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The Year of High Visibility for Safety

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SAFETY NEWS

A NATIONAL SAFETY COUNCIL PUBLICATION

ACCIDENT STATISTICS AND ANALYSIS

- Compiling and Comparing Accident Records
- High-Potential Accident Analysis
- Coding Injury Records on Public and Private Insurance
- Systems Safety Analysis: An Introduction
- Revised NSC Award Plan
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wire from washington

A report of federal activities that relate to safety

by HARRY N. ROSENFELD, NSC Washington Counsel

1965, the Year of High Visibility for Safety

THIS has been the Year of High Visibility for Safety in Washington. Unprecedented safety interest in both legislative and executive branches has marked an exceedingly busy and active year. Congress has enacted a great deal of safety-related legislation and still more is on the program for consideration next year. Some of this new legislation may portend new approaches to safety. These new laws may develop novel conceptions of the allocation of responsibilities among the various levels of government, on the one hand, and between government and the private safety sector on the other hand. Thus, 1965 represents a high-water mark in safety not only for what developed in Washington during the year, but also for what these developments could mean for the future of safety in America.

Industrial

Congress took final action in a variety of industrial safety areas (such as pipelines, federal service or maintenance contracts, water pollution and solid waste disposal) and initiated action in many other fields.

Labor standards—Congress also closed a gap in the laws by legislating labor standards, including health and safety, for the only remaining category of federal contracts to which such standards did not apply; to wit, contracts (in excess of \$2,500) the principal purpose of which is the furnishing of services

to or performing maintenance services for federal agencies. Service employees are defined as guards, watchmen, and any person in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupation. HR 10238, PL 89-286 requires that service maintenance work shall not be performed under unsafe or unsanitary conditions where those working conditions are under the control of the contractor or subcontractor. Administrative authority is given to the secretary of labor.

ICC authority—Statutory authority was given to the Interstate Commerce Commission for safety regulation of all interstate pipelines other than those carrying water and gas, and for the enforcement of laws relating to the transportation of combustibles and explosives as they pertain to such pipelines (HR 5041, PL 89-95).

Water Quality Act—The Water Quality Act, S 4, PL 89-234, establishes a federal Water Pollution Control Administration within the Department of Health, Education and Welfare; provides grants for research and development and for construction of sewage treatment works; and authorizes the establishment of federal standards of water purity on interstate waters where states fail to establish such standards by June 30, 1967.

Solid wastes—S 306, PL 89-272, establishes a national program of assistance to states, local govern-

ments, and industry for solution of the solid waste problem; provides for long-term research programs; and authorizes a four-year expenditure of \$92½ million for these purposes. The secretary of the interior is given responsibility over problems of solid wastes resulting from extraction, processing, or utilization of minerals or fossil fuels, and the secretary of health, education, and welfare is given jurisdiction over all other aspects of the program.

Coal mines—Other bills received approval from one House of the Congress and will remain pending in the other when the second session of the 89th Congress meets in 1966: HR 3584 would:

1. Extend the Federal Coal Mine Safety Act to mines employing fewer than fourteen persons underground.
2. Authorize \$500,000 for a federal-state program of coal-mine safety education.
3. Direct the secretary of the interior to make a one-year study on federal regulations of small coal mines.

The House approved this bill, as has the Senate Labor Subcommittee, but the matter is still pending in the full Senate Committee. In 1960, legislation to the same general end passed the Senate but not the House. In the appropriation voted to the Public Health Service, HR 7765, PL 89-156, Congress doubled the additional amount requested by the President for expansion of clinical research on alleviation of coal miners' pneumoconiosis and associated respiratory diseases.

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Mineral industries—The House approved HR 8989, as amended, for a program of systematic inspection of, and for federal health and safety standards in, the metal and nonmetallic mineral industries. The secretary of the interior would be authorized to delegate enforcement authority to any state submitting a plan for the enforcement of state standards which are "substantially as effective" as the federal mandatory standards. The bill also 1) requires annual reports of accidents, and 2) authorizes expansion of federal programs of mine safety education and training. No action has been taken in the Senate.

Walsh-Healey proposals—Among the large number of executive activities on safety, several relate to pending proposals on the Walsh-Healey health and safety regulations. The secretary of labor issued an order:

1. Stating that it is his policy to consult with state commissioners of labor and other appropriate officials concerning the arrangements for carrying out the federal responsibility for occupational safety,

2. Establishing an Ad Hoc Safety Program Advisory Committee to "advise the secretary of labor concerning the responsibilities of the Department of Labor in the safety field and those occupational safety programs and policies on which advice is requested."

The twelve-member committee is in the process of formation.

Traffic

If ever there has been a hot item in Washington, it was traffic safety this year. There have been almost continuous congressional hearings, a considerable amount of congressional action, and a wide variety of administrative activities.

Federal-Aid Highway Program—This year is the 50th anniversary of the Federal-Aid Highway Program (in these fifty years, the federal government authorized an expenditure of \$43½ billion). There is some cause for thinking that the second half-century may have gotten off to a new start. For example, SJ Res 81, PL 89-139, the so-called Baldwin Amendment, provides that beginning January 1, 1968:

"Each state should have a highway safety program, approved by the secretary [of commerce], designed to re-

duce traffic accidents and deaths, injuries and property damage resulting therefrom, on highways on the federal-aid system. Such highway safety programs should be in accordance with uniform standards approved by the secretary and should include, but not be limited to, provisions for an effective accident records system, and measures calculated to improve driver performance, vehicle safety, highway design and maintenance, traffic control, and surveillance of traffic for detection and correction of high or potentially high accident locations."

This new law also states "the sense of Congress" that the secretary of commerce shall report to the Congress every other year beginning January 1968 "his estimates of the future highway needs of the nation." In signing this bill, the President said: "It recognizes the primary responsibility of the states for highway safety and at the same time acknowledges the federal government's responsibility to lead and coordinate."

And in another law, Congress accepted an amendment by Senator Ribicoff (D., Conn.) which authorized an appropriation of \$500,000 for the study and coordination of traffic programs authorized in the Baldwin Amendment (see S 2084, PL 89-285).

MV air pollution—S 306, PL 89-272, which has been already referred to in a different context, is called "Motor Vehicle Air Pollution Control Act." It requires the secretary of health, education, and welfare to prescribe practical exhaust standards for new motor vehicles, and forbids interstate commerce to noncomplying vehicles. The law also provides extensive research authority and a four-year authorization of some \$4 million for what the House committee called "a nationwide attack on the motor vehicle pollution problem." Although no statutory deadline is set for the emission standards, the Department of Health, Education and Welfare advised Congress it intended to apply them to the 1968 model cars.

Highway Beautification Bill—After vigorous debate, Congress passed the Highway Beautification bill, S 2084, PL 89-285 providing for federal standards on penalty of

loss of 10 per cent of the available federal highway funds to any state which the secretary of commerce determines has not made provision for effective control of the erection and maintenance of billboards and signs on the interstate and primary road system. Under the law:

1. Billboards are to be removed by 1970, from an area 660 feet from the highway, with exceptions for commercial or industrial areas;

2. The secretary of commerce must hold hearings in each of the fifty states before the standards become effective therein.

Crusade for Safety Day—Congress passed a concurrent resolution (HC Res 448) asking the President to issue a proclamation designating Nov. 26, 1965, as Crusade for Safety Day to reduce traffic accidents.

High-speed ground transportation—The secretary of commerce was authorized by S 1588, PL 89-220, to undertake research, development, and demonstrations in high-speed ground transportation and to collect national transportation data and statistics. A three-year, \$90 million authorization was voted. While initial emphasis will be on railroads, the secretary indicated motor vehicle transportation would also be involved.

Pep pill regulation—A related enactment is HR 2, PL 89-1, which amends the Food, Drug, and Cosmetics Act to establish special controls over certain drugs including goofballs and pep pills, sold at truck stops to enable long driving hours than permitted by the ICC. The commission had advised Congress "that the misuse of these drugs creates a grave threat to highway safety."

Ribicoff's committee—Hearings were held on other bills and subjects in the traffic safety field by the newly-organized Subcommittee on Executive Reorganization of the Senate Committee on Government Operations, under Senator Ribicoff's chairmanship, held extensive hearings on how the federal government is organized in traffic and on a "long-range inquiry into the effectiveness of existing safety programs and policies."

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nesses included senators, government departments, and agencies, and the chief executives of the four major American automobile manufacturers. Ribicoff stated 1) "I intend to be a crusader on safety on the national basis. I expect someone to be a crusader for safety in the executive branch"; 2) "I feel the automobile industry has been dragging its feet on safety"; 3) "It is apparent that we have little if any national policy regarding traffic safety. . . . To say that our national policy is to leave traffic safety to the state and private sector is to have no national policy." Senator Robert F. Kennedy (D., N.Y.) suggested at these hearings that the automobile manufacturers spend at least one per cent of profits for safety research.

Among the issues Senator Ribicoff's committee has been exploring are the following:

1. Should there be a single federal agency encompassing all federal traffic safety activities? (His own answer: "I have always felt, and feel now, that eventually we shall draw all the [federal highway] safety programs together and place them in the Department of Commerce, in the Bureau of Standards, and the Bureau of Public Roads, where I think they belong.")
2. Should there be a uniform federal standard for motor vehicles instead of 50 state standards?
3. How good are our accident statistics?
4. What causes traffic accidents?

The committee asked the auto manufacturers to develop a cooperative, industry-wide plan for safety and to report back on it. The industry subsequently announced "the preparation of plans for a cooperative program to expand the industry's efforts in the field of automotive safety, particularly in the areas of accident prevention, safety research, and problems of the second collision [occupant collision with car]."

Tire performance standards — Hearings were held by a Senate Commerce Subcommittee, under Senator Hartke (D., Ind.), on S 1643, introduced by Senator Nelson (D., Wis.) and nine other senators. This bill would set minimum federal safety and performance standards

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"What Are We Doing?"

Howard Pyle told a National Safety Council staff meeting early this year that at no time in the history of organized safety has the problem received as much visibility as in these days. Many informed people believe that the voluntary safety movement has been largely responsible for this visibility. For years it has been crying out in the wilderness, so to speak, about the need for action by state and local governments, and for industry's support of the voluntary safety movement. Suddenly this cry has been heard and now the voice is out in the land. *Visibility* is here. What about *viability*? Will the voluntary safety movement and the nonfederal sector in traffic safety be able to retain their leadership now that we have achieved high safety visibility?

In this connection perhaps there is encouragement in the resolution of the Governors' Conference adopted on July 29, 1965, in Minneapolis proposing a national conference of state and local governments "to define and clarify areas of traffic safety responsibility and to determine the most effective possible courses of action with respect to priority needs and financing." Such a conference can make a reality of the observation by Chairman Hearst of the President's Committee on Traffic Safety, that "... Congressional action in the matter of standards . . . should also prove to be a very real stimulus to action." In its present mood, Congress might very well accept the results of such a conference as a guide for future federal legislation on highway safety. In any event, all eyes will be on this conference and on its recommendations. The ball is in its hands, either to be fumbled and lost, or to be grasped firmly and carried over the goal line.

For answering questions about viability of the safety movement, you may find some help in the re-

marks of two distinguished senators. Senator Kuchel (R., Calif.) told the Senate:

"If the careful balance between federal and state relations and the principle of federalism is to survive in the United States, each of the 50 states of this land must be concerned not merely with states rights, but with states responsibilities."

In a speech elsewhere on "Whether State Government: Responsibility, or Oblivion," the California senator also said:

"... the survival of the federal concept depends on just how effectively the states meet their responsibilities in the coming decade. . . . The point is that with a progressive state administration the job can be handled and the burgeoning growth of the federal government contained. . . .

"To succeed, the states must step forward and assume the responsibility of government; otherwise, they will lose the power to govern. . . . They must begin to take that step today. . . ."—*Congressional Record*, Sept. 23, 1965 (daily ed.), p. 24352.

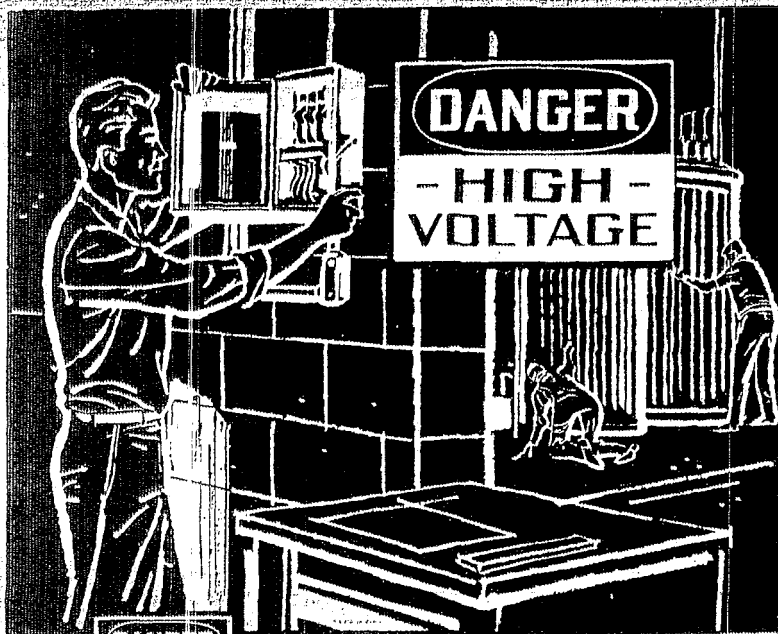
The second senator is Senator Hartke (D., Ind.) who told the following story on the floor of the Senate:

"There is a story heard in Washington that one of our government officials was remonstrating with a member of an iron curtain government that little interest was taken with the number of persons dying of malnutrition in that country. The iron curtain national looked our man straight in the eye and said something like this: 'But what are you doing about your traffic accident death tolls? They are as much a product of your economy as our starvation is of ours.'"

"Yes, what are we doing? . . ."—*Congressional Record*, Sept. 8, 1965 (daily ed.), p. 22242.

It is reasonable to think that at least part of the answer to the question on the future of the safety movement will come as we answer the questions raised by these two senators:

1. Are we beginning "to take that step today?"
2. "What are we doing?"



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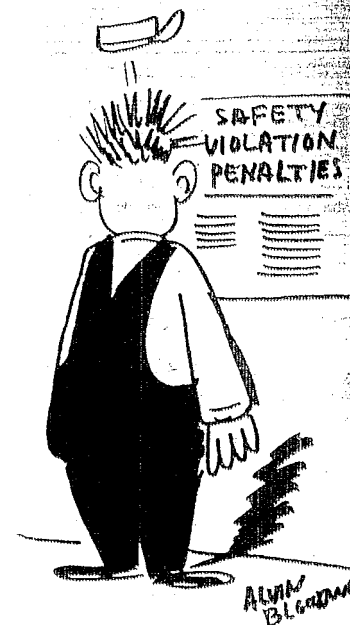
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for motor vehicle tires and present a system of tire grading and labeling. Support was voiced by the Federal Trade Commission, the General Services Administration, and the AFL-CIO. The National Tire Dealers and Retreaders Association testified for minimum performance standards through federal legislation. Opposition to S 1643 "in its present form" was expressed by the Department of Commerce which preferred an initial period of voluntary approach. The Interstate Vehicle Equipment Safety Commission, organized in 1963 by compact under the Beamer Resolution adopted by Congress in 1958, testified against the bill and in favor of allowing time for its own tire safety regulations to work. The Rubber Manufacturers Association also opposed the bill and urged that the VESC approach be tried first. Opposition was also voiced by the Automobile Manufacturers Association which outlined its own seven-point tire safety program. Subcommittee Chairman Hartke commented: "The plain fact is there appears to be no common acceptable agreement on what is a safe tire."

Senator Magnuson (D., Wash.) chairman of the Senate Commerce Committee, introduced S 2669, as a follow-up to S 1643. The new bill provides for:

1. Immediate adoption, as "interim minimum safety standards," of the



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tire safety regulation issued this year by the VESC;

2. Revision of such interim standards by the secretary of commerce after two years, and thereafter, to the extent necessary, including maximum permissible loads;

3. A research program to develop more comprehensive safety standards, retreading standards and a tire grading system.

Tire marketing practices—Early this year the Federal Trade Commission held hearings on tire marketing practices and on, among other things, tire safety and tire size. No final action has been taken. The Interstate Commerce Commission called on tire manufacturers "to devote their maximum attention to the stresses imposed by present-day loading practices and the sustained high speed of heavy vehicles."

Safety devices for federal vehicles—The Executive Establishment has also been very busy on traffic safety. The General Services Administration issued specifications and standards for seventeen safety devices for federal automotive vehicles, to be effective Sept. 28, 1966, under the Roberts bill, PL 88-515. Some of these were already standard on production models; others were already available to all customers as optional extras. GSA also announced its intention to revise several of these standards before their effective date and to consider additional safety standards. GSA spoke of the program as part of the federal government's "obligation to set a national standard for the public

"The Ribicoff hearings on the automobile industry used the GSA's seventeen items as a checklist of proposed standard items for new cars available to the general public.

Seat belt standards—The Department of Commerce promulgated revised standards for seat belts, mandatory in 1966, and issued an Advisory Committee Report on Transportation Research calling for a several-million dollar annual highway safety research and development program.

FTC hearings—The Federal Trade Commission held hearings on tire safety and loading, to which reference has already been made, and is now conducting a preliminary inquiry on automobile advertising that deals with speed.

Bureau of Public Roads—The Bureau of Public Roads has been active in a variety of ways, including:

1. Its spot-improvement program for eradicating dangerous road conditions;
2. A nationwide study of continuing road needs for twenty years in the future;
3. An accelerated and coordinated research and development program.

Department of Commerce—The Department of Commerce recently established an interagency task force which is currently formulating plans for an accelerated action program. According to the department, the recommendations "will soon be submitted to the President."

Governors' Conference—The national Governors' Conference called

upon the Congress "to adopt national policy, the principles contained in the Action Program for Highway Safety." The governor also resolved to invite the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties to joint sponsorship of a national conference "to define and clarify areas of traffic safety responsibility and to determine the most effective possible courses of action with respect to priority needs and financing."

Marine

PL 89-121 (HR 7954) conforms our statutes to the Convention for Safety of Life at Sea (London 1960). And PL 89-191 (HR 725) gives primary obligation to the Coast Guard for marking obstructions in navigable waters.

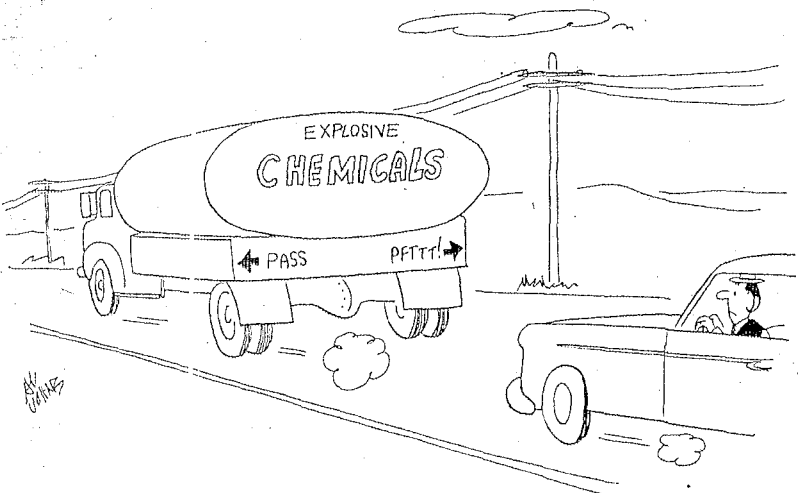
The U.S. Department of Labor amended its regulations on ship repairing, shipbuilding, and ship-breaking, on threshold level values and held hearings on proposed amendments to its longshore safety and health regulations.

Public

Power lawn mowers—Senator Magnuson (D., Wash.), Chairman of the Senate Commerce Committee, said that "self-regulation in the power lawn mower industry appears to have lagged behind the need for it" and instructed the Senate committee's staff to monitor the industry's progress in raising safety standards. "Should the alarming volume of accidents continue unabated through this year," the Senator warned, "then the Commerce Committee will be prepared to develop legislation. . . ."

Government

Mission Safety-70—Intramurally, the federal government has stepped up its internal safety program. The President launched "Mission Safety-70," directing all federal operations "to reduce their injury frequency rate 30 per cent by 1970." The chief executive said that "the incidence of injury to federal civilian employees is no better today than it was ten years ago and direct costs to the Government have risen nearly 50 per cent."



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