

FILE NAME: Railroads (RR)

DATE: 1938 May 6

DOC#: RR040

DOCUMENT DESCRIPTION: Letter to Mr. Vorhees from Chief Engineer RE
Respirators will Not Reduce the Railroads' Liability to Sick Employees

Chicago, May 6th, 1938

Mr. H. B. Voorhees:

Your letter of April 30th, file 1-832, concerning correspondence relating to the Illinois Occupational Diseases Act.

As you know, there are several acts in this category, the one that we are chiefly concerned with in our correspondence is known as "The Workmen's Occupational Diseases Act". This act does not require the railroads to furnish respirators or other devices to protect its employees' health, but it does make the railroad liable in certain amounts to those employees who contract occupational diseases. Furnishing the respirators and other devices will not eliminate or reduce the railroads' liability to those employees who contract occupational diseases, but they will reduce the likelihood of the employees contracting such diseases and will thereby reduce the likelihood of the railroads becoming liable. The situation is just the same as we have with respect to safety devices and guarding machinery. The furnishing of safety devices and guarding machinery does not eliminate the railroad's liability to those employees who become injured, but it does reduce the likelihood of employees becoming injured. For the same reason, I feel that we should furnish the respirators and masks that have been recommended so as to reduce the possibility of our employees contracting occupational diseases for which we would become liable under the act.

Additional rules relating to the removal of dusts, vapors, fumes or gases from grinding, buffing and polishing operations have been drafted and approved. These are set forth in C.M.A. circular 2735, dated February 14th, 1938, R.M.A. file 1541, and referred to in your letter to me of February 16th, file 1-832. These rules will eventually take the place of the old Grinding, Buffing and Polishing Sanitation Act which went out of effect on March 1st, 1938. I do not know just when these new rules will go into effect, but it will probably be about June 15th of this year. In the meantime, there is no law in effect relating to the removal of dusts, vapors, fumes or gases. When the rules do go into effect we will have to provide the hoods and exhaust systems that they require, or else we will be violating the law.

I think we should immediately provide the respirators and masks recommended by Mr. Seniff at an estimated cost of \$465.00. Their cost is only a fraction of what it might cost us under the occupational diseases act if one of our employees was permanently disabled by silicosis or anthracosis contracted as a result of breathing dusts while in our employ. I feel the installation of ventilating hoods and exhaust systems may

Mr. Voorhees:

Chicago, May 6th, 1933

be deferred until the law requiring their installation goes into effect, but in the meantime we should make a study of our requirements to know what we will have to do to obey the law and yet spend a minimum amount of money. Mr. Coniff suggests that we contact the General Managers' Association to determine the minimum requirements. The requirements, I think, are definitely set forth in G.M.A. circular 2733 above referred to.



Chief Engineer

AG/JW

CC: CHM