

FILE NAME: Concrete (CONC)

DATE: 1948 Dec

DOC#: CONC018

DOCUMENT DESCRIPTION: Journal Article - Industrial Sand Producers Meet



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ROCK PRODUCTS is published monthly by MACLEAN-HUNTER Publishing Corporation, 309 West Jackson Blvd., Chicago 6, Illinois; Horace T. Hunter, President; E. R. Cauley, Vice President; J. L. Frazier, Secretary. Copyright, 1948. Entered as second-class matter, Jan. 30, 1936, at the Chicago, Ill. post office under the act of Mar. 3, 1879. Additional entry at Milwaukee, Wis. ROCK PRODUCTS is indexed regularly by Engineering Index Inc.

SUBSCRIPTION INFORMATION

Subscription Price: United States and Possessions, Canada one year, \$2.00; two years, \$3.00; three years, \$4.00. Pan American, one year, \$4.00; two years, \$7.00; three years, \$10.00. All other foreign, one year, \$6.00; two years, \$12.00; three years, \$15.00. Twenty-five cents for single copies. Indexed in the Industrial Arts Index. Canadian subscriptions and remittances may be sent in Canadian funds to ROCK PRODUCTS, P. O. Box 100, Terminal "A," Toronto, Canada. To Subscribers—Date on wrapper indicates issue with which your subscription expires...In writing to have address changed, give old as well as new address.

Industrial Sand Producers Meet

National Industrial Sand Association Considers hygiene, legislation, freight rates, labor and technical problems

NEARLY 100 members and wives attended the semi-annual meeting of the National Industrial Sand Association, October 20-22, at the Greenbrier, White Sulphur Springs, W. Va.

According to usual custom, the program was so arranged that most of the business discussion and formal meetings were transacted in morning sessions in order that time would permit maximum participation in the splendid and diversified outdoor recreation facilities for which The Greenbrier is famous. Ladies' and Men's golf tournaments were held, there was a bridge tea for the ladies, and entertainment each evening for all in attendance at the meeting.

The Association will hold its 1949 annual meeting at The Homestead, Hot Springs, Va., May 11-13, and will again have a Fall meeting at The Greenbrier, October 12-14 in 1949.

Principal topics discussed were developments in the field of industrial hygiene, recent actions in the States affecting workmen's compensation insurance, the recent decision of the United States Supreme Court in the cement case which invalidated basing point marketing, current traffic problems of the industrial sand industry, technical problems and labor legislation. George A. Thornton, Ottawa Silica Co., Ottawa, Ill., president of the National Industrial Sand Association, Sterling N. Farmer, Sand Products Corp., Cleveland, Ohio, vice-president, and C. M. Hardy, Houghland and Hardy, Evansville, Ind., treasurer, were presiding officers for the three meetings.

Technical Problems

Following reading of the financial report which disclosed the Association to be in sound condition, consulting engineer Stanton Walker briefly reported on a number of technical problems. First he told of conferences a specially-appointed committee has held with engineers of the St. Regis Paper Co. to discuss modifications of bag packing machinery for the purpose of reducing dust exposure in packing operations. Several modifications to improve resistance to abrasion and the stopping and starting mechanisms of packing machinery, which would decrease maintenance and dusting, have been discussed but no decision has yet been reached as to the feasibility of suggested engineering changes. Producers of ground industrial sand, according to Mr. Walker, require more than one-half million bags per year for packing their products.

The 10,000 copies of the Manual on Safety in Sandblasting, originally printed, have been exhausted, and the Manual is to be reprinted.

In his discussion of the testing of foundry sands, Mr. Walker enumerated the various committees active in studies of grading, fineness, core tests, green strength and other properties of foundry sand. Much attention has been given the degree of reproducibility of tests under various conditions and, in commenting on work being done to standardize a test sand, Mr. Walker presented data furnished by the Naval Research Laboratory and

also made available from various producers of foundry sands. Data as presented showed the effect of method of sieving on mechanical analyses of sand, of re-use of sample on mechanical analyses of sand, the comparison of mechanical analyses of sand for first use with different samples from the same lot, the effect of the sieve shaker on mechanical analyses of sand (cumulative and separate percents), mechanical analyses of the same samples of sand on similar equipment in different plants, and the effect of type of sieve shaker in different laboratories on mechanical analyses of sand. The various tests under the several conditions in general did not disclose much variation in fineness number although there were significant differences observed in critical sizes as screened on various sieves.

Freight Rates

T. C. Matthews, chairman of the traffic committee, reported briefly on the effects, should recently-requested further increases in freight rates be granted rail carriers. The Association and its special committee believe that discrimination would be the result if freight rate increases requested be granted for bonded molding sand when shipped in box cars. The result would be a 15 percent higher rate than for sand as shipped in open cars.

Wm. W. Collin, Jr., Commerce Council for the Association, said that the latest requested increase in freight rates, 13 percent over present rates, would bring rates to a level 194 percent of the 1937 level, or 77 percent over the 1945 level. Actually, the 13 percent increase would be 20 percent over 1945 rates. Commenting generally, he said that the I.C.C. has been granting increases much more readily and in increasingly larger amounts than in the past which might mean a disposition to maintain the railroads in sound condition at any cost. The alternatives, should volume of traffic decrease, might be government control of the roads, bankruptcy or subsidies.

Labor-Legislation

Executive secretary V. P. Ahearn, in his consideration of labor matters, discussed regulations announced by the Administrator of the Wage and Hour Division following the decision of the United States Supreme Court in the Bay Ridge Case, the Labor-Management Relations Act of 1947, and reported on the status of collective bargaining negotiations in the



Relaxing at the club house are, left to right, Mrs. C. R. Wolf, Mrs. Jesse T. Morie, Mrs. J. M. Strauss, Mrs. Arnold H. Tonzer and Mrs. A. B. Schlesinger



Clayton Devine, Silica Sand Traffic Association of Illinois, Chicago, relaxes before a meeting

industry. Referring to the Bay Ridge case, Mr. Ahearn said that a company has no problem unless work is in excess of 40 hr. per week: that a company then becomes subject to the decision even if shipments are not made across State lines. The Bay Ridge case must be considered if labor contracts call for time and one-half for Saturday work and double-time for work done on Sunday, or where premium pay is provided for holidays worked or for work before 7 a.m. or after 5 p.m. on regular work days, etc. For the purpose of computing over-time payment due, it was pointed out that each week is considered separately. The safe course recommended was that the payroll work week in all cases be started at 12:01 a.m. on a Monday.

Recognition of the Taft-Hartley Law and its rulings is being evidenced by the labor contracts being signed by industry members, said Mr. Ahearn. The law will not be repealed and probably is unlikely to be changed, at least radically, because it is basically sound. Mr. Ahearn emphasized its soundness by pointing to provisions in the law that protect employes as well as employers and which do not permit individual workers to be help-

less in the hands of unscrupulous union leaders while also protecting the public interest by outlawing violence. In commenting on collective bargaining, Mr. Ahearn said that agreements in the industry are generally sound. He emphasized that an individual employe must sign an agreement in order for an employer to deduct union dues from his compensation. In no case should special union fees, assessments or fines be deducted.

At the conclusion of the meeting, Mr. Ahearn was asked to give his comments on the national and international picture and to predict what is in store for industry in the immediate future. He said that with a record-breaking present employment of 62,000,000 persons, there is no pool of men available for war or defense



Mr. and Mrs. Henry Roeser, Jr., Millville, N. J., at the first tee

preparations. He anticipates that there will be competition for men in view of the present international situation, between industry for civilian production and for war preparations. There will also be competition for materials. The domestic civilian economy will suffer. He believes that pressure for domestic controls of all sorts will grow stronger and that price controls will be enacted. A new government would even have found it necessary to make a choice between essential and non-essential industries under the pressure that is growing for enactment of controls. There will be pressure for manpower controls in 1949, predicted Mr. Ahearn.

There will be emergencies but he does not believe there will be war in the immediate future unless because of unforeseen incident. In view of conditions, he urged that more use be made of handicapped workers, that an effective working force be built that can be maintained, that plants be put in first class shape and that adequate but justifiable inventory of repair parts be accumulated.

Legislation Covering Compensation

Recent actions in the States which affect workmen's compensation insurance were reviewed by Association counsel Theodore C. Waters. The principal focus has been in the State of New Jersey where two bills had been introduced which would amend



Mr. and Mrs. E. J. Campbell, Thayer, W. Va., stop a moment for the camera enroute to dinner

the New Jersey Workmen's Compensation Act, and where the New Jersey Department of Labor is preparing a code relating to rules and regulations for the control of silicosis in industry.

Mr. Waters who has been negotiating with the New Jersey Department of Labor and, with Theodore F. Hatch of the Industrial Hygiene Foundation, has recommended changes to the proposed rules and regulations covering silicosis control measures, which are being given consideration. The proposed code was first drawn up in June, 1948, and was submitted to the New Jersey State Industrial Safety Committee for comment. Comprising the committee were representatives of manufacturing concerns, insurance carriers and specialists. The second draft was submitted in August, 1948, and a third draft is now being written preparatory to formal action. Mr. Waters believes the code will be drawn up in final form on or before January 1, 1949. It will be applicable to all industry operations and all industrial sand producers must comply with its provisions. In Mr. Waters' opinion, industry will be permitted reasonable time in which to comply. He urged that New Jersey producers carefully consider provisions of the code and make certain that their operations do comply.



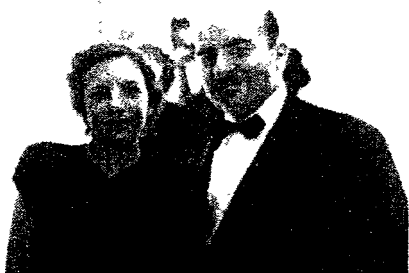
Arnold H. Tanzer, New York, N. Y., takes a whirl at the movie camera



P. W. Palmer, Browntown, Wis., proved to be another picture fan



Charles G. Runkle, Zanesville, Ohio, left, and T. C. Matthews, Lewistown, Penn., listen closely at the meeting



Mr. and Mrs. R. S. Lebold, Rockwood, Mich.



Mr. and Mrs. W. H. Woodward, Ottawa, Ill.



Junius M. Strouss, Morgantown, W. Va., getting set to slam the ball a mile

He briefly discussed Senate Bills Nos. 196 and 306 which had been introduced to amend the New Jersey Workmen's Compensation Act. The present New Jersey Occupational Disease Act requires that an employee give notice to an employer of contraction of a compensable disease within five months after the date of his last exposure and that he file claim within one year after termination of his exposure. Senate Bill 306 would have changed the law to give notice within 90 days and permit an employee to file claim within one year after he knew or ought to have known that he had contracted an occupational disease. It would have destroyed the defense of limitations in occupational disease cases because it would have been impossible for an employer to prove when an employee knew or ought to have known he had contracted the disease. Mr. Waters was pleased to report that efforts were successful in having the present bill pertaining to compensation for silicosis retained and that Senate Bill No. 306 as passed provides exemption for silicosis and asbestosis in its coverage. He believes the bill will be vetoed by the Governor.

Senate Bill No. 196 has passed the Senate but has not yet been considered by the House of Representatives. It would provide general coverage for all occupational diseases and would have made pneumoconioses compensable. Mr. Waters believes that labor representatives will continue efforts to secure liberalization of compensation statutes particularly as to provisions applicable to limitations and disability from dust diseases.

The year 1948 has been an off year for meetings of State legislatures, he said, but the New York State Legislature has amended the statute applicable to compensation for dust diseases, retaining the provision denying compensation for partial disability but eliminating the limitation of monetary liability which was a principal feature. The statute had an escalator clause covering compensation. Compensations now payable for permanent total disability from dust diseases is the same as for any other diseases or injury. This pattern, he believes, will be followed in other industrial States in coming legislative sessions, which indicates higher costs of insurance rates.

The New York State Department of Labor has sponsored a program of research in an attempt to develop a method of evaluation of partial disability from dust diseases, which so far has defied the medical profession. Mr. Waters believes the West Virginia statute covering partial disability provides the fairest method. It provides limited monetary benefits for partial disability, which releases the employer from any future claims for disability. In conclusion, he said that all States but Kentucky, Louisiana, Mississippi and Virginia will be in legislative session in 1949, and that labor will

(Continued on page 169)



A. Warsaw, Chicago, Ill., seems to be pushing a point here



Junius M. Strouss, Morgantown, W. Va., left, and Jesse T. Morie, Maurice town, N. J., seemed in friendly mood before golf game



Junius M. Strouss, Morgantown, W. Va., points the way to golf enemy Jesse T. Morie, Maurice town, N. J.



Henry Roeser, Jr., Millville, N. J., seems to disagree with T. F. Hatch's scoring

ruled that while the employees supplying the highway and railway jobs were covered by the Act, the employees supplying stone for the dike were not. The Circuit Court of Appeals now said they were, again by a 2 to 1 decision, the one judge who was doubtful in the first case, having decided the opposite way in the second. In both instances the U. S. Supreme Court was asked to review the Appeals Court decision, in the first by the F.L.S.A. administrator and the employees, and in the second by the employer. The high court denied review in both instances, so both decisions now stand, much to the adversity of the employer and the confusion of the industry. Under the same kind of reasoning the F.L.S.A. administrator contends that employees of producers of agricultural limestone come under the law if the farm crops raised on the land that is limed with their material subsequently move in interstate commerce. Apparently no such case has yet reached the courts.

It seems likely that the coverage of the wage and hour law will be extended both by the courts and by the Congress rather than narrowed. This is important especially if the minimum wage is increased to 75c per hour. The two year statute of limitations applies to many cases, perhaps, but probably no employer is entirely safe if he is not operating in compliance with this law.

Industrial Sand Meeting

(Continued from page 136)

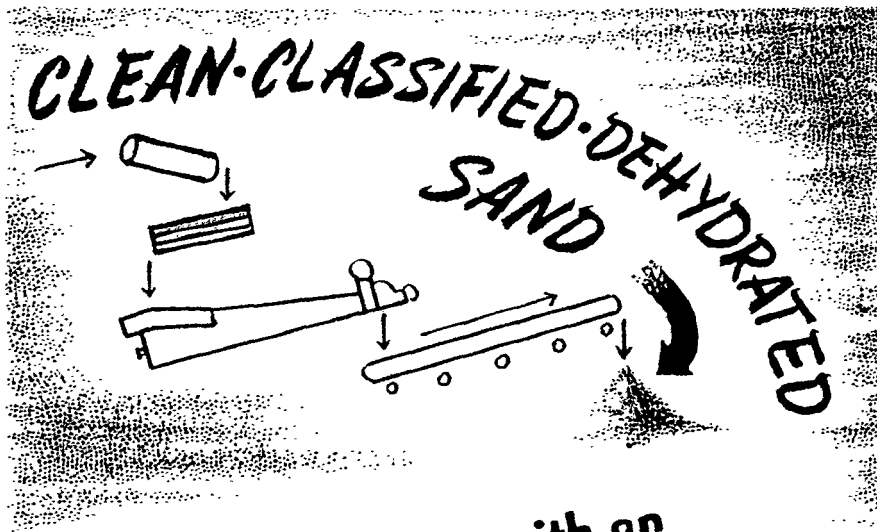
be seeking greater benefits and liberalization of compensation laws.

Industrial Hygiene

Theodore F. Hatch, Industrial Hygiene Foundation, discussed developments in the field of industrial hygiene, covering particularly the present status of treatment and research work in silicosis, and codes.

In discussing treatment for dust diseases, he commented on work presently being conducted at Jefferson Medical School, Philadelphia, Penn., under sponsorship of the Health and Welfare Fund of the United Mine Workers which encompasses medical care for disabled anthracite miners, the training of physicians for work in anthracite mining regions and research. In recognition of the fact that silicosis of itself does not cause death or disability, but does so only with accompanying infection, inhalation therapy is under study whereby medication is inhaled to destroy infections. In the process, a drug is administered which dilates the air passages, more than doubling lung volume, in order that medication may reach all the way to affected areas. As an adjunct, a face mask developed during the war is used whereby pressure breathing is employed in the therapy.

Thusfar, no satisfactory method has been developed to measure degree of improvement under treatment. The



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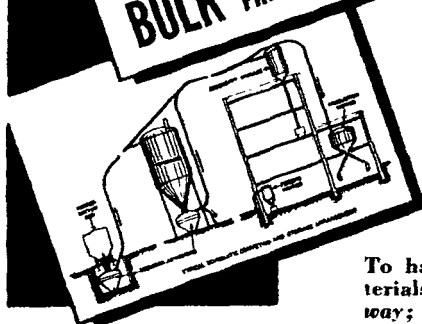
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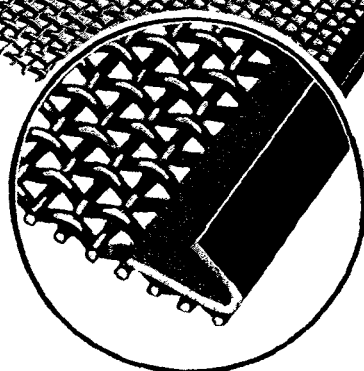
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and, it seems, lawyers cannot agree on the answer.

The Federal Trade Commission has said that in delivered pricing or where freight is absorbed, the offense is conspiracy in violation of the Sherman Act. The real question involved is proof that there was agreed-upon uniformity of practices.

In multiple basing point pricing, the question becomes one of whether or not there is violation of the Robinson-Patman Act, which prohibits charging a higher price to one customer than another where competition is thereby injured. The F.T.C. has said that net realized at the factory is the governing factor when the product is sold on a delivered price basis, which means that a customer located nearer to a plant than another should get a lower price. The trouble is that many vague interpretations are being given, such as that it is probably all right to quote discriminatory prices to meet competition in some cases but only if done now or then, or that the probability that a pricing system may have been injurious between competitors is sufficient evidence to cause a cease and desist order to become effective, etc., etc.

Whenever companies are engaged in delivered price selling, in order not to end up with matched prices, it apparently would be necessary in order to be safe for the seller to be indifferent to whom he sells and for the buyer to be indifferent from whom he buys, as Mr. Austern appropriately expressed it. As far as the cement case is concerned, he said that only one thing was decided and that was that there had been conspiracy according to the Court.

In discussing penalties, he cautioned that treble damages and criminal liability may be imposed in cases of conspiracy or price discrimination. Both buyer and seller are guilty where the Robinson-Patman Act has been violated. In conclusion he said that the industrial sand industry is in the clear because its products are priced f.o.b. plant plus freight but may be effected because of the impact on its customers.

Registration

Mr. and Mrs. V. P. Ahearn, National Industrial Sand Association, Washington, D. C.
Mr. and Mrs. James B. Bergs, Pioneer Silica Products Co., St. Louis, Mo.
Mr. and Mrs. E. J. Campbell, Sun Sand Co., Thayer, W. Va.
Mr. and Mrs. Harte Campbell, Sun Sand Co., Thayer, W. Va.
Mr. and Mrs. W. J. Cannon, The Nugent Sand Co., Muskegon, Mich.
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Mr. and Mrs. Marcus S. Wright Jr., South
River Sand Co., Old Bridge, N. J.

Guests

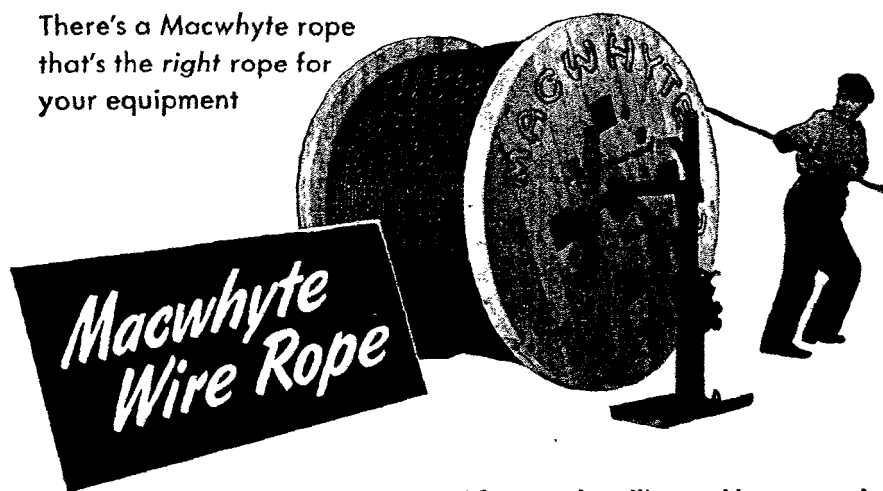
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Wm. W. Collins, Jr., Pittsburgh, Penn.
Clayton Devine, Silica Sand Traffic Assn. of Ill.,
Chicago, Ill.
T. F. Hatch, Industrial Hygiene Foundation of
America, Inc., Pittsburgh, Penn.
Bor. Nordberg, ROCK PRODUCTS, Chicago, Ill.
A. M. Ribe, Hardy Sand Co., Birmingham, Ala.
Mr. and Mrs. T. C. Waters, Counsel, Baltimore,
Md.

Symposium on Mineral Aggregates

AMERICAN SOCIETY FOR TESTING
MATERIALS, Philadelphia, Penn., an-
nounces its "Symposium on Mineral
Aggregates," including 15 extensive
papers, which were presented at
the 1948 A.S.T.M. Annual Meeting
in Detroit, Mich., and are grouped into
six general categories including: dis-
tribution, processing and sampling;
tests and mineralogical characteris-
tics; aggregates for portland cement
concrete; aggregates for bituminous
construction; aggregates for miscel-
laneous use; and needed research. The
symposium was sponsored by Com-
mittee C-9 on Concrete and Concrete
Aggregates and Committee D-4 on
Road and Paving Materials, with the
following committee in charge: K. B.
Woods, Purdue University, chairman;
B. A. Anderton, Allied Chemical and
Dye Corp.; E. W. Bauman, National
Slag Assn.; R. F. Blanks, U. S.
Bureau of Reclamation; Shreve Clark,
Virginia Department of Highways;
R. W. Crum, National Research Coun-
cil; A. T. Goldbeck, National Crushed
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The Standard Slag Co.; D. E. Par-
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and Stanton Walker, National Sand
and Gravel Association.

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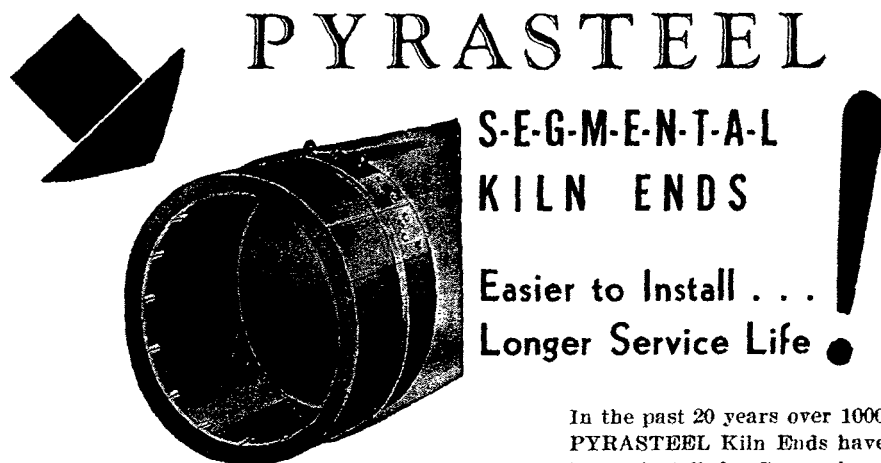
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