5.4	93.5	22
1941	5,325	.14	.70	14.55	15.39	1,530	.9	4.5	94.6	21
1942	5,537	.15	.59	13.94	14.68	1,490	1.0	4.0	95.0	20
1943	6,060	.10	.72	13.70	14.52	1,200	.7	5.0	94.3	20
1944	5,857	.10	.80	13.56	14.46	1,210	.7	5.5	93.8	20
1945	6,262	.09	.69	12.85	13.63	1,160	.7	5.1	94.2	23
1946	6,212	.11	.77	13.28	14.16	1,280	.8	5.4	93.8	22
1947	6,634	.10	.71	12.45	13.26	1,230	.8	5.4	93.8	24
1948	6,707	.10	.69	10.70	11.49	1,120	.9	6.0	93.1	21
1949	7,185	.08	.64	9.42	10.14	1,020	.8	6.3	92.9	23
1950	6,395	.08	.57	8.65	9.30	940	.9	6.2	92.9	22
1951	7,134	.09	.53	8.44	9.06	970	1.0	5.8	93.2	23
1952	7,920	.08	.52	7.80	8.40	880	.9	6.3	92.8	23
1953	8,139	.07	.50	6.87	7.44	830	1.0	6.8	92.2	23
1954	8,456	.07	.44	6.71	7.22	800	1.0	6.1	92.9	23
1955	9,315	.08	.46	6.42	6.96	815	1.2	6.6	92.2	22
1956	9,605	.07	.40	5.91	6.38	733	1.1	6.3	92.6	25
1957	10,403	.07	.42	5.78	6.27	740	1.2	6.6	92.2	24
1958	10,754	.07	.40	5.70	6.17	744	1.2	6.6	92.2	25
1959	11,545	.07	.41	5.99	6.47	754	1.1	6.4	92.5	25
1960	11,294	.07	.38	5.59	6.04	729	1.2	6.3	92.5	26



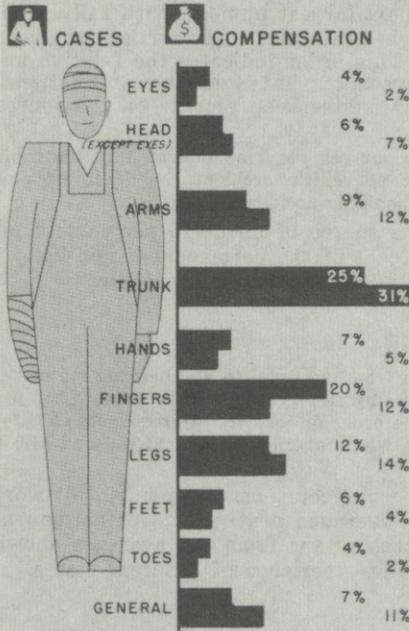
Deaths and death rates from all work accidents, 1933 to 1960

Year	Total			Manufacturing			Nonmanufacturing		
	Deaths	Workers (thousands)	Deaths per 100,000 Workers	Deaths	Workers (thousands)	Deaths per 100,000 Workers	Deaths	Workers (thousands)	Deaths per 100,000 Workers
1933	14,500	39,000	37	1,700	6,900	25	12,800	32,100	40
1934	16,000	41,500	39	1,900	8,100	23	14,100	33,400	42
1935	16,500	42,500	39	1,900	8,600	22	14,600	33,900	43
1936	18,500	44,000	42	2,400	9,400	26	16,100	34,600	47
1937	19,000	44,100	43	2,600	10,200	25	16,400	33,900	48
1938	16,000	42,100	38	1,900	9,000	21	14,100	33,100	43
1939	15,500	43,600	36	1,800	9,900	18	13,700	33,700	41
1940	17,000	45,200	38	2,000	10,600	19	15,000	34,600	43
1941	18,000	48,100	37	2,600	12,700	20	15,400	35,400	44
1942	18,000	51,500	35	2,900	14,700	20	15,100	36,800	41
1943	17,500	52,200	34	3,100	17,000	18	14,400	35,200	41
1944	16,000	51,800	31	2,900	16,700	17	13,100	35,100	37
1945	16,500	50,200	33	2,700	14,900	18	13,800	35,300	39
1946	16,500	52,400	31	2,500	14,200	18	14,000	38,200	37
1947	17,000	54,900	31	2,700	14,800	18	14,300	40,100	36
1948	16,000	56,000	29	2,600	15,000	17	13,400	41,000	33
1949	15,000	55,200	27	2,300	14,100	16	12,700	41,100	31
1950	15,500	56,400	27	2,600	15,100	17	12,900	41,300	31
1951	16,000	57,450	28	2,700	16,200	17	13,300	41,250	32
1952	15,000	57,800	26	2,400	16,400	15	12,600	41,400	30
1953	15,000	58,050	26	2,400	17,350	14	12,600	40,700	31
1954	14,000	57,500	24	2,000	16,050	12	12,000	41,450	29
1955	14,200	59,400	24	2,000	16,650	12	12,200	42,750	29
1956	14,300	61,100	23	2,000	17,000	12	12,300	44,100	28
1957	14,200	61,300	23	2,000	16,900	12	12,200	44,400	27
1958	13,300	59,900	22	1,800	15,600	12	11,500	44,300	26
1959	13,800	61,300	23	1,900	16,300	12	11,900	45,000	26
1960	13,800	62,500	22	1,700	16,500	12	12,100	46,000	26

Manufacturing vs nonmanufacturing



Injuries to the trunk most frequent



Disabling work injuries in the entire nation totalled approximately 1,950,000 in 1960. Of these, about 13,800 were fatal and 85,000 resulted in some permanent impairment.

Injuries to the trunk occurred most frequently, with thumb and finger injuries next, according to reports from 9 State Labor Departments.

Head (except eyes)	120,000
Eyes	75,000
Arms	170,000
Hands	140,000
Thumbs and fingers	390,000
Legs	230,000
Feet	120,000
Toes	75,000
Trunk	490,000
General	140,000

The chart shows what per cent the injuries to each part of body were of all injuries, and what per cent the compensation paid for each part of body was of all compensation.

● Source: Reports of 9 state labor departments, 1957-1959.

Compensation costs by part of body

Injuries to the trunk are most costly on the average, according to reports from six State Labor Departments. Arm, leg, and head injuries are next, in this order. Eye injuries are among the costliest permanent disabilities. Toe injuries are least costly. For the six states, the average compensation costs for various body parts, and the per cent involvement are as follows:

Class of Injury	Total*	Part of Body Injured								
		Eye	Head	Arm	Hand	Thumb, Finger	Leg	Foot	Toe	Trunk
All Injuries										
% of Total	100%	3.8	5.9	9.0	7.0	20.0	12.1	6.0	3.8	25.0
Average Cost†	\$635	\$411	\$625	\$803	\$443	\$359	\$714	\$436	\$263	\$870
Fatal & Perm. Disab.										
% of Total	100%	1.7	10.7	10.8	5.6	37.8	11.1	4.2	6.7	7.0
Average Cost†	\$1532	\$2319	\$909	\$1887	\$1338	\$577	\$1953	\$1329	\$379	\$7280
Temporary Disab.										
% of Total	100%	3.3	3.8	8.4	7.0	11.2	13.2	6.4	2.8	34.9
Average Cost†	\$211	\$84	\$265	\$164	\$131	\$90	\$176	\$145	\$100	\$291

Source: Reports from six State Labor Department, 1957-1959.

*Includes some cases not listed separately.

†Wage compensation only.

Handling objects principal injury source



Handling objects is the principal source of compensable work injuries. Falls cause the next largest number, with falling objects and machinery accidents the third and fourth sources, as shown in the table below. This order indicates the relative importance of different injury sources, but is not the total national experience since only a few states keep records on the source of compensable injuries.

For injuries of different seriousness, the sources vary, as indicated in the table below. Fatal injuries arise principally out of vehicle accidents, while injuries of temporary disability arise principally out of handling accidents.

As another example, machinery is the source of about 10 per cent of all injuries, but it is the source of 19 per cent of the permanent disabilities, 6 per cent of the temporary cases, and only 3 per cent of the fatalities.

Falls and motor-vehicle accidents most costly

The most costly injuries arise out of falls from one level to another and motor-vehicle accidents; in the states reporting, these injuries averaged more than \$1,250 per case in wage compensation only. Next in the order of cost are injuries from elevator and hoist accidents, and harmful substances which averaged about \$1,150 and \$1,050 per case respectively.

Among reporting states, the average wage compensation paid in all work injury cases was about \$775. Fatalities averaged nearly \$13,800; permanent partial disabilities over \$1,200. These costs vary from the averages shown on page 30 because they are based on the experience of different states.

Source and Cost of Compensable Work Injuries

Source of Injury	All Disabling Injuries		Fatal, Perm. Total Disability		Perm. Partial Disability		Temp. Total Disability	
	% of Cases	Ave.* Cost per Case	% of Cases	Ave.* Cost per Case	% of Cases	Ave.* Cost per Case	% of Cases	Ave.* Cost per Case
Total	100.0	\$ 775	100.0	\$13,781	100.0	\$1,225	100.0	\$247
Handling objects, manual..	22.6	717	13.9	15,434	9.6	1,234	28.5	247
Falls	20.4	1,067	17.4	13,862	18.5	1,911	21.2	286
Same level	10.4	897	4.8	14,544	9.2	1,509	11.0	235
Different level	10.0	1,267	12.6	13,466	9.3	2,413	10.2	350
Struck by falling, moving objects	13.6	547	9.3	12,440	19.3	804	11.1	213
Machinery	10.2	802	3.1	18,638	19.2	1,047	6.3	163
Vehicles	7.1	1,138	20.7	14,366	7.1	1,699	6.9	278
Motor	5.0	1,265	18.0	14,381	4.3	1,778	5.2	276
Other	2.1	891	2.7	14,519	2.8	1,459	1.7	292
Stepping on, striking against objects	6.9	349	2.3	16,979	5.6	535	7.6	109
Hand tools	6.1	534	1.5	15,680	8.1	783	5.3	171
Elec., heat, explosives....	2.5	826	7.7	12,835	2.2	1,141	2.6	171
Harmful substances	2.5	1,049	8.2	14,593	1.1	1,605	3.0	324
Elevators, hoists, conveyors	2.2	1,137	3.6	14,040	3.8	1,537	1.5	302
Engines, motors .....	.4	876	.7	11,953	.7	1,146	.2	304
Other	5.5	663	11.6	8,547	4.8	1,327	5.8	228

Source: Reports from state compensation commissions, mostly 1958.

*Wage compensation only.

Workers have more injuries off the job



More workers are killed and injured off the job than on the job. In 1960, deaths totalled 13,800 on the job compared with 29,200 off the job—a ratio of better than 2 to 1. Disabling injuries totalled 1,950,000 on the job compared with 2,250,000 off the job—a ratio of about 1.2 to 1.

Nearly two-thirds of the off-job deaths occurred in motor-vehicle accidents. Almost one in four occurred in public places, and about one in five occurred in and around the home. The injury pattern was different, with two out of five occurring around the home, nearly this many occurring in public places, and only about one in four resulting from motor-vehicle accidents.

All Deaths and Injuries of Workers, 1960

Class	Deaths		Injuries	
	Number	Per Cent	Number	Per Cent
Total	43,000		4,200,000	
At Work	13,800		1,950,000	
Away from Work.....	29,200	100%	2,250,000	100%
Motor-vehicle	17,400	60	650,000	29
Public	6,200	21	750,000	33
Home	5,600	19	850,000	38

Trends in on-job and off-job deaths and injuries



Since the end of the war, accidental deaths of workers on the job have decreased 16 per cent. Off the job, deaths show very little change, and for most years actually total more than at the end of the war.

While deaths have decreased less off the job than on the job, the reverse is true for injuries. Since 1945, on-job injuries have decreased only 3 per cent compared with an 18 per cent decrease off the job.

Year	Deaths					Injuries		
	On-Job		Off-Job		Ratio Off/On	On-Job	Off-Job	Ratio Off/On
	No.	Rate*	No.	Rate*				
1945	16,500	33	30,000	60	1.82	2,000,000	2,750,000	1.38
1950	15,500	27	31,500	56	2.03	1,950,000	2,500,000	1.28
1955	14,200	24	31,300	53	2.20	1,950,000	2,400,000	1.23
1956	14,800	23	31,700	52	2.22	1,950,000	2,500,000	1.28
1957	14,200	23	31,700	52	2.23	1,900,000	2,450,000	1.29
1958	13,300	22	29,000	48	2.18	1,800,000	2,250,000	1.25
1959	13,800	23	29,000	47	2.10	1,950,000	2,200,000	1.13
1960	13,800	22	29,200	47	2.12	1,950,000	2,250,000	1.15
Change								
1945-60	-16%	-33%	-3%	-22%	+16%	-3%	-18%	-17%

*Deaths per 100,000 workers. See page 29 for numbers of workers.

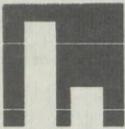
Workers are exposed to more injuries off-the-job



Although death and injury totals are larger off the job than they are on the job, on a rate basis the comparisons present a different picture because of more hours of exposure to injury off-the-job.

Most workers spend eight hours a day on the job and sixteen hours off the job. The off-job hours, though, include time spent sleeping, and if the assumption is accepted that this averages eight hours per day, then active time on the job and off the job is about equal—on work days. On Saturdays, Sundays, holidays, and vacations, though, workers spend all of their time off the job, and the additional hours of exposure on these days increases the total hours off the job to nearly two times those on the job.

Death rate higher off the job, injury rate lower



Both the number of deaths and the death rate are higher off the job than on the job, but while the death total off the job is more than double the total on the job, the death rate is only 20 per cent higher because of the greater exposure as indicated above.

For nonfatal disabling injuries, the off job experience on a rate basis actually is more favorable than the on-job experience. In 1960, for all employed persons in the nation, the injury frequency rate on the job was about 15 (disabling injuries per million hours worked), while off the job, the rate was about 10.

Experience of NSC members



Compared with the national off-job to on-job injury ratio of 1.2 to 1, NSC members reporting in a special survey had an average ratio of more than 7 to 1. Among many companies in the survey, the ratios were as high as 20 to 1, and in a few cases they were as high as 30 and 40 to 1.

The average survey ratio of 7 to 1, and in general, the even higher individual company ratios, were not the result of worse than average off-job experience, but rather were due to exceptionally low on-job experience. For all companies in the survey, the average off-job rate was 25 per cent lower than the national rate, while the on-job rate was 90 per cent lower.

Cost of off-job accidents



Costs charged by companies to off-job accidents cover principally wage losses of the employee. Other costs vary from company to company and include payments for such things as doctor and medical expenses, benefits, and health and accident insurance premiums.

Costs paid by the NSC member companies in the survey averaged \$350.00 for each off-job injury. Related to total employment, these costs averaged nearly \$10.00 per year for every employee on the payroll. Among individual companies in the survey, the average costs per case ran as high as \$1,600.00, and the average cost per employee per year as high as \$40.00.

Work Injuries Reported by Compensation Authorities

The table below shows work death and injury totals reported by state compensation authorities. The figures are for 1959 except where noted otherwise. For most states, the totals show the number for which wage compensation was paid, but as indicated by footnotes, some totals also include cases with medical compensation only and others show all reported cases.

State	Deaths	Injuries	State	Deaths	Injuries
Alabama**	111	7,253	North Carolina**	136	14,985
Alaska**	20	4,249	North Dakota**	34	2,348
Arizona	66	44,290	Oklahoma	195	7,137
Arkansas	88	7,196	Oregon	123	25,425
California	740	163,503†	Pennsylvania	793	42,341
Colorado	83	8,039	South Carolina**	85	4,414
Connecticut	77	15,919	South Dakota**	12	6,295‡
Florida	207	45,108	Tennessee	61	105,267
Georgia	217#	64,337‡	Texas**	230	60,060
Hawaii	99	7,834	Vermont	13	1,714
Idaho	55	3,940	Virginia	141	14,356
Illinois	231	42,968	Washington	157	16,722
Iowa	98	9,045	West Virginia**	250#	42,216##
Kansas**	152#	5,870‡	Wisconsin	110	22,253
Kentucky**	57	2,220	Puerto Rico**	84	43,572
Louisiana	44	7,968‡	Virgin Islands	0	426
Maryland	65	13,839	Canadian Provinces:		
Massachusetts	579#	224,377#	Alberta	84	19,444
Michigan	217	30,501	British Columbia	161	22,851
Minnesota**	192	14,968	Manitoba	33	6,854
Mississippi	129	8,262	New Brunswick	22	5,748
Missouri	28	18,599	Newfoundland	17	4,226
Montana**	22	1,595	Nova Scotia	44	7,042
Nebraska**	81#	37,267#	Ontario	309	72,837
New Jersey	247	55,519‡	Prince Edward Island	3	800
New Mexico**	39	19,107#	Quebec	186	34,684
New York	722	106,326	Saskatchewan	47	9,821

Source: State and provincial compensation authorities. Comparisons between states should not be made without consideration of differences in population, industries and compensation laws. See page 13 for national estimates of deaths and injuries.

**Data for fiscal year. #Total reported cases. †Includes cases involving medical expense only.

Injury Rates By Size of Plant

Larger plants generally have lower injury rates than smaller plants, as indicated by the rates for "All Manufacturing" in the table below. This same pattern generally holds for individual industries, too; note "Pulp and Paper," but often the very smallest plants have lower injury frequency rates than those somewhat larger. Note the other industries in the table. There is evidence that the level of rates is more closely related to the attention given to safety than to the size of the plant.

Size of Plant (Employees)	All Manufacturing		Pulp and Paper		Electrical Equipment		Chemical	
	Freq.	Sev.	Freq.	Sev.	Freq.	Sev.	Freq.	Sev.
Under 50	12.82	1,294	17.12	3,371	3.36	73	7.05	1,473
50-100	10.94	1,422	12.35	694	7.65	62	8.94	2,164
100-500	9.55	725	10.19	570	4.72	257	6.39	595
Over 500	3.57	454	5.25	684	1.36	124	2.36	439

Source: Reporters to the National Safety Council.

Injury Rates, Reporters to the National Safety Council, 1960

Industry	Number of Units	Frequency Rates**					Severity Rates**	
		Fatal, Perm. Total	Perm. Partial Disab.	Temp. Total Disab.	All Disabilities	Rank (All Disab.)	Rate	Rank
All Reporting Industries*	11,294	.07	.38	5.59	6.04	...	729	...
Aircraft Manufacturing	66	.02	.18	1.55	1.75	3	194	5
Air Transport	10	.09	.14	15.93	16.16	36	756	25
Automobile	344	.02	.36	1.82	2.20	4	261	8
Cement	178	.07	.46	2.58	3.11	7	928	30
Chemical	1,073	.06	.25	3.40	3.71	9	538	17
Clay & Mineral Products....	279	.19	.66	9.43	10.28	31	1,718	35
Communications	62	.01	.02	.98	1.01	1	102	1
Construction	3,588	.27	.61	17.23	18.11	37	2,267	37
Electrical Equipment	394	.01	.21	1.34	1.56	2	134	2
Electric Utilities	235	.15	.31	5.36	5.82	15	1,222	32
Federal Civilian Employees..	1	.03	.21	8.28	8.52†	25	508†	16
Food	671	.05	.63	10.88	11.06	33	754	24
Foundry	144	.05	1.12	8.10	9.27	29	830	27
Gas Utilities	557	.06	.23	6.72	7.01	20	563	18
Glass	85	.02	.74	6.36	7.12	21	446	15
Iron & Steel Products.....	253	.03	.97	7.52	8.52	24	585	19
Leather	47	.00	.24	8.89	9.13	28	176	4
Lumber	139	.13	1.16	22.04	23.33	39	2,213	36
Machinery	314	.02	.53	3.96	4.51	14	365	11
Marine Transportation	31	.19	1.80	18.62	20.61	38	2,298	38
Meat Packing	82	.02	.47	8.22	8.71	27	430	14
Mining, Surface	119	.19	.45	7.88	8.52†	26	1,680†	34
Mining, Underground Coal..	129	.69	1.56	22.95	25.20†	41	6,561†	41
Mining, Undrgrd., Exc. Coal	109	.66	.78	22.12	23.56†	40	5,139†	40
Miscellaneous Manufacturing	70	.01	.42	3.96	4.39	13	240	7
Non-Ferrous Metals & Prods.	145	.10	.82	5.46	6.38	17	1,127	31
Petroleum	187	.06	.22	6.61	6.89	18	617	21
Printing & Publishing.....	60	.01	.37	6.80	7.18	22	388	12
Pulp & Paper	635	.05	.60	6.28	6.93	19	650	22
Quarry	315	.30	.82	11.11	12.23†	34	2,743†	39
Railroad Equipment	17	.05	1.11	6.06	7.22	23	836	28
Rubber	118	.03	.30	2.35	2.68	5	402	13
Sheet Metal Products.....	176	.04	.95	3.20	4.19	11	588	20
Shipbuilding	38	.21	.31	3.81	4.33	12	1,496	33
Steel	99	.08	.42	2.64	3.14	8	742	23
Storage & Warehousing.....	130	.00	.19	2.58	2.77	6	172	3
Textile	183	.01	.46	3.63	4.10	10	284	9
Tobacco	41	.00	.64	5.42	6.06	16	317	10
Transit	108	.09	.22	13.44	13.75	35	903	29
Wholesale & Retail Trade...	34	.00	.16	10.22	10.38	32	208	6
Wood Products	82	.00	.85	8.94	9.79	30	785	26

Source: Individual company reports of National Safety Council members and reports of the following organizations covering the experience of their members: American Iron and Steel Institute, Automobile Manufacturers Association, American Gas Association, American Petroleum Institute, American Transit Association, Association of General Contractors, Edison Electric Institute, Folding Paper Box Association, Gypsum Association, National Slag Association Safety Competition, Portland Cement Association, U. S. Bureau of Mines National Safety Competitions, U. S. Dept. of Labor, Bureau of Employees' Compensation.

Records are compiled in accordance with the American Standard Method of Recording and Measuring Work Injury Experience, American Standards Association Code Z16.1-1954.

Man-hours reported for all industries totalled more than 14,500,000,000. Rankings are indicative rather than exact because of variation from industry to industry in the proportion of companies which maintain accident records and send reports to the National Safety Council.

*Includes miscellaneous industries and corrections for certain duplications. †1959.

**Frequency rate is the number of disabling injuries per 1,000,000 man-hours of exposure. Severity rate is the number of days charged per 1,000,000 man-hours of exposure, including charges for permanent disabilities and deaths.

Three-Year Injury Rates, Reporters to N.S.C., 1958-1960

Industry	Freq.	Sev.	Industry	Freq.	Sev.
All Industries	6.23	742	Foundry	9.33	822
Aircraft Manufacturing	1.97	249	Foundries with mach. shop.	6.78	501
Aircraft engines	2.10	178	Gray iron foundries.....	10.06	730
Aircraft mfg. and assembly.	1.87	290	Malleable iron foundries....	9.25	1,092
Aircraft parts, sub assem....	2.18	149	Non-ferrous foundries	9.21	1,644
Air Transport	15.53	813	Steel foundries	11.39	944
Automobile	2.34	258	Glass	6.03	442
Cement	3.25	1,205	Flat glass	9.74	445
Mills	3.19	1,129	Glass products	3.84	440
Quarries, mines, clay fields.	3.72	1,858	Iron and Steel Products	8.47	723
Chemical	3.54	528	Boiler shops	10.51	799
Acids	4.44	849	Bolts, nuts and screws.....	4.61	126
Alcohol and wood distillates	3.87	4,144	Chain manufacturing	9.68	160
Chlorine and alkali.....	4.03	674	Drop forgings	10.05	949
Coal tar products.....	6.08	971	Hardware and hand tools... 7.70	277	
Fats and oils.....	10.41	1,336	Heating equipment	5.86	481
Fertilizer	10.43	1,831	Structural steel fabrication.	9.38	860
Fuses and powder.....	2.57	461	Valves, metal sanitary wares	8.68	1,199
High explosives	2.03	1,099	Wire drawing	13.73	980
Industrial gases	7.80	1,055	Wire products	6.56	475
Laboratories	1.51	244	Leather	9.73	379
Paint and varnish.....	4.15	307	Footwear	6.09	77
Pharm., fine chem., cosmetics	3.63	353	Tanning and manufacturing.	16.35	931
Photographic film	3.52	271	Lumber	23.82	2,375
Plastic materials	2.08	303	Logging	30.74	4,924
Salt	13.13	1,851	Saw mills	22.60	1,791
Soap and glycerine.....	2.87	487	Wood preserving	14.86	1,728
Synthetic fibers	1.76	276	Machinery	4.75	357
Synthetic rubber	1.84	873	Agricultural	6.50	610
Clay and Mineral Products ...	9.75	1,246	Construction	5.51	492
Brick and tile.....	14.72	1,727	Engines and turbines.....	3.15	179
Concrete prods. & ready mix	20.62	1,613	General industrial	5.11	338
Gypsum products	3.70	840	Household and service.....	4.04	374
Lime	4.14	514	Light mach. & office instru.	2.45	109
Misc. mineral products.....	10.25	1,212	Machine tools, metal workg.		
Pottery	11.66	1,094	mach.	4.56	416
Slag	11.35*	3,110*	Special industry machinery.	7.08	351
Communications .....	.98	93	Marine Transportation	26.63	2,974
Construction	17.97	2,350	Harbor equipment	55.68	3,147
Concrete, bridge, dam, etc..	7.77	2,642	River and other craft.....	14.22	579
Constr. work, not building.	20.45	2,308	Stevedoring	35.81	1,978
Gen. building construction..	17.25	1,736	Tanker and cargo vessels... 9.98	4,547	
Heavy construction	26.42	3,674	Meat Packing	8.54	413
Highway construction	28.38	3,759	Mining, Surface	8.82*	2,077*
Marine construction	6.67	1,779	Mining, Underground Coal ...	24.39*	6,489*
Public utility construction..	10.98	2,786	Anthracite	67.40*	10,213*
State highway departments.	11.60	1,523	Bituminous	21.11*	6,204*
Structural & orn. metal work	20.40	4,597	Mining, Undergrd., except Coal	24.41*	5,382*
Electrical Equipment	1.67	152	Metal	26.09*	5,989*
Automotive electrical equip.	1.36	93	Nonmetal	20.20*	3,863*
Carbon products	1.96	543	Miscellaneous Manufacturing ..	4.43	254
Communication equipment ..	1.20	122	Pens, pencils, office supplies	4.16	64
Electric lamps	1.41	143	Photog., optical & scien. inst.	2.75	157
Heavy electrical equipment.	2.05	204	Plastic products, fabricated..	4.92	363
Insulated wire and cable....	6.12	468	Non-ferrous Metals & Products	6.66	986
Light elect. equip. and appl.	2.00	256	Fabrication	5.12	875
Federal Civilian Employees ...	8.29*	513*	Ore preparation	9.24	1,526
Food	10.94	743	Refining	10.20	1,242
Bakeries	10.88	711	Smelting	6.86	861
Breweries	10.67	761	Petroleum	6.97	687
Beverages, nonalcoholic	18.48	465	Printing and Publishing	6.66	369
Canning and preserving....	11.54	579	Public Utilities		
Cereals	3.77	606	Electric utilities	6.09	1,162
Confectionary	8.37	366	Gas utilities	7.46	591
Corn products	6.94	875	Manufactured gas	6.45	604
Dairy products	20.77	1,525	Natural gas	7.57	589
Distilleries	4.37	346	Steam heat and power.....	6.91	81
Grain milling	9.44	630	Water utilities	15.46	767
Ice manufacturing	19.58	3,335	Combination utilities	5.46	1,053
Sugar, beet	34.29	1,564			
Sugar, cane	9.76	878			

Three-Year Injury Rates, Reporters to N.S.C., 1958-1960 (Continued)

Industry	Freq.	Sev.	Industry	Freq.	Sev.
Pulp and Paper.....	7.11	744	Steel	3.29	794
Bags and specialties.....	7.46	346	Storage and Warehousing.....	3.50	280
Book and cover paper.....	5.52	649	Grain elevators	12.14	1,968
Boxes and containers.....	10.74	763	Warehousing	2.99	185
Building board	7.17	687	Textile	4.07	335
Coated and glazed paper.....	9.96	443	Carpet and rug mills.....	6.21	470
Folding paper boxes.....	6.73	461	Cord and twine mills.....	4.94	473
Newsprint	6.39	1,035	Cotton textile mills.....	2.92	316
Paperboard	8.41	867	Dyeing and finishing.....	4.13	273
Paper mills, unspecified.....	6.80	955	Silk & synthetic text. mills.	2.10	227
Pulp mills	7.23	1,132	Woolen & worsted mills.....	14.32	486
Roofing paper	5.87	825	Tobacco	6.65	307
Tissue paper	3.79	419	Transit	13.04	851
Wrapping paper	4.82	671	Motor bus	13.12	425
Quarry			Combination	13.00	979
Stone quarry	12.66*	3,104*	Wholesale and Retail Trade..	6.59	257
Sand and gravel.....	19.75*	2,410*	Wood Products	10.06	762
Railroad Equipment	5.95	651	Furniture	7.74	276
Rubber	2.66	374	Millwork	11.77	1,040
Footwear .....	.89	47	Wooden containers	10.60	588
Industrial rubber goods.....	3.74	634	Miscellaneous		
Tires and tubes	2.38	348	Agriculture	11.51	1,029
Sheet Metal Products.....	4.35	536	Building and grounds oper.	2.03	140
Jewelry and silverware....	4.90	780	Municipal employees	17.64	669
Metal furniture	9.17	1,077	Police	27.97	1,406
Stamped, formed metal prods.	4.02	500	Fire	24.25	1,653
Small arms ammunition.....	.54	55	Parks	18.44	759
Tinware and tin cans.....	4.54	522	Offices .....	.65	115
Shipbuilding	4.48	946	Service	5.12	231
Government yards	1.83	787	Garages	7.17	1,405
Private yards	10.72	1,322	Institutions	4.81	55
			U.S. Atomic Energy Comm..	2.04	332

Source: Individual company reports to the National Safety Council.

*1957-1959.

Changes in Injury Rates for Selected Industries

Industry	Frequency Rate			Severity Rate		
	1960	Per Cent Change		1960	Per Cent Change	
		1959-60	1950-60		1959-60	1950-60
All Reporting Industries.....	6.04	- 7%	-35%	729	- 3%	- 23%
Aircraft Manufacturing	1.75	-13%	-58%	194	- 37%	- 68%
Air Transport	16.16	+ 5%	+11%	756	-33%	- 34%
Automobile	2.20	- 9%	-54%	261	- 2%	- 48%
Cement	3.11	- 7%	-36%	928	-26%	- 51%
Chemical	3.71	+12%	-36%	538	+ 9%	- 29%
Communications	1.01	+ 5%	-51%	102	+11%	- 15%
Construction	18.11	- 4%	- 6%	2,267	+ 1%	- 17%
Electrical Equipment	1.56	- 9%	-64%	134	- 2%	- 64%
Electric Utilities	5.82	- 4%	-51%	1,222	+ 2%	- 38%
Food	11.06	- 3%	-15%	754	+10%	- 13%
Foundry	9.27	- 9%	-30%	830	- 7%	- 41%
Gas Utilities	7.01	- 4%	-56%	563	+ 7%	- 29%
Iron & Steel Products.....	8.52	- 4%	-29%	585	-19%	- 28%
Machinery	4.51	- 7%	-48%	365	+ 9%	- 36%
Petroleum	6.89	- 2%	-32%	617	-16%	- 27%
Pulp & Paper.....	6.93	- 7%	-41%	650	-29%	- 38%
Rubber	2.68	+ 8%	-62%	402	+19%	- 43%
Steel	3.14	-11%	-32%	742	-19%	- 43%
Transit	13.75	+ 4%	- 1%	903	-13%	+ 4%

Source: Individual company reports to the National Safety Council.

Best No-Injury Records Known in Industry

The following list represents the best all-time no-injury records known to the National Safety Council. Each record consists of the number of continuous man-hours worked without a disabling injury. The list includes only the best record for each of the major industrial classifications.

<u>Industry</u>	<u>Company, and Plant or Location</u>	<u>Man-Hours</u>
Chemical	E. I. DU PONT DE NEMOURS & CO., Chattanooga Plant, Chattanooga, Tenn.....	31,628,157
Textile	CHEMSTRAND CORP., Nylon Plant, Pensacola, Fla..	27,261,284
Electrical Equipment	WESTERN ELECTRIC CO., North Carolina Works, Greensboro, N. C.....	25,823,128
Aircraft Mfg.	CONVAIR, San Diego, California.....	21,814,875
Sheet Metal Products	REMINGTON ARMS CO., Lake City Arsenal, Independence, Mo.	19,815,543
Communications	SOUTHWESTERN BELL TELEPHONE CO., St. Louis, Mo.	18,624,242
Machinery	INTERNATIONAL BUSINESS MACHINES CORP., Plant No. 2, Poughkeepsie, N. Y.....	17,604,263
Steel	UNITED STATES STEEL CORP., Gary Steel Works, Gary, Indiana	17,133,243
Automobile	GENERAL MOTORS CORP., A. C. Sparkplug Div., Flint, Michigan	15,071,464
Tobacco	BAYUK CIGARS, INC., Philadelphia, Pa.....	14,314,436
Petroleum	STANDARD OIL COMPANY OF INDIANA, Whiting Research Lab., Whiting, Indiana.....	14,300,000
Rubber	UNITED STATES RUBBER COMPANY, Naugatuck Footwear Plant, Naugatuck, Conn.....	13,970,161
Iron & Steel Products	REMINGTON ARMS COMPANY, Ilion, New York....	9,152,494
Shipbuilding	NEW YORK NAVAL SHIPYARD, Naval Base, Brooklyn, New York.....	8,509,572
Construction	E. I. DU PONT DE NEMOURS & CO., Chambers Construction, Deepwater Point, N. J.....	8,099,629
Foundry	UNION CARBIDE CORPORATION, Haynes Stellite Co., Kokomo, Ind.....	7,407,010
Glass	KIMBLE GLASS COMPANY, Sub. of Owens-Illinois, Vineland, N. J.....	7,378,622
Leather	GENERAL SHOE CORP., Cowan, Tenn.....	7,310,972
Pulp & Paper	BUCKEYE CELLULOSE CORP., Cellulose Spec. Div., Memphis, Tenn.	6,602,510
Transit	VIRGINIA TRANSIT CO., Transportation Dept., Richmond Divn., Richmond, Virginia.....	5,683,281
Gas Utilities	SOUTHERN NATURAL GAS CO., Birmingham, Ala....	5,651,057
Cement	LEHIGH PORTLAND CEMENT CO., Oglesby, Ill....	5,487,376
Printing & Publishing	WESTINGHOUSE ELECTRIC CORP., Printing Plant, Trafford, Pa.	5,379,446
Railroad Equipment	GENERAL MOTORS CORP., Electro-Motive Div., Cleveland, Ohio	5,294,960
Electric Utilities Service	TEXAS POWER & LIGHT CO., Dallas, Texas.....	5,168,170
Meat Packing	E. I. DU PONT DE NEMOURS & COMPANY, Hotel Du Pont, Wilmington, Del.....	5,140,848
Non-Ferrous Metals	WILSON & COMPANY, INC., Los Angeles, Calif.....	5,051,451
Food	ALUMINUM COMPANY OF AMERICA, Fabricating Plant, Alcoa, Tennessee.....	4,955,909
Clay & Mineral Products	SCHENLEY INDUSTRIES, INC., Albert B. Blanton Plant, Frankfort, Ky.....	4,898,680
Air Transport	AMERICAN RADIATOR & STANDARD SANITARY CORP., San Pablo Plant, San Pablo, Calif.....	4,632,060
Wood Products	PAN AMERICAN WORLD AIRWAYS, Overseas Div., Pacific Sector, San Francisco, Calif.....	4,496,289
Mining	KROEHLER MFG. CO., Plant #3, Kankakee, Ill.....	4,100,615
Marine	PICKANDS MATHER & COMPANY, Mahoning Mine, Hibbing, Minn.	3,250,441
Quarry	U. S. STEEL CORP., Michigan Limestone Div., Bradley Transp. Line, Rogers City, Mich.....	2,886,224
Lumber	U. S. STEEL CORP., Michigan Limestone Div., Calcite Plant, Rogers City, Mich.....	2,551,692
	POTLATCH FOREST'S INC., Southern Plant, Bradley-Southern Div., Warren, Ark.....	1,274,218

National Safety Council Awards

The following list shows the number of units whose records were reported to the National Safety Council for award evaluation, and the number earning awards. Records cover the period September 1, 1960 to May 31, 1961. The awards are available to members of the Council under its Award Plan for Recognizing Good Industrial Safety Records.

Industry Group	Units Evaluated	Number of Awards				Total
		Honor	Merit	Commen- dation	President's Letter	
All Industries	7,662	343	850	996	872	3,061
Aircraft Manufacturing	90	28	21	2	2	53
Air Transport	61	2	1	9	21	33
Automobile	214	16	35	18	2	71
Cement	79	1	24	41	6	72
Chemical	1,092	46	143	214	154	557
Clay & Mineral Products....	212	10	17	36	22	85
Communications	45	—	5	3	9	17
Construction	170	9	22	13	17	61
Electrical Equipment	422	44	67	58	31	200
Electrical Utilities	165	1	31	24	33	89
Food	646	9	35	77	102	223
Foundry	139	1	8	6	8	23
Gas Utilities	49	4	12	10	4	30
Glass	59	10	6	7	1	24
Iron & Steel Products.....	246	14	23	19	12	68
Leather	67	2	5	14	5	26
Lumber	121	4	9	3	7	23
Machinery	315	13	48	30	7	98
Marine Transport	123	2	4	45	56	107
Meat Packing	24	—	1	2	2	5
Mining	184	12	22	30	13	77
Miscellaneous Manufacturing.	69	3	9	8	4	24
Non-Ferrous						
Metals & Products.....	119	4	29	10	8	51
Petroleum	192	8	37	28	7	80
Printing & Publishing	53	2	7	7	6	22
Pulp & Paper	595	11	41	57	33	142
Quarry	167	1	12	24	59	96
Railroad Equipment	33	—	5	14	2	21
Railroads	174	3	12	3	1	19
Rubber	148	13	23	12	1	49
Sheet Metal Products	139	6	17	12	6	41
Shipbuilding	43	—	7	2	1	10
Steel	195	13	32	6	2	53
Storage & Warehousing....	124	2	9	43	38	92
Textile	212	11	28	24	2	65
Tobacco	46	—	4	3	4	11
Transit	40	—	2	1	1	4
Wholesale & Retail Trade...	33	1	—	7	10	18
Wood Products	291	3	4	9	15	31
Miscellaneous	466	34	33	65	158	290

EXHIBIT No. 3

A SAFETY GUIDE

Including

Survey and Analysis of Occupational Hazards

Of

Park and Recreation Employees



Bulletin No. 13

By

HUGH McCahey, Director
Associations Division
National Safety Council

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 Room 385, Municipal Building
 Denver 2, Colorado

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 4500 West Vliet Street
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 Director, Los Angeles County Department
 of Parks & Recreation
 155 West Washington Boulevard
 Los Angeles 15, California

FRANK VAYDIK
 Superintendent, Forestry and Landscaping
 Parks & Recreation Department
 735 Randolph Street
 Detroit 26, Michigan

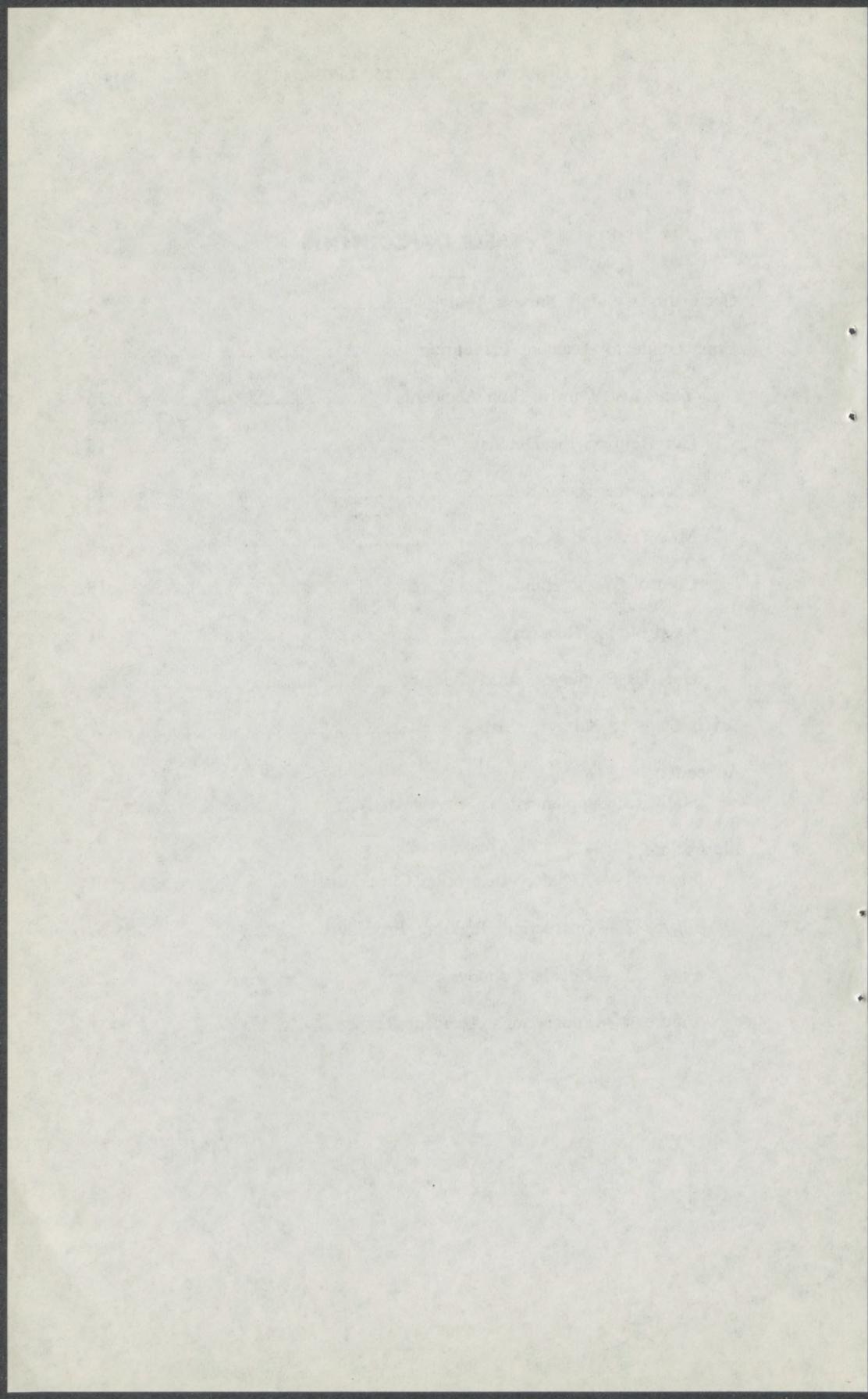
DANIEL L. FLAHERTY
 General Superintendent
 Chicago Park District
 425 East 14th Boulevard
 Chicago 5, Illinois

ROBERT A. LOBDELL
 General Manager
 Park & Recreation Bureau
 557 City Hall
 St. Paul 2, Minnesota

AFFILIATES: American Association of Zoological Parks and Aquariums, California Association of Park and Recreation Administrators, Florida Association of Park Personnel, Indiana Park and Recreation Association, International Northwest Parks Association, Michigan State University Park Management Club, Mid-Continent Regional Park and Recreational Conference, Mid-West Institute of Park Executives, Minnesota Recreation Association, Missouri Park and Recreation Association, New England Park Association, Ohio Parks Association, Society of Directors of Municipal Recreation in Ontario, Southwest Park and Recreation Institute, Wisconsin Park and Recreation Society.

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CONSULTANT AND EDITOR

HUGH McCaHEY, Director
Associations Division
National Safety Council
Chicago, Illinois



Compiled by

RESEARCH AND EDUCATION DIVISION
AMERICAN INSTITUTE OF PARK EXECUTIVES, INC.

Preface

Wherever there are people working, there are occupational hazards which concern management. Park and recreation departments are no exception — every department large or small, has an injury or accident problem. Employee injuries cost money — directly and indirectly — lowering the efficiency of the department's operation. The well-known slogan of the National Safety Council "Safety is Everyone's Business" is especially pertinent to park and recreation executives, charged with public operation and public accountability of funds. Low cost operation and efficiency are prime concerns of our profession.

Prior to this survey, made jointly by the American Institute of Park Executives and the National Safety Council, there were little known facts about the accident problem within our field of operations and how we fared with other occupations and businesses. There was no basis for evaluation of the extent of our occupational hazards. For these reasons, the Institute undertook this safety study — to find out if we have an accident problem within our park and recreation operations; if so, how serious the problem is, and finally, what are we doing now and what can we do about it.

The analysis of this survey speaks for itself. Based upon a careful study of this data we can well afford to devote serious thought to this problem and to begin, as a unified field, to take some positive steps toward improving our accident experience.

The American Institute of Park Executives wishes to thank the National Safety Council for cooperating with us in making this national survey, tabulating and evaluating the findings and for developing this safety guide for use by park and recreation administrators. We are especially indebted to Hugh McCahey, Director Associations Division of the National Safety Council, under whose guidance this survey and guide was developed. We also wish to thank the many park and recreation executives who participated in this work, supplying the necessary data for the survey.

This publication should be but the beginning of our concern for safety. It should pave the way to a continuous study of the problem inherent in our field of operations, so that positive accident prevention programs may be instituted in all of our departments. As we learn more about our areas of greatest peril, our comparative accident rates, we will have the background needed to correct and eliminate our hazards. Our first step is to become more conscious of safety and more aware of the heavy cost of injury, both in terms of dollars, inefficiency, and human suffering.

ELO J. URBANOVSKY, President
American Institute of Park Executives

Introduction

The material contained in the following pages was assembled to illustrate that a need for accident prevention in the operations of park and recreation departments does exist and to set forth recommended procedures to meet this need. It is, in the true sense of the word, a management aid, because safety is an essential ingredient of good management.

A review of the findings of the Occupational Safety Survey reveals that the problem of employee safety is a real one. For park and recreation executives it becomes a matter of top priority, an important management concern. The survey indicates not only the extent and seriousness of the problem, it also sets forth a definite challenge.

To assist park and recreation executives in meeting this challenge, certain basic recommendations have been incorporated into a Guide for Occupational Safety. This outline is intended to serve as a basis for implementing and continuing a sound and effective program of accident prevention. It is a guide for management in achieving a safe and efficient operation.

The National Safety Council will be happy to offer assistance to members of the American Institute of Park Executives in their efforts to achieve this goal.

PARK AND RECREATION OCCUPATIONAL SAFETY SURVEY ANALYSIS

Purpose of Survey:

The purpose of this survey was to secure information regarding accidents, within our operations. In order to more effectively help park and recreation executives with an employee accident prevention program, we sought first to determine:

1. Do we have an accident problem?
2. If so, how serious is it?
3. What are we now doing about it?

From this information we have planned a course of action to reduce the number and severity of accidents in our operations with an ultimate reduction in both direct and indirect costs. The recommended steps which must be taken by park and recreation superintendents to prevent employee injuries as outlined in this guide is only the beginning. Accident prevention is a constant program of control, diligence, and awareness of the problem.

SURVEY PARTICIPANTS:

A total of 2,962 National, State and Municipal Departments were surveyed by questionnaire. 410, or approximately 14% replied. Of these, 372 park and recreation executives provided sufficient data that could be used in part, or in whole for an analysis of the employee safety survey. Those reporters indicated a total average number of all permanent employees of 24,177 and a total average number of part time and seasonal employees of 28,219 during the year 1960. The total number of manhours for all park and recreation department employees during 1960, as reported, was 50,827,686.

Size of Operations:

Most reports covered a single park (such as a municipal park of a small community), however, some covered a large system (such as the New York City Park System) or entire county and state systems.

A statistical breakdown by size of park (acreage) is printed in the appendix for your information.

Do We Have An Accident Problem?

Yes, we do! Based on a careful study of the data presented we can well afford to devote some serious thought to this problem and begin to take some positive steps toward improving our accident experience.

How Serious Is The Problem?

Participating Park and Recreation Executives indicated:

- 1,448 injuries causing the loss of one day or more from work
- 30 injuries involving permanent partial disability
- 7 injuries involving death or permanent total disability
- 2,573 injuries requiring doctor's care
- 2,368 injuries requiring first aid treatment
- 60,824 man-days lost from injuries

This means that in 1960, because of accidents:

- 1 out of every 35 employees sustained a disabling injury.
- 1 out of every 20 employees required doctor's care because of injuries.
- 1 out of every 22 employees required first aid treatment as a result of injuries.

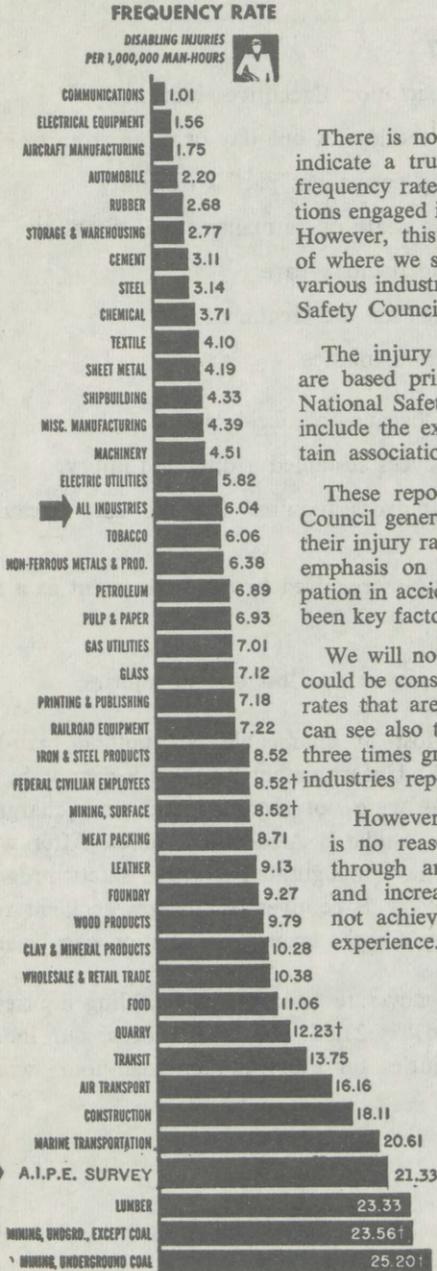
Over 1 man-day per employee was lost due to injuries.

Our severity rate (days lost or chargeable per million man-hours worked) was reported as 2,260. Unfortunately this figure cannot be used as it is likely that all accidents were not recorded and time charged in accordance with the American Standards Association table. After we, as park and recreation executives have inaugurated effective safety programs, and the American Institute of Park Executives standardizes accident report forms and a system of reporting, a more accurate tabulation can be made.

Our disabling injury frequency rate (number of disabling injuries per each million man-hours worked) is 21.33. In other words, our industry is experiencing 21 disabling injuries for every million man-hours worked.

HOW DO WE COMPARE WITH OTHERS:

1960 Injury Rates Reported To National Safety Council



There is not sufficient data available to indicate a true comparison of our injury frequency rate with that of other organizations engaged in similar types of operations. However, this chart does give us an idea of where we stand relative to reports from various industries submitted to the National Safety Council.

The injury frequency rates shown here are based primarily on the experience of National Safety Council members and also include the experience of members of certain associations having safety programs.

These reporters to the National Safety Council generally have been able to reduce their injury rates over the years. Continued emphasis on safety and increased participation in accident prevention activities have been key factors.

We will note that some industries which could be considered hazardous, have injury rates that are just a fraction of ours. We can see also that our rate of 21.33 is over three times greater than the average for all industries reporting.

However, and this is important, there is no reason why our own operations through an awareness of the problem and increased efforts in safety could not achieve a more favorable accident experience.

Let's break it down by size of operation and see where the disabling injuries occur:

Park and Recreation Reporters	Park Size Acreage	Average No. Permanent Employees	Average No. Part-time of Seasonal Employees	No. Disabling Injuries	Disabling Injury Freq. Rate
62	1-39 acres	7	18	20	35.50
90	40-159 acres	15	41	107	31.37
74	160-639 acres	21	45	102	18.31
94	640-6399 acres	86	101	552	19.99
53	6400 plus acres	240	199	704	21.19
372	All	Avg. 65	Avg. 76	1485	21.33

You will note above that our disabling injury frequency rate is higher in our smaller operations. This compares with a national trend that indicates the smaller unit frequently has a less favorable accident experience.

Where Did These Accidents Occur?

From reports indicating the number of occupational injuries and the general areas where they occurred, we have the following breakdown:

Area	Percent of Occupational Injuries
Workshop	6%
Activities program	16%
Construction	10%
Maintenance	61%
Other	7%
	<u>100%</u>

You will note above that nearly two-thirds of the occupational injuries reported, occurred in the area of maintenance.

What Have We Been Doing About Safety?

284, or 76% of those reporting, indicate that they have trained first aid personnel.

163, or 44% of those replying, stated that one person is assigned the responsibility for safety.

122, or 33% of the reporters indicated that they have medical facilities on the premises. These same parks reported a total of 415 separate medical facilities.

Disabling Work Injuries Are Costly:

(a) Reports reflecting both annual premiums and number of employees covered were used in the analysis of our Workmen's Compensation picture.

<u>Total Compensation Premiums</u>	<u>No. of Employees Covered (part-time or seasonal)</u>	<u>No. of Employees Covered (permanent)</u>	<u>Average Premium All Employees</u>
\$303,493.00	7,378	7,466	\$20.00

You will note that the average workmen's compensation premium of \$20.00 is based on both permanent and seasonal employees. Based on the reports received, the total average hours of exposure for employees per year was 1,300. This is about 65 per cent of the total average hours of exposure in industry, 2000. Therefore, for comparable exposure to industry the average premium rate might be about 50 per cent higher.

(b) How much more are we paying for:

- damaged material and equipment?
- time of other employees assisting at scene of accident?
- loss of productive time?
- time spent by management on investigation, reports and possible compensation board or court appearances?
- employee replacement and indoctrination?
- poor public and employee relations?
- and the many other costs which accompany accidents?

Based on many studies, we are paying *at least* the same amount in *indirect* as we now pay in the direct costs of accidents. In other words, over \$600,000.00 was spent as a result of accidents by those reporting in this survey. This amounts to an average cost per employee of \$40.00

Unfortunately we cannot project these figures to ascertain the picture for our entire profession, as sufficient data is not available. The total cost of work injuries in park and recreation departments would be astronomical.

(c) Our Vehicle Report

While reporting was not too complete here, there is sufficient indication that this too is an important area for safety considerations.

Total vehicle premiums (public liability, collision and fire) were reported to be \$191,118.00, or an average premium of \$52.00 per vehicle. Those organizations reporting vehicle premiums indicated coverage on 1,479 trucks, 445 cars and 1,720 manned vehicles (maintenance, etc.)

The total number of vehicles and drivers reported in this survey was: 5,406 trucks; 1,392 cars; 4,867 manned vehicles (Maintenance etc.); 8,006 drivers.

The number of vehicle accidents was reported as 875. The total cost of repair for uninsured department vehicles and equipment was \$45,532.

The reported figures for vehicle premiums and repair costs for un-insured department vehicles and equipment constitutes a sizeable expense.

What Have We Learned From This Survey?

- We, in the park and recreation field, have a definite occupational safety problem — one that is wasting time, manpower, materials and money.
- Our disabling injury frequency rate of 21.33 is certainly significant enough to warrant our immediate attention. We are experiencing over 21 disabling injuries for every million man-hours worked.
- One out of every 35 employees sustained a disabling injury; one out of about every 10 employees either required first aid treatment or doctor's care because of injuries; over one man-day per employee was lost as a result of injuries.
- Both the direct and indirect costs of accidents amounted to over \$600,000.00 for those members who reported, or an average of \$40.00 per employee.
- While 76% of those reporting have trained first aid personnel available, only one-third indicated that they had medical facilities on the premises.
- Nearly two-thirds of the occupational injuries reported, occurred in the area of maintenance.
- We are failing to utilize safety as an effective tool of management.

What Should We, As Park and Recreation Administrators, Do?

1. Make our department heads and supervisors aware of the importance of employee safety in each of their operations. Such aspects as costs, efficiency, public and employee relations and humanitarian considerations should be emphasized.
2. Review and follow the recommended steps for the control of work injuries as outlined in the accompanying guide.
3. Take advantage of consultation, technical publications, employee publications and other services available from insurance organizations, local safety councils and state agencies, National Safety Council and other valuable sources of assistance in your own area.
4. Look toward the ultimate objective of developing specific safety materials, aids, safety contests, etc. First, however, we must concentrate on stimulating all park and recreation departments to the need for safety as an effective management tool.
5. Cooperate with and participate in future safety activities as they are promoted and developed by the American Institute of Park Executives.

Your Guide to Accident Prevention

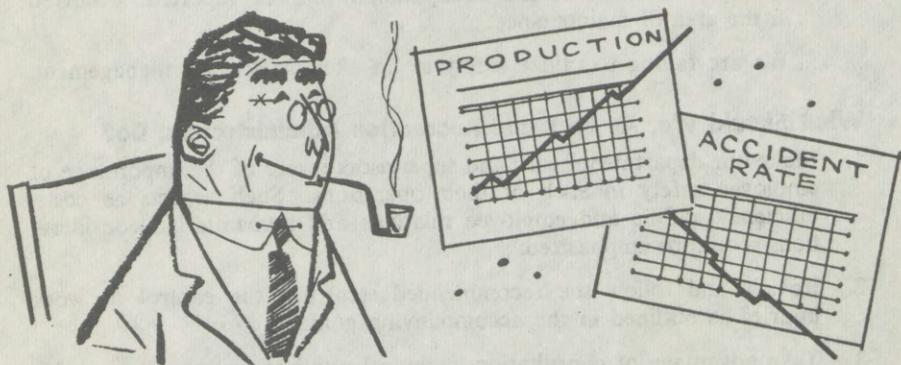
... steps which must be taken by the park and recreation administrator if he is to prevent employee injuries.

**SAFETY
IS
JUST GOOD
BUSINESS**

You don't want accidents to happen in your organization. No one does. Accidents are "poor business." A bad fire or accident can wipe out a building or heavy shop investment, — maybe your entire operation.

A lot of minor accidents can do the same kind of damage. Even if they don't result in injuries, accidents hurt the morale of employees, they cause breakdowns, damage to stock and delayed scheduling. They often hurt public good will. They cut production.

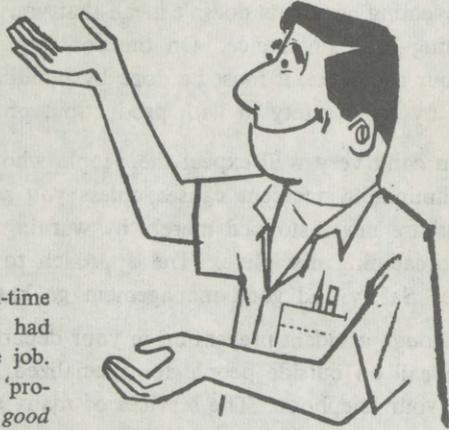
When you — the park and recreation executive — recognize these direct and indirect costs of accidents, you are in the position to get better control over them. Then — and only then — can you eliminate the causes of accidents, and when you do that you automatically boost efficiency and lower both the direct and the hidden costs of your operations.



Accident prevention takes good management — that's all. It does not call for a recipe, for a secret formula or for an elaborate "program." You don't have to turn the place upside down. You don't have to spend a lot of money and you don't have to do anything that should not be a routine part of any good business operation.

Safety doesn't take a lot of time; in fact, a little planning now saves a lot of time later. Planning for safety speeds up production, reduces paper work connected with accidents, and streamlines operations. There is nothing complicated about it — safety follows when common sense principles are put to work to do things safer and better.

The owner of a small sheet metal shop said his thirty employees had worked more than three years with only two lost-time injuries just because they had made safety a part of the job. "I don't have any safety program," he said. "I just hire *good* men, teach them to do the job *right*, see that they get the *best* equipment. Then I check up. I don't stand for chance-taking — like using defective tools and ladders, for instance. My employees know that I want them to work safely — that's all there is to it."



This employer has the right idea; he didn't realize he was practicing the fundamentals of a good safety program. Any small organization can do it the way he does it, and with equal success. Why not a park and recreation department?

**YOU'RE
THE
BOSS**



You may not have many accidents from year to year — perhaps not enough to cause you any great concern. But you *do* have them, and they *do* nibble away at your production. If anything is to be done about such losses, you're the one who has to do it.

Preventing accidents doesn't mean that you have to neglect production, programing or maintenance. On the contrary, if anything is to be done about your accidents, it must be done by building safety into every part of the job, by tying safety in *with* production, programing and maintenance.

You can't very well expect the people who work for you to do much about eliminating accident causes unless *you* set the pace. What's more, accidents are never stopped merely by warning employees to "be careful" or by threatening discipline. The approach to safety is positive — constructive. Safety and good management go hand in hand.

Although accident prevention in your department is *your* responsibility, you can call on outside people for specialized help. Such assistance is as close as your telephone. The services of many specialists are yours for the asking, generally at little or no cost.

Whether you get help or not, there are many simple things that you can do yourself to prevent employee injuries.



Each organization has its own way of tackling the accident problem. However, certain fundamentals are common to every organization. The emphasis must be on *prevention* and *action*. If this calls for a bit more "system" or additional activities, these should follow in the normal course of events, just like expansion of a public relations campaign, for instance, or new building construction which follows increased volume.

Here is how to do it.

1. You must want to stop accidents.

You — the boss — must *want* to stop accidents. Really *want* to. Fifty years of organized safety work in this country have proved that the degree of the boss's desire to eliminate accidents determines the degree of his success.

You can prove your sincerity by showing a personal interest in the security of your department and by establishing your policy of production with health and safety.

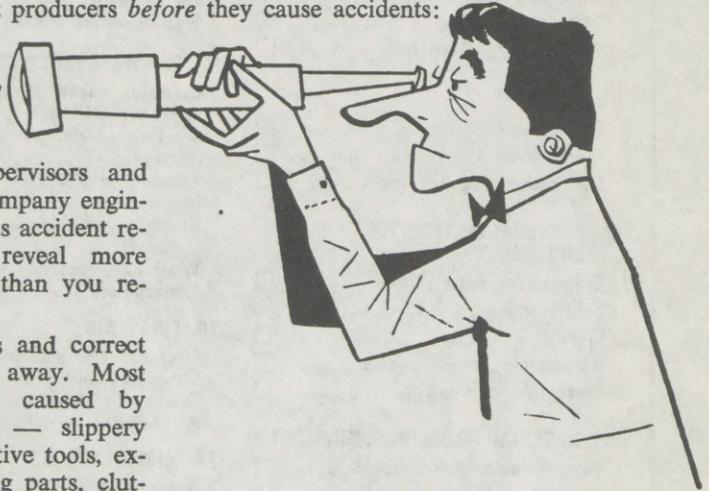
2. Get help on the details.

At first, some extra work might be necessary to catch up on the problem. Assign one of your good supervisors to work with an insurance engineer, local safety council and state agencies, to keep necessary records and to brush up on the most necessary principles of machine guarding, fire prevention, first-aid facilities and injury reporting.

3. Locate the hazards.

Run down the things that have caused injuries or job delays in the past — get suggestions on things which might cause trouble in the future. Locate accident producers *before* they cause accidents:

- a. Talk to supervisors and insurance company engineers. Previous accident reports will reveal more information than you realize.
- b. Spot hazards and correct them right away. Most injuries are caused by little things — slippery floors, defective tools, exposed moving parts, cluttered-up work areas. Eliminate them as soon as they are noticed.



Forms similar to the Safety Inspection Check List (Figure 1) can be used. Such a form will help in knowing what to look for and will also provide a uniform record of inspections. Periodic reinspections are further desirable to make sure that equipment is operating safely, that personal protective equipment is being used, and that processes and equipment are under control.

SAFETY INSPECTION CHECK LIST

Plant or Department Date

This list is intended only as a reminder. Look for other unsafe acts and conditions, and then report them so that corrective action can be taken.

Note particularly whether unsafe acts or conditions that have caused accidents have been corrected. Note also whether potential accident causes, marked "X" on previous inspection, have been corrected.

(√) indicates *Satisfactory*

(X) indicates *Unsatisfactory*

1. FIRE PROTECTION

- Extinguishing equipment
 Standpipes, hose, sprinkler heads
 and valves
 Exits, stairs and signs
 Storage of flammable material .

2. HOUSEKEEPING

- Aisles, stairs and floors
 Storage and piling of material ..
 Wash and locker rooms
 Light and ventilation
 Disposal of waste
 Yards and parking lots

3. TOOLS

- Power tools, wiring
 Hand tools
 Use and storage of tools

4. PERSONAL PROTECTIVE EQUIPMENT

- Goggles or face shields
 Safety shoes
 Gloves
 Respirators or gas masks
 Protective clothing

5. MATERIAL HANDLING EQUIPMENT

- Power trucks, hand trucks
 Elevators
 Cranes and hoists
 Conveyors
 Cables, ropes, chains, slings ...

6. BULLETIN BOARDS

- Neat and attractive
 Display changed regularly
 Well illuminated

7. MACHINERY

- Point of operation guards
 Belts, pulleys, gears, shafts, etc.
 Oiling, cleaning and adjusting ..
 Maintenance and oil leakage ...

8. PRESSURE EQUIPMENT

- Steam equipment
 Air receivers and compressors ..
 Gas cylinders and hose

9. UNSAFE PRACTICES

- Excessive speed of vehicles
 Improper lifting
 Smoking in danger areas
 Horseplay
 Running in aisles or on stairs ..
 Improper use of air hoses
 Removing machine or other
 guards
 Work on unguarded moving
 machinery

10. FIRST AID

- First aid kits and rooms
 Stretchers and fire blankets
 Emergency showers
 All injuries reported

11. MISCELLANEOUS

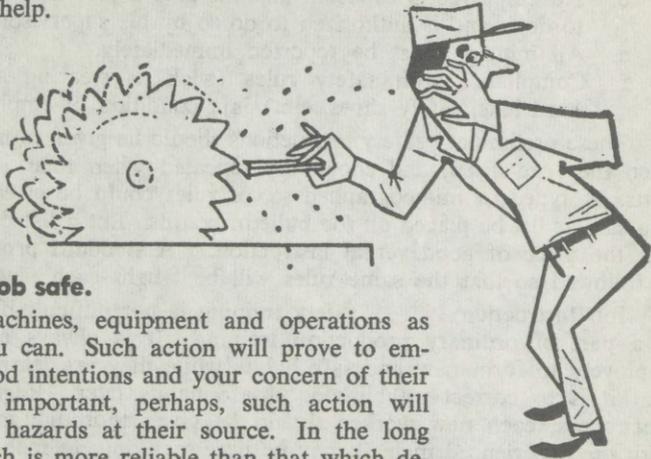
- Acids and caustics
 New processes, chemicals and
 solvents
 Dusts, vapors, or fumes
 Ladders and scaffolds

Signed

FIGURE 1. — A safety inspection check list is useful as a reminder of what to look for and as a record of inspection. Reverse side can be used for comments and recommendations.

- c. Use the experience of others. Certain types of hazards may not be recognized because of the fact that they have caused no injuries or illness, or because their presence can be detected only by trained specialists. For example, the use of certain solvents may endanger the health of employees or may create a fire hazard. The hazards of new chemicals, solvents, or processes, and machines should be determined.

Insurance companies, the National Safety Council, and other agencies and organizations offer technical help on every imaginable hazard. If in doubt get their help.



4. Make the job safe.

Make the machines, equipment and operations as foolproof as you can. Such action will prove to employees your good intentions and your concern of their welfare. More important, perhaps, such action will eliminate many hazards at their source. In the long run this approach is more reliable than that which depends entirely on employees merely being careful.

At first, some extra time and money might be needed to remove serious hazards. Guards may have to be built, safety equipment or first-aid facilities provided. But eventually safety becomes a routine part of job instruction, maintenance and work flow.

5. Control work habits.

Both unsafe acts and unsafe conditions are involved in the vast majority of all occupational injuries. Training employees to work more safely therefore does much to remove a multitude of accident causes, even in a well-engineered place.

The New Employee at the beginning of his employment, should understand management's attitude toward safety. This can be accomplished by impressing the worker with the following:



- a. Management interest in preventing accidents is sincere. Neither the employer nor the employee can afford the losses that accompany an accident.
- b. The department and its machines have been made as safe as possible. As new hazards are discovered, corrective measures will be taken.
- c. Each employee should report all unsafe conditions encountered in his work.
- d. No employee is expected to undertake a job until he has learned to do it and is authorized to do so by his supervisor.
- e. All injuries must be reported immediately.
- f. Compliance with safety rules (such as wearing safety glasses, hard hats, safety shoes, etc.) is a condition of employment.

These preliminary safety instructions should be given to new employees when they are hired, and should be repeated when their job instruction starts. A typed or mimeographed set of rules could be given to the man or a similar list be placed on the bulletin boards. But a list of rules cannot take the place of good verbal instruction. A standard procedure should be followed so that the same rules will be taught each new employee.

Job Instruction safety training is not difficult if it is handled as a part of ordinary production training. It is always easier to train employees to form new and safe habits while they are learning their jobs than it is to correct established, unsafe habits later. Regardless of his experiences, each new worker should be given thorough job instruction. With the experienced man, it may be necessary only to make sure that he understands the rules in the department and realizes that management is serious about their enforcement.

If the procedure outlined in Figure 2 is followed, an employee will be trained for efficient operation as well as safe operation. This kind of training will result in fewer mistakes, less spoilage, fewer injuries, fewer delays and over-all lower production costs.

Leadership your supervisor should be more than just an experienced workman; he must be an instructor and leader. A good instructor will be able to impart skills and knowledge to the workers under him who will actually use them. He will thus be able to develop a well trained work force which will maintain efficient production in his department and maintain a safe record as well.

All people want to feel they are a part of the group that they work with. They want to hear and use the words — we did it — our department — our safety record — our production record.

Safety takes teamwork. Getting maximum production with maximum safety is too big a job for one man. It takes the active continuous interest and cooperation of everyone concerned. It is only when safety becomes both the worker's problem and the supervisor's problem that any effective results can be achieved.

Remember, you have just as much control over safe work habits as you have over getting out production, getting employees to work in time and — for instance — removing obvious fire hazards in your organization.

HOW TO INSTRUCT

Here is what to do every time you instruct a man or correct his work:

STEP I PREPARE the worker to receive the instruction

- put him at ease. Remember he can't think straight if you embarrass or scare him.
- find out what he already knows about the job. Don't tell him what he already knows. Start in where his knowledge ends.
- get him interested. Relate his job or operation to the final product, so he knows how his work is important.
- put him in the right position. Don't have him see the job backwards or from any other angle than that from which he will work.

STEP II PRESENT the operation

- tell him, show him, illustrate, ask.
- "put it over" in small doses. He (the same as all of us) can catch about six or eight new ideas at one time and really understand them.
- make the key points clear. These will make or break the job—maybe make or break him.
- be patient—and go slowly. Get accuracy now—speed later.
- repeat the job and the explanation if necessary.

STEP III TRY OUT his performance

- have him do the job, but watch him.
- then have him do it again, but have him explain to you what he is doing and why. All of us find it easy to mimic motions and not really understand what we are doing. You want him to understand.
- have him explain the key points.
- correct his errors, but don't bawl him out or indicate that he is "thick" or "dumb."
- continue doing all this until you know he knows. He may have to do the job half a dozen times.

STEP IV FOLLOW UP

- put him on his own. He has to get the feel of the job by doing it himself.
- tell him whom he should go to if he needs help. Make this definite—yourself or someone you designate. The wrong person might give him a "bum steer."
- check him frequently—perhaps every few minutes at the start to every few hours or few days later on. Be on the lookout for any incorrect or unnecessary moves. Be careful about taking over the job too soon, or too often.
- don't take it over at all if you can point out the helps he needs.
- get him to look for the key points as he progresses.
- taper off this extra coaching until he is able to work under normal supervision.

Use this scheme. You will find it amazing that such greatly improved results can come from such a simple plan.

Use it, or whatever part of it applies, to put over a new operation, check a man's work, or change a work procedure.

Figure 2—This Training Procedure Leads to Safety

6. Keep simple records.

Elaborate records are not necessary. The average small department may not have enough disabling injuries in a month to warrant an extensive accident reporting or analysis system. But it is important that simple records be kept.



A high incidence of minor eye injuries, for example, certainly indicates that either the source of flying particles should be eliminated, or protective glasses or face shields worn. Failure to act on these warnings will eventually result in expensive medical treatment, lost time, and perhaps, even permanent disabilities. Simple accident records provide convenient and systematized warnings.

The actual records need not be complicated. The simple accident report forms illustrated in Figures 3 and 4 contain enough information to be useful. If more detailed reports are required for insurance or state purposes, carbon copies will turn the trick.

A report should be made of all accidents whether or not they result in lost time, and the following information should be recorded:

- a. What the employee was doing.
- b. What caused the accident.
- c. What was done to prevent a repetition.
- d. The time charge (if any).
- e. Compensation and medical costs.

Report of _____
Address _____

ACCIDENT ANALYSIS CHART

(List all injuries)

Period January 1st to June 30th

TABULATION OF DISABILITIES

1. Temporary total 4 5. Man-hours worked 86,120
 2. Permanent partial 1 6. Freq. rate (line #s 1,000,000) 58
 3. Deaths and perm. total _____
 4. TOTAL (1, 2, & 3) 5 7. First-aid treatments 1

ACC. No.	DATE OF ACC.	NAME OF INJURED	OCC. OR DEPT.	INJURY		DESCRIPTION OF ACCIDENT (see more than one line if needed)	CORRECTIVE ACTION TAKEN
				Nature and part of body	Class (1,2,3,7)		
1	1/4	A. S. Smith	Shipping	Contused left hand.	7	Caught left hand between door jamb and crate with loading truck.	Extended aisle marks through doorway
2	1/5	J. Brill	Office	Sprained ankle.	1	Tripped over adding machine cord.	Moved machine to use wall plug
3	2/7	B. F. Low	Shipping	Lost right fore fingers	2	Caught fingers between loading platform and loading truck.	See note.
4	3/20	Bob Keith	Shop #1	Sprained back	1	Tried to moped work box alone from awkward position.	Reviewed correct lifting with all men.
5	6/1	H. B. Kaswal	Wires	Brit in eye.	1	Goggles on forehead.	Discussed eye protection with all men.
6	6/12	I. S. Golden	Shipping	Contused right foot	1	Tried to brake hand truck with foot. Safety sheet grabbed.	Broke on truck revised. New man failed to report check up to see that all men understand a foot reporting faulty equipment. All men advised to have two pairs of safety shoes.
NOTE: Shipping clerk will keep office help off platform and will see that there is a man to guide truck back to loading platform.							

(Over)

Figure 3—This Accident Analysis Chart provides a simple means of keeping together the pertinent facts on all accidents.

Office Use	
Supervisor Accident Report	Non-Disabling <input type="checkbox"/> Disabling (lost-time) <input checked="" type="checkbox"/>
Name of Injured <u>Harry Short</u> Check No. <u>746</u> Date of Injury <u>3/19</u>	
Age <u>34</u> Length of Service: With Company <u>7 years</u> on Present Job <u>3 years</u>	
Occupation <u>Storekeeper</u>	
Nature of Injury <u>Sprained left ankle</u>	
Description of Accident	
(This information is for use in preventing similar accidents. Answer questions specifically, as indicated by example.)	
1. What Job Was Employee Doing Including Tools, Machinery, and Materials Used? (Example: Lifting a heavy casting onto a four wheel truck.)	<u>Climbing ladder to close a valve on a steam line</u>
2. How Was Employee Injured? (Example: The casting slipped from his grasp and fell on his toes.)	<u>The employee fell when the ladder slipped off a box on which it had been placed to gain additional height</u>
3. What Did Employee Do Unsafely? (Example: Tried to lift too heavy load.)	<u>He used a ladder that was too short, and he placed it improperly on top of a box to gain additional height</u>
4. What Was Defective, In Unsafe Condition, or Wrong with Method? (Example: Should have had help.)	<u>The valve should be located lower so that it could be reached without a ladder</u>
5. What Safeguards Should Be Used? (Example: Wear Safety Shoes.)	<u>none needed</u>
6. What Steps Were Taken to Prevent Similar Injuries? (Example: Instructed men to assist each other in lifting heavy loads.)	<u>Accident was discussed at safety meeting and all foremen were instructed to bring it to the attention of all their men</u>
7. What Other Steps Should Be Taken to Prevent a Recurrence? (Example: Provide mechanical handling equipment for this work.)	<u>Mechanical department given orders to change the position of the valve so it can be reached without need of a ladder</u>
Signed <u>J. Jones</u>	Department <u>Store</u>
(Over)	

Figure 4—The Supervisor's Accident Report form shown here provides a complete record of the circumstances relating to an accident.

It is important that this information be recorded as soon as possible after the accident.

To reduce the possibility of serious complications following a minor accident, there should be an established system for reporting all injuries, no matter how trivial, so that first aid treatment can be given.

For the sake of simplicity, injuries can be recorded on a form similar to the Accident Analysis Chart. Each case requires only a minute to enter on the form, which gives a ready reference and record for future study of accident trends. More important, it gives management an indication of how well employees are trained to work safely and what preventive steps, if any, were taken to prevent a recurrence of the injuries.

In the sample form it will be noted that a great deal of specific information can be recorded in a very limited space. Such general statements as "a man got something in his eye while working" are meaningless. It is better to say "forgot to use grinder shield — emery particle in left eye." If the information is specific, names machine parts, and indicates human error, preventive steps can be taken later.

Injuries which disable a worker for more than a day or a shift, are usually termed disabling injuries. The American Standards Association has established a method of computing disabling injury rates which makes it easy to compare the work injury rates of several organizations. A lost-time injury rate, or more properly a work injury frequency rate is the number of disabling injuries per million man-hours worked:

$$\text{FREQUENCY} = \frac{\text{number of disabling injuries} \times 1,000,000}{\text{total man-hours worked}}$$

Even if no accurate record is kept of man-hours worked, the exposure can be estimated by multiplying the average number of employees by the average number of hours each works in a year, usually 2,000 to 2,500. An organization with 50 employees would accumulate approximately 100,000 man-hours of exposure in one year. If they had only one disabling injury, they would have a frequency rate of 10, which incidentally is higher than the national average for all industries.

Again, simple records give you a source of information by which you can gauge your progress. They quickly disclose accident causes and give your supervisors their cue to eliminate such causes.

7. Get the employees into the act.



The smaller the organization the less likely it is to schedule safety committee meetings, arrange safety contests or similar activities designed to stimulate employee interest. However, since employees of such organizations are just as likely to be injured as those who work for the largest ones, their interest in safety and their understanding of it should be secured.

One of the best and easiest ways to stir up interest is to ask for suggestions to make the job safer. You can personally call attention to things which are not being done safely. When instructions are given on how to do a job, be sure that the precautions are included.

If you hold meetings for production or program purposes, arrange to work a little accident prevention into them. Discuss hazards and their elimination with the people concerned. Get their thoughts on improving conditions in general. Talk to your supervisors about safety; it is their responsibility to get safety know-how across to individual employees. Exchange information with your supervisors on safe ways to do the job.

Safety posters, booklets and instruction cards provide inexpensive and convenient ways to keep the interest of employees. You can get such ready-made material in a wide variety of subjects to cover most of your general hazards.

Regular use of this material will make your job easier. Rules or warnings on special hazards can be typed or mimeographed for posting at strategic locations or for distribution to employees.

Local safety conferences provide a convenient way to get more technical information to your supervisors. They enable them to exchange experience with people from other industries and from other companies in your industry.

Your personal participation in safety conferences and outside activities builds good public relations and proves your interest in keeping informed on things of vital concern to your employees.

The choice is Yours

ACCIDENT LOSSES which

- cut production
- reflect inefficiency
- cause extra work

OR

ACCIDENT PREVENTION which

- boosts employee morale
- improves efficiency
- creates public good-will

* * * * *

It's up to you, but help is available from:

- **Your insurance carrier**
Get help on special problems, cooperate with insurance engineers.
- **Your safety council**
Your local safety council and the National Safety Council stand ready to help.
- **Your state and local agencies**
and other valuable sources of assistance in your area.
- **Your Association**
The American Institute of Park Executives.

SEVEN STEPS TO SAFETY

STEP 1—You must want to stop accidents — Practice what you preach; be sure you back up your policy.

STEP 2—Get help on details — Get advice on safety codes, health hazards, safety equipment and special hazards.

STEP 3—Locate the hazards — Watch for things that cause accidents, review causes of past accidents and act on trends.

STEP 4—Make the job safe — Remove hazards, provide protective equipment and adequate first-aid equipment.

STEP 5—Control work habits — Teach the safe way to do the job, enforce general safety rules and make new rules if needed.

STEP 6—Keep simple records — Uncover accident causes, check progress and compare experience with others.

STEP 7—Get employees into the act — Get their suggestions; talk safety and maintain interest through posters, leaflets, and other inexpensive ready-made material.

**APPENDIX
STATISTICAL SUPPLEMENT**

Size of Park System	1 - 39 Acres	40 - 159 Acres	160 - 639 Acres	640-6399 Acres	6400+ Acres	Totals
No. Parks Reporting	62	90	74	94	53	372
1. Avg. No. of all permanent employees during 1960	434	1,371	1,547	8,086	12,739	24,177
Average per park	7	15	21	86	240	65
Avg. No. of part-time and seasonal empl. during 1960	1,142	3,710	3,340	9,476	10,551	28,219
Average per park	18	41	45	101	199	76
2. Total man-hours all empl. during 1960	326,220	2,518,624	2,184,595	16,206,547	29,584,700	50,827,686
No. of empl. for which man-hours were reported	1,135	2,258	2,201	12,630	20,889	39,113
Average man-hours per empl.	287	1,115	993	1,283	1,414	1,300
3. Occupational injuries						
a. injuries causing loss of one day or more from work	18	106	99	530	695	1,448
b. Injuries involving permanent partial disability	1	—	3	21	5	30
c. Injuries involving death or permanent total disability	1	1	—	1	4	7
Total Disabling Injuries	20	107	102	552	704	1,485
d. Injuries requiring doctor's care only	22	252	158	1,127	1,014	2,573
e. Injuries requiring first aid only	162	299	307	564	1,036	2,368
f. Total man-days lost from injuries	235	9,079	1,901	11,425	38,184	60,824
Disabling Injury Frequency rate	35.50	31.37	18.31	19.99	21.19	21.33
Disabling Injury Severity Rate	721	3,604	871	707	2,350	2,260
Areas Where Accidents Occurred:						
workshop	2	10	15	47	80	154-(6%)
activities program	17	38	11	171	167	404-(16%)
construction	2	7	18	163	78	268-(10%)
maintenance	10	94	78	926	456	1,564-(61%)
other	4	3	21	112	51	191-(7%)

4. Safety and First Aid Facilities						
a. trained first aid personnel available	47	64	57	72	44	284-(76%)
b. one person assigned responsibility for safety	23	38	27	40	35	163-(44%)
c. medical facilities available on premises	26	29	23	32	13	122-(33%)
No. of medical facilities reported	38	40	38	238	61	415
5. Workmen's Compensation Insurance (1960):						
a. Total No. empl. reported together with premium coverage	629	1,849	1,397	6,539	4,430	14,844
(permanent)	(244)	(98)	(401)	(3,231)	(2,992)	(7,466)
(part-time or seasonal)	(385)	(1,251)	(996)	(3,308)	(1,438)	(7,378)
b. premiums	\$17,662	\$72,188	\$60,965	\$96,828	\$55,850	\$303,493
c. Avg. premium per empl.	\$28.00	\$39.00	\$44.00	\$15.00	\$13.00	\$20.00
6. Vehicle Report:						
a. Total No. Trucks	71	370	349	1,486	3,130	5,406
a. Total No. Cars	33	83	101	472	703	1,392
c. Total No. manned vehicles	57	371	443	1,173	2,823	4,867
Total Vehicles	161	824	893	3,131	6,656	11,665
d. Total No. of drivers	138	631	697	2,100	4,440	8,006
No. of vehicles reported together with vehicle premiums indicated:						
a. Trucks	28	81	97	611	662	1,479
b. Cars	13	22	35	203	182	455
c. Manned vehicles	26	93	235	611	755	1,720
Total vehicles	67	196	367	1,425	1,599	3,654
Vehicle premiums reported	\$5,282	\$13,819	\$23,573	\$108,235	\$40,209	\$191,118
Avg. premium per vehicle	\$75.00	\$71.00	\$64.00	\$76.00	\$25.00	\$52.00

EXHIBIT 4

(Report for the program year of October 1, 1960 to September 30, 1961)

MOTOR TRANSPORT SERVICES OF THE NATIONAL SAFETY COUNCIL

The Motor Transport Conference during its second year of service to the National Safety Council has continued to build its programing on the basis of committees established during its initial year.

A report of conference progress is presented in the nine areas of objectives generally applied to conference activity as follows:

RESEARCH, FACTFINDING

The conference research committee surveyed needs for research projects and sent a questionnaire to leading colleges and universities to determine the availability of study teams.

The research project at Columbia University completed documentation and analysis of the safe driver pilot study begun in 1960 in which the National Safety Council was a cooperating agency. A planning conference of cooperating agencies is being arranged to advance the work to a quantitative study of safe drivers throughout a broad segment of the country. The initial pilot study in 1960 will be used to determine methodology and degree of testing that will be possible.

A 10-year study of transit operators in Johannesburg, South Africa, was reprinted and circulated.

EXCHANGE OF INFORMATION

Monthly commercial vehicle section newsletters were sent to an average of 6,000 readers. Monthly transit section newsletters were sent to an average of 1,000 readers. Monthly school bus newsletters were sent to an average of 6,000 readers.

The traffic safety magazine provided monthly fleet lead stories and the research review quarterly section carried reports of fleet projects completed during the year.

Two joint conference sessions and nine sectional sessions were held during the 1960 congress and will be repeated in 1961. Daily attendance exceeded 500 persons in 1960.

STANDARDS OR RECOMMENDATIONS

Copies of the "American Standard Method of Recording and Measuring Motor Vehicle Fleet Accident Experience," D15.1 and D15.2 approved in November 1960 were distributed as a technical release to primary members of the commercial vehicle section, transit section, and member school bus fleets.

The national fleet safety contest rules were revised to agree with the new ASA D15.1 and D15.2 standard.

TRAINING

Staff of the motor transport department assisted at fleet supervisor training courses in Florida, Illinois, and Pennsylvania in addition to special military training courses conducted at Northwestern University.

TECHNICAL ASSISTANCE

Staff spent 164 days at 103 places (a 30-percent increase in man-days and 50-percent increase in places visited compared to the previous year) providing field service, consultation, and information in addition to answering an average of 300 calls and letters a month for staff assistance. Speaking assignments, help in setting up meetings, and program planning involved in excess of 200 man-hours during the year.

PROGRAM AIDS

The publications committee of the conference reviewed regular driver service materials sent to them each month. Their comments and appraisal of services help to improve the Safe Driver magazine and the Driver Letter. Monthly circulation of the four editions of these two service items totaled 475,000 Safe Drivers and 340,000 Driver Letters in September.

A third edition of "Five-Minute Safety Talks for Fleet Supervisors" was completed. A total of 166 short fleet talks are provided through the three editions currently available.

The modification of dash card service begun in 1960 was completed. Two series, one set for truckdrivers and one general set have been produced for distribution beginning in December.

A new driver attitude booklet entitled, "What's the Difference" will be available during the final quarter of 1961.

MEASUREMENT OF PERFORMANCE

Cosponsorship of a division of the national fleet safety contest continues to attract attention of trade associations and other agencies. During the 1960-61 contest, better than 40 percent of the fleets enrolled were in a cosponsored division.

Fleets of Government agencies account for another 25 percent of contest participation.

RECOGNITION OF ACHIEVEMENT

In addition to more than 250 individual fleet contest awards, first place, second place, third place, and perfect records; 175 fleets qualified for the certificate of achievement plaque at the close of the 1960-61 fleet contest. The certificate of achievement based on a reduction of accident frequency similar to the council's award of honor system became effective for the first time this year.

National Safety Council safe driver awards were earned by more than 180,000 drivers continuing the annual increase registered during the past two decades.

D. L. Williamson, supervisor of accident prevention, Cleveland Transit System, Cleveland, Ohio, was named the winner of the 1960 Marcus A. Dow Memorial Award by the awards committee of judges.

MEANS FOR COORDINATION

The total number of fleets registered for the motor transportation service as of June 1961 were as follows:

Fleet memberships.....	629
Fleet service to other members.....	341
Group service plan fleets.....	350
School bus fleets.....	185
Government fleets.....	46
Total.....	1,551

These 1,551 fleets enrolled almost 320,000 drivers in the safe driver award plan.

The motor transport department's road show (2 by 2 slides) was presented to fleet audiences at fleet supervisory training courses, local safety council meetings, and trade association groups during the year.

EXHIBIT 5

(Report for the program year October 1, 1960, to September 30, 1961)

LABOR SERVICES OF THE NATIONAL SAFETY COUNCIL

RESEARCH

The State labor departments committee of the labor conference completed a preliminary survey to evaluate the efficiency of State labor departments. The survey developed data on the number of industrial establishments in a State, the number of workers, the number of inspectors, and the cost per employee for services rendered by State labor departments. Results of the survey will be distributed to the States and publicized.

EXCHANGE OF INFORMATION

Delegations from Japan and Mexico were furnished with information about union safety activities in the United States.

The inclusion of safety and health information in the labor press and other publications continues to grow. Sixteen labor publications qualified for the public interest award of 1960. The number of winners of the awards doubled in comparison with the previous year.

STANDARDS AND RECOMMENDATIONS

Progress was made in developing a "Labor Safety Manual" to cover on-and-off-the-job safety and health. Work on the introductory and occupational sections has been largely completed and ready for editing, leaving the off-the-job safety section still to be completed. It is expected to have the publication ready for distribution in 1962.

TRAINING

The labor conference adopted a recommendation supporting driver education in schools.

The conference also supported the National Safety Council's policy on go-carts. Assistance in training safety committeemen and other union officials was given to five unions in the Chicago area. These training courses have been expanded to include off-the-job safety.

The labor conference adopted a proposal to sponsor regional safety conferences or institutes primarily for labor officials, stewards, safety committeemen, et al. in the major industrial cities of the country.

TECHNICAL ASSISTANCE

Assistance was given to the safety committee of the Iowa AFL-CIO, which seeks to improve the safety and health regulations and program of the State of Iowa, in cooperation with industrial organizations of the State.

Information on on-and-off-the-job safety problems was furnished by mail and phone to an increasing number of labor organizations.

PROGRAM AIDS

The 1960 Christmas holiday safety campaign was supported by unions. Packets of materials were sent to council labor members with a covering letter urging them to take an active part in this effort.

The third all-union Labor Day safety campaign conducted during the 1961 holiday was by far the most successful campaign which was cosponsored by the Standing Committee on Safety and Occupational Health of AFL-CIO, the Labor Conference of the National Safety Council, and other organized labor groups. About 14,500 packets of materials were furnished to labor organizations, industrial establishments, civic and fraternal groups, churches, governmental agencies, and other types of organizations.

The distribution of campaign posters, safety talks, newspaper releases, and other materials was $2\frac{1}{2}$ times the amount of materials used in the 1960 campaign.

The labor press devoted far more space to safety over the holiday than in previous years. The front pages of numerous labor publications were entirely given over to emphasis on safety on the highways and in other holiday activities.

The campaign was expanded to include joint efforts by unions, public officials, civic and other organizations in several States.

Campaign efforts of local unions included the use of posters, safety talks at meetings, publicity in local newspapers, radio messages, exhibits in Labor Day parades and celebrations, cooperation with local officials, the clergy, and other groups.

The steering committee for the campaign will acknowledge the splendid cooperation of labor organizations, the clergy, and other groups with a special citation.

The broad and intensive efforts of labor, public officials, and numerous other cooperating organizations undoubtedly contributed to making the 1961 Labor Day holiday the safest on record, considering the volume of traffic.

The seat-belt promotion, especially developed for labor organizations, was carried out during 1961 through the labor press, at union meetings, and in cooperation with plant off-the-job safety programs and other organizations.

The labor conference adopted a proposal to expand the off-the-job safety program to include activities on winter driving hazards, the prevention of falls, poisonings, fires in homes of workers, and other areas of accident prevention. The program is particularly aimed at major safety and health problems.

Three-panel exhibits with handout materials were provided for conventions of the Brewery Workers; the Hod Carriers and Laborers; the Oil, Chemical and Atomic Workers; the Steelworkers in Canada; and the joint labor-management safety conference of the Pacific coast pulp and paper industry.

RECOGNITION OF ACHIEVEMENT

The award plan of the labor conference went into operation in 1961. Applications for three grades of awards made to labor members of the National Safety Council and to individual labor members were received from 21 unions. Awards were made to 16, ranging from the top to the lowest awards. Presentation will be made at the National Safety Congress.

MEMBERSHIP

Labor memberships in the council total 329, a small gain over last year, and a new high.

SHIPBUILDERS COUNCIL OF AMERICA,
Washington, D.C., April 17, 1962.

HON. CARL D. PERKINS,
*Chairman, General Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: On behalf of the Shipbuilders Council of America, the national trade association for shipbuilding and ship repair companies, the following thoughts are submitted in connection with H.R. 11192 presently before the subcommittee for consideration.

Admittedly, the Federal Government does have a role in safety. Education on a national scale and concerted efforts to upgrade State activities are necessary. We believe, however, that these functions can be adequately carried out under existing laws without new legislation such as the pending bill.

There are few subjects of wider interest in industrial safety today than the proper role of the Government. But if the present trend continues, some believe the historic approach of private industry efforts with limited supervision in the public interest within the framework of individual State laws will soon be a thing of the past. Signs of increased encroachment by the Federal Government are unmistakable.

First there comes to mind Public Law 85-742 enacted in 1958 despite strong objection by the entire maritime industry. This act gave the Secretary of Labor broad power to issue and enforce safety codes for harbor workers, such as stevedores and ship repairers. It represents a giant step by the Government in moving into the area of industrial safety. As was predicted, expansions in the regulations have since come in rapid fire order.

During the past year, there have been proposals to widen the regulations even further to cover shipbreaking and to make radical changes in present industry practices dealing with the control of toxic and flammable gas hazards on vessels to be repaired. We understand pending legislation to apply the law to new ship construction has Labor Department support.

Within the past year, the Labor Department has issued new Federal standards for safety and health applicable to any contractor covered by the Walsh-Healey Public Contracts Act—an extremely broad field. These regulations are already in effect, even though discussions between industry and the Labor Department are continuing with a view to their recall and the substitution of a more practical system. Additional regulations under the Walsh-Healey Act concerned with radiation safety have also been promised by the Secretary of Labor.

We are all strong supporters of safety and accident prevention work. This is nothing more than good business sense. But there is no reason for Federal programs that can do no more than existing statutes, no more than efforts by industry itself, and no more than the programs of the separate States can and are doing.

Federal intervention with a Federal program based on legislation for its next-door neighbor—Federal standards—should not be accepted hastily. A new approach with its inevitable arbitrary Federal standards or codes cannot take the place of sound and effective safety programs initiated and carried out by private industry. As has been said before many times “you cannot legislate safety.”

The members of the council strongly urge that the subcommittee give very serious consideration to the expanding role of the Federal Government in this field in its action on the pending bill.

Sincerely,

EDWIN M. HOOD, *President.*

MARYLAND STATE & D.C. AFL-CIO,
Baltimore, Md., April 23, 1962.

Mr. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
House Office Building, Washington, D.C.

DEAR MR. PERKINS: Reference is made to your letter of April 23 relative to continued hearings on H.R. 11192.

This is to inform you that I will not be available on May 1 due to previous commitments.

There's urgent need in the State of Maryland for assistance in the area of "occupational safety" and we support basically the provisions of proposed legislation before the Labor Committee. Also the National AFL-CIO will be making a presentation to the committee and we concur in its position.

Very truly yours,

W. F. STRONG, *President.*

WEST VIRGINIA LABOR FEDERATION, AFL-CIO,
Charleston, W. Va., April 27, 1962.

Hon. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PERKINS: This will acknowledge receipt of your kind invitation of April 23 to appear before your subcommittee to present our views on H.R. 11192.

I deeply regret that I must once again decline this invitation, since extremely important business will keep me in the State on May 1.

Although I would like to testify on this legislation as it may specifically relate to West Virginia, I can say without hesitation that the views of our organization would parallel that of the national AFL-CIO.

I trust that your hearings will be most successful and result in legislation that will be in the interest of all the workers of our country.

With kind personal regards, I am,

Sincerely,

MILES C. STANLEY, *President.*

STATEMENT BY VIRGINIA MANUFACTURERS ASSOCIATION, RICHMOND, VA.

The Virginia Manufacturers Association is opposed to the enactment of H.R. 11451 (Occupational Safety Act) or any legislation of similar intent for the reason that it is unnecessary, a waste of Federal funds, and would be detrimental to the cause of industrial safety.

We have, in Virginia, the necessary law, regulations, personnel, budget, and cooperation which we are fully utilizing to maintain and improve an already excellent program of job accident prevention.

The Safety Division of the Virginia Department of Labor and Industry receives from the State legislature all the money it needs or has requested to carry out its program of inspection, consultation, and safety training. The Virginia Safety Codes Commission has representation of the public, employees, and employers, and it has the authority to study and investigate all phases of safety and formulate rules and regulations to protect and promote the safety and health of workers.

The safety division of the department of labor and industry enjoys the cooperation of city and county governments, trade associations, employers' associations, and State and local safety organizations. It receives the full support and cooperation of local government and employers in conducting safety schools for safety and supervisory personnel throughout the State.

Virginia's excellent safety record has shown improvement in each of the last 6 years as a result of the positive program and the cooperation which has been generated throughout the State.

Our experience and knowledge of safety teaches us that any State can afford a good industrial safety program and that it does not involve a large amount of money.

We can assure you that Federal funds for this purpose are not needed in Virginia, and we believe that Federal intervention would actually hinder the cooperation and positive effort we now enjoy. We ask you to reject this legislation as unnecessary and undesirable.

LYONS, ILL., April 26, 1962.

HON. CARL D. PERKINS,
House Office Building, Washington, D.C.:

We wish to express our intense opposition to H.R. 11192 and H.R. 11451 as most States are doing a fine job on safety. We do not need another Federal agency to duplicate services and add to our taxes.

HENDRICKSON MANUFACTURING Co.,
L. J. LEONHARDT, Personnel Director.

STATE OF TENNESSEE, DEPARTMENT OF LABOR,
Nashville, Tenn., April 13, 1962.

Mr. GEORGE T. BROWN,
Bureau of Labor Standards, Department of Labor,
Washington, D.C.

DEAR MR. BROWN: With further reference to House bill 11192, which we discussed in our telephone conversation of April 12, 1962, I wish to say I have read the bill with a great deal of interest. Each director of my staff had the opportunity to review the bill and we have come to the conclusion the bill is in order except for the fact it does not provide that an agency or department has the privilege of terminating the plan without going through certain court procedures. This in itself, I feel, would discourage its passage to some degree. However, all in all, we feel the bill is well constructed, and certainly this department is in need of funds to carry on the work relative to occupational safety. As mentioned to you previously, the State of Tennessee lags far behind in the necessary appropriation to carry on a well-balanced safety plan. As you probably know, many of the States appropriate more funds for the protection of animal life than the workers employed in their respective States.

Having served as commissioner of this department for the past 9 years, and one of the responsibilities charged to me being industrial safety, it has been my theory that accidents which injure workers, destroy material, and waste time constitute a formidable impediment to the operation of any industrial enterprise which suffers them, and any impediment to production jeopardizes the position of industry and the progress of the Nation. To prevent accidents, therefore, becomes the increasingly important objective of all persons concerned.

I further believe the wanton waste of life and human suffering could be reduced if sufficient appropriation from Federal and State Governments, or from either, could be made available for the enforcement of safety acts and the compiling of statistics which would pinpoint the proper approach to safety hazards which have the highest frequency and severity rates.

Attached hereto is a suggested amendment. I state again, however, that if this bill is enacted into law as it now stands, we in Tennessee will be very much pleased to accept such a plan.

Sincerely yours,

W. H. PARHAM, Commissioner.

SUGGESTED AMENDMENT TO SECTION DEALING WITH PAYMENTS TO STATES

"Nothing in this Act shall preclude any State agency or department from terminating this plan at the end of one year from the date of its acceptance, provided such State agency or department shall return all unencumbered funds and all records pertaining to this plan, as requested by the Secretary."

(The above-suggested amendment in no way means that a State can discontinue this plan at the end of 1 year, unless such State submits to the Secretary reasonable justification for this discontinuance, and certainly these justifications should be added to the proposed amendment.)

OAK LAWN, ILL., April 30, 1962.

HON. CARL D. PERKINS,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: This letter is intended to impart to you the reasons for my opposition to H.R. 11192 and H.R. 11451, which I understand will be called up for hearing on May 1 and 2 before your House Education and Labor Subcommittee.

The prevention of industrial accidents has over a long period of years been administered by management and enhanced by employees of manufacturing and fabricating establishments doing interstate and intrastate business. Each State now has its health and safety regulations, its compensation laws covering industrial injuries and occupational diseases. These State codes, updated periodically, are adequate to insure effective safety programs industrywide.

Should either of the two House resolutions now being considered become law, it would be of little or no advantage to the end result, which we all hope to be freedom from injury. It would be an expensive duplication of programs. Predicated on the information available to me, the initial cost of such a program as these resolutions indicate would be \$5 million a year, and this, of course, would increase each subsequent year.

As a safety engineer of many years of experience, I am convinced that safety cannot be legislated, that it is a matter of educating and training for higher skills. No one is in a better position to do this than industry itself. Already established State codes and qualified State employees who are specialists in their respective fields have been of assistance in safety programs.

The Walsh-Healy Act adequately covers industrial organizations doing business with the Government under the Federal supply contract provisions, and, therefore, I hope that you honorable gentlemen will consider that this Republic and its people have progressed in all fields including accident prevention without harsh Government controls, and will continue to progress faster and more effectively on private initiative than it will by the Federal bureaucrats dictating procedures and methods. It is sincerely hoped that this needless legislation will not be passed

Respectfully yours,

LEONARD COLE

THE QUAKER OATS CO.,
Chicago, Ill., April 30, 1962.

HON. CARL D. PERKINS,
Chairman, House Education and Labor Subcommittee,
House Office Building, Washington, D.C.

DEAR SIR: I would like to urge a "No" vote on H.R. 11192 which I understand is scheduled to be heard by the House Education and Labor Subcommittee on May 1 and 2, 1962.

Considerable success and steady progress has been achieved in the reduction of occupational accidents through the voluntary efforts of employers by instituting effective programs of safety inspection, education, and supervisory training. The entry of the Federal Government into this activity would bring about a duplication of services, financial waste, and unnecessary Federal controls. In view of the excellent progress in industrial health and safety and the reduction of job accidents, it is certainly not necessary or desirable to adopt a system of compulsory Federal legislation.

Should there be a need for additional governmental supervision in this area, it should continue to be a function of the individual States.

Sincerely,

RALPH M. HARTMANN,
Manager, Safety and Training.

STATEMENT BY PAUL S. WISE FOR THE AMERICAN MUTUAL INSURANCE ALLIANCE,
CHICAGO, ILL.

This statement is presented by the American Mutual Insurance Alliance in behalf of its 113 member fire and casualty insurance companies, writing approximately one-third of the insured workmen's compensation premium volume in the United States.

Ever since its organization a principal concern of the American Mutual Insurance Alliance has been the improvement of accident prevention by every available means. This has meant close and helpful cooperation with other organizations concerned with such problems, and it has meant continuing emphasis on research and the application of sound safety engineering principles to the activities of the policyholders of the member mutual casualty insurance companies. The effects of this promotion of safety long since has spread beyond the circle of mutual insurance policyholders to benefit the public generally, and every effort is being made to insure that they will continue to do so.

We oppose the enactment of the "Occupational Safety Act" believing that the measures suggested are unnecessary, undesirable, and not in the public interest. Among other things, they grant broad powers to a Federal agency in a field which is best regulated by the States, in cooperation with industry, insurance carriers, and the many voluntary agencies devoted to accident prevention activities.

The substantial progress made over the years in reducing industrial accidents indicates that Federal intervention is unnecessary at this time. The national all-industry average accident frequency was cut in half between 1926 and 1933. It was more than cut in half again between 1933 and 1960.¹ This creditable accomplishment has been obtained through privately operated industrial safety programs conducted by employers with the cooperation of their employees, the insurance carriers, and voluntary organizations devoted to the development of safety standards and programs. Examples of such organizations are the American Standards Association, National Safety Council, American Industrial Hygiene Association and the Z National Fire Protection Association.

It is to be emphasized, however, that industry and the other sponsors of the voluntary safety movement are not complacent. Accidents which are the unfortunate consequence of our industrial processes are not condoned. Privately operated and State supervised industrial safety programs are being constantly improved to alleviate human suffering, reduce the economic loss and preserve the Nation's manpower. Workmen's compensation rating plans give credit to favorable operating experience, and there is a growing recognition by employers and employees that safety is their responsibility.

The need for assisting the smaller businesses with their accident control problems is well recognized. For the past several years our affiliate association, the National Association of Mutual Casualty Companies has sponsored a program of assistance to the smaller business through the National Safety Council, and even now is studying ways and means of increasing the effectiveness of programs being carried on through trade associations.

Thus, it becomes evident that industrial safety programs are being conducted with ever-increasing effectiveness under the present system. The proposed bill would place primary responsibility for accident prevention programs at the Federal level, far removed from the scene of action. This would reduce the effectiveness of the present system which has been developed through many years of effort and experience.

We oppose this bill because it would result in the assumption by a Federal agency of regulatory responsibilities for accident prevention programs, now vested in the State labor departments, industrial commissions, or other State agencies. While proponents of the bill suggest a Federal-State partnership, subsidization of the State programs and the broad powers granted the Secretary of Labor would ultimately result in Federal control. With regard to the development of safety standards, employers, employees, and the public now have a voice in the establishment of safety codes, rules, and regulations. Consideration is thus given to variable conditions in industries and to those that are peculiar to the particular States. Enactment of this bill would necessitate expenditures of sizable sums for Federal assistance to States, with virtual supervision of State functions, in an area in which good progress is being made.

The current trend toward higher Government expenditures and taxes makes it unwise for State governments to call upon the Federal Government for financial assistance in their local affairs. For similar reasons, it is not fitting that the Federal Government should seek, by its broad powers or offers of financial aid, to gain control of local functions.

For these reasons it is our considered opinion that passage of this bill would not be beneficial to the cause of industrial accident prevention.

STATEMENT OF C. J. HAGGERTY, PRESIDENT, BUILDING & CONSTRUCTION
TRADES DEPARTMENT, AFL-CIO

My name is Cornelius J. Haggerty. I am president of the Building and Construction Trades Department, AFL-CIO, which represents over 3½ million building and construction tradesmen throughout the country. The department is made up of 18 national and international unions of the building industry.

There is a serious and urgent need for action by the Federal Government to aid the States in their efforts to prevent occupational injuries. H.R. 11192 aims

¹ National Safety Council "Accident Facts"—1961 edition.

to meet that need by providing for financial and technical assistance to the States in developing and expanding occupational safety programs.

We in the building and construction industry are vitally concerned with safety. Construction work, by its very nature, is hazardous work, but we want to make it as safe as we can. I believe I can say without fear of contradiction that building and construction workers are the greatest victims of unsafe working conditions. In 1963, about 207,000 building tradesmen were injured while working. Compare this with the 157,000 total Korean war casualties. Of the 207,000 injuries, 2,400 were fatal, and 5,900 involved some degree of permanent physical impairment. Our injury frequency rate has shown some improvement year by year, but it is still three times as high as in manufacturing.

Year by year, our building trades unions have made efforts to reduce injuries and to impress upon their members the importance of safety. The department itself has a standing committee on safety and many of our affiliated national unions also conduct extensive safety promotion programs. Our local building and construction trades councils also have local programs. And I do not want to slight the safety programs of our contractor-employers, many of whom have made strenuous efforts to reduce the construction accident rate. Most of our contractor-employers are well aware of the direct cost of construction accidents. They know from their accountants the cost of workmen's compensation insurance and the cost of medical services. In fact, the third highest cost in construction after material and labor costs is the cost of insurance. There are also substantial indirect cost items to contractors, such as lost time of employees when the accident occurs, legal expenses, investigators, and so on.

But the greatest impact of lack of adequate safety programs falls on the workers themselves. The most serious, of course, is the loss of life. It is unnecessary to belabor the tremendous personal and economic consequence of such accidents and yet as I stated before 2,400 building tradesmen were killed working on the job in 1960, the last year for which figures are available.

Secondly, there are injuries which result in some degree of permanent impairment. These range from the amputation or loss of a finger or a toe to complete and permanent disability to engage in any future gainful employment. The economic cost of these accidents (5,900 in the construction industry in 1960) is tremendous. Every handicapped person knows all the economic consequences as well as the physical and mental anguish that result. The loss of wages; the medical expenses; rehabilitation; learning a new trade; finding a new job usually at less pay—these are only some of the cost of these serious accidents.

The third set of accidents are the less "serious" ones, from which there is complete recovery (198,700) in the construction industry in 1960. The average time lost on these so-called minor accidents was about 18 days. As workmen's compensation payments are never the equivalent of full wages (and since in many States there is a week's waiting period), a considerable portion of the loss falls on the injured workman.

In loss of income alone, it is estimated that accidents last year cost construction workers over \$300 million. We cannot afford such staggering losses.

The prevention of occupational injuries is a matter of national importance, both in terms of the general welfare of the working population and in terms of the reduction of the social costs of occupational casualties. Between 13,000 and 15,000 workers have been killed and 1¼ to 2 million others injured on the job every year for the past 10 years. In 1960, 13,800 workers were killed on the job and 1,960,000 sustained occupational injuries.

Automation, radiation, noise, speed, vibration, and other modern hazards to which workers are now exposed increase the need for competent safety control measures and personnel.

The annual cost to the Nation in wage loss, medical expenses, workmen's compensation payments, and lost production is estimated at \$3,900 million. Vast as this loss is, it fails to take into account the suffering of the injured worker and the deprivations to his family.

If these figures represented an inevitable minimum of annual occupational casualties, there would not be much to do except deplore the human costs of the Nation's job processes. However, that is not the case. As a result of experience in the field of occupational safety during the past 40 years, safety experts generally believe that we know how to prevent over 90 percent of all work injuries. Where sound safety measures have been adopted there has been a substantial decrease in accidental injuries.

Several of our largest industrial corporations have reduced the frequency of job injuries 90 percent or more in 40 years. Unfortunately, in establishments too small to afford full-time safety engineers, control of accidents has not kept

pace with technological developments. As the Nation's work force expands, and as further technological progress is made, more safety consultants with higher qualifications will be required. As the work force becomes more highly skilled, it will be more costly to lose workers due to accidents.

State labor departments have not, despite strong and sometimes successful efforts, generally obtained sufficient funds to employ adequate staffs. Few State labor departments are properly equipped to advise employers on the ways and means of preventing occupational injuries. Comparison of the safety requirements of the various States and their respective fiscal allocations makes it readily apparent that in many cases State resources are so inadequate as to preclude the attainment of even minimum acceptable levels. Recent studies indicate that more than two-thirds of the States did not have sufficient staff to make one inspection per plant annually in the industrial establishments coming under their jurisdiction.

A study made by the President's Conference on Occupational Safety in 1949 showed that of 37 States reporting, less than two-thirds spent as much as 10 cents per year per industrial worker. Personal contacts with the States and recent safety code comparisons indicate little improvement has been made. With inadequate funds it is impossible for the States to get a properly qualified staff adequate for the job to be done. To assure the same measure of safety for workers throughout the country, there is a need for more uniformity in State occupational safety requirements.

The Federal Government has responsibility for occupational safety and health in several areas, such as mining, supply and construction contracts, aviation control and facilities, atomic energy, and longshoremen and harbor workers. If State safety codes and enforcement can be made adequate through the assistance provided in this bill, the respective responsibilities of the Federal and State Governments can, in many instances, be discharged through cooperative arrangements without duplication of effort and cost. We, therefore, urge immediate passage of this legislation.

NATIONAL ASSOCIATION OF MANUFACTURERS,
New York, N.Y., May 3, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
House Committee on Education and Labor,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: On behalf of the National Association of Manufacturers I am writing you with respect to the occupational safety bills, H.R. 11192 and H.R. 11451, presently being considered by your subcommittee.

The National Association of Manufacturers finds it hard to understand why this kind of measure comes before the Congress year after year despite convincing proof that the number and severity of work-related injuries is steadily declining. Labor Department statistics show clearly that the trend in work injuries has been down from the 1943 peak except for a brief upswing during the Korean conflict. The constantly improving picture is dramatically highlighted by the fact that although employment is up 42 percent over 1940, disabling work injuries are only 7 percent above the 1940 figure.

Statistics for the manufacturing industry are even more impressive in proving the success of voluntary safety programs. In 1943 the injury-frequency rate in manufacturing, as reported by the Bureau of Labor Statistics, was 20 injuries per million man-hours worked. In 1952 it was 14.3, and in 1960 it was down to 11.3. Indeed, over 80 percent of all the occupational injuries in 1960 were suffered in nonmanufacturing activities. If improvements are called for in other trades, we submit that our voluntary programs show the way to success, rather than legislation that would establish Federal safety standards largely duplicating those already in existence in the States. So successful have been these voluntary efforts that we can today assert, with support from the record, that the worker is safer on the job than off it.

Our views on the subject of safety are based on many years of close cooperation with organizations like the National Safety Council, and on actual consultations with our member companies to discover and disseminate practical information on improved safety performance in the plant. Against this background we can say with assurance that H.R. 11192 is neither desirable nor necessary for the following reasons:

1. Industry's own efforts have resulted in a spectacular reduction of work-related accidents.

2. The work of expert, voluntary organizations—on a local, State, and National basis—is helping all employers to improve their frequency and severity rates.

3. Federal intervention through grants-in-aid would be an unwarranted trespass on a local and private problem.

4. The bill would lead to Federal safety standards in a field that is already a morass of standards and codes, thus confusing and strangulating the primary effort which must be directed at educating the individual worker.

5. There is also a threat that Federal legislation in the category of safety would preempt the many State codes now on the books.

Employers have had a foretaste of Federal safety standards in the code promulgated in December 1960, under the Walsh-Healey Public Contracts Act. This complex and detailed code covered everything from overhead chain drives to water closets with precise requirements that would necessitate the wholesale rebuilding of plants with excellent safety records. The folly of "safety through standards" is revealed in this contradiction.

Another duplicating feature of H.R. 11192 is the provision for collection and development of statistical data by the Department of Labor. Such data is already available from a number of sources including the National Safety Council and Industrial Medical Association. It is also our belief that statistical information is not the primary basis for safety achievement and is rather a distraction when overemphasized as in these bills. Good safety is a product of good work habits and good supervision, things which the employer can best provide without assistance from the Federal Government.

We sincerely hope that this subcommittee will reject the concept that Federal regulation and statistic collecting can reduce accidents, and will concentrate instead on the excellent and constantly improving safety record achieved by employers through voluntary efforts. H.R. 11192 would put the Federal Government in direct competition with the National Safety Council, the State agencies, and the many trade associations that are doing such outstanding things in safety education and research.

It is our view, based on experience, that safety cannot be achieved through legislation. Too much emphasis on codes and regulations numbs the feeling of personal responsibility for safe conditions that employers and employees must retain. Such regulations can be self-defeating when these individuals assume that their responsibility is limited to compliance with the letter of the law.

If the Federal Government wants to be of real help in the field of safety, it will restrict its activities to their present level with such aids as the Bureau of Labor Statistics reports, and the President's Conference on Occupational Safety—things which already have the enthusiastic support of the entire employer community.

We respectfully request that these thoughts be made part of the official record of your hearings.

Sincerely,

CHAS. R. SLIGH, Jr.

BRONSON-DENNEHY-ULSETH INC.,
Chicago, Ill., May 3, 1962.

Representative CARL D. PERKINS,
House Office Building, Washington, D.C.

DEAR SIR: It is constantly distressing to learn that the House of Representatives and the Senate have completely lost faith in the U.S. citizens' ability to handle and solve their own problems.

The Workmen's Compensation Act has been in effect since 1912. During this time private enterprise has made tremendous strides in improving safe working conditions throughout all Illinois industries. Many manufacturers are enjoying reduced rates for their workmen's compensation insurance as a result of their own promotion of safety in their plants.

In addition to the manufacturers' activities, insurance companies are constantly striving to stimulate management's sense of responsibility toward safe practices through competent safety engineers. Also, insurance companies are competing with each other and this constantly keeps rate structures at the lowest possible level.

We strongly doubt whether the proposed bill, H.R. 11192, would result in any concrete reduction of accidents. We further believe, based on other governmental interference in industry, that this law would complicate management's problem in dealing with industrial health and safety matters.

I repeat for emphasis, I believe that the last 50 years has proven not only in Illinois but in the other 49 States that the voluntary interest and efforts made by manufacturers and insurance companies has considerably improved. Also, I believe without any question of doubt that the U.S. manufacturing citizens have been able to and can continue to cope with this problem without Federal Government intervention.

Without meaning to belabor the point, I cannot see how the Federal Government can possibly establish any control over workmen's compensation without establishing Federal rate structure. This, as in all other cases of Federal control, would be extremely detrimental to the successful company (successful in reducing their loss experience) and would force such a company to pay for the bad experience of a "sloppy" company.

I, therefore, urge that you devote your utmost effort to defeating this bill in your committee.

Sincerely yours,

JOHN F. MILLIKEN.

MANUFACTURING CHEMISTS' ASSOCIATION, INC.,
Washington, D.C., May 4, 1962.

Subject: H.R. 11451, a bill to provide for assistance to States in the promotion, establishment, and maintenance of safe work places and work practices, thereby reducing human suffering and financial loss and increasing production through safeguarding available manpower.

Hon. CARL D. PERKINS,
*Chairman, General Labor Subcommittee,
House Committee on Education and Labor, Washington, D.C.*

DEAR MR. CHAIRMAN: The Manufacturing Chemists' Association is a non-profit corporation with almost 200 company members, including the principal chemical manufacturers in the United States. Through our safety and fire protection committee, medical advisory committee and labels and precautionary information committee we have developed, with the active support of member companies, a progressive program for the reduction of accidents in the manufacture and handling of chemicals.

Our chemical safety data sheets (accepted nationally as safety standards), safety guides, manuals of safe practice, and volume of warning labels are illustrative of our activities in this field of accident prevention. The fact that the disabling injury frequency rate for our member companies has been reduced from 7.65 in 1946 to 3 in 1961 is evidence of successful effort.

We are keenly interested in any measure designed to promote the cause of occupational safety but we believe that H.R. 11451 should not be enacted into law for reasons which follow.

Few would quarrel with the simple concept of Federal financial assistance where necessary. But H.R. 11451 goes further. As a condition precedent to the granting of financial aid it requires that States shall submit proposed safety plans for Department of Labor approval. For implementation of the proposed act it is apparent that the Department of Labor would develop extensive Federal safety standards as essential criteria or yardsticks for measuring the adequacy of State safety plans. It follows that State safety standards, in order to qualify for acceptance, would have to be in full conformity with these Federal standards.

The Manufacturing Chemists' Association submits that such extensive Federal activity in this area is unnecessary because State agencies currently charged with the administration of State labor laws already have the legal power to enforce safety measures. We submit that Federal supervision of State administration can only mean increased overhead cost and corresponding increase in taxation. In addition, there can be little doubt that, should this bill be enacted into law, individual inquiries regarding compliance or interpretation would of necessity be forwarded to Washington and would cease to be resolved at the State level.

We wish to repeat our belief as stated on previous occasions that control of industrial safety should be left to the State governments since they can adapt general safety measures to local needs and conditions. The Department of Labor could well continue to serve as a clearinghouse of accident-prevention information and experience for both State safety agencies and for the various industries. It could also sponsor greater research into causes of accidents through the Bureau of Labor Statistics, perhaps profitably expanding its existing program. Therefore, we are opposed to the enactment of H.R. 11451 because we believe

that under the guise of proper concern for financial incapacity of certain States the bill proposes usurpation of the control of the individual State over its safety regulations.

Sincerely,

J. E. HULL.

THE EASTERN MACHINE SCREW CORP.,
New Haven, Conn., May 7, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor, House Labor Committee, House Office Building, Washington, D.C.

MY DEAR CONGRESSMAN PERKINS: It does not seem that H.R. 11451 is necessary because the various States now have adequate laws to safeguard working conditions. Therefore, I would appreciate anything you could do toward the defeat of this bill.

Very truly yours,

L. K. BURWELL, *Treasurer.*

THE B. F. GOODRICH CO.,
Shelton, Conn., May 8, 1962.

HOUSE LABOR COMMITTEE,
House Office Building, Washington, D.C.
(Attention: of Representative Carl D. Perkins, chairman, General Subcommittee on Labor.)

DEAR SIR: I am opposed to the new labor bill to establish Federal standards, H.R. 11451, on the basis that I feel this is a responsibility of the States and not the Federal Government. I also feel that this is usurping the privilege and authority of the States.

Very truly yours,

T. F. DAVIS, *Safety Director.*

BROTHERHOOD OF RAILROAD SIGNALMEN,
Chicago, Ill., May 15, 1962.

HON. CARL D. PERKINS,
Chairman of the General Subcommittee on Labor,
House Office Building, Washington, D.C.

DEAR SIR: It has come to my attention that House bill 11451 cited as the "Occupational Safety Act" has been referred to your committee.

Obviously, the members represented by my brotherhood are very much interested in this proposed legislation. We, therefore, urgently request that your committee handle this question as promptly as possible, and render a favorable report to the full committee. We are hopeful of its passage by both Houses of Congress.

Very truly yours,

JESSE CLARK, *President.*

THE DOW CHEMICAL CO.,
Gales Ferry, Conn., May 15, 1962.

Re H.R. 11451; bill to establish Federal safety standards.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
House Labor Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: It seems to me that industry has done a remarkable job in setting the pace on safety standards.

The results of the job are indicated by the 50-percent drop in frequency and severity rates of all the heavy industries over the past 20 years.

The standards mentioned above are widely publicized and available to anyone interested. Nearly every State has adopted some of the standards.

Any Federal regulations would be a duplication of State and local regulations and an additional burden on the taxpayer.

We are opposed to H.R. 11451.

Very truly yours,

JOHN C. MARTINO, *Safety Engineer.*

THE DOW CHEMICAL CO.,
Gales Ferry, Conn., May 15, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
House Labor Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: H.R. 11451 is designed to establish Federal safety standards in Washington. This is a duplicate and a takeover of functions of State governments. Here in Connecticut, we have an excellent safety program and a remarkable safety record in our factories.

Here at Dow, we have operated for 11 years or 3,961,000 man-hours without a disabling injury.

Additional cost, burden and duplication of effort by the proposed bill is found objectionable.

Very truly yours,

GERARD A. FERGIONE,
Industrial Relations Manager.

CHICAGO, ILL., May 18, 1962.

Re H.R. 11192; also H.R. 11451, proposed Federal legislation to encourage the development, initiation, and expansion of occupational safety programs in the States.

HON. CARL D. PERKINS,
House Office Building, Washington, D.C.

MY DEAR MR. PERKINS: In regard to the above House bills, which have as their purpose the placing of occupational safety under the supervision of the Federal Government, we would like to add the name of our company to the growing number of opponents to such proposed legislation.

Our company handles safety inspections and claims for numerous companies, which are self-insured under the Illinois Workmen's Compensation Act and other State acts, including Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. We, therefore, have a direct interest in these proposed bills. Our objection is based on the following premises:

(a) The Federal bureaucracy is already far too large and unwieldy for the best interests of the citizenry.

(b) The field of this proposed legislation can be best handled by the State governments, without increasing the taxload for the cost of the Federal Government.

(c) The corporations in general have been successful in their private efforts for effective safety programs of inspection, education, and supervision to reduce industrial accidents.

(d) The Federal Government can contribute to the industrial safety effort on a voluntary basis, without having Federal controls as incorporated in those House bills; compulsory Federal legislation is not necessary and is not wanted.

Respectfully yours,

SAFETY & CLAIMS SERVICE, INC.,
By M. C. MAITLAND.

THE ORDER OF RAILROAD TELEGRAPHERS,
St. Louis, Mo., May 22, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: I have scrutinized with extreme interest the text of House bill 11451 (Occupational Safety Act) introduced by Representative Joelson of New Jersey. It is my opinion that this type legislation is long overdue. I can speak with authority when I say that the conditions in regard to safety under which some of the railroad employees work, whom I have the privilege of representing, are deplorable. I am sure that similar conditions exist in other industrial settings. I believe that the passage of this bill, along with the influence exerted by the representatives of the employees in regard to this situation, could result in a definite improvement of the conditions under which the workmen of America labor.

On behalf of the thousands of railroad employees I represent as president of the Order of Railroad Telegraphers and chairman of the Railway Labor Executives' Association, I appeal to you to use your influence as chairman in regard to con-

vincing the members of the General Subcommittee on Labor to endorse the passage of this bill. I feel confident that your colleagues in the House will look favorably upon the passage of this bill if and when it is presented to that body for their consideration.

Your cooperation and support in regard to this matter will be greatly appreciated.

Very truly yours,

G. E. LEIGHTY.

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES,
Detroit, Mich., May 23, 1962.

Re H.R. 11451, Occupational Safety Act.

Hon. CARL D. PERKINS,
House of Representatives, Washington, D.C.

DEAR MR. PERKINS: The railroad workers, as well as workers in other industries, are badly in need of the occupational safety protection that is proposed in H.R. 11451, which was introduced by Congressman Joelson of New Jersey.

The Railway Labor Executives' Association is unanimously supporting this bill and we are informed that the General Subcommittee on Labor, of which you are chairman, will schedule hearings on the bill in the very near future.

I shall personally appreciate your support toward favorable action by your committee in recommending the enactment of this bill to the Congress during this session.

Yours truly,

H. C. CROTTY, *President.*

THE ORDER OF RAILROAD TELEGRAPHERS,
SYSTEM DIVISION NO. 22,
Muskogee, Okla., May 25, 1962.

Hon. CARL D. PERKINS,
*Chairman of the Committee on Labor,
Washington, D.C.*

DEAR MR. PERKINS: As you are aware, the bill identified as H.R. 11451, providing for assistance to the States in the promotion, establishment, and maintenance of safe workplaces and practices, introduced by Congressman C. S. Joelson, of New Jersey, which is entitled, I believe, "Occupational Safety Act," will come before your committee shortly for a hearing.

Representing agents, telegraphers, telephoners, tower levermen, and telegraph and telephone clerks on the Missouri-Kansas-Texas Railroad Co., Midland Valley Railroad Co., and Oklahoma City, Ada, Atoka Railroad Co., the Kansas-Oklahoma & Gulf Railway Co., and the Dallas Union Terminal, Dallas, Tex., we would appreciate, and respectfully request you, as chairman of the General Subcommittee on Labor, to use your influence in regard to convincing the members of your committee to endorse the passage of this bill.

Yours very truly,

W. C. THOMPSON.

THE ORDER OF RAILROAD TELEGRAPHERS,
Gilman, Ill., May 25, 1962.

Hon. CARL D. PERKINS,
*Chairman, General Subcommittee on Labor,
House Office Building, Washington, D.C.*

HONORABLE SIR: I understand that Representative C. S. Joelson, of New Jersey, has introduced a bill, identified as H.R. 11451, providing for assistance to the States in the promotion, establishment, and maintenance of safe workplaces and practices.

Having frequent and close contact with many workers in the central Illinois area, I am well aware of the deplorable conditions under which some of them labor.

May I, therefore, urge that you use your good influence toward convincing the members of your General Subcommittee on Labor to endorse passage of H.R. 11451?

Sincerely yours,

CARROLL PAYNE,
District Chairman, O.R.T.

THE ORDER OF RAILROAD TELEGRAPHERS,
C. & O. SYSTEM DIVISION NO. 40,
Hinton, W. Va., May 25, 1962.

Congressman CARL D. PERKINS,
Chairman of the General Subcommittee on Labor,
Washington, D.C.

DEAR SIR: I am appealing to you and requesting that you use your influence in regard to convincing the members of your committee to endorse the passage of bill, H.R. 11451, Occupational Safety Act, which provides for assistance to the States in the promotion, establishment, and maintenance of safe workplaces and practices.

I am sure that you are well aware of the deplorable conditions under which some of the employees we represent labor.

Yours very truly,

S. G. BISHOP.

THE ORDER OF RAILROAD TELEGRAPHERS,
SYSTEM DIVISION NO. 17,
Philadelphia, Pa., May 25, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
Washington, D.C.

DEAR CONGRESSMAN: This is with reference to H.R. 11451 introduced by Representative C. S. Joelson, providing for assistance to the States in the promotion, establishment, and maintenance of safe workplaces and practices.

Railroad employees are vitally interested in the passage of this bill and will appreciate your support of the bill and your efforts to convince members of the committee to endorse its passage.

Thanking you for your consideration, I remain,

Respectfully yours,

A. SWILLING, General Chairman.

THE ORDER OF RAILROAD TELEGRAPHERS,
ILLINOIS CENTRAL SYSTEM DIVISION NO. 11,
Waterloo, Iowa, May 28, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
Washington, D.C.

DEAR CONGRESSMAN: Referring to the bill identified as H.R. 11451, providing for assistance to the States in the promotion, establishment, and maintenance of safe workplaces and practices.

It will be most appreciated if you will use your influence with the members of your committee to endorse the passage of this bill.

Thanking you.

Very truly,

A. M. GARRICK.

THE ORDER OF RAILROAD TELEGRAPHERS,
SOO LINE SYSTEM DIVISION NO. 73,
Moose Lake, Minn., May 28, 1962.

HON. CARL D. PERKINS,
Chairman of the General Subcommittee on Labor,
House of Representatives, Washington, D.C.

DEAR SIR: This has reference to bill H.R. 11451, introduced by the Honorable C. S. Joelson, Representative from New Jersey, providing for assistance to the States in the promotion, establishment, and maintenance of safe work places and practices.

Some of the people we represent work under very bad conditions which this bill tends to have corrected.

On behalf of our members I appeal to you to use your influence to have this bill endorsed by the committee and we will hope for early passage.

Yours truly,

WM. F. FEIT.

THE ORDER OF RAILROAD TELEGRAPHERS,
SYSTEM DIVISION No. 4,
Hudson, Wis., May 29, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
House Office Building, Washington, D.C.

DEAR SIR: Representative C. S. Joelson of New Jersey has introduced a bill identified as H.R. 11451 providing for assistance to the States in the promotion, establishment, and maintenance of safe work places and practices.

As organization representative of agents and telegraphers on the Omaha Railway and the Minneapolis & St. Louis Railway in 6 Midwest States, I ask that you use your influence to appeal to members of the committee to endorse the passage of this bill.

The passage of the bill may be a major step in correcting many deplorable conditions which now exist under which some of the employees we represent labor.

Very truly yours,

J. W. SMITH, *General Chairman.*

THE ORDER OF RAILROAD TELEGRAPHERS,
DIVISION No. 48,
Florence, S.C., May 30, 1962.

HON. CARL D. PERKINS,
Chairman, General Subcommittee on Labor,
Washington, D.C.

DEAR SIR: Representative C. S. Joelson of New Jersey has introduced a bill identified as H.R. 11451 to provide for assistance to the States in the promotion, establishment, and maintenance of safe work places and practices.

I am sure you are well aware of the deplorable conditions under which some of the employees we represent labor. This situation also prevails in industrial settings throughout the United States.

As a railroad employee, I am vitally interested in this legislation and I shall appreciate it very much if you will use your influence in regards to convincing the members of the committee to endorse the passage of this bill.

Yours very truly,

J. W. MATTHEWS.

THE ORDER OF RAILROAD TELEGRAPHERS,
DIVISION No. 100, DULUTH,
MISSABE & IRON RANGE RAILWAY,
Hoyt Lakes, Minn., May 31, 1962.

Congressman CARL D. PERKINS,
Chairman of the General Subcommittee on Labor,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: I would like to request that you use your influence in regard to H.R. 11451, providing for assistance to the States in the promotion, establishment, and maintenance of safe work places and practices.

Your help will be greatly appreciated. Thank you.

Yours truly,

M. O. OLSON, *General Chairman, ORT.*

IDAHO SAFETY COUNCIL,
Boise, Idaho, May 31, 1962.

Subject: Occupational Safety Act (S).

Mr. RALPH R. HARDING,
Member of Congress,
House Office Building, Washington, D.C.

DEAR MR. HARDING: The Idaho Safety Council has reviewed the legislation that provides for assumption of dictatorial direction of all occupational (industrial) safety. The council is unalterably opposed to this and similar legislation and urges your active representation of the council's desires to defeat and denounce such legislation that imposes itself on free enterprise and free spirit.

The bill in question is before the 87th Congress, 2d session, and is in the Committee on Education and Labor. This bill, H.R. 11451, was introduced in the House of Representatives by Congressman Joelson of New Jersey. A similar bill, S. 3208, is pending in the Senate, following introduction by Senator McNamara of Michigan.

Our review and decision on the merits of such legislation transcends political party affiliation or interests. We are motivated into this action by the bill's presentation of unfairly quoted need. The actual facts are that industrial injuries have decreased from a frequency of 31.9 to 6.4 (per million man-hours worked). Industrially caused deaths have decreased 69.6 percent while motor vehicle deaths have increased 5.4 percent (per 100,000 population) in a 35-year period of time.

Seven out of ten fatalities happen off the job. These quoted results are the records of industrial members in the federally chartered National Safety Council. It should be recognized that whereas the quotation of industrial figures are results of industrially led associations and individual members and are the progressive accomplishment of voluntary efforts, the traffic death figures point up a national calamity problem that resulted under the heaviest policed and "regulated" public exposure to hazard that faces the people of our Nation. Hence, we point up the type experience that can be expected under a "grab for power" to federalize responsibility and control from those who are cooperatively and willingly leading the Nation in combatting this problem into a slosh of patronage.

Please lend your efforts to defeat this specific legislation and support legislation that protects the rights of man and his right to his destiny. Such can be accomplished only if we preserve the rights of States and their inhabitants to remain free and proudly lead their State to accomplishment by the amalgamation of interests and efforts of the State's public, labor and management, such as is the support and organization of this association.

Very truly yours,

HUGH A. WILSON,
Secretary-Treasurer.
W. G. BRINKLEY, *President.*

GREATER BOISE CHAMBER OF COMMERCE

(Resolution: Reference Congressman Joelson (Democrat, New Jersey) House Resolution 11451, and Senator McNamara (Democrat, Michigan) S. 3208. The Board of Directors of the Greater Boise Chamber of Commerce, in meeting this date, adopted the following resolution with unanimous approval)

Whereas the provision of the above offered legislation has far reaching identities of purposes, not specifically enumerated in its contents; and

Whereas certain implications are made in the generalities of this legislation and its effects upon State administrators, their departments and personnel, that are unfounded. When these are left unchallenged, it leaves a false public impression. It is not within the realm of good ethics to offer or further the enactment of legislation on these principals; and

Whereas it provides for dictatorial administration without basis of need for enforcement and imposes upon the governed, employers and employees alike, an estimated phenomenal expense to satisfy the ambitious encroachment of a few into the rightful pursuits and interests of State residents and authorities.

This resolution, as titled "An Occupational Safety Act," provides for the dictatorial authority to be vested in the Secretary of Labor, to promulgate codes and programing without regulating limitations or financing; and

Whereas we have specifically reviewed results accomplished under national authoritative leadership and voluntary planning and programing, it is proven that industry has done a far reaching, profitable, and prudent production of reducing accidental injury within industry. An 81 percent reduction has been accomplished in industrial accidental injury experience as compared to an approximate 9.4 percent reduction in motor vehicle traffic deaths on the highways under probably the strictest enforcement and greatest regulated and policed exposure to hazard in our country; both recorded under a comparable period of time: Be it therefore

Resolved, That this Greater Boise Chamber of Commerce through its board of directors, acting upon the recommendation of its duly appointed accident and fire prevention committee, acts to resist enactment of these bills, by factual

presentations, and shall beseech the Chamber of Commerce of the United States to set forth their leadership and knowledgeable staff members to the purpose of the defeat of these and related legislation.

Adopted by the unanimous action of the board of directors meeting in regular session on Monday, May 21, 1962, upon motion duly made, properly seconded, and passed as attested by the signatures of its authorized officers.

JOSEPH D. JESSEPH, *President.*

ROGER B. MCGINNIS, *Executive Vice President and General Manager.*

BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS & STATION EMPLOYEES,
Cincinnati, Ohio, June 1, 1962.

HON. CARL D. PERKINS,
*Chairman, General Subcommittee on Labor,
House Office Building, Washington, D.C.*

DEAR CONGRESSMAN PERKINS: Our organization is very much interested in the support of H.R. 11451 introduced by Congressman Joelson of New Jersey and companion bill S. 3208 introduced by Senator McNamara.

This bill would provide assistance to States in the promotion, establishment, and maintenance of safe work places and work practices and may be cited as the Occupational Safety Act.

Legislation as provided in H.R. 11451 and S. 3208 is urgently needed to reduce human suffering and financial loss through the prevention of occupational accidents, and I respectfully request your support of this proposed legislation.

Yours very truly,

GEO. M. HARRISON, *Grand President.*

THE ORDER OF RAILROAD TELEGRAPHERS,
N. & W. SYSTEM DIVISION No. 14,
Farmville, Va., June 2, 1962.

HON. CARL D. PERKINS,
*Chairman of the General Subcommittee on Labor,
House Office Building, Washington, D.C.*

HONORABLE SIR: I understand Representative C. S. Joelson of New Jersey has introduced into the House of Representatives a bill identified as H.R. 11451, Occupational Safety Act, providing for assistance to the States in the promotion, establishment, and maintenance of safe work places and practices.

I am very much interested in this bill. Many of the towers and railroad stations and toilet facilities where our members work are in a deplorable condition and are hardly fit for human occupation and use. I trust that you will use your influence to convince the members of the committee to endorse the passage of this bill. There is a definite need for such a law.

Sincerely yours,

R. D. WILSON,
*General Chairman,
Order of Railroad Telegraphers.*

THE ORDER OF RAILROAD TELEGRAPHERS,
SYSTEM DIVISION No. 53,
Campbell, Calif., June 4, 1962.

HON. CARL D. PERKINS,
*Chairman, General Subcommittee on Labor,
Washington, D.C.*

MY DEAR CONGRESSMAN PERKINS: This letter has reference to a bill that was introduced by Representative C. S. Joelson, of New Jersey, identified at H.R. 11451 which would provide for assistance to the States in the promotion, establishment, and maintenance of safe work places and practices.

I request that you use your influence to convince the members of your committee to endorse the passage of this bill.

We on the railroad have witnessed many deaths or injuries, especially before certain Government bodies were established, such as the Public Utilities Commission, or the Interstate Commerce Commission.

I will attach a copy of a letter written by a member that I represent, which is dated on May 8, 1962 whereas this employee is requesting the carrier to return to past practices in order to prevent injuries or loss of life. It should be noted that the carrier has not responded to this request, nor have they taken the time to honor the letterwriter with a reply.

The letterwriter in his fourth paragraph stated: "This means, possibly a 10-foot fall onto a concrete ledge, and thence into the bay itself, which, of course, is almost certain death from drowning in fast moving tides."

This railroad bridge is over a hundred feet above the water, and yet the carrier has removed some features which this employee has considered as unsafe. If the carrier could prove that this is not dangerous they have made no effort to prove any contention they may have.

I am sure that wherever life or limb is at stake your committee will have the deepest interest.

I wish to thank you for any consideration you may give in the passage of the above-mentioned bill.

Sincerely yours,

C. P. BAUMGARTNER, *District Chairman.*

SAN FRANCISCO BAY DRAWBRIDGE,
Newark, Calif., May 8, 1962.

Mr. J. R. POWELL,
*Trainmaster, Southern Pacific Railroad,
Niles, Calif.*

DEAR MR. POWELL: In accordance with our rule book, "Safety Rules," I feel it my duty to call the following unsafe and hazardous condition to your immediate attention.

San Francisco Bay drawbridge has plug coupler's on each end of the opening span, connecting electricity, dispatcher's phone, local phone, and electric derail release, which all disconnect with each bridge opening * * * as often as once each hour or more, at times.

This plug coupler, substitution system, presently employed, is most dangerous, because the plugs are located on the corner edge, at each end of the bridge deck, forcing employees to kneel down, lean over, reach out, and grasp each of five plugs to effect connections.

This means, possibly a 10-foot fall onto a concrete ledge, and thence into the bay itself, which, of course, is almost certain death from drowning, in fast-moving tides.

Working in complete darkness at night, with only a railroad lantern's difficult light, it is impossible to hold on in this precarious position, in order to manually plug in these connections—especially in the strong bay winds, and during winter months in the driving rain, which cause slippery conditions and shocks from the 110-volt connection.

Would it be at all possible to utilize completely, the past system, partially in effect now, consisting of metal finger boxes, making the contacts through a lever system, that is operated from the bridge cabin

Because of extra employees, unfamiliar with the bridge footing, filling in with extensive relief work, please give this matter your immediate attention.

Sincerely yours,

K. P. WEST,
Third Telegrapher, D.B.T. Leverman.

THE ORDER OF RAILROAD TELEGRAPHERS,
SYSTEM DIVISION No. 53,
Salinas, Calif., June 4, 1962.

Congressman CARL D. PERKINS,
*Chairman, General Subcommittee on Labor,
Washington, D.C.*

DEAR SIR: Wish to refer to H.R. 11451, a bill introduced by Representative C. S. Joelson of New Jersey providing for assistance to the States in the promotion and establishment of safe work practices and places.

This bill is very urgently needed in the railroad industry and as local representative of some 200 men, I wish to assure you that we all are wishing you the best success with this bill. It must pass and be put into law as the railroad industry as a whole has deteriorated beyond the safe point.

Thank you for anything and everything you do in support of this bill.

Very truly yours,

F. F. KINISKY, *District Chairman, O.R.T.*

THE ORDER OF RAILROAD TELEGRAPHERS,
SYSTEM DIVISION No. 49,
Denver, Colo., June 4, 1962.

Congressman CARL D. PERKINS,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: I am writing you to request that you support and use your influence in regard to convincing the members of the committee to endorse the passage of a bill introduced by Representative C. S. Joelson, identified as H.R. 11451.

I feel that the provisions in this bill, if passed, would correct some of the deplorable conditions under which some of the employees I represent must now work.

Sincerely,

D. T. ECHOLS.

THE ORDER OF RAILROAD TELEGRAPHERS,
CLINCHFIELD SYSTEM DIVISION No. 91,
Fremont, Va., June 5, 1962.

Mr. CARL D. PERKINS,
*Chairman of the General Subcommittee on Labor,
Washington, D.C.*

DEAR MR. PERKINS: The membership of this organization respectfully requests that you use your influence with the members of the committee to endorse the passage of H.R. 11451 known as Occupational Safety Act.

Yours very truly,

J. C. LETTERMAN.

THE ORDER OF RAILROAD TELEGRAPHERS,
SYSTEM DIVISION No. 53,
Ogden, Utah, June 17, 1962.

Mr. CARL D. PERKINS,
*Chairman, General Subcommittee on Labor,
House of Representatives, Washington, D.C.*

DEAR SIR: Members of my organization are very much interested in passage of H.R. 11451 by Representative Joelson of New Jersey and will appreciate your assistance in getting it reported out of committee and passed.

Sincerely,

D. W. WARD,
District Chairman, Salt Lake Division.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF LABOR AND INDUSTRY,
Richmond, Va., May 2, 1962.

HON. CARL D. PERKINS,
*Chairman, General Subcommittee on Labor,
Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN PERKINS: It was indeed a great privilege to have an opportunity to appear before your Subcommittee on Labor to present our views with respect to H.R. 11192 and H.R. 11451. Congressman Joelson and the distinguished Congressman from Michigan were most kind to me during the question and answer period, for which I am truly grateful.

The Congressman from Michigan, whose name I did not get, requested copies of our work injury report be mailed to him in order that he might have the benefit

of seeing the cooperation which our Virginia Department of Labor and Industry and the U.S. Department of Labor, Bureau of Labor Statistics, enjoy. I believe that these reports are self-explanatory and would be helpful to him, inasmuch as he appeared to be very much interested in this type of information.

It would be greatly appreciated if a copy of the hearings before your subcommittee could be made available to us.

Thanking you again for the opportunity afforded me to represent our State at your hearings, and with kindest regards, I am,

Sincerely yours,

EDMOND M. BOGGS, *Commissioner.*

B. L. S. 1418

U. S. DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS
WASHINGTON 25, D. C.

**WORK INJURIES
COOPERATIVE SURVEY**

Budget Bureau No. 44-R602.12.
Approval expires Nov. 30, 1962.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF LABOR AND INDUSTRY
P. O. DRAWER 1814
RICHMOND 14, VA.

(Return one copy to above address)

Report VIRGINIA operations only

Please complete this report whether or not there were any disabling injuries. See separate instruction sheet.

(Please change mailing address if incorrect—Include postal zone)

I. EXPOSURE DATA, 1961. (See instructions I.)
(Please complete this section even though there were no disabling injuries.)

1. Average number of employees
(Enter average for year; include all classes of employees)

2. Total hours worked by all employees during entire year

3. Operations: If hours averaged less than 1,500 or more than 2,500 per employee, please supply the following data:
Number of weeks operated during year

	Number of weeks	Average employment	Hours per week
Peak operations			
Normal operations			
Slack operations			
Comments			

II. NATURE OF BUSINESS. (See instructions II.)

4. Principal type of activity of this establishment (i. e., manufacturing, wholesale, retail, construction, public utility, etc.):
.....

5. Enter in order of importance the principal products manufactured, lines of trade, specific services, or other activities. Percent of total annual sales value or receipts, 1961

	Percent of total annual sales value or receipts, 1961
(a)	%
(b)	%
(c)	%
(d)	%
(e)	%

6. If manufacturing, please indicate:

(a) Principal materials used (e. g., Aluminum castings, machined parts, assembled parts: rayon staple, wool yarn, cotton fabrics, etc.—in the form brought into plant; do not list materials produced in this plant.)
.....

(b) General types of operations performed (e. g., foundry, machine shop, assembly; spinning, weaving, sewing, etc.)

III. INJURY SUMMARY, 1961. (See instructions III.)

Report all disabling (or "lost-time") injuries arising out of employment; include occupational diseases. DO NOT count any case in more than one section. If no disabling injuries during year, enter "0" on line 11.

	Number of cases	Time charges (See over)
7. Deaths. (All deaths resulting from 1961 work injuries, regardless of time between injury and death.)	X X X X X	
8. Permanent-total impairments (Describe over)	X X X X X	
9. Permanent-partial impairments (Also include unrepaired inguinal hernias) (Describe over)	X X X X X	
10. Temporary disabilities (All work injuries, not reported above, which disabled worker for full calendar day or more after the day of injury.)	↓	Days of disability (Total number of full days, including Saturdays and Sundays)
Injuries resulting in:		
(a) Disability of 1, 2, or 3 days each		
(b) Disability of 4 or more days each (except inguinal hernias)		
(c) Hernias, inguinal, repaired		
(d) Disability of unknown duration (describe over)	X X X X X	
(e) Sum of items 10 (a), (b), (c), and (d)		
11. Grand total—All disabling injuries Sum of items 7, 8, 9, and 10 (e)	X X X X X	
12. First-aid and medical cases (If records of these cases are not readily available, enter "N. A." DO NOT include in count of disabling injuries above.)	X X X X X	

(SEE OVER)

