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Johns-Manville

TWENTY-TWO EAST FORTIETH STREET
NEW YORK, N.Y.

January 22, 1935

Formation of Air Hygiene Foundation

Mr. M. F. Judd, Secretary,
Raybestos-Manhattan, Inc.,
Bridgeport, Conn.

Re: Mellon Institute of Industrial Research
Symposium on Dust Problems

Dear Mr. Judd:

As I indicated to you over the telephone this afternoon, I am enclosing a copy of a memorandum I prepared for Mr. Lewis H. Brown regarding my trip to Pittsburgh last Tuesday, January 15th, to attend the Symposium on Dust Problems held under the auspices of the Mellon Institute of Industrial Research.

Very truly yours,

Vandiver Brown

Vandiver Brown
Attorney

VB:T
Enclosure

JAN 30 1935

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Formation of AHF/IHF industry outfit

MEMORANDUM RE:- MELLON INSTITUTE OF INDUSTRIAL RESEARCH SYMPOSIUM ON DUST PROBLEMS - PITTSBURGH- JAN.15, 1935

On or about December 12, 1934 the Mellon Institute of Industrial Research addressed letters to some 85 industries having industrial disease problems inviting them to attend a meeting to be held under the auspices of the Institute on the 15th day of January. One of these invitations was received by the Asbestos Institute and, although the Asbestos Institute did not accept and was not officially represented, Johns-Manville Corporation requested and obtained permission to send a representative. The invitations expressly stated that "attendance at this meeting need entail no obligation".

Johns-Manville was represented at the meeting by the writer of this memorandum. Approximately 250 people were present repesenting over 50 industries which had accepted the invitation of the Mellon Institute. The Mellon Institute was greatly surprised at the remarkable response and it is my opinion that one cannot find a better indication of the serious nature of the problems it was the purpose of the meeting to discuss.

I was able to ascertain that the Mellon Institute had been prompted to call the meeting by representatives of the sand and glass and the refractories industries. Representatives of these industries conferred with Mr. E. R. Weidlein, Director of the Institute, and after advising him of the nature of their problem, of its wide-spread character and numerous menacing aspects, suggested the need of some form of concerted action on the part of those industries presently or potentially involved. I understand that Mr. F. W. Sherwood, Vice-President of Owens-Illinois Glass Company and Mr. Roger Hitchins, President of the American Refractories Institute, were the persons who presented the situation to the Mellon Institute. Mr. Weidlein, on behalf of the Institute, agreed to cooperate to the extent of calling the meeting and having the representatives spend a day in Pittsburgh as the guests of the Institute. There was some preliminary discussion as to the possibility of using the Mellon Institute as a clearing house for information and research upon aspects of the problem common to all industries but definite commitments were postponed until after the holding of the meeting.

An impressive list of experts specializing upon various aspects of the dust problem attended the meeting and

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delivered addresses. Among these were Mr. A. C. Hirth, a lawyer associated with Williams, Eversman and Morgan, Toledo, Ohio, attorneys for Owens-Illinois Glass Company; Dr. Eugene P. Pendergrass of the X-ray Laboratory, University Hospital, Philadelphia; Dr. A. J. Lanza, Assistant Medical Director of the Metropolitan Life Insurance Company; Dr. R. R. Sayers, Medical Officer in Charge of U. S. Public Health Service; Professor Philip A. Drinker of the School of Public Health, Harvard University; Mr. F. Robertson Jones, General Manager, Association of Casualty and Surety Executives; and Mr. Donald E. Cummings, Assistant Director, Saranac Laboratory for Study of Tuberculosis.

The addresses delivered by these specialists, together with the open discussion that followed them, revealed, among other things, the very menacing character of the problem, its complex nature, the uncertainties attending most of its aspects and the necessity of some form of united action by the afflicted industries.

It was recognized that some aspects of the problem were peculiar to special industries but it was equally evident that other aspects were common to all. For example, only two forms of dust, namely, free silica and asbestos, are definitely known to produce disabling fibrosis of the lung. Even in the case of these dusts the problems resulting therefrom are quite different since the fibrosis resulting from silica is of a much more serious character than that resulting from asbestos in that the former predisposes to tuberculosis and is much more likely to have a fatal termination. On the other hand (and this illustrates one of the most serious aspects of the problem that is common to all dust producing industries) the fact that no other dust is known to produce disability has not prevented entirely groundless claims aggregating millions and even hundreds of millions of dollars being brought against industries which have no silica or asbestos dust hazard. For example, Dr. Lanza pointed out that no one had ever maintained that gypsum dust was harmful and yet, nevertheless, the gypsum industry had suits pending against it covering claims in excess of four million dollars.

It appeared that among the problems common to all industries were the following:

(1) The menace of ambulance chasing lawyers in combination with unscrupulous doctors. The uncertainties surrounding diagnosis of any of the various forms of pneumonoconiosis are so many that a question of fact is presented in every case. Expert testimony can be produced by both plaintiff and defendant and it is for the jury to decide whose experts are

correct in their interpretations. In making this decision, the jury is not likely to favor the opinion of the experts produced by the employer.

(2) The desirability of making various dust diseases compensable under properly drawn workmen's compensation laws. One of the speakers stated that "the strongest bulwark against future disaster for industry is the enactment of properly drawn occupational disease legislation". Such legislation would (a) eliminate the jury and empower a Medical Board to pass upon the existence of the disease and the extent of the disability; (b) eliminate the shyster lawyer and the quack doctor since fees would be strictly limited by the law; and (c) permit the correcting of initial mistakes in the making of awards by providing for hearings to reduce or eliminate awards if proof could be adduced that the claimant was not disabled or that the extent of his disability had been overestimated.

(3) Problems of ventilation, dust collecting and elimination, and respiratory devices.

(4) The establishing of standards (a) for dust counting and particle size determination, (b) for the taking of X-rays for diagnostic use, and (c) for the interpretation of the markings on the films so produced.

At the close of the discussion a Mr. Kurtz, Vice-President of American Refractories Corporation, made a motion that Mr. William P. Yant, Chairman of the meeting appoint a nominating committee who would nominate a group of individuals to serve as a committee for the formulation of ways and means to bring about effective cooperation of some character between the various industries for meeting and combating those phases of the dust problem common to all. This motion was carried and a Nominating Committee appointed which retired and upon returning presented to the meeting the names of seven individuals to act as such Committee. No other names having been placed in nomination, the following were elected to act as the Committee and report back to the various industries and groups represented at the meeting or to whom the invitation had been originally extended:

Vandiver Brown representing Asbestos, Cork and Non-Metallic

Dr. B. D. Saklatwalla representing Chemical, Abrasives, Alloys and Non-ferrous metals

E. O. Jones representing Foundries

A. W. Sherwood representing Glass Sand, Ground Sand and Glass Manufacture

A. J. Gentholts representing Iron, Steel and Ores

A. J. R. Curtis representing Lime, Limestone, Cement and Gypsum

Roger A. Hitchins representing Refractories, Ceramics and Clays

I explained to the other members of the Committee that I had been sent to the meeting solely as an observer and had no authority from Johns-Manville Corporation to accept membership on the Committee and certainly none from the Asbestos Industry as a whole. I was urged, however, to meet with the Committee and agreed to do so on the condition that I might withdraw if approval of my serving in that capacity should not be forthcoming. I pointed out that members of the Asbestos Industry did not care to be associated in the minds of the public or of employees with those industries whose problem was silicosis and that for this reason I felt there might be some opposition to having a representative of the Asbestos Industry working with them. I did indicate, however, that I realized numerous aspects of our problem were the same and that if cooperation could be worked out without an undue amount of publicity, Johns-Manville Corporation and perhaps the Asbestos Industry as a whole, would in all likelihood be willing to cooperate. It was the opinion of the Committee that this condition would not present any insuperable difficulty.

Mr. Roger Hitchins, President of American Refractories Institute, was made Chairman of the Committee which held a meeting Tuesday evening after the close of the Symposium. Mr. Hitchins was designated to meet with Mr. Weidlein of the Mellon Institute and ask him to make a proposal in definite and concrete form as to the manner in which the Mellon Institute might be able to assist the various industries for a fee of $25,000. When this proposal has been received and approved by the members of the Committee, it will be submitted to the various industries with the recommendation that it be accepted and that the various industries or individual corporations agree to stand good for a proportionate amount of the fee not in excess of a definite specified sum.

I gathered that the proposal which would be made by the Mellon Institute would include, among others, the following:

(a) The compiling of a comprehensive bibliography of all books, treatises and publications dealing with any aspect of the dust problem; and the evaluation thereof.

(b) The compiling, digesting and correlating of data and information from various subscribing industries relative to their particular experiences.

(c) The drafting of approved workmen's compensation legislation covering pneumonoconiosis.

(d) The digesting of the laws of the various states which might affect the operations of industries presenting a dust hazard.

(e) The outlining of problems requiring research or the establishment of fixed standards and the prevention of duplication of effort and expense along these lines.

The interest with which the discussions were followed and the enthusiasm which greeted the proposal for unified effort lead me to believe that the necessary support will be found for some sort of program along the above lines.

VANDIVER BROWN
January 18, 1935

TEMPORARY ORGANIZATION COMMITTEE

INDUSTRIAL DUST PROBLEM

Room 900
1606 WALNUT STREET
PHILADELPHIA, PA.

February 5th, 1935.

REPORT AND RECOMMENDATION OF THE TEMPORARY-ORGANIZATION COMMITTEE WHICH WAS ELECTED AT THE "SYMPOSIUM ON DUST PROBLEMS" HELD AT PITTSBURGH, PA., JANUARY 15, 1935.

Dear Sir:

All individuals who attended the Symposium on Dust Problems held at Pittsburgh, Pa., January 15, 1935 and all Trade Associations which were addressed by Dr. Weidlein of Mellon Institute under date of December 1, 1934, are receiving copies of this letter.

The purpose of this letter is to ask if your Company or your Trade Association (as the case may be) will subscribe an amount not to exceed $500.00 for the establishment of a Coordinating Agency as the first move toward a study of the many existing phases of the industrial dust problem, together with a recommendation based on that study as to such further concerted action as may be possible and proper for all industry.

At an initial over all cost of $25,000.00 when pro-rated amongst the subscribers to the movement, the individual contributions required may be very materially less than $500.00 each, depending on the number of subscribers.

The enclosures will furnish full information to enable you to judge whether the plan proposed has sufficient merit to justify its cost, and whether your Company (or your Trade Association) should properly share in the initial cost on a pro-rata basis.

PLAINTIFF'S EXHIBIT
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It is of great importance that whatever is to be done should be started quickly. May I, therefore, ask that you reply to this letter as promptly as is possible?

Yours very truly,

Roger A. Hitchins
Chairman, Temporary Organization Committee
Elected in Pittsburgh, January 15, 1935.

Enclosures:

(1) A brief outline of the events leading up to and occurring at the "Symposium on Dust Problems" held in Pittsburgh, Pa., January 15, 1935.

(2) A brief outline of the discussion and action taken by the Temporary Organization Committee on January 15, 1935.

(3) A brief outline of the discussion and action taken by the Temporary Organization Committee at a special meeting held at the Duquesne Club, Pittsburgh, Pa., on Friday, February 1, 1935.

(4) Copy of a letter from Dr. E. R. Weidlein, Director of Mellon Institute dated January 21, 1935, together with a copy of the "Plan for Study of Dust Problems" referred to in Dr. Weidlein's letter.

(5) A tentative "Program of Initial Activities" (for a correlating agency) arranged in somewhat different form but which has the approval of Mellon Institute.

(6) A Form of Letter for your reply, which is suggested for your guidence, if your Company or Trade Association (as the case may be) is willing to participate in this movement.

Enclosure

(1) A brief outline of the events leading up to and occurring at the "Symposium on Dust Problems" held in Pittsburgh, Pa., January 15, 1935.

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On December 1, 1934, Dr. E. R. Weidlein, Director of Mellon Institute of Industrial Research, at Pittsburgh, wrote to more than eighty industries, in connection with the subject of industrial dust hazards. There are various types of so-called 'dust diseases', known generally as pneumonoconiosis, among which are silicosis, asbestosis, anthracosis, siderosis, and numerous others.

Dr. Weidlein's letter was written at the request of a few of the industries, in which the dust hazard exists, in an effort to determine whether sufficient interest existed to warrant having a meeting for a general discussion of this question, and with the basic idea that if such a meeting could be held it might be possible to establish a coordinating agency for the collection of all available data on silicosis and other dust diseases and its dissemination to the interested industries, and with the further thought that such an agency would later develop into a coordinating and planning body.

The response to Dr. Weidlein's letter was immediate and represented a large percentage of the industries to whom the original letter had been sent. In view of the wide-spread interest, Mellon Institute proceeded with arrangements for a "Symposium on Dust Problems". This meeting was held at the University Club, at Pittsburgh, Tuesday, January 15, and addresses were made by the following:

Mr. A. C. Hirth
Williams, Eversman & Morgan
Toledo, Ohio

Dr. R. R. Sayers
Medical Officer in Charge
U. S. Public Health Service
Washington, D. C.

Dr. A. J. Lanza
Assistant Medical Director
Metropolitan Life Insurance Co.
New York, N. Y.

Dr. Eugene P. Pendergrass
X-Ray Laboratory
University Hospital
Philadelphia, Pa.

Prof. Philip Drinker
School of Public Health
Harvard University
Boston, Mass.

Mr. F. Robertson Jones
General Manager, Association of Casualty
and Surety Executives
New York, N. Y.

Donald E. Cummings
Assistant Director, Saranac Laboratory for
Study of Tuberculosis
Edward L. Trudeau Foundation
Ironwood, Michigan

Dr. Samuel R. Haythorn
Director, Singer Memorial Laboratory
Pittsburgh, Pa.

Dr. Weidlein, of Mellon Institute, in opening the meeting explained that the interest of the Institute was simply the desire to assist industry toward a realization of the problem and the development of a possible program of activity. No reporters were present at this meeting and no stenographic notes were kept. Attendance was by registration only and there were present nearly two hundred representatives of many of the important industries who are affected by the dust problem.

At the conclusion of an excellent and extremely informative program, on motion from the floor a nominating committee was appointed to submit names of individuals in industries who would form a Temporary Organization Committee to develop plans and make a definite written recommendation to all of the registered attendance at the meeting, as well as to those industries originally invited, as to the formation of a permanent organization and its purposes.

The industries represented grouped themselves into seven general classes and the Nominating Committee report consisted of the nominations for a Temporary Organization Committee, with one representative for each of the following Groups of Industry:

GROUPS OF INDUSTRY

I. Asbestos, Cork and Non-metallic.
II. Chemical, Abrasives, Alloy and Non-ferrous Metals.
III. Foundries.
IV. Glass Sand, Ground Sand and Glass Manufacturers.
V. Iron, Steel and Iron Ore.
VI. Lime, Limestone, Cement and Gypsum.
VII. Refractories, Ceramics and Clays.

The report of the nominating committee was accepted by the meeting.

ROGER A. HITCHINS,
Chairman, Temporary
Organization Committee

Enclosure

(2) A brief outline of the discussion and action taken by the Temporary Organization Committee on January 15, 1935.

Following the adjournment of the general meeting in the late afternoon of January 16, 1935, a meeting was held of the Temporary Organization Committee at which time the undersigned was elected Chairman of the Committee.

The Committee was of the opinion that Mellon Institute of Industrial Research, Pittsburgh, was better qualified to conduct this work than any other agency. The Chairman was thereupon instructed to request Mellon Institute for a proposal which would outline the work which they would expect to do on Silicosis and other Dust Problems and the cost of doing it, in case industry in general desired the establishment of such a coordinating agency.

ROGER A. HITCHINS,
Chairman, Temporary
Organization Committee.

Enclosure

(3) A brief outline of the discussion and action taken by the Temporary Organization Committee at a special meeting held at the Duquesne Club, Pittsburgh, Pa., on Friday, February 1, 1936.

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On call of the Chairman, the Temporary Organization Committee met at Pittsburgh on Friday, February 1st, 1935.

Judging from the keen interest displayed at the "Symposium on Dust Problems" held in Pittsburgh, January 15th, 1935, it was the desire of those in attendance that a coordinating and correlating agency should be established for the purpose of making a complete study of all of the existing facts concerning the many phases of the industrial dust problem as affecting all industry, and a recommendation based thereon as to future action.

The letter from Dr. Weidlein of Mellon Institute dated January 21st, 1935, together with the "Plan for Study of Dust Problems" was read and discussed.

The maximum cost for the first year or for the first period of this work, which is estimated to require from six months to a year's time, will be $25,000.00.

The plan provides for the possible establishment of a permanent organization to be known as the Industrial Dust Institute (or by whatever other name may be selected) to be associated with Mellon Institute, and the details of whose membership and their contributions may be kept at Mellon Institute and will be entirely confidential.

Such permanent organization when formed to be directed by an Advisory Committee which will be elected by the contributing members, and whose function will be similar to that of a Board of Directors in co-operation with Mellon Institute in carrying out the purposes of the new Association.

A somewhat rearranged "Suggested Program of Initial Activities" for the correlating agency covering medical, preventive, legal, legislative and publicity features of the industrial dust problem was prepared and discussed with representatives of Mellon Institute and was approved by them.

From the fact that a number of interested industries have already expressed their willingness to underwrite this program to the extent of $500.00 each for the first year it appeared to the Temporary Organization Committee that the cost per individual contributor will be relatively small when considering the benefits which may result. The actual expenses will be pro-rated among those subscribing, thus if fifty members will underwrite proportionately the amount will be exactly $500.00 each. If eighty participate the amount will be only slightly more than $300.00 each, and less in the event of a larger number of subscribers. If the entire $25,000.00 is not required for the first phase of the work any balance will be carried over for future activities

or can be refunded proportionately to the contributors.

The Temporary Organization Committee feels that the importance of this subject to industry can scarcely be over-estimated; - and that this appears to be a most opportune time for all industry at reasonable cost to attempt to gather together in a central agency all of the existing information of all kinds on this subject as a basis for determining what further activities along this line are necessary or practical. The Dust Problem in every industry raises certain problems common to all, such as those concerned with Engineering (respirators, dust elimination and prevention), and the Medical, Legal and Legislative aspects.

The Chairman of the Temporary Organization Committee was thereupon directed to write to each individual who was present at the Symposium on January 15, 1935, as well as to the more than eighty Industrial Trade Associations who were addressed by Mellon Institute under date of December 1, 1934; - and transmit to them (a) the development leading up to and occurring at the Symposium on January 15, 1935, and (b) the developments occurring at the organization meeting of the Temporary Organization Committee on January 15, 1935, and (c) the plans proposed by and approved by Mellon Institute as to initial activities and objectives, and (d) a report of the discussions and recommendations of the Temporary Organization Committee meeting in Pittsburgh on Friday, February 1, 1935, and he was directed to request that those addressed should respond promptly with an indication as to whether or not they will support a permanent organization on the basis outlined.

ROGER A. HITCHINS,
Chairman, Temporary
Organization Committee.

MELLON INSTITUTE OF INDUSTRIAL RESEARCH

UNIVERSITY OF PITTSBURGH

Pittsburgh, Pa.

Enclosure
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January 21, 1935.

Mr. Roger A. Hitchins, President,
American Refractories Institute,
No. 1608 Walnut Street,
Philadelphia, Pa.

My dear Mr. Hitchins:

In accordance with your request as Chairman of the Organization Committee which was formed at the conference on dust problems held in Pittsburgh on January 15, we are giving you our ideas regarding the important problems involved and the type of organization that should be established. I am enclosing a plan for the study of dust problems and the organization chart.

If this work were to be centralized in Mellon Institute, it could be carried out as a part of our air hygiene research. The director appointed to handle the investigation would also be the head of the institution or organization which the industries would set up. In this way, the work could be carried out in a most confidential manner as to who was supporting the research and no one would know what industries or individuals were contributing to the fund. This would enable the organization to get soundly established, so that if later on it was desired to come out in the open this could be arranged.

Hoping that this gives you the information which you wish, I am

Sincerely yours,

(signed) E. R. Weidlein

Director

ERW-W
enclosures

COPY

Plan for Study of Dust Problems

I. Organization of the Industries.

It is necessary that there be some organization representing industries for the reason that no program of research investigation could be carried on without assurance of continuity and financial support. Such assurance could be given only by some body that had authority to speak for a sufficient number of industries or companies, and might be called The Industrial Dust Institute. If it seems inadvisable to effect such a separate organization, for reasons that may be sound, it is suggested that a group of individuals be chosen from industries or companies, such a group to be called, for example, Industries Advisory Board for the Study of Dust Problems. Affected industries and/or individual companies could contribute to this Board, which in turn could make contracts and disburse the monies.

The other primary functions of the Institute or Board would be to select the central agency to administer the activities later referred to in some detail (called, for convenience, the research agency), to keep in touch with that central agency, advise with it as to the program of work, and aid it in other obvious legitimate ways. Obviously, such central agency must be independent of any specific industry or group, it must have a broad outlook, a sympathetic understanding of the problem, and wide contacts with all cooperating agencies; and it must have the confidence of the industries, and of the physicians, engineers and all institutions, groups or individuals who might cooperate to advantage.

I. The work of the research agency.

Of primary importance in the initial stage is the collection of available data published and, as far as possible, unpublished.

These data must then be evaluated and correlated, and in this phase of the work it is assumed that it will be possible to secure the advice and cooperation of the recognized specialists in the fields of medicine, law, chemistry, physics and engineering. Evaluation should include the weeding out of data that cannot be considered as authoritative.

It will then be possible to prepare a comprehensive program designed to provide the industries concerned with legitimate protection.

In preparing to work out such a program, it would be necessary to compile a list of specialists in all fields who are engaged in a study of dust problems; to have determined any among them who may not be properly qualified and whose results might, therefore, not be entirely acceptable; to attempt as far as feasible to have investigational work correlated and synchronized; to be in position to make reasonable grants to qualified individuals or agencies to study special problems or phases of problems.

Some of the aspects that occur to mind are:

(a) The pathological and psychological effects of dusts of various kinds, alone and in combination; for this a classification of dusts is necessary.

(a) Important from both medical and legal standpoints is the preparation of court cases. On the medical side is also plant hygiene, insofar as it is affected by industrial dusts and fumes.

(b) A study of sampling devices and sampling methods, with the idea of further developing standards, and also to attempt to provide plant officials with simple portable apparatus which, while neither as delicate nor as accurate as the standard equipment, will enable them to keep a regular check on plant conditions and to know when the danger line is approached.

(c) Study of existing methods and cooperation in the development of improvements designed to minimize dust and fumes in the plant, as well as protective measures for workmen.

(d) Dissemination, through proper channels, of authoritative information.

(e) Maintaining contact as closely as possible with independent agencies and cooperating agencies engaged in studies of phases of the problem, and a program of such research experimentation as may be indicated.

(f) Study and synopsis of existing pertinent legislation (including compensation), and assistance in the preparation of safety codes and fair laws.

The place to start is in the collection and evaluation of available data, which must precede the formulation of the longer-time program.

III. Estimate of cost.

(a) The cost, if any, of operating the parent organization or Board.

(b) Cost of research agency. It is estimated that for the initial work of collecting and evaluating available data and preparing authoritative abstracts for dissemination, surveying the field and formulating a long-time program of constructive work, not less than $25,000 should be appropriated.

The time necessary for this initial phase cannot be predicted with certainty, but it is estimated that at least six months and not more than a year will be required.

After the conclusion of this period, it is certain that an effective program can be developed and would require a substantially larger budget.

IV. Organization chart.

The plan outlined above is shown broadly in the accompanying chart.

Enclosure
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CORRELATING AGENCY

SUGGESTED PROGRAM OF INITIAL ACTIVITIES

MEDICAL. (1) Secure from medical profession and health authorities as complete as possible information covering past and present research on Industrial Dust diseases.

(2) Study the assembled data and report and recommend (a) as to what phases have duplication of effort and (b) as to what phases should have further research; with the objective of enlisting the cooperation of American Medical Association in setting up authoritative and approved standards of diagnosis and correction.

PREVENTIVE. (1) Secure from all possible sources the existing available data on Industrial Dust hazards.

(2) Study the assembled data and report and recommend (a) as to present means of eliminating or minimizing those hazards and (b) as to what further should be done in that direction; with the objective of setting up authoritative and approved standards for the control of industrial dusts which, if complied with by industries, or by industrial companies, will act as a defense against personal injury suits.

LEGAL. (1) Secure from all affected industries their present experience as to personal injury suits and claims growing out of industrial dust hazards and claimed diseases; in complete detail as to name of claimant, amount involved, court of jurisdiction, prosecution and defense counsel, character of suit (or claim) together with a history of closed cases and the status of pending suits or claims.

(2) Study the assembled data and report and recommend (a) as to the aggregate amount of money loss which industry has experienced and with which industry is threatened as a whole and by divisions and (b) as to the instances where the situation appears to be a "racket" against industry and (c) what concerted action may be possible to be taken in pending cases and claims; with the objective of enlisting the co-operation of the American Bar Association and local Bar Associations in stopping the "racket."

LEGISLATIVE. (1) Secure from all States and Territories copies of existing or pending legislative enactments and existing court decisions affecting the dust hazard in industry, whether

LEGISLATIVE. (Contd)

workmen's compensation or occupational disease or common law.

(2) Study the assembled data and report and recommend (a) as to existing laws which properly protect both employer and employee and (b) as to such existing laws as do not properly protect both employer and employee; with the objective of securing the enactment of State laws, of a uniform character, which, when complied with, will fairly and properly protect the interest of industry and of those engaged in industry and of enlisting the co-operation of the Federal Government in that direction.

PUBLICITY.

Consider and recommend (a) the manner in which affected industries may be informed and be kept informed as to all phases of the industrial dust problem and (b) the manner in which governmental agencies and the public may be informed and be kept informed, and the propriety and advisability of doing so, as to the measures which are being and should be taken in the direction of protecting both human life and property.

Enclosure (6)

Mr. Roger A. Hitchins, Chairman
Temporary Organization Committee
Room 909, 1608 Walnut Street
Philadelphia, Penna.

Dear Sir:

We have your letter of February 6, 1935 and accompanying copy of letter from Mellon Institute of Industrial Research, outlining a program for the study of industrial dust hazards.

We are in full agreement with this program and with the method suggested for putting it into effect. We understand that the estimated expense for the first year is $25,000. In consideration of other similar contributions, we agree to contribute toward the initial expense of such a program the sum of five hundred dollars ($500) with the understanding that if the total contributions exceed $25,000, the amount of our contribution is to be proportionately reduced.

It is our understanding that when sufficient contributions have been received, a meeting of the contributors will be called for the purpose of effecting a permanent organization, and that contributions will be payable at such times as the directors of the proposed organization shall call for payment.

Yours truly,

THE INDUSTRIAL DUST PROBLEM

A Brief Narrative in explanation of the Temporary Organization Committee

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Admittedly the problem of industrial dust diseases is engaging the serious attention of a large number of industries and companies, and, in various places, a great deal of research has been and is being done on it.

Many phases of the problem are common to all those affected.

There is now no one place where there is available all information on all phases of the problem; and no concerted planning is being done either as to the present or future as to all of the many different phases.

Through the courtesy of the Mellon Institute (and at the request of several interested industries) there was held in Pittsburgh on January 15th, 1935, a Symposium on the Industrial Dust problem.

At that meeting a Temporary Organization Committee was elected with instructions to develop a plan and report back as to how, in its opinion, a start could best be made toward the establishment of a Permanent organization of some kind for a study of the industrial dust problem.

It appeared to the Temporary Organization Committee that the first step toward the formation of a permanent organization would be to try to formulate some general idea as to what should be done, how it might be done, and what it would cost. It also seemed that it will be necessary to find out what has been done, in the many places where things have already been done on many phases of the problem, before it can be determined what should be done next. Therefore, it seemed that a program of activity for a Permanent organization should be -

I. An attempt to gather together in one place all of the existing facts concerning the subject of the Industrial Dust Problem.
II. A study of those facts, and an attempt to evaluate them.
III. A report based on such study and a recommendation as to the future activities.
IV. The Cost.

After discussing the problem with a number of people, the Temporary Organization Committee was of the opinion that Mellon Institute, Pittsburgh, is probably best prepared to act as the "Central Clearing House" - Mellon Institute was therefore asked for a definite proposal along the foregoing lines. The proposal of Mellon Institute dated January 21st, 1935 was sent out with the letter from the Temporary Organiza-

tion Committee dated February 6th, 1935. Briefly, it was to the effect that for an overall sum of $25,000.00 Mellon Institute will (a) gather all the available facts and (b) study and evaluate them and (c) submit a definite report and recommendation.

Naturally Mellon Institute will expect the co-operation of everyone interested in the problem in the accomplishment of its objective and any unexpended monies can either be refunded or can be used in carrying out a future program.

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Invitations to the Symposium on the Industrial Dust Problem were sent to nearly one hundred Trade Associations and/or Code Authorities.

Nearly two hundred persons attended the Symposium at Pittsburgh on January 15th, 1935.

The report of the Temporary Organization Committee was sent on February 6th, 1935, to all those originally invited and to all those who attended, and copies of the report have since been sent to a considerable number of other Trade Associations and individual companies.

It was the thought of the Temporary Organization Committee that if the $25,000.00 were to be underwritten pro rata by fifty or more Trade Associations or individual companies, the amount of each subscription would not exceed $500.00 and it would be less as the number of subscribers should exceed fifty. Thus would be provided a nucleus of Trade Associations or individual companies who would be actively interested in the problem, and who could then form themselves into a permanent organization which would already have the assurance of a definite amount of available money.

The Temporary Organization Committee has planned as soon as the requisite number of fifty contributors has been assured, - to call a meeting of all contributors asking each of them to designate one individual who will have full power of representation in the formation of a permanent organization.

With the formation of a Permanent Organization, - the Temporary Organization Committee will have completed its duties.

The Permanent Organization - when formed by the contributors - will select its own officers or committees and will determine its own program and policies, and it is logical to assume that the direction of its activities will be placed in the hands of those who are best capable of directing it along the lines of Medical, Preventive, Legal, Legislative and Publicity problems.

No commitments of any kind have been made by the Temporary Organization Committee as to the future policies or program of a permanent organization if and when one is formed, except that it has been arranged so that contributions and membership can become known or can remain unknown as may be elected by the individual contributor.

----- o O o -----

In conclusion -

A large number of people have said that they believe that there should be a central clearing house, - or co-ordinating body - to represent all industry in connection with the industrial dust problem.

A Symposium has been held in Pittsburgh on January 15th, 1935.

A Temporary Organization Committee was elected to prepare a plan and recommendation as to a permanent organization.

This plan has been prepared and submitted (on February 6th, 1935).

Whether a permanent organization shall be formed, and how it shall be formed, and what shall be its program is now in the hands of those to whom this "narrative" is being sent.

Roger A. Hitchins
As Chairman -
Temporary Organization Committee.

OWENS-ILLINOIS GLASS COMPANY

MANUFACTURER OF Owens-Illinois GLASS CONTAINERS

GENERAL OFFICES

TOLEDO

March 21, 1935

Dr. L. R. Thompson,
U. S. Public Health Service,
Washington, D. C.

Dear Dr. Thompson:-

Enclosed are the initial and progress reports of the Temporary Organization Committee which was formed at the conclusion of the symposium on dust problems at Pittsburgh, January 15, 1935. You may have read these already, but when I heard from Mr. Hitchins(Mr. Hitchins is President of the American Refractories Institute) that your name was not on the mailing list, I asked that he send me these extra copies which I am now forwarding.

As a bystander, I have watched the progress made by Mr. Hitchins' Committee from its formation, with great interest. This has been possible because Mr. A. W. Sherwood, who is Vice-President of this Company, represents the glass sand, ground sand and glass container associations on the Temporary Organization Committee.. Through him I have seen some of the reactions of industry to the project. There has been some misunderstanding, unfortunately, as to the function of the Committee; although the "Narrative" of March 12 has undoubtedly clarified the matter,-- by re-stating that the Temporary Organization Committee has for its purpose the formation of interested trade associations and individual companies into a permanent organization which will have $25,000 to conduct a preliminary survey of the dust field -- under the guidance of an advisory board chosen from "dusty" experts, and following a detailed program to be worked out by this board.

The future of the project holds many rosy possibilities that the potential benefits to investigators and field workers,-in addition to industry itself, which is, of course, footing the bill -- are tremendous.

Mr. Sherwood is confident of the eventual success of the Committee in collecting fifty pledges. Time is required for them to come in, and there is much to be gained by setting up the permanent advisory board promptly. Consequently, when your dust-interested industrial friends seek your advice, I am wondering if you will give the movement a forward boost by urging that they dig deep for their $500. Q. I mention this because apparently there are certain companies that would join in, if they had a personal talk with someone experienced in the dust field.

Incidentally, Mr. Hitchins has now included all the Homicide Club on his mailing list, so that this group -- whose services will assuredly be relied upon when the permanent organization is formed, — may follow the idea from its inception.

I would appreciate having your comments on this movement, particularly as to what reception it is getting in Washington and vicinity.

Sincerely,

WGHazard
HB

W. G. Hazard.

P. S. There are now 14 pledges, three more than Mr. Hitchins reported on March 12. Perhaps the snowball is beginning to roll.

W. G. H.

MELLON INSTITUTE OF INDUSTRIAL RESEARCH

UNIVERSITY OF PITTSBURGH

Pittsburgh, Pa.

Enclosure
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January 21, 1935.

Mr. Roger A. Hitchins, President,
American Refractories Institute,
No. 1608 Walnut Street,
Philadelphia, Pa.

My dear Mr. Hitchins:

In accordance with your request as Chairman of the Organization Committee which was formed at the conference on dust problems held in Pittsburgh on January 15, we are giving you our ideas regarding the important problems involved and the type of organization that should be established. I am enclosing a plan for the study of dust problems and the organization chart.

If this work were to be centralized in Mellon Institute, it could be carried out as a part of our air hygiene research. The director appointed to handle the investigation would also be the head of the institution or organization which the industries would set up. In this way, the work could be carried out in a most confidential manner as to who was supporting the research and no one would know what industries or individuals were contributing to the fund. This would enable the organization to get soundly established, so that if later on it was desired to come out in the open this could be arranged.

Hoping that this gives you the information which you wish, I am

Sincerely yours,

(signed) E. R. Weidlein

Director

ERW-W
enclosures

COPY

CAROL L. DAVIS
Court Reporter
Houston/Austin
Markowitz
Exhibit No. 32

Plan for Study of Dust Problems

I. Organization of the Industries.

It is necessary that there be some organization representing industries for the reason that no program of research investigation could be carried on without assurance of continuity and financial support. Such assurance could be given only by some body that had authority to speak for a sufficient number of industries or companies, and might be called The Industrial Dust Institute. If it seems inadvisable to effect such a separate organization, for reasons that may be sound, it is suggested that a group of individuals be chosen from industries or companies, such a group to be called, for example, Industries Advisory Board for the Study of Dust Problems. Affected industries and/or individual companies could contribute to this Board, which in turn could make contracts and disburse the monies.

The other primary functions of the Institute or Board would be to select the central agency to administer the activities later referred to in some detail (called, for convenience, the research agency), to keep in touch with that central agency, advise with it as to the program of work, and aid it in other obvious legitimate ways. Obviously, such central agency must be independent of any specific industry or group, it must have a broad outlook, a sympathetic understanding of the problem, and wide contacts with all cooperating agencies; and it must have the confidence of the industries, and of the physicians, engineers and all institutions, groups or individuals who might cooperate to advantage.

II. The work of the research agency.

Of primary importance in the initial stage is the collection of available data published and, as far as possible, unpublished.

These data must then be evaluated and correlated, and in this phase of the work it is assumed that it will be possible to secure the advice and cooperation of the recognized specialists in the fields of medicine, law, chemistry, physics and engineering. Evaluation should include the weeding out of data that cannot be considered as authoritative.

It will then be possible to prepare a comprehensive program designed to provide the industries concerned with legitimate protection.

In preparing to work out such a program, it would be necessary to compile a list of specialists in all fields who are engaged in a study of dust problems; to have determined any among them who may not be properly qualified and whose results might, therefore, not be entirely acceptable; to attempt as far as feasible to have investigational work correlated and synchronized; to be in position to make reasonable grants to qualified individuals or agencies to study special problems or phases of problems.

Some of the aspects that occur to mind are:

(a) The pathological and psychological effects of dusts of various kinds, alone and in combination; for this a classification of dusts is necessary.

CAROL L. DAVIS
Court Reporter
Houston/Austin
Mankowitz
Exhibit No. 4

Important from both medical and legal standpoints is the preparation of court cases. On the medical side is also plant hygiene, insofar as it is affected by industrial dusts and fumes.

(b) A study of sampling devices and sampling methods, with the idea of further developing standards, and also to attempt to provide plant officials with simple portable apparatus which, while neither as delicate nor as accurate as the standard equipment, will enable them to keep a regular check on plant conditions and to know when the danger line is approached.

(c) Study of existing methods and cooperation in the development of improvements designed to minimize dust and fumes in the plant, as well as protective measures for workmen.

(d) Dissemination, through proper channels, of authoritative information.

(e) Maintaining contact as closely as possible with independent agencies and cooperating agencies engaged in studies of phases of the problem, and a program of such research experimentation as may be indicated.

(f) Study and synopsis of existing pertinent legislation (including compensation), and assistance in the preparation of safety codes and fair laws.

The place to start is in the collection and evaluation of available data, which must precede the formulation of the longer-time program.

III. Estimate of cost.

(a) The cost, if any, of operating the parent organization or Board.

(b) Cost of research agency. It is estimated that for the initial work of collecting and evaluating available data and preparing authoritative abstracts for dissemination, surveying the field and formulating a long-time program of constructive work, not less than $25,000 should be appropriated.

The time necessary for this initial phase cannot be predicted with certainty, but it is estimated that at least six months and not more than a year will be required.

After the conclusion of this period, it is certain that an effective program can be developed and would require a substantially larger budget.

V. Organization chart.

The plan outlined above is shown broadly in the accompanying chart.

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CORRELATING AGENCY

SUGGESTED PROGRAM OF INITIAL ACTIVITIES

MEDICAL. (1) Secure from medical profession and health authorities as complete as possible information covering past and present research on Industrial Dust diseases.

(2) Study the assembled data and report and recommend (a) as to what phases have duplication of effort and (b) as to what phases should have further research; with the objective of enlisting the cooperation of American Medical Association in setting up authoritative and approved standards of diagnosis and correction.

PREVENTIVE. (1) Secure from all possible sources the existing available data on Industrial Dust hazards.

(2) Study the assembled data and report and recommend (a) as to present means of eliminating or minimizing those hazards and (b) as to what further should be done in that direction; with the objective of setting up authoritative and approved standards for the control of industrial dusts which, if complied with by industries, or by industrial companies, will act as a defense against personal injury suits.

LEGAL. (1) Secure from all affected industries their present experience as to personal injury suits and claims growing out of industrial dust hazards and claimed diseases; in complete detail as to name of claimant, amount involved, court of jurisdiction, prosecution and defense counsel, character of suit (or claim) together with a history of closed cases and the status of pending suits or claims.

(2) Study the assembled data and report and recommend (a) as to the aggregate amount of money loss which industry has experienced and with which industry is threatened as a whole and by divisions and (b) as to the instances where the situation appears to be a "racket" against industry and (c) what concerted action may be possible to be taken in pending cases and claims; with the objective of enlisting the co-operation of the American Bar Association and local Bar Associations in stopping the "racket."

LEGISLATIVE. (1) Secure from all States and Territories copies of existing or pending legislative enactments and existing court decisions affecting the dust hazard in industry, whether

LEGISLATIVE. (Contd)

workmen's compensation or occupational disease or common law.

(2) Study the assembled data and report and recommend (a) as to existing laws which properly protect both employer and employee and (b) as to such existing laws as do not properly protect both employer and employee; with the objective of securing the enactment of State laws, of a uniform character, which, when compiled with, will fairly and properly protect the interest of industry and of those engaged in industry and of enlisting the co-operation of the Federal Government in that direction.

PUBLICITY.

Consider and recommend (a) the manner in which affected industries may be informed and be kept informed as to all phases of the industrial dust problem and (b) the manner in which governmental agencies and the public may be informed and be kept informed, and the propriety and advisability of doing so, as to the measures which are being and should be taken in the direction of protecting both human life and property.

(COPY)

December 4, 1936

Mr. C. J. Stover,
Inquirer Bldg., 16th Fl.,
Philadelphia, Pa.

Re: Air Hygiene Foundation of America -
Membership Meeting of Nov. 24th

Dear Mr. Stover:

I am writing to report upon the meeting of the members of Air Hygiene Foundation of America, Incorporated which was held in Pittsburgh on November 24th.

The meeting was attended by a large and most enthusiastic group comprising approximately 200 persons. These consisted of members, guests of the Foundation and many specialists in the field of air hygiene - medical, engineering, legal and governmental.

Dr. A. J. Lanza, Medical Director of Metropolitan Life Insurance Company and Chairman of the Medical Committee of the Foundation, addressed the meeting on behalf of his Committee and gave a brief summary of the initial report of the Medical Committee, which has not as yet been published but publication of which is anticipated shortly. It is my belief that this Medical Committee report will constitute a major contribution upon the question of dust diseases from the medical viewpoint. It will contain a summary of the best scientific opinion upon many of the difficult problems involved and its publication is eagerly awaited by all industries having an actual or potential dust hazard.

Professor Philip Drinker, of the Harvard School of Public Health and Chairman of the Preventive Engineering Committee of the Foundation, discussed the problem from the engineering point of view with special emphasis upon prevention through dust eliminating apparatus and respirators. I have already provided you with a copy of Bulletin No. 1 of the Pre-

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ventive Engineering Series of the Foundation. Further valuable contributions are anticipated from this Committee.

Mr. Alfred C. Hirth, Chairman of the Legal Committee, summarized the work of his Committee during the first year of the existence of the Foundation. You have been provided with the seven parts of Bulletin No. 1 of the Legal Committee and, therefore, have some idea of the work performed by this Committee during the first year of its operation. These Bulletins constitute a compilation of the laws and court decisions of the 48 States and the District of Columbia which have bearing upon the question of employer responsibility for occupational disease. They have filled a long-felt want and constitute a unique contribution. Secretary of Labor Perkins has praised these Bulletins in unqualified terms and has asserted that they have proved of great value to her and to the Committees of the Department of Labor which are conducting an investigation of dust diseases.

Mr. Theodore Waters, a member of the Legal Committee, read to the meeting excerpts from Bulletin No. 2 of the Legal Series, which is to be published shortly. It constitutes "a study and criticism of provisions for occupational disease legislation". It is a splendid discussion of this problem and was enthusiastically received. In view of the fact that many state legislatures will be considering the adoption or revision of occupational disease legislation during the next few years, the importance of this thorough-going analysis of what dust disease legialation should and should not contain cannot be over-emphasized.

Although the Air Hygiene Foundation is approaching various problems relating to air hygiene from an unbiased viewpoint, it is, nevertheless, the creature of industry and is the one institution upon which employers can rely completely for a sympathetic appreciation of their viewpoint. Its aim is to make an honest effort to appraise the evil, to advance scientific knowledge of many of its doubtful aspects and to suggest remedies, both preventative and curative. As such, it deserves and should receive the unqualified support of all members of industries faced with a dust disease hazard.

Membership through trade associations will no longer provide employers with the benefits of the Foundation. I am enclosing herewith a quantity of membership application forms and of schedules of membership charges for 1937. I urge that you provide copies of these applications, together with the scale of charges, to all members of the asbestos industry and I hope you will see fit to recommend that they participate, through membership, in the burdens as well as in the benefits to be derived from the continued

functioning of this Foundation. As you will note, provision is made for membership by "employer associations". Such associations are not required to pay the initial $25 "membership fee" and their annual dues are only $50; however, as you will note, these members receive only one file copy of publications of the Foundation which they are not permitted to publish or substantially duplicate for use by their constituent companies.

I am recommending that Johns-Manville Corporation apply for membership during 1937 and I sincerely hope that a large proportion of the asbestos industry will be likewise represented. The plans of the Foundation for 1937 are ambitious in scope and will necessarily call for the expenditure of relatively large sums of money. It is fortunate in having the whole-hearted co-operation of the Mellon Institute, which is providing offices and laboratory facilities together with the services of certain members of its personnel without expense to the Foundation.

You will also find enclosed herewith, for your files and general information, three (3) copies of a list setting forth the names of the officers, trustees and various committees.

If you require any further information, please do not hesitate to call upon me.

Very truly yours,

(Signed) Vandiver Brown
General Attorney

VB:T
Enclosures

AIR HYGIENE FOUNDATION OF AMERICA, INC.

FIFTH AND BELLEFIELD AVENUES,
PITTSBURGH, PA.

Application for Membership

The undersigned hereby applies for membership in Air Hygiene Foundation of America, Inc., and agrees, if elected to membership, to pay on call of the corporation the membership fee of Twenty-five Dollars ($25.00) and dues in accordance with the scale set by the Board of Trustees for the period ending December 31, 1937.

The applicant's address and business are:

ADDRESS: .....

BUSINESS: .....

.....

By .....

DATED: .....

The foregoing application was accepted by the Board of Trustees and the applicant received into membership this.....day of....., 193.....

.....SECRETARY

"ASBESTOS"

C. J. STOVER
16th FLOOR, INQUIRER BLDG.
PHILADELPHIA, PENNSYLVANIA
U. S. A.

CABLE ADDRESS
"ASBESTOS"
PHILADELPHIA
BENTLEY'S CODE

December 8, 1936

TO MEMBERS ASBESTOS INDUSTRY:

Gentlemen:

Silicosis or asbestosis is a subject of considerable interest to this Industry.

The Air Hygiene Foundation of America was formed several years ago by the association of a number of industries interested in this general subject and was fortunate enough to secure the co-operation of the Mellon Institute of Industrial Research at the University of Pittsburgh.

While we had an Asbestos Code under N.R.A., the Asbestos Industry made a contribution to the Air Hygiene Foundation and received from it a number of reports.

At a recent meeting of the Air Hygiene Foundation, the Asbestos Industry was fortunate in having in attendance Mr. Vandiver Brown, General Attorney for the Johns-Manville Corporation, and I am attaching, hereto, a copy of Mr. Brown's letter, dated December 4, reporting on the events at the meeting of the Air Hygiene Foundation.

You will note that the rules have been changed so that trade associations are no longer admitted to membership, but that individual corporations are welcome.

I attach, hereto, an application blank believing that after you have considered this subject and its importance to your company and to our industry you will desire to support this work.

I have before me a list of the officers and trustees of the Air Hygiene Foundation, and it certainly is a cross-section of the very finest American industries, insurance companies, chemists, attorneys and others interested in the prevention of silicosis and the protection of industries from unreasonable claims of workers.

I commend this project to your careful consideration.

Yours very truly,

C. J. Stover

C. J. Stover

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FOUNDATION FACTS

Foundation Facts is a monthly news-letter issued to industrial concerns holding membership in Industrial Hygiene Foundation. The Foundation is a non-profit association of industries for the advancement of healthful working conditions.

l. 7 May, 1945 No. 5

Foundation Trustees Hold Spring Meeting

The Board of Trustees of Industrial Hygiene Foundation held their Spring eting in the Board Room of the Johns-Manville Corporation in New York on May 10. ustees present are pictured below.



Seated, left to right, are:

Dr. C. D. Selby, General Motors; A. C. Hirth, Owens-Illinois Glass; J. W. McLaughlin, Bakelite and Union Carbide & Carbon; Dr. A. J. Lanza, Metropolitan Life; Andrew Fletcher, St. Joseph Lead and Chairman of the Foundation's Board; John F. McMahon, Managing Director. Standing: W. E. Mack, Carborundum Co.; T. C. Waters, Mullikin, Stockbridge & Waters; Dr. L. U. Gardner, Saranac Laboratory; Vandiver Brown, Johns-Manville; W. C. L. Hemeon, Foundation engineer; Joseph Dilworth, Westinghouse Electric; J. Dewey Dorsett, Assn. Casualty & Surety Executives; Dr. R. R. Sayers, U.S. Bureau of Mines; and W. P. Yant, Mine Safety Appliances.

The Board authorized expansion of the Foundation's activities and services member companies, approved two research projects for health conservation in in- stry, and tentatively set the dates for the Tenth Annual Meeting of Members for vember 14 and 15 at Mellon Institute, Pittsburgh, depending upon travel conditions that time.



BOARD OF TRUSTEES, INDUSTRIAL HYGIENE FOUNDATION, JOHNS-MANVILLE BOARD ROOM, MAY 10, 1945