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[Note Pgs. 476-478] with 1998 Cover Letter from Lawyer

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August 17, 1998

Michael Ellenbecker, M.D.

42 Arborway

Boston, MA 02130

VIA FACSIMILE (978) 934-3050

Barry Castleman, M.D.

VIA FACSIMILE (410) 448-2363Re: *William Wood v. Burlington Northern Railroad and Viad (Baldwin Locomotive Works)*

Gentlemen:

Yesterday, as I was going through the exhibits that I am preparing for trial in St. Louis, I ran across the attached "Proceedings of the Ohio Safety Congress" in 1942. You will see from the attached that an address was given at this congress by Mr. E. C. Forsythe who was a "Safety and Health Engineer" for the Public Contracts Division of the U.S. Department of Labor.

This is an interesting article. On page 476, you will note that he states as follows:

"There seems to be an inclination on the part of management and the employee to use the urgency of the war as an excuse or alibi if and when an accident or fire occurs. I hear the war is an alibi for poor plant conditions every day."

More importantly, on page 477, the author goes over the provisions of the Walsh-Healy Act as they pertain to compliance with various state sanitary codes. We know from existing evidence that Ohio code was passed in 1945 (*Mancuso, et al.*) and contained a TLV for asbestos of 5 million particles per cubic foot. We also know that the Pennsylvania Occupational Disease Act was passed in 1937 making asbestosis a compensable disease. Baldwin, of course, had plants in both Ohio (Lima) and Pennsylvania (Eddie Stone).

More interestingly, please note that on the bottom of page 477 it indicates that a manual, "Instructions to Employers" had been prepared for compliance with the Walsh-Healy Act. Some of the other things contained in this manual are instructions concerning "Occupational Diseases of the Common and More Serious Types" (page 478).

I am wondering whether you have ever seen such a manual?

8/18/98
called Jim Vallitto

Vince, Crumpler
send Chrysler
file

Michael Ellenbecker, M.D.

Barry Castleman, M.D.

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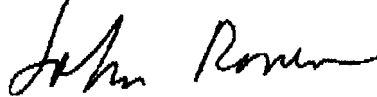
There is no question that both the Baldwin and the Lima plants were clearly covered under Walsh-Healy Act because they were both involved in the production of war machinery including tanks and locomotives. This can be easily proven at trial. Please advise if you have ever seen this manual. At the top of page 477 you see that the "Safety and Health Requirements" were prepared under the guidance of an advisory committee. Members of that advisory committee are listed. If you have any information concerning this document or how you believe I could get my hands on it, I would very appreciate your guidance.

Mike, I still need to speak with you about trial scheduling. Could you please give me a call upon receipt of this letter? The trial in St. Louis begins on August 31, and the Plaintiff's case should take approximately 8 days to put on. I would very much like to see if you are available to testify the first week in September (September 1, 2, 3 or 4).

Barry, I do have many alternative flights available from New York to St. Louis, but I am going to wait and contact you when you get to Brazil with the particulars.

Sincerely,

JOHN ROVEN & ASSOCIATES, P.C.



John D. Roven

JDR:sps

Div. of Safety & Hygiene
Resource Center

PROCEEDINGS

OF

All Ohio Safety Congress

Held Under the Auspices of
THE INDUSTRIAL COMMISSION OF OHIO
and the direct management of
THE DIVISION OF SAFETY AND HYGIENE

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of

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DESHLER-WALLICK

COLUMBUS, OHIO

April 14-15-16

1942


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1942

Bound at the State Bindery

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I am mighty glad to have been with you, Mr. Chairman. I hope for you success throughout the remainder of the meeting. (Applause.)

Chairman White: Now, I think at this time I will call on the Secretary of Carl Smith to explain his absence.

Mr. M. M. Bowman, U. S. Department of Labor: Mr. White, Your Excellency. Distinguished Guests, Mr. Smith's Friends of this Conference: It is quite a privilege for me, a young man, to be called upon to account for the absence of our chief in Cleveland not only of the safety council, but of the U. S. Department of Labor Program in its national committee work in the conservation of manpower in war industries, of which I happen to be a part. I certainly feel proud of myself and I certainly can't get back to my room soon enough to tell my mother about being introduced to this meeting. I am quite proud of myself.

Mr. Smith's ambitions were to be here up to a very few hours ago and Washington called him and he has asked me to express his regrets to Mr. Kearns and all of you people for his inability to be here at a meeting to which he has given so much thought for weeks that I have observed him working this program out.

Mr. Smith has asked me to read this letter from one of our mutual friends in the state who carries on the theme in his letter, the theme of this most important meeting of the Congress as I see it. The letter reads:

"My interest in accident prevention is just as keen today as it ever was because each year adds to my experience and appreciation of the great social and economic value of accident prevention work. Employees and management alike have an obligation and a great responsibility which they must assume, especially at this time when it is so essential that each one of us be fit and ready and on the job every minute of the time. I am sure Hitler, Mussolini and the Emperor of Japan would be willing to offer a tremendous price for carelessness at this time. If we do not think and act safely we are playing into their hands.

Very sincerely yours,

Charles R. Hoops.

President of the American Rolling Mill Company,
Middletown, Ohio."

So to Mr. White I say that that theme of Mr. Hoops' letter, that is the thought Mr. Smith carried through in helping you arrange this program, I personally express my appreciation in being allowed to account for him and thank you very much.

Chairman White: Thank you very much.

I want to take a moment just now to introduce some folks. I see Mr. Leonard sitting back yonder, former member of the Industrial Commission. Stand up, please. (Applause.)

Is Mr. Beall here? He was a while ago.

Over here is Mr. Blake, the Chairman of the Commission. (Applause.)

And we have a visitor from way out west, from Denver, Colorado, Chairman of the Industrial Commission of Colorado. (Applause.)

Now our next subject is "Safety and Health Rules as Required for War Industries by the Walsh-Healy Act." I have heard the man that is to present this subject. He knows what he is talking about and he knows how to say it and he knows enough to quit when he is through. He is E. C. Forsythe, Safety and Health Engineer, Public Contracts Division, U. S. Department of Labor, Washington, D. C. (Applause.)

SAFETY AND HEALTH RULES AS REQUIRED FOR WAR INDUSTRIES BY THE WALSH-HEALY ACT

E. C. FORSYTHE.

Safety and Health Engineer, Public Contracts Division, U. S. Department of Labor,
Washington, D. C.

Mr. Chairman, Ladies and Gentlemen: I want to first thank the people arranging this conference for inviting me down here to take part. I certainly have enjoyed the conference very much and I am getting a lot of good out of it. I was just thinking a while ago, sitting up here watching your faces as you were singing, I couldn't help but think it would be impossible to find a group of this kind or of any kind singing and enjoying it so much in Germany or Italy or Japan. Over there they have restrictions that have been imposed on them. Over here we have necessary restrictions that we are accepting with a song. With that kind of spirit I don't see how we could ever fail to reach the desired objective, the winning of this war. It just can't be otherwise.

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I wish I could bring to you some of the observations that it is possible to make in various parts of the country. I think atmosphere has a great effect on stimulating enthusiasm for a thing. When in Washington you can't help but notice the atmosphere of war. Everywhere you go there are soldiers with their metal hats, their guns with bayonets everywhere. Last Sunday in getting around I couldn't help but notice on top of the bridges the anti-aircraft guns, the guns set up with sand bags around them on the golf courses. And then I got up to Asbury Park just below New York and had occasion to drive down along the shore and it was night. I hardly had reached the shore before I saw somebody with a flashlight and I was reminded that you couldn't drive along there with any lights except your parking lights, not even your lights turned down, just parking lights. The Board Walk is entirely blacked out. The gaiety that you usually see along there, the different concessions, are all shut down for the duration, no lights. The ships of this country and others going along the coast stay so close that it seems like you could almost throw a rock out and hit one of them. You can see that they are staying close to home where there is as little danger as possible and they don't want any glare in the sky to serve as a background for those ships at night. I learned that to go down on the wharf and go fishing you have to have a permit, be fingerprinted.

It just burns me up that we have got to put up with and have those restrictions and that they are forced on us and it just makes me want to fight and I wish I could bring that spirit of fight here to you as much as possible; that we have got to quit this thing, we have got to get back to normal as soon as we can, but we have got a job to do in order to accomplish that.

We out of Washington making talks now can't follow our usual procedure that we in safety work have followed in the past, and that is go out into the plant and get a bunch of men around you and talk and say what you think impromptu. One of the restrictions in making talks now is that the comments you make must be submitted to the Bureau of Facts and Figures so that your remarks can be checked and censored and be sure that you are not giving out any information to the enemy. I don't think there is anybody here today representing the enemy. If he is, he is in bad company. However, it is only fair that we follow the necessary rules for precaution, and for that reason I am having to break away from usual procedure in just talking safety and bring it to you from prepared notes.

I'm glad that the person selecting the subject left out that term we have used so much—"Defense Industries"—and replace it with "War Industries" because Sherman said, "War Is Hell" and that is what we are going to give Hitler, the Japs and Mussolini—if anybody knows where to find them when the time comes.

I don't like the word "Rule" so much, because we can't win this war with people following Rules. That is too much the Hitler System. We are working and winning this war by Cooperation. Our people don't ask what rule they must follow. It's tell me what I can do best, where to do it, and show me how to do my part. The best defense in the world is offense and from what I see and hear in going through plants producing war equipment, our industries today are definitely Offense Industries.

Not a plant manager or workman pictures those planes or tanks in course of production being used for defense, but on the other hand, they see them with our pilots, drivers, and gunners going out to meet the enemy, wherever he may be, destroying him, and all his plans and ideas of world conquest and domination of free people. When the boys at the front get that equipment, don't have any doubt but that they won't do it. They are doing that already and the stuff is just beginning to arrive.

As I go through the plants today, it is apparent to me that the men and women are determined to produce—and do it quick. You can see it—you can feel it—it's just in the air—speed and pressure.

We in safety work know the danger of that atmosphere. We must not dampen that enthusiasm by slowing them down. We must let them go, but maintain safe plant conditions, and provide every possible guard to prevent their personal injury to prevent fires, explosions and other unscheduled events that interrupt an even, steady, but fast production of war materials.

It is true that in the large plants where safety has become a very definite part of plant operation, that conditions are excellent, and the experienced employees will be able to control accidents by keeping a close watch over the new, inexperienced employee. In those plants physical conditions are good as a result of constant effort in the past to ferret out the hazards and correct them, yet,

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even in this type plant I observe that in many cases all of the gains and experience in safety through good housekeeping, plant inspection, machine guarding, and other elements are being tossed aside in the rush and high pressure of getting out government contracts. There seems to be an inclination on the part of management and the employee to use the urgency of the war as an excuse or alibi if and when an accident or a fire occurs. I hear the war as an alibi for poor plant conditions every day. "We can't have safety meetings or make plant inspections like we used to do because we have a war production schedule." "Our housekeeping isn't as good as it was before we started government contracts."

What is going to happen to that schedule if your bad housekeeping or carelessness during a rush causes a fire that burns down the plant and puts all of that valuable machinery out of production—or if Bill Smith, your best lay-out man, has an accident and they carry him off to the hospital for three months?

The big problem today is the smaller plant that in the past has been too small to do any organized safety work. No one in the plant knows anything about safety. They have operated with less than 100 men—all of them old timers at the job and usually went along with no serious accidents.

All of a sudden they have 300 employees—a lot of inexperienced help. There is no added space. More machines are installed, more raw material comes in. It is placed wherever a convenient place can be found. Material in process is piled in the aisles. Finished goods are placed here and there awaiting shipment. Sanitary facilities for 100 people are now being used by 300. Such confusion, and so many problems, the bosses have no time to consider housekeeping. The fire extinguishers get covered up. No time to fix a broken elevator hoistway gate. No one to spare to empty the trash cans. The general atmosphere makes everyone more careless. They throw things here and there—anything goes. We're on war schedule. No—it doesn't pay. Such methods retard production. You men who are leaders in the safety program of the country know the answer. You are going to have to sell and prove that we must keep our heads and utilize our experience in accident prevention—now—when we need the benefits of that experience.

When we as individuals put forth extraordinary effort in doing a good safety job, for whom are we doing it? In the past as safety men we tried to reduce frequency and severity rates for our boss who paid our salary; for the insurance company for whom we worked—but it isn't that way today. We each have a personal interest—even a selfish interest. We are doing this job for our own selves, you and you. A good, quick, efficient job done means we each share alike in the results and benefits, namely, winning this war in the shortest period of time.

The government representing all the people assumes its obligation of taking part in the program of Accident Prevention and so far as possible furnishing leadership in this job of Accident and Fire Prevention, so important to the main objective of winning this war.

It is a well known fact and accepted as true that 95 percent or more of industry is in sympathy with safety and fire prevention work as has been carried on in this country during the past twenty years. It takes no law or compelling force to get the majority of plant operators to provide safe and sanitary working conditions for employees. They do it for humanitarian reasons, and because it maintains cheaper insurance rates, and contributes to greater efficiency, which reflects in the profit and loss figures.

A few plant operators have not learned this, or believe that they can make greater gains for themselves at the expense of the worker by making him work under unsafe and insanitary conditions. They know that this is not possible in the long run, but usually employers of this type realize that they are not a stable or lasting kind. Such plants cannot be tolerated during this emergency when we need the production output of every man, woman and machine.

For the first type of plant operator who cooperates in the safety movement, the new publication, "Basic Safety and Health Requirements," soon to be available is a guide to assist him in his safety work. For the second type of employer who has no regard for the safety of our man-power, this is a list of "Requirements which must be complied with" if they are going to do government work and use its citizens in their plants.

It is only fair to the first group that Government do its part in getting the second group to cooperate in the matter of safety of workers and plants. It is for this reason that the safety and health provisions were put in the Walsh-Healy Public Contracts Act. These provisions are as follows:

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"1. Insanitary, Hazardous, and Dangerous Conditions.

No part of such contract may be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract.—The Act, section 1 (a).

2. Compliance with State Inspection Laws.

Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed is prima facie evidence of compliance with this (section 1 (e)) subsection.—The Act, section 1 (e)."

The majority of citizens obey laws, traffic regulations, etc. We have comparatively few thieves, murderers, etc., but we do have to keep a police department because of the few violators that always exist.

The Safety and Health Requirements have been prepared under the guidance of an advisory committee consisting of:

V. A. Zimmer, Chairman, Director, Division of Labor Standards;
John Frey, Metal Trades Department, American Federation of Labor;
Voyta Wrabetz, Chairman, Wisconsin Industrial Commission; President, International Assn. of Governmental Labor Officials;
Cyril Ainsworth, American Standards Association;
W. H. Winans, Industrial Relations Dept., Union Carbide Company;
Herbert W. Payne, Textile Workers Union of America;
Leonard Greenburg, M. D., Division of Occupational Hygiene, State Department of Labor—New York;

W. Graham Cole, Metropolitan Life Insurance Company;
H. L. Miner, Safety and Fire Protection Division, E. I. du Pont de Nemours Company;

W. B. Beaver, Manufacturing Division, Marshall Field and Company;
L. Metcalfe Walling, Acting Administrator, Division of Public Contracts,
U. S. Department of Labor.

The basic safety and health requirements are being presented for the purpose of implementing the safety and health provisions of the Walsh-Healy Public Contracts Act, and to serve as a guide to substantial compliance with the act.

It is not intended that these requirements shall in any way supersede or supplant existing state laws, codes or standards dealing with safety and health conditions for workers.

The variety of existing state laws, codes and standards applying to numerous specific industries, operations and processes indicates why it is impossible to cover all types of employment exposures effectively in a single code. Of necessity, therefore, minute specifications and detailed particulars common in many state laws and codes are omitted from the basic safety and health requirements. It is expected that employers subject to the Walsh-Healy Public Contracts Act will substantially comply with such state regulations although not specifically enumerated or set out in this set of general requirements.

The requirements set a minimum of safe and healthful working conditions and effort that industry shall provide for workers. They are fundamental to safe and sanitary working conditions and cover matters which apply and relate to all industrial plants irrespective of type and location. Industrial manpower is today a most essential resource of the Nation and any labor, plant, or material wastage which impedes maximum National production, menaces the security of the country. Accordingly, there is need for extraordinary precautions to conserve our industrial manpower, plants, and materials. Many new workers are going into our industries, under unusual conditions to face new and unfamiliar work hazards. For this reason these requirements have been prepared as instructions to employers performing contracts under the Walsh-Healy Public Contracts Act of the 74th Congress.

The subjects covered in the manual are:

Safety of buildings from a structural standpoint, floor loading, etc.;
Fire prevention, fire extinguishing facilities, and facilities for egress from buildings;

Housekeeping, material storage and handling;

Machine guarding;

Maintenance and repairs;

Eye protection and other necessary personal protective equipment;

Hand and portable power driven tools;

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Electrical equipment;
Heating, ventilation, illumination;
Occupational diseases of the common and more serious types;
Sanitation and personal service conveniences;
Drinking water;
First Aid facilities.

Most important, it will be required that all plants maintain their frequency rate.

The method of computing frequency rate is thoroughly explained and an example is given.

This will instruct many plant operators how to figure their frequency rate and it will continually keep before them a picture of their own situation relative to frequency of accidents in their plant.

In endeavoring to meet the basic safety and health requirements, no plant need want for help, assistance or advice, since the best safety men of industry are available without cost to any plant, no matter how small it may be or where it is located. The 450 men enlisted in this work are practical and experienced; they know production problems in general, and can be very helpful to any plant manager desiring to provide safe working conditions, making for the greatest efficiency, both in quantity and quality of finished products. These safety men have been organized under the title of "National Committee for the Conservation of Man-Power in War Industries."

The country is divided into eight regions, each under a Regional Director. Ohio is in Region 4 under the able direction of your own Mr. Carl Smith of the Safety Council, who is doing a swell job. This is an organization within industry, made up of industries' safety leaders and experienced safety directors and engineers, who have been serving industry for many years in the prevention of accidents. The program is directed and the work coordinated by the U. S. Department of Labor.

These 450 safety men in industry, covering the entire country, are putting forth their best efforts to prevent loss of time by accidents, fires, etc. They are assisted by a staff of about thirty-five full time men of the Division of Labor Standards, a branch of the Department of Labor.

The 450 men are special agents of the Department of Labor, known as Dollar-a-Year-Men. These men under normal conditions spend their time in the plants of their employers, and in practically all cases, have done an excellent job. Their plants, as a result, are plants that we have little to worry about so far as "loss of time from accidents."

Under the program, these special agents are giving a large part of their time to neighboring plants engaged in war material production. They are assisting the plants that heretofore have not had the services, help and guidance of an experienced safety engineer. It appears that a large percentage of the "poor condition plants" will be brought up to desired standards through the help and assistance of these experienced safety men, now properly organized by the Federal Government to do the job. After all, most plant owners and managers desire to do the proper thing, and when given the necessary help, advice and information, are quick to correct the undesirable conditions in their plants that would ultimately cause wastage in time, materials, production and manpower.

As stated before, there are always a few who do not respond, and must be handled through law enforcement measures. Under normal peace time conditions, accidents and fires in a plant were sort of a family affair between the employee and employer. They suffered and paid the penalty. The employer, by high insurance rates, loss of plant with loss of profits; and the employee by suffering physical pain, loss of eyes, fingers, legs, etc., with resultant loss of earning power for himself and his family.

Today it isn't just a family affair. The whole nation has a vital interest in each and every plant and its workers. The plant is needed to win a war, the result of which is a matter of life or death to all of us. That plant must be protected, the manpower conserved, and the materials and equipment utilized to the utmost. If that plant and manpower are not conserved by voluntary cooperation on the part of management and the plant personnel, it is then an obligation of Government to take up the job.

It is proper to conclude that wherever conditions exist that may cause fire, the safety of workmen is involved. To safeguard life against injury from fire, one must first endeavor to prevent the fire. Through this line of logical reason-

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ing, we are able to apply the Walsh-Healy Act to fire prevention and thus assist in the plant protection effort as well as the conservation of manpower.

The activities of the National Committee for the Conservation of Manpower are coordinated with those of the Public Contracts Division. The special agents of the National Committee are used for educational work, and as safety salesmen, and safety consultant duties, and the investigators of the Public Contracts Division as follow-up men when enforcement measures are necessary. The plan also operates in the reverse order. When Walsh-Healy investigators check a plant in connection with Wage-Hour matters, they also check for Safety and Health. Should their report indicate the existence of unsatisfactory conditions relative to safety and health, a special agent is given the information so that he may go to the plant to volunteer expert help, advice, and assistance in correcting the condition.

Should this step fail to bring about the desired result, we then refer the matter to the local branch of Government having jurisdiction, such as the State Factory Inspection Department, the State Department of Labor, or the City Building Inspector, the local City or State Fire Marshal or Fire Prevention Bureau, the local City or State Health Department, etc.

Only after the medium of salesmanship, education, and expert advice on the part of the special agent, and the enforcement measures of the local State and City Government has failed, does the Federal Government take any steps toward enforcement. The Federal Government cannot compel any plant to do certain things, but it can, under the Walsh-Healy Act, prevent the company from participation in government contracts for a period of three years.

You will note that the Walsh-Healy Act applies not only to prime contractors but to all plants from which materials are furnished, or in which they are manufactured or fabricated.

The Public Contracts Division is working in close cooperation with all local city and state agencies, and they are all giving excellent cooperation. We are also coordinating our work with the plant protection sections of the Army and Navy. Excellent cooperation with these units is being maintained, and the work coordinated in every way possible.

Time is an important element in this matter confronting us today.

The more time wasted by accidents and fires the longer it will take to win the war and every day the war is prolonged the more it will cost us in lives of our best young men.

At first thought, we picture planes and tanks coming off a production line like Fords and Buicks have been produced. It isn't that easy. War equipment is very different from the products we have been building the past years.

General Motors, in a recent publication, point out that war equipment is subject to more severe stresses, strains and shocks. They must be built to withstand the unpredictable. They must be more accurately manufactured and rigorously inspected. Upon these things depend the saving of human lives and the winning of victories. For this reason, we need every available man-hour since it takes more time to produce war equipment than it did our usual industrial product of peace time.

In most people's minds, all gasoline engines are much alike. Actually, there is a tremendous difference between an automobile engine and an airplane engine. They both use gasoline, and they are both 4-cycle, but beyond that the similarity ends.

Just to make this clear, General Motors compare the machine operations on an Allison engine connecting rod, with a Cadillac connecting rod. There are 35 machine operations on the Cadillac rod—as against 93 on the aircraft rod—2/10 of a man-hour on the one—as against a total of 11 man-hours on the other—or 55 times as much!

An automobile crankshaft requires 62 operations—an Allison airplane engine requires 80.

An automobile crankcase comes in one piece—an Allison engine crankcase consists of 17 pieces.

Do you see how our job is increased? Do you see the value of man-hours? Let's not waste them through accidents and fires or illness of employees. Every man and woman should be kept at top condition physically to maintain the greatest efficiency.

There is a job for everyone to do—for the manufacturer, the worker, the shopkeeper. And, knowing Americans, I know it will be done. In a country so rich, so mighty, it would indeed be to our eternal shame if we sent forth poorly-

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armed American boys to shake empty nets at enemy planes, and to stop enemy tanks with their bare hands.

We must all get in the job we are most fitted to do, and then do that job to the best of our ability.

In a job as big as this one on our hands, there are bound to be mistakes, inefficiencies, and persons in the general plan who are out of step, negligent, and uncooperative or just plain misfits. Personally, I haven't time to pay much attention to the alleged shortcomings of the other fellow.

I believe the majority of Americans are sincere, honest and efficient in their particular effort and place in this job of winning the war, and if each of that type does his particular job efficiently and conscientiously, we will be successful in this undertaking, as we as a nation have always been.

In final analysis, the job can't be done by use of rules and requirements. It will take wholehearted cooperation, and I think, we as a nation, are famous for sticking together when our own country, our freedom and welfare are at stake. Safety rules are necessary for guidance, but cooperation is necessary for results.

Industry at home supplying the fine men in the field will win this war. We in Safety work have long heard the slogan, Accidents Can Be Prevented. Today that slogan is changed to Accidents Must Be Prevented.

Thank you. (Applause.)

Chairman White: Now, the Ohio Industrial Commission is cooperating with the Department of Labor in this work. John Goodrich, head of our Claims Department, has asked that we give five minutes to Mr. Thompson, one of our efficient attorneys, to tell us just exactly how the State of Ohio is cooperating with this enterprise. Mr. Thompson.

Mr. Thompson: Ladies and Gentlemen, the Industrial Commission has recently placed into effect in the Claims Department a unit that has been designated as an employer relations unit. The members of that unit are going up and down the length and breadth of the State of Ohio contacting employers with the idea in mind of assisting them in the proper preparation and execution of claim blanks of the injured workmen in their employ and also to stress the necessity for a prompt filing of claims.

The law in Ohio places the burden on the employer to assist his workman in the filing of his claim. The law provides that the claim should be filed within seven days after the accident occurs. We in the claims department are not unmindful of the fact that you ladies and gentlemen have a large and difficult job to perform in these times. We do wish to point out to you that in December, 1941, all of the employers in the State of Ohio with reference to compensation claims wherein their workmen lost time because of injury or occupational disease, in all of those cases they took 45 days in which to file a claim from the date of injury. Unfortunately since that December, 1941, all of the employers with reference to the same claims take 51 days.

We believe that as a matter of public safety and as a matter of welfare of the employee that he should be a contented individual. If he is freed from the worry of lost wages, free from the worry of payment of doctor bills, the prompt disposition of his claim will relieve that worry. I believe I can truthfully say that if a man is not worried he is less apt to become hurt, and, therefore, redound to his benefit and his employer's benefit.

We wish to stress the answering of all of the questions on the application blanks. They have been placed there for the use of all of the various departments of the Industrial Commission called upon to determine and decide the claims. Without the complete definite answers, many claims are held up from their final disposition, with resultant delay and oftentimes the request for additional information from the employer, which results in a duplication of work on the part of the employer and I believe the employers have enough work to do today without having to do the job twice when once would be sufficient.

And in closing, we hope that when the members of this unit call on you that you will be able to find some few moments to talk with them and have the freedom to present to them the particular questions that may be perplexing to you at that particular moment with reference to your claims and I am sure that they will be glad and ready to answer those questions. Thank you. (Applause.)

Chairman White: I wish we all might be as effective in the things that we do that a certain Pole was the other day in going through his city. Of course the Germans had control of it. He noticed they had put a sign up on the park, "For use of Germans only." In the night season he took that sign down, walked a couple of blocks and crossed the street and hung it on a cemetery gate.

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Now, this has been a fine meeting. I know most of you, a cross section of management and labor all through the towns, and you are on the committees together and it has been harmonious. But for fear somebody might want to start something, I want you to know that Tom Donnelly, the efficient secretary of the American Federation of Labor, is here. Tom, stand up. (Applause.)

Our next speaker is not an Italian, he is not a German, he is not a Jap. He represents the Fisher Body Company, Detroit Division, General Motors Corporation, and his name is McCarthy. Mr. McCarthy. (Applause.)

MANAGEMENT'S RESPONSIBILITY AND INTEREST IN SAFETY

M. J. MCCARTHY,

Safety Director, Fisher Body, Detroit Division, General Motors Corporation,
Detroit, Michigan

Mr. Chairman, Ladies and Gentlemen:

"He is not a German, he is not a Jap." He didn't tell you what he was. He didn't have to with a name like McCarthy.

(Laughter)

I always like to come to Columbus. One of the best reasons is that they do give their exhibitors free space and we don't have to pay to register. When the exhibits get hold of you up here they usually take you up and show you a pretty good time.

I am delighted to hear our friend here say that he is from Washington, because in getting around through the country in our various plants, and Fisher Body, as you know—excuse that, I am not attempting to advertise at all—in getting around through the country we have a little plant which is about 40 miles from Washington, Mr. Forsythe. When you get around to Washington, especially when you have to get into Washington and then back up at Baltimore, the first thing they ask you in Washington is, "Who do you know, who do you know, who do you know?" And when you get up to Tarrytown, New York, where one of our other plants is, the first thing they say to you there is, "What have you got, what have you got, what have you got?" But when you get down here to Columbus, these very fine fellows, the first thing they say to you is, "What are you going to have, what are you going to have?" I really like that. (Laughter)

Then again I like the Deshler-Wallick Hotel. One of the reasons I like this hotel is the fact that it is the only hotel that I have ever stopped at where they give you more towels than you can put in your suitcase. (Laughter)

I got to the banquet here last night a little bit late, in fact I got here too late to eat. Some of the boys were sitting down here in the front row and we went out to eat a little bit later or about eleven-thirty and when I got down to the street they told me to go to Marzetti's or some place down on Gay Street. Anyhow I went down to another place and I was just down there about a block and a fellow came up to me and asked me if I wouldn't give him a dime for a cup of coffee and some doughnuts. I looked at him and I said, "Well, my fellow, I am not in the habit of giving people money on the street."

He said, "What the hell do you want me to do, open an office?"

(Laughter)

I just took exceptions to Mr. Forsythe's remarks that he made here a few moments ago. He said if there is any enemy alien in the crowd he is in bad company. I would state it the other way around, I think if there is any enemy alien in the crowd here, we are in bad company.

Now, I know what Forsythe was talking about when he says you have got to write these things. I am tied to the same thing. We take on government work. I have got that same thing, too. I had to have the whole crowd up in General Motors go through this thing before I could come down here. Now, when I go back they will possibly ask me if I read it, and I will say "Yes," and I hope they don't meet you fellows and I am going along here and how much I read of this depends on how we get along.

The subject assigned to me today is "Management's Responsibility for Safety." Management's responsibility for safety is a subject that would take hours and hours and hours for any of us to discuss, but before I get into that subject I want to take the opportunity to thank my good friends, Tom Kearns and Harry Sain and the rest of the commission, for the splendid job that they have been doing in the State of Ohio, especially in so far as our association and their association with us in Fisher Body is concerned. They gave us wonderful cooperation and I hope that we have given you the same and I want to promise you that as we go into this safety work from here in we will give you more