NOMINATIONS

HEARING

BEFORE THE

COMMITTEE ON HUMAN RESOURCES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

DR. EULA BINGHAM, OF OHIO, TO BE ASSISTANT SECRETARY OF LABOR FOR OCCUPATIONAL SAFETY AND HEALTH;

FRANCIS X. BURKHARDT, OF MARYLAND, TO BE ASSISTANT SECRETARY OF LABOR FOR LABOR-MANAGEMENT RELATIONS;

ARNOLD H. PACKER, OF MARYLAND, TO BE ASSISTANT SECRETARY OF LABOR FOR POLICY, EVALUATION AND RESEARCH; AND

ALEXIS HERMAN, OF GEORGIA, TO BE DIRECTOR OF THE WOMEN'S BUREAU

MARCH 15, 1977

Printed for the use of the Committee on Human Resources

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NOMINATIONS

TUESDAY, MARCH 15, 1977

U.S. SENATE,
COMMITTEE ON HUMAN RESOURCES,
Washington, D.C.

The committee met, pursuant to notice, at 10:09 a.m., in room 4232 Dirksen Senate Office Building, Senator Harrison A. Williams, Jr. (chairman) presiding.

Present: Senators Williams and Javits.

The CHAIRMAN. We will come to order.

This morning our Committee on Human Resources is conducting a hearing on the nomination of four individuals to most important positions in the Department of Labor. We welcome the nominees: Dr. Bingham, Assistant Secretary for Occupational Safety and Health; Francis X. Burkhardt, Assistant Secretary for Labor-Management Relations; Dr. Arnold H. Packer, Assistant Secretary for Policy, Evaluation, and Research; and Alexis Herman, Director of the Women's Bureau.

This hearing is, in a sense, a continuation of a hearing held last week on the nominations of four other individuals to equally important Labor Department positions. Since that hearing, those of last week, have been confirmed, and are securely in their positions now. Together the four heard last Monday and the four of you on this panel will comprise the team with which Secretary Marshall will work to meet the high responsibilities placed upon Labor Department officials.

Dr. Bingham, of course, will be primarily responsible for administering the law providing safe and healthy work places for American workers.

Mr. Burkhardt will be responsible for, among other things, assuring that the principles of democracy afforded to union members in the law are actually provided.

Ms. Herman will be the spokesperson for women's rights within the Department and across the country.

Finally, Dr. Packer will be the ideas man behind all the Department's current and future programs, to assist the Nation's workers and retirees.

We welcome all of you today, and look forward to your own views on the challenges that are before you, and also on developing policies of the Department in the areas that you will serve.

I want you to know that this committee is deeply committed to the programs that you will be administering. We wish to assure you of our full cooperation in your endeavors.

We look forward to working with you in mutually constructive exchanges of ideas and experiences.

I will include your biographies at this point in the record.

[The biographies of the nominees follow:]

A. BIOGRAPHICAL

1. Francis X. Burkhardt

2. 8409 Grandhaven Avenue, Upper Marlboro, Maryland, 20870

3. September 6, 1944, Philadelphia, Pennsylvania

4. Married, Dolores McCormick

5. Stacey, 6; Francis, 3

6. 1958-62 West Philadelphia Catholic High School for Boys 1962

   1962-66 Temple University, B.S. 1966

   1966-69 University of Maryland

7. Employment Record

   1970-present - International Brotherhood of Painters and Allied Trades, AFL-CIO
   1750 New York Avenue, N.W.
   Washington, D.C. 20006

   Director of Research - Research

   1969-70 - American Federation of Labor-Congress of Industrial Organizations
   815 Sixteenth Street, N.W.
   Washington, D.C. 20006

   Assistant to Director of Legislation - Legislation

   1968-69 - American Federation of Labor-Congress of Industrial Organizations
   815 Sixteenth Street, N.W.
   Washington, D.C. 20006

   Research Intern - Research

   1/69-6/69 - District of Columbia Public Schools
   Browne Junior High School
   26th and Benning Road, S.E.
   Washington, D.C.

   Instructor of Mathematics - Teacher

8. Goverment Experience

1) Served approximately six months during 1971-72 on Pay Board as Director of Policy and Issue Analysis

2) Serve as member of Labor Research Advisory Council to the Commissioner of Labor Statistics, U.S.D.L.

3) Serve as alternate member of Multi-Lateral Trade Negotiations Committee, Labor Sector Policy Advisory Committee and as a member of the Labor Sector on Chemicals and Agriculture Products

4) Served on various minimum wage boards for Puerto Rico representing the U.S.D.L.

5) Instructor at the Industrial College of the Armed Forces

9. Memberships

President, Washington, D.C. Chapter
Industrial Relations Research Association 1976-77

Secretary, Washington, D.C. Chapter
Industrial Relations Research Association 1974-75

Nominating Committee
National Industrial Relations Research Association 1974

Member
National Industrial Relations Research Association 1971 -

Member, National Economists Club 1973 -

Member, Association of Evolutionary Economists - 1974 -

Member, Society for Occupational and Environmental Health 1976

Member, American Academy of Political and Social Science 1974 -

10. Honors and Awards

Elected Beta Gamma Sigma, National Business Honor Society, 1965

Elected Beta Alpha Psi, National Honorary Accounting Society, 1964 (President 1966)

Dean's List, Temple University, 1962-66

Polish-American Club Award, S.W. Philadelphia, 1958

11. Published Writings

11. Published Writings (Cont'd.)

Co-author Guide to "Davis-Bacon" - published by the Building and Construction Trades Department, AFL-CIO 1976

Author "Up from the Sweat Shops, 50 Years of Minimum Wage" - American Federationist, July, 1969

Author "Round Up of Collective Bargaining Gains of 1968 With a Preview of 1969" - American Federationist, March, 1969

Author "Perpetual Myth About Construction Costs" - Viewpoint, Vol. 3, No. 2, Second Quarter, 1973

B. PERSONAL DATA

1. No
2. No
3. No
4. No
5. No
6. No
7. Excellent - No
8. No
9. No - No

C. FINANCIAL DATA

1. (A) None

   (B) None

   (C) None

2. Assets

		Value	
1969 Chevrolet Malibu	(approx.)		$ 300.00
1973 Mercury	(approx.)	$1,500.	
Less Loan		$1,500.	-0-

C. FINANCIAL DATA (Cont'd.)

2. Assets

		Value
Residence, 8409 Grandhaven Ave. Upper Marlboro, Maryland 20870		$70,000. (market value)
Less 1st Trust	(approx.) $20,000.	
Less 2nd Trust	(approx.) $ 8,000.	
		$42,000. (net)
Furniture and fixtures 8409 Grandhaven Avenue	(approx.)	$ 4,000.
U. S. Savings Bonds for Children	(approx.)	$ 3,000.
Savings Deposit (Interstate)		$ 4,800.
Checking Account Balance	(approx.)	$ 500.
	TOTAL NET WORTH	$54,600.

(Wife individually holds 20 shares of AT&T stock)

3. 1975 Tax Return (copy attached for federal and state (Md.))

4. 1973 and 1974 Tax Returns (copies attached for federal and state (Md.))

D. FUTURE EMPLOYMENT RELATIONS

1. Yes

2. No present plans

3. No

4. None

E. POTENTIAL CONFLICTS OF INTEREST

1. None

2. I have been a registered lobbyist for the past two years for legislation affecting the social and economic welfare of working men and women.

3. There can be no financial conflicts. Any previous IBPAT potentia conflicts which might arise from decision making, I will exclude myself within the U.S. Department of Labor, Labor-Management Services Administration.

F. LETTER OF COMMITMENT - Yes (attached)

Job Description - Assistant Secretary for Labor-Management Relations
Nominee - Francis X. Burkhardt

The Assistant Secretary for Labor-Management Relations has responsibility for the Department's labor-management relations activities and serves as Administrator of the Labor-Management Services Administration. This agency administers the Veterans Reemployment program under title 38, chapter 43 of the U.S. Code; and the Labor Management Reporting and Disclosure Act. The agency also provides assistance to collective bargaining negotiators and keeps the Secretary informed on developments in labor-management disputes of national scope. The LMSA provides technical assistance to State and local governments in matters concerning public employee labor-relations and pursues research and policy development in the overall labor-management relations field.

A. BIOGRAPHICAL

1. Name: Arnold H. Packer

2. Address: 10103 Ashburton Road
Bethesda, Maryland 20034

3. Date and Place of Birth: Brooklyn, New York
February 26, 1935

4. Marital Status: Married - Marcia Lee Jacobs

5. Names and Ages of Children: Martin F. (19)
Debrin Jo (17)
Lawrence J. (14)

6. Education:

Brooklyn Polytechnic Institute, New York, N.Y.,
B.S., Mechanical Engineering, 1956
Sacramento State, Sacramento, California,
M.S., Business Administration, 1965
University of North Carolina, Chapel Hill, N.C.,
Ph.D., Economics, 1969

7. Employment Record 8. Government Experience

1974 - Present: U.S. Senate Committee on the Budget, Chief Economist.

1971-1974: Committee for Economic Development (CED), Senior Economist. Project Director for the CED Study on the Energy Problem.

1969-1971: Economist, Director's Staff, Office of Management and Budget (OMB). OMB's staff representative to the Troika (Treasury, Council of Economic Advisers, and OMB); responsible for both short and long-range economic forecasts. Created long-range budget forecasting system and prepared first official long-range outlooks to appear in the U.S. Budget (1971 and 1972).

1965-1969: Research Triangle Institute, Research Triangle Park, North Carolina. Project Leader, applied varied techniques--computer simulation, mathematical programming, cost-effectiveness analysis, operational gaming, econometric modeling--to problems in economic planning and to community health systems.

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1961-1965: Aerojet-General Corporation, Sacramento, California. Information Systems Analyst. Developed computer simulation models and large-scale computer based management information systems.

1957-1961: Jaros, Baum and Bolles, New York, N.Y., Project Engineer. Designed mechanical systems for major commercial and institutional buildings.

1956-1957: General Electric Company, Schenectady, New York. Program Engineer. Performed varied engineering training assignments.

9. Memberships: 10. Honors and Awards:

Honorary Mechanical Engineering, Mathematics, and Business Administration Societies (Pi Tau Sigma, Pi Mu Epsilon, and Beta Gamma Sigma); American Economic Association, Econometric Society; graduated Cum Laude, Brooklyn Polytechnic Institute.

11. Published Writings: See attached

PACKER

DELIVERED PAPERS

Projections of the Levels and Distribution of State and Local Government Expenditures for Input-Output Models. Research Triangle Institute. Also presented at the 31st National Meeting, Operation Research Society (ORSA), New York City, June 1967.

"Mathematical Programming of Dynamic Input-Output Models for Economic Planning," (co-author). Presented at XIV International Meetings of the Institute of Management Sciences in Mexico City, August 1967.

"A Simulation Model of a Saturated Medical System," (co-author). Proceedings 1967, 18th Annual Institute of Industrial Engineers, New York.

"Emergency Medical Treatment Stimulation," (co-author). Record of the IEEE Systems Science and Cybernetics Conference, October 1968, San Francisco, California.

"An Adaptive Policy Model" presented at the National Econometric Society meeting, Evanston, Illinois, December 1968.

"Economic Modeling in a Decision-Theoretic Mode" presented at the International Meetings of the Institute of Management Sciences, New York, March 1969.

"A Comprehensive Model for Population Planning" presented at the National Econometric Society meeting, Washington, D.C., December 1969.

"The Long-Range Fiscal Outlook," (co-author), Presented at the Twelfth Annual Forecasting Conference of the American Statistical Association, New York, New York, May 1970. National Industrial Conference Board Record, September 1970.

"Economics, National Priorities, and the Long-Run Budget Outlook" presented at the New York Society of Security Analysts, New York, New York, March 1971. The Wall Street Transcript, March 22, 1971.

"The Impact of the Federal Budget" presented at the National Planning Association Conference, Williamsburg, Virginia, December 13-14, 1971. (Summarized in NPA Report No. 72-N-1, March 1972).

"The Economics of the Defense Budget" presented at the 1973 Symposium of the American Society of Military Comptrollers, April 1973.

"Health and Education: Expert or Consumer-Decision Goods" presented at the Operations Research Society meeting, Milwaukee, Wisconsin, May 1973.

"Alternative Approaches to Federal Budgetmaking," Expert Testimony before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee, April 1973.

"The Energy Game and the Role of Uncertainty," Energy Delta Supply vs. Demand, American Astronautical Society, Vol. No. 35, and "The Non-Economics of Energy presented at the Meetings of the American Association for the Advancement of Science in San Francisco, February 1974.

"The Fiscal-monetary Dilemma" presented before the National Economists Convention, Washington, D.C., December 17, 1975. (Reprinted in Keys to Economic Understanding, Jeffrey M. Elliot and Francis Shieh, Kendall-Hunt Publishing Co., 1976, pp. 161-165.

...as the Budget Process Made a Difference?" presented before the American Statistical Association, Boston, Massachusetts, August 24, 1976. (Reprinted in the American Statistical Association Proceedings to be released.)

PARTIAL LIST OF PUBLICATIONS

BOOK

Models of Economic Systems: A Theory for Their Development and Use, published by MIT Press, January 1972.

PUBLISHED PAPERS

"Simulation and Adaptive Forecasting as Applied to Inventory Control," Journal of Operations Research Society of America, Vol. 15, No. 4 (July-August 1967).

"Applying Cost-Effectiveness Concepts to the Communtiy Health System," Journal of Operations Research Society of America, Vol. 16, No. 2 (March-April 1968). Reprinted (in Italian) in Applicazioni Bio-medicine del Caleolo Elettronico, March 1970, and in S. Levey and N. P. Loomba (ed.) Health Care Administration: A Managerial Perspective, J. P. Lippincott, 1972. An earlier version was co-winner of 1966 Cost-Effectiveness Contest sponsored by the Cost-Effectiveness Section of ORSA.

...e Two-Way Relationship Between the Budget and Economic Variables" presented at ...e American Economic Association meetings, December 1970; American Economic Review, May 1971.

"Measures of Health-System Effectiveness," (co-author). Journal of the Operations Research Society, Vol. 18, No. 6 (November-December 1970).

"The 1973 Federal Budget," Illinois Business Review, February 1972.

"Distortions in Relative Wages and Shifts in the Phillips Curve," (co-author). Review of Economic Statistics, Vol. LV, No. 1, February 1973.

Categorical Public Employment Guarantees: A Proposed Solution to the Poverty Problem, Joint Economic Committee, U.S. Congress, August 20, 1973.

"Organizing the Tax Structure to Reflect Economic Objectives" presented at the American Finance Association meetings, December 1972, Journal of Finance, May 1973.

"Employment Guarantees Should Replace the Welfare System," Challenge, March-April 1974. Reprinted in Casebook of Economic Problems and Policies: Practice in Thinking, 2nd Edition, West Publishing Company, 1975.

"The Strength and Target-Seeking Characteristics of the Automatic Stabilizers," (co-author), The Quarterly Journal of Economics.

...nancing Education and Health: Consumer Units and Resource Allocation," ...lic Policy, Winter 1975.

"Living With Oil at $10 a Barrel," Challenge, January-February 1975.

...rgy Policy Options: Report of the Task Force on Energy, (co-author). Committee on the Budget, United States Senate, September 25, 1975.

Long Range Fiscal Strategy: Revenue Options, (co-author). Papers prepared by Staff Members of the Committee on the Budget, United States Senate, October 9, 1975.

"Employment," Budget Issues: Staff Studies for Fiscal 1977, Committee on the Budget, United States Senate, June 28, 1976, pp. 25-60.

The International Economy and the Federal Budget, (co-author). Papers prepared by Staff Members of the Committee on the Budget, United States Senate, December 30, 1976.

Job Description - Assistant Secretary for Policy, Evaluation and Research
Nominee - Arnold H. Packer

The Assistant Secretary for Policy, Evaluation and Research is responsible for coordinating and providing leadership to the Department's activities in policy and program planning, program evaluation, and economic and social research, bearing on the welfare of all workers.

RESUME OF
Ms. Alexis M. Herman

HOME ADDRESS
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Apartment A-7
College Park, Georgia 30337

(404) 766-5452

BUSINESS ADDRESS
40 Marietta Street, N.W.
Suite 808
Atlanta, Georgia 30303

(404) 681-0001

PERSONAL DATA:

Date of Birth:	July 16, 1947
Place of Birth:	Mobile, Alabama

EDUCATION:

1961 - 1965	Most Pure Heart of Mary High School Mobile, Alabama Honor Graduate
1966 - 1967	Edgewood College of the Sacred Heart Madison, Wisconsin
1967 - 1969	Xavier University New Orleans, Louisiana Honor Graduate Bachelor of Arts in Sociology Minor: Social Science
June - August 1970	Springhill College Mobile, Alabama Human Relations Institute
September 1970 - December 1972	University of South Alabama Mobile, Alabama Graduate studies in Guidance and Counseling

HONORS & ACTIVITIES:

National Merit Achievement Award
Student Council
President, Gamma Phi Beta

Ms. Alexis Herman

SPECIAL TRAINING PROGRAMS: Intercom South, December 1972, Atlanta, Georgia

Communications course for management, information and public affairs, personnel

Manpower Management Institute Washington, D.C. - November 1974

EMPLOYMENT HISTORY:

November 1974 - Present: National Director of Women's Programs, Minority Women Employment Program of Recruitment and Training Program, Inc. Atlanta, Georgia

DUTIES:

Responsible for overall planning, administering, supervision, coordinating and implementing of a national program in ten (10) cities across the country, designed to assist minority females in securing white-collar employment in private industry. Specific duties include: (1) Serves as chairperson to advisory board in an effort to develop strategy and receive consultation on program direction; (2) Develops contact and communications network among key people in industry on a regional and national basis; (3) Reviews records, reports, manuals and departmental instructions to analyze operation and to correct inefficiencies and deviations from goals, objectives and guidelines.

EMPLOYMENT HISTORY cont'd

February 1972 to
November 15, 1974

Director
Black Women Employment Program of
the Southern Regional Council
Atlanta, Georgia

DUTIES:

Responsible for the development, coordination, supervision, implementation and administration of the Black Women Employment Program, a pilot demonstration project to assist black females to secure managerial, technical and professional positions in private industry in Atlanta. Primarily responsible for the company phase of the program which includes analyzing the labor market and employment prospects of local corporations, establishing a positive rapport and securing job requests from local employers. Responsible for the hiring, supervision, training and discharge of staff. Establish and maintain positive relations with social, manpower and other major community agencies and organizations.

March 1973 to 1974

Consultant/Supervisor
Recruitment and Training Program
New York, New York

EMPLOYMENT HISTORY cont'd: DUTIES:

Responsible for the recruitment, screening, hiring and training of the staff of the Minority Women Employment Program of Houston, Texas, which is under the auspices of R-T-P, Inc. Participates in the monitoring, evaluation and on-going supervision of MWEP staff. Report findings to the Executive Director of R-T-P, Inc.

September 1969 to February 1972: Social Worker
Catholic Social Service
Mobile, Alabama

DUTIES:

Responsible for casework for low-income black, white and Mexican American families in South Mobile County and the Roger Williams Housing Project to assist with community related problems. Served as guidance counselor at Bishop Toolen High School and McGill Institute with prime responsibility to develop student intern programs and other work related experiences for career development. Community worker in Roger Williams Housing Project; assisted in forming a community political base; structured special tutorial program for high school and grade school children; taught night classes in local community relative to employment application and testing, personal health and welfare.

May 1971 to
December 1972:

Outreach Worker
Recruitment and Training Program
Pascagoula, Mississippi

DUTIES:

Recruited, screened, tutored and developed transportation network for applicants in the Mobile area for skilled trade apprenticeship program at Litton Shipping Industries. Additional activities involved recruiting unskilled persons for the Labor Union at Litton.

June 1969 to
August 1969:

Community Worker
Interfaith, Inc.
Mobile, Alabama

DUTIES:

Served as community worker, innitiated self-help programs in low-income areas of the city -- primary involvement included development and supervision of programs in health, voter registration and welfare rights with special emphasis on youth involvement.

June 1967 to
August 1967:

Assistant Social Worker
Headstart
Chicago, Illinois

June 1965 to
August 1965 & 1966:

Teacher-Aide
Headstart
Mobile, Alabama

EMPLOYMENT HISTORY cont'd:

June 1964 -
August 1964:

Camp Counselor
Caritas
New Orleans, Louisiana

DUTIES:

Counselled local youth from low-rent housing projects and initiated their participation in programs related to black socia-cultural development.

SPEAKING ENGAGEMENTS:

Guest lecturer and consultant on employment opportunities for women - speaking engagements have included lectures on campuses and universities in the Southeast region and the East Coast including such schools as Atlanta University, University of Georgia, Fisk University and Harvard University.

PUBLICATIONS:

Y.W.C.A. National Magazine, "Employment Problems of Minority Women", New York, 1972

Manpower Magazine, U.S. Department of Labor, "Minority Women, Professional Work", July 1975

Woman Power Magazine, U.S. Department of Labor, "Women in Manpower", November 1975

St. Anthony Messenger, National Catholic Family Magazine, "Catholic in America", January 1976

PUBLICATIONS cont'd:

"Biography", 1976-77 Edition of The American Catholic Who's Who

"Biography", 1976 Edition of Outstanding Personalities of the South

PROFESSIONAL AND CIVIC AFFILIATIONS:

Charter Member, Atlanta Black Personnel Association

Charter Member, Atlanta Black Women's Coalition

Member, American Society for Business and Professional Women

Member, Diocesan Commission on Social Justice

Member, International Personnel Management Association

Treasurer, Resurgens Atlanta

Member, National Council of Negro Women

Chairperson, Personnel Committee, YWCA Board of Directors

Member, Emeritus Executive Committee, Campaign for Human Development

Executive Committee Member, Atlanta Black United Fund

Member, Board of Directors of The East Central Neighborhood Youth Council, Atlanta

Ms. Alexis Herman

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PROFESSIONAL AND CIVIC AFFILIATIONS cont'd: Member, Young People On The Go, Atlanta

HONORS:

Alabama Delegate to White House Conference on Youth, 1971

Recipient of Outstanding Young Person in Atlanta Award, 1974

Named Outstanding Professional in Human Service by the American Academy of Human Services, 1974

Delegate to Middle East (Egypt and Israel) for United States Youth Council, November 1975

"Atlanta's First Woman Award" by The Negro Business and Professional Women's Clubs, 1976 Bicentennial Awards Banquet

"Outstanding Young Woman of America", 1976

Job Description - Director of the Women's Bureau
Nominee - Alexis Herman

The Director of the Women's Bureau administers that division of the Department which is responsible for formulating standards and policies which shall promote the welfare of wage earning women, improve their working conditions, increase their efficiency, advance their opportunities for professional employment, and investigate and report on all matters pertinent to the welfare of women in industry.

CURRICULUM VITAE

Eula Bingham Mattheis

Academic Experience:

Associate Director, Department of Environmental Health, University of Cincinnati College of Medicine, Cincinnati, Ohio 45267 - October, 1972 - present
Associate Professor Environmental Health - September, 1970 - present
Assistant Professor Environmental Health - 1961-1970
Member of Graduate Faculty, 1963 - present

Education:

B.S. 1951 - Chemistry - Eastern University, Richmond, Kentucky

M.S. 1954 - Zoology - University of Cincinnati, Cincinnati, Ohio

Ph.D. 1958 - Zoology - University of Cincinnati, Cincinnati, Ohio
Area of Concentration - Physiology
Minors: Ecology and Biochemistry

Other graduate courses - Invertebrate Zoology - Marine Biological Laboratory Woods Hole, Massachusetts

Teaching Experience:

Undergraduate:

1953 - 1957 Teaching Assistantships in Comparative Anatomy, Embryology and Physiology

Graduate Courses:

1960 - present Physiology for Engineers, Department of Environmental Health University of Cincinnati

1963-64-67 Functional Histology and Histological Technique, Department of Biological Sciences, University of Cincinnati

1964-67 Physiology, Edgecliff College, Cincinnati, Ohio

1967 - present Biological Effects of Air Pollutants, Department of Environmental Health, University of Cincinnati

1968 - present Chemical Carcinogenesis, Department of Environmental Health University of Cincinnati

Medical College

Preventive Medicine (Second year students)

Eula Bingham Mattheis

WORK EXPERIENCE:

Dates	Organization	Position Held
1957 - Present	Dr. Raymond Suskind U.C. College of Medicine, Cin., O. 45267	Assoc. Prof. teacher, research
1955 - 1957	same	Lab. Tech.
1953 - 1955	Dr. Jan Schwarz Jewish Hospital, Burnet Ave., Cin.,O.	Lab. Tech. (Part-Time)
1965 - 1966	Sister Elaine Charters Edgecliff College 2220 Victory Pkwy., Cin., O.	Teacher of One course
1951 - 1952	Hilton Davis Chemical Co. (Dr. Gloss) Langdon Farm Rd. Cincinnati, Ohio	Chemist
1952	Lawton Co. (part-time) 4th St., Cin., O. (out of business)	Sales Clerk
Summers of 1949-50	Methodist Woman Magazine Cincinnati, Ohio	Clerk
1950 - 1951	Eastern Ky. Univ. (Dr. H. LaFuze) Richmond, Ky.	Lab. Instructor (Part-Time)
1952 - 1957	U.C. Dept. Zoology (Dr. Weichert) Cin., O.	Lab. Instructor (Part-Time)
1958 - 1959	U.C. Blood Bank, U.C. Medical Center	Lab. Tech. (Part-Time)
1959 - 1960	Jewish Hospital Blood Bank	Lab. Tech. (Part-Time)

ADMINISTRATIVE EXPERIENCE:

1. Associate Director - Department of Environmental Health, 1972-1976 (current)

   Responsible for directing and overseeing graduate programs in the Department. Acting Director during absence of Director of the Department (about six weeks per year). Over 50 faculty members with an M.D., Ph.D., and another 25 faculty with an M.S. or B.S. degree. Participate in the teaching and research programs. The budget for the graduate program is about $700,000.

2. Administrative Committee of the Department of Environmental Health, 1968 - 1976 (current)

3. Admissions Committee - Chairman

   Responsible for the review, selection and counseling of all prospective students. Current student enrollment is 84, including 3 with M.D. and 12 with Ph.D. degree.

4. Ad Hoc Committee to Review the Organization of the Department.

   This assignment was carried out during 1974 with 2 other faculty members. A thorough review of the organizational structure of the department's research and teaching programs was made and recommendations were submitted.

5. Research activities in the Environmental Health Science - Toxicology area.

   Involves supervision of 17 individuals, (4) Ph.D., (3) M.S., (5) B.S. degree, and 5 research assistants and 3 clerical assistants with 1-2 years of college. The budget for this group of individuals is derived from grants and contracts from government and industry negotiated by Eula Bingham Mattheis. In 1969 the budget for this activity was $75,000, in 1970 about $106,000, and since 1971 it has averaged more than $250,000 per year.

6. Medical Sciences Committee - Medical Center - Chairman

   This committee oversees the graduate program for the College of Medicine and reports to the University Dean. It approves new graduate programs and recommends faculty for positions on the graduate faculty.

National Committees:

Food and Drug Administration - Food and Drug Advisory Committee, 1976-

Environmental Health Advisory Committee, Science Advisory Board of the Environmental Protection Agency, 1976-1978.

National Air Quality Criteria Advisory Committee, 1975-1976.

Ad Hoc Committee to Develop Criteria for FDA-GRAS -- Flavorings. Federation of American Societies for Experimental Biology, 1975.

National Academy of Sciences ad hoc Lead in Paint Committee, 1974-1975.

Chairman, Standards Advisory Committee on Coke Oven Emissions, Department of Labor, November 1974 - May 1975.

Standards Advisory Committee on Carcinogens - United States Department of Labor, 1973.

Study Section, Safety and Occupational Health of the National Institute for Occupational Safety and Health, 1972-1976.

Consultant to the Panel on Vapor Phase Organic Air Pollutants (from Hydrocarbons), National Research Council, 1972-1975.

Consultant to Subcommittee on Carcinogenesis of Threshold Limits Committee, American Conference of Industrial Hygienists, 1972.

Academic Committees:

Thesis Committee - Department of Environmental Health, 1962 - 1968.

Medical Center Library Committee, 1966 - 1973.

Curriculum Committee - Department of Environmental Health, 1966 - 1967
Chairman, 1969-1972
Member, 1972-present

Program Advisor - Environmental Health Sciences Ph.D. degree program, 1968 - present

Admissions Committee, Chairman, Department of Environmental Health, 1972-present

Medical Sciences Committee of Medical Center, Chairman 1975-1976

University Graduate Council, 1975-1976

Societies:

Sigma Xi

Society of Toxicology

Society for Environmental Geochemistry and Health

Society for Occupational & Environmental Health (Counselor 1973, vice-president 1975)

American Association for Cancer Research

AAAS

Other Scientific Experience:

1951 - 1952 Analytical Chemist, Hilton-Davis Chemical Company, Cincinnati, Ohio

1953 - 1954 (part-time) Research Associate (Dr. Jan Schwartz), Pathogenesis and epidemiology of deep mycoses, investigation of factors influencing infection with fungi particularly those that induce pulmonary disease such as Histoplasma capsulatum.

1955 - 1957 (part-time) Research Assistant (Dr. Suskind) Study of environmental factors influencing irritation and sensitization.

1957 - 1961 Research Associate, Chemical carcinogenesis.

Research Interests:

Toxicology and chemical carcinogenesis: role of long-chain hydrocarbons in altering the carcinogenic response. Bioassay of chemical carcinogens that occur in the human environment. Composition of complex mixtures, petroleum, coal tar, shale oil, coke oven emissions, contributing to carcinogenic potency. Role of multiple factors in modifying toxic responses.

Effect of aging on physiological functions and the modification of the toxic response caused by aging.

Pulmonary defense mechanisms: role of particulates (metallic and carcinogens) in stimulation and inhibition of defense.

Eula Bingham Mattheis

Publications:

Bingham, E. and P.J. Nord: "Cocarcinogenic Effects of n-Alkanes with Ultraviolet Light." Journal of the National Cancer Institute. (In press).

Bingham, E., Barkley, W., Murthy, R., and Vassallo, C.: "Investigations of Alveolar Macrophages from Rats Exposed to Coal Dust." Inhaled Particles IV (In press).

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Job Description -- Assistant Secretary for Occupational Safety and Health
Nominee - Dr. Eula Bingham

The Assistant Secretary for Occupational Safety and Health has responsibility for the administration of the Occupational Safety and Health Administration (established under the Occupational Safety and Health Act of 1970), which develops and promulgates occupational safety and health standards; develops and issues regulations; conducts investigations and inspections to determine the status of compliance with safety and health standards and regulations; and issues citations and proposes penalties for noncompliance with safety and health standards and regulations.

The CHAIRMAN. After a statement by Senator Javits, we will receive the statement of introduction from Senator Glenn, and then we will proceed with the nominees' statements.

Senator Javits.

Senator JAVITS. Thank you, Mr. Chairman.

I am very glad to welcome the nominees. I have seen each of them. I have been impressed with their personalities and their records. I am hopeful that they can do what needs to be done. These are extremely difficult assignments, especially in ERISA and in OSHA, enormous programs of tremendous and most critical importance to the working people of America. Proper administration of these programs is often a decisive fact that can make or break a marvelous program for the worker.

I hope that this concern will be graven into your feelings, because I am convinced that the fantastic potential benefits of ERISA to the people of America for decades, perhaps centuries to come could be denied by unfortunate administration.

Almost the same thing is true of OSHA, involving the health and safety of the American worker.

Mr. Chairman, if I am not here during the questioning, as I have a really terrible schedule this morning, I will ask the Chair to get assurance from Mr. Burkhardt that in any proposal to change the ERISA oversight responsibilities in the Department, we will be first consulted, as this is a very delicate thing, and we are having problems with it as it is. I would not wish to suddenly face some new change in administration which will hold things up very seriously.

I am also interested in any opinions Mr. Burkhardt might have now—he probably would not have them yet—as to the desirability of what Senator Williams and I wanted originally that is that the Assistant Secretary for ERISA alone should be charged with a single unitary responsibility.

I will leave those questions with the chairman, and hopefully, I will try to come back in time to ask them.

The CHAIRMAN. This will be discussed with Mr. Burkhardt.

Senator JAVITS. Thank you.

I thank the Chair very much for this opportunity.

The CHAIRMAN. Senator Glenn.

STATEMENT OF HON. JOHN GLENN, A U.S. SENATOR FROM THE STATE OF OHIO, ON BEHALF OF DR. EULA BINGHAM

Senator GLENN. Thank you, Mr. Chairman.

I am pleased to appear before your committee today to introduce a fellow Ohioan, Dr. Eula Bingham, President Carter's nominee as Assistant Secretary of Labor for Occupational Safety and Health.

Dr. Bingham has had a distinguished graduate and professional career at the University of Cincinnati. She is currently associate director and associate professor in the University of Cincinnati's Medical College's Department of Environmental Health. She has a lengthy and impressive record of research, publications, and professional activity in such vital environmental health areas as toxicology and chemical carcinogenesis, pulmonary defense mechanisms, air quality and emission standards, and much more.

I would like to submit Dr. Bingham's very substantial record of activity, research and publications to the committee for its official record.

Mr. Chairman, Dr. Bingham is being asked to step into one of the hotseats of American government today. Very few days have passed during my 2 years in the Senate that we have not received outraged cries from businessmen protesting the increasing regulatory burden imposed by the Federal Government.

On the other hand, we know there are still too many thousands and thousands of workers in this country killed or injured each year in the factories and working places of this Nation.

Somehow, we must strive to find the rational and reasonable balance that vigorously represents and protects the health and safety of American workers, while not harassing and tying up their employers with endless forms and bureaucratic absurdities.

I hope, and I have great confidence that Dr. Bingham will be able to strike this balance in her tenure as head of OSHA. She has a strong and solid background and reputation that indicates that she will bring great competence and much energy to this most difficult and demanding job.

It is my great pleasure to present Dr. Bingham to your committee.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. We appreciate your statement of support and interest and concern in this area of life which we have legislated, and which is now administered in ways which bring a lot of concern to our constitutents.

Have you had an opportunity to discuss this informally with Dr. Bingham?

Senator GLENN. I certainly have. We spent, I guess, an hour and a half in my office talking about some of the problems that have been brought to my office. Some of the things that people either call or write about concerning employers' complaints, workers' complaints, about where there has not been enough inspection or the one hand, and too much regulation on the other. We have gone through a number of these things in great detail.

Dr. Bingham is certainly aware of these, and I think she brings a sensitivity and awareness to the problem that will stand her in good stead as head of OSHA.

The CHAIRMAN. We are glad you had this opportunity, and I did too, and many others.

Dr. Bingham was very careful to visit with the members of the committee, and we all reported to her some of our experiences. I think it will be helpful to her in her position.

Thanks again.

I would like to include in the record two letters addressed to me from Senators from Georgia, Senator Talmadge and Senator Nunn. They have both addressed complete and thoughtful letters of support for Ms. Herman, and the letters will be included in the record.

[The material referred to follows:]

United States Senate
COMMITTEE ON ARMED SERVICES
WASHINGTON, D.C. 20510

March 15, 1977

Senator Harrison A. Williams, Jr.
Chairman
Senate Committee on Human Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Due to an unavoidable schedule conflict, I will not be able to attend your hearing on the nomination of Alexis Herman to be Assistant Secretary of Labor and Director of the Women's Bureau. It had been my intention to introduce Ms. Herman to the Committee personally, however, I hope you will share this letter with your colleagues in lieu of a statement.

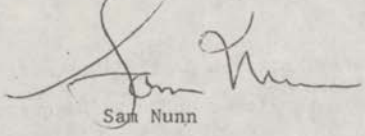
Since November of 1974, Alexis Herman has served as National Director of the Minority Women Employment Program based in Atlanta. Her responsibilities included planning and co-ordination of a national program designed to assist minority females in securing white-collar employment in private industry. Prior to assumption of this nationwide responsibility, she acted in a similar capacity of a program in the Atlanta area.

Ms. Herman possesses an outstanding academic background and has been the recipient of several civic and social awards. She has communicated her expertise to others interested in the employment problems of minority women by publishing numerous articles analyzing the many facets of the issue.

In short, Mr. Chairman, Ms. Herman's background and qualifications speak for themselves and indiate that she is a fine choice for this important post. I commend her

nomination to the Committee and again express my regrets for being necessarily absent this morning.

Sincerely,



Sam Nunn

United States Senate
COMMITTEE ON
AGRICULTURE, NUTRITION, AND FORESTRY
WASHINGTON, D.C. 20510

March 14, 1977

The Honorable Harrison A. Williams
Chairman
Committee on Human Resources
Dirksen Senate Office Building
Washington, D. C.

Dear Mr. Chairman:

Unfortunately, my duties as Chairman of the Senate Agriculture Committee prevent my presence before the Committee on Human Resources today to introduce my warm, close, personal friend, Ms. Alexis Herman.

Ms. Herman, as you know, is before your committee for consideration as President Carter's appointed Director of the Women's Bureau of the United States Department of Labor. I give my support to this young lady and I am in great hopes that the distinguished members of this committee after proper review will find themselves in agreement with me on this matter.

Ms. Herman is a young, dynamic woman who has proven herself as a strong women's advocate in business as well as in her personal activities. Ms. Herman is currently the Director of Atlanta's Minority Women's Employment Program, a ten-city project designed to make female placements in white collar jobs in the private sector.

Ms. Herman's employer is a non-profit corporation that began its works in 1972, in Atlanta under the auspices of the Southern Regional Council. It is a pilot project that has proven successful largely due to the efforts of Ms. Herman along with those of a few capable colleagues and interested indivi iuals.

Ms. Herman was born in Mobile, Alabama some twenty-nine years ago. She received a Bachelor of Science Degree from Xavier University in New Orleans and, subsequently, pursued graduate work in Guidance and Counseling at the University of South Alabama in Mobile.

Her current home town of Atlanta has recognized her special achievements by picking her as one of the "Outstanding Atlantans" in 1974 and, only last year, as one of Atlanta's leading leaders of the Bicentennial.

I know the members of this Committee who have not yet met Ms. Herman will find the Committee's confirmation hearings reassuring and rewarding.

Once again, I hope the Human Resources Committee sees fit, after careful review, to act upon this nomination favorably and expeditiously.

Sincerely,

Herman E. Talmadge

The CHAIRMAN. Senator Talmadge concludes his letter by saying this: "Once again, I hope the Human Resources Committee sees fit, after careful review, to act upon this nomination favorably and expeditiously."

It is a complete, most favorable endorsement of your candidacy, Ms. Herman, as is Senator Nunn's letter to me, and that has been included in the record also.

He concludes his letter by saying: "In short, Mr. Chairman, Ms. Herman's background and qualifications speak for themselves and indicate that she is a fine choice for this important post. I commend her nomination to the committee and again express my regrets for being necessarily absent this morning."

I might say, Senator Talmadge is chairman of another committee, and could not be here.

Senator JAVITS. May I ask one question of Ms. Herman and then I will leave?

The CHAIRMAN. Senator Javits.

Senator JAVITS. She can answer it in an orderly way after the presentations are made.

This morning a group of members of the House and Senate introduced an amendment to title VII of the Civil Rights Act dealing with sex discrimination on this pregnancy question. I do not know that you are ready to give us any views now, but I would like to have a view from you as soon as you can, as to how the administration, or you personally, feel about this particular matter.

STATEMENT OF ALEXIS HERMAN OF GEORGIA TO BE DIRECTOR OF THE WOMEN'S BUREAU, ACCOMPANIED BY DR. EULA BINGHAM OF OHIO TO BE ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH; FRANCIS X. BURKHARDT OF MARYLAND TO BE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS; AND DR. ARNOLD H. PACKER OF MARYLAND TO BE ASSISTANT SECRETARY FOR POLICY, EVALUATION AND RESEARCH; A PANEL

Ms. HERMAN. I am personally very glad some action is being taken on the Gilbert decision. The Bureau is currently working now with the Solicitor's Office in the Labor Department to review possible approaches and alternatives to work with the committee on the possibility that it is going to be introduced.

Senator JAVITS. You will brief us as to those views?

Ms. HERMAN. I will be happy to do that.

The CHAIRMAN. Thank you, Senator Javits.

After you have all expressed yourselves, we will come back to this.

Senator Cranston is unable to be with us this morning. He is chairing his committee also, the Veterans Committee. He has asked me to say that he worked with Dr. Packer for 2 years with the Budget Committee. He expresses his highest regard for Mr. Packer to take on this new and challenging post, and asked the committee to take prompt and favorable action on his nomination.

I am glad to have that. He is a member of this committee. I am sure we will be able to move expeditiously.

I would like to first ask if you would like to make any statements before we get into discussion. If you would, I would appreciate that.

I would like also, if we could, to approach this panel method of confirmation hearings with a beginning statement from you in the areas that you feel are top priority concerns.

I believe all have been at the Department. You have been there waiting the paper processing, and so have familiarized yourself with your areas of responsibility.

Am I right on that, all of you?

Dr. PACKER. Yes.

The CHAIRMAN. Give us a feel of your top priority concerns and area that you feel need attention, either in the administrative tightening up, or changing, or indeed, in policy initiatives.

Dr. Bingham, we are doing this alphabetically—Bingham, Burkhardt, Herman, and Packer.

Dr. BINGHAM. I have not been at the Department of Labor full time because of my teaching responsibilities at the University of Cincinnati, but I have come in a couple of days a week. I can tell you some of the things that I view as being of top priority in this agency to enable it to fulfill the real potential that I think the framers of the act had in mind.

I would like to take the time to express to the committee and to this audience the fact that I was in the field of occupational safety and health before there was an act. I can tell you that I thought the act would solve all the problems, and of course it has not. Solution of health problems and safety problems in the workplace has essentially eluded us.

Perhaps the approach has been wrong. I do not know what our problem is, perhaps it has been growing pains. But one cannot measure the success in terms of health and safety of workers, in terms of the number of citations and the amounts of fines. There has to be another way to measure how successful we have been.

Now, I think that first off I see there is still an enormous problem in education. Somehow or other many people who did know at one time the meaning and importance of occupational safety and health have forgotten. Certainly employers and the workers have not been sufficiently educated. Perhaps the greatest lack is in the availability of trained personnel.

This leads me into one of the second most crucial priorities, which will be to bring onboard additional trained personnel in the field of industrial hygiene and occupational medicine. Currently there are no physicians in the Occupational Safety and Health Administration. We must have physicians who can help us come up with appropriate standards for medical surveillance. I am told that one can do anything in the Government, and I am sure there are individuals who can help us bring onboard the appropriate personnel.

The third area which I would give high priority is that of health standards. Somehow we must break the logjam of health standards. We have to have not just a number that indicates an exposure limit; we have to talk about the total involvement in a health standard of what you must do to comply, the kind of medical surveillance that is

required, because you cannot protect the health of workers without having an understanding and appreciation for the medical aspects of the standards. It is an impossibility without this. I do not see that type of medical expertise currently available in the agency, and I am pushed to bring in more individuals of this type.

Another priority, and it certainly is receiving some attention, is that of simplifying the safety standards, and making some attempt to explain them to employers and employees, putting them in understandable language. They are horrible. I think that perhaps the emphasis in this area has been on some of the wrong things.

I can tell you, in my discussions with people in Congress, that they are very concerned about some of the types of things for which we have cited businesses; for example, whether or not there is a hook on the toilet door, whether or not a stairway is an inch too narrow, or too wide, whatever. This is not what the act is all about.

It is a compassionate act, intended to save lives, and prevent illnesses.

Those are my priorities.

The CHAIRMAN. Thank you.

We will come back to Dr. Bingham to discuss some of these things. We appreciate your statement very much.

Mr. Burkhardt, you are next.

Mr. BURKHARDT. Mr. Chairman, I believe you have my biographical data, so I will dispense with that.

I am honored, Mr. Chairman, to have been nominated by President Carter for the post of Assistant Secretary for Labor-Management Relations, and if confirmed, I shall do everything in my power to effectively administer the Department's labor-management relations programs and activities in accordance of course with the views expressed by this administration and Congress.

I would do that without fear or favor, as fairly as I know how, and with the conviction that the law should be administered evenly, and those programs and activities which tend to secure industrial peace and social justice should be pursued most vigorously.

I appreciate your allowing me to appear today, and am most anxious to answer any questions. Since a question has been raised, and since you would like an outline of some of our priorities, I might start with our top priority.

Our top priority is the ERISA program within the Department of Labor. Both the Secretary and I have had long discussions about the ERISA program, how to make it more efficient, how to make it more responsive to the needs of workers.

There has been no reorganization of ERISA at this point. There will be no reorganization of ERISA until the administration, and more specifically, both Secretary Marshall and I discuss with the two parties what I think are most responsible for the passage of the whole program, of the Employee Retirement Income Security Act, both yourself, Senator, and Senator Javits.

I would consider that something that is most necessary and will be done.

We have been looking at the administration of the program in terms of how it can more effectively provide for the fiduciary reporting and disclosure requirements that are provided in the act.

I might add that I have spent all my working life on the side of protecting what I think are the best interests of workers. You can be assured I will continue to do that.

The ERISA program, and I have seen it from the side of members who are trying to secure benefits from programs that are not clearly defined in terms of who the beneficiaries are, and I have seen it from the point of view of the trustees, who often are plagued by regulations that make it difficult to define their rule, I have also seen it from the view of money managers of different funds in terms of how effectively you can design the portfolio. It is not an area that I am unfamiliar with.

It is an area which I think has this administration's closest concerns, and will receive, if we decide any reorganization, the full consultation with both yourself and Senator Javits.

The other two or three areas of priorities that we see under the Labor-Management Administration are these:

The first one is in the area of labor-management relations. We have a goal to bring both labor and management together, and help foster in those particular industries the whole collective bargaining process.

We want to create and help create voluntarily an information system that will allow both labor and management in selective industries, selective key industries, to look at the history of their bargaining, the structure of their bargaining, and the impact that their bargaining might have on their own national economic policies. This is one of the top priorities of the Department of Labor, and the Labor-Management Services Administration.

The other area deals with the Labor-Management Reporting Disclosure Act. There we have already taken certain steps in the form of technical assistance to both the IUE and the steel workers' election campaigns.

We have enlarged our technical assistance program in light of some criticisms of past years, in order to protect better the rights of union members. That is our primary objective.

We have established, and are establishing at this time a preelection advisory unit that will volunteer help prior to a union election to sort out some of the problem areas, both with the union bylaws and previous nomination procedures, and the rest, some of the problems that could effectuate a problem for union members themselves.

In this particular unit we will also have the ability to digest the decisions that were made prior to previous elections, so that we will have a ready store of knowledge and information on how to proceed, information on unions involved, members involved, on how their rights can better be protected with this digested information on prior results.

I think our recent successes in handling both the IUE and the Steel Workers' election are indicative of the kind of job that can be done.

I think there are also some unfinished business, and some unfinished areas in terms of labor-management relations. These are areas that we are considering now, not areas that we have taken any initiative on, but are considering. That is the whole area of farm labor legislation, the area of Federal labor legislation, and the area of State and local collective bargaining issues.

We are considering these areas, and giving some thought to them. But we have not done anything concrete with regard to these matters.

That pretty well summarizes my views at this time.

Thank you.

The CHAIRMAN. Thank you.

Ms. Herman.

Ms. HERMAN. Thank you, Mr. Chairman.

The CHAIRMAN. I have a message from Senator Randolph, who regrets he cannot be here for this hearing. He is involved in a markup of the Clean Air Act, and the amendments to it. He also is scheduled to consider the Veterans' Affairs Committee budget. So he is fully occupied.

I will tell you that if you are not already completely relaxed, that when the membership is as it is this morning, very few here, we know if there is any trouble with you, and your nomination in their minds, they would be here. If they are not here, that is good news.

Ms. HERMAN. Before making a statement on priorities, as I would view the Bureau, I would like to thank you for the opportunity to appear before this committee, and to also state for the record my gratitude to Senators Nunn and Talmadge for their letters of endorsement.

I am very honored to be nominated by the President of the United States for Director of the Women's Bureau. I certainly think that the role of the Bureau in terms of advocating for the welfare of working women is a very critical one in this day and time. I pledge my best to this task.

I also express my willingness to appear before this committee, or any other committee of Congress, as it may be deemed necessary in the future.

In terms of the priorities, as I would view it at this time for the Bureau, I think when we consider the fact that approximately two-thirds of the labor market expansion is comprised of women, this fact raises very significant policy questions as it relates to the overall development of the Department of Labor programs, including the kinds of jobs that we will develop, and supportive services that we will provide in the future.

To that end I would like to see a reinvolvement of the Bureau in direct policy and program formulations as they would relate to women. I would like to see closer alliances, and line relationships developed with specific departments internally, such as OSHA, to work on the question of women in the workplace, such as the Solicitor's Office, as we consider the *Gilbert* decision; to work very closely with OPER and ETA, to follow very closely our economic stimulus package; and to watch those programs as they relate to women.

I think when we consider also the special concerns that we have developing around mature women attempting to enter the labor force, the special concerns of displaced homemakers, special concerns of minority women who are victimized by both race and sex discrimination, and particularly the high rates of unemployment that minority teenage women suffer, that the Bureau has a very critical role to play in both advocating and in calling to the forefront the Secretary's

attention, and to this administration's attention the roles and the program needs for women.

Thank you.

The CHAIRMAN. Thank you.

Mr. Packer.

Dr. PACKER. Thank you, Mr. Chairman.

I too want to start by thanking President Carter and Secretary Marshall for choosing me for this position, and to place on the record my willingness to appear before this committee and any other committee of the Senate whenever they so desire.

You have very kindly referred to me as the "idea" man in your opening remarks, Mr. Chairman. I think that should be interpreted as the listening man. I hope to listen to the ideas that this committee, both yourself and the other members, as well as the staff, have with regard to the Department's programs.

I hope to spend some of my time out in the field listening to the people who are running the programs for the Government, both the Federal employees and the CETA operators themselves.

I would like to spend some time listening to the people who actually benefit by the Department's programs.

I think one priority area, perhaps the highest priority, is to do that listening as part of the evaluation function that falls to me.

A great deal of the stimulus program, a great portion of the hopes of achieving the Presidential goals, will in some way or another involve the Labor Department. The large expansion in the title VI program, the new youth initiative which you have been involved in, all are new in size, if not in kind.

I think it is incumbent upon us to listen very closely and see what is going on, and evaluate very rigorously the programs as the money is spent, so that we can discern what is appropriate, what does work, and what does not work as well than we hoped when we start the program.

The other area of responsibility has to do with my relationship to the economic policy group, and the macro-economic policy of the Government.

Dr. Marshall, of course, sits on that policy group, and I am his deputy with regard to that operation. Clearly the President's goals for 1980 are ambitious ones, and will take a considerable amount of effort to somehow disentangle the situation that has brought us both high inflation and high unemployment simultaneously.

I imagine that the highest priority of the Department is to put the country back to work again in a noninflationary fashion, and that priority is, of course, my highest one also.

The CHAIRMAN. Thank you also, Dr. Packer.

Now, let us deal with a few specifics in terms of questions or observations. There will be other questions that we will probably want to present in writing. We want to expedite this whole process to confirmation, and if you could expedite the answers, that would make the whole process move quickly.

Dr. Bingham, I recall last spring, summer, and fall that OSHA was an activity of government that was mentioned quite frequently by Governor Carter as a candidate. It was a concern, the administra-

tion of this was a concern of the candidate at that time, and as I read in the paper, it is still a concern.

There was a discussion he had with you at the time he designated you as nominee. I do not think we have to go around the bush any more on the basic concern of everybody that the goals of OSHA have not been reached as we would have them.

You understand that, and you have addressed yourself to this.

I noted that you said the measure of success should not be the number of fines that are levied.

That reminds me of the awful business of head counts in a war, in the Vietnam war, as a measure of our "success" over there.

But I agree with you completely. I am wondering if there is another way to see how industry is responding to the demands of law, and that is, how many professional people are being brought into industry for the implementation of health standards and health conditions. and also professional people in safety areas?

Is there any way to measure this, the growing numbers that are employed with a specific purpose to advance safety and health at the work place?

Dr. BINGHAM. Well, I do not know. We can probably get at this through professional societies.

I have had the opportunity of being on the study section for the National Institute of Occupational Safety and Health. They do support training programs for safety and health professionals, and supported many universities throughout the United States. I believe that through these programs we could get a fix on the number of individuals going out and filling spots in government and industry and in the labor movement.

I think that your concept of whether or not there actually is some increased emphasis by industry is very good. I can tell you that my own perception is that there is increased activity, not only in the business community—there is a great demand for professionals in the business community—but also in Government and by the labor unions. I can recall the time when you could not name one person who worked for a labor union who was professionally trained in safety or industrial hygiene, and now that situation has changed considerably.

Certainly in the program that I have been associated with at the University of Cincinnati, we have much more demand for the graduates than we have graduates to fill these jobs. I think we could perhaps take some kind of census with major industries to determine how many individuals have been employed over the last 10 years, 5 years, which would give us a feel for the upswing in personnel. And certainly these people are very important in administering the act.

It is important to have industrial hygienists and physicians in industry and the labor movement. These are the people on a day-to-day basis who do the work of providing the safe workplace.

I will use this word loosely, but when we, as a people, cite an industry and levy a fine, what we are saying is that we have really failed, have we not?

The CHAIRMAN. Yes.

I tell you even worse though is when failures are repeated, and in another area—this might be coming to you folks—the enforcement

of our coal mine and mining safety and health legislation, where we have seen citations and fines and for the same violation, repeated citations and fines.

We had an awful disaster last year at the Scotia mine down in Kentucky. There the accident, which was an explosion, was predictable just on the record of uncorrected citations and fines.

I would just think that in administering a safety law, the citation and the fine should never be the end. There ought to be a followup, and the stimulant or demand under law to correct the violation.

We are doing that. We are giving you additional authority, the coal mine and mining legislation closures for repetition of failure to abide by the law. This is a broader question, of course.

Dr. BINGHAM. I will be happy to discuss it with you. I do not know that I am prepared to go into it now.

The CHAIRMAN. I do not expect you to at this point. It is something that I think has logic and it should be part of our future, and maybe we could bring in the "ideas man" on your left here and let him work on this, too.

The "understandable language" observations you made about regulations, I also read that there is a course in how to write understandable regulations.

Where is this course conducted, in all the departments?

You are all smiling. You have all gone to class?

Dr. BINGHAM. Most of us need to have some parts of them explained to us, I would say.

The CHAIRMAN. Excuse me?

Dr. BINGHAM. Most of us need to have some parts of the regulations explained to us by the attorneys.

The CHAIRMAN. Well, we appreciate your recognition of the need here. And I will say that we cannot smile because some of our legislative language is not that pristine either. Sometimes we think it is so simply clear that we do not have to elaborate. That is what the *Gilbert* case is all about. We are now adding something to the law to make sure that it is understood that pregnancy is a disability that can only visit itself upon one sex and, therefore, it should not be excluded from coverage; otherwise, it is sex discrimination.

By the way, there is very little congressional legislative record on this. Justice Rehnquist mentioned that. That was, in his book, our failure. It was a failure, I guess, because we never imagined anybody would ever consider that it was anything but a woman's disability situation.

Now, I have two more quite profound questions written out here, Dr. Bingham, in your area.

We have, of course, witnessed recent and terrible tragedies resulting from poisoning of workers engaged in the manufacturing and processing of pesticides. Kepone and Leptophos are two of the more tragic and widely publicized examples. The health hazards associated with pesticides and other industrial chemicals are of great concern to the workers and employers of my State of New Jersey.

It is my understanding that OSHA is currently trying to get together with EPA and other affected Federal agencies to work out a program for enforcement of adequate standards for pesticide manufacturing.

I wonder if you can report on what progress has been made in developing a comprehensive enforcement program for pesticide workers?

Dr. BINGHAM. I cannot do that now. I know there is some activity in the agency on this, but I am in no position to report on what the progress has been. But I would be happy to submit information on this in writing.

This particular area is of great concern to me because it is inevitable that if human beings are exposed to pesticides at significant levels, there is going to be damage. That is the nature of these chemicals. Much of it is going to be irreversible damage.

I can tell you that this is a very great concern of mine.

The CHAIRMAN. There is a role for OSHA in this area in your judgment?

Dr. BINGHAM. Absolutely.

The CHAIRMAN. If you want to elaborate on that in communication with us, what role OSHA will play in the enforcement effort, that will be helpful for us to know as soon as you have that defined.

Dr. BINGHAM. All right.

The CHAIRMAN. Recently, the definition of certain minerals to be regulated under the OSHA asbestos standard has come into question.

One of the substances affected is talc, and former Assistant Secretary Corn, in fact, recently reversed OSHA's position with respect to the applicability of the asbestos standards to certain talc. This has seriously affected industrial users of talc, a large number of which are in my State of New Jersey, and their employees.

I understand that OSHA is currently studying both the content of talc and the question of whether the tremolite in talc should be classified as asbestos. This latter study is expected to take quite a long time.

During this time, industrial users of the talc face uncertainty as to what levels of protection they will have to provide for their employees.

In view of the uncertainty which this matter causes for all users of talc, can this study not be compressed in time so that the final answer will be known sooner?

Have you been exposed to developments in this area?

Dr. BINGHAM. Well, to be truthful, I have not. I had known from reading what was in the press that there is a real problem in this area. I think that there is some science that I would like to become more familiar with before I can make a statement on that.

I would be happy to provide you with a written statement on what the agency is currently doing and indicate to you where I see this process could be speeded up.

I share your concern about keeping this definition in limbo until the scientists have made up their minds. I think the real point is that we have to make some decisions. We can alter those, correct them or change them, but we do have to take some positions on the available evidence.

The CHAIRMAN. That is exactly what I hoped you would feel and say and direct yourself to.

I think the other questions I would like to address to you will be done in writing. Maybe we can proceed with the others now.

Mr. Burkhardt, you mentioned the Department's situation and activity with respect to two recent elections. You mentioned the steelworkers and the——

Mr. BURKHARDT. IUE.

The CHAIRMAN. The IUE.

Quite frankly, I might have been talking to staff and I did not get what you were saying about the steelworkers' election.

You administer these?

Tell me what you did.

Mr. BURKHARDT. We are charged with administering the Labor-Management Reporting Disclosure Act. Title IV of that act provides for the protection of certain rights for union members in their election proceedings.

Typically—the Labor Department would not get involved in any union election—I am talking in historical framework now—prior to charges of violations which normally took place after the election. What we have tried to do in both the IUE and more recently in the steelworkers' election was to provide some technical assistance to the parties involved prior to the elections in the hopes that this would remove some of the problems that typically result as an aftermath of elections.

In the case of the steelworkers, we carried out extensive education programs for their tellers. There were some 5,000 or so tellers involved in the steelworkers' elections. They have to be brought up to date and up to par on what the law says, what is required and so forth.

We did this prior to the election in the hope that that would create a better atmosphere for that particular election.

There were other things that were done on a preelection basis.

Now, what we have done, and one of the priorities we had is technical assistance field, was to perform on a more uniform basis. Part of that is going to take place in small, very small reorganization of that particular division within LMSA, that will be able to provide technical assistance in union elections that will have an advisory committee that will review the bylaws and constitutions of the unions whose elections are about to come up, that will digest decisions that have previously been made and so forth.

The CHAIRMAN. Do you volunteer yourself into this?

Mr. BURKHARDT. In the particular case of the Steelworkers' election, we were asked by both parties.

The CHAIRMAN. Are you in a position to call for constitutions and bylaws, to review them?

Mr. BURKHARDT. Oh, yes.

As required by law, they are required to file constitutions and bylaws. We have the whole section for making sure that union members' rights are protected, which is the basis of that particular legislation.

The CHAIRMAN. Prior to the Steelworkers' election, it was speculated that the result of that election would not be known for quite awhile. I have forgotten the period it was speculated it would take, but it impressed me that it was cut down to a fraction of the time it was anticipated.

The result of that election was known within 2 days, was it not?

Mr. BURKHARDT. The result of the election was known to the Steelworker hierarchy within 2 days.

The process is that the unofficial ballots are phoned in to the headquarters, but there is a provision under the constitution that each of

the tally sheets that was taken from each local union then has to be verified. That verification process can take up to 4, 5, or 6 weeks.

After that process, if there are any charges or allegations of violations, there is a committee provided under the Steelworkers' constitution to go out to the different regions and hear the complaints. They are just embarking on that particular process now.

It is an official result that we have.

The CHAIRMAN. Prior to before verification and the opportunity for——

Mr. BURKHARDT. For review of all the allegations, right.

The CHAIRMAN. We all know that that particular election got a great deal of attention. It was hotly contested. It was an election that was reported in the press, at least, that one of the contestants received a great deal of support, monetary support I gather, from nonunion sources. There was concern about this opportunity for nonunion associated people to get in with their money and contributions to a candidate in a union election.

I recall the New York Times editorial analyzed this, and what it could mean, not necessarily in that election, but the problems it could create.

Their final judgment was that this was not in the best interest of union democracy for outside resources to be brought to bear on an inside union democratic election.

First, let me just ask you whether this situation is known to you and you are familiar with it?

Mr. BURKHARDT. Yes.

The CHAIRMAN. These outside contributions into a union election, you are familiar with that?

Mr. BURKHARDT. Yes.

The CHAIRMAN. Do you feel any anxiety or apprehension, any concern about it?

Mr. BURKHARDT. Speaking personally, yes, I do have a great deal of concern. I think, coming from a union family and still presently a union member, that the union itself should operate as democratically as possible within its own framework, its own constitution, to provide for the election of officers.

I feel that those people most active in their own organization should have the foremost control over the destiny of that organization.

So I have serious problems with large influxes of outside money. I am not saying that was the case in the particular instance that you described, but I am concerned with the problem, and I am philosophically opposed to it.

There is some question, legally, of course, whether any employer can contribute to a union election, employer anywhere in the economy.

I think the law is pretty clear on that as far as I can read. That is, no employer can contribute to any union election.

That means no employer anywhere.

The CHAIRMAN. That is for legal discussion——

Mr. BURKHARDT. That is the Solicitor's job, right.

The CHAIRMAN. I am advised that this question of contributions and who is permitted under the law to make contributions to a union election is under study within the Department.

Mr. BURKHARDT. That is right.

The CHAIRMAN. A countercharge to the charge that outside money was brought in was that within the union, professional staffers hired by the union were engaged in supporting the candidate that was, can I call it the organization candidate?

This is, I gather, being studied within the Department?

Mr. BURKHARDT. It is under study only because we are aware that that is a charge that has been brought by the other candidates. But that is a different question, of course, than the question of employer contributions.

The CHAIRMAN. I did not say employer contributions. I used the broader——

Mr. BURKHARDT. Outside.

The CHAIRMAN. Nonunion source. That would include an outside union, nonsteel union, a nonsteel employer, or individuals. This was the concern.

If it is under study, I would like to have you keep us advised of your information and evolution of judgment in this whole area.

Mr. BURKHARDT. I will be happy to.

The CHAIRMAN. Let's come back to ERISA again, and this question of bringing back into your area ERISA from the Administrator that has been designated. Senator Javits raised that question, and I just wonder what is developing.

Is there a way for you to tell us now, anything that is being considered there?

Mr. BURKHARDT. Nothing can really happen until two things happen. One, that first it will be necessary for me to be confirmed as Assistant Secretary. Then the second step would be the selection of an administrator. That process is ongoing now.

The way the organizational structure of the Department is now situated, the ERISA program for all budgetary, fiscal, nonpolicy positions comes under the administrator of labor-management relations, which would be myself. So for that matter I have concern over how effectively and efficiently that particular program is being administered.

The question of reorganization, though, is something that must await both those outcomes. Then of course, as I mentioned before, any contemplation of any reorganization would have to involve, as I see it, and as the Secretary sees it, at least yourself, Mr. Chairman, and certainly Senator Javits.

The CHAIRMAN. The other question is one that we have constantly returned to, the desirability of reorganization away from dual jurisdiction, dual responsibility under ERISA, which has its problems, we have discovered.

Do you know if any suggestions are developing in the Department of Labor that the Department would become the sole administrator of ERISA?

Mr. BURKHARDT. There are no concrete suggestions. There are people who are looking at the relationship between the Department of Labor and the Internal Revenue Service and the Pension Benefit Guarantee Corporation. It is just on a "looking at" basis. No papers that I have seen, or no position papers that I have seen or am aware of that have been designed to do anything along those lines.

The CHAIRMAN. It appears at this point that the agreement that was reached with the Teamsters Central States Pension Fund that was announced on Sunday by the Department of Labor and the IRS showed substantial improvement in interagency coordination with respect to ERISA.

This is the kind of interagency coordination, cooperation that we did not feel some months ago. Lack of coordination, believe me, has been a serious problem, not only in the Central States Pension Fund investigation, but in other areas as well, such as dual administration over the prohibited transactions exemption process.

I wonder whether at this point you could give the committee any further reassurances with respect to improving this interagency coordination?

Mr. BURKHARDT. Well, I think you rightfully noted that the Teamsters Central States pension fund investigation was a good example of how well both the Department of Labor and the Internal Revenue Service and others can perform. I think that is a good example of how that was resolved.

I think the beneficiaries will benefit from that kind of cooperation, which is the intent of the laws.

I might also note, just as a footnote, that the Department has issued two things, which both myself and the members of this committee have been anxious to see, and that was a summary planned description of pension plans, just issued within 6 weeks of this administration, which was something of an accomplishment, since it took, I believe, about 2 years in the making.

The other was the proposed regulations on statement of rights, which appeared in the Federal Register just recently also, and was also held up for a long time.

I think there are some very positive things that can be said about the Department of Labor's present role in administering ERISA, and in cooperation with both IRS and PBGC. I think that can be continued, and I hope it will.

The CHAIRMAN. That is encouraging.

As you know, complaints are pouring in here from the pension industry, particularly small administrators, about the excessive reporting and other paperwork burdens created by ERISA, and the great expense of this, plus the expense of meeting fiduciary standards and others.

The burden is both expensive, they tell us, and difficult, due to the laborious paper procedures. Consistent with the need to protect the participants and beneficiaries, are there further steps contemplated to improve all of this?

Mr. BURKHARDT. With regard specifically to small employers and small pension plans?

The CHAIRMAN. Yes.

Mr. BURKHARDT. I know that I have seen a priority list for that particular division, and that item appears on the priority list. I am not totally familiar with exactly how far along they are in looking at anything that can be done in that area.

The CHAIRMAN. All right.

I think we have some other questions that we will submit to you.

Mr. BURKHARDT. Thank you, Mr. Chairman.

The CHAIRMAN. Could we return to the *Gilbert* case, and the bill we introduced, Ms. Herman?

We had a meeting of sponsors of this legislation. Organizations such as the IUE and others were there to be part of the community developing the correction of the inequities that we see now as a result of the *Gilbert* case—a broad range involved in this area of public policy.

For instance, we had the National Organization of Women at our meeting this morning, representatives from Right to Life Groups were there, all supporting this—a broad range.

I did not spot any opposition. I am sure there will be opposition, but they were not there this morning.

One of the questions that came to me was the administration's support: Can we expect it in this bill? There has not, obviously, been any formal statement from the administration on this. The bill has not been introduced, it will be today, in both Senate and House.

I get the impression that you will be an advocate for this. Our approach is an amendment to title VII with the new 700 section, 701(k), it deals with this in the simplest way, by describing denial of benefits where there is an insurance program, denying benefits arising out of expense of pregnancy as sex discrimination. It is a definition change basically, which is the easiest way that we could see, the most efficient and most clearly understood.

The Supreme Court, the majority, seemed to have difficulty understanding the meaning of the statute, so if we are going to clarify it, we better make it simple for them.

This is the simplest way to do it. There are other ways to do it. I hope you will be able to advocate this bill without complications.

Do you have any feel for this?

Ms. HERMAN. Not being in a position to speak for the administration at this point——

The CHAIRMAN. You do not have to worry now, you can speak for your own position now.

Ms. HERMAN. My own position at this point would be that certainly some corrective measure needs to take place to cover this segment of the work force. To approach this in a legislative manner is obviously the way to go.

Currently we are organizing a task force internally at the Labor Department, hopefully to be in a position to support what legislation that might arise on the hill, and to make recommendations to the Justice Department as to how we view the role that we could play.

Personally, I am very enthusiastic that something is being done in the area, and I would be very hopeful that we could support the legislation.

The CHAIRMAN. Fine.

As far as hearings, obviously the invitation will go out, and the principal sponsor in the House, Congressman Hawkins, said he is going to move just as fast as he can. I am not sure whether it is going to be later this month, or early April, or mid-April, but at least within a month or a month and a week it will be fully expected that hearings will be held.

I hope that we can have our hearings here within April also, so this is the time we will need to have the Department's position.

Now, a couple of you have mentioned your availability to testify in response to an invitation to testify before any duly constituted committee of the Senate. You have all agreed to that?

Dr. BINGHAM. Yes.

The CHAIRMAN. There has been a major problem of lack of coordination of enforcement effort among Federal agencies which administer our equal employment opportunity laws.

Does the Bureau have any role to assume with regard to coordination and improvement of the enforcement activities of these agencies?

Ms. HERMAN. The Bureau has been very involved in having linkages with various enforcement agencies, particularly, of course, as it would relate to the enforcement of the revised order, 11246.

Specifically, we are attempting to make recommendations for an inter-departmental coordinating committee that will bring together, in structured form, the various representatives from different agencies to specifically look at enforcement legislation as it would relate to women. That is something that is in the making now. It has worked successfully internally within the confines of the Labor Department, and we are hoping to expand this throughout the Federal system.

The CHAIRMAN. Your Bureau would be the center of pulling this all together?

Ms. HERMAN. We would be attempting to pull that together, yes.

The CHAIRMAN. Dr. Packer, I understand you have been participating in the work of the task force on welfare reform, which is working under the auspices of the Secretary of HEW to develop new approaches to public assistance programs.

I wonder, would you give us some indication of your own thinking on the direction that welfare reform should take?

Dr. PACKER. Yes, Mr. Chairman. Fortunately, I had espoused my views on this subject before being on the task force, and it has always been my feeling that work is the way most American families provide for themselves. The basic thrust of any policy, would be to provide jobs, at least one good job for every family, and this seems to me to be the appropriate interim goal, that job being adequate to bring people at least above the poverty line.

The problem is one that relates to macroeconomic policy, and depends on just how tight the labor market is. This is a policy that has to adapt itself to the business cycle, and that recognizes that incentive to work, and that work tests do not function well if there are no jobs for people to take.

So I think one has to look in that direction to the work side of welfare reform.

There are, of course, large groups of people who society does not expect to work outside the home for wages. An adequate minimum has to be provided for those for single parent families, with preschool children, I think, and there is a natural consensus that some minimum basic support has to be provided for that group.

But we have to be sure that the relationship between the working poor and those who are not expected to work is appropriate, that the encouragement is there, both to work and to maintain family stability where that can be achieved.

I think that outlines my thinking on it.

The task force is considering a broad range of policies. I think there is general agreement on that kind of framework, but the range of possibilities reach all the way from negative income tax to a situation in which individual families would be guaranteed, in some sense, the availability of a job, either in the private sector, preferably in the private sector, and perhaps in the public sector if that was not possible.

The CHAIRMAN. How many departments are represented in this task force on welfare reform?

Dr. PACKER. I do not have a count, but HEW is, of course, of primary importance. The Labor Department is cooperating. Treasury is involved. The Council of Economic Advisors, the Department of Commerce, Agriculture, and HUD are involved.

There are representatives at the task force meetings from a number of congressional committees. There is also a second set of meetings that are open to the public on Fridays, in which we have had representatives from State and local governmental organizations, as well as the public, to provide their views on the revenue sharing of fiscal burdens for welfare.

We are trying to the utmost to get a broad range of opinions.

Secretary Califano is also holding hearings, and has also undertaken an outreach measure to get opinions from outside the Washington area, as well as from the governmental organizations.

The CHAIRMAN. Would you, in your position, in evaluation and research, be drawn into the economics of the minimum wage? Will this be an area that will be part of your research effort, in trying to evaluate the linkage between minimum wage and welfare minimum wage, and the employment of young people?

Is this an area for your evaluation and research?

Dr. PACKER. Yes, it is, Mr. Chairman. Unfortunately, the data base is not adequate at the moment. There are broad differences of opinion as to the effect of the minimum wage on income distribution, on inflation, and on unemployment, but it is an area that we will take a look at. It is certainly part and parcel of the welfare reform approach.

Clearly, if the minimum wage is set too low, one cannot meet the requirement that someone who works full time achieves an adequate income. So it is an area that we are looking at.

I think the Department will have to spend some more resources in testing exactly what happens when the minimum wage is raised.

The CHAIRMAN. I am sure there will be a crescendo to a shrill scream around here, that if you are going to get unemployed young people to work, you have to have incentives of a lower wage than the minimum wage. We have to be ready to find ways to reduce the shrillness of that scream. I do not think it makes any sense in any way, myself, to bring people into the work force at less than the minimum, because they are 19, doing the same work.

It would just seem to me it would cause all kinds of problems, rather than see a big, expanded work force, and I think it would be a displacement of others, among other things.

This is an area we are going to need a lot of Department basic research and evaluation on to relate that minimum wage, it is going up, you see—the effort will be made this year, and there will be those who argue with great emotion that this is denying an opportunity of em-

ployment for that group that is largest right now among the unemployed, the young people.

Dr. PACKER. That is correct, Senator. I think half of the unemployment is some individual who is 24 years old or younger.

The Department's position, with which I wholeheartedly agree, to the solution of youth unemployment is youth programs and training, and more effective school systems built along the lines that the committee is working on now, to develop youth programs.

Frankly, when we have discussed CETA programs and public service employment, critics have suggested that the substitution has been too substantial to make the program worthwhile—I think the facts will indicate that substitution through minimum wage would swamp any substitution that takes place in PSE jobs, and primarily what you would have happen is young people working for less money, and some older people being without jobs at all, and forced to fall back on the income maintenance systems of unemployment insurance or welfare, at substantial cost to the Government and to the budget, and those income maintenance payments, and the lowering of the welfare of the country in general, and I wholeheartedly agree with the position you have taken about the special minimum for youth.

The CHAIRMAN. A very troublesome area, Dr. Packer, is the deep and continuing recession that has bankrupted insurance funds of over 20 States.

I am sure you are familiar with this. And many other States have seen their fund dangerously depleted. It is my judgment that no State here is at fault, no group of employers can be blamed for this. It is a national recession.

I would suggest if there is any blame to be placed, it probably should be placed upon the Federal Government. What is the Federal responsibility for helping the States restore the financial stability of their unemployment insurance trust funds?

Have you had an opportunity to think through this and examine it?

Dr. PACKER. Yes. This matter is under intensive study now in the Labor Department. I think our concerns are manyfold. We want an unemployment insurance system that supports the recovery, and does not hinder it. Therefore we are concerned about excessive increases in the unemployment insurance tax at a time when the unemployment is still too high by anybody's standards.

The second point, we want to make sure that the trust fund principle is maintained, and more importantly, the objectives of that principle are maintained, which is experience rating as to the greatest extent possible, and that States undertake responsibilities for their actions.

Neither firms nor States are really responsible for the recession that allows unemployment to go to 8 percent. It might very well be that is a Federal responsibility, to make good to some extent the trust funds where they are in deficit, both the Federal Trust Fund and the State trust funds, where they are in deficit because of this recession, that no actuary could have taken into account when building the tax and benefits structure prior to 1970.

What is important is that we look to ways to provide that support that does not benefit unduly those States that have not been prudent, that we do not bail out the States that have not been prudent, at the

expense of those that have, but that we find some way of measuring the cost of the recession to individual States, and find an equitable way of preserving the principle of the trust fund in a period when the recession is so extreme.

We are looking at alternatives right now.

The CHAIRMAN. What would be some of the criteria of prudence at the State level?

Dr. PACKER. Well, I think the States should have a system in which the taxes are sufficient to cover the benefits during the normal business cycle, the normal decade in which the economy will go through a cycle, but not go through the kind of recession we have now, and that States should not be encouraged to increase benefits without increasing the taxes that pay for those benefits.

I think that is the test of prudence. I do not believe it is prudent for a State to run a trust fund surplus that is adequate to pay for unemployment that comes about in a recession such as the one we are still coming out of.

But, for example, the system that consummated State trust funds on the basis of excess unemployment over some normal recession—over, say 6 percent unemployment—would seem to me not to benefit unduly States based on their own generosity, but would treat all States equitably, and at the same time it would still benefit those States most prudent, as well as those who are least prudent.

The CHAIRMAN. As it is now, States are developing an additional debt to the Federal system; am I right?

Dr. PACKER. That is correct.

The CHAIRMAN. Now, unless some action is taked federally to help the States, their debt will force them into the stimulus, the depressant, really, of increased payrolls. As we are moving here in one area stimulating the economy, for example, the investment tax credit, increased payroll taxes, we are flattening the effect, we are not getting the stimulant, I would think.

Dr. PACKER. That is correct. It is harmful in a number of ways. It puts a tax on unemployment. So it makes employers reluctant to bring on new employees.

To the extent that employers take that unit labor cost and pass it on to prices, the increase in those taxes is particularly inflationary. So that the increase in payroll taxes is one of the few ways we could increase unemployment and inflation simultaneously, and we should be striving for ways to reduce both those rates, and not increase it.

The CHAIRMAN. I have nothing further at this point, unless you have anything.

We will gather up unasked questions, and forward them to you for your responses.

Now, the American Society of Safety Engineers has a long—well, these are a lot of questions. Where is the endorsement of Dr. Bingham?

A strong endorsement follows the answers to seven questions. We will submit these.

[The following was received for the record:]

QUESTIONS ASKED OF DR. BINGHAM BY SENATOR WILLIAMS WITH RESPONSES

Dr. Eula Bingham
Nominee for Assistant Secretary for OSHA

QUESTIONS AND ANSWERS

QUESTION: PESTICIDE ENFORCEMENT

Senator Williams. Dr. Bingham, our Nation has witnessed recent and terrible tragedies resulting from poisoning of workers engaged in the manufacturing and processing of pesticides. Kepone and Leptophos are two of the more tragic and widely publicized examples. The health hazards associated with pesticides and other industrial chemicals are of great concern to the workers and employers of my State of New Jersey. It is my understanding that OSHA is currently trying to get together with EPA and other affected Federal agencies to work out a program for enforcement of adequate standards for pesticide manufacturing.

What progress has been made in developing a comprehensive enforcement program for pesticide workers?

What role will OSHA play in the enforcement effort?

ANSWER:

I am very concerned about the need to protect workers from the health hazards of pesticides, and it is my intent to correct the Occupational Safety and Health Administration's shortcomings in this area. In the near future, the agency will begin a program of enforcement of worker health protections in pesticide manufacturing and formulating

plants, where the most serious worker exposures are likely to occur. I will work with EPA to develop a comprehensive worker protection program which integrates the strengths and responsibilities of each agency in the pesticide field. It is not my intention that the Occupational Safety and Health Administration cede any authority or responsibility in this area. It should be recognized, however, that the rapidity with which this effort can be implemented will be somewhat hindered by lack of monitoring equipment, trained staff and, in some cases, satisfactory analytical methods.

You will also be interested to know that the agency is in the final stages of developing an interagency alert system to facilitate quick action to protect workers and the public when the hazards of substances such as leptophos and kepone are realized.

You may be assured of my continued involvement in this important area.

QUESTION: ASBESTOS AND TALC

Senator Williams. Recently the definition of certain minerals to be regulated under the OSHA asbestos standard has come into question. One of the substances affected is talc, and former Assistant Secretary Corn, in fact, recently reversed OSHA's position with respect to the applicability of the asbestos standards to certain talc. This has seriously affected industrial users of talc, a large number of which are in my State of New Jersey, and their employees.

I understand that OSHA is currently studying both the content of talc and the question of whether the tremolite in talc should be classified as asbestos. This latter study is expected to take quite a long time. During this time, industrial users of the talc face uncertainty as to what levels of protection they will have to provide for their employees.

In view of the uncertainty which this matter causes for all users of talc, can't this study be compressed in time so that the final answer will be known sooner?

Do you not agree that the the sooner we have the answer, the sooner these employers will know what they will be required to do to protect their employees?

Generally, don't you think that all such problems of definition and coverage should be resolved in the most expeditious manner so that there will be the least possible disruption in the protection of workers and in the operation of businesses?

ANSWER:

The issue that you raise concerns the industrial use of certain talcs which contain a mineral fiber defined by OSHA regulation as asbestos.

The National Bureau of Standards has agreed to coordinate an interagency effort to resolve the question of what should be defined as asbestos and to reach a standard definition of asbestos which can be used by the Occupational Safety and Health Administration, MESA, EPA and FDA in regulating this substance. As you earlier requested, the Occupational Safety and Health Administration asked NBS to complete the study in the shortest time possible. NBS has agreed that their estimate of three man-years of work on this subject can be completed in one year's time; I am hopeful of reducing that time yet further.

Certainly, I believe that any such issue of definition and coverage should be resolved as expeditiously as possible. You should be aware, however, that to implement a new definition of asbestos will require promulgation under the Section 6(b) rulemaking process. In this case, our action may be facilitated by the opportunity to include any new definition of asbestos in the proposed revision of the asbestos standard which is already in its initial 6(b) stages.

In the meantime, to ensure continued worker health protection any employer using a substance covered under the existing asbestos regulation must comply with the requirements of that regulation. This regulation is designed to

protect workers from exposure to substances which can cause cancer, as well as asbestosis and other forms of degenerative lung disease.

QUESTIONS ASKED OF FRANCIS BURKHARDT BY SENATOR WILLIAMS WITH RESPONSES

QUESTION

Are you familiar with a Wayne State University study conducted for the Labor Department regarding administration of the Landrum-Griffin Act?

--If so, do you have any ideas you can share with us today about some of the recommendations as well as the criticisms made of the Department's past enforcement efforts in this area?

--If you have not read it, I trust that you will soon do so and formulate a position regarding the recommendations made in that study.

ANSWER

I am aware of the study and some of the recommendations from the study are still under consideration while others, subject to budgetary limitations, are presently planned for or already have been implemented. In this latter group, with regard to Title III Trusteeship matters, we are presently in the process of changing our procedure for reviewing Trusteeship Reports to insure more accuracy in identifying deficient reports. In addition, the unit that receives these reports is presently computerizing them so that when completed any trusteeship that has existed more than 18 months will be flagged by the computer.

--In the union election field the Department has already embarked upon a program designed to provide, upon request, pre-election advice to selected International unions. This procedure has already been used with success in regard to the IUE, and two other International unions are presently receiving assistance under this program. In addition, a new Election Advisory Unit has been approved by the Department within the Office of Labor-Management Standards Enforcement to provide such pre-election service in the future. Although the new Unit has not as yet been staffed it is anticipated it will be operative within the next few months. Another duty of the new Unit will be to prepare and maintain a digest of election decisions by the Department and the courts. It is anticipated the digest will be available to the public as well as Departmental personnel to inform all interested parties of activities under Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as Amended.

The suggestion for increased staff to administer the LMRDA is desirable. In recent years, the workload has increased considerably, particularly in the election area, as demonstrated by the fact that in FY 1972 a total of 122 election investigations were opened; in FY 1976, 219 investigations were completed; and in the current fiscal year it is estimated the total number of election investigations will be around 250. Departmental priorities, however, have been such that additional staff has not been available for these programs. As a matter of fact, by the end of FY 1977 the Office of Labor-Management Standards Enforcement, which administers this Act, will relinquish 50 personnel who are needed in other higher priority operations.

QUESTION

Your Office has jurisdiction over the Executive Order which governs Federal labor-management relations. This is an area which has come under increasing criticism in recent years; it simply does not appear to be working as it should.

--Are you aware of the criticisms that have been made of the Executive Order program?

ANSWER

Yes

QUESTION

--Do you have ideas which you can share with us this morning regarding improvements in the program?

ANSWER

I am most concerned about the criticism which has been leveled against the Executive Order program by certain of the clientele of that program as well as professional associations interested in Federal labor-management relations. As Assistant Secretary of Labor for Labor-Management Relations my immediate concern will be how LMSA can better serve the public, and federal employees, in the processing of cases under the Executive Order. In this regard, I intend to carefully evaluate current procedures including delegations of authority and the distribution, supervision and utilization of personnel in carrying out the Assistant Secretary's mission under the Order. Upon careful review, it is my hope that I will be able to effectuate certain positive changes which will result in more expeditious and professional case processing.

QUESTIONS ASKED OF DR. BINGHAM BY SENATOR RANDOLPH WITH RESPONSES

QUESTION: ENVIRONMENTAL CARCINOGENS

Senator Randolph. Your specialized field is, I understand, environmental carcinogens. It is known that as much as 85 to 90 percent of human cancer is environmentally caused. Do you intend to give this area substantial attention, and do you expect to coordinate with the National Cancer Institute, EPA and NIOSH in this area? How will you effect such coordination?

ANSWER:

The field of environmental carcinogenesis has been a major area of interest and activity during my professional career. The first research I began after graduate school was on the identification and evaluation of chemical agents which in complex mixture exhibited increased carcinogenic potential. These mixtures occur both in the occupational and ambient environment (e.g. coal tar, petroleum fractions). More recent pursuits which reflect my commitment to this field involve inhalation experiments with vinyl chloride. These experiments were designed to investigate the role of other chemical agents to influence the potency of this carcinogen and, in addition, to determine whether exposure of parents influences the susceptibility of the offspring to develop cancer.

I served as a member of OSHA's Advisory Committee on Carcinogens in 1973 and later as chairperson of the OSHA Advisory Committee on Coke Oven Emissions in 1974-75.

To date, much of OSHA's activity in the health standards area has been directed toward chemical carcinogens--final standards have been issued for asbestos, the 14 carcinogens, vinyl chloride, and coke oven emissions. Regulations are in process for arsenic and beryllium which are also occupational carcinogens.

I expect to continue to give substantial attention to the development and enforcement of standards dealing with occupational carcinogens. In particular, OSHA has recently presented to its National Advisory Committee on Occupational Safety and Health a proposal for the identification, classification and regulation of carcinogens. This proposal provides specific criteria for determining which substances are to be treated as posing a cancer hazard to workers and guidelines for issuing uniform standards for these substances. The expressed intent is that such a proposal would greatly simplify and expedite the standards setting process for carcinogens.

I intend to review this proposal very carefully and would be favorably disposed to any such approach which would significantly improve OSHA's ability to act in this area.

Coordination with NIOSH, EPA, NCI, and NIEHS is essential in our work on carcinogens. These agencies are our major sources of information on substances which are suspected or shown to represent a cancer danger. I, personally, will serve on an interagency committee to assure communication and coordination under the Toxic Substances Control Act.

I highly value close communication with NIOSH, EPA, NCI and NIEHS and will work to strengthen these relationships. In my scientific career before the nomination to this post, I have had very close working relationships with scientists in all these agencies as well as with scientists in the public sector and industry who are involved in the carcinogenesis field. I consider it essential for our success in occupational health and safety to continue open and direct communication. As you are aware the Occupational Safety and Health Administration is in short supply of personnel in the health disciplines. If confirmed, I shall recruit scientists who can help me maintain cooperative scientific and administrative exchanges.

QUESTIONS ASKED OF DR. PACKER BY SENATOR RANDOLPH WITH RESPONSES

Senator Randolph: What areas of research and analysis do you think need the most attention?

Mr. Packer: The mission of the Labor Department is to develop programs and policies that will provide our citizens with the resources and opportunities for decent, satisfying, and safe working lives. The research and analysis undertaken by the Department should support this mission. The allocation of our research resources should be determined by the amount of Federal money the Department is spending in an area, the amount of private expenditures that Federal regulations supervised by the Labor Department incur, and by the importance of the program to the Departmental mission.

In order to lower the excessive unemployment rates suffered by our young people, we need to evaluate our ongoing training programs so that we can better identify those elements that enhance future earnings. What are the most effective models for combining work experience, vocational training, and academic education?

For those family heads who suffer unemployment during recessions, we need to find effective public service employment programs. To what extent do State and local governments

substitute Federal fiscal efforts for their own effort via PSE programs and can the substitution be eliminated? What is the best method for allocating PSE funds to prime sponsors so as to get the most employment with the least inflation? How can we ensure that the PSE output is of value to the communities in which the work is performed?

For those who suffer from race or sex discrimination, how can we organize and implement policies that will remove the effects of this discrimination?

For those workers who are subject to occupational safety and health risks, how can we use the OSHA program to limit those risks? How effective has OSHA been in the past, and what improvements can be made in standard setting and inspection procedures to enhance the program's effectiveness?

For those workers who have been forced to retire because of disability, how can we integrate our worker's compensation, black lung, disability, and other programs in a way that rationalizes these programs and reduces the amount of money spent for administrative, legal, and other overhead expenses and increases the benefits that flow to the workers?

Senator Randolph, I recognize that these are very general answers, but I think they are indicative of my priorities. As I gain more experience with the department's programs and its research, I hope I will be able to be more specific in designing a research program.

QUESTION

Coming from a union background do you think you can fairly and properly determine grievances by a union member against his union officials?

ANSWER

I have represented workers all my working life. I am very cognizant of the problems confronted by union members and will diligently uphold my oath of office. I shall fairly and firmly protect the rights of all union members as well as all workers and the people.

QUESTION

The administration of ERISA (Employee Retirement and Income Security Act) has developed some problems. Do you have any suggestions for improving the law or its implementation?

ANSWER

The Employee Retirement Income Security Act is a top priority of both the Department of Labor and more specifically LMSA. We are considering proposals to administer the act more effectively and efficiently. Any changes in organization would come only after consultation with this committee on Human Resources. There are presently no suggestions that I'm aware of in regard to any possible improvements in the legislation itself. I would certainly make myself available at any time that is convenient to you to discuss this vital issue.

QUESTIONS ASKED OF ALEXIS HERMAN BY SENATOR RANDOLPH

1. The women's lobby have asserted that "CETA" public service employment funds have not been assigned to women in proportion to their level of unemployment. What can you do to rectify any imbalance in the apportionment of funds?

2. The same women's groups would like to have a special emphasis, or target program of job creation for women, similar to the youth employment program. What is your reaction to that proposal.

RESPONSES OF ALEXIS HERMAN TO QUESTIONS ASKED BY SENATOR RANDOLPH

In response to Question 1:

The Women's Bureau is working very closely with the Employment and Training Administration in refining some of the language in the proposed rulemaking for the new public service employment jobs program under CETA. We are going to recommend to ETA that the following paragraph be added to the rulemaking document:

> "Prime sponsors are encouraged to develop to the maximum extent feasible ways of assuring appropriate participation of eligible women in the newly created public service employment positions."

In addition, the Women's Bureau will be involved in the development of the guidelines which will be sent to each CETA prime sponsor concerning the implementation of the new public service employment projects. We have been assured that the guidelines will be sent to each prime sponsor with a cover memo from ETA Assistant Secretary Green which will emphasize the importance of increased participation of women in the new Title VI program.

In response to Question 2:

At present there is no proposed legislation which would create a specific target program for women similar to the existing legislation on the Hill for youth.

The Women's Bureau will be working with ETA in developing specific project designs focusing on the needs of women through the CETA program. We will encourage the development of specific projects for CETA prime sponsors to be supported by funds from other existing CETA Titles (i.e., Titles I and III), as well as the new Title VI funds.

We feel that this approach will provide more flexibility in ETA's ability to focus specifically upon the unique needs of women in many different geographically areas.

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SECRETARY AND MANAGING DIRECTOR
WAYNE C. CHRISTENSEN, CSP

February 24, 1977

Senator Harrison Williams
U.S. Senate Office Building
Washington, D.C. 20510

RE: Assistant Secretary for Occupational Safety and Health

Dear Senator Williams:

In the spirit of maintaining objectives originally intended by the Occupational Safety and Health Act of 1970, the Board of Directors of the American Society of Safety Engineers is concerned that a qualified Assistant Secretary of Labor for OSHA be appointed.

We have previously written to President Carter and Secretary Marshall, with our recommendations to this same objective. Secretary Marshall's response was gratifying, and we quote in part; "I agree with you that the safety and health of American workers is an important national priority and that the appointment of a highly qualified Assistant Secretary of Labor for OSHA is key to the realization of our goals".

Here are some questions which we believe are relevant to determining the viewpoints and qualifications of any candidate that may be nominated for the position of Assistant Secretary of Labor for OSHA. We hope that they will be useful to you and/or your Committee members as you evaluate the candidate proposed.

1. In our view, two basic things are needed to make the provisions of the Occupational Safety and Health Act work. First, a basic understanding of the safety and health functions and problems, and second, implementation or administration. Do you feel that OSHA is in need of strong administrative talents? Do you feel we have made adequate progress in improving our safety record, reducing occupational injuries, illnesses and deaths? What is your plan to administer a budget of over one hundred million dollars annually and a staff of over 2,000 employees?

r Williams

It appears that part of the problem in the administration of OSHA has been that the decision makers have been separated from, or not relying on, the input of safety and health professionals. As you direct OSHA, what type of individuals will contribute to your decision-making process? How do you intend to secure and/or receive the guidance and input of the qualified professionals on your staff? Also, please state your opinion of the professional competence level of the OSHA personnel.

3. Obviously, there are many problems with the administration of OSHA in carrying out its intended purpose. What are your top priorities to avoid wheel spinning? What proposals do you have for solving these problems?

4. As a professional organization we believe that communications with professionals in the safety and health field are important. Similarly, interface and relationships with NIOSH (in view of its close relationship with OSHA under the law) and other federal agencies have been a problem. Do you believe in more formal discussions with the various professional organizations? How do you plan to interface with all of these groups to further the objectives of OSHA?

5. We recognize that strong standards are an important part of the law, but that in and of themselves or their enforcement will not bring about the reductions in injuries, illnesses, and deaths that we are seeking. Therefore, we are interested in your views on the concept of total safety and health programming. Do you agree with the concept? If so, what do you plan to do to promote it? If not, why?

6. Continuing with your views on standards, what is your viewpoint on the subject of performance standards versus specification standards? Also, what is your estimation of the value or need for 'impact statements' in relation to standards?

7. ASSE believes that all workers should be accorded the protection under OSHA. Would you advise your position on the exemption of employers with less than 10 employees and government employees (federal, state and local)?

Senator Williams, it is our sincere hope and desire that these questions will assist you in your consideration of the nominee for the post of Assistant Secretary of Labor for OSHA. If we may be of further assistance, please call on us.

Respectfully,

T. T. Pinder, President
American Society of Safety Engineers

copy to: Dr. Ray Marshall,
Secretary of Labor

The CHAIRMAN. You are familiar with the American Society of Safety Engineers, and you are familiar with them, and probably worked with them. It is particularly interesting that you were there, in the safety health area's industry before, long before OSHA was even a little glint in the eyes of Javits or Williams.

We look forward to working with all of you.

Our procedures will be expedited.

Thank you.

[Whereupon, at 11:36 a.m., the committee adjourned, subject to the call of the Chair.]

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