

exists at which to measure atmospheric concentration before designing safeguards. The similarity of engineering standards for the in-plant situation to emission standards for atmospheric pollution control is noted.

Prepared Discussion

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THIS COMMENT and discussion of the excellent paper presented by Dr. Brandt will be directed to the legal aspects of the application of threshold limits in the form of maximum allowable concentrations for the control of air contamination.

May I identify myself as one who has served as counsel for industrial organizations; and while my views may be prejudiced on their behalf, I feel that the industrial point of view is important in our discussion of this matter.

It is needless to say that today industry is prepared and wishes to accept full responsibility for the control of potential hazards incident to employment. Simply stated, it is good business both from the financial standpoint and also in the promotion of industrial relationships for employers to concern themselves with the protection of employees from all types of industrial injuries, be they accidental or resulting from occupational disease. The ultimate cost of compensation for such injuries may well exceed the cost resulting from installation of effective methods for engineering and medical control, aside from the fact that the employer's relation to his employees is promoted when employees know that the employer is doing everything practical to effect protection.

Question arises to the propriety and advisability of the adoption of codes of industrial hygiene defining maximum allowable concentrations of toxic materials. The word "code" is defined as follows: "A body of law established by the legislative authority of the state, and designed to regulate completely, so far as a statute may, the subject to which it relates." The adoption of codes having the full force and effect of law is unnecessary, inadvisable, and may well

lead to unfortunate problems of administration to which brief reference may be made.

Under the constitutions of the various states and the powers granted to state Departments of Health and state Departments of Labor, there exists adequate authority for such departments to effectively control any hazardous condition injurious to health. As a practical matter, there is no legal need for the adoption of codes prescribing maximum allowable concentrations. It is fair to state that state Departments of Health and state Departments of Labor administering divisions of industrial hygiene have enjoyed the confidence of the public, including both management and labor, and our several state departments have been and are doing excellent jobs in the administration of their affairs. Therefore, the use of maximum allowable concentrations should be in the nature of serving as a guide to industry with particular reference to engineering standards. Industry has and will continue to seek the advice of proper state departments to control hazardous conditions effectively, and the desired objectives will be obtained through education and dissemination of information through the cooperation between state divisions of industrial hygiene and industry rather than the attempted enforcement of a given code as a matter of law.

Dr. Brandt and Mr. Stern have discussed in detail the practical uses of threshold limits with the purpose of eliminating or controlling occupational hazards. With all of the information presently available to science, it is seriously to be questioned whether the present schedule of recommended maximum allowances of concentrations are scientifically correct. True, they represent the best thinking of those scientists who have studied the problem; however, it is a fact that from day to day, industrial processes are changing, new chemical compounds are coming into commercial use, and tomorrow some new problem may be presented to industry and to public administrative agencies entirely different from any that may have been presented before. Industry welcomes technical information with respect to the existence of occupational hazards. They will continue to welcome technical advice as to practical methods of control. It must be remembered that in-