

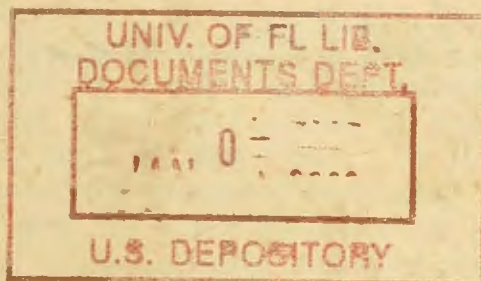
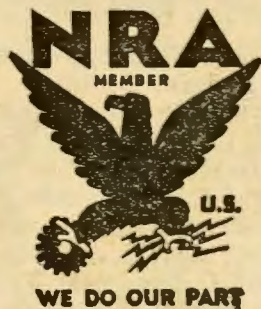
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION


FOR THE

ZINC INDUSTRY

AS APPROVED ON MARCH 26, 1935



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Approved Code No. 555

CODE OF FAIR COMPETITION

FOR THE

ZINC INDUSTRY

As Approved on March 26, 1935

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE ZINC INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Zinc Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved, subject, however, to the following conditions:

(1) The provisions of Article III, Section 1, and provisions related thereto, insofar as they permit of averaging, shall remain in force and effect for a period of sixty (60) days beginning with the effective date of this Code. At the expiration of said sixty (60) day period the aforesaid averaging provisions shall be automatically stayed and the Code amended by a subsequent Order to eliminate the said averaging provisions, or the said averaging provisions shall be superseded by appropriate provisions submitted by the Code Authority which shall conform to established Administration policy, unless good cause is shown by the Code Authority before the termination of said period for a continuation of the aforesaid averaging provisions in their present form, or with modifications thereof.

(2) The impartial investigator referred to in Subparagraph (a) of Section 1 of Article III shall review conditions in the Mississippi Valley, Southern, and Southwestern Districts of the Mining Division of the Industry for the purpose of reporting to the Board within ninety (90) days from the effective date of this Code, the

amount of adjustment of Code wages (not in excess of recommendations of the Labor Advisory Board—thirty-five cents (35¢) per hour above ground and forty cents (40¢) per hour underground) possible in said Districts in order to effectuate the policies of Title I of the Act; and that the Board after reviewing said report and consulting with all interests concerned, may modify the minimum Code wage provisions for said Districts of said Mining Division, as it may deem necessary upon the basis of said report.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,
Division Administrator.

WASHINGTON, D. C.,
March 26, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House,

SIR: The original Code for the Zinc Industry was submitted on October 10, 1933, by the American Zinc Institute, Incorporated, organized in 1918, representing over 95% of the known members of Industry and 95% of volume of production. Several revisions of the Code were made prior to the public hearing which was held on December 8, 1933. This Code was revised during the recess of this hearing and was submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Zinc Industry includes the mining, concentrating and smelting of zinc bearing ores and materials, and the primary steps in the fabrication into metallic zinc products and zinc pigments and the original sale of industry products.

Although zinc is one of the most widely applied and useful of the base metals its development as an industrial material is of comparatively recent origin in the United States, and while known to the ancients for centuries it was not until about 1800 that the smelting of zinc was successfully started in Europe and it was not until 1860 that it was produced commercially in the United States to the extent of about 800 short tons. From this humble beginning the Industry reached peaks of 670,000 and 625,000 short tons respectively in 1917 and 1929.

The first mining of zinc ores was carried out in the Eastern States, and even today New Jersey, New York, Virginia and Tennessee are important producers.

In the mining of lead ores in the upper Mississippi Valley, in Wisconsin and Illinois the occurrence of zinc ores was found in the same deposits and led to the development of a zinc smelting industry in the proximity of the Illinois and Indiana coal fields. Subsequently the extensive zinc deposits of Joplin, or the Tri-State region located in the adjoining corners of Missouri, Kansas and Oklahoma, were discovered. Production from this region developed rapidly and for a considerable time after 1905 produced approximately 50% of the zinc in the United States. During the World War extensive deposits were discovered in the western section of this region with the result that Oklahoma has recently become the leading zinc producing state. The ores in this Tri-State region, usually occurring at depths of 150 to 350 feet, are a combination of zinc, and lead sulphides, and are known as "Spahlerites" "Blende" or "Galena" and yield about six parts of zinc to one part of lead; the combined metal contents of the ores being about 5% of the ores mined. These ores, after being mined, are crushed and ground preliminary to sepa-

ration of the metallic values from the gangue and the selective separation of the zinc and lead values by flotation. The zinc concentrates so produced contain about 60% metallic zinc. Due to metallurgical losses incidental to smelting and refining, about two tons of concentrates are required to produce one ton of slab zinc. These concentrates are either shipped to smelters located East of the Mississippi River in the proximity of coal fields, or to Oklahoma, Arkansas, Kansas and Texas in the proximity of natural gas fields.

Zinc ores in the Western Mountain States occur in vein and replacement deposits, usually at greater depths than in the Tri-State area and are mined at greater costs than in the Tri-State region. Large reserves of zinc have long been known to be present in the so-called "complex" ores of many mining districts, but until the past decade no practical means of recovering the zinc had been developed. These complex ores consist of an intimate combination of zinc, lead and iron sulphides and in some cases zinc, copper and iron sulphides, and also containing small but valuable quantities of silver and gold. The zinc is not sufficiently high to permit these ores to be treated directly by a zinc smelter, and on the other hand it interferes with the recovery of the remaining metals by a lead or copper smelter. Certain of these ores in which the zinc content was too high were treated by custom smelters, it, however, being necessary to "slag off" the zinc, a costly operation for which the smelter had to charge the miner a heavy penalty.

The recent development of selective flotation changed this whole situation. In this process the complex ores are ground extremely fine so as to separate the individual mineral particles, and the lead, zinc and iron minerals are then floated off successively thus producing separate concentrates of lead and of zinc which can readily be treated at the respective smelters. Through this means not only was the zinc in many western mines transformed from a penalty constituent to one of value, but many ore bodies which had had no commercial value became amenable to treatment and began to produce large quantities of both lead and zinc.

Of the 12,800 people employed in zinc mining and milling in 1929 about 67% of the total were employed underground. By regions about 3,000 were employed in the Mountain States, 8,000 in the Mississippi Valley States, including the Tri-State area, and about 2,000 in the Eastern States.

Smelters for the production of metallic zinc or manufacturing of zinc pigments are seldom, if ever, located near the mines due to the fact that the deposits of coal and natural gas, both of which are so necessary for the reduction of zinc ores, are located in areas other than where the zinc deposits are located. The market for metallic zinc and sulphuric acid (a by-product from the zinc ore roasting operations) is also a determining factor in the economic selection of sites for smelter operations. It is also cheaper to transport the raw concentrates (in terms of pounds of recoverable metal) by rail to the far distant smelters than to produce the metal at the mine and ship by rail.

The methods of smelting or extracting zinc from its ores and concentrates are quite different from those employed for other base metals. Instead of being produced in large furnaces in which the metal is formed in the molten state and tapped, as is the case in

iron, copper and lead, zinc is produced by distillation and subsequent condensation of the metallic vapor or by dissolving the zinc values in sulphuric acid and then recovering the zinc values from the solution, or electrolyte, by electrolysis. In the distillation process, of which there are about twenty plants in the United States, the ore, or concentrate, is first roasted to burn off the sulphur (the sulphurous gases being utilized in the making of sulphuric acid) and to convert the zinc into the form of zinc oxide. The roasted product is then mixed with finely divided coal and is charged into small cylindrical refractory retorts which are arranged in horizontal tiers in a furnace which was fired either by natural gas or producer gas. By those metallurgical operations the zinc oxide is reduced to metallic zinc at a temperature higher than its boiling point; the zinc passes off in the form of vapor to a condenser where it is condensed to liquid form and is then drawn off periodically and cast into slabs weighing about fifty pounds each. Although the retort furnaces use a process several centuries old and the process is often looked upon as being obsolete, nevertheless the recoveries are often as high as at electrolytic plants. There is, however, a tendency in the United States towards the lessening of hand labor and hand conveying and resort to mechanical handling and gravity feed into vertical retorts. Much time and effort has been spent in the design of furnaces for the smelting of zinc by a continuous distillation process. About 1915 the electrolytic process of producing metallic zinc was developed in Montana; subsequently as additional quantities of zinc concentrates were made available by selective flotation electrolytic plant capacities were increased and the Western Mountain States' production of slab zinc rose from an inconsequential position to one of the major zinc producing centers. In 1929 the Western States produced 33% of the total zinc output of the country, as compared with 43% for the Tri-State District, and 24% for the states east of the Mississippi River. The electrolytic process is particularly adaptable where cheap power, usually hydroelectric power, is available and where there is a scarcity of coal or gas fuel. The price for electric power must be under .004¢ per kw. hour to compete with retort furnaces. In this process the zinc content of the roasted ore is "leached" with dilute sulphuric acid. The zinc-bearing solution is then filtered and purified and the zinc value is recovered from the solution by electrolysis. The metallic zinc is deposited on the cathodes from which it is stripped at regular intervals and then melted and cast into slabs. The zinc produced by this process is extremely high grade, the most recent development being the regular zinc production containing less than 1/100 of 1 per cent impurities.

Not all of the zinc ore mined in the United States is used in the production of slab zinc—about one-sixth of it is used directly in the manufacture of certain zinc compounds, namely zinc oxide, lithopone and various zinc salts. Zinc oxide is usually produced by heating oxidized ores or concentrates with coal on an iron grate through which air is blown from underneath. The zinc is thus reduced to the metallic state and rises as a vapor which is immediately oxidized, forming a dense white fume which is subsequently filtered for the production of zinc oxide. This process of production is known as the American process. Zinc oxide of exceptional purity is also produced by the French process which consists in the vaporization of

high grade metallic zinc and the subsequent oxidation of the zinc vapors to form zinc oxide.

Lithopone is an intimate mixture of zinc sulphide and barium sulphate, produced by chemical precipitation, followed by subsequent processing and finds use as a pigment. The principal by-product of zinc smelting and oxide manufacture is sulphuric acid, obtained from the sulphur gases produced in roasting zinc concentrates. In the electrolytic plants a part of this acid is used in leaching the roasted ore to produce the zinc electrolyte. Large quantities of acid are also used in converting natural phosphate rock into soluble superphosphate for use as an agricultural fertilizer. Sulphuric acid is also sold to chemical and oil refining industries. Metallic by-products from zinc smelting include lead, silver, gold, copper and cadmium.

The largest single use for metallic zinc is in the galvanizing industry. Of the 629,000 tons of metallic zinc produced in 1929 290,000 was used in the galvanizing industry. The next outstanding use for zinc is in the manufacture of brass. In 1929 180,000 tons were used in the manufacture of brass. Rolled zinc, die castings and other purposes consumed the balance in almost equal quantities.

The position of the secondary zinc industry occupies a role with respect to the Zinc Industry quite different than that of the secondary metals in the copper and lead industries. Inasmuch as a major portion of metallic zinc is used in the galvanizing industry that tonnage is not recoverable. By the same token another large tonnage is used in the production of paints and even in the refining of metals such as brass. Much of the contained zinc is lost through being burned out and is not recoverable. The secondary production of zinc is, therefore, well under 20% of the average domestic mine production.

The history of the Zinc Industry is one of constant shift and change to position and status, governed by either the demands of progress or of consuming industry, the location of new deposits and the development of new processes of recovery. Eastern production yielded to the cheap production of oxide deposits of the Mississippi Valley and the Tri-State area. These latter two areas, especially the Tri-State area had to yield to the recovery by flotation of zinc values from the Western Mountain States, as also the discovery of the electrolytic method of zinc recovery. The Tri-State area is in a further peculiar position due to the fact that the recovery of ores from this particular area requires a minimum of mechanization, with the result that it has been made possible for many people with small capital to become zinc producers. The majority of these producers operate on lands leased from the Indians through the Department of Interior. The requisites of the lease are such that these producers must operate almost continuously in order to retain their leases. This condition of almost enforced operation means that many of these producers in their desire to hold their leases have operated at a loss due to the fact that their operations were in non-conformity to the laws of supply and demand. The royalty on private and Indian lands in the Tri-State district is based on gross value as compared with net value in the Rocky Mountain States. Contracts for leases of both private and Indian lands provide for the payment of royalty

on the gross value of the ore rather than the net, so that the owner, either private or the government may, and does, often receive very substantial cash royalties while the lessee loses money. It may be necessary for the government to give consideration to the question of modifying the requirements of contracts on leases of Indian lands.

Although the strategic position of the Zinc Industry with reference to the position of the secondary metal is in far better status than some of the other base metals, this in a measure, however, may be offset by some other factors, and due consideration should be given to a system of control or allocation of production as provided for in the Code and each such allocation of production must be considered in the light of local conditions.

The large potential producers of Colorado who have been closed down since 1930 and 1931 might wish to reopen. Production in Idaho, Montana, Utah and Nevada has been greatly curtailed and the Tri-State area has also been on a curtailed basis. Greater curtailment must be necessary during 1934 in order to reduce the excess stocks. Statistics furnished by the American Zinc Institute indicate, however, that on December 31, 1933 stocks on hand amounted to 105,560 tons, and that on November 30, 1934 there were 116,076 tons on hand, or an increase of 10,996 tons for the eleven-month period. Some mines must continue to operate in spite of themselves. The Pecos mine in New Mexico cannot be closed if it is ever to be reopened again. Other zinc mines would suffer much damage in being forced to close permanently. In the meantime the zinc mines of the Eastern States have decreased production only slightly in 1930 and 1932 and have an increased output in 1931 over 1932. During the last six months of 1933 the production from the Quapaw Indian land in Oklahoma under the supervision of the Department of Interior yielded 20% of the value of lead and 18% in the Tri-State district zinc output. In the years 1926 to 1933 Indian lands have produced as high as 32% of the total value of the zinc concentrates and in another year as high as 42% of the total value of the lead concentrates from the Tri-State District.

Throughout the long history of mining in the United States it is axiomatic that an *operating* mine or district is one making operating expenses, and failure to make expenses means closing down. Reservations to this axiom are that the operating mine or district has made money in the past and is now spending its surplus; or has ore bodies which it hopes to develop into a profit making mine. The mine production of recoverable zinc by districts and regions from 1923 to 1933 indicates that the production of 1933 could easily have been made by the combined activities of the Eastern and the Tri-State districts; or by the Eastern States and the Rocky Mountain Far-Western States combined, or that either combination could equal and doubtless exceed the production of 1925 and 1926 of 520,000 tons. Knowledge of the ore bodies existing in the zinc districts of the United States confirms the above deductions. Oklahoma alone can be said to be the key to the picture; equally reasonable deductions would place the key in the Rocky Mountain States where the situation is complicated by zinc production supplemented by the production of lead, silver and gold from complex ore bodies. The complex ore bodies are such as to compel mining and milling of

the sulphide minerals of the four metals in one operation and to prevent segregated mining of only one mineral.

The mine production of recoverable zinc in the United States has declined from 775,000 short tons in 1926 to 285,000 tons in 1932, or from 44% of the world production of 27%. In the same period world production declined from 1,768,000 short tons to 1,074,000 tons, but the corresponding percentage of production of other countries of the world showed an increase from 56% to 73%. The major decline in world output occurred in the United States. The stocks of slab zinc at smelters in years past have been steady at an average of 26,000 to 30,000 short tons at the end of normal years, but reached 86,000 tons at the end of 1929 and 167,000 tons at the end of 1930. It dropped to 144,000 tons at the end of 1931, and to 128,000 tons at the end of 1932, and to 106,000 tons at the end of 1933. To reduce stocks at the end of 1934 to 30,000 tons and assuming an export of about 3,000 tons and a consumption of slab zinc of 353,000 tons, would mean that slab zinc production should be reduced to 257,000 tons or less than the 1931 and 1933 output. In other words even if consumption increased in 1934 over 1933 there will have to be a curtailment of production to a quantity less than 1931 and if consumption does not increase the curtailment will have to be even greater.

The tariff of 1922 carried a duty of $1\frac{1}{2}\text{¢}$ per pound of zinc on ores containing over 25% zinc and $1\frac{3}{4}\text{¢}$ per pound on zinc in blocks, pigs or slabs, and 2¢ per pound on zinc in sheet and duties ranging from $\frac{3}{4}$ of one cent to $2\frac{1}{4}\text{¢}$ per pound on zinc chemicals and zinc pigments, and protects the United States' Zinc Industry from the heavy imports of ore from Mexico and Canada. The heavy decrease of imported ores for smelting under bond and the decrease in the exports of domestic slab zinc as well as the export of that made from foreign ores means two separate and distinct losses in source of revenues to the custom smelter with a corresponding reduction in capacity and need for labor.

ARTICLE I. States the purpose of the Code.

ARTICLE II. Accurately defines specific terms applicable to the Zinc Industry as used in this Code.

ARTICLE III. The maximum hours are limited to 40 hours per week averaged over three month periods, such periods to be the regular quarterly periods of each year, and eight hours in any 24 hour period except as otherwise provided for. Provision is made that employers shall report to the Code Authority at the end of each quarter such detailed information as may be required by it or by the Administrator indicating how the averaging provision has been applied. The Administrator, at his discretion, may appoint an impartial investigator to review conditions in the Industry concerning the averaging provision. The eight hour provision for the Mining Division in each state shall be in accordance with the laws of the state pertaining to the eight hour day for mining operations.

ARTICLE IV. The minimum wages for employees vary from 30¢ per hour to $47\frac{1}{2}\text{¢}$ per hour according to geographical and divisional requirements. No person in clerical or office work shall be paid less than \$15.00 per week except that office boys and girls and messengers and laboratory boys may be paid 80% of the established minimum

for office employees. The minimum rate of pay for work performed for any pay period shall apply irrespective of whether an employee is actually compensated on a time rate, piece or other basis. Provision is also made for the employment of handicapped persons. Provision is also made for the adjustment of wages above the minimum.

ARTICLE V. Provides that no employer shall employ any person under 16 years of age and that no person under 18 years of age shall be employed except in clerical, office, sales, service, technical and engineering departments. This Article also sets forth mandatory provisions respecting the rights of employees to organize and bargain collectively. It also has to do with reclassification of employees, standards for safety and health, the observance of state laws and the posting of complete copies of this Code so that they are accessible to employees.

ARTICLE VI. Establishes a Code Authority consisting of six voting members, five of which shall be selected from the members of the Executive Committee of the American Zinc Institute, Inc., and one of such voting members shall be elected by the members of Industry who are not members of the Zinc Institute, Inc. In addition to the organization of the Code Authority, the powers and duties are also outlined in this Article.

ARTICLE VII. Makes provision for the submission of reports in addition to those required under Section 3 (a) of the Act.

ARTICLE VIII. No provision of this Code relating to terms of selling, shipping or marketing shall apply to export trade or sales or shipments for export trade.

ARTICLE IX. Makes provision for the application of this Code to operations wherein other metals than zinc are produced.

ARTICLE X. Makes provision for modification of this Code either by the President, in accordance with the provisions of Subsection (b) of Section 10 of the Act, or with the consent of Industry and the approval of the Board, or upon proposal by any interested party, or by the Code Authority, or directly by or to the Board.

ARTICLE XI. No provision of this Code shall be applied to promote monopolies or monopolistic practices or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XII. Makes provision for the termination of this Code on June 16, 1935, or on the earliest date prior thereto on which the President shall, by proclamation or agreement or joint resolution, declare that the emergency recognized by Title I of the Act has ended.

ARTICLE XIII. Makes provision that the Code shall become effective on the second Monday after its approval by the President.

ARTICLE XIV. Makes provision that by the presentation of this Code those assenting thereto do not consent to any modification thereof.

The Deputy Administrator in his final report to us on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign

commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of Industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by the Board as a major Industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry, and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not promote monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, this Code, subject to the stays of the specific provisions as set forth in the Order of Approval, has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 26, 1935.

CODE OF FAIR COMPETITION FOR THE ZINC INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act this Code is established as a Code of Fair Competition for the Zinc Industry, and its provisions shall be the standards of fair competition for such Industry and be binding upon every member thereof.

ARTICLE II—DEFINITIONS

Wherever used in this Code or any supplement appertaining thereto, the terms enumerated in this Article II shall have the meanings herein defined, unless the context shall otherwise clearly indicate.

SECTION 1. The term "President" means the President of the United States of America.

SECTION 2. The term "Act" means Title I of the National Industrial Recovery Act.

SECTION 3. The term "Board" means the National Industrial Recovery Board as created by Executive Order #6859 of September 27, 1934.

SECTION 4. The term "Zinc Industry" or "Industry" as used herein includes the mining of zinc ore, and/or the concentrating thereof, and/or the concentrating of zinc tailings, the production of zinc concentrates, the smelting of zinc ore, and/or zinc concentrates, and/or secondary zinc-bearing materials, the refining of zinc, and/or secondary zinc-bearing materials, the manufacturing of slab zinc, zinc dust, rolled zinc, zinc alloys, zinc oxide, lithopone, zinc sulphide, and sulphuric acid, and the original sale of such products by the Member of Industry producing or manufacturing the same, either directly or indirectly through subsidiary, parent, and/or affiliated companies.

(a) "Zinc Ore", "Zinc Tailings", and "Zinc Concentrates" mean, respectively, ore and tailings and the concentrates thereof containing zinc as the principle commercially recoverable constituent by weight.

(b) "Zinc Mining" means the mining of Zinc Ore, and/or the concentrating of Zinc Ore, and/or Zinc Tailings, and/or the production by flotation of Zinc Concentrates.

(c) "Prime Western Smelting" means the production of Prime Western, Selected, Brass Special, and intermediate grades of slab zinc by any process, excluding the production of plants which treat secondary materials only.

(d) "High Grade Zinc" means the production of High Grade Zinc by any process, excluding the production of plants which treat secondary materials only.

(e) "Secondary Zinc" means the production of slab zinc of all grades by plants which treat secondary materials only, and for the purposes of this Code includes the production of zinc dust and the treatment of zinc ashes.

(f) "Rolled Zinc" means the production by rolling, of plate, sheet, strip and ribbon zinc.

(g) "Zinc Alloy" means an alloy produced by the intentional addition to zinc of elements other than cadmium, iron, and lead, and for the purposes of this Code means such an alloy containing more than eighty (80) per cent zinc, produced for sale.

(h) "Zinc Oxide" means the production of both lead-free and leaded grades of zinc oxide, whether produced from metallic zinc, zinc ores, or other zinc compounds.

(i) "Lithopone" means the production of all grades of lithopone, including ordinary lithopone, high strength lithopone, titanated lithopone, and calcium base lithopone, and for the purposes of this Code includes the production of zinc sulphide.

(j) "Sulphuric Acid—By-Product" means such sulphuric acid as is produced as a by-product of the roasting and/or sintering and further treatment of zinc ore, in the same plants as those in which the roasting or sintering and further treatment are conducted. "Sulphuric Acid—Brimstone" means such sulphuric acid as is produced from brimstone burned to supplement the production of by-product acid.

(k) "Special Intermediate Zinc" means the production, by any process, of slab zinc containing ninety-nine and seventy-five one hundredths per cent (99.75%) metallic zinc or more, and which is not within the American Society for Testing Materials standard for High Grade Zinc, excluding the production of plants which treat secondary materials only.

SECTION 5. The term "Member of Industry" includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

SECTION 6. The term "Employee" means and includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a Member of Industry.

SECTION 7. The term "Employer" means and includes anyone by whom any such employee is employed or compensated.

SECTION 8. The term "Apprentice" means an employee who is apprenticed to an employer by an indenture under an apprentice system established and maintained by such employer to serve an employer for a term of years at predetermined wages for the period of the indenture in order to learn a trade, art or craft.

SECTION 9. The term "Executive Committee" means the Executive Committee of the American Zinc Institute, Inc., a New York membership corporation.

SECTION 10. The term "Secretary" means the Secretary of the American Zinc Institute, Inc., who also shall be the Secretary of the Code Authority.

SECTION 11. The term "Division" includes, respectively, the several parts of the Industry as follows:

- (1) Zinc Mining Division
- (2) Prime Western Smelting Division
- (3) High Grade Zinc Division
- (4) Secondary Zinc Division
- (5) Rolled Zinc Division
- (6) Zinc Alloy Division
- (7) Zinc Oxide Division
- (8) Lithopone Division
- (9) Sulphuric Acid Division
- (10) Special Intermediate Zinc Division

and such other and further Divisions as may hereafter be created pursuant to the provisions of this Code.

SECTION 12. Where used with reference to the Zinc Mining Division (Division 1), "Eastern District" means the States of New York, New Jersey and Pennsylvania; "Southern District" means the States of Virginia and Tennessee; "Mississippi Valley District" means the States of Wisconsin, Illinois, Missouri, Kansas, Oklahoma and Arkansas; "Northwestern District" means the States of Colorado, Utah, Nevada, Montana, Idaho, Washington, Oregon and California; "Southwestern District" means the States of New Mexico and Arizona.

SECTION 13. Where used with reference to the Prime Western Smelting Division (Division 2), and the Sulphuric Acid Division (Division 9), "Eastern District" means the States of Pennsylvania and West Virginia; "Midwestern District" means the States of Indiana and Illinois; "Southwestern District" means the States of Oklahoma, Arkansas and Texas.

ARTICLE III—HOURS OF LABOR

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours per week, averaged over three (3) month periods (such periods to be the regular quarterly periods of each year) or in excess of eight (8) hours in any twenty-four (24) hour period, except as herein otherwise provided. Every employer at the end of each quarter shall report to the Code Authority, in such detail as may be required by it or by the Board, the manner in which the averaging feature herein provided has been applied by the employer during said quarter; and a summary of such reports shall be transmitted by the Code Authority to the Board, in such detail as the Board may prescribe. The Board may, at its discretion, appoint an impartial investigator to review conditions in the Industry concerning the averaging provisions herein. Such investigator on completion of his review shall report to the Board and forward a copy of such report to the Code Authority.

(a) The eight (8) hour provision for the Mining Division in each State shall be in accordance with the laws of the State pertaining to the eight (8) hour day for mining operations. The Board, at its discretion, may appoint an impartial investigator to review conditions in the Mining Division of the Industry and specifically concerning the application of the eight (8) hour provision in conformity with the State laws. Such investigator on completion of his review shall report to the Board and forward a copy of such report

to the Code Authority. The Code Authority shall study the application of the eight (8) hour provision in the Mining Division of the Industry relating to its conformity to the State laws, and shall report thereon to the Board not later than ninety (90) days from the effective date of this Code.¹

SECTION 2. *Hours for Clerical and Office Employees.*—No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one (1) week, except that during any one (1) week in a one (1) month period such employee shall be permitted to work a maximum of forty-eight (48) hours in any such week, and except as herein otherwise provided. A normal work day shall not exceed eight (8) hours.

SECTION 3. *Exceptions as to Hours.*—The limitation as to hours of labor as specified in Sections 1 and 2 of this Article III, and Section 5 of this Article III, as applied to Subparagraphs (a) and (b) of this Section 3 shall not apply to the following:

(a) To employees engaged in emergency maintenance or emergency repair work, involving breakdown or protection of life or property; provided, that in such special cases not less than one and one-half ($1\frac{1}{2}$) times the normal wage rate for any employee so employed shall be paid for all hours worked in excess of eight (8) hours per day or forty (40) hours per week.

(b) To persons engaged in a managerial, executive, supervisory or professional capacity, (excluding skilled production workers), who receive not less than Thirty-five Dollars (\$35.00) per week; and to outside sales or sales service employees.

(c) To hoistmen, power-house men, pumpmen and truckmen; provided the total working hours of such employees shall not exceed forty-eight (48) hours in any one (1) week.

(d) In the case of operations with three (3) shifts in a twenty-four (24) hour period where only in order to change shifts it is necessary for employees to work more than eight (8) hours in one (1) twenty-four (24) hour period, the provisions concerning working in excess of eight (8) hours in any one (1) twenty-four (24) hour period, shall not apply.

(e) To clerical help working concurrently with employees described in Section 1 of Article III, and Subparagraph (d) of this Section 3, who may be permitted to work not in excess of the number of hours which such employees shall work.

(f) To watchmen, who may be permitted to work not in excess of eighty-four (84) hours in any two (2) week period or fifty-six (56) hours in any one (1) week period; provided, that no such employee shall be permitted to work more than six (6) days in any seven (7) day period.

(g) To an employee acting in temporary relief for a fellow employee in continuous processes; provided, that one and one-half ($1\frac{1}{2}$) times the normal wage rate shall be paid for all time so worked in excess of one (1) relief shift in any one (1) week of forty (40) hours.

SECTION 4. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which

¹ See paragraphs 2 (1) and 2 (2) of order approving this Code.

when totalled with that already performed with another employer or employers in this Industry or any other Industry, or in any Trade exceeds the maximum permitted herein.

SECTION 5. *Standard Week*.—No employee shall be permitted to work more than six (6) days in any seven (7) day period.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wages*.—No employee, except as herein otherwise specified, shall be paid in any pay period less than at the following rates in the following Divisions of the Industry:

	Cents per hour	
	Above ground	Under ground
(1) Zinc Mining Division.....	40	47½
(2) Prime Western Smelting Division.....	35	
(3) High Grade Zinc Division.....	40	
(4) Secondary Zinc Division.....	35	
(5) Rolled Zinc Division.....	35	
(6) Zinc Alloy Division.....	35	
(7) Zinc Oxide Division.....	40	
(8) Lithopone Division.....	40	
(9) Sulphuric Acid Division—By-Product.....	35	
Sulphuric Acid Division—Brimstone.....	40	
(10) Special Intermediate Zinc Division.....	35	

Provided, however, as to the Zinc Mining Division, the rate specified above for it shall be applied to the Northwestern District, and thirty-five cents (35¢) per hour above ground, and forty cents (40¢) per hour above ground in the Eastern District, and thirty cents (30¢) per hour above ground and thirty-five cents (35¢) per hour underground in the Mississippi Valley, Southern and Southwestern Districts; provided further, as to the Sulphuric Acid Division—Brimstone, the rate specified above for it shall be applied to the Eastern and Midwestern Districts, and thirty-five cents (35¢) per hour in the Southwestern District. The minimum rates herein provided shall be construed as hiring rates applying to common labor. Other classes of labor shall be compensated at rates above such minimum. Minimum wages in effect on July 1, 1933, which were above the minimum specified shall in no case be reduced.

SECTION 2. *Clerical and Office Employees*.—No accounting, clerical, sales or service employee working on a weekly basis in any office shall be paid less than at the rate of Fifteen Dollars (\$15.00) per week; provided, however, that office boys and girls and messengers may be paid not less than at the rate of eighty per cent (80%) of such minimum, and provided further, that the number of such boys and girls and messengers so paid in any office shall constitute not more than five per cent (5%) of the total number of employees in such office, but each employer shall be entitled to employ at least one such boy, girl or messenger in any office at not less than such reduced rate.

(a) Laboratory boys may be paid not less than at the rate of eighty per cent (80%) of the minimum rate (\$15.00) provided in this Section 2; provided, that the number of such laboratory boys so

paid by any employer shall not exceed five per cent (5%) of the total number of laboratory employees employed by such employer, and provided further, that each employer may employ at least one (1) such laboratory boy at not less than such reduced rate.

SECTION 3. *Piecework Compensation—Minimum Wages.*—This Article IV establishes a minimum rate of pay for any pay period which shall apply, irrespective of whether an employee is actually compensated on a time-rate piecework, or other basis.

SECTION 4. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees, and when they displace male employees, they shall receive the same rate of pay as the men they displace. The Code Authority shall, within ninety (90) days after the effective date of this Code, file with the Board a list of all occupations in the Industry in which both men and women are employed.

SECTION 5. *Wages Above the Minimum.*—If equitable differentials in the wage rates above the minimum have not been made since July 1, 1933, or were not in force prior thereto and are not still in force, there shall then be an equitable adjustment made within thirty (30) days from the effective date of this Code. In no event, however, shall hourly rates of wages be reduced in making such adjustment. Within sixty (60) days after the effective date of this Code, each Member of the Industry shall make a report of such adjustment whether made prior to or subsequent to date of approval of this Code, to the Code Authority.

SECTION 6. *Handicapped Persons.*—A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employees.

SECTION 7. *Payment of Wages.*—Each employer shall make payment of all wages in lawful currency, or by negotiable check therefor payable on demand. These wages shall be exempt from any deductions other than those expressly authorized by an employee or required by law. Pay periods for wages shall be at no greater interval than every semimonth and salaries at no greater interval than every month.

SECTION 8. *Apprentices.*—Employment of apprentices at rates of compensation below the minimum provided herein shall be permitted where they are apprenticed to an employer by an indenture under any apprentice system established and maintained by such employer; provided, such indenture agreements are filed with the Code Authority. Employers shall not be allowed to employ apprentices in number exceeding five per cent (5%) of the total number of skilled craftsmen of their special class, except that each employer shall be entitled to employ at least one (1) such employee. In no case shall

an apprentice be paid less than the minimum wage provided in Section 1 of Article IV in States which do not have laws governing apprentices.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor*.—No person under eighteen (18) years of age shall be employed except in clerical, office, sales, service, technical and engineering department office duties, and no person under sixteen (16) years of age shall be employed in any capacity. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the authority of such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 2. *Provisions from the Act*.—Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(a) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(b) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 3. *Reclassification of Employees*.—No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SECTION 4. *Standards for Safety and Health*.—Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Board within three (3) months after the effective date of this Code.

SECTION 5. *State Laws*.—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection than are imposed by this Code.

SECTION 6. *Posting*.—All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every Member of Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Board.

SECTION 7. *Dismissal for Complaint*.—No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code.

SECTION 8. *Company Towns and Stores*.—Employees other than maintenance or supervisory employees, or those necessary to protect property, shall not be required, as a condition of employment, to

live in houses rented from or specified by the employer. No employee shall be required, as a condition of employment, to trade at a store owned or specified by the employer.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority to administer the provisions of this Code is hereby constituted and shall consist of six (6) voting members. Five (5) of such voting members shall be selected from and by the members of the Executive Committee of the American Zinc Institute, Inc., and one (1) of such voting members shall be elected by the Members of Industry who are not members of the American Zinc Institute, Inc. The Secretary of the American Zinc Institute, Inc., shall be the Secretary and a non-voting member of the Code Authority. The election of all members of the Code Authority shall be by a fair and equitable method of selection to be approved by the Board. In the event that the selection of the non-member of the American Zinc Institute, Inc., is not made within thirty (30) days after the effective date of this Code, such member may be selected by the Board.

SECTION 2. In addition to the above membership, there may be not more than three (3) members, without vote and without compensation by the Industry, to be appointed by the Board to serve for such terms as it may specify.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall, (1) impose no inequitable restrictions on membership, and (2) submit to the Board true copies of its articles of association, by-laws, rules and regulations, and any amendments when made thereto, together with such other information as to membership, organization and activities as the Board may deem necessary to effectuate the purposes of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Board may prescribe such hearings as it may deem proper; and thereafter, if it shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 5: Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

POWERS AND DUTIES

SECTION 6. Subject to such rules and regulations as may be issued by the Board and to the extent permitted by the Act, the Code Authority shall have the following further powers and duties:

(a) To make investigations as to the functioning and observance of any provisions of this Code at its own instance or upon complaint of any person affected, and to report thereon to the Board.

(b) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

(c) To adopt by-laws and rules and regulations for its procedure and for the administration of this Code. The Code Authority shall promptly furnish to the Board true copies of the by-laws, rules and regulations adopted pursuant to this paragraph.

(d) To obtain from Members of Industry, through a confidential agency, such statistical information and reports as are required for the administration of this Code and to provide for submission by Members of Industry of such statistical information and reports as the Board may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by Members of Industry to such governmental agencies as the Board may designate; provided, that nothing in this Code shall relieve any Member of Industry of any existing obligations to furnish reports to any government agency. No individual reports submitted to the Board and/or such government agencies as the Board may designate, shall be disclosed to any other Member of Industry or any other party except to such government agencies as may be directed by the Board.

(e) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein; provided, that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(f) To make recommendations to the Board for the coordination of the administration of this Code and such other Codes, if any, as may be related to or affect Members of Industry.

(g) To recommend to the Board the creation of additional Divisions of the Industry and to call meetings of any Division of the Industry to consider and recommend to the Code Authority (1) fair competitive trade practice provisions to govern members of such Division in their relation to each other or with other Divisions of the Industry and (2) control of production through voluntary agreement or otherwise; and to recommend to the Board such measures as have been considered covering such practices and control of production including stabilization of employment and conservation of natural resources, such recommendations to be subject to approval of the Board after such notice and hearing as it may prescribe.

(h) To engage the services of a certified, registered, chartered or other lawful practitioner of public accounting to inspect the books and records of any Member of Industry who is alleged to have vio-

lated this Code. In case such an inspection is ordered, such Member of Industry shall open his books and records to inspection by such certified, registered, chartered or other lawful practitioner of public accounting as to all matters which may be pertinent to the allegation, upon the express condition that such inspection be made only by such certified, registered, chartered or other lawful practitioner of public accounting.

(i) In case such inspection indicates a violation of this Code has not been committed the certified, registered, chartered or other lawful practitioner of public accounting shall report that fact to the Code Authority without further details.

(j) In case such inspection indicates a violation of this Code has been committed the certified, registered, chartered or other lawful practitioner of public accounting shall make a full report of such violation only to the Code Authority and to the Board.

SECTION 7. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of this Code.

(b) To submit to the Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by Members of Industry.

(c) After such budget and basis of contribution have been approved by the Board, to determine and obtain equitable contribution as above set forth by all Members of Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 8. Each Member of Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Board. Only Members of Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 9. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Board, and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

SECTION 10. If the Board shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Board may require that such

action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Board approves, or unless it shall fail to disapprove after thirty (30) days notice to it of intention to proceed with such action in its original or modified form.

ARTICLE VII—REPORTS

SECTION 1. In addition to such other reports as may be required from time to time under the provisions of Section 6, Subsection (d) of Article VI, Members of Industry shall furnish the following reports to the Secretary for compilation and reissuance in such manner as not to disclose separately any confidential information furnished by any Member of Industry.

(a) For the Zinc Mining Division, monthly reports covering production, shipments, and stocks of zinc ores and/or concentrates at mines and/or concentrating mills.

(b) For members of the Prime Western Smelting Division engaged in the production or sale of Prime Western, Selected, Brass Special, and/or Intermediate grades of slab zinc other than Special Intermediate zinc, except Members of Industry whose entire production of such grades of slab zinc is consumed in their own departments or by subsidiary, parent or affiliated concerns and no part of which is sold on the market as slab zinc or any of such grades.

(c) Monthly reports showing total production from any source, of slab zinc of Prime Western, Selected, Brass Special, and/or Intermediate grades other than Special Intermediate zinc, shipments to buyers, and stocks of slab zinc of such grades wherever located, including stocks at smelters regardless of ownership.

(d) Monthly reports showing receipts, consumption, and stocks of zinc ores and concentrates and other zinc-bearing materials for smelting purposes, regardless of ownership, including material in transit to plants.

(e) Weekly reports of sales and prices of slab zinc of Prime Western, Selected, Brass Special, and/or Intermediate grades other than Special Intermediate zinc, including sales and/or transfers to affiliated rolling mills or other plants for consumption, and sales of zinc in slab form by such affiliated plants.

SECTION 2. Any failure to file with the Code Authority, or the Secretary, any report, schedule, contract, or other information required pursuant to the provisions of this Code, or the filing knowingly of any false information, shall be deemed unfair competition and shall constitute a violation of this Code.

ARTICLE VIII—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE IX—APPLICATION OF CODE TO OPERATIONS WHEREIN OTHER METALS ARE PRODUCED

SECTION 1. If any Member of Industry is also a member of any other Industry, provisions of this Code shall apply only to that portion of its business which is a part of the Zinc Industry.

SECTION 2. Where there is any question as to whether zinc is the major production from the operations which do or which might produce zinc, lead, copper, gold, silver or other materials, then in any and every such event the question as to which Code of Fair Competition shall govern such operations of any such Member of Industry shall be referred to a Coordination Committee. This Coordination Committee shall be composed of two members to be appointed by each of the Code Authorities for such Industries as may be involved in each particular question. In the event such Committee is unable to reach a majority conclusion, then either the Committee shall elect an additional impartial member or upon their failure so to agree on such additional impartial member, the Board then may appoint such additional impartial committee member. Any Member of Industry, the operations of which may raise such a question, shall file a statement of fact with the Code Authority for its Industry, and such statement shall contain a statement of its preference as to the Code it would prefer to have such operations be governed by, and such preference shall be granted unless such Coordination Committee shall find that the granting thereof would be unfair in view of the rights of others or that it would have a tendency contrary to the effectuation of the policies of the Act; provided, that the operations of any Member in the same State and/or locality producing and/or milling, or smelting, or refining, or treating zinc-bearing materials, and materials bearing copper, lead, and/or other mineral products, except coal, shall be governed by the provisions relating to hours, wages and labor conditions contained in the Code for the Industry covering the major portion of such operations, which major portion shall be the branch of the operations engaging the larger number of employees. Any action taken by the Coordination Committee under any of the provisions of this Article IX shall be subject to the approval of the Board.

SECTION 3. Within ten (10) days after the effective date of this Code, any Member of Industry may file such a statement of fact and preference as to being governed by any of such other Codes which may at that time be in effect. Thereafter, upon any such other Code becoming effective, such statement may then be filed; provided, however, that until any such statement is filed and decision is made thereon by such Coordination Committee, such operation of such Member of this Industry shall be governed by the provisions of this Code.

SECTION 4. From time to time thereafter if conditions change, Members of this Industry shall be entitled to file such statements of fact and preference as to change of a portion of their operations from the jurisdiction of one Code to the jurisdiction of another, and in such event they shall be handled in the same manner as provided for above.

SECTION 5. The foregoing Sections 1 to 4 inclusive of this Article IX, shall not be effective until Codes of Fair Competition for the Copper and Lead Industries, containing an Article substantially the same as this Article have been approved and are in effect, and certified copies of such approved Codes have been filed with the Code Authority for this Industry.

ARTICLE X—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under this Act.

SECTION 2. An amendment may be proposed by any interested party either to the Code Authority or directly by or to the Board. All proposed amendments shall be referred to the Code Authority, who shall give Members of Industry an opportunity to be heard thereon, and thereafter the Code Authority may make such recommendations thereon as are deemed proper; provided, however, that when approved by the Board as necessary to effectuate the policies of the Act, after such notice and hearing as it may prescribe, any proposed amendment shall thereupon become effective as a part of this Code.

ARTICLE XI—MONOPOLIES

No provision of this Code shall be so applied as to promote monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XII—TERMINATION

This Code and all supplementary provisions thereto shall expire on June 16, 1935, or on the earliest date prior thereto on which the President shall by proclamation, or the Congress shall by joint resolution, declare that the emergency recognized by Title I of the Act has ended.

ARTICLE XIII—EFFECTIVE DATE

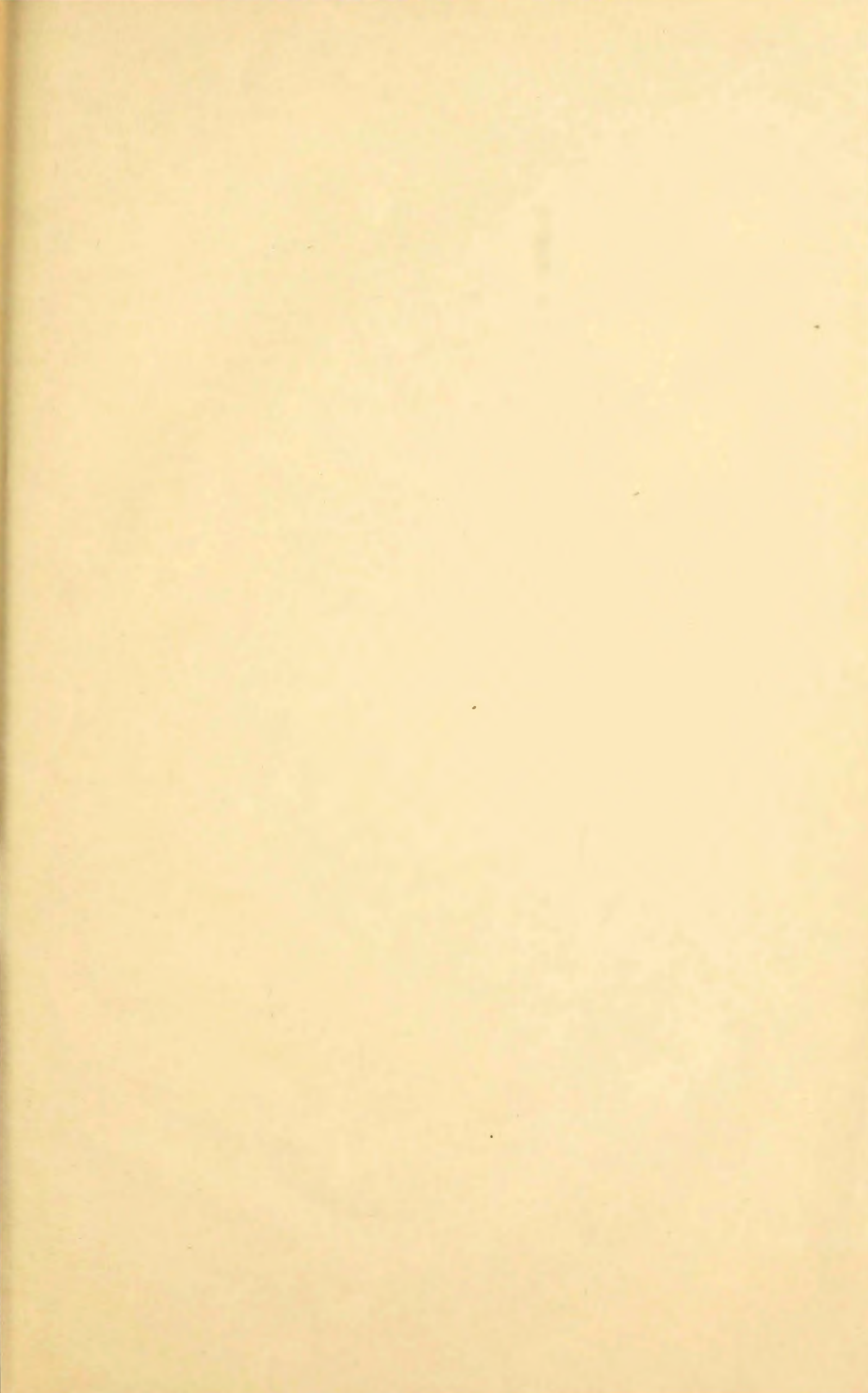
This Code shall become effective the second Monday after its approval by the President.

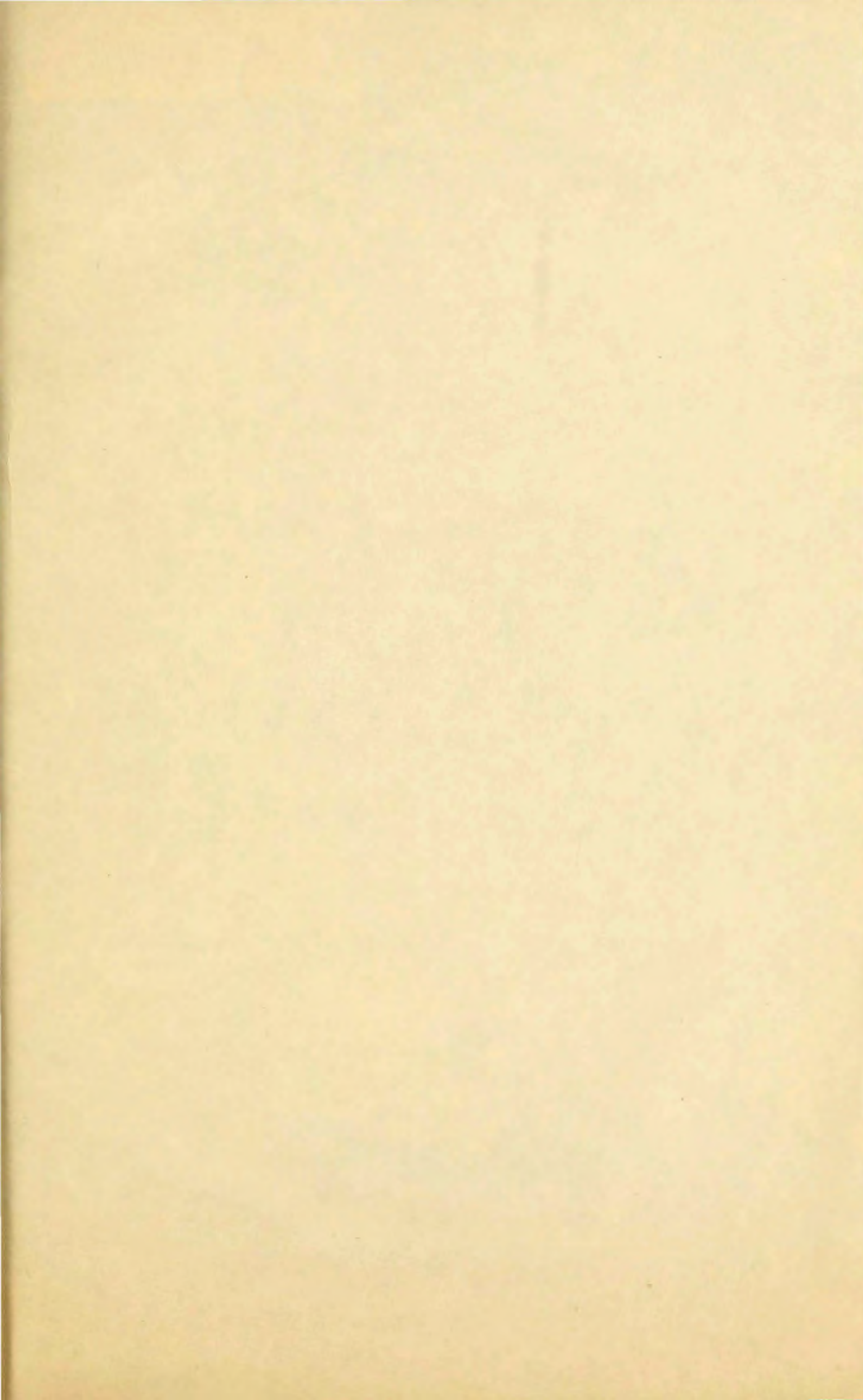
ARTICLE XIV—CONSENT TO MODIFICATION

By presenting this Code, those assenting hereto do not thereby consent to any modification thereof.

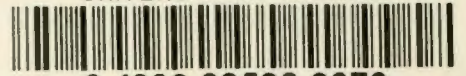
Approved Code No. 555.
Registry No. 1224-1-01.







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