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— Johns-Manville —

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



January 22, 1935

Rush

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

Re: Mellon Institute of Industrial Research
Symposium on Dust Problems

Dear Mr. Judd:

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

Very truly yours,

Vandiver Brown
Vandiver Brown
Attorney

VB:T
Enclosure

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

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

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

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

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

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

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

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

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

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

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

- (2) The desirability of making various dust diseases compensable under properly drawn workmen's compensation laws. One of the speakers stated that "the strongest bulwark against future disaster for industry is the enactment of properly drawn occupational disease legislation". Such legislation would (a) eliminate the jury and empower a Medical Board to pass upon the existence of the disease and the extent of the disability; (b) eliminate the shyster lawyer and the quack doctor since fees would be strictly limited by the law; and (c) permit the correcting of initial mistakes in the making of awards by providing for hearings to reduce or eliminate awards if proof could be adduced that the claimant was not disabled or that the extent of his disability had been overestimated.
- (3) Problems of ventilation, dust collecting and elimination, and respiratory devices.
- (4) The establishing of standards (a) for dust counting and particle size determination, (b) for the taking of X-rays for diagnostic use, and (c) for the interpretation of the markings on the films so produced.

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

Vandiver Brown representing Asbestos, Cork and Non-Metallic

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

E. O. Jones representing Foundries

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

A. J. Gentholtz representing Iron, Steel and Ores

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

Roger A. Hitchins representing Refractories, Ceramics and Clays

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

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

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

- (a) The compiling of a comprehensive bibliography of all books, treatises and publications dealing with any aspect of the dust problem; and the evaluation thereof.
- (b) The compiling, digesting and correlating of data and information from various subscribing industries relative to their particular experiences.
- (c) The drafting of approved workmen's compensation legislation covering pneumoconiosis.
- (d) The digesting of the laws of the various states which might affect the operations of industries presenting a dust hazard.
- (e) The outlining of problems requiring research or the establishment of fixed standards and the prevention of duplication of effort and expense along these lines.

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

VANDIVER BROWN
January 18, 1935

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Representatives at Silicosis Meeting

Aigeltinger, Arthur,
Southern Wheel Company,
230 Park Avenue,
New York, N. Y.

Allen, C. M.,
Staff Supervisor, Safety & Training,
The American Rolling Mill Company,
Middletown, Ohio.

Allen, W. B.,
Personnel Director,
Simonds Saw and Steel Company,
Lockport, N. Y.

Ames, W. F.,
Manager of Compensation,
Bethlehem Steel Company, Inc.,
Bethlehem, Pa.

Anderson, M. M.,
Aluminum Company of America,
Gulf Building,
Pittsburgh, Pa.

Atwood, F. H.,
Harbison-Walker Refractories Co.,
Farmers Bank Building,
Pittsburgh, Pa.

Avey, Dan M.,
(American Foundrymen's Assoc.)
Ponton Publishing Company,
Cleveland, Ohio.

Ayers, E. M., President,
Ayers Mineral Company,
Zanesville, Ohio.

Bankor, E. O., Gen. Supt.,
Penna. Glass Sand Corporation,
Huntingdon, Pa.

Barnum, W. J., Claims Attorney,
Youngstown Sheet & Tube Co.,
Youngstown, Ohio.

Barrett, L. P.,
Jones & Laughlin Steel Company,
201 J. & L. Building,
Pittsburgh, Pa.

Bartholomew, Tracy,
Duquesne Slag Company,
Diamond Bank Building,
Pittsburgh, Pa.

Beal, Geo. D., Ass't. Director,
Mallon Institute,
Pittsburgh, Pa.

Bennett, R. H.,
The Baldon Brick Company,
Canton, Ohio.

Berg, Dr. Chas. F.,
(United Engineering & Foundry)
858 Lockhart Street,
N.S., Pittsburgh, Pa.

Buyer, R. A.,
Central Tube Company,
Ambridge, Pa.

Bidwell, R. E., President,
Abingdon Sanitary Mfg. Co.,
Abingdon, Ill.

Blank, E. F.,
Jones & Laughlin Steel Company,
511 Ross Street,
Pittsburgh, Pa.

Blommers, P.,
H. H. Robertson Company,
2000 Grant Bldg.,
Pittsburgh, Pa.

Bolo, Ralph D.,
Engineering Department,
Pittsburgh Plate Glass Company,
Grant Building,
Pittsburgh, Pa.

Bovard, Dr. Paul G.,
Allegheny Steel Company,
Brackenridge, Pa.

Brandt, A. D.,
Willson Products, Inc.,
Reading, Pa.

Brown, Martin,
(United Zinc Smelting Corporation)
Moundsville, W. Va.

Brown, Vandiver,
Johns-Manville Corporation,
22 East 40th Street,
New York, N. Y.

Burke, J. E., President,
National Ready Mixed Concrete Assoc.,
J. K. Davison & Bro.,
42nd & Davison Streets,
Pittsburgh, Pa.

Campbell, C. C.,
Koppers Company,
Koppers Building,
Pittsburgh, Pa.

Campbell, E. J., Vice Pres.,
Sun Sand Company,
Troyer, W. Va.

Campbell, John,
Eagle Picher Lead Company,
Joplin, Mo. (Box 573)

Carman, C. F., President,
National Silica Works,
Berkeley Springs, W. Va.

Carr, J. O.,
Allegheny Steel Company,
Brackenridge, Pa.

Chivers, Dr. J. H.,
Medical Dept., Corwith Plant,
Crane Company,
Chicago, Ill.

Chormann, O. I.,
The Pfaunder Company,
Rochester, N. Y.

Clare, R. Linn,
Federal Seaboard Terra Cotta Corp.,
Woodbridge, N. J.

Collord, George L.,
The Shenango Furnace Company,
812 Oliver Building,
Pittsburgh, Pa.

Couchman, A. R.,
(Crushed Stone, Sand & Gravel &
Slag Industries)
1004 Baltimore Trust Bldg.,
Baltimore, Md.

Crotcher, L. H., Ass't. Director,
Mellon Institute,
Pittsburgh, Pa.

Crow, J. A.,
Ayers Mineral Company,
Zanesville, Ohio.

Cronin, Wm. J., Secretary,
Manufacturer's Committee,
Automobile Manufacturers Association,
General Motors Building,
Detroit, Mich.

Cummings, Donald E.,
Saranne Laboratory for the Study
of Tuberculosis,
Edward L. Trudeau Foundation,
Ironwood, Mich.

Curtis, A. J. R.,
Portland Cement Association,
53 West Grand Avenue,
Chicago, Ill.

Davidson, W. W., Personnel Director,
The Babcock & Wilcox Tube Co.,
Bayonne, N. J.

Davies, J. D.,
Mine Safety Appliances Company,
Braddock, Thomas & Mendo Streets,
Pittsburgh, Pa.

Davis, C. E.,
The Calorizing Company,
400 Hill Avenue,
Wilkesburg, Pa.

Davison, E. K.,
J. K. Davison & Bro.,
42nd & Davison Streets,
Pittsburgh, Pa.

Dickey, C. W., Manager,
Compensation Division, Service Dept.,
E. I. du Pont de Nemours & Co., Inc.,
Wilmington, Del.

Dodge, J. S., Insurance Manager,
Pittsburgh Plate Glass Company,
Grant Building,
Pittsburgh, Pa.

Donoghue, Thos. H.,
Safety Engineer,
Pittsburgh Plate Glass Co.,
Creighton, Pa.

Dorfan, M. I.,
Asst. Collecting Division,
Blaw-Knox Company,
Pittsburgh, Pa.

Drinker, Dr. C. K.,
55 Shattuck Street,
Boston, Mass.

Drinker, Dr. Philip,
Harvard School of Public Health,
55 Van Dyke Street,
Boston, Mass.

Dubois, H. B.,
Consolidated Feldspar Company,
P. O. Box 565,
East Liverpool, Ohio.

Dunbar, F. B.,
Pickands, Mather & Company,
Cleveland, Ohio.

Durham, George T.,
Cleveland Cliffs Iron Company,
Union Trust Building,
Cleveland, Ohio.

Elliot, A. H.,
Southern Wheel Company,
220 Park Avenue,
New York, N. Y.

Ellis, E. A.,
Director of Safety & Welfare,
Wheeling Steel Corporation,
Wheeling, W. Va.

Engel, Dr. F. C.,
Welfare Director,
The Corrigan, McKinney Steel Co.,
Cleveland, Ohio.

Filmer, W. T.,
Youngstown Sheet & Tube Company,
Youngstown, Ohio.

Flint, F. C.,
Hazel Atlas Glass Company,
Washington, Pa.

Ford, Karl L.,
Glass Container Association,
19 West 44th Street,
New York, N. Y.

Franzheim, C. H.,
Consolidated Feldspar Corporation,
P. O. Box 205,
Wheeling, W. Va.

Frary, Dr. F. C.,
Research Laboratory,
Aluminum Company of America,
New Kensington, Pa.

Funston, S. H.,
Attapulgus Clay Company,
260 South Broad Street,
Philadelphia, Pa.

Gohman, Dr. G. H.,
Medical Director, Service Dept.,
E. I. du Pont de Nemours & Co., Inc.,
Wilmington, Del.

Gentholtz, A. J., Ass't. Gen. Attorney,
Republic Steel Corporation,
Republic Building,
Youngstown, Ohio.

George, A. M.,
Armstrong Cork Company,
Lancaster, Pa.

Gibson, A. C.,
Spang, Chalfant & Company, Inc.,
Etna, Pa.

Glass, Dr. S. J., Jr.,
Company Surgeon,
American Sheet & Tin Plate Co.,
Frick Building,
Pittsburgh, Pa.

Grau, Karl,
The Babcock & Wilcox Tube Co.,
17th Street & 21st Avenue,
Beaver Falls, Pa.

Greeno, F. L.,
General Refractories Company,
Claysburg, Pa.

Hall, A. B.
Hazel-Atlas Glass Company,
Wheeling, W. Va.

Hare, H. R.,
Safety & Welfare Director,
McKeesport Tin Plate Company,
McKeesport, Pa.

Harrington, Dr. F. B.,
Chief Surgeon,
Weirton Steel Company,
Weirton, W. Va.

Harvey, Dr. A. M.,
Crane Company,
Chicago, Ill.

Harvey, O. F.,
American Car & Foundry Company,
30 Church Street,
New York, N. Y.

Hatch, J. W.,
Abingdon Sanitary Mfg. Co.,
Abingdon, Ill.

Hay, Russel G.,
Ayers Mineral Company,
Zanesville, Ohio.

Haythorn, Dr. Samuel R.,
Singer Memorial Laboratory,
Allegheny General Hospital,
Pittsburgh, Pa.

Hasard, W. G.,
Owens-Illinois Glass Company,
Toledo, Ohio.

Heilman, Dr. M. W.,
Allegheny Steel Company,
Brackenridge, Pa.

Hensel, H. G., Safety Director,
Youngstown Sheet & Tube Company,
2111 Conway Building,
Youngstown, Ohio.

Herr, H. T., Jr.,
J. S. McCormick Company,
25th and A. V. R. R.,
Pittsburgh, Pa.

Herron, Dr. Thos. B.,
Mill Doctor,
Pittsburgh Steel Company,
Monessen, Pa.

Hirth, A. C.,
Williams, Everman & Morgan,
Board of Trade Building,
Toledo, Ohio.

Hitchins, Roger A., President,
American Refractories Institute,
1608 Walnut Street,
Philadelphia, Pa.

Hodas, Dr. Philip,
University Hospital,
Philadelphia, Pa.

Holbrook, E. A.,
School of Mines,
University of Pittsburgh,
Pittsburgh, Pa.

Hoyt, C. E.,
American Foundrymen's Association,
222 West Adams Street,
Chicago, Ill.

Huggins, G. L.,
General Electric Company,
818 Fulton Building,
Pittsburgh, Pa.

Huth, Gordon C., Manager,
Bureau of Safety and Casualty,
Universal Atlas Cement Company,
208 S. LaSalle Street,
Chicago, Ill.

Johnson, George W.,
Excelsior Supply Company,
34th Street and A. V. R. R.,
Pittsburgh, Pa.

Johnston, Dr. John,
U. S. Steel Corporation,
71 Broadway,
New York, N. Y.

Jones, E. O.,
National Founders Association,
23 South LaSalle Street,
Chicago, Ill.

Jones, F. Robertson,
Assoc. of Casualty & Surety Executives,
1 Park Avenue,
New York, N. Y.

Jones, Dr. R. R.,
Medical Director,
Bell Telephone Company,
416 Seventh Avenue,
Pittsburgh, Pa.

Junkin, Hays M.,
Knex, Strouss & Bragdon,
1725 Juniata Street,
N.S., Pittsburgh, Pa.

Kahl, J. C., Manager,
United Engineering & Foundry Co.,
Vandergrift, Pa.

Kaller, J. M.,
Manager of Foundries,
American Car & Foundry Company,
1558 South Vandeventer Avenue,
St. Louis, Mo.

Kelly, Dr. J. C.,
(McKeosport Tin Plate Company)
219 Sixth Avenue,
McKeosport, Pa.

Kennedy, Dr. P. H.,
Youngstown Sheet & Tube Company,
Youngstown, Ohio.

Keplinger, R. B.,
Metropolitan Paving Brick Co.,
Canton, Ohio.

Kross, F. J., President,
F. J. Kross Box Company,
1. 28th Street,
Pittsburgh, Pa.

Kuechle, Benjamin,
Employers Mutual Insurance Co.,
Wausau, Wis.

Kurtz, Thos. N.,
North American Refractories Co.,
Oliver Building,
Pittsburgh, Pa.

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

Leitzel, F. O.,
Blaw-Knox Company,
Pittsburgh, Pa.

Lescollette, R. F.,
Armstrong Cork Company,
Beaver Falls, Pa.

Lindsay, Harry B., Sec.-Treas.,
Grinding Wheel Manufacturers Assoc.,
27 Elm Street,
Worcester, Mass.

Logan, A. E., Mgr.,
Safety & Welfare Department,
American Sheet and Tin Plate Co.,
Frick Building,
Pittsburgh, Pa.

Lohman, H. W.,
United Zinc Smelting Corporation,
Moundsville, W. Va.

Loxterman, H. B.,
Blaw-Knox Company,
Pittsburgh, Pa.

Lutton, C. L., Safety Director,
H. C. Frick Coke Company,
Frick Building Annex,
Pittsburgh, Pa.

McAfee, W. Keith, Pres.,
Universal Sanitary Mfg. Co.,
New Castle, Pa.

McAarn, D. G., Works Mgr.,
Allis-Chalmers Manufacturing Co.,
N.S., Pittsburgh, Pa.

McConnoughy, Dr. J. B.,
Aluminum Company of America,
New Kensington, Pa.

McCord, Dr. Carey P.,
Industrial Health Conservancy Lab.,
Cincinnati, Ohio.

McCullough, Dr. J. F.,
301 Jenkins Arcade,
Pittsburgh, Pa.

McKibben, A. H.,
Macbeth-Evans Glass Company,
Charleroi, Pa.

MacLachlan, Dr. W. W. G.,
Medical Arts Building,
Pittsburgh, Pa.

Manor, J. M., Vice President,
Consolidated Feldspar Company,
East Liverpool, Ohio.

Marshall, J. G.,
Union Carbide Company,
Niagara Falls, N. Y.

Mather, S. L., Vice President,
Cleveland Cliffs Iron Company,
Union Trust Building,
Cleveland, Ohio.

Matthews, T. C.,
Pennsylvania Pulverizing Company,
Lewiston, Pa.

Mawhinney, Dr. Hart,
Mercy Hospital,
Pittsburgh, Pa.

Meiter, Dr. E. G., Director,
Industrial Hygiene Laboratory,
Employers Mutual Liability Insurance
Company of Wisconsin,
800 Empire Building,
Milwaukee, Wis.

Mellier, H. B., Chief,
Bureau of Smoke Regulation,
Department of Public Health,
Pittsburgh, Pa.

Morfoot, F. G.,
Owens-Illinois Glass Company,
Toledo, Ohio.

Murphy, Walter B.,
Director of Plant Personnel,
Atlantic Refining Company,
3144 Passyunk Avenue,
Philadelphia, Pa.

Nichols, K. W.,
The Floridin Company,
Warren, Pa.

Osmond, Dr. L. H.,
301 Jenkins Arcade,
Pittsburgh, Pa.

Pendergrass, Dr. Eugene P.,
University Hospital,
Philadelphia, Pa.

Peters, Dr. S. E.,
(Mine Doctor, Pgh. Steel)
Masontown, Pa.

Pierce, H. L.,
The M. A. Hanna Company,
Cleveland, Ohio.

Pierce, W. H.,
Mine Safety Appliances Company,
Braddock, Thomas & Meade Streets,
Pittsburgh, Pa.

Pitt, William J.,
DeVilbiss Company,
Toledo, Ohio.

Poister, R. S.,
Vice Pres. in Charge of Operations,
Alan Wood Steel Company,
Conshohocken, Pa.

Poth, J. J., Jr.,
American Radiator Company,
40 West 40th Street,
New York, N. Y.

Powell, A. R.,
Koppers Research Corporation,
Koppers Building,
Pittsburgh, Pa.

Prescott, W. H., Jr.,
Pickands, Mather & Company,
Cleveland, Ohio.

Price, Charles M.,
Scott, MacLeish & Falk,
134 South LaSalle Street,
Chicago, Ill.

Putnam, John F.,
National Silica Company,
Oregon, Ill.

Racine, C. W.
Williams, Eversman & Morgan,
2nd National Bank Bldg.,
Toledo, Ohio.

Randall, Clarence B., Vice Pres.,
Inland Steel Company,
1st National Bank Bldg.,
59 South Dearborn Street,
Chicago, Ill.

Reynolds, Paul F.,
Oglebay, Norton & Company,
The Hanna Building,
Cleveland, Ohio.

Riddell, J. Murray,
Manager of Mines,
The Corrigan, McKinney Steel Co.,
Cleveland, Ohio.

Rose, W. A.,
Pickands, Mather & Company,
Cleveland, Ohio.

Rousseau, A.,
Grinding Wheel Manufacturers Assoc.,
Norton Company,
Worcester, Mass.

Rupert, F. F.,
Mellon Institute,
Pittsburgh, Pa.

Russert, E. J.,
Sharon Steel Hoop Company,
Sharon, Pa.

Saklatwalla, Dr. B. D.,
Vanadium Corporation of America,
Bridgeville, Pa.

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

Schultz, H. A.,
U. S. Steel Corporation,
71 Broadway,
New York, N. Y.

Schwain, Henry J., Secretary,
Gypsum Association,
211 West Wacker Drive,
Chicago, Ill.

Sherwood, A. W., Vice Pres.,
Owens-Illinois Glass Company,
Toledo, Ohio.

Shipley, R. A.,
National Fireproofing Corporation,
Fulton Building,
Pittsburgh, Pa.

Shoudy, Dr. Loyal A.,
Chief of Medical Service,
Bethlehem Steel Company, Inc.,
Bethlehem, Pa.

Sisson, L. B.,
Mellon Institute,
Pittsburgh, Pa.

Stoffe, Paul R.,
H. & G. Taylor Company,
Cumberland, Md.

Tabor, R. S.,
Titanium Alloy Mfg. Co.,
Niagara Falls, N. Y.

Tanner, P. S.,
United Engineering & Foundry Co.,
Vandergrift, Pa.

Thacher, F. B., Ass't. Gen. Mgr.,
Interlake Iron Corporation,
332 S. Michigan Avenue,
Chicago, Ill.

Thomas, D. C., Manager,
Employment & Safety Department,
The Lorain Steel Company,
845 Central Avenue,
Johnstown, Pa.

Thomas, Wm. E.,
Babcock & Wilcox Tube Company,
Beaver Falls, Pa.

Thornton, George, Vice Pres.,
Ottawa Silica Company,
Ottawa, Ill.

Tillotson, E. W., Ass't. Director,
Mellon Institute,
Pittsburgh, Pa.

Titus, W. C., Personnel Director,
Allegheny Steel Company,
Brackenridge, Pa.

Tour, Sam, Exec. Sec.,
Non-Ferrous Foundry Association for
Industrial Recovery,
47 Fulton Street,
New York, N. Y.

Valentin, Dr. A. C.,
Henry Disston & Sons, Inc.,
Philadelphia, Pa.

Van Hagan, H. H.,
Certain-Teed Products Corporation,
Beaver & Military Roads,
Buffalo, N. Y.

Vesey, S. C.,
W. W. Sly Manufacturing Company,
Cleveland, Ohio.

Voss, J. A.,
Director of Industrial Relations,
Republic Steel Corporation,
Republic Building,
Youngstown, Ohio.

Waters, T. C.,
Pennsylvania Pulverizing Company,
Lowiston, Pa.

Watson, A. L.,
Koppers Company,
Koppers Building,
Pittsburgh, Pa.

Weber, G. J.,
Assoc. of Mfrs. of Chilled Car Wheels,
1847 McCormick Building,
Chicago, Ill.

Weeks, H. J., Manager,
Employment, Safety & Welfare Department,
American Steel & Wire Company,
Rockefeller Building,
Cleveland, Ohio.

Weidlein, E. R., Director,
Mellon Institute,
Pittsburgh, Pa.

Well, Dr. G. C.,
Mercy Hospital,
Pittsburgh, Pa.

Williams, Marshall,
American Bridge Company,
Frick Building,
Pittsburgh, Pa.

Williamson, George H.,
J. K. Davison & Bro.,
42nd & Davison Streets,
Pittsburgh, Pa.

Wilson, L. C., Works Mgr.,
Reading-Pratt & Cady Company,
Reading, Pa.

Woods, W. J.,
Pennsylvania Pulverizing Company,
Lowiston, Pa.

Woody, G. V., Manager,
Pittsburgh District,
Allis-Chalmers Mfg. Company,
Koppers Building,
Pittsburgh, Pa.

Wychgal, Dr. James H.,
American Steel & Wire Company,
Rockefeller Building,
Cleveland, Ohio.

Yanson, C. R., Secretary,
Code Authority, Sandstone Industry,
1125 Builders Exchange Building,
Cleveland, Ohio.

Yant, William P.,
Bureau of Mines,
4800 Forbes Street,
Pittsburgh, Pa.

Yoder, Ray,
Standard Steel Works Company,
Burnham, Mifflin Co., Pa.