

October 6, 1970

SUBJECT: DANIELS' BILL (OCCUPATIONAL SAFETY AND HEALTH)

TO: ALL MEMBERS OF THE LEAD INDUSTRIES ASSOCIATION, INC.

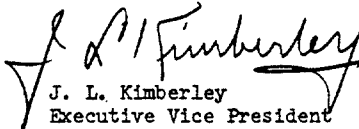
Gentlemen:

We have recently learned of the Daniels' Bill H.R. 16785 concerned with occupational safety and health measures. We understand that there is another version, with H.R. 16785 being the most objectionable. We understand further that both are presently stalled in Congress.

It is well recognized that the Lead Industries Association has not in the past concerned itself with this type of legislation (having to do with plant operations). Nevertheless, the subject and analysis should be of interest.

The attachment is as it appeared in the August-September 1970 issue, Number 47, of a Washington Report on Labor prepared by the National Chamber's Human Resources Development Group.

Sincerely,


J. L. Kimberley
Executive Vice President

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Attachment

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WASHINGTON REPORT ON LABOR

A concise monthly analysis of the latest developments and trends in the area of human resources. Prepared by the National Chamber's Human Resources Development Group.

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ACTION NEEDED

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As soon as it receives a rule from the House Rules Committee, an Occupational Safety and Health bill (H.R. 16785, Daniels, D-N.J.) that would open the door to extreme harassment of business could be brought to the House floor.

Unions see in this sort of occupational safety bill which lodges authority in the Labor Secretary a useful vehicle for expanding control over operations of private business. An easily foreseen consequence is the promulgation of standards that go beyond true safety needs and affect hours of work, qualifications of employees for certain tasks, size of work crews, and even plant operations by management during strikes.

When the bill is brought to the House floor, Rep. Steiger (R-Wis.) is expected to offer as a substitute a more reasonable measure--one that contains, among others, these elements:

1. Creation of an independent National Occupational Safety and Health Board, composed of job safety and health experts to set standards.
2. Authorization of the Secretary of Labor to police standards.
3. Court system to hold hearings on alleged violations and impose fines when guilt is established.
4. Provision that a plant could be ordered closed only by a court.
5. No provisions--such as strikes with full pay--which would jeopardize labor-management relations and promote labor strife.

A massive two-day legislative conference was held in Washington by the AFL-CIO Industrial Union Department on July 27-28 to lobby for the Daniels Bill, H.R. 16785. It is imperative, therefore, that you immediately communicate with your congressman about the dangers of this proposal, and urge him to support the more reasonable substitute approach.

HERE'S WHAT'S WRONG WITH
THE DANIELS' BILL

As the views reprinted in this Special Report make clear, H.R. 16785 is seriously lacking from the standpoint of fairness and due process, but is replete with provisions that are unduly punitive, administratively unworkable, and potentially highly disruptive of labor-management relations. Specifically,

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. It lodges authority to write, police and enforce safety standards in one man--the Secretary of Labor.

. It permits strikes with full pay on the grounds that the employees have not been given sufficient safety information or proper safety equipment--and even if there is no violation of any standard.

. It permits employers to be penalized for not providing a "safe and healthful" place of employment even though they are in complete compliance with every standard.

. It requires employers to post citations issued by inspectors even before there has been a hearing to decide whether the citation is valid.

. It allows inspectors to order a plant closed for up to five days based on a belief--(no proof is required)--that an "imminent danger" exists.

. It does not permit recovery of damages for wrongful plant closures--thus making innocent employers pay for mistakes of government inspectors.

. It authorizes employee representatives to accompany inspectors.

. It fails to provide adequate protection for trade secrets and other confidential matters--including employees' medical records.

. It provides for mandatory penalties without regard to culpability.

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