

FILE NAME: GATX (GX)

DATE: 1946

DOC#: GX009

DOCUMENT DESCRIPTION: Ohio Legal Requirements for the Prevention and Control of Industrial Public Health Hazards

STATE OF OHIO



**Legal Requirements
for the
Prevention and Control
of
Industrial Public Health Hazards**

**Division of Industrial Hygiene
OHIO DEPARTMENT OF HEALTH**

Columbus, Ohio

1946

STATE OF OHIO



Legal Requirements
for the
Prevention and Control
of
Industrial Public Health Hazards

Division of Industrial Hygiene
OHIO DEPARTMENT OF HEALTH

Columbus, Ohio

1946

INTRODUCTION

This monograph has been prepared by the Division of Industrial Hygiene of the Ohio Department of Health for the purpose of making available to industrial establishments, physicians and others, the laws of Ohio concerning employments which in whole or in part are administered by the Department of Health and the regulations of the Ohio Sanitary Code concerning industrial public health hazards which, by order of the Director of Health, are to be administered by the Division of Industrial Hygiene.

The statutes included are those relating to the reporting of occupational diseases to the Department of Health and the procedures to be followed; those relating to the manufacture of lead and prescribing the responsibilities of employer and employee; and the authority of the Department to extend the list of employments prohibited to minors.

The regulations included are those relating to the use of mercurial carrot in hatters' fur, adopted October 18, 1941, and for the recognition, prevention and control of diseases or ailments resulting from exposure to toxic dusts, fumes, mists, vapors and gases.

Additional information may be had by addressing the Division of Industrial Hygiene, Ohio Department of Health, 65 South Front Street, Columbus 15, Ohio.

INVESTIGATION OF VIOLATIONS

Sec. 1236-3. (Right of entry to investigate violations.) The commissioner of health and any person authorized by him so to do may, without fee or hindrance, enter, examine and survey all grounds, vehicles, apartments, buildings and places within the state in furtherance of any duty laid upon the state department of health or where he has reason to believe there exists a violation of any health law of this state or of any provision of the sanitary code. (107 v. 524.)

REPORTS OF OCCUPATIONAL DISEASES

Sec. 1243-1. (Reports of occupational diseases and ailments; when and by whom made.) Every physician in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury or their compounds, or from anthrax or from compressed air illness and such other occupational diseases and ailments as the state department of health shall require to be reported, shall within forty-eight hours from the time of first attending such patient send to the state commissioner of health a report stating:

- (a) Name, address and occupation of patient.
- (b) Name, address and business of employer.
- (c) Nature of disease.
- (d) Such other information as may be reasonably required by the state department of health.

The reports herein required shall be made on, or in conformity with the standard schedule blanks hereinafter provided for. The mailing of the report, within the time required, in a stamped envelope addressed to the office of the state commissioner of health, shall be a compliance with this section. (108 v. Pt. 2, 1129.)

Sec. 1243-2. (Blanks for reports.) The state department of health shall prepare and furnish, free of cost, to the physicians included in the preceding section, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the state department of health. (108 v. Pt. 2, 1129.)

Sec. 1243-3. (Such reports not evidence.) Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported. (103 v. 185.)

Sec. 1243-4. (Reports to be made by state department of health to department of industrial relations.) It shall furthermore be the duty of the state department of health to transmit a copy of all such reports of occupational disease to the proper official having charge of factory inspection. (108 v. Pt. 2, 1130.)

RESTRICTION ON EMPLOYMENT OF MINORS

Sec. 13003. (Board shall determine whether particular employment of minors shall be prohibited.) The state board of health may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination. (103 v. 910.)

Sec. 13007-4. (Board may determine whether employment of children shall be prohibited in certain occupations.) The state board of health may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom.

No child under eighteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the common pleas court from any such determination. (103 v. 911.)

MANUFACTURE OF LEAD

Sec. 6330-1. (General duties of employers.) Every employer shall, without cost to the employes, provide such reasonably effective devices, means and methods as shall be prescribed by the industrial commission of Ohio, to prevent the contraction by his employes of illness or disease incident to the work or process in which such employes are engaged. (109 v. 181.)

Sec. 6330-2. (Especially dangerous works or processes.) Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluosilicate, is hereby declared to be especially dangerous to the health of the employes, who, while engaged in such work or process, are exposed to lead dusts, lead fumes, or lead solutions. (103 v. 819.)

Sec. 6330-3. (Duties of employers to provide safety appliances for the protection of employes in especially dangerous works or processes.) Every employer shall, without cost to the employes,

provide the following devices, means and methods for the protection of his employes who while engaged in any work or process included in section 2,* are exposed to lead dusts, lead fumes or lead solutions:

(a) (Working rooms.) Working rooms, hoods and air exhausts for the protection of employes engaged in any work or process which produces lead dusts or lead fumes. The employer shall provide and maintain work rooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully ventilated and separated by partition walls from all departments in which work or process is of a non-dusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Every work or process referred to in section 2,* including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in section 2,* shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employe, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle or furnace in which lead in any form referred to in section 2,* is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination referred to in section 2,* is being conveyed from one place to another within the factory shall be equipped, at the place where the same are filled or discharged, with hoods having connection with an efficient air-exhaust; and all hoppers, chutes, conveyors, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry-pans or other apparatus for drying pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrossions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump, or other apparatus, either through a cloth dust-collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust-collector to be placed in a separate room which no employe shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) (Washing facilities.) The employer shall provide a wash room or rooms which shall be separate from the work rooms, be kept clean, and be equipped with:

(1) Lavatory basins fitted with waste pipes and two spigots conveying hot and cold water, or

* Section 2 is G. C. section 6330-2.

(2) Basins placed in troughs [troughs] fitted with waste pipes and for each basin two spigots conveying hot and cold water, or

(3) (Basins.) Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five employees, and where troughs are provided, at least two feet of troughs for every five such employees. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employee. A time allowed of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said wash room before the lunch hour and at the close of the day's work.

(4) (Shower bath.) The employer shall also provide at least one shower bath for every five such employees. The baths shall be approached by wooden runways, be provided with movable wooden gratings, be supplied with controlled hot and cold water, and be kept clean. The employers shall furnish soap, and shall provide at least two clean bath towels per week for each such employee. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employee, which record shall be open to inspection at all reasonable times by the (state department of factory inspection) and also by the (state board of health).

(c) (Dressing Rooms.) The employer shall provide a dressing room or rooms which shall be separate from the work rooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employee and be kept clean.

(d) (Eating Rooms.) The employer shall provide an eating room or eating rooms which shall be separate from the work rooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employee shall take or be allowed to take any food or drink of any kind into any work room, nor shall an employee remain or be allowed to remain in any work room during the time allowed for his meals.

(e) (Drinking Fountains.) The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employees.

(f) (Clothing.) The employer shall provide at least two pairs of overalls and two jumpers for each employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

(g) (Respirators.) The employer shall provide, and renew when necessary at least two reasonably effective respirators for each

employee who is engaged in any work or process which produces lead dusts. (103 v. 819.)

Sec. 6330-4. (Duties of employees in specially dangerous works or processes to use the safety appliances provided by the employers.) Every employee who, while engaged in any work or process included in section 2,* is exposed to lead dusts, lead fumes or lead solutions, shall:

(a) Use the washing facilities provided by the employer in accord with section 3 (b),** and wash himself at least as often as a time allowance is therein granted for such use.

(b) Use the eating room provided by the employer in accord with section 3 (d),** unless the employee goes off the premises for his meals.

(c) Put on, and wear at all times while engaged in accord with section 3 (f),** and remove the same before leaving at the close of the day's work; and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with section 3 (c).**

(d) Keep clean the respirators provided by the employer in accord with section 3 (g),** and use one at all times while he is engaged in any work or process which produces lead dusts. (103 v. 822.)

Sec. 6330-5. (Notices, printing, posting and explaining same.) The employer shall post in a conspicuous place in every work room where any work or process included in section 2,* is carried on, room where washing facilities are provided, dressing rooms and eating room. A notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The (chief state factory inspector) shall prepare a notice containing the provision of this act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in section 2,* and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee by the employer when the said employee enters employment in such work or process, and in addition shall be read to all employees at least once a month, interpreters being provided by the employer when necessary to carry out the above requirements. (103 v. 822.)

Sec. 6330-6. (Medical examination of employees.) The employer shall cause every employee who, while engaged in any work or process included in section 2,* is exposed to lead dusts, lead fumes

* Section 2 is G. C. section 6330-2.

** Section 3 is G. C. section 6330-3.

or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employee so examined. (103 v. 822.)

Sec. 6330-7. (Record and reports of medical examination.) Every physician making any examination under section 6,* and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination containing the names and address of the employee so examined, the particular work or process in which he is engaged, the date, place and finding of such examination, and the questions given in each case by the physician. The record shall be open to inspection at all reasonable times by the (state department of factory inspection) and by the (state board of health).

(What reports shall state). Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (state department of factory inspection) and one to the (state board of health). The report shall be given or in conformity with blanks to be prepared and furnished by the (state board of health), free of cost, to every employer included in section 2,** and shall state:

- (a) Name, occupation and address of employee.
- (b) Name, business and address of employer.
- (c) Nature and probable extent [of] disease.
- (d) Such other information as may be reasonably required by the (state board of health).

The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician. (103 v. 823.)

Sec. 6330-8. (Enforcement.) The (state department of factory inspection) shall enforce this act and prosecute all violations of the same. The officers, or their agents, of the said (department) shall be allowed at all reasonable times to inspect any place of employment included in this act. (103 v. 823.)

* Section 6 is G. C. section 6330-6.

** Section 2 is G. C. section 6330-2.

Sec. 6330-9. (Penalties for violations by employer or employee.) Every employer, who either personally or through any agent violates or fails to comply with any provision of section 1,* or section 3,** shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and on conviction for the second offense, not less than two hundred dollars nor more than five hundred dollars, and on conviction for each subsequent offense, not less than three hundred dollars nor more than one thousand dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employee who violates or fails to comply with any provision of section 4,*** shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than ten dollars nor more than twenty-five dollars, and on conviction for the second offense, not less than twenty dollars nor more than fifty dollars, and on conviction for each subsequent offense not less than thirty dollars nor more than one hundred dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employer who, either personally or through any agent, violates or fails to comply with any provision of sections 5, 6, or 7,† relating to him, and every employee who violates or fails to comply with the provision of section 6 relating to him shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars. (103 v. 823.)

Sec. 6330-10. ("Employer" defined.) In this act, unless the context otherwise requires, "employer" includes persons, partnerships and corporations. (103 v. 824.)

Sec. 6330-11. (Each section independent.) For the purpose of determining the constitutionality of any provision of this act, section 1,* hereof is declared to be independent of and separable from the remaining sections. (103 v. 824.)

Sec. 6330-12. (Time of taking effect.) This act shall take effect on the first day of October, 1913, except as to subdivisions (a), (b), (c) and (d) of section 3,** which subdivision shall take effect as follows:

Subdivision (b), (c) and (d) of section 3,** on the first day of October, 1914.

Subdivision (a) of section 3,** on the first day of October, 1915. (103 v. 824.)

* Section 1 is G. C. section 6330-1.

** Section 3 is G. C. section 6330-3.

*** Section 4 is G. C. section 6330-4.

† Sections 5, 6, and 7, are G. C. sections 6330-5, 6330-6, and 6330-7.

USE OF MERCURIAL CARROT IN HATTERS' FUR

(Extract from Ohio Sanitary Code.)

Regulation 241. (Definitions.) For the purpose of carrying out the provisions of these regulations the following terms are defined:

Hatters' Fur is any animal fiber or other substance used in the manufacture of hats, which is treated or otherwise prepared by the process of, or in a manner similar to that of carroting.

Carroting is the process of treating hatters' fur with mercury nitrate or any other solution or material for the purpose of rendering the hatters' fur suitable in the manufacture of hats.

Mercurial carrot is any solution or material containing mercury or its compounds in combination with nitric acid or other materials and used in the carroting or preparation of hatters' fur.

Adopted October 18, 1941; filed with Secretary of State November 18, 1941; effective December 1, 1941.

Regulation 242. Effective December 1, 1941, the use of mercurial carrot in the preparation of hatters' fur, or the use of mercurial carrotted hatters' fur in the manufacture of hats, is prohibited:

Provided, That any hat manufacturer or fur cutter having mercurial carrotted hatters' fur on hand December 1, 1941, may use said fur until it is consumed.

Adopted October 18, 1941; filed with Secretary of State November 18, 1941; effective December 1, 1941.

**REGULATIONS FOR THE PREVENTION AND CONTROL OF
DISEASES RESULTING FROM EXPOSURE TO TOXIC
FUMES, VAPORS, MISTS, GASES AND DUSTS
IN ORDER TO PRESERVE AND PRO-
TECT THE PUBLIC HEALTH**

Adopted by the Ohio Public Health Council February 16, 1946
Filed with the Secretary of State March 1, 1946
Effective January 1, 1947

Regulation 244. (Application of Regulations.) These regulations shall apply to every place of employment and particularly to those places of employment where a work or process is carried on by which dusts, fumes, mists, vapors, gases or environmental conditions of a harmful nature are produced or generated, or exist independently of the work or process, which may be inhaled or absorbed or in any other manner enter the body in quantities or concentrations that constitute harmful exposure as hereinafter defined.

Regulation 245. (Modifications.) When strict compliance with all of the provisions of these regulations would involve undue hardship, the Ohio Department of Health may, upon application in writing, permit modification of the requirements when protection practically equivalent to that required by these regulations has been provided. The application for the modification of any of these regulations in any particular case shall be accompanied by a full statement of the existing conditions and the reasons for requesting such modification. Any modification granted under the provisions of this paragraph shall be limited to the particular case covered by the application for such modification.

Regulation 246. (Definitions.)

- (1) A "Gravity System of Ventilation" means one which depends wholly upon relative air density.
- (2) A "Mechanical System of Ventilation" means one which depends upon the operation of power-driven equipment.
- (3) "General Ventilation" means the ventilation of the general atmosphere in the place of employment.
- (4) "Dilution Ventilation" means ventilation provided to dilute the concentration of dusts, fumes, vapors, or gases in the atmosphere of all or part of the place of employment.
- (5) "Local Exhaust Ventilation" means that type of ventilation in which suction is applied at the point of generation or escape of dusts, fumes, mists, vapors or gases.
- (6) "Exhaust System" means a complete suction device, including all hoods, ducts, fans, separators, and receptacles when required, and any other part necessary for the proper installation and operation thereof.

(7) "Hood" means that part of an exhaust system into which the contaminated air or dust, fume, mist, vapor or gas first enters. Ordinarily it consists of an enlargement of the end of the duct of such shape and design as to facilitate the entry of dust or other impurities to the exhaust system.

(8) "Duct" means any pipe, flume, or channel, forming a part of a ventilating system, used to convey air, dusts, fumes, mists, vapors, or gases.

(9) "Fan" means the machine which creates the movement of air in a mechanical system of ventilation.

(10) "Separator" means that part of an exhaust system in which the contaminant or entrained material is separated from the air which conveys it.

(11) "Refuse Receptacle" means that part of the exhaust system into which dust or other material separated from the air is deposited.

(12) "Approved" means approved by the Ohio Department of Health.

(13) "Dust" means particles of solid matter that have undergone comminution.

(14) "Fumes" means solid particles generated by condensation from the vapor or gaseous states, usually of metals, and often accompanied by oxidation.

(15) "Mist" means liquid droplets suspended in air.

(16) "Vapor" means the gaseous form of a substance normally in the liquid or solid state.

(17) "Gas" means a formless fluid occupying the space of enclosure.

(18) "Harmful" as applied to the effect of dusts, fumes, vapors, mists, or gases, and any environmental condition, arising from industrial operations or processes means any mechanical or toxic action which in any way injures any part of the body.

(19) An "Isolated Operation" means one which is carried on in a location where, or at such time that, no employee except such as actually engaged in the operation involved is subjected to the harmful exposures resulting therefrom.

(20) "Silica (free or uncombined)" is the name given to the chemical compound silicon dioxide (SiO_2).

(21) "Singular and Plural Number". Whenever in these regulations the singular is used the plural shall be implied and whenever the plural is used the singular shall be implied.

Regulation 247. (Harmful Exposure.)

(1) No employer shall use or permit to be used in the conduct of his business, manufacturing establishment or other place of employment, any process, material or condition known to have an ad-

verse effect on health, unless reasonable provisions have been made to prevent injury to the health of the employees and of the public.

(2) The concentration of dusts, fumes, mists, vapors, or gases, in the air breathed by employees shall not exceed the following maximum allowable concentrations for an 8-hour daily exposure:

GASES AND VAPORS

CONCENTRATION Parts per million (by volume)

Acetone	500
Acrolein	0.5
Acrylonitrile (Vinyl Cyanide)	20
Ammonia	100
Amyl Acetate	400
Butyl Acetate	400
Ethyl Acetate	400
Aniline	5
Arsine	1
Benzene (Benzol)	100
Butanone (Methyl Ethyl Ketone)	300
Butyl Alcohol	100
Carbon Disulfide	20
Carbon Monoxide	100
Carbon Tetrachloride	100
Chlorine	5
Chloroform	100
Dichlorobenzene	75
Dichlorethyl Ether	15
Dimethyl Aniline	5
Ether (Ethyl)	400
Ethylene Dichloride	100
Ethylene glycol monomethyl ether (Methyl "Cellosolve")	100
Formaldehyde	10
Hydrogen Chloride	10
Hydrogen Cyanide	20
Hydrogen Fluoride (Calculated as H F)	3
Hydrogen Sulfide	20
Methyl Alcohol	200
Methyl Bromide	20
Methyl Chloride	200
Naphtha:	
Coal Tar	200
Petroleum	1,000
Nitrobenzene	5
Nitrogen Oxides	25
Ozone	1
Phosgene	1
Phosphine	1
Styrene (Monomer)	400
Sulfur Dioxide	10