

EIGHTH MEETING

CODE AUTHORITY MEETING

New York, N. Y.

December 10, 1934.

A meeting of the Code Authority for the Lead Industry was held on Monday, December 10, 1934, at 10:00 A.M., in the Board Room of the National Lead Company, 111 Broadway, New York, N. Y.

MembersPresentAlternates

Clinton H. Crane, Chairman
 F. M. Carter
 Clarence Glass
 R. M. Roosevelt
 G. W. Farny, Administration Member
 F. E. Wormser, Secretary

H. M. Brush
 D. A. Callahan
 R. O. McKay
 F. S. Mulock
 E. L. Newhouse, Jr.

By Invitation

F. W. Rockwell

The minutes of the seventh meeting of the Code Authority of November 16 were approved.

RECOGNITION OF ALTERNATES

Without objection, a letter from W. P. Ellis, Acting Division Administrator of the National Recovery Administration, recognizing the duly elected alternates of the Code Authority Members, was inserted in the records and appears as Exhibit "A" attached.

PAINT CODE - LEAD CODE CONTROVERSY

Without objection a letter dated November 23, 1934 from Assistant Deputy Administrator C. E. Willis, acknowledging the Code Authority's letter of protest of November 19, on the inclusion of white lead-in-oil in the Paint Code, and setting forth the fact that an opportunity would be given the Lead Industry to be heard, was inserted in the record as follows:

"The matter mentioned in your letter of November 19, 1934 is one of classification of white lead-in-oil rather than of interpretation.

N 3028

RIGHTS MATTERS

"Our latest advice from the Paint Industry Recovery Board regarding the question is that it is their intention to file a brief setting forth such facts as they may have to substantiate arguments for classification of the product under the Code for the Paint, Varnish and Lacquer Manufacturing Industry. When such brief is filed, it will be submitted to the Deputy Administrator handling the Code for the Lead Industry, and your Code Authority will be privileged to present your side of the question as completely as you may desire.

"You are assured that no decision will be reached before you have been given this opportunity."

MEMBERSHIP MATTERSWhitedelf Mining and Development Company

The Secretary read a letter dated November 24, 1934 from Congressman Compton D. White, with reference to the membership status of the Whitedelf Mining and Development Company, as follows: (Letter mailed from Clark Fork, Idaho)

"From the mails coming to this office, it is apparent that the Whitedelf Mining and Development Company has been placed on the mailing list of your Authority. For your information, it may be stated that the conditions imposed by your Authority, coupled with the existing price of metals, has very effectually barred the participation of our company from any operation producing lead, and for that reason your solicitude for the compliance with your code and the welfare of our company is of no particular avail, and until conditions change, you may economize to a small extent by saving postage on mail addressed to us."

The Secretary was requested, in acknowledging Congressman White's letter, to request his views as to those Code matters which he stated were effectually barring his company from producing lead.

Code Authority Page 3

Johnson Bronze Company

A request of the Johnson Bronze Company for exemption from the Code of Fair Competition for the Lead Industry was read and is attached as Exhibit "B", and ordered transmitted to the E.R.A. with the endorsement of the Code Authority.

E. I. duPont de Nemours & Company

The Secretary presented a letter from the E. I. du Pont de Nemours & Company dated November 18, 1934, as follows:

"We acknowledge receipt of your letter of November 8, together with copies of Bulletins Nos. 2 and 10, calling our attention to the fact that you have not received our wage adjustment report as provided in Article IV, Section 5 of the Code.

"I call your attention to the fact that our Company does not perform any of the functions defined in Section 6 of Article II of the Code for the Lead Industry. We do purchase and consume some lead in connection with our own operations and also are sellers of certain lead products which we purchase from manufacturers in the industry.

"If the name of our Company appears on your list as one of those subject to the provisions of your Code, we should much appreciate it if it could be removed from such list."

After discussion the Code Authority instructed the Secretary to reply to the E. I. duPont de Nemours & Company, granting their request, but in view of their special status, asking the Company to observe the Fair Trade Practice Provisions of Article VIII, for the Lead Pigments Division.

Miscellaneous

The Secretary stated he had been corresponding with several companies whose activities in the Lead Industry were so small that they did not feel it practical to subscribe to the Lead Code and who, therefore, desired to procure exemption. The Secretary also stated he expected several petitions for exemption from the Lead Code would be in shape to present at a future meeting.

CHAIRMAN OF SMELTING AND REFINING DIVISION AND
HIS ALTERNATES

The Secretary reported that in accordance with the action taken at the meeting of November 10, he had mailed ballots to the 53 Members of Industry in the Smelting and Refining Division, for the purpose of electing a new Chairman and his alternates, to succeed the late John A. McCarthy. Ballots were mailed November 27, together with a stamped addressed envelope for reply and ballots were requested to be mailed in time to reach the office of the Code Authority by December 10. Fifteen ballots were returned, all of them voting for Mr. Clarence Glass as Chairman of the Smelting and Refining Division and Member of the Code Authority, and Messrs. Robert E. Dwyer and Frederick Laist, Alternates. As there were no negative votes cast, nor any indication of a contest

It was regularly moved, seconded and carried that Mr. Clarence Glass be declared elected Chairman of the Smelting and Refining Division and Member of the Code Authority, and Mr. Robert E. Dwyer and Mr. Frederick Laist, his Alternates, and that the Secretary transmit the results of this election to the N.R.A. for the approval of the Administrator.

TREASURER'S REPORT

The Treasurer's report was submitted and is attached as Exhibit "C". The Treasurer was requested to prepare, for the next meeting of the Code Authority, a list of those who had not made any subscriptions to the support of the Code Authority, with an estimate of the amounts that might be expected from them.

REPORT ON POSTING OF LABOR PROVISIONS

Without objection, the report of the Secretary on the posting of labor provisions of the Lead Code, as required by the N.R.A. was inserted in the record and appears as Exhibit "D" attached.

STANDARDS OF SAFETY AND HEALTH

Without objection, the Secretary's correspondence with Deputy Administrator Janssen, requesting and receiving an extension of time in the preparation of

Standards of Safety and Health was inserted in the Record as follows:

November 24, 1934.

"Dear Mr. Janessen:

Our proposed Standards of Safety and Health, which are required to be submitted to the Administration, under the provisions of Article V, Section 6, within six months after approval of the Code of Fair Competition for the Lead Industry, are not yet ready for transmittal to Washington.

May we have an extension of time in which to continue with the preparation of our standards? We hope to mail them to you at an early date.

F. E. Wormser."

November 30, 1934.

"Dear Mr. Wormser:

This will acknowledge your letter of November 24 asking for an extension of time in which to submit standards of safety and health as required under the provisions of Article V, Section 4 of the Lead Code.

We agree to an extension but trust you will soon have these standards submitted to us for our approval.

W. A. Janessen."

The Secretary reported numerous suggestions for the improvement of the draft which had been circulated among the Members of the Code Authority on Standards of Safety and Health. Each suggestion was carefully considered by the Code Authority and a new draft was ordered prepared, with changes made as follows:

Paragraph 1 - After the first sentence, insert the following provision:

Compliance with such laws satisfactory to the State official charged with the application and enforcement thereof shall in all cases be deemed full compliance with such provisions.

Paragraph 2 - After the word "mining" in the first line, insert the following:

where required by the laws of the particular state, or where due to local conditions, rules are ordered by the State Mine Inspector,

Paragraph 4 - Revised as follows:

Particular attention shall be given to each worker individually, or in connection with groups in the mine district, where operating conditions may be liable, to accident, safety and health problems, and particular attention shall be given to the matter of ventilation and the lessening of any dust, fume or fire hazard.

It was regularly moved, seconded and carried that the revised draft of the Standards of Safety and Health for the Lead Industry be distributed to Members of the Code Authority and a copy provided to the Code Authority for the Copper Industry.

Copy of the old and revised drafts, with corrections, are attached as Exhibit "E".

DISCUSSION OF ARTICLE III, SECTION 1
OF LEAD CODE ON CHANGE OF SHIFTS

The Secretary reported having heard from Deputy Administrator Janssen by telephone, to the effect that the N.R.A. had granted a stay in the operations of Article III, Section 1 insofar as it restricted change of shifts. This stay was to be for 60 days, pending the submission of an amendment to the Code, to provide for shift changes.

Accordingly, the Code Authority drafted an amendment to Article III, Section 1, as follows, and

It was regularly moved, seconded and carried that Article III, Section 1 be amended to read as follows:

At the end of the first sentence of Article III, Section 1, change the period to a semi-colon and add the following:

Provided further that for reasons of shift change, employees may work in excess of eight (8) hours but not more than sixteen (16) hours in a twenty-four (24) hour period.

Code Authority

It was further moved, seconded and carried that the Secretary notify the E.R.A. of this amendment, requesting its consideration in the regular manner provided by the E.R.A.

EQUITABLE WAGE ADJUSTMENT REPORT NO. 3

The Chairman presented Supplementary Report No. 3 on equitable wage adjustments, which was inserted in the record as Exhibit "F" attached, and requested the advice of the Code Authority as to the action that should be taken in regard to those companies who had not yet sent in their reports on equitable wage adjustments.

It was regularly moved, seconded and carried that the Secretary place in the record a list of those companies who had not sent in their equitable wage adjustment reports, together with a statement that each Member of Industry had been mailed two bulletins requesting his equitable wage adjustment report, together with a personal solicitation from the Secretary. (Attached as part of Exhibit "F".)

TRADE PRACTICE COMPLAINTS COMMITTEE

The Secretary was requested to indicate whether he had received any trade practice complaints and reporting none, and the Division Chairmen reporting none, action on the proposed Trade Practice Complaints Committee Plan was postponed to another meeting. Major Farny stated he believed action should be taken to perfect a plan for handling trade practice complaints.

The meeting adjourned at 12 Noon, to reconvene on Tuesday, January 16, 1935.

Secretary.

COPY

 Exhibit "A"
 Code Authority Meeting
 Dec. 10, 1934.

NATIONAL RECOVERY ADMINISTRATION

Washington, D. C.

November 19, 1934.

 In Reply Refer to Div. I
 Order No. 65140

 Mr. F. E. Turner, Secretary,
 Code Authority for the Lead Industry,
 420 Lexington Avenue,
 New York, N. Y.

Dear Sir:

The National Industrial Recovery Board instructs me to acknowledge your letter of August 1, 1934, submitting evidence of the election of alternates to members of the Code Authority for the Lead Industry.

After examination of the records submitted, the following named persons are recognized as having been duly chosen alternates to the members of the Code Authority for the Lead Industry.

EXECUTIVE COMMITTEE OF THE LEAD INDUSTRIES ASSOCIATIONMEMBER
 Clinton E. Crane, President
 St. Joseph Lead Company,
 250 Park Avenue,
 New York, N. Y.

 F. H. Brownell, Chairman of
 the Board
 American Smelting & Refining Co.,
 120 Broadway,
 New York, N. Y.

 F. M. Carter, President
 National Lead Company,
 111 Broadway,
 New York, N. Y.
ALTERNATE

1. I. H. Cornell, Vice President
2. Andrew Fletcher, Vice President
3. C. M. Chapin, Jr., Vice President
4. E. V. Peters, Vice President.
 (All alternates officials of St.
 Joseph Lead Co., 250 Park Ave.,
 New York City)

1. H. A. Oress, Vice President,
2. R. V. Stranes, " "
3. H. Y. Walker, " "
4. H. M. Brush, " "
5. Charles Earl, " "
6. E. C. Brownell, Asst. Treasurer
7. E. A. Bohr, Asst. Mgr. Metal Sales
 Department.
 (All alternates officials of the
 American Smelting & Refining Co.,
 120 Broadway, New York City).

1. W. C. Beecheram, Vice President,
2. Harold Rose, Assistant to President.
 (National Lead Company, 111
 Broadway, New York City)

N 3028.01

Mr. F. M. Vossor

November 13, 1934.

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F. Y. Robinson, Vice President,
U. S. Smelter Refining & Mining
Company, Inc.
27 William Street,
New York, N. Y.

James P. McCarthy, President,
Knox Mining Company,
Helena, Idaho.

1. C. A. Knight, President
2. E. D. Hunt, Vice President
3. F. C. Knight, President,
Utah Smelter Refining & Mining Co.
(1200 Main Street, Salt Lake City)
4. J. P. Knight,
Utah Smelter Refining & Mining Co.
(1200 Main Street, Salt Lake City)
5. D. A. Callahan, Attorney at Law,
Salt Lake City.
6. Stanley A. Easton, President,
Franklin Hill & Sons, Smelter &
Concentrating Co., Idaho.
7. L. E. Hunter, Vice President,
Knox Mining Co., Helena, Idaho.
8. I. M. Cornell, Vice President,
St. Joseph Lead Co., 230 Park Ave.,
New York City.

DIVISION CHAIRMAN (ELECTED)Mining DivisionMEMBER

George W. Lambourn, President
Park Utah Consolidated Mines Co.
Continental Bank Building,
Salt Lake City, Utah.

ALTERNATE

1. A. G. Macdonald, Secretary,
American Mining Congress,
Salt Lake City, Utah.
2. Paul H. Hunt, Mine Manager,
Park Utah Consolidated Mines Co.,
(Kestley, Utah)

Smelting and Refining Division

John A. McCarthy, Vice President,
Anaconda Sales Company,
23 Broadway,
New York, N. Y.

1. Clarence Glass, Vice President,
Anaconda Sales Company, 23
Broadway, New York City.

Lead Pigments Division

R. M. Roosevelt, Vice President,
Eagle-Picher Lead Company,
420 Lexington Avenue,
New York, N. Y.

1. W. E. Maest, Vice President
2. J. R. MacGregor, Vice President,
Eagle-Picher Lead Co., Temple Bar
Building, Cincinnati, Ohio.

Mr. F. E. Womser

November 12, 1934.

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Industrial Unit Executive Committee

P. E. Womser, Vice President
 Estabrook Printing Company,
 Newark, Indiana.

I. E. L. Womser, Jr.
 (Womser & Son, Inc., 100 N. Y.)
 (Newark, Indiana, N. Y.)

National Industrial Recovery Board

W. T. O. Hunt, Vice President,
 Reynolds Metals Company,
 19 Eector Street, New York, N.Y.

I. E. L. Womser, Jr., Vice President
 (Womser & Son, Inc., 100 N. Y.)
 (Newark, Indiana, N. Y.)

F. E. Womser, Secretary and Treasurer (Secretary and Treasurer of the Ind
 (Industries Association, 430 Lexington
 Avenue, New York, N. Y.)

National Industrial Recovery Board

V. P. Ellis (Signed)

Acting Division Administrator.

Subject:
To:

COPY

... ..

... ..

December 8, 1934.

Code Authority for the Lead Industry,
430 Lexington Avenue,
New York City.

Gentlemen:

In connection with the recent correspondence we have had with your Secretary, Mr. F. E. Wornser, we would ask that you kindly grant us an exemption from the Code of Fair Competition for the Lead Industry, for the reason that at the present time we are operating under the Automotive Parts & Equipment Manufacturers code and the Railway Brass Car and Locomotive Journal Bearings and Castings Code, which practically covers 100% of our output.

The amount of lead and tin babbitt that we manufacture for sale during the year will not exceed more than \$1,000 to \$1,500 out of a total production of one and a half million dollars, so you can see that anything coming under your code would be practically nil. Also it would work a hardship on this company to be operating under so many codes, particularly under those which the company does practically no manufacturing.

Yours very truly,

P. J. FLAHERTY (SIGNED)

President.

Exhibit 501

Before the Honorable Senate Committee on Finance
 Before the Honorable House Committee on Finance
 December 10, 1934.

Statement of Assets

From 7, 1934 to November 30, 1934

<u>Assets</u>		
Cash		
Underwriting Fund	\$10,000.00	
From other Members of Industry	260.49	\$10,260.49
Advanced by Lead Industries Ass'n.	6,752.75	
Less: Repaid to Lead Industries Ass'n.	4,811.38	<u>1,941.37</u>
		\$12,198.87

<u>Disbursements</u>		
Salaries	4,538.02	
Rent and Light	650.84	
Office Expense Miscellaneous	330.12	
Traveling Expenses	501.21	
Telephone and Telegraph	205.16	
Books and Subscriptions	3.50	
Printing	178.23	
Mailing	<u>220.00</u>	6,677.10

CASH IN BANK, November 30, 1934

5,521.77

\$12,198.87

Sincerely yours,

J. W. Brown
 Treasurer.

N 3028.03

Central and
General Office, Building
Room 10, 1001.

NEW YORK, N. Y., SEP 22, 1934

Mr. Hollister, Secretary,

New York, N. Y.

October 22, 1934.

Mr. W. D. Sullivan,
Federal Bureau of Investigation,
U. S. Department of Justice,
Washington, D. C.

Dear Mr. Sullivan:

In response to your letter of September 15, requesting information on the distribution of labor posters of the Lead Code, we submit the following report:

- (a) Total number of labor posters received 1325
Total number of franked envelopes received.... 300
- (b) Total number of labor posters distributed..... 990
- (c) Total number of labor posters on hand 334
Total number of franked envelopes on hand..... 209
- (d) Number of members yet to be supplied with labor posters.

All members have been supplied with copies of labor posters. We have not as yet heard from all our members in regard to extra copies which they may desire.

- (e) Estimate of total membership. 193
- (f) When will distribution be completed?

Distribution is completed except as to extra copies which members may request.

Very truly yours,

Z. K. WORMER

Secretary.

N 3028.04

Standards of Safety and Health for the Lead Industry

In the realization that safety in operation is essential to all industries and phases of American life, because every accident or death results in a loss to the individual, the employer and the community at large, each employer of the lead industry shall continue to see that the facts of safety and accident prevention shall be kept before his employees at all times.

Operating officials will take an active part in safety and health work, shall see that inspections are made at regular intervals of working places and equipment, and that the customary safety bulletins or signs are posted.

Every employer shall comply with the provisions of the laws of the State in which he operates relative to safety practices and to the health standards, applicable to his industry. Compliance with such laws satisfactory to the State official charged with the application and enforcement thereof shall in all cases be deemed full compliance with such provisions. He shall also at all times cooperate with the State and Federal Mine and Factory Inspectors, and other interested Governmental officials.

First aid service, equipment and supplies shall be maintained at each employer's mines and surface plants. This service shall be rendered by one familiar in first aid work, and if practicable shall not be confined to the regular first aid crew, but shall include as many other employees as local conditions warrant.

In the case of underground mining where required by the laws of the particular state, or where due to local conditions same are ordered by the State Mine Inspector, mine rescue crews and equipment shall be maintained, and such service shall be furnished by each individual employer if Federal equipment is not available, or if the service can not be furnished through joint cooperation with others. Should local conditions necessitate oxygen breathing equipment and gas masks, the rescue crews should then be trained in the use of such equipment, which shall be periodically tested and maintained in working condition.

Continued attention shall be given by each employer individually, or in cooperation with others in the same district whose operating conditions may be similar, to accident, safety and health problems, and particular attention shall be given to the matter of ventilation and the lessening of any dust, fume or fire hazard.

To minimize the danger of machinery in motion and electricity, safeguards shall be provided wherever possible, and if impracticable, then warning and danger signs shall be posted.

A complete record shall be kept by each employer of all accidents, in which shall be recorded the date and time of each accident, place of occurrence, cause, nature of injury, whether fatal or whether disability was permanent and total, permanent and partial or temporary. The time lost in each case shall also be recorded, as well as any other information of importance required to complete the record. Such record shall be kept up to date and shall be available for inspection to the Administrator and Code Authority of the State, or their authorized representatives, and to the State Mine and Factory Inspector or other State official charged with the responsibility of administering the State laws affecting the lead industry.

In the realization that safety in operation is essential to all industries and phases of American life, business every concerned to develop a code in accordance with the following principles: (1) The responsibility for safety rests primarily with the employer, who shall be held to account for the safety of his employees at all times.

Operating conditions will take an active part in safety and health work, shall not be in violation of any law or regulation, and shall be in accordance with the best practice and equipment, and that the company safety buildings or signs be provided.

Every employer shall comply with the provisions of the laws of the State and Federal Government in relation to safety in the industry, and shall be held to account for the safety of his employees at all times. In addition, he shall comply with the laws of the State and Federal Mine and Factory Inspectors, and other interested governmental officials.

First aid service, equipment and supplies shall be maintained at each employable mines and surface plants. This service shall be rendered by one familiar in first aid work, and if practicable shall not be confined to the regular first aid crew, but shall include as many other employees as local conditions warrant.

In the case of underground mining, mine rescue crews and equipment shall be maintained, and such service shall be furnished by each individual employer if Federal equipment is not available, or if the service can not be furnished through joint cooperation with others. Should local conditions necessitate oxygen breathing equipment and gas masks, the rescue crews should then be trained in the use of such equipment, which shall be periodically tested and maintained in working condition.

Continued studies shall be made by each employer individually, or in cooperation with others in the same district whose operating conditions may be similar, with a view to determining whether any elements injurious to health may exist in his property, and particular attention shall be given to the matter of ventilation and the lessening of any dust, fume or fire hazard. Where a new hazard is found, immediate steps should be taken to improve the condition.

To minimize the danger of machinery in motion and electricity, safeguards shall be provided wherever possible, and if impracticable, then warning and danger signs shall be posted.

A complete record shall be kept by each employer of all accidents, in which shall be recorded the date and time of each accident, place of occurrence, cause, nature of injury, whether fatal or whether disability was permanent and total, permanent and partial, or temporary. The time lost in each case shall also be recorded, as well as any other information of importance required to complete the record. Such record shall be kept up to date and shall be available for inspection to the Administrator and Coal Authority of the Coal Code, or their authorized representatives, and to the State Factory or Mine Inspector or other State official charged with the responsibility of administering the State laws affecting the lead industry.

Exhibit 778-Code Authority Meeting
Dec. 10, 1934.

December 8, 1934.

EXHIBIT 778-3

EXHIBIT 778-3-Code Authority Meeting

Glenn Metal Co. - All our employees are receiving equitable wage adjustments, more and more than the amount suggested in the code for the Lead Code.

* Ernestine Mining Co. - As near as I can recollect, the following is a list of the adjustments made to the equitable wage adjustments of the Lead Code and affiliated mining companies:

1. Our pay schedules are and were above the minimum prescribed by the Lead Code previous to its inception.
2. No adjustments were made in pay schedules prior to the effective date of the Lead Code.
3. No adjustments of wages above the minimum were made after the effective date of the Code.

The Code Authority may feel assured that our companies are complying with the Equitable Wage Adjustment provisions of the Lead Code insofar as it affects us.

Charles Miller & Son Co. - Our pay schedules have been above the minimum prescribed by the Lead Code. No adjustments were therefore necessary or required.

Yerada Lead & Zinc Company - This Company has not been in operation since 1930.

Box Metal Works - We have only four employees in the Plant, one getting \$150.00 a month, one getting \$122.50, one getting \$85.00, and one getting \$78.75. We have always been well over the code before and since its inception.

Joseph T. Everson & Son, Inc. - We hereby advise you that our present minimum and average wage scales are substantially above the minimum provided for in the code.

The Victory White Metal Co. - Would say that our pay schedules have been above the minimum as prescribed by the Lead Code. This minimum wage paid our employees have been in effect for a considerable time, probably two years before the Lead Code went into effect. This information assures you of the fact that our wages are now and always have been higher than the Code and that there has been no reduction in the hourly rates, although our working schedule calls for a seven-hour day, five days per week.

* Affiliates of Hercules Mining Company:

Dayrock Mining Company
Sherman Lead Company
Tamarack & Custer Consolidated Mining Co.

[illegible][illegible]

- Imperative.

