

COPY

AIR HYGIENE FOUNDATION OF AMERICA, INC.

~~TRUCKERAY AVENUE AND O'HARA STREET~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

4400 Fifth Avenue

PITTSBURGH, PA.

March 23, 1938.

MEMORANDUM TO THE BOARD OF TRUSTEES:

Mr. E. A. Hitchins, Ch.	Mr. Andrew Fletcher	Mr. E. D. Sayer
Mr. H. A. Schultz, V. Ch.	Mr. D. Harrington	Dr. R. R. Sayers
Mr. V. P. Ahearn	Mr. E. A. Hults	Mr. A. W. Sherwood
Mr. Vandiver Brown	Mr. C. E. Leshar	Mr. L. T. Williams
Mr. Joseph Dilworth	Dr. B. D. Saklatwalla	Mr. W. P. Yant

At its meeting held in Pittsburgh on February 8, 1938, the Board of Trustees passed the following resolutions:

RESOLVED, That the Board of Trustees accept and approve the report of the Legal Committee dated January 31, 1938, and that the Board adopt as the next project on its research program the study of the legal principles set forth in the Committee's report, which will include an analysis of all existing statutes, together with a statement of principles that should govern the coverage of occupational disease in compensation laws.

I was uncertain as to just what the Board desired to have included in the bulletin it proposed to have prepared in accordance with the resolution, and took advantage at the first opportunity to discuss the matter with Mr. A.C. Hirth, chairman of the legal committee. Mr. Hirth was at the Board Meeting and heard all of the discussion. It was obvious that there would be necessary modifications of the recommendations made by the legal committee. At the same time the resolution indicated that the Board was of the opinion that there is need for a further statement of principles which should be included in an Occupational Disease Act.

With this as a basis, I suggested to Mr. Hirth that he consider the possibility of discussing, separately, the various basic principles which should be included in a proper bill; the material to be presented in a readily understandable, usable and unobjectionable manner, but in conformity with the conviction that the Foundation must not issue what could be construed as a "model law". In the case of existing statutes that may have undesirable provisions, or that may have omitted provisions that it would have been desirable to include, such provisions might be discussed.

Mr. Hirth, after consideration of the subject-matter of our conference, wrote me under date of March 17th as follows:

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"After hearing the discussion of the Board of Trustees with respect to the recommendations of the Legal Committee concerning future legislative activity of the Foundation, and after talking to you this morning, it is my personal belief that my committee will recommend a modified program that will not only satisfy all concerned, but will accomplish the same purpose that the original program would have.

"First, in connection with those states which do not now have occupational disease legislation, it would be my recommendation that rather than prepare a so-called model occupational disease act, we schedule the various cardinal principles which in our opinion should be included in such legislation and suggest a specific statutory provision that would correctly embrace such principles.

"Each such provision would stand on its own feet and the sum total would bear no more relation to its component parts than would the sum total of cardinal principles. Certainly it could not be interpreted to be a model act.

"When information of this kind is furnished employer groups who are interested in legislation of this character, they may select all of such provisions or only those provisions which in their opinion meet their individual needs.

"Secondly, as to occupational disease acts now on the statute books, the same treatment could be followed, that is, the Pennsylvania Act could be analyzed and recommendations be made that certain provisions thereof be deleted together with a complete discussion of why they are undesirable.

"It could then be pointed out that the act as drawn does not contain certain named basic principles which should be included in sound legislation. A specific provision could then be drafted embodying each of such principles.

"The mechanics of the foregoing plan could best be illustrated by Mr. Waters presenting a sample to the Board of Trustees at its next meeting.

"I am sending a copy of this letter to Mr. Waters together with a request that he prepare a sample act up for your consideration."

My purpose in this is to have ready for the Board of Trustees at its next meeting an exhibit of a type of helpful legal analysis designed to meet the wishes of the Board as indicated by the resolution adopted February 8th, at the same time to keep within the limits expressed in the discussion by the members of the Board.

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Mr. Waters will be invited to be present at the next meeting, when there will be opportunity to determine definitely what it is desired to have done in the matter.

This memorandum is sent to the members of the Board of Trustees for their information.

H. B. Meller
H. B. Meller
Managing Director

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