

FILE NAME: John Crane (JC)

DATE: 1936-1973

DOC#: JC012

DOCUMENT DESCRIPTION: Johns-Manville Archive Documents on Illinois 1936  
Laws

*John Crane file*  
*J-M archives documents*  
*on Illinois 1936 laws*

**AFFIDAVIT**

STATE OF COLORADO                     )  
                                                           ) ss.  
COUNTY OF JEFFERSON                 )

I, Margaret J. Baumgardner, being of full age and first duly sworn do hereby state:

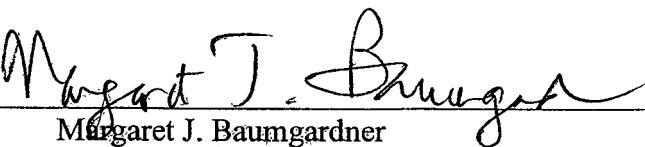
1. I am the Research Coordinator for the Claims Resolution Management Corporation ("CRMC"), a wholly owned subsidiary of the Manville Personal Injury Settlement Trust ("Trust"). The CRMC was created in December 1998 and is staffed by former Trust employees. On January 1, 1999, CRMC began providing claims resolution facility services to the Trust.

2. In this position, I manage the Asbestos Claims Research Facility ("Facility"), a document and records repository located at 4755 East 46th Avenue, Denver, Colorado. The Facility contains the business records including but not limited to correspondence, memoranda, reports, records and data compilations ("record") of Manville Corporation or related entities ("Manville"), generally, as well as Manville records relevant to litigation of asbestos liability. The Trust has managed and operated the Facility from November 28, 1988, the date on which the Manville bankruptcy plan was consummated.

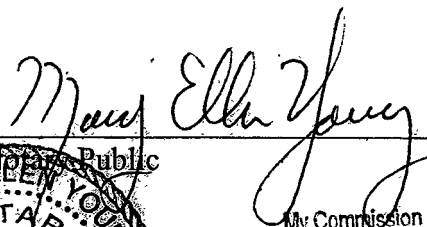
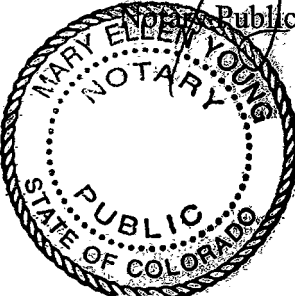
3. My experience and familiarity with the documents at the Facility began in 1983 while working for Manville. In my work as a paralegal for Manville, I assisted in locating, indexing and packing many of the records which became the foundation documents for the Facility. I continued to work for Manville until September 1987. From March 1988 to September 1988, I was hired to supervise and assist in the indexing of the first 20,000 boxes which were turned over to the Trust in November 1988. From September 1988 to January 1989, I assisted in the privilege review of documents to be given to the Trust. From November 1988 to April 1994, I worked for Freeborn & Peters and was put in charge of the Facility, managing all productions and "new" acquisitions. In September 1995, I was hired by the Trust to manage the Facility. In December 1998, I was hired by the CRMC to manage the Facility for the Trust. Accordingly, I am personally familiar with many of the records stored at the Facility, as well as how the records have been gathered.

4. To the best of my knowledge, information and belief, I certify that these records were made at or near the time by, or from information transmitted by, a person with knowledge, were kept in the course of the regularly conducted business activity of Manville, and it was the regular practice and the business activity of Manville to make the records.

5. Documents from this Facility were copied for Trine & Metcalf. The documents copied have come from microfilm at the Facility and are bates labeled MT005267 through MT005883, and these documents are true and correct copies of documents found at the Facility.

  
Margaret J. Baumgardner

Subscribed and sworn to before  
me this 13<sup>th</sup> day of March, 2006.

  
Public  
  
My Commission Expires December 11, 2006  
4350 Wadsworth Boulevard  
Wheat Ridge, Colorado: 80033

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Ill. Legislation

## INDUSTRIAL REVIEW

Published by the

## Illinois Manufacturers' Association

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FEBRUARY, 1936

Whole Number 105

*Special Session of Legislature Called to Consider Legislation Relating to*

## Occupational Diseases, Health, Comfort and Safety and Changes in Blower Act

GOVERNOR HORNER has called a Third Special Session of the Illinois General Assembly which began Wednesday, February 6. This session will run concurrently with the first and second special sessions which now have been in progress for several weeks.

Issues to be considered in this Third Special Session which are of importance to industry relate to bills providing for remedies in occupational disease situation; legislation relating to health, comfort and safety, and measures making certain changes in the Illinois Blower Act. A digest of the principal provisions of these several bills is subjoined. Copies of any or all of these measures will be sent to members upon request to our Chicago or Springfield offices. It has not been feasible for the Association to send copies of these measures to members at an earlier date because the bills were not in form for submission to the Illinois Legislative Reference Bureau at Springfield until late Tuesday evening, February 4th. As a matter of fact, it is probable that some changes will still be made by the Legislative Reference Bureau before the bills are finally submitted to the legislature. However, as indicated above, copies of the bills as submitted to the Legislative Reference Bureau will be sent to our members upon request.

These measures are the result of extended consideration of this entire subject matter by the Occupational Diseases Committee of the Association under the chairmanship of O. E. Mount. This committee was appointed by the President of the Association early in 1933 to study the occupational diseases problem with a view to determining what remedial legislation was necessary in the state to bring about an equitable and practical system governing the rights, duties and liabilities of employers, employees and insurance carriers with respect to such diseases. At the time the committee was appointed, employers in the state were being flooded with damage suits, most of which were predicated on silicosis, asbestosis, and a variety of real and

fancied lung afflictions. Some of these suits were meritorious, but to a large extent they were stirred up and solicited by ambulance chasers for unethical lawyers who, with the aid of doctors of like ilk, developed what for a time

*Legislative Situation at Springfield*

There are now three special sessions of the Illinois General Assembly running concurrently. The first special session covers the subjects of old age pensions, unemployment insurance, etc. The second session relates to unemployment relief, and the third, which has just been called by the Governor, covers the subject of occupational disease legislation, and several other items which are not of direct importance to industry.

The status of the unemployment insurance legislation remains unchanged. An unsuccessful effort was made to pass this measure in the State Senate on January 7th. Insufficient votes were secured. Senator Lee, sponsor of the bill in the Senate, secured the consent of the Senate to postpone consideration of the bill. Therefore, he is in position where he can call the bill up at any time for reconsideration. A companion bill is on second reading in the House of Representatives. It is in position where it could be advanced at any time. The Association is carefully watching this legislation and will promptly advise its members in event any further efforts to enact the measures into law are made.

The subject of occupational disease legislation is treated elsewhere in this issue.

The Association is represented at Springfield at all sessions of the legislature by Allan T. Gordon, Director of our Legislative Bureau, and other members of our staff. Detailed information regarding any measures pending at Springfield can be secured by communicating with our Chicago or Springfield offices.

was a flourishing racket. The unethical lawyers and doctors, and not the employees themselves, profited from these suits.

The committee has devoted its activities exclusively to the development of adequate and comprehensive occupational disease legislation for the state, and it has actively and conscientiously continued its efforts to this desirable end during the past year. It has had the whole-hearted cooperation of member companies of the Association, which companies have placed at the disposal of the committee the services of legal, medical, engineering and lay members of their organizations. It has also received the cooperation and assistance of a number of the most outstanding legal, medical and lay authorities on the subject of occupational diseases in this country.

*Measures Carefully Studied*

Careful study and consideration has been given to occupational diseases acts which have been enacted by various states in this country and by foreign countries, and in our study of these various acts special effort has been made to determine what has proven satisfactory in actual operation from the standpoint of both employers and employees.

As soon as the first draft of a proposed act was approved by the committee, a copy of such measure was delivered to the representatives of labor for their consideration. We hoped that an agreed bill might be developed and introduced at the 1935 regular session of the Illinois General Assembly. The representatives of labor, however, introduced their own bill, which action placed us under the necessity of introducing our bill. Both bills were referred to the House Judiciary Committee, and by that committee in turn to a special sub-committee. The sub-committee conducted many hearings. Shortly before the end of the regular session, the Illinois Director of Labor requested representatives of employers and labor to confer in an effort to develop an agreed bill. The widely divergent views of the two groups re-

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dered agreement impossible in the limited time available.

The bill finally reported to the House by the Judiciary Committee was considered basically unsound by this committee. We accordingly opposed its enactment and, fortunately for Illinois industry, it failed of passage.

The situation with respect to the liability of employers for occupational diseases has undergone radical change during the past year. The decision of the Supreme Court in April, 1937, holding portions of the existing Occupational Diseases Act unconstitutional, and the subsequent decision of the Appellate Court in July, 1937, holding that no common law right of action exists in this state for occupational diseases, stopped the head of damages suits against employers. As a result of these decisions hundreds of silicosis claims have been filed with the Industrial Commission on the theory that under further court decisions such claims would be held compensable under the existing law. No one is in position to predict with certainty the outcome of these claims. The situation, therefore, remains chaotic. No intelligent person considers that such a situation will be permitted to continue. Constitutional laws providing a logical solution can, will, and should be enacted. Unconstitutional laws should and must be eliminated.

The governor, recognizing the widespread interest and gravity of the situation, in the early part of September, 1937, arranged for a conference of representatives of labor and employers under the chairmanship of Hon. Peter J. Angsten, chairman of the Illinois Industrial Commission. This conference was called by the governor for the purpose of endeavoring to develop agreed legislation providing for the prevention of, and compensation for, occupational diseases.

Ever since the Workmen's Compensation Act was placed on the Illinois Statute Books in 1912, it has been customary for representatives of labor and industry to undertake to agree to such amendments in said act as seemed necessary or expedient for consideration at succeeding sessions of the legislature. These joint conferences through the years between representatives of labor and industry on the subject of proposed changes in the Workmen's Compensation Act were ordinarily initiated by the Illinois Industrial Commission. Accordingly, pursuant to such custom the Occupational Diseases Committee of the Association when it had completed the first draft of a proposed bill recommending changes in the law relating to that subject matter submitted a copy of such measure to representatives of labor for their consideration. This was done early in 1935, shortly after the Illinois General Assembly had convened in regular session. This action was taken with the hope that an agreed bill might be worked out and enacted at the said regular session. The representatives of labor, however, introduced their own bill bringing all so-called occupational diseases under the Workmen's Compensation Act under what was commonly referred to as the "Wide-open" clause. There was no definition of what constituted an oc-

cupational disease. If such a measure had been enacted into law, Illinois employers would have been obligated for claims for so-called occupational diseases which were not in fact related to employment. We would have had a recurrence of conditions which existed in New York State, where, under a law enacted there comparable to the so-called "wide-open" proposal just referred to, many New York employers were obliged to close down their plants and many others were unable to secure insurance except at prohibitive rates.

The Illinois Manufacturers' Association was, therefore, obliged to introduce its own occupational diseases bill. Both measures, i.e., the so-called "wide-open" bill, sponsored by organized labor, and the measure sponsored by our Occupational Diseases Committee were referred to the Judiciary Committee of the House of Representatives and by that committee to a sub-committee.

The committee has had a large number of meetings. In fact the committee has met almost continuously since the date upon which it was called together by the Industrial Commission in September of last year. As indicated above, the bills were not in final form for submission to the Legislative Reference Bureau until the night of Tuesday, February 4th.

The decision of the Supreme Court of Illinois holding portions of the Occupational Diseases Act unconstitutional in effect invalidated the principal features of the Illinois Act pertaining to rules and regulations providing for "Health, Safety and Comfort" in Illinois industry. The proposed legislation relating to that subject, which is a part of this program and a digest of which is subjoined, represents the conclusions of the committee as the most practicable and least objectionable plan that is available under all existing circumstances.

The changes in the Blower Act, which are also contemplated by this series of bills, are the result of extensive study by a group of engineers identified with representative member firms. It was the conviction of the members of that group that the present laws relating to that subject are indefinite and involved and could not, in many instances, be conformed to in practical operation. This proposed measure, relating to that subject, is intended to more fully define the rights and liabilities of employers in connection with the subject matter, pending further treatment of this subject by the Industrial Commission pursuant to the authority given to the Commission under the terms of the Health, Comfort and Safety Act.

As indicated above, the various measures included in this proposed legislation are the result of extended consideration of our Occupational Diseases Committee over a period of several years. In this activity we have had the assistance of all of the other principal employing groups in Illinois, all of whom we are informed are in sympathy with and have endorsed this program.

This legislative program has also received the careful consideration of the Illinois Industrial Council and our

Board of Directors and has the unanimous approval of both of those groups. We shall be glad to undertake to answer inquiries from our members regarding any features of this program upon which they desire additional information.

### Digest of Bills

The following is a brief digest of the five Bills:

1. The first Bill is for a Workmen's Occupational Diseases Act.

This is a Bill covering the subject of liability of employers for injuries or deaths resulting from diseases. It provides for an elective compensation system with a liability for damages imposed on non-electors.

Section 3 of the Bill provides for liability for damages to an employee who has sustained injury to health, or death, by reason of a disease contracted or sustained during the course of his employment and proximately caused by the negligence of the employer, unless the employer shall have elected to pay compensation as provided in Section 4 of this Bill. In connection with the liability for damages of non-electing employers, the Bill provides that the violation by any employer of any effective rule or rules made by the Industrial Commission pursuant to the Health and Safety Act, or the violation by the employer of any statute of this State intended for the protection of the health of employees, shall constitute negligence. This Section further provides for the period in which actions for damages must be commenced and removes the common law defenses of the employer.

Section 4 provides that any employer may elect to provide and pay compensation according to the provisions of this Bill for disablement or death resulting from occupational diseases. The Bill provides for the method of making the election, and further provides that employers electing may have the right to elect out from under the Act on October 1st, 1937, and on each October 1st for four years thereafter, providing, however, that an employer who has elected to come under the compensation provisions of the Act, then has elected not to be under them and has subsequently elected again to come under the Act shall not have the right to any further elections.

The employees of any employer who has elected to be bound by the compensation provisions of the Act have the right not to be so bound. Unless an employee gives notice to the contrary within thirty (30) days after the election by the employer, he shall be deemed to have accepted the compensation provisions of the Act.

The Bill defines an occupational disease as follows:

"Section 6. In this Act the term 'Occupational Disease' means a disease arising out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the said disease follows as an incident of an occupational disease as defined in this section.

"A disease shall be deemed to

employers must accept liability or be liable for negligence if they violate the H+S

arise out of the employment, only if there is apparent to the rational mind upon consideration of all the circumstances, a direct causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

The Bill defines disablement as follows:

"Disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged, when last exposed to the hazards of the occupational disease by the employer from whom he claims compensation, or equal wages in other suitable employment, and disability means the state of being so incapacitated.

The Bill further provides that no compensation shall be payable for occupational diseases unless disablement occurs within one year after the last day of the last exposure to the hazards of the disease, except in cases of occupational diseases caused by the inhalation of silica dust, asbestos dust, and in such cases compensation shall be payable for the last ten years of the last exposure.

The Bill further provides that the employer liable for compensation shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time or such last exposure, except that in the cases of silicosis and asbestosis, compensation shall be payable for the last ten years of the last exposure.

The provisions relating to amounts of compensation, and to procedure are incorporated in the Bill in the same language, and by the same section numbers, as they are contained in the Illinois Workmen's Compensation Act.

The Bill, if enacted, shall take effect on October 1, 1937, and shall be administered by the Industrial Commission.

#### Health and Safety Bill

2. The second Bill is the Health and Safety Bill.

This Bill vests in the Industrial Commission the power to make reasonable rules to provide reasonable grounds for the loss of health and safety of employees.

The power of the Industrial Commission to make rules is limited to the following purposes:

(a) The proper sanitation and ventilation of all places of employment to guard against personal injuries and diseases.

(b) The arrangement and guarding of machinery and the storing and placing of personal property to guard against personal injuries and diseases.

(c) The prevention of personal injuries and diseases by contact with any poisonous or deleterious materials, dusts, vapors, gases or fumes.

(d) The prevention of personal injuries and diseases caused by exposure to artificial atmospheric pressure.

Rules of the Industrial Commission adopted in the manner provided in the Bill shall have the force and effect of law.

This Bill would apply to all employers engaged in any occupation, business or enterprise in the State, except farmers and others engaged in farming, tillage of the soil, or stock raising, and to coal mining.

The rules adopted by the Industrial Commission must be clear, plain and intelligible, and must be uniform and general in their application.

The Bill provides that it shall not be construed as granting the Industrial Commission the power to make any rule which will require the submission of any plan, specifications, or other information concerning any proposed installation, alteration, construction, apparatus or equipment, or in any manner regulate the hours of labor of any employee in the State.

The Bill sets forth the procedure for the adoption of rules by the Industrial Commission.

The Commission may either institute proceedings on its own initiative by a resolution, or upon petition signed by five employees or five employers in a specified industry.

The Commission shall set a date for a public hearing not less than thirty days, nor more than ninety days, after the date of the passage of the resolution by the Commission, or the filing of the petition.

Notice of the hearing must be given at least thirty days prior to the date of hearing, by publication in a newspaper of general circulation and by mailing notice to any employer and to any association of employers or of employees who have filed their names and addresses with the Industrial Commission requesting notice of such hearings.

Any interested party may submit evidence at the hearing.

Upon the conclusion of the hearing, the Industrial Commission shall enter its decision in writing and send a copy of the decision to the interested parties whose names are on file with the Commission, and a certified copy of the decision shall be filed with the Secretary of State.

Within thirty days after the entry of the decision, the Industrial Commission may correct, modify or vacate the decision, rule or rules, and any person affected by the decision may object in writing, stating the specific grounds of his objection.

Any person affected by the decision,

whether he participated in the proceedings or not, may file a praecipe for a writ of certiorari in the Circuit or Superior Court of the County in which the subject-matter of the hearing is situated, for review of the reasonableness or lawfulness of the decision or rule.

The Circuit or Superior Court may confirm or reverse the decision of the Commission as a whole, or may reverse and remand it as a whole, or may confirm part and reverse and remand part of the decision.

An appeal from the order of the Circuit or Superior Court may be taken to the Supreme Court within forty-five days, except as to the portions of the decision which are remanded by the Circuit or Superior Court.

The Industrial Commission may fix the date that rules or decisions adopted by it shall become effective, provided that no such decision, rule or rules shall become effective until ninety days after entry by the Industrial Commission, nor shall they be effective during the pendency of any proceeding for review or appeal, and upon termination of appeal, no decision, rule or rules shall become effective until a period of time has elapsed after the filing of the Court's Mandate equal to the period of time originally fixed by the Commission.

The Industrial Commission is required to keep a full and complete record of all proceedings, and at least once a year shall publish in printed form all of the rules in full force and effect at the time of the publication.

The enforcement of the rules is vested in the Department of Labor, with the proviso that the Industrial Commission shall not take any part in their enforcement.

The Department of Labor is given power to inspect places of employment affected by rules, subject to a proviso that whenever any secret processes are used, the owner shall furnish an affidavit that he has complied with all effective rules, which affidavit shall be accepted in lieu of inspection.

The Bill provides that the Department of Labor shall give proper notice in regard to any violation of the Act, and any person who fails or neglects to comply with any rules adopted by the Commission after due notice is given, is guilty of a misdemeanor and subject to fine.

This Bill provides for repeal of the Health, Safety and Comfort Act, to take effect July 1, 1937, and for the repeal of Section 4 of the so-called Basement Blower Law, to take effect October 1, 1938.

The Bill contains an emergency clause, and is intended to take effect immediately upon its passage.

3. A Bill to amend Sections 7, 14, and 19 of the Workmen's Compensation Act.

The amendment to Section 7 is a result of the decision of the Supreme Court in the Monroque Coal Company case, 360 Ill. 194, and adds the following language to the section:

"Whenever four times the average annual earnings of the deceased employee as provided in paragraph (a) of this Section amounts to four thousand dollars and not more than four thousand four hundred dollars and

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the deceased employee left surviving him one child under the age of sixteen years the amount payable shall be four thousand four hundred dollars.

"Whenever four times the average annual earnings of the deceased employee as provided in paragraph (a) of this Section amounts to four thousand dollars and not more than four thousand seven hundred dollars and the deceased employee left surviving him two children under the age of sixteen years the amount payable shall be four thousand seven hundred dollars.

"Whenever four times the average annual earnings of the deceased employee as provided in paragraph (a) of this Section amounts to four thousand dollars and not more than five thousand dollars and the deceased employee left surviving him three or more children under the age of sixteen years the amount payable shall be five thousand dollars."

The amendment to Section 14 adds the words "or assistant secretary" in connection with certain duties conferred on the Secretary of the Commission.

The amendment to Section 19 is for the purpose of taking care of the situation which might arise where a claimant misconceives his remedy and files his claim under the Occupational Disease Act when he should have filed under the Compensation Act, or where he files under the Compensation Act when he should have filed under the Occupational Disease Act. The amendment provides that in such event the application may be amended to assert claim for disability or death under the proper Act and shall be deemed to have been so filed as amended on the date of the original filing, and such compensation shall be awarded as is warranted by all of the evidence.

A Bill to amend Section 44 of the Act in relation to the Civil Administration of the State government to authorize the Department of Labor through the Industrial Commission to administer the Health and Safety Act and the Workmen's Occupational Diseases Act.

This is a Bill to compel the using of exhaust systems for removing dust and dirt from grinding, polishing and buffing operations, and the present Blower Law and consolidating an emergency law.

The Bill is to remain in effect until July 1st, 1937, by which time it is contemplated that the Industrial Commission will have adopted rules governing the subject matter.

It is a Bill which was drawn by a Sub-Committee of the Occupational Diseases Committee of the Illinois Manufacturers' Association, and was introduced in the Legislature at the last General Session.

It was drawn by engineers, and contains detailed and scientific requirements to replace the present antiquated Blower Law.

#### Blowdown Commission Service

The Members of the Occupational Diseases Committee of the Association and of the Illinois Industrial Council, which groups as indicated

above represented the interests of our members in connection with the preparation of the above measures, are:

#### OCCUPATIONAL DISEASES

O. E. Mount, Chairman, American Steel Foundries.

K. Ayres, Vice-chairman, George S. Mepharm Corp.

#### Members-General

J. R. Allen, International Harvester Co.

Donald Blake, Blake Monument Co.

E. Bernstein, Caterpillar Tractor Co.

Major R. A. Bull, Sivyer Steel Castings Co.

W. E. Crocombe, American Manganese Steel Co.

A. M. Davis, International Silica Co.

J. S. Dempsey, Buda Company.

F. H. Elam, American Steel Foundries.

Walter Evensen, Crane Co.

Andrew J. Percival, A. E. Staley Mfg. Co.

H. C. Thornton, Ottawa Silica Co.

R. E. McEwen, Western Electric Co.

A. Warsaw, Wedron Silica Co.

#### Members-Legal

David R. Clarke, Fyffe & Clarke, Attorneys.

J. L. Earlywine, Counsel, Illinois Steel Co.

A. C. Hirth, Counsel, Owens-Illinois Glass Co.

#### Members-Medical

Dr. J. A. Britton, Supervisor of Medical Service, International Harvester Co.

Dr. J. R. DeMotte, Chief Surgeon, Pullman-Standard Car Mfg. Co.

Dr. A. M. Harvey, Chief Surgeon, Crane Co.

Dr. J. H. Chivers, Personnel Director, Crane Co.

Dr. C. O. Sappington, Consulting Industrial Hygienist.

#### ILLINOIS INDUSTRIAL COUNCIL

Ross Bowles, President, East Side Associated Industries, East St. Louis, Ill.

J. L. Walker, Vice-President, Fox River Valley Manufacturers' Assn., Aurora, Ill.

L. E. Roark, Peoria Manufacturers' & Merchants Assn., Peoria, Ill.

M. H. Ward, Alton District Manufacturers' Assn., Alton, Ill.

Richard W. Cass, Acting Secy., Belleville Chamber of Commerce, Belleville, Ill.

R. J. Pierce, Mfrs' Assn. of Chicago Heights, Chicago Heights, Ill.

Henry Holz, Decatur Association of Commerce, Decatur, Ill.

M. H. Ward, East Side Manufacturers' Assn., Granite City, Ill.

R. W. Jones, Will County Manufacturers' Assn., Joliet, Ill.

N. J. Ziemer, Mgr., Kankakee Chamber of Commerce, Kankakee, Ill.

O. M. Benson, Illinois Valley Manufacturers' Club, LaSalle, Ill.

E. C. Kander, Tri-City Mfrs' Association, Moline, Ill.

C. S. Bather, Rockford Mfrs' & Shippers Assn., Rockford, Ill.

W. E. Long, Sterling Mfrs' & Shippers Assn., Sterling, Ill.

G. Robert Galloway, Chamber of Commerce of Waukegan, Waukegan, Ill., North Chicago, Ill.

C. L. Blatchford, National Metal Trades Association, Chicago, Ill.

H. D. Sayre, National Metal Trades Assn.

Allan T. Gordon, Springfield, Ill.

#### SUB-COMMITTEE MEMBERS

The members of the sub-committee, who, during the period of several months, carried on the negotiations and the detailed work associated with the drafting of the bills, are: O. E. Mount, Chairman; J. L. Earlywine, T. G. Essington, Walter E. Beebe, Dr. J. H. Chivers, Dr. C. O. Sappington and Mr. E. O. Jones.

Messrs. David R. Clarke and John Harrington of the firm of Fyffe and Clarke, General Counsel for the Association, also participated in the work of the sub-committee as well as Attorney Frank R. Peregrine, an authority upon Workmen's Compensation legislation who was retained as special counsel by the Occupational Diseases Committee to assist in the drafting of such measures.

This activity on behalf of the members of the Association has involved a very substantial expenditure of time, energy and funds. It is the conviction of all of those who have carefully followed the progress of the work that these groups have rendered a genuinely valuable service to the employers of Illinois.

#### South American Trade

Noah Van Cleef, of Van Cleef Bros., manufacturers of molded rubber products who recently returned from an extensive trip through South America for the purpose of extending the trade of his office, says that goods manufactured in the United States enjoy wide acceptance in South America. In many cases North American manufacturers have found it a decided sales advantage to ship their products bearing the same labels and markings as are used in their domestic transactions. The average South American considers the North American carton a trade mark or guarantee of excellence.

Mr. Van Cleef in an article in the Chicago Credit News pointed out that a handicap to the American exporter is the discrimination in the rate of exchange against the United States in favor of other nations.

The Interstate Commerce Commission has postponed a verdict in its study of passenger fares. Some ICC officials forecast that in the near future railroads will begin charging as little as 8 cents a mile for day coach and 3 cents a mile for Pullman coach rides.

How Corporation taxes fall on the investor is indicated by some pertinent data in the January issue of Investor America, published monthly by the American Federation of Investors, at Chicago.

# Developments in Congress of Importance to Illinois Industry

A LARGE variety of measures designed to impose new taxes and restrictions upon industry have been introduced in the Federal Congress. These include the O'Mahoney Bill requiring the licensing of all corporations, the products of which enter interstate commerce; the Thirty Hour Week Bill; the Walsh Government Contract Bill requiring conformity with standards on wages and hours (to be based upon the requirements which were included in codes of fair competition which governed industries under the NRA); by industries and contractors engaged even remotely on government contracts; and the neutrality legislation which would give to the President the unqualified right to declare an embargo not only on war materials but on all commodities and products which might be remotely associated with the conduct of war.

The Illinois Manufacturers' Association is keeping closely in touch with federal legislation and will promptly communicate to its members any developments at Washington directly affecting their interests.

Two significant movements in Washington relate to efforts to amend the Constitution to limit the authority of the federal courts. Both of these movements are designed to give our federal government a greater degree of control over industry and to deprive the states of the powers they now have to regulate purely intrastate or internal questions.

The specific proposals to amend the Constitution are:

## Proposed Constitutional Amendments

SJR. 153: Mr. Logan of Kentucky. To authorize Congress to legislate concerning industrial disputes between all persons and their employees (farmers excepted) whose products may move in or affect interstate or foreign commerce, and would be empowered to regulate and control the production of any agricultural, mineral or manufactured product that may move in or affect interstate or foreign commerce.

Referred to the Senate Committee on the Judiciary, 1-9-36.

SJR. 166: Mr. Schwellenbach of Washington. Would permit the Constitution to be amended by a proposal by two-thirds of both Houses of Congress, with ratification by a majority of the people voting in each of three-fourths of the states at the next Congressional election following submission, or at special elections called by the President.

Referred to the Senate Committee on the Judiciary, 1-9-36.

HJR. 440: Mr. Marcantonio of New York. Would empower Congress to regulate agriculture and industry throughout the United States by uniform law, to regulate the labor of persons under 16 years of age, to fix maximum hours and minimum wages, to provide old-age, sick and unemployment relief; and to establish and take

over any or all businesses for government ownership and operation.

Referred to the House Committee on the Judiciary, 1-8-36.

HJR. 446: Mr. Ferguson of Oklahoma. The present provision in Article I, section 8, of the Constitution, which empowers Congress to lay taxes in order to pay the debts and provide for the common defense and general welfare, would be amended to confer upon Congress the power to tax and, in addition, a general power to legislate for the common defense and general welfare.

Referred to House Committee on the Judiciary, 1-10-36.

## Jurisdiction of Courts

Bills relating to the jurisdiction of the courts are:

H.R. 10106: Mr. Gillette of Iowa. Providing that no act of Congress could be held unconstitutional by the Supreme Court of the United States in the exercise of its appellate jurisdiction under Article III of the Constitution (the judicial power) without the concurrence of at least seven of the Justices of the Court in the decision.

Referred to House Committee on the Judiciary, 1-14-36.

H.R. 10128: Mr. Martin of Colorado. Providing that with the exception of the United States Supreme Court in the exercise of its original jurisdiction no federal state or local court would have jurisdiction to hear or decide upon the constitutionality of any federal statute which is or purports to be an exercise of the tax, commerce, or monetary powers of the United States with respect to the general welfare, interstate commerce, taxation, or the issuance of money or prescription of the legal tender rights thereof; nor would such courts have jurisdiction to hear or decide upon the constitutionality of any federal statute which affects or purports to affect due process, when the rights affected are not procedural in nature.

Referred to House Committee on the Judiciary, 1-12-36.

Another measure of importance to manufacturers relates to interstate labor compacts. Mr. Tobey of New Hampshire has introduced HJR. 321. This measure would give Congressional consent to the labor compact which was signed on May 29, 1934, on behalf of the states of Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York and Pennsylvania; and which was ratified by Massachusetts on June 20, 1934, and by New Hampshire on May 29, 1935. The compact provides that its minimum wage provisions shall be in effect in the ratifying states when the compact has been ratified by two or more states and approved by Congress.

Under this compact no employer shall pay a woman or a minor under 21 years of age an "unfair or oppressive wage" and requires that the state agency administering the minimum

wage law enacted in conformity with the compact shall have authority to investigate the wages of women and minors, to appoint wage boards (on which employers, employees and the public are to be equally represented) for the purpose of recommending minimum fair wages for women and minors, and to fix wages by a "directory order." Violation of mandatory order must carry a penalty of a fine or imprisonment, or both. The agency also shall be given authority to take assignment of wage claims from employees who have been paid less than the wage fixed by a mandatory order. Provides for records concerning hours, wages, etc., of women and minors.

Sets up administrative machinery for each state that ratifies compact.

Passed House, 1-20-36; referred to Senate Committee on the Judiciary, 1-21-36.

These labor compacts were favored by Peter T. Swanish of the Illinois Department of Labor last Tuesday, January 28, before the Catholic Conference on Labor at the Palmer House.

## INDUSTRIAL CENSUS

Illinois Manufacturers' Association Co-operates with the Bureau of the Census

Members of the Illinois Manufacturers' Association have been requested to cooperate in a census of business comparable to those made by the Bureau of the Census for 1929 and 1933. The census will be taken this year and will cover business activities for 1935.

Enumerators will call on members of the Illinois Manufacturers' Association and other industrial and business concerns. An announcement from the Bureau of the Census states:

"This business census will provide a complete enumeration of types and kinds of business on an establishment basis. It will furnish business men with such indispensable basic facts as volume of business for 1935, expressed in terms of functional classes and comparably arranged, payroll or the purchasing power in the form of wages and salaries added to each community by business concerns operating there. In addition, information will be obtained on the location of various types of establishment, legal form of organization (partnership, corporation, etc.), business in which engaged and type of operation.

"This census will make possible the presentation of data on volume of business, expenses, personnel and payroll on a geographic basis (by states, cities and counties). Some additional statistics on specialized trades will also be obtained."

The death rate in Illinois is 12.7 per thousand of population. This is 8 per thousand lower than California and 1.0 per thousand lower than Florida.

PLEASE PASS THIS BULLETIN DOWN THE EXECUTIVE LINE

MT005287

## WATCHMEN'S SCHOOL

### Well Trained Guards Prevent Factory Fires

Importance of well trained watchmen in the prevention of fires is emphasized by the Central Watch Service Incorporated, 19 South Wells Street, in a letter to the Illinois Manufacturers' Association.

During the last few years since the depression, factory fires were much less numerous than they were during the busy industrial period of 1929. Fewer factories in operation and more care exercised by employees cut down the number of fires. Nevertheless, factory fires still occur and are not only a great loss to industry but to employees who are thrown out of work and to the community. The Central Watch Service Incorporated has established a school for watchmen, emphasizing the importance of certain regulations among them.

1. Report for duty on time and do not leave until relieved by proper party.

2. Make all rounds on schedule, examine premises thoroughly, doors, windows, skylights and transoms.

3. Familiarize yourself with the plant, every room, stairways, closets, elevators, all doors and windows and their fastenings, fire doors, etc., together with rules governing the discipline of the establishment.

4. Familiarize yourself with the different lines of piping, steam, water

supply and sprinkler system, and the valves controlling the supply to each.

5. Familiarize yourself with the most likely causes of fire in the plant, such as spontaneous combustion in waste cans, oily overalls or rags, rubbish and dirt, hot boxes on shafting or machines.

6. Watch for leakage from water pipes, sprinkler heads, faucets, toilets, wash stands or from a broken fitting. **REPORT TO OFFICE AT ONCE.**

7. On your first round be sure to see that the plant is properly closed for the night and everything in apparently good condition. A few employees in almost every factory in their haste to leave, or through carelessness, sometimes leave the premises in a condition contrary to the rules of the establishment.

8. You must not tamper with the watch-clock system, alarm boxes or any other recording devices. **IF OUT OF ORDER REPORT TO OFFICE AT ONCE.**

9. You should know the location of the fire buckets and extinguishers, and each line of small hose.

"One of the most important things a watchman has to learn," said Mr. Williamson of the Central Watch Service Incorporated, "is the location of fire boxes and use and operation of the valves and sprinkler system. It is also important to avoid opening windows and doors, which cause a rapid spread of the flames by the draft."

## NAVIGATION PROTECTED

### Successful Opposition by I. M. A. to Gate in Chicago River

Successful opposition to the construction of a single gate at the mouth of the Chicago River and Harbor was presented by the Illinois Manufacturers' Association at a hearing on Jan. 7 conducted by Captain S. A. Karnick of the Corps of Engineers, United States War Department.

The War Department at Washington rejected the plan of the Sanitary District to build the single gate control works on the grounds that they contained possible dangers and hindrances to vessels navigating from the river to the lake. A partial specification of a new plan which it was indicated, would be acceptable to the government was presented. The substitute plan provides for a construction of two gates to form a lock.

Objections by the I. M. A. included: "It will obstruct free navigation and so impair the use of the river as part of the Illinois Waterway System."

"It will seriously slow up river traffic, interfering with the business of our members."

"It will be detrimental to the interests of Chicago and the State as a navigation and shipping port."

Many of the members of the Illinois Manufacturers' Association use the Chicago river as a means of transportation. They include shippers of grain, piping and plumbing, salt, sugar, canned goods, lumber, general merchandise.

Manufactured gas service is available to more than half the population of Illinois.

## SMALL MANUFACTURERS

As an argument against the multitude of bills directed against industry, both in Congress and the Illinois General Assembly, all of which would have the effect of increasing the cost of operation, the Illinois Manufacturers' Association in a statement just issued points out that 82.73 per cent of the manufacturing industries in Illinois, according to the last government census employed less than fifty persons, and 87.9 per cent employed less than 100 persons. The percentages were as follows:

|                      |       |
|----------------------|-------|
| 1- 5 employees       | 45.0  |
| 6- 20 employees      | 26.03 |
| 21- 50 employees     | 11.3  |
|                      | 82.73 |
| 51- 100 employees    | 5.9   |
|                      | 87.9  |
| 101- 250 employees   | 4.8   |
| 251- 500 employees   | 1.2   |
| 501- 1,000 employees | .8    |
| Over 1,000 employees | .4    |
|                      | 95.7  |

An independent survey conducted by the Illinois Manufacturers' Association in the Chicago district showed that 69.6 per cent in the Chicago district employed less than 50 persons and 81.6 per cent employed less than 100 persons; 9.1 per cent employed from 101 to 250 persons; 4.8 from 251 to 500; 2.5 from 501 to 1,000, and 1.8 over 1,000.

Thirty-one per cent of the firms in the Chicago district had a capitalization of less than \$25,000; 13.2 per cent had a capitalization of \$25,000 to \$50,000 and 21.4 per cent were capitalized from \$50,000 to \$100,000. Those that were capitalized from \$10,000 to \$250,000 constituted 16.2 per cent; \$250,000 to \$500,000; 8.2 per cent; \$500,000 to \$1,000,000; 5.5 per cent, and corporations capitalized over \$1,000,000 embraced 8.8 percent of the manufacturers listed in the Chicago district.

The Illinois Manufacturers' Association also points out that in 1932, only 4,816 corporations in Illinois reported a net income amounting to \$131,955,429. During the same year 24,144 Illinois corporations reported no net income, and a deficit amounting to \$820,154,704.

About twenty per cent of the corporations showing no net income were manufacturing, and manufacturing establishments comprised approximately 17 per cent of those reporting incomes.

## "GUFFEY" COAL

A caution regarding use of coal produced under the "Guffey" Act was carried to manufacturers in a ruling from the Comptroller General in connection with the subject. It holds that use of such coal is required under governmental contracts "for any public work, or service," and that a provision for such use in a contract for the purchase of supplies is not required. The ruling was given to the Treasury Department after it had inquired whether it should reject the bid (the only one received) of a Chicago packing company to supply the United States Narcotic Farm, Lexington, Ky., with butter and cheese. The packing company had stricken out the Guffey coal provision in its bid.

### Are You Taking Advantage of the Special Services of the Illinois Manufacturers' Association?

The Illinois Manufacturers' Association is in a position to render a large variety of personal services to its members. We maintain a very large research library and have comprehensive files on many problems of vital importance to industry, including employee relations, wage rates, taxes, government business, federal, state and local, foreign trade, traffic, waterways, speakers for meetings, marketing, agricultural relations, public utilities, employment service for industrial executives and a large variety of other subjects of importance to industry.

The Association maintains a staff of twenty-five persons who are devoting their entire time to serving the interests of Illinois industry. We maintain a well equipped office at Springfield in charge of Allan T. Gordon, which has continuous contact with all the departments of our state government.

**TAKE FULL CHARGE OF THE EXTENSIVE FACILITIES OF YOUR ASSOCIATION.**

# Recent Meetings in Which the I. M. A. Participated

Jan. 2—Meeting of directors of Associated Arts and Industries at Illinois Manufacturers' Association to formally accept the generous gift of the famous old Marshall Field residence on Prairie Avenue as the new home of the organization. This property has a frontage of 170 feet on Prairie Avenue and extends east 128 feet. Class rooms and offices will be established in the residence and shops and ateliers in the huge garage which is being remodeled for that purpose. Wm. Nelson Pelouze formerly president of the Illinois Manufacturers' Association is president of the association and several of the Illinois Manufacturers' Association directors serve on its board.

Jan. 3—Sub-Committee on Federal taxes. C. C. LaRue, U. S. Gypsum Company, Chairman, decided to recommend to directors views on policies outlined in "Referendum No. 1" of the Chamber of Commerce, U. S. A. This in part expressed opposition to increasing expenditures by governmental orders. Recommended coordinated plans for reduction of public expenditures, balancing of the federal budget and protested against mounting taxes.

Jan. 6—R. E. Wantz, Chairman of the Advisory Board, addressed Rotarians at Freeport on Social Security Act declaring it would take annually from Illinois between \$150,000,000 and \$200,000,000 adversely affecting the working capital of industry and savings of workers.

January 7—Association successfully protested against single gate at mouth of Chicago river as an obstruction to navigation at hearing conducted by U. S. War department.

Jan. 9—Committee on International Affairs considered United States policy of neutrality toward warring countries.

Jan. 9—Sub-Committee on Cook County Taxes. E. L. Harrig, Joseph L. Ryerson & Son, Incorporated, Chairman, met to discuss Cook County Personal Property assessment rates which have increased 50 to 70 per cent on tangible property and from 20 to 25 on intangibles.

Jan. 10—Board of Directors elected the following as members of the Advisory Board for the current year: Paul F. Reich, William Butterworth, D. A. Crawford, James D. Cunningham, Samuel M. Hastings, E. C. Heidrich, Jr., George R. Meyerford, Sterling Morton, William Nelson Pelouze, R. E. Wantz, retiring president, automatically becomes Chairman of the Advisory Board.

Jan. 10—Executive and Advisory Committee of the Illinois Manufacturers' Costs Association met at the Morrison Hotel, following a dinner, to discuss the future program of that organization.

Jan. 13—Meeting of the Landis Award Employers Association, Union League Club, 12:30 p. m.

Jan. 15—"Proper Insurance Control" was the subject of a Technical Discussion meeting No. 8 at Hotel Sherman, beginning at 7 p. m. G. M. Pelton of Swift & Company presided. The discussion leaders were R. E. Colville, manager of the Insurance De-

partment of Montgomery Ward & Company; Roy D. Brown, manager of the Insurance Department of Swift & Company, and I. J. Wickens, manager of the Insurance Department of Utilities Power & Light Company. Many practical insurance economies were illustrated.

Jan. 15—Executive Vice-President James L. Donnelly addressed the annual convention of the National Bedding Manufacturers Association at the Palmer House on "Cooperation for Protection." He emphasized the need on the part of business men of taking a more active interest in public and legislative affairs.

Jan. 15—Executive Vice-President James L. Donnelly addressed the Chicago Woman's Club on "Unemployment Insurance."

Jan. 17—Addresses by Sterling Morton of the Morton Salt Company and a member of the Advisory Board of the Illinois Manufacturers' Association and Allan T. Gordon, Director of the Legislative Bureau of the Illinois Manufacturers' Association at a meeting of the Southern Division at the Broadview Hotel, East St. Louis. Mr. Morton, who has made many addresses in industrial centers, took for his subject, "Planned Economy, a Challenge to Industry." He took the position that so-called planned economy was nothing but collectivism, Fascism, Socialism, Nazism or Communism—all members of the same family.

Jan. 18—Represented at the Annual Dinner of the Carriage Exchange of Chicago, Grand Ball Room, Palmer House.

Jan. 21—Walter E. Spahr, director of Economics of New York University, following a dinner at the Hotel LaSalle by the Illinois Manufacturers' Costs Association on "Fundamentals of the Business Depression" and how a misconception of their causes misled the government in its adoption of a program for recovery which has created discussion and class friction.

January 21—Illinois Manufacturers' Association represented at meeting at the Union League Club to discuss naturalization of alien citizens in Illinois.

January 23—Meeting of Industrial Relations Committee of the Illinois Manufacturers' Association at the Union League Club to discuss means of bringing about a greater cooperation between employers and employees.

January 31—Meeting of Illinois Industrial Council at offices of the Association. All day session.

January 23—Sterling Morton, member of the advisory board, I. M. A., in an address at Omaha, Neb., urged an organized fight by industry and business against centralization of government. Centralization of government, he said, would kill individual initiative, individual responsibility and individual personal liberty.

Jan. 25—Represented at Annual Meeting of the Will County Manufacturers Association, Louis Joliet Hotel, Joliet, at a dinner beginning at 6:30 p. m.

Jan. 27—Represented at 19th An-

nual Dinner of the Traffic Club at the Palmer House.

Feb. 3—"Practical Presentation of Cost Information and Its Use by Management" was the subject of Technical Discussion Meeting No. 7, held at the Hotel Sherman, beginning at 7 p. m. The Discussion Leader was Warren H. Sapp, General Manager of Armour and Company and Fred J. Steffens, Assistant Comptroller of Libby, McNeill & Libby, presided.

Feb. 3—Meeting of Policy Committee of the Association held at the Union League Club, beginning at 12:30 p. m., to consider governmental activities.

Feb. 5—Represented at Annual Dinner of The Employers' Association of Chicago at the Palmer House. S. Wells Utley, President of The Detroit Steel Casting Company, spoke on the subject of "What of the Future?" Joseph C. Eelden, a member of the Board of Directors of the Illinois Manufacturers' Association, acted as Chairman of the meeting.

Feb. 6—Meeting of interested employers at Association headquarters to discuss revision of proposed fire prevention ordinance and sprinkler ordinance of Chicago.

## ARMOUR INSTITUTE

### Cooperative Course in Mechanical Engineering

A number of members of the Illinois Manufacturers' Association are cooperating with the Armour Institute of Technology in establishing a cooperative course in Mechanical Engineering which began this month.

At least fourteen colleges have cooperative courses in operation. Gen. Thos. S. Hammond, President of the I. M. A., is taking a special interest in this movement and presided at a meeting of forty manufacturers at a luncheon held recently at the Palmer House.

The plan provides a means by which energetic, ambitious young men without sufficient funds to pay the costs of a college course, may be able to alternate between work in college and work in industrial plants and obtain in a five-year course the equivalent of the usual four-year engineering college training.

The tuition for each of the five years is \$240. Fees and text books will involve additional expense of about \$25 per year.

The minimum wage for beginning students will be \$15 per week. For the working periods, aggregating twenty-six weeks, the total earnings of \$390 will be \$100 more than the cost of tuition, fees and books.

The Illinois Gear and Machine Company, 2108 North Natchez Avenue, Chicago, Illinois, have purchased all of the machinery and equipment of the William Ganschow Company Division of Gears and Forgings, Inc., in Chicago.

PLEASE PASS THIS BULLETIN DOWN THE EXECUTIVE LINE

\$37,368,000

### Direct and Indirect Cost of Industry Industrial Accidents in 1932

The Illinois Manufacturers' Association has received from Peter J. Swanish, Division of Statistics and Research of the Illinois Department of Labor an interesting report on the cost of industrial accidents in Illinois for 1932.

Compensation payments in 1932, exclusive of hospital and medical care (except in hernia cases disposed of by settlement contract), artificial limbs and funeral expenses, totalled \$7,473,622.

This, however, does not include the hidden costs to employers, exclusive of compensation and liability claims, medical and hospital cost, insurance premiums which are as follows:

- (1) Cost of lost time of injured employee;
- (2) Cost of time lost by other employees who stop work (a) out of curiosity; (b) out of sympathy; (c) to assist injured employee; or (d) for other reasons;
- (3) Cost of time lost by foremen, supervisors, or other executives (a) assisting injured employee; (b) investigating the cause of the accident; (c) arranging for the injured employee's production to be continued by some other employee; (d) selecting, training, or breaking in a new employee; and (e) preparing State accident reports or attending hearings before industrial commissioners;
- (4) Cost of time spent on the case by first aid attendant and hospital department staff when this time is not compensated by insurance;
- (5) Cost due to injury to the machine, tools, or other property, or to the spoilage of material;
- (6) Cost due to interference with production, failure to fill orders on time, loss of bonuses, payment of forfeits, and other similar causes;
- (7) Cost under employee welfare and benefit systems;
- (8) Cost in continuing the wages of the injured employee in full after his return even though the services of the employee (who is not yet fully recovered) may for a time be worth about half of their normal value;
- (9) Cost due to the loss of profit on the injured employee's productivity, and on idle machines;
- (10) Cost of subsequent injuries that occur in consequence of the accident or weakened morale due to the original accident; and
- (11) Overhead cost—the expense of light, heat, rent, and other such items—which continues while the injured employee is a non-producer.

It is well to point out that in 1932, industrial activity in Illinois declined to the lowest level in the thirteen years, 1923-1932, for which records are available. The Division of Statistics and Research estimated that the direct and indirect costs of industrial accidents (four times compensation paid plus compensation paid) in 1932, ex-

clusive of hospital and medical care (except in hernia cases disposed of by settlement contract), artificial limbs and funeral costs, totalled approximately \$37,368,000.

### DOUBTFUL PROPRIETY

Our attention has been called to activities which are being engaged in by various associations in their effort to secure memberships from manufacturers of Illinois which would appear to be of questionable propriety. These activities include getting from a given employer a list of firms with which such employer does business or from which he may purchase supplies or materials, etc. Such employer is then persuaded to write letters to all of such firms on his stationery soliciting their membership in a given association. Quite frequently, according to our information, these letters are written for such employer in the office of the organization for which such membership is being solicited. Instances have been called to our attention where individuals identified with such organization have called up manufacturers who were prospective members and given the impression that they were speaking on behalf of the industrial executive whose name was signed to the letter soliciting such application, although in fact the industrial executive may not have had any knowledge of such supplementary telephone solicitation.

### SAFETY COUNCIL ELECTION

T. J. Carney, vice president of Sears, Roebuck & Co., was reelected president of the Chicago safety council for the third successive year at the annual meeting at the Palmer house. New members elected to the advisory board of the council are: F. A. Croft, vice president of the Magnus Metal Company; T. S. Hammond, president of the Illinois Manufacturers' Association; J. L. Keeshin, president of the Keeshin Transcontinental Freight Lines, Inc.; D. F. Kelly, president of the Fair store, and G. C. Kimball, vice president of the Carnegie-Illinois Steel Corporation.

Three new members were elected to the board of directors: C. S. Craig, vice president of the Belden Manufacturing Company; Robert Kenyon, Jr., secretary-treasurer of Chicago Lloyds, and R. E. Vernon, manager of the fire prevention department of the Western actuarial bureau.

It will be noted that most of the new officers are from member firms of the I. M. A.

### WAGES AND HOURS

Since the end of the National Industrial Recovery act last May there has been no widespread tendency to cut wages, increase hours of work, or to lay off employees, the National Industrial Conference Board found in a survey of about 2,000 manufacturing plants in 25 industries.

The analysis, involving more than a million workers, shows that hourly earnings and employment in October, 1933, were above those of April, the last month of the NRA and that the average working week was nearly two hours longer.

### WORKERS WILL PAY

Between \$180,000,000 and \$200,000,000 annually would be taken from the earnings of the workers and the payrolls in Illinois by the Federal Social Security Act, according to R. E. Wantz, who spoke before the Rotarians at a luncheon at Hotel Freeport, Jan. 8.

The administration of the act, said Mr. Wantz, will be by politically appointed boards with almost law-making power, sitting in every political sub-division in the state. There is no guarantee of any exact amount of return, he said, to those who are supposed to benefit by the act, as, for instance, a man beginning to pay on the old age pension at the age of 20 and continuing to pay for 45 years without receiving one cent of benefit from it, cannot borrow on his payments and has no guarantee of the amount the government will pay or whether his dollars will be worth as much on the promised date of payment as they are when he pays them in.

### ECONOMIC SECURITY

Aid in developing economic security for American workers is being provided voluntarily by many employers in all major industries. This help is supplied through such mediums as guaranteed employment, disability compensation, group life, health, and accident insurance, mutual benefit associations, pensions and loans to employees.

The foregoing information is from a recent nation-wide investigation of industrial relations policies by the National Industrial Conference board. The survey covered 2,452 business establishments in manufacturing, mining, transportation and communication, wholesale and retail trade, finance, and public utilities. The employment represented by these companies totals over 4,500,000, or 15 per cent of all persons gainfully employed in the industries covered by the survey.

### LITTLE WONDER THEY MOVE

"In the past 30 days one Wisconsin firm with a million dollar a year payroll has definitely made arrangements to move out of the State," says the Wisconsin Implement Dealer. "Another firm with equally as big a payroll has contemplated the same move. Less than a year ago a big knitting mill sought another State for its operations. Isn't it about time the people of Wisconsin began to ask why this exodus of payrolls? The answer is as plain as the nose on every voter in the State. Those men move their factories because of the excessively high taxes and because government officials condone irresponsible labor strikes by sitting with hands folded and permitting strikers to destroy, through mob action, factory properties. Labor has always the right to say whether it will work or not, but no one has the right to destroy the property of another."

**SITUATION WANTED:** Ten years experience as stenographer, typewriter operator and file clerk. Would like general office work. Address C. M. L., this office.

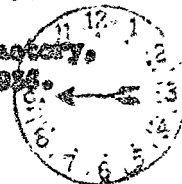
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MT005290

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RECEIVED  
SEP 10 1936

Waukegan Factory,  
Sept. 8, 1936.



PERSONAL & CONFIDENTIAL

Mr. S. A. Williams,  
Vice President,  
General Headquarters.

DUST DISEASES - NEW ILLINOIS LAW

VICE PRESIDENT  
SEC. & TREAS. OFFICE

At the time of your recent visit to Waukegan we discussed Mr. V. Brown's letters of July 15th and August 18th to you in reference to the New Illinois Law.

*why Clark - instead of Keith -*  
As per your verbal request I discussed this whole situation with Mr. Clark in Chicago and in his opinion we should take no definite action regarding separation of any employees who might later become compensation cases. His reasons for this recommendation are as follows:

1. Discharge of employees at this time in Mr. Clark's opinion would not prevent them from taking action under common law against us.
2. Any man now questionable should be transferred to jobs where the exposure is less hazardous than at present.
3. In the normal course of events many of these questionable cases would be automatically disposed of by withdrawals from the Company, deaths or other causes. The net number of cases that will eventually be referred to the Industrial Commission of present employees will in Mr. Clark's estimation be very small.

Mr. Clark also questioned the advisability of endeavoring to obtain waivers from employees on or before November 29th, 1936. While it doubtless would be possible to clean up some of these cases with a nominal settlement, the precedent established might be bad.

For your further information I am attaching hereto copy of Dr. Keller's letter of August 18th together with the list of 35 names of employees whose cases might be considered questionable.

J. F. EDIT CAMP, MGR  
Waukegan Factory

JFH:ASH

CC to Mr. Wendell Brown, Gen'l Hdqrs.

MT005269

PERSONAL & CONFIDENTIAL

Mr. Vandiver Brown,  
General Headquarters.

Waukegan Factory  
Sept. 16, 1936

RECEIVED  
SEP 18 1936

VICE PRESIDENT  
SEC. & TREAS. OFFICE

ILLINOIS OCCUPATIONAL DISEASES ACT,  
Health, Comfort and Safety Act

As per your request the writer attended the luncheon held at the Union League Club, Tuesday, September 15th, for the purpose of discussing problems of Illinois industry in connection with the Illinois Occupational Diseases Act and the Health, Comfort and Safety Act.

The meeting was very well attended and was presided over by Mr. James L. Donnelly, Executive Vice President and Dr. Cheevers a member of the committee that worked on the original draft of the bill.

The primary object of the meeting was the endorsement of a resolution which was to be presented to the Board of Directors of the Illinois Manufacturers Association recommending the employment of an assistant to Mr. Donnelly, who would devote his entire time to follow-up of this very important law. It was suggested that the following points should be carefully checked by this man with the assistance of an able committee appointed from industry.

- a. See that men of proper caliber and integrity are appointed to the membership of the Illinois Industrial Commission.
- b. Assist in the formulation of rules and regulations to be used by the Industrial Commission in passing on the Occupational Diseases Act.
- c. To see that unscrupulous persons are not permitted to use this Act as a means of increasing their revenue through the filing of improper cases before the Industrial Commission.

It was pointed out by the chairman that grave danger lies in these new Bills unless proper interpretation is given to the Bills. Improper interpretation on the part of the Industrial Commission would put a very heavy burden on industry.

The resolution was passed and then Mr. Donnelly called attention to the fact that it may be necessary for the Illinois Manufacturers' Association to solicit subscriptions from some of the large industries to carry on this additional work.

The meeting was then thrown open for general discussion and many interesting questions were raised.

Mr. V. Brown, -2

Sept. 18, 1938.

It was interesting to note the wide difference of opinion expressed by the various attorneys who were present as representing some of the industries and even the differences of opinion expressed by various doctors representing industry.

One attorney strongly advised the industry not to be in too big a rush to file their notices of acceptance after midnight September 30, 1938, but to wait until all the rules and regulations have been promulgated by the Industrial Commission covering the enforcement of these new laws. Some of the other attorneys strongly urged the filing of a form of acceptance immediately after midnight September 30th. The statement was made that a formal notice of acceptance has been prepared and will be mailed to members of the Illinois Manufacturers' Association in the near future.

Another question which brought forth considerable discussion was the disposition of employees now on the payroll who are doubtless hazards and may become costly compensation cases later. Opinion differed greatly, but Dr. Britton seemed to strike the keynote by stating that a good lot of common sense was required and that he did not believe any manufacturer would deliberately remove from his payrolls at this time men who have been with the Company for years and through no fault of their own are not in 100% perfect physical condition. He advocated a careful study of the men at work to see what the men were put in the least hazardous positions and moreover to see that working conditions were made as healthy as possible and so long as a man was able to work with any degree of satisfaction at all he should be kept on the payroll regardless of the fact that he may later become an expense to the Company.

Dr. Britton stated that in his opinion the labor trouble that would develop due to a general house cleaning at this time on the part of industries in the State of Illinois would cost industry far more money than they would save by dropping men from the payroll who may later become compensation cases. He urged all the manufacturers to have their employees examined by a competent doctor, have them X-Rayed and the films interpreted by an expert. Then place the men in positions where their work will be the least harmful to them.

Dr. Britton further advocated the use of a lot of common sense by the Employment Manager and the doctor in the examination of prospective employees. He stated that if only those who were 100% perfect in every respect were employed, industry would have a tough time trying to operate. It should be the job of industry to not only train the men in their work, but to make every effort to keep them in good physical condition by proper advice from both the Employment Manager and the Company doctor.

Before adjournment the Chairman called attention again to the pamphlet

(con)

MT005271

Mr. V. Brown, -3

Sept. 16, 1938

issued by the Illinois Manufacturers' Association under date of August 5th covering suggestions of the Occupational Diseases committee. I am sure both you and Mr. Williams have a copy of this pamphlet in your files.

Should we not come to some definite decisions as early as possible regarding action which should be taken at Waukegan prior to the date when this Act becomes effective, namely October 1, 1938?

JPK-ASM

J. P. KOTTCAMP, Mgr.  
Waukegan Factories

CC to Mr. S. A. Williams, Gen'l Hdqtrs.  
Mr. E. M. Voorhees, Gen'l Hdqtrs.

MT005272

General Headquarters  
October 21, 1936

Mr. S. A. Williams,  
Vice-President.

*regulations*  
Re: New Illinois Occupational Diseases Act

I discussed the new law and the question of our filing an acceptance of its provisions with Mr. Heth, with Mr. Clarke and with Mr. C. A. Livingston of the Illinois Manufacturers Association. I endeavored to see Mr. Donnelly, Executive Vice-President of the I.M.A., but he was out of the city during all of the time I was in Chicago.

The unanimous recommendation is that Johns-Manville Corporation file a notice of acceptance.

The only persons who are hesitating - and who have any justification for hesitating - are those whose businesses do not present an appreciable occupational disease hazard. Obviously, we do not fall into that classification. I am advised that those concerns which do have an occupational disease hazard - and particularly those which have a dust disease hazard - are filing notice of their acceptance of the Act.

Mr. Heth, Mr. Clarke and Mr. Livingston confirmed the advice I gave you at our conference on this question, when Mr. Voorhees and Mr. Kottcamp were present, to the effect that the power of the Industrial Commission to fix rules and regulations regarding the safeguarding of employees from the danger of occupational disease ~~was~~ contained in the Health & Safety Act and not in the Occupational Diseases Act. The Commission has the power to establish these rules and regulations irrespective of our acceptance or non-acceptance of the Occupational Diseases Act so that nothing is gained on that score by failure to file, or delay in filing, the notice of acceptance. Moreover, if we do not file, we then become bound by the provisions of Section 3 of the Act which contains a provision that failure to abide by a rule or regulation of the Industrial Commission shall constitute negligence per se on the part of the employer. As Mr. Clarke pointed out, if we are afraid the Commission will issue drastic rules and regulations, that is all the more reason why we should file a notice of acceptance. The choice boils down to this: Do we wish to have a jury assess damages in cases of silicosis or asbestosis, or do we desire to be bound to pay only the compensation rates prescribed by the Act? Thus stated, the answer is obvious.

*ep  
exp  
alone  
sepa  
law  
repe*

MT005273

0 0 0 1 4 5 1 6 2 4

-2-

It is my recommendation we file a notice of acceptance without further delay.

Attached is a copy of a form of acceptance which has been prepared for your signature. If you will sign and return it to me, I shall see that it is promptly transmitted to the Industrial Commission by Registered Mail. Please note that we are required to state the number of our employees. This means the number of employees in Illinois.

The Act requires that the employer shall either furnish its employees personally or post in a conspicuous place in the place of employment a copy of the notice of election. It is recommended that the first half of the attached acceptance (the part constituting the acceptance proper) be printed in large type and kept permanently on each bulletin board maintained in the Waukegan Plant.

VANDIVER BROWN  
Legal Department

VB:T

Enclosure

CC: Messrs. E. M. Voorhees  
J. P. Kottcamp (PERS. & CONF.-  
Addressee Only)

MT005274

COPY

Manville Factory  
April 4, 1938

Mr. B. A. Williams, V.P.  
GENERAL HEADQUARTERS

STATE DEPT. OF HEALTH DUST SURVEY OF  
SHINGLE PLANT AT WAUKEGAN FACTORY

Mr. C.H. McClure made the dust survey of the Shingle Plant at Waukegan Factory. He pointed out the places where he took his samples on March 30, 1938. He took two samples on March 31, in my presence. They follow the U. S. Public Health Service procedure in sampling for dust.

Mr. McClure talked with Mr. Miller, Plant Engineer at Waukegan, about the time when the following operations would be properly exhausted:-

Pluff-boxes, Picker-Roll Section & Veneer Screens-On Shingle Machines.

Two new Ball Mills in Shingle Dept.

Method of handling scrap from the Punch Presses to the Scrap Grinder.

Method of handling ground scrap from the Scrap Grinder.

Flex-board Trim Saw.

This information would be included in their report to the Dept. of Labor.

On Friday, April 1, Mr. Vaneman, of the Waukegan Factory and myself visited the Laboratory of the Illinois Dept. of Health, Div. of Industrial Hygiene, in Chicago. We talked to Dr. M. H. Kronenberg, who is head of the Dept. He told us that they expected industries in Illinois to clean up their plants and to keep them clean.

They are basing their findings and recommendations on ten million particles per cubic foot of air, under ten microns in diameter. They are compensating cases of Bronchitis, Asthma, Pneumonia, and Tuberculosis accompanying a fibrotic lung condition. They feel that dusty conditions aggravate these afflictions.

The Department of Labor is the enforcing agency in Illinois.

Mr. Betterling, their chief chemist, went through the counting routine with me. They use dark-field illumination. This is not U.S. Public Health Service procedure. Dark-field illumination used in counting gives higher counts than light field illumination. The idea of using dark-field illumination is not new in this work. Mr. Fehnel, Metropolitan Life Insurance Co., wanted them all to use it in 1932, but he didn't have any success; so he went back to the light-field method.

They mean business in the State of Illinois, and we must keep ahead of them by doing what they expect us to do. Machinery must be properly exhausted before production starts. This applies to experimental work as well as any other. To do this properly, everyone con-

MT005281

erned must be made to realize the importance of doing this work the right way and not to let things slide along without being taken care of at once. There should not be any trouble if we do our jobs properly before they have the opportunity to see our work rooms.

OLB

C. L. Binder  
Ind. Hygiene Eng.

cc Mr. A. R. Fisher, V.P. - Gen. HQ  
Mr. J. P. Syme, Ind. Relations Mgr. Gen. HQ  
Mr. D. C. Renton, Gen. Eng. Hanville Fety.

CONFIDENTIAL  
ATT. MAIL

General Headquarters, Box 91  
July 25, 1947

E. F. Day - Waukegan

NOTED  
V. B.

Bishop McMillan  
Your Letter July 22

Before any further action is taken it would be advisable to have the information requested below forwarded here in order that we might have the benefit of the opinion of Drs. A. J. Lanza and W. J. McConnell. Since employee reaction would, without doubt, be unfavorable should the present diagnosis become known, it would be undesirable (and possibly inaccurate) to apply the term "silicosis" to this case pending further consideration.

Kindly forward the following information:

1. Date of birth.
2. School and/or work records prior to J-M employment. (Did previous work include exposure to dust?)
3. Detailed work record with J-M. (Give description of job activities and job conditions which will assist in presenting the case to the above designated doctors.)
4. Dates and findings of physical examinations. (Examination date and X-rays should be included.)
5. Earnings for last ten years.
6. Employee benefits in which he is participating.
7. Is he receiving any current income? If so, how much and for what length of time?
8. What J-M conditions, if any, caused the lung damage and what other employees may be involved in similar conditions?

E. J. Schaffler mentioned, in a memo a short time ago, that the Illinois State Health Department was conducting a dust survey throughout the plant and we would appreciate a copy of this survey as soon as it is released.

H. M. Jackson

cc: V. Brown

MT005268

CONFIDENTIAL

June 11, 1973

J. Reeder  
cc.  
C. Wikel  
C. Jensen  
file

ILLINOIS POLLUTION CONTROL BOARD - ASBESTOS EMISSIONS DATA  
WAUKEGAN JOHN'S MANVILLE CORPORATION - INDUSTRIAL PRODUCTS DIVISION

Results of the Asbestos Emissions sampling for the Industrial Product Division - Waukegan Plant collectors, on June 6 and 7, 1973, are as follows:

June 6, 1973  
ROSS MIXER COLLECTOR #4518

0.6 Fib/cc  
0.8 Fib/cc

June 7, 1973  
CEMENT COLLECTOR

0.1 Fib/cc  
0.2 Fib/cc

D. R. Christensen  
Waukegan Environmental Control

Prepared by R. W. Whitt

MT005291



**Johns-Manville  
Products Corporation**

Waukegan, Illinois 60085  
(312) 623-2900

Environmental Control Department  
Waukegan, Illinois  
May 28, 1974

Mr. H. B. Reed, Jr. - President

**INDUSTRIAL HYGIENE SURVEY  
MIDWEST PRODUCTS OF ILLINOIS - CHICAGO, ILLINOIS**

The industrial hygiene survey for asbestos fiber was conducted on May 17, 1974 by F. J. Angelos, Industrial Hygienist. Excellent cooperation was received from plant management and the employees. The survey consisted of 20 filter membrane tests for asbestos fiber concentrations.

The sample results are as follows:

Asbestos Fiber Receiving

D-1R Unloader of Asbestos (In Car)

Employee: L. Rodriguez

Two men in car unloading, 7MF-5 Johns-Manville asbestos, 100 lb paper bags. When car door is opened all bags appeared in good condition. Operators wore respirators on part time basis. Operators walk on, throw, push, and kick bags out of car. Some breakage of bags due to type of handling emitting visible clouds of dust to air. Slight to moderate wind blowing which stirs up the fiber dropped from broken bags. Visible dust on each man's clothing is present.

Date: 5-17-74

Result: 10.4 F/cc  
12.4 F/cc

TLV: 5.0 F/cc  
5.0 F/cc

Ceiling Concentration: 17.8 F/cc

10.0 F/cc

MT005275

Asbestos Fiber Receiving (continued)

D-2R      Receiving Operator (out of car at plywood ramp - 2nd floor)

Employee: V. Layva

One man at this station catches bags as they slide down plywood ramp and positions them prior to pushing them down the slide to first floor. Some visible dust to air as bags bump one another. Visible dust on operators clothing is present. The slide is littered along edges with moderate amounts of spilled fiber from broken bags. This loose fiber falls off end of slide into palletizing area, releasing visible dust to air.

Date: 5-17-74      Result: 13.6 F/cc      TLV: 5.0 F/cc

D-3R      Palletizing Operator (1st floor)

Employee: G. Funches

Two men work at end of slide catching bags of fiber and palletizing 20 bags to a pallet. A fork truck moves pallets into storage, distance of approx. 20 ft. Floor in this area is covered with fiber from slide and broken bags. Some visible dust in air. Both men wear respirators.

Date: 5-17-74      Result: 10.3 F/cc      TLV: 5.0 F/cc  
33.2 F/cc      5.0 F/cc

Ceiling Concentration: 36.6 F/cc      10.0 F/cc

D-4R      Fork Lift Driver - Fiber Receiving

Driver removes loaded pallets and stacks in storage area, 3 pallet loads high. Keeps palletizing operators supplied with empty pallets and services other parts of plant. 75% of time is spent in receiving and storage area. Some visible dust in area. Driver's clothing is clean. Some fiber spillage on floor from torn bags.

Date: 5-17-74      Result: 11.6 F/cc      TLV: 5.0 F/cc

D-5R      General Room Sample - Receiving - Small Room - 2nd Floor

One man in area unloading fiber; refer to comments as D-2R. About one car of fiber is received every 2 weeks, 6 to 8 hours to unload car with 1060 bags of asbestos

Asbestos Fiber Receiving (continued)

D-5R

General Room Sample - Receiving - Small Room - 2nd Floor  
(continued)

fiber, during the busy season May to October.

Date: 5-17-74      Result: 4.3 F/cc      TLV: 5.0 F/cc  
6.5 F/cc      5.0 F/cc

D-6R

General Room Sample - Palletizing and Storage - 1st Floor

Three men in area, 2 palletizing and 1 fork truck driver. Moderate to heavy amounts of asbestos fiber on floor from slide and broken bags. Area is approx. 25' x 40'. Some visible dust in air, hard to judge due to poor lighting in area. Dark cloudy day. Slight draft in area, not enough to stir up material on floor.

Date: 5-17-74      Result: 5.1 F/cc      TLV: 5.0 F/cc  
14.6 F/cc      5.0 F/cc

North Mix Room

D-7NR

General Room Sample - 55 Gal. Mixer - North Side

Three men in general area, one filling 55 gal. drums and two men working on cartridge filling. Two fiber batches mixed on the 55 gal. mixer and one on cartridge mixer. Area appeared very clean with only small amounts of fiber on mixer platforms. Mixer operators wore respirators when handling fiber bags.

Date: 5-17-74      Result: 2.0 F/cc      TLV: 5.0 F/cc

D-8NR

General Room Sample - 1 Gal. Pail Supply Area

Four men work in general area - one man is mixer operator and feeds 1 gal. pails to line, he made one mix during test period. Six bags of fiber are added to mixer in each batch - 4-5 batches per day. Approx. mix time is 6 to 8 minutes per batch. Second man takes cartons off end of line and stacks on pallets. Third man observes filling of pails and sees that lids are properly sealing, makes minor adjustments to the machinery as needed. Fourth man works turntable and

North Mix Room (continued)

D-8NMR

General Room Sample - 1 Gal. Pail Supply Area  
(continued)

reworks any loose labels.

Date: 5-17-74      Result: 0.7 F/cc      TLV: 5.0 F/cc

D-9NMR

55 Gal. Drum Filler Operator

One man operation - fills drums and does the mixing of each batch. Batch consists of 9 bags of 7MF-5 fiber and 3 bags of Sno-Bird Clay. 6 to 8 batches are dumped per day; approx. 10 minutes to dump. All empty bags are thrown to floor, some visible dust to air produced. Some material on operator's clothing from material on outside of bags and broken bags. Two samples taken - one ceiling concentration during fiber dumping - 10 minutes, and one 2 hour sample for T.W.A. Two batches are dumped during the 2 hour test.

Date: 5-17-74      Result: 3.8 F/cc      TLV: 5.0 F/cc

Ceiling Concentration: 37.2 F/cc      10.0 F/cc

South Mix Room

D-10NMR

General Room Sample - North Mixer Fill Area

Two men work in north mixer fill area, fill 5 gallon pails. One person is also mixer man using 6 bags asbestos fiber per batch. 4-5 batches mixed per day. Mixed one batch during test period. No batches mixed on south mixer during test period. Area very clean, with both operators' clothing clean.

Date: 5-17-74      Result: 0.7 F/cc      TLV: 5.0 F/cc

D-11NMR

General Room Sample - South Mixer Fill Area

Three men in south mixer fill area, fill 5 gallon pails. One person is also mixer operator, dumping fiber, then assists in filling pails. A batch was not dumped during test period. Area very clean, no visible dust. Clothing of all three men are clean.

Date: 5-17-74      Result: 0.2 F/cc      TLV: 5.0 F/cc

South Mix Room (continued)

D-12SMR

North Mixer Operator

Mixer operator dumps fiber into mixer, 6 bags plus limestone. Seven minutes to dump fiber, remaining time for filling 5 gallon pails. Operator's clothing is clean and general area clean. One batch of fiber is dumped. Two samples taken, one ceiling concentration and one Time Weighed Average.

Date: 5-17-74

Result: 2.1 F/cc

TLV: 5.0 F/cc

Ceiling Concentration: 49.6 F/cc

10.0 F/cc

T.L.V. - Threshold Limit Value  
T.W.A. - Time Weighted Average  
F/cc - Fibers per Cubic Centimeter

SUMMARY

Personal observations of Industrial Hygienist:

1. Men in boxcar handled asbestos bags very roughly, walking on bags, throwing bags down from boxcar to floor, and kicking the bags out of car to plywood chute. This causes breakage of bags and release of fiber to air.
2. An engineering study should be made for a material handling method and a ventilation system for receiving, storage, and dumping of asbestos fiber into mixers.
3. All General Room Samples are well within limits, with one exception - the 2nd floor receiving, so that only the mixer operators are exposed while dumping fiber. Eight hour T.W.A. samples on mixer operators are within established limits.

*F. J. Angeles*  
F. J. Angeles  
Industrial Hygienist

MT005279

Environmental Control Department  
Denver CHQ  
April 7, 1972

C. L. Stake - Manville

cc: C. R. Wikel - Waukegan  
J. W. Reeder - Waukegan  
D. E. Hillier  
File: J. N. Siegfried  
C

WAUKEGAN INDUSTRIAL PRODUCTS DIVISION PLANT  
ASBESTOS REGULATIONS  
FEDERAL AND ILLINOIS EPA

The Waukegan Plants, with the assistance of this department, have prepared and submitted to the Illinois EPA applications for permits to operate. Permits are required by June 30, 1972.

Information in these permits indicate that certain of our exhaust streams, including those from the Ducon wet collectors, have not yet been measured. Preliminary attempts at Ducon emission measurement indicate that the fiber content of their exhaust greatly exceeds the 2 fibers per milliliter allowable maximum.

The proposed Federal Standards for Asbestos Emissions will be issued on June 4, 1972. Their regulations are based on best available control techniques and the P&M wet collectors will not meet their criteria. Source registration is required within 30 days after June 4th, and compliance with the regulations within 90 days after June 4th. If compliance cannot be achieved within 90 days, then a waiver must be requested.

In order to comply with Federal and Illinois regulations, the Ducons must be replaced. While this project is being carried out, waivers must be requested. A program for replacement, with timetables, must accompany the waiver request.

D. E. Hillier and I, accompanied by other members of the Environmental Control Systems Division, plan to be in Waukegan on May 1, 1972. At this time, I would like to finalize with the Division our program and timetable for this project.

E. M. Fenner

EMF/ems

MT005280

JOHN J. CHAMBERS  
DIRECTOR

STATE OF ILLINOIS  
WILLIAM S. STRATTON, Governor  
DEPARTMENT OF LABOR  
BUREAU OF FACTORY INSPECTION

W.A. 1136299  
FELIX F. KUCHARSKI  
CHIEF

Hearing Date

Time

File Number:

Establishment: Johns-Manville Corporation Phone No. Me 3-2442  
Address: Greenwood Ave Waukegan LaKe  
City or Town: Waukegan Zone: LaKe County: LaKe  
Main Office: New York  
(check) Corporation: ☒ Partnership: ☐ Individual: ☐ Other: ☐  
Name of President or Owner: (Letter to Robert C. Smith Safety Dir)  
Nature of Business: Chief Product Manufactured or Work Done: Asbestos Prod.  
No. of Employees: Male: 2500 Female: 200 Total: 2700  
Safety Organization: ☐ First Aid Room: ☒ Or Kit: ☐  
Insurance: W. C. ☒ O. D. ☒ Carrier: SELF Insured  
Lost-time Accidents: Last Yr.: 51 This Yr.: 50 Frequency Rate: Last Year: 101

Following is a list of violations of The Rules and Regulations promulgated by the Illinois Industrial Commission by authority of the Health & Safety Act, Chapter 48 Illinois Revised Statute 1947

- | Check<br>purpose<br>only            | Violations                                                                                                                                                                |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | 1. Provide adequate local exhaust ventilation for mixing in surface sheet mixing room as per Part F, Sec 3, Rules 2, 5 & 7.                                               |
| <input checked="" type="checkbox"/> | 2. Improve local exhaust ventilation on finishing saws, and rollers in pipe covering dept. to adequately trap dust as per Part F, Sec 3, Rules 2, 5 & 7.                  |
| <input checked="" type="checkbox"/> | 3. Improve ventilation at shingle punch presses to adequately remove dust particularly at brushes and where scrap falls on conveyor as per Part F, Sec 3, Rules 2, 5 & 7. |
| <input checked="" type="checkbox"/> | 4. Provide effective exhaust ventilation for large asbestos braiding machine (Turn H Ring Mkt) as per Part F, Sec 3, Rules 2, 5 & 7.                                      |
| <input checked="" type="checkbox"/> | 5. Provide hood effective in removing the dust at machining and grinding loaded brake lining as per Part F, Sec 3, Rules 2, 5 & 7.                                        |

Continued on page 2

When said violations are corrected immediately, said matter will be referred over to the Attorney General for prosecution.  
FELIX F. KUCHARSKI, Chief State Factory Inspector, 143 N. La Salle St., Chicago 3, Ill.

Person Interviewed: I. C. Smith Title: Safety Dir.  
Interviewed by: F. R. Smith Code No.:          Dist.:          City: Waukegan Date: 12-6-47

MT005295

Page 2

Business:

Johns - Manville Corp. Waukegan

File No.

6. Improve enclosures and exhaust ventilation brake block millowing room to minimize escape of asbestos dust it will have and bagger as per Part F, Sec 3, Rules 2, 5 & 7k

7. Improve local exhaust ventilation and hood enclosures at brake lining cementing using Ethyl methyl ketone solvent as per Part F, Sec 3, Rules 2, 5 & 7k

8. Improve exhaust radiating machine to minimize dust Rock wool dust as per Part F, Sec 3, Rule 2, 5 & 7k

9. Maintain effective exhaust ventilation on shingle machines as per Part F, Sec 3, Rules 2, 5 & 7k

10. Improve enclosure and exhaust on pipe covering machine to effectively remove asbestos dust as per Part F, Sec 3, Rule 2, 5 & 7k

11. Improve enclosure hood outlets, maintenance of systems to effectively remove talc dust as per Part F, Sec 3, Rules 2, 5 & 7k

12. Improve house keeping by periodic cleaning equipment and structures by vacuum methods as follows, millowing room surface sheets, pipe covering finishing area, shingle press area shingle room, brake block and Fiber checker millowing room, and brake lining machine and grinding rooms as per Part G, Sec 7, Rules 3 & 7.

WA 11006050

FILE IN JAMES HENRY S. WALKER  
C1

FRANK PIZZINZO  
TYPING

STATE OF ILLINOIS  
ADLAI E. STEVENSON, GOVERNOR

SIDNEY D. DEUTSCH  
CHIEF

DEPARTMENT OF LABOR  
DIVISION OF FACTORY INSPECTION

Stamped, INDUSTRIAL  
HYGIENE UNIT

Establishment: Johns Manville Corporation Phone No. Majestic 2900  
 Address: Greenwood Avenue, Waukegan, Illinois Lake County  
 Main Office - New York, New York  
 Corporation - Yes  
 Name of President or Owner: A. R. Fisher (NY) Letter to Herman Schaffler, Safety Engineer  
 Nature of Business, Chief product manufactured or work done: Asbestos Products  
 No. of Employees: Male 2293 Female 367 Total 2660  
 Safety Organization, Yes First Aid Room, Yes Or kit yes.  
 Insurance: W.C. Yes, O. D. Yes, Carrier - Self  
 Lost time accidents: Last year 37 This year - 27 Frequency Rate; last year 7.96  
 Health and Safety Posters - Yes Wage Claim Posters - Yes

RI, 3-1-45, 4-26-45, 4-31-45, 5-21-47.

FOLLOWING IS A LIST OF VIOLATIONS OF THE RULES AND REGULATION PROMULGATED BY  
THE ILLINOIS INDUSTRIAL COMMISSION BY AUTHORITY OF THE HEALTH & SAFETY ACT.  
CHAPTER 18, ILLINOIS REVISED STATUTE 1947 116

1. Provide enclosure and mechanical exhaust effective in removing the dust from the large asbestos braiding machines, Jewett Ring Dept. as per Part C, Sec. 2, Rule 3.
2. (R1) Maintain enclosure and exhaust of wax pots Jewett Ring Dept. to effectively remove smoke and vapor as per Part C, Sec. 2, Rule 3.
3. (R2 & 1) Place small blower, J.E. Mill room near outside to minimize contamination by leaks as per Part C, Sec. 2, Rule 3.
4. (R1) Improve bagging exhaust J.E. Mill room to give at least 200 linear feet per minute over the face opening of the hood as per Part C, Sec. 2, Rule 3.

- Cont. 2 -

UNLESS SAID VIOLATIONS ARE CORRECTED IMMEDIATELY, SAID MATTER WILL BE TURNED OVER TO THE  
ATTORNEY GENERAL FOR PROSECUTION. - SIDNEY D. DEUTSCH, CHIEF STATE FACTORY INSPECTOR,  
160 NORTH LA SALLE STREET, CHICAGO, 1, ILLINOIS

Person Interviewed: Herman Schaffler Safety Engr., Ind. Hygiene Engr.  
 Harry I. Wala  
 Ind. Hygiene Engr. G. Walker Grabenacker 9-18-51

MT005297

## II.

## Industrial Hygiene

9-18-51, G. Walker Daubenspeck

Business: Johns Manville Products Corporation

5. (R1) Improve exhaust and enclosure of curing ovens to eliminate blow out of smoke and gases when doors are open as per Part G, Sec. 2, Rule 3.
6. Provide effective hoods and exhaust for cut off saws on brake lining Dept. 190 as per Part G, Sect. 2, Rule 3, and Part G, Chap. 2, Rules 1, 2, 3.
7. Provide hoods and exhaust effectively removing the dust from dusty machining and milling of leaded brake lining, Machine shop, dept. 190 as per Part g, Sec. 2, Rule 3.
8. (R2) Provide hoods and exhaust effective in removing the fume for all maintenance arc welding readily carried on in fixed areas as per Part G, Sec. 2, Rule 3.
9. (R1) Improve enclosures and exhaust, brake block willowing room to minimize escape of asbestos dust at willow and bagger and maintain overhead parts free of excessive dust which is a source of recontamination as per Part G, Sec. 2, Rule 3.
10. (R2) Provide by careful supervision and education that spills of litharge on floors and the outside of containers is minimized and whenever such spills occur, provide that they are removed immediately by vacuum or wet methods and provide for very careful handling of empty litharge drums, which shall be kept covered while outside an exhaust booth, as per Part G, Sec. 2, Rule 3.
11. Provide that all containers of litharge and similar materials are properly labeled as per Part J, Section II, III, IV, and VI.
12. Improve hood enclosure and exhaust for litharge handling and weighing giving more attention to the lower part of the booth and maintain, under all operating conditions, at least 100 linear feet per minute into all parts of the face opening and overall litharge scales, open drums, handling operations and wherever litharge is commonly spilled as per Part G, Sec. 2, Rule 3.
13. Provide that all containers of solvents are labeled as per Part J, Section II, III, IV, and VI.
14. (R2) Improve enclosure and exhaust on mixing vats during filling and emptying to effectively control litharge dust and excessive solvent vapors as per Part G, Sec. 2, Rule 3. (Brake Plug Mixer Rooms)
15. Maintain covered containers and care in handling to minimize excessive exposure to solvent vapors in the mixing vat rooms as per Part G, Sec. 2, Rule 3.

Business: Johns Manville Products Corporation

16. (R3) Improve hoods and exhaust, and exhaust outlet locations to eliminate escape of toxic dust from big surface grinder and grinding rolls; Brake Blocks Dept. Dept. 190, as per Part G, Sec. 2, Rule 3, and Part C, Chap. II, Rule H 3a.
17. (R3) Provide exhaust for unexhausted sanding drums and improve exhaust to effectively control dust at others including downward exhaust, Brake Lining 180; as per Part G, Sec. 2, Rule 3 and Part C, Chap. II, Rules 1,2,3,4.
18. (R2) Improve hoods and exhaust to effectively trap the dust at machine surfacing both side of clutch plates as per Part G, Sec. 2, Rule 3, and Part C, Chap. II, Rule 3 (a).
19. (R2) Provide and maintain effective exhaust for controlling dust at dusty drilling, counter boring and similar operations involving lead dust as per Part G, Sec. 2, Rule 3.
20. (R3) Maintain overhead parts in all lead areas free of excessive dust which can be a source of contamination of the air as per Part G, Sec. 2, Rule 3.
21. Provide effective means of controlling lead dust dispersed in the handling of dusty brake lining and clutch plates after machining as per Part G, Sec. 2, Rule 3.
22. (R1) Provide hoods and exhaust for all soapstone dusting operations discontinuing the practice of soapstoning on the floor as per Part G, Sec. 2, Rule 3.
23. Maintain covers on trough in the Wet Magnesia Dept. so that the exhaust is effective in removing carbon monoxide as per Part G, Sec. 2, Rule 3.
24. (R1) Improve enclosure and exhaust on nodulating machine and conveyor to minimize dust, Rock Wool Dept. as per Part G, Sec. 2, Rule 3.
25. Improve enclosure and exhaust for Pipe Covering winders to effectively remove asbestos dust as per Part G, Sec. 2, Rule 3.
26. (R1) Replace air blowing by vacuum or other safe means of cleaning where this involves dispersion of asbestos dust per Part G, Sec. 2, Rule 3.
27. (R1) Maintain overhead parts in asbestos areas free of excessive dust which can be a source of contamination of the air as per Part G, Sec. 2, Rule 3.
28. (R3) Improve enclosure and exhaust on shingle presses to effectively remove the dust as per Part G, Sec. 2, Rule 3.
29. (R1 & D) Maintain effective enclosure and exhaust on Shingle Machines (NI poor at the time) as per Part G, Sec. 2, Rule 3.
30. (R3) Provide effective enclosure and exhaust for cement draw off operation Paints and Patty Dept. as per Part G, Sec. 2, Rule 3.

Business: Johns Manville Products Corporation

31. Modify patty mixer to eliminate inside pressure and blow out to the room as per Part G, Sec. 2, Rule 3.
32. (R) Improve enclosure of saturators Roofing Dept. to eliminate excessive smoke in the work room as per Part G, Sec. 2, Rule 3.
33. Improve enclosure, hood outlets, maintenance of systems to effectively control dust from talc coating of roofing as per Part G, Sec. 2, Rule 3.
34. (R) Maintain all drinking water facilities as per Part G, Sec. 5, Rule 4.

WA 11606-5496

JOY E. CUMMINS

STATE OF ILLINOIS

FELIX P. KUCHARSKI

Commissioner

WILLIAM G. STRATTON, Attorney

Chief

INDUSTRIAL HYGIENE  
UNIT

DEPARTMENT OF LABOR  
DIVISION OF FACTORY INSPECTION

Hearing Date

Time

File Number:

Establishment: Johns-Manville Corporation Phone No. MA-3-2900  
Address: Greenwood Ave Waukegan Lake  
Main Office: New York, N.Y.  
(check) Corporation: ☒ Partnership: ☐ Individual: ☐ Other: ☐  
Name of President or Owner: C.B. Burnett  
Nature of Business: Chief Product Manufactured or Work Done: Industrial and building products  
No. of Employees: Male: 2250 Female: 150 Total: 2400  
Safety Organization: Yes First Aid Room: Yes Or Kit: Yes  
Insurance: W.C. Yes O.D. Yes Carrier: Self Insured  
Lost-time Accidents: Last Yr.: 48 This Yr.: 13 Frequency Rate: Last Year: 9.6

Following is a list of violations of The Rules and Regulations promulgated by the Illinois Industrial Commission by authority of the Health & Safety Act, Chapter 48 Illinois Revised Statute 1967

100

- | Law reference<br>pertains<br>only |                                                                                                                                                                                  |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | X-R-Improve the feeders to the mixers in surface steel mixing room to avoid spillage and to maintain leak in system to minimize dust, as per Part E, Sec. 3, Rules 2, 5, and 7k. |
|                                   | 2-R-Improve the local exhaust ventilation on finishing saws and splitter in pipe covering departments to adequately trap dust, as per Part E, Sec. 3, Rules 2, 5, and 7k.        |
|                                   | 2-R-Improve ventilation at chingle punch presses to adequately remove dust particularly at brushes and where scrap falls on conveyor, as per Part E, Sec. 3, Rules 2, 5, and 7k. |
|                                   | H-R-Improve the hoods to effectively remove the dust at machining and grinding loaded brake lining, as per Part E, Sec. 3, Rules 2, 5, and 7k.                                   |

(continued)

Violations are corrected immediately, and master copy of record sent to the Attorney General for prosecution.

KUCHARSKI, Chief State Factory Inspector, 100 N. La Salle St., Chicago 1, Ill.

By: R.C. Smith Title: Safety Director  
Date: 6-15-60 City: Chicago Code No.: 2-1115-1-1

U.S. 849

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WA 11606-5496

# INDUSTRIAL HYGIENE

UNIT  
Continued

Business:

Johns-Manville Corporation

File No.

- 5-R- Improve and maintain effective exhaust ventilation on shingle machines, as per Part F, Sec. 3, Rules 2, 5, and 7k. (C)
- 6-A- Improve the exhaust and enclosure on pipe covering windows, to effectively remove asbestos dust, as per Part F, Sec. 3, Rule 7k. (C)
- 7-R- Improve general housekeeping by periodic cleaning equipment and superstructures by vacuum methods as follows: mixing room surface sheets, pipe covering finishing area, shingle press area, shingle room, brake block and fiber willowing rooms, and brake lining machining and grinding rooms, as per Part G, Sec. 2, Rules 1, 2, 3, 4, 5, & 7. (C)
- 8- Improve the exhaust ventilation and enclosures on the saws and grinders in the Block specialty areas to minimize dust, as per Part F, Sec. 3, Rule 2, 5, & 7k. (C)
- 9- Improve the exhaust on the Meehan Johnson saw in the Asbestos Wood Dept, as per Part F, Sec. 3, Rule 2, 5, and 7k. (C)
- 10- Provide proper labeling on all containers holding substances which constitute a health, poison, fire or explosion hazard, as per Part J, all sections (continued). (C)

(continued)

File No. \_\_\_\_\_

Business

Johns-Manville Corporation

11- Provide protective hand covering for employees in Dept. # 162 to prevent skin irritations and/or dermatitis, as per Part E, Sec. 2, Rule 3(d)

12- Provide periodic surveys for x-ray machine and Ohmatt Gauge and a record kept, to control and determine adequacy of safety procedures, as per Part G, Sec. 2, Rules 1, 3 & 4.

J. Hallen

6-15-60

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