OFFICE OF NATIONAL RECOVERY ADMINISTRATION

DIVISION OF REVIEW

SAFETY AND HEALTH WORK UNDER NRA

By
Solomon Barkin

(A Section of Part D: Control of Other Conditions of Employment)

WORK MATERIALS NO. 45 Pt. IV no 2
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Work Materials No. 45 falls into the following parts:

Part A: Introduction
Part B: Control of Hours and Reemployment
Part C: Control of Wages
Part D: Control of Other Conditions of Employment
Part E: Section 7(a) of the Recovery Act

LABOR STUDIES SECTION
February, 1936

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FOREWORD

The study of "Safety and Health Work under the National Recovery Act" was prepared by Solomon Barkin of the Labor Studies Section. It is one of a series of studies conducted by this Section on the attempts by NRA to control through the codes of fair competition not only wages and hours of work but other conditions of employment. The Administration of this part of the labor program illustrates many of the problems appearing under N.R.A.

In the preparation of this material, considerable assistance was offered by the Division of Labor Standards and the Accident Statistics Division of the Bureau of Labor Statistics of the United States Department of Labor.

In the appendices are valuable compilations of safety and health codes for a large proportion of the codified industries. These may be of assistance in the future development of safety and health standards for these industries. These appendices, it will be noted, do not appear in mimeographed form. They have been bound and filed in the NRA archives.

At the back of this report will be found a brief statement of the work of the Division of Review.

L. C. Marshall
Director, Division of Review

March 5, 1936

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APPENDIX AND EXHIBITS

(The Materials in the Appendix and the Exhibits do not appear in mimeographed form. They have been bound together under the title "Safety and Health Work Under the National Recovery Act -- Appendix and Exhibits" and filed as a part of the N.R.A. Archives.)

APPENDIX

"E" List of Industries to Which Committee on Standards for Safety and Health Furnished Recommended Standards for their Consideration by Code Number

"F" List of Exhibits which follow Appendices, including Exhibits I - "A" - (a), (b), (c), (d) - "B", "C", "D", Exhibit II

EXHIBITS

I. "A" (a) Code Authority for the Crushed Stone, Sand and Gravel, and Slag Industries, Preliminary Report of Accident

(b) Code Authority for the Crushed Stone, Sand and Gravel, and Slag Industries, Preliminary Report of Accident

(c) Code Authority for the Crushed Stone, Sand and Gravel, and Slag Industries, Final Accident Report Blank

(d) Code Authority for the Crushed Stone, Sand and Gravel, and Slag Industries, Final Accident Report Blank.

"B" Minimum Standards for the Safety and Health of Workers in Manufacturing Industries

"C" Minimum Standards for the Safety and Health of Workers in Mercantile Establishments

"D" Standards for Safety and Health for the Crushed Stone, Sand and Gravel, and Slag Industries, Approved by the National Industrial Recovery Board, December 7, 1934.

II. Recommended Standards of Safety and Health Furnished to Code Authorities by Department of Labor Committee

SUMMARY

Recognition of the responsibility of N.R.A. to institute measures to improve protection of the safety and health of workers was manifest early in the activities of the N.R.A. Bulletin No. [illegible] calls attention to this objective. N.R.A. undertook this movement to accomplish certain purposes: to reduce accidents and disease both during the temporary period of reemployment and as a permanent condition in industry; to improve and make more uniform prevailing standards for safety and health in industry; and integration of safety and health promotion with other phases of self-government in industry. Some, but not all of the early codes, contained provisions which established the responsibility of industry for the safety and health of the workers, and such provisions became more numerous after the adoption of specific provisions in the model codes.

The organization of a Committee on Standards for Safety and Health in N.R.A. Codes in the Department of Labor greatly accelerated the N.R.A. program. The Committee developed the underlying policies and objectives and furnished the N.R.A. with the technical assistance required to outline a program and to develop standards and plans of organization for each industry. It proposed that the code authority become the administrative agency for developing and popularizing the safety and health provisions in the code and for educating the individual industry members to comply with them. Furthermore, it outlined the proper activities of code authorities in order effectively to carry out this task. Finally, it furnished guides to individual code authorities, such as standards for safety and health, statistical procedures, methods of organization and educational materials.

Within N.R.A., this program was endorsed by all parties except that some groups did not approve making the standards compulsory but recommended that they be considered educational. However, a reconciliation of this issue was in sight at the time of invalidation of the N.R.A.

Despite the difficulties of organization, considerable progress was made with individual code authorities in development of standards of safety and health and administrative agencies. Most code authorities responded favorably to suggestions made by N.R.A., but effective organization was difficult. In all, standards of safety and health for only twelve industries were approved by N.R.A. and these were approved in the last several months immediately preceeding the Schechter decision. Many more were, however, [illegible] in process at that time.

It required the special groups within N.R.A. and the Department of Labor to assure progress and sustain interest and effort. Despite the early recognition of desirability of promoting safety and health, and despite the inclusion of code provisions to promote this objective in a majority of the codes, progress was slow. The growth of interest and activity during the last few months of N.R.A. did, however, indicate encouraging possibilities for advances in the future.

I. ORIGIN

One of the objectives of the N.R.A. was to improve "standards of labor" (*), and it was argued that by that means certain "unfair competitive practices" would be eliminated and recovery thereby advanced. Section 7 of Title I of the Act indicated that "conditions of employment" in addition to "maximum hours of labor and minimum rates of pay" were to be considered in the determination of "standards of labor."

Among other "conditions of employment" the safety and health of the workers were considered significant to the realization of the aims of N.R.A. Bulletin 2, issued by General Johnson, outlined the importance of healthful and safe working environments as a means of effecting fair competition. It declared that "conditions of employment should contain necessary safeguards for the safety and health of workers" (*). Improved and more uniform standards were deemed necessary to prevent undermining of the basic wage and hour provisions and to assure sound business economies, lower costs of production and less social waste in the form of dependency.

N.R.A. was organized to effect reemployment in industry and to increase purchasing power in the hands of workers. It was generally known that re-employment would increase the hazard of safety and health of the workers. Under these circumstances the prevention of accidents and disease was one of the basic tasks of N.R.A.

II. ACCIDENTS AND DISEASE IN MODERN INDUSTRY

In our rapid industrial progress new processes and new products have too often been introduced without first giving thorough consideration to the harm which they might inflict upon workers. As a result, progress in the protection of the safety and health of workers, although notable, has not by any means fully developed the practicable possibilities of prevention. Workers still face serious hazards, particularly in the smaller establishments in which conditions of safety and health have been least affected by the safety movement of the past three decades.

Despite progress, we still suffer from extravagant losses of life and an excessive toll of disabilities. Occupational mortalities for 1934, based on National Safety Council estimates, were about 16,000. In 1933, a year of low industrial activity and one with particularly good accident record, it was estimated that there were about 1,225,000 non-fatal accidents to persons, varying from slight temporary to complete permanent disability.

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* *National Recovery Administration Codes of Fair Competition,* Washington (1933) - V. I, p. 683.

** National Recovery Administration Basic Codes of Fair Competition, *Bulletin No.2.* (June 19, 1933) Washington.

The National Safety Council has estimated the cost of industrial accidents in 1934 at $600,000,000. This sum consists of wage losses, medical expense, and cost of insurance. Yet in addition to this direct cost, there is a much larger indirect cost borne chiefly by the employer, These costs are made up of time taken by other employees in watching the accident, repairs to damaged equipment, lower production, cost of training new employees, and a host of other incidental costs. Experts in the field of accident prevention place these indirect costs at three to five times the direct costs (*). In total, it is estimated that industrial accidents in American industry cost from $2,400,000,000 to $5,000,000,000 annually. Add to this large bill paid each year the cost of maintaining the permanently disabled of the past and the losses in earnings due to the handicaps of employed workers and we reach a staggering sum representing the money loss due to accidents.

Not only is the American worker subject to many accident hazards, but there has been an increasing variety of disease and health hazards which are just as injurious and fatal. It is now generally realized that few, if any, industries are free from health hazards and in some the hazard is severe. It has been estimated that as many as 1,000 occupations are hazardous because of their threat of danger to the workers' health (**). Death and ill health have occurred in industry through the inhalation and absorption of industrial poisons and dusts and from industrial infections, extreme heat and sudden changes of temperature, abnormal atmospheric pressure, electrical shocks and burns, dampness, extreme light, poor illumination and repeated motion pressure.

The survey by the United States Public Health Service of the potential hazards in a typical industrial area illustrates the extent of this problem (***). In the 615 plants studied, 50 definite poisonous materials were found. Of these 39 may be considered of a potentially hazardous nature from the viewpoint of possible systemic poisoning. It was further revealed that inorganic dust, carbon monoxide, and lead compounds -- long recognized as causes of occupational diseases -- are still the most important materials to which the worker is exposed. The study concluded that the so-called "small plant" was generally lacking in those welfare provisions which have been found to play an important part in any constructive program of industrial hygiene.

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* United States Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, V. 31, pp. 72-80 (November, 1930). "Cost of Industrial Accident to the State, The Employer, The Man".

** United States Bureau of Labor Statistics, Dublin, L. I., and Vane, R. J., "Occupational Hazards and Diagnostic Signs," Bulletin No. 582 (Washington: 1933) - pp. 4-12.

*** U. S. Treasury Department Public Health Service, Bloomfield, J. J., Johnson, W. S., Sayers, R. R., "The Potential Problems of Industrial Hygiene on a Typical Industrial Area in the United States." Public Health Bulletin No. 216, (Washington: 1934)

The effects of these health hazards are evident in the mortality and disability of the industrial population. It has been found that the death rate among the industrial population is about 23 per cent greater than among the general population (*). The life expectancy of a worker as of 1930 was about 5.93 years shorter than that of the general population. As to physical impairments, a recent investigation made by Milbank Foundation indicates that skilled tradesmen suffer more impairments than the other population groups (**). The average wage-earner deteriorates physically more quickly than the rest of the population. Premature old age is more prevalent among the wage-earners than among other groups.

The meaning of these hazards to the employer is suggested by the size of the suits at common law resulting from occupational disease and pending in this country today. They total $500,000,000 (***). Suits totalling $2,500,000 have been filed against a single firm.

III. REEMPLOYMENT AND ACCIDENT PROBLEM

The knowledge that an increase in accidents and disease occurs coincidentally with the rise in industrial activity led certain representatives of the N.R.A. to place special emphasis on this problem. As a result of N.R.A. men were to be added to the payrolls. They would find little time to train in new surroundings, with probably new jobs, and often with inadequate supervisors. Maximum speed and production would be required despite the fact that many had lost their skill, their adaptability and their stamina. Long periods of unemployment, with its implication of undernourishment, added to the fear of losing the job would tend to increase susceptibility to accident and disease. In this connection it is interesting to note that in a safety survey of Grand Coulee Dam, Mr. Paul F. Stricker, of the U. S. Department of Labor, reports that four of the fatal accidents occurred to persons who had worked four or less days on the job. One of those engaged as a lineman had done no such work for three years (****).

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* Solomon Barkin, "The Older Worker In Industry", a Study of New York State Manufacturing Industries, <u>New York Legislative Document No. 66</u> (1933). Report of the Joint Legislative Committee on Unemployment (Albany: 1933), pp. 117-120.

** United States Treasury Department, United States Public Health Service, <u>Reprint 1404</u>; also, Solomon Barkin, op. cit., pp. 120-122

*** Sappington, C. O., "Industrial Disease Hazards" <u>Industrial Medicine</u> (May, 1935), p. 232.

**** Paul F. Strickler, <u>Safety Survey of Grand Coulee Dam</u>, (Washington: 1935) - Department of Labor, Division of Standards (Mimeographed).

The problem was accentuated by the presence of young people newly recruited to industry who could bring with them little training in the habit of caution to assure safe conduct. This group generally presents a potentially high accident risk. Even the persons who had been kept employed had become greater accident risks when N.R.A. undertook its reemployment drive, because in numerous cases their responsibilities and duties had been increased (*).

The increase in the accident toll due to reemployment is revealed by the fact that the National Safety Council reports that the frequency rate index for 1932 was 38.5 (considering 1926 as 100) while in 1933 it was 41.2 and in 1934, 43.2.

Experience in numerous industries had demonstrated that industrial accidents and diseases are largely preventable. Significant examples of such achievement were presented to industry by individual members of firms and N.R.A. officials in support of the need for definite action under the N.R.A. codes. There was almost universal recognition of the need for constructive action, both to advance safety and to prevent the wastage of economic and human resources through accident and disease.

Further support for this movement came from the acceptance of the conclusion that the protection of safety and health more than paid for itself in lower operating cost, lower insurance cost, better plant morale and a more favorable public attitude toward the employer. The safety movement had taught these lessons to a considerable portion of industry. The movement under N.R.A. was organized to spread information concerning this experience to every establishment in industry.

In furtherance of this effort, the International Association of Industrial Accident Boards and Commissions and the International Association of Government Labor Officials communicated to General Johnson their resolution of September 14, 1933. This resolution urged the National Recovery Administration "to include some such clause as the following . . . in each of the industrial codes":

> 'Every employer coming under the jurisdiction of this code shall comply with all safety and health laws and regulations of the State in which the work-place is located. In all occupations in which workmen are not protected by such State laws or regulations, the employer shall comply with the provisions of any standard safety code approved by the American Standards Association which provides protection against any hazard encountered in such occupation' " (**)

(*) See H. E. Fisher's "When the Employee Returns to Work" National Safety News (May, 1934); W. D. Keefer's "Green Men" National Safety News, (December, 1933); "Those Expensive Safety Departments" National Safety News (August 1935).

(**) N.R.A. Files, Safety and Health.

The American Standards Association wrote also to the Administration urging it to promote the adoption of safety rules in industry (*).

IV. NATURE OF STATE AND TRADE UNION REGULATION

N.R.A. undertook to advance the protection of the worker against unsafe and unhealthful conditions because it also recognized the shortcomings of state efforts and trade unions to establish adequate and uniform standards. The individual states led by Massachusetts have enacted state regulations setting forth requirements for protective devices against hazards incident to machine operations. Factory inspection departments were established by these states to enforce the regulations. The first standards provided only blanket provisions. The recent trend has been away from these indefinite and vague regulations in the direction of special safety codes, rules and regulations for specific industries and certain mechanical processes and special hazards (Table I). The present safety regulations are, however, deficient in the following respects:

(a) Safety provisions in some states cover only dangerous practices and in others only a few specific subjects.

(b) Some states leave the determination of the safety requirements to the individual preferences of inspectors and usually there are only a limited number of inspectors.

(c) There is little uniformity among the states as to standards or quality or degree of enforcement of these provisions.

(d) Few states have undertaken to educate the industries' management to the use of prevailing standards.

(e) Enforcement by states has been greatly wanting.

It may be said that it is an almost impossible task to make a complete study of the safety codes of the various states to determine their variance on fundamental requirements because of the innumerable differences in detail and phraseology (**).

N.R.A. recognized that these variations in codes and defects in our present system of regulation, education and enforcement, result in unfair competition among the concerns in the same industry in the various states. Such conditions hamper industry without benefiting employees. A manufacturer in a state without safety regulations need not provide safeguards. Even though in the long run there is a saving in a good accident prevention program, he may for a time be able to undersell a competitor in a state having regulations.

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* N.R.A. Files, Safety and Health. Letter from P. G. Agnew, Secretary of American Standards Association to Leo Wolman, October 23, 1933.

** International Association of Industrial Accident Boards and Commissioners Convention on October 8, 1931. U. S. Department lf Labor, Bureau of Labor Statistics Bulletin 504.

TABLE I

SAFE PRACTICES PAMPHLET NO. 94
National Safety Council - 1935
SUBJECT CHART — ALABAMA TO MONTANA

In this table S stands for statute, R for rule or regulation, and A for advisory. These letters and the numbers which accompany them form a code which has significance in this pamphlet only. Order publications by title, not by these code numbers.

	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Dela.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
Abrasive Wheels		R1		R1	S1	S5					S1	S10		R1	S9			R3	S1	S6	R5		S1	
Anthrax																			R2					
Bakeries				S1	S2	S1						S10			S9			S2					S1	
Boilers	S1		S1	S2	R2	S2	S1						S4	R1	R1		S1	S2	S2	S1	S1	S1	S1	S6
Brewing & Bottling				R22																				
Building Exits		R6		S3	S3	S3			S1		S1	S1	S2	R1	R4	S1	S1	R3	S4	S6	S2	S2	S1	S2
Canneries				R22											S9			S2				S2		
Cannery Labor Camps																								
Ceramics				R22																				
Chemicals		S4		R22							S1		S5								R5		S1	
Compressed Air Equipment		R2		R4	R2									R1				R1	R8					
Construction Work		R2		R6	S14	S7					S1	S2		R1		S1					S11		S1	
Conveyors				R32	S19									R1										
Cranes, Derricks & Hoists	S1	S1		S4	S5						S1	S5	S4		S2				R12	S6	S3		S1	S6
Dredges				R8																				
Dry Cleaning & Dyeing				S5							R1	S3		R2	R4					S3	S4			
Dust Explosions, Prevention	S1			R26	S6									R1	S3			R3					S1	
Electrical Installation	S1	R4		R9	S7						S1	S4	S4	R1	S4			S1	R13	S4	S5			S6
Elevators and Escalators				S6	S8	S4					S1	S6	S1	R1	A1	S1	S1	R3	R14	S6	S6		S1	S4
Engines	S1			R12	R2							S3	S4	R1	A1						S7			S6
Excavations		R2		R13								S2		R1										
Exhaust Systems		R1			R3	S7					S1		S3	R1	S5				S6	S6	S8		S1	
Explosives	S1	S2		R14	S9							S7	S4		S6				S7		R5		S1	S1
Fire Drills															R4									
First Aid	S1	S3	S3	R16	S11	S6						S12	S4		S7				S8		S9			S6
Flammable Gases		R7		S3	S12							R2			S11									S4
Flammable Liquids				S3							R1	R2			S8				R19	R3	R5		S1	R1
Floor & Wall Openings, Railings & Toe Boards		R8		R17	S13						S1	S8		R1	A1			R3	R20		S10		S1	
Forging and Stamping														R1				R3			R5			
Foundries				S7										R1	R4			R3	R21	S6	S11		S1	
Garages				A2							R1	S9							R22	S5	R4			
Gas Installations				R23														R3	R34					
Gas Masks & Respirators				R33	R3								S4	R1				R3			R5		S1	
Head & Eye Protection		R2		R18										R1				R3	R17		S11			
Labor Camps				S8											S9						S11			
Labor Laws			S3	S8	S14	S7	S2		S2	S1	S1	S10		S1	S9	S1	S1	S2	S10	S6	S11	S2	S1	S3
Ladders		S4		R19	S15						S1			R1				R3	R25		S11		S1	
Laundries		S4		R20	S16	S8					S1	S10		R1				R3	S10	R2	S12			
Lead																							S1	
Lighting: Industrial		S5	S3	S9	S17	S9					S1	S11	S4	R1	S10		S1	R3	S11		S13		S1	S6
Lighting: Protection		R9										S5		R1				R3						
Lithophone Manufacture																								
Logging & Saw Mill Machinery				R24							S1	S10		R1			S1	R3	R37		S14			
Metal Working															A1		S1							
Metallurgical Works																								
Milling Industry																								
Mining	S1	S6	S3	S10	S18					S1	S2	S12	S4	S2	S11	S1		S3		S7	S15		S2	S6
Needle Trade																								
Oil Drilling			S3	R28																				S5
Painting				R22							S1	S2							S12					
Paper & Pulp Mills														R1				R3			R5			
Petroleum Safety Standards				R28							R1													S5
Plant Railways				R29	R2											S1								
Plate & Sheet Metal				R22																				
Potteries																								
Power Control: Electrical		R10		R10							S1	S5		R1					R30		S11			
Power Control: Mechanical				R32	S23						S1	S10	S3	R1					R28		S11			
Power Presses														R1	A1				R31		R5			
Power Transmission Apparatus		R11		R30	S24						S1	S10		R1			S1	R3	R28		S17			
Pressure Piping														R1										
Printing				R22								S10									R5			
Quarries				R31						S1						S1								
Refrigeration: Mechanical												S13	S5	R1	R4			R3	R10		R6			
Rubber Machinery														R1				R3						
Safety Organization				A4											A1						R5			
Salt Refining																							S1	
Sanitation: Industrial		S7	S3	S11	S25	S10	S2				S1	S14	S6	R1	S12	S1	S1	S2	S13	S6	S11	S2	S1	S6
Scaffolds & Staging		R2		S12	S14	S7					S1	S2		R1		S1		S2	R32		S11		S1	
Shipbuilding				R33																				
Silicosis																								
Smelting Ore		S9									S1													
Spray Coating					R3										R2					R3	S14			
Stairways		R13		R34	S26						S1	S15	S7		R3	S1			R33	S6	S18	S2	S1	S7
Steam Shovels				R35																				S6
Steel Mills		S4																						
Tanneries																								
Textiles				R22		S11								R1				R3						
Tunnels				R37														R1	R9					
Vats					S10						S1	S10					S1			S6	S19		S1	
Ventilation	S1	S6	S3	S13	S27	S12	S2				S1	S16	S8	R1	S13		S1		S14	S6	S20	S2	S1	S6
Walkway Surfaces														R1										
Window Cleaning				R39										R1										
Woodworking Plants			S3	R40										R1	A1			R3	R37		S21		S1	
Workmen's Compensation Law	S2	S8		S14	S28	S13	S3	S1	S3	S2	S3	S17	S9	S3	S14	S2	S2	S5	S15	S8	S11		S4	S8

STATE SAFETY REQUIREMENTS IN INDUSTRY

SUBJECT CHART — NEBRASKA TO WYOMING

In this table S stands for statute, R for rule or regulation, and A for advisory. These letters and the numbers which accompany them form a code which has significance in this pamphlet only. Order publications by title, not by these code numbers.

	Nebr.	Nev.	N. H.	N. J.	N. M.	N. Y.	N. C.	N. D.	Ohio	Okla.	Ore.	Penn.	R. I.	S. C.	S. D.	Tenn.	Texas	Utah	Vt.	Va.	Wash.	W. Va.	Wisc.	Wyo.
Abrasive Wheels	S1	R1	S2	R1		R1	R9		R1	R3	R8	R1				R9		R4		S1	R1	S1	R26	
Anthrax						R2																		
Bakeries	R1			S12		S1				S1	R8	R40	S1			S1		R4					R26	S3
Boilers	S2	S1	S2	S1		S2			S1	S2	S1	S1				R12		R1	S1		S1	S2	R2	
Brewing & Bottling						R21				R7	R8	R3				R12								
Building Exits	R1	R1	S1	S3		S3	R9	S2	S2	S4	R4	S2	S1			R2	S1		S1	S1			R5	S1
Canneries						R9					R8	R4									R1			
Cannery Labor Camps						R10						R4												
Ceramics						S10			R16		R8													
Chemicals		R1		R4		R21					R8	R6				R12					R1			
Compressed Air Equipment	R1			S4		S4			R18	R3	R2	S3						S7						
Construction Work	S3	S8		R6		S10		S1	R3		R8	R8				R12	S1	R4			R1	S7	R7	
Conveyors		R1				R13				R4		R10				R12		R4						
Cranes, Derricks & Hoists	S4	S2				S5		S1	R4	S5	R3	S4	S1			S2		R4			S2	S7	R6	
Dredges																								
Dry Cleaning & Dyeing	R1					R14	R9		R6		R4	R59				R2		R3			R1		S2	
Dust Explosions, Prevention		S3				R15				S12		S5				S11		S1		S1	S3			
Electrical Installation	S5	S4	S2	R7		R17	R9		S3	S6	S2	S6				R1	S1	S2			S5		R9	
Elevators and Escalators	S6		S2	S5		S6	S1	S1	R7	S7	S3	S7	S1			R12	S1	R2	S1	S1	S6	S3	R10	S3
Engines			S2			R54			A1	R2	R9	R15				R12				S1	R1		R26	
Excavations									R3			R60											R11	
Exhaust Systems	S7		S2	S5		R18	R9		R2	R3	S4	S8				S3		S11			R1		R12	
Explosives		S5		S7		S7	R3		S4	S12	R4	S9				S11	S1	S3		S1	S7		R13	S4
Fire Drills				S12		R24			R10			S15												
First Aid		S14	S2			R28	S2		A1	S8		S11				S4		S4			S8	S5	R15	
Flammable Gases						R14				S12	R3	S12				S5		S1			S11		R1	
Flammable Liquids		S8		R14		R29					R5	R24				S6					R1		R16	S4
Floor & Wall Openings, Railings & Toe Boards	R1	R1	S2			R30	R9		S6	R5	R9	S13				R3	S1	R4			R1	S4	R26	
Forging and Stamping						R54					R8	R40				S12						S4	R26	
Foundries			S2	S9		S8			R12	R7	R8	S14				R4				S1			R26	
Garages						R16					R6	R19				R12							R17	
Gas Installations						R16						R54												
Gas Masks & Respirators	R1	S5		S15		R32	R9		R18			R26				R12		S5		S1	R1		R29	
Head & Eye Protection	R1					R3			A1	R6		R27				R5		S7			R1		R26	
Labor Camps		S7				S9					R7	R29									R1			
Labor Laws	S7	S8	S3	S11		S10	S3	S3		S9	S5	S15	S1	S1		S7	S1	S12	S1	S1	S9	S6		S4
Ladders	S8	S10	S2			S11	R9	S1	S7	S10		R30				R6		S6			R1		R19	
Laundries	S9	S8	S2	R15		S12			R13	R7	R8	R32				S8		R3			R1	S8	R20	S3
Lead				S14		R34						S16												
Lighting: Industrial	R1		S5	S16			R9		S8	S11	S6	S17	S1			S9	S1	S7	S1	S1	S10		R21	
Lightning: Protection						S13					R3												R9	
Lithophone Manufacture				R20																				
Logging & Saw Mill Machinery	S7		S2						A1	S9	S7	R36				R12		R4	S1		R1	S4	R26	
Metal Working	R1			R27		R54			R14			R37				R8		R4			R1		R26	
Metallurgical Works																		S7						
Milling Industry						R38				R7	R8	R38						R4						
Mining		S12		S17	S1	S14	S4	S4		S12		S18				S10	S1	S8	S1	S1	S12	S9	R22	S4
Needle Trade						R41						R40												
Oil Drilling		S13								R8		S20												S4
Painting											R8	R9												
Paper & Pulp Mills	R1		S2			R43						R35				R12		R4			R1		R26	
Petroleum Safety Standards										R9														
Plant Railways												S21						R4						
Plate & Sheet Metal											R8	R35				R12		R4			R1		R26	
Potteries				S19					R16							R12		R4						
Power Control: Electrical	R1	R1		R8		R40	R9		R8	R3		R45				R7		S2			S4	S7	R9	
Power Control: Mechanical	R1			R23		R54	R9		S14	R3	S4	S22				R7		R4				S7	R26	S3
Power Presses	R1		S2	S20		S10			R17			R46				R10							R26	
Power Transmission Apparatus	R1	R1	S2	R23		R44	R9		S10	R10	R9	R47				R11		R4	S1	S1	R1	S7	R26	
Pressure Piping									R18															
Printing	R1			R27		R46					R8	R49				R12		R4					R26	
Quarries		S11		S12		S15	R6					R51				S11		S7	S1		R1		R24	
Refrigeration: Mechanical				S12		R21			R18							R12		R4					R25	
Rubber Machinery	R1			R25		R47			A2		R8	R35												
Safety Organization			S2	R26					A4		S8					R12		A1			S13			
Salt Refining						R54												R4						
Sanitation: Industrial	S7	S15	S7	S21		S16	R9	S3	S11	S13	R11	S23	S1	S1		S12	S1	S9	S1	S1	S9	S10	R28	
Scaffolds & Staging	S7			S12		S17		S1	R19	S14		R56					S1	R4			R1	S7	R7	
Shipbuilding																								
Silicosis						R16												S7					R8	
Smelting Ore		S16																S10						
Spray Coating				R15		R50	R7				R8	R57				R12							R29	
Stairways	R1	R1	S2			R51	R9		S12	S15	R8	R19				R13		R4				S11	R30	S5
Steam Shovels												R11				R12		R1						
Steel Mills									R21		R8	R35				R12		R5				S4		
Tanneries				R27		R21					R8	R35				R12							R26	
Textiles			S2			R52					R8	R58				R12								
Tunnels		S11		S22		S18						R61						S8					R31	
Vats			S2	S12		R54				S9		R59	S1			R12				S1	R1	S7	R26	
Ventilation	S10	S17	S2	S23		S19	R9		S13	S16	S4	S25	S1			S13	S1	S11	S1	S1	S14		R18	
Walkaway Surfaces		R1										R53				R12		R4			R1		R32	
Window Cleaning	R1					R19						R63				R12					R1		R26	
Woodworking Plants	S11	R1	S2	R28		R55	R8		R22	R4	R8	R36				R14		R4			R1	S7	R26	
Workmen's Compensation Law	S12	S18	S8	S24	S2	S20	S5	S5	S15	S17	S8	S26	S2		S1	S14	S1	S13	S1	S2	S15	S12	S3	S6

The wide differences in state laws and regulations lead to undesirable consequences in the safety movement. In the first place they tend to discredit the movement because persons point to the variation of standards as an indication that what are desirable safety practices is not known, and that consequently the standards cannot be scientifically established. In the second place, discussion is appreciably hampered by the variation in terminology and meaning among the various laws. Much misunderstanding develops at conferences by reason of these variations. Basic uniformity which is needed for competive reasons, is practicable since the hazards are the same in a given industry irrespective of state location.

State safety and health codes are in most cases inadequate and ambiguous and vary among themselves. The need for uniformity of safety codes was expressed by the president of one of our largest concerns, who stated that:

> "Industry, both in regard to its manufacturing and merchandising problems, has a huge stake in uniform industrial safety codes. . . . Good business demands competent standards for workers in factories and mills. These standards should transcend state boundaries. Uniform safety requirements in all states end confusion in the design of products" (*).

A recent survey of the extent of acceptance by the several states lf safety codes drafted by the American Standards Association shows that 12 of the 40 states surveyed had no safety laws, and with the possible exception of New York and Wisconsin, no state has a sufficient number of safety codes or an adequate inspection force (**).

No state has anything approaching satisfactory regulations in the matter of industrial desease hazards. Of 15 states which provide compensation for one or more industrial diseases through their workmen's compensation laws, only 7 provide for compensation of all occupational diseases (***).

While organized labor has been persistent in its fight for adequate compensation laws, its safety work in general has been limited to efforts to secure reasonably safe and healthful conditions in the work places. In certain agreements specific protective devices or clothing are prescribed, special accommodations for rest are required, and the use of certain tools and machines is prohibited. Other agreements, however, merely require compliance with the state and municipal laws for health and safety. These agreements, on the whole, do tend to compel employers to remove some of the more serious hazards to safety and

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* "American Standardization" (October, 1935) - V. VI. p. 267 - remark by Howard Coonley, President of the Walworth Company.

** ibid, p. 266

*** The states providing workmen's compensation for all disease are: California; North Dakota; Missouri; Wisconsin; New York; Massachusetts; Connecticut.
For specific diseases: Nebraska; Illinois; Ohio; Kentucky; West Virginia; North Carolina; New Jersey; Minnesota.

health of which the worker is aware, but as the tend to focus on individual abuses, they cannot be considered as comprehensive guides, They are usually local arrangements and are not uniform for all labor agreements throughout the country and are enforced with uneven effectiveness even among the concerns which are unionized (*).

N.R.A. was essentially a recovery movement but it also recognized the value of building a secure base for the projected period of prosperity. Safety activities in the United States had made tremendous strides but were uneven with respect to geographical areas and to different strata of industry. Reemployment of large numbers of new workers made attention to the safety problem imperative in the eyes of the Administration. Industry itself under a plan of self government was responsible for reaching out to all its members, large and small, and educating them in the necessity and economic soundness of a program of safety and health. Reduction of loss due to the dissipation of human and material resources through accident and disease would mean a sounder base on which to sustain recovery.

V. N.R.A. POLICY

To secure concrete expression of these views in the codes and in the N.R.A., the Labor Advisory Board staff early in September, 1933, began active promotion of the inclusion in the various codes of specific provisions for protection of the safety and health of workers. The Labor Advisory Board model code of September 18, 1933, developed by the staff for its own use, contained the following provision:

> "Every employer shall provide for the welfare and safety of his workmen. He shall comply with all national, state and local ordinances and provisions of safety and health and protect his employees by workmen's compensation insurance according to the sums required in the state of jurisdiction or the United States Employees' Compensation Insurance. A safety and health manual is to be submitted by the Code Authority for approval before January 1, 1934."

However, the "suggested outline" for codes (October 1, 1933), drafted by N.R.A. (**) did not contain any specific reference to this subject despite the campaign in its behalf carried on by the Labor Advisory Board staff representatives on the committee which drafted the "outline", though without positive support from the Administration. This discrepancy between policy and actual practice appeared because the lesser officials who drafted these codes were not adequately informed on the real policies of the Administration.

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* United States Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, V. 38 pp. 545-9 (1935, March) "Protection to Life and Health of Union Members Provided for in Collective Agreements."

** "Suggested Outline for Codes"- Draft of October 1, 1933. (Mimeographed Requisition No. 1265)

No effort was made to formulate them for easy and ready use or to enforce them on delinquent officials.

Despite lack of an explicit statement of N.R.A. policy, the movement in favor of definitive provision for the protection of safety and health in industry was considerably advanced by inclusion in the code of individual industries of appropriate provisions on this subject. These individual industries were generally either familiar with the safety movement or confronted with some special health problems. The needle trades industries, which suffered from sweatshop conditions, w were most active in this respect. The Corset and Brassiere Code, approved on August 14, 1933, required the maintenance of "a clean sanitary factory" and prescribed the "standards set in that part of the factory law of the State of New York which is applicable to plants in this industry" as the minimum standards for the industry. To assure com-;iance, the Code further required that each "purchase order" shall read "that the material covered by this order must be manufactured in a clean and sanitary factory" (*).
The Men's Clothing Industry Code, approved August 26, 1933, prescribed that "safe, healthful and otherwise satisfactory working conditions shall be provided for all employees, which conditions shall, as a minimum, comply with the highest standards respecting sanitation, cleanliness, and safety specified in the factory laws of any State in which the manufacturer operates" (**). Similarly, the Rock Crusher Industry declared it as its policy that each employer "agree to the maintenance of working conditions which will insure the health, safety and happiness of labor" (***). Many of the other codes during the early period had provisions declaring that the codes did not modify in any way the obligation to comply with the various State laws on safety and health.

This stand by individual industries and the aggressive position of the staff of the Labor Advisory Board within the N.R.A. secured the adoption of the principle in codes. An N.R.A. committee organized to review existing model codes included in its first draft of a model code, on October 20, 1933, and also in its later drafts, the following clause for inclusion in all codes:

> "Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six months after the effective date of code" (****).

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* National Recovery Administration, Codes of Fair Competition V. I, p. 72.

** ibid, V. I, p. 233

*** ibid, V. II, p. 235

**** "Suggested Standard Provisions for Codes" Draft of October 20, 1933. (Mimeographed Requisition 1974); "Suggested Outline for Codes Including Some Suggested General Provisions" - Draft of October 25, 1933. (Mimeographed Requisition 2420 and revision: Mimeographed Requisition 2470).

The "Suggested Outline for Codes" approved by General Johnson on November 6, 1933, and later recalled, provides for a similar clause except that the second sentence of the above clause is modified to provide that the submission of standards for safety and health was not necessary, but could be called for if the industries so desired (*).

The acceptance of the principle in the suggested "model codes" led to insertion of a provision of this nature in many codes subsequently approved. The Paper Board Industry Code contained the first standardized provision on this subject (**). Following close upon it were the following codes in which the clauses varied slightly in wording: Crushed Stone, Sand, Gravel and Slag (#109), November 10, 1933; All Metal Insect Screen (#112), November 14, 1933; Limestone (#113), November 14, 1933; Newsprint and Paper and Pulp (#119 and #120), November 17, 1933. By the end of the year, 1933, twenty-five additional codes contained either one or both sentences in the model codes (***).

VI. THE COMMITTEE ON SAFETY AND HEALTH: ORGANIZATION AND PROGRAM

This principle gradually gained wider acceptance. Many industries without other prompting than the suggestion of the code labor advisor, agreed to include the desired clauses in their codes. As the number of codes with the standard safety and health provision increased, the question arose how best to cooperate with industry in complying with the immediate requirement of the provision, namely, the adoption of a set of standards for safety and health. The personnel within the N.R.A. appeared to be too much preoccupied with current negotiations to plan a proper approach or to furnish the necessary materials for guidance. Moreover the permanent code authorities generally included persons who had not participated in the original code negotiations and who were only vaguely familiar with their duties in regard to safety and health.

To ascertain whether assistance could be obtained in this task from other governmental agencies, a letter was addressed to each of these agencies by a staff member of the Labor Advisory Board.

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* "Suggested Outline for Codes" - signed by Hugh S. Johnson, Administrator for Industrial Recovery, November 6, 1933 (Mimeographed Requisition 2592); the Draft of April 3, 1933. "Suggested Outline for Use in Code Drafting". (Mimeographed Requisition 4335). Contained the clause in Office Order 71.

** Code No. 100, approved November 8, 1933.

*** These Codes are: Farm Equipment Mfg. (#39); Electric Storage Battery (40); Boot & Shoe (44); Motor Vehicle Retail (46); Optical Mfg. (49); Automatic Sprinkler (50); Cap & Closure (58) Motor Bus (66); Fertilizer (67); Road Machinery (68); Paint Varnish and Lacquer Mfg. (71); Hair & Jute Felt (73); Copper & Brass Mill Products (81); Soap & Glycerine (83); Petroleum Equipment (85); Toy & Playthings (86); Business Furniture (88); Office Equipment (89); Funeral Supply (90); Piano Mfg. (91); Washing & Ironing Machine Mfg. (93); Reinforcement Materials Fabricating (127); Cement (128); Pipe Nipple Mfg. (131); Malleable Iron (132).

The cordial reception accorded these inquiries resulted in a letter to the Secretary of Labor, Miss Frances Perkins, requesting her direct aid in the development of the necessary advisory organization, and after considerable negotiation it was arranged that a committee should be appointed by her to meet in Washington to discuss the problem of the drafting of standards and the development of safety and health activities among members of industry.

The first meeting of this committee was held on February 19, 1934. There were represented various governmental units interested in the safety of workers as well as the National Safety Council, the American Standards Association, the American Federation of Labor and the Labor Advisory Board of N.R.A. (*). But it was felt that a wider representation was necessary. At the second meeting, February 28, 1934, the Committee included representatives of the various advisory boards of N.R.A. and its administrative sections, as well as of the United States Chamber of Commerce, and the National Bureau of Casualty and Insurance Underwriters (**). The Committee continued to include the interested governmental departments and divisions of N.R.A.; the safety organizations and representatives of organized business and labor (***).

Present at Meeting of February 19, 1934:
(*) Ainsworth, Cyril - American Standards Association
Barkin, Solomon - Labor Advisory Board, N.R.A.
Harrington, Daniel - U.S. Bureau of Mines
Keogh, George P. - New York State Department of Labor
Kjaer, Swen - U. S. Department of Labor
Lloyd, Mortimer G. - U. S. Bureau of Standards
Lubin, Isador - U.S. Department of Labor
Reticker, Miss Ruth - (For William Green) American Federican of Labor
Sayers, Royd R. - U. S. Public Health Service
Sharkey, Charles F. - U.S. Department of Labor
Miss Buffman - (For Sidney J. Williams) National Safety Council
Wilcox, Sidney J. - U.S. Bureau of Labor Statistics
(**)Present at Meeting of February 28, 1934;
Barkin, Solomon - Labor Advisory Board, N.R.A.
Brady, Robert A. - Consumers' Advisory Board, N.R.A.
Calvin, W.A. - American Federation of Labor
Harrington, Daniel - U.S. Bureau of Mines
Hedges, M. H. - American Federation of Labor
Keogh, George P. - New York State Department of Labor
Kjaer, Swen - U.S. Bureau of Labor Statistics
Lloyd, Morton G. - U.S. Bureau of Standards
Morrison, Frank - American Federation of Labor
Sayers, Royd R. - U.S. Public Health Service
Tangeman, W. W. - Industrial Advisory Board, N.R.A.
Whitney, Albert W. National Bureau of Casualty and Surety Underwriters
Williams, Sidney J. - National Safety Council
(***) Personnel of the Committee:
Ainsworth, Cyril - American Standards Association
Barkin, Solomon - Labor Advisory Board, N.R.A. (Committee Chairman,1934)
Brady, Robert A. - Consumers' Advisory Board, N.R.A.
Burton, Carroll - Industrial Advisory Board, N.R.A.
Calvin, W.A.-Metal Trades Department, American Federation of Labor
Gunnarson, A.B. - United States Chamber of Commerce
Harrington, Daniel - Bureau of Mines, U.S. Department of Interior
(Footnote continued on next page)

During its discussions the Committee came to the conclusion that N.R.A. presented one of the most constructive opportunities in the history of safety promotion in the United States. It believed however, that the N.R.A. program up to that time was too loosely formulated to assure the best results. Code Authorities approached the problem of safety and health, where they considered it at all, in the most perfunctory manner and therefore, a more concrete program was believed to be necessary. The committee's own function it believed to be that of securing the acceptance by industry of the principle of safety and health protection, urging the development of a proper program for its attainment and assisting individual industry committees in the development of minimum standards. To provide a proper framework for the development of a safety and health program within each industry, it drafted a letter to General Johnson, which was transmitted to the secretary of Labor on February 28, 1934 (Appendix "A"). This letter is significant in that it developed the philosophy which guided this committee in its cooperation with N.R.A., and was accepted by the Administration and provided a point of reference for all later discussions of safety and health within N.R.A.

In this letter the committee stressed the value and the constructive character of a safety and health program. But it pointed out that the N.R.A. occupied a particular strategic position in the safety movement of the time both because it had "a remarkable opportunity for carrying this program (of industrial safety) to a practical conclusion," and also because it dealt with organized industries and the promotion of safety and health had always been considered one of the proper functions of trade associations.

***(Cont) Hedges, M. H. - International Brotherhood of Electrical Workers
Keogh, George P. - New York State Department of Labor
Kjaer, Swen - Bureau of Labor Statistics, U. S. Dept.
Lloyd, Morton G. - National Bureau of Standards, U. S. Department of Commerce
Lubin, Isador - U. S. Department of Labor
McGrady, Edward F. - American Federation of Labor
Morrison, Frank - American Federation of Labor
Sayers, Royd - Bureau of Public Health Service, U. S. Department of Treasury
Sharkey, Charles F. - Bureau of Labor Statistics, Legal Div., U.S. Dept. Labor
Smith, Blackwell - Legal Division, N.R.A.
Stricker, Paul F. - Division of Labor Standards, U. S. Department of Labor (Committee Secretary - 1935)
Whitney, Albert W. - National Bureau of Casualty and Surety Underwriters
- National Safety Council
Zimmer, Verne A. - Division of Labor Standards, U. S. Department of Labor (Committee Chairman, - 1935)

The Committee recommended that every code should contain the standard clause regarding safety and health. But more particularly, it outlined the program for bringing about practical results within the plants. It recognized that minimum standards for safety and health were necessary as a minimum guide to good practice, but it also recognized that accident prevention means more than mere safe physical surroundings. It therefore recommended that each industry organize a committee on safety and health, to carry the full message to the membership and supervise its safety and health work. In this connection it had as models the paper and pulp, iron and steel and portland cement industries, in which the active promotion of safety and health by industry committees before the N.R.A. period had produced impressive results. These industry committees were to study the number and causes of accident and health hazards "and prepare" a comprehensive program for assuring safe and healthful conditions in particular industry. It was urged that these committees prepare statements on their accident experience, a plan for organized safety work and a discussion of the benefits to individual employers, individual employees and the industry as a whole of a continuous organized movement for safety. The committee conceived the program as centering in the industry, as emanating from the activities of the Code Authority, and as being impelled by a desire for safety and health within the industry.

Furthermore, the committee believed it desirable immediately to adopt a set of suggested standards to guide those industries which had set themselves to working out detailed standards for themselves. The minimum standards for manufacturing industries were considered at three successive meetings of the Committee and were finally adopted on March 13, 1934 (*). In addition, the committee prepared for the use of the code committees a statement on the "Plan for Safety Organization," (Appendix "B"), and a "suggested form letter to industry members from Code Authorities" (Appendix "C"). It also appointed sub-committees which drafted sets of minimum standards for mercantile (**), motor transportation and quarrying industries. Other basic safety and health codes were in process of completion when the N.R.A. codes lapsed. The committee believed that the suggestions would be a sufficient guide for the industry committees which could be adapted to meet special needs and yet would be conducive to uniformity of results, whichwas imperative in view of the fact that 15 per cent of the employees in manufacturing industries were employed in establishments subject to two or more codes.

VII. CRYSTALIZATION OF N.R.A. POLICY

The work of the committee immediately bore fruit.

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* United States Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, V. 38, pp. 1089-1093 (May, 1934). "Minimum Standards for the Safety and Health of Workers in Manufacturing Industries" approved by Committee on Standards for Safety and Health for N.R.A. Codes, approved by the Secretary of Labor, Serial No. R 117.

** ibid, V. 39, pp. 1392-4 (December, 1934). "Minimum Safety and Health Standards for Mercantile Establishments".

The program of the Committee was adopted by N.R.A. in toto. On March 14, 1934, Alvin Brown issued a statement for General Johnson governing all codes (*).

The immediate effect of this Office Order was that almost all codes approved soon after March 14, included the model code provision.

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* OFFICE ORDER NO. 71
March 14, 1934.

STANDARDS OF HEALTH AND SAFETY.

In exercise of the President's power under the National Industrial Act to prescribe conditions of employment, the following provisions will hereafter be included in every code which has not, at this dat, been formally submitted by the industry:

> "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 Administrator within six months after the effective date of the code."

These provisions, including similar ones now embodied in most codes, will be given execution in the following manner:

1. Each code authority will create a committee on safety and health which will study the number and causes of accidents and health hazards in the industry and report a comprehensive program.

2. In these programs developed by the committees on safety and health consideration will be given to the following:

    (a) A statement of the average accident experience in the industry; a comparison of the experience of employers most successful in reducing accidents; and a plan for uniform accident reporting in the industry.

    (b) Preparation of a statement showing the possible benefits to individual employers, individual employees, and the industry as a whole, through continuous organized safety efforts.

    (c) A recommended plan for organized safety work for various types and sizes of companies.

    (d) Minimum standards for safety and health for the industry.

By direction of the Administrator:

Alvin Brown

Furthermore, reiteration of the support of this provision is to be found in the Basic Code for smaller industries issued July 11, 1934 (*), which required an adequate provision for safety and health.

With the adoption of this policy, efforts were made to have all approved codes without an appropriate clause amended to include a provision governing safety and health. The Labor Advisory Board addressed the Advisory Council urging it to recommend so amending all codes by an Executive Order. The Council, after reviewing the matter, declared that "there seems to be little or no resistance of the part of industry to inclusion of safety and health provisions in codes." It recommended that, in view of its conclusion that "Executive Orders as a means of writing new provisions into both new and old codes should be used sparingly," the Administration should instead officially sponsor the movement to amend all codes to include such a clause. It suggested that the Administrator's Office instruct each Deputy Administrator "to ask each code authority administering a code which does not have a safety and health clause to present the clause". *In order to facilitate the acceptance of this amendment it urged that each deputy be permitted to assure code authorities that other amendments need not be considered in connection with this one.

The National Industrial Recovery Board approved the recommendation of the Advisary Council (*), and to give effect to this decision, the Administrative Officer advised all divisions "to take up the feasibility of inserting such a clause in codes which do not already have it" (*), but he suggested that "it is not necessary to push it where strong resistance develops."

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* Administrative Order X-61 - 13 Codes of Fair Competition, - 734-738.

* National Recovery Administration, Advisory Council Decisions, V. II, pp. 111-112, Decision No. 107, November 16, 1934.

* L. C. Marshall's letter, November 20, 1934 (N.R.A. Files).

* Letter of W.A. Harriman to "All Divisions", December 3, 1934. (N.R.A. Files, Safety and Health.

The result of this action, which was supported by a renewed drive on the part of the staff of the Labor Advisory Board, was that thirty codes, in addition to those mentioned above, were amended to include some provision relative to safety and health (*). The uncertainty of the future status of N.R.A. considerably diminished the success of this move to amend codes,.

Although the Industrial Advisory Board of N.R.A. had participated fully in early activities on safety and health, in February, 1935, it raised several significant questions of policy. In fact, it prevented the approval by the Administration of many amendments propsed by industry because of its opposition to some features of the prevailing policy.

To appreciate the background for the issue raised by the Industrial Advisory Board it is hecessary to refer to the Administrative Order No. X-51 issued by General Hugh S. Johnson on Safety and Health Standards. In order to assure an unequivocal position for these standards in relation to code enforcement, the Order read that "whenever, in accordance with the provisions of a code of fair competition, a code authority submits to the Administrator standards for safety and health and such standards are approved by the Administrator, the standards thus approved shall thereafter be part of such code and shall be enforceable as such"(**).

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* Safety and Health Provisions Amendments
(Name of Industry - Code Number - Amendment Number)
Coat and Suit (5) - 1
Legitimate Theater (6) - 1
Cast Iron Soil Pipe (10) - 3
Wall Paper (19) - 1
Artificial Flower and Feather (29) - 1
Builders' Supply (37) - 2
Umbrella (51) - 2
Advertising Specialties (65) - 1
Packaging Machinery (72) - 2
Hair and Jute Felt (73) - 1
Leather and Woolen Knit Glove (87) - 2
Fire Extinguishing Appliance (98) - 2
Wood Plug (115) - 2
Mop Stick (116) - 2
Upholstery and Drapery Textile (125) - 1
Chinaware and Porcelain (126) - 5
Cement (128) - 1
Concrete Masonry (133) - 2
Domestic Freight Forwarding (162) - 1
Grinding Wheel (170) - 2
Retail Food and Grocery (182) - 3
Wholesale Good and Grocery (196) - 3
Musical Merchandise Manufacturing (209) - 1
Pipe Organ (210) - 1
Smoking Pipe (225) - 1
Roofing and Sheet Metal Contracting (244-H) - 1
Coffee (265) - 3
Wrecking and Salvage (318) - 1
Ladies Handbag (332) - 3
Wooden Insulator Pin and Bracket (338) - 2

** (Continued on next Page)

Many of the code provisions adopted by industries after June, 1934, specifically provided for such approval of standards by the Administrator, but most of the early codes merely required the submission and acknowledgment of their standards by the Administrator. In actual fact, the difference insofar as approval was concerned was essentially a legal distinction rather than an actual one, since acknowledged sets of standards were also reviewed by N.R.A., and such acknowledgment was only given after the standards had met the customary tests. The standards did possess a different status with respect to enforcement, however, under the Administrative Order, since whereas previously they were merely guides to industry members the order made them the law of the industry, equally as enforceable as other provisions of the code. The N.I.R.B., on November 20, 1934, recommended adoption of the following additional code provision: "After approval such standards shall become the minimum standards of safety and health of all members of the industry and shall thereafter be a part of this code and enforceable as such" (*).

The purpose of this addition to previously recommended clauses on safety and health was to establish definitely the standards approved by the Administration as the minimum protection to be afforded by employers. Without this clause any litigation respecting specific practices would be encumbered by the need of establishing in court that the particular practice was unsafe; whereas the approval of such a list of standards by an administrative body, it was thought, would constitute a finding which might be accepted by the court. At any rate the affirmation of the enforceability of these standards would facilitate the efforts of the code authorities toward educating their industries to comply with the standards.

Objection had previously been raised by the National Safety Council to making conformance by industry members with the standards compulsory, since "persuasion is the big idea in protecting workers and others - the employer must be persuaded and the employee persuaded and the general public persuaded" (**)

(** Continued) Administrative Order X-51, (June 15, 1934) re: "Safety and Health Standards", signed by Hugh S. Johnson, Administrator, quoted above.

(*) Letter from L. C. Marshall, Executive Secretary, National Industrial Recovery Board to W. A. Harriman, Administrative Officer, November 20, 1934. (NRA Files, Safety and Health).

(**) Letter from W. H. Cameron, Managing Director, National Safety Council to the Chairman of the Committee on Standards for Safety and Health for NRA Codes - December 24, 1934. (NRA Files, Safety and Health.)

In contrast to this attitude, the Committee had maintained that legislation as well as persuasion is necessary.

> "We have never underestimated the importance of persuasion. Rather, we have believed it to be doubly effective when implemented by legislation." (*).

Such was the situation when the Industrial Advisory Board advanced the contention that the standards, even when approved by the Administration, should not be made enforceable as a direct code provision, but should rather be considered "primarily (as) educational and hence exempt from the criminal penalties provided in the Act or from any penalties other than those incident to Blue Eagle compliance procedure" (**). Again, the Department of Labor's Committee appeared, through its representatives, before the Advisory Council and advocated that "educational s should be used" and that "prosecution should be resorted to only when reasonable efforts to persuade an employer to comply with the standards have failed" (***). The Committee's representatives urged that the judicious handling of penalties and a well defined policy governing the use of the criminal provisions of the Act and the positive cooperation of code authorities would constitute a sufficient safe guard against unreasonable applications of the provision. They repeated that the acknowledgment of the compulsory nature of these provisions would greatly aid educational efforts, since it was necessary to use the psychological leverage of compulsion, without necessarily wielding it, "in order to secure the participation of the laggard groups in the industry(****).

(*) Letter from the Chairman of the Committee on Standards for Safety and Health for N.R.A. Codes to W. H. Cameron, Managing Director, National Safety Council - January 5, 1935. (N.R.A. Files, Safety and Health.)

(**) Report of Subcommittee of the Advisory Council, February 28, 1935. (N.R.A. Files - Safety and Health).

(***) Letter from A. J. Altmeyer, Assistant Secretary of Labor, to E. B. George, Executive Secretary, Advisory Council, March 9, 1935. (N.R.A. Files - Safety and Health.

(****) Draft of a Report of Advisory Council, April 16, 1935. N. R. A. Files - Safety and Health.

The Industrial Advisory Board asked that Administrative Order No. X-51 be rescinded and that all efforts at compulsory enforcement be renounced. The Advisory Council, in its final reports on the general labor provisions, suggested as a compromise that the safety and health clause should be inserted in the codes, but that any standards that might be drafted should be mandatory or educational, or partly one or the other, depending on the desires of the individual industry (*). However, the representatives of the Department of Labor Committee were dissatisfied with this arrangement and had taken steps, before the invalidation of N.R.A., to protest this compromise to the N.I.R.B.

No other issues of policy provoked contention. It was readily agreed by all that as far as possible detailed standards should be inserted directly in the final code, rather than merely incorporated by reference. Furthermore, there was reasserted the need for active participation by industry itself in the formulation of standards as well as in their administration. Finally, it was agreed that all other agencies, such as state and city governments, insurance carriers, etc., should be enlisted in the education of industry and enforcement of these standards. The Department of Labor's Committee on Safety and Health was recognized as the technical advisory committee that would furnish the code authorities and the N.R.A. with advice and suggestions on content and procedure and methods of investigation.

N.R.A. established the policy requiring employers to provide safe and healthful surroundings for their employees but while this policy could be explicitly stated in the codes, the necessary implementation and enforcement required the active cooperation of the code authorities and of industry. The movement had to reach into each establishment of each employer, large and small. In order to define the character of the movement, Office Order No. 71 was issued. It described the essential nature of the program. The individual code authority was to be charged with the development and administration of the program. The N.R.A. was to act as coordinator and adviser. When it was found desirable for the Administration to affirm the enforceablility of the standards primarily to facilitate the educational efforts, objections were rai ed by certain industrial representatives. But while the issue caused much discussion, the administration of the provisions themselves had not reached the stage where enforcement could even have been contemplated. N.R.A. had not as yet developed an adequate enforcement machinery for wage and hour provisions, and few of the industries had developed an adequate safety and health program either for education or enforcement purposes. The controversy over compulsion distracted the energies of persons involved in the promotion of the work within the N.R.A., and delayed progress. It suggested that disagreement existed, whereas the differences were not concerned with the principle but only with the enforcement status of standards after approval.

VIII. SAFETY AND HEALTH PROVISIONS - N.R.A. CODES

The result of these efforts by the Labor Advisory Board and the Administration to secure the inclusion of specific protection for the safety and health of workers was adoption of such a provision 465 codes and code supplements.

[illegible] Advisory Council Decisions

Of these 465 compliance with state or local laws was required by 48. A general statement to the effect that "every employer shall provide for the safety and health of his employees during the hours and at the place of employment", was found in 412 industry codes. Five codes included no such general statement but required the submission of standards of safety and health. In all, 361 codes required the submission of standards of safety and health which would define the prescribed minima. Only 113 of these 361 codes required that these standards be approved by the Administration, and 41 formally specified that upon approval they were to be part of the code. However, Administrative Order X-51 automatically made the approved standards part of the code itself for the group of codes requiring approval by the Administration (*). In all of the 48 approved area agreements under the Construction Code, specific provision was made for safety and health. In many cases individual safety regulations were inserted. Few of the codes and supplements approved before Office Order No. 71 included a provision for safety and health. In the first 100 codes, 13 codes and 32 supplements carried some provision for safety and health; in the fourth 100, 78 codes and 14 supplements; in the fifth 100, 91 codes, and 2 supplements; in the last 57 codes, all contained some provision. In view of the general acceptance of this clause and the rapid progress made in amending the codes, the ultimate adoption of this provision by all industries appeared probable.

Service Codes contained special provisions relating to the hazards in those industries. The Restaurant Industry Code called for a Sanitation Committee to investigate and formulate "standards of cleanliness, maintenance of equipment and other sanitary safeguards"(**). Similarly, the Retail Monument and Limestone Industries undertook to deal with the silicosis hazards (***).

(*) See page 35, paragraph 3, line 6.

(**) National Recovery Administration, Codes of Fair Competition, V. VI, p. 524.

(***) National Recovery Administration, Codes of Fair Competition, V. VIII, p. 519.

TABLE II

CODE PROVISIONS ON SAFETY AND HEALTH IN N.R.A. CODES

CLASSIFICATION	TOTAL	Metals	Non-Metallic Minerals	Fuel	Forest Products	Chemicals, Paints and Drugs	Paper	Rubber	Equipment and Machinery Mfg.	Food	Textiles-Fabrics	Textiles-Apparel	Leather and Fur	Fabricating	Graphic Arts	Construction	Transportation and Communication	Finance	Recreation	Service Trades	Distributing Trades Wholesale	Distributing Trades Retail	Territorial Codes
Total Codes and Supplements	775	13	52	3	18	38	32	4	155	60	41	45	11	147	6	33	13	5	5	12	49	26	7
Codes Without Provision	310	3	10	2	3	15	1	3	100	5	21	16	4	67	4	4	5	5	3	4	26	9	-
Codes With Some Provision	465	10	42	1	15	23	31	1	55	55	20	29	7	80	2	29	8	0	2	8	23	17	7
Codes With Sub-Standard Provision	48	-	2	1	-	6	-	-	8	11	2	4	2	3	-	1	1	-	-	-	5	2	-
Codes With Standard Provision - General Statements	417	10	40	0	15	17	31	1	47	44	18	25	5	77	2	28	7	0	2	8	18	15	7
a. And Submit Standards	356	9	29	-	14	10	28	-	38	36	15	24	3	69	2	27	7	-	2	7	15	14	7
b. Only General Statement	56	1	9	-	1	7	-	1	9	8	3	1	2	8	-	1	-	-	-	1	3	1	-
c. Submit Standards; no General Statement	5	-	2	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Standards: Approval by NIRB	113	1	16	-	10	4	1	-	16	2	8	4	2	13	2	14	3	-	1	4	2	9	1
Enforceable as Part of Code	41	-	3	-	5	3	-	-	3	-	6	3	-	2	-	5	1	-	1	3	-	5	1

IX. PROGRESS IN THE ADOPTION OF SAFETY AND HEALTH STANDARDS

The insertion of the safety and health clause into a code and the prescription of activities for code authorities by Office Order No. 71 were not in themselves sufficient to bring about satisfactory results. It became manifest that much assistance would have to be given the various code authorities to insure their cooperation and compliance with the provisions of the code. They had no real understanding of what was required of them by the general provision or as to the specific type of standards which they were to submit. To overcome these difficulties, the Secretary of Labor's Committee on Safety and Health in Industry for N.R.A. Codes developed a working procedure of cooperation Two persons were added to its staff, who, together with the Secretary and under the guidance of the Chairman of the Committee, offered their services to all industries that desired suggestions concerning proper standards of safety and health. The Committee furnished some 302 different industries with copies of general standards as well as suggested methods of protection against the specific hazards in the several industries (Appendix "E"). Available information on accident experience within the industry was also forwarded, through the Deputy Administrator, to the industry for its use. The recommendations were generally directed to the safety and health committees established by the code authority in accordance with the requirement of Office Order No. 71 and of the by-laws of many of the code authorities. These guides were intended to assist the code authorities in getting started and to provide the basis for independent work.

The actions taken by the individual code authorities with respect to the recommended standards varied, but many showed considerable interest in the development of a satisfactory program for their industries. In the case of the Crushed Stone, Sand and Gravel Industry, the code authority appointed a committee of industry representatives familiar with the safety and production problems of the industry to review the suggestions submitted by the Labor Advisory Board. This committee, together with representatives from the Safety and Health Committee and N.R.A., reviewed the problems and hazards arising in the industry and developed an appropriate set of standards. The Canning Industry had its own committee review the recommendations of the Labor Advisory Board and its revision was reprinted in a bulletin of the code authority and distributed throughout the entire industry for comment and suggestion, particularly with reference to its effect on the small producer. The Baking Industry similarly distributed a list of standards to the members of their Council but no further action was taken. The Metal Window Industry distributed the recommendations "to all industry members for their study and report" and practically every member reported himself favorable to their adoption. In the case of the Electro-Plating, Metal Polishing and Metal Finishing Industry, a committee was appointed on October 6, 1934, which recorded its conviction "that every worker in this industry is entitled to a healthful, sanitary and safe environment in which to work". It "examined carefully all the (safety) codes, ..., the safety laws and regulations of the major industrial states and consulted many authorities."

In their letter, they declare that they "have selected, adopted and written such provisions as will help to create the desired conditions." The attitude of this committee toward its task was illustrated by the following paragraph of its letter:

"These conditions are desirable for other reasons. Good housekeeping is an asset to every industrial organization. It enhances the industry's reputation with the trades which it serves. It increases efficiency and lowers production and maintenance costs. It reduces insurance rates. This is the first attempt to write a complete set of health and safety standards for this industry. There are no doubt imperfections. In order to assist the supplementary code authority to perfect these standards, industry members should notify their representatives of necessary or advisable changes." (*)

Another code authority, Excelsior and Excelsior Products, invited representatives of the Department of Labor Committee to discuss the entire subject at their meeting and then appointed a special committee to complete the consideration of the individual items. In the case of the Trucking Industry, the provision for safety and health standards within the code stimulated general interest in the matter and finally led not only to the adoption of a set of standards but also to the organization within the industry of an extensive safety program which has been continued by the industry since the invalidation of the code, special attention being devoted to the selection and training of drivers.

A special problem existed in the case of industries located principally in the more progressive states. In such cases it was recommended that uniform regulations be developed on the basis of both state regulations and the suggestions of the Department of Labor's Committee in order that deficiencies in existing standards might be corrected; and that new entrants into the industry in less progressive states would be from the beginning bound by the standards established in the code.

In a few cases the feeling against drafting standards additional to those prevailing in the particular states was so strong that little could be achieved. In the case of the Steel Plate Fabricating Industry, the code authority felt that "there was too much interference with state and insurance regulations and that these latter two sufficiently covered the ground and had proven satisfactory in actual operation." ** Another code authority objected to the principle that safety or health should be considered by the Federal Government. Rather it believed that this type of regulation should remain in the states, since "any effort on the part of the code authority would do little to improve general standars."*** These arguments were met by an explanation of

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* Letter in N.R.A. Files - Safety and Health.

**Code History of Steel Plate Fabricating Industry p. 43.

***Code History of the Alloys Industry, p. 36.

the mechanics of Workmen's Compensation, state safety laws, insurance company regulations and safety problems.

In general the proposals made by the Department of Labor's Committee were well received as the proposed standards were generally limited to items which had been accepted as practical either by the American Standards Association, progressive state legislation, or progressive establishments. In every case emphasis was placed upon those items which concerned the outstanding causes of accident and disease in the particular industries.

An increasing display of interest by industries was evident throughout the last few months of the N.R.A. period in the development of adequate machinery for drafting standards and developing methods of administration. It was necessary, nevertheless, to approach the code authorities individually in order to engage them in this effort in more than a perfunctory manner. Many code authorities located in Washington were visited and their plans were reviewed by the representatives of the Department of Labor's Committee Assistance was offered in collecting necessary data and drafting standards. Nevertheless, the initial task of drafting some 300 sets of standards absorbed so much of the time of the staff of the Committee that contacts necessarily were limited. Furthermore, the financial difficulties of a number of code authorities interfered with the proper consideration of standards. The Retail Monument Industry was required in its code, in addition to providing "a safe and healthy working environment," also to "take steps to reduce the dust in the air breathed by the employees to such an amount as may be approved from time to time by the United States Public Health Service."(*) It had been found by the Public Health Service that the prevailing types of respirators were inadequate. For that reason the above provision was incorporated. The code authority appointed a committee to study the most efficient type of dust protection machines for use in the Monument Industry. But this committee "was unable to conduct a thorough study because of the lack of sufficient funds to carry out this work." Thus no progress was made and no effective liaison was established with the United States Public Health Service. In the case of the Restaurant Industry, the failure of the code authority to get underway seriously hindered the activities of the special sanitation committee.

Another type of situation which tended to divert attention from the proper administration of safety and health provisions was the preoccupation of code authorities in the primary code problems. In the case of the Plumbing Fixtures Code Authority, the Deputy Administrator instructed the administrative officials not to press these matters since "this industry was seriously considering the delection of the trade practice provision from the code. This took the entire time and attention of the Code Authority so that nothing further was done." **

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* National Recovery Administration, <u>Codes of Fair Competition,</u> V. VIII, p. 519.

** <u>Code History of the Plumbing Fixtures Industry</u>, p 54 - 55.

Most of the code authorities, nevertheless, appointed safety and health committees to consider the matter of standards. Upon the receipt of these proposed standards by N.R.A., a complete review of them was made by a special division of the Research and Planning Division, by the various Advisory Boards, and by the Department of Labor's Committee on Safety and Health Standards in N.R.A. Codes, which was usually called upon to furnish the technical review of the documents. It operated through the Labor Advisory Board staff since for a large part of its history the Chairman of the Committee was a member of the staff of the Labor Advisory Board. The reports of the Department of Labor's Committee were likewise transmitted to the Division of Research and Planning.(*) These comments led to frequent

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* Office Memorandum No. 298, (Oct. 8, 1934) re: Standards Provisions in Codes, reads as follows:

"1. This supersedes Office Memo. No. 292*, which is revoked.

"2. It shall be the duty of the Division of Research and Planning to pass upon the adequacy of standards and to evaluate the economic consequences of their establishment. Therefore, whenever, in accordande with the provisions of a Code of Fair Competition a Code Authority submits
(a) Standards of quality for a product or service of the industry
(b) Standards for safety and health of employees in the industry
such submission shall be referred to this Division for examination and report, which report shall accompany the Deputy's recommendations to the National Industrial Recovery Board.

"3. The Division of Research and Planning shall check all such proposals with established agencies, such as the Bureau of Standards, the Bureau of Agric. Economics, or the Secretary of Labor's Committee on Standards for Safety and Health.

"4. Centering responsibility for this review in Research and Planning will in no case prevent those preparing the standards provisions from free consultation with these or other agencies.

By direction of the National Industrial Recovery Board."
G.A. Lynch, Administrative Officer.

* Office Memorandum No. 292 was dated September 17, 1934.

Note: The Advisory Council, on Oct. 30, 1934, recommended that "a provision be outlined in the Office Manual for review of standards of safety and health by the Labor Advisory Board as well as the Division of Research and Planning, (See National Recovery Adm., Advisory Council Decisions, V. I, p. 62, Decision No. 71 Oct. 30, 1934). In a supporting memorandum to the National Industrial Recovery Board, the Advisory Council indicated that it favored this proposal because "the Labor Advisory Board has sponsored these developments since its beginning. It has an expert staff which can cope with the mass of detail involved...The Industrial Advisory Board would have been included in the recommendation had it so desired, but it stated that it did not wish to review the prosals in detail." (Letter from W. K. Thorp, Chairman of the Advisory Council to the National Industrial Recovery Board, November 9, 1934. See N. R. A. Files, Safety and Health).

conferences with the representatives of the code authorities. Revisions were generally worked out after the discussion of the points of difference. Most of the approved standards resulted from such conferences.

The result of this activity was that fifty-two industries actually submitted standards for safety and health to the N. R. A. before its invalidation. Of this number, twelve were actually approved by the Administration.* The attitude displayed by these industries is interestingly illustrated by the foreword to the safety and health standards for the Crushed Stone, Sand and Gravel and Slag Industry. Mr. Otto Graves, Chairman of the Code Authority, declared;

> "These standards were prepared in response to that code provision which placed upon the Code Authority responsibility for the discharge of this duty. They are presented to you in this booklet and should be adhered to faithfully. The improvement of the health of our workers and the reduction of accidents will not only be a marked contribution to the public welfare of our industries but these standards are also of value from an economic standpoint.
>
> "The standards constitute persuasive evidence of the opportunities developed out of joint action by our industries and it is worthy of comment that without the instrumentalities afforded by the National Recovery Act, of which we have availed ourselves, we could not have made the progress these standards represent. They tend to demonstrate clearly that industry given the right to do so, possesses the capacity to regulate itself for the common welfare."**

(*) These industries are: (Name - Code Number)

Crushed Stone, Sand and Gravel and Slag (109)
Broom Manufacturing (465)
Dental Goods and Equipment Trade (482)
Electrical Contracting (244-F)
Flavoring Products (516)
Lightning Rod (594)
Metal Window (305)
Pickle Packing (524)
Preformed Plastic Products (359)
Preserved Maraschino Cherry and Glace Fruit (460)
Sand Lime Brick (365)
Optical Retail Trade (454)

(**) Code Authority For the Crushed Stone, Sand and Gravel, and Slag Industries, <u>Standards for Safety and Health for the Crushed Stone, Sand and Gravel, and Slag Industries,</u> Approved by the National Industrial Recovery Board, December 7, 1934. Exhibit I - "D" -

In addition to the formulation of safety and health standards it was expected that the individual code authorities would undertake a complete program of accident prevention through a program for statistical reporting to determine the major cause of accidents within the industry. It was planned that each member of the industry would report every accident to the code authority to be regularly tabulated by the Department of Labor's Committee. Such a program was developed for use by the code authorities but only industry which had a plan formally approved was the Crushed Stone, Sand and Gravel, and Slag Industries. although the plan for the Preformed Plastic Products Industry was on the verge of approval at the time of the invalidation of N. R. A. The type of statistical program which was contemplated is suggested by the forms approved for the Crushed Stone, Sand and Gravel and Slag Industries. All accidents were to be reported to the code authority each month and the case of accidents not completed within a reporting period, a supplementary form entitled "Final Accident Report Blank" was to be filled out. These forms had been widely distributed throughout the industry at the time N. R. A. was invalidated.

The second group of industries which submitted standards for consideration by N.R.A. were the seventeen industries which had had their standards approved by the Labor Advisory Board but not by the Administration.* In this group the Metal Treating and the River and Harbor Improvement Industries had submitted accident reporting forms for approval. The reasons for the delay in final approval varied somewhat among these industries. Principally they were: the slowness with which the Administration acted; the internal legal difficulties in some cases of determining whether these standards were to be approved or merely "acknowledged"; the objection of the legal division to vagueness of phraseology; the objection of the Industrial Advisory Board to the inclusion of standards by reference; and the reluctance of

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(*) Industries with standards approved by the Labor Advisory Board and not finally approved by N.R.A.: (Name of Industry - Code Number):

Commercial Fixtures (415)
Electro Plating, Metal Polishing and Metal Finishing (84-46)
Hand Bag Frame (84-45)
Industrial Safety Equipment Industry and Trade (315)
Painting, Paperhanging and Decorating (244-2)
Resilient Flooring Contracting (244-10)
River and Harbor Improvement (434)
Specialty Accounting Supply Manufacturing (432)
Textile Print Roller Engraving (324)
Umbrella Frame and Umbrella Hardware (386)
Window Glass (533)
Wire Rod and Tube Die (250)
Importing Trade (487)
Abrasive Grain (438)
Grinding Wheels (170)
Galvanized Wall (84 A-1)
Metal Treating (367)

Administration officials to move quickly when they were inadequately informed on the subject itself and had to await advice.

In the final group were the remaining twenty-three industries whose standards had been submitted but not approved by the Labor Advisory Board. In most of these cases conversations and negotiations to improve the standards or to obtain some change in or addition to their content were still being carried on with the industry.*

The above is the record of the progress in the adoption of standards for safety and health. Code authorities, at the time of the invalidation of N.R.A., had begun to investigate the subject and largely under the stimulus of the Labor Advisory Board staff and the Department of Labor's Committee desirable results were in prospect. Internal Administration misunderstanding on the exact legal status of the standards retarded progress. However, significant results were available in a few industries and great promise was shown by others.

(*) In this group were to be found the following industries:
(Name of Industry - Code Number)
Steel Package Manufacturing (84-25)
Standard Steel Barrel (84-26)
Galvanized Ware (84-27)
Washing Machine Parts (84-29)
Milk and Ice Cream Can (84-30)
Refrigeration Valves and Fittings (84-51)
File Manufacturing Division of the Fabricated Metals Industries (84-54)
Excelsior and Excelsior Products (146)
Smelting and Refining of Secondary Metals into Brass and Bronze Alloys (173)
Electrotyping and Stereotyping (179)
Mason Contracting (244-7)
Plumbing Contracting (244-9)
Corrugated and Solid Fibre Shipping Container (245)
Secondary Aluminum (268)
Wholesale Tobacco Trade (462)
Nickel and Nickel Alloys (443)
Trucking (278)
Canning Industries (446)
Fibre Wallboard (326)
Upholstery Spring and Accessories (329)
Collapsible Tube (345)
Insulation Board (353)
Clay and Shale Roofing Tile (389)

N. R. A.'s chief interest was, however, in achieving the immediate stabilization of wage and hour conditions and trade practices and thereby halting the deflation movement. Necessarily, the major interests of the code authorities were centered in the successful operation of these provisions. Their time, money and thought were directed to these fields. In fact, generally, prices and trade practices were the predominant interests. It is only in those industries in which efforts to shaping safety and health programs were started early in the history of the code authority, or where the problems were particularly serious that an active interest was developed within the short period of N.R.A. Even in these cases it required the constant contact of N.R.A. agencies, the Labor Advisory Board staff, or the Department of Labor's Committee to assure substantial progress. Primarily, the slowness of the movement was due to the need for prior organization within the industry and N.R.A. machinery, much of which was slowly developed and operated clumsily during the period after its establishment. So late were these administrative facilities in coming that the problem of safety and health could not be presented to an industry body for months after the effective date of the code. As smooth running machinery was developed, finances collected, activities organized, the problem of organizing a safety and health movement came to be considered more seriously. Misunderstanding of the purpose, method and applicability abounded but discussion of these points helped to unfold new aspects of the problem.

The preliminary stages in the program for promoting safety and health in industry had been canvassed. The technique for stimulating industry interest, the methods of organizing code authority committees, the types of standards best adapted to the several industries, the form of permanent organization, the statistical arrangements for reporting experience were worked out in a number of instances. While not all angles had been developed enough experience was gained to ensure progress if continued. These gains were practically confined, however, to the sphere of the National Code Authorities. No plan for local operation and administration was made available nor was a program for inspection and compliance developed. In view of the difficulties met with in N.R.A. compliance, generally it was practically impossible even to consider the problem of enforcement of safety and health rules during the period N.R.A. existed. As a matter of fact, the delay in the approval of standards prevented even consideration of the problem of compliance.

In view of the fact that the complaint system was found inadequate for obtaining enforcement of the major labor provisions, it is hardly likely that it would have proved adequate in this field. Inspection of plants would have been required not only to ascertain conditions, but also to make possible suggestions of changes in plant construction or lay-out and to permit the proper period of adjustment and correction necessary to obtain voluntary compliance. Plans were being considered for integrating the compliance functions of the N.R.A. with those of the various states, insurance companies, Federal agencies and others engaged in the same activities. The development of a rounded program for education, research, inspection and enforcement was conceived to be necessary to effect a good safety and health program that would reach down to the individual establishment.

N.R.A. showed that substantial progress can be made by getting private industry, under Government guidance, to achieve improvement in safety and health standards. Federal regulation has tremendous advantages, for it can approach this problem on an industry rather than a state basis. Industry has generally considered these problems nationally and welcomed national uniformity.

The safety movement was measurably strengthened by N.R.A.'s activities. While interest in safety promotion had been widespread, no similar sweeping national effort had previously been undertaken. N.R.A. reached most industries and industrial workers. The plan was to develop the safety effort on a long-range basis to include: the standardizing and assembling of available knowledge; the establishment of the requisite organizations in each industry for the education of all members; the promotion of safety measures among all members, large and small, in both rural and metropolitan areas; and the enforcement of minimum requirements approved by industry and the Government. The leaders of a number of industries devoted themselves actively to the development of an adequate program. These efforts were promising for a more far-reaching safety movement. A few industries have since carried on the work begun under N.R.A., but in a more modest manner and without the same persistent vigor. The results demonstrated under the N.R.A., which hardly had time to take effect before 1935, were encouraging as the possibilities for a Government sponsored safety movement particularly as part of a plan of industrial control.

OFFICE OF THE NATIONAL RECOVERY ADMINISTRATION
THE DIVISION OF REVIEW

THE WORK OF THE DIVISION OF REVIEW

Executive Order No. 7075, dated June 15, 1935, established the Division of Review of the National Recovery Administration. The pertinent part of the Executive Order reads thus:

> The Division of Review shall assemble, analyze, and report upon the statistical information and records of experience of the operations of the various trades and industries heretofore subject to codes of fair competition, shall study the effects of such codes upon trade, industrial and labor conditions in general, and other related matters, shall make available for the protection and promotion of the public interest an adequate review of the effects of the Administration of Title I of the National Industrial Recovery Act, and the principles and policies put into effect thereunder, and shall otherwise aid the President in carrying out his functions under the said Title.

The study sections set up in the Division of Review covered these areas: industry studies, foreign trade studies, labor studies, trade practice studies, statistical studies, legal studies, administration studies, miscellaneous studies, and the writing of code histories. The materials which were produced by these sections are indicated below.

Except for the Code Histories, all items mentioned below are scheduled to be in mimeographed form by April 1, 1936.

THE CODE HISTORIES

The Code Histories are documented accounts of the formation and administration of the codes. They contain the definition of the industry and the principal products thereof: the classes of members in the industry; the history of code formation including an account of the sponsoring organizations, the conferences, negotiations and hearings which were held, and the activities in connection with obtaining approval of the code; the history of the administration of the code, covering the organization and operation of the code authority, the difficulties encountered in administration, the extent of compliance or non-compliance, and the general success or lack of success of the code; and an analysis of the operation of code provisions dealing with wages, hours, trade practices, and other provisions. These and other matters are canvassed not only in terms of the materials to be found in the files, but also in terms of the experiences of the deputies and others concerned with code formation and administration.

The Code Histories, (including histories of certain NRA units or agencies) are not mimeographed. They are to be turned over to the Department of Commerce in typewritten form. All told, approximately eight hundred and fifty (850) histories will be completed. This number includes all of the approved codes and some of the unapproved codes. (In <u>Work Materials No. 18, Contents of Code Histories</u>, will be found the outline which governed the preparation of Code Histories.)

(In the case of all approved codes and also in the case of some codes not carried to final approval, there are in NRA files further materials on industries. Particularly worthy of mention are the Volumes I, II and III which constitute the material officially submitted to the President in support of the recommendation for approval of each code. These volumes

set forth the origination of the code, the sponsoring group, the evidence advanced to support the proposal, the report of the Division of Research and Planning on the industry, the recommendations of the various Advisory Boards, certain types of official correspondence, the transcript of the formal hearing, and other pertinent matter. There is also much official information relating to amendments, interpretations, exemptions, and other rulings. The materials mentioned in this paragraph were of course not a part of the work of the Division of Review.)

THE WORK MATERIALS SERIES

In the work of the Division of Review a considerable number of studies and compilations of data (other than those noted below in the Evidence Studies Series and the Statistical Materials Series) have been made. These are listed below, grouped according to the character of the material. (In _Work Materials No. 17, Tentative Outlines and Summaries of Studies in Process_, these materials are fully described).

Industry Studies

Automobile Industry, An Economic Survey of
Bituminous Coal Industry under Free Competition and Code Regulation, Economic Survey of
Construction Industry and NRA Construction Codes, the
Electrical Manufacturing Industry, The
Fertilizer Industry, The
Fishery Industry and the Fishery Codes
Fishermen and Fishing Craft, Earnings of
Foreign Trade under the National Industrial Recovery Act
  Part A - Competitive Position of the United States in International Trade 1927-29 through 1934.
  Part B - Section 3 (e) of NIRA and its administration.
  Part C - Imports and Importing under NRA Codes.
  Part D - Exports and Exporting under NRA Codes.
Forest Products Industries, Foreign Trade Study of the
Iron and Steel Industry, The
Knitting Industries, The
Leather and Shoe Industries, The
Lumber and Timber Products Industry, Economic Problems of the
Men's Clothing Industry, The
Millinery Industry, The
Motion Picture Industry, The
Migration of Industry, The: The Shift of Twenty-Five Needle Trades From New York State, 1926 to 1934
National Income, A study of,
Paper Industry, The
Production, Prices, Employment and Payrolls in Industry, Agriculture and Railway Transportation, January 1923, to date
Retail Trades Study, The
Rubber Industry Study, The
Statistical Background of NRA
Textile Industry in the United Kingdom, France, Germany, Italy, and Japan
Textile Yarns and Fabrics
Tobacco Industry, The
Wholesale Trades Study, The

Women's Apparel Industry, Some Aspects of the

Trade Practice Studies

Commodities, Information Concerning: A Study of NRA and Related Experiences in Control
Distribution, Manufacturers' Control of: A Study of Trade Practice Provisions in Selected NRA Codes
Design Piracy: The Problem and Its Treatment Under NRA Codes
Electrical Mfg. Industry: Price Filing Study
Fertilizer Industry: Price Filing Study
Geographical Price Relations Under Codes of Fair Competition, Control of
Minimum Price Regulation Under Codes of Fair Competition
Multiple Basing Point System in the Lime Industry: Operation of the
Price Control in the Coffee Industry
Price Filing Under NRA Codes
Production Control Under NRA Codes, Some Aspects of,
Resale Price Maintenance Legislation in the United States
Retail Price Cutting, Restriction of, with special Emphasis on The Drug Industry.
Trade Practice Rules of The Federal Trade Commission (1914-1936): A classification for comparison with Trade Practice Provisions of NRA Codes.

Labor Studies

Employment, Payrolls, Hours, and Wages in 115 Selected Code Industries 1933-1935
Hours and Wages in American Industry
Labor Program Under the National Industrial Recovery Act, The
  Part A. Introduction
  Part B. Control of Hours and Reemployment
  Part C. Control of Wages
  Part D. Control of Other Conditions of Employment
  Part E. Section 7(a) of the Recovery Act
PRA Census of Employment, June, October, 1933
Puerto Rico Needlework, Homeworkers Survey

Administrative Studies

Administrative and Legal Aspects of Stays, Exemptions and Exceptions, Code Amendments, Conditional Orders of Approval
Administrative Interpretations of NRA Codes
Administrative Law and Procedure under the NIRA
Agreements Under Sections 4(a) and 7(b) of the NIRA
Approved Codes in Industry Groups, Classification of
Basic Code, the -- (Administrative Order X-61)
Code Authorities and Their Part in the Administration of the NIRA
  Part A. Introduction
  Part B. Nature, Composition and Organization of Code Authorities
  Part C. Activities of the Code Authorities
  Part D. Code Authority Finances
  Part C. Summary and Evaluation

Code Compliance Activities of the NRA
Code Making Program of the NRA in the Territories, The
Code Provisions and Related Subjects, Policy Statements Concerning
Content of NIRA Administrative Legislation
  Part A. Executive and Administrative Orders
  Part B. Labor Provisions in the Codes
  Part C. Trade Practice Provisions in the Codes
  Part D. Administrative Provisions in the Codes
  Part E. Agreements under Sections 4(a) and 7(b)
  Part F. A Type Case: The Cotton Textile Code
Labels Under NRA, A Study of
Model Code and Model Provisions for Codes, Development of
National Recovery Administration, The: A Review and Evaluation of its Organization and Activities
NRA Insignia
President's Reemployment Agreement, The
President's Reemployment Agreement, Substitutions in Connection with the
Prison Labor Problem under NRA and the Prison Compact, The
Problems of Administration in the Overlapping of Code Definitions of Industries and Trades, Multiple Code Coverage, Classifying Individual Members of Industries and Trades
Relationship of NRA to Government Contracts and Contracts Involving the Use of Government Funds
Relationship of NRA with other Federal Agencies
Relationship of NRA with States and Muncipalities
Sheltered Workshops Under NRA
Uncodified Industries: A Study of Factors Limiting the Code Making Program

Legal Studies

Anti-Trust Laws and Unfair Competition
Collective Bargaining Agreements, the Right of Individual Employees to Enforce Provisions of
Commerce Clause, Possible Federal Regulation of the Employer-Employee Relationship Under the
Delegation of Power, Certain Phases of the Principle of, with Reference to Federal Industrial Regulatory Legislation
Enforcement, Extra-Judicial Methods of
Federal Regulation through the Joint Employment of the Power of Taxation and the Spending Power
Government Contract Provisions as a Means of Establishing Proper Economic Standards, Legal Memorandum on Possibility of
Intrastate Activities Which so Affect Interstate Commerce as to Bring them Under the Commerce Clause, Cases on
Legislative Possibilities of the State Constitutions
Post Office and Post Road Power -- Can it be Used as a Means of Federal Industrial Regulation?
State Recovery Legislation in Aid of Federal Recovery Legislation History and Analysis
Tariff Rates to Secure Proper Standards of Wages and Hours, the Possibility of Variation in
Trade Practices and the Anti-Trust Laws
Treaty Making Power of the United States
War Power, Can it be Used as a Means of Federal Regulation of Child Labor?

THE EVIDENCE STUDIES SERIES

The Evidence Studies were originally undertaken to gather material for pending court cases. After the Schechter decision the project was continued in order to assemble data for use in connection with the studies of the Division of Review. The data are particularly concerned with the nature, size and operations of the industry; and with the relation of the industry to interstate commerce. The industries covered by the Evidence Studies account for more than one-half of the total number of workers under codes. The list of these studies follows:

Automobile Manufacturing Industry
Automotive Parts and Equipment Industry
Baking Industry
Boot and Shoe Manufacturing Industry
Bottled Soft Drink Industry
Builders' Supplies Industry
Canning Industry
Chemical Manufacturing Industry
Cigar Manufacturing Industry
Coat and Suit Industry
Construction Industry
Cotton Garment Industry
Dress Manufacturing Industry
Electrical Contracting Industry
Electrical Manufacturing Industry
Fabricated Metal Products Mfg. Industry and Metal Finishing and Metal Coating Industry
Fishery Industry
Furniture Manufacturing Industry
General Contractors Industry
General Contractors Industry
Graphic Arts Industry
Graphic Arts Industry
Gray Iron Foundry Industry
Hosiery Industry
Infant's and Children's Wear Industry
Iron and Steel Industry
Leather Industry
Lumber and Timber Products Industry
Mason Contractors Industry
Men's Clothing Industry
Motion Picture Industry
Motor Vehicle Retailing Trade
Needlework Industry of Puerto Rico
Painting and Paperhanging Industry
Photo Engraving Industry
Plumbing Contracting Industry
Retail Lumber Industry
Retail Trade Industry
Retail Tire and Battery Trade Industry
Rubber Manufacturing Industry
Rubber Tire Manufacturing Industry
Shipbuilding Industry
Silk Textile Industry
Structural Clay Products Industry
Throwing Industry
Trucking Industry
Waste Materials Industry
Wholesale and Retail Food Industry
Waste Materials Industry
Wholesale and Retail Food Industry
Wholesale Fresh Fruit and Vegetable Industry
Wool Textile Industry

THE STATISTICAL MATERIALS SERIES

This series is supplementary to the Evidence Studies Series. The reports include data on establishments, firms, employment, payrolls, wages, hours, production capacities, shipments, sales, consumption, stocks, prices, material costs, failures, exports and imports. They also include notes on the principal qualifications that should be observed in using the data, the technical methods employed, and the applicability of the material to the study of the industries concerned. The following numbers appear in the series:
9675.

Asphalt Shingle and Roofing Industry
Business Furniture
Candy Manufacturing Industry
Carpet and Rug Industry
Cement Industry
Cleaning and Dyeing Trade
Coffee Industry
Copper and Brass Mill Products Industry
Cotton Textile Industry
Electrical Manufacturing Industry
Fertilizer Industry
Funeral Supply Industry
Glass Container Industry
Ice Manufacturing Industry
Knitted Outerwear Industry
Paint, Varnish, and Lacquer, Mfg. Industry
Plumbing Fixtures Industry
Rayon and Synthetic Yarn Producing Industry
Salt Producing Industry

9675.