Occupational health and safety legislation : a compilation of State laws and regulations [by] Victoria M. Trasko.

Contributors

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OCCUPATIONAL health and safety LEGISLATION

U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

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OCCUPATIONAL health and safety LEGISLATION

A Compilation of State Laws and Regulations

Victoria M. Trasko

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Public Health Service
Bureau of State Services
Division of Special Health Services
Occupational Health Program

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FOREWORD

Growing recognition of the importance of the working environment in the maintenance and improvement of health and safety has intensified interest in legislation vesting authority in various State agencies for the correction of health and accident hazards and the promotion of improved working conditions.

This compilation was prepared by the former Division of Occupational Health, now known as the Occupational Health Program of the Division of Special Health Services of the Public Health Service. It consists of citations and excerpts or digests of laws and regulations dealing with occupational health and safety. No attempt has been made to evaluate the adequacy or effectiveness of the various provisions. For those interested, suggested language for a State occupational health and safety bill has been worked out by the Bureau of Labor Standards of the U. S. Department of Labor, in cooperation with State labor administrators, management and labor. Copies may be obtained by writing either to the Department of Labor, Washington 25, D. C., or the Council of State Governments, 1737 K Street, NW, Washington 6, D. C.

It is the sincere hope of the Department of Health, Education, and Welfare and the Department of Labor, both concerned with the well-being of workers, that this publication may contribute to a better understanding of the separate and joint responsibilities of health, labor and other authorities for the protection of the life, health and safety of workers. Where there are overlaps in jurisdiction, the development of a feeling of partnership between the agencies in carrying out their responsibilities will aid materially in the accomplishment of their common objectives.

SEWARD E. MILLER, *Medical Director,*
Chief, Division of Special Health Services,
Public Health Service,
U. S. Department of Health, Education, and Welfare.

PAUL E. GURSKE
Director, Bureau of Labor Standards,
U. S. Department of Labor.

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Appreciation is expressed to the staff of the Occupational Health Program, Division of Special Health Services, Bureau of State Services, for their helpful advice and assistance.

Appreciation is also expressed to Messrs. J. T. Keating, J. M. Horstkamp, and R. J. McElroy of the former Division of Administrative Management, of the Bureau of State Services, Public Health Service, for their constructive suggestions.

NATURE AND SCOPE OF COMPILATION

In 1950 the Division of Occupational Health of the Public Health Service issued a limited number of copies of a multilithed publication entitled *Industrial Health Legislation—A Compilation of State Laws and Regulations*. This publication was intended primarily as a source of reference to State legislation dealing with the health and safety of workers at their places of employment. The supply was immediately exhausted, and many requests remained unfilled. To satisfy the continuing need for such information, this more complete and comprehensive revision was undertaken to serve a similar reference function.

In planning the revision, it was intended at first to limit the subject matter strictly to occupational disease prevention and control and to the provision of health measures for employed workers. However, lack of uniformity in the usage, coverage and interpretation of such general terms as *health, safety* and *sanitation* made it impossible to draw a sharp line of demarcation. For the sake of completeness the compilation was therefore extended to include information on safety inspection and prevention of accidents. In most instances, statutes dealing with the prevention and control of occupational diseases and the provision of health services for workers are given in detail. Statutes dealing with prevention of accidents are usually described only to the extent necessary to indicate their scope. Treatment of the individual statutes varies, based on such factors as the language of the statutes and their length.

Attention is called to the fact that this compilation does not reflect current practices in the administration and enforcement of such laws in the States. Budgets, availability of personnel, and interpretation of laws, influence the manner and method in which laws are administered and enforced.

States Covered

Pertinent information is given for all 48 States, the District of Columbia, Alaska, and Hawaii. Excluded from the compilation are the Virgin Islands, for which no coded laws are available, and Puerto Rico, for which the coded laws are available only in Spanish. Municipal and county legislation is not covered.

Agencies Covered

Laws dealing with selected aspects of worker health and safety were examined for the following State agencies: departments of health, labor, industrial relations, agriculture, and education; industrial accident commissions; bureaus and inspectors of mines; public utilities commissions; and a few others, such as State fire marshals for laws regulating health and safety in dry cleaning establishments.

Sources Used

The legal sources used are shown at the beginning of each State. Laws up to and including those enacted during the first half of 1953 were examined for all States. Direct citations are shown in quotation marks, and omitted portions are

indicated by series of three dots. In many instances, depending on the length, the subject material covered, and the wording of the language itself, provisions of a single statute or a group of statutes have been abstracted. The legal source used is repeated for each section only when necessary for clarity or when more than one source is used.

Material shown under rules and regulations promulgated and issued by State health and labor authorities was obtained by writing to these agencies for copies of their rules, regulations, orders, or codes as they are sometimes called. Despite efforts to obtain full information, this material is believed to be incomplete for some of the States.

Pertinent rules, orders, or codes are presented in digest form to give an indication of their scope or content. Copies of the complete rules and regulations are generally available, either free of charge or for a small fee, from the promulgating agency.

Provisions Covered

There is a great deal of legislation which relates directly or indirectly to the health, safety, and welfare of the employed population. To cover all phases would indeed be a prohibitive task. The compilation is therefore limited to selected aspects of occupational health and safety. *Excluded* from the compilation are provisions dealing with hours of labor and wages; regulation or licensing of specific occupational groups such as barbers and beauty operators; licensing and regulation of the handling, distribution, and sale of food products; labeling and regulation of poisons, drugs, caustic acids, and corrosive substances for sale; adulteration and misbranding of food and drugs; licensing and regulation of the sale of mattresses and fertilizers; registration of insecticides and pesticides; water pollution control; plumbing and housing codes; boiler inspection; elevator inspection; prevention and control of fire; and transportation of flammable liquids and explosives.

Selected subjects include the following:

Authority and functions of agencies

Sufficient information is given to indicate the extent and scope of authority and functions of State agencies in the field of occupational health and safety, covering area of responsibility, inspections, rule-making powers and enforcement of laws. Provisions dealing with appointment of commissions, advisory boards or other personnel as well as procedures for promulgating rules and orders, making appeals, conducting hearings, and prosecuting violations, are excluded for the sake of brevity.

General provisions relating to occupational health and safety

Citations or digests are presented of statutes and regulations relating to environmental control of health hazards, prevention of accidents, safety of workplaces and equipment, provision of sanitation facilities, provision of first-aid facilities, industrial homework, and environmental sanitary regulation of food processing and manufacturing establishments. Rules and regulations dealing with food sanitation are admittedly incomplete, since copies of these regulations were not always obtained.

Employment of women and minors

Selected provisions relating to the employment of women and minors cover prohibited or restricted employments, and miscellaneous health and sanitation measures in establishments where they are employed.

Mines and mining

Only a brief outline is given of the subjects covered by mining laws. Details relating to technical specifications and standards have been omitted. Original sources should be consulted for complete information, or copies of laws may usually be obtained by writing directly to the State mining agency or inspector.

Reporting of occupational diseases and injuries

Statutory and regulatory requirements are given for the various agencies with the exception of public utilities commissions, which usually require the reporting of accidents occurring to the public and their employees. Otherwise, requirements for reporting of occupational diseases and accidents by physicians and/or employers to health and labor agencies are covered in full.

Workmen's compensation

Information on workmen's compensation is limited to statutory references, the type of coverage for occupational diseases, and provisions for reporting injuries and for rehabilitation of disabled workers. The administration of workmen's compensation laws has been treated fully in publications of the Bureau of Labor Standards, U. S. Department of Labor, and hence is only referred to briefly here.

Vocational rehabilitation

Provisions relating to vocational rehabilitation of persons disabled in industry are briefly referred to under the agencies having jurisdiction for this activity.

Air pollution control and nuisance control

References to this subject are generally given in full; they are found either under the agency having the jurisdiction or under *Miscellaneous* when authority is delegated to local jurisdictions.

Using the Compilation

There is a wide diversity in type and extent of authority vested in the different agencies in the States. This compilation, therefore, can be used most effectively by reviewing all material under the appropriate headings for all agencies within a State. For instance, the administration and/or enforcement of a particular provision may be vested exclusively in one agency in some States, whereas in others, it may be shared or divided between two or more agencies. The reader's attention is called to such instances by means of cross references.

The heading *General provisions relating to occupational health and safety* covers a wide variety of subject matter, and is divided into *Statutory provisions* and *Rules and regulations* adopted by the respective agencies. Subheadings are sometimes used to guide the reader. However, in searching for information on a particular subject such as prevention of lead poisoning or requirements for ventilation, it is best to examine all material shown under *General provisions relating to occupational health and safety* for each agency within a State.

An attempt was made to strive for completeness and accuracy of information on the selected aspects of legislation dealing with health and safety of workers. However, lack of uniformity in State laws and regulations and in the manner in which laws are codified, as well as difficulty in interpreting provisions, posed many problems in making pertinent selections. The reader is therefore urged to use this compilation only as a guide and, where indicated, to refer to the legal source itself and to check on current legislation for complete and up-to-date information.

The reader's attention is also called to inconsistencies in spelling and capitalization. In quoted material the style of the statute is adhered to, whereas, in excerpted portions, common usage is generally followed.

ALABAMA

SOURCES: Code of Alabama 1940, as amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions [1]

Code of Alabama 1940, Title 22, Section 7. ***State board of health: authority and jurisdiction.*** "The state board of health shall have authority and jurisdiction: (1) To exercise general control over the enforcement of the laws relating to public health. (2) To investigate the causes, modes of propagation, and means of prevention, of diseases. (3) To investigate the influence of localities and employment on the health of the people. (4) To inspect all . . . dairies, milk depots, slaughter pens or houses . . . industrial and manufacturing establishments, offices, stores . . . and whenever insanitary conditions in any of these places, institutions, or establishments, or conditions prejudicial to health, or likely to become so, are found, proper steps should be taken by the proper authorities to have such conditions corrected or abated. . . . (6) To adopt and promulgate rules and regulations providing proper methods and details for administering the health and quarantine laws of the state, which rules and regulations shall have the force and effect of law . . . (8) To act as an advisory board to the state in all medical matters and matters of sanitation and public health."

Section 85. ***State committee of public health required to promulgate and enforce rules for the operation of food-handling establishments.*** "The state committee of public health shall adopt and promulgate regulations for the construction, maintenance, and operation of all establishments . . . in which foods or beverages intended for human consumption are made, prepared . . . or served, and for the construction, maintenance and operation of hotels . . . as well as of construction camps, and their surroundings. . . ." Rest of section deals with enforcement by county boards of health.

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

Title 22, Section 45. ***Report of physicians as to contagious diseases.*** "Every physician who is called to a case of any of the diseases named or referred to in section 47 of this title shall . . . make a report thereof to the county health officer or the county quarantine officer and to the state health officer. . . ."

Section 47. ***Notifiable diseases listed.*** ". . . Group B. Occupational diseases and injuries, viz., arsenic poisoning, brass poisoning, carbon monoxide poisoning, lead poisoning, mercury poisoning, natural gas poisoning, phosphorus

[1] Additional references on page 3 (Sections 349 and 351).

poisoning, wood alcohol poisoning, naphtha poisoning, bisulphide of carbon poisoning, dinitrobenzine poisoning, caisson disease (compressed air illness), any other disease or disability of the nature of the person's employment. . . ."

Nuisance Control

Title 22, Section 75. ***Nuisances menacing health and their abatement.*** "The following things, conditions and acts, among others, are hereby declared to be public nuisances per se, menacing public health and unlawful . . . (7) The conducting of a business, trade, industry, or occupation, or the doing of a thing, not inherently insanitary or a menace to public health in such a manner as to make it a menace or likely to become a menace to public health. (8) The conducting of a business . . . or occupation . . . without complying with safeguards for the protection of health as may from time to time be prescribed by the rules and regulations of the state board of health."

Section 76. ***Nuisance: by whom abated.*** Provides for abatement of nuisance by county boards of health.

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions

Title 26, Section 3. ***Functions and duties of the department.*** "The general functions and duties of the department of industrial relations shall be as follows: (1) To administer all labor laws and all laws relating to the relationship between employer and employee, including laws relating to hours of work, child labor, female employees, working conditions and safety and health in places of employment . . . (4) To make or cause to be made all necessary inspections to determine whether or not the laws . . . and rules and regulations issued pursuant thereto, are being complied with by employers and employees, and to take such action as may be necessary to enforce compliance . . . (5) To propose to the board of appeals, hereinafter provided for, such rules and regulations, or amendments thereto and repeals thereof, as may be deemed advisable for the prevention of accidents (including steam boiler explosions) or the prevention of sickness and diseases in employment and places of employment (including mines) and for the construction, repair and maintenance of places of employment . . . (6) To give instructions and information and to conduct educational programs for the purpose of promoting safety and health in employment and places of employment and to teach first aid . . . (10) To make investigations and studies and to collect, collate and compile statistical information and to make and publish reports, concerning the conditions of labor generally, including living conditions . . . safety devices, safety guards, means and methods of protecting against accidents, illness and diseases in employment, and concerning all matters relating to the enforcement and effect of the provisions of this chapter and the rules and regulations issued pursuant thereto and other labor laws and laws relating to the relationship between employer and employee . . ."

Section 21. ***Right of entry.*** "The director of industrial relations or his authorized representative shall have the power and authority to enter any place of employment . . . or public building for the purpose of collecting facts and statistics relating to the employment of workers or for the purpose of making inspections to determine whether or not the labor law and laws relating to the relationship between employer and employee and the rules and regulations adopted pursuant to the provisions of this chapter are being observed. No employer or

owner shall refuse to admit the director of industrial relations or his authorized representative . . . for the purpose of making any reasonable inspection or impede or instruct him in making any reasonable inspection. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 12. ***Duties of employers as to safety: definitions.*** "Every employer shall furnish employment which shall be reasonably safe for the employees engaged therein and shall furnish and use safety devices and safeguards and shall adopt and use methods and processes reasonably adequate to render such employment and the places where the employment is performed, including mines, reasonably safe for his employees and others who are not trespassers, and he shall do everything reasonably necessary to protect the life, health, and safety of his employees . . . When used in this chapter 'safe' and 'safety' as applied to any employment or place of employment . . . shall include conditions and methods of sanitation and hygiene reasonably necessary for the protection of the life, health and safety of the employees . . ."

Section 13. ***Prevention of use of dangerous machines, tools, equipment, and structures.*** Requires posting of notices warning against use when unsafe.

Rules and Regulations

Adopted by the Board of Appeals, Department of Industrial Relations.

1. ***Basic Safety Manual.*** Adopted June 15, 1939.

Manual contains 48 brief rules and an explanation of their importance and application in plant safety programs. Rules cover prevention of accidental injuries, plant housekeeping, safety of workareas, equipment and installations, sanitation, personal protective equipment, first-aid facilities, and safety activities. A list of nationally accepted safety codes, recommended for use, is included.

2. ***Open Pit and Quarry Safety Rules.*** Effective January 1, 1942.

Rules apply to open pits or quarries where underground tunneling or mining operations are conducted, except where coal mining laws are applicable. Rules cover briefly safety of quarry banks, means of access and openings; sand and gravel excavations; provision of life lines and belts; haulage and hoisting; installation of electrical equipment; explosives and blasting; wet drilling; protective apparel; first-aid training, and sanitation facilities. Prospective employees are required to pass physical fitness examinations.

Employment of Women and Minors

Among pertinent provisions are the following:

Title 26, Section 349. Forbids children under 16 to be employed in specific operations and industries including those in connection with which dangerous or poisonous acids are used, the manufacture or packing of paints, colors, white or red lead, soldering, occupations causing dust in injurious quantities, manufacture of tobacco, and "any place or occupation which the state board of health may declare dangerous to life or limb, or injurious to the health or morals of children under sixteen years of age."

Section 350. Forbids children under 18 to be employed in any mine, coal breaker, coke oven, or quarry.

Section 351. Authorizes the State Board of Health to declare any place or occupation dangerous to life or limb or injurious to health or morals of children under 16.

Section 370. Requires employers of minors to keep such establishments in a sanitary condition and properly ventilated.

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Section 371. Empowers the Department of Industrial Relations to inspect such establishments, to issue orders for correction of insanitary or unhealthful conditions and to compel compliance with the orders.

Section 372. Authorizes the Department to have free access to establishments employing minors and prescribes penalty for violations.

Mines and Mining

Title 26, Sections 166 (1) to 166 (87). The *Alabama Coal Mine Safety Law of 1949* is administered by the Division of Safety and Inspection. Among the subjects covered by the laws are the following: Certification of mine inspectors and their duties with respect to examinations of mines; provision for a Board of Examiners to pass upon certificates of competency of mine foremen; provision of an adequate supply of first-aid equipment in case of injury or sickness to employees; investigation of mine accidents; requirements for mechanical ventilation equipment, detection of mine gases, minimum volume of air in workways, and coursing of air; safety inspections of gassy mines; rock dusting including specifications for rock dust; explosives and blasting; prevention of fire; testing and timbering or roof support; hoisting and haulage; safeguarding various mining operations and machinery and other equipment; duty of management in complying with provisions of laws; and duty and responsibility of employees in complying with laws and regulations and in using safety and health measures provided for their protection. Laws also contain safety regulations applicable to strip mining operations.

Workmen's Compensation [1]

The Workmen's Compensation Law is administered by the Workmen's Compensation Division. (Title 26, Sections 253 to 325)

Occupational Disease Compensation

Sections 313 (1) to 313 (16). Provide for compensation for disability due to "Occupational pneumonoconiosis."

Reporting of Injuries

Section 266. Requires every employer to keep a record of all injuries, fatal or otherwise, for which compensation is claimed or paid, received by employees in the course of their employment, and to report same to the Department of Industrial Relations.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Title 52, Sections 390 to 398. The provisions and benefits of the Federal Act providing for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, are accepted. The State Board of Education is authorized to carry out the provisions of the Act; to expend any funds appropriated for this purpose; to cooperate with federal and State agencies including the Workmen's Compensation agency; to formulate plans for training of such persons; and to make studies and investigations relating to the rehabilitation of disabled persons.

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[1] Additional reference this page (State Board of Education).

PUBLIC SERVICE COMMISSION

Title 48. The Public Service Commission has jurisdiction over public utilities, railroads and other common carriers. Its responsibilities include keeping itself informed as to manner and method in which business is conducted, and inspecting operations for safety.

ALASKA

SOURCES: Alaska Compiled Laws Annotated 1949
Session Laws of Alaska 1949; Session Laws of Alaska 1951

TERRITORIAL DEPARTMENT OF HEALTH

Authority and Functions[1]

Alaska Compiled Laws Annotated 1949, Section 40–1–2. ***Department of Health: Creation: Duties:*** "There is hereby created a Department of Health, charged with the duty of administering laws and regulations relating to the promotion and protection of the public health, control of communicable diseases . . . and such other duties as may be conferred upon it by law."

Section 40–1–5. ***Commissioner of Health: Duties and powers.*** ". . . He shall administer the laws, rules and regulations relating to health and sanitation. He shall prepare sanitary and public health regulations for consideration by the Board and shall submit to said Board recommendations for new rules, regulations and legislation. He shall perform such other duties as may be prescribed by law. . . ."

Section 40–1–6 (as amended by Session Laws 1949, Chapter 118, and Session Laws 1951, Chapter 56). ***Duties and powers of the Board.*** ". . . (b) The Board is empowered, directed and authorized to adopt, promulgate, repeal and amend rules and regulations not inconsistent with existing law, relating to and providing for: (a) the definition and control of communicable diseases; (b) the prevention and control of public health nuisances; (c) regulation of sanitation and sanitary practices in the interest of public health; (d) cooperation with local boards of health and health officers; (e) protection and promotion of the public health and prevention of disability and mortality . . . (i) standards of cleanliness and sanitation in connection with the construction, operation and maintenance of any camp, cannery, food handling establishment, food manufacturing plant, frozen desserts manufacturing . . . industrial plant . . . and for other similar establishments in which insanitation may create a condition causative of disease . . . and (m) to do whatever else may be deemed necessary to carry out the purposes of this Act. It shall also adopt rules and regulations necessary for the conduct of its business and for carrying out the provisions of all laws of the United States and Alaska relating to public health. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Not ascertained.

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[1] Additional reference on page 8 (Miscellaneous).

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions [1]

Alaska Compiled Laws Annotated 1949, Section 43–1–1. *Department of Labor created: Duty.* "There is hereby created a Department of Labor whose duty it shall be to foster and promote the welfare of the wage earners of the Territory, to improve their working conditions and to advance their opportunities for profitable employment."

Section 43–1–5 (as amended by Session Laws 1949, Chapter 34). *Additional powers: Mediation: Statistical information.* . . . "In addition to administering and enforcing the provisions of this Act, the Commissioner shall have the power: (1) to take appropriate steps to enforce all other Territorial labor laws . . . (3) to make investigations, collect and compile statistical information concerning the conditions of labor generally and upon all matters relating to the enforcement of the provisions of this Act . . . (5) and to issue all orders, rules and regulations necessary to carry out the purposes of this Act."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 42–2–21. *Employer's duty to provide safe employment: What included.* "Every employer shall furnish employment which shall be reasonably safe for the employment therein, and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such an employment or place of employment reasonably safe, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees, provided that, as used in this Act, the term 'safe' or 'safety' as applied to any employment or a place of employment shall include conditions and methods of sanitation and hygiene reasonably necessary for the protection of life, health, and safety and welfare of employees or the public."

Rules and Regulations

Not ascertained.

Employment of Minors [2]

Session Laws 1949, Chapter 73. The purpose of the Act is to establish protective standards for child labor to the end that their health, morals, education and future welfare will be protected. Minors under 18 are not permitted to be employed in any occupation dangerous to life or limb or injurious to the health or morals. The Act authorizes the Commissioner of Labor, after public notice and hearing, to promulgate rules, regulations and orders establishing minimum standards as to safety, working conditions, hours and wages, and to promulgate regulations as are necessary to provide opportunities for work experience in safe and healthful occupations for such minors.

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[1] Additional reference on page 7 (Board for Care of Sick and Disabled Fishermen).
[2] Provisions relating to employment of women cover hours of labor primarily.

Workmen's Compensation

The Workmen's Compensation Law is administered by Alaska Industrial Board of which the Commissioner of Labor is chairman. (Alaska Compiled Laws Annotated 1949, Sections 43–3–1 to 43–3–39)

Occupational Disease Compensation

Section 43–3–38. The terms "injury" or "personal injury" include any disease proximately caused by the employment. Full coverage.

Reporting of Injuries

Section 43–3–24. Requires every employer to keep a record of all injuries, fatal or otherwise, received by his employees, and to report to the Industrial Board, injuries causing death or absence from work for more than one day. Penalty for failure to report.

DEPARTMENT OF MINES

Alaska Compiled Laws Annotated 1949, Sections 47–3–141 to 47–3–192. Contain coal mining laws which are administered and enforced by the Department of Mines. Among the subjects covered are inspections of coal mines and serving of notices of defects to be corrected; records and reports of injuries and of dangerous conditions; maintenance of first-aid equipment and provision of first aid to injured; provision of adequate mine outlets; safety requirements for hoisting, machinery and other equipment and operations; safety of haulageways, roofs and tracks; requirements for timbering, storage and handling of explosives, ventilation and circulation of air; examinations of dangerous mines; rock dusting; electrical installations; and certification of competency of mine foremen or fire bosses.

Sections 47–3–201 to 47–3–228. Contain laws and regulations applicable to the operation of other than coal mines. Among the subjects covered are examination of mines and serving notice of dangerous condition to owner; reports and investigations of accidents; safeguarding machinery, equipment and work-areas; hoisting and mine outlets; precautions against accumulations of water; requirements for ventilation, wet drilling and allaying of dust; signalling; provision of first-aid supplies; and use of explosives. Penalties for violations are prescribed.

TERRITORIAL BOARD OF EDUCATION

Vocational Rehabilitation

Alaska Compiled Laws Annotated 1949, Sections 37–9–5 to 37–9–9. The provisions of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry and otherwise are accepted. The Territorial Board of Education is designated ex-officio Board of Vocational Education, and is empowered to cooperate with federal office in administering the provisions of the Federal Act and the purposes of this Act, and to receive gifts and donations for the purpose of the vocational rehabilitation of persons injured in industry or physically handicapped.

BOARD FOR CARE OF SICK AND DISABLED FISHERMEN

Session Laws 1951, Chapter 100. The Act creates a Board for Care of Sick and Disabled Fishermen, consisting of the Commissioner of Labor, who is chair-

man and administrative officer of the Board, the Commissioner of Health, the Commissioner of Taxation, and 4 members appointed by the Governor and approved by both Houses; authorizes it to make rules to carry out the purposes of the Act and to protect the fund established for this purpose; provides for the care of occupationally disabled or sick fishermen qualified under the Act, including payment for transportation to nearest place where approved medical facilities are available and for necessary hospital, nursing, medical and surgical expenses; and authorizes the Board to enter into any cooperative arrangements with other Territorial, State and federal agencies, private clinics and rehabilitation centers in providing type and quality of treatment as will restore the fisherman to health and productivity, if possible. Commercial fishermen within the jurisdiction of Alaska Workmen's Compensation Act by reason of employer-employee relationship, or eligible for benefits under any Federal Act are exempted.

MISCELLANEOUS

Physical Examinations of Employees Transported Into Alaska

Session Laws 1949, Chapter 103. The Act requires that all persons recruited by employers outside of Alaska for jobs in Alaska shall undergo a physical examination by a qualified physician as a check against infectious or contagious disease. Such an examination is to be made at the expense of the employer, and if person is found free from infectious or contagious disease, he shall be issued a certificate to that effect. Provision is also made for taking care of afflicted persons in accordance with laws of the Health Department.

ARIZONA

SOURCES: Arizona Code of 1939, and 1952 cumulative supplement
1953 New Laws

STATE DEPARTMENT OF HEALTH

Authority and Functions[1]

Arizona Code of 1939, as amended by 1953 New Laws, Chapter 43, Section 68–112. ***Rules and regulations.*** "(a) The board shall have power to adopt, promulgate, repeal, and amend rules and regulations consistent with law to: 1. Define and control communicable diseases . . . and 6. carry out the purposes of this ACT.

"(b) The board shall have the power to: 1. Provide reasonable minimum standards necessary for the protection of public health, and 2. adopt, promulgate, repeal and amend reasonable and necessary rules and regulations to promote and provide for compliance with such minimum standards with relation to food and drink production, processing, storing, handling and transporting; water supply production, treatment and distribution; bottled water handling, processing, bottling, labeling, transporting and distributing; ice production, handling and distributing; sewage collection, treatment, disposal and reclamation; industrial waste treatment, disposal and reclamation. . ."

[1] Additional reference on page 10 (Sections 56–302, 56–309, 56–310).

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

INDUSTRIAL COMMISSION OF ARIZONA

Authority and Functions

Section 56–906. ***Examination of places of employment.*** "Any commissioner may enter any place of employment to collect facts and statistics, and bring to the attention of every employer any law, or any order of the commission, and failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner to his place of employment."

Section 56–907. ***General powers of commission.*** "The commission shall have full power, jurisdiction and authority to administer and enforce all laws for the protection of life, health, safety and welfare of employees in every case and under every law, where such duty is not now specifically delegated to any other board or officer, and in such latter cases, to counsel and advise and assist in the administration and enforcement of such laws; to investigate, ascertain and determine such reasonable classification of persons, employments and place of employment necessary to carry out the purposes of this article . . . to collect, collate and publish all statistical and other information relating to employees . . . and places of employment, with such other statistics as it deems proper; and upon petition by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee, with or without notice, to make investigations necessary to determine the matter complained of. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 56–802. ***Manual labor in certain occupations declared hazardous—Instructions to employees.*** "The labor and services of workmen at manual and mechanical labor in the employment of any person, in the occupations enumerated in the next section, are hereby declared and determined to be service in a hazardous occupation within the meaning of the terms of the preceding section. (56–801—Liability defined) By reason of the nature and conditions of, and the means used and provided for doing the work in, said occupations, such service is especially dangerous and hazardous to the workmen therein, because of risks and hazards which are inherent in such occupations and which are unavoidable by the workmen therein. Every employer, employing workmen in such occupations . . . shall by rules, regulations or instructions, inform all employees in such occupations as to the duties and restrictions of their employment, to the end of protecting the safety of employees in such employment."

Section 56–803. ***Hazardous occupations defined.*** Included are railroads of all types, manufacture of explosives, construction and repair work, mines, quarries and work in mills, shops, factories using mechanical power to operate machinery and appliances.

Section 56–113. ***Mining and smelting work, electric plants, declared hazardous.*** "The employment in all underground mines, underground work-

ings, open cut workings, open pit workings, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes, cement works, rolling mills, rod mills, coke ovens, blast furnaces, and electric light or electric power plants, is hereby declared to be injurious to health and dangerous to life and limb of those employed therein."

Section 56–117. *Laundry—Hours of labor—Ventilation—Penalty.* Regulates hours of labor and provides that "every laundry room shall be so constructed as to provide at least six hundred cubic feet of air for each occupant therein." Penalty for violation.

Section 56–118. *Lavatories, change rooms, bath, in mines and certain works—Penalty—Pornography.* "For the maintenance of public health, proper bath rooms, wash rooms, water closets and a heated change room immediately continuous to the works, shall be provided for every person . . . engaged in the treatment or reduction of ores or metals, in cement works, in works using oils, cyanide, acids or quicksilver. Such water closets shall be screened and ventilated with not less than one seat for each twenty-five persons. . . . One shower bath shall be provided for every twenty-five men . . . with adequate washroom facilities. These rooms and places shall at all times be open to employees and shall be kept in a clean and sanitary condition. A heated wash and change room shall be maintained contiguous to every mine employing twenty-five or more men. . . ." Penalty for violation.

Rules and Regulations

By resolution, the Industrial Commission adopted the American Standard Safety Code B7–1935 entitled *The Use, Care and Protection of Abrasive Wheels* and Safety Code B15–1937 *Mechanical Power-Transmission Apparatus* on October 29, 1940 and *General Construction Safety Code* of the Industial Commission on August 16, 1940.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 56–301. Prohibits employment of children under 14 in specified occupations and industries.

Section 56–302. Prohibits employment of children under 16 in enumerated occupations and industries and "in any other employment declared by the state board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of sixteen."

Section 56–309. Prohibits employment of children under 18 in specified occupations and industries, and "in any other employment declared by the state board of health to be dangerous to the lives or limbs, or injurious to the health or morals of children under the age of eighteen."

Section 56–310. "The state board of health may from time to time determine whether or not any particular trade or occupation, is sufficiently injurious to the lives or limbs or injurious to the health or morals of minors under sixteen years and under eighteen years of age respectively, employed therein to justify their exclusion therefrom, and may prohibit their employment therein."

Section 56–319. Prohibits employment of females in or about any mine, quarry, or coal breaker, or in any capacity where such employment compels them to remain standing constantly. Employers of females in any place or establishment mentioned in section 56–301 must provide suitable seats, chairs, or benches and permit their use when females are not engaged in active duties.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Industrial Commission. (Sections 56–901 to 56–977)

Occupational Disease Compensation

Sections 56–1201 to 56–1262. Occupational Disease Disability Law. Schedule coverage.

Reporting of Injuries

Section 56–966. Requires that "Every employer governed by the provisions hereof, and every physician who attends an injured employee of such employer, shall file with the commission, from time to time, a full and complete report of every known injury to the employee arising out of or in the course of his employment and resulting in loss of life or injury. . ."

STATE MINE INSPECTOR

Sections 65–101 to 65–235. Contain the Mining Code of Arizona. Among the subjects covered are qualifications of State mine inspectors and deputies and their duties with respect to mine examinations, investigation of accidents and compliance with mining laws; serving of notices of dangerous conditions on operators; maintenance of first-aid supplies; care and use of explosives; provision of escapement shafts; hoisting, and outlets; precautions against fires and floods; safeguarding equipment and installations; and ventilation requirements.

Hazardous Dust Conditions

The law also provides for the appointment of a State Mine Dust Engineer whose duty it is to inspect mines as often as necessary or upon complaint; to determine whether any hazardous dust condition exists; to make recommendations to mine operators as to methods of reducing dust; and to see that they are complied with. "'A hazardous dust condition' shall be deemed to exist where the breathing zone of an employee while engaged in the performance of his work contains in excess of ten million particles of air borne dust, between one micron and five microns in largest dimension, per cubic foot of air; provided, that if the free silica or asbestos content of such air borne dust does not exceed ten per cent, a dust hazard shall not be deemed to exist unless such particles exceed one hundred million per cubic foot of air. Dust counts shall be determined in accordance with the United States Public Health Service technique as described in Report No. 1528, from the Public Health Reports . . . 'Dust prevention practices' shall include ventilation, suction or exhaust methods of removing dust, wet methods for settling dust, and the use of respirators when the condition or exposure is temporary or intermittent, and such other means of removing or settling dust from mine air as shall be approved by the state mine dust engineer." (Section 65–231)

Safety Rules

Mine Safety Rules, issued by the State Mine Inspector in accordance with authority to fix safety standards, cover general safety precautions; safety rules for underground men and for surface workers; requirements for first aid; safe handling and storing of explosives and blasting practices; requirements and duties of hoisting engineers; ventilation, lighting and use of cages; safety precautions for shafts; electrical installations; protection against floods; and prohibitions as to use of inflammable materials.

STATE BOARD OF VOCATIONAL EDUCATION

Vocational Rehabilitation

Sections 56–503 to 56–510. The State Board of Vocational Education is empowered to maintain a division of vocational rehabilitation for providing vocational rehabilitation services to disabled persons. The division is authorized to adopt such methods and comply with such conditions as may be necessary to secure full benefits of federal statutes; to cooperate with other departments and agencies in providing services and studying problems involved; to enter into reciprocal agreements with other States; and to conduct research and compile statistics relating to the vocational rehabilitation of disabled persons. Criteria for eligibility for assistance are specified.

PUBLIC SERVICE COMMISSION

Section 69–228. ***Safety devices, commission may order.*** "The commission may by order, rule or regulation, require every public service corporation to maintain and operate its line, plant, system, equipment, and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers and the public, and to this end may prescribe the installation, use, maintenance and operation of appropriate safety or other devices or appliances . . . establish uniform or other standards of equipment, and require the performance of any other act which health or safety may demand."

ARKANSAS

SOURCES: Arkansas Statutes 1947 Annotated, as amended
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions [1]

Arkansas Statutes 1947 Annotated, Section 82–109. ***Supervisory power and control over health of citizens.*** "The State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of this State. . . ."

Section 82–110. ***Promulgation of rules and regulations to protect public health.*** "Power is hereby conferred on the Arkansas State Board of Health to make all necessary and reasonable rules and regulations of a general nature for the protection of the public health, and for the general amelioration of the sanitary and hygienic conditions within the State. . . ."

Section 82–112. ***Nuisances—Examinations—Reports of results—Orders of governor—Violations.*** "At any time, the Governor may require the State Board of Health to examine into nuisances or questions affecting the security of life and health in any locality . . . and the said board shall have all the necessary powers to make such examinations, and it shall report the results thereof to the Governor . . . and the Governor may . . . declare them to be public nuisances, and order them to be changed as he shall direct, or abated and removed. . . ."

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[1] Additional reference on page 16 (Section 81–704).

Industrial Health

Section 81–414. ***Industrial Health Service Act—Coal mining excepted.*** "This act (Secs. 81–414—81–421) shall be cited as the Industrial Health Service Act of 1947, provided that nothing in this act shall be construed as applying to the coal mining industry."

Section 81–415. ***Division of industrial hygiene established.*** "The Division of Industrial Hygiene is hereby established as one of the offices over which the Arkansas State Board of Health maintains supervision."

Section 81–416. ***Duties of division.*** "The Division of Industrial Hygiene shall investigate places of employment and study these conditions which might be responsible for ill health of the industrial worker."

Section 81–417. ***Rules and regulations controlling industrial health hazards.*** "It shall be the duty of the Board of Health to adopt rules and regulations pertaining to the control of industrial health hazards, including and concerning the maximum allowable limits of materials, ventilation requirements, water supplies, excreta disposal facilities, washing and shower facilities, and other matters pertaining to the maintenance of the health of the worker."

Section 81–418. ***Authority of state health officer.*** "The State Health Officer or his duly authorized deputy shall have access to any firm, corporation, industry, or manufacturing plant for the proper discharge of his official duties."

Section 81–419. ***Information obtained not admissible for other purposes—Investigations under Workmen's Compensation Act.*** "Information obtained from studies or upon investigations made in accordance with the provisions of this act shall not be admissible as evidence in any action at law to recover damages for personal injury or in any action under the Workmen's Compensation Act. By mutual agreement between the Division of Industrial Hygiene and those charged with the administration of the Workmen's Compensation Act, studies at the request of the latter may be instituted in industries, and the results of these studies may be reported to said administrators."

Section 81–420. ***Use of injurious material or processes prohibited.*** "It shall be a violation of this act for any employer to use or permit to be used in the conduct of his business, manufacturing establishment, or other place of employment, any material, process, or condition known to have an adverse effect on health; provided, that such material, process, or condition may be used when such is operated, handled, or used in such a manner that injury to the health of the worker will not occur; provided further, that it shall be the duty of the Industrial Hygiene Division to evaluate and determine if such material, process, or condition is being operated, handled, or used in such a manner that injury to the health of the worker will not occur."

Section 81–421. Prescribes penalty for violations of the Industrial Health Service Act.

General Provisions Relating to Occupational Health

Statutory Provisions

Section 81–420. See under Authority and Functions of State Board of Health.

Section 82–914. . . . (1) ***Insanitary Plants.*** Unlawful insanitary conditions of plants processing dairy products are enumerated and include inadequacy of toilet facilities and condition of equipment and plant.

Rules and Regulations

Adopted by State Board of Health.

1. ***Environmental Sanitation in Manufacturing Establishments.*** Adopted January 18, 1945.

Regulations apply to all places of employment in which articles are manufactured, repaired, cleaned, sorted or renovated. Regulations set forth specifications for water supply and sanitary drinking facilities; require provision of adequate ventilation to insure a comfortable and healthful atmosphere; require exhaust systems on all operations liberating injurious amounts of dusts, fumes, gases, or vapors, and the disposal of matter so eliminated so as not to endanger health of any person about the premises or elsewhere in the community; prescribe requirements for good housekeeping, waste disposal, and periodic inspection of equipment; require pre-employment and periodic medical examinations of workers in employments where recognized health hazards exist, posting of warning signs calling attention to them, instruction of employees and provision and use of personal protective measures; and set forth specifications for number per persons, type, construction and maintenance of toilet, washing and dressing room facilities, and for eating facilities.

2. *Work in Compressed Air.* Adopted in 1946.

Regulations require attendance whenever work in compressed air is in progress of a competent person responsible for obtaining compliance with rules; prescribe hours of labor at various pressure shifts and rules for decompression; require recording gauges and exhaust valves, adequate wash and rest rooms, and sufficient supply of fresh air to working chambers; require maintenance of a medical lock when pressure exceeds 17 pounds and the employment of one or more licensed physicians whose duty shall be to examine workers before and after working in compressed air and at other specified times and to keep records of examinations; and require identification badges for compressed air workers, and compressor plants.

Reporting of Occupational Diseases

Regulation adopted on July 17, 1947, lists 11 groups of diseases "when contracted in the course of employment" and requires physicians to report them to the State Health Officer.

DEPARTMENT OF LABOR

Authority and Functions [1]

Section 81–102. *Department of labor established—Purpose.* "A Department of Labor is hereby created and established under the supervision and direction of a commissioner to be known as the Commissioner of Labor. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the Department to administer and enforce, and shall direct all inspections, except as otherwise provided.

"The purpose of the Department shall be to foster, promote and develop the welfare of the wage earners of Arkansas, to improve their working conditions, and to advance their opportunities for profitable employment."

Section 81–107. *Duties and powers of commissioner.* "In addition to such other duties and powers as may be conferred upon him by law, the Commissioner of Labor shall have the power, jurisdiction, and authority:

"(a) To enforce all labor laws in the State of Arkansas, the enforcement of which is not otherwise specifically provided for, and all rules made pursuant to Section 81–109.

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[1] Additional reference on page 17 (Section 81–1343).

"(b) To make or cause to be made all necessary inspections to see that all laws and rules made pursuant thereto which the Department has the duty, power and authority to enforce, are promptly and effectively carried out.

"(c) To make investigations, collect and compile statistical information and report upon conditions of labor generally, and upon all matters relating to the enforcement of the provisions of this Act and the rules issued thereunder. . . ."

Section 81–109. ***Rules of commissioner.*** ". . . the Industrial Board (Commissioner of Labor) shall have the power to make, modify, and repeal reasonable rules for the prevention of accidents or of industrial or occupational diseases in every employment or place of employment, or such reasonable rules for the construction, repair and maintenance of places of employment, places of public assembly, and public buildings as shall render them safe. . . . The Commissioner of Labor shall have the power to propose to the Industrial Board such rules, or changes in rules, as he may deem necessary to carry out the provisions of this Act, and in the performance of his duties, may appoint committees composed of employers, employees and experts to suggest rules or changes therein. The rules of the Industrial Board shall have the force and effect of law and shall be enforced by the Commissioner of Labor in the same manner as the provisions of this Act."

Section 81–115. ***Right of entry.*** "The Commissioner of Labor and his authorized representatives shall have the power and authority to enter any place of employment . . . for the purpose of collecting facts and statistics relating to the employment of workers and of making inspections for the proper enforcement of all labor laws of the State. No employer or owner shall refuse to admit the Commissioner of Labor, or his authorized representatives, to his place of employment. . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 81–108. ***Safe place of employment required . . .***

"(a) Every employer shall furnish employment which shall be safe for the employees therein and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees; provided that . . . the term 'safe' or 'safety' as applied to any employment or a place of employment shall include conditions and methods of sanitation and hygiene reasonably necessary for the protection of the life, health, safety, and welfare of employees or the public.

"(b) Every employer and every owner of a place of employment . . . now or hereafter constructed, shall so construct, repair, and maintain the same as to render it safe."

(c) Requires posting of notices warning of the dangerous condition of machines or equipment.

Section 81–401. ***Temperature, humidity and air space.*** "In every factory, mill, workshop, mercantile establishment, laundry, or other establishment, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, an equable temperature consistent with a reasonable requirement of the manufacturing process. No unnecessary humidity which would jeopardize the health of employees shall be permitted. In every . . . place of employment, sufficient air space shall be provided for every employee, and which in the judgment of the Commissioner of the Bureau of Labor and Statistics (Commissioner

of Labor), or of his deputies and inspectors, is sufficient for their health and welfare."

Section 81–402. *Odors and dust.* "All factories . . . and other establishments shall be kept free from gas or effluvia arising from any sewer, drain, privy or other nuisance on the premises; all poisonous or noxious gases arising from any process, and all dust which is injurious to the health of persons employed, which is created in the process of manufacturing within the above-named establishments, shall be removed as far as practicable by ventilators or exhaust fans or other adequate devices."

Section 81–403. *Cleaning and wet floors.* Requires daily disposal of refuse and sweepings and that cleaning be done as far as possible outside of working hours, or in a manner so as not to raise dust and cause noxious odors. In establishments with processes which make floors wet, dry standing room should be provided and adequate means taken for proper drainage.

Section 81–406. *Inspection of working places—Order to correct conditions.* "The Commissioner of Labor . . . shall have the right to enter any factory, mill . . . or other establishment where three (3) or more persons are employed, for the purpose of making inspections and enforcing the provisions of this chapter." Upon finding any violation of the law, he may issue a written order for correction, stating such conditions, practices, plans or methods and the time within which they shall be corrected. Upon the failure or refusal to comply with the order the Commissioner of Labor shall have full authority and power to close such place or establishment, or any part of it that may be in such insanitary or dangerous condition until such time as the condition, practice or method has been corrected.

Section 81–408. Prescribes penalty for refusal to correct conditions.

Section 81–410. *Toilet and wash rooms—Lunch room—Period of time for lunch.* "There shall be provided in every factory, manufacturing establishment, workshop or other place where six (6) or more men and women are employed, separate toilet and wash rooms for men and women; also suitable lunch room for the women employees separate and apart from the work rooms and toilet rooms. . ." Penalty for violation.

Rules and Regulations

No data.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 81–702. Prohibits employment of children under 16 years in any occupation dangerous to life or limb, or injurious to the health and morals of such child.

Section 81–703. Enumerates occupations using mechanical equipment, which are prohibited to children under 16.

Section 81–704. "The State Board of Health may, from time to time, after a hearing . . . determine what other occupations are sufficiently dangerous to the life or limb or injurious to the health or morals of children under sixteen years to justify their exclusion therefrom; and no child under sixteen years of age shall be employed or permitted to work in any occupation thus determined to be dangerous or injurious. . . ."

Section 81–705. Forbids children under 16 to be employed in, about or in connection with any processes in which dangerous or poisonous acids or gases or other chemicals are used, in soldering, in occupations causing dust in injurious quantities, in scaffolding, in heavy work in the building trades, in any tunnel or

excavation, mine, coal breaker, coke oven, or quarry, and in any other occupation dangerous to the life and limb, or injurious to the health and morals of such child.

Section 81–609. Regulates and/or restricts hours of continuous labor of women and requires the time for luncheon to be not less than three-quarters of an hour.

Section 81–620. Requires provision of seats in every manufacturing, mechanical, mercantile and other establishment in the State employing girls or women, and to allow their use when duties permit it. Penalty for violation.

Section 81–712. Empowers the Commissioner of Labor and authorizes inspectors to visit and inspect at any time any place where children are employed.

Section 81–714. Prescribes penalty for violations.

WORKMEN'S COMPENSATION COMMISSION [1]

The Workmen's Compensation Commission administers the Workmen's Compensation Law. (Sections 81–1301 to 81–1349)

Section 81–1343. ***Powers of the commission.*** "In addition to its other duties and powers the Commission is hereby given and granted full power and authority . . . (11) To make surveys and to determine the existence and prevalence of occupational disease hazards within this State, to determine the measures necessary to eliminate or reduce such hazards, and to add to the schedule of Occupational Diseases subject to appropriate conditions and after public hearing; (12) The Commission may make available all records in connection with all cases of personal injury to the Commissioner of Labor. The Commissioner of Labor may propose rules for the prevention of such injuries, and transmit such rules to the Commission. The Commission may recommend proposed rules for prevention of injuries to the Commissioner of Labor. . . ."

Occupational Disease Compensation

Section 81–1314. A group of 15 occupational diseases is deemed compensable. Schedule coverage.

Reporting of Injuries

Section 81–1334. Requires employer to report to the Workmen's Compensation Commission within 10 days after his receipt of notice or of knowledge of injury or death, setting forth the cause and nature of the injury or death. Reports made pursuant to this section are not admissible as evidence in proceedings in respect to such injury or death on account of which the report is made. Penalty for violation.

STATE MINE INSPECTOR

Sections 52–401 to 52–631. The State Mine Inspector has jurisdiction over coal mines. Laws outline duties of the State Mine Inspector with respect to inspections of works and machinery, state of ventilation, circulation and condition of air, investigation of accidents, recommendations to operators for safety measures and equipment, and issuance of notices for violations; set forth procedure for certification of competency of mine employees; and contain regulations for operation of mines. The last cover safety requirements for escapement shafts; daily inspections by fire bosses; examination for ventilation and fire damp; maintenance of medical and emergency supplies; and provision of suitable washrooms in mines employing 10 or more men to be equipped and maintained as specified. Females, and minors under specified conditions, are forbidden to work in mines. Penalties are prescribed for violations of various provisions.

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[1] Additional reference on page 13 (Section 81–419).

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 80–2518 to 80–2525. The provisions and benefits of the Federal Act providing for promotion of vocational rehabilitation of persons disabled in industry or otherwise, are accepted. The State Board for Vocational Education is designated as agency to administer the provisions and purposes of the Federal Act, and is empowered to prescribe and provide necessary facilities for the vocational rehabilitation of persons disabled in industry or otherwise.

PUBLIC SERVICE COMMISSION

Chapter 73. The Public Service Commission has jurisdiction over public utilities including railroads and other common carriers.

Sections 73–901 to 73–919. Deal with duties of railroads with respect to employees. Among the requirements are that railroad companies erect and maintain repair sheds so that employees on construction or repair work may be under shelter during inclement weather; and the provision of blocks in frogs and guard rails to prevent employees from getting their feet caught.

Section 73–1744. Requires drivers of motor vehicles transporting passengers or commodities to have at least 8 hours' rest period at the expiration of 12 hours of duty.

CALIFORNIA

SOURCES: Deering's California Codes
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Deering's California Codes, Health and Safety Code, Section 102. ***State Board of Health: Members: Duties and Powers.*** ". . . The Board shall advise the director in the performance of his duties and formulate general policies affecting public health. It shall have power to adopt, promulgate, repeal and award rules and regulations consistent with law for the protection of the public health. . . . The board shall have no administrative or executive functions other than those set forth in this code."

Section 106. ***Director: Department's executive officer: Duties.*** ". . . He shall administer the laws and regulations of the board pertaining to public health and shall vigilantly observe sanitary and public health conditions throughout the State and shall take all necessary precautions to protect it in its sanitary and public health relations with other States and countries. . . ."

Section 205. ***Maintenance and defense of actions and proceedings.*** "It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes: (a) To enforce its rules and regulations. (b) To enjoin and abate nuisances dangerous to health. . . . (c) To protect and preserve the public health. . ."

Section 211. ***Investigation of conditions affecting public health.*** "It shall cause special investigations of the sources of morbidity and mortality and the effects of localities, employments, conditions and circumstances on the public health and such other duties as may be required in procuring information for

State and Federal agencies regarding the effects of these conditions on the public health. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

(Enforced by State Department of Public Health or local health officers.)

Sanitation

Health and Safety Code, Section 3700. ***Provision or exposure for use forbidden.*** Prohibits use of common drinking receptacle in "any . . . store, office building, lavatory or washroom . . . railroad train . . . or any other public place, building, room, or conveyance. . . ."

Section 3702. ***Water containers to be protected: Necessity for faucets: Use of jugs, cans, etc.*** "No . . . receptacle shall be used for storing or supplying drinking water to the public or to employees unless it is covered and protected so as to prevent persons from dipping the water therefrom or contaminating the water. . . ."

Section 3800. ***Maintenance or keeping for use forbidden.*** Prohibits use of common towel in "any . . . factory, store, office building . . . railroad train, railway station . . . or any other public place. . . ."

Section 3901. ***Furnishing of unsterilized soiled rags forbidden.*** Prohibits any person from supplying or furnishing to his employees wiping rags for wiping and cleaning surfaces of machinery, engines and other equipment in factories and shops, generally for cleaning in industrial employment, or for wiping their hands and bodies soil incident to their employment, unless sterilized in manner provided.

Section 5416. ***Water closet requirement at construction site. . .*** Requires water closets for each 20 employees working at a construction job site.

Foundries and Metal Shops

Labor Code, Sections 2330 to 2333. ***Wash bowls, sinks and water closet: Maintenance.*** Owners of foundry or metal shop where one or more men are employed, are required to provide wash bowls or sinks and a water closet.

Section 2331. ***Ventilation and protection of wash and closet rooms.*** "The room in which the wash bowls and the water closet are installed shall be kept properly ventilated and protected, so far as reasonably practicable, from the dust and fumes of the foundry or metal shop."

Penalty for violation. Local health officers shall report violations which shall be prosecuted by district attorneys.

Bakeries

Sections 28190 to 28202. Include general requirements for cleanliness, lighting, drainage, ventilation and toilet and washing facilities in bakeries.

Food Processing Establishments

Sections 28280 to 28299. Regulate conditions in food processing establishments (except restaurants); give general requirements for cleanliness, lighting, plumbing and ventilation, toilet and washing facilities; and prohibit persons afflicted with infectious diseases from working in building used for production of food.

Frozen Food Locker Plants

Sections 28701 to 28725. Require, among other things, the provision of an approved type of gas mask in any frozen food locker plant using a toxic gas

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refrigerant; toilet and washing facilities for employees of food locker plants; and single towel service.

Rules and Regulations

None specifically on industrial health. Bureau of Adult Health, State Department of Public Health, cooperates with Department of Industrial Relations in drawing up codes pertaining to occupational diseases.

Reporting of Occupational Diseases

None.

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions

Labor Code, Section 50.5. ***Promotion of wage earner's welfare.*** "One of the functions of the Department of Industrial Relations is to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment."

Note: The Department of Industrial Relations maintains several divisions including the Division of Industrial Safety, Division of Industrial Welfare, Division of Housing, Division of Labor Statistics and Research, Division of Labor Law Enforcement and Division of Industrial Accidents (Industrial Accident Commission). Authority and functions of these divisions are referred to briefly when applicable.

Division of Industrial Safety

Labor Code, Section 142. ***Safety orders.*** "The division shall enforce all safety orders adopted pursuant to Division 5 (Safety in Employment) by the board (Industrial Safety Board), and those heretofore adopted by the Industrial Accident Commission."

Section 6312. ***Power, etc., of division over employments and places of employments.*** "The division has the power, jurisdiction, and supervision over every employment and place of employment in this State, which is necessary adequately to enforce and administer all laws and lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment."

Section 6313. ***Investigations, orders or recommendations as to causes of industrial injuries: Admissibility in evidence.*** "The division may investigate the cause of all industrial injuries resulting in disability or death which occur within the State in any employment or place of employment, or which directly or indirectly arise from or are connected with the maintenance or operation of such employment or place of employment. . . ."

Section 6500. ***Orders, rules or regulations: Hearing: Authority of division.*** "The division, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise may:

"(a) (Safety devices, etc.) Declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

"(b) (Standards: Uniform safety devices, etc.) Fix reasonable standards and prescribe, modify, and enforce reasonable orders for the adoption, installation, use, maintenance, and operation of reasonably uniform safety devices, safeguards, and other means or methods of protection, which are necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

"(c) (Construction, repair and maintenance standards.) Fix and order reasonable standards for the construction, repair and maintenance of places of employment necessary to make them safe.

"(d) (Other acts.) Require the performance of any other act which the protection of the life and safety of the employees in employments and places of employments reasonably demands. . . ."

Section 6505. ***Summary investigation of employment or place of employment: Entry and service of order.*** "Whenever the division learns or has reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may . . . summarily investigate the same, with or without notice or hearings. . . ."

Section 6508. ***Application to Superior Court. Injunction against use or operation of dangerous place, machine, etc.*** "If the condition of any employment or place of employment or the operation of any machine, device, apparatus, or equipment constitutes a serious menace to the lives or safety of persons about it, the division may apply to the superior court of the county in which such place of employment, machine, device, apparatus, or equipment is situated, for an injunction restraining the use or operation thereof until such condition is corrected."

Section 6800. ***Jurisdiction over safety of employees.*** "The division has jurisdiction over: (a) . . . The safety of employees of steam railroads employed in shops devoted to the construction or repair of railroad equipment.

"(b) . . . The safety of employees of electric interurban or street railroads, employed in the generation, transmission or distribution of electric energy, or in shops devoted to the repair of railroad equipment, or in any nonpublic utility operation of such railroads.

"(c) . . . The safety of employees of all other public utilities as defined in the Public Utilities Act."

Section 6801. ***Effect upon jurisdiction of Railroad Commission.*** "The jurisdiction vested in the division shall in no instance, except those affecting exclusively the safety of employees, impair, diminish, or in any way affect the jurisdiction of the Railroad Commission. . . ."

Division of Industrial Welfare

Section 1173. ***Ascertainment of wages paid and hours and conditions of labor and employment: Duty of commission.*** "It shall be the continuing duty of the Industrial Welfare Commission . . . to ascertain the wages paid and the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in this State, and to investigate the comfort, health, safety, and welfare of such women and minors."

Section 1174. ***Reports and information.*** . . Provides for free access to place of business or employment by any member of the commission or employees of the Division of Industrial Welfare, "to secure any information or make any investigation" authorized by the chapter.

Section 1182. ***Fixing wages, hours and standard conditions of labor: Order: Promulgation and publication.*** "After the wage board conference and public hearing . . . the commission may . . . fix. . . .

"(b) The maximum hours of work consistent with the health and welfare of the women and minors engaged in any occupation, trade, or industry in this State. . . .

"(c) The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade, or industry in this State. . . ."

Division of Labor Statistics and Research

Section 150. ***Duties of division.*** "The Division of Labor Statistics and Research . . . shall collect, compile and present facts and statistics relating to the conditions of labor in the State, including information as to . . . industrial relations . . . industrial accidents and safety . . . sanitary and other conditions. . . ."

Section 151. Provides for "free access to all places of labor."

Division of Housing

Section 2143. This Division has responsibility regarding proper water supply and sanitary conditions in labor camps.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Workers' Safety

(Enforced by Division of Industrial Safety. Penalties for violation prescribed.)

Labor Code, Section 6316. ***Museums and bulletins: Lectures: Advisers: Safety recommendations.*** "The division may: (a) . . . Establish and maintain museums of safety and hygiene in which are exhibited safety devices, safeguards, and other means and methods for the protection of the life and safety of employees, and publish and distribute bulletins on any phase of the subject.

"(b) . . . Cause illustrated lectures to be delivered . . . in regard to the causes and prevention of industrial accidents, occupational diseases, and related subjects.

"(c) . . . Appoint advisers, without compensation, to assist in establishing standards of safety and adopt and incorporate in its general orders safety recommendations received from such advisers."

Section 6318. ***Order fixing safety standard: Establishment of minimum requirement: Amendment or modification of local order.*** "Whenever the division, by order, fixes a standard of safety for employments or places of employment, such order shall . . . establish a minimum requirement concerning the matters covered . . . and shall be construed in connection with any local order relative to the same matter. Such order shall amend or modify any requirement in the local order not up to the standard of the order of the division."

Safety Devices and Practices

Section 6400. ***Safe employment and place: Employer's duty to furnish.*** "Every employer shall furnish employment and a place of employment which are safe for the employees therein."

Section 6401. ***Duty to furnish and use safety devices and safeguards: Practices, etc., rendering employment and place safe: Other things.*** "Every employer shall furnish and use safety devices and safeguards, and shall

adopt and use practices, means, methods, operations, and processes, which are reasonably adequate to render such employment and place of employment safe. Every employer shall do every other thing reasonably necessary to protect the life and safety of employees."

Sections 6950 to 6953. Specify safety devices required for the safety of employees of railroads.

Sections 7101 to 7114. Contain regulations for safety of building construction employees.

Sections 7151 to 7158. Contain safety regulations relating to employees on scaffolding.

Safeguarding Window Cleaners

Sections 7325 to 7332. Prescribe safety devices upon buildings to safeguard window cleaners, and further provide that the Division shall approve the fittings and devices prior to their installation for design, durability and safety, and by appropriate rules and orders designate the manner in which said safety devices are to be attached, installed and used.

Ventilation and Sanitation

(Enforced by Division of Labor Law Enforcement. Penalties for violations are prescribed.)

Theatres

Labor Code, Sections 2260 to 2263. Regulate sanitary conditions and ventilation in theatres. Require running water and toilet facilities in the operating room of every theatre and moving picture house for the use of the operator; set forth specific requirements for ventilation of projection, rewind and generator rooms; and require that every projection room have at least two separate exit doors for the better protection of the safety of the operator or operators.

Factories and Business Establishments

Section 2350. ***Cleanliness and freedom from effluvia: Provision with water closets or privies: Number and designation: Use.*** "Every factory, workshop, mercantile or other establishment in which one or more persons are employed, shall be kept clean and free from the effluvia arising from any drain, privy, or other nuisance, and shall be provided, within reasonable access, with a sufficient number of water closets or privies for the use of the employees. . . ."

Section 2351. ***Ventilation of factory or workshop.*** "Every factory or workshop in which one or more persons are employed shall be so ventilated while work is carried on that the air will not become injurious to the health of the employees, and . . . as to render harmless, as far as practicable, all injurious gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein."

Section 2353. ***Exhaust fans or blowers with pipes and hoods to each machine: Fitting, adjustment, power and dimensions.*** "In any factory, workshop, or other establishment where dust, filaments, or injurious gases are produced or generated, which may be inhaled by employees, the person, under whose authority the work is carried on, shall cause to be provided and used, exhaust fans or blowers with pipes and hoods extending therefrom to each machine, contrivance, or apparatus by which dust, filaments or injurious gases are produced or generated. The fans and blowers, and the pipes and hoods, shall be properly fitted and adjusted, and of power and dimensions sufficient to prevent the dust, filaments, or injurious gases from escaping into the atmosphere or any room where employees are at work."

Section 2440 (added by 1953 New Laws, Assembly Bill No. 1892). "Every person operating a factory or shop, or conducting any business in which power machinery is used for any manufacturing purpose, except for elevators or for heating or hoisting apparatus, where five or more persons are employed, shall at all times keep and maintain, in some accessible place upon the premises upon which such *factory,* shop or business is located, free of expense to the employees, *a medical or surgical chest.* The chest shall contain an adequate assortment of absorbent lint, absorbent cotton, sterilized gauze, plain and medicated, adhesive plaster, cotton and gauze bandages, one tourniquet, one pair scissors, one pair tweezers, one jar carbolized petrolatum, one bottle antiseptic solution, and one first aid manual, all of which shall cost not less than six dollars ($6). The chest shall be used in the treatment of persons injured or taken ill upon the premises. . . ." Penalty for violation.

Section 2441 (added by 1953 New Laws, Assembly Bill No. 1892). "Every employer of labor in this State shall, without making a charge therefore, *provide fresh and pure drinking water* to his employees during working hours. Access to such drinking water shall be permitted at reasonable and convenient times and places. . . ." Penalty for violation.

Industrial Homework

(Enforced by Division of Industrial Welfare.)

Sections 2650 to 2668. Regulate industrial homework; provide for certification of workers; prohibit the manufacture by industrial homework of certain materials or articles and other articles, "the manufacture of which by industrial homework is determined by the division to be injurious to the health or welfare of the industrial homeworkers within the industry or to render unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in the industry"; authorize the Division to make an investigation of any industry which employs industrial homeworkers, in order to determine whether the wages and conditions of employment of industrial homeworkers in the industry are injurious to their health and welfare.

Labor Camps

(Enforced by Division of Housing.)

Labor Code, Sections 2411 to 2425. Contain health and sanitary regulations for protection of employees in labor camps.

Rules and Regulations

Issued by Division of Industrial Safety.

(1) ***General Industry Safety Orders.*** Register 18, No. 8–12–19–49.

Orders establish minimum standards for safety and health, and apply to all employments and places of employment.

Group 1. *General Hazards.* Orders set forth standard specifications for railings, stairways, platforms, openings, exits and other parts of buildings; general safe practices; and personal safety devices and safeguards such as for head protection, eye and other body protection.

Group 2. *General Plant Equipment and Special Operations.* Safety specifications are set forth for equipment such as vats and pans, piping systems, motion picture projection, compressors and abrasive wheels.

Group 3. *General Mobile Equipment and Auxiliaries.* These include industrial trucks, transportation of employees and materials, and tiering conveyors.

Group 4. *Power Transmission Equipment, Prime Movers, Machine and Machine Parts.* Orders regulate the guarding of such equipment and parts.

Group 5. *Points of Operation of Dangerous Machinery.* Orders cover point of operation hazards for metal working, wood working, paper and printing, textile and laundry, leather and composition goods, food and tobacco, chemical industry, rubber and stone, clay and glass working machines.

Group 6. *Radiation and Radioactivity.* Orders cover minimum standards for protection of employees exposed to ionizing radiation, including maximum allowable exposures; instructions on monitoring; maintenance of protective devices; handling and storage of radioactive materials; and special orders for radium dial painters and their medical supervision. Minimum standards for protection of employees exposed to actinic radiation are also included.

Group 7. *Cranes and Other Hoisting Equipment.*

Group 8. *Gas Systems for Welding and Cutting.* Orders apply to the installation and operation of all gas welding and cutting systems, and cover all gases when used with oxygen for welding, flame cutting, heating and heat treating operations.

Group 9. *Control of Hazardous Substances.* Orders set up minimum standards for the prevention of harmful exposures to dusts, fumes, mists, vapors and gases. Among measures included are: substitution of nonhazardous equipment, material or process; control by general and local exhaust ventilation; respiratory protective equipment; wet methods; isolation of hazardous operations; and sanitation and cleanliness. Maximum acceptable concentrations are listed for toxic materials. Other subjects covered by this group of orders are: explosives and fireworks; hot, flammable, poisonous, corrosive and irritant substances; special hazardous substances and processes such as sulfur, magnesium, pyroxylin plastic, nitrocellulose, fumigation, spray coating and solvents; labeling of injurious substances used in industry including wording of labels for 114 specific substances.

(2) Among other Safety Rules and Orders issued by Division of Industrial Safety are:

Air Pressure Tank Safety Orders; Compressed Air Safety Orders Governing Work in Compressed Air; Construction Safety Orders; Electrical Safety Orders; Liquefied Petroleum Gases Safety Orders; Logging and Sawmill Safety Orders; Mine Safety Orders; Painting Safety Orders; Petroleum Industry Safety Orders for Drilling and Production; Petroleum Safety Orders, Refining, Transportation and Handling; Pneumatic Explosives Loading Safety Orders; Safety Rules for Gold Dredges and Quarry; Ship and Boat Building Safety Orders; Trench Construction Safety Orders; Tunnel Safety Rules; and Window Cleaning Safety Orders.

Employment of Women and Minors

Among pertinent provisions are the following:

Employment of Women

(Enforced by Division of Industrial Welfare.)

Deering's California Codes, Labor Law, Sections 1250 to 1252. Relate to restrictions on moving or lifting heavy objects by female employees.

Section 1253. Requires provision of seats for female employees, and their use when duties permit it.

Employment of Minors

(Enforced by Division of Labor Law Enforcement.)

Sections 1292 to 1294. Prohibit employment of minors under 16 at specified operations, machines and occupations.

Section 1296. Authorizes the Division of Labor Law Enforcement to determine whether any particular trade, process of manufacture, or occupation, in

which the employment of minors under the age of 16 years is not already forbidden by law, or whether any particular method of carrying on such trade, process of manufacture, or occupation is sufficiently dangerous to the lives or limbs or injurious to the health or morals of minors under 16 years of age to justify their exclusion therefrom.

Mines and Mining

(Enforced by the Division of Industrial Safety.)

Sections 7451 to 7458. Contain general requirements for owners of coal mines concerning ventilation, examination of workings generating explosive gases, hoisting machinery and means of ingress and egress.

Workmen's Compensation [1]

Workmen's Compensation Law is administered by Division of Industrial Accidents. (Labor Code, Sections 3201 to 6002)

Occupational Disease Compensation

Labor Code, Section 3208. "Injury" is defined to include any injury or disease arising out of the employment. Coverage is full.

Reporting of Injuries

Section 6407. ***Reports of injuries to employees: Persons required to file.*** "Every employer, insurer and physician or surgeon who attends any injured employee shall file with the Division of Labor Statistics and Research, under rules and regulations prescribed by the Division . . . a complete report of every injury to each employee arising out of or in the course of his employment unless disability resulting from such injury does not last through the day or does not require medical service other than ordinary first aid treatment."

Section 6408. Requires reports of death resulting from injury.

Rules and Regulations Governing Filing of Reports of Industrial Injuries by Employers, Insurers, Physicians and Surgeons. Issued April 1948 by Division of Labor Statistics and Research.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Education Code, Sections 9141 to 9148. The provisions and benefits of the Federal Act providing for the promotion of vocational rehabilitation of persons disabled in industry and otherwise are accepted by the State. The State Board of Education is designated as the agency for carrying out provisions and purposes of the Act and is authorized to cooperate with the Industrial Accident Commission in formulating a plan of cooperation.

STATE FIRE MARSHAL

Clothes Cleaning Establishments

Health and Safety Code, Sections 13201 to 13454. Regulate safe operations in dry cleaning and dry dyeing establishments; and provide for licensing, inspection, approval of equipment and construction plans.

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[1] Additional reference below (State Board of Education).

The State Fire Marshal is authorized to prescribe such rules and regulations governing the construction, equipment, and operation of clothes cleaning establishments as may be necessary for the protection of life and property against fire menace, and for the promotion of the occupational security of the operators in the establishments. Safety requirements are given for buildings, equipment, and operations.

PUBLIC UTILITIES COMMISSION [1]

The Public Utilities Commission has jurisdiction over all publicly owned utilities, including common carriers.

Public Utilities Code, Section 768. Empowers the Public Utilities Commission to require by general or special orders, rules or otherwise, the construction, maintenance, and operation of public utility plants and premises "in such manner as to promote and safeguard the health and safety of its employees . . . and the public." It may prescribe "the installation, use, maintenance and operation of appropriate safety or other devices or appliances . . . and require the performance of any other act which the health or safety of its employees . . . or the public may demand."

AIR POLLUTION CONTROL

Air Pollution Control Districts

Health and Safety Code, Section 24199. ***Necessity for air pollution districts.*** "The Legislature hereby finds and declares:

"(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

"(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances.

"(c) That in other portions of the State the air is not so polluted.

"(d) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property."

The Act creates each county as an air pollution control district and outlines the powers and duties.

Section 24208. Defines "air contaminant" to include "smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof."

Section 24242. Prohibits the "discharge into the atmosphere from any single source of emission . . . for a period or periods aggregating more than three minutes in any one hour which is: (a) as dark or darker in shade as that designated as No. 2 on the Ringelmann chart, as published by the U. S. Bureau of Mines, or (b) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section."

Section 24246. Provides right of entry to buildings or premises and for inspection of vehicles.

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[1] See also page 21 (Section 6801).

Sections 24260 to 24341. Deal with procedure for hearings, permits, authority for making and enforcing rules and regulations that will reduce the amount of air contaminants released within the district, and unified air pollution control districts.

COLORADO

SOURCES: 1935 Colorado Statutes Annotated, and
1952 Replacement Volume
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

1935 Colorado Statutes Annotated, Chapter 78, Section 21 (5). ***Powers and duties of the state department of public health.*** "The state department of public health shall have and exercise, in addition to all other powers and duties imposed upon it by law, the following powers and duties. . . .

"(3) To investigate and control the causes of epidemic and communicable diseases affecting the public health. . . .

"(6) To abate nuisances when necessary for the purpose of eliminating sources of epidemic and communicable diseases affecting the public health. . . .

"(15) To establish and enforce sanitary standards for the operation and maintenance of . . . factories, workshops, industrial and labor camps. . ."

"(18) To establish and enforce sanitary standards for the operation of slaughtering, packing, canning and rendering establishments. . ."

Section 21 (6). ***Powers and duties of the state board of health.*** "In addition to all other powers and duties . . . the board shall have and exercise the following specific powers and duties:

"(3) To establish within the division of administration such subdivisions or sections as it may deem necessary for the efficient administration and enforcement of the public health laws or the orders, standards, rules or regulations of the board, and at any time abolish or extend such subdivisions or sections so created.

"(4) To issue from time to time such orders, to adopt such rules and regulations, and to establish such standards as the board may deem necessary or proper to carry out the provisions and purposes of this article and to administer and enforce the public health laws of this state. . . .

"(6) To establish and appoint, as the state board of health may deem necessary or advisable, special advisory committees to advise and confer with the board concerning the public health aspects of any business, profession or industry within the state of Colorado. . . ."

Section 21 (7). ***Powers and duties of the division of administration.*** "In addition to the other powers and duties herein conferred and imposed upon the division of administration, the division, thru the director . . . shall have and exercise the following powers and duties:

"(1) To administer and enforce the public health laws of the state of Colorado, and the standards, orders, rules and regulations established, issued, or adopted by the state board of health. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

Chapter 69, Sections 21 to 31. Require every premise used or maintained as a bakery, cannery, packing house, slaughter house, creamery, or other food handling, manufacturing or preparing place to be "properly and adequately lighted, drained, plumbed and ventilated" and conducted "with strict regard to the influence of such conditions upon the health of operatives, employees, clerks or other persons therein employed and the purity and the wholesomeness of the food." Each such place is required to be provided with toilet rooms and lavatories. Persons affected with contagious or infectious diseases are forbidden to work in such places.

Rules and Regulations

Approved by State Board of Health.

1. Regulation 1. *General.* Approved September 18, 1941.

"No person . . . or other employer shall use or permit to be used in the conduct of his business, manufacturing establishment or other place of employment, any process, material or method of working known to have an adverse effect on health, unless arrangements have been made to maintain the occupational environment in such a manner that injury shall not result."

2. Regulation 2. *Concentration Limits.* Approved September 18, 1941.

Requires that exposures to dusts, fumes, mists, vapors, gases, or any materials that may affect health be kept below the concentration limits established in Regulation 3.

3. Regulation 3. *Toxic Thresholds.* Approved September 18, 1941.

Maximum allowable concentrations are listed for specific toxic substances, mineral dusts, radiation, and lower explosive limits for inflammable vapors.

4. *Regulations of the Colorado State Department of Public Health, Industrial Hygiene Section, Governing the Use of Hatters' Mercurial Carroting Solutions.* Effective December 1, 1941.

Prohibit the use of mercurial carrot in the preparation of hatters' fur, or the use of mercurial carroted hatters' fur in the manufacture of hats.

Reporting of Occupational Diseases

A group of 21 occupational diseases are made reportable to local health officers by regulation of the State Board of Health.

INDUSTRIAL COMMISSION OF COLORADO

Authority and Functions[1]

1935 Colorado Statutes Annotated, Chapter 97, Section 11. *Powers and duties of commission.* "It shall also be the duty of the commission, and it shall have the power, jurisdiction and authority:

". . . (b) To inquire into and supervise the enforcement, as far as respects relations between employer and employee, of the laws relating to child labor, laundries, stores, factory inspection, employment of females, employment offices and bureaus, mining, both coal and metalliferous, fire escapes and means of egress

[1] Additional reference on page 33 (State Board of Agriculture).

from places of employment and all other laws protecting the life, health and safety of employees in employments and places of employment.

"(c) To investigate, ascertain, declare and prescribe safety devices, safeguards, or other means or methods of protection best adapted to render safe the employees of every employment and place of employment, as may be required by law.

"(d) To ascertain and fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws relative to the protection of the life, health, safety and welfare of employees in employments and places of employment.

"(e) To ascertain, fix and order such reasonable standards, rules or regulations as provided by law, for the construction, repair and maintenance of places of employment, as shall render them safe. . . .

"(k) To administer and enforce all the provisions of law relating to compensation for accidental injury to and death of employees."

Section 14. *Unsafe places—Investigation—Report—Order.* "Whenever the commission shall learn . . . that any employment or place of employment is not safe, it shall proceed summarily with or without notice, to make such investigation as may be necessary to determine the matter complained of, insofar as the same may affect the provisions of this article. After investigation, the commission shall call the attention of the commissioner of labor, or other officer authorized to inspect and regulate same, and shall order such changes as may be necessary to render such employment or place of employment safe, and comply with the provisions of this article."

Section 17. *Jurisdiction over relation between employer and employees.* "The commission is vested with the power and jurisdiction to have such supervision of every employment and place of employment in this State as may be necessary adequately to ascertain and determine the conditions under which the employees labor, and the manner and extent of the obedience by the employer to all laws and all lawful orders requiring such employment and places of employment to be safe, and requiring the protection of the life, health and safety of every employee in such employment or place of employment, and to enforce all provisions of law relating thereto; and is also vested with power and jurisdiction to administer all provisions of this article with respect to the relations between employer and employee and to do all other acts and things convenient and necessary to accomplish the purposes of this article."

Section 22. *Investigators to have access to premises—Penalty for obstructing.* "The commission, or any member thereof, and, on being authorized in writing by the commission, any other person, may, without any other warrant than this article, at any reasonable time, enter any building, mine, mine workings, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place, which has been made the subject of an investigation, hearing, or arbitration by the commission or the board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building . . . in respect of or in relation to any matter or thing hereinbefore mentioned. . ."

Section 28. *Inquiries—Scope—Industrial disturbances—Report.* "The commission shall inquire into the general condition of labor in the principal industries in the state of Colorado . . . into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees. . ."

Section 52. *Department established.* "There is hereby established a separate and distinct department to be known as the department of factory inspection

of the state of Colorado, which department shall be charged with the inspection of all factories, mills, workshops, bakeries, laundries, stores, hotels, boarding or bunkhouses . . . or any kind of an establishment wherein laborers are employed or machinery used, for the purpose of protecting said employees or guests against damages arising from imperfect or dangerous machinery, or hazardous and unhealthy occupation and regulating sanitary conditions. . . ."

Section 56. *Duty of chief inspector.* "It shall be the duty of the chief factory inspector by himself or his duly appointed deputy, to examine as soon as may be after the passage of this article, and thereafter annually, and from time to time, all factories, mills, workshops . . . to which the provisions of this article are applicable, for the purpose of determining whether they do conform to such provisions, and to granting or refusing certificates of approval. . . ."

Section 63. *Power of factory inspectors to enter any factory.* "The chief factory inspector or any employee of the department of factory inspection shall have power to enter any factory, mill, workshop, office . . . or any other public or private works where labor is employed or machinery used."

Section 256 (1). *Duty of industrial commission to fix and establish standard of wages for women and minors.* "In addition to the powers and duties conferred upon the industrial commission . . . the commission shall have the power and it shall be its duty to fix and establish such standard of wages and conditions of labor for women and minors as shall be fair and reasonable, and consistent with the maintenance of health and morals."

Section 313. *Collection of statistics.* "The commission, or any of its agents, may enter into any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, protection and safety of the employees and bringing to the attention of every employer any rule, order, or requirement of the commission, or any law, or any failure on the part of any employer to comply therewith."

Section 435. *Commission to promote safety devices and methods . . .* "The industrial commission of Colorado is hereby empowered to promote and encourage the development in industry of the use of safety devices, safety methods, and the continuous study and improvement thereof, and the said commission is hereby given jurisdiction to enforce the provisions of this subdivision. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Equipment and Places

Chapter 97, Section 13. *Employer to furnish safe place to work.* "Every employer shall exercise reasonable care and comply fully with all the requirements of law respecting health and safety and to furnish places of employment which shall be safe for employees therein and to furnish and use safety devices and safeguards, and to adopt and use methods and processes reasonably adequate to render such employment and places of employment safe, and to do every other thing reasonably necessary to protect the life, health and safety of such employees. . . ."

Section 53. *Safety appliances—Notice of defects.* "Any person, firm, . . . operating a factory, mill, workshop, bakery, laundry, store . . . or any kind of an establishment wherein laborers are employed, or machinery used shall provide and maintain in use belt shifters or other mechanical contrivance for the purpose of throwing on or off belts or pulleys while running . . . also reasonable safeguards for all vats, pans, trimmers, cutoffs, gang edger and other saws, planers, cogs, gearings, beltings, shaftings, couplings, set screws." Em-

ployers are required to post notice on defective machinery, and to warn employees of danger.

Section 54. *Ventilation.* "Any person, firm . . . operating a factory, mill, workshop . . . shall be provided in each workroom thereof with good, sufficient ventilation and kept in a clean, sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if factory, mill, workshop . . . or any kind of an establishment wherein laborers are employed or machinery used in any enclosed rooms thereof by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust."

Section 55. *Protection of elevators, well holes, etc.* Provides for the protection of "openings of all hoistways, hatchways, elevators and well holes and stairways in factories, mills, workshops . . . by good and sufficient trap doors, hatches, fences, gates or other safeguards. . ."

Section 57. *Employer notified of defects by employee—Failure to remedy complaint to inspector.* Provides that employee shall notify employer of any defect in or failure to guard machinery, appliances, ways, works or plants; if such employer fails to remedy defect, employee may complain in writing to the chief factory inspector, whose duty it shall then be to make the necessary inspection.

Sanitation

Section 61. *Water closets—Dressing rooms.* Requires all places of employment and public assemblage to provide sufficient number of water closets which shall be properly screened and ventilated and at all times kept in a clean and good sanitary condition. In factories, laundries, mills and workshops and in all other places where the labor performed by the operator is of such character that it becomes desirable or necessary to change the clothing wholly or in part before leaving the building at the close of the day's toil, separate dressing rooms shall be provided for women and girls whenever so required by the factory inspector. . . ."

Building Employees

Sections 117 to 121. Deal with protection of building employees.

Rules and Regulations

Adopted by the Industrial Commission.

Factory Safety Manual. 1942.

The manual contains 73 brief rules governing safe and healthful working conditions for employees. Rules deal with safety of workplaces, equipment and installations, and inspections; qualifications and duties of operators; provision of drinking and washing facilities; provision of adequate lighting, and heating and ventilation; prevention of fire; provision of first-aid facilities; and conduct of safety educational activities. Safety codes of national acceptance are recommended for use.

Employment of Women and Minors

Among pertinent provisions are the following:

1935 Colorado Statutes Annotated, Chapter 97, Section 236. *Inadequate wages and unsanitary conditions.* "Declaration of pernicious effect. The welfare of the state of Colorado demands that women and minors be protected

from the conditions of labor which have a pernicious effect on their health and morals, and it is therefore hereby declared, in the exercise of the police and sovereign power of the state of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect."

Section 182. Prohibits employment of children under 14 in specified occupations declared to be injurious or dangerous to health, life or limb.

Section 184. Forbids employment of children under 16 in any underground or surface mine or workings, smelter or coke oven, or for operating or assisting with operation of certain machinery or tools, or in preparation or manufacture of any composition using dangerous or poisonous acids, or in the manufacturing of paint, colors, or white lead.

Workmen's Compensation

The Workmen's Compensation Act and the Colorado Occupational Disease Disability Act are administered by the Industrial Commission of Colorado. (Chapter 97, Sections 280 to 442)

Occupational Disease Compensation

Sections 443 to 474. Occupational Disease Disability Act. The Act lists 24 diseases considered compensable. Schedule coverage.

Reporting of Injuries

Section 309. Requires employers to keep records of all injuries, fatal or otherwise, received by employees in the course of their employment, and to report the occurrence of an accident resulting in personal injury to the Commission.

CHIEF INSPECTOR OF COAL MINES

Chapter 110, Sections 167 (1) to 167 (139). Contain Colorado State coal mining laws. The Chief Inspector of Mines and District Inspectors are vested with authority to enforce the laws. Among the subjects covered by the laws are: appointment and qualifications of Chief and District Inspectors and a Board of Examiners; certificates of competency of mine foremen; examination of mines for dangerous conditions; ventilation of mines by mechanical means and coursing of air currents; entrances and exits; roof control; fire prevention and control; mine rescue and first-aid training; explosives and blasting; transportation; safety devices on equipment and safe practices; and electrical installations. Males under 18 and females are prohibited from working in or about coal mines or beehive coke ovens, except in an office in a clerical capacity.

BUREAU OF MINES

Chapter 110, Sections 279 to 324. The Bureau of Mines has regulatory supervision over all ore mills, sampling works, smelters, metallurgical plants, rock quarries, clay pits, mines, excepting coal mines, and oil wells; and power to make and enforce rules and regulations regarding safe operations and prevention of accidents.

STATE BOARD OF AGRICULTURE

Vocational Rehabilitation

Chapter 172, Sections 4 to 10. The State Board of Agriculture is designated as the State Board for Vocational Education concerned with vocational rehabilitation and placement in remunerative employment of physically disabled persons.

The State Board is authorized to vocationally rehabilitate persons eligible for benefits, and with the Industrial Commission to administer the vocational rehabilitation law and formulate a plan of cooperation. The provisions and benefits of the Federal Act providing for the vocational rehabilitation of persons disabled in industry and otherwise, are accepted.

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SOURCES: General Statutes, 1949
1951 Supplement to General Statutes
Sanitary Code of the State of Connecticut, May 1952
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions[1]

General Statutes, 1949, Section 3797. ***Department, how constituted.*** "The State department of health shall consist of a commissioner of health and a public health council."

Section 3800. ***Sanitary code.*** "Said council shall establish a sanitary code and, from time to time, amend the same. The sanitary code may provide for the preservation and improvement of the public health. . ." Section also provides penalty for violation of any provision of the Sanitary Code.

Section 3801. ***Powers and duties of commissioner.*** "The commissioner of health shall employ the most efficient and practical means for the prevention and suppression of disease, and shall administer the health laws and the sanitary code, prepare rules and regulations for the council. . . . He shall assist and advise local health officers in the performance of their duties, and may require the enforcement of any law, regulation or ordinance relating to public health. . . . The commissioner of health shall investigate nuisances and conditions affecting, or that he has reason to suspect may affect, the security of life and health in any locality and . . . may enter and examine any . . . building or place. . . ."

Section 3802. ***Bureaus.*** "Said department shall maintain laboratories and bureaus of . . . preventable diseases . . . and industrial bygiene. . . ."

Section 3867. ***Reports of occupational diseases and investigations concerning them.*** ". . . The state department of health is authorized to investigate and make recommendations for the elimination or prevention of occupational diseases which have been reported to it or which shall be reported to it in accordance with the provisions of this section. Said department is also authorized to study and provide advice in regard to conditions that may be suspected of causing occupational diseases, provided information obtained upon investigations made in accordance with the provisions of this section shall not be admissible as evidence in any action at law to recover damages for personal injury or in any action under the workmen's compensation act."

Section 3755. ***Order to remove execessive dust.*** See under statutory provisions relating to occupational health and safety for State Department of Labor, page 38.

[1] Additional references on pages 38 (Section 3755), and 39 (Section 7352).

General Provisions Relating to Occupational Health

Statutory Provisions

Section 4150. ***Heating of leased buildings.*** In any place, building or place of business, a temperature of less than 68 degrees Fahrenheit is deemed injurious to the health of occupants. Failure to furnish heat to the degrees provided herein is subject to penalty.

Section 4151. ***Common drinking cups.*** "The state department of health, to prevent the spread of communicable diseases, may, by suitable rules and regulations . . . regulate or prohibit the providing or use of a common drinking cup. . . ."

1951 Supp. Gen. Stat., Section 887b. ***Physical examinations for state employees. Compensation.*** "Each state employee who, during the performance of his duties, comes into contact with persons or animals afflicted with any malignant, infectious or contagious disease, or who comes into contact with any culture, collections or concentration of the organisms producing any malignant, infectious or contagious disease, or who is regularly exposed to the bacteria, germs, virus or other organisms, by whatever name called, producing any malignant, infectious or contagious disease, shall be given a physical examination semi-annually by the state. . ."

Rules and Regulations

In Sanitary Code of the State of Connecticut, May 1952.

1. ***Occupational Environment.***

Regulation 280. "No person, firm, corporation or other employer shall use or permit to be used in the conduct of his business, manufacturing establishment or other place of employment, any process, material or condition known to have an adverse effect on health, unless arrangements have been made to maintain the occupational environment in such a manner that injury to health shall not result.

"Before any person, firm, corporation or other employer shall undertake any actual construction in connection therewith, the state department of health shall be notified of any contemplated replacement, extension, or new installation of any industrial exhaust ventilating system for the removal of dusts, fumes, vapors, mists or gases, which may affect the health of workers.

"Exposure to dusts, fumes, mists, vapors, gases, or any materials that may affect health shall be kept below the threshold limits as established in Regulation 281."

Regulation 281. Threshold limits of toxic materials are listed.

2. ***Regulations Governing the Use of Mercurial Carroting Solutions and Mercurial Carroted Fur.***

Regulation 282. Prohibits the use of mercurial carrot in the preparation of hatter's fur, or use of mercurial carroted hatter's fur in the manufacture of hats. Effective December 1, 1941.

Regulation 283. Prohibits the use of dyed piece fur in the fur felt hat manufacturing industry unless processed. Effective August 1, 1942.

3. ***Fluoroscopic Shoe-Fitting Devices.***

Regulation 286. Defines terms; prescribes permissible beam intensities; specifies measures for control of primary X-ray beams and of stray radiation; requires posting of warning placard on each fluoroscopic shoe-fitting device; and requires electrical safeguarding. Effective December 4, 1951.

4. ***Regulation for Control of Fumigation.***

Regulation 284. Deals with qualifications and licensing of fumigators; serving of written notices upon owners of buildings that are to be fumigated; ventilation of buildings and inspection for leaking gas; wearing of gas masks; and conditions of fumigating.

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5. *Cleaning of Wiping Cloths.*

Regulation 285. Requires their sterilization before use.

6. *Regulations Concerning Tetraethyl Lead.*

Regulations 250 to 253. Regulations define terms; require periodic physical examinations of workers, separate ventilation systems for manufacturing apparatus, daily inspections, proper labeling of containers, and monthly reports to the State Department of Health on employment of workers and cases of poisoning; give regulations for manufacture of tetraethyl lead and blending of the latter to make ethyl fluid, and for distribution of ethyl gasoline. Containers sold to the public must be properly labeled.

7. *Conditions Specifically Declared to Constitute Public Nuisances.*

Regulation 101. Among the conditions enumerated are: "bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense."

Regulation 102. Authorizes local health officers to abate nuisances or any pollution.

8. *Manufacturing or Other Wastes.*

Regulation 105. Prohibits disposal of waste products from any mill, factory, slaughterhouse, rendering or fertilizer works, in such a manner as to injure the public health or create offensive conditions.

9. *Drinking Cups and Drinking Fountains.*

Regulation 116. Requires the installation of sanitary drinking facilities in public places and in industrial or mercantile establishments.

10. *Food Sanitation.*

Regulation 121, *Sanitation of Foodstuffs,* and Regulation 123, *Sanitation of Places Dispensing Foods or Beverages,* deal with food sanitation and contain requirements for sanitary toilet and washing facilities for employees and for cleanliness of premises. Persons affected with any disease in a communicable form are forbidden to work in public eating or drinking places. Local health departments are authorized to issue and post certificates of inspection.

Regulation 125, *Artificial Ice Plants,* requires among other things, the provision of adequate toilet and washing facilities and protective boots for employees.

Reporting of Occupational Diseases

Gen. Stat. 1949, Section 3867. *Reports of occupational diseases and investigations concerning them.* "Each physician having knowledge of any person whom he believes to be suffering from poisoning from lead, phosphorous, arsenic, brass, wood alcohol or mercury or their compounds, or from anthrax or from compressed-air illness or any other disease, contracted as a result of the nature of the employment . . . shall, within forty-eight hours, mail to the state department of health a report. . . . No report made pursuant to the provisions of this section shall be admissible as evidence of the facts therein stated in any action at law or in any action under the workmen's compensation act against any employer or such diseased person. . . . For each such report the physician . . . shall receive a fee of fifty cents, to be paid by the state department of health. . . ."

STATE DEPARTMENT OF LABOR

Authority and Functions [1]

1951 Supp. Gen. Stat., Section 827b. *Labor department established.* "The department of labor and factory inspection shall become the labor depart-

[1] Additional reference on page 39 (Section 7441).

ment . . . and commissioner of labor and factory inspection shall mean, respectively, labor department and labor commissioner."

Gen. Stat. 1949, Section 3746. ***Factory inspection. Deputy commissioner. Report.*** "There shall continue to be a department of factory inspection under the management of the commissioner of labor . . . . Said commissioner shall, by himself or a representative, as often as practicable, examine all buildings and places where machinery is used, and may enter such buildings and places at all proper times for the purposes of inspection. . . ."

Section 3760. ***Enforcement.*** "The commissioner shall enforce the provisions of this chapter (Sections 3745 to 3775) by giving proper orders or notices to the persons or corporations owning, operating or managing the factories or buildings inspected by him and shall make complaint to the state's attorneys of any violation of the provisions of this chapter."

Section 3777. ***Industrial investigation. Special agents.*** "The commissioner of labor is authorized to investigate the wages, hours of employment, necessary expense of living and health so far as affected by their employment, of wage-earning women and girls in . . . laundries . . . manufacturing establishments and tenement house work. Such investigation shall be conducted under the supervision of said commissioner by a woman specially trained for this work and selected by him . . . . The commissioner may employ special agents to assist him in his investigations. . . ."

Section 3755. ***Order to remove excessive dust.*** See under statutory provisions relating to occupational health and safety, page 38.

Section 7370. ***Commissioner of labor . . . to search for violations.*** "The commissioner of labor . . . shall examine into the employment of minors and women and into the observance of the regulations contained in the preceding sections of this chapter, investigate all complaints of violations thereof and report all cases of such violation to the prosecuting officer having jurisdiction thereof. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 3750. ***Stained glass windows.*** "Each person, firm or corporation using stained, painted or corrugated glass in factory windows, where the same is injurious to the eyes of the workmen therein, shall remove the same upon the order of the commissioner."

Section 3751. ***Lighting and sanitary condition of factories and roundhouses.*** Requires factories and buildings where machinery is used to be "well lighted, ventilated and kept as clean as the nature of the business will permit. The belting, shafting, gearing, machinery and drums . . . when so placed as . . . to be dangerous to the persons employed there while engaged in their ordinary duties, shall, as far as practicable, be securely guarded. No machinery . . . shall be cleaned while running after notice forbidding the same. . . . The commissioner . . . shall examine the lighting and sanitary conditions of railroad roundhouses."

Section 3752. ***Toilet rooms in foundries.*** Authorizes the Commissioner to require employers in foundries employing 10 or more men to provide suitable toilet rooms "to be directly connected with such foundry building, properly heated, ventilated and protected from the dust of such foundry." Penalty for violation.

Section 3753. ***Toilets in manufacturing, mechanical and mercantile establishments and restaurants.*** Requires provision of "adequate toilet

accommodations, so arranged as to secure reasonable privacy, for both sexes employed or engaged in any such establishment. . . . Such accommodations shall include adequate fixtures, shall be maintained in good repair and in a clean and sanitary condition, adequately ventilated with windows or suitable ventilators opening to the outside and shall be provided with convenient means for artificial lighting." Penalty for violation.

Section 3755. *Order to remove excessive dust.* "Each employer whose business shall require the operation or use of emery, tripoli, rouge, corundum, stone, carborundum or other abrasive, polishing or buffing wheel, in the manufacture of articles of metal or iridium or whose business shall include any process which generates an excessive amount of dust, shall install and maintain in connection therewith such devices as may be considered necessary by the commissioner and the State department of health to remove from the atmosphere any dust created by such process. The commissioner with the State department of health, shall issue to any employer engaged in such business any order necessary to render effective the foregoing provision, and if . . . such order shall not be complied with, the commissioner may order any such department closed until such order shall be complied with. . . . Such orders shall be enforceable by the superior court . . . by injunction on application of the commissioner or the State department of health." Penalty for violation.

Section 3758. *Appliances for threading shuttles.* "Each person, firm or corporation engaged in weaving shall furnish suitable appliances to permit the threading of shuttles without the necessity of the operator putting any thread into his mouth or touching any portion of the shuttle with his lips."

Section 3759. *Public laundries; sanitation.* "A public laundry shall be regarded as a manufacturing establishment. . . . No laundry work shall be done in any public laundry in a room used as a sleeping or a living room. No employer shall permit any person to work in his public laundry who is affected with pulmonary tuberculosis, scrofulous or venereal disease or a communicable skin affection."

Section 3761. Prescribes penalties for violation of the two preceding sections.

Industrial Homework

Sections 3762 to 3766. Regulate industrial homework; provide for licensing and inspection of places so engaged; require that all such places conform in every respect to the provisions of the general statutes relating to heat, light, safety, health, ventilation and sanitation and governing the registration and operation of manufacturing and mechanical establishments, and working hours and conditions of women and minors. The Commissioner "shall report to the board of health, humane society or other agency having jurisdiction, any condition believed to be unhealthful, insanitary or otherwise prejudicial to the well-being of such homeworkers, in order that such condition may be investigated and corrected by such agency."

Section 7358. *Employees in paper factory to be vaccinated.* Provides that employer shall pay to any town all expenses caused it by the sickness of employees with smallpox contracted while so employed.

Section 7359. (As amended by Section 1288b of 1951 Supp. Gen. Stat.) *Safety regulations for workmen in building operations.* Contains specific safety requirements for building construction industry.

Section 7369. *Emergency kits required in factories.* Requires employers employing persons to work in connection with machinery in any manufacturing establishment, except those maintaining equipped first-aid-to-the-injured rooms, to be equipped with emergency kits, contents of which are enumerated. Penalty for violation.

Rules and Regulations

Promulgated by Labor Department.

Sanitary Codes for Connecticut Establishments. Code deals with provision of potable water supply; specifies type, construction and number of toilet, washing and drinking facilities, and sets forth requirements for ventilation and maintenance.

Employment of Women and Minors

Among pertinent provisions are the following:

Gen. Stat., 1949, Section 7352. *Employment of minors.* Prohibits employment of minors under 16 in specified industries and of minors under 18 "in any occupation which has been or shall be pronounced hazardous to health by State department of health or shall be pronounced hazardous in other respects by the department of labor." Penalty for violation.

Section 7368. *Seats to be provided for female employees.* Requires the provision of seats for female employees in mercantile, mechanical or manufacturing establishments and their use as duties permit it.

Reporting of Injuries

Section 3754. Persons in active charge of any manufacturing or mercantile establishment are required to report accidents resulting in death or causing absence from work for at least one week to the Commissioner of Labor. Penalty for failure to report.

WORKMEN'S COMPENSATION COMMISSION[1]

Gen. Stat., 1949, Sections 7416 to 7494. The Workmen's Compensation Act of Connecticut is administered by the Workmen's Compensation Commission, composed of five commissioners, acting as a board. Each commissioner has sole jurisdiction over his respective congressional district.

Occupational Disease Compensation

Section 7416. Personal injury is defined to include an occupational disease as defined. Full coverage.

Reporting of Injuries

Section 7441. Employers subject to the compensation law, are required to report injuries as prescribed by rules to the Commissioner, along with notices of claims for compensation. Duplicates of reports shall be transmitted to the Commissioner of Labor.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Gen. Stat., 1949, Sections 1409 to 1411. Authorizes the State Board of Education to maintain a "rehabilitation service for the rehabilitation and placement in remunerative employment of persons whose capacity to earn a living has been destroyed or impaired." Duties of the State Board as to vocational rehabilitation are enumerated. "Said board and the Workmen's Compensation Commission are authorized and directed to formulate a plan of cooperation for such rehabilitation work."

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[1] Additional reference below (State Board of Education).

STATE FIRE MARSHAL

Dry Cleaning and Dry Dyeing Establishments

Section 3690. The State Fire Marshal is authorized "to prepare and publish reasonable regulations for the safe storage, handling and use of cleaning fluids, dyes and other materials and safe methods of operation of dry cleaning and dry dyeing establishments in accordance with the customary standards of fire and accident prevention" for purpose of "limiting and controlling fire hazards and casualty hazards related thereto incident to the business of dry cleaning and dry dyeing."

PUBLIC UTILITIES COMMISSION

The Public Utilities Commission has jurisdiction over public utilities, railroads and other common carriers.

Sections 5401 to 5403. The Public Utilities Commission may order improvements, repairs or alterations in plants or equipment or changes in the manner of operation as may be reasonably necessary for the safety of the public and employees of public service companies. The Commission is authorized to investigate complaints made to it concerning defective plants or equipment of any public service company, or the manner of operating such plant, when endangering public safety or health or safety of employees.

Section 5615. Requires that street railway companies provide a seat or stool for use of the motorman. Penalty for violation.

MISCELLANEOUS

Section 7367. ***Care required of a master for his servant's safety.*** "It shall be the duty of the master to exercise reasonable care to provide for his servant a reasonably safe place in which to work, reasonably safe appliances and instrumentalities for his work and fit and competent persons as his co-laborers. . . ."

Section 7364. ***Inspection of lodging houses.*** "Any agent of a firm or corporation and every other person who shall maintain or have charge of any structure used as a boarding house or place of abode for laborers . . . shall . . . notify the health officer of the town, city or borough in which such structure is located. Such health officer . . . shall inspect such premises and may forbid the use of the same altogether or make such other orders as he may deem necessary to protect the health of the inmates.

DELAWARE

SOURCES: Revised Code of Delaware 1935
Laws of Delaware 1939, 1941, 1949, 1951

STATE BOARD OF HEALTH

Authority and Functions [1]

Laws of Delaware 1941, Chapter 91, Section 2. ***Duties; Powers . . . Making and Enforcing Regulations and Orders . . . Misdemeanor; Penalty.*** "The State Board of Health shall have supervision of all matters relating to the preservation of the life and health of the people of the State. . . .

[1] Additional reference on page 41 (Section 50).

The said Board shall have the power . . . to adopt, promulgate, amend, and repeal regulations consistent with the law, which shall be enforced by all State and local public health officials, for the following purposes: (a) to prevent and control the spread of all diseases that are dangerous to the public health; (b) to prevent and control nuisances which are or may be detrimental to the public health . . . (g) to provide for the sanitary production, distribution, and sale of market milk and dairy products and other foods . . . (k) to protect and promote the public health generally in this State, and to carry out all other purposes of the laws pertaining to the public health. . . . Such regulations of the State Board of Health shall have the force and effect of law and shall supersede all local ordinances and regulations heretofore or hereinafter enacted or adopted which are inconsistent therewith. . . .

"The said State Board of Health shall make careful inquiry as to the cause of disease . . . sanitary condition and effects of localities, employments, the personal and business habits of the people . . . shall be subjects of careful study by the said Board of Health . . .

". . . Said Board of Health shall, when requested by public authorities, or when it deems best, advise officers of the State, county or local governments in regard to drainage, and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place."

General Provisions Relating to Occupational Health

Statutory Provisions

Revised Code 841, Section 98. Deals with licensing of places where soft drinks or beverages are manufactured. License may be denied if such establishment is found in an insanitary condition.

Laws of Delaware 1949, Chapter 339. Deals with regulation and licensing of commercial places processing poultry. Issuance of license is contingent upon compliance with sanitary regulations.

Rules and Regulations

None specifically.

Reporting of Occupational Diseases

None.

LABOR COMMISSION OF DELAWARE

Authority and Functions

R. C. 1100, Section 3. *Officials or Employees.* . . "The Commission shall have power and authority . . . to make all appointments of officials or employees which may be made under any law relating to the condition, regulation or inspection of labor of minor children, or the condition, regulation or inspection of labor of females. . ."

R. C. 3621, Section 31. *Child Labor Inspector, Duties of.* "The State Child Labor Inspector may visit and inspect at any time any establishment in this State to ascertain whether any children are employed therein contrary to the provisions of this Article and it shall be the duty of the said inspector to make complaint against any person, firm or corporation violating any of its provisions and to prosecute the same."

R. C. 3640, Section 50. *Enforcement.* "It shall be the duty of the Inspectors appointed by the Labor Commission of Delaware to enforce the provisions of

this Article. The Inspectors shall visit and inspect establishments, and shall have the power whenever they have reason to suppose that work is being performed to visit and inspect any establishment in or in connection with which any female shall be employed or permitted to work. The Inspectors shall investigate all complaints of violation of this Article received by said Inspectors, and institute prosecutions for the violations of the provisions thereof.

"The State Board of Health of Delaware shall determine what are poisonous fumes and gases and what are poisonous or injurious dust, lint or particles of material, as set out in Section 48 of this Article [1] and the Labor Commission of Delaware shall determine the definition of all other terms used in this Article; and shall have power to adopt and promulgate suitable rules and regulations for effectively carrying out the provisions of this Article; but the decision of either the State Board of Health of Delaware or the Labor Commission of Delaware shall not be final, but subject to appeal to the Court of General Sessions of the State of Delaware in and for the county of the person appealing, or in case the appeal be prosecuted by the Labor Commission of Delaware, from the decision of the State Board of Health, then in and for the county wherein said poisonous fumes or gases or poisonous or injurious dust, lint or particles of material are created. . . .

"If found necessary to make changes in or additions to any establishments named in Section 43 [2] for ventilation, sewerage, water closets or plumbing, the Inspectors shall require the owner of the building in which such establishment is situated to provide the necessary changes, additions, or improvements, if they are of a permanent character and will become the property of the owner of the building in which such establishment is located."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

(Apply to establishments listed in R. C. 3633, section 43, employing females.)

R. C. 3633, Section 43. ***Toilets.*** Requires suitable and easily accessible toilet facilities for women and separate facilities where both men and women are employed in "every mercantile, mechanical, transportation or manufacturing establishment, laundry, baking or printing establishment, dressmaking establishment, place of amusement, telephone or telegraph office or exchange, hotel, restaurant or office." Requirements for number of toilets and their cleanliness are set forth.

R. C. 3634, Section 44. ***Seats.*** Requires employers to provide suitable seats for female employees and permit their use when duties allow it.

R. C. 3635, Section 45. ***Dressing Rooms.*** Sets forth requirements for number and type of dressing rooms in establishments employing women.

R. C. 3636, Section 46. ***Lunch Rooms in Certain Establishments.*** "In every establishment in which white lead, arsenic, nicotine or other poisonous or injurious substances, fumes or gases are present, or in which dust, lint or particles of material are created by the machinery or by the material in the process of manufacture, and in which females are employed or permitted to work, there shall be provided a suitable room, free from the aforesaid substances . . . for the use of such employees during the time allowed for meals (and) they shall not be permitted to remain in any room where the aforesaid substances . . . shall be present. In such establishments, washing facilities shall be provided, including hot water, soap and individual towels or paper tissue towels."

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[1] See page 43.
[2] See below.

R. C. 3637, Section 47. ***Ventilation and Heat.*** "In every establishment named in Section 43 of this Article in which females are employed or permitted to work, there shall be provided not less than 250 cubic feet of air space for each and every person in every workroom in said establishment, where persons are employed. In aforesaid establishments all workrooms shall be adequately heated and ventilated, and all workrooms, halls and stairways shall be kept in a clean and sanitary condition and properly lighted."

R. C. 3638, Section 48. ***Exhaust Fans in Certain Establishments.*** "In every establishment in which poisonous fumes or gases are present, or in which poisonous or injurious dust, lint, or particles of material are created by the machinery or by the material in the process of manufacture and in which females are employed or permitted to work, there shall be provided proper hoods and pipes connected with exhaust fans of sufficient capacity to remove such fumes, gases, dust, lint or particles of material at the point of origin and prevent them from mingling with the air of the room, and such fans shall be kept running constantly while such fumes, gases, dust, lint or particles of material shall be generated or present.

R. C. 3638, Section 49. ***Drinking Water.*** Requires provision of clean and pure water and individual cups or sanitary fountains in establishments employing females.

R. C. 3641, Section 51. Prescribes penalties for violation.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among other pertinent provisions are the following:

R. C. 3594, Section 4. Requires at least 45-minute interval after 6 hours of continuous work and not less than 30 minutes for every female for meal period; and prohibits employees to remain in workrooms during time allowed for meals.

R. C. 3602, Section 12. Prohibits employment of children under 16 in specified occupations, places of employment, or in connection with certain processes, and any others dangerous to life or limb or injurious to health or morals of such child, as determined and declared to be dangerous or injurious by the Labor Commission.

R. C. 3605, Section 15. Prohibits employment of children under 18 in certain specified employments.

R. C. 3629. Exempts children over 14 employed in canneries from provisions.

INDUSTRIAL ACCIDENT BOARD [1]

The Delaware Workmen's Compensation Act is administered by the Industrial Accident Board. (R. C. 6071, Section 1 to R. C. 6129, Section 59, as amended)

R. C. 6093, Section 23. ". . . Said Board shall inquire into the causes and results of industrial accidents of every character, study the most advanced methods of safeguarding against such accidents, inquire into the subject of fair compensation. . . ."

Occupational Disease Compensation

R. C. 6114, Section 44, as amended by Laws of Delaware 1949 and Laws of Delaware 1951. Provides for full coverage.

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[1] Additional reference on page 44 (State Board of Vocational Education).

Reporting of Injuries

R. C. 6094, Section 24. Requires every employer bound by the compensatory provisions of this chapter to keep a record of all injuries, fatal or otherwise, and within 10 days after knowledge of occurrence, to make a report to the Board. Penalty for noncompliance.

CANNERY INSPECTOR

R. C. 4075, Section 180 to R. C. 4084, Section 189. Establishes the office of the Cannery Inspector and places under his jurisdiction all matters relating to the sanitation of factories or establishments in which fruits, vegetables and by-products thereof are packed and preserved. Rules and regulations for the sanitation of such establishments are set forth and cover cleanliness of establishment and machinery, provision of adequate washing, dressing and toilet facilities, clothing, and prohibition of persons with infected wounds from handling food products. Penalty for violation.

STATE BOARD OF AGRICULTURE

R. C. 624, Section 57. The State Board of Agriculture is empowered to make rules and regulations for the grading, packing, handling, storage, and sale of all food products.

STATE BOARD OF VOCATIONAL EDUCATION

Laws of Delaware 1939, Chapter 201. Establishes a Division for Vocational Rehabilitation in the State Board for Vocational Education and empowers the State Board to make rules and regulations for, among other things, vocational rehabilitation and placement in remunerative occupations of vocationally handicapped persons, and to cooperate with the Industrial Accident Board in formulation of a plan. Provisions of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted.

TRADE BOARD

R. C. 6278, Section 1 to R. C. 6286, Section 9. Establish the Trade Board and place under its jurisdiction the regulation and licensing of cleaning, dyeing and pressing establishments; and empower the Board, among other things, to adopt and promulgate rules and regulations controlling the trade including the methods and processes and manner in which such work and services shall be performed.

PUBLIC SERVICE COMMISSION

Laws of Delaware 1949, Chapter 254 (as amended by Laws of Delaware 1951). Creates the Public Service Commission, and places under its jurisdiction the supervision and regulation of all public utilities including railroads, street railways, motor vehicles, communications and power. Its authority includes investigation of any matter concerning any public utility and right to inspect and examine facilities and equipment.

MISCELLANEOUS

Erecting or Repairing Buildings

R. C. 3631, Section 41 and R. C. 3632, Section 42. Contain regulations for safety of employees engaged in building, repair, or construction work or on scaffolding. Penalty for violation.

DISTRICT OF COLUMBIA

SOURCES: District of Columbia Code 1951
U. S. Code Annotated
Longshoremen's and Harbor Workers' Compensation Act
D. C. Building Code
Rules and Regulations

COMMISSIONERS OF THE DISTRICT OF COLUMBIA [1]

District of Columbia Code 1951, Section 1–226. ***Regulations for protection of life, health, and property.*** "The Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such reasonable and usual police regulations . . . as they may deem necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia."

Section 4–119. ***Duties of Board of Commissioners as head of police department.*** "It shall be the duty of the Commissioners of the District of Columbia . . . Fourth. To guard the public health. . . . Sixth. To remove nuisances existing in the public streets, roads . . . and other places. . . . Tenth. To enforce and obey all laws and ordinances in the District, or any part thereof, which are properly applicable to police or health, and not inconsistent with the provisions of this title. . . ."

Smoke Abatement

Section 6–801. ***Emission of smoke and other foreign substances—Liability—Removal of debris to prevent accumulation—Escape and discharge of material and odors.*** "No person shall cause, suffer, or allow dense smoke to be discharged from any building, stationary or locomotive engine, or motor vehicle, place, or premises within the District of Columbia. All persons participating in any violation of this provision, either as proprietors, owners, tenants, managers, superintendents, captains, engineers, firemen, or motor-vehicle operators, or otherwise, shall be severally liable therefor. The owners, lessees, tenants, occupants, and managers of every building, or place in or upon which a locomotive or stationary engine, furnace, or boiler is used shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate, nor shall any person cause, suffer, or allow cinders, dust, gas, steam, or offensive nor noisome odors to escape or to be discharged from any such building, or place, to the detriment or annoyance of any person or persons being therein or thereupon engaged."

Section 6–802. ***Commissioners to make regulations.*** "The Commissioners of the District of Columbia are hereby authorized and directed to make

[1] Additional reference on page 46 (Section 6–101).

and promulgate reasonable classifications and regulations for the installation and operation of combustion and all other devices susceptible for use in such manner as to violate the purposes of sections 6–801 to 6–804, and the said commissioners may from time to time alter, amend, or rescind such regulations and promulgate such amended or additional regulations as they may in their discretion deem necessary."

Section 6–803. Prescribes penalty for violation.

Section 6–804. Holds Commissioners of the District of Columbia responsible for enforcement of sections 6–801 to 6–803, who may direct the police department, the health department or any officer or employee of the government of the District of Columbia to perform such service as is necessary with the enforcement of these sections.

DISTRICT OF COLUMBIA HEALTH DEPARTMENT

Authority and Functions

D. C. Code 1951, Section 6–101. *Director of public health—appointment of duties.* "The Commissioners of the District of Columbia shall appoint a physician as director of public health, whose duty it shall be, under the direction of the said commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said commissioners."

Section 6–104. *Sanitary inspectors, appointment, qualifications . . .* "There may be appointed by the Commissioners of the District of Columbia, on the recommendation of the director of public health, a reasonable number of sanitary inspectors for said District . . . of whom two may be physicians and one shall be a person skilled in the matters of drainage and ventilation. . . ."

Section 33–307. Empowers the Director of Public Health, under the direction of and with approval of the Commissioners, to make and enforce all reasonable regulations to protect the milk, cream, and ice cream supply of the District of Columbia.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by the Office of Commissioners.

Regulations Concerning the Use and Occupancy of Buildings and Grounds. As amended July 28, 1922.

"1. That it shall be and is hereby made the duty of the owner of any premises or building, situated in the District of Columbia to provide and furnish such premises and building with adequate facilities for heating, ventilating and lighting the same, and with proper and sufficient water closets or privies. . . .

"3. That no person being the owner, proprietor, lessee, manager, or superintendent of any store, factory, workshop, or other structure or place of employment where workmen or workwomen are employed for wages, shall cause, permit, or allow the same, or any portion or apartment thereof, or any room therein to be overcrowded or inadequate, faulty or insufficient in respect of lighting, heating, or ventilation. Every such store, factory, workshop, or place shall be kept in a clean and wholesome condition, and, as far as practicable, free from all gases,

vapors, dust, or other impurities generated by manufacturing processes or otherwise, and injurious to health. Sufficient and separate urinals and privies shall be provided for male and female employees. . . ."

MINIMUM WAGE AND INDUSTRIAL SAFETY BOARD

Authority and Functions

D. C. Code 1951, Section 36–433. ***Additional duties of Board under this subchapter.*** "The Board . . . shall have power to make such inspections and investigations as it may deem necessary; collect and compile statistical information; require employers to keep their places of employment reasonably safe; require employers to keep such records as it may deem advisable and to furnish the Board with complete, detailed reports relative to all accidents; determine and fix reasonable standards of safety in employment, places of employment, in the use of devices and safeguards, and in the use of practices, means, methods, operations, and processes of employment; promulgate general rules and regulations based upon such standards and fix the minimum safety requirements which shall be complied with by employers within the purview of this subchapter."

Section 36–437. ***Employment of Director of Industrial Safety—Compensation—Duties.*** "The Board is hereby authorized to employ a Director of Industrial Safety. . . . The Director shall perform such duties as may be prescribed by the Board in administering the provisions of this subchapter."

Section 36–439. ***Authority to examine place of employment.*** "(a) The Board, or any officer or employee acting under its authority, shall have the authority, at any reasonable time, to enter any place where an employment covered by this subchapter is being carried on, and to examine any structure, tool, appliance, machinery, or process used in or connected with such employment. No employer or other persons shall refuse to admit any member of the Board or its authorized representative to any such place or to permit any such examination."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 36–438. ***Employers' duties—Furnish safe place of employment—Furnish required information—Report employees' injury, death, or disease—Record of employees.*** "(a) Every employer shall furnish a place of employment which shall be reasonably safe for employees, shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably safe and adequate to render such employment and place of employment reasonably safe.

"(b) Every employer shall furnish to the Board any information which the Board is authorized to require and shall make true and specific answers to all questions. . . .

"(d) Every employer shall keep an accurate record of every person employed by him so as to be able in case of accident immediately to give an accurate record relative to same."

Employment of Women

Among pertinent provisions are the following:

Section 36–307. Empowers inspectors to enter any building or place where labor is being performed by females for the purpose of carrying out legal provisions concerning employment of women.

Section 36–310. Requires employers employing women to provide proper and suitable seats for them, and to permit their use when not actively engaged in duties. Penalty for violation.

Reporting of Injuries

Section 36–438. . . . *Report of employees' injury, death or disease* . . . "(c) Every employer shall submit to the Board within ten days from the date of any injury or death, or from the date that the employer has knowledge of any disease or infection resulting from any injury, a duplicate copy of the report provided for in section 33–930, as made applicable to the District of Columbia by sections 36–501 and 36–502." [1]

BOARD OF EDUCATION OF DISTRICT OF COLUMBIA

Employment of Minors

D. C. Code 1951, Section 36–216. Empowers the Board of Education and its authorized agents to cause to be enforced provisions relating to employment of minors, make complaints against persons violating its provisions, and prosecute violations.

Among pertinent provisions are the following:

Section 36–201. Forbids any child under 14 to be employed in any gainful occupation, except in distribution of newspapers as further provided for.

Section 36–203. Prohibits the employment of minors "in any place of employment or at any employment, dangerous or prejudicial to the life, health, safety or welfare of such minor," and makes it the duty of the Board of Education to issue general orders prohibiting the employment of minors in such places.

Section 36–204. Prohibits employment of minors under 16 in the operation of any machinery operated by power other than hand and foot power and in oiling, wiping or cleaning machinery.

Section 36–205. Prohibits employment of minors under 18 in certain occupations including quarry, tunnel or excavation, tobacco warehouse or factory, and of girls under 18 in retail tobacco stores, hotels, places of amusement or in distribution or delivery of goods or messages.

WORKMEN'S COMPENSATION

D. C. Code, Section 36–501. Provisions of the Longshoremen's and Harbor Workers' Compensation Act approved March 4, 1927, including all amendments, are made applicable to workers in the District of Columbia with respect to injury or death, with exemptions as specified. The Act is administered by the Bureau of Employees' Compensation, U. S. Department of Labor.

Occupational Disease Compensation

The Longshoremen's and Harbor Workers' Compensation Act, Section 2. Defines the term "injury" to include accidental injury or death and such occupational disease or infection as arises naturally out of the employment.

Reporting of Injuries

The Longshoremen's and Harbor Workers' Compensation Act, Sections 29 and 30. Require employers to keep a record of all injuries to employees and

[1] Refers to the Longshoremen's and Harbor Workers' Compensation Act.

within 10 days from date of injury or death or from the date that the employer has knowledge of a disease or infection, to send to the Commission a report stating pertinent facts.

VOCATIONAL REHABILITATION OF PERSONS INJURED IN INDUSTRY

U. S. Code Annotated, Title 29, Section 36. *District of Columbia.* "Out of funds made available for the purpose, the Administrator (Secretary of the Department of Health, Education, and Welfare) is authorized to provide vocational rehabilitation services to disabled persons actually residing in the District of Columbia and to formulate and carry out a plan of cooperation with the Secretary of Labor with respect to the vocational rehabilitation of any such disabled residents as are civil employees of the United States disabled while in the performance of duty. In carrying out his functions under this section, the Administrator is authorized to utilize and enlarge facilities of appropriate units of the [Department of Health, Education, and Welfare], and to enter into agreements and cooperative working arrangements with public agencies and private persons, agencies, and institutions, within the United States, its Territories, and possessions, for services and use of facilities of such persons, agencies, and institutions and to compensate them and such units for such services and use."

PUBLIC UTILITIES COMMISSION

D. C. Code 1951, Section 43–208. The Public Utilities Commission has power, among other things, to make and serve orders directing repairs, improvements, or changes to service or equipment of street railroads, power communications and other public utilities in order to promote the comfort or convenience of the public and employees.

Section 43–601. Empowers the Commission to order such reasonable improvements as will promote the public interest, preserve the public health and protect users and those employed in the manufacture and operation of gas and electric works, and their distribution.

Section 44–205. Requires glass vestibules to be provided on all street railway cars during certain months to protect motormen from inclement weather.

MISCELLANEOUS

D. C. Building Code, Article 501–08. ***Rooms subject to special hazards.*** "Unless already provided for by law or duly authorized regulations, rooms in which, by reason of use or occupancy, dust, fumes, gases, vapors, or other noxious or deleterious impurities tending to injure the health of occupants or to create a fire hazard, exist or develop, shall be provided with sufficient ventilation facilities to insure that the occupants will not be subject to unhealthful conditions."

Article 505–03. (*d*) ***Ventilation required for workrooms.*** "All sources of noxious dust, fumes, vapors, gases, or mists shall be segregated whenever possible, or exhausted locally to such an extent that no hazard to the health of workers shall exist. Recirculation of air removed by local exhaust systems is prohibited unless the contaminant is removed by an approved method to a safe limit of concentration as provided in Article 501–08. . . . The duct system used shall be independent of any other ventilating system."

FLORIDA

SOURCES: Florida Statutes Annotated
1953 New Laws
Florida State Sanitary Code
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions [1]

Florida Statutes Annotated, Section 381.15. ***General powers of board.*** "The state board of health shall have the general supervision of the public health of the State of Florida, and may make, promulgate and enforce such rules and regulations as may be necessary for the preservation of the same. . . ."

Section 381.49. ***Rules and regulations of state board of health.*** "The State Board of Health may make, adopt, promulgate, enforce, and from time to time, amend, and repeal rules and regulations covering sanitation and quarantine as may be necessary for the protection of the public health. . . ."

Section 381.50. ***The Sanitary Code.*** "The Sanitary Code may include regulations covering . . . the production, handling and sale of foods and drinks . . . food canning plants . . . the sanitation of all . . . factories . . . and the sanitary regulation of any other condition, practice, establishment or institution as may be necessary for . . . the protection of public health. . . ."

Section 381.55. ***Study of causes of disease.*** "The state board of health shall provide for the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this state and the means for prevention, and the publication and distribution of such information as may contribute to the preservation of the public health and prevention of disease."

Section 381.58. Prescribes penalty for violations of the Sanitary Code.

Industrial Hygiene

Regulations of the Florida Industrial Commission, entitled ***Regulations for Control and Prevention of Occupational Diseases in Industry in the State of Florida,*** delegate the following functions to the Division of Industrial Hygiene, Florida State Board of Health:

Regulation No. 4 provides that "maximum allowable concentration for other contaminants not included in this code shall be stipulated after a study of the most recent toxicological information by the Florida State Board of Health or the Florida Industrial Commission has been made."

"Plans and specifications for ventilating systems designed for the control of health hazards shall be submitted to the Division of Industrial Hygiene of the Florida State Board of Health for approval previous to the installation of the ventilating systems. The Division of Industrial Hygiene shall be notified immediately upon the installation of a ventilating system in order that the system may be tested for performance and given final approval."

Regulation No. 8 states that "any place of employment using radio-active compounds or any industrial process using or emitting short wave . . . radiant energy shall have the working environment inspected and checked by the Division of Industrial Hygiene of the State Board of Health and the employee examined at intervals of not less than six months."

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[1] Additional references on page 52 (Section 440.152, and Rules and Regulations).

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations [1]

Adopted by State Board of Health.

1. Florida State Sanitary Code, Chapter VII. ***Drinking Water, Toilet and Washroom Facilities in Buildings Serving the Public and in Places of Employment.*** Effective July 24, 1949.

Regulations require that places of employment must provide suitable and separate sanitary facilities for employees; specify the number and type of facilities; and require that they be kept clean, lighted and ventilated.

2. Chapter XXV. ***Camps.***

Regulations apply to labor camps and camps established for recreational purposes. Requirements cover issuance of permits, sanitation and cleanliness of premises and facilities, and inspections.

3. ***Food Sanitation.***

The Sanitary Code contains regulations governing food sanitation in commercial food canneries, abattoirs and sea-food preparation establishments. Requirements cover cleanliness of premises and equipment, ventilation and heating, and provision of sanitation facilities. Persons afflicted with infectious or communicable diseases are prohibited from working.

Reporting of Occupational Diseases

None.

FLORIDA INDUSTRIAL COMMISSION

Authority and Functions

Florida Statutes Annotated, Section 440.46. ***Investigations by the Commission.*** "(1) The Commission shall make studies and investigations with respect to safety provisions and the causes of injuries in employments covered by this chapter, and shall from time to time make to the legislature and employers and carriers such recommendations as it may deem proper as to the best means of preventing injuries. In making such studies and investigations the Commission is authorized (a) to cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any employment covered by this chapter, or with the State factory inspector or any agency or department of the State engaged in enforcing any laws to assure safety for employees, and (b) to permit said inspector or any such agency or department to have access to the records of the Commission. . . ."

Section 440.56. ***Safety rules and provisions; penalty.*** ". . . (2) The Commission shall have the power, jurisdiction and authority: (a) To investigate and prescribe what safety devices, safeguards or other means of protection shall be adopted for the prevention of accidents in every employment or place of employment, and to determine what suitable devices, safeguards, or other means of protection for the prevention of industrial or occupational diseases shall be adopted or followed in any or all such employments, or places of employment and to make, amend or repeal reasonable rules for the prevention of acci-

[1] See under Rules and Regulations of Florida Industrial Commission, page 52.

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dents and the prevention of industrial or occupational diseases. (b) To ascertain, fix, and order such reasonable standards and rules for the construction, repair and maintenance of places of employment as shall render them safe. . . .

"(5) The Commission and its authorized representatives shall have the power and authority to enter at any reasonable time any place of employment for the purpose of examining any tool, appliance or machinery used in such employment and of making inspections for the proper enforcement of this section. No employer or owner shall refuse to admit any member of the Commission or its authorized representatives to any place of employment. . . ."

Section 450.22. ***Enforcement of chapter (450).*** Authorizes the Florida Industrial Commission and other law enforcement agencies to enforce child labor laws, and provides for power of entry and authority to inspect establishments covered by the law.

Section 440.152. ***Commission to make study of occupational diseases, etc.*** "The Workmen's Compensation Division of the Florida Industrial Commission shall make a study of occupational diseases and the ways and means for their control and prevention; shall make and enforce necessary regulations for such control. For this purpose the Division is authorized to cooperate with employers, employees and carriers and with the State Board of Health. . . ." (Note: The study was carried out.)

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 440.56. ***Safety rules and provisions; penalty.*** "(1) Every employer shall furnish employment which shall be safe for the employees therein and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life, health and safety of such employees; provided that as used in this section the terms 'safe' and 'safety' as applied to any employment or place of employment shall mean such freedom from danger as is reasonably necessary for the protection of the life, health and safety of employees or the public, including conditions and methods of sanitation and hygiene. . . ." Penalty for violation of provisions of this section.

Section 448.05. ***Seats to be furnished for employees in stores; penalty.*** Requires merchants and storekeepers to furnish suitable seats for use of employees in stores when not engaged in active work or not required to stand in performance of duties. Penalty for violation.

Rules and Regulations

Adopted by Industrial Commission.

Regulations for Control and Prevention of Occupational Diseases in Industry in the State of Florida. Adopted April 14, 1947. (Drafted jointly with Division of Industrial Hygiene, State Board of Health, and U. S. Public Health Service.)

Regulation No. 1. *Definitions.*

Regulation No. 2. *Environmental Standards.* "There shall not exist in any place of employment any process, material or condition known to have an adverse effect on health unless provisions are present to maintain the occupational environment in such a manner as to prevent the existence of a health hazard."

Regulation No. 3. *Housekeeping.* Requires good housekeeping practices in all places of employment so as to prevent the existence of a nuisance condition, the maintenance of floors in a clean and dry condition and the provision of boots

for employees required to stand in water; prohibits dry sweeping and compressed air cleaning in areas where hazardous dusty operations are carried on; and requires cleaning to be done at such time as minimum number of workers are involved, and minimum amount of dust is liberated into the air.

Regulation No. 4. *Atmospheric contaminants.* Sets forth maximum allowable concentrations for atmospheric contaminants and authorizes both the State Board of Health and the Industrial Commission to stipulate others; specifies the methods of control to be used when excessive amounts of contaminants are liberated into the air, such as substitution, enclosure, wet methods, ventilation, and respirators; authorizes the Division of Industrial Hygiene of the State Board of Health to examine plans and specifications for ventilating systems, and to approve other methods of control of contaminants, when indicated.

Regulation No. 5. *Direct skin contact.* Requires the use of personal protective measures for prevention of dermatitis, and of goggles for employees exposed to harmful rays of light radiation.

Regulation No. 6. *Illumination.* Standards to be followed are those recommended by the Illuminating Engineering Society and contained in American Standards Association Code A–11–1942.

Regulation No. 7. *Pressure.* Regulates working conditions under abnormal atmospheric pressure; specifies limiting hours and pressures under which men may work and rate of decompression; requires gauges and that records be kept of all men under pressure when air pressure exceeds 17 pounds per square inch; outlines general requirements with respect to exhaust valves, communications and compression plant; requires the maintenance of a medical lock and the employment of at least one licensed physician to be in attendance while work under compressed air is in progress, and to examine workers for physical fitness at specified intervals and occasions; and requires identification badges for compressed air workers.

Regulation No. 8. *Radiant energy.* Prohibits use of radiant energy in such quantities as may cause injury to health; authorizes the Division of Industrial Hygiene of the Florida State Board of Health to inspect industrial processes using radioactive compounds or emitting short wave radiant energy at intervals of not less than 6 months; and sets forth standards for maximum allowable concentrations.

Regulations 9 and 10. Refer to sanitation in places of employment and in the preparation and serving of food and drink. Regulations to be followed are those set forth in the Florida State Sanitary Code, and/or of the local enforcement agency having jurisdiction.

Recommendation No. 1. *Noise.* Recommends that "continuous noise levels be kept as low as possible in accordance with good engineering practices."

Employment of Women and Minors

Among pertinent provisions are the following:

Florida Statutes Annotated, Section 450.03. Prohibits employment of minors under 16 years of age "in a factory, workshop, mill, mechanical establishment, laundry, or in any occupation for which a higher minimum age has been established."

Section 450.05. Regulates hours of work of minors under 16 in certain occupations; requires lunch period after 5 hours of consecutive work for all minors under 18.

Section 450.08. Prohibits employment of minors under 16 in certain specified occupations, and of minors under 18 years of age in any employment or occu-

pation determined and declared by the Florida Industrial Commission as "hazardous or injurious to the life, health, safety or welfare."

Section 450.09. Requires employers to furnish proper safety appliances and guards in all manufacturing establishments where minors under 18 are employed.

Section 450.10. Requires the provision of suitable washrooms and water closets in all establishments employing minors under 18, and dressing rooms for girls when change of clothing is required.

Section 450.11. Requires provision of seats in all establishments employing girls under 18.

Section 450.12. Authorizes the Industrial Commission to require manufacturing establishments employing minors under 18 to limewash or paint walls of each room.

Section 450.13. Authorizes grand juries and county solicitors of criminal courts with "inquisitorial powers to investigate violations of this chapter."

Section 450.18. Provides for penalty for employing minors in violation of law and for obstructing inspectors.

Section 420.25. Permits children within protection of child labor statutes to be employed in production of motion pictures, if determined not to be "hazardous or detrimental to their health, morals, education or welfare" by the Florida Industrial Commission.

Workmen's Compensation

Workmen's Compensation Law is administered by the Workmen's Compensation Division. (Sections 440.02 to 440.57)

Occupational Disease Compensation

Section 440.151. Occupational disease is treated as the happening of an injury by accident. Full coverage.

Reporting of Injuries

Sections 440.35 and 440.36. Require employers to keep records of injuries to employees and to send a report to the Commission within 10 days after the date of receipt of notice or of knowledge of injury or death. Reports made in accordance with this section are not to be used as evidence in any proceeding in respect of such injury or death on account of which a report is made. Penalty for violation.

Vocational Rehabilitation

Section 440.49 (as amended by 1953 New Laws, Senate Bill No. 344). Authorizes the Industrial Commission to assist in rehabilitating injured employees and to cooperate with federal and State agencies engaged in vocational rehabilitation. Persons refusing to accept appropriate training or education, deemed reasonable by the Commission, may be penalized by reduction or suspension of compensation benefits.

STATE BOARD OF EDUCATION

Vocational Rehabilitation Law

Sections 229.25 to 229.39. Establishes a Division of Vocational Rehabilitation under the supervision of the State Board of Education to administer the vocational rehabilitation law; authorizes it to cooperate with other departments and agencies in providing vocational rehabilitation of disabled individuals, and to conduct related research and compile statistics; and authorizes it to cooperate with the federal government in carrying out purposes of the federal statutes. Criteria for eligibility for vocational rehabilitation are included.

RAILROAD AND PUBLIC UTILITIES COMMISSION

Chapter 350. The Commission has jurisdiction over railroads, common carriers and public utilities. Among its powers is authority to adopt rules and regulations to insure safety of roadbeds, tracks, stock, and other fixtures and equipment of railway lines.

NUISANCE CONTROL

Section 386.12. ***Certain acts declared to be nuisances; penalty.*** "The boiling of offal, swill, bones, fat, tallow or lard, the crushing, grinding or burning of bones or shells, cleaning guts, making glue from any dead animal or part thereof, making or boiling varnish or oil, making lamp black, turpentine or tar, distilling ardent, alcoholic or fermented spirits, storing or keeping fat scraps, grease or other offensive animal matter, rendering or drying out dead, undressed and unslaughtered animals, or any other business or trade whereby noisome stenches and odors and noxious gases arise or are generated, within any incorporated or unincorporated city or town of the State of Florida of over two hundred inhabitants, are declared nuisances injurious to health; and any person who shall cause, erect, create, maintain or continue any such nuisance, and who shall fail, after due notice from the State health officer, to abate the same, shall be fined one hundred dollars."

GEORGIA

SOURCES: Code of Georgia Annotated, as amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Code of Georgia Annotated, Section 88–107. ***Rules and regulations of Board; powers, duties and rights.*** "The Board of Health shall establish such rules and regulations for its own direction as it may deem proper and may confer upon the Director of the Department of Public Health such duties and powers as it deems proper. . . ."

Section 88–112. ***Powers and duties of Board.*** "The State Board of Health shall have supervision of all matters relating to the preservation of the life and health of the people. . . . It shall be the duty of all local boards of health and public and municipal officers of this State to enforce such quarantine and sanitary rules and regulations as may be adopted by the State Board. . . . It shall respond promptly when called upon by the State or local governments . . . to investigate and report upon the water supply, sewage, disposal of excreta, or ventilation of any place or public buildings. . . ."

Regulation Concerning the Reporting of Occupational Diseases and Investigations Covering Them. Adopted by State Board of Health, October 1941.

"The State Department of Public Health is authorized to investigate and to make recommendations for the elimination or prevention of occupational diseases which have been reported to it or which shall be reported to it in accordance. . . Said Department is also authorized to study and make recommendations in regard to conditions that may be suspected of causing occupational diseases. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Board of Health.

Regulation Governing the Use of Hatter's Mercurial Carroting Solutions. Adopted October 16, 1941.

Prohibits the use of mercurial carrot in the preparation of hatters' fur or the use of mercurial carroted hatters' fur in the manufacture of hats.

Reporting of Occupational Diseases

Regulation Concerning the Reporting of Occupational Diseases and Investigations Covering Them. Adopted by State Board of Health, October 1941.

Requires each physician having knowledge of any person whom he believes to be suffering from any occupational disease to report the same to the Board of Health in the same manner as other notifiable diseases. Reports thus made shall not be open to public inspection.

Code of Georgia Annotated, Section 114–827. ***Reports to State Board of Health.*** "It shall be the duty of the State Board of Workmen's Compensation to report to the State Board of Health all occupations found to be hazardous and all cases of occupational disease which are filed in the office of the State Board of Workmen's Compensation. The forms for such reports shall be supplied to the State Board of Workmen's Compensation by the State Board of Health."

DEPARTMENT OF LABOR

Authority and Functions

Section 54–102. ***Establishment; powers and duties.*** Establishes the Department of Labor and confers upon it all powers and duties heretofore vested by law in the Department of Industrial Relations, except as otherwise provided.

Section 54–107. ***Same; duties.*** "The Commissioner shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the Department to administer and to enforce, except as provided in section 54–108 (Workmen's Compensation) and shall direct all inspections and investigations except as otherwise provided."

Section 54–122. ***Powers of Commissioner.*** ". . . the Commissioner of Labor shall have the power, jurisdiction, and authority: (a) To superintend the enforcement of all labor laws in the State of Georgia, the enforcement of which is not otherwise specifically provided for, and all rules and regulations made pursuant to sections 54–124 and 54–125.[1] (b) To make or cause to be made all necessary inspections to see that all laws and rules made pursuant thereto which the Department has the duty, power and authority to enforce, are promptly and effectively carried out; (c) To make investigations, collect and compile statistical information and report upon the conditions of labor

[1] Sections 54–124 and 54–125 prescribe procedure for adopting, amending and repealing rules.

generally and upon all matters relating to the enforcement and effect of the provisions of this chapter and of the rules issued thereunder; (d) To make and promulgate such rules or changes in rules, as he may deem advisable for the prevention of accidents or the prevention of industrial or occupational diseases in every employment or place of employment, and such rule, or changes in rules, for the construction, repair and maintenance of places of employment . . . as he may deem advisable to render them safe. The Commissioner may appoint committees composed of employers, employes and experts to suggest rules or changes therein. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 54–123. *Employer's duty as to safety.* "(a) Every employer shall furnish employment which shall be reasonably safe for the employees therein and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees: Provided that, as used in this Chapter, the term 'safe' or 'safety' as applied to any employment or place of employment shall include conditions and methods of sanitation and hygiene reasonably necessary for the protection of the life, health, safety, and welfare of employees.

"(b) Every employer and every owner of a place of employment, place of public assembly, or public building, now or hereafter constructed, shall so construct, repair, and maintain the same as to render it reasonably safe."

Rules and Regulations

Rules made Pursuant to Section 54–122 (d).

Rules contain 60 brief statements covering prevention of accidents; good housekeeping practice; safeguarding machinery, equipment, workplaces, and installations; provision of sanitation, washing, drinking and eating facilities; use of goggles, protective clothing for persons exposed to hazards of welding, cutting or burning operations, handling hot or corrosive substances; eye and respiratory protection; and maintenance and inspections of workplaces. Operations and equipment not covered are governed by codes of the American Standard Association or the Underwriters.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 54–302. Prohibits employment of children under 16 in or about certain establishments or in any occupation designated as hazardous in accordance with section 54–304.

Section 54–304. Prohibits employment of children under 16 in specified occupations or places of employment, or in any others designated by the Commissioner of Labor as hazardous, dangerous, or injurious to life, limb, or health. Children employed in summer months in peach packing houses are exempted.

Section 54–401. Requires provision of seats for female employees in all manufacturing, mechanical and mercantile establishments and their use when not actively engaged in duties.

Workmen's Compensation

The Workmen's Compensation Law is administered by the State Board of Workmen's Compensation.[1] (Sections 114–101 to 114–827).

Occupational Disease Compensation

Section 114–803. Provides for schedule coverage. Four groups of diseases are named.

Reporting of Injuries

Section 114–716. Requires every employer who accepts provisions of Workmen's Compensation Law to keep a record of all injuries, fatal or otherwise, received by employees; and to report to Department of Labor within 10 days all cases requiring medical or surgical treatment or causing absence for more than 7 days. Penalty for failure to report.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 32–2301 to 32–2315. The Vocational Rehabilitation Division is established under the supervision of the State Board of Education. The Division is authorized to provide authorized services to the physically and mentally impaired; to cooperate with other departments, agencies and institutions in providing services; to conduct research and compile statistics relating to services and needs of the impaired; to provide for the establishment, supervision and control of suitable business enterprises; and to utilize appropriated funds for establishing and operating rehabilitation centers. The Division is empowered to cooperate with the federal government in carrying out purposes of federal statutes relating to vocational rehabilitation. Criteria for eligibility for vocational rehabilitation services are given.

DEPARTMENT OF AGRICULTURE

The Department of Agriculture has jurisdiction over sanitation of slaughterhouses and dairies.

Chapters 42–4 and 42–5. Include provisions requiring that such places be maintained in a sanitary condition, and empower the Commissioner to promulgate necessary rules and regulations.

PUBLIC SERVICE COMMISSION

The Public Service Commission has jurisdiction over all common carriers, railroads, docks, and public utilities.

Sections 68–521 and 68–627. Empower the Commission to make safety rules relating to, among other things, the safe condition of motor contract common carriers.

Sections 68–522 and 68–628. Regulate hours of duty of drivers of motor contract and common carriers, respectively, and require at least 10 hours continuous rest after duty period.

Section 18–106. Regulates hours of trainmen, and requires at least a 10-hour rest interval after 13 hours of duty in any 24-hour period. Prescribes penalty for violation.

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[1] Additional reference on page 56 (Section 114–827).

HAWAII

SOURCES: Revised Laws of Hawaii 1945
Session Laws for 1945, 1947, 1949 and 1951
Rules and Regulations of State Agencies

BOARD OF HEALTH OF THE TERRITORY

Authority and Functions [1]

Revised Laws of Hawaii 1945, Section 2007. ***General powers of the board.*** "The board shall have general charge, oversight and care of the health and lives of the people of the Territory. It shall have authority in matters of quarantine and other health matters. . . . It shall be the duty of all county health authorities, sheriffs and police officers and all other officers and employees of the Territory, and every county thereof, to enforce the rules and regulations of the board. All such powers in health matters as have been or may be conferred upon any county shall be concurrent with those of the board. . . ."

Section 2015. ***Subjects of (health regulations), generally.*** "The board, with the approval of the governor, may make such regulations as it shall deem necessary for the public health and safety respecting:

"1. Nuisances, foul or noxious odors, gases or vapors . . . causes of sickness or disease, within the respective districts of the Territory, and on board of any vessel;

"2. Adulteration and misbranding of food or drugs;

"3. (As amended by Session Laws 1945, Act 116) Location, air space, ventilation, sanitation, drainage and sewage disposal and other health conditions of buildings, courts, construction projects, excavations. . ."

"10. Bakeries, poi shops, abattoirs, stables, fish, meat or vegetable stores or markets. . .

"13. Any place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on. . .

"17. (As added by Session Laws 1945, Act 116) Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation, or entertainment. . . ."

"21. (As added by Session Laws 1951, Act 18) Sources of ionizing radiation."

Industrial Hygiene

Session Laws 1951, Act 18, "(Sec. 2012.06.) Section 1. ***Bureau of Industrial Hygiene.*** There shall be a bureau of industrial hygiene in the board of health of the Territory of Hawaii.

"(Sec. 2012.07.) Section 2. ***Enforcement, powers, and duties of the bureau.*** It shall be the duty of the bureau of industrial hygiene to enforce the rules and regulations of the board of health relating to or affecting industrial hygiene, and the bureau shall have the power and it shall be its duty to detect, prevent and control: (1) conditions and exposures affecting health which are associated with conditions of employment, (2) atmospheric pollution, (3) improper fumigation, (4) inadequate and improper ventilation, (5) sources of ionizing radiation, and (6) other similar conditions.

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[1] Additional reference on page 61 (Section 4112).

"Further, the bureau may conduct research and investigations, and disseminate knowledge and information to the public, concerning conditions in places of employment (and areas and places adversely affected by such places of employment) which may be responsible for the development of occupational diseases, afflictions and poor health, and concerning all other matters which are the subject of its duties."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by the Board of Health of the Territory.

Working Places and Conditions. Adopted October 30, 1947, and approved by Governor, November 28, 1947.

Regulations contain minimum requirements and apply to all places of employment except agriculture and domestic services. Regulations deal with provision of and method of dispensing drinking water; number, type, construction and maintenance of toilet rooms and facilities, wash and locker rooms, and rest room for women; provision for lunchrooms, prohibiting eating lunch in workroom or other place in which there are toxic dusts, fibers, fumes, mists, gases, vapors, infectious materials, or potentially hazardous conditions; requirements for waste disposal and housekeeping; minimum illumination requirements in terms of footcandles; and ventilation requirements for offices, nonhazardous work areas, rest, toilet and other rooms.

Regulations dealing with the protection of health and safety of employees cover protection against hot conditions; toxic limits of specific hazardous substances in the atmosphere; application of warning or caution labels on containers of hazardous substances; registration of information with the Board of Health on work operations releasing dusts, fibers, fumes, mists, gases or vapors; isolation of hazardous occupations; prohibition of use of physical or chemical accelerators for hastening evaporation of solvent; control of industrial exposures by means of exhaust ventilation including the approval of plans for ventilation system installations by the Board of Health; wet methods of dust control; provision and maintenance of personal protective equipment; provision of safety devices on machines and equipment in accordance with rules of the Commission of Labor and Industrial Relations; reduction of excessive noise; requirements for first-aid work and kits; responsibilities of employer in providing and maintaining approved equipment or supplies necessary to protect the health of the workers and in instructing employees as to hazards of work, and of employees in using measures provided; and maintenance of records of injuries and illnesses incurred by the employees. Penalties for violations.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Authority and Functions [1]

Revised Laws 1945, Section 4105. ***Bureaus within the department; assistant directors in charge.*** Establishes within the Department, the Bureaus of

[1] Additional reference above (Rules and Regulations).

Unemployment Compensation, Workmen's Compensation, Research and Statistics, and Labor Law Enforcement.

Section 4112. ***Duties and powers of the commission; rules and regulations.*** "In addition to such other duties and powers as may be conferred upon the commission by law, the commission shall have the power, jurisdiction, authority and duty. . .

"(b) To make, modify and repeal reasonable rules and regulations of general application for the protection of life, health and safety of employees in every place of employment; provided that any such rules and regulations shall not conflict with any rules or regulations of the board of health of the Territory covering the same subject matter. . . .

"The rules and regulations of the commission, and any amendments thereto, when approved by the Governor and published as hereinafter provided, shall have the force and effect of law, and shall be enforced in the same manner as the provisions of this chapter. . . ."

Section 4114. ***Duties and powers of director; enforcement of rules; wage claims, joinder of.*** ". . . the director, subject to the supervision and control of the commission, shall have the power, jurisdiction, authority and duty. . . .

"(b) To cause the enforcement of rules and regulations of the commission;

"(c) To propose to the commission such rules and regulations or changes in rules and regulations, as he may deem advisable for the protection of life, health and safety of employees, in every employment or place of employment. The director may appoint committees composed of employers, employees and experts to suggest rules and regulations or changes therein. . ."

Section 4116. Prescribes penalty for violation of any lawful rule or regulation of the Commission.

Division of Industrial Safety

Session Laws 1947, Act 64, "(Sec. 4390.02.) Section 2. ***Division of industrial safety; industrial safety engineer.*** There is hereby created within the bureau of workmen's compensation of the department of labor and industrial relations a division of industrial safety, to be in immediate charge of an industrial safety engineer, who shall be appointed by the director. . ."

"(Sec. 4390.03.) Section 3. ***Powers and duties of division.*** The division of industrial safety shall have the following powers and duties:

"(a) It shall inspect places of employment and machines, devices, apparatus and equipment for the purpose of insuring adequate protection to the life and safety of workers.

"(b) It shall enforce all rules and regulations made by the commission for the protection of life, health and safety of employees.

"(c) It may investigate the cause of all industrial injuries resulting in disability or death which occur in any employment or place of employment, and may make reasonable orders and recommendations with respect to the cause of such injuries.

"(d) It may disseminate through exhibitions, moving pictures, lectures, pamphlets and any other method of publicity, information to employers, employees and the general public regarding the causes and prevention of industrial accidents and occupational diseases and related subject.

"(e) Authorized representatives of the division shall have the right to enter any place of employment during regular working hours and at other reasonable times."

NOTE: See also statutory provisions relating to occupational health and safety for further duties of the Division of Industrial Safety.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Session Laws 1947, Act 64, "(Sec. 4390.04.) Section 4. ***Safe place of employment; safety devices and safeguards.*** Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations and processes which are reasonably adequate to render such employment and place of employment safe.

"No person shall remove, displace, damage, destroy or interfere with the use of any safety device, safeguard, notice or warning furnished for use in any employment or place of employment.

"No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment that is not safe, and no employer shall occupy or maintain any unsafe place of employment.

"(Sec. 4390.05.) Section 5. ***Safety orders.*** Whenever an investigation by the division discloses that any employment or place of employment is not safe, or that any practice, means, method, operation or process employed or used in connection therewith is unsafe or does not afford adequate protection to the life and safety of employees in the employment or place of employment, the director may make an order directing that in the manner and within a time specified such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished, provided and used as are reasonably required to render the employment or place of employment safe. . . ."

"(Sec. 4390.06.) Section 6. ***Prohibition of use.*** Whenever in the opinion of an authorized representative of the division the use of any machine, device, apparatus or equipment or any part thereof constitutes an imminent hazard to the life or safety of any person, a notice prohibiting the use thereof shall be attached thereto and a copy delivered to the employer or his agent. The notice shall direct the employer to show cause before the director at a time and place specified therein and not more than five days thereafter why the prohibition should not continue until the use of such machine, device, apparatus or equipment is made safe. Such notice may be disregarded if the division is notified within the time specified that the use of said machine, device, apparatus or equipment has been made safe. After hearing, the director may set aside the prohibition or continue it upon such terms and conditions as he may deem necessary."

(Sec. 4390.09.) Section 9. Prescribes penalty for violation of orders and provisions of this Act.

Rules and Regulations

Not ascertained.

Employment of Minors

The Bureau of Law Enforcement enforces child labor laws. Among pertinent provisions are the following:

Revised Laws 1945, Section 4121. Forbids the employment of minors under 16 in any gainful occupation prohibited by law, or in any factory, or in connection with any power-driven machinery, and of minors under 18 in any occupation declared by the Commission of Labor and Industrial Relations to be particularly hazardous for the employment of such minors or detrimental to their life, health, safety or well-being.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Bureau of Workmen's Compensation. (Revised Laws 1945, Sections 4401 to 4467, as amended by subsequent Session Laws)

Occupational Disease Compensation

Section 4403. Provides for full coverage.

Reporting of Injuries

Section 4449 (as amended by Session Laws 1949, Act 115). Requires every employer to keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment, and to report injuries causing absence from work for one day or longer or requiring medical treatment beyond ordinary first aid, to the Director of the Bureau. Penalty for failue to report.

DEPARTMENT OF PUBLIC INSTRUCTION

Vocational Rehabilitation

Session Laws 1949, Act 219. A Division of Vocational Rehabilitation is established in the Territorial Board of Vocational Education and is authorized to provide vocational rehabilitation services to eligible disabled individuals; cooperate with other departments, agencies, and institutions in providing services, studying problems and establishing, developing and providing necessary programs, facilities, and services; enter into reciprocal agreements with other States; conduct research and compile related statistics; cooperate with the federal government in carrying out purposes of any federal statutes pertaining to vocational rehabilitation of persons disabled in industry or otherwise; and receive gifts and donations for this purpose. Criteria for eligibility for vocational rehabilitation are included.

PUBLIC UTILITIES COMMISSION

The Public Utilities Commission has jurisdiction over common carriers and power and transmission utilities.

Revised Laws 1945, Section 4706. Empowers the Commission "to examine into the condition of each public utility doing business in the Territory, the manner in which it is operated with reference to the safety or accommodation of the public, the safety, working hours and wages of its employees. . . . Any such investigation may be made by the commission on its own motion, and shall be made when requested by the public utility to be investigated, or upon a sworn written complaint to the commission. . . ."

NUISANCE CONTROL

Revised Laws 1945, Section 6233, amended by Session Laws 1945, Act 56. Authorizes the board of supervisors of each county, among other things, "to regulate and prescribe by ordinance, (a) the construction of chimneys and smoke stacks and to compel the building of same, and to regulate and prevent the emission of dense smoke, soot or poisonous gases therefrom, and (b) the construction of bagasse conveyors and to regulate and prevent the emission of bagasse dust therefrom; and to declare any of the foregoing a nuisance."

IDAHO

SOURCES: Idaho Code, as amended
Rules and Regulations of State Agencies

DEPARTMENT OF PUBLIC HEALTH

Authority and Functions [1]

Idaho Code, Section 39–101. *Powers and duties enumerated.* "The department of public health shall have a general supervision of all matters relating to the preservation of the life and health of the people of the state . . . it shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics; the causes of mortality and the effects of localities, employments, conditions . . . on the health of the people. It shall . . . advise officers of the government or other state boards and departments in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building. . ."

Section 39–1814. *Food-Vending establishments—Annual inspection—Certificate—Sanitary regulations.* Authorizes the Department of Public Health to make annual inspections of food establishments including bakeries, creameries, cheese factories and other food processing and vending establishments; provides for certification; and sets forth requirements for sanitary condition of places.

Section 67–3106. *Bureau of industrial hygiene created—Powers and duties.* "There is hereby created a bureau of industrial hygiene in the department of public health, with personnel having special knowledge of the causes and prevention of occupational diseases and the necessary laboratory facilities efficiently to perform its functions. The functions of such bureau shall be:

"(1) To devise a system of reporting of absenteeism from various types of disability, particularly occupational diseases;

"(2) To make a systematic survey and study of the various industrial health hazards of the state, and means for their control and prevention;

"(3) By itself and in cooperation with other state agencies to establish rules and regulations for the control and prevention of adult sicknesses in industry, particularly occupational diseases, in cooperation with the industrial accident board;

"(4) To maintain an adequate and competent inspection service of the industries within the state in order to ascertain hazardous conditions to which employees may be subjected and to require the correction of such hazards in cooperation with various state agencies, and enforce rules and regulations approved by various state agencies;

"(5) To provide services to various state agencies, industries, labor, the medical profession, and other organizations interested in industrial hygiene;

"(6) To acquaint the adult industrial population of the state with the importance and value of industrial hygiene; and

"(7) To recommend to the legislature for enactment such measures as its study and experience may demonstrate to be advisable."

General Provisions Relating to Occupational Health

None specifically.

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[1] Additional reference on page 66 (Rules and Regulations).

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

Section 44–103. ***Duties of the commissioner.*** "The commissioner of labor . . . shall have and exercise the following powers:

"(a) To acquire and disseminate among the people of the state information on subjects connected with labor, relations between employees, employers and the public . . . wages and working conditions, including safety and sanitary standards and practices, the best means of . . . promoting the welfare of all working people."

Section 44–104. ***Duties of commissioner—Inspections notice—Hearing by industrial accident board.*** "The commission . . . shall have authority to enter places of employment covered by this act at reasonable times, and inspect safety and sanitary conditions, except in those cases where such authority is now vested in the state mining inspector, and whenever there is found to exist any violation of any law of this state relating to safety and/or sanitary conditions or practices, or that the place of busines and/or equipment is not constructed and maintained in conformity with reasonable standards of safety, the commissioner shall notify the owner or lessee of the premises or the proprietor or operator of the business . . . of the unsafe conditions and shall make recommendations for the correction of such unsafe conditions . . . whenever the owner . . . of the business refuses or fails to comply with the recommendations . . . the commissioner shall request the industrial accident board to hold a hearing. . ."

Section 44–105. ***Duties of commissioner—Cooperation with industrial accident board.*** "The commissioner shall at all times cooperate with the industrial accident board and aid and assist the board in its administration of sections 72–1101, 72–1102 and 72–1103, and at the request of the board shall make inspection of appliances, tools, equipment, machinery, practices or conditions, and make a written report thereof to the board. . . ."

Section 44–108. ***Act not to apply to agricultural or domestic labor.*** ". . . This Act shall not apply to labor engaged in agricultural labor . . . nor to anyone engaged in domestic service in homes."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

None specifically.

Rules and Regulations

Follow rules and regulations issued by Industrial Accident Board.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 44–1108. Requires employers in establishments where females are employed to provide suitable seats and permit their use when not engaged in active duties for which they are employed. Penalty for violation.

Section 44–1301. Prohibits employment of children under 14 in specified establishments, and restricts hours of such employment in others.

INDUSTRIAL ACCIDENT BOARD[1]

Authority and Functions

Section 72–1101. ***Board to prevent employment of men in unsafe places.*** "The board shall have the power, in addition to other powers herein granted, whenever it has information that any employer subject to the provisions of this act is employing workmen in or about any structure, room, or place of employment which is not constructed and maintained in conformity with reasonable standards of construction as shall render it safe, or is employing workmen on, or with tools, equipment, or machinery which are not supplied with safety devices, safeguards or other means of protection well adapted to render employees and places of employment safe, to compel such employer to cease employing workmen in such places, or on, or with, such tools, appliances or machinery, and to adopt reasonable minimum safety standards and to make inspection in and about any place where workmen are employed."

Section 72–1102. ***Investigation and hearings as to safety of employees and places of employment.*** "In order to carry out the provisions of the foregoing section, the board is hereby instructed, authorized and empowered, whenever it has information that workmen are employed in or about places, or on, or with tools, equipment or machinery which are not constructed, or equipped, to properly protect the life, health and safety of employes, or do not conform to minimum safety standards adopted by the board, to immediately notify, by registered mail, the owner . . . or operator of the business there carried on, of the fact that it has such information and require such owner . . . to immediately render such places of employment safe or to equip with proper safety devices, safeguards or other means or methods of protection . . . or to cease employing workmen in or about such places or on or about such tools, equipment or machinery. . . ." Rest of section deals with notifying owners of unsafe conditions, and procedure for hearings when owner claims he is not violating an order of the Board.

Section 72–1103. Prescribes penalty for violation of safety provisions or decision of Board after hearings.

Section 72–1213. ***Rules for prevention of occupational disease.*** "The industrial accident board may require all employers to adopt rules which have been approved by it for the protection and safety of his employees and to prevent the contraction of occupational diseases, and to keep the same posted in conspicuous places in and about the premises; and the board may require employers to install, use or adopt such protective or safety appliances as in the board's opinion are necessary for the protection of the employees."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

None.

Rules and Regulations

Adopted by Industrial Accident Board.

1. ***Idaho Minimum General Safety Standards and Practices.*** Part I. Adoped November 1, 1945.

Manual contains 92 brief minimum standards covering safe practices for workers including protective clothing, goggles and respirators; protection of workers exposed to acids and chemicals, and hot liquids; safety of workareas, equipment,

[1] Additional references on pages 64 (Section 67–3106), 65 (Sections 44–104 and 44–105).

machinery and operations; general requirements for cranes, and scaffolds; and safe handling of compressed air tools. *A general guide for prevention of occupational and industrial diseases* is included. "Help in applying methods for the prevention of these diseases will be given by the Idaho Department of Public Health."

2. ***Idaho Minimum Safety Standards and Practices for Logging, Sawmilling, Woodworking and Allied Industries.*** Adopted May 1, 1952.

Rules cover employer's obligation in furnishing safe employment and necessary protective devices and equipment, and making inspections of equipment for unsafe conditions; employee's duty in complying with safety rules, and using equipment provided; first aid requirements and equipment; transportation of employees on job; falling and bucking railroad and truck road construction; explosives and blasting; tractor skidding; loading logs; motor truck transportation and railroading; sawing and machine shop operations; and housekeeping practices.

3. ***Idaho Minimum Safety Standards and Practices for the Building and Construction Industries.*** Adopted September 15, 1947.

Rules contain general requirements as to safety, provision of personal protective equipment, use of electrical and other equipment, and comprehensive building requirements.

4. ***Idaho Minimum Safety Standards and Practices for Mining.*** Effective October 1, 1952. Adopted jointly by State Inspector of Mines and the Industrial Accident Board.

Code supplements statutory requirements for safety in mines, and applies also to buildings, structures and mills used in connection with such mines.

Among the subjects covered are employer's obligation to provide a safe place of employment; employee's duty as to safety; requirements for first aid and rescue work; provision of drinking water, toilet facilities and change rooms; prevention and control of exposures to silica dust; provision of adequate mechanical ventilation; housekeeping practices; safety of entrances and exits, shafts, cages and passageways; safeguards on machinery; specifications for hoisting ropes; qualifications and duties of hoisting engineers; signalling; hoisting rules and practices; haulage; and explosives and blasting.

NOTE: A code governing outdoor construction, operation and maintenance of electric wires and equipment was adopted April 27, 1950.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Industrial Accident Board. (Sections 72–101 to 72–1235.)

Occupational Disease Compensation

Sections 72–1201 to 72–1235. Occupational Disease Compensation Law. Eleven kinds of diseases are named. Schedule coverage.

Reporting of Injuries

Section 72–1001. Requires employers to keep a record of all injuries, fatal or otherwise, received by employees during the course of employment, and to report injuries causing absence from work for one day or more to the Industrial Accident Board. Penalty for failure to report.

Functions of State Insurance Manager

Sections 72–925 and 72–926. Authorize the State Insurance Manager to inspect plants and establishments of employers insured in the State Insurance Fund and to have access to such premises. Information thus acquired shall not be open to public inspection. Disclosure is considered a misdemeanor.

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STATE INSPECTOR OF MINES

Sections 47–101 to 47–112. Provide for appointment of State Inspector of Mines and his duties with respect to safety examinations of mines at all reasonable times and upon complaint, investigation of mine accidents and serving of notices to operators for correction of unsafe conditions.

Sections 47–401 to 47–431. Contain general safety regulations covering fire protection, workplaces, equipment, installations, signals, duties of hoist engineer and explosives. Wet drilling is required so as to suppress dust.

NOTE: See under rules and regulations for Industrial Accident Board for reference to *Idaho Minimum Safety Standards and Practices for Mining* which were adopted jointly by the State Inspector of Mines and Industrial Accident Board.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 33–2301 to 33–2306. The provisions and benefits of the Federal Act providing for the vocational rehabilitation of persons disabled in industry or otherwise, are accepted. The State Board for Vocational Education is authorized to cooperate with the Federal Government in carrying out the provisions of the Act; to prescribe and provide necessary courses of vocational training; to cooperate with the State Industrial Accident Board in formulating a plan of cooperation; and to receive and expend funds appropriated and donated.

PUBLIC UTILITIES COMMISSION

The Public Utilities Commission has jurisdiction over railroads and other common carriers, power and communications utilities.

Section 61–515. Authorizes the Commission to require every public utility to maintain and operate its business in such manner "as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances . . . to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand."

ILLINOIS

SOURCES: Smith-Hurd Illinois Annotated Statutes
(Revised Statutes 1951. State Bar Association Edition)
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions [1]

Smith-Hurd Illinois Annotated Statutes, Chapter 127, Section 55. ***Powers and duties of the Department of Public Health.*** Among the powers enumerated are:

[1] Additional references on pages 69 (Section 59), and 75 (Air Pollution Control).

Section 55.02. *General supervision of health and lives.* "To have the general supervision of the interests of the health and lives of the people of the State."

Section 55.07. *Sanitary investigations.* "To make such sanitary investigations as it may, from time to time, deem necessary for the preservation and improvement of health."

Section 55.08. *Nuisances—Questions affecting security of life and health.* "To make examinations into nuisances and questions affecting the security of life and health in any locality in the State."

Section 55.09. *Laboratories—Examinations and tests.* "To maintain physical, chemical, bacteriological and biological laboratories to make examinations of milk, water, atmosphere, sewage, wastes and other substances, and equipment and processes relating thereto, and to make such diagnostic tests for diseases and tests for the evaluation of health hazards as may be deemed necessary for the protection of the people of the State."

Section 55.15. *Investigations and inquiries.* "To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect of environment, including conditions of employment and other conditions which may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health. . . ."

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND THE INDUSTRIAL COMMISSION

Authority and Functions

Chapter 127, Section 43. *Rights, powers and duties of Department of Labor.* "The Department of Labor shall have power . . .

"4. To exercise the rights, powers and duties vested by law in the chief factory inspector . . . and all other officers and employees of the State factory inspection service. . .

"6. To exercise the rights, powers, and duties vested by law in the industrial board, its officers and employees. . .

"8. To improve working conditions. . .

"16. To acquire and diffuse information as to the conditions of employment, and such other facts as may be deemed of value to the industrial interests of the State;

"17. To acquire and diffuse information in relation to the prevention of accidents, occupational diseases and other related subjects. . ."

Section 59. *Department of Labor to enforce laws on inspection—Reports—Prosecutions—Districts.* "The Department of Labor shall enforce all laws now in force or hereafter enacted relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State. Said Department of Labor shall visit and inspect, at all reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops . . . . The Department of Labor shall enforce this act and prosecute any viola-

tion of law relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State; provided, that before any prosecution is instituted based upon the laboratory findings of any industrial hygiene unit of the Department of Labor, any person dissatisfied with such findings shall be entitled to have an independent review by the central laboratory of the Department of Public Health. . . ."

Authority and Functions With Respect to the Health and Safety Act

Chapter 48, Section 137.1. ***Industrial Commission to administer.*** "The Industrial Commission is hereby vested with the power and authority to administer the provisions of this Act." (Health and Safetly Act applies to all employers engaged in any occupation, business or enterprise in the State, and their employees, except farmers and the coal mining industry.)

Section 137.3. ***Rules to secure protection of employees.*** "It shall be the duty of every employer under this Act to provide reasonable protection to the lives, health and safety of all persons employed by such employer. The industrial commission shall . . . make, promulgate and publish such reasonable rules as will effectuate such purposes. . . . Nothing in this Act shall be construed to grant to the industrial commission the power to make any rule which will require the submission of any plan, specifications or other information concerning any proposed installation, alteration, construction, apparatus or equipment, or in any manner regulate the hours of labor of any employee in this State."

Section 137.4. ***Nature of rules.*** "To effectuate the purposes stated . . . the industrial commission shall make such rules only for: (a) The proper sanitation and ventilation of all places of employment to guard against personal injuries and diseases; (b) The arrangement and guarding of machinery and the storing and placing of personal property to guard against personal injuries and diseases; (c) The prevention of personal injuries and diseases by contact with any poisonous or deleterious materials, dust, vapors, gases or fumes; (d) The prevention of personal injuries and diseases caused by exposure to artificial atmospheric pressure; (e) The construction, setting, placing, erecting and maintenance of scaffolds, platforms, or other similar frameworks."

Section 137.5. ***Effect of rules.*** "Such rules of the industrial commission shall have the force and effect of law."

Section 137.10. ***Securing information—Inspection of premises.*** "The owner, operator, manager or lessee of any place affected by the provisions of this Act . . . and any employer affected by such provisions shall . . . furnish any information in his possession or under his control, which the industrial commission is authorized to require . . . shall admit any member of the industrial commission . . . for the purpose of making inspection, and shall cooperate in the making of a proper inspection."

Section 137.17. ***Department of Labor to enforce rules.*** "It shall be the duty of the department of labor to enforce the rules of the industrial commission promulgated by virtue of this Act; provided, the said industrial commission shall not take any part in the enforcement of any of its rules made in accordance with Section 4 of this Act (Section 137.4 above). The department of labor, through its authorized agents, is hereby empowered to visit, and inspect at all reasonable times, all places of employment in this State affected by any rule made pursuant to Section 4 of this Act (Section 137.4 above); provided, that whenever any secret process is used in any factory, mercantile establishment, mill or workshop the owner . . . shall file with said department an affidavit that the owner has in all respects complied with all effective rules . . . and such affidavit shall be accepted in lieu of inspection of any room or apartment in which such secret process is carried on. In the enforcement of the provisions of this Act,

the department of labor and its authorized agents . . . shall give proper notice in regard to any violation. . . . Such notice shall be written or printed and signed officially by the director of labor or any person authorized by him. . . ." Penalty for failure to comply with notice of violation, or for obstructing or interfering with examination or investigation.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Chapter 48, Section 89. ***Shield and hood on delivery trucks or automobiles.*** Requires persons or corporations operating or controlling automobiles or auto trucks used for the delivery of merchandise, produce or freight to provide a shield and hood to protect chauffeurs from wind, dust and inclement weather. Penalty for violation.

Sanitation Facilities

Section 98. ***To what act applies (Washrooms).*** "Every owner or operator of a coal mine, steel mill, foundry, machine shop, railroad, or other like business in which employees become covered with grease, smoke, dust, grime and perspiration to such extent that to remain in such condition after leaving their work without washing and cleansing their bodies and changing their clothing, will endanger their health . . . shall provide and maintain a suitable and sanitary washroom, with an adequate quantity of soap containing bland non-irritating detergents . . . in or adjacent to such mine, mill, foundry, shop, railroad, or other place of employment for the use of such employees."

Section 99. ***Arrangement, number and how provided.*** Requires provision of lockers and hangers, an adequate supply of safe, clean and potable water satisfactory for drinking purposes dispensed in a sanitary manner; an adequate supply of safe, clean, hot and cold water for shower and bathing purposes with sufficient and suitable places and means for using same; and adequate toilet facilities, heated in cold weather.

Section 100. ***Inspection by proper authorities—Inspection may close.*** "All State and county mine inspectors, the Department of Labor and other inspectors required to inspect places and kinds of business required by this Act to be provided with wash rooms, shall inspect such wash rooms at frequent intervals and report to the owner or operator, the sanitary and physical condition thereof in writing, and make recommendations as to such improvements or changes as may appear to be necessary for compliance. . . ." Penalty for violation.

Employment Under Compressed Air

Chapter 48, Sections 261 to 268. Specify periods and intervals of work for each 24-hour period for persons working under compressed air, and the rate of decompression. Penalty for violation.

Structural Work

Sections 60 to 69. Contain provisions for safety of employees engaged on structural work and scaffolding. Penalty for violation.

Industrial Homework

1953 New Laws, Senate Bill No. 540. Act revises the 1937 law regulating industrial homework. The new Act includes a list of prohibited occupations; prohibits any processing of articles determined by the Department of Labor as injurious to health or welfare of employees or which renders difficult the enforcement of established labor standards; empowers the Department to make necessary

rules and regulations and to enter premises for purposes of the Act; and when conditions and circumstances indicate it, to declare such homework unlawful and withdraw permits and certificates. Procedure concerning orders and public hearings is included.

Rules and Regulations

Health and Safety Rules are promulgated under the Health and Safety Act by the Industrial Commission and enforced by the Division of Factory Inspection, Illinois Department of Labor.

Part A. Purpose and Application, Scope, Arrangement and Numbering, Definitions, and Interpretations of Health and Safety Rules. Effective May 1, 1938.

Part B. Rules and Regulations Relating to Guarding of Mechanical Power—Transmission Apparatus, Prime Movers, and Moving Parts of Machinery, and Guarding of Operation of Machinery. As amended and in force September 1, 1944.

Rules apply to all moving parts of machinery and equipment used in mechanical transmission of power, intermediate equipment and driven machines, and concern the prevention of personal injuries to employees due to accidents. Rules for guarding of points of operation are given for metal working, wood working, printing and paper, paper making, textile, laundry and fabric processing, and other industrial machines.

Part C. Rules Relating to Removal of Dusts, Vapors, Fumes or Gases From Grinding, Polishing and Buffing Operations. Effective July 15, 1938.

Rules give specific requirements for installation and operation of exhaust systems, including design, specifications and testing.

Part D. Rules Relating to Construction of Underground Tunnels, Whether or Not Such Construction Is Under Compressed Air Except as Hereinafter Stated. Effective November 1, 1939.

Chapter 1 of these rules deals with work under compressed air and sets forth requirements for sufficient ventilation at all times; safety equipment to be provided for employees, including a medical lock; employment of one or more physicians who shall be in attendance whenever work is being carried on under air pressure exceeding 15 pounds per square inch, and who shall examine employees to see that they are physically fit for work under compressed air, and keep records of such examinations; and identification badges for employees working under compressed air.

Chapter 2 deals with construction of underground tunnels and contains requirements as to fire prevention, safety, lighting, ventilation, number and types of sanitation facilities, communication, hoisting, respiratory protection against atmospheric contaminants, electrical equipment, and explosives.

Part E. Rules and Regulations Relating to the Removal of Dusts, Gases, Vapors, Fumes and Mists Released from Spray, Flow, Dip and Brush Coating Operations. Effective January 15, 1941.

General rules applying to all coating operations cover personal protective measures, containers, maintenance and housekeeping. Rules for outdoor coating operations carried on in confined spaces cover ventilation requirements and provision of life belts. Rules for coating operations on equipment and manufactured products inside of buildings outline specific requirements for coating equipment and containers, mechanical ventilation, specifications for coating operations and for spray booths, exhaust piping, air supply, electrical equipment, and maintenance and housekeeping.

Part F. Rules and Regulations Relating to the Safety and Health of Workers Employed in Ferrous and Non-Ferrous Operations Where Cast-

ings of Base Metals Are Made and Shall Include All Operations in Connection Therewith. Effective May 1, 1941.

Rules apply to ferrous and nonferrous operations and are for the protection of persons from injury and harmful dusts, gases, vapors and fumes. General rules applying to the prevention of accidental injuries to employees include safety requirements for buildings, equipment and work places, personal protective clothing, eye protection and respiratory protective equipment. General rules for prevention of injury to the health of employees cover methods of controlling dust, gases, vapors, or fumes; rate of air flow through hoods and enclosures on grates, sand equipment, tumbling mills, polishing and grinding wheels, and in abrasive blasting rooms; specifications for exhaust piping systems; wet methods of dust control; and requirements for general ventilation and respiratory protective equipment.

Part G. Rules and Regulations Relating to Industrial Housekeeping and Sanitation, and Wash, Locker, Rest, Toilet and Lunch Room Requirements. Effective September 1, 1944.

Rules apply to all productive industrial enterprises employing labor regularly; give requirements for housekeeping; contain specific ventilation requirements in cubic feet of air space per employee in working areas and for office, toilet, locker, rest and lunchrooms; set forth lighting requirements in terms of foot-candles; give specific requirements for water supply and methods of supplying drinking water, number, type and construction of toilet rooms for each sex, wash and locker rooms, rest rooms for women and their maintenance, and for lunchrooms.

Part H. Rules and Regulations Relating to Various Types of Ladders and Stages. Effective February 1, 1949.

Rules set forth safety requirements for construction and use of various types of ladders and stages.

Part I. Requirements for Scaffolds, Staging, Ladders and Other Equipment for Use in Constructing, Erecting, Repairing, Servicing and Demolishing Buildings, Structures, or Other Objects. Effective January 20, 1950.

Part J. Rules and Regulations Relating to Labeling In the Use, Handling and Storage of Substances Harmful to the Health and Safety of Employees. In force, June 15, 1951.

Rules apply to all containers of substances known to constitute a health, poison, fire or explosion hazard for protection of employees working with such substances. General directions are given for preparation of warning labels, information to be included on warning labels, general precautions on handling and storage of containers, and a guide table according to class of hazard for selection of precautionary statements on warning labels.

Part K. Rules and Regulations Relating to the Health and Safety of Workers Employed in the Handling and Application of Tar, Pitch, Asphalt and Other Bituminous Mixtures in Construction Operations. Effective July 1, 1953.

Rules cover equipment and operations, and general rules pertaining to health and safety of employees including eye protection of workers and use of safety glass lenses and eye shields, provision of cleansing agents, and a standard first-aid kit for treatment of minor wounds and burns, and protection from fumes in the application of bituminous materials.

Employment of Women and Minors

Among pertinent provisions are the following:

Smith-Hurd Illinois Annotated Statutes, Chapter 48, Section 5. Regulates hours of work of female employees in listed occupations and industries.

Section 31.1. Prohibits employment of minors under 16 in specified gainful occupations including those in connection with a mercantile institution, store, office, hotel, laundry, manufacturng establishment, mill, cannery, factory or workshop, coal, brick or lumber yard, or construction work; and prohibits employment of minors between 14 and 16 years of age "in dangerous or hazardous factory work or in any occupation otherwise prohibited by law or by order or regulation."

Section 31.4. Prohibits employment of minors under 16 for more than 5 hours continuously without an interval of at least 30 minutes for meal period.

Section 31.7. Specifies the occupations in which employment of minors under 16 is prohibited. Provides also that no female under the age of 16 years shall be employed in any capacity where employment requires her to remain standing continuously for and during the performance of her work.

Section 31.17. Authorizes the Department of Labor to assist in the enforcement of the provisions and visit and inspect all places covered by this Act.

Section 31.19. Prescribes penalties for violation.

Workmen's Compensation

Workmen's Compensation Act is administered by the Industrial Commission. (Chapter 48, Sections 138 to 172)

Occupational Disease Compensation

Chapter 48, Sections 172.36 to 172.62. Workmen's Occupational Diseases Act. Full coverage.

Reporting of Injuries

Sections 137.6 and 172.41. Employers are required to report all compensable work injuries and occupational diseases to the Industrial Commission when they result in the loss of more than 6 working days or in permanent impairment or death.

DEPARTMENT OF MINES AND MINERALS

1953 New Laws, House Bill No. 749. The Act contains new laws relating to coal mines and is known as the *Coal Mining Act.* The Act is administered by the Department of Mines and Minerals. It deals with certificates of competency for State and county mine inspectors and their duties as to examination of mines for condition of ventilation and measurements of air, collection of samples of mine atmospheres and dusts for analysis, and carrying out mine safety laws; certification of "mine managers" and "mine examiners" and their duties as to examination of gassy mines and nongassy mines for hazards, ventilation, and compliance with safety practices; certification and duties of hoisting engineers, and certification of competency of coal miners; investigation of accidents, and mine rescue work; miscellaneous safety working rules; use of compressed air; rules for travelways and cages; electricity regulations; escapements; use of explosives and regulations for breaking down coal; fire prevention; underground transportation; rock dusting including specifications for rock dust used; and drilling and timbering.

Provisions concerning ventilation require that "all active underground places in a mine shall be ventilated by a current of air containing not less than 19.5 percent of oxygen, not more than 0.5 percent of carbon dioxide, and no harmful quantities of other noxious or poisonous gases"; prescribe minimum quantity of air per person and animal, the content of methane at various working places and methods

of measuring for gas; classify gassy mines; and regulate use of ventilating fans and equipment. Boys under 18 and women and girls of any age are prohibited from doing manual work in or about mines.

Sections of chapter 93 not repealed by the above Act contain requirements for first-aid supplies and equipment, and sanitation facilities.

STATE BOARD OF VOCATIONAL EDUCATION

Vocational Rehabilitation

Smith-Hurd Illinois Annotated Statutes, Chapter 23, Sections 383 to 387. The State Board of Vocational Education is designated as the agency to carry out provisions of the Act. Its duties include cooperation with the federal government in the administration of the Federal Act concerning vocational rehabilitation of persons disabled in industry or otherwise, of which the provisions are accepted; authority to prescribe and supervise courses of vocational training and to provide other necessary services for the vocational rehabilitation and training of disabled persons; and authority to cooperate with other agencies thus engaged.

ILLINOIS COMMERCE COMMISSION

Chapter 111⅔, Section 61. The Illinois Commerce Commission is empowered to require every public utility "to maintain and operate its plant, equipment, or other property in such manner as to promote and safeguard the health and safety of its employees . . . to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other device . . . and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand."

DEPARTMENT OF AGRICULTURE

Chapter 56½, Sections 67, 71 and 77. The Department has jurisdiction over food processing and selling establishments including dairies, and has power of entry, inspection and enforcement of laws concerning conditions of work affecting the health of the employees as well as purity and wholesomeness of the food. All such places must be adequately lighted, drained, plumbed and ventilated. Toilet rooms and lavatories are required

AIR POLLUTION CONTROL

1953 New Laws, Senate Bill No. 204. The bill is entitled as follows: "An Act creating a Commission to investigate and make a study of atmospheric pollution throughout the State of Illinois and the development of comprehensive plans for the enactment of legislation directed toward the program for the prevention and abatement of atmospheric pollution and the relief of the people of Illinois from the menace of future atmospheric pollution, to define powers and duties, and to make an appropriation therefor."

The Commission is to consist of seven members, one of whom shall be the chief sanitary engineer of the Department of Public Health, as member ex officio; three members are to be appointed from the members of the Senate; and three others from the House by the respective heads. The Commission's duties include making, or causing to be made, a complete and thorough survey of the causes and facts of atmospheric pollution and a survey of State laws

concerned with the subject matter. In conducting the survey the Commission is authorized to solicit the assistance of the State Department of Public Health, or of any other agency, industry or person that can make a contribution. Another function is to formulate preliminary plans for legislation which might be utilized by the local interests affected for the improvement of health conditions and avoidance of loss of crops, livestock and of damage to property.

The Commission was appropriated $35,000 for expenses and is empowered to conduct hearings, issue subpoenas and compel the production of books, records and papers necessary for their investigation.

MISCELLANEOUS

Medical Examination of Applicants for Employment

Chaper 48, Sections 172d to 172g. Prohibits employers from requiring any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records of such examination required by the employer as a condition of employment. Penalty for violation.

INDIANA

SOURCES: Burns' Indiana Statutes Annotated
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH [1]

Authority and Functions

1953 New Laws, Senate Bill No. 205, Chapter 197. *Health Administration Act of 1953* provides for a Director, 3 Divisions, a Medical Advisory Committee and an Advisory Health Council in the State Department of Health and for the transfer of powers as directed.

Section 108. ***Advisory Health Council.*** "In order to effectuate a more comprehensive health program for the State, and make readily available to the department pertinent information concerning local, rural, municipal and industrial health problems, an Advisory Health Council is hereby created in the department . . . the powers of the Council are advisory to the Director only. . . ."

Burns' Indiana Statutes Annotated, Section 35–202. ***Statement of powers.*** "The State board [Department of Health] shall have supervision of the health and life of the citizens of the State and shall possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules."

Section 35–209. ***Disease abatement.*** "The state board may make an order condemning or abating conditions causative of disease."

Section 35–210. ***Public buildings and institutions—Sanitary regulations.*** "The state board may enforce all laws and regulations concerning the character and location of plumbing, drainage . . . lighting, heating and ventilation and all sanitary features of all public buildings and institutions. . ."

Section 35–211. ***Health instruction—Middle and advanced aged persons.*** "The State board of health shall provide facilities and personnel for investigation,

[1] Additional references on pages 78 (Section 40–2140), and 83 (Administrative Building Council).

research and dissemination of knowledge to the public concerning the health of persons in middle and advanced age and diseases common thereto . . . and also concerning conditions in all places of employment within the State which may be responsible for the development of occupational diseases."

Section 35–213. ***Rules.*** "The state board may . . . establish and from time to time amend and repeal reasonable rules in order to protect or improve the public health in this state. The rules may concern but shall not be limited to: 1. nuisances dangerous to the public health . . . 5. the detection, reporting, prevention, and control of diseases which affect public health . . . 7. the production, distribution and sale of human food . . . 9. standards of cleanliness of eating facilities for the public . . . 13. regulating and prescribing sanitary conditions and facilities in public buildings and grounds as illustrated by but not limited to plumbing, drainage . . . lighting, heating, and ventilation other than where jurisdiction is vested by law in the administrative building council. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

Sections 35–2201 to 35–2267. Deal with sanitary regulation of food handling, preparing and manufacturing establishments. The State Department of Health may establish minimum sanitary standards for the operation of food establishments. All food establishments are required to be adequately lighted, heated, drained, and ventilated, and to have adequate sanitation facilities. Persons affected with communicable or infectious diseases are prohibited from working.

Sections 35–2301 to 35–2314. Deal with cold storage warehouses.

Sections 35–2401 to 35–2446. Deal with locker plants. Requirements include toilets and washrooms for employees, and a gas mask to be readily accessible in any plant using a toxic gas refrigerant.

Rules and Regulations

Adopted by State Board of Health.

1. Regulations HIH 1 and HIH 2. ***Mercurial Carroting in Hat Industry.*** Effective January 1, 1946.

Prohibit use of mercurial carrot in the preparation of hatters' fur or mercurial carroted hatters' fur in the manufacture of hats. Terms are defined.

2. Regulation HIH 3. ***Regulation Governing the Operation of Fluoroscopic X-Ray Shoe Fitting Machines.*** July 14, 1950.

Prohibits maintenance and operation of machines used for shoe fitting fluoroscopy that will scatter radiation of X-rays of such quantity as to be dangerous to the health of customers; sets forth minimum standards for intensity of beams, and control of stray radiation; and requires posting of warning sign.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR [1]

Authority and Functions

Section 40–2130. ***Department of Labor—Creation—Industrial Board—Division of Labor.*** "There is hereby created a Department of Labor. Said

[1] Additional reference on page 83 (Administrative Building Council).

department shall consist of the Industrial Board of Indiana and a Division of Labor. The Industrial Board of Indiana . . . shall be a separate and independent division of said Department of Labor. There is hereby created in the said Department of Labor a Division of Labor which shall be administered by a commissioner of labor. . . ."

Section 40–2131. *Commissioner of Labor.* . . ". . . The commissioner of labor shall . . . have immediate charge of the administration and enforcement of all the laws, rules and regulations which the division is required by law to enforce and administer, shall have general charge of all inspections and investigations. . ."

Section 40–2134. *Duties of boards and bureaus.* "(a) The bureau of mines and mining shall have immediate charge of the administration of the mine laws of this state.

"(b) The bureau of factory inspection shall have immediate charge of the inspection of factories and workshops. . . .

"(d) The bureau of women and children shall have immediate charge of the supervision of women and children who are employed in industries and factories."

Section 40–2137. *Commissioner of labor—Powers and duties.* ". . . the commissioner of labor is hereby authorized: (a) To make or cause to be made all necessary inspections to see that all of the laws and rules enacted or adopted for that purpose and which the division is required to enforce, are promptly and effectively administered and executed. (b) To collect, collate and publish such statistical and other information relating to working conditions in this state, and to the enforcement of the provisions of this Act (Sections 40–2130 to 40–2150). . . ."

Section 40–2140. *Commissioner of labor—Power to establish and enforce safety regulations.* "In addition to such other powers and duties . . . the commissioner of labor is hereby authorized and directed:

"(a) To investigate and adopt rules prescribing what safety devices, safeguards or other means of protection shall be adopted for the prevention of accidents in every employment or place of employment, and to determine what suitable devices, safeguards, or other means of protection for the prevention of industrial accidents or occupational diseases shall be adopted or followed in any or all such employments or places of employment, and to adopt, amend or repeal reasonable rules, applicable to either employers or employees, or both, for the prevention of accidents and the prevention of industrial or occupational diseases; and

"(b) Whenever, in the judgment of the commissioner of labor, any place of employment is not being maintained in a sanitary manner or is being maintained in a manner detrimental to the health of the employees therein, the commissioner of labor is authorized to obtain such technical or expert advice and assistance as he may need from the state board of health. The state board of health, upon the request of the commissioner of labor, shall furnish such technical or expert advice and assistance to said commissioner and take such steps as are authorized or required by the health laws of the state."

Section 40–2145. *Power to make inspections—Employer not to refuse admittance.* "The commissioner of labor and his authorized representative shall have the power and the authority to enter any place of employment for the purpose of collecting facts and statistics relating to the employment of workers and of making inspections for the proper enforcement of all of the labor laws of this state. No employer or owner shall refuse to admit the commissioner of labor or his authorized representatives to his place of employment."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces

Section 40–2139. ***Safety regulations.*** "Every employer and place of employment under the jurisdiction of the Division of Labor created by this act [Sections 40–2130 to 40–2150] shall furnish employment which shall be safe for the employees therein, and shall furnish and use safety devices, safeguards, methods and processes reasonably adequate to render any such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the safety of such employee."

Section 40–1005. ***Regulation of machinery—Cleaning.*** Prescribes safeguards on belts or pulleys, vats, pans, gearing and other machinery; prohibits removal of safeguards; requires exhaust fans to carry off dust from emery wheels, grindstones and other dust-creating machinery; and prohibits allowing any person under 16 or any female under 18 to clean machinery while in motion.

Section 40–1009. ***Dangerous buildings—Inspection.*** Empowers chief inspector to inspect any building represented to be unsafe or dangerous to life and limb, and to issue orders for correction.

Sanitation Facilities

Section 40–1006. ***Wash-rooms, water-closets, dressing rooms—Seats for females.*** Sets forth requirements for water closets and washrooms, dressing rooms for women and girls, and seats for use of females when duties permit it.

Section 40–1008. ***Walls lime washed—Inspection.*** Requires walls and ceiling to be lime washed or painted when conducive to the health or cleanliness of persons working therein.

Industrial Homework

Section 40–1010. ***Manufacturing in tenement-houses.*** Regulates industrial homework, requiring a permit for the manufacture of certain articles. Empowers inspector to revoke permit whenever required for health of those employed therein, as well as of the community, and to approve number of persons who may be employed in an establishment.

Gas Masks

Sections 40–1011 and 40–1012. Require employers to supply serviceable gas masks and employees to wear them while performing work where there may be accumulations of dangerous, noxious or deleterious gases. Penalty for violation.

Ventilation

Section 40–1013. ***Air and ventilation.*** Requires no less than 250 cubic feet of air space to be allowed for each person employed between 6 a. m. and 6 p. m.; and 400 cubic feet per person employed between 6 in the evening and 6 in the morning. Requirements are lowered for night work when workrooms are lighted by electricity. Requires sufficient means of ventilation in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office.

Work in Compressed Air

Sections 40–2501 to 40–2507. Regulate work in and under compressed air. Laws specify working periods under certain pressures in any compartment; contain a schedule of periods and intervals of work for each 24-hour period at varying pressures; and regulate time required in decompression lock before

passing to normal air and after working under varying pressures. Employers and supervisors are responsible for observance of Act. Penalty for violation.

Rules and Regulations

Adopted by Commissioner of Labor.

1. ***Health and Safety Rules Relating to Electroplating Operations.*** Effective May 1, 1947.

Code deals with exhaust system requirements for electroplating, deplating and anodizing processes and with uniform regulations for the conduct of work in order to reduce possible hazards to health. Rules classify electroplating systems according to degree of hazard associated with them; give general requirements for mechanical ventilation, and checks on exhaust systems; require personal protective equipment including use of petrolatum for chromium platers and availability of emergency rinsing waters; prohibit workers with skin lesions from working at plating operations unless so authorized by a physician; and require workers exposed to chromic acid to have periodic examination to detect incipient ulceration.

2. ***Health and Safety Rules Relating to Housekeeping and Sanitation in Industrial and Mercantile Establishments.*** Effective May 1, 1947.

Rules deal with good plant housekeeping practices; set forth requirements for number, installation and construction of wash and locker facilities, lunchrooms which are to be separate from workrooms where processes produce toxic dusts or fumes, dressing rooms for females, water closets, toilet rooms and shower baths; require sufficient ventilation in workrooms; and specify minimum footcandles of illumination required in service measured 30 inches above the floor for various areas of occupancy.

3. ***Health and Safety Rules Relating to Equipment, Maintenance and Sanitation of Foundries and the Control of Dusts, Gases and Fumes in Foundries.*** Effective May 1, 1947.

Rules apply to equipment, operation and maintenance of foundries, including the control of dusts, fumes, and gases generated by the foundry operation. Rules cover safety of entrances and workspaces, gangways, aisles, furnace and furnace operations, tapping open hearth furnaces, equipment for handling of materials, and scrap breakers. Requirements are prescribed for: inspection and maintenance of equipment; provision and use of protective clothing and eye protection; control of dust, fumes and gases through general ventilation, local exhaust ventilation and wet methods, and use of respiratory protective equipment. Rates of ventilation or air velocities are specified for listed operations and tumbling mills.

4. ***Health and Safety Rules Relating to Removal of Dusts, Vapors, Fumes or Gases From Grinding, Polishing and Buffing Operations.*** Effective May 1, 1947.

Rules deal with installation and operation of exhaust systems including design, specifications and testing for air velocity for grinding, polishing and buffing operations, generating dusts, vapors, gases or fumes hazardous to workers.

5. ***Health and Safety Rules Relating to the Removal of Dusts, Gases, Vapors, Fumes and Mists Released from Spray, Flow, Dip and Brush Coating Operations.*** Effective May 1, 1947.

General rules applicable to all coating operations are given for equipment, personal protection of workers, cleaning of respiratory protective devices, containers, and maintenance and housekeeping. Specific safety rules are prescribed for coating operations carried on in confined spaces and coating operations carried out on equipment and manufactured products inside of buildings, ships and

structures. The latter covers booth and room construction, ventilation requirements while booths are in use, air supply, exhaust piping, installation of electrical equipment, maintenance and housekeeping, and fire protection equipment.

6. ***Health and Safety Rules Relating to Guarding of Mechanical Power Transmission Apparatus, Prime Movers, and Moving Parts of Machinery and Guarding of Operation of Machinery.*** Effective May 1, 1947.

Rules concern the prevention of personal injuries to employees due to accidents and contain specifications for safeguarding installations, equipment and machinery including woodworking, printing and paper, paper making, textile, laundry, and fabric processing machinery.

7. Industrial Health Rule No. 8. ***Rule Relating to Industries Processing Clay or Shale in their Manufacturing Operations.*** Effective April 14, 1952.

Rule applies to manufacturing operations using clay or shale as basic raw materials in their processes, where dust conditions may arise or exist in the breathing zone of employees. Rule sets forth general requirements for general and mechanical ventilation of places; general and specific methods for the control of dust; and requirements for respiratory protective equipment. An appendix lists threshold limit values for mineral dusts.

8. Industrial Health Rule No. 9. ***Rule Relating to Quarrying and Fabricating of Indiana Limestone and/or Sandstone.*** Effective November 6, 1952.

Specific rules are given for safeguarding machinery and workplaces covering the gang saw department, planer department, stonecutters department, overhead cranes and travelers, compressed air machinery and equipment, quarries, mills, storage, handling, transportation and use of explosives, and blasting.

9. Industrial Health and Safety Rule No. 11. ***Relating to the Rubber and Plastics Industry of Indiana.*** Effective January 8, 1953.

Rule deals with safety devices for mills and calenders, and other specific machinery, and with protective equipment for workers including eye protection, respirators and protective clothing.

Employment of Women and Minors

Among pertinent provisions are the following:

Burns' Indiana Statutes Annotated, Section 40–901. Prohibits employment of children under 14 in certain establishments; requires employers of children under 16 to keep a register; and empowers the chief inspector of the Department of Inspection to demand a certificate of physical fitness if young persons seem physically unable to perform the labor at which they are employed, and to prohibit employment of any minor who cannot obtain such certificate.

Section 40–903. Regulates hours of employment of women in manufacturing.

The enforcement of the following sections is delegated to the State Industrial Board:

Section 28–520. "Whenever so required, every minor between the ages of 14 and 18 years who is at work in any occupation other than farm labor or domestic service or as a carrier of newspapers shall submit to a physical examination by a medical inspector of the state industrial board or a physician designated by such board. . . ." Examinations are to determine physical fitness of minors for work. The State Industrial Board is required to keep records.

Section 28–523. Prohibits employment of minors under 18 in certain specified occupations, in coal mines, or in any other occupation dangerous to life or limb or injurious to health or morals; and prohibits employment of girls under 18 in any capacity, where they are compelled to remain constantly standing.

Section 28–522. Prohibits employment of minors under 16 in certain specified occupations or any others dangerous to life or limb, or injurious to health or morals of such minors; and in mines, quarries, and certain other places of employment.

Mines and Mining

Bureau of Mines and Mining has jurisdiction over mining laws.

Sections 46–401 to 46–1409. Contain mining laws. Among the subjects covered are duties of chief inspector as to examination of all coal mines, enforcement of mining laws, certification of competency of mine bosses and other employees, and investigation of accidents; duties of fire bosses as to examination of coal mines where noxious or dangerous gases are generated or coal dust exists in dangerous quantities; rock dusting including specifications for composition and pulverization of dust; general provisions concerning entrances, haulageways and travelways; ventilation requirements; use and storage of explosives, and blasting practices; safety examinations of mines by mine bosses and safety precautions, provision of first-aid supplies and equipment for injured; provision of adequate washhouses when requested in writing by 20 or more employees; and prohibition of employment of females and of males under 18 in mines.

Reporting of Injuries

Section 40–1004. Requires all accidents and injuries in "any manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office" to be reported to the chief inspector in writing within 48 hours; chief inspector is "authorized and empowered to fully investigate the causes of such accident, and to require such reasonable precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents."

Workmen's Compensation

The Workmen's Compensation Act is administered by the Industrial Board of Indiana. (Sections 40–1201 to 40–2150)

Occupational Disease Compensation

Indiana Workmen's Occupational Diseases Act. Sections 40–2201 to 40–2231. Full coverage.

Reporting of Injuries

Section 40–1517. Requires all employers to keep a record of all injuries received by employees. Within 7 days after occurrence or knowledge, all injuries resulting in death or absence for more than one day, are to be reported to Industrial Board.

Section 40–2230. Requires employers operating under the Occupational Diseases Act to keep a record of all disablements by occupational diseases, fatal or otherwise, and within one week after occurrence, or knowledge thereof, to report disablements causing death or absence from work for more than one day to the Industrial Board. Penalty for failure to report.

STATE BOARD OF EDUCATION

Vocational Rehabilitation of Disabled Persons

Sections 28–4920 to 28–4925. The State Board of Education is designated as the agency to cooperate with the federal government concerning vocational

rehabilitation of persons disabled in industry. Provisions of the Federal Act are accepted. The State Board of Education is empowered to prescribe and provide courses of vocational training as indicated, and to formulate a plan of cooperation in accordance with the provisions of the Federal Act.

ADMINISTRATIVE BUILDING COUNCIL

Sections 20–401 to 20–427. The powers and duties of the Administrative Building Council are vested in a 3-member committee composed of the Commissioner of Labor, the Secretary of the State Board of Health and the State Fire Marshal. The duties of this committee include the administration and enforcement of laws relative to the construction, repair or maintenance of "places of employment, public buildings and tenement houses, and all other buildings so as to render the same safe and sanitary"; authority to adopt by reference standard rules necessary to carry out the purposes of the chapter; and supervision over such buildings to adequately enforce and administer lawful orders requiring them to "be safe, sanitary, and to secure the protection of life, health, safety and welfare of every employee in and every frequenter and tenant." Rules are enforced in cooperation with local building inspectors and officials.

Sections 20–301 to 20–307. Deal with safety in the building construction industry.

STATE FIRE MARSHAL [1]

Dry Cleaning Establishments

Section 20–803. Among the duties of the Fire Marshal are the supervision of the enforcement of laws pertaining to dry cleaning and dry dyeing which are under the charge of the dry cleaning engineer; and promulgation and enforcement of rules for the storage, use, manufacture, sale, and transportation of highly inflammable materials.

Sections 20–901 to 20–934. Regulate dry cleaning and dry dyeing establishments, providing for permits and inspections by State Fire Marshal; and contain specific provisions regarding construction of rooms and buildings, heating, lighting equipment, drying rooms, storage of volatile materials, ventilation and related subjects.

Section 20–901, Subsection (b). Excludes establishments using chlorinated hydrocarbon and petroleum solvent having a flash-point of 140 degrees Fahrenheit and above, from certain provisions of the law. Requires that such systems must be so constructed and exhausted so as to prevent the escape of any vapors into the atmosphere, and that adequate ventilation be provided.

PUBLIC SERVICE COMMISSION

Public Service Commission has jurisdiction over railroads and common carriers.

Section 47–1215. Empowers the Public Service Commission to regulate, among other things, safety, methods and hours of operating motor carriers subject to the Act. (Sections 47–1211 to 47–1250)

Section 47–1117. Specifies minimum of 2-hour rest period for operators of motor vehicles transporting persons or property for hire, at a place where food and lodging may be obtained after the 8 hours of continuous duty.

Section 47–1118. Prescribes penalty for violation.

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[1] Additional reference above (Administrative Building Council).

Section 55–130 (b). Prescribes requirements for equipment, sanitation and condition of tracks. The Commission is empowered to investigate and enforce compliance with its orders and requirements concerning sanitary drinking water and dispensers on all locomotives and cabooses, and provision of terminal change and washrooms, lockers and other facilities for employees.

Section 55–1204. Prohibits use of ash pans on locomotives which cannot be emptied and cleaned without the necessity of an employee going under such locomotive. Penalty for violation.

Section 55–1211. Requires locomotive engines to be equipped with storm-windows which will provide unobstructed view.

Section 55–1217. Prohibits use of locomotives having one or more flues plugged at both ends, or a boiler leaking steam to such an extent that the vision of those riding on engine is obstructed or their safety or health imperiled thereby. Penalty for violation.

Sections 55–1224 to 55–1228. Require automatic couplers, provision of secure grab-irons or hand-holds in sides or ends of any locomotive, car, tender, or similar vehicle, and pin and hand brakes on electric railway and railroad cars.

Section 55–1240. Requires medical emergency kits on all trains carrying passengers or employees, and specifies minimum contents.

NUISANCE CONTROL

Section 48–1407. ***General powers of Council.*** "The common council of every city shall have power to enact ordinances for the following purposes. . . .

"Tenth. To regulate the location and management of starch factories, glue factories, renderies, tallow chandleries, bone factories, soap factories, tanneries, foundries, slaughter-houses, breweries, distilleries, livery stables, and all other establishments of which the business or trade may become noxious or injurious to public comfort or health; and to prohibit the erection of such buildings or the continuance therein of such noxious or injurious occupations whenever the public comfort or health may require it. For the purpose of this clause, such city is given jurisdiction for four (4) miles from the corporate limits thereof."

IOWA

SOURCES: Iowa Code Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Iowa Code Annotated, Section 135.11. ***Powers and Duties.*** "The commissioner of public health shall . . . (1) Exercise general supervision over the public health, promote public hygiene and sanitation, and, unless otherwise provided, enforce the laws relating to the same. . . .

"(4) Make investigations and surveys in respect to the causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health. . . .

"(16) Establish and maintain such divisions in the departments as are necessary. . . .

"(17) Establish, publish and enforce rules not inconsistent with law for the enforcement of the provisions . . . the various laws, the administration and supervision of which are imposed upon the department."

Section 135.16. *Mining Camps.* "When the health conditions in any mining camp become a menace to the health of the inhabitants thereof, the department shall require compliance with the provisions of the housing law insofar as the same may be reasonably applicable in such camp."

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

A regulation adopted by the State Department of Health in 1938 requires physicians to report 22 kinds of occupational diseases to local health officers. The regulation also defines an occupational or industrial disease, and lists harmful substances and conditions constituting an industrial health hazard.

BUREAU OF LABOR

Authority and Functions [1]

Section 91.4. *Industrial statistics and information.* "The duties of said commissioner shall be. . .

"2. To collect, assort, and systematize statistical details relating to all departments of labor in the state, especially in its relation to the commercial, social, educational, and sanitary conditions surrounding the laboring classes, the means of escape from and the protection of life and health in factories, the employment of children, the number of hours of labor exacted from them and from women. . . ."

Section 91.5. *Other duties—jurisdiction in general.* "The commissioner shall have jurisdiction and it shall be his duty to supervise the enforcement of:

"1. All laws relating to safety appliances and inspection thereof and health conditions in manufacturing and mercantile establishments, workshops, machine shops, and other industrial concerns within his jurisdiction.

"2. All laws of the state relating to child labor. . . .

"4. Such other provisions of law as are now or shall hereafter be within his jurisdiction."

Section 91.7. *Woman inspector—duties.* "One of the factory inspectors in the bureau of labor shall be a woman, who shall inspect the sanitary and general conditions of all factories, workshops, hotels, cafes, restaurants, stores, and all other establishments and places where women and children are employed; collect statistics and report the same to the commissioner with such recommendations as she believes will improve working conditions of women and children. . . . She shall perform such other services under the direction of the commissioner as will tend to promote the health and general welfare of the women and children employed in the industries within the state."

Section 91.9. *Right to enter premises.* "The labor commissioner and the inspectors shall have the power to enter any factory or mill, workshop, mine, store, business house, public or private work, when the same is open or in operation for the purpose of gathering facts and statistics such as are contemplated by

[1] Additional reference on page 88 (State Board of Education).

this chapter, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safeguarding Workplaces and Equipment

Section 88.6. *Safety appliances.* Requires provision of safety appliances on moving machinery and protection by guards or housing all gearing, cogs, belting, saws and other similar machinery.

Section 88.7. *Removal of guards or appliances.* Prohibits the removal or destruction of any guard or safety appliance from equipment provided for protection of employees.

Section 88.8. *Blowers and pipes for dust.* Requires emery wheels or belts, or tumbling barrels used for rumbling or polishing castings to be provided "with blowers and pipes of sufficient capacity, placed in such a manner as to protect the person or persons using same from the particles of dust produced or caused thereby, and to carry away said particles of dust arising from or thrown off such wheels, belts, and tumbling barrels . . . directly to the outside of the building, or to some receptacle . . . to receive or confine such particles of dust. . . ." Exempted are wet grinding machines, small emery wheels used for tool grinding, and shops employing not more than one man at such work.

Section 88.9. *Pipes and flues for gases.* "Any factory, workshop, printshop, or other place where molten metal or other material which gives off deleterious gases or fumes is kept or used shall be equipped with pipes or flues so arranged as to give easy escape to such gases or fumes into the open air, or provided with other adequate ventilators."

Section 88.10. Prescribes penalty for violation of sections 88.2 to 88.9.

Sanitation

Section 88.2. *Water closets—separate for each sex.* Requires every manufacturing or mercantile establishment, or workshop employing 5 or more persons, to provide water closets which shall be properly screened, ventilated, and kept at all times in a clean condition, and separate for each sex.

Section 88.3. *Washing facilities.* Requires all factories, mercantile establishments, mills, and workshops to provide a sufficient supply of drinking water, adequate washing facilities separate for each sex, and, when character of work requires change of clothing, dressing room and lockers.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 92.1. Enumerates occupations and industries prohibited to children under 14 years.

Section 92.4. Declares unlawful the directing or permitting boys under 16 and girls under 18 to clean machinery while in motion; boys or girls under 16 to operate freight or passenger elevators; and boys and girls under 16 to operate dangerous machinery.

Section 92.11. Forbids persons under 16 to be employed "at any work or occupation which, by reason of its nature or the place of employment, the health

of such person may be injured, or morals depraved, or at any work in which the handling or use of gunpowder, dynamite, or other like explosive is required, or in or about any mine during the school term . . . or in any occupation dangerous to life or limb.

"No female under twenty-one years of age shall be employed in any capacity where the duties of such employment compel her to remain constantly standing."

Section 92.15. Prescribes penalty for violation of the Child Labor Laws.

Section 92.16. Empowers the Labor Commissioner to enforce provisions of the chapter and local enforcement agencies to assist.

Section 88.4. Requires employers of females in workshops, mercantile, manufacturing or business establishments to provide suitable seats and permit their use when duties reasonably allow it.

Reporting of Injuries

Section 88.11. *Record of accidents.* Requires employers to keep record of any accident to employee resulting in death, or in bodily injury which may prevent returning to work within 2 days. Records shall be open to inspection by Bureau of Labor.

Section 88.12. *Report of accidents—evidence.* Requires a written report to be made to the Commissioner of Labor of all accidents for which record keeping is required. Statements contained in such reports are not admissible in any action arising out of the accident reported. Penalty for violation.

INDUSTRIAL COMMISSIONER [1]

The Workmen's Compensation Law is administered by the Industrial Commissioner. (Sections 85.1 to 85.69)

Occupational Disease Compensation

Sections 85A–1 to 85A–27. Iowa Occupational Disease Law. A group of 16 diseases is deemed compensable. Schedule coverage.

Reporting of Injuries

Section 86.11. *Reports of injuries.* Employers are required to keep a record of all injuries fatal or otherwise, resulting in incapacity for a longer period than one day and report those causing incapacity for a longer period than 7 days to the Industrial Commissioner, and all permanent total and partial disabilities, and deaths. Penalty for failure to report.

STATE MINE INSPECTORS

Chapter 82. Contains mining laws of Iowa. Among the subjects covered are: appointment of a board of examiners and examination of applicants for certificates of competency for mine inspectors, mine hoisting engineers and mine foremen; appointment of State Mine Inspectors and their duties with respect to mine examinations in their respective districts; safety requirements for escape ways and air shafts, and traveling ways; requirements for ventilation and air currents; provision of safety appliances on machinery and equipment; duties of mine engineers, foremen and of miners and other employees with respect to examinations for safety of workareas and observance of mining laws; storage and handling of explosives and safe blasting practices; provision of washing facilities

[1] Additional reference on page 88 (State Board of Education).

in mines where more than 20 persons are employed; electrical installations; and investigations of accidents.

Chapter 83. Contains laws applicable to gypsum mines. Among subjects covered are escape shafts, ventilation, and duties and powers of inspectors and engineers in carrying out the laws.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 259.1 to 259.8 The provisions and benefits of the Federal Act for the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board for Vocational Education is designated as the agency to cooperate with the Federal Board in carrying out the provisions of the Federal Act. Its duties include the administration of legislation enacted by the State and of funds provided for rehabilitation of persons disabled in industry or otherwise; study and making of investigations related to vocational rehabilitation; making related surveys with cooperation of State Commissioner of Labor and the State Industrial Commissioner; utilization of existing educational facilities and facilities of other agencies as may be advisable; promotion of the establishment and assistance in the development of training agencies; and placement of vocationally rehabilitated persons in suitable remunerative employment. The State Board together with the Commissioner of Labor and the Industrial Commissioner is empowered to formulate a plan of cooperation in accordance with the provisions of the chapter.

DEPARTMENT OF AGRICULTURE

Section 159.4. Powers and duties of the Department of Agriculture include the inspection and supervision of all cold storage plants and food producing or distributing establishments so as to prevent the preparation or storage or transportation of food in a manner detrimental to its character or quality.

Sections 170.9 to 170.28. Contain requirements for sanitary construction of hotels, restaurants, food establishments and slaughterhouses, and for sanitation in conducting business. Laws are aimed directly at cleanliness of food and premises. Persons affected with any communicable disease are prohibited from working in such establishments.

STATE COMMERCE COMMISSION

The State Commerce Commission has general supervision of all railroads and other common carriers, power and communications utilities.

Sections 477.17 to 477.24. Require railroads to equip locomotives with headlights, footboards for employees to stand on, grab-rails, and frosted glass in cab windows. Penalty for violation.

Section 477.45. Regulates continuous hours of service of railroad employees, requiring at least 10 hours' rest after 17 hours of duty.

NUISANCE CONTROL

Section 657.1. ***Nuisance—what constitutes—action to abate.*** "Whatever is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with comfortable enjoyment of life and property, is a nuisance. . . ."

Section 657.2. ***What deemed nuisances.*** "The following are nuisances:
"1. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or to the public. . . .
"11. The emission of dense smoke, noxious fumes, or fly ash in cities is a nuisance and cities may provide the necessary rules for inspection, regulation and control. . . ."

Municipal corporations have power to abate, restrict or prohibit any nuisance, public or private. Civil action may be brought to court to enjoin, abate and recover damages.

KANSAS

SOURCES: General Statutes of Kansas Annotated 1949, as amended
1953 New Laws
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions [1]

General Statutes of Kansas Annotated 1949, Section 65–101. ***Health supervision, investigations, sanitary inspections, surveys and quarantine; regulations affecting carriers, penalty for violation.*** "The board of health shall have general supervision of the health of the citizens of the state, and endeavor to make intelligent and profitable use of the collected records of the causes of sickness and death among the people. They shall make sanitary investigations and inquiry concerning the causes of diseases . . . the causes of mortality and effects of locality, employments, conditions, food, water supply, habits and other circumstances upon the health of the people. They shall advise officers of government, or other state boards, in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of public buildings. They shall make sanitary inspection and survey of such places and localities as they deem advisable. . . ." Penalties are prescribed for violations of rules and regulations of the State Board of Health.

Section 65–626. ***Conditions of places of sale of food and drugs; rules and regulations; penalty for violation.*** "That the state board of health is hereby authorized and directed to make and cause to be published . . . such sanitary rules and regulations as are necessary in food and drug inspection and to carry out the provisions of this act. . . ." Penalty for violation.

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

Section 65–625. ***Conditions of places of sale of food and drugs.*** "That every place occupied or used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food or drug shall be properly lighted, drained, plumbed, ventilated, screened and conducted with strict regard to the influence of such condition upon the health of operatives, employees, clerks or other persons

[1] Additional reference on page 93 (Kansas Safety Council).

therein employed, and the purity and wholesomeness of the foods or drugs therein produced."

Sections 65–6a01 to 65–6a11. Deal with sanitary regulation of slaughterhouses, meat and poultry packing houses, sausage plants and poultry dressing plants.

Sections 65–701 to 65–721. Deal with sanitary regulation of milk, cream and dairy products.

Rules and Regulations

The State Board of Health has adopted sanitary rules and regulations for food and drug establishments which contain requirements for cleanliness of operations, equipment, premises, and of employees, and for provision of washing and toilet facilities.

Reporting of Occupational Diseases

By regulation 11,204–3. *Poisons and Industrial Disease.* "The following-named diseases are also declared to be dangerous to the public health and are declared to be notifiable diseases: Group V. Arsenic poisoning, brass poisoning . . . any other disease or disability contracted as a result of the nature of the person's employment." Reportable to the State Board of Health by physicians.

STATE LABOR DEPARTMENT

Authority and Functions [1]

Section 75–3403. *Research division; factory, mill and mine division; women's and children's division; unemployment compensation division; wage-hour division.* "The state labor commissioner is hereby authorized to create a research division; a factory, mill and mine division; a women's and children's division . . . in the state labor department for the purpose of administering and enforcing all laws of Kansas and regulations promulgated by the state labor department pertaining to factory, mill and mine inspection, women and children in industry. . . ."

Section 75–304. *Qualifications of state labor commissioner . . . duties.* ". . . and he shall have active charge of factory, mill and mine inspection, supervision of laws pertaining to women and children in industry, and he is hereby given full jurisdiction over and control of factory, workshop and mill and mine inspection. . . ."

Section 44–634. *Annual reports; duties as to labor and industrial pursuits; enforcement of laws.* "It shall be the duty of the state labor commissioner in exercising the functions formerly under the commissioner of labor and industry to collect, assort, arrange and present in annual reports to the governor . . . statistical details relating to all departments of labor and industrial pursuits in the state. . . . It shall also be the duty of the commissioner to cause to be enforced all laws regulating the employment of children, minors, and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads, and other places; and all laws enacted for the protection of the working classes. . . ."

Section 44–636. *State factory inspection; examination of places of employment; conditions, safeguards and appliances; penalties for violations; actions to vacate and set aside order.* "The state labor commissioner exercising his functions as state factory inspector . . . shall have power to enter any factory or mill, workshop, private works or state institution having shops or factories, mercantile establishment, laundry or any other place of business where

[1] Additional reference on page 93 (State Board of Education and Kansas Safety Council).

and when labor is being performed . . . for the purpose of gathering facts and statistics . . . and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places and to keep a record thereof of such inspection. If it shall be found upon such investigation that the heating, lighting, ventilation or sanitary arrangement of any such establishment or place is such as to be injurious to the health of persons employed or residing therein, or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting . . . cogs or machinery, in any such establishment or place are so located, or are in a condition so as to be dangerous, or are not sufficiently guarded, or that the vats, pans or any other structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accidents or injury to those employed at, or near them, or that the construction or condition of any building or buildings, or any boiler, machinery or other appurtenances in or about any place as described in this section is such as to be dangerous or injurious to the persons employed or residing therein, or that the methods of operation are such as to be unnecessarily dangerous or injurious to the persons employed or residing therein, or that any other condition which is within the control of the owner . . . of any such building, establishment or place to be found to be dangerous or injurious to any persons . . . the officer making such inspection shall notify in writing the owner . . . to provide such safeguards or safety devices, or to make such alterations. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Sections 44–101 to 44–104. Require manufacturing establishments to enclose elevators, hoisting shafts or well holes; to provide hand-rails on stairways, and have doors open outwardly; to provide fire escapes on all establishments 3 or more stories high; and to provide proper safeguards on machinery of every description for the purpose of preventing or avoiding death or injury to employees.

Section 44–107. ***Definition of manufacturing establishments.*** Defines manufacturing establishments to include smelters, oil refineries, cement works, mills of every kind, machine and repair shops and any other kind or character of manufacturing establishment.

Section 44–109. ***Unsafe structures and appliances; complaints; duty of inspector; notice; repairs.*** Deals with safety of employees engaged in constructing, repairing or painting buildings, and on scaffolding towers and other appliances. Penalty for violation.

NOTE: See also section 44–630 under authority and functions of State Labor Department.

Rules and Regulations

The Labor Department (Women's and Children's Division) has issued orders governing the employment of women and minors in the laundry, manufacturing, mercantile, public housekeeping, and telephone industries. Orders include requirements for seating facilities; washing, toilet and dressing room facilities; lighting, heating and ventilation; and hours of labor.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 44–640. ***Conditions of employment detrimental to health and welfare unlawful.*** "That it shall be unlawful to employ women, learners, and

apprentices and minors in any industry or occupation within the State of Kansas under conditions of labor detrimental to their health or welfare and it shall be unlawful to employ women, learners, and apprentices and minors in any industry within the State of Kansas at wages which are not adequate for their maintenance and for more hours in any one day than is consonant with their health and welfare, except as hereinafter provided."

Section 44–111. Requires seats to be provided for use of female employees for the preservation of their health and for rest when not actively employed at their duties. Penalty for violation.

Sections 38–601 and 38–602. Prohibit employment of minors under 14 in specified occupations and industries, and of minors under 16 in any mine or quarry or "at any occupation at any place dangerous or injurious to life, limb, health or morals."

NOTE: See also under rules and regulations.

Mines and Mining

Sections 49–101 to 49–309. Contain coal mining laws. Among subjects covered are: safety of mine openings, hoisting and hoisting machinery and escapement shafts; ventilation requirements and daily inspections for fire damp; duties of mine bosses with respect to inspections of workareas and equipment for safety; appointment and duties of State inspector of mines; investigation of mine accidents; ventilation and inspection in gassy mines; rights and duties of the Labor Commissioner with respect to unsafe or dangerous mines and conditions and penalty for failure to comply with his orders; provision of escape shafts; handling and use of explosives; removal or suppression of excessive dust by ventilation and wet methods; examination and certification of mine foremen, fire bosses and other mine employees; regulations for shot-firing in coal mines; requirements for number, construction, equipment and maintenance of bathhouses; mine rescue work; and provision of first-aid supplies and equipment.

WORKMEN'S COMPENSATION COMMISSIONER [1]

The Workmen's Compensation Law is administered by the Workmen's Compensation Commissioner. (Sections 44–501 to 44–572)

Occupational Disease Compensation

1953 New Laws, Senate Bill No. 284, effective July 1, 1953, amended the Workmen's Compensation Act to cover 12 kinds of occupational diseases. An occupational disease is to be "treated as the happening of an injury by accident." Schedule coverage.

Reporting of Injuries

General Statutes of Kansas Annotated, Section 44–557. Requires every employer including those not electing to come under the Workmen's Compensation Act to report to the Commissioner any accident, claimed or alleged, incapacitating employees from work for more than the remainder of the workday. Such reports are not admissible as evidence before the Commissioner or in any court. Penalty for violation.

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[1] Additional reference on page 93 (Kansas Safety Council).

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 72–4308 to 72–4314. A vocational rehabilitation service for the vocational rehabilitation and placement in remunerative employment of disabled persons is established under the supervision and control of the State Board for Vocational Education. The State Board is authorized to disburse allotted funds; to vocationally rehabilitate and place in remunerative employment persons eligible for benefits; with the State Labor Commissioner, to formulate a plan of cooperation for carrying out the Act; and to enter into cooperative agreements with other agencies. The provisions and benefits of the Federal Act for the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted.

STATE CORPORATION COMMISSION

The State Corporation Commission has full power and jurisdiction over public utilities and all common carriers.

Section 66–248. Requires frogs, switches and guard-rails on railroads for the protection of employees and others.

Section 66–283. Requires railroad companies to provide sheds for the protection of employees from inclement weather conditions.

KANSAS SAFETY COUNCIL

The Kansas Safety Council is made up of 12 representatives of the various State governmental agencies including the State Labor Commissioner, Secretary of the Board of Health, Secretary of Board of Agriculture and the Workmen's Compensation Commissioner.

Section 74–3704. ***Duties.*** "It shall be the duty and object of the Kansas safety council: To promote better understanding of the accident problem of this State and of state and municipal laws enacted for the purpose of aiding in the solution of the problem; to promote a permanent educational program for the purpose of enlisting the cooperation of all citizens in reducing accidents; to work for the prevention of accidents on streets and highways, in the home, in the factories, on the farm and wherever preventable accidents occur; and to promote safety measures of every kind and character and to educate the public generally in the matters of safety."

KENTUCKY

SOURCES: Kentucky Revised Statutes 1948
Kentucky Acts 1952
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Kentucky Revised Statutes 1948, Section 211.010. ***Department of Health; functions.*** "The Department of Health shall have and exercise all the administrative functions of the state in relation to public health, sanitation, food and

[1] Additional reference on page 95 (Section 336.090).

drug control . . . prevention and control of communicable diseases . . . except as otherwise provided by law."

Section 211.090. *Powers and duties of State Board of Health (of the Department of Health).* "(1) The State Board of Health shall:

"(a) Have general supervision of the health of the citizens of this state, and endeavor to make intelligent and profitable use of the collected records of the causes of sickness and death among the people.

"(b) Make sanitary investigations and inquiries concerning the causes of disease and mortality, and the effects of locality, employment conditions, food, water supply, habits and other circumstances upon the health of the people, giving special attention to the causes of epidemics and endemics.

"(c) Make sanitary inspections and surveys of such places and localities as it deems advisable. . . ."

Section 211.100. *Divisions of Department of Health* ". . . (5) The Division of Housing, which shall promote better ventilation, heating, water supplies, sewage disposal, and other conditions affecting sanitary housing in rented or leased houses, and houses provided as part compensation for labor, and in schools, factories, shops, offices. . . ."

Section 217.380. *Enforcement of food establishment law; abatement of unlawful conditions* . . . "The State Board of Health may provide for . . . making inspections into the condition and wholesomeness and purity of the food produced, manufactured, or sold in food factories . . . bakeries, slaughter houses, dairies, milk depots or creameries, and all other places where foods are produced, prepared, stored, kept or offered for sale. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Section 217.280. *Food establishments to be sanitary.* "Every building, room, inclosure or premises occupied, used or maintained for the preparation, manufacture, packing, storage, sale or distribution of any food intended for sale shall be properly and adequately lighted, drained, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of those employed therein, and upon the purity and wholesomeness of the food. . ."

Sections 217.290 to 217.380. Set forth requirements for cleanliness of buildings and equipment, toilet and washing facilities, and personal habits of employees; prohibit persons with contagious or venereal diseases from working therein; and provide for enforcement by the State Board of Health and local boards of health and for abatement of unlawful conditions.

Rules and Regulations

Adopted by the State Board of Health.

1. "No person, firm, corporation or other employer shall use or permit to be used in the conduct of his business, manufacturing establishment, or other place of employment, any process, material or method of working known to have an adverse effect on health, unless arrangements have been made to maintain the occupational environment in such a manner that injury to health shall not result." Adopted 1945.

2. *Industrial Hygiene Standards.*

Standards require that exposures to dusts, fumes, mists, vapors, gases, or any materials that may affect health be kept below the specified concentration limits.

3. *Food Sanitation.*
Regulations covering dairies, bakeries, slaughterhouses and bottling plants contain requirements for cleanliness of premises and employees, and for toilet and washing facilities, and prohibit persons with communicable diseases from working therein.

Reporting of Occupational Diseases

Regulation adopted in 1942 requires physicians to report occupational diseases to city or county boards of health.

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions

Kentucky Revised Statutes 1948, Section 336.040. ***Functions and duties of the department.*** "(1) The department shall exercise all administrative functions of the state concerned with employer-employee relationships, including: (a) Safety of workers; (b) The Workmen's Compensation Board. . .

"(2) The department shall . . . (e) Improve working and living conditions of employees and advance their opportunities for profitable employment; and (f) Inquire into the causes of accidental injuries and occupational diseases arising out of and in the course of employment, and advance measures for the prevention of such accidents and occupational diseases and for the improvement of sanitary conditions in places of employment."

Section 336.070. ***Investigation of working conditions.*** "The department shall make investigations, collect and compile statistics and report on the conditions of industries, labor and unemployment, and upon all matters relating to employer-employe relations and working conditions. . . ."

Section 336.080. ***Inspection of places of employment.*** ". . . In the discharge of his duties, the commissioner or his authorized deputy, may enter places of employment at any reasonable time. . . ."

Section 336.090. ***Inspectors to report violations of health and fire laws and rulings.*** "(1) The department shall be furnished with a copy of all the laws and rulings of the State Board of Health affecting sanitary conditions in places of employment, not covered by the labor laws of the state, and shall report in writing to the state, county or city health authorities any violations coming under the observation of its inspectors while visiting places of employment in the regular performance of their duty. . . ."

Section 338.040. ***Board to fix and enforce standards of safety.*** "After reasonable notice and opportunity to be heard the board [Industrial Safety Board] may . . . by general order, rule or regulation:

"(1) Fix reasonable standards and prescribe and modify by appropriate action the adoption, installation, use, maintenance and operation of reasonably adequate safety devices, safeguards and other methods of protection reasonably necessary for the protection of the life and safety of employes in places of employment; and

"(2) Fix and order reasonable standards for the repair and maintenance of places of employment necessary to make them safe."

Section 338.050. ***Determination and removal of unsafe working conditions.*** Empowers the Commissioner to investigate upon complaint that any place of employment, equipment or practice is unsafe. Orders to insure safety are enforced through injunction.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 338.030. ***Employer to furnish safeguards; effect of failure to use.*** "(1) Every employer shall: (a) Furnish places of employment that are safe for the employes therein; (b) Furnish safeguards and safety devices reasonably necessary to protect his employes from accidental injuries; and (c) Adopt and use practices, methods and processes reasonably necessary to render such employment safe . . ." The displacing or damaging of safeguards is prohibited and employees are required to use the safeguards provided.

Section 338.070. ***Suction and exhaust systems for buffing and grinding machinery.*** ". . . every person operating any factory or workshop where emery wheels or emery belts are used . . . shall provide them with suction or exhaust systems, conforming to the requirements of KRS 338.070 to 338.090."

This provision does not apply to grinding machines upon which water is used and to emery wheels used for tool grinding or those used in connection with fitting operations.

Section 338.080. ***Hoods; suction and exhaust pipes.*** Requires exhaust systems to be placed so as to protect persons using wheels or belt from the dust produced; to be fitted with hoods or hoppers to catch the dust or refuse; and suction pipes to be provided with wheels as specified.

Section 338.090. ***Fans; suction required.*** Requires fans or blowers of specified velocity to be connected with suction pipes.

Sanitation

Section 338.120 ***Toilet and dressing rooms to be provided for employes.*** Requires employers of females to provide suitable washrooms and water closets, and when male persons are employed in the same establishment to maintain separate facilities. When nature of work requires change of clothing, a dressing room for women shall be provided.

Building Construction

Sections 338.150 to 338.170. Deal with provision of counter floors and safe scaffolding on construction jobs in cities of first and second classes.

Medical Provisions

Section 338.140. ***Physician or surgeon for industrial plant; selection of.*** Deals with selection of plant physician by representatives of employees when he is to be paid by deductions from employees' wages; Commissioner of Labor is empowered to act as umpire.

Section 338.200. ***Cost of medical examination or furnishing of records, employee not to pay.*** Forbids employers to require any employee or applicant for employment to pay the cost of a medical examination or of any records required by the employer as a condition of employment.

Section 338.900. Prescribes penalties for violations of preceding sections.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 338.110. Requires employers of females to provide suitable seats, as specified, and permit their use when duties allow it.

Section 339.230. Restricts and/or prohibits employment of minors between 14 and 16 years of age in enumerated occupations and industries. Prohibited employment includes manufacture or use of dangerous or poisonous dyes or chemicals, and lead or its compounds, occupations involving exposure to radioactive substances, smelters, and various operations using machinery.

Section 339.240. Restricts and/or prohibits employment of minors between 16 and 18 in specified occupations and industries.

Section 339.270. Requires that a lunch period be permitted minors under 18 after 5 hours' continuous work.

Section 339.410. Prohibits employment of females under 21 at any occupation that compels them to remain standing constantly.

Section 339.420. Requires limewashing or painting of walls and ceilings in rooms of manufacturing plants when, in the opinion of the Commissioner, it would be conducive to the health or cleanliness of persons working there.

Section 339.440. Requires manufacturing establishments employing persons under 21 to provide safeguards for moving machinery and appliances, and prohibits their removal except for making repairs.

Section 339.450. Empowers the Department of Industrial Relations to enforce child labor laws.

Section 339.990. Prescribes penalty for violation.

Workmen's Compensation

Workmen's Compensation Law is administered by the Workmen's Compensation Board. (Chapter 342)

Occupational Disease Compensation

Section 342.005. ". . . personal injury by accident . . . shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as 'bad air', and also shall include injuries or death due to the inhalation of any kind of gas." Coverage as to silicosis is voluntary.

Reporting of Injuries

Section 342.330. Requires employers subject to this chapter to report to the Workmen's Compensation Board injuries to employees causing absence from work for more than one day.

Kentucky Employe's Insurance Association

Section 342.495. Creates the Employe's Insurance Association for the purpose of affording to employers a method of insuring their liability.

Section 342.555. Empowers the board of directors of the Association to make and enforce reasonable regulations for the prevention of injuries on the premises of subscribers, and provides for free access to all such premises during regular working hours.

DEPARTMENT OF MINES AND MINERALS

Chapters 351 and 352, as amended by 1952 laws. The Department of Mines and Minerals administers and enforces the coal mining laws through district inspectors. Among the subjects covered are duties of inspectors with respect to inspection of mines, enforcement of mining regulations, and investigation of accidents; mine rescue work, and first-aid training of officials and workmen; dissemination of information concerning mine ventilation, mining methods and mine accidents and their prevention; certification of district mine inspectors, mine foremen and fire bosses; requirements for ventilation, quantity of air per person

or animal, and methods of ventilating various workareas, with special reference to mines liberating methane; number and circulation of ventilating currents; rock dusting; safety of passageways, openings, underground installations; handling and storage of explosives; use of safety lamps and other safeguards; safe mining operations in gassy and nongaseous mines; protection of abandoned mines so as to prevent overflow of gas; duties of inspectors and mine foremen and miners regarding inspections, safety practices; mine rescue work; and requirements of first-aid equipment, and first-aid training of employees. Penalties for violations are prescribed.

The Department also administers the oil, gas and salt water wells laws covered by chapter 353. An Act approved March 5, 1952 (Kentucky Acts 1952, chapter 162) makes provisions of chapters 351 and 352 concerning coal mines applicable to clay mines and clay mining.

DIVISION OF INSURANCE

Dry Cleaning and Dyeing Establishments

Section 228.010 to 228.990. The Division of Insurance has regulatory supervision over dry cleaning and dyeing establishments. Laws provide for issuance of permits and set forth safety requirements for location and structure of buildings, lighting and electrical equipment, ventilation, fire protection, and for various operations and equipment used in dry cleaning and dyeing.

RAILROAD COMMISSION

The Railroad Commission has jurisdiction over enforcement of laws relating to common carriers.

Section 277.230. Requires every railroad company to keep frogs on its tracks to prevent the feet of employees from being caught therein. Penalty for violation.

Kentucky Acts 1952, Chapter 149. This Act requires railroads or common carriers using motor cars to provide protection from rain, snow, sleet and hail for its employees; windshields of safety glass with windshield wipers; and suitable electric headlamps.

AIR POLLUTION CONTROL

Kentucky Acts 1952, Chapter 53. The Act relates to the control and suppression of air pollution. The Act empowers the creation of an air pollution control district in each county, to function when the fiscal court of the county declares a need for air pollution control and upon receiving evidence at public hearing that the "air within such county is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life and property. (2) And further that for any reason it is not practical to rely upon the enactment or enforcement of local ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution." Legislative bodies in cities of first or second class may adopt ordinances declaring need for an air pollution control district.

The Act provides for specific powers and functions of district control officers, air pollution control boards, and hearing boards; prohibits the emission of "any air contaminant for a period or periods aggregating more than three minutes in any hour which is (a) as dark or darker in shade as that designated as No. 2 of the Ringelmann chart, as published by the United States Bureau of Mines,

(b) of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Subsection (a) of this section"; further prohibits the "discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause injury or damage to business or property." Residences, fuel consuming devices when being cleaned or when new fires are being built, agricultural equipment, and smoke from fires permitted by public officers, are exempted.

The air pollution control officer is given power of entry for enforcement of the Act or any orders or regulations prescribed pursuant thereto. The Act provides for issuing of permits, scheduling of fees, public hearings, variances, procedures for hearings and penalties.

LOUISIANA

SOURCES: Louisiana Statutes Annotated, Revised Statutes
Sanitary Code, State of Louisiana

STATE DEPARTMENT OF HEALTH

Authority and Functions

Louisiana Statutes Annotated, Revised Statutes, Section 40:7. ***Executive officer; powers; restriction on issuance of warrants.*** "The president is the executive officer of the board with the title of state health officer. He shall at all times take all necessary steps to execute the sanitary laws of the state, and to carry out the rules, ordinances, and regulations of the board made thereunder. However, he may issue warrants to arrest or prevent epidemics or to abate any imminent menace to the public health."

Section 40:11. ***General powers and jurisdiction of board; sanitary code.*** ". . . The board shall prepare, or cause to be prepared, a sanitary code for the state. This code shall contain rules, regulations, and ordinances for the improvement and amelioration of the hygienic and sanitary conditions of the state. Upon its adoption by the board, the code shall be promulgated in the manner provided for the promulgation of state laws. . . . The code shall provide specially for . . . the supervision of . . . slaughter houses and cold-storage plants and the disposal of waste; and the reporting, care, and management of cases of communicable diseases. It shall . . . provide for the carrying out of the laws of the state in regard to the adulteration or misbranding of articles intended for human food or consumption; and provide for the inspection of meats, milk, coal oil, and other articles affecting public safety. Lastly, it shall contain general rules in regard to those public health, sanitary, and hygienic subjects which cannot, in the opinion of the state board of health, be sufficiently regulated by the local boards."

Section 40:15. ***Entry on and inspection of premises.*** "The president and members of the board and every person duly authorized by the board may enter, examine, and inspect all grounds, structures, public buildings, and public places in execution of a warrant issued in accordance with the constitution and laws of Louisiana."

Section 40:16. ***Arrests for violations; necessity of warrant in certain cases; assistance of law-enforcement officers.*** "Any inspector, officer, or

employee of the board may arrest, without warrant, all persons violating any rule or regulation of the board or any article or provision of the sanitary code. . . .

"All law enforcement officers shall aid in the apprehension of persons violating the provisions of the sanitary code or any rule or regulation of the board. These officers shall themselves arrest and apprehend all offenders commiting such offense in their view or sight or within their personal knowledge."

NOTE: See also "Industrial Health Regulations" under rules and regulations of State Board of Health regarding inspections in industry.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Prepared and promulgated by the State Board of Health.

1. ***Industrial Health Regulations.*** (Being revised)

Sanitary Code, Chapter XVII. Regulations contain list of maximum allowable concentrations of toxic materials and dusts; require excessive exposures to such materials to be controlled by exhaust ventilation, enclosure, or other suitable means; prescribe type, use and care of personal protective devices; set forth requirements for number and installation of washing and toilet facilities, lunchrooms, and rest rooms; require sufficient general ventilation; give specifications for exhaust systems; and specify responsibilities of employer and of employees regarding healthful and safe working conditions.

Section 17.111. ***Duty of Employer.*** "It shall be the duty of the employer, or of any person or persons responsible for the management of places of employment, to inform the employees engaged therein of the health hazards associated with their specific duties and of the health hazards that exist in their occupational environment, and of the necessary precautions and hygiene that workers must exercise to guard against these hazards.

"Employees shall be encouraged to report any suspected harmful exposure and/or any symptoms suspected of being due to working environment. Information about possible health hazards shall be requested from the Louisiana State Board of Health."

Section 17.112. ***Duty of Employee.*** "It shall be the duty of the employee to use such standard protective devices as are supplied, and the precautions recommended by the employer. The employee shall report to the employer or supervisor any suspected harmful exposure and/or any symptoms suspected of being due to working environment. In case there is disagreement between employer and employee as to what constitutes adequate health protection, the question shall be submitted to the Louisiana State Board of Health and, after due investigation, the recommendations of the Board shall be considered as the minimum precautionary measures necessary to be taken. More extensive precautions may be taken, but they shall not be obligatory."

Section 17.121. ***Inspection.*** "Results of inspection and analysis by a person approved by the Louisiana State Board of Health, using standard or generally accepted methods shall be prima facie evidence of compliance or non-compliance with these regulations."

2. ***Food Sanitation.***

Sanitary Code contains regulations pertaining to *Dairies, Milk and Milk Products* (Chapter V); *Bottled Water and other Bottled Carbonated Beverages* (Chapter IV); *Slaughter Houses, Meat Packing Plants and Sausage Kitchens* (Chapter XIV); and *Rendering of Animals* (Chapter XX).

Regulations require, when pertinent, adequate ventilation and lighting of buildings, provision of toilet and washing facilities, and conduct of operations in a sanitary manner. Persons with communicable or infectious diseases are not permitted to be employed at handling food products.

Reporting of Occupational Diseases

Sanitary Code, Section 1.02. *Diseases resulting from occupation* are among the reportable diseases listed. Physicians are required to make such reports to the State Board of Health, through the parish health unit.

DEPARTMENT OF LABOR

Authority and Functions [1]

Louisiana Statutes Annotated, Section 23:1. ***Department of labor established.*** ". . . The duties of this department shall be exercised and discharged under the supervision and direction of a commissioner to be known as the commissioner of labor. He shall have charge of the administration and enforcement of all laws, rules and regulations, which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations, except as otherwise provided."

Section 23:5. ***Right of entry.*** "The commissioner of labor and his authorized representatives may enter any place of employment at any reasonable time for the purpose of collecting facts and statistics relating to the employment of workers, and of making inspections for the proper enforcement of all labor laws. No employer or owner shall refuse to admit the commissioner or his authorized representatives to his place of employment."

Section 23:6. ***Powers and duties.*** "In addition to any other powers and duties which may be conferred upon the commissioner by law, he shall:

"(1) Collect, collate, and publish statistical and other information relating to employment conditions of workers, and make public such reports as in his judgment he may deem necessary.

"(2) Enforce all labor laws. . . ."

Section 23:8. ***Rule making power.*** "The commissioner of labor may make and prescribe reasonable rules and regulations for the use of safety devices, safeguards, and other protective means for the prevention of accidents and for protection against industrial or occupational diseases in places of employment. He may issue general orders applicable to employers and employees, for the enforcement of such rules and regulations, or other provisions of law. . . . Rules, regulations, or general orders relating to the installation of safety devices or other safeguards, and the use thereof, shall conform to approved practices in the industries and places of employment involved. . . . The employer who is required to install a safety device, safeguard or other means of protection may use and employ any device that is recognized, used, approved, and found effective by the best practice in the same or similar industry or places of employment; and the employer shall not be limited to the selection and use of any particular make or type of device or safeguard. The publications herein directed or authorized shall be in newspapers published in the parishes where the industries or places of employment affected are located."

Section 23:152. ***Enforcement of provisions.*** "The commissioner of labor or his authorized representatives shall visit and inspect at all reasonable times,

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[1] Additional reference on page 103 (State Board of Education).

and as often as possible, all places where minors are employed. . . . The commissioner shall institute judicial proceedings to enforce the provisions of this Part, and the district attorney shall prosecute."

Section 23:354. ***Minimum wage division of department of labor; creation and purpose.*** "The commissioner of labor shall establish as a separate division in the department of labor, a minimum wage division. . . .

"The purpose of this division shall be to establish reasonable standards of wages and conditions of labor for women and girls not detrimental to their health and morals, and sufficient for their decent maintenance."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 23:13. ***Employers' duty as to safety.*** "Every employer shall furnish employment which shall be reasonably safe for the employees therein. They shall furnish and use safety devices and safeguards, shall adopt and use methods and processes reasonably adequate to render such employment and the place of employment safe in accordance with the accepted and approved practice in such or similar industry or places of employment considering the normal hazard of such employment, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees. Nothing in this Section shall apply to employment in private domestic service or to agricultural field occupations."

Divers, Tunnel and Caisson Workers

Sections 23:481 to 23:487. Regulate work in compressed air. Require all employers of divers, tunnel and caisson workers to provide ample facilities to protect the health of such employees; to employ medical officer whose duty shall be to make physical examinations of workers to determine physical fitness before working in compressed air and at intervals of 60 days; and to maintain ample equipment for decompression of men. Shifts, maximum pressure hours, minimum rest intervals, and rate of decompression are regulated. Penalty prescribed for violations.

Air Circulation and Fumes

Section 23:511. ***Type-casting machines; exhaust fans and flues; penalties.*** "All newspaper and printing concerns using three or more linotype or other type-casting machines, shall be required to install in the room or rooms in which the machines are operated, an exhaust fan or other device of sufficient capacity to keep pure air circulating and to expel the poisonous metal fumes arising from the machines.

"They shall be required to install vent pipes on each machine running from the metal pot to a flue or other aperture leading to the outside of the building. . . ." Penalty for violation.

Miscellaneous

Section 23:892. ***Fitness for employment; elements to consider age.*** "The elements for employment shall not be determined by age, but shall be governed by the mental and physical fitness, and by the experience and trustworthiness of the employee or applicant; except in hazardous occupations or occupations requiring unusual skill and endurance."

Section 23:894. ***Physician employed for employees; election or appointment by employees.*** "The physician employed to do the practice for the employees on any work, public or private, wherein more than ten persons are

employed, shall be elected or appointed by the employees themselves, at elections to be held once each year, or whenever a vacancy may occur. Any person, employed on the said work for a period of two weeks prior to the election and who has paid fees for the said physician, shall be qualified to vote."

Rules and Regulations

No data.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 23:161. Prohibits employment of minors under 18 in certain specified occupations and places of employment, such as in oiling, cleaning, or wiping of machinery, in mines and quarries, in places where stone cutting or polishing is done, in manufacture of explosives, or in their use or transportation, in or about iron or steel manufacturing plants, ore reduction works, smelters, foundries, or other places where heat treatment of metals is done, in operation of machinery rolling cold metal, or power-driven machinery, and in any others determined by the Commissioner of Labor to be hazardous or injurious to the life, health, safety or welfare of such minors.

Section 23:163. Prohibits employment of minors under 16 in certain specified places of employment.

Section 23:213. Requires provision of interval for meal period for minors under 18 after 5 hours of continuous work.

Section 23:292. Requires provision of seats for female employees.

Section 23:312. Requires provision of interval for meal period of not less than 30 minutes for all female employees in places specified in section 23:311. (This section regulates hours of employment of female employees in specified establishments.)

Workmen's Compensation

Sections 23:1021 to 23:1351. Cases are court administered.

Occupational Disease Compensation

Section 23:1031.1. Provides for schedule coverage. Six groups of diseases are named.

Reporting of Injuries

None.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 17:2001 to 17:2005. The State of Louisiana accepts the provisions and benefits of the Federal Act relating to vocational rehabilitation of persons disabled in industry and otherwise. The State Board of Education is designated as the administrative agency, and is authorized to cooperate with the Commissioner of Labor in formulating a plan of cooperation when approved by the Governor.

PUBLIC SERVICE COMMISSION

The Public Service Commission has jurisdiction over railroads, motor carriers, and public utilities.

Section 45:569. Requires all railroads to adjust, fill or block all angles in frogs and crossings on its roads or in its yards, divisional and terminal stations so as to prevent the wedging of the feet of employees or others in these angles. Penalty for violation.

Section 45:695. Requires street railroad companies to provide seats on each platform of every car and maintain them in good order for the use of the operator and conductor of the car. Penalty for violation.

Section 45:696. Requires street railway cars to be equipped with solid vestibules at each end from September 1 to May 1, to fully protect the motorman, conductor, and passengers compelled to stand on the platform. Penalty for violation.

MISCELLANEOUS

Construction Workers

Sections 40:1672 to 40:1683. Contain regulations for safety and protection of workers on building construction, repair, alteration or demolition, and prescribe penalty for violation. Law is applicable only in cities over 15,000 and is enforced by municipal authorities.

Section 40:1701. Requires installation, upon construction of commercial buildings in cities over 50,000, of safety bolts on windows opening on second story or above—to safeguard employees engaged in window cleaning, repair work, or installation of window awnings. Penalty for violation. Enforced by municipalities.

Smoke Consumers

Section 40:1251. ***Equipment of steam plants in certain cities; penalty.*** "The owner, manager, director, or agent of all steam plants located within incorporated cities of fifty thousand or more inhabitants shall provide, for the use of the steam plant, smoke consumers or other necessary appliances competent to consume not less than seventy-five per cent of the smoke resulting from the burning of fuel used in providing motive power for the plant. . . ." Penalty for violation.

MAINE

SOURCES: Revised Statutes of Maine 1944, as amended
1953 New Laws
Rules and Regulations of State Agencies

DEPARTMENT OF HEALTH AND WELFARE

Authority and Functions

Revised Statutes of Maine 1944, Chapter 22, Section 1. Establishes the Bureau of Health, and Bureau of Social Welfare within the Department of Health and Welfare.

Section 2. ***Duties of Department.*** "The department shall have general supervision of the interests of health and life of the citizens of the state. It shall study the vital statistics . . . it shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people . . . it shall, when

required . . . advise officers of the government, or other boards within the state, in regard to the location . . . heating, and ventilation of any public institution or building; it shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health. . . ."

Section 9. ***Rules and regulations of the department.*** "The department shall issue such rules and regulations as it shall think necessary and proper for the protection of life, health, and welfare, and the successful operation of the health and welfare laws. . . ."

Food Sanitation

Sections 123 to 126. Authorize the Department to regulate the sanitary inspection of dairies and places used for the manufacture, sale or distribution of dairy products, and to make necessary rules and regulations.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by the Public Health Council.

Rules and Regulations Relating to Sanitation of Factories and Mercantile Establishments. Adopted December 29, 1925.

Rules set forth requirements for construction, location and number of toilet facilities; ventilation and illumination; water closets without flush; washing facilities and washrooms; drinking water; and maintenance of such facilities.

Reporting of Occupational Diseases

Revised Statutes of Maine 1944, Chapter 22, Section 71. ***Reports from physicians.*** "Every physician attending . . . a person . . . suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed air illness or any other ailment or disease contracted as a result of such person's occupation or employment shall, within 10 days after his first attendance upon such person, send to the department a written notice. . . ."

Section 72. ***Lead poisoning.*** "In like manner . . . every case of lead poisoning and of suspected lead poisoning, which has resulted from the use of water which contains lead or is suspected of containing lead, shall be reported to the department; when such reports are received, the said department shall assist, by laboratory work and otherwise, the attending physician to determine whether the case is one of lead poisoning, and if so, the source of the poison."

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Chapter 25, Section 2. ***Work of department: enforcement of laws relating to employment of minors and women.*** "The department shall collect, assort, and arrange statistical details relating to all departments of labor and industrial pursuits in the state . . . to the number and character of industrial accidents and their effect upon the injured . . . to other matters relating to the commercial, industrial . . . and sanitary conditions prevailing within the state . . . the Commissioner shall cause to be enforced all laws regulating the

employment of minors and women; all laws established for the protection of health, lives, and limbs of operators in workshops and factories, on railroads, and in other places. . . ."

Section 4. ***Powers of Commissioner or agent to enter manufacturing establishment.*** "The commissioner . . . may enter any factory or mill, workshop . . . and may examine into the methods of protection from danger to employees and the sanitary conditions. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Chapter 25, Section 5. ***Duty when conditions are found insanitary, unsafe, or injurious to health.*** "If the commissioner . . . shall find upon such inspection that the heating, lighting, ventilation, or sanitary arrangement of any workshops or factories is such as to be injurious to the health of the persons employed, or residing therein or that the fire escapes and/or other means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing . . . and machinery . . . are in a condition so as to be dangerous to employees and not sufficiently guarded, or that vats, pans, or any other structures filled with or containing molten metal, hot liquids or inflammables are not surrounded with proper safeguards for preventing accidents or injury . . . he shall notify, in writing, the owner . . . to make, within 30 days, the alterations or additions by him deemed necessary for the safety and protection of the employees."

Compressed Air Work

Chapter 25, Sections 74 to 99. Provisions apply to all construction work in tunnels or caissons in compressed air. Require the presence of a capable representative of employer who shall be responsible for full compliance with regulations, and daily inspections with reports thereof to the Department; specify pressure shifts and intervals of work for each 24-hour period; regulate rate of decompression, temperature, lighting, sanitation, air supply and shafts; require maintenance of a medical lock as specified and employment of one or more qualified physicians or persons experienced in first aid in compressed air work and approved by the Commissioner to provide constant medical supervision, to make examinations of persons before and after working in compressed air and under specified circumstances, to maintain records, and to forward to the Department reports of accidents and illness; and set forth requirements for individual lockers, change room, washing and toilet facilities, and for supply of hot coffee and sugar. Laws also regulate use of explosives, and signal codes.

Miscellaneous

Section 36. ***Fee for medical examination.*** Forbids any employer to require that an employee or applicant for employment bear the medical expense of a medical examination required as a condition of employment. Penalty for violation.

Rules and Regulations

None. The Department of Labor and Industry follows American Standards Association codes.

Employment of Women and Minors

Among pertinent provisions are the following:

Chapter 25, Section 17. Prohibits the employment of minors under 18 in, or in connection with, any manufacturing or mechanical establishment, laundry, dry

cleaning establishment or bakery in any capacity that the Commissioner determines to be hazardous, dangerous to their lives or limbs, injurious to morals or where their health will be impaired.

Section 17a. Specifies employments that are prohibited to minors under 16.

Section 31. Prescribes penalty for violations.

Section 36. Requires employers to provide suitable seats for use of female employees for the preservation of their health and for rest when not actually employed at their duties. Penalty for violation.

Reporting of Injuries

Chapter 25, Section 8. ***Reports of deaths, accidents, and injuries to be made to commissioner of labor.*** Employers are required to report to the Commissioner of Labor deaths, and accidents causing absence from work for 6 days or more. Reports are not admissible as evidence in any action. Provisions of this section do not apply to employers obliged by law to report to the Maine Industrial Accident Commission.

INDUSTRIAL ACCIDENT COMMISSION [1]

The Industrial Accident Commission administers the Workmen's Compensation Act. (Chapter 26)

Chapter 26, Section 31. Authorizes commissioners, when necessary, to appoint a person to make full investigation of circumstances surrounding any industrial accident or matter connected therewith.

Occupational Disease Compensation

Chapter 26, Sections 57 to 69. Occupational Disease Law, as amended in 1951 and 1953. Fifteen diseases are covered. Schedule coverage.

Reporting of Injuries

Section 44. Requires employers to file with the Industrial Accident Commission, reports of injuries by accident causing absence from work of one day or longer or requiring the services of a physician. If employer sends the report to the insurance carrier, the latter is made liable for making the report. Penalty for violation.

DEPARTMENT OF EDUCATION

Vocational Rehabilitation

Chapter 37, Sections 173 to 177. The provisions and benefits of the Federal Act providing for vocational rehabilitation of persons disabled in industry and otherwise are accepted. The Vocational Education Board is authorized to receive and expend funds for the purpose, to cooperate with the Federal Board, to prescribe and provide for necessary courses of instruction and training, and to cooperate with the Industrial Accident Commission in formulating a plan of cooperation for carrying out these provisions.

PUBLIC UTILITIES COMMISSION

Chapter 40. The Public Utilities Commission has jurisdiction over railroads and other common carriers, and power and communications utilities. Its func-

[1] Additional reference below (Department of Education).

tions include authority to make necessary rules and regulations and inspections as to the conduct of all utilities.

Chapter 42, Section 72. Regulates size and construction of caboose cars, and requires them to be equipped with guard-rails, grab-irons and steps. Penalty for violation.

Section 75. Requires frogs and guard-rails to be blocked for protection of employees. Penalty for violation.

Chapter 43, Section 36. Requires platforms on street cars to be enclosed during winter months so as to protect employees from wind and inclement weather. Penalty for violation.

Chapter 44, Section 24. Regulates hours of continuous duty of drivers of motor trucks, requiring rest periods.

DEPARTMENT OF AGRICULTURE

The Department of Agriculture has supervision over slaughterhouses and meat processing plants, and beverage bottling plants. Laws provide for licensing and are aimed primarily at purity of the product.

NUISANCE CONTROL

Chapter 128, Section 7, amended. ***Certain nuisances described.*** "The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture, which, by noxious exhalations, offensive smells or other annoyances becomes injurious and dangerous to the health, comfort or property of individuals, or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others . . . are declared to be public nuisances."

MARYLAND

SOURCES: Annotated Code of Maryland, 1951
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Annotated Code of Maryland, 1951, Article 43, Section 2. ***Powers and duties of State Board of Health.***[2] "The State Board of Health shall have the general care of the sanitary interests of the people of this State; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality and the influence of locality, employments, habits and other circumstances and conditions upon the health of the people; they shall inquire into and investigate all nuisances affecting the public health and are authorized and empowered . . . to apply to . . . any Judge of the Circuit Court for the county in which such nuisance shall exist, or to the Judge of the Circuit Court of Baltimore City, as the case may be . . . for an injunction to restrain and prevent such nuisance no matter by whom or what authority committed.

[1] Additional references on pages 113 (Sections 392 to 399), and 114 (State Board of Agriculture).

[2] Paragraph headings are inserted.

They shall have the power to enter upon and inspect private property in regard to the presence of nuisances, cases of infectious and contagious diseases and to determine the cause and source of diseases; to make rules and regulations not inconsistent with law regulating the character and location of plumbing, drainage . . . or other waste material and offensive trades . . . and all sanitary features connected therewith. . . ."

Section 6. ***Sanitary districts.*** "The State Board of Health of Maryland shall divide the State outside of Baltimore City into twenty-three sanitary districts following county lines, and . . . appoint a Deputy State Health Officer for each sanitary district."

Section 8. ***Duties of Deputy State Health Officers.*** "Each Deputy State Health Officer, under the direction of the State Board of Health and the State Health Officer shall have jurisdiction throughout his district; and he shall have the right of entry into any workshop, factory, dairy, creamery, slaughterhouse, or other place of business or employment . . . when in pursuit of his official duties. . . . He shall, when required by the State Board of Health, inspect and report upon the sanitary conditions of streams and sources of public water supply, sewerage facilities . . . dairies, creameries, slaughterhouses, workshops, and factories, and all places where offensive trades or industries are conducted in his district . . . and it shall be his duty and he is hereby authorized to enforce any public health statute, or rule, or regulation of the State Board of Health . . ."

Section 32. ***Organization.*** Establishes seven major organizational units within the Department and authorizes the Board of Health to establish subunits within them and to assign responsibilities and functions.

Section 33. ***Duties of State Board of Health.*** "The State Board of Health shall . . . examine into and investigate epidemics and nuisances and devise means for their control . . ."

Section 36. ***Nuisances.*** "The State Board of Health shall . . . inquire into and investigate offensive trades and nuisances, disposal of trade wastes, sewage and other offensive matters, and devise means for their control."

Section 39. ***State Department of Health.*** "For the purpose of this article, the state board of health shall be known under the title and designated 'State Department of Health'. . . ."

Article 101, Section 43. ***Occupational disease prevention.*** "It shall be the duty of the State Department of Health and of the Commissioner of Health of Baltimore City, concurrently:

"(a) To receive reports of occupational diseases from physicians who have knowledge of such cases.

"(b) To study occupational diseases and ways and means for their control and prevention, and make the necessary rules and regulations for such control and prevention. Such rules and regulations for the control and prevention of occupational diseases shall have the force and effect of law. [Rest of section prescribes procedure for rules and penalty for violation.]

"(c) To investigate industrial conditions causing occupational diseases, or which may be suspected of causing occupational diseases, and make recommendations for the control of such conditions.

"(d) To enforce regulations regarding occupational diseases.

"(e) To recommend to the Legislature for enactment such measures . . . as their studies and experience may demonstrate to be advisable.

"But nothing in this Section shall be construed to limit any powers given to the Mayor and City Council of Baltimore, by charter or amendment thereto."

General Provisions Relating to Occupational Health

Statutory Provisions

Adulteration of Food and Drinks

Article 43, Section 162. Requires all places used for the sale, manufacturing, packing or distribution of nonalcoholic beverages to be "properly drained, plumbed and conducted with due regard for the purity and wholesomeness of the products therein produced, and with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed." Persons afflicted with contagious, infectious or skin diseases are prohibited from being employed. Penalty for violation.

Section 199. Sets forth sanitary requirements for food processing and handling establishments, covering sanitation facilities, cleanliness of premises and employees. Penalty for violation.

Rules and Regulations

Adopted by State Board of Health.

Regulations Governing the Control and Prevention of Occupational Diseases.

Regulation 1 prohibits employers and firms from using in the conduct of business or manufacturing any process, material or method of work known to have an adverse effect on health of workers, unless properly controlled. Effective January 1, 1941.

Regulation 2 lists maximum allowable concentrations to toxic materials. Effective June 1, 1944.

Regulation 3 prohibits use of mercurial carrot in the preparation of hatters' fur or in the manufacture of hats. Effective December 1, 1941.

Reporting of Occupational Diseases

Annotated Code of Maryland, 1951, Article 43, Section 11. ***Reports by physicians.*** "Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed-air illness or any other ailment or disease contracted as a result of the nature of the patient's employment, shall send to the State Board of Health a written notice stating. . ."

Air Pollution and Nuisance Control

Article 43, Section 103. "Whenever any watercourse, well, spring . . . other place, or any accumulation or deposit of offensive or noxious matters, or any house, building, trades establishment or manufacturing place . . . is certified to the State Board of Health by any two legally qualified medical practitioners, or any three or more persons affected thereby, to be in a state of nuisance injuriously affecting any adjacent property or district, dangerous to health, the said Board of Health shall forthwith investigate the matter . . . the said board shall through its proper officer serve a notice in writing on the person, firm or corporation, by whose act, default or sufferance the nuisance arises or continues. . . ."

Section 116. "The Governor is hereby authorized and directed to place in the budget . . . an item for appropriating the sum of at least not to exceed One Hundred Thousand Dollars ($100,000.00) annually to the State Department of Health for the study and control of air pollution in Maryland. The Budget shall specify that not less than one-half of such appropriation shall be paid over by the

State Board of Health to the Health Department of Baltimore City, for use in the study and control of air pollution in and adjacent to the City of Baltimore."

STATE INDUSTRIAL ACCIDENT COMMISSION

Authority and Functions [1]

Article 101, Section 54. *Rule-making power.* "The State Industrial Accident Commission is hereby authorized and directed to formulate reasonable rules and regulations looking to the establishment of conditions of safety and to the prevention of accidents in occupations covered by the provisions of this Article. . . ."

Section 55. Penalty for noncompliance.

Section 56. *Inspection of places of employment.* "Any member of the State Industrial Accident Commission, Director of Safety . . . shall have free access . . . to all places of employment, subject to the Workmen's Compensation Law . . . and shall have full power and authority to inspect such places of employment including the right to enter upon such places . . . for the purpose of obtaining information, investigating the provisions therein made for the safety of employees and other persons and bringing to the attention of the employers . . . any provision of law or any order or rule of the State Industrial Accident Commission relating to safety methods or appliances. . . ." Penalty for violation.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

None specifically.

Rules and Regulations

Promulgated by State Industrial Accident Commission. [Penalties for violation are provided for in law. All codes are effective as of August 1, 1948, and contain references to pertinent national standard codes.]

1. *Safety Code for the Protection of Industrial Workers in Foundries.* Rules apply to conditions and operations in all types of foundries. Safety requirements are specified for the plant layout, furnaces and charging machines, and the equipment, and for cleaning of castings and arc welding. Rules require adequate lighting and mechanical ventilation for carrying off smoke, dust and gases; daily inspection of equipment for defects; and personal protective equipment for workers. Females are prohibited from lifting any object exceeding 25 pounds in weight. Code also contains safety suggestions for foundry operations.

2. *Safety Code for Protection of Heads, Eyes, and Respiratory Organs.* Rules apply to all industrial processes and operations presenting a hazard to the head, eyes, face, neck or respiratory organs of workers; classify operations and processes into 12 groups according to type of protection indicated; and set forth specifications for design, testing and maintenance of various protectors and for type to be used in specific operations such as for chipping, riveting, for exposure to dust and wind, for electric arc welding and cutting, for exposure to glare, and irrespirable gases and vapors.

3. *Safety Code for Paper and Pulp Mills.* Rules set forth specific safety requirements for handling and storage of pulp wood and other materials; personal protective measures for workers handling

[1] Additional reference on page 114 (State Board of Education).

raw materials; safeguards for pulp preparation machinery; and protection of workers in various operations such as rag and old paper preparation, sulphate process of making pulp, and bleaching and mechanical pulp process by use of personal protective devices, mechanical ventilation safeguards on equipment, or safe practices.

4. *Textile Safety Code.*

Rules apply to the design, installation, processes, operation, and maintenance of textile machinery, equipment and other plant facilities in all textile plants, except those manufacturing synthetic fibers.

5. *Safety Code for Compressed Air Machinery and Equipment.*

Rules apply to safe use of air compressors, pneumatic hammers, pneumatic drills and other equipment used in providing and utilizing compressed air in performing certain operations.

6. *Safety Code for Bakery Equipment.*

Rules apply to the design, installation, operation, and maintenance of mixers, proofers, rounders, moulders, ovens, slicing and wrapping machines and other equipment used in bakeries.

7. *Safety Code for the Use, Care, and Protection of Abrasive Wheels.*

Code contains rules and specifications for safety in use of abrasive wheels, including comprehensive specifications for protection hooks, flanges, chucks and revolving cup guards, and rules for the proper storage, handling and mounting of wheels.

8. *Safety Code for Laundry Machinery and Operations.*

Rules apply to all moving parts of equipment used in laundries, point of operation guards, and general operations.

9. *Safety Code for Window Cleaning.*

Rules deal with use of approved safety devices in all window cleaning operations performed on public buildings more than one story high.

NOTE: Among other safety codes issued are: Safety Code for Mechanical Power-Transmission Apparatus; Method of Marking Compressed Gas Cylinders to Identify Content; Safety Code for Power Presses and Food and Hand Presses; Safety Code for Floor and Wall Openings, Railways, and Toe Boards; and Safety Code for Cranes, Derricks and Hoists.

Workmen's Compensation

Workmen's Compensation Law is administered by the State Industrial Accident Commission. (Annotated Code of Maryland, 1951, Article 101, Sections 1 to 83)

Occupational Disease Compensation

Article 101, Section 21. Provides for full coverage for disability from an occupational disease, as defined.

Reporting of Injuries

Section 25(b). Requires employers to report a disability from an occupational disease to the State Commissioner or his local representative.

Section 37. Requires employers to report accidents causing disability for a period of more than 3 days to the State Commissioner or his local representative.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Article 89, Section 2. *Duties.* "It shall be the duty of the said Commissioner: 1st. To collect statistics concerning and examine into the condition of labor

in this State, with especial reference to wages. . . . 2nd. To collect information in regard to the agricultural conditions and products. . . . "

Section 13. *Minors and females.* Transfers the administration and enforcement of sections 1 to 55 of article 100 on employment of minors and females to the Department of Labor and Industry.

Section 14. *Workshops and factories.* Transfers the administration of sections 388–399 of article 27 relating to health in workshops and factories to the Department of Labor and Industry.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 388. *Registration of factories.* Requires registration with Commissioner of Labor and Industry of all factories and workshops employing 5 or more persons.

Section 389. *Duty of employer.* Requires owners, managers, operators of factories, workshops, warehouses, elevators, foundries, machine shops, stores, or other mercantile, manufacturing or mechanical establishments employing labor, to furnish information requested to Commissioner of Labor and Industry and to admit him or his representative for purposes of inspection. Penalty for violation.

Industrial Homework

Article 27, Sections 392 to 399. The Commissioner of Labor and Industry has jurisdiction over licensure of places where industrial homework is carried on, inspection for sanitary conditions and together with local boards of health for evidence of infectious or contagious diseases. A minimum of 500 cubic feet air space is required for every person working. Granting of license is subject to compliance with all health and safety laws. Penalty for violation.

Employment of Women and Minors

Among pertinent provisions are the following:

Article 100, Section 6. Contains general provisions regarding employment of minors, and prohibits their employment in any occupation not elsewhere specifically mentioned which is determined, after investigation by the Department of Labor and Industry, to be dangerous to life or limb or injurious to the health, morals, safety or welfare of the minor.

Section 7. Prohibits employment of minors under 16 in any manufacturing, mechanical or processing occupation, or in any commercial cannery, except in purely office work.

Section 8. Prohibits employment of minors under 16 in the operation or tending of power driven machinery.

Sections 9 and 10. Prohibit employment of male minors under 16 and female minors under 18 in specified industries including the "packing of paints, colors, or lead . . . occupations causing dust in injurious quantities, in the use of dangerous or poisonous dyes, or compositions with dangerous or poisonous gases, and in the use of composition of lye."

Sections 12 to 14. Prohibit and/or regulate employment of minors under 18 in specified industries and occupations including the operation of emery wheels or any abrasive polishing wheel, where articles of baser metals or iridium are manufactured, and in mines.

Sections 15 and 16. Regulate and/or prohibit the employment of minors under 18 in operation of certain power-driven machines, in any workroom in which radium is stored or used in the manufacture of a self luminous compound, where

such compound is made, processed or packaged, stored, used or worked upon, or incandescent mantels are made from fabrics and solutions containing thorium salts, or are processed or packaged.

Section 17. Prohibits employment of females under 18 in any capacity where employment compels her to remain standing constantly.

Section 21. Requires lunch period of at least 30 minutes after 5 hours of continuous work for minors under 18.

DEPARTMENT OF GEOLOGY, MINES, AND WATER RESOURCES

Article 66C, Section 16. Empowers the Commissioner to have general supervision, among other things, over the inspection, sanitation, ventilation, and safeguarding of mine operators, and examination of applicants for certificates of competency as mine foremen and fire bosses.

Sections 477 to 648. Contain mining laws. Create within the Department a Bureau of Mines which has supervision and enforcement of all mining laws enacted for health and safety of persons in bituminous coal mines or strippings and fire clay mines, and power to make and enforce necessary rules and regulations.

Laws deal with qualifications and duties of mine inspectors; certification of mine foremen and fire bosses, and duties as to inspection of mines, instruction of employees in safety, and removal or correction of dangerous conditions; responsibilities of operators as to health and safety of employees; responsibilities of employees concerning unsafe conditions and observation of safety laws; safety requirements for workplaces, traveling ways, machinery and equipment; requirements for adequate ventilation; examinations for gas and dangerous conditions; electrical and communications installations; rock dusting; fire prevention; mine rescue work; storage and use of explosives; blasting practices; and investigation of accidents.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Article 77, Sections 282 to 289. The Division for Vocational Rehabilitation has jurisdiction over vocational rehabilitation of persons disabled in industry or otherwise, and their placement in remunerative employment. Provisions of the Federal Act providing for the promotion of vocational rehabilitation are accepted. The State Board of Education is authorized to cooperate with the State Industrial Accident Commission in the administration and formulation of a plan of cooperation.

STATE BOARD OF AGRICULTURE

Airplane Spraying

Article 48, Section 81. State Board of Agriculture has jurisdiction over determining when airplane dissemination of insecticides, fungicides and bactericides should be used to control or retard plant, animal or human diseases, and to employ such means of dissemination. State Board of Agriculture is directed to cooperate with State Department of Health especially in case of human diseases.

Article 66C, Section 432. Sets forth requirements for sanitary conditions of dairies.

MISCELLANEOUS

Article 48, Sections 118 to 122. Contain regulations for protection of workmen and others against unsafe scaffolding. Enforced by local police officers. Penalty for violation.

MASSACHUSETTS

SOURCES: Annotated Laws of Massachusetts
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions [1]

Annotated Laws of Massachusetts, Chapter 111, Section 2. ***Commissioner of Public Health; Certain Duties, etc.*** "The Commissioner shall administer the laws relative to health and sanitation and the regulations of the department, and shall prepare rules and regulations for the consideration of the council. . . ."

Section 3. ***Certain Duties of the Public Health Council.*** "The council shall make and promulgate rules and regulations . . . and discharge other duties required by law; but it shall have no administrative or executive functions. . ."

Section 5. ***Powers and Duties of the Department, in General.*** "The department shall take cognizance of the interests of health and life . . . make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, and relative to the sale of drugs and food and adulteration thereof. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

Chapter 94. Contains laws regulating sanitation and sale of food, drugs and various articles. Included are bakeries, nonalcoholic beverages, milk and cream, and slaughterhouses.

Rules and Regulations

Adopted by the Public Health Council.

Food Sanitation

Rules and regulations relative to food sanitation contain requirements for cleanliness of premises, clean habits of employees, and provision of sanitation facilities. Issuance of permits is contingent upon compliance with the laws. Rules and regulations have been prescribed and established by the Department of Public Health for the following: Manufacture and Bottling of Carbonated Nonalcoholic Beverages, Soda Water, Mineral and Spring Water; Business of Slaughtering and Meat Inspection; Poultry Slaughterhouses; Production and

[1] Additional references on pages 119 (Chapter 149, Section 136), and 122 (Chapter 149, Section 11).

Distribution of Certified Milk; Bakeries and Bakery Products; and Establishments for Pasteurization of Milk.

Reporting of Occupational Diseases

None.

Nuisance Control

Chapter 111, Section 143. ***Assignment of Places for Noisome Trades; Appeals.*** "No trade or employment which may result in a nuisance or be harmful to the inhabitants, injurious to their estates, dangerous to the public health, or may be attended by noisome and injurious odors shall be established in a city or town except in such a location as may be assigned by the board of health thereof. . . . The Department shall advise, upon request, the board of health of a city or town previous to the assignment of places for the exercise of any trade or employment referred to in this section. . . ."

DEPARTMENT OF LABOR AND INDUSTRIES

Authority and Functions [1]

Chapter 23, Section 3. ***Certain Duties of Commissioner.*** "The Commissioner . . . shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, shall direct all inspections and investigations. . . . He shall organize in the department a division of standards . . . a division of occupational hygiene, and such other divisions as he may from time to time determine. . . . He shall prepare for the consideration of the assistant commissioner and associate commissioners . . . and all other rules and regulations which the department is authorized by law to make. . . ."

1953 New Laws, Chapter 314. Abolishes the Department of Industrial Accidents and establishes a Division of Industrial Accidents in the Department of Labor and Industries. This Division administers the Workmen's Compensation Law.

Annotated Laws of Massachusetts, Chapter 149, Section 5. ***Investigations and Prosecutions.*** "The department may investigate conditions existing in any line of industry, and such investigations may be extended outside of the commonwealth to procure information to promote industrial development or improve industrial conditions. It shall receive all complaints concerning conditions existing in any industry . . . or concerning alleged violations of any laws enforced under its direction, and shall thereupon make or direct all needful and appropriate investigations and prosecutions."

Section 6. ***Investigations as to Safety and Health; Rules, etc.*** "It shall investigate . . . places of employment and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed . . . and shall also determine what suitable devices or other reasonable means or requirements for the prevention of industrial or occupational diseases shall be adopted or followed . . . and shall make reasonable rules and regulations and orders for the prevention of accidents and the prevention of industrial or occupational diseases, and rules and regulations pertaining to structural painting. . ."

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[1] Additional reference on page 123 (Department of Education).

(1952 amendment to this section makes rules and regulations applicable to self-employed and individual contractors who themselves work at the trade as well as to employees.) Penalty for violation.

Section 10. ***Entry into Places of Employment to Make Certain Investigations.*** "In order to make investigations under section six, members or employees of the department may at any time enter places of employment when being used for business purposes."

Section 13. ***Entry into Buildings for Purposes of Inspection.*** "For enforcement of the provisions of this chapter, the commissioner . . . the director of division of industrial safety and inspectors may enter all buildings and parts thereof used for industrial purposes and examine the methods of protection from accident . . . the sanitary provisions, the lighting and means of ventilation, and make investigations as to the employment of women and minors . . . wages, hours, and other conditions of employment which are found essential to such investigations."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Sanitation Facilities

Chapter 94, Sections 9–G and H. Require suitable toilet, washing and dressing facilities for employees in bakeries.

Section 9–F. Authorizes the Department of Labor and Industries to enforce these two provisions "relating to the health of employees"; otherwise the Department of Public Health enforces food sanitation laws relating to bakeries.

Chapter 149, Section 106. ***Drinking Water to be Provided; Penalty.*** Requires all industrial establishments to provide fresh and pure drinking water to which employees shall have access during working hours. Penalty for violations.

Humidifying

Chapter 149, Sections 107 to 112. Require that "water used for humidifying purposes by any person operating a factory or workshop shall be of such a degree of purity as not to give rise to any impure or foul odors, and shall be so used as not to be injurious to the health of persons employed in such factories or workshops"; specify testing devices to be used; regulate permissible degrees of humidity; specify sources of water used for humidifying purposes; and prescribe penalty for violation.

Lighting

Chapter 149, Section 113. ***Factories, etc., to be Properly Lighted, Ventilated and Kept Clean.*** Requires all factories, workshops, manufacturing, mechanical and mercantile establishments to be well lighted, well ventilated, and kept free from insanitary conditions; and workrooms to be properly heated, according to minimum requirements established by the Department.

Section 114. ***Investigations by Industrial Health Inspector as to Effect of Industries on Eyesight.*** "The industrial health inspector shall, when obtaining information concerning the proper lighting of industrial establishments, make such investigation concerning the eye and vision in their relation to occupational diseases, including injuries to the eyes of employees and to the pathological effects produced or promoted by the circumstances under which the various occupations are carried on . . . and it shall from time to time issue such printed matter containing suggestions to employers and employees for the protection of the eyes of the employees as it may deem advisable."

Section 115. ***Devices for Preventing Injury to Eyes, When to be Provided; Penalty.*** "If it appears to an inspector that in any industrial establishlishment . . . there is danger of injury to the eyes of employees engaged in such work, and that the danger may be decreased or prevented by any mechanical device or practical means, he shall . . . order in writing that such device or other means shall be provided therein. . ."

Section 116. ***Investigation as to Lighting of Factory, etc., Order; Penalty.*** When requested, the Department may investigate and ascertain whether or not such factory or workshop is adequately lighted, and order indicated corrective changes.

Ventilation

Chapter 149, Section 117. ***Ventilation of Factories.*** "A factory where five or more persons . . . are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein. A factory, workshop or garage where more than one person is employed shall be so ventilated that all gases, vapors, dust or other impurities injurious to health, whether generated in the course of the manufacturing process or handicraft carried on therein, or otherwise, shall so far as practicable be rendered harmless."

Dust Removal

Chapter 149, Section 118. ***Devices for Removal of Dust.*** "If, in such a workshop or factory, any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to an inspector that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used."

Section 119. ***Emery Wheels, etc. to be Provided with Devices for Removing Dust.*** "Any person operating a factory or workshop where emery wheels or belts or buffing wheels or belts injurious to the health of employees are used shall provide such wheels and belts with a hood or hopper connected with suction pipes, and fans or blowers, in accordance with the following section . . ."

Section 120. ***Same subject.*** Deals further with hoods and hoppers.

Section 121. ***Limitation of sections 119 and 120.*** Specifies kinds of grinding machines and emery wheels to which these sections do not apply.

Section 123. Authorizes the inspectors to prosecute when sections 118 and 120 are violated.

Safeguards for Machinery

Chapter 149, Section 127. ***Guards for Gears, etc.*** Requires safety guards for belting, shafting, gearing, drums and all machinery having movable parts in all factories, workshops, mechanical and mercantile establishments, when so placed as to be dangerous to employees while engaged in their ordinary duties; prohibits disconnecting or removing guards or other safety devices except when machinery has been shut down for repairs; and prohibits cleaning of machinery while in motion.

Section 128. ***Wrongful Operation of Traversing Carriages of Certain Machines Penalized.*** Prohibits use of traversing carriage in cotton factories within 12 inches of any pillar, column, pier or fixed structure. Penalty for violation.

Section 129. ***Openings of Hoistways, etc., to be Guarded.*** Requires adequate safeguards.

Section 129A. ***Shoring of Certain Excavations.*** Requires shoring and bracing on certain excavation construction work. Penalty for violation.

Section 131. ***Guards for Shuttles; Penalty.*** Requires looms to be equipped with guards or devices approved by the Department. Penalty for violation.

Section 132. ***Use of Suction Shuttles Penalized.*** Prohibits use of suction shuttles, or shuttles which require any part of shuttle or the thread to be put in mouth or touched by lips of operator. Penalty for violation.

Sanitation Requirements

Chapter 149, Section 133. ***Toilet Facilities.*** Requires adequate, convenient, and sanitary water closets and washing facilities, separate for each sex, in every industrial establishment.

Section 136. ***Notice to Department of Public Health of Unsanitary Conditions.*** "If it appears to an inspector that any act, neglect or fault in relation to any drain, water closet, earth closet . . . water supply, nuisance or other matter in any industral establishment is punishable or remediable under any law relative to the preservation of the public health, but not under this chapter, he shall give written notice thereof to the board of health of the town where such establishment is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto."

Section 137. ***Toilet Rooms, etc. in Foundries; Penalty.*** Requires provision of change and toilet rooms for men employed in foundries, "connected directly with the foundry building, properly heated, ventilated, and protected, so far as . . . practicable, from the dust of the foundry." Penalty for violation.

Section 139. ***Lockers for Clothes, when Required. Penalty.*** Requires lockers to be provided employees when nature of work renders it necessary to make change of clothing.

Medical Chests

Chapter 149, Section 141. ***Medical Appliances, etc., When to be Provided; Penalty.*** Requires employers in establishments where machinery is used for manufacturing or other purpose to maintain "Such medical or surgical chest, or both, as shall be required by the department. . . . Every such person employing one hundred or more persons shall, if so required by the department, provide accommodations satisfactory to it for the treatment of persons injured or taken ill upon the premises and also suitable and sanitary facilities for heating or warming food to be consumed by those employees of the factory, shop or mercantile establishments who so desire. Every person carrying on a mercantile establishment where twenty or more women or children are employed shall in the manner aforesaid provide such medical or surgical chest as the department may require. . . ." Penalty for violation.

Benzol and Mixtures Containing Benzol

Chapter 149, Sections 142A to 142F. Prohibit keeping, selling, transporting, storing, or having for use in any manufacturing, mechanical or mercantile establishment, benzene, called benzol, carbon tetrachloride or other substance, or any material containing the same, which "is so hazardous to health to warrant regulation, in any recepticle . . . unless . . . marked" with the name of the substance; or a true indication of the proportion of harmful substance incorporated in the mixture, "and either with the words 'Beware of Poisonous Fumes' or with the words 'Volatile Solvent, Poison. Use with Adequate Ventilation. Avoid Prolonged Breathing of Vapor.' "

Authorize the Commissioner, by reasonable rules and regulations, to require reports of the manufacture, sale or use of these substances which are so hazardous to health as to warrant regulation. Penalty for violation.

Industrial Homework

Chapter 149, Sections 143 to 147H. Regulate industrial homework, including the issuance of permits, and investigations to determine whether conditions of employment, among other things, are detrimental to health and welfare of the workers.

Miscellaneous

Chapter 149, Section 141A. ***Lifting by Hand Heavy Objects in Textile Factories Regulated.*** Regulates lifting by hand of heavy objects by persons employed in tending or repairing machinery in textile factories.

Section 142. ***Cloths for Cleaning Printing Presses.*** Requires publishers and printers to use sanitary cloth or other material for cleaning their presses. Penalty for violation.

Section 159B. ***Payment by Employers for Certain Medical Examinations of Present or Prospective Employees.*** Requires employers who request a present or prospective employee to undergo a medical examination by a designated physician as a condition to securing or continuing in employment, to reimburse the employee for the medical expenses.

Rules and Regulations

Issued or adopted by Department of Labor and Industries.

1. Industrial Bulletin No. 5. ***Suggestions to Employers and Employees for the Protection of Eyes and the Prevention of Accidents.*** Issued in 1924 in accordance with Chapter 149, Section 114.

Rules deal with prevention of eyestrain, occupational eye diseases due to exposure to dust, fumes or gases, and accidents to eyes.

2. Industrial Bulletin No. 6. ***Rules and Regulations for the Prevention of Anthrax.*** Effective March 1, 1947.

Rules apply to industries handling hides, skins, wool and hair and similar products. Require adequate exhaust equipment on dustry operations; good housekeeping, adequate washing facilities, protective clothing, lockers and drying rooms; designation of a physician on call for medical attention of suggested cases of anthrax; reporting to the foreman or first-aid room appearance of warts and pimples; maintenance of a record of all cases sent to the physician; and posting of warning notices of dangers of anthrax infection. Penalty for violation.

3. Industrial Bulletin No. 7. ***Rules and Regulations Governing Compressed Air Work.*** Effective December 1, 1930.

Rules cover inspections of tunnels to be made every working day; pressure shifts and intervals of work for each 24-hour period; decompression in intermediate lock; provisions relating to temperature, lighting, sanitation, air supply, and shafts and locks. Require the employment of a physician who shall be in attendance at all times while work is under way; physical examinations of workers prior to work and under certain specified conditions of work; maintenance of records by physicians; provision of a medical lock; adequate dressing rooms; supply of hot coffee and sugar for men during work on compressed air; and identification badges for compressed air workers. Special rules for blasting are included. Penalty for violation.

4. Industrial Bulletin No. 10. ***Rules and Regulations Relating to Safe and Sanitary Working Conditions in Foundries and the Employment of Women in Core Rooms.*** Issued 1932.

Rules apply to iron and steel, and brass foundries, and cover construction and maintenance of entrances and passageways; removal of impurities by mechanical ventilation; provision of proper lighting and heating facilities, drying rooms, washing faciilties and lockers; requirements for number of toilet facilities; routine

inspection of processes and working conditions with regard to safe conditions; and use of safety devices. Partitions are required between room in which core ovens are located, and room in which cores are made by women when process generates objectionable gases and fumes. Women are prohibited from lifting cores exceeding 25 pounds unless assisted. Additional specific rules are given governing conditions in brass foundries.

5. Industrial Bulletin No. 11. ***Rules and Regulations Relative to Benzol, Carbon Tetrachloride and other Substances Hazardous to Health.*** Effective January 1, 1950.

Rules cover labeling of receptacles to provide warning for protection of persons handling the receptacle or its contents, and apply to manufacture, sale and use of products.

6. Industrial Bulletin No. 13. ***Revised Rules, Regulations and Recommendations Pertaining to Structural Painting.*** Effective April 1, 1937.

Rules apply to all firms engaged in painting operations and cover rigging, scaffolds, ladders, and related equipment. Require reasonable ventilation, sandpapering of lead-painted surfaces by wet methods, use of respirators or other effective devices in spray painting, and provision of first-aid kits and of washing facilities. Penalty for violation.

7. Industrial Bulletin No. 14. ***Requirements for the Care of Employees Injured or Taken Ill in Industrial Establishments.*** Issued 1949 in accordance with chapter 149, section 141.

Rules require establishments employing 100 or more persons to provide a suitable first-aid room and the employment of a qualified nurse or other trained person to be placed in charge to administer first aid; and set forth requirements as to equipment and receptacles for heating and warming food. Only minimum requirements are given.

8. Industrial Bulletin No. 18. ***Lighting Code for Factories, Workshops, Manufacturing, Mechanical and Mercantile Establishments.*** Effective January 1, 1924.

Code sets forth illumination requirements in terms of foot-candles and for protection from glare. Penalty for violation.

9. Industrial Bulletin No. 19. ***Rules and Regulations for Common Drinking Cup and Common Towel in Factories, Workshops, Manufacturing, Mechanical and Mercantile Establishments.*** Effective May 1, 1929.

Rules prohibit their use. Penalty for violation.

10. ***Rules and Regulations for Toilets in Industrial Establishments.*** Issued in 1937 in accordance with Chapter 149, Section 133.

Rules deal with numerical requirements, location, ventilation, lighting, construction and maintenance of toilet and washing facilities.

Employment of Women and Minors

Among pertinent provisions are the following:

Annotated Laws of Massachusetts, Chapter 149, Section 53. Requires heavy boxes, baskets, and other receptacles moved by female employees in any manufacturing or mechanical establishment to be provided with pulleys or casters. Penalty for violation.

Section 54. ***Investigations of Core Rooms Where Women are Employed; Rules; Penalty.*** "The department may investigate core rooms where women are employed, and shall make rules regulating the employment of women therein. The rules shall relate to the structure and location of the rooms, the emission of gases and fumes from ovens, and the size and weight which women shall be allowed to lift or work on. . . ."

Section 55. Forbids knowingly employing a female person in laboring duties in a mercantile, manufacturing or mechanical establishment within four weeks before or after childbirth. Requires provision to be posted.

Section 59. Prohibits night labor for women in manufacturing and mechanical establishments. Penalty for violation.

Section 60. Prohibits employment of children under 16 in any factory, workshop, manufacturing or mechanical establishment.

Section 61. Prohibits employment of minors under 16 in operating or in connection with certain dangerous and hazardous machinery or appliances, and in certain dangerous or injurious occupations. Penalty for violation.

Section 62. Prohibits employment of minors under 18 in certain dangerous and/or injurious occupations or places of employment.

Section 63. Prohibits employment of minors under 16 or 18 in any trade, process, or occupation so determined by the Department of Labor and Industries to be dangerous or injurious to such minors.

Section 99. Provides for observance of meal periods for women and children in factories and prohibits their doing any work during such period.

Section 100. Requires meal period after 6 hours of continuous work for women and children in factories. Penalty for violation.

Section 103. Requires provision of seats for women and children employed in any manufacturing, mechanical, or mercantile establishment. Penalty for violation.

1953 New Laws, Chapter 236. Authorizes the Commissioner of Labor and Industries to suspend the operation of any provision of chapter 149 or rules or regulations made thereunder, regulating the employment of women, or of minors over the age of 16, or both, after proper hearing until July 1, 1954.

Reporting of Occupational Diseases

Annotated Laws of Massachusetts, Chapter 149, Section 11. ***Reports to Department by Physicians.*** "The department may require every physician treating a patient whom he believes to be suffering from any ailment or disease contracted as a result of the nature, circumstances or conditions of the patient's employment to report such information and it may issue a list of such diseases which shall be regularly reported by physicians. . . . Copies . . . shall be furnished on request to the division of industrial accidents and the department of public health. . . ."

Section 4. ***Report of Certain Cases of Disease.*** "The Department shall promptly report to the department of public health all cases of disease in industrial establishments affecting the health of the community."

Chapter 38, Section 6. Requires medical examiners to report autopsies of deaths caused by or related to the occupation of the deceased to the Division of Industrial Accidents.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Division of Industrial Accidents. (Chapter 152)

Chapter 152, Section 2. ***Powers and Duties of Division.*** "The division shall make all necessary inspections and investigations relating to causes of injuries for which compensation may be claimed, and . . . may at any time enter places of employment when being used for business purposes. . . ."

Occupational Disease Compensation

Chapter 152, Section 1 (7A). "'Personal injury' includes infectious or contagious diseases if the nature of employment is such that the hazard of contracting such diseases by an employee is inherent in the employment." Full coverage, by court interpretation.

Reporting of Injuries

Chapter 150, Section 19. Requires employers to keep a record of all injuries, fatal or otherwise, received by employees, and report occurrence of injury to Division of Industrial Accidents within 48 hours.

Vocational Rehabilitation

Chapter 152, Sections 30A to 30C. Authorize the Massachusetts Rehabilitation Commission, established under chapter 15, section 6A, to study the problems of rehabilitation, examine rehabilitation facilities, and establish a list of physicians competent to render rehabilitation services for seriously injured industrial workers; set forth requirements for acceptable facilities and qualified physicians and examiners; and require insurers to furnish rehabilitation services by a rehabilitation facility or physician when in opinion of the Commission the person is qualified for such services.

DEPARTMENT OF EDUCATION

Vocational Rehabilitation

Chapter 15, Section 6A. The State Board for Vocational Education, in the Department of Education, is authorized to cooperate with the federal government in the administration of the Federal Act to promote vocational rehabilitation of persons disabled in industry. The Massachusetts Rehabilitation Commission is established as a subcommittee of the Board for Vocational Education, consisting of representatives of the Department of Education and the Division of Industrial Accidents, to administer the provisions of sections 30A, 30B, 30C of chapter 152. (See under Workmen's Compensation) The Department of Education is required to provide this Commission all records of workers injured in industrial accidents and entitled to compensation and subject to/or receiving rehabilitation.

DEPARTMENT OF PUBLIC UTILITIES

The Department of Public Utilities has jurisdiction over public service companies including railroads and other common carriers.

Chapter 159, Section 27. Authorizes the Department to "enter upon premises occupied by any carrier subject to its jurisdiction for any purpose consistent with this chapter. It may inspect the property, equipment, buildings, plants, factories, power house, ducts, conduits and offices of any such carrier."

Section 30. Permits employees to make written complaints to the Department of defects in the ways, works, machinery or appliances, or in any car or vehicle of a railroad, railway or other carrier of passengers under its jurisdiction and prohibits divulging name of complainant.

Section 18. Regulates hours of duty of drivers of motor vehicles used for transportation of property, and requires hours off duty to be at such place and under circumstances that rest and relaxation from strain of duties of employment may be obtained. Empowers Department of Public Utilities to make necessary rules and regulations to enforce.

Section 86. Permits employment of common carriers to form corporation for establishment of relief funds "for the improvement and benefit of its members and for their relief in case of sickness, injury, inability to labor, or other causes."

Chapter 160, Sections 132 to 134. Require that safety switches be of type approved by the Department; that frogs, switches and guard-rails on railroad tracks be blocked so as to prevent employees from being caught therein; and suitable bridge guards at every bridge or other structure which crosses railroad at a height of less than 22 feet. Penalty for noncompliance, and penalty for destroying bridge guards.

Sections 156 to 158. Require safety couplers on railroad cars and certain cars to be equipped with secure grab-irons or hand-holds.

Section 163A. Requires railroads to equip all track motor cars with a windshield, windshield cleaner, and canopy or top for protection from rain, snow and inclement weather.

Section 185A. Requires provision of adequate lavatory and sanitary facilities for railroad and terminal corporation employees which shall be kept clean, free from insanitary conditions, and heated.

Chapter 161, Section 101. Requires enclosed platforms on street cars during certain months to protect motormen, conductors and other employees operating cars from exposure to wind and weather. Penalty for violation.

AIR POLLUTION CONTROL

Chapter 140, Section 131D. ***Smoke Emitted by Steam Locomotives.*** Regulates emission of smoke by steam locomotives equal to No. 3 of Ringelmann chart. Emission for periods exceeding that authorized is declared to be a nuisance.

Section 132. ***Smoke Nuisance.*** Declares "the emission, except by locomotive engines or by brick or pottery kilns, into the open air of dark smoke or dense gray smoke for more than five minutes continuously, or the emission, except as aforesaid, of such smoke during ninety minutes of any continuous period of twelve hours, within a mile of a dwelling," a nuisance in all towns (except Boston and vicinity), unless a permit is granted by aldermen of cities or selectmen of towns, to allow such emissions. (Enforced locally.)

MICHIGAN

SOURCE: Michigan Statutes Annotated

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Michigan Statutes Annotated, Section 14.2. ***Commissioner; powers and duties*** . . . "The state health commissioner shall have general charge and supervision of the enforcement of the health laws of the State of Michigan and shall have the specific powers and duties hereinafter expressed. . . ."

Section 14.4. ***State board of health; abolition, transfer of orders, powers and duties.*** Abolishes the State board of health (Act 146, 1919) and confers all its duties and powers on the State health commissioner. These include making "sanitary investigations and inquiries respecting the causes of disease and

[1] Additional reference on page 129 (State Fire Marshal).

especially of epidemics; the causes of mortality, and the effects of localities, employments, conditions . . . and circumstances on the health of the people. They shall, when required or when they deem it best, advise officers of the government, or other state boards, in regard to location, drainage . . . heating and ventilation of any public building or institution. . . ."

Section 14.7. ***Rules and regulations; publication.*** "With concurrence of the State council of health . . . the state health commissioner may make and declare rules and regulations in accordance with the laws of the State for the proper safeguarding of the public health and for preventing the spread of diseases, or the existence of sources of contamination. . . ."

Section 17.431 (3). ***Investigation of reports.*** "Whenever the state commissioner of health receives a report . . . or has reliable notice that there is within the State a case of occupational disease, he may cause an investigation to be made to determine the authenticity of the report and the cause of the disease."

NOTE: For further reference, see under reporting of occupational diseases.

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

Section 17.431. ***Occupational disease; reports by physicians, etc., contents; use as public records.*** ". . . every physician, hospital superintendent, or clinic registrar having knowledge of a case of occupational disease shall within ten (10) days report the same to the state department of health on a form provided by the state department of health, giving. . . All such reports and all records and data of the state department of health pertaining to such diseases are hereby declared not to be public records. The department of labor and industry shall have access to any such record in any case where any complaint or suit shall have been brought before it."

Sections 17.431 (1) to 17.431 (4). Define an occupational disease, for the purpose of this statute, as an illness of the body which has the specified characteristics; provide for design and distribution of suitable blanks for reporting purposes by the Commissioner; empower the Commissioner to cause investigations to be made; and require the Department to compile summaries of the diseases reported together with the type of employment and disseminate them to all employers as well as information expedient to prevent the occurrence of occupational diseases. Penalty for failure to report.

DEPARTMENT OF LABOR

Authority and Functions [1]

Section 17.12. ***Statistics; collection and compilation*** . . . "It shall be the duty of the commissioner to collect . . . statistical details relating to all departments of labor in this State . . . concerning the hours of labor . . . the condition of all manufacturing establishments, hotels, stores, workshops and premises, where labor is employed, except farms and households. . ."

Section 17.17. ***Inspectors' right of entry; refusal, penalty.*** "The commissioner . . . and deputy inspectors are authorized to enter any factory, workshop . . . for the purpose of investigation, inspection and recommendation and/

[1] Additional reference above (Section 17.431), and page 129 (Inspector of Coal Mines).

or of gathering facts and statistics relating to hours of labor . . . safety and sanitary conditions or matters. . ." Penalty for violation.

Section 17.28. ***Factory inspectors; designation, powers and duties.*** "The commissioner of labor shall be the chief factory inspector and . . . deputy factory inspectors shall be factory inspectors. . . . Said factory inspectors are hereby empowered to visit and inspect at all reasonable hours . . . the factories, workshops and other manufacturing establishments. . . . It shall also be the duty of the factory inspectors to enforce all the provisions of this act and to prosecute all violations of the same before a magistrate or in a court of competent jurisdiction in this state."

NOTE: See also under statutory provisions relating to occupational health and safety for further references to specific functions of inspectors.

Section 17.712. ***Standards as to working conditions, safety, health and morals, how fixed . . .*** "The commissioner of labor shall have authority to establish standards not inconsistent with this act [Hittle Juvenile Employment Act] as to the working conditions of minors under 18 years of age in various types of employment and as to safety, health and morals. . . ."

Section 17.468 (1). ***Building safety council . . .rules and regulations.*** Authorizes the Commissioner of Labor to create a building safety council to formulate rules and regulations for the safety of employees in construction industries. Such rules and regulations shall be effective upon adoption by the legislature.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 17.22. ***Openings, duty to enclose, manner; inspection. . .*** Requires owners of manufacturing establishments to enclose or guard all hoisting shafts, well-holes and elevators. Inspectors are empowered to inspect and to order apparatus to be kept in a safe condition.

Section 17.24. ***Factory stair requirements; doors to swing outward, fastening.*** Specifies requirements for safety of factory stairs and doors.

Section 17.25. ***Guards and safety requirements for machinery . . . condemnation of unsafe equipment; unlawful installation, inspection and findings.*** Requires owners of workplaces to provide safety devices or appliances on all machinery, gearing, belting, vats or pans and make the operation of unsafeguarded machinery unlawful. Inspectors are empowered to condemn unsafe equipment and to make inspections for approving safeguards.

Section 17.26. ***Dust-creating machinery; exhaust fans.*** Requires exhaust fans for carrying off dust from emery wheels, grindstones and dust-creating machinery when deemed necessary by the factory inspector.

Sanitation Facilities

Section 17.27. ***Washrooms; toilets; living quarters of help; sanitation; enforcement.*** Sets forth requirements for washrooms and toilets in manufacturing shops, hotels, institutions, stores, railway cars, and in construction work according to number of employees, and requires them to be maintained in a clean and sanitary condition, heated, lighted, and ventilated. Violations may be prosecuted at instance of factory inspector.

Orders for Improvements

Section 17.33. ***Power of commissioner of labor and inspectors to order improvements; ventilation . . . oxygen equipment for fire department***

employees; appeal of orders. "The commissioner of labor . . . shall have power to order all improvements herein specified, such as the repairing of elevators, the installment of wash and dressing rooms, adequate first aid facilities, and water closets. In addition, factory inspectors shall have power to order the installation of proper and adequate ventilation to carry off the emanations from all devices and equipment in manufacturing, mercantile and other establishments . . . necessary for the preservation of the health or safety of the persons therein . . . to order general ventilation in manufacturing, mercantile, and other establishments where deemed necessary for the preservation of the health or safety of the persons employed; such general ventilation to supply fresh air in equal quantities to the exhausted air at accepted working temperature not to exceed 6 changes per hour or less as conditions may require in such establishments. It shall be the duty of the commissioner of labor to assemble information on specific and general ventilation in manufacturing, mercantile, and other establishments as a guide to factory inspectors in carrying out the provisions of this section. Orders for improvement authorized under this section except those pertaining to the building and ordinary facilities shall be served on the employer . . .

"The employees of a fire department shall be furnished equipment, meeting the approval of the department of labor, providing the requisite oxygen for such employees, when required in the line of duty, in the fighting of fire, to enter any place where the supply of oxygen is insufficient or unsafe. . . ."

Foundries

Section 17.35. ***Foundries . . . smoke, dust and gases . . . first aid equipment; enforcement of provisions.*** Requires foundries to be constructed in a safe manner; provide exhaust fans or other means for promptly carrying off smoke, steam, dust, or noxious gases; be well ventilated, lighted and heated; and provide facilities for washing purposes and drying of clothing and first aid supplies in case of accidents.

Grinding or Buffing Machinery

Sections 17.36 to 17.40. Require emery wheels and buffing machinery to be equipped with fans or blowers or similar apparatus, so placed as to protect persons from particles of dust, and to remove dust effectively; require wheels to be fitted with hoods or hoppers and suction pipes; set forth specifications for size, construction and pressure in pipes; prescribe inspection powers of inspectors; prohibit the operation of such wheels, buffers or belts in basements or underground rooms unless adequately ventilated, heated and lighted; and prohibit employment of females on these operations.

Hair Picking Machines

Section 17.41. ***Hair picking machines; installations.*** Requires use of hair picking machines "to carry away the dust arising from or thrown off" and to confine such dust in upholstering, mattress and similar establishments.

Industrial Homework

Section 17.32. ***Sweat-shops . . .*** Regulates industrial homework; provides for permit, the issuance of which is contingent upon inspection by inspectors; requires a minimum of 250 cubic feet of air space for each person employed and provision of light, heat and ventilation as prescribed by the factory inspector.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 17.19. Regulates and/or restricts hours of labor and kinds of employments for children under 18.

Section 17.20. Regulates employment of minors under 18. Prohibits their employment in specified occupations and industries, permitting employment of minors over 14 years during school vacation periods in occupations not prohibited by the Department as being injurious to health or morals or unduly hazardous.

Section 17.34. Requires all employers of females to provide suitable seats and to permit their use when duties allow it.

Hittle Juvenile Employment Act

Section 17.702. "No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation, if such occupation is injurious to health or morals or is unduly hazardous, subject however to the provisions of this act as hereinafter set forth."

Section 17.713. Empowers the Commissioner of Labor to issue occupational approval numbers to employers authorizing the employment of minors under 18 in gainful occupations not injurious to health or morals or unduly hazardous, subject to the provisions of this Act.

Section 17.719. Requires an interval of at least 30 minutes for a meal and rest period after 5 hours' continuous duty.

NOTE: The Act also specifies permissible employments, provides for issuance of work permits, and prescribes other conditions for permissible employments.

WORKMEN'S COMPENSATION COMMISSION

The Workmen's Compensation Law is administered by the Workmen's Compensation Commission. (Sections 17.141 to 17.230)

Occupational Disease Compensation

Sections 17.220 to 17.230. Disablement from occupational disease or disability is deemed a personal injury. Full coverage.

Reporting of Injuries

Section 17.191. Requires employers subject to the Workmen's Compensation Law to keep record of all injuries causing death or disability of any employee arising out of and in the course of the employment. "Reports based on these records shall be furnished to such commission at such times and in such manner as it may reasonably require by general order upon forms to be procured from such commission."

Rule 1 of the Commission requires that employers report all injuries, including diseases causing 7 days or more disability, death or specific losses.

Vocational Rehabilitation

See under Department of Education for functions of Industrial Accident Board (Workmen's Compensation Commission).

COPPER AND IRON MINE INSPECTORS

Sections 17.311 to 17.323. Deal with election of mine inspectors and powers and duties with respect to making routine inspections of all working mines; condemning places where employees are in danger "from any cause, whether resulting from careless mining or defective machinery or appliances or improper

or unsafe methods of any nature"; issuing certificates of safety before mines may be reopened or any employee may enter therein; ordering owners to provide safeguards for shafts and open pits; and procedure for issuing notices for corrections.

INSPECTOR OF COAL MINES

Sections 17.331 to 17.377. Laws apply specifically to coal mines and workings. Among subjects covered are: appointment of Inspector of Coal Mines by Commissioner of Labor; power of Inspector to close mines violating provisions of this Act until made safe; requirements for ventilation including minimum air supply per person and animal in regular mines and mines generating explosive gases; requirements for doors, breakthroughs and brattices; regulations for use and storage of oil, gasoline engines used in mines, storage of explosives; provision of washhouses at request of 20 or more employees; safety requirements for escape shafts, traveling ways, and hoisting; duties of mine engineers; provision of first-aid equipment; and duties of mine foremen or pit bosses, and miners. Penalties are prescribed for violations.

DEPARTMENT OF EDUCATION

Vocational Rehabilitation

Sections 15.841 to 15.855. The provisions and benefits of the Federal Act for the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board of Control for Vocational Education is designated as the agency to carry out the provisions of the Federal Act and is empowered to cooperate with the Federal Board; formulate necessary rules and regulations for the operation of schools providing vocational training; formulate a plan for the organization of such schools or courses of study and disburse funds for this purpose; and cooperate with the Industrial Accident Board in determining the persons entitled to the benefits and in carrying out the provisions of the Act.

The Industrial Accident Board is required to report to the Board of Control names of disabled persons needing further vocational training and education, and to advise as to their proper vocation and placement in remunerative employment.

STATE FIRE MARSHAL

Sections 18.577 (31) to 18.577 (150). The State Fire Marshal enforces the Act regulating the installation and operation of dry cleaning and dry dyeing plants. Plants are divided into 4 classes, according to type of solvent used. Requirements are set forth as to location and construction of plants, installations and operations of machinery, mechanical and exhaust ventilation and other protective measures, fire-fighting apparatus, general safety precautions and solvents used. Requirements for Class IV establishments state that "In any case where such systems are used, ventilation shall be installed to meet the requirements of the department of health of the State of Michigan." Penalty for violation.

PUBLIC UTILITIES COMMISSION

The Public Service Commission has jurisdiction over railroads and other common carriers, and all other public utilities.

Chapter 218, Section 22.871. Requires street railway companies to enclose and heat platforms of cars so as to protect employees from exposure to the winds and inclemencies of weather. Penalty for violation.

Sections 22.921 to 22.925. Require the keeping of first-aid kits, of which contents are enumerated, on all railroad and interurban trains including the caboose on freight trains. Penalty for violation.

Section 22.968. Requires the installation of windshields, windshield wipers and tops on track motor cars operated by common carriers.

DEPARTMENT OF AGRICULTURE

The Department of Agriculture has regulatory supervision over foods and drugs, including the preparation of dairy products, the business of canning and preserving, and frozen food locker plants.

Requirements cover provision of washrooms and toilet facilities for employees, adequate ventilation and lighting, cleanliness of premises and utensils. Persons affected with contagious diseases are forbidden to work in food establishments.

MISCELLANEOUS

Offensive Trades

Sections 14.107 and 14.108. Empower county and village officers, when they shall judge it necessary, to assign certain places "for the exercising of any trade or employment, offensive to the inhabitants, or dangerous to the public health," and upon complaint and hearing to prohibit further use of such places when found to be nuisances.

Corn Husking Machines

Section 28.121. Requires automatic feeders or safety devices on corn husking machines. Penalty for violation.

MINNESOTA

SOURCES: Minnesota Statutes Annotated
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Minnesota Statutes Annotated, Section 144.03. *General duties of officers.* ". . . The secretary shall be the executive officer of the state board of health and . . . shall see that all lawful rules and orders of the board and all duties laid upon it by law, are enforced and performed, and that every law enacted in the interests of human health is obeyed. . . ."

Section 144.05. *General duties of the board.* "The state board of health shall exercise general supervision over all health officers and boards, take cognizance of the interests of health and life among the people, investigate sanitary conditions, learn the cause and source of diseases and epidemics, observe the effect upon human health of localities and employments. . ."

[1] Additional references on pages 133 (Section 176.668), 137 (Industrial Environmental Sanitation), and 139 (Section 175.35).

Section 144.12. *Regulations of board.* "The board may adopt, alter, and enforce reasonable regulations . . . for the preservation of the public health. Upon the approval of the attorney general . . . such regulations shall have the force of law . . . the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters: (1) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter. . . . (10) The accumulation of filthy and unwholesome matter to the injury of the public health and the removal thereof. . . . (12) The construction, equipment, and maintenance in respect to sanitary conditions of lumber camps and other industrial camps. . . ."

Section 144.34. *Investigation and control of occupational disease.* ". . . The department of health is authorized to investigate and make recommendations for the elimination or prevention of occupational diseases which have been reported to it or which shall be reported. . . . The department is also authorized to study and provide advice in regard to conditions that may be suspected of causing occupational diseases. Information obtained upon investigations made in accordance with the provisions of this section shall not be admissible as evidence in any action at law to recover damages for personal injury or in any action under the workmen's compensation act. Nothing herein contained shall be construed to interfere with or limit the powers of the department of labor and industry to make inspections of places of employment or issue orders for the protection of the health of the persons therein employed. When upon investigation the board reaches a conclusion that a condition exists which is dangerous to the life and health of the workers in any industry or factory or other industrial institutions, it shall file a report thereon with the department of labor and industry."

Section 154.04. *Entry for inspection.* "For the purposes of performing their official duties all . . . employees of the state and local boards of health . . . shall have right to enter any building . . . where . . . or cause of preventable disease exists or is reasonably suspected."

Section 176.666. *Investigations.* "When it appears to the state board of health that conditions exist which require investigation in order to determine the advisability of allowing or permitting an employee to continue in his hazardous employment, it shall file with the commission (Industrial) a petition demanding that the commission proceed to make such investigation and hold such hearings as may be necessary to such determination. Such investigation may be also initiated by the commission, or by petition of any employee or employer. The commission shall proceed promptly, after the filing of such petition or upon its own motion, with such investigation."

NOTE: See also section 176.668 under authority and functions of Department of Labor and Industry concerning cooperation of the State Department of Health through its Division of Industrial Health with the Industrial Commission in preparing rules and regulations and in evaluating industrial health hazards, and under rules and regulations of the Industrial Commission.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Board of Health.

1. Regulation 1800. *Relating to the Use of Hatters' Mercurial Carroting Solutions.* Adopted October 28, 1941.

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Prohibits use of mercurial carrot in the preparation of hatters' fur, or the use of mercurial carroted hatters' fur in the manufacture of hats.

2. Regulations 250 to 272. *Industrial Camp Sanitation.* Effective June 17, 1937.

Deal with sanitation and cleanliness of camp sites, and sleeping quarters. Among the requirements are adequate heating and ventilation, sanitary water supply, toilet, washing and related facilities, and provision of first-aid supplies and emergency care.

3. Regulations 212 to 214. *Slaughter Houses.*

Deal with sanitary conditions of slaughterhouses.

Reporting of Occupational Diseases

Minnesota Statutes Annotated, Section 144.34. *Investigation and control of occupational diseases.* "Any physician having under his professional care any person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, silica dust, carbon monoxide gas, wood alcohol, or mercury, or their compounds, or from anthrax or from compressed-air illness, or any other disease contracted as a result of the nature of the employment of such person shall within five days mail to the department of health a report stating . . . No report made pursuant to the provisions of this section shall be admissible as evidence of the facts therein stated in any action at law or in any action under the workmen's compensation act against any employer of such diseased person. . . ."

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions [1]

Section 175.01. *Department established.* "The department of labor and industry is hereby continued . . . under the control and management of the industrial commission of Minnesota. . . ."

Section 175.16. *Divisions.* "The department of labor and industry shall consist of the following divisions: division of workmen's compensation . . . division of accident prevention . . . division of women and children . . . and such other divisions as the commission may deem necessary and establish. . . ."

Section 175.17. *Powers and duties.* "The commission shall have the following powers and duties:

"(1) To exercise such powers and perform such duties concerning the administration of the workmen's compensation laws of the state as may be conferred and imposed on it by such laws;

"(2) To exercise all powers and perform all duties now conferred and imposed on the department of labor and industry as heretofore constituted, and the bureaus of such department, so far as consistent with the provisions of this chapter. . . ."

Section 175.20. *Enforcement.* "The department of labor and industry shall enforce all laws regulating the employment of minors and women, the protection of the health, lives, limbs and rights of the working classes. . . . It shall be empowered to gather statistics relating to all branches of labor. . . . In discharge of its duties the members and employees of the department may enter any factory, mill, workshop . . . or other place where persons are employed . . . give such direction as may be necessary to enforce the laws. . .

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[1] Additional references on page 131 (Sections 144.34 and 176.666).

"The bureau of women and children shall have the power to enforce and cause to be enforced by complaint in any court or otherwise all laws and local ordinances relating to the health, morals, comfort, and general welfare of women and children."

Section 176.668. ***Regular Inspection.*** "The commission shall keep a record of employments and regularly inspect places of employment in any industry in which the hazard of an occupational disease may exist. It shall establish reasonable minimum standards of safety and healthful working conditions in such places of employment and shall furnish such employers with written rules and regulations governing the maintenance of such minimum standards of working conditions. The commission in preparing such rules and regulations or standards of health, or in evaluating industrial health hazards, shall consult with the state department of health through its division of industrial health."

See also section 176.666 under authority and functions of State Department of Health concerning investigations to determine the advisability of allowing or permitting an employee to continue in his hazardous employment.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Equipment and Places

Section 182.01. ***Dangerous machinery—Powers of Commission.*** Requires all dangerous machinery, equipment and points of operation to be guarded or otherwise protected and empowers inspectors to prohibit their use when dangerous.

Section 182.02. ***Belt shifters, loose pulleys, exhaust fans.*** Requires every owner of a factory, mill, or workshop where machinery is in use to furnish, when practicable, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys. "When, in the opinion of the commission, it becomes necessary, exhaust fans of sufficient power or other devices shall be provided for carrying off dust from emery wheels, grindstones, and other dust-creating machinery."

Section 182.05. ***Manufacture and sale of unguarded machines prohibited.*** "When practicable the points of danger in any machine or mechanism shall be securely guarded by the maker, and the manufacture or sale of any machine or mechanism not so guarded is hereby prohibited."

Section 182.06. ***Rails and foot guards—Stairways.*** "All vats, pans, or other receptacles containing molten metal or hot or corrosive liquids, or otherwise dangerous liquids, below the floor level; all pits or other openings in the floor or surface of the ground; all gangways and inclined footways, or other places from which a person might fall, shall be provided with adequate hand rails and foot guards or other equally effective protection, and in establishments where women are employed, or where it is deemed necessary by the commission, stairways shall be built solid and without openings between the treads."

Section 182.07. ***What places lighted.*** "All stairways and inclined footways and all points where there is a break or change in the floor level or in the character of the floor surface where persons may have to walk or pass, and all dangerous places, all prime movers, and all moving parts of machinery where, on or about which persons work or pass, or may have to work or pass in emergencies, shall be kept properly and sufficiently lighted during working hours."

Section 182.08. ***Removing safety appliances.*** "No employees in any factory . . . shall remove, displace, or destroy any guard for dangerous machinery,

or other safety device . . . save under rules established by the employer therefore. . . ."

Section 182.10. *Crowding of floor space prohibited.* "The floor space in any factory, mill, workshop, or mercantile establishment shall not be crowded . . . in a manner dangerous to employees. . . ."

Section 182.11. *Protection of hoistways, elevators.* Requires all hoistways, elevator wells and wheel holes in industrial establishments to be protected.

Sections 182.12 to 182.14. Deal with safeguards on construction work.

Section 182.21. *Corn shredders—Safety devices to be approved by commission—Prohibiting sale.* "No person, firm, or corporation shall sell, offer or expose for sale any machine to be operated by steam or other power for the purpose of husking or shredding corn or corn stalks unless the machine shall be provided with reasonable safety devices approved by the commission for the protection from accidents from the snapping rollers and husking rollers and so guarded that the person feeding the machine shall be compelled to stand at a reasonably safe distance from the snapping rollers." Penalty for violation.

Section 182.24. *Employers must furnish helmets.* "It shall be unlawful for any employer of labor in this state to require or permit any employee to engage in any occupation or process of employment in which there is danger of serious injury to the eyes . . . from flying objects or particles thrown by machines or tools, or from the splashing of hot substances or chemicals, unless and until the employer shall furnish to each employee subjected to such hazards goggles, helmets, or other practical protective devices to prevent such injuries."

Section 182.25. *Employee must wear helmet.* Requires employees to wear helmets provided.

Section 182.27. *Commission to approve devices.* "The goggles and helmets required in section 182.24 shall be of a design and material approved by the commission for the purposes required, and furnished separately for each employee using them without cost to the employee and no employee shall be required nor shall he use the goggles or helmet furnished to another until the same has been adequately sterlized to prevent the transmission of diseases."

Section 182.28. Penalty for failure to furnish helmets or goggles and to use them.

Section 182.30. *Duty of employer.* "In all places of employment it shall be the duty of the employer to keep the floors and walls of buildings or parts of buildings, the grounds surrounding such buildings, and the machinery . . . in as clean and sanitary a condition as the nature of the industry will permit. Where wet processes are used the floors must be so drained. . . . Where practicable, dry standing room must be provided for all employees. Suitable receptacles shall be provided and used for the storage of waste and refuse. . . . All cleaning shall be done, as far as possible, out of working hours; but, if done during working hours, shall be done in such a manner as to avoid unnecessary raising of dust or noxious odors. All such places of employment shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition. . . ."

Section 182.31. *Arrangements and conditions of interior of buildings.* "Every place of employment used for the preparation, manufacture, sale, or storage of food products shall be properly lighted, drained, plumbed, and ventilated and conducted with strict regard to the influence of such conditions upon the health of persons therein employed and the purity and wholesomeness of the food products therein prepared, manufactured, sold, or stored. . . ." Rest of section specifies conditions of cleanliness to be observed.

Ventilation

Section 182.32. ***Ventilation.*** "In every place of employment the employer shall provide, in each workroom thereof, proper and sufficient means of ventilation and maintain proper and sufficient ventilation. If excessive smoke, steam, gas fumes, vapors, dust, or other impurities are created or generated by the manufacturing process or handicraft carried on therein in sufficient quantities to obstruct the vision, or to be irritating, obnoxious, or injurious to the health or safety of the employees therein, the rooms shall be ventilated in such manner as to remove them or render them harmless so far as is practicable. If in the opinion of the commission it is deemed necessary, it may order the installation of exhaust fans and other mechanical means of a proper construction to effectively remove from the point of origin such smoke, steam, gases, fumes, vapors, dust, or other impurities. If the removal of such smoke . . . or other impurities is, because of the nature of the process, impracticable, the commission may if it deems it necessary to the health of the workers in any place of employment, order the isolation of such process or handicraft in a separate room or building."

Section 182.33. ***Limitation of employees in room.*** "No more employees shall be required or permitted to work in a room in any place of employment than will allow to each of such employees not less than 400 cubic feet of air space, unless by a written permit of the commission such amount of air space for each employee may temporarily be reduced to not less than 250 cubic feet of air space. No such permit shall be issued for a room in which smoke, gas, fumes, dust, or vapors are generated or in which there are fires consuming oxygen."

Section 182.34. ***Heat and ventilation.*** "In every place of employment the workrooms shall, so far as the nature of the industry will permit, be properly heated during cold weather . . . where excessive heat be created in any of the workrooms by the nature of the process therein carried on it shall be the duty of the employer to provide heat deflectors, exhaust fans and such other mechanical means that are necessary to protect from the heat and to carry off, so far as practicable, such excessive heat and to cool off such workrooms. It shall be unlawful in any place of employment to establish any process or handicraft which creates excessive heat in any workroom the ceiling of which is less than eight feet from the floor of such workroom or the floor of any balcony in such workroom.

"The use of salamanders or other heaters that discharge smoke or gas into a workroom in which workers are employed is prohibited."

Sanitation Facilities

Sections 182.35 to 182.40. Deal with provision of toilet facilities, including construction, maintenance, and ratio of toilets per persons.

Section 182.41. ***Washing basins and individual towels.*** "Every place of employment shall provide, without expense to the employee, adequate facilities for washing the hands and faces of the employees. Individual towels shall be provided by the employer, and the use of towels in common is prohibited.

"In all places where food is prepared or manufactured . . . where poisonous or injurious materials are handled by the employees, and . . . where the employees are required by the nature of the process at which they are employed to become covered with oil, grease, soot, or other material not easily removed, the employer shall provide hot and cold water and soap in sufficient quantities to permit employees to make themselves clean."

Section 182.42. ***Dressing rooms.*** "In every place of employment in which a change of clothing is necessary for any of the employees in doing their work,

suitable dressing rooms shall be provided and shall be separate for the sexes. All such dressing rooms shall be kept in a clean and sanitary condition and be adequately ventilated. In all places of employment where poisonous compounds are handled by the employees, facilities for hanging and storing both working and street garments shall be provided so that they will not come in contact with each other, or with the garments of others. All such dressing rooms shall be enclosed by means of solid partitions or walls, separated from toilet rooms, and have at least one window opening to the outer air or other means of properly ventilating such rooms."

Section 182.43. *Eating of food.* "In every place of employment it shall be unlawful to keep or eat any food in a room in which the dust or fumes of poisonous compounds are present. In such places of employment the employer shall provide a suitable place in which employees may eat their meals. No employee engaged in handling such poisonous compounds shall go out or be allowed to go out for lunch or to eat his or her lunch on the premises without first washing his hands and, if necessary, washing his face."

Section 182.45. *Drinking water.* "Every place of employment shall provide, without expense to the employees, an adequate supply of pure drinking water. . . ."

Section 182.47. *Enforcement of sections 182.29 to 182.47.* "It shall be the duty of the commission to enforce the provisions of sections 182.29 to 182.47. . . ."

Section 182.48. *Underground apartments.* "No basement, cellar, underground apartment, or other place which the commission shall condemn as unhealthy and unsuitable shall be used as a workshop, factory, or place of business in which any person or persons shall be employed."

Safety and Health in Foundries

Sections 183.05 to 183.34. Regulate working conditions in foundries. Set forth safety requirements for entrances and gangways; require adequate mechanical means of ventilation where "smoke, steam, gases, or dust arising from any of the operations of the foundry are dangerous to health or eyes, and where a natural circulation of air does not carry off" such fumes or dust; specify when cleaning and chipping of castings is to be done, how sand blasting operations shall be carried on, when compressed air cannot be used; require adequate lighting, heat and suitable facilities for drying of clothes; set forth requirements for number of water closets, and individual lockers; require routine inspections of appliances; prohibit breaking of castings by use of a drop inside the foundry during general working hours and, when done outside, require adequate protection; prohibit females from working in core rooms; and restrict the weight of cores they can handle in core-making rooms. The application of the above rules are made applicable to brass foundries. Penalty for violation.

Rules and Regulations

Adopted by Industrial Commission of Minnesota. (Codes dated August 24, 1950)

1. *General Safety Code.*

Code deals with safety rules and practices concerning storage and use of acids and caustic liquids, including provision of protective clothing; installation of electrical equipment; recommended minimum foot-candles of illumination on traversed spaces and at work, and prevention of glare; steam boilers, and engines; safeguarding machine hazards and points of operation for textile, food and beverage, paper and printing, wood and cork working machines and saws,

abrasive wheels and power presses; safeguarding power transmission equipment, traveling cranes and platforms; storage of explosive vapors and gases; and provision of welfare and health facilities including exhaust ventilation, eye protection, respirators, foot and leg protection, clothing lockers and first aid for treatment of accidents and illnesses. Safety rules for window cleaners are included.

2. *Industrial Environmental Sanitation.*

The code was adopted by the Industrial Commission "in the discharge of its duties under Minn. St. 1949, Sec. 176.668, relating to occupational diseases."

The code prescribes minimum requirements for the prevention and control of health hazards in industry and recommendations for the promotion of the health and well being of the employees. The code is enforced by the Industrial Commission, and the Division of Industrial Health acts as consultant to the Commission on technical phases in the evaluation and control of industrial disease hazards. Penalties are prescribed for violation.

The code covers employer's responsibility to provide and maintain control measures and protective equipment, and employee's responsibility to use them when provided; prohibits atmospheric concentrations tending to have specified ill effects and gives a list of maximum allowable concentrations for various toxic substances, toxic dusts, fumes and mists, mineral dusts and radiations; prescribes illumination, general ventilation and temperature requirements in workrooms including a guide to temperatures tolerated in each season; prescribes requirements for effectiveness of local exhaust ventilation systems; requires personal protective equipment when indicated, good housekeeping practices, rest room and service facilities for women; requires separate lunchrooms and prohibits the carrying or eating of food in workrooms with exposure to industrial poisons; requires a safe water supply and waste disposal systems; requires approval of plans for equipment controlling emissions of dust, fumes, gases and vapors by the Commission and State Board of Health; sets forth minimum requirements for degreasing tank operations, paint spray booths, refrigerating plants, ventilation for garages and dust collection system for stone cutting.

NOTE: Other codes issued by the Industrial Commission include Construction Safety Code and Elevators, Dumb-waiters, Escalators Code.

Employment of Women and Minors

Among pertinent provisions are the following:

Minnesota Statutes Annotated, Section 181.18. Regulates hours of work of female employees in certain occupations.

Section 181.31. Prohibits employment of children under 14 in any factory, mill, workshop, or mine, or in building construction or any engineering work.

Section 181.40. Prohibits employment of children under 16 in certain specified occupations, and in any other employment or occupation dangerous to the life, limb, health or morals of such child; prohibits employment of females under 16 where required to remain constantly standing; prohibits employment of children under 18 in specified practices and exhibitions dangerous or injurious to the life, limb, health or morals of such child.

Section 181.42. Empowers the Department of Labor and Industry to require employers of children to procure a certificate from a physician affirming the physical fitness of the child.

Section 182.09. Prohibits employment of children under 16 in certain mechanical occupations and employments, including those in which dangerous or poisonous acids are used, and the manufacture of paints, colors or white lead.

Section 182.44. "In all places of employment where women are employed, the employer shall provide and maintain suitable seats, with proper backs where practicable, for the use of such women employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health. In all places where women are engaged in work which can be properly performed in a sitting posture, suitable seats, with backs where practicable, shall be supplied in every factory for the use of all such women employees and permitted to be used at such work. The commission may determine when seats, with or without backs, are necessary and the number thereof."

Workmen's Compensation

The Workmen's Compensation Act is administered by the Industrial Commission of Minnesota, Division of Workmen's Compensation. (Chapter 176, and Senate Bill No. 1551, 1953 New Laws)

Occupational Disease Compensation

Section 176.66. Disablement of an employee due to an occupational disease is treated as the happening of an accident within the Workmen's Compensation Law. Full coverage.

Reporting of Injuries

Section 176.32. Requires employers subject to the Workmen's Compensation Law to report within 48 hours to the Industrial Commission any accident which causes death or serious injury, and all other accidents within 7 days of occurrence which cause absence for more than remainder of the day, shift, on which injury was sustained; and requires every physician or surgeon examining, treating, or having special knowledge of any compensable injury to an employee, within 10 days after receipt of request therefor in writing made by the Industrial Commission, report all facts within his knowledge relative to the nature and extent of injury, and extent of disability resulting therefrom, to the Commission. Reports may be used for hearings, investigations and statistics. Penalty for failure to report for employer or physician.

Section 251.042. Requires the Superintendent of any State, county, city or village sanatorium to report all cases of tuberculosis contracted by employee of such institution in connection with his duties to the Industrial Commission.

Vocational Rehabilitation

1953 New Laws, Senate Bill No. 1551, Section 79. Creates an Advisory Council on Rehabilitation of Injured Workers which shall advise the Industrial Commission and the State Board of Education "on questions concerning the administration and improvement of the workmen's compensation law as it relates to the rehabilitation of injured workers, assist in the procurement and development of adequate facilities and personnel for an effective rehabilitation program and devise procedures which will facilitate and assure the physical and vocational rehabilitation of injured workers."

The law also creates a Bureau of Workmen's Rehabilitation under the control and supervision of the Division of Workmen's Compensation. Among its duties are the study of each notice of injury incurred by a worker and taking necessary steps to inform the injured worker of services and facilities available, after consultation with the attending physician.

Reporting of Injuries

Minnesota Statutes Annotated, Sections 175.28 and 175.32. Require every employer of labor to report any accident to an employee causing death or serious

injury within 48 hours of occurrence, and all other accidents incapacitating the person for more than the remainder of the day, shift, or turn, of which the employer or foreman has knowledge, within 14 days after occurrence to the Industrial Commission, giving specified facts. Reports so required are not admissible as evidence at trial of any action or in any judicial proceedings, except for prosecutions for violations of these sections. Penalty for failure to report.

Reporting of Occupational Diseases

Section 175.33. ***Physicians to report certain cases of poison to the industrial commission.*** "Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the industrial commission a notice stating . . . with such other specific information as may be required by the industrial commission and which may be ascertained by the physician in the course of his duties."

Section 175.34. Penalty for failure to report.

Section 175.35. ***Enforcement.*** "It shall be the duty of the industrial commission to enforce the provisions of sections 175.33 and 175.34 and it may call upon the state and local boards of health for assistance."

INSPECTORS OF MINES

Sections 180.01 to 180.13. Inspectors of Mines may be appointed by county boards of commissioners in any county where there are at least 5 mines in operation. Duties of inspectors include: routine examinations of mines and condemning those found dangerous to employees; ordering operators to furnish safe workplaces for employees; making requested inspections in any mine at request of 20 or more persons; and investigating accidents. Penalties for violations by owners and operators and for neglect of inspector.

DEPARTMENT OF AGRICULTURE, DAIRY AND FOOD

Food Sanitation

The Commissioner of Agriculture, Dairy and Food has power to make uniform rules and regulations and to enforce sanitation laws relating to cold storage warehouses (chapter 28); processing, canning, selling and handling of foods and frozen foods (chapter 31); dairy products (chapter 32); and nonalcoholic beverages (chapter 34). All places are required to comply with sanitary laws, rules and regulations. Penalties for violations.

Crop-Dusting

Sections 18.23 to 18.26. Regulate crop-dusting by aircraft; require owner or pilot of aircraft equipped with apparatus designed to disperse liquid sprays, dusts, aerosals or fogs from the air to obtain a permit from the Commissioner. The permit shall be subject to rules and regulations promulgated by the Commissioner, and intended for protection of lives, health and property.

1953 New Laws, Senate Bill No. 1245. Regulates, by requiring permit issued by Department of Agriculture, Dairy and Food, spraying or dusting of crops or land to control or eradicate weeds, underbrush, plant diseases, insects, or rodents, by mean of any power driven mechanism used on the ground.

DEPARTMENT OF EDUCATION

Vocational Rehabilitation

Minnesota Statutes Annotated, Section 120.32. Establishes a Division of Vocational Rehabilitation in the Department of Education which shall provide services such as medical diagnosis, vocational diagnosis and counseling, training, physical restoration and occupational licenses for residents incapacitated or impaired through industrial accident or otherwise.

STATE FIRE MARSHAL

Dry Cleaning Establishments

Sections 76.01 to 76.31. Set forth safety requirements for the dry cleaning and dry dyeing industry with respect to inspections by State Fire Marshal; permits; fireproofing, construction, ventilation, and illumination of buildings; and safeguarding of equipment and workrooms. Penalties for violation.

RAILROAD AND WAREHOUSE COMMISSION

The Railroad and Warehouse Commission has supervision over railroads, express companies, public warehouses, motor vehicle carriers and utilities, including regulation of safety of operations and equipment.

Section 219.56. Regulates construction of railroad caboose cars, and requires water closets, cupolas or bay windows, platforms, guard-rails, grab-irons and steps.

Section 219.59. Requires cars to be provided with secure grab-irons or hand-rails in the ends and sides of cars for security to employees.

NUISANCE CONTROL

Section 461.07. ***Regulation of smoke.*** "The council or other governing body of each city in this state, which now has or hereafter may have 20,000, and not more than 50,000, inhabitants, is hereby authorized and empowered to enact and publish, and to provide penalties for the violation of, ordinances to regulate, control, prohibit, and abate the issuance or emission of dense smoke in the city. . . ."

Section 461.09. ***Dense smoke; abatement.*** "Any city of the third class in the state . . . is hereby authorized and empowered . . . to control, regulate, prevent, and prohibit the emission of dense smoke from the smoke stack of any locomotive, engine, stationary engine, or building within the limits of any such city, and to declare such emission of dense smoke to be a public nuisance, and to provide for the summary abatement thereof; and in addition thereto to impose such a penalty by fine or imprisonment upon the person or persons who may cause, permit or allow such nuisance to exist, as may be deemed proper, such penalty not to exceed in any case a fine of $100.00, or 90 days' imprisonment."

Section 145.17. ***Offensive trades.*** "No person, without the written permission of the board of health of the town, village, or city, shall engage therein in any trade or employment which is hurtful to the inhabitants, or dangerous to the public health, or injurious to neighboring property, or from which noisome odors arise. Any person so doing shall forfeit $50.00 for each day on which such trade or employment is exercised, to be recovered by the local board of health by suit in its name and for its benefit."

MISSISSIPPI

SOURCES: Mississippi Code Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Mississippi Code Annotated, Section 7019. ***Powers and duties.*** "The department must, through its committees, exercise a general superintendence over the health interests of the state . . . must take cognizance of and make recommendations for the interest of health and life among the people generally; must investigate the cause, means of prevention and treatment of endemic and epidemic diseases; must investigate the influences of localities and employments upon the public health. . ."

Section 7029. ***General duties.*** "It is the duty of the state board of health to supervise the health interests of the people, to investigate the causes and means of prevention of endemic and epidemic diseases; the sources of mortality and the effect of localities, habits, employments, and conditions upon the public health; to investigate the sanitary condition of . . . railroad and street cars. . ."

Section 7031. ***Power to make and publish rules.*** "The state board of health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objects of its creation, and reasonable sanitary rules and regulations, to be enforced in the several counties by the county health officer under the supervision and control of the state board of health."

Factory Inspection

Section 6977. ***Factory inspector—board of health to appoint—qualifications and bond of.*** "The State Board of Health shall appoint and may remove for cause a special inspector who shall have the title of factory inspector and who shall be . . . capable of performing the duties prescribed below. . . ."

Section 6978. ***Duties of inspector—to report violations of law as to employment of women and children.*** "It shall be the duty of the factory inspector to inspect all factories and canneries where women and children are employed at least three times a year. Such inspector shall collect evidence of violations of the laws of the state relating to the employment of women and children, and furnish such information to the county or district attorney in the county in which said violation occured. . . ."

Section 6979. ***To make annual reports—details of same.*** "Said inspector shall report in detail annually to the secretary of state board of health the number of industrial establishments . . . the number of violations found . . . and such other information as may be deemed valuable and necessary, and shall enforce the laws of the state in factories and other establishments where women and children are employed."

Section 6980. Prescribes penalty for failing to aid inspector.

Section 6981. ***Inspector to register factories employing five or more persons and report the same.*** Makes it a duty of the inspector to register factories and to collect registration fees as prescribed by section 6982.

Section 6984. Prescribes penalty for violations of provisions.

Industrial Health Investigations

Regulation on Sanitation and Safety of Industrial Establishments. Right of entry. "Official representatives of the Mississippi State Board of Health are hereby authorized to enter any industrial establishment . . . for the purpose of making official inspections. . ."

Regulation on Reporting of Occupational Diseases. "It shall be the responsibility of the Division of Industrial Hygiene of the State Board of Health thru consultation and close cooperation with the reporting physician to investigate the place of employment giving rise to such diseased condition, to study the manufacturing processes, and to make recommendations for the elimination of the existing hazards and the prevention of further cases."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Frozen Food Locker Plants

Mississippi Code Annotated, Sections 7129–48.01 to 7129–48.18. Regulate the operation of frozen food locker plants; require all frozen food locker plants using a toxic gas refrigerant to have at least one gas mask of type approved by the State Board of Health readily accessible; and set forth requirements for sanitation and cleanliness of premises and provision of ample water supply and adequate toilets for employees.

Rules and Regulations

Adopted by State Board of Health.

1. ***Sanitation and Safety of Industrial Establishments.*** Adopted 1943, revised June 30, 1949.

Regulations cover duty of employer to inform employees of any hazards associated with their work and to provide necessary safeguards; the duty of employees to use protective measures; requirements concerning water supply, toilet facilities and building exits; protection from dangerous machinery and hazardous operations; housekeeping and cleanliness; provision of adequate general ventilation and exhaust systems to reduce toxic materials below the maximum allowable limits; protection against industrial skin diseases; provision and maintenance of washing facilities, dressing rooms, lockers and rest rooms; provision and care of personal protective devices; and requirements for illumination.

2. ***Regulations for Use of Fluoroscopic Shoe Fitting Machines.*** Effective December 11, 1950.

Regulations require registration of shoe fitting machines with Division of Industrial Hygiene, State Board of Health; provide for periodic inspection and issuance of certificates; set forth minimum requirements for intensity of beams, aluminum filter, safe use of machines, and control of stray radiation; and require posting of warning and instruction signs.

3. ***Safety of the Working Environment.*** Adopted December 6, 1948.

Regulation forbids employers to "use or permit to be used in the conduct of his business, manufacturing establishment or other place of employment, any process, material or condition known to have an adverse effect on health, unless arrangements have been made to maintain the occupational environment in such a manner that injury to health shall not result." Threshold limits of toxic materials are listed.

Employment of Women and Minors

Among pertinent provisions are the following:

Mississippi Code Annotated, Section 6985. Prohibits employment of children under 14 in "any mill, cannery, workshop, factory or manufacturing establishment."

Section 6988. Makes it the duty of the sheriff to see that the laws on employment of minors are being carried out.

Section 6989. Makes it the duty of the county health officer to inspect the above establishments for sanitary conditions and physical condition of children employed and report violations to the sheriff. Penalty for violation.

Reporting of Occupational Diseases

A regulation adopted May 31, 1944, requires "every physician having knowledge of any disease that arises out of, and in the course of, employment shall report the same to the county health officer in accordance with the laws of Mississippi and Regulations of the State Board of Health governing reportable diseases. . . . Occupational diseases shall include dermatitis and other manifestations of poisoning or sensitivity resulting from the use of metals, dusts, gases or vapors in the working environment." Reports are not admissible as evidence in any action at law.

WORKMEN'S COMPENSATION COMMISSION

The Workmen's Compensation Law is administered by the Workmen's Compensation Commission. (Mississippi Code Annotated, Sections 6998–01 to 6998–59)

Occupational Disease Compensation

None.

Reporting of Injuries

Sections 6998–33 and 6988–34. Require employers to keep a record of every injury to an employee and to report all injuries resulting in death or causing loss of time beyond one day to Workmen's Compensation Commission. Penalty for violation.

Vocational Rehabilitation

Section 6998–53. ***Rehabilitation.*** "The Commission shall cooperate with federal, state, and local agencies in the rehabilitation of handicapped workers, and shall promptly report to the proper authority industrial injury cases in which retraining or job placement may be needed."

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 6504 to 6508. The provisions and benefits of the Federal Act for the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The Division of Vocational Rehabilitation is established and is empowered to cooperate with other agencies in providing for the vocational rehabilitation of disabled persons, and establishing and developing neces-

sary facilities and services; to conduct research and compile related statistics; to prescribe and provide necessary training; to cooperate with the federal government in carrying out the provisions of the law; and to accept and expend funds for this purpose. Criteria for eligibility for vocational rehabilitation are included.

DEPARTMENT OF AGRICULTURE AND COMMERCE

The Commissioner of Agriculture has regulatory supervision over dairies and creameries. Requirements cover cleanliness of premises. (Sections 4536 to 4575)

PUBLIC SERVICE COMMISSION

The Public Service Commission has regulatory supervision over railroads and other common carriers, and other public utilities.

Section 7768. Requires railroad to place "warning strings" on bridges and other overhanging objects under which trains pass for safety of brakeman and other employees on top of cars. Penalty for violation.

Section 7861. Requires maintenance of repair sheds with water-tight roofs over all tracks where cars are regularly repaired, for protection and comfort of all employees.

MISSOURI

SOURCES: Vernon's Annotated Missouri Statutes 1949
Rules and Regulations of State Agencies

DIVISION OF HEALTH OF MISSOURI

Authority and Functions

Vernon's Annotated Missouri Statutes 1949, Section 191.010. ***Department of public health and welfare established—purpose—divisions.*** Establishes a Department of Public Health and Welfare, composed of 3 divisions, namely: The Division of Health, the Division of Mental Diseases, and the Division of Welfare.

Section 192.020. ***To safeguard the health of the people of Missouri.*** "It shall be the general duty and responsibility of the division of health to safeguard the health of the people in the State and all its subdivisions. It shall make a study of the causes and prevention of diseases. It shall designate those diseases which are infectious, contagious, communicable or dangerous in their nature and shall make and enforce adequate orders, findings, rules and regulations to prevent the spread of such diseases and to determine the prevalence. . . ."

Section 192.080. ***Bureau of food and drug inspection.*** "All powers and duties pertaining to administration of laws relating to food and drugs shall be exercised by the division of health. The director of health may appoint a deputy who . . . shall be chiefly responsible for administration of laws pertaining to food and drugs, and particularly to enforce all laws . . . regarding the production, manufacture or sale of any food products. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Sanitation in Establishments Handling Food

Section 196.190. ***To what places law applies.*** "Every building . . . used as a bakery, confectionery, cannery, packinghouse, slaughterhouse . . . dairy, creamery, butter factory, cheese factory, or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced. . . ."

Sections 196.195 to 196.265. Prescribe sanitary requirements for food establishments, covering cleanliness of utensils and premises, provision of washing and toilet facilities, prohibition of diseased persons from working in such places, and abatement of violations by the Division of Health.

Sections 196.270 to 196.305. Deal with sanitation in bakeries.

Sections 196.365 to 196.445. Deal with manufacture of soft drinks.

Sections 196.450 to 196.515. Regulate conduct and licensing of locker plants, requiring the maintenance of an approved gas mask by any plant using a toxic gas refrigerant.

Sections 196.520 to 196.690. Contain Missouri Dairy Law.

Rules and Regulations

None specifically.

Reporting of Occupational Diseases

Regulation 3 of the Missouri Division of Health; Group 2. ***Occupational diseases.*** Lists 21 diseases that are reportable by physicians to local health departments. Occupational dermatitis is to be reported by number of cases; and for other diseases, individual case reports are required.

Vernon's Annotated Missouri Statutes, 1949, Section 292.340. ***Physician to make report to division of health—penalty for failure.*** "It is hereby made the duty of any licensed physician who shall make a physical examination of any employee under the provisions of section 292.330, to make within twenty-four hours a triplicate report thereof to the division of health . . . of Missouri . . . and if any such disease or illness is found, the physician shall so report. . ." Rest of section prescribes manner of reporting and penalty for violation.

Section 292.350. ***Duty of director of division of health.*** "The director of the division of health shall . . . transmit a copy thereof to the director of the division of industrial inspection, and a copy to the superintendent of the factory in which the employee is supposed to have contracted his ailment."

NOTE: For further information refer to statutory provisions relating to occupational health and safety for Industrial Commission of Missouri.

INDUSTRIAL COMMISSION OF MISSOURI

Authority and Functions [1]

Section 286.010. ***Creation of department of labor and industrial relations—industrial commission of Missouri*** . . . "There is hereby created and

[1] Additional references above (Section 292.350), and page 151 (State Board of Education).

established a separate department of the state government to be known as 'The Department of Labor and Industrial Relations.' Said department shall be under the control, management and supervision of a Commission to be known and designated as 'The Industrial Commission of Missouri.' . . ."

Section 286.060. ***Duties, powers, and jurisdiction of industrial commission.*** "It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority. . .

"(3) To have all powers, duties and responsibilities conferred or imposed upon it by the workmen's compensation law. . . .

"(4) To approve or disapprove all rules or regulations promulgated by any division within the department. . .

"(5) To establish and maintain as far as practicable a central system of collecting, preparing, compiling and reporting all material for statistical use in all divisions of the department of labor and industrial relations. . . ."

Section 286.110. ***Division of department created.*** "There is hereby created within the department of labor and industrial relations the following divisions:

"(1) The division of workmen's compensation; (2) The division of employment security; (3) The division of industrial inspection; and (4) The division of mine inspection."

Division of Industrial Inspection

Section 291.060. ***Power and duties of director and deputies*** . . . "2. It shall be the duty of the director, his assistants or deputy inspectors, to make not less than two inspections during each year of all factories, warehouses, office buildings, freight depots, machine shops, garages, laundries, tenement workshops, bakeshops, restaurants . . . places of public amusement, and all other manufacturing, mechanical and mercantile establishments and workshops . . . the director shall enforce all laws relating to the inspection of the establishments enumerated heretofore in this section, and prosecute all persons for violating the same. Any municipal ordinance relating to said establishments or their inspection shall be enforced by the director. . . ."

Section 291.070. ***Statistics assembled.*** "The division of industrial inspection shall collect, assort and systematize statistical details and information relating to the commercial, industrial, social, educational and sanitary conditions of the laboring classes of the state. . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

(Enforced by Division of Industrial Relations.)

Safety of Workplaces and Equipment

Section 292.020. ***Belting, etc., to be guarded.*** Requires safeguarding belting, shafting, machinery, gearing and drums in all manufacturing, mechanical and other establishments, and the posting of notices when dangerous; and provides for issuance of orders for repairs or alterations by inspectors. Penalty for violation.

Section 292.030. ***Safety guards.*** Requires approved safety guards or appliances on all power-driven circular saws.

Sections 292.050 to 292.090. Contain safety requirements for hatchways, elevators and well-holes, fire escapes, explosives, door openings and scaffolding.

Section 292.110. ***Ventilation.*** "All manufacturing, mechanical, mercantile and other establishments in this state shall be so ventilated as to render harmless all impurities, as near as may be."

Section 292.120. ***Prevention of dust, smoke and gas.*** Requires every person, firm or corporation using any polishing wheel or machine of any character which generates dust, smoke or poisonous gases in its operation to provide hoods connected with blower or suction fans to carry off such dust, smoke and gases and prevent its inhalation by employees. Penalty for violation.

Section 292.130. ***Director may order fan installed.*** Empowers the Director to order fan or other contrivance to be installed on any process generating dust or smoke to prevent its inhalation by employees.

Section 292.140. ***Overcrowding in factories prohibited.*** Prohibits overcrowding when health or safety of employees is endangered.

Section 292.180. ***Health and safety of employees to be protected—director may seal machinery, when.*** Deals with issuance of orders for correcting violations of lighting, ventilation, and sanitation arrangements, safety guards on machinery, and safety of workplaces. Penalty for violation.

Section 292.160. ***Separate water closets.*** Requires separate water closets in establishments employing persons of both sexes.

Section 292.210. Prescribes penalties for violation of preceding sections.

Foundries

Sections 292.260 to 292.290. Requires foundry operators to provide toilet and change rooms which shall be directly connected with the foundry and properly heated, ventilated and equipped; set forth specifications for width and maintenance of gangways; require provision of devices for carrying off all poisons or injurious fumes, gases and dust from such foundries; and empower the Director to enforce these provisions. Penalty for violations.

Prevention of Occupational Diseases

Section 292.300. ***Employer to provide protection to employees from diseases.*** "That every employer of labor in this state engaged in carrying on any work, trade or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employee to the danger of illness or disease incident to such work, trade or process, to which employees are exposed, shall for the protection of all employees engaged in such work, trade or process, adopt and provide approved and effective devices, means or methods for the prevention of such industrial or occupational diseases as are incident to such work, trade or process."

Section 292.310. ***Articles considered dangerous to health.*** "The carrying on of any process, or manufacture, or labor in this state in which antimony, arsenic, brass, copper, lead, mercury, phosphorus, zinc, their alloys or salts or any poisonous chemicals, minerals, acids, fumes, vapors, gases, or other substances, are generated or used, employed or handled by the employees in harmful quantities, or under harmful conditions, or come in contact with in a harmful way, are hereby declared to be especially dangerous to the health of the employees."

Section 292.320. ***Employees to be furnished with clothing—respirators to be used while at work.*** "Every employer in this state to which sections 292.300 to 292.440 apply shall provide for and place at the disposal of the employees . . . working clothes to be kept and used exclusively by such employees while at work and all employees therein shall be required at all times while they are at work to use and wear such clothing; and in all processes of manufacture or labor referred to in this section which are productive of noxious or poisonous

dusts, adequate and approved respirators shall be furnished and maintained by the employer . . . and such employees shall use such respirators. . ."

Section 292.330. ***Employees to be examined monthly by physician.*** "Every employer engaged in carrying on any process or manufacture referred to in section 292.310 shall, as often as once every calendar month, cause all employees who come into direct contact with the poisonous agencies or injurious processes . . . to be examined by a competent licensed and reputable physician for the purpose of ascertaining if there exists in any employee any industrial or occupational disease or illness or any disease or illness due or incident to the character of the work in which the employee is engaged."

Sections 292.340 and 292.350. Provide for reporting of occupational diseases by physicians to the Division of Health. See reference to these sections under reporting of occupational diseases for Division of Health of Missouri.

Section 292.360. ***Employer to provide dressing rooms, lavatories, etc.*** Employers referred to in section 292.310 are required to provide separate, and apart from workshops, a dressing room and washing facilities, for use of exposed employees.

Section 292.370. ***Drinking fountains, ice water, etc. to be provided employees.*** Prohibits the taking of food or drink into workrooms in which processes referred to in section 292.310 are carried on; and requires separate eating places and sanitary drinking fountains.

Section 292.380. ***Work rooms to be kept in sanitary condition.*** "All employers . . . shall provide and maintain adequate devices for carrying off all poisonous or injurious fumes from any furnaces which may be employed in any such process or manufacture or labor, and shall also provide and maintain adequate and efficient facilities for carrying off all injurious dust, and the floors . . . shall be kept and maintained in a smooth and hard condition, and no sweeping shall be permitted during working hours except where the floor in such work shop is dampened so as to prevent the raising of dust; and all ore, slag, dross and fume shall be kept in some room or apartment separate from the work rooms occupied by the employees, and all mixing and weighing of such ore, slag, dross or fume shall be done in such separate room or apartment, and all such material shall be dampened or covered before being handled or transported by employees."

Section 292.390. ***Prevention of dust.*** "When any flues are other apparatus are used in any such process or manufacture or labor referred to in section 292.310, or other apparatus are being cleaned or emptied, the employer shall in every case provide and maintain a sufficient, adequate and efficient means or device, such as canvas bags or other approved device, or by dampening the dust, or some other efficient method for catching and collecting the dust and preventing it from unreasonably fouling or polluting the air in which the employees are obliged to work, and, wherever practicable, the dust occasioned in any process or manufacture referred to in section 292.310, and in any polishing or finishing therein, shall be dampened or wet down or covered, and every reasonable precaution shall be adopted by the employer to prevent the unnecessary creation or raising of dust, and all floors shall be washed or scrubbed at least once every working day; and such parts of the work or process as are especially dangerous to the employees, on account of poisonous fumes, dusts and gases, shall, where practicable, be carried on in separate rooms and under cover of some suitable and efficient device to remove the danger to the health of such employees as far as may be reasonably consistent with the manufacturing process, and the fixtures and tools employed in such process or manufacture or labor, shall be thoroughly washed and cleaned at reasonable intervals."

Section 292.400. ***Hoppers, chutes, etc. to be provided with covering.*** "All hoppers or chutes . . . shall be provided with a hood or covering, and an adequate and efficient apparatus for the purpose of drawing away from employees, noxious, poisonous or injurious dusts, and preventing the employees from coming into unnecessary contact therewith; and all conveyances and receptacles . . . shall be properly covered or dampened in such a way as to protect the health of employees. . . ."

Section 292.410. ***Duty of director of division of industrial inspection.*** Provides for power of entry to visit and make inspections for enforcement of sections 292.300 to 292.440.

Section 292.420. ***Notices to be posted in rooms—to contain, what.*** Requires the posting of warning notices by employer when processes are dangerous to health, and of simple instructions for avoiding, so far as possible, injurious consequences.

Section 292.430. Prescribes penalties for violations of the preceding sections.

Construction Work

Sections 292.450 to 292.540. Regulate safety of construction workers in cities with populations of 50,000 or more.

Industrial Homework

Sections 292.550 to 292.570. Regulate working conditions in tenement factories, providing for inspections by the Director and tagging of articles so made. Penalty for violation.

Bakeries and Confectioneries

Sections 196.270 to 196.305. Require every bakery or confectionery shop "to be drained and plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and constructed with air shafts, windows or ventilating pipes sufficient to insure ventilation." Persons affected with contagious diseases or communicable skin affections are forbidden to work in such places, and all others are required to have certificates of health. All such places are required to comply with necessary sanitary conditions. Penalty for violation.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 290.40. Regulates hours of employment of women in specified industries.

Section 290.060. Prohibits employment of women in industries specified in section 290.040 within 3 weeks before or 3 weeks after childbirth. Penalty for violation.

Section 290.070. Empowers the Division of Industrial Inspection to enforce sections 290.040 and 290.050, and to have right of entry for making inspections and charge a fee as provided for.

Section 292.040. Prohibits any minor or woman to clean any part of machinery while in motion, and to be required to work between fixed and traversing parts of power machinery.

Section 292.100. Requires every factory or workshop employing women and children and where dusty work is carried on to be limewashed or painted at least once in every 12 months.

Section 292.150. Requires provision of washrooms for women in establishments where unclean work is being performed, and stairs used by them to be properly screened.

Section 292.170. Requires employers to provide suitable seats for women and to permit their use when duties allow it.

Sections 294.010 and 294.020. Prohibit employment of children under 14 and 16 to be employed at any gainful occupation, except as provided for.

Section 294.040. Prohibits employment of children under 16 in specified occupations, including some construction work, operation of railway cars, and "in any other occupation dangerous to the life, health or limb, or injurious to the health or morals."

Section 294.090. Empowers the Director of the Division of Industrial Inspection to enforce child labor laws.

Section 564.670. Prohibits employment of children under 16 in specified occupations including the operation of any power machinery, in mines or underground work, in connection with processes using acids or alkalis, the manufacture of paints, colors, or white lead, matches and explosives, and in operating certain industrial machinery. Penalty for violation.

Mines and Mining

Sections 293.010 to 293.620. Contain mine and cave safety and inspection laws which are enforced by the Division of Mine Inspection. Sections covering coal mines include regulation of construction of escapement shafts; requirements for ventilation including volume of air per man and animal, provision of suitable appliances, and supply of separate air currents; inspections of mines generating explosive gases; handling and storage of explosives; restrictions as to oils for illuminating purposes; lowering and hoisting of miners and inspection of hoisting equipment; observance of safety rules by workmen; pillaring and timbering; and provision of washhouses in mines employing 10 or more men, to be equipped and maintained as specified and approved by the Division.

Sections relating to lead and zinc mines include provision of washrooms and lockers in every lead or zinc mine; inspections by inspectors at any reasonable time and upon complaint, and issuance of orders for corrections; examinations for safety and ventilation; suppression of dust by sprinkling; and closing of dangerous mines.

Sections relating to all mines cover appointment and duties of coal mine, and lead and zinc mine inspectors; qualifications of miners; and investigation of accidents.

Sections relating to caves empower the Division of Mine Inspection to make inspections of all caves in the State open to the public, and to make rules and regulations providing for the necessary precautions to secure the health and safety of the visiting public and employees.

Penalties for violations of the provisions are prescribed.

Reporting of Injuries

Section 292.190. *All accidents to be reported.* Requires employers in all manufacturing, mercantile or other establishments to report accidents causing absence from work of 4 days or longer, or which result in death, to the Division of Industrial Inspection and "also to the city or county physician, when there be such an officer."

Workmen's Compensation

The Workmen's Compensation Law is administered by the Division of Workmen's Compensation. (Sections 287.010 to 287.800)

Occupational Disease Compensation

Section 287.020. Full coverage—elective.

Provision for Reporting Injuries

Section 287.380. Requires every employer, whether he has accepted or rejected the provisions of this chapter, to report accidents resulting in death and personal injury to the Industrial Commission in accordance with rules and regulations established. Penalty for violation.

Vocational Rehabilitation [1]

Section 287.141. Establishes a Board of Rehabilitation to be composed of 3 members of the Industrial Commission and the Director of Workmen's Compensation; empowers it to make necessary rules and regulations for carrying out the purposes of this section; authorizes it to study problems of physical rehabilitation and investigate and approve facilities for rendering competent physical rehabilitation service for seriously injured industrial workers; and provides for financial assistance of persons while actually being rehabilitated and for holding hearings regarding disagreement as to treatment.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 162.280 to 162.320. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board of Education is empowered to cooperate with the Federal Board; to prescribe necessary courses and provide necessary training; to formulate a plan of cooperation with the Missouri Workmen's Compensation Commission; and to receive gifts and expend funds for this purpose.

PUBLIC SERVICE COMMISSION

The Public Service Commission has jurisdiction over railroads and other common carriers, and power and communications utilities.

Section 386.310. Empowers the Public Service Commission upon complaint, or orders and rules, to require every public utility to maintain and operate its plant, equipment and premises in such manner as to promote and safeguard the health and safety of its employees and the public, and to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

Section 391.250. Requires stools or seats to be provided for conductors or motormen.

Section 391.260. Requires heaters to be provided for motormen and conductors of electrical railways.

Section 564.330. Requires protection for street car operators against cold weather.

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[1] See also under State Board of Education.

MONTANA

SOURCE: Revised Codes of Montana 1947 Annotated, as amended

STATE BOARD OF HEALTH

Authority and Functions

Revised Codes of Montana 1947 Annotated, Section 69–105. ***Powers and duties of board.*** "The state board of health shall have general supervision of the interests and health and life of the citizens of the state . . . they shall make sanitary investigations and inquiries regarding the causes of disease, and especially communicable diseases and epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances of the health of the people . . . they shall . . . advise officers of the government, or other boards within the state, in regard to location, drainage, water-supply, disposal of excreta, heating, and ventilation of any public institution or building; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of the health and the prevention of the spread of communicable diseases. . ."

Section 69–107. ***Power to make and enforce rules and regulations.*** "The state board of health shall have power to promulgate and enforce such rules and regulations for the better preservation of the public health in contagious and epidemic diseases as it shall deem necessary, and also regarding the causes and prevention of diseases, and their development and spread. . ."

Section 69–201. ***Creation of division of industrial hygiene in state board of health.*** "There is hereby created and established within the state board of health of the State of Montana a division of industrial hygiene. . . ."

Section 69–202. ***Powers.*** "The division of industrial hygiene shall have the following powers: (1) To make studies of industrial hygiene and occupational disease problems in the industries of Montana;

"(2) To keep and maintain complete records of its studies, recommendations and other activities;

"(3) To make investigations of the sanitary conditions under which the men and women work in the various industries of the State;

"(4) To make and enforce regulations for the correction of unsanitary conditions found;

"(5) To report to the industries concerned the findings of such investigations and to work with such industries to remedy unsanitary conditions;

"(6) To employ such help as may be necessary to make the investigations and enforce the regulations and as is justified by the appropriation."

Section 69–204. ***Investigating reports of occupational diseases.*** "Whenever the secretary of the division of industrial hygiene receives a report that there is within the State of Montana a case of occupational disease, or a death caused by occupational disease, he may cause an investigation to be made to determine the authenticity of the report and the cause of the disease."

Section 27–112. ***Duties and powers of state board of health.*** Authorizes the State Board of Health to promulgate rules and regulations relative to the sanitary arrangements of food establishments, and with local health officers to enforce provisions of the Pure Food and Drug Act.

General Provisions Relating to Occupational Health

Statutory Provisions

Section 69–2501. ***Retiring room for employees of hotels, restaurants and other businesses—exceptions.*** Requires maintenance of a retiring room within the premises for employees of hotels, restaurants and other food handling businesses employing 5 or more persons. Penalty for violation.

Section 69–2601. ***Mats or other covering on cement floors required in restaurants and other designated places.*** Requires mats or other floor coverings on cement floors, at places where employees are compelled to stand for considerable periods of time in restaurants and other places where food is served to be consumed on premises. Penalty for violation.

Refrigerated Lockers

Sections 69–2801 to 69–2816. Regulate the inspection and licensing of refrigerated locker plants; empower the Food and Drug Division to prescribe and enforce necessary rules and regulations; and prohibit diseased persons from working therein.

Rules and Regulations

None specifically. (No data on food sanitation.)

Reporting of Occupational Diseases

Section 69–203. ***Blanks for reporting occupational diseases.*** "The secretary of the division of industrial hygiene is hereby authorized and directed to design and provide suitable blanks for reporting occupational diseases and prepare instructions for their use, and to furnish them free of charge to all registered physicians . . . who may request them."

Section 69–206. ***Occupational diseases defined.*** An occupational disease is defined for the purpose of this statute as an illness having characteristics related to the patient's occupation.

Section 69–207. ***Duty of physicians and others to report cases—reports private records.*** ". . . Every physician, hospital or clinic superintendent, and the state coal and quartz mine inspectors, having knowledge of a case of occupational disease, upon request of the . . . division of industrial hygiene . . . report the same to the division of industrial hygiene. . . ." Reports are not admissible as evidence in any action at law.

Section 69–208. Penalty for not making report.

Section 69–205. ***Periodic compilation of reports of occupational diseases.*** The Division shall compile statistical summaries of diseases reported and "shall disseminate to all employers of this state instructions and information deemed proper and expedient to prevent the occurrence or recurrence of occupational diseases."

INDUSTRIAL ACCIDENT BOARD

Authority and Functions

Section 92–1203. ***Jurisdiction and supervision of board over employment and places of employment.*** "The board is vested with full power and jurisdiction over, and shall have such supervision of every employment and place of employment in this state as may be necessary adequately to enforce and administer all laws and lawful orders requiring . . . such employment to be safe, and requiring the protection of the life and safety of every employee. . . ."

Section 92–1204. ***Powers of board regarding safety of employees.*** "The board shall have power . . . by general or special orders, rules, or regulations, or otherwise:

"1. To declare and prescribe such safety devices, safeguards or other means or methods of protection as are well adapted to render employees and places of employment safe;

"2. To fix such reasonable standards and . . . orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards, and other means and methods of protection as may be necessary for the protection of the life and safety of employees;

"3. To fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe;

"4. To require the performance of any act necessary for the protection of life and safety of employees;

"5. To declare and describe the general form of industrial accident reports, the accidents to be reported. . ."

Section 92–1206. ***Places defined as hazardous to be inspected once every year.*** Requires the annual inspection of places defined as hazardous in sections 92–301 to 92–306. ". . . Such inspection shall be for the purpose of determining the condition and operation of such places of employment, as regards the safety of employees . . . and the use of safeguards, safety appliances, and reasonably safe tools and appliances."

Section 92–1209. ***When board may order safety devices installed.*** "If after such inspection . . . it shall be found that any such place of employment is not constructed, maintained or operated as provided in this Act, the Board shall order the installation, use, maintenance, and operation . . . of such safety devices, safeguards, and other means and methods of protection as may be necessary to reasonably insure the safety of the workmen employed therein, subject to the provisions of the preceding section."

Section 92–1210. ***When board or inspector may order place of employment closed and put in safe condition.*** Empowers the Board after finding such place of employment "in such an unsafe condition as to constitute an immediate menace to the safety of the workmen employed therein" to order such places closed until safeguards as ordered have been installed or repaired.

Section 92–1214. ***Orders concerning places and employments found to be unsafe.*** Empowers the Board to issue orders requiring employers to render places of employment safe.

Section 92–1220. ***Board may investigate cause of all industrial accidents—orders and recommendations concerning same.*** Empowers the Board to investigate industrial accidents occurring in any employment, resulting in personal injury or death and to make appropriate recommendations. Neither the order nor any accident report filed with the Board shall be admissible as evidence in action for damages or any proceeding to recover compensation.

Section 41–1703. ***Code-making power.*** ". . . the industrial accident board shall have the power to promulgate, amend, repeal and enforce rules and regulations for the prevention of accidents to be known as 'Safety Codes' in every employment and place of employment . . . to render them safe. In the performance of its duties, the industrial accident board shall appoint advisory committees to deal with specified industries composed of employers and employees to suggest safety codes or amendments thereto . . . no code may be adopted . . . without approval of said committee. All such safety codes, rules and regulations shall, when adopted, be not inconsistent with the then existing widely accepted safety codes of such engineering bodies as the American Society of Mechanical Engineers,

the American Standards Association, the American Society of Safety Engineers, and other accepted codes. . . ." Penalties for refusal to comply with safety codes.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 92–1201. ***Unsafe places for workmen forbidden.*** Prohibits employers from maintaining any place of employment that is not safe.

Section 92–1202. ***Removal of safety devices, etc., forbidden.*** Prohibits employees from removing or damaging safety devices or safeguards provided in places of employment or from interfering with any methods or processes adopted for protection of life.

Section 92–1217. ***Compliance with orders, directions, rules, etc., enjoined.*** "Every employer, employee, or other person shall obey and comply with each and every requirement of every . . . rule or regulation made or prescribed by the board, and shall do everything necessary or proper in order to secure compliance with, and observance of every such order, decision, rule or regulation."

Section 41–702. ***Employers' duties as to safety.*** "(a) Every employer shall furnish a place of employment which shall be safe for the employees therein and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such places of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees; (b) Every employer and every owner of a place of employment, shall repair, and maintain the same as to render it safe. . ."

Rules and Regulations

Issued by the Industrial Accident Board.

The only rules issued are the ***Liquefied Petroleum Gases Safety Orders.*** Revised, Effective June 1, 1946.

Mines and Mining

Sections 50–101 to 50–118. Regulate the quartz mining industry. Among the subjects covered are duties of inspectors of quartz mines with respect to examining mines for timbering, ventilation, means of egress and ingress, and the means adopted and in use for the preservation of the lives and safety of the miners; serving notices in writing of violations or defects; and investigation of accidents. Mines are required to use safety apparatus, provide adequate ventilation and toilet places underground, and protections and guard-rails for shafts and underground openings.

Sections 50–401 to 50–531. Regulate the coal mining industry. Among the subjects covered are powers and duties of coal mine inspectors with respect to inspection and examination of mines and enforcement of regulations; certification of competency of inspectors; provision of washhouses for employees; safe means of egress and ingress; ventilation requirements in terms of cubic feet per minute; inspection of gaseous mines; rock dusting; duties of mine foremen; handling and storage of explosives; duties of employees; provision of first-aid equipment; accident investigation; and wearing of protective clothing, respiratory equipment, and approved-type goggles.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Industrial Accident Board. Act applies to hazardous occupations which are specifically enumerated. (Title 92)

Occupational Disease Compensation

None. Compensation for silicosis is administered by State Department of Public Welfare. See under this agency for additional information.

Reporting of Injuries

Section 92–808. Requires employers and insurers to file with the Board reports of accidents resulting in loss of life or injury to workers.

Accident Prevention

Section 92–1005. Requires all insurers to agree to "devote one per centum (1%)" of gross annual premiums collected on workmen's compensation insurance policies to accident prevention work among its assureds. "Such accident prevention work shall be carried on in cooperation with the bureau of safety of the industrial accident board."

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Section 41–1605. *Duties of department.* "The department of labor and industry shall be charged with the duty of enforcing all the laws of Montana relating to hours of labor, conditions of labor . . . protection of employees, all laws relating to child labor regulating the employment of children in any manner. . ."

Section 3–1503. *Examination of witnesses—inspection of factories, etc.* ". . . The Commissioner of Agriculture [now, Commissioner of Labor and Industry] shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop, or other industrial establishment, and any person who shall refuse to the commissioner admission . . . or who shall . . . wilfully neglect or refuse to furnish to him any statistics or other information . . . shall be guilty of a misdemeanor. . . . Nothing herein contained . . . shall interfere in any manner with the conduct of the matters under the control of the industrial accident board. . . ."

General Provisions Relating to Occupational Health and Safety

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 10–201. Prohibits employment of children under 16 in certain places of business and occupations, or in any occupation known to be dangerous or unhealthful. Penalty for violation.

Section 10–207. Prohibits employment of children under 16 in any mine or the underground workings thereof. Penalty for violation.

Section 10–208. Provides greater penalty if child should be under 14.

Section 41–1119. Requires provision of seats for female employees in all establishments. Penalty for violation.

STATE DEPARTMENT OF PUBLIC WELFARE

Silicosis Compensation

Sections 71–1001 to 71–1008. The Public Welfare Act of Montana provides for monthly payments to persons having silicosis. The State Department of

Public Welfare is charged with the general supervision of the program, the formulation of a plan and the promulgation of regulations for its operation. The county departments of public welfare administer the provisions of the Act in accordance with rules and regulations of the State board. Eligibility requirements for aid to persons having silicosis are included.

The State Department "shall cooperate with the federal government in all matters of immediate concern pertaining to silicosis" and "shall develop and cooperate with other agencies in developing measures for the prevention of silicosis."

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 41–801 to 41–815. The Bureau of Vocational Rehabilitation is established in the State Board of Education to carry out the provisions of the Vocational Rehabilitation Act, and is empowered to provide necessary services to disabled persons; cooperate with other agencies, both public and private in establishing, developing and providing programs and facilities; enter into reciprocal agreements with other States; conduct research and compile statistics relating to the subject; cooperate with the federal government in carrying out purposes of federal statutes relating to vocational rehabilitation; accept and expend funds and gifts for the purpose. Criteria for eligibility for vocational rehabilitation are included.

PUBLIC SERVICE COMMISSION

The Public Service Commission is vested with authority to regulate the operation of public utilities (title 70). Board of Railroad Commissioners is ex officio the Public Service Commission and has supervision over railroads (title 72).

Section 72–142. Authorizes the Commission to make inquiries into observance of laws for safety of employees.

Sections 72–150 and 72–151. Authorize the Railroad Commission to make rules and regulations providing for installation and equipment of trains, cars, or engines with safety appliances; to inspect for safety of brakes and brake equipment; and to enforce provisions and rules.

Section 72–622. Regulates size and safety equipment for caboose cars, and requires provision of water closets for employees. Penalty for violation.

Section 72–645. Empowers any injured railroad employee to secure services of nearest practicing physician or surgeon for medical care or treatment until a regularly employed railroad physician or surgeon is available.

Section 72–646. Requires the railroad to compensate physician or surgeon for services.

Section 41–1001. Requires enclosures and windshields for protection of street car motormen and other employees from inclemencies of weather. Penalty for violation.

Section 41–1004. Requires vestibules on street cars to be heated during certain months. Penalty for violation.

MISCELLANEOUS

Sections 69–1401 to 69–1405. Contain regulations for safety of workmen on building construction and repair work. Penalty for violation. Enforced by building inspectors.

Section 94–3591. Requires oil and gas companies or refineries to provide an employee handling crude oil and gas, where there is danger of suffocation, with a standard gas mask in good working condition for immediate use. Penalty for violation.

NEBRASKA

SOURCES: Revised Statutes of Nebraska 1943, as reissued
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Revised Statutes of Nebraska 1943, Section 71–502. *Contagious diseases; rules and regulations; quarantine; powers of Department of Health; violation; penalty.* "The department of health shall have supervision and control of all matters relating to necessary sanitation and quarantine, and shall formulate, adopt and publish such proper and reasonable general rules and regulations as will best serve to promote sanitation . . . and prevent the introduction or spread of disease . . . the department shall adopt and enforce special quarantine and sanitary regulations such as the occasion and proper protection of the public health may require. . . ." Penalty for violation.

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

Section 81–401. *Department of Labor, general powers.* "The Governor, through the agency of the department of labor created by Sec. 81–101, shall have power: 1. To foster, promote and develop the welfare of wage earners; 2. To improve working conditions. . . . 4. To collect, collate . . . statistical details relating to all departments of labor. . . . 8. To acquire and diffuse information in relation to the prevention of accidents; occupational disease and other related subjects; 9. To administer and enforce all the provisions of Chapter 48, articles 2, 3, 4 and 5. . . ."

Section 48–412. *Safety appliances; codes and standards.* ". . . The department is directed and empowered to formulate, adopt, publish and enforce such safety codes, orders, rules and standards as it deems necessary, in order that all employments . . . shall be, in all respects, so constructed, equipped, arranged, operated and maintained as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein. . . ."

Section 48–413. *Safety codes; commissions to establish, inspections.* "The Department of Labor shall . . . create commissions composed of employers, employees, and such other persons as the department may designate, to assist it in formulating, adopting, amending, or repealing such codes, orders, rules and

standards . . . the department may make or cause to be made such investigations and surveys as will assist in the formulation . . . of codes. . ."

Section 48–414. ***Safety codes; enforcement; violation; penalty.*** "It shall be the duty of the Department of Labor to make periodical inspections of all places of employment for the purpose of enforcing the provisions of such safety codes as have been adopted, and . . . may order the discontinuance of the use or operation of any machine or device. . ." Penalty for operating dangerous device.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Sanitation Facilities

Section 48–401. ***Water closets; duty of employer to provide.*** Requires employers to provide suitable water closets, separate for each sex, and to maintain them in a sanitary condition.

Section 48–402. ***Dressing rooms; duty to provide.*** Requires provision of dressing rooms in factories, mills, or workshops, mercantile or mechanical establishments or other places where character of work requires employee to change clothing after work. Facilities for female employees shall be separate.

Ventilation

Section 48–403. ***Ventilation; dust and fumes; fans required.*** Requires employers to provide fans or other mechanical devices as will substantially carry away all dust or fumes or other impurities, subject to the approval of the Department of Labor.

Section 48–404. ***Sanitation; duty of employer.*** Requires employers to keep workrooms clean and well ventilated.

Dust Removal

Sections 48–405 to 48–408. Require operators of factories where grinding machines and wheels are used to equip them with belts, blowers or similar apparatus to carry off the dust, and dust particles; and emery wheels and grindstones with hoods and hoppers, and suction pipes of specified sizes, as prescribed by the Department of Labor.

Safety of Workplaces and Equipment

Section 48–409. ***Machinery; safety devices required.*** Requires employers in plants where machinery is used to provide such guards or appliances as will protect employees against injury from belting, gearing, drums, saws, molten metal, protruding screws, pulleys and other moving parts of machinery.

Section 48–410. ***Revolving machines; screens required.*** Requires screen guards around laundry extractors or other exposed high speed revolving machinery.

Section 48–411. ***Woodworking machinery; safety devices.*** Requires safety appliances on all woodworking machinery.

Section 48–412. ***Safety appliances; codes and standards.*** Requires that safety appliances prescribed by the preceding sections shall be subject to the approval of the Department of Labor.

Section 48–424. Prescribes penalty for violations of sections 48–401 to 48–423.

Construction Work

Sections 48–425 to 48–435. Contain safety regulations for workers on scaffolding and building construction work and prescribe penalty for violation.

Miscellaneous

Section 48–212. Requires provision of at least a 30-minute lunch period for employees in assembling plants, workshops and mercantile establishments, and makes it unlawful for employer to require employees to remain on premises where labor is performed. Penalty for violation.

Section 66–101. Requires safety valves on all receptacles manufactured for or used as containers of explosive gases. Penalty for violation.

Rules and Regulations

Adopted by Department of Labor.

1. *Nebraska Safety Codes.*

Part I. *Construction Work.* Rules contain safety specifications for workareas, equipment and scaffolds; require the maintenance on the premises of first-aid supplies and means for moving or lowering injured employees; and require the provision of drinking water approved by the Department of Health, and of suitable toilet facilities.

Part II. *Factories and Workshops.* Rules contain safety requirements for railings, stairways, ladders, platforms, cranes, mechanical power transmission apparatus, electrical installations, laundries, for woodworking, metalworking, paper and printing, bakery, meat grinding, and rubber working machinery, and for window washing; specify head and eye protectors suitable for enumerated processes and operations; prescribe requirements for means of egress; and require operations generating vapors, excessive heat, fumes or dust injurious to the health of workers to be ventilated by appropriate mechanical ventilation.

2. *Safety Codes Affecting Dry Cleaning and Dry Dyeing Establishments.* Effective January 1, 1942.

Code provides for issuance of permits for 3 classes of dry cleaning installations, classified according to type of solvent used; prescribes for each class applicable requirements for construction of buildings, ventilation, lighting, power, electrical devices and heating, safeguarding underground storage tanks, and aboveground treatment tanks; and sets forth specifications for equipment, scouring, brushing or spotting operations and fire extinguishment.

Employment of Women and Minors

Among pertinent provisions are the following:

Revised Statutes of Nebraska 1943, Section 48–201. Requires employers of female help to provide seats and to permit their use when duties allow it.

Section 48–202. Penalty for violation. Employer is liable in action for damages to any employee whose health has been injured because of failure to provide seats.

Sections 48–203 to 48–208. Regulate hours of work for female employees in specified establishments; provide for issuance of permits for employment at other hours and in canneries "only after a careful investigation of the working conditions, from a standpoint of safety, health and general welfare to the employee" by the Commissioner; require posting law; and prescribe penalties for violations.

Section 48–301. Prohibits employment of children under 14 in specified establishments and in any place during hours schools are in session.

Section 48–302. Regulates employment of children between 14 and 16 in certain establishments or occupations, requiring procurement of employment certificates.

Section 48–304. Deals with issuance of employment certificates, and provides that in cases of doubtful health, physical fitness shall be determined by a physician provided by the Department of Labor.

Section 48–313. Prohibits employment of children under 16 in any hazardous or dangerous employment, or where health or morals may be impaired. Penalty for violation.

Reporting of Injuries

Section 48–421. *Accidents; reports; contents.* "Every person operating a plant where machinery is used, shall report in writing to the Department of Labor all fatal accidents within forty-eight hours after their occurrence, and all other accidents within two weeks after their occurrence. . . ." Penalty for violation.

WORKMEN'S COMPENSATION COURT

The Workmen's Compensation Law is administered by the Workmen's Compensation Court, consisting of three judges. (Sections 48–101 to 48–190)

Occupational Disease Compensation

Section 48–101. Personal injury to an employee by accident or occupational disease as defined in section 48–151 is compensable. Full coverage.

Reporting of Injuries

Section 48–144. Requires reports of accidents and settlement to be made by employers or insurance companies to the Compensation Court.

DEPARTMENT OF AGRICULTURE AND INSPECTION

Section 81–201. The Department of Agriculture and Inspection has jurisdiction over all laws relating to the inspection of foods, drugs, dairy products, and the sanitation of premises used for manufacturing and preparation of foods, cold storage warehouses and other related places.

Section 81–2,111. Requires that "Every building . . . occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy . . . or other place or apartment used for the preparation for sale, manufacture . . . or distribution of any food, shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such condition upon the health of the operatives, employees . . . and the purity and wholesomeness of the food therein produced. . . ."

Sections 81–2,112 to 81–2,121. Contain sanitary regulations of places mentioned in the preceding section, covering cleanliness of premises, equipment and operations, provision of toilet rooms and washrooms to be equipped and maintained as specified, prohibition of diseased persons from working in such places, inspections and penalty for violations.

Sections 81–2,122 to 81–2,134.09. Deal with sanitary regulation and licensing of cold storage warehouses and frozen food locker plants.

STATE RAILWAY COMMISSION

State Railway Commission has jurisdiction over railroads and other common carriers.

Section 74–703. Requires operators of railroads to furnish adequate tools, appliances or devices to enable its employees to perform their duties in a safe and proper manner.

Section 74–905. Regulates construction and safety equipment of caboose cars for safety of employees. Penalty for violation.

Sections 74–1122 to 74–1125. Require enclosed vestibules on all street railway cars during certain months to protect employees from inclemencies of weather. Prescribe penalty for violation and provide for prosecution by county attorney.

NEVADA

SOURCES: Nevada Compiled Laws 1929
Nevada Compiled Laws, Supplement 1941, 1949, 1951
1953 New Laws

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Nevada Compiled Laws, Supplement 1941, Section 5239. ***Duties of State Health Officer.*** "5. The state health officer shall be the executive officer of the state board of health. . . . He shall enforce all laws and regulations pertaining to the public health. He shall investigate causes of diseases . . . nuisances affecting the public health, and all other matters related to the health and life of the people, and to this end may enter upon and inspect any public or private property in the state. . . . The state board of health and the state health officer shall comprise the state department of health. . . ."

Section 5259. ***Powers of State Board of Health—Rules and Regulations, Etc.*** "The State Board of Health is hereby declared to be supreme in all health matters and it shall have general supervision over all matters relating to the preservation of health and life of citizens . . . shall have the power . . . to adopt, promulgate, amend and enforce reasonable rules and regulations . . . (a) to define and control dangerous communicable diseases, (b) to prevent and control nuisances, (c) to regulate sanitation and sanitary practices in the interests of the public health, (d) to provide for the sanitary protection of water and food supplies . . . (f) to protect and promote the public health generally. . . . Such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations heretofore or hereafter enacted inconsistent therewith. . . ."

Section 5260. ***Divisions in State Department.*** ". . . The state board of health may . . . create such other divisions . . . of the state department as may be necessary, and may consolidate, divide, or abolish any division, subdivision, or bureau as deemed necessary."

General Provisions Relating to Occupational Health

Statutory Provisions

Construction Camps

NCL 1929, Sections 2816 to 2823. Regulate sanitation of highway construction camps, covering requirements for cleanliness and ventilation of premises, pro-

[1] Additional reference on page 165 (Section 1049).

vision of toilet facilities, and sanitary preparation of food. The State Board of Health has full power to prescribe reasonable standards and regulations, and county health officers to enforce the act. Penalty for violation.

Food Sanitation

NCL Suppl. 1949, Sections 5319 to 5319.20. Regulate sanitation in food and drink processing and preparing establishments, covering cleanliness of premises, and provision of adequate ventilation, illumination, washing and toilet facilities. Persons with infectious or communicable diseases are prohibited from working in such places.

Sections 10564 to 10566. Regulate sanitary conditions of slaughterhouses, declaring conditions considered unsanitary.

Rules and Regulations

None specifically.

Reporting of Occupational Diseases

None.

NEVADA INDUSTRIAL COMMISSION

Authority and Functions

NCL 1929, Section 2806 (as amended by Assembly Bill No. 428, 1953 New Laws). *Duties of Industrial Commission.* "It shall be the duty of the Nevada industrial commission and the commission shall have full power, jurisdiction and authority over all employments not within the jurisdiction of the department of the mining inspector, public service commission, or other board or commission charged with the enforcement of a specific safety code:

"(1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

"(2) To fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as practical, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

"(3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe.

"(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may reasonably demand.

"(5) The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

"(6) Whenever the commission shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings, and after a hearing upon such notice as it may prescribe, the commission may enter and serve such order as may be necessary relative thereto. . . .

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"(7) To appoint advisers . . . who shall assist the commission in establishing standards of safety, and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

"The labor commissioner shall at all times serve in an advisory capacity to the commission in the formulation of safety policies and standards. In addition, he shall act as inspector for the commission with full power and authority to carry out and enforce said policies and standards. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

NCL 1929, Section 2802. *Employer to Further Safety.* "2. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operation and processes as are reasonably adequate to render such employment . . . safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees."

Section 2803. *Same.* Forbids employers to allow workers to go or be in any employment that is not safe, and requires them to do everything reasonably necessary to protect the life and safety of such employees.

Section 2804. *Unsafe Construction Prohibited.* Prohibits employers and owners from constructing places of employment that are not safe.

Section 2805. *Employee not to Remove Safety Device.* Prohibits employees from removing or damaging any safety device provided or to neglect to do anything necessary to protect their life and safety.

Section 2807. *Employers and Employees to Co-operate.* Requires every employer and employee to obey and comply with orders and regulations of the Commission relating to safety of employment.

Rules and Regulations

None specifically.

Workmen's Compensation

Nevada Industrial Insurance Act is administered by the Industrial Commission. NCL Suppl. 1949, Sections 2680.1 to 2680.101.

Occupational Disease Compensation

Sections 2800.01 to 2800.44 (as amended by Assembly Bill No. 38, 1953 New Laws). Occupational Diseases Act. Provides for full coverage.

Reporting of Injuries

Section 2680.52. Requires every employer and every physician and surgeon attending an injured employee within the provisions of this Act, to file with the Commission under such rules and regulations as it may make, a full and complete report of every known injury resulting in loss of life or injury.

LABOR COMMISSIONER

Authority and Functions

NCL Suppl. 1941, Section 2751. *Duties of Labor Commissioner . . .* ". . . Said Commissioner shall inform himself of all laws of the state for the

protection of life and limb in any of the industries, all laws regulating the hours of labor, the employment of minors . . . and all other laws enacted for the protection and benefit of employees. . . . It shall be the duty of the said labor commissioner to enforce all labor laws of the State of Nevada, the enforcement of which is not specifically and exclusively vested in any other officer, board, or commission. . . ."

NCL 1929, Section 2757. ***Powers to inspect places of employment.*** "Said Commissioner shall have the power to enter any store, foundry, mill, office, workshop, mine . . . to examine safeguards and methods of protection from danger to employees the sanitary conditions of buildings and surroundings. . ." Penalty for refusal of such entry.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

NCL 1929, Section 2812. ***Separate Lavatories Must be Provided.*** Requires separate lavatories and toilet rooms where 5 or more male, and 3 or more female, employees are employed. Penalty for violation.

Rules and Regulations

None specifically.

Employment of Women and Minors

NCL Suppl. 1949, Section 2825.47. Requires employers of females to allow at least 30-minute intervals for meal period between 3rd and 6th hour of 8 hours' continuous duty; requires two 10-minute rest periods (except in communication industry); requires employers to furnish and launder all special uniforms. Labor Commissioner is required to post provisions of this Act.

NCL 1929, Sections 1048 and 1051. Prohibit employment of children under 16 in certain specified occupations and places of employment and in "any other employment declared by the state board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of sixteen." Penalties set by court for violation after notification by school attendance or other officer.

NCL 1929, Section 1049. ***State Board of Health to Decide.*** Empowers the State Board of Health to determine whether any particular trade, process of manufacture or occupation is dangerous to the lives or injurious to the health or morals of minors under 16 years of age to justify their exclusion therefrom and to prohibit their employment.

STATE INSPECTOR OF MINES

NCL Suppls. 1949 and 1951, Sections 4208 to 4307. The State Inspector of Mines has jurisdiction over all mine workings for the purpose of making inspections, serving orders when dangerous conditions are found, and investigating accidents. Mining laws cover briefly use of explosives, safety requirements for shafts and underground work; means of exits; requirements for hoisting, ventilation and signals; provision of smoke helmets, and passageways connecting contiguous mines; licensing of hoisting engineers who are also required to file a certificate of health from a licensed physician; wet drilling practices and sprinkling of dusty ores; and provision of drinking water underground. Penalties are prescribed for violations.

Smelters and Ore-Reduction Plants

Sections 4250 and 4251. Extend the provisions of the mining laws to smelters and ore-reduction plants.

Dust Control

1953 New Laws, Senate Bill No. 194. "AN ACT to provide for the establishment of dust control programs in milling, crushing, and mineral processing operations in Nevada, and prescribing a penalty for the violation hereof.

"Section 1. In enclosed milling, crushing, or mineral processing operations in Nevada, there shall be a dust control program.

"Section 2. The management or operators of such plants, after being previously notified, shall obtain and report to the state inspector of mines, at such times as the inspector may designate, analyses of the various dusts in their operations, including the percentage of free silica (SiO_2), determined from air-borne samples collected in the vicinity of processing operations and from dust concentrations to which employees are exposed during a normal working shift.

"Section 3. The permissible concentrations of silica-bearing dusts in any milling, crushing, or mineral processing operation shall be designated within limits as follows:

	Million particles per cubic foot of air
High (above 50 percent free silica)	5
Medium (5 percent to 50 percent free silica)	20
Low (below 5 percent free silica)	50

Dust particles to be counted shall be in the range from 0.5 to 5 microns largest dimension.

"Section 4. The state inspector of mines shall have the exclusive jurisdiction to enforce this act and he and his representatives shall be permitted to make visits to milling, crushing, or mineral processing properties at reasonable hours for the purpose of making such inspections or tests as may be necessary to determine compliance with the provisions of this act.

"Section 5. Failure of the management or operators of any milling, crushing, or mineral processing operation to comply with any provisions of this act shall be a misdemeanor. . . ."

STATE BOARD OF EDUCATION

Vocational Rehabilitation

NCL Suppl. 1949, Sections 6084.323 to 6084.326. The benefits of any Federal Act providing for the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board of Vocational Education is authorized to cooperate with federal and State agencies in the administration of the provisions of the Act, and to receive gifts for this purpose.

DEPARTMENT OF AGRICULTURE

NCL Suppl. 1949, Sections 294.05 to 294.07. Provide for regulation by the Department of Agriculture of the business of spraying fields, ranges, crops with any material, poison or spray by airplane. Require licensing and evidence of coverage by public liability for damages of not less than $10,000. Penalty for violation.

PUBLIC SERVICE COMMISSION

NCL 1929, Sections 6100 to 6167. The Public Service Commission has jurisdiction over public utilities including railroads and other common carriers, communications, and other utilities. Its powers include authority to order the use of safety appliances in the interest of the public and employees and to make and enforce necessary rules and regulations.

Section 4953. Empowers the Public Service Commission to make and enforce rules applicable to oil fields for the prevention of actual waste or of operations in the field dangerous to life and property.

NCL Suppl. 1949, Sections 6326.01 and 6326.05. Require all railroads to equip all passenger trains, cabooses, locomotives and engines with first-aid kits, specify contents and use of kits, and prescribe penalty for failure to provide kits and/or removing them from proper place.

NCL 1929, Section 6335. Regulates hours of continuous duty of train employees and of employees engaged in receiving, transmitting, delivering or ordering messages or signals by use of telephone or telegraph or who operate signals or switches. Specifies length of rest period off duty after continuous service in any 24-hour period.

Section 6336. Prescribes penalties for violations.

MISCELLANEOUS

Seats for Females

NCL 1929, Section 2791. Requires employers to provide seats for all female employees and to permit their use when not actively engaged in duties.

Section 2792. Provides for enforcement by district attorneys of counties.

Common Towel

NCL 1929, Sections 10549 to 10551. Prohibit use of common towel in a public place of any kind or character, and prescribe penalty for violation.

Nuisances

NCL 1929, Section 10244. Defines public nuisance to include, among other things, "every act unlawfully done and every omission to perform a duty, which act or omission shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons." Abatement by local officers.

NEW HAMPSHIRE

SOURCES: Revised Law of New Hampshire 1942
Laws of New Hampshire for subsequent years
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Revised Laws of New Hampshire 1942, Chapter 147, Section 1 (as amended by 1943 Laws). ***State Department of Health . . . 1. Organization.*** "There shall be a state department of health consisting of the state board of

[1] Additional references on page 171 (Chapter 215, Section 2, and Rules and Regulations).

health, the state health officer and such other officials and employees as may be authorized under the public health laws."

Section 2 (as amended by 1950 Laws). *State Board of Health.* ". . . It shall be the duty of the board to supervise the department that its duties may be effectuated, to make such rules and regulations and take action necessary or desirable to carry out the provisions of public health laws under its jurisdiction, to establish such divisions within the department as may be necessary. . ."

Section 5. *Duties.* "They shall take cognizance of the interests of health and life among the people; shall make sanitary investigations and inquiries concerning the causes of epidemics and other diseases, the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health; shall advise and assist town health officers in making investigations into sanitary matters in their towns; and shall take measures to diffuse among the people such information on the subjects above named as may be useful."

Industrial Health Service

Revised Laws, Chapter 147, as amended by 1945 Laws, Chapter 159, Section 12–a. *Industrial Health Service.* "The state board of health shall have authority:

"1. To investigate all mines, quarries, foundries and plants and establishments employing five or more engaged in manufacturing or processing of raw materials or goods in process of manufacture where noxious gases, fumes and dust may exist which may be deleterious to the health of employees or present an occupational disease hazard, and make studies to determine the allowable limits of toxic materials and ventilation requirements pertaining to the health of said workmen.

"2. To authorize the division of industrial hygiene to have charge of matters under this section.

"3. To make such rules and regulations as it may deem necessary for the administration of the provisions of this section.

"4. To have free access for itself or its agents to any such place of employment for the proper discharge of the official duties herein provided."

Section 12–b. *Commissioner of Labor.* "The state board of health shall forward to the commissioner of labor for his information and use copies of any investigations and rules and regulations made under the provisions of section 12–a. The labor commissioner shall adopt the provisions of such rules and regulations in standards established by him under the provisions of chapter 215 of the Revised Laws. The commissioner of labor may request the division of industrial hygiene of the state board of health to visit any other factories. This section and section 12–a shall not be construed as to prevent the cooperation of the health department with industrial physicians and nurses in the promotion of industrial health."

Section 12–c. Prescribes penalty for violation.

Food Sanitation

Chapter 161, Section 2. *Meat.* "It shall be the duty of the inspectors (sanitary), acting under the direction of the state board, to make examinations as far as may be of the meat supplies sold in this state not guaranteed by government inspection, with reference to the detection of illegal, unsuitable or diseased meats, the sanitary condition of slaughtering establishments and places. . ."

Section 3. *Food Products.* "The inspectors shall investigate food manufacturing processes and food products offered, or to be offered, for sale in this state, and may take samples of food for examination at the state laboratory of hygiene."

General Provisions Relating to Occupational Health

Statutory Provisions

Chapter 156 (as amended by 1949 Laws), Section 9. ***Common cup.*** "The state board of health may prohibit in such places, vehicles or buildings as it may designate the providing of a common drinking cup, and may establish rules and regulations for this purpose."

Section 10. ***Common Towel.*** "The use of the common towel is hereby prohibited in all public places, vehicles or buildings. The state board of health shall enforce this provision."

Chapter 162. ***Sanitary production and distribution of foods.*** Deals with sanitation of food establishments; defines "unclean, unhealthful or unsanitary conditions" of such places and empowers the State Board of Health, among other things, to make inspections and issue necessary orders. Laws also prohibit the employment of persons affected with communicable or infectious diseases.

Rules and Regulations

Adopted by State Board of Health (and Commissioner of Labor as indicated).

1. ***Control and Prevention of Occupational Diseases.*** Adopted by State Board of Health, February 5, 1946, and Labor Commissioner, February 7, 1946. (Revised November 17, 1950)

Regulations prohibit the use in any place of employment of "any process, material or condition known to cause an exposure of employees to dusts, fumes, mists, vapors, gases or any materials and conditions that may have an adverse effect on health unless arrangements have been made to maintain the occupational environment in such a manner that injury to health shall not result"; and require that exposures to dusts, fumes, mists, vapors, gases, and any material that may affect health be kept below the maximum allowable concentrations listed for specific materials and as determined by accepted procedures established by the State Board of Health.

2. ***Regulations Pertaining to the Breaking and Disposal of Fluorescent Lamp Tubes.*** Adopted by State Board of Health, December 10, 1948, and Labor Commissioner, February 9, 1949.

Regulations prohibit the disposal of used fluorescent lamp tubes by any other method than that approved by the State Department of Health or the Department of Labor; state possible health hazards; and prescribe methods of disposal so as to assure safety of persons.

3. ***Use of Hatters' Mercurial Carroting Solutions and Use of Mercurial Carrotted Hatters' Fur.*** Adopted December 1, 1941.

Regulation prohibits the use of mercurial carrot in the preparation of hatters' fur or the use of mercurial carrotted hatters' fur in the manufacture of hats.

Reporting of Occupational Diseases

Revised Laws, Chapter 155, Section 1. ***Report.*** "Every physician in this state, attending a patient whom he believes to be suffering from poison from lead, phosphorus, arsenic, brass, wood-alcohol, mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within forty-eight hours, send to the state board of health a report stating . . . the nature of the disease and such other information as may be reasonably required by the state board of health. . . ."

Section 3. ***Reports, Not Evidence.*** "Reports made under this chapter shall not be evidence of the facts therein stated in any action arising out of the disease therein reported."

Section 4. *Copy to Commissioner of Labor.* "It shall be the duty of the state board to transmit a copy of all such reports of occupational disease to the commissioner of labor."

Section 5. Prescribes penalty for violation.

Nuisance Control

Chapter 165, Section 2. *General Regulations.* "The state board of health may make, in addition to the rules and regulations of the health officers of towns, such other rules and regulations, or such amendments to existing rules and regulations, as in its judgment the public good requires, and such rules and regulations shall be enforced by the state and local boards of health. The state board may also enforce, concurrently with towns, the other provisions of this chapter. . . ." (Relating to nuisances)

Section 3. *Investigations and Complaints.* "Health officers of towns, and each of them, shall inquire into all nuisances and other causes of danger to the public health, and whenever they shall know or have cause to suspect that any nuisance or other thing injurious to the public health is in any building, vessel, or enclosure they shall make complaint under oath to some justice, who shall issue a warrant directed to them to search such building, vessel, or enclosure; and they may in the daytime forcibly enter therein and make such search."

DEPARTMENT OF LABOR

Authority and Functions [1]

Chapter 210, Section 9. *Inspections.* "The commissioner shall, at such times as he shall deem it necessary, and without notice, visit the manufacturing, mechanical and mercantile establishments . . . for the further purpose of ascertaining whether the laws with reference to employment are complied with, and . . . if reasonable sanitary and hygienic conditions are maintained, calculated to promote the health and welfare of the working people."

Chapter 210, Section 2 (as amended 1950). Transfers powers and duties relating to child labor to the Department of Labor.

Chapter 215, Section 9. *Inspection.* "The commissioner of labor shall cause every place of employment to be inspected at least once each year, for the purpose of determining whether the provisions of this chapter have been complied with and the conditions therein with respect to the safety and health of the employees."

Section 12. *General Orders.* "It shall be the duty of the commissioner to make and adopt such reasonable orders, rules and regulations of general application as may be necessary to give effect to section 7 (chapter 215)[2] with respect to the use of mechanical contrivances for disengaging power, the safeguarding of saws, planers, jointers and other similar machines, the protection of cogs, gearing, couplings and the like, and the use of set screws, keys, bolts and other appliances used in connection with revolving shafting."

Section 14. *Added Safeguards.* "Whenever, after such inspection, the commissioner shall be of the opinion that compliance with section 7[2] . . . necessitates the use of any safeguard, or the doing of any other act for which the general orders, rules and regulations adopted by him do not provide, he shall

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[1] Additional references on pages 168 (Chapter 147, Section 12b), 169 (Rules and Regulations), and above (Chapter 155, Section 4).

[2] See page 171.

have power, by special order, to require the adoption in that place of employment of such particular safeguards . . . or other means as may be reasonable and practicable for the safety and health of the employees."

Section 15. *Sanitation.* "The commissioner shall have like power, and it shall be his duty, by general or special orders, rules or regulations, to require compliance with section 6 with respect to toilet facilities and sanitary and hygienic conditions in any place of employment."

Section 34. *Enforcement.* "It shall be the duty of the commissioner to administer and enforce, so far as not otherwise provided for, all laws relating to factories, workshops, commercial and mercantile establishments, and all valid orders, rules or regulations."

NOTE: See also under authority and functions of State Department of Health for functions of Commissioner of Labor relative to inspections and regulations.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Chapter 215, Section 2. *Medical Chests.* "Every employer shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of the city or town, containing plasters, bandages, absorbent cotton, gauze and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises."

Section 6. *Sanitation.* "Every employer shall provide and maintain reasonable and proper toilet facilities and reasonably sanitary and hygienic conditions for employees."

Section 7. *Safeguards.* "Whenever the nature or condition of any such place of employment, or the machinery or other appliances therein, are such as to render work therein or in proximity thereto dangerous to the safety or health of employees, it shall be the duty of the employer to provide and maintain such safeguards, safety devices, appliances and lighting facilities, and to do such other things as may be reasonably necessary and practicable to lessen the dangers of such employment."

Section 8. *Interference with Safeguards.* Prohibits the removal, interference, displacement, or damage of any safety device or safeguard furnished.

Chapter 212, Sections 39-a to 39-d. (Added by Chapter 201, 1953 New Laws) Regulate safety of scaffolding and other devices for use of workers on building construction and/or repair work; empower the Commissioner of Labor to inspect scaffolding upon complaint, and to issue orders for corrections; and require posting of notices of unsafe devices.

Rules and Regulations

Adopted by Labor Commissioner (and State Board of Health as indicated).

Factory Inspection Standards. Revised January 1946.

Standards cover safety of floors, passageways and stairways; prescribe permissible minimum foot-candles for specific workrooms and operations and avoidance of glare; set forth safety specifications for railings, fire escapes, and exits, elevators, boilers and boiler rooms, engines, moving machinery, belts and pulleys, abrasive wheels, ladders, woodworking machinery, electrical equipment, and storage and use of flammable liquids; specify rules for safety organization in a plant; and prescribe requirements for number, construction and maintenance of washing and toilet facilities, and for drinking water.

The standards also include regulations for the *Control and Prevention of Occupational Diseases,* adopted by State Board of Health, February 5, 1946,

and Labor Commissioner, February 7, 1946, and *Regulations Pertaining to the Breaking and Disposal of Fluorescent Lamp Tubes,* adopted by State Board of Health, December 10, 1948, and Labor Commissioner, February 9, 1949. See under rules and regulations of State Department of Health for scope of these regulations.

Employment of Women and Minors

Among pertinent provisions are the following:

Revised Laws, Chapter 137, Section 18. Prohibits employment of children under 14 in any occupation or work listed.

Section 19. Regulates employment of children between 14 and 16 in establishments named in section 18.

Section 20. Empowers the Commissioner to require the discharge of any child found employed who by reason of physical condition, or unsanitary conditions, cannot continue employment without risk to health.

Chapter 215, Section 4. Requires every employer to provide suitable seats for the use of female employees, and to permit their use when they are not necessarily engaged in the active duties for which they are employed.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Commissioner of Labor. (Chapter 216, as amended by 1947 Laws)

Occupational Disease Compensation

Chapter 216, Section 2, III. Six types of occupational diseases are covered. Schedule coverage.

Reporting of Injuries

Section 43. Requires every employer subject to Workmen's Compensation Act to keep a record of all injuries, fatal or otherwise, sustained by his employees, and report such within 48 hours after knowledge to the Commissioner of Labor. Penalty for failure to report.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Revised Laws, Chapter 134, Section 38. The State accepts the provisions of the Federal Act relating to the promotion of vocational education, and of the Act providing for the promotion of vocational rehabilitation of persons disabled in industry or otherwise.

DEPARTMENT OF AGRICULTURE

Revised Laws, Chapter 194, Section 57 (as amended by 1945 Laws). Empowers the Commissioner, among other things, to inspect dairies if found in an unsanitary condition, and to issue necessary orders.

PUBLIC UTILITIES COMMISSION

Chapter 203. The Public Utilities Commission has jurisdiction over railroads and other common carriers, and public utilities. Powers include authority to make necessary inspections of all utilities and plants to see that regulations are being carried out and practices are safe.

Chapter 304, Section 21. The Public Utilities Commission's duties include regulation of safety of operation and equipment of motor carriers.

AIR POLLUTION CONTROL

1949 Laws, Chapter 325. An Act Relative to Control of Air Pollution.

"WHEREAS, the pollution of the atmosphere by foreign elements not normal constituents of the atmosphere is a potential menace to the health, comfort and safety of the citizens of New Hampshire; and

"WHEREAS, it appears that satisfactory control of air pollution may require a long range program so that persons, firms, corporations and municipalities may not be unduly burdened; and

"WHEREAS, there appears to be a question as to whether or not existing laws are adequate to cope with the situation; and

"WHEREAS, the diverse conditions pertaining to air pollution in the various towns and cities in New Hampshire create a difficult question as to whether the power to control air pollution should be vested in some agency of the state of New Hampshire or in the various towns and cities; and

"WHEREAS, the unavoidable pollution of air by industry requires careful consideration of the problem of control of air pollution; therefore

"Be it enacted by the Senate and House of Representatives in General Court convened:

"Section 1. ***Committee Authorized.*** A joint committee to consist of three members of the house and two members of the senate shall be appointed by the speaker of the house and by the president of the senate, respectively, and two members from the public shall be appointed by the governor to make a thorough and impartial investigation of the subject of air pollution giving particular regard to the problems stated in the preamble of this act.

"Section 2. ***Powers and Duties.*** Said committee shall have full power and authority to require from the several departments, boards and commissions of the state government, and from the officials of the towns and cities, such information, assistance and advice as may be necessary for the purposes of said committee, and shall prepare a report of its findings and recommendations for legislation, if any, to the legislature of 1951."

NEW JERSEY

SOURCES: New Jersey Statutes Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

New Jersey Statutes Annotated, Section 26:1A–5. ***Divisions; directors.*** "There shall be within the department such divisions as the commissioner may, subject to approval by the Public Health Council, from time to time establish . . ."

Section 26:1A–7. ***Council to establish State Sanitary Code; amendments.*** "The Public Health Council shall have power . . . to establish, and from time

[1] Additional references on pages 176 (Section 34:9A–9 and 34:9A–11), 177 (Section 34:6–50), 179 (Section 34:6–54) and 184 (34:2–21.8).

to time amend and repeal, such reasonable sanitary regulations . . . necessary properly to preserve and improve the public health in this State. The regulations so established shall be called the State Sanitary Code.

"The State Sanitary Code may cover any subject affecting public health, or the preservation and improvement of public health and the prevention of disease in the State of New Jersey. In addition, thereto . . . the said Sanitary Code may contain sanitary regulations: a. prohibiting nuisances hazardous to human health . . . f. regulating the detection, reporting, prevention and control of communicable and preventable diseases; j. . . . regulating the conduct of camps; k. regulating the production, distribution and sale of certified milk. . ."

Section 26:1A–9. ***Force and effect of Code; local regulations.*** "The provisions of the State Sanitary Code shall have the force and effect of law. . . ."

Section 26:1A–10. Prescribes penalties for violation of any provision of the State Sanitary Code.

Section 26:1A–15. ***Additional powers of commissioner.*** "The commissioner, in addition to his powers and duties otherwise provided in this act or by any other law shall . . . (d) Enforce all laws which are by their terms included under his jurisdiction or under the jurisdiction of the department . . . (h) Institute or cause to be instituted such legal proceedings or processes as may be necessary properly to enforce and give effect to any of his powers or duties as prescribed in this act. . . ."

Section 26:1A–16. ***Access to premises for examination.*** "The commissioner shall have full access to any premises for the purpose of examination if he has reason to believe that on the premises there exists a violation of any health law of the State or any provision of the State Sanitary Code."

Section 26:1A–18. ***General supervision over sanitation and hygiene matters.*** "The commissioner shall exercise general supervision over all matters relating to sanitation and hygiene throughout the State. Whenever in the opinion of the commissioner it is necessary or advisable, a sanitary survey of the whole or of any part of the State shall be made. The commissioner may enter upon, examine and survey any source and means of . . . factory, workshop . . . and, also in any premises in which he has reason to believe there exists a violation of any health law of the State, any provision of the State Sanitary Code . . ."

Section 26:1A–37. ***Policies, formulation of; additional powers and duties of department.*** "The department shall formulate comprehensive policies for the promotion of public health and the prevention of disease within the State. It shall . . . g. Establish and maintain adequate serological, bacteriological and chemical laboratories . . . as are necessary for routine examinations and analyses, and for original investigations and research in matters affecting public health; h. Administer or supervise a program of industrial hygiene, encourage the establishment of medical, dental, environmental engineering and nursing services in all industrial plants in the State, co-operate with the State Department of Labor in formulating rules and regulations concerning industrial sanitary conditions . . . j. Enforce the State food, drug, and cosmetic laws. . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

Chapter 24:10. Regulates the production, handling and distribution of dairy products. Persons affected with communicable or infectious diseases are pro-

hibited from being employed in the handling of milk products. Sanitary requirements include provision of washing and toilet facilities, maintenance of places in a clean condition, provision of adequate light and ventilation, and health examination of persons connected with milk plants.

Chapter 24:15. Regulates sanitation in food establishments including the manufacture and production of food products. Requirements include that every place be properly lighted, drained, plumbed, and ventilated and that toilet and washing facilities be provided "for and personal cleanliness of employees." Persons affected with communicable diseases are not allowed to work in any food establishment.

Rules and Regulations

Adopted by Public Health Council.

1. ***Radiation.*** Chapter 1, Regulation of the State Sanitary Code. Effective December 15, 1952.

"(a) X-ray machines and all other sources of radiation shall be shielded, transported, handled, used and kept in such manner as to prevent all users thereof and all persons within effective range thereof from being exposed to excessive dosage of radiation. Owners and users of sources of radiation shall not expose themselves or permit others within effective range to be exposed contrary to regulations which may be promulgated by the State Department of Health relative to sources of radiation.

"(b) Every incident of exposure to radiation in violation of the aforementioned regulations or of this chapter shall be considered a separate offense."

2. ***Regulations Concerning Fluoroscopic Shoe-Fitting Machines.*** Effective January 15, 1953.

Regulations have been adopted for the administration of Chapter 1, Regulation 1 of the State Sanitary Code.

Regulations require the reporting of installations to the State Department of Health as specified; prescribe minimum exposure to useful beam of primary radiation; require floor of foot openings to be protected; prescribe requirements for control of primary radiation and of stray radiation; and require the posting of warning and instruction signs.

Reporting of Occupational Diseases

Section 34:6–54. Requires physicians to report lead poisoning. See reference in full to this section under Department of Labor and Industry, page 179.

Control of Nuisances

Section 26:3–46. ***Abatement of nuisances.*** "The local board, within its jurisdiction, shall examine into and prohibit any nuisance, offensive matter, foul or noxious odors, gases or vapors . . . and all causes of disease which may be known to the board or brought to its attention, which, in its opinion, are injurious to the health of the inhabitants therein, and shall cause the same to be removed and abated at the expense of the owner."

Sections 26:1A–26 to 26:1A–30. Empower the State Health Commissioner to cause a notice to be sent to the local board requiring the cause of the nuisance to be abated, or when the nuisance originates outside the territorial jurisdiction of the local board, to institute action in the superior court.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions [1]

Section 34:1A–3. *Duties of Commissioner.* "The Commissioner, as head of the department, shall . . . (c) Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law . . . (e) Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law . . . (g) Institute or cause to be instituted such legal proceedings or processes as may be necessary to enforce and give effect to any of his powers or duties. . ."

Section 34:1A–5. *Divisions in Department.* "There is hereby established in the Department of Labor and Industry a Division of Labor, a Division of Workmen's Compensation, and a Division of Employment Security."

Section 34: 1A–6. Transfers all the functions, powers and duties of the existing Department of Labor and of the respective bureaus and divisions to the established Department of Labor and Industry.

Section 34:1–6. *Inspections; enforcement districts.* "The Commissioner shall enforce the provisions of this title . . . and shall, as often as is practicable, cause inspections to be made of all establishments and places regulated or affected by this title."

Section 34: 2–21.18. Empowers the Commissioner of Labor to enforce provisions of Act (sections 34: 2–21.1 to 34: 2–21.5) relating to employment of minors.

Section 34:1–15. *Inspections and reports.* "The commissioner, deputy commissioners and inspectors shall have the right at all reasonable hours to enter and inspect all places and establishments regulated or affected by this title. . . ."

Industrial Health

Section 34:1–37. *Safety and sanitation in industry.* "The deputy commissioner (deputy director in Division of Labor) in charge of the bureau of hygiene, sanitation and mine inspection shall perform . . . the duties devolving upon the department or the commissioner with relation to the elimination of dust, fumes and excessive heat in industrial operation, the investigation of occupational diseases, the ventilation and sanitation of factories, mills, bakeries, workshops, and places where goods are manufactured, the inspection of mines, quarries, tunnels and caissons, the direction of industrial safety education, and such additional correlated duties as the commissioner shall direct. . . ."

Migrant Labor

Section 34:9A–9. *Duties and powers of division (of Migrant Labor).* The division shall . . .

"(b) Enforce all other applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments and wage claims, with respect to migrant labor camps;

"(c) Provide inspectional services to encourage minimum standards of housing and sanitation in migrant labor camps. . .

"(e) In co-operation with the Department of Health, prescribe minimum standards of sanitation, and preventive and curative health services, not inconsistent with this act, for migrant workers. . ."

Section 34:9A–11. *Preventive and curative public health services.* "The division through the Department of Health shall make surveys to determine the

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[1] Additional reference on page 174 (Section 26:1A–37).

adequacy of preventive and curative health services available to occupants of migrant labor camps, and where such services are found inadequate, to determine desirable ways and means to make them available. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Mercantile Establishments

Sections 34: 2–31 to 34: 2–35. Regulations require all floor openings to be protected by trap doors, safety hatches or guard-rails; require every mercantile establishment to be well ventilated and provide penalty for violation of order of Commissioner to provide suitable ventilation; require provision of sufficient, suitable and separate toilet facilities for workers; authorize the Commissioner to make necessary orders for carrying out provisions of these sections; and prescribe penalty for violation.

Compressed Air

Sections 34:3–1 to 34:3–23. Regulate work in compressed air. Require every tunnel, caisson, or compartment to be equipped, arranged and operated so as to provide protection to the lives, health, and safety of all employees; set forth safety requirements for guages, air pipes, ladders, and lighting; require provision of dressing room, and a suitably equipped hospital lock when maximum air pressure exceeds 17 pounds; require daily inspection of all equipment, reporting and correction of defects; and require the employment of one or more physicians who shall be present to render medical assistance, and when maximum air pressure exceeds 17 pounds, one or more nurses or other competent persons to handle cases of compressed air illness. No persons are permitted to work in compressed air until they have been determined physically fit. Physical examinations are also required after absence from work, after first working period, and periodically every 3 months. The laws prescribe minimum and maximum pressure rates for shifts and intervals for work for each 24-hour period, and decompression rates. Penalties for violations.

Construction Industry

Sections 34:5–1 to 34:5–165. Contain the Safety Code for workers in the construction industry. Penalties for violations.

Occupational Diseases

Section 34:6–48. ***Duty of employer in general.*** "Every employer shall, without cost to his employees, provide reasonably effective devices, means and methods to prevent the contraction by them of any illness or disease incident to the work or process in which they are engaged. . . ."

Section 34:6–49. ***Especially dangerous processes defined.*** "Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluosilicate is hereby declared to be especially dangerous to the health of the employees who, while engaged in such work or process are exposed to lead dusts, lead fumes or lead solutions.

"Every work or process in the manufacture of pottery, tiles, or porcelain enameled sanitary ware is hereby declared to be especially dangerous to the health of the employees who, while engaged in such work or process, are exposed to lead dusts or lead solutions."

Section 34:6–50. ***Safety equipment in especially dangerous employments.*** "Every employer shall, without cost to the employees, provide the

following devices, means and methods for the protection of his employees who while engaged in any work or process indicated in section 34:6–49 of this title, are exposed to lead dusts, lead fumes or lead solutions:

"Workrooms shall be adequately lighted and ventilated and so arranged that there is a continuous and sufficient change of air. All such rooms shall be entirely separated by full partition walls from all departments in which the work is of nondusty character. All such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning and all such floors shall be cleaned daily either by wet method or vacuum cleaner.

"Every work or process referred to in said section 34:6–49 including the corroding or oxidizing of lead and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds. . .[1] shall be so conducted and such adequate devices provided and maintained as to protect employees as far as possible from contact with lead dust or fumes.

"Every kettle, vessel, receptacle or furnace in which lead in any form . . . is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust.

"All vessels or containers in which dry lead in any chemical form or combination . . . is conveyed from one place to another within the factory shall be equipped at the places where the same are filled or discharged with hoods connected with an efficient air exhaust.

"All hoppers, chutes, conveyors . . . or other apparatus for drying pulp lead, drying pans dump, and all barrel packers and cars or other receptacles into which corrosions are being emptied shall be connected with an efficient dust collecting system.

"The dust collecting system shall be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust collector or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

"Every cloth dust collector shall have an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute and shall be placed in a separate room which no employee shall be allowed to enter while the works are in operation, except for essential repairs.

"Wash rooms shall be provided separate from the workrooms and shall be kept clean.

"Wash rooms shall be equipped with lavatory basins. . . . Two spigots conveying hot and cold water shall be provided for each basin or for each two feet of trough.

"There shall be at least one basin or at least two feet in length of trough for every five employees. The employer shall furnish nail brushes and soap and at least three clean towels per week for each employee. A time allowance of not less than ten minutes at the employer's expense, shall be made to each employee for the use of the wash room before the lunch hour and at the close of the day's work.

"Each employer . . . shall also provide and keep clean at least one shower bath for every five employees. . . . The employer shall furnish soap and shall provide at least two clean bath towels per week for each employee. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each employee for the use of such baths at least twice each week at the close of the day's work. The employer shall keep a record of each

[1] Repeated references to section 34:6–49 are omitted.

time that the baths are used by each employee and such record shall be open to inspection at all reasonable times by the department of labor and the state department of health.

"The employer shall provide and keep clean a dressing room or rooms separate from the workrooms and furnished with a double sanitary locker or two single sanitary lockers for each employee.

"The employer shall provide and keep clean an eating room or rooms for employees separate from the workrooms and furnished with a sufficient number of tables and seats. No employee shall take or be allowed to take any food or drink of any kind in to any workroom nor shall any employee remain or be permitted to remain in any workroom during the time allowed for his meals.

"The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of employees.

"The employer shall provide at least two pairs of overalls and two jumpers for each such employee and repair and renew such clothing when necessary and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

"The employer shall provide and renew when necessary at least two reasonably effective respirators for each employee exposed to lead dusts.

"The commissioner may modify the whole or any part of the requirements of law as applied to any pottery manufacture or process if satisfied that injury to health is adequately prevented by other appliances or any other condition than those prescribed by law."

Section 34:6–51. ***Employees' duties.*** Requires employees to use the facilities provided in section 34:6–50.

Section 34:6–52. ***Notices; contents and posting.*** "The employer engaged in any of the processes mentioned in section 34:6–49 of this title shall post in a conspicuous place in every workroom . . . in every washroom, in every dressing room and in every eating room, a notice of the known dangers arising from such work or process and simple instructions for avoiding, as far as possible, such dangers. The commissioner shall prepare such notice containing the provisions of this article. . . . The employer shall explain the contents of such notices to every employee who may be exposed to lead dusts, lead fumes or lead solutions, when the employee enters such employment, interpreters being provided by the employer, when necessary."

Section 34:6–53. ***Medical examinations.*** "The employer shall cause every employee, who while engaged in any work or process included in section 34: 6–49 of this title, is exposed to lead dusts, lead fumes or lead solutions to be examined at least once a month by a licensed physician designated and paid by the employer, to ascertain if any symptoms of lead poisoning appear.

"The employee shall submit himself to the monthly examination and to examination at such other times and places as the employer may reasonably request and shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician.

"Examinations shall be made during working hours, a time allowance therefor at the employer's expense being made to each employee examined."

Section 34:6–54. ***Physician's report.*** "Every physician making any examination under section 34: 6–53 of this title and finding what he believes to be symptoms of lead poisoning shall enter in a book to be kept for that purpose in the office of the employer, a record containing the names and addresses of the employees so examined, the particular work or process in which he is engaged, the date, place and finding of the examination, and the directions given in each

case by the physician. The record shall be open to inspection at all reasonable times by the department of labor and by the state department of health.

"Within forty-eight hours after the examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the department of labor and one to the state department of health. . . . The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes, or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician."

Section 34: 6–55. Prescribes penalties for violations.

Ventilation

Section 34:6–58. ***Maintenance of blowers.*** "All employers conducting a manufacturing business and using emery wheels or emery belts of any description . . . shall provide the same with blowers or similar apparatus so placed as to protect the operators from particles of dust thrown off and to carry such dust directly to the outside of the building or to some receptacle placed to receive and confine such dust.

"Grinding machines upon which water is used at the point of grinding contact and small emery wheels used temporarily for tool grinding in small shops employing not more than three persons at such work may be exempted from the above provisions of this section by order of the commissioner."

Section 34:6–59. ***Suction pipes.*** Requires every wheel to be fitted with hoods and suction pipes for carrying off dust or refuse.

Section 34:6–60. ***Minimum air space.*** "Not less than two hundred and fifty cubic feet of air space shall be provided for each employee at work . . . where the manufacture of goods is carried on between the hours of six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space for each employee so employed between the hours of six o'clock in the evening and six o'clock in the morning. Where the amount of air space provided does not exceed the amount above fixed, the room must be lighted by electricity during all hours that artificial lights are necessary and persons are employed therein, unless a written permit shall be obtained from the commissioner."

Section 34:6–61. ***Ventilation; orders; penalty.*** "The owner, agent or lessee of any . . . place where the manufacture of goods is carried on shall provide in each workroom proper and sufficient ventilation and means of ventilation which shall so far as practicable render harmless any excessive heat, and any steam, gases, vapors, dust or other impurities injurious to health that may be generated in any manufacturing process."

"In the event of insufficient ventilation the commissioner shall order adequate means of ventilation to be provided. Whenever dust, gas, vapors or other impurities are generated by any process in such manner as to be inhaled by employees to an injurious extent and it appears to the commissioner that such condition could be substantially improved by a fan or other mechanical means he may order the installation of such fan or mechanical means of proper construction." Rest of section prescribes penalty for violation.

Machine Guards

Section 34:6–62. Requires machinery, and vats and vessels containing molten metal or hot liquids to be properly guarded, and the posting of warning notices.

Meal Times

Section 34:6–63. ***Meal times.*** "Every employer owning or operating a . . . place where goods are manufactured shall give to all employees at least one-half

hour for their midday meal after being continuously employed for a period of not more than six hours on any day except Saturday.

"The meal period shall be fixed with regard to the health and physical welfare of employees. If any such place is operated at night or in eight-hour shifts the meal period shall be fixed as aforesaid with regard to the mutual interests of employer and employees." Penalty for violation.

Sanitary Regulations

Section 34:6–66. ***Toilet facilities.*** Requires the provision of suitable, convenient and separate water closets and washrooms for each sex, which shall be properly screened, ventilated and kept clean, and a dressing room for female employees when ordered by the Commissioner.

Section 34:6–67. ***Whitewashing or painting.*** "Factories and workshops in which women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months." Penalty for violation.

Foundries

Section 34:6–100. ***Health and safety in foundries.*** "All entrances to foundries shall be constructed and maintained so as to minimize drafts. All passageways shall be constructed and maintained of sufficient width to make them reasonably safe for workmen, and no unnecessary obstruction shall be allowed therein during the hours of casting. Whenever a foundry is so constructed or operated that smoke, steam, dust or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. Foundries shall be reasonably well lighted throughout working hours, and reasonably well heated during cold and inclement weather."

Section 34:6–101. ***Toilet facilities.*** "Suitable washing arrangements consisting of hot and cold water, supplied in a sanitary manner by means of wash taps and showers, shall be provided in a room separate from but communicating with the workroom in such manner that workmen may use the same without going into the outer air."

Section 34:6–102. ***Dressing room.*** "A suitable dressing room shall be provided and kept heated in such a manner that damp working clothing may be dried therein and shall be separate from the workroom but so connected therewith that workmen may use it without going into the outer air."

Section 34:6–103. ***Pits covered; surgical supplies.*** "All pits around furnaces in any brass foundry shall be covered with substantial iron gratings. All stairways around such furnaces shall be constructed of iron.

"There shall be kept on hand at all times in every foundry a reasonable supply of lime water, sweet oil, vaseline, bandages and absorbent cotton for use by the workmen in case of burns or accident."

Section 34:6–104. Prescribes penalty for violation.

Bakeries and Confectioneries

Sections 34:6–105 to 34:6–116. Regulate sanitation in bakeries and confectioneries, requiring that place of business be well ventilated, plumbed and lighted, and kept in a sanitary condition, and that proper washing and toilet facilities and clothing be provided. Penalty for violation.

Industrial Homework

Sections 34:6–130.1 to 34:6–136.23. Regulate industrial homework; require a license permit which can be revoked if place is not in a healthy or sanitary condition; empower the Commissioner to determine, among other things, whether conditions of employment are injurious to workers; and prohibit the manufacture of articles hazardous to the health or safety of persons employed.

Migrant Labor Camps

Sections 34:9A–12 to 34:9A–36. Regulate living conditions and sanitation of migrant labor camps including construction and operation of camps, shelter and sleeping arrangements, food preparation, water bathing and toilet facilities, and garbage disposal.

Rules and Regulations

Approved by Commissioner of Labor.

1. ***Maximum Allowable Concentration Limits of Harmful Vapors, Gases, Fumes, Mists, Dusts and Radiant Energy.*** Effective December 15, 1947.

Rules prescribe permissible concentration limits of vapors, gases, fumes, mists, dusts and radiant energy in the atmosphere of workplaces for guidance in establishing control procedures for the protection of workers.

2. ***Prevention of Silicosis in Industry.*** Effective December 27, 1948.

Rules deal with installation, maintenance and operation of controls by which silicosis may be prevented and apply to all operations or occupations where silicon dioxide is released directly or indirectly into the breathing zone of the worker. Rules cover maximum allowable concentrations; methods of dust control; specifications for local exhaust ventilation; wet methods of control; general ventilation and minimum air space requirements; type and use of respirators and protective equipment; standard specifications for construction and installation of exhaust systems; and requirements for crushing and grinding mills, storage bins, mixers, hoppers, abrasive blasting, and related machinery and operations. Plans and specifications for exhaust systems must be submitted for examination and approval in accordance with specified procedure to the Plan Examination Section, Division of Engineering and Safety, before certificate of approval of each installation can be issued.

3. ***Prevention of Anthrax in Industry.*** Effective December 27, 1948.

Rules deal with responsibility of employer concerning handling of bales of wool, hides, hair and furs; provision of adequate personal and mechanical protective measures for the prevention of anthrax; provision of prompt medical service for diagnosing and treating cases of anthrax; maintenance of good housekeeping and cleanliness of premises; provision of washing and toilet facilities; and instruction to employees pointing out susceptibility to anthrax and observance of safe methods of control and working practices. Responsibilities of employees include personal cleanliness, observance of rules and use of protective equipment, and prompt report and treatment of sores, pimples and open cuts. Rules also include an appendix containing further discussion of the rules and means for prevention of anthrax.

4. ***Sanitation in Places of Employment.*** Effective December 27, 1948.

Rules prescribe minimum sanitary standards for all places of employment. Specific requirements are set forth for water supply, drinking water and drinking fountains; plumbing systems including toilet installations, fixtures, soil, waste and vent pipes, traps and plumbing system tests; number, type and construction and specifications of toilet facilities and rooms, washrooms and washing facilities, dressing rooms, and rest rooms for females; ventilation, lighting and heating of such rooms; good housekeeping; and employee responsibility concerning their use and cleanliness. Plans and specifications for such facilities must be filed with Plan Examining Section, Division of Engineering and Safety, for examination and approval.

5. ***Lighting in Places of Employment and Public Assembly.*** Effective December 27, 1948.

Rules contain recommended minimum intensities of illumination in terms of foot-candles for specific industrial interiors and tasks, and for places of public assembly.

6. ***Local Exhaust Systems in Industry.*** Effective June 28, 1951.

Rules deal with minimum standards of performance, workmanship and material, and standard safeguards and safe practices in the operation and maintenance of dust, gas, vapor, mist and fume removal systems. Rules contain detailed specifications for exhaust systems, grinding, polishing and buffing equipment, woodworking machines and for the control of atmospheric contamination due to open surface tank operations; and prescribe requirements for ventilation of industrial garages and industrial kitchens, fire protection of systems, explosion relief venting, air-flow producing equipment, and separating and collecting equipment. Rules provide for plan examination and approval of installations by the Division of Engineering and Safety.

7. ***Safe Installation, Operation and Maintenance of Woodworking Machinery.*** Effective February 2, 1950.

The safety code governs the safe installation, operation, and maintenance of woodworking machinery, including cooperage operations and the making of veneer and deals primarily with point of operation hazards of woodworking machinery. Code contains an appendix giving additional general information on safety practices in the industry.

8. ***Compressed Air and Tunnel Construction.*** Effective December 27, 1948.

Rules require whenever work in compressed air is in progress that a competent person be present who will be responsible for full compliance with laws; require suitable means of communication in tunnels and chambers; prescribe construction requirements for bulkheads, safety screws, bracing, locks and shafts, timbering and stairways and ladders in shafts; prescribe requirements for mechanical haulage, hoisting and compressor plants; require records to be kept of all persons working in chambers with air pressure of 17 pounds, the provision of first-aid equipment and a first-aid corps for aid of injured; require the reporting of compressed air illness to the Commissioner of Labor; prescribe ventilation requirements in shafts and tunnels, and maximum allowable concentrations for silica dust; and set forth requirements for wash and rest rooms, electrical equipment and installations, fire prevention, and use of explosives. Appendix contains health suggestions for compressed air workers and examples of record and report forms to be used by physician.

9. ***Power Presses and Food and Hand Presses.*** Revised as of June 1950.

Rules contain safety requirements applicable to all power presses and hand presses used for blanking, trimming, drawing, punching or stamping material and cover requirements for press installations, and for safeguarding power presses at point of operation, foot and hand presses and other related equipment. The appendix contains recommendations for applying the rules.

NOTE: Among other rules and regulations issued by the Department of Labor and Industry are rules and regulations governing the Use, Care and Protection of Abrasive Wheels (American Standard B7.1—1947); Safeguarding of Mechanical Power Transmission Apparatus; Explosion and Fire Protection in Plants Producing or Handling Magnesium Powder or Dust; Military Pyrotechnics; Keeping, Using or Storing Nitrocellulose; and Operation and Use of Powered Industrial Trucks and Tractors in Factories and Places of Employment. References are made to nationally accepted standards or rules.

Employment of Women and Children

Among pertinent provisions are the following:

N. J. Statutes Annotated, Section 34: 2–21.4. Requires at least a 30-minute lunch period for minors under 18 after 5 hours of continuous work.

Section 34: 2–21.8. Deals with issuance of certificates and statements of physical fitness of minors for employment. Method of making examinations shall be prescribed jointly by the Commissioner of Education and the State Department of Health.

Section 34: 2–21.17. Lists prohibited employments for minors under 16, and under 18; and prohibits employment of any minor under 18 in any place of employment, or at any occupation hazardous or injurious to the life, health, safety or welfare of such minor, as determined by the Commissioner of Labor.

Section 34: 2–29. Requires provision of seats for female employees in any manufacturing, mechanical, or mercantile establishment, or in the services or operations incident to any commercial employment.

Mines and Mining

Sections 34:6–68 to 34:6–104. Mining laws are administered by the Bureau of Mines. Laws cover duties of mine inspectors with respect to inspection of mines and examinations for safe operations and workings, safety of equipment, sanitation, ventilation, and investigation of accidents; serving of notices for noncompliance with safety laws; investigation of accidents; provision of first-aid equipment and first-aid corps; blasting practices and storing of explosives; provision of escapement shafts; regulations for hoisting machinery and hoisting; means of ingress and egress; ventilation requirements including wet drilling; provision of washrooms; prohibition of employment of boys under 18; and signaling. Penalties for violations.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Division of Workmen's Compensation. (Sections 34: 15–1 to 34: 15–120)

Occupational Disease Compensation

Section 34: 15–31. Provides for full coverage.

Reporting of Injuries

Section 34: 15–96. Requires every employer carrying insurance to "make report in accordance with the terms of his insurance policy upon the happening of any accident or the occurrence of any compensable occupational disease" to the Department of Labor and Industry and to the insurance carrier. Reports so made are designated as "first notice of accident." Additional reports are also required.

Section 34:15–97. Requires employers not carrying insurance to report any accident or compensable occupational disease causing a disability extending beyond the waiting period or causing any permanent injury to the Division of Workmen's Compensation. Additional reports are also required.

Section 34:15–98. Requires every insurance carrier writing workmen's compensation insurance to make upon receipt of such knowledge a report of accident or of compensable occupational disease, causing a disability beyond the waiting period or permanent injury, to the Division of Workmen's Compensation. Additional reports are required.

Vocational Rehabilitation

The State Commission for Rehabilitation of Physically Handicapped, Department of Labor and Industry, exercises all functions and duties relating to vocational rehabilitation.

Sections 18:17–6 to 18:17–9. Provide for acceptance of the provisions and benefits of the Federal Act dealing with vocational rehabilitation of persons disabled in industry or otherwise; authorize the State Board of Education and the State Commission for Rehabilitation of Physically Handicapped persons to prepare jointly a plan of cooperation for maintenance of courses of rehabilitation, and with the Division of Workmen's Compensation to carry out the provisions of the Federal Rehabilitation Act.

Reporting of Occupational Diseases

Section 34:6–54. Requires physicians to report lead poisoning to the Department of Labor and Industry and the Department of Health. See Section 34:6–54 under statutory provisions relating to occupational health and safety for Department of Labor and Industry, page 179.

Rules on *Compressed Air and Tunnel Construction* require the reporting of compressed air illness to the Commissioner of Labor. See page 183.

DEPARTMENT OF PUBLIC UTILITIES

The Department of Public Utilities has jurisdiction over railroads and other common carriers, communications systems and other public utilities.

Section 48:2–23. Empowers the Board of Public Utility Commissioners to require every public utility to furnish "safe, adequate and proper service and to maintain its property and equipment in such condition as to enable it to do so."

Section 48:15–23. Requires enclosed or vestibule platforms on street railway or railroad cars during certain months.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Section 39:9–2. Regulates hours of continuous duty of drivers of commercial motor vehicles, omnibuses, motor buses, or tractors; requires at least 8 consecutive hours of rest after duty, at place where and under circumstances that rest and relaxation from strain of duties of driving may be obtained.

NEW MEXICO

SOURCES: New Mexico Statutes 1941
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

New Mexico Statutes 1941, Section 71–103. ***Powers of health department.*** Among the powers listed are: "(5) To adopt, and amend and repeal by-laws, rules and regulations. . . . (11) To bring action in court for the enforcement of health laws and the rules, regulations and orders promulgated by the State board of public health."

Section 71–104. *Activities of health department.* "The state department shall be responsible for the administration of the public health activities of the state as hereinafter provided, and in that respect shall:

"(1) Supervise the health of the people of the state.

"(2) Investigate, control and abate the causes of diseases, especially epidemics, sources of mortality and effects of localities, employment and other conditions on public health.

"(3) Inspect public buildings, institutions, premises and industries and to regulate the sanitation thereof in the interest of public health.

"(4) Regulate the sanitation and conduct in so far as it affects health of . . . hotels, restaurants, lodging-houses and tenements, factories, workshops, industrial and labor camps . . . and public conveyances and stations. . . .

"(7) Abate nuisances endangering the public health.

"(8) Regulate plumbing, drainage, water supply, sewage and water disposal, lighting, heating, ventilation and sanitation of public buildings, in the interest of public health. . . .

"(13) Operate and maintain laboratory facilities for the investigation of public health matters. . . .

"(17) Regulate the sanitation and safety for consumption of milk, meats, other foods and drugs. . . .

"(19) Establish, maintain and enforce such rules and regulations as may be necessary to carry out the intent of this act and to publish same."

Section 71–106. *Duties of state board.* ". . . It shall also be the duty of the state board to make, promulgate and enforce such rules and regulations as are necessary to carry out the provisions of this act. . . ."

Section 71–113. *Additional powers granted state board.* "In addition to the powers and duties already delegated by law to the state board of public health, the said board shall have the power of regulation, in so far as the protection of public health is concerned, of plumbing, drainage, water supply, sewage and waste disposal, lighting, heating, ventilation and sanitation of public buildings . . . hotels, apartment-houses . . . restaurants, lodging-houses, tenements, factories, workshops, industrial and labor camps . . . or any other place of building, public or private, which caters to the public or holds itself out as a place where rooming or eating accommodations are available for hire or for pay."

Section 71–114. *Board may adopt rules to carry out intent of act.* "The state board of public health is hereby authorized to adopt and enforce necessary rules and regulations to carry out the intent of this act and to publish the same."

Section 71–115. *May adopt rules for use of gas.* "The state board of public health is further authorized to adopt and enforce necessary rules and regulations governing the use for heating, cooking and other purposes of natural or artificial gas, in or upon the premises mentioned in section 1 (71–113) of this act. Such regulation shall cover the use of natural or artificial gas and of the following hydrocarbons, or mixtures of the same; such as propane, propylene, butanes (normal butane and isobutane), and butylenes."

General Provisions Relating to Occupational Health

Statutory Provisions

Sections 71–1301 to 71–1316. Deal with frozen food locker plants, and contain requirements for sanitation facilities for employees, and sanitary conditions of places. All plants using a toxic gas refrigerant are required to have accessible at least one gas mask of a type approved by the State Board of Public Health.

Sections 71–1401 to 71–1416. Deal with sanitation of food establishments and contain requirements for sanitation facilities for employees.

Rules and Regulations

Adopted by the State Board of Public Health.
None specifically.

Reporting of Occupational Diseases

Regulations Governing the Reporting of Notifiable Diseases and Accidents. Adopted June 28, 1937. Group II. *Occupational Diseases and Injuries.* Lists 27 kinds of diseases and a clause making "any other disease, disability or injury contracted as a result of the nature of the person's employment" reportable. Reports are made to local health officers.

LABOR AND INDUSTRIAL COMMISSION OF NEW MEXICO

Authority and Functions

Section 57–109. *Powers and duties of labor commissioner.* "Said commissioner shall inform himself of all laws of the state for the protection of life and limb in any of the industries of the state, all laws regulating the hours of labor, the employment of minors . . . and all other laws enacted for the protection, health and benefit of employees. . . . It shall be the duty of said labor commissioner to enforce all labor laws. . . ."

Section 57–111. *Inspections by labor commissioner—Penalty for obstructing—Notice—Offenses of Commission or agents—Penalties.* "Said labor commissioner shall have the power to enter any store, factory, foundry, mill, office, workshop, mine, or public or private works at any time . . . for the purpose of gathering facts and statistics contemplated by this act, and to examine safeguards and methods of protection from danger to employees, the sanitary conditions of the buildings and surroundings. . . ."

General Provisions Relating to Occupational Health

None specifically. See statutes on care of workers with lead poisoning under *Miscellaneous,* page 189.

Employment of Women

Among pertinent sections are the following:

Sections 57–401 to 57–409. Regulate hours of employment of women in specifically named establishments and occupations.

Section 57–410. Requires provision of seats for female employees in all establishments. Penalty for violation.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Labor and Industrial Commission. (Sections 57–901 to 57–932)

Occupational Disease Compensation

Sections 57–1101 to 57–1141. Occupational Disease Disablement Law. Schedule coverage. Section 57–1120 names 31 kinds of diseases.

Reporting of Injuries

Section 57–927. Requires all employers subject to Workmen's Compensation Act to make written report within 10 days after occurrence of all compensable accidental injuries to his employees, to the Commissioner of Labor. Penalty for failure to report.

Section 57–1138. Requires every employer of labor subject to the provisions of the Occupational Disease Disablement Law to make written report to the Labor Commissioner of all claims for disablement filed by his employees during the course of their employment.

DEPARTMENT OF PUBLIC WELFARE

Bureau of Child Welfare has jurisdiction over laws regulating employment of minors. (Sections 57–501 to 57–515) Enforcement power is in State Labor and Industrial Commission. Among pertinent provisions are the following:

Section 57–505. Prohibits employment of children under 16 in certain specified occupations and places of employment hazardous and/or injurious to life or health of such child. Provisions may be relaxed during war emergency period, according to 1943 Law.

Section 57–506. Prohibits employment of children under 18 in any mine or quarry underground, or at or about any place where explosives are used.

INSPECTOR OF MINES

Sections 67–101 to 67–3007. Contain mining laws of the State and apply to coal, metals and other mineral substances, tunnel and caisson operations, ore houses, quarries, pits, and similar workings.

Bureau of Mines and Mineral Resources is a department of the New Mexico School of Mines with functions of ascertaining and publishing facts on mines and mineral resources.

The State Mine Inspector and his deputies have authority to make inspections of every mine, investigate accidents and enforce mining laws.

Sections 67–601 to 67–1815. Apply to coal mines. Among the subjects covered are: duties of mine employers to provide safe places of employment and of employees to observe safety requirements; qualifications of coal mine foremen and other mine officials and their duties as to daily inspections, measurement of air, safety of miners, examination of dangerous conditions and blasting; regulations for safety covering escapeways, fire control, oils, and inspection of boilers, traveling ways, underground haulage and hoisting equipment; use of explosives; requirements for ventilation as to space for persons and animals; installations of fans, with special reference to gassy mines; timbering; rock-dusting, sampling and testing dust; electrical installations; and general provisions such as use of protective clothing, requirements for first-aid equipment and care, and rescue stations and crew.

Sections 67–1901 to 67–2820. Deal with mines other than coal. Scope of provisions is similar to that for coal mines.

Sections 67–2901 to 67–2902. Provide for penalties and right of appeal to district court.

Section 41–1409. Requires all mining companies or other corporations which receive money from employees for employment of a physician to serve employees and enforce sanitary regulations for their benefit, to erect and maintain a pest house within one and one-half miles of the camp or town, "for purpose of taking proper care of, and quarantining any employees affected with contagious or infectious diseases." Penalty for violation.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 55–501 to 55–514. Deal with federal aid and vocational education. The benefits and provisions of the Federal Act promoting the vocational rehabilitation of persons disabled in industry or otherwise are accepted. The Board of Education is empowered to cooperate with federal, State or private agencies in the administration of a vocational rehabilitation program, and to expend State appropriations designated for this purpose.

STATE DAIRY COMMISSIONER

Food Sanitation

Section 49–2102. The State Dairy Commissioner under direction of the Board of Regents of New Mexico College of Agriculture and Mechanical Arts has jurisdiction over the inspection and regulation of creameries, public dairies, butter, cheese and ice cream factories. Laws are aimed at purity, wholesomeness of the product and public health and safety.

NEW MEXICO DRY CLEANING BOARD

Dry Cleaning Establishments

Sections 51–2101 to 51–2116. Regulate the dry cleaning industry. Powers of the Dry Cleaning Board include the establishment of health and sanitation requirements. Laws deal primarily with minimum prices, and permits.

CORPORATE COMMISSION

The Corporate Commission has jurisdiction over common motor carriers, and railroads.

Section 68–1376. Regulates hours of continuous duty of drivers of motor vehicles for hire; requires at least 8 hours' rest after duty period; and prohibits aggregate duty of more than 16 hours in any 24-hour period. Requires the 8-hour rest period to be at such place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained.

Section 74–322. Regulates hours of continuous duty, and continuous rest period after such duty, of railroad employees on trains. Penalty for violation.

Section 74–324. Prohibits knowingly willful use or operation of any defective car or locomotive, or of shops or machinery which are defective, by any railroad corporation. Liability for damages for injury to employee because of such defects.

MISCELLANEOUS

Section 67–3006. ***Lead poisoning of smelter employee—Employer's liability.*** "Whenever any employee of any corporation, person or persons engaged in the management and operation of any smelting works in the state of New Mexico, shall become disabled and rendered unfitted for labor by reason of lead poisoning, which said lead poisoning shall be the result and consequence of said employee's performance and proper discharge of said employee's duties in and about said smelting works, said employee shall be provided with and receive all proper medical attendance, medicines and sustenance during such disability, at the expense of said corporation, person or persons so employing him."

Section 67–3007. ***Failure to provide care of lead poisoned employee—Recovery of expenditures.*** "If any such corporation, person or persons en-

gaged in the management and operation of any smelting works in the state of New Mexico shall fail to provide such employee with all proper medical attendance, medicines and sustenance during such disability of said employee, then the reasonable expense of providing such employee with all proper medical attendance, medicines and sustenance during such disability of said employee may be recovered from such corporation, person or persons so engaged in the management and operation of smelting works as aforesaid, in an action at law by and in the name of any person or persons rendering or providing such employee with the said medical attendance, medicines and sustenance."

NEW YORK

SOURCES: McKinney's Consolidated Laws of New York
1953 New Laws; Laws 1952
Sanitary Code of State Department of Health
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

1953 New Laws, Chapter 879. Public Health Law,[2] Section 201. ***Functions, Powers and Duties of the Department.*** "1. The department shall, as provided by law; (a) supervise the work and activities of the local boards of health and health officers throughout the state except in the city of New York, unless otherwise provided by law . . . (c) supervise and control the reporting of disease; (d) engage in research into morbidity and mortality . . . (g) promote education in the prevention and control of disease; (h) promote or provide diagnostic and therapeutic services for maternal and child health, communicable disease, medical rehabilitation, cancer and other conditions and disease affecting public health . . . (n) supervise and regulate the sanitary aspects of camps, hotels, boarding houses, public eating and drinking establishments, swimming pools, bathing establishments and other businesses and activities affecting public health; (o) exercise control over and supervise the abatement of nuisances affecting or likely to affect public health. . .

"3. All the provisions of this chapter shall apply to the department continued by this chapter and to the commissioner, the public health council and to the divisions, bureaus and officers in such department."

Section 202. ***Divisions.*** "1. There shall be in the department such divisions, bureaus and other units as the commissioner from time to time may determine to be necessary and the director of the budget shall approve.

"2. The commissioner may, from time to time, abolish, transfer and consolidate divisions, bureaus and other units within the department not expressly established by law as he may determine necessary for the efficient operation of the department."

Section 206. ***Commissioner; General Powers and Duties.*** "1. The commissioner shall: (a) take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law . . . (d) investigate the causes of disease, epidemics, the sources of mortality, and the effect of localities, employments and other conditions, upon the public health; (e) obtain, collect and preserve such information relating to . . . disease and health as may be

[1] Additional references on pages 195 (Sections 330 to 339, and 355) and 201 (Section 1009).
[2] New Public Health Law, effective July 1, 1954.

useful in the discharge of his duties or may contribute to the promotion of health or the security of life in the state; (f) enforce the public health law and the sanitary code. . .

"2. The commissioner and any person authorized by him . . . may . . . enter, examine and survey all grounds . . . vehicles, structures, apartments, buildings and places. . . ."

Section 225. ***Public Health Council; Powers and Duties; Sanitary Code.*** ". . . 3. The public health council shall have power by the affirmative vote of a majority of its members to establish, and from time to time, amend and repeal sanitary regulations to be known as the sanitary code of the state of New York subject to approval by the commissioner.

"4. The sanitary code may: (a) Deal with any matters affecting the security of life or health or the preservation and improvement of public health. . . ."

McKinney's Consolidated Laws of New York. Penal Law, Section 1740. Prescribes penalty for violation of any public health law, order or regulation.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations [1]

Adopted by Public Health Council.

The Sanitary Code. Chapter III. ***Milk and Cream.*** Contains regulations requiring, among other things, satisfactory flush closets or sanitary privies at dairy farms and at all plants where milk or cream is handled, and good housekeeping and cleanliness of utensils and premises.

Chapter IX. ***Certain Health Hazards.*** Regulation 1 prohibits the sale or distribution of tetraethyl lead in concentrated form, except to refineries and filling stations.

Regulation 2 permits the use of nitro-cellulose X-ray film only under certain conditions of safety.

Regulation 3 prohibits sale of articles containing cyanide or other poison for polishing kitchenware or silverware.

Regulation 4 regulates the manufacture and sale of shaving or lather brushes made of animal hair or bristles.

Regulations 6 and 7 forbid use of common towel, drinking cups and eating utensils in factories, stores and public places.

Regulation 11. ***Requirements Governing Use of Shoe-Fitting Fluoroscopes.*** Effective July 1, 1953.

Forbids every person or firm owning and/or operating "fluoroscopic or X-ray equipment for fitting shoes unless the equipment is permanently equipped with an automatic timer so set and functioning as to cut off each X-ray exposure at the end of a five-second interval"; requires the posting of warning signs; and provides for notifying the State Health Commissioner in writing of the ownership and/or operation of fluoroscopic or X-ray equipment for fitting shoes.

Reporting of Occupational Diseases

None.

Nuisance Control

Public Health Law, Section 1300. ***Nuisances; General Powers of Commissioner.*** "1. The commissioner shall have all necessary powers to make

[1] See Industrial Code Bulletin No. 3, page 196.

investigations and examinations into nuisances, or questions affecting the security of life and health in any locality. . . ."

Section 1301. *Nuisances; Examination and Abatement by Order of Governor; Expenses.* "1. Whenever required by the governor, the commissioner shall make an examination concerning nuisances or questions affecting the security of life and health in any locality, and shall report the results thereof to the governor, within the time prescribed by him therefor. . . .

"3. Every such order shall be presumptive evidence of the existence of such nuisance; and the governor may . . . require . . . officers of the county where such nuisance is maintained, to take all necessary measures to execute such order and cause it to be obeyed, and the acts of any such county officer in the abatement of any such nuisance, reasonable or necessary for such abatement, shall be lawful and justifiable and the order of the governor a sufficient protection to such officer. . . ."

Section 1302. *Nuisances; Local Boards of Health; Duty to Assist Commissioner.* "1. Whenever requested by the commissioner, the board of health of any health district may appoint one of its members to act with and assist the commissioner during the investigation or examination of any nuisance, or for the purpose of determining whether a public nuisance exists. . . ."

DEPARTMENT OF LABOR

Authority and Functions

Labor Law, Section 21. *General Powers and Duties of Commissioner.* ". . . The Commissioner 1. Shall enforce all the provisions of this chapter and of the industrial code, except as in this chapter otherwise provided;

"2. Shall cause proper inspections to be made of all matters prescribed by this chapter or by the industrial code;

"3. Shall cause investigations to be made of the condition of women in industry. . .

"5. Shall propose to the board of standards and appeals such rules or such changes in such rules as he may deem advisable. . .

"7. May make investigations, collect and compile statistical information and report upon the conditions of labor generally and upon all matters relating to the enforcement and effect of the provisions of this chapter and of the rules thereunder. . . .

"9. May investigate the conditions of aliens relative to their employment in industry."

Section 20. *Divisions or Bureaus.* ". . . The commissioner may establish such divisions or bureaus as may be necessary for the administration and operation of the department. . . ."

Section 20–a. *Bureau of Women in Industry.* ". . . 3. The bureau shall investigate and report concerning the conditions of employment of women and minors in industry and shall make recommendations to the commissioner not less than once a year for the betterment of such working conditions by appropriate legislation or otherwise. . . ."

Section 25. *Power to Enter and Inspect Premises.* "The commissioner or the officers and employees of the department shall inspect every place which is, or which they have reasonable cause to believe is, affected by the provisions of this chapter, and they may in the discharge of their duties enter any such places."

Section 27–a. *General Powers and Duties of the Board of Standards and Appeals.* "The board of standards and appeals shall have power, subject to

provisions of Section 29 of this chapter, to make, amend and repeal rules for carrying into effect the provisions of this chapter, applying such provisions to specific conditions and prescribing means, methods and practices to effectuate such provisions. It shall have power to test or provide for testing materials, devices, and apparatus to be used pursuant to the provisions of the labor law; to approve, disapprove or revoke approval of devices, apparatus, machine guards or other equipment or materials . . . required to be used pursuant to the provisions of the labor law. . ."

Section 28. ***Rules of the Board of Standards and Appeals.*** "Rules of the board of standards and appeals may be made for:

"1. The proper sanitation in all places to which this chapter applies and for guarding against and minimizing fire hazards, personal injuries and diseases in all places to which this chapter applies with respect to: a. The construction, demolition, alteration, equipment and maintenance of all such places, including the conversion of structures into factories, factory buildings and mercantile establishments; b. The arrangement and guarding of machinery and the storing and keeping of property and articles; c. The places where and the methods and operation by which trades and occupations may be conducted and the conduct of employers, employees and other persons. . .

"2. Whenever the board finds that any industry, trade, occupation or process involves such elements of danger to the lives, health or safety of persons employed therein as to require special regulation for the protection of such persons, the board may make special rules to guard against such elements of danger by establishing requirements as to temperature, humidity, the removal of dusts, gases or fumes, by requiring licenses to be applied for and issued by the department as a condition of carrying on any such industry, trade, occupation or process, by requiring medical inspection and supervision of persons employed or applying for employment, and by other appropriate means.

"3. The rules may be limited in their application to certain classes and establishments, places of employment, machines, apparatus, articles, processes, industries, trades or occupations or may apply only to those to be constructed, established, installed or provided in the future.

"4. The rules of the board shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter. . . ."

Section 29. ***Industrial Code—Procedure.*** "The rules of the board of standards and appeals shall constitute the industrial code, and the rules which now constitute the industrial code shall continue in force and shall constitute such code until amended or repealed in the manner hereinafter provided. . . ."

Penal Law, Section 1275. Prescribes penalty for violation of industrial code, labor law or rules and regulations of the Commissioner and Industrial Board.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Accident Prevention

Labor Law, Section 256. ***Guarding of Machinery.*** Requires all factory machinery and equipment to be properly guarded and provided with proper safety devices; prohibits their removal except during repair work, and provides for posting warning notices on all dangerous machinery.

Section 257. ***Illumination.*** Requires that proper lighting be provided during working hours in specified workareas.

Sanitation

Labor Law, Sections 291 to 294. Require that every room in a factory be kept in a safe and clean condition; provision of sufficient supply at all times of clean, pure drinking water for use of employees; provision of washrooms in all factories which are to be adequately ventilated, heated and lighted, and in "factories where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases are present as an incident or result of the business or occupation, hot water, soap and individual towels shall be furnished"; provision of dressing or emergency rooms in all factories where females are employed; and provision of water closets which shall be separate for female employees.

Section 296. ***Laundries.*** Makes provisions relating to factories applicable to all public laundry work.

Section 297. ***Unclean Factories.*** Applies to workers with contagious diseases, and to disinfection and labeling of articles worked on.

Section 298. ***Living Quarters for Employees.*** Requires employers to maintain them in a sanitary condition and in accordance with rules adopted by the Board.

Ventilation

Labor Law, Section 299. ***Ventilation, Heating and Humidity.*** "1. Every work room in a factory shall be provided with proper and sufficient means of ventilation, natural or mechanical or both, as may be necessary, and there shall be maintained therein proper and sufficient ventilation and proper degrees of temperature and humidity at all times during the working hours. If owing to the nature of the manufacturing process carried on in the factory workroom excessive heat be created therein, there shall be provided, maintained and operated such special means or appliances as may be required to reduce such excessive heat.

"2. All machinery creating dust or impurities in quantities tending to injure the health of employees shall be equipped with proper hoods and pipes connected to an exhaust fan of sufficient capacity and power to remove such dusts or impurities; such fan shall be kept running constantly while such machinery is in use. If the board decides that such apparatus is unnecessary for the health and welfare of the employees, or that other means of protection may be provided to safeguard the health and welfare of the employees against such injurious dusts or impurities, it may adopt rules excepting such machinery from the operation of this subdivision, or prescribing such requirements as will effectuate the intent of this subdivision.

"3. If dust, gases, fumes, vapors, fibers or other impurities are generated or released . . . in quantities tending to injure the health of the employees, suction devices shall be provided which shall remove such impurities from the workroom, at their point of origin where practicable, by means of proper hoods connected to conduits and exhaust fans. Such fans shall be kept running constantly while the impurities are being generated or released.

"4. The board shall make rules for and fix standards of ventilation, temperature and humidity in factories and shall prescribe the special means, if any, required for removing impurities or for reducing excessive heat, and the machinery, apparatus or appliances to be used for any of said purposes, and the construction, equipment, maintenance and operation thereof.

"5. If any requirement of this section or any rule adopted thereunder be not complied with, the commissioner shall issue an order directing compliance therewith within thirty days after the service thereof. He may in such order

require plans and specifications to be filed. In such case, before providing or making any change or alteration in any machinery or apparatus for any of the purposes specified in this section, the person upon whom such order is served shall file with the commissioner plans and specifications therefor and shall obtain his approval of the same."

Section 300. ***Size of Rooms; Air Space per Person.*** Requires minimum of 250 cubic feet of air space per person employed between 6 a. m. and 6 p. m.; and minimum of 400 cubic feet, between 6 p. m. and 6 a. m. Requires rooms to be lighted by electricity when persons are employed between 6 p. m. and 6 a. m.

Foundries

Labor Law, Section 310. ***Foundries.*** Requires foundries to conform to chapter relating to factories; construct and maintain entrances and windows so as to minimize drafts and gangways so as to be safe; remove smoke, steam or gases generated, and to perform milling and cleaning of castings and milling of cupola cinders in accordance with rules of the Board; prohibits use of heaters discharging smoke or gas in workrooms; requires first-aid kits to be provided and where 10 or more persons are employed, washrooms, lockers and adequate toilet facilities.

Bakeries and Manufacture of Food Products

Labor Law, Sections 330 to 339. Contain provisions for regulation and enforcement of sanitation requirements in bakeries and certain food processing factories. Industrial Commissioner enforces provision in all but cities of the first class, where health departments enforce. (Health Department must make rules and regulations applicable to cities of first class.)

Mercantile and Other Establishments

Sections 376 to 383. Contain sanitation regulations applicable to mercantile establishments and restaurants, including provisions for drinking water, water closets, washrooms and dressing rooms, location of lunchrooms, ventilation, temperature and humidity, and lighting, ventilation and sanitation requirements in basements where women and children under 16 are employed.

Industrial Homework

Labor Law, Section 351. ***Powers of the Industrial Commissioner and Exceptions.*** "The industrial commissioner shall, after proper study and consideration, determine within what industries conditions may permit of industrial homework . . . without unduly injuring the health and welfare of the industrial homeworker himself. The commissioner may then restrict the granting of permits and licenses . . . and may further issue rules and regulations designed to control and regulate industrial homework in the said permitted industries. In all other industries industrial homework is forbidden unless expressly permitted in writing by the industrial commissioner. . . ."

Section 355. ***Periodic Inspection.*** "1. The commissioner shall inspect every house in which industrial homework is permitted, and the materials issued to the industrial homeworker. . . . 3. If the commissioner finds that a house or any home in which industrial homework is being done is in an unsanitary condition, or that there is an infectious or communicable disease therein, he shall notify the commissioner of health, or the chief health officer of the district in which such house or home is situated."

Miscellaneous Provisions

Labor Law, Section 149. ***Physical Examination of Females.*** "Whenever an employer shall require a physical examination of a female by a physician

or a surgeon she shall be entitled to have the examination made by one of her sex or to have another female present if a male physician or surgeon makes the examination. The employer requiring the examination shall post a notice informing the party to be examined of her rights under this section."

Section 162. Requires allowance of varying amounts of time for meals in certain employment and on shifts.

Section 202. Requires safety devices and equipment to be provided for protection of window cleaners; requires employee to use, and employer to require the use of such equipment and safety devices.

Section 202–a. Requires safety belt, life-net, or other safety device for protection of aerial performers. Board of Standards and Appeals is authorized to make necessary supplementary rules designating approved safety devices. (1953 amendment permits variations upon approval of Board in certain cases.)

Section 203. Requires provision of washrooms, washing facilities and water closets for elevator operators in all places except factories.

Section 203–a. Requires seats for use of elevator operator when not operating elevator on all public passenger elevators, or allowance of 15-minute rest period every 3 hours.

Section 205. Prohibits eating meals in any working place where "lead, arsenic or other poisonous substances, or injurious or noxious fumes, dust or gases exist." Requires employer to provide suitable room for eating.

Section 207. Requires rubber mat on floor where switchboards are located for protection of persons operating or making tests.

Rules and Regulations

Adopted by Board of Standards and Appeals.

1. Industrial Code Bulletin No. 1. ***Rule Relating to Employment of Women in Canneries.*** Effective April 21, 1932.

Applies to women 18 years of age and over who are permitted to work in canning or preserving perishable products during summer seasons. Requires permits and prohibits the employment of women at work which requires continuous standing.

2. Industrial Code Bulletin No. 3. ***Rule Relating to Cannery Labor Camps.*** Revised and reissued by Department of Labor and Department of Health, effective May 15, 1953.

Code deals with construction of dwellings, provision of toilet facilities, water supply and maintenance of camps.

3. Industrial Code Rule No. 10. ***Rules Relating to the Equipment, Maintenance and Sanitation of Foundries and the Control of Dusts, Gases and Fumes in Foundries.*** Effective February 1, 1942.

Rules are known as *The Foundry Code,* and set forth comprehensive safety requirements concerning construction of foundries, furnace and furnace operation, equipment for handling of materials, inspection and maintenance of equipment, and use of protective clothing such as goggles, leggings and shoes. Employers are required to maintain at least a first-aid kit and personnel for first-aid work.

Requirements concerning dust, fume and gas control give maximum allowable concentrations for dust, lead, carbon monoxide and sulphur dioxide, and methods for their control. Plans for installation of operating and control equipment must be approved by the Industrial Commissioner and tested in accordance with specified methods for determining atmospheric concentrations of dusts, fumes and gases. Requirements are given for local exhaust ventilation, wet methods

of dust control, general ventilation, respiratory protective equipment, core-making operations in which women are employed, and sanitary conveniences including washrooms and facilities for drying employees' clothing. Standards and specifications are given for equipment.

4. Industrial Code Bulletin No. 12. ***Rules (as amended) Relating to the Removal of Dust, Gases and Fumes.*** Effective January 1, 1931.

Rules require the filing and approval of plans and specifications for exhaust systems and other control equipment with the Commissioner of Labor; set forth requirements for construction of such equipment; specify machines creating dust or fumes which shall be connected to exhaust systems, and the harmful substances which must be removed by suction devices; outline methods for control of exposure to lead dusts and fumes, and for exhausting dust created by woodworking machinery.

5. Industrial Code Bulletin No. 18. ***Rules Relating to Lighting of Factories and Mercantile Establishments.*** Effective May 1, 1922.

Rules set forth minimum foot-candles of intensity of illumination for specific types of factories and operations.

6. Industrial Code Rule No. 21. ***Rules Relating to Protection of Persons Employed at Window Cleaning.*** Effective April 1, 1944.

Rules cover installation and maintenance of anchors, safety belts, ladders and scaffolds.

7. Industrial Code Bulletin No. 22. ***Rules Relating to Working in Compressed Air (Tunnels and Caissons).*** Effective May 1, 1922.

Rules regulate working conditions in compressed air. Require the presence of a person who shall be responsible for full compliance of laws and rules relating to work in compressed air; prescribe pressure shifts and intervals of work, requirements for decompression, lighting, exhaust valves, fire prevention, sanitation facilities and ventilation of air chambers. Require employment of physician whose duty it shall be to examine persons before working in compressed air and after absences from work, to be in constant attendance when 50 or more men are employed or air pressure exceeds 17 pounds, and to maintain records of examinations; the maintenance of a medical lock; provision of identification badges to workers; and reporting of cases of compressed air illness to the Industrial Commissioner.

8. Supplement to Industrial Code Rule No. 23. ***Rules Relating to Exposure to Poisonous Fumes in Connection with Riveting, Cleaning and Cutting of Metal and the Protection of Workmen in Assembling Structural Members.*** Effective October 1, 1944.

Rules apply to hot riveting and cutting of steel coated with compounds containing lead, zinc, cadmium, copper, antimony, mercury or other compounds creating toxic fumes when heated. Require use of appropriate respiratory protective equipment.

9. Industrial Code Rule No. 25. ***Toxic Gases in Mines, Tunnels and Shafts.*** Effective March 1, 1940.

Rule applies to control of explosive fumes and gases underground.

10. Industrial Code Bulletin No. 27. ***Rules Relating to the Construction, Equipment, Maintenance and Operation of Laundries.*** Effective October 1, 1924.

In addition to safety rules concerning construction and equipment, rules require provision of at least a first-aid kit of which contents are enumerated, and set forth minimum intensity of illumination and requirements for sanitation facilities, comfort and ventilation. Specifications for ventilating systems are given.

11. Industrial Code Bulletin No. 28. ***Rules Relating to the Arrangement and Guarding of Sewing Machines, Machinery, Apparatus, Equipment, Furniture and Fixtures in Needle Trades.*** Effective October 1, 1924.

Rules include requirements for first-aid kit, intensity of illumination, and comfort and welfare of employees.

12. Industrial Code Bulletin No. 29. ***Rules Relating to Dry Dyeing Plants and Dry Cleaning Plants.*** Effective November 1, 1926.

Rules set forth requirements concerning safety of construction, apparatus and equipment used in operations, fire prevention, guarding of machinery, sanitation facilities and illumination and ventilation of wet dye houses. Require certificate of compliance to be issued by Commissioner, and first-aid kits.

13. Industrial Code Rule No. 31. ***Rules Relating to Underground Mining Operations.*** Effective March 1, 1949.

Rules apply to all underground mining operations. General rules deal with responsibilities of employers, inspections, dust control in drilling, blasting, mucking and crushing operations, protective clothing, ventilation, fire prevention, safeguarding machinery; detection of flammable gas, and related subjects. More comprehensive requirements are set forth for sanitation, lighting, ventilation, aid to the injured, exits and openings, explosives, combustible liquids, electrical equipment, hoisting, signal systems, haulage and handling equipment, drilling and timbering.

14. Industrial Code Rule No. 30. ***Rule Relating to Tunneling Operations.*** Effective June 1, 1952.

Rule applies to all operations under normal atmospheric pressure in connection with the excavation and construction of tunnels. Rules cover the subjects mentioned in Code Rule No. 31 relating to underground mining operations which are made applicable to tunneling operations.

15. Industrial Code Bulletin No. 32. ***Rules Relating to Spray Coating of Motor Vehicles.*** Effective January 1, 1934.

Rules require that spray coating operations be exhausted, and that plans and specifications for systems be filed with the Industrial Commissioner. Specifications are given for construction of spray booths, rooms and hoods for ducts, pipes and fans, and for equipment. Rules also concern maintenance and operations, use of respirators, storage of materials, and mixing of coating material.

16. Industrial Code Bulletin No. 33. ***Rules Relating to Control of Silica Dust in Rock Drilling.*** Effective May 1, 1937.

Rules apply to all rock drilling operations in silica-bearing rock; prohibit dissemination of injurious silica dust concentrations into the atmosphere; require that only dust control equipment and methods approved by the Commissioner be used; provide for inspections and tests by the Commissioner for the purpose of securing approval; specify type and conditions of drill operations, and operation of control equipment; and prescribe wet methods of dust control and wet drilling. "Injurious silica dust concentration" is set at 100 million particles per cubic foot of air for rock with free silicon dioxide less than 10 percent by weight, and 10 million particles per cubic foot of air when free silicon dioxide is 10 percent or more by weight or content is unpredictable or variable.

17. Industrial Code Rule No. 35. ***Rules Relating to the Control of Silica Dust in the Stone Cutting and Stone Finishing Industry.*** Effective September 1, 1941.

Rules apply to stone cutting operations in stone cutting plants and in connection with construction and alteration of buildings, monuments and other structures. Maximum allowable dust concentrations, according to class of stone as determined by content of free silicon dioxide, are given as 100 million, 10 million, and 5 mil-

lion particles per cubic foot of air. Rules concern determination of atmospheric dust concentration, and methods of dust control; plan examination of equipment by the Industrial Commissioner and tests for approval of installations; specifications for local exhaust ventilation systems; wet method of dust control; and respiratory protective equipment.

NOTE: Numerous other industrial code bulletins have been issued. Among these are codes relating to general construction and exits of buildings in which mercantile establishments are conducted (No. 26); steam boilers (No. 14); floor and stair surfaces, railings and toeboards (No. 16); automatic sprinkler systems (No. 23); erection, repair and demolition of buildings or structures (No. 23); bakeries and confectioneries (No. 4); fire escapes (No. 13); fire drills (No. 24); and manufacture, handling and storage of military pyrotechnics (No. 37).

Employment of Women and Minors

Among pertinent provisions are the following:

Labor Law, Section 130. Prohibits employment of children under 16 in certain establishments; requires permit for employment of children between 14 and 16 in other trades, businesses or services.

Section 133. Regulates employment of children 14 to 18 years of age under physical disability.

Section 145. Authorizes medical inspector of Department of Labor to require any child between 16 and 18 years of age employed in a factory or mercantile establishment to submit to a physical examination. Failure to submit to examination, or a finding of physical unfitness for the employment, results in recommendation to Superintendent of Schools for revocation of permit or certificate.

Section 146. Prohibits and/or restricts employment of children under 16 and under 18 in specific operations and occupations; of females under 16 where work compels constant standing; of minors under 16 in mines and quarries; of males under 18 and females under 21 in cleaning machinery while in motion; or minors under 18, in using any abrasive, or emery polishing or buffing wheel where articles of the baser metals or iridium are manufactured, permitting, however, employment of females over 21 in such places where wet grinding under conditions specified by Board of Standards and Appeals is used; of females under 21 as conductor or guard on any street, surface, electric, subway or elevated railroad, and as messenger or deliverer of goods; and provides that the Board of Standards and Appeals may prohibit or regulate employment of minors under 18 in any other trade, process, occupation or method when found on investigation to be dangerous, or injurious to their health.

Section 147. Regulates employment of females in foundries engaged in core-making. Authorizes Board to adopt rules and regulations relating to the construction, equipment, maintenance and operation of core rooms, and the size and weight of cores that may be handled by women. Requires "a partition separating the oven from the space where cores are made, to be so constructed that gases and fumes will not enter the space where women are employed."

Section 148. Prohibits employment of females within 4 weeks after childbirth in any factory or mercantile establishment.

Section 150. Requires provision of seats for female employees "in every factory, mercantile establishment, freight or passenger elevator, hotel or restaurant."

Sections 170 to 173a. Regulate hours and days of employment of children under 18 and females over 18 in certain canneries.

Section 228. Prohibits employment of children under 18 in penal, correctional, or mental institutions in work relating to custody or care of prisoners or inmates. (Not applicable to student nurses receiving supervised training.)

Mines, Tunnels and Quarries

Labor Law, Sections 400 to 404. Deal briefly with blasting, storing of inflammable supplies, provision of properly heated and equipped washrooms, ingress and egress in mines and tunnels, and maintenance of an air current sufficient to remove smoke and noxious gases. Penalty for violation.

Compressed Air

Sections 425 to 431. Regulate working conditions in compressed air; specify equipment and conditions for safety of workers, require that employers keep at place of work one or more qualified medical officers to care for cases of illness, to make required physical examinations of new employees, of employees after absence for 10 days or more, and of employees working in compressed air for 3 months; and specify shifts and intervals of work and decompression. Penalty for violation.

Penal Law, Section 1270. Prescribes penalty for violation of article 15 of Labor Law on mines, tunnels, quarries and compressed air. (See also under *Rules and Regulations.*)

Reporting of Occupational Diseases

Labor Law, Section 206. ***Physicians' Reports of Industrial Poisonings.*** "Every physician attending any person whom he believes to be suffering from poisoning by lead, phosphorus, arsenic, brass, wood alcohol, mercury or other compounds, or from anthrax, or compressed air illness, contracted as the result of the nature of such persons' employment, shall send to the commissioner a report stating. . ."

Industrial Code Bulletin No. 22 entitled *Rules Relating to Work in Compressed Air (Tunnels and Caissons)* requires the reporting of cases of compressed air illness to the Industrial Commissioner. See page 197.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Workmen's Compensation Board. (Book 64, McKinney's Consolidated Laws of New York Annotated)

Occupational Disease Compensation

Workmen's Compensation Law, Sections 37 to 48. ***Occupational Diseases.*** Full coverage. Occupational disease is treated as the happening of an accident within the meaning of the chapter.

Reporting of Injuries

Section 110. Requires employers to keep a record of all injuries, fatal or otherwise, and to report all occurrences causing loss of time from regular duties beyond the working day or shift, or requiring medical treatment beyond ordinary first aid, to the Workmen's Compensation Board. "An employer shall furnish a report of any other accident resulting in an injury received by an employee in the course of his employment or an occupational disease incurred . . . whenever directed by the chairman." Employers may report, with approval of the chairman, upon a single form, monthly, all injuries resulting in no loss of time or in not more than 3 days if evidence indicates further treatment is not required.

Vocational Rehabilitation [1]

Education Law, Section 1005. *Duty of the Workmen's Compensation Board.* "The workmen's compensation board shall: 1. Communicate to the department [Education] all reports made to it of cases of injuries by employees which may result in rendering the person . . . in need of rehabilitation. 2. Cooperate with the department in carrying out the provisions of this article."

PUBLIC SERVICE COMMISSION

Railroad Law contains regulations for safety of employees on railroads. Requirements include automatic couplers on freight cars (Section 80); safety equipment for engines, vestibule cab, coal jimmies and caboose cars (Sections 77 and 78); and enclosure of front and rear platform cars on street surface railroads (Sections 194 and 197). Penalty for violation.

Public Service Law, Section 50. Authorizes the Commission to order repairs or changes in equipment or devices used by common carriers, railroad or street railroad corporations to promote the security or convenience of the public and employees or "to overcome or to minimize except by change of motive power nuisances of smoke, soot, or cinders, arising from the operation outside the corporate limits of a city of such common carrier or railroad corporation."

Penal Law, Section 1988. Prescribes penalty for violations of the railroad law requiring guard-rails and automatic couplers.

EDUCATION DEPARTMENT [2]

Vocational Rehabilitation

Education Law, Section 1009. Duties with respect to vocational rehabilitation are outlined. The Department is required to register and keep a record of every person and measures taken for his rehabilitation, proffer counsel regarding training and initiate plans for beginning rehabilitation and aid in securing suitable employment. It is authorized to make surveys with the cooperation of the Workmen's Compensation Board and the Department of Health concerning number and condition of handicapped persons, and to cooperate with State and local authorities in the operation of the provisions of the Article.

AIR POLLUTION

Laws 1952, Chapter 454. Authorizes and empowers the Interstate Sanitation Commission to make a comprehensive study of smoke and air pollution in the areas of New York and New Jersey, and of the problems caused thereby; a study of the sources and extent of such pollution, property damage caused thereby, its effect upon public health and comfort, and relevant meteorological, climatological, and topographical factors; and a study and evaluation of existing laws relating to smoke and air pollution, and drafts of proposed legislation to carry out recommendations. The appropriation of $30,000 for the study and act to be effective when New Jersey makes available a similar appropriation.

MISCELLANEOUS

Section 222–a. *Prevention of Dust Hazard in Public Works.* "In the construction of public works by the state or a . . . corporation . . . or a com-

[1] See also under Education Department.
[2] Additional reference above (Section 1005).

mission appointed pursuant to law wherein a harmful dust hazard is created for which appliances or methods for the elimination of harmful dust have been approved by the board of standards and appeals, a provision shall be inserted in each contract . . . requiring the installation, maintenance and effective operation of such appliances and methods, and a further provision . . . that if this section is not complied with, the contract shall be void . . . the department, board or officer . . . having jurisdiction over the construction of such work shall provide for the effective use of such approved appliances or methods in connection therewith. . . ." (Enforced by any officer, department or commission in charge of construction of such public works.)

Penal Law, Section 1276. ***Negligently Furnishing Insecure Scaffolding.*** Makes persons employing labor using unsafe or unsuitable scaffolding, ladders and similar equipment, guilty of a misdemeanor.

NORTH CAROLINA

SOURCES: General Statutes of North Carolina
1953 Session Laws
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions [1]

General Statutes of North Carolina, Section 130–3. ***Duties of Board.*** "The Board of Health shall take cognizance of the health interests of the people of the State; shall make sanitary investigations and inquiries . . . shall investigate the causes of diseases dangerous to the public health . . . the effect of location, employments, and conditions upon the public health . . . and shall direct the attention of the State to such sanitary matters as in their judgment affect the industries, prosperity, health, and lives of the people of the State. . . ."

Industrial Hygiene Division

1953 Session Laws, Chapter 1165, Section 15. "Whereas the appropriations heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health-Industrial Hygiene Division are enacted:

"That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission and that the Board of Health shall file with the Industrial Commission sufficient reports to enable it to carry out the provisions of the occupational disease law. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found expedient and necessary."

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[1] Additional references on pages 204–205 (Rules and Regulations).

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

General Statutes of North Carolina, Section 95–4. ***Authority, powers and duties of commissioner.*** ". . . the said commissioner shall have authority and be charged with the duty . . . (d) To secure the enforcement of all laws relating to the inspection of factories, mercantile establishments, mills, workshops, public eating places, and commercial institutions in the State . . . (e) To visit and inspect . . . at reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops . . . (f) To enforce the provisions of this section and to prosecute all violations of laws relating to the inspection of factories . . . before any justice of the peace or court of competent jurisdiction. . . ."

Section 95–10. ***Division of Workmen's Compensation.*** "The North Carolina Industrial Commission created under the provisions of the Workmen's Compensation Act, Paragraph 97–1 et seq., is hereby transferred to the Department of Labor as one of its integral units. The powers, duties, and personnel of said Industrial Commission shall continue as provided for in the Workmen's Compensation Act. . . ."

NOTE: See under State Board of Health, page 202, for responsibility of Industrial Commission and the State Board of Health for occupational disease prevention.

Section 95–11. ***Division of Standards and Inspection.*** "(a) . . . It shall be his (Director of the Division) duty . . . to make or cause to be made all necessary inspections to see that all laws, rules, and regulations concerning the safety and well-being of labor are promptly and effectively carried out. (b) The Division shall make studies and investigations of special problems connected with the labor of women and children . . . and perform all duties . . . with relation to enforcement of laws, rules, and regulations governing the employment of women and children . . . (f) The Division shall make, promulgate and enforce rules and regulations for the protection of employees from accident and from occupational disease. . ."

Section 97–76. ***Inspections of employments for hazards of asbestosis and silicosis.*** "The Industrial Commission shall make inspections of employments for the purpose of ascertaining whether such employments, or any of them, are subject to the hazards of asbestosis and/or silicosis, and for the purpose of making studies and recommendations with a view to reducing and/or eliminating such hazards. The Industrial Commission, and/or any person selected by it, is authorized to enter upon the premises of employers where employments covered by this article are being carried on to make examinations and studies as aforesaid. . . ."

Section 97–81. . . . ***Safety provisions; accident reports; studies and investigations.*** . . . ". . . (c) The commission shall make studies and investigations with respect to safety provisions and causes of injuries in employ-

ments covered by this Article and shall from time to time make to the General Assembly and to employers and carriers such recommendations . . . as to the best means of preventing such injuries.

"(d) In making such studies and investigations the commission is authorized (1) to co-operate with any agency of the United States . . . or with any State agency engaged in enforcing any laws to assure safety for employees, and (2) to permit such agency to have access to the records of the commission. In carrying out the provisions of this Section the commission or any officer . . . is authorized to enter . . . any building, where an employment covered by this Article is being carried on and to examine any tool, appliance, or machinery used in such employment."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 95–30. ***Medical chests in factories; failure to provide, a misdemeanor.*** Requires employers employing over 25 laborers, and using machinery for manufacturing purposes to keep and maintain free of expense to employees a medical chest containing specified items for treatment of ill or injured. Penalty for violation.

Sections 95–48 to 95–53. ***Separate toilets for sexes and races.*** Require all persons and corporations employing more than 2 males and females in towns with populations of 1,000 or more to provide and maintain separate toilet facilities for each sex and race; prescribe penalty for violations; empower police officers in towns and cities to investigate and prosecute in local courts, and county sheriff to have jurisdiction of establishments located outside of any town or city; and empower the Department of Labor to investigate all places employing males and females and to make rules and regulations for enforcement.

Section 14–357.1. Prohibits employer from requiring applicants for employment to pay cost of any medical examination he may require.

Rules and Regulations

Approved by Governor of North Carolina and Commissioner of Labor.

1. ***Rules and Regulations Governing Work Places and Working Conditions.*** Effective December 1, 1934.

Rules specify contents for first-aid supplies, and requirements for first-aid work; prescribe temperatures deemed adequate for certain occupations and lighting requirements in terms of foot-candles; set forth safety requirements for escapeways, stairways, platforms, elevators and ladders; set forth requirements for number, type, construction and maintenance of toilet and washing facilities; require adequate exhaust systems for removal of dust, gases and fumes; prescribe safety specifications for floor openings, aisles, floor trucks, railings, abrasive wheels, power transmission, and power-driven machinery; and give requirements for cleanliness and maintenance of buildings and workrooms, and for air conditioning, humidity and air space including limits for relative humidity.

2. ***Rules and Regulations Governing Dry Cleaning and Dry Dyeing Establishments.*** Effective June 1939.

Rules applicable to new plants contain safety requirements for cleaning room construction and setup, boiler room construction, and machinery and equipment; and general requirements covering ventilation, dry cleaning operations, safeguarding machinery, approval of machinery or equipment prior to installation by the Department of Labor, and conditions under which carbon tetrachloride or other noninflammable solvents may be used. Rules applicable to

existing plants cover subjects similar to those for new plants, with varying requirements as indicated.

3. ***Rules and Regulations Governing Pits and Quarries.*** Effective October 1, 1942.

Rules cover briefly safety requirements for means of access, quarry walls, haulage and hoisting, pressure tanks, and protective clothing and equipment; require use of control measures where harmful dust conditions exist exceeding the threshold concentration as defined by the Commissioner of Labor or State Board of Health or of conditions confirmed by technical studies of either of these agencies to be detrimental to health of workers; set forth requirements for electrical installations and fixtures; prescribe contents for first-aid cabinets; and give safety requirements for transportation, handling, storage, and use of explosives. General safety recommendations deal with means of access, haulage and hoisting, handling explosives, sanitation, equipment, and operations.

4. ***Rules and Regulations Governing Mining Industry.*** Effective October 1, 1942.

Rules deal with safe means of access and outlets, pillaring, hoisting and haulage, and electrical installations; safeguarding moving parts of machinery; use of protective clothing and equipment; requirements for ventilation; requirements for controlling excessive dust conditions exceeding safe limits as defined and determined by the Commissioner of Labor or the State Board of Health; contents of first-aid cabinets; safety in transportation, handling, storage and use of explosives; and recommendations for general safety of workplaces and operations.

5. ***Rules and Regulations Governing the Construction Industry.*** Effective July 1, 1948.

Rules apply to trenching, excavation, demolition, building and construction work and contain safety requirements for employers and employees, workplaces, equipment and operations.

NOTE: Among other rules and regulations approved is the Safety Code for Elevators, Dumb-Waiters and Escalators.

Employment of Women and Minors

Among pertinent provisions are the following:

General Statutes of North Carolina, Section 110–3. Requires 30-minute lunch interval after 5 hours of continuous work for minors under 16.

Section 110–6. Prohibits employment of minors under 16 in certain hazardous occupations and places of employment.

Section 110–7. Prohibits employment of minors under 18 in certain specific places including processes using quartz, lead, and benzol, spray painting and handling unsterilized hides and hair, and in any place or occupation "hazardous or injurious to the life, health, safety or welfare of such minor; and of girls under 18 in messenger or delivery work." Empowers the State Department of Labor to issue orders prohibiting employment of minors at such occupations.

Section 110–20. Prescribes penalties for violation of child labor regulations.

Section 95–27. Regulates hours of employment of female clerks, salesladies, waitresses or those employed in other service capacities, requiring rest period after 6 hours' continuous work. Penalty for violation.

Section 95–29. Requires all employers of females to provide seats for female employees, and to permit the use of such seats when work allows it. Commissioner of Labor is empowered to enter and inspect all establishments coming under the provision and make necessary rules and regulations to enforce. Penalty for violation.

Mines and Mining

Sections 74–1 to 74–36. Contain laws relative to safe working conditions in mines and quarries. Among the subjects covered are: means of ingress and egress; provision of sufficient ventilation so as to render harmless and expel the poisonous and noxious gases from every working place in the mine; daily inspections with safety lamps; investigation and reporting of accidents; duties of Division of Standards and Inspection with respect to mine examinations and investigations of fatal accidents; and water and drainage rights. Minors under 16 years of age are not allowed to be employed. Penalty for violation.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Industrial Commission, Division of Workmen's Compensation. (Chapter 97)

Occupational Disease Compensation

Section 97–52. Disablement or death from an occupational disease described in section 97–53 shall be treated as the happening of an injury by accident. Schedule coverage. Twenty-six categories are listed.

Reporting of Injuries

Section 97–92. Requires every employer to keep a record of all injuries, fatal or otherwise, received by his employees, and within 5 days after occurrence and knowledge thereof, to report injuries requiring absence from work for more than one day to the Industrial Commission. Penalty for failure to report.

Regulation No. 9 of the Industrial Commission specifically states that occupational diseases are reportable.

Examination of Employees in Dusty Trades

Section 97–60. ***Examination of employees by advisory medical committee; designation of industries with dust hazards.*** "The compulsory examination of employees and prospective employees as herein provided applies only to persons engaged or about to be engaged in an occupation which has been found by the Industrial Commission to expose them to the hazards of asbestosis and/or silicosis. On and after March 26, 1935, it shall be the duty of every employer . . . to provide prior to employment necessary examinations of all new employees for the purpose of ascertaining if any of them are in any degree affected by asbestosis and/or silicosis or peculiarly susceptible thereto; and every employer shall from time to time, as ordered by the Industrial Commission, provide similar examinations for all of his employees whose employment exposes them to the hazards of asbestosis and/or silicosis."

Vocational Rehabilitation

Section 97–61. Authorizes the Industrial Commission to remove from dusty employment and to train and rehabilitate workers affected with silicosis or asbestosis, although not actually disabled, under the specified conditions.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 115–249 to 115–253. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board of Education is empowered to cooperate with the Federal Board in the administration of the Act; to admin-

ister the expenditure of funds for this purpose; to formulate plans for promotion of vocational rehabilitation; to make related studies and investigations; to promote and aid in the establishment of training schools and courses; to cooperate with the State Board of Health in arranging for reports of persons rendered disabled by disease or injury, and in carrying out the provisions of these sections.

DEPARTMENT OF AGRICULTURE

Chapter 106. The Department of Agriculture has jurisdiction over foods and drugs, and creameries, dairies, ice cream plants and cheese factories. Laws are aimed at purity of the product and public safety. Sanitary regulations cover cleanliness of premises and sanitary practices of employees.

UTILITIES COMMISSION

Chapter 62. The Utilities Commission has regulatory supervision over railroads, other common carriers, and other public utilities.

Section 60–54. Requires railroads to erect and maintain suitable buildings or sheds at points where repair and construction work on trains is regularly done for protection of employees from snow, rain, sun, sleet and other inclement weather. Utilities Commission has power to direct points for such construction sheds, after hearing. Penalty for violation.

Section 60–56. Regulates hours of continuous duty of motor carrier employees, requiring a rest period of 10 consecutive hours after 16 hours of continuous duty.

Section 60–141. Requires all street passenger railway companies to use vestibule fronts during certain months for protection of employees. Penalty for violation.

Section 62–74. Utilities Commission is empowered to direct additions, extensions, repairs or improvements to, or changes in the existing plant, equipment, apparatus, facilities, or other physical property of any public utility, in order to promote the security, convenience, or safety of its passengers, employees and the public.

NORTH DAKOTA

SOURCES: North Dakota Revised Code of 1943, 1947 and 1949 Supplements
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

North Dakota Revised Code of 1943, 1949 Supplement, Section 23–0101. ***State Department of Health; Officers.*** "The state department of health shall consist of a health council, a state health officer, directors of divisions and other employees of the department."

Section 23–0103. ***Powers and Duties of the Health Council.*** "The Health Council shall . . . 3. Establish standards, rules and regulations which are found necessary for the maintenance of public health, including sanitation and disease control. . .

"The council may direct the state health officer to do or cause to be done, any or all the things which may be required in the proper performance of the various duties placed upon the state department of health."

Section 23–0104. *Effect of Rules and Regulations.* "All rules and regulations promulgated by the health council . . . shall have the force and effect of law."

Section 23–0105. *Health Officer; Qualification; Salary; Term; Duties.* ". . . The duties of the state health officer shall be as follows: 1. Enforce all rules and regulations as promulgated by the health council . . . 4. Study health problems and plan for their solution as may be necessary. . ."

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

DEPARTMENT OF AGRICULTURE AND LABOR

Authority and Functions

North Dakota Revised Code of 1943, Section 34–0502. *Labor Division Administrative Officer, General Duties.* "A labor division shall be maintained within the department of agriculture and labor for the administration and enforcement, under the direction of the commissioner of agriculture and labor, of all labor laws, rules, and regulations. . . ."

Section 34–0602. *Power to Investigate Conditions of Labor and Wages and Hours of Women and Minors.* "The commissioner shall have the power to:

"1. Investigate and ascertain the wages and hours and conditions of labor of women and minors in the different occupations in which they are employed within this state. . ."

Section 34–0603. *Commissioner May Adopt Standards.* "The Commissioner, in the manner prescribed in this Chapter, may ascertain and declare:

"1. Standards of hours of employment for women or minors and what are unreasonably long hours for women or for minors in any occupation within this state;

"2. Standards of conditions of labor for women or minors in any occupation within this state and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals. . . ."

Section 34–0720. *Commissioner May Issue Orders with Reference to Employment of Minors.* ". . . and may prohibit the employment of minors in any employment . . . which is dangerous or prejudicial to the life, health, safety, or welfare of such minors. . . ."

Section 4–1704. Empowers the Dairy Commissioner to inspect dairies and similar premises for compliance with sanitary requirements.

General Provisions Relating to Occupational Health and Safety

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 34–0605. Prohibits employment of women and minors under 18 for unreasonably long hours, or under surroundings or conditions, sanitary or other-

wise, which may be detrimental to their health or morals, or of women, at wages inadequate to maintain them in good health. Penalty for violation.

Section 34–0701. Prohibits employment of minors under 14 in any factory, workshop, mercantile establishment and in any of the other specified places.

Section 34–0702. Prohibits employment of minors between 14 and 16 in factories, workshops and mercantile establishments without certificate of employment.

Section 34–0715. Regulates hours of employment of minors under 16, hours between which they may work, and requires posting notices of times for meals.

Section 34–0716. Prohibits employment of minors under 16 in listed occupations and employments such as in use of power-driven machinery, construction work, logging, manufacture of explosives, and mine or quarry, and any other that may be considered dangerous to life or limb or injurious to health; and of females under 16 in any capacity which require them to remain constantly standing.

Section 34–0718. ***Inspection of Factories and Establishments by Peace Officers; Report; Complaints.*** "Peace officers may visit mines, factories, workshops, and mercantile establishments within their several jurisdictions to ascertain whether any minors are employed therein contrary to the provisions of this chapter. The peace officers shall report all cases of illegal employment to the commissioner of agriculture and labor . . ."

WORKMEN'S COMPENSATION BUREAU

Authority and Functions

Section 65–0301. ***Jurisdiction of Bureau; Safety Regulations; Enforcement.*** "The bureau shall have full power and jurisdiction over, and the supervision of, every employment and place of employment subject to the provisions of this title, and whenever necessary adequately to enforce and administer this title, shall issue and enforce all necessary and proper rules and safety regulations. The Bureau may designate some suitable person to make inspections to determine if safety rules and regulations are being followed or complied with."

North Dakota Revised Code of 1943, 1947 Suppl., Section 65–1101. ***Appointment; Term of Office.*** "The commissioners of the North Dakota workmen's compensation bureau shall appoint a state safety engineer. . . ."

Section 65–1104. ***Safety Engineer; Powers and Duties Relating to Accident Prevention.*** "The safety engineer shall: 1. Study a plant for industrial hazards and designs, means for preventing accidents or reducing their frequency; 2. Upon request examine plans and specifications for new machinery and equipment to ascertain if all safety precautions have been included . . . 4. Inspect machinery to determine places where danger of injury exists; 5. Study each accident to overcome its cause; 6. Educate workers to dangers existing in plants through a safety first campaign; 7. Initiate community accident prevention programs and cooperate and assist established programs of accident prevention; 8. Conduct research and develop safety engineering techniques and practices to eliminate the causes of accidents to employees covered by this Act (chapter); 9. Evaluate the effectiveness of safety programs and develop and recommend the cooperative measures indicated; 10. Makes studies and recommendations on special safety problems as they arise . . . 13. Provide accident prevention information and safety consultation."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by Workmen's Compensation Bureau.

North Dakota Basic Safety Manual. Adopted August 22, 1952.

Rules contain safety regulations and requirements concerning use of personal protective equipment; provision of first aid supplies and services by employees; ventilation so as to minimize the hazard from dust, gases, paint vapors and other impurities, with special reference to prevention of accumulation of carbon monoxide in garages and other places, enclosure of spray painting operations, and use of carbon tetrachloride; housekeeping practices; use of hand tools; precautions in places where atmosphere is unsafe because of gas; handling and storing materials; electrical hazards; specifications for safety in construction work; and safeguarding machinery and mechanical contrivances.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Workmen's Compensation Bureau. (North Dakota Revised Code of 1943, Chapter 65)

Occupational Disease Compensation

Section 65–0102. "Injury" is defined to include a disease under the conditions specified. Full coverage.

Reporting of Injuries

Section 65–0107. Requires every employer to keep a record of all injuries, fatal or otherwise, received by his employees in course of their employment and report all accidents resulting in injury within one week to Workmen's Compensation Bureau. Penalty for violation.

Vocational Rehabilitation [1]

Section 65–0214. Authorizes the Bureau to cooperate with the federal government or other agency charged with vocational rehabilitation in rehabilitating persons injured in industry.

STATE COAL MINE INSPECTOR

Chapter 38. Contains laws relating to mining and gas and oil production. Among the subjects covered are: appointment of State Coal Mine Inspector and his duties with respect to examinations of strip mines, gravel pits, stone quarries, and clay pits for conditions of such mine workings, ventilation, suggesting provisions for the health and safety of workers, and observance of compliance with laws; routine inspections of coal mines; licensing coal mines; and functions of the Board of Examiners with respect to certification of mine foremen.

Laws dealing with health and safety in mines include: duties and qualifications of mine foremen and of miners; requirements for safety of shafts, cages, general equipment, means of egress and passageways; requirements for ventilation and maintenance of air currents; handling and storage of explosives; safe-

[1] See page 211 (State Board of Higher Education).

guards required of machine operators; haulageways and hoisting; provision of adequate washhouses in mines employing 5 or more men; and maintenance of first-aid supplies and equipment.

NOTE: The State Mine Inspector has issued a *Safety Code for Strip Bituminous Coal and Lignite Mines of North Dakota.* March 1953.

Code prescribes basic measures necessary to provide reasonable occupational health and safety for all employees, covering surface structures, stripping and drilling overburden, explosives and blasting, haulage, electricity, safeguards for mechanical equipment, miscellaneous hazards and general safety conditions.

STATE BOARD OF HIGHER EDUCATION

Vocational Rehabilitation

Sections 15–2001 to 15–2010. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board of Higher Education is authorized to cooperate with the federal government in the administration of the Act and to administer all funds provided for this purpose; cooperate with the North Dakota Workmen's Compensation Bureau in the rehabilitation of persons disabled in industry; formulate plans for the promotion of training of disabled persons; make related studies and investigations; and promote and aid in the establishment of training schools and classes in cooperation with local agencies and schools.

STATE LABORATORIES DEPARTMENT

The State Laboratories Department has jurisdiction over foods, drugs, oil and compounds.

Sections 19–0218 to 19–0223. Contain sanitary requirements for food establishments including the provision of adequate ventilation, lighting, toilet and washing facilities for convenience, health and safety of employees and patrons, subject to approval by the Department; prohibit persons affected with contagious disease to be employed in such place; and require that premises and utensils be kept in a clean condition.

PUBLIC SERVICE COMMISSION

The Public Service Commission has jurisdiction over public utilities, railroads and other common carriers. Its powers include regulation of safe practices and methods of manufacture and distribution.

Section 49–1306. Prohibits maintenance or erection of structures over tracks at a height of less than 21 feet, unless after investigation by Public Service Commission, permission is granted for variance which will not create an unduly hazardous condition for employees of railroad.

Section 49–1307. Contains requirements for construction of caboose cars, and requires them to be equipped with proper guard-rails and with grab-irons and steps for safety in boarding.

Section 49–1316. Requires suitable buildings or shelters over tracks at stations or points where construction or repairs to railroad equipment is done "to provide and insure shelter and protection from rain, snow, or inclement weather to all of the men and women employed in such work." Penalty for violation.

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Section 49–1318. Limits hours of continuous duty of employees on freight or passenger trains, and requires at least 8 hours' rest after such duty. Penalty for violation.

1953 New Laws, House Bill No. 597. Requires railroads running within or through the State to equip each track motor car with a windshield and windshield wiper; and after January 1, 1954, upon request of section foreman, to equip them with a canopy or top to protect from sun, rain, and inclement weather. Penalty for violation.

NUISANCE CONTROL

North Dakota Revised Code of 1943, Section 42–0101. "A nuisance consists in unlawfully doing an act or omitting to perform a duty, which act or omission: 1. annoys, injures, or endangers the comfort, repose, health, or safety of others . . ." Abatement by any public body or officer authorized by law.

OHIO

SOURCES: Page's Ohio General Code Annotated
Constitution of Ohio
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Page's Ohio General Code Annotated, Section 1235. *Powers and duties.* "It shall be the duty of the public health council and it shall have the power: (a) To make and amend sanitary regulations to be of general application throughout the state. Such sanitary regulations shall be known as the sanitary code . . . (d) To prescribe by regulations the number and functions of divisions and bureaus and the qualifications of chiefs of divisions and bureaus within the state department of health . . . (f) To consider any matter relating to the preservation and improvement of the public health and to advise the state director of health thereon with such recommendations as it may deem wise. . . ." [2]

Section 1236–3. *Right of entry to investigate violations.* "The commissioner of health and any person authorized by him so to do may . . . enter, examine and survey all grounds . . . buildings and places within the state in furtherance of any duty laid upon the state department of health or where he has reason to believe there exists a violation of any health law of this state or of any provision of the sanitary code."

Section 1237. *General powers and duties.* "The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people and have supreme authority in matters of quarantine. . . "

Section 1238. *Enforcement of rules and regulations.* "Local boards of health . . . and other officers and employees of the state or any county, city or

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[1] Additional references on pages 219 (Section 6330–3), 220 (Section 6330–7), 221 (Sections 13003 and 13007–4).

[2] Supplement to Section 1235. "The public health council of the State department of health has authority, pursuant to G. C. Sec. 1232 et seq. to adopt regulations establishing maximum allowable concentrations for substances used in industry which are dangerous to public health: 1945 A. G. Opus. No. 609."

township, shall enforce the quarantine and sanitary rules and regulations adopted by the state board of health."

Section 1239. ***Special duties of the board.*** "The state board of health shall make careful inquiry as to the cause of disease . . . and take prompt action to control and suppress it . . . the sanitary conditions and effects of localities and employments, the personal and business habits of the people and the relations of the diseases of man and beast, shall be subjects of careful study by the board . . . . When called upon by the state or local governments, or municipal or township boards of health, it shall promptly investigate and report upon the water supply, sewerage, disposal of excreta of any locality and the heating, plumbing and ventilation of a public building."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by the Ohio Public Health Council.

1. ***Regulations for the Prevention and Control of Diseases Resulting from Exposure to Toxic Fumes, Vapors, Mists, Gases and Dusts in Order to Preserve and Protect the Public Health.*** Effective January 1, 1946.

Regulation 244. *Application of Regulations.* Regulations apply to every place of employment and particularly to those where work or process is carried on generating or producing dusts, mists, fumes, vapors, gases which may constitute harmful exposure.

Regulation 245. *Modifications.* Permits modifications of requirements when protection practically equilvalent to that required by these regulations has been provided.

Regulation 246. *Definitions.*

Regulation 247. *Harmful Exposure.* Prohibits employer from using or permitting to be used in the conduct of his business, any process, material or condition known to have an adverse effect on health, unless reasonable provisions have been made to protect the health of employees. Maximum allowable concentrations for toxic substances are listed.

Regulation 248. *General Ventilation.* Requires the capacity of the ventilating system to be sufficient to provide for the elimination of harmful exposures to a degree specified under Regulation 247.

Regulation 249. *Local Exhaust Ventilation.* Requires local exhaust ventilation to be used on hazardous processes and operations, when practicable, and to be so constructed, designed and maintained as to prevent dispersion of air contaminants in harmful quantities.

Regulation 250. *Dust allaying media.* Whenever provisions of Regulation 249 are not practicable, requires use of dust allaying media to prevent harmful exposure.

Regulation 251. *Personal Protective Equipment.* Deals with requirements for using and maintaining respiratory equipment including positive pressure equipment.

Regulation 252. *Isolation of Hazardous Operations.* Requires, whenever practicable, isolation of hazardous operations.

Regulation 253. *Sanitation and cleanliness.* Requires good housekeeping practices and cleaning to be done at times as will cause minimum hazard to workers and cleaners.

Regulation 254. *Warning of Health Hazards.* Requires calling attention of all employees to hazards, and periodic instruction regarding preventive and protective measures.

Regulation 255. Prescribes penalty for violation.

2. ***Use of Mercurial Carrot in Hatters' Fur.*** Effective December 1, 1941.

Regulations 241 and 242. Regulations prohibit use of mercurial carrot in the preparation of hatters' fur, or of mercurial carrotted hatters' fur in the manufacturing of hats.

Reporting of Occupational Diseases

Page's Ohio General Code Annotated, Section 1243–1. ***Occupational diseases; report of by physician to commissioner of health.*** "Every physician in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury or their compounds, or from anthrax or from compressed air illness and such other occupational diseases and ailments as the state department of health shall require to be reported, shall within forty-eight hours from the time of first attending such patient send to the state commissioner of health a report stating. . ."

Section 1243–3. ***Such reports not evidence.*** "Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported."

Section 1243–4. ***Transmittal of copy to inspection official.*** "It shall furthermore be the duty of the state department of health to transmit a copy of all such reports of occupational disease to the proper official having charge of factory inspection."

Section 6330–7. Requires physicians to report lead poisoning to the State Board of Health and the factory inspection department. See page 220.

INDUSTRIAL COMMISSION OF OHIO

Authority and Functions

The Constitution of Ohio, Article II, Section 35. "For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund. . . . Such board shall set aside as a separate fund such proportion of the contributions paid by employers . . . to be expended by such board in such manner as may be provided by law for the investigation and prevention of industrial accidents and diseases. . . ."

Page's Ohio General Code Annotated, Section 871–20. ***Commissioner or deputy may enter any place to collect facts and statistics and examine provisions for health and safety.*** "Any commissioner or deputy of the commission may enter any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, safety, and welfare of the employes therein, and bring to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner or deputy of the commission to his place of employment."

Section 871–21. ***Commission has supervision of every employment and place of employment in this state.*** "The industrial commission of Ohio is vested with the power and jurisdiction . . . to have such supervision of every employment and place of employment and of every other building and estab-

lishment in this state as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment or building or establishment, to be safe, and requiring the protection of the life, health, safety and welfare of every employe in such employment or place of employment . . . including the power to regulate the hours of labor of employes in such employments and places of employment, with regard to the health and welfare of such employes to such extent as the nature of the employment will reasonably permit. . . ."

Section 871–22. ***Powers and duties of Commission.*** ". . .

Enforcement of laws relative to the protection of life, health and safety. (2) . . . to administer and enforce the general laws of this state relating to mines, manufacturing, mechanical, electrical, art and laundering establishments, child labor, employment of minors, explosives, printing, telegraph and telephone offices . . . bakeries . . . stores . . . manufacturers of cigars, sweat shops, fire escapes, and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, employment of females, hours of labor, licensed occupations and school attendance, and all other laws protecting the life, health, safety and welfare of employes in employment and places of employment, frequenters of places of employment or relating to the health and safety of persons occupying or assembled in the structures named above. . . ." (According to section 154–45 the powers enumerated in this section were delegated to the Department of Industrial Relations. See page 217.)

"Prescribe hours of labor, safety devices and safeguards. (3) To investigate, ascertain . . . to declare and prescribe what hours of labor, safety devices, safeguards, or other means or methods of protection are best adapted to render the employes of every employment and place of employment and frequenters of every place of employment, safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of life, health, safety and welfare of employes.

"Fix Standards and Enforce Orders. (4) To ascertain and . . . to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employes in employments and places of employment or frequenters of places of employment. . . .

"Classification of persons and employments. (6) To investigate, ascertain and determine such reasonable classifications of persons, employments and places of employment as shall be necessary to carry out the purposes of this act.

"Adoption of rules and regulations. (7) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities. . . .

"Collect statistical information. (10) To collect and collate all statistical and other information relating to the employees, employers, employments, and places of employment, and such other statistics as may be necessary."

Section 1465–89a. ***Employment of superintendents, experts, engineers and other employees.*** "The industrial commission . . . shall, in the exercise of such authority and in the performance of such duty, employ a superintendent and such experts . . . necessary and proper for the efficient operation of a bureau for the prevention of industrial accidents and diseases, hereby created. . . .

". . . The superintendent . . . shall conduct investigations and researches for the prevention of industrial accidents and diseases, and shall . . . print and distribute such information as may be of benefit to employers and employees. . . .

"The powers and duties herein devolved and imposed upon the industrial commission shall be exercised independently and without regard to the department of industrial relations."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 871–15. ***Employer required to protect the life, health and safety of employees.*** "Every employer shall furnish employment which shall be safe for the employees therein . . . and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes, follow and obey orders and prescribe hours of labor reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees and frequenters."

Section 871–16. ***Places of employment must be safe and provided with safety devices.*** "No employer shall require, permit or suffer any employe to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards, or fail to obey and follow orders or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety and welfare of such employes or frequenters; and no such employer or other person shall hereafter construct or occupy or maintain any place of employment that is not safe."

Section 871–17. ***Employee shall not remove any safety device. . .*** Prohibits employees from removing, destroying or carrying off any safety device or safeguard furnished by employers and from interfering with the use of any method adopted for their protection.

Section 871–43. Prescribes penalty for violations of the Commission's orders.

Rules and Regulations

Promulgated by the Industrial Commission and the Department of Industrial Relations.

1. Bulletin No. 109. ***Workshops, Factories, Mercantile and Office Buildings.*** Issued by the Department of Industrial Relations. Revised December 1941.

Code applies to all places where persons are employed and contains special safety requirements for design and construction of such places. Drawings and specifications for all public buildings must be approved by the Department of Industrial Relations.

2. Bulletin No. 202. ***Specific Safety Requirements Relating to Building and Construction Work.*** Adopted by the Industrial Commission as Revised and Issued as a General Order, effective January 2, 1953.

The purpose of the code is to provide reasonable safety for employees engaged in building and other construction work.

3. Bulletin No. 203. ***Specific Requirements and General Safety Standards of the Industrial Commission of Ohio for Workshops and Factories.*** Adopted by the Industrial Commission of Ohio as Revised and Issued as a General Order, effective January 1, 1951.

Code sets forth specific safety requirements for openings, platforms, railings and stairways; power transmission machinery; ladders and scaffolds; power-driven saws; fire drills in factories and lofts; woodworking machinery; presses,

hammers and machines; foundries; grinding, polishing machines and cutting wheels; steel mills; power-driven traveling cranes; laundries; and dry cleaning and dyeing establishments.

4. Bulletin No. 209. ***Blowers and Exhausters.*** Adopted by the Industrial Commission and effective January 1, 1924.

This code is in effect until a new code on ventilation is adopted. Code contains specific safety requirements governing blowers and exhausters. The new code *Ventilation and Exhausts,* which is under consideration, applies to the control of gases, dusts, mists, fumes and vapors by local exhaust ventilation.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Industrial Commission. (Sections 1465–41A to 1465–113)

Occupational Disease Compensation

Section 1465–68a. Full coverage.

Reporting of Injuries

Section 1465–99. Employers are required to keep a record of all injuries, fatal or otherwise, and within one week after occurrence, to report injuries resulting in 7 days or more of total disability to the Industrial Commission. Penalty for violation.

Section 1465–99a. Requires that every physician "attending on or called in to visit a patient whom he believes to be suffering from an occupational disease as defined in this act shall, within 48 hours from time of making such diagnosis, send to the industrial commission of Ohio a report stating. . ." Reports made under this section are not "evidence of the facts therein stated in any action arising out of a disease therein reported."

The Industrial Commission in turn is required to send a report to the employer of the patient. Penalty for violation.

Vocational Rehabilitation

Section 1465–80. The Industrial Commission is authorized to transfer certain surplus funds to the credit of vocational rehabilitation fund of the State Board For Vocational Education, State Department of Education, to be used for maintenance while employees are receiving rehabilitation training.

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions [1]

Section 154–45. ***Powers and duties of department of industrial relations and the industrial commission.*** "The department of industrial relations shall have all powers and perform all duties vested by law in the industrial commission of Ohio, excepting the following:

"Those powers and duties of the commission which it exercises . . . in the investigation, ascertainment and determination of standards, devices, safeguards, and means of protection, being all powers and duties mentioned in paragraphs 3 to 8, both inclusive, of section 871–22 [2] of the General Code. . .

"The industrial commission of Ohio shall have full power and authority to administer the workmen's compensation law. . . ."

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[1] Additional reference on page 214 (Section 1243–4).

[2] See page 215.

Section 980. ***Qualifications and general duties.*** ". . . The term—'chief inspector of workshops and factories' as used in said sections 980 to 1037 inclusive . . . shall mean the chief of the division of workshops and factories as herein provided for. . . . He shall enforce the provisions of this chapter and the laws relating to workshops, factories, and public buildings, prosecute violations thereof and perform such other duties as are required of him by law."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 989. ***Inspection of workshops and factories.*** "Each district inspector of workshops and factories . . . shall carefully inspect the sanitary conditions, system of sewerage, situation and condition of water closets, system of heating, lighting and ventilating rooms where persons are employed at labor, and the means of exit in case of fire or other disaster. . . He shall examine the belting . . . and machinery in and about such shops and factories, and see that they are not so located as to be dangerous to employees when engaged in their ordinary duties, and, so far as practicable, securely guarded. He shall see that each vat, pan or structure filled with molten metal or hot liquid is surrounded by proper safeguards for preventing accident or injury to persons employed at or near them."

Section 990. ***Duties of district inspectors assigned to bakeries.*** Empowers inspectors of workshops and factories to visit each bakery in their district as often as practicable, and to see that the laws relating to bakeries are strictly enforced.

Section 994. ***Free access to buildings.*** "For the purpose of an inspection or examination required of him by law, the chief inspector of workshops and factories . . . may enter a shop or factory . . . a bakery, or a building in which powder or other explosives are manufactured or stored."

Section 996. ***Powers and duties of chief inspector; notice in writing.*** "If the chief inspector of workshops and factories or a district inspector finds that the heating, lighting, ventilation or sanitary arrangements of a shop or factory are injurious to the health of persons employed or residing therein . . . that the belting . . . and machinery therein are so located as to be dangerous to employees and not safely guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded by proper safeguards for preventing accident or injury to persons employed at or near them . . . he shall notify the owner . . . by personally serving a notice in writing . . . to make the necessary alterations or additions. . . ."

Section 1027. ***Provisions to prevent injury to persons who use or come in contact with machinery.*** Requires employers, in order to prevent injury to employees, to safeguard moving machinery and parts; protect openings; provide sufficient illumination; and provide necessary blowers, hoods and hoppers, exhausts and suction belts on emery wheels so as to protect employees from flying particles and dust.

Section 1028–2. ***Rules for safety of employees.*** Sets forth rules for certain manufacturing and mercantile shops, laundries and printing shops, regarding floor space per each employee, and means of egress. Penalty for violation.

Section 1029. ***Notice on dangerous machinery.*** Requires posting of warning notices on dangerous machinery.

Section 1011–1. *Sanitary Wash Rags.* Requires employers to furnish sanitary wash and wiping rags for employees for use in their work. Penalty for violation.

Bakeries

Sections 1012 to 1019. Require that all bakeries be drained and plumbed and ventilated, and provided with separate washrooms; and observe compliance with laws before certification. Penalty for violation.

Industrial Homework

Sections 1020 to 1026. Regulate home manufacture of wearing apparel and tobacco goods. Require the provision of water closets and observance of health and safety rules. Penalty for violation.

Occupational Diseases

Section 6330–1. ***General duties of employers.*** "General duties of employers. Every employer shall, without cost to the employes, provide such reasonably effective devices, means and methods as shall be prescribed by the industrial commission of Ohio, to prevent the contraction by its employes of illness or disease incident to the work or process in which such employes are engaged."

Section 6330–2. ***What works or processes considered dangerous.*** "Especially dangerous works or processes. Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluo-silicate, is hereby declared to be especially dangerous to the health of the employes, who, while engaged in such work or process, are exposed to lead dusts, lead fumes or lead solutions."

Section 6330–3. ***What devices and means shall be provided for protection.*** ". . . Every employer shall, without cost to the employes, provide the following devices, means and methods for the protection of his employes who while engaged in any work or process included in section 2 (G. C. 6330–2), are exposed to lead dusts, lead fumes or lead solutions:

"*Working rooms.* (a) Working rooms, hoods and air exhausts for the protection of employes engaged in any work or process which produce lead dusts or lead fumes. The employer shall provide and maintain work rooms adequately lighted and ventilated . . . and all such rooms shall be fully ventilated and separated by partition walls from all departments in which the work or process is of a non-dusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

"Every work or process referred to in section 2, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds . . . shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employe, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle, or furnace in which lead in any form . . . is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air-exhaust; and all hoppers, chutes, conveyors . . . or other apparatus for drying pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be

regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust-collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust-collector to be placed in a separate room which no employe shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air. . . ."

Washing facilities. (b) Requires employers to provide washrooms which must be separate from workrooms, kept clean and equipped properly.

Basins. Employers must provide a basin which must be of impervious material, for every 5 employees, nail brushes, soap and towels and allow not less than 10 minutes for use of such before lunch and at close of day's work.

Showerbath. One is required for every 5 employees. Time must be allowed employees to use them and record kept of such use which shall be open to inspection to the factory inspector and State Board of Health.

Dressing rooms. (c) They must be separate from workrooms and equipped with sanitary lockers.

Eating rooms. (d) They must be provided and be separate from workrooms. Employees are not allowed to take food or drink of any kind into the workroom.

Drinking fountains. (e) Required for use of employees.

Clothing. (f) Requires employers to provide at least two pairs of overalls and 2 of jumpers for each employee and repair and renew the same.

Respirators. (g) Requires employers to provide, and renew when necessary, at least two reasonably effective respirators for each employee who is engaged in any work or process which produces lead dusts.

Section 6330–4. ***Duties of employees as to use of safety appliances provided.*** Requires employees to use the appliances provided by employers as specified in preceding section.

Section 6330–5. ***Notices, printing, posting and explaining same.*** Requires posting of warning notices of dangers of work.

Section 6330–6. ***Medical examination of employes.*** "The employer shall cause every employe who, while engaged in any work or process included in section 2 (G. C. 6330–2), is exposed to lead dusts, lead fumes or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employe. The employe shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employe so examined."

Section 6330–7. ***Record and reports of medical examination.*** "Every physician making any examination under section 6 (G. C. 6330–6) and finding what he believes to be symptoms of lead poisoning shall enter . . . a record of such examination . . . The record shall be open to inspection at all reasonable times by the (state department of factory inspection) and by the (state board of health)."

What reports shall state. "Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (state department of factory inspection) and one to the (state board of health). . . .

"The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such

report the employer shall not continue the said employe in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employe to such work or process without a written permit from a licensed physician."

Section 6330–8. Empowers inspector of workshops and factories to enforce the Act.

Section 6330–9. Penalty for violation.

Rules and Regulations

See under Industrial Commission of Ohio.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 1008. Requires provision of seats for female employees and suitable lunchroom apart from workrooms; and specifies length of meal period.

Section 1008–1. Prohibits employment of females in certain occupations, hazardous or injurious to health or morals. Penalty for violation.

Section 1008–2. Regulates hours of employment of female employees in various establishments; and requires meal period after 5 hours of continuous work. (Section 1008–2a applies to female employees of banks and other financial institutions. Requires meal period.) Penalty for violation.

Sections 1009 and 1010. Require provision of toilets and dressing rooms for female employees, and specify number and location. Penalty for violation.

Section 13005. Prohibits employment of females under 21 where work requires them to remain standing constantly.

Section 12972. Prohibits employment of children in certain occupations. Penalty for violation.

Section 12993. Regulates employment of minors, prohibiting employment of minors under 16 in certain places and occupations, dangerous or injurious to health.

Section 13001. Prohibits employment of children under 16 around dangerous machinery.

Section 13002. Prohibits employment of children under 16 in certain injurious and hazardous occupations.

Section 13003. Authorizes the State Board of Health to determine whether any process or occupation is dangerous or injurious to the health of children under 16 so as to justify their exclusion therefrom. No child under 16 is permitted to work in any occupation determined dangerous or injurious.

Section 13007–3. Prohibits employment of children under 18 in specified occupations and industries.

Section 13007–4. Authorizes the State Board of Health to determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under 18 years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under 18 years of age to justify their exclusion therefrom.

No child under 18 years of age is permitted to work in any occupation thus determined to be dangerous or injurious.

Mines and Mining

Sections 898–1 to 898–202. Contain mining laws of Ohio and apply to all types of underground or surface mines, quarries and wells. The Division of

Mines in the Department of Industrial Relations has jurisdiction over the supervision and enforcement of laws enacted for health and safety of workers.

Among subjects covered are the creation of a mine examining board and its functions; certification and qualifications of mine inspectors and their duties with respect to mine examinations and enforcement of mining laws; certification and qualification of mine foremen and other mine employees and duties with respect to routine examinations of mines for safety; functions of mine laboratory chemist; requirements for mine rescue work and first-aid training; requirements for rock dusting and ventilation of mines; provision of safe means of ingress and egress; safety requirements for lowering and hoisting, prevention of fires, traveling ways and haulage ways; investigation of accidents; provision of washrooms and change rooms in mines at request of 10 or more employees; electrical installations; use of gasoline and oil; storage and handling of explosives and blasting practices; examination of mines generating fire damp; and regulation of oil and gas wells. Penalties for violation are prescribed.

Reporting of Injuries

Section 1003. *Report accident.* Requires every manufacturer to report to the chief inspector of workshops and factories deaths, and accidents resulting in injury causing absence from work 2 days or longer. Penalty for violation.

Section 6330–7. Requires physicians to report lead poisoning to the State Board of Health and factory inspection department. See page 220.

DEPARTMENT OF EDUCATION [1]

Vocational Rehabilitation

Section 154–49f to 154–49h. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board for Vocational Education is designated as the State Board for the purposes of carrying out the provisions and purposes of the Federal Act and is empowered to cooperate with the Federal Board; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise; and to expend funds appropriated for this purpose.

DEPARTMENT OF AGRICULTURE

The Department of Agriculture has supervision over the preparation, manufacturing and packaging of soft drinks and nonalcoholic beverages, bakeries, and canneries. Provisions are aimed at sanitation of the products, but plants must meet sanitary requirements before licenses are issued.

Sections 1090–1 to 1090–15. Contain requirements for sanitation facilities and cleanliness in commercial canneries.

STATE FIRE MARSHAL

Dry Cleaning Establishments

Sections 843–19 to 843–25. The State Fire Marshal has regulatory supervision over the dry cleaning and dyeing business. Regulations cover issuance of permits; inspections of plants; approval of plans for construction and alteration by

[1] Additional reference on page 217 (Section 1465–80).

the State Fire Marshal; and safety requirements for location and equipment for 4 classes of dry cleaning systems, classified according to a hazard scale.

PUBLIC UTILITIES COMMISSION OF OHIO

Section 614–3. ***Power to regulate public utilities and railroads.*** The Public Utilities Commission has power to promulgate and enforce orders relating to the protection, welfare and safety of railroad and public utilities employees and traveling public.

Section 614–97a. Regulates hours of continuous service of truck drivers of motor transportation companies. Penalty for violation. Prosecution in local courts.

Sections 8944 and 8950, 8951, 8951.4, 8951.5 8952, 8956.1. Contain requirements for self-cleaning ash-dump pans, grab-irons, foot boards and other equipment on railroad locomotives and cars for safety and protection of employees, and provide for right of inspection.

Section 9007–1. Requires provision of seats for conductor and motorman on all electric, street, or interurban railroad cars. Penalty for violation. Prosecuted in local courts.

Section 9009. Requires safety appliances or blocks on all frogs, switches and crossings for protection of employees. Penalty for violation.

Section 12788. Prohibits operation of electric cars without screen or glass to protect motorman and other employees from dust, wind, and storm; and without maintaining at least 60 percent heat temperature in such car. Penalty for violation. Prosecuted in local courts.

OKLAHOMA

SOURCES: Oklahoma Statutes Annotated
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Oklahoma Statutes Annotated, Title 63, Section 1.3. ***Duties and powers of Commissioner.*** Delegates, among other things, to the Commissioner all duties and powers by law imposed upon or delegated to the State Board of Health, except the making of rules and regulations, and the supervision, execution and enforcement of the rules and regulations of the Board.

Section 4. ***Duties of board.*** "It shall be the duty of the State Board of Health . . . to take proceedings to have abated a nuisance, calculated to affect injuriously the health of the public or any community; to take cognizance of the interest of health and life among the citizens of the State, making sanitary investigations and inquiries relative to the cause of the disease . . . and the effects of localities, employments, conditions and circumstances on the public health, to investigate the sanitary conditions of . . . mines, railroads and street cars . . . and to recommend, prescribe and enforce such measures of sanitation for them as may be deemed advisable. . ."

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[1] Additional references on pages 225 (Section 125), 227 (Section 71), and 228 (State Dry Cleaners' Board).

NOTE: See also section 125 under authority and functions of Department of Labor relative to requesting services of the Industrial Hygiene Division of the State Department of Health to make studies and recommendations of sanitation and ventilation in industry.

Oklahoma Occupational Disease Act

1953 New Laws, Senate Bill No. 60, Section 3. "The State Commissioner of Health is hereby authorized and empowered to utilize all available facilities, laboratory, equipment and personnel in a joint program with the State Commissioner of Labor, industrial and employee organizations to detect and prevent conditions leading to industrial diseases and occupational health hazards."

Section 4. "The State Commissioner of Health is authorized and empowered to enter into agreements with any other agency of this State for the purpose of carrying out the provisions of this Act and securing uniformity of the regulations pertaining to occupational diseases."

General Provisions Relating to Occupational Health

Statutory Provisions

Frozen Food Locker Plants

Oklahoma Statutes Annotated, Title 63, Sections 324.1 to 324.17. Regulate the inspection and licensing of frozen food locker plants; require any cold storage locker plant using a toxic gas refrigerant to have readily accessible at least one gas mask of type approved by State Commissioner of Health; and empower the State Board of Health to promulgate regulations relating to sanitation.

Rules and Regulations

None specifically.

Reporting of Occupational Diseases

1953 New Laws, Senate Bill No. 60, Section 1. "This Act shall be known and may be cited as the Oklahoma Occupational Health Act."

Section 2. "(a) On or after the effective date of this Act, the State Commissioner of Health is hereby authorized and directed to design and provide suitable forms for reporting occupational diseases and illnesses, provide appropriate instructions for their use, and to furnish them without charge to all licensed physicians. Such reports shall not be admissible in evidence in any court or in any proceedings before the Industrial Commission of the State of Oklahoma.

"(b) The State Board of Health shall designate by list or generally define those diseases or illnesses which should be reported and request all physicians of this State to cooperate in the reporting of such diseases. . . ."

STATE DEPARTMENT OF LABOR

Authority and Functions [1]

Oklahoma Statutes Annotated, Title 40, Section 1. *Powers and Duties of Commissioner of Labor—Official bond.* "The duties and scope of the Commissioner of Labor is to carry into effect all laws in relation to labor, passed by the Legislature, in regard to the transportation, mechanical and manufacturing

[1] Additional reference above (1953 New Laws, Section 3).

industries . . . to compile statistical detailed reports relating to the commercial, industrial, educational, and sanitary conditions of the people, included in the mining, transportation, transmission, commercial, mechanical and manufacturing industries of the state. . ."

Section 111. ***Factory safety inspector—Duties and compensation—Prosecution for violations.*** "The Commissioner of Labor shall appoint a factory safety inspector whose duty it shall be . . . to visit and inspect at all reasonable hours, not less than once in each year, factories, workshops . . . railway shops, round houses . . . [types of industries are listed in detail]; and offices in which five (5) or more persons are employed. . . .

"He shall make special investigation into the conditions of labor or any alleged abuses in connection therewith as directed by the Commissioner of Labor. He shall investigate accidents to determine methods for their prevention. . .

"It shall be the duty of the county attorney of the proper county upon the request of the Commissioner of Labor or the factory safety inspector to prosecute any violation of law which is made the duty of the factory safety inspector to enforce."

Section 112. ***Codes for safeguarding of machinery, etc., ventilation and sanitation.*** "The Commissioner of Labor shall prescribe codes for the use of the factory safety inspector for the safeguarding of machinery, elevations and platforms, and for the providing of adequate ventilation and sanitation of enterprises mentioned in Section 111 of this Act, by adopting and publishing applicable safety codes of the American Standards Association and the U. S. Public Health Service, as same exist upon the effective date of Act."

Section 125. ***Studies and recommendations by Industrial Hygiene Division.*** "The Commissioner of Labor may obtain upon request, the services of the Industrial Hygiene Division of the State Department of Health to make studies and recommendations of sanitation and ventilation conditions in any of the enterprises mentioned in Section 111 of this Act."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Title 40, Section 114. ***Machinery to have safety devices.*** Requires employers to provide safeguards and devices on all mechanical contrivances and machinery. Prohibits the removal of same and provides for posting warning notices on improperly guarded or unsafe machinery.

Section 116. ***Lights.*** Requires workrooms, halls and stairways to be properly lighted.

Section 117. ***Doors and stairway.*** Requires hand-rails on all stairways in factories, stairs to be screened and doors not to be locked, bolted, or fastened during working hours.

Section 118. ***Separate toilets and washrooms.*** Requires employers to provide separate toilet and washing facilities where men and women are employed.

Section 174. ***Scaffolding, etc., to be safeguarded.*** Requires scaffolding, hoists and cranes to be erected or constructed and operated in safe and suitable manner, and requires safety-rail and other safeguards for protection of employees.

Section 175. ***Temporary flooring in steel frame buildings.*** Required for safety of construction workers on steel frame buildings.

Section 179. ***Railroad tracks to be sheltered.*** Requires railroad repair tracks to maintain sheds for the protection of employees in construction and

repair work from snow, sleet, rain, or other inclement weather. Penalty for violation.

Section 191. ***Restrictions on requirement of physical examination—Report not basis of damages.*** Makes it unlawful for an employer to require as a condition of employment a physical examination without providing it free of charge to employee.

Title 63, Section 154. ***Ventilation of factories and shops.*** "There shall be sufficient means of ventilation provided in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office within this state, and the Factory Inspector shall notify the owner . . . to provide, or cause to be provided, ample and proper means of ventilation for such work room, and shall prosecute such owner . . . if such notification shall not be complied with. . . ."

Food Establishments

Title 63, Sections 151 to 153. Regulate sanitation of bakeries, canning, preserving or other food manufacturing establishments; require all such places to be drained and plumbed in a manner conducive to its healthful and sanitary condition, and the provision of adequate ventilation and sanitation facilities for employees; and prohibit the employment of diseased persons.

Rules and Regulations

Issued by the Department of Labor.

1. ***Bureau of Factory Inspection—Book No. 7–A.*** Edition 1950. Book contains the following:

Chapter 1. *Safety Fundamentals.*

Chapter 2. *Mechanical Power-Transmission Apparatus.* Code contains specifications applicable to moving parts of equipment.

Chapter 3. *The Use, Care, and Protection of Abrasive Wheels.* Code gives rules and specifications for safety in the use of abrasive wheels including specifications for protection hoods, flanges, chucks and revolving cup guards.

Chapters 4 to 12. Contain safety rules and specifications applicable to woodworking machinery, logging and sawmills, power presses and foot and hand presses, forging and hot metal stamping, mills and calenders in the rubber industry, compressed air machinery and equipment, cranes and hoists, bakery equipment, and laundry machinery and operations.

Chapter 13. *Dry Cleaning and Dry Dyeing.* Code classifies cleaning systems into 4 classes according to a schedule for the rating of hazards of industrial organic solvents, and prescribes general rules for prevention of solvent escape into the atmosphere, and for safety of equipment and operations.

Chapter 14. *The Protection of Workers in Foundries.* Code deals with safety of foundry conditions and operations including provisions of adequate lighting, heating and ventilation.

Chapters 15 to 20. Set forth safety requirements for electric and gas welding operations, window cleaning, ladders, floor and wall openings, railways and stairways, industrial lighting, and grounding electrical equipment.

Chapter 21. *Industrial Sanitation.* Prescribes requirements for number, type, construction and maintenance of retiring and dressing room facilities for women, toilet rooms, washing facilities, shower baths and dressing facilities for men, and for drinking water.

Chapter 22. *Drinking Fountains.* Prescribes requirements for type and construction of drinking fountains.

Chapter 23. *Protection of Heads, Eyes, and Respiratory Organs.* Rules contain detailed specifications for safety lenses and goggles, protectors for electric

arc welding and cutting, and protectors for exposure to dust, fumes, mists, smokes, or other atmospheric particulate matter.

Chapters 24 and 25. Deal with dust explosions and building exits for factories.

Codes also contain references to nationally accepted standard codes when these are applicable.

2. ***Petroleum Industry Safety Standards.***

Standards cover in detail safety requirements and specifications for equipment and operations.

Employment of Women and Minors

Among pertinent provisions are the following:

Oklahoma Statutes Annotated, Title 40, Section 71. Prohibits employment of children under 14 in certain places of employment, and children under 15 in occupations injurious to health or morals or especially hazardous to life and limb. "It shall be the duty of the Commissioner of Labor upon investigation . . . or upon the complaint of the Commissioner of Charities and Corrections, or the Board of Health, to determine what occupations are injurious to health or morals or especially hazardous to life or limb, and to notify employers in such occupations of his decision. . . ."

Section 72. Prohibits employment of children under 16 in certain occupations, including the manufacture of white lead, acids, dyes, lyes, gases, dusts, and the employment of females under 16 in any employment where they are required to stand constantly.

Section 75. Regulates hours of employment of children under 16, requiring one-hour meal and rest period, and provision of seats for children under 16.

Section 83. Requires employers "in any manufacturing, mechanical, or mercantile establishment, or workshop . . . or any other establishment employing females," to provide adequate and suitable toilet facilities, and seats.

Section 85. Prohibits employment of children under 16, and girls and women in any underground work in a mine or quarry. Enforced by Mine Inspector.

Section 86. Requires provision of seats for female clerks in mercantile establishments, stores, shops, hotels and restaurants.

Section 88. Provides penalties for violation of any provisions of article on employment of women and children.

Section 262. Declares "It shall be unlawful to employ women or minors in any industry or occupation within the State of Oklahoma under conditions of labor detrimental to their health or morals. . ."

Section 263. ***Industrial Welfare Commission.*** Creates Industrial Welfare Commission to establish standard wages and conditions of labor as shall be held to be reasonable and not detrimental to health.

Reporting of Injuries

Title 40, Section 120. ***Injuries to be reported.*** Requires the person in charge of any factory to report all accidents or injuries sustained by employees in factories to the factory inspector; and empowers the inspector to investigate the cause and order necessary precautions to prevent recurrence of similar accidents.

STATE INDUSTRIAL COMMISSION

The Workmen's Compensation Act is administered by the State Industrial Commission.[1] (Title 85)

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[1] Additional reference on page 229 (State Board of Education).

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Occupational Disease Compensation

Title 85, Section 3, Subsection 7 (as amended by Senate Bill No. 791, 1953 New Laws). Provides for schedule coverage. Thirteen kinds or groups of diseases are covered, including silicosis and asbestosis.

Reporting of Injuries

Section 102. Requires every employer to keep a record of all injuries, fatal or otherwise, and to report the same to the Commission. Penalty for violation.

MINE INSPECTORS [1]

Title 45, Sections 1 to 405. Contain the Coal Mining Code. Among subjects covered are the creation of a State Mining Board and issuance of certificates of competency for mine inspectors, mine foremen and engineers; duties of mine inspectors with respect to making safety examinations of mines; duties of mine foremen regarding accident prevention; safety requirements for travelways and shafts, hoisting operations and equipment, and for other mining equipment and installations; means of egress and ingress; provision of first-aid supplies; rock dusting; handling and storage of explosives; and requirements for ventilation and inspection for gas.

Sections 411 to 435. Apply to lead and zinc mines and cover duties of mine inspectors with respect to mine examination for dangerous conditions, amount of ventilation, and for dust in injurious quantities; requirements for wet drilling and allaying of excessive dust; hoisting regulations; handling and storage of explosives; provision of toilets or dry closets on working levels and of washing facilities; allowing miners to come to surface for eating meals; and prohibition of boys under 16 and of women and girls being employed underground or in operation of mines, except in clerical capacity. Penalties prescribed for violations.

Sections 461 to 615. Deal with certification and qualifications of mine inspectors, safety regulations, and duties and responsibilities of mine foremen and fire bosses. Penalty for violation.

STATE DRY CLEANERS' BOARD

Title 59, Sections 742 to 759. The Act creates the State Dry Cleaners' Board and empowers it to supervise and regulate the dry cleaning, dyeing and pressing business. Its functions include the adoption and promulgation of necessary rules and regulations granting licenses to establishments in accordance with provisions of the Act, and the enforcement of fire, sanitation, labor and other laws applicable to the industry. Penalties are prescribed for violations.

The following regulations have been adopted by the State Dry Cleaners' Board:

1. ***Regulations for Safeguarding Dry Cleaning and Dry Dyeing Plants.***

Regulations contain specific safety standards for dry cleaning systems divided into two classes, covering construction of buildings, provision of ventilation, lighting and heating, and specifications for equipment and operations.

2. ***Reasonable Standards Prescribed by the State Dry Cleaners' Board of Oklahoma under Authority of Subsection 3 of 59 O. S. 1941, Section 744.***

Standards require the approval of building and remodeling plans by the State Dry Cleaners' Board, and the labeling of containers; prescribe requirements for storage and handling of solvents; require all dry cleaning machines and

[1] Additional reference on page 227 (Section 85).

equipment to be so designed, installed, and operated so as to prevent the escape of solvent vapors in the working atmosphere greater than the maximum permissible concentration recommended by the State Board of Health; prescribe preplacement and periodic examinations of workers; and require the reporting of hazardous environments discovered as the result of the physical examinations to the State Dry Cleaners' Board and the State Commissioner of Health. "Any requirement of the State Board of Health requiring higher standards shall automatically become a part of these regulations."

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Title 70, Section 14C. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry and otherwise are accepted. The Division of Vocational Rehabilitation is established under the supervision of the State Board of Education and is authorized to administer the disbursement of funds; to provide for the education and/or vocational rehabilitation and placement in remunerative employment of persons eligible for benefits under the Act; to formulate with the State Industrial Commission a plan of cooperation in the reporting and rehabilitation of persons permanently disabled in employment; and to cooperate with other agencies and the Federal Office in carrying out the purposes of the Act.

THE CORPORATION COMMISSION

Title 17, Section 103. The Corporation Commission is empowered to approve or deny requests for removal of terminal facilities or car shops of railroads, and in making decision, to consider the sanitary and habitable conditions of proposed location, as to whether it "would endanger the health of the employees . . . or their families."

Section 111. The Corporation Commission is empowered to order any railroad company which has employee funds for providing or maintaining hospital service, to provide adequate hospital facilities within the State for its injured or sick employees.

OREGON

SOURCES: Oregon Compiled Laws Annotated (supplemented to 1947)
Laws 1949; Laws 1951; Laws 1953
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions [1]

Oregon Compiled Laws, Section 99–103. ***General powers and duties of board: Making and filing rules and regulations: Enforcement of regulations by executive officers, county officers, and state employees.*** "The state board of health shall have direct supervision of all matters relating to the preservation of life and health of the people of the state. It shall . . . make sanitary

[1] Additional reference on page 236 (Sections 99–2258a to 99–2258c).

surveys and investigations and inquiries respecting the causes and prevention of diseases especially of epidemics. It shall make and file in the office of the secretary of state such rules and regulations and is hereby empowered to enforce such rules and regulations for . . . the preservation of the public health; and it shall be the duty of all executive officers . . . to enforce such regulations, subject to the authority of the state health officer."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Board of Health.

1. ***Recommended Standards and Regulations for Industrial Health Including the Control of Occupational Diseases and Industrial Sanitation.*** Adopted August 1945, and revised 1949.

Regulations apply to every place of industrial employment, and prescribe minimum requirements and recommended standards as a guide for the maintenance of employee health. Regulations outline employers' and employees' duties concerning the prevention and control of health hazards; require the application of adequate warning or caution labels on containers of hazardous chemicals; list maximum allowable concentrations for toxic substances; specify acceptable methods for the control of hazardous exposures; prescribe requirements for general and local exhaust ventilation, control of fumigation gases and heating of workrooms; prohibit use of common drinking cup; set forth requirements for housekeeping practices, waste disposal and water supply, and for number, type and construction of toilet facilities, washing facilities, dressing rooms, and rest and dressing rooms for women; require the provision of suitable lunch rooms as specified; prescribe requirements for use and maintenance of personal protective equipment; recommend minimum standards for illumination for various tasks in terms of foot-candles; and recommend the provision of adequate facilities and personnel for first aid and emergency health services in plants, and provision of preplacement and periodic medical examinations.

2. ***Regulations for Shoe-Fitting Fluoroscopes.*** Adopted July 28, 1951.

Regulations contain general requirements for design, maintenance and protective devices of shoe-fitting fluoroscopes; establish minimum intensities of radiation and total permissible exposures; prescribe safe methods for operating the machines; and require the posting of warning signs provided by the State Board of Health at the site of each machine.

Reporting of Occupational Diseases

None.

Air Pollution

Laws 1951, Chapter 425. ***Air Pollution Control Act.*** "Section 1. This Act shall be deemed an exercise of the police power of the State of Oregon for the purpose of protecting the safety, welfare, peace and morals of the people of this state; to prevent the pollution of the air with impurities menacing the health and general welfare of the people of the State of Oregon; and to the end that the least possible injury shall be done to human, plant and animal life and property, general legislation operating uniformly throughout the state is necessary and

the provisions of this Act shall be liberally construed for accomplishment of these purposes. . . .

"Section 4. (1) There hereby is created an additional division within the State Board of Health to be known as the Air Pollution Authority of the State of Oregon. The board shall consist of five members, as follows. . .

"Section 5. The Authority hereby is authorized to: (1) Develop a comprehensive program for the prevention and control of all sources of pollution of the air of the state. (2) Advise, consult and cooperate with other agencies of the state, political subdivisions, industries, other states, the Federal Government and with affected groups, in furtherance of the purpose of the Act. (3) Encourage and conduct studies, investigations and research relating to air pollution and its causes, prevention, control and abatement, as it may deem advisable and necessary. (4) Collect and disseminate information relating to air pollution, its prevention and control. (5) Promulgate rules and regulations. (6) Consider complaints, make investigations and hold hearings. (7) Require any person to submit plans for the removal of air contaminants. (8) Encourage voluntary cooperation by the people, municipalities, counties, industries and others in restoring and preserving the purity of air within the state. . . . (10) For the purpose of investigating conditions relating to air pollution, the members of the Authority, or its duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property, except private dwellings. (11) Enforce compliance with the laws of this state relating to pollution of the air. (12) Represent the State of Oregon in any and all matters pertaining to plans, procedures or negotiations for interstate compacts in relation to control of air pollution.

"Section 6. The Authority may cooperate with and receive moneys from the Federal Government or any industry or other source. Such moneys received hereby are appropriated and made available for the study and control of air pollution.

"Section 7. The discharge into the air of solids, liquids, or gases so as to cause such injury to human, plant or animal life, or to property, as constitutes a public nuisance, is contrary to the public policy of the State of Oregon."

Sections 8 to 11. Deal with proceedings to abate public nuisances created by pollution of air and filing notices of appeal.

"Section 12. Any person who shall cause, erect or continue any nuisance contrary to the provisions of this Act shall be guilty of a misdemeanor."

STATE INDUSTRIAL ACCIDENT COMMISSION

Authority and Functions

Oregon Compiled Laws, Section 102–1231. ***Industrial accident commission: Power and jurisdiction over employment and places of employment and as to this act: Investigation*** . . . "The commission is vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment in this state as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment. The commission is vested with full power and authority to make, establish, promulgate and enforce all necessary and reasonable rules, regulations and provisions for the purpose of carrying into effect the provisions of this Act, and in reference to the investigation of all violations hereof. . . ."

Section 102–1232. ***Prescribing standards of safety devices, means and methods of protection.*** "The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules and regulations, or otherwise:

"(1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

"(2) To fix reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employment and place of employment.

"(3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment and equipment as shall render them safe.

"(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand."

Section 102–1240. ***Lectures as to industrial accidents, etc.: advisers in establishing standards of safety.*** "The commission shall have further power and authority:

"(1) To cause lectures to be delivered . . . for the information of employers and their employees and the general public in regard to the causes and prevention of industrial accidents, occupational diseases and related subjects.

"(2) To appoint advisers who shall, without compensation, assist the commission in establishing standards of safety, and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers."

Section 102–1784. ***Violations of safety statutes: Duty of commission . . .*** "It shall be the duty of the industrial accident commission to investigate all cases where they have reason to believe that employers, except those employers subject to the federal safety appliance act, have failed to install or maintain any safety appliance, device or safeguard required by statute and in all cases of failure on the part of any such employer to comply with such safety statute to order said employer immediately to do so. Any such employer who fails within a reasonable time to carry out any order of the commission . . . shall be required to discontinue operations until said operations do comply with the safety statute. The state industrial accident commission hereby is authorized to appoint special representatives, who shall be empowered to enforce the law relating to safety appliances and safe places of employment, and to inspect and investigate all places of industry which are defined by law as hazardous occupations. . . ."

Laws 1951, Chapter 343, Section 2. ***Factory Inspection Enforcement Transferred.*** "All powers, duties and responsibilities of the Labor Commissioner under the factory inspection law are transferred to and vested in the State Industrial Accident Commission and said law shall be administered and enforced by the commission from the effective date of this Act." (January 1, 1952)

Laws 1953, Chapter 387. ***Enforcement of Industrial Safety Code.*** "The commission . . . upon finding any violation of any statute or duly promulgated safety code involving failure to install or maintain any safety appliance, device or safeguard required . . . may prohibit the further use of the machine, equipment . . . and shall post notice in an appropriate place calling attention to the unsafe condition . . . and the fact that the further use thereof is prohibited.

Such notice shall not be removed until the required safety appliance, device or safeguard complies with the requirement of the statute or safety code.

"Every person who, after such notice is attached . . . uses or operates any such place of employment, machine . . . before it is made safe and the required safeguards . . . are provided, or who defaces, destroys of removes such notice without the authority of the commission is guilty of a misdemeanor."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Oregon Compiled Laws, Section 102–1210. ***Protection of machinery, etc., in factories, mills and workshops*** . . . Requires employers to provide mechanical contrivances for throwing on or off belts or pulleys, safeguards for vats, saws, planers, conveyors and other machinery of similar description which can be effectively guarded, and to post a warning notice on defective or extra-hazardous machines which shall not be removed until machine is made safe.

Section 102–1212. ***Protection of openings in hatchways, elevators, etc.*** . . . Requires all openings and stairways to be protected by adequate safeguards.

Section 102–1228. ***Duty of employers to furnish safe place of employment and safeguards.*** "Every employer shall furnish employment which shall be safe for the employees . . . and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations and process as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees."

Section 102–1229. ***Unsafe place of employment prohibited.*** Prohibits employer from maintaining unsafe place of employment.

Section 102–1230. Removal, interference, etc. with safeguards or method by employee or failure to do everything necessary to protect safety prohibited. Makes it the employees' duty to use safeguards provided.

Ventilation

Section 102–1211. ***Ventilation and sanitary state of factories, mills and workshops: Regulations where dust generated.*** "Every factory . . . where machinery is used and manual labor is exercised . . . shall be provided in each workroom thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, as far as practicable, all gases, vapors, dust, or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if in any factory, mill, or workshop any process is carried on in any enclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust."

Certificate of Conformity

Sections 102–1213 to 102–1222. Empower the Commissioner to make routine inspections; provide for granting of certificates of conformity to the Act (sections 102–1211 to 102–1222); and authorize owners and employees to make requests for inspections.

Rules and Regulations

Adopted by the Industrial Accident Commission.

1. ***Safety Code for the Prevention and Control of Occupational Disease.*** Adopted December 15, 1945 and revised September 1, 1949.

Code applies to every place of employment and prescribes minimum requirements for the prevention and control of occupational diseases. Code outlines duties of employer in maintaining a safe place of employment, and of employees in using the safeguards and control measures provided; prescribes general acceptable methods for control of exposures to harmful materials or conditions; requires adequate warning or caution labels to be applied to containers of hazardous chemicals; lists the permissible concentrations to toxic substances; and sets forth general requirements for general and local exhaust ventilation, personal protective equipment, sanitation, housekeeping, and illumination.

2. ***Basic Safety Code. Part I. General.*** Effective October 1, 1949.

Rules apply to every place of employment and are intended as a guide for the protection of workers from unnecessary or extreme hazard arising out of the building, installation, operation, and maintenance of such places of employment. Rules outline general provisions for safety programs, supervisory responsibilities, and employees' responsibilities; contain minimum specifications and requirements for safety of buildings; prescribe requirements for safeguarding mechanical, steam and electrical equipment, heating devices, trucks, hand tools and other equipment; prescribe specifications for care, use and protection of abrasive wheels; set forth requirements for handling and storing materials, and for use and maintenance of personal protective equipment; outline minimum contents for first-aid kits and requirements for first-aid work; and prescribe requirements for transportation and material handling equipment.

3. ***Basic Safety Code. Part IV. Gas and Electric Welding.*** Effective April 1, 1947.

Rules apply to any welding, cutting, brazing or lead burning operations and deal with protection of personnel; fire protection; installation and operation of gas-welding and gas-cutting equipment, arc-welding and arc-cutting equipment, and resistance-welding equipment; and requirements for ventilation and protection of the health of workers at indoor and open air operations.

NOTE: Among other safety codes adopted are: Safety Code for Sawmill, Woodworking and Allied Industries, and Safety Code for Construction Work.

Reporting of Injuries

Sections 102–1301 to 102–1306. Require every railroad and public utility and all employers employing more than 3 persons to report to the State Industrial Accident Commission all accidents to workmen. Reports so made are not admissible as evidence in any suit or action growing out of the report. Penalty for failure to report.

Workmen's Compensation

The Workmen's Compensation Law is administered by the State Industrial Accident Commission. (Sections 102–1701 to 102–1785)

Occupational Disease Compensation

Occupational Disease Law. Sections 102–1791 to 102–17102. An occupational disease is deemed an "injury." Full coverage.

Provision for Reporting Injuries

Section 102–1776. Requires employers to report any accident occurring to any workman to the Commission.

Vocational Rehabilitation

Sections 102–1501 to 102–1505. Create a "rehabilitation fund" out of which the Industrial Accident Commission is authorized to expend funds for the vocational rehabilitation of injured men and women coming under the protection of the Workmen's Compensation Law. Vocational schools, upon application of the Commission, are to provide such persons vocational instruction to be paid for out of the fund.

BUREAU OF LABOR

Authority and Functions

Section 102–103. ***Commissioner of bureau of labor; duties as to enforcement of laws*** . . . "It shall be the duty of such officer to cause to be enforced all the laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of operatives in workshops, factories, mills and other places, and all laws enacted for the protection of the working classes . . . laws regulating and prescribing the qualifications of persons in trades and handicrafts and similar laws now in force or hereafter to be enacted. It shall also be duty of the officers to collect, assort, arrange, and present, in biennial reports to the Legislature . . . statistical details relating to all the departments of labor in the state . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Lighting of Places of Employment

Sections 102–1201 to 102–1209. Prescribe general requirements for lighting and installation of lights for certain places in buildings and workrooms, and empower the Commissioner of Labor to establish minimum values for lighting in accordance with best engineering practice. Penalty for violation.

Rules and Regulations

Promulgated by Wage and Hour Commission.

Regulations covering employment of women and minors, containing provisions relating to wages, hours, sanitation, ventilation, and rest periods, have been promulgated for the following occupations:

Order No. 6 Preparing Poultry, Rabbits, Fish or Eggs for Distribution, 1953.
Order No. 7 Laundry, Cleaning & Dyeing, 1950.
Order No. 8 Manufacturing, 1948.
Order No. 9 Mercantile, 1952.
Order No. 13 Personal Service, 1941.
Order No. 14 Public Housekeeping, 1947.
Order No. 15 Sanitary Conditions in Hop Yards, Berry Fields, and Orchards and in Fruit, Vegetable, Meat, Fish, and Poultry Packing Houses, 1941.
Order No. 16 Sanitary and Physical Welfare, 1941.

Employment of Women and Minors

(Enforced by Wage and Hour Commission.)

Among pertinent provisions are the following:

Oregon Compiled Laws, Section 102–401. Prohibits children under 14 from working in any factory, workshop and certain other employments.

Section 102–404. Regulates working hours of minors under 16, and requires that they be given at least 30 minutes for meal time at noon.

Section 102–324. Requires employers to provide suitable seats for female employees and to permit their use when duties allow it. Penalty for violation.

Section 102–316. Makes it unlawful for anyone to employ women or minors in any occupation for unreasonably long hours and under such conditions or surroundings—sanitary or otherwise—as may be detrimental to their health or morals.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Laws 1949, Chapter 431. The Division of Vocational Rehabilitation is established under the supervision of the State Board of Education, and is empowered to provide for the vocational rehabilitation of all eligible disabled individuals and for their placement in remunerative employment; cooperate with other departments, agencies and institutions in providing for vocational rehabilitation, studying related problems, and establishing, developing and providing for necessary programs, facilities and services; enter into reciprocal agreements with other States; conduct research and compile related statistics; assist and encourage severely handicapped persons in establishing home industries, and maintain necessary facilities for their sheltered employment; cooperate with the federal government in carrying out purposes of any federal acts pertaining to vocational rehabilitation; and receive and expend funds for the purpose. Criteria for eligibility for services are included.

STATE DEPARTMENT OF AGRICULTURE

Crop Dusting

Laws 1953, Chapter 496. Act deals with the control of the application of herbicides by aircraft or other means for agricultural purposes, providing for, among other things, licensing and qualifications of pilots, and restrictions in the application of herbicides.

Food Sanitation

Laws 1953, Chapter 686. Act regulates the purchase, manufacturing, storage and sale of milk, cream and dairy products, providing for issuance of licenses and inspection of plants, and authorizing the Department to prescribe minimum standards for cleanliness of premises, equipment and utensils, provision of lighting, ventilation, water and toilet and lavatory facilities, and health and cleanliness of personnel.

Oregon Compiled Laws Annotated, Sections 99–2246 to 99–2254. Require every building or place occupied as a food handling, or manufacturing establishment such as bakery, cannery, packing house, slaughterhouse, dairy, creamery and bottling house to be "properly lighted, drained, plumbed, ventilated and kept and maintained in a clean, healthful and sanitary condition, and any failure to comply with the above conditions shall be deemed a violation of this act." Conditions considered insanitary are specified and relate to cleanliness of premises and equipment, provision of wash and toilet facilities, and prohibition of diseased persons from handling food.

Sections 99–2258a to 99–2258c. Authorize the Department of Agriculture to administer and enforce legislation applying to production, processing or distribution of all food products, and to cooperate with the State Board of Health

as required; and authorize the State Board of Health to administer and enforce regulatory legislation applying to sanitation of establishments where food or drink is consumed on the premises where sold.

Sections 99–2285a to 99–2285q. Regulate licensing and sanitary inspection of refrigerated locker plants.

PUBLIC UTILITIES COMMISSIONER

The Public Utilities Commissioner has jurisdiction over railroads and public utilities.

Section 113–406. Requires that frogs and switches be guarded so as to prevent feet of employees or other persons from being caught therein. Penalty for violation.

Section 113–613. Requires railroad companies to provide shelter for employees at terminals where 5 or more men are regularly employed in constructing or repairing railroad car equipment. Penalty for violation.

Section 113–1104. Requires streetcar corporations to provide seats for use of motormen, and vestibules or weather guards for protection of employees. Penalty for violation.

PENNSYLVANIA

SOURCES: Purdon's Pennsylvania Statutes Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Purdon's Pennsylvania Statutes Annotated, Title 71, Section 532. ***General Health Administration.*** "The Department of Health shall have the power, and its duty shall be: (a) To protect the health of the people of this Commonwealth, and to determine and employ the most efficient and practical means for the prevention and suppression of disease; (b) To cause examination to be made of nuisances, or questions affecting the security of life and health, in any locality, and for that purpose . . . to enter, examine and survey all grounds . . . buildings, and places . . . and all persons authorized by the department to enter . . . shall have the powers and authority conferred by law upon constables; (c) To order nuisances, detrimental to the public health, or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations . . . (g) To promulgate its rules and regulations. . ."

Section 541. ***Advisory Health Board.*** "The Advisory Health Board shall have the power . . . (b) To make such reasonable rules and regulations . . . necessary for the prevention of disease, and for the protection of the lives and health of the people . . . and for the proper performance of the work of the Department of Health, and such rules and regulations . . . shall become the rules and regulations of the Department. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

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[1] Additional references on pages 240 (Section 474) and 241 (Section 478).

Rules and Regulations

Adopted by Department of Health.

Regulation affecting nuisance control states that any person maintaining a slaughterhouse, rendering plant, depository of dead animals, glue works, tannery, wool washing establishment, paper mill, by-product coke oven, dye works, oil refinery, dairy, creamery, cheese factory, milk station or similar establishment, or engaging in the manufacture of gas, chemicals, explosives, fertilizers or similar products, or in the business of soap making, fish oil extraction, bone boiling or similar occupation, shall not allow any noxious gases that are deleterious or detrimental to public health to escape into the air.

Reporting of Occupational Diseases

See under statutory provisions relating to occupational health and safety, for Department of Labor and Industry, section 478, which requires physicians to report to the State Department of Health and Department of Labor and Industry cases of lead poisoning uncovered through physical examinations of workers.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Title 71, Section 562. ***Inspection and administration.*** "The Department of Labor and Industry shall have the power, and its duty shall be:

"(a) To inspect . . . every room, building, or place within this Commonwealth where and when any labor is being performed, which is affected by the provisions of any law of this Commonwealth and . . . for this purpose to enter any such room, building or place . . .

"(g) To receive reports of industrial accidents to persons, and to direct the investigation of such accidents, and prescribe means for the prevention of similar accidents;

"(h) To issue orders for removing or safe-guarding against hazards that may cause accidents to employes, as may now or hereafter be provided by law."

Section 563. ***Investigations.*** "The Department of Labor and Industry shall have the power to make investigations and surveys upon any subject within the jurisdiction of the department, either upon its own initiative or upon the request of the Industrial Board."

Section 565. ***Rules and regulations.*** "Subject to approval by the Industrial Board, the Department of Labor and Industry shall have the power to make rules and regulations for carrying into effect the laws regulating the labor of persons . . . and the construction, ventilation, and equipment of the rooms, buildings, or places where such labor is performed. . . ."

Section 574. ***Industrial Board.*** "The Industrial Board created by this act shall have the power, and its duty shall be . . .

"(c) To approve or disapprove the rules and regulations established by the Department of Labor and Industry, and to make suggestions to the department for the formulation of such rules and regulations. . ."

Section 567. ***Women and children.*** "The Department of Labor and Industry shall have the power, and its duty shall be:

"(a) To make studies and investigations of the special problems connected with the labor of women and children;

"(b) . . . to enforce the laws and rules and regulations of the departments relating to the work of women and children."

Section 1442. *Powers of Industrial Board; refusal to obey subpoena; jurisdiction of court.* "The Industrial Board shall have the power to make investigations concerning, and report upon, all matters touching the enforcement and effect of the provisions of all laws of the Commonwealth, the enforcement of which shall now and hereafter be imposed upon the Department of Labor and Industry, and the rules and regulations made by the Industrial Board in connection therewith. . ."

Section 1443. *Construction and equipment of places of employment.* "All rooms, buildings, and places in this Commonwealth where labor is employed . . . shall be so constructed, equipped, and arranged, operated and conducted, in all respects, as to provide reasonable and adequate protection for the life, health, safety, and morals of all persons employed therein. For the carrying into effect of this provision, and the provisions of all the laws of this Commonwealth, the enforcement of which is now or shall hereafter be entrusted to or imposed upon the Commissioner or Department of Labor and Industry, the Industrial Board shall have power to make, alter, amend, and repeal general rules and regulations necessary for applying such provisions to specific conditions, and to prescribe means, methods, and practices to carry into effect and enforce such provisions."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Title 43, Section 25–2. *General safety and health requirements.* "(a) All establishments shall be so constructed, equipped . . . as to provide reasonable and adequate protection for the life, limb, health, safety, and morals of all persons employed therein. (b) All belts, pulleys, gears . . . and other mechanical power transmission apparatus, stationary engines, electrical equipment, and apparatus shall be properly guarded to protect workers from injury. (c) All cranes . . . and other apparatus or devices used for moving, lifting, lowering, and transporting material shall be designed, constructed, equipped, and operated as to eliminate dangerous conditions. (d) The point of operation on . . . power driven woodworking machines and . . . power driven machine tools, and dangerous parts of any other machines or devices shall be provided with guards of a type approved by the department. Laundry machines, extractors, washers, ironers, and other machines or apparatus shall be provided with guards where, because of accident hazard, they are required by the department. (e) All toxic and noxious dusts, fumes, vapors, gases, fibers, fogs, mists or other atmospheric impurities, created in connection with any manufacturing process, emitted into or disseminated throughout areas where persons are employed in such quantities as, in the opinion of the department, would injure the health of employees or create other dangerous conditions, shall be removed at the point of origin, or, where this is impractical, personal protective devices shall be provided and worn by persons subjected to such hazards. (f) All pits, quarries, mines other than coal mines, trenches, excavations, and similar operations shall be properly shored, braced, and otherwise guarded, operated, and conducted as to provide reasonable and adequate protection to workers employed therein. (g) All building construction, demolition, and cleaning, including window cleaning, shall be conducted in a manner as to avoid accident hazards to workers or the public. . . . (h) When employes, due to the nature of employment are subject to injury from flying particles, falling objects, sharp or rough surfaces or materials, hot, corrosive or poisonous substances, acids or caustics and

injurious light rays, they shall be provided with and shall wear goggles, other head and eye protectors, gloves, leggings, and other personal protective devices."

Section 25–3. ***Lighting, heating, ventilation and sanitary facilities.*** Requires that these facilities be adequate.

Section 25–4. ***Fireworks and explosive plants.*** Requires such establishments to be at a safe distance and to be operated so as to provide adequate and reasonable protection to employees.

Section 25–5. ***Floor space.*** Prohibits crowding of floor space with machinery so as to cause risk of life of employees.

Section 25–6. ***Removal of guards.*** Prohibits removal of safeguards on machinery.

Section 25–7. ***Prohibited use of dangerous machinery.*** Prohibits the use of dangerous machinery and requires the posting of notices until repaired.

Section 25–9. ***Canneries and labor camps.*** Requires all canneries and labor camps maintained in connection with them to be kept clean and in a sanitary condition and be maintained and operated so as to provide for health, safety and welfare of the occupants.

Section 25–10. ***Safe practices.*** Authorizes the Department to prepare and publish recommendations for elimination of accidents.

Section 25–11. ***Industrial homework.*** Requires it to be conducted so as to assure the safety and health of all persons employed.

Section 25–12. ***Rules and regulations.*** Authorizes the Department of Labor and Industry to make and repeal rules and regulations for carrying out provisions of this Act.

Sections 25–13 to 25–15. Provide for enforcement, right of entry and penalty for violation.

Section 19. ***Safe means of egress from factories to be provided.*** Requires the employer when notified to make necessary alterations or to provide safeguards when heating, lighting, ventilation, or sanitary arrangement of shops and factories are injurious to health of workers, when means of egress in case of fire is insufficient, or when machinery and equipment are dangerous.

Sanitation in Foundries

Sections 1 to 3. Require toilet rooms and closets in foundries and rolling mills, which shall be accessible without exposure to open air. Water closets are to be maintained separately, and rooms are to be ventilated, cleaned and protected from dust of building. Penalty for violation.

Lead Manufacturing Establishments

Section 473. ***Certain manufactures declared dangerous to health.*** "Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluo-silicate is hereby declared to be especially dangerous to the health of the employes who, while engaged in such work or process are exposed to lead dusts, lead fumes, or lead solutions."

Section 474. ***Protective devices and methods to be adopted.*** Requires employers to provide and maintain protective devices and methods for protecting employees while engaged in any work or process with exposure to lead dusts, lead fumes or lead solutions. These include: adequate lighting and ventilation of workrooms; local exhaust ventilation and dust collecting systems at hazardous processes; separate washrooms which must be kept clean and well ventilated; provision of one basin or its equivalent for every 5 employees, and one shower bath for every 10 employees engaged in manufactures listed in section 473; and time allowance of not less than 10 minutes at employer's expense to use wash

facilities. A record of baths shall be kept by the employer, which shall be open to inspection by both the State Department of Labor and Industry and the State Department of Health. Employers are required to provide separate dressing rooms and lockers, and separate eating-rooms and drinking fountains. Employees are forbidden to take food or drink into workrooms. Employers are also required to provide employees with respirators and at least one pair of overalls and jumpers and wash them weekly.

Section 475. ***Duty of employees.*** Requires employees to use the sanitation and eating facilities, clothing and respirators provided by employers.

Section 476. ***Posting of notices—explanation of contents.*** Requires employers to post notice of known dangers arising from such work or process.

Section 477. ***Examination for symptoms of lead poisoning.*** "The employer shall cause every employee who while engaged in any work or process included in section (473), is exposed to lead dusts, lead fumes, or lead solutions, to be examined at least once a month, for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination, and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor at the employer's expense being made to each employee so examined."

Section 478. ***Record and reports of examinations.*** "Every physician making an examination, under section (477), and finding what he believes to be symptoms of lead poisoning, shall enter . . . a record of such examination. . . . The record shall be open to inspection at all reasonable times by the State Department of Labor and Industry and by the State Department of Health.

"Within forty-eight hours after such examination and finding the examining physician shall send a report thereof, in duplicate,—one copy to the State Department of Labor and Industry and one to the State Department of Health. The report shall be on, or in conformity with, blanks to be prepared and furnished by the State Department of Health, free of cost, to every employer included in section (473), and shall state: (a) name, occupation . . . and (d) such other information as may be reasonably required by the State Department of Health.

"The examining physician shall, also, within the said forty-eight hours, report such examination and finding to the employer; and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes, or lead solutions, included in section (473) of this act."

Compressed Air Work

Section 441 to 453. Regulate working conditions of persons in compressed air. Require every tunnel, caisson or compartment to be so constructed, equipped and operated so as to provide a safe place to work; specify safety equipment such as gauges which must be provided; require adequately equipped dressing rooms and separate room for drying clothes; and a medical lock if maximum air pressure in such work exceeds 17 pounds. Employers are required to employ one or more licensed physicians and nurses to render necessary medical care to employees working in compressed air, to make physical examinations of employees after working in specific pressures or after absence from work, and

to keep a record of the examinations. The law also regulates hours of labor in various air pressures, and rates and time of decompression. Penalty for violation.

Industrial Homework

Sections 491–1 to 491–24. Regulate industrial homework; provide for issuance of permits and homeworker's certificates; specify prohibited homework and conditions of work; and empower the Department of Labor and Industry to make and enforce necessary rules and regulations, and to make inspections. Penalty for violation.

Dry Cleaning Establishments

Title 35, Sections 1261 to 1268. The dry cleaning and dyeing law applies to all establishments using a "commercially non-aqueous volatile, or volatile and inflammable, liquid solvent." Establishments are classified into 4 classes according to type of solvent used. The Act covers requirements as to location and construction of buildings and rooms, machinery, equipment and operating conditions for each class of establishment; requires approval of construction plans by the Department; provides for enforcement, rule-making and inspection powers. Penalty for violation.

Rules and Regulations

Promulgated by Department of Labor and Industry. Penalties provided for violations.

1. ***Regulations for Compressed Air Apparatus.*** Effective February 1, 1917, amended to November 1, 1951.

Rules apply to workers who use compressed air apparatus; prohibit removal of safeguards[1] and specify safety devices for pneumatic hammers, drills, pipe connections for compressed air, and for air tanks; and require approval of design and construction of air tanks by the Department of Labor and Industry.

2. ***Regulations for the Dry Color Industry.*** Effective August 1, 1917, amended to August 1, 1948.

Rules require employers to provide and maintain necessary protective measures for employees engaged in any work in which is used in dry form carbonate of lead, red lead, litharge, orange mineral, basic lead sulphate, chromate of lead and other compounds containing lead in excess of 10 percent; prohibit women under 21 years of age from working in occupations involving exposure to lead and its compounds and require that they be examined monthly at employer's expense by a licensed physician; prohibit males of less than 18 years of age from working in such occupations; set forth general safety requirements concerning respirators; specify requirements for toilet and washing facilities, locker rooms, eating rooms and protective clothing (see sections 473 to 478 under statutory provisions); require physical examinations of employees exposed to lead and reporting of cases of lead poisoning; and specify regulations for tank processes, filter-pressing and straining, dry grinding, sieving and packing.

3. ***Regulations for Paint Grinding, Paint and Varnish Manufacturing.*** Effective August 1, 1917, amended to April 1, 1949.

Rules apply to protection of employees exposed to dry lead compounds, including the manufacture of paints and varnishes. Regulations and prohibitions are similar to those for Dry Color Industry (listed as 2). Included also are rules for mixing dry compounds of lead, packing of lead compounds or arsenic, and packing under exhaust system.

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[1] This rule is common to all regulations.

4. *Regulations and Suggested Safe Practices for the Manufacture of Nitro and Amido Compounds.* Effective August 1, 1917, amended to April 1, 1952.

Regulations require proper ventilation of buildings in which nitro and amido compounds are manufactured, and buildings in which twice or more nitrated compounds of benzol or toluene or phenol are manufactured to be of fire-resistant material, or separate. Detailed specifications are set forth concerning construction and use of platforms, and safeguards in the manufacture of the substances including enclosure of processes, storing of materials, exhausing of machinery and apparatus generating dust, gases or vapors, and cleanliness of workrooms. Health precautions require that employees be informed of poisonous quality of products and that clothing that has been in contact with substances be changed; prohibit use of alcohol and smoking, and keeping or eating of food in workrooms; specify type of wash and dressing rooms and require daily baths; prohibit the employment in such processes of men suffering from inflammation of the bladder, or addicted to alcohol; suggest process men be between ages 22 and 50 and without symptoms of anemia; permit employment of women over 18 years of age upon permit from the Department; and give other suggestions for safeguarding health. Safety rules for employees entering vats or tanks require use of approved type of helmet and attachment to body of employees of a life line. Instructions are given for resuscitation of persons. Rules require that all applicants for employment as process men be examined by a licensed physician before commencing work or before expiration of 24 hours after their employment, and that process men be examined once every 30 days and before resuming work after absence; the maintenance of records; reporting of cases of poisoning to the Department of Labor and Industry; and maintenance of a hospital room or dispensary for which equipment is specified.

Rules also include requirements for manufacture of trinitrotoluol, handling of chemicals, and posting of notices warning on danger of substances.

5. *Regulations for Lead Corroding and Lead Oxidizing.* Effective August 1, 1917, amended to April 1, 1952.

General requirements on ventilation, cleanliness of workrooms, prohibition of employment of women under 21 years and males under 18, provision and use of respirators, sanitary facilities, physical examinations of workers are similar to those contained in Regulations for the Dry Color Industry (listed as 2). Additional safety regulations are given for the manufacturing of carbonate of lead or white lead by the Old Dutch process and the Carter process, processing of sublimed white lead, the manufacture of litharge, red lead, minium, and orange mineral.

6. *Regulations for Cereal Mills, Malt Houses and Grain Elevators.* Effective April 1, 1917, amended to April 1, 1952.

Rules contain safety specifications for buildings, guarding machinery, fire protection, exhausting belt conveyors, and for discharge of dust collectors, prohibiting dust or "stive" rooms. Approval of plans and specifications by the Department is required.

7. *Regulations for Printing and Allied Industries.* Effective October 9, 1918, amended to July 1, 1952.

Rules apply to firms or individuals engaged in photoengraving, composition, electrotyping, bookbinding, lithographing, steel or copper plate printing and other allied printing industries.

Rules contain specifications for safety and cleanliness of workrooms, exhausting lead melting pots, approved of plans for exhaust systems by the Department,

safeguarding machinery, provision of sanitation facilities, and suggested safe practices for prevention of lead poisoning and tuberculosis.

8. ***Regulations for Industrial Sanitation.*** Effective May 5, 1921, amended to February 1, 1953.

Rules apply to every establishment within the Commonwealth and require establishments and premises to be kept free from accumulations of dirt, rubbish, garbage, and to be kept in a clean, safe and sanitary condition, and as further specifically outlined. Requirements are given for types, construction, and number of retiring rooms and dressing facilities for women, toilet facilities of various types, ventilation, washing facilities including shower baths (required when workers are exposed to heat, humidity or dust, or poisonous or other injurious materials), dressing facilities for men, and approved drinking water.

9. ***Regulations for Head and Eye Protection.*** Effective July 12, 1921, amended to November 1, 1952.

Rules apply to all workers whose occupations require head and eye protection—specifically, goggles, helmets, shields, hoods and masks; classify processes and operations according to type of goggles to be used; specify methods of sterilization; set forth mandatory provisions for manufacturing of protectors; list occupations requiring protectors; and require respirators to be of approved types.

10. ***Regulations for Industrial Lighting.*** Effective May 10, 1923, amended to Febuary 1, 1953.

Rules apply to every establishment in the Commonwealth; require shading of lamps to prevent glare; and contain a table giving both mandatory or minimum foot-candles required and recommended foot-candles on the space or at the work, for general types of work and for specific industries and occupations.

11. ***Regulations affecting Textile Industries.*** Effective January 1, 1925, amended to December 1, 1951.

Rules deal with safeguards for machines at different points of operation or that are of special hazard; exhaust systems for removal of dust and flying material for machines specified; heating and ventilation of dye houses; protection from special hazards such as contact with caustic soda or potash; and protection of tanks and vats containing hot or corrosive liquids.

12. ***Regulations for Labor Camps.*** Effective September 24, 1926, amended to February 1, 1953.

Rules require a license to operate; prohibit persons afflicted with communicable diseases from working with food preparation and require a medical certificate; and set forth specifications for construction, dwelling space requirements, sanitation facilities and maintenance.

13. ***Regulations for Canneries.*** Effective May 15, 1926, amended to February 1, 1949.

Rules require license to operate; prohibit persons afflicted with communicable diseases from being employed; regulate location, construction, maintenance and sanitation of canneries; and require working apparel suitable for the job.

14. ***Regulations for Laundries.*** Effective January 15, 1927, amended to February 1, 1953.

Rules set forth specific requirements covering safety of operations and equipment.

15. ***Regulations for Spray Coating.*** Effective August 16, 1929, amended to November 1, 1952.

Rules apply to the application of paints, stains, varnishes, lacquers, enamels, metals, or similar materials by the spray method; require that spray coating be done in booths except under certain specific conditions when respirators must

be used; specify type of respirators for protection against hazardous substances; give specifications for construction of booths and exhaust systems, cleaning and use of booths and spraying equipment, and storage of flammable materials; and set forth regulations applying to electrical equipment, and fire protection. Recommendations for health protection concern safe methods of spraying; physical examinations of workers, including X-ray examination prior to employment and periodically when exposed to lead or poisonous solvents or siliceous material; and prohibition of persons from working as spray operators who show positive evidence of blood disturbance as indicated by examination, and of lung fibrosis or active tuberculosis when exposures at the job would aggravate the conditions.

16. ***Regulations for Foundries.*** Effective August 16, 1929, amended to July 1, 1952.

Rules apply to iron, steel and brass foundries; set forth general requirements for construction of buildings, mechanical means of ventilation for removal of smoke, steam, gases and dust, and for cleaning and chipping of castings; require that lighting and heating be adequate; give minimum requirements for type and number of toilet and washing facilities per number of persons; specify safeguards and other protective means for employees in various foundry operations; and regulate employment of women in core rooms.

17. ***Safe Practices Recommendations.*** Effective June 14, 1930, amended to January 1, 1952.

Rules contain brief instructions concerning safety and prevention of accidents in industry for certain common operations, conditions and equipment.

18. ***Regulations for Industrial Home Work.*** Effective December 10, 1937.

Rules deal with contractors' licenses to be secured from the Department, submission of data on homeworkers, and labeling of articles; require that homes be kept in a clean and sanitary condition and free from infectious and communicable diseases in accordance with recommended Health and Sanitation Housing Standards of the Pennsylvania Department of Health; and require the designation of an adult person in each home who, with the employer, will be responsible for carrying out the law. *Industrial Home Work Law* and female and child labor prohibitions are included.

19. ***Regulations for Dry Cleaning and Dyeing.*** Effective June 29, 1950.

Rules apply to dry cleaning and dyeing establishments of all types using commercially nonaqueous volatile or volatile and inflammable liquid solvents; require approval of plans and specifications by the Department; set forth construction specifications for 4 classes of buildings, classified according to type of solvent used, and specifications for machinery, equipment and operating conditions; and give general requirements concerning safety in dry cleaning rooms and for solvent tanks.

NOTE: Many other regulations have been promulgated concerning fire prevention, construction, explosives, industrial operations and occupations, and elevators that are not mentioned here.

Employment of Women and Minors

Among pertinent provisions are the following:

Purdon's Pennsylvania Statutes Annotated, Title 18, Section 4641. Declares employment of minors in any vocation injurious to health or dangerous to life and limb a misdemeanor, punishable by fine or imprisonment, or both.

Title 43, Sections 41 to 71. Deal with employment of minors. Employment of minors under 16 is prohibited in any manufacturing or mechanical occupation, on scaffolding, in building trades, railroads and mines; and of minors under 18

in certain occupations including the manufacture of paints, colors or white lead, in any capacity where dangerous leads or acids or dyes are used, in or about mines or explosive works. Employment of minors under 18 is prohibited in any occupation dangerous to life and limb, or injurious to health and morals, as determined by the Industrial Board of the Department of Labor and Industry.

Hours of labor are regulated for minors under 18, and under 16; and a meal period after 5 consecutive hours of work is required.

Sections 101 to 133. Regulate female labor. The employment of females "in any occupation dangerous to life or limb, or injurious to the health or morals" is prohibited; such occupations are to be determined by the Industrial Board. Hours of labor are specified, and a meal period is required after 5 consecutive hours of work. Employers are required to provide suitable seats, wash and dressing rooms, and adequate and sanitary toilet facilities. Employers employing women in establishments "where white lead, arsenic or other poisonous substances, or injurious fumes, dust, or gases, shall be present," shall provide and maintain a suitable lunchroom for their use, and proper hoods and pipes connected with exhaust fans to remove dusts, fumes or gases from the workroom. They are also required to supply clean and pure drinking water. Penalty for violation.

Reporting of Injuries

Title 43, Sections 12 to 16. Require employers to report all injuries lasting more than one day and accidental deaths to Department of Labor and Industry. Reports made in this manner are not admissible as evidence in any proceeding under the Workmen's Compensation Law. "No employer who has made the report required by this act shall be required to make any other or further report of such injury or death to any other department of the government of the Commonwealth."

Reporting of Occupational Diseases

See under general provisions relating to occupational health and safety, section 478, dealing with reports of lead poisoning to be made to the State Department of Health and to Department of Labor and Industry; and regulation numbered 4 dealing with manufacture of nitro and amido compounds, requiring reports of poisoning to be made to the Department of Labor and Industry.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Workmen's Compensation Board. (Title 77.)

Occupational Disease Compensation

Title 77, Sections 1201 to 1420. Occupational Disease Act. Schedule coverage.

Reporting of Injuries

(See above.)

Vocational Rehabilitation [1]

Title 71, Section 569. *Rehabilitation.* "The Department of Labor and Industry shall have the power:

"(a) To render aid to persons injured in industrial pursuits, to arrange for medical treatment for such persons, and procure artificial limbs and appliances to enable them to engage in remunerative occupations;

[1] See also page 247 (State Board of Vocational Rehabilitation).

"(b) To make surveys to ascertain the number and condition of physically handicapped persons within the Commonwealth;

"(c) To cooperate with the Department of Public Instruction in arranging for training courses in the public schools, or other educational institutions, for persons injured in industrial pursuits, and to arrange for such courses in industrial or agricultural establishments;

"(d) To such extent as the department shall have funds available for the purpose, to provide maintenance for such injured person during such training in such amounts as may be provided by law."

DEPARTMENT OF MINES

The Department of Mines enforces the mining laws governing working conditions in anthracite coal mines and in bituminous coal mines. (Title 52.)

Among the subjects covered by title 52 are qualifications and duties of mine foreman, fire bosses and other mine employees with respect to making inspections, use of portable electric machinery, provision of first aid and organization of mine rescue crews.

Provisions regulating health and safety of miners in anthracite coal mines are concerned with certification and functions of mine inspectors and of mine foremen and fire bosses; general rules for safety of working places and traveling roads; ventilation currents which must be so circulated as to dilute and sweep away smoke and noxious or dangerous gases; removal of dust as far as practicable from all coal breakers where the density of coal dust is likely to prove injurious to the miner's health; daily examination of mines for presence of noxious gases or other unsafe conditions; provision of washhouses at the request in writing of 20 or more men employed in any of the mines; and provision of emergency first-aid supplies, ambulances and medical rooms for care of injured miners. Employment of minors and of females in the mines is prohibited.

Provisions relating to bituminous coal mines on inspectors, inspections, safe mining practices and working conditions, mine rescue and care of injured are similar to those for anthracite mines. They also cover safe working conditions in gaseous mines, provision of ventilation so as to dilute and render harmless smoke and noxious gases, rock dusting and watering to keep down dust creating a hazardous condition, and minimum requirements of air.

STATE BOARD OF VOCATIONAL REHABILITATION [1]

Vocational Rehabilitation

Title 43, Sections 681–2 to 681–11. The State Board of Vocational Education is designated as the State Board of Vocational Rehabilitation, consisting of members of the State Council of Education, and Secretary of Department of Labor and Industry. The Board is authorized to provide vocational rehabilitation services to disabled eligible individuals; cooperate with other agencies and the federal government; make surveys ascertaining number and condition of rehabilitated persons; administer funds; and perform all related functions. Eligibility for vocational rehabilitation is specified.

DEPARTMENT OF AGRICULTURE

Food Sanitation

The Department of Agriculture has jurisdiction over sanitary regulation of bakeries, bottling establishments, ice cream plants and slaughterhouses. Laws

[1] See also page 246 (Title 71, Section 569).

require that adequate toilet and washing facilities be provided, and that all work places be properly ventilated and lighted. Rules and regulations pertaining to food sanitation in these industries have been promulgated.

RHODE ISLAND

SOURCES: General Laws of Rhode Island 1938
Public Laws—Various years
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions [1]

Duties of Department

General Laws 1938, Chapter 255, Section 3. "The said department shall take cognizance of the interests of life and health among the citizens of the state; shall make investigations into the causes of disease . . . the effect of localities, employment and other conditions and circumstances on the public health, and do all in its power to ascertain the causes and the best means for the prevention of disease of every kind. . . ."

Food Sanitation

Public Laws 1939, Chapter 660, Section 183. ". . . Said department and director shall enforce the provisions of Chapter 260 of the general laws of 1938 in so far as they relate to the inspection of bakeries and other establishments and shall perform the functions relating to . . . food and drugs . . . slaughter houses. . ."

Section 184. Extends functions to enforcement of provisions relating to inspection of milk and milk products.

Industrial Hygiene

Section 186. "Said department and director shall perform the functions relating to industrial hygiene, which shall include the following: (a) the study of the problems of industrial hygiene and occupational diseases in industry; (b) recommendations to the general assembly of such measures as study and experience may demonstrate to be advisable; and (c) the maintenance of proper records of its activities."

NOTE: See under Industrial Code Commission, Department of Labor, for powers of Department of Health relative to industrial rule-making.

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

General Laws 1938, Chapter 260 (Variously amended by laws in subsequent years). Contains regulations for sanitary inspection of food establishments such as bakeries, confectioneries, and ice cream factories, including requirements for healthful sanitary conditions such as plumbing, general and local

[1] Additional references on pages 250 (Chapter 1785), 251 (Chapter 2612), and 253 (Chapter 1312, Section 3).

ventilation for exhausting steam, vapors, gases and excess heat, lighting, and cleanliness of premises; provision of washroom and toilet facilities; and prohibition of employment of persons with communicable and infectious diseases.

Chapter 264, as amended by Public Laws 1943, Chapter 1306, and Public Laws 1944, Chapter 1469. Regulates licensing and inspection of slaughterhouses. The Director of Health is empowered to adopt regulations governing the plant, equipment, operation and maintenance of slaughterhouses as they relate to health and safety of the public. Issuance of license is dependent upon compliance with provisions of laws and regulations relating to sanitary requirements.

NOTE: See under statutory provisions relating to occupational health and safety for Department of Labor for functions of the Director of Health in approving first-aid personnel and chests for industry.

Rules and Regulations

See under Department of Labor.

Reporting of Occupational Diseases

General Laws 1938, Chapter 255, Sections 18 to 21. Require that every physician "attending or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, wood-alcohol, mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall . . . send to the department of public health a report stating. . ."

The Department is required to furnish blanks for reporting and to transmit a copy of all such reports of occupational disease to the Division of Industrial Inspection. Reports made in this manner are not admissible as evidence in any action.

Nuisance Control

General Laws 1938, Chapter 600, Section 1. ***Noxious or Offensive Trades, Occupations or Employments.*** "When any building or premises in any city in this state are occupied or used for carrying on the business of slaughtering cattle, sheep or other animals, or for a melting or rendering establishment, or for other noxious or offensive trades, occupations or employments, the board of aldermen, sitting as a board of health, after appointing a time and place for a hearing, and after giving notice thereof to all persons interested, by public advertisement or otherwise, and after such notice and hearing, if in its judgment and in the judgment of the state director of public health the public health or the public comfort and convenience so require, may prohibit by its order or decree the exercise of such trade, occupation or employment in such building and on such premises, indefinitely, or for such time as it shall find that the public health or the public comfort and convenience shall require."

DEPARTMENT OF LABOR

Authority and Functions [1]

Public Laws 1939, Chapter 660, as amended by Public Laws 1941, Chapter 1069, Section 151. "The director of labor shall . . . (c) have all the powers and duties formerly vested by law in the factory inspectors and steam boiler inspectors, and such other duties as may be by law conferred upon said depart-

[1] Additional reference above (Chapter 255).

ment; (d) administer the labor laws of this state concerning women and children and be responsible for satisfactory working conditions of women and children employed in industry in this state. . ."

Creation of Industrial Code Commission

Public Laws 1946, Chapter 1785, Section 3. Creates the Industrial Code Commission for Health and Safety in the Department of Labor, consisting of 5 members, two of whom shall represent industry, two, labor, and one who shall serve as chairman of the Commission and represent the public. The Director of Labor and the Director of the Department of Health are ex-officio members of the Commission.

Section 4. *Code Making Power.* "(a) In addition to such other powers and duties as may be conferred upon it by law, the industrial code commission shall have the power to make, amend, and repeal codes for the prevention of accidents or occupational diseases in every employment or place of employment, including the repair and maintenance of places of employment, to render them safe, provided that no such code or amendments thereof shall be effective unless and until approved by the director of labor. The director of labor and the director of health shall each have the right to propose to the commission such codes or amendments in existing codes as they may deem necessary to carry out the intent of this act. All such codes when adopted shall be consistent with then existing widely accepted safety codes of such engineering bodies as the American Society of Mechanical Engineers, the American Standards Association, the American Society of Safety Engineers, and other accepted codes. . . ."

Section 5. *Variations.* "Any employer may consult with the director of labor, the chief of the division of industrial inspection, or the director of the department of health for advice and assistance in complying with the provisions of this act or any codes adopted thereunder. In case of practical difficulties the director of labor and/or the chief of the division of industrial inspection may grant variations from particular provisions of a code and permit the use of other or different devices or methods; *provided, however,* that such variations shall be granted only when it is clear that the reasonable safety of the workers in said plant is not thereby endangered. . . ."

Section 7. *Penalties.* Provides for penalties for violations of this Act or of any code accepted by the Commission.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Public Laws 1946, Chapter 1785, Section 2. "Every employer shall furnish a place of employment which shall be safe for the employees therein and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such places of employment safe, and shall do every other thing reasonably necessary to protect the life, health and safety of such employees; *provided, however,* that, as used in this act, the terms 'safe' or 'safety' as applied to any employment or a place of employment shall include conditions and methods of sanitation and hygiene reasonably necessary for the protection of the life, health and safety of employees or the public."

Licensing and Regulation of Painter's Rigging

Public Laws 1941, Chapter 1067. Requires persons or firms engaged in business as contracting painters and employing 6 or more painters to obtain license

to engage in contracting painting. The Department of Labor may order periodic inspection of painter's rigging and, if found defective, may declare that such rigging shall not be used. Penalty for violation.

Sanitary Accommodations in Foundries

General Laws 1938, Chapter 287. Requires every foundry employing 10 or more men to provide suitable toilet rooms and change rooms which shall be heated, ventilated and protected from the weather. Penalty for violation.

Protection of Employees During the Erection of Buildings

General Laws 1938, Chapter 296. Contains regulations for protection of employees on building construction work.

Public Laws 1951, Chapter 2793. Requires constructors on all projects to provide safety requirements such as cranes, hoists and ladders depending on depth, on all construction work wherein workmen are employed in shafts or tunnels.

Industrial Homework

Public Laws 1939, Chapter 660, as amended by Public Laws 1948, Chapter 2110. Regulate industrial homework. Laws deal with issuance by Director of Labor of licenses to employers and certificates to industrial homeworkers including those who have reached the age of 50 years or who are physically handicapped so as not to be able to go to employer's place of business, provided that work does not unduly jeopardize factory workers in such industries as to wages and working conditions, or unduly injure the health or welfare of the homeworker, or public health and safety; provide for inspections as to sanitation and for occurrence of communicable or infectious diseases; prescribe conditions permitting homework; prohibit the employment of minors under 16 and require that laws concerning hours of work apply to industrial homework; and prescribe penalties for violations.

The Administration of First Aid and/or Other Medical Services in Places of Employment

Public Laws 1950, Chapter 2612, Section 1. "Definitions: 'Registered nurse' means a graduate nurse duly registered by the department of health and who under the supervision of a licensed physician performs any nursing service which requires application of the biological, physical or social sciences and professional nursing skills; or who engages in counselling for disease prevention and health conservation.

" 'Practical nurse' means a person licensed as such by the department of health and who under the supervision of a licensed physician performs prescribed physical and nursing care requiring only a knowledge of simple nursing procedures but not the knowledge and skill necessary for a registered nurse.

" 'First aid worker' means a person trained and qualified in a standard first aid course given by certified instructors of the American Red Cross, the United States bureau of mines or other agencies approved by the director of health.

" 'First aid' means the immediate, necessary, temporary care given in case of accident or sudden illness before adequate medical care can be secured. It does not include continued treatment or follow-up treatment of any injury or illness.

" 'Standing orders' means a written or printed compend of directions, outlining routine medical or nursing services and procedures, approved and signed by a licensed physician and acknowledge by him to be services and procedures which may, in his absence, be performed by a particular registered nurse or a particular practical nurse."

Section 2. "It shall be the duty of every person, firm, or corporation operating a factory, shop, mechanical or mercantile establishment where 25 or more persons are employed, to provide for the administration of first aid, or other medical services within the limitation of this act, to any employee injured or becoming ill on their premises.

"Such provision shall include procuring a first aid chest approved by the director of labor, which shall be at all times fully equipped and easily accessible."

Section 3. "Every person, firm, or corporation employing 25 to 399 persons in any factory, shop, mechanical or mercantile establishment shall designate and employ one or more persons qualified as first aid workers, or as practical nurses or as registered nurses to carry out the procedures implied in this act."

Section 4. "Every person, firm or corporation employing 400 or more persons in any factory, shop, mechanical or mercantile establishment shall further set aside and equip, on the premises of such factory, shop or establishment or adjacent thereto, a special accident room or similar accommodation which shall meet the approval of the director of labor.

"Such accident room, its facilities and services shall be under the direction of a registered nurse."

Section 5. "The first aid worker, who may be regularly employed at other duties in the factory, shop, mechanical or mercantile establishment, shall, when rendering first aid, administer such first aid as defined in section 1 of this act."

Section 6. "Nothing in this act shall abrogate article II, section 5, of the workmen's compensation act [chapter 300, General Laws, as amended]."

Section 7. "The provisions of this act shall be enforced and administered by the division of industrial inspection in the department of labor. The director of health shall advise and assist the director of labor in the approval of first aid chests and accident rooms as provided for in this act."

Section 8. Prescribes penalty for violation.

Rules and Regulations

Adopted by Industrial Code Commission for Safety and Health.

1. Industrial Code No. 3. ***Safety Code for Power Presses and Drop Hammers.*** Effective June 23, 1947.

Code applies to all power presses and automatic drop hammers and plain drop hammers and covers general hazards involved in use of such machinery, safeguarding press hazards at point of operation, and making and setting dies.

2. Industrial Code No. 5. ***Safety Code for Woodworking Machinery.*** Effective October 12, 1947.

Code is intended as a guide for the safe installation, operation, and maintenance of woodworking machinery, including operations and the making of veneer. It deals primarily with point of operation hazards of woodworking machinery.

3. Industrial Code No. 6. ***Safety Code for the Manufacture, Use and Storage of Industrial Organic Solvents in Places of Employment.*** Effective October 12, 1947.

Code applies to any organic volatile liquid or compound, or any combination of these substances used to dissolve or suspend a nonvolatile or slightly volatile substance for industrial utilization. Requires use of control measures such as closed processes, when practicable, exhaust ventilation at source of exposure for maintaining the maximum allowable concentration, personal protective measures, and labeling of containers; lists the maximum allowable concentrations, approved by the Director of Health, for industrial solvents; requires tests to determine the concentration of industrial solvents to be standard methods used by such agencies as the U. S. Public Health Service, Underwriters' Laboratories, Inc., and the Industrial Hygiene Foundation of America; makes applicable to

flammable industrial organic solvents the code of the National Fire Protection Association.

4. Industrial Code No. 7. ***Safety Code for Structural Painting and Painters' Rigging.*** Effective February 14, 1952.

Code covers registration, maintenance and inspection of rigging; safety regulations for swing stages and boatswains' chairs, scaffolds, ladders, roof boards, and other means of support.

5. Industrial Code No. 8. ***Safety Code for Laundry Machinery and Operations.*** Effective July 23, 1949.

Code applies to all moving parts of equipment used in laundries, with special reference to the point of operation of laundry machines.

6. Industrial Code No. 9. ***Safety Code for Dry Cleaning and Dry Dyeing Establishments.*** Effective July 23, 1949.

Code applies to all machines and equipment installed, maintained, and operated in all establishments where dry cleaning, dry dyeing, pressing, or other finishing of articles is carried on. Dry cleaning systems are classified into 4 classes according to a schedule for the rating of hazards of industrial organic solvents. Dry cleaning by use of class I solvents is prohibited, except as provided for in the Code. Specific rules are given for other three classes covering location, construction, exits, fire protection, and lighting; workroom ventilation, and exhaust ventilation of dry cleaning machines and equipment and their operation so as to prevent solvent escape; treatment and storage tanks, stills and condensers, fittings, filters and other machinery; brushing and spotting operations; and instructions to workers on avoiding and controlling excessive exposures. General requirements include approval of plans for establishing or remodeling a dry cleaning plant by local authorities having jurisdiction or by the Division of Industrial Inspection.

7. Industrial Code No. 10. ***Safety Code for Rubber and Allied Industries.***

Code covers mechanical and health hazards encountered in industries processing rubber and rubber products including rubber mills; specifications for calenders and monthly inspections; ventilation and lighting; and a list of potential occupational hazards and maximum allowable concentrations for each. Reference is made to other State and national codes applicable to the industry.

NOTE: Safety codes have also been adopted for mechanical power-transmission apparatus (Industrial Code No. 2); construction, inspection, maintenance and operation of elevators, escalators, dumb-waiters (Industrial Code No. 4); and use, care and protection of abrasive wheels (Industrial Code No. 1) which is the American Standards Code B 7.1–1947.

Employment of Women and Minors

Among pertinent provisions are the following:

Public Laws 1945, Chapter 1659, Section 4, Clause (B). Requires meal periods to be allowed at same hour for women and children, 5 or more in number, starting to work at same hour. Prohibits such employees from tending machines or performing work other than their own at meal periods.

Clause (C). Requires meal period after 6 hours of continuous work for women and children. Permits variations when total employment is for 6½ or 7½ hours per day. Penalties for violation.

Public Laws 1943, Chapter 1312, Section 1. Prohibits employment of children under 16 in any factory, mechanical or mercantile establishment and prohibits their employment in any business establishment between 6 p. m. and 6 a. m.

Clause 3 of Section 1. Provides for issuance of permits for children under 14 under certain conditions for work on certain days, but specifically prohibits their employment in factories or in mechanical or mercantile establishments.

Section 3. Prohibits employment of minors under 16 in operating or assisting in operation of specified machines, and in specified places of employment and occupations or in any work, occupation, place or process declared by Department of Public Health to be injurious, dangerous, or hazardous for minors under 16.

Reporting of Injuries

Public Laws 1951, Chapter 2814. Requires every employer employing one or more persons, to immediately notify the Division of Industrial Inspection of the State Department of Labor, of every fatal personal injury sustained by employees; authorizes the Department to conduct an immediate on-the-scene investigation to determine cause; and prohibits employer or others to remove or alter machinery or destroy evidence in any way pertaining to the cause of such fatal injury. Penalty for violation.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Division of Workmen's Compensation. (General Laws 1938, Chapter 300, as amended in subsequent years)

Occupational Disease Compensation

General Laws 1938, Chapter 300, Section 2, as amended by Public Laws 1949, Chapter 2253. Provides for full coverage.

Reporting of Injuries

General Laws 1938, Chapter 300, Sections 1 and 7 as amended by Public Laws 1949, Chapter 2282. Require employers subject to the provisions of the Workmen's Compensation Law to report to the Director of Labor personal injuries both fatal and those incapacitating employees from earning full wages for a period of at least 3 days, and occupational diseases that shall come to the knowledge of the employer. Law does not apply to public utilities which are required to report to the Division of Public Utilities, provided however that the Director of Labor is furnished duplicate reports.

Section 3. "No report of injuries to employees other than those required by this chapter shall be required of any other department or office of the state from employers to whom the provisions of this chapter apply. . . ."

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Public Laws 1951, Chapter 2752, Section 11. Designates the State Board of Education as the State Board for Vocational Rehabilitation to cooperate with federal agencies in the administration of any act of Congress "relating to vocational education and rehabilitation in agriculture, distributive occupations, household arts, trades and industries, or to disabled veterans and other persons, and to secure for the state the benefits thereof."

Public Laws 1949, Chapter 2215. Empowers the State Board for Vocational Education to provide for vocational rehabilitation of disabled persons, and their return to civil employment, including such services as medical and vocational diagnosis, vocational guidance, counseling, training, physical restoration, occupational licenses, and tools and equipment; accepts the provisions and benefits of the Federal Act; and provides for maintenance of persons entitled to workmen's compensation during period of rehabilitation and instruction which shall be in addition to the compensation.

DEPARTMENT OF BUSINESS REGULATION

General Laws 1938, Chapter 122. The Division of Public Utilities in the Department of Business Regulation has jurisdiction over railroads, street railways and other common carriers, communications and power utilities. Its powers and duties include safety aspects of public utilities.

Chapter 124, Section 45. Requires frogs, switches and guard-rails on railroad tracks to be filled or blocked so as to prevent the feet of employees from being caught therein.

AIR POLLUTION CONTROL

Public Laws 1946, Chapter 1760. "An Act Authorizing Cities and Towns to Control Air Pollution. It is enacted by the General Assembly as follows:

"Section 1. For the purpose of promoting the general health, safety, morals or general welfare, the city council or any city and the town council of any town, and the representative council of the city of Newport shall have power in accordance with the provisions of this act within the limits of such city or town to regulate by ordinance the pollution of air in such city or town.

"Section 2. Such ordinance shall be designed to eliminate or control as far as deemed practicable the emission of dense smoke from any building, marine, stationary or locomotive engine, or motor vehicle, place or premises, or the escape or discharge of cinders, dust, gas, steam or noisome odors from any such building or place.

"Section 3. Such ordinance shall define the extent of smoke or other air pollution which is permitted or forbidden and may establish special exemptions as to source or as to permitted periods of discharge of smoke or other substances.

"Section 4. Such ordinance (a) may also provide for rights of entry and inspection by the smoke inspector or other officer having the duties of smoke inspector of such city or town; and (b) may require permits for new construction or alterations of fuel consuming equipment, provided, however, that the cost of such permits shall be definitely fixed and shall not in any case exceed $10.00.

"Section 5. Such ordinance may further provide for the imposition of fines of not more than $100.00 for each violation thereof and may provide that each day whenever any provisions of such ordinance shall be violated shall be a separate offense.

"Section 6. Such ordinance may also provide for the adoption of rules and regulations by the smoke inspector or other officer having the duty of smoke inspector for the purpose of making such ordinance effective and enforcement thereof uniform. . . ." Rest of section deals with procedure for adopting rules and regulations after public hearings.

SOUTH CAROLINA

SOURCES: Code of Laws of South Carolina 1952 Annotated
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

Code of Laws of South Carolina 1952 Annotated, Section 32–2. ***Duties in general.*** "Said Board is invested with all the rights and charged with all the duties pertaining to organizations of like character and shall be the sole advisor

of the State in all questions involving the protection of the public health within its limits.

"It shall, through its representatives, investigate the causes, character and means of preventing such epidemic and endemic diseases as the State is liable to suffer from and the influence of climate, location and occupations, habits, drainage, scavengering, water supply, heating and ventilation. . ."

Section 32–8. ***Committee may promulgate and enforce rules for public health.*** "The executive committee of the State Board of Health may make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing . . . (3) For the production, storing, transportation and selling of milk and milk products; (4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, bottling plants, and canneries . . . (8) For the control of industrial plants, including the protection of workers from fumes, gases and dust, whether obnoxious or toxic . . . (12) For the thorough investigation and study of the causes of all diseases, epidemics and otherwise in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease.

"The committee may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health." Penalty for violation.

Section 32–39. ***Health officer to advise municipal and county authorities.*** "The State Health Officer, when it is deemed necessary by the municipal officers of any town or city or the governing body of any county may . . . (c) advise, when practicable or possible, as to measures of sanitation or hygiene and (d) investigate and advise as to all matters respecting food, water supply, sewerage, drainage, ventilation, heating, lighting or other measures connected with public sanitation or safety."

Investigation of Occupational Diseases

Code of Laws 1952, Volume 7. In *Rules and Regulations on Communicable Diseases*—Filed Secretary of State's Office, February 17, 1944.

Section 2. ***Physicians shall report cases of occupational diseases.*** ". . . The state board of health is authorized to investigate and to make recommendations for the elimination and prevention of occupational diseases which shall be reported in accordance with the provisions of this section. The state board of health is also authorized to study and provide advice in regard to conditions that may be suspected of causing occupational diseases, provided information obtained upon investigations made in accordance with the provisions of this section shall not be admissible as evidence in any action of law to secure compensation for occupational diseases through common law."

General Provisions Relating to Occupational Health

Statutory Provisions

Code of Laws 1952, Section 32–1225. ***Persons responsible for condition of privies.*** ". . . the person in charge of an office building, establishment or institution shall be responsible for the sanitary maintenance of such privy as may be used by his . . . employees, workers or other persons."

Section 32–1241. ***When required.*** "In order to protect the public health, all persons engaged in manufacturing in this State and furnishing, by renting

and otherwise, directly or indirectly, houses to their employees shall furnish to their employees occupying such houses sewerage closets with necessary sewerage connections for them." Penalty for violation.

Rules and Regulations

Adopted by the State Board of Health and filed Secretary of State's office. In Code of Laws 1952, Volume 7.

1. *Industries.* Filed February 17, 1944.

Regulations set forth requirements for water supply, drinking fountains, and number, type and construction of toilet facilities; prohibit use of the common cup and spitting; prohibit employers to use or permit to be used in the conduct of their business "any process, material or condition known to have an adverse effect on health, unless arrangements have been made to maintain the occupational environment in such a manner that injury to health shall not result"; list maximum allowable concentrations for toxic substances; and prohibit the use of mercurial carrot in the preparation of hatters' fur, and of mercurial carroted hatters' fur in the manufacture of hats.

2. *Food Processing Plants.* Filed April 20, 1951.

Regulation deals with sanitary requirements of food processing plants engaged in preparing, manufacturing, canning, bottling and processing food. Requirements cover permits, cleanliness of premises, equipment and utensils, storage and refrigeration, cleanliness of employees, provision of dressing, washing, and toilet facilities as specified, provision of adequate lighting and ventilation, waste disposal, and prohibition of diseased persons from working with food.

Separate regulations are filed for sanitary regulation of locker plants, slaughterhouses, milk and milk products, poultry processing plants, construction camps, and soft drink bottling plants.

3. *Nuisances—Defined.* Filed February 17, 1944.

"(b) The maintaining or carrying on of manufacture of chemicals, or any trade or manufacture in such a manner as to be a menace to the public health through improper or inadequate disposal of dust wastes or fumes" constitutes a nuisance.

Reporting of Occupational Diseases

Code of Laws 1952. Volume 7. In *Rules and Regulations on Communicable Diseases.* Filed February 17, 1944.

Section 2. ***Physicians shall report cases of occupational diseases.*** "Every physician having knowledge of any person whom he believes to be suffering from any occupational disease shall report the diagnosis of the disease to the state board of health. . ."

DEPARTMENT OF LABOR

Authority and Functions

Code of Laws 1952, Section 40–1. ***Department created; Commissioner of Labor.*** "A Department of Labor is hereby created and established under the supervision and direction of a commissioner to be known as the Commissioner of Labor. The Commissioner shall have charge of the administration of the Department of Labor and the enforcement of all rules and regulations which it is the duty of the Department to administer and enforce and shall direct all inspections and investigations except as otherwise provided."

Section 40–5. ***Examinations and investigations.*** "The Commissioner, . . . shall visit and inspect . . . the factories, mercantile establishments, mills,

workshops, public eating-places and commercial institutions in the State where goods, wares or merchandise are manufactured, purchased or sold, at wholesale or retail, and may enter all buildings and parts thereof which are subject to the provisions of this Title and examine the methods of protection from accidents, the means of escape from fire, the sanitary provisions and the means of ventilation and may make investigations as to the employment of children and women."

Section 40–6. ***Inspection of factories, mercantile establishments, etc., inspectors.*** "The Commissioner shall secure the enforcement of all laws relating to the inspection of factories, mercantile establishments, mills, workshops, public eating-places and commercial institutions in the State and to aid in the work may appoint factory inspectors and other assistants. The duties of such inspectors and other assistants shall be prescribed by the Commissioner."

Section 40–12. ***Enforcement.*** "The Commissioner of Labor shall enforce the provisions of this Title and prosecute all violations of law relating to the inspection of factories, merchantile establishments, mills, workshops, public eating-places and commercial institutions in this State before any justice of the peace or court of competent jurisdiction."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 40–253. ***Inspection of buildings, machinery, etc.*** "The Commissioner of Labor or his authorized agents or inspectors may examine and inspect elevators, stairways, floors, fire exits, ventilation and guards on machines, belts and pulleys of any building under construction or being remodeled within this State or any other structure, danger or hazard, which would be dangerous to employees working in or about such building or machines. But this section shall not apply to railroads or express companies. . . ."

Section 40–257. ***Factories, etc., to be provided with suitable water closets.*** Requires factories and offices to provide sufficient number of water closets, separate for sex and maintained in a clean and sanitary manner. Penalty for violation.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 40–161. Prohibits the regular employment of minors under 16 years in any factory, mine or textile establishment. Penalty for violation.

Section 40–256. Requires that seats as specified be provided for women in mercantile establishments for their use when duties permit it and at certain sedentary occupations. Penalty for violation.

Sections 40–165 and 40–166. Empower the Commissioner of Labor and his agents to enforce the provisions of law relating to the employment of minors, to make complaints against persons violating its provisions and institute prosecution for violation; and give right of entry for inspection purposes to establishments employing minors.

INDUSTRIAL COMMISSION

Authority and Functions

Section 72–68. ***Safety investigations and recommendations.*** "The Commission shall make studies and investigations with respect to safety provisions

and the causes of injuries in employments covered by this Title and shall from time to time make to the General Assembly and to employers and carriers such recommendations as it may deem proper as to the best means of preventing such injuries. In making such studies and investigations the Commission may:

"(1) Cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any employment covered by this Title or with any State agency engaged in enforcing any laws to assure safety for employees. . . .

"In carrying out the provisions of this section the Commission or any officer or employee of the Commission may enter at any reasonable time upon any premises, tracks, wharf, dock or other landing place or any building in which an employment covered by this Title is being carried on and may examine any tool, appliance or machinery used in such employment."

Section 72–268. *Promulgation of rules, regulations and schedules.* "The Commission may . . .

"(3) After notice to parties interested and public hearings if requested, promulgate reasonable rules regarding the use of safety appliances for the reduction and elimination of occupational hazards which cause occupational diseases.

"Nothing contained in this section shall limit the power of the Commission to approve reasonable safety regulations submitted by an employer for application to his business which shall not conflict with the rules and regulations provided for in this section."

General Provisions Relating to Occupational Health and Safety

None specifically.

Workmen's Compensation

Occupational Disease Compensation

Sections 72–251 to 72–257. *Occupational diseases.* Full coverage, with certain diseases specifically exempted including those resulting from climatic conditions, contagious diseases, and chronic diseases.

Reporting of Injuries

Section 72–501. Requires employers to keep records of injuries and to report to the Commission all injuries causing absence from work for more than 3 days. Penalty for violation.

DEPARTMENT OF AGRICULTURE

Section 32–1710. Empowers the Department of Agriculture to enforce laws for licensing places manufacturing frozen desserts and to make rules and regulations pertaining to the manufacture and distribution of frozen desserts including the sanitary condition of premises and of persons.

PUBLIC SERVICE COMMISSION

The Public Service Commission has jurisdiction over railroads, other common carriers, and other public utilities.

Section 58–1192. "The Public Service Commission may require the installation and use by the railroads operating trains in or through this State of any safety device which . . . shall have been proven materially to contribute to the safety of operation of trains and the protection of lives and limbs of the crews

operating such trains . . . or the sanitation of passenger and freight trains on which passengers travel or employees work, as well as depots. . . ." Penalty for violation.

Section 58–1203. Requires the provision of shelters on repair and construction work for protection of employees from inclement weather.

Sections 58–1315 to 58–1319. Require electric railway companies to affix and enclose vestibules during winter months for protection of motormen and passengers, and to heat cars and vestibules. Penalties for violation.

AIR POLLUTION AND NUISANCE CONTROL

Code of Laws 1952, Section 32–1851. "In counties which have cities of sixty-five thousand inhabitants or over it shall be unlawful for any manufacturer of acids or other distillations of a corrosive nature or of acrid odor, offensive or dangerous to human or plant life, to discharge into the air any fumes generated in the manufacture of such acids or other similar substances without first treating such fumes so as to render them innocuous, inoffensive and harmless to human or plant life. A violation of this section shall constitute a misdemeanor and shall be punished, upon conviction, in the discretion of the court." Abatement by civil action.

SOUTH DAKOTA

SOURCES: South Dakota Code of 1939
1952 Supplement
1953 New Laws

STATE DEPARTMENT OF HEALTH

Authority and Functions

South Dakota Code of 1939, Section 27.0104. ***Advisory Council: Powers.*** "The Public Health Advisory Council shall have the power . . .

"(3) To make, alter, and enforce all rules and regulations and to take such action or cause to be made such investigations as may be required in the interest of the public health; to gather and diffuse proper information upon all subjects to which its duties relate; and to advise all state officials and boards in matters relating to hygiene and sanitation.

"(4) To make, alter, and enforce, after approval of the Attorney General . . . orders, directions, or regulations as may be necessary to preserve and protect the public health and to regulate by requiring the taking out of licenses or other appropriate means, control, and, in proper cases, prohibit and suppress any of the following matters . . . (h) The accumulation of filthy and unwholesome matter to the injury of public health, and the removal thereof. . .

"(7) The Council may direct the State Health Officer to do or cause to be done any or all of the things which may be required in the proper performance of the various duties placed upon the State Department of Health. . . ."

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

SOUTH DAKOTA INDUSTRIAL COMMISSION

Authority and Functions

Section 17.1001. ***Division created.*** "There is hereby created in the office of the South Dakota Industrial Commissioner, a Division of Labor, which shall be administered by the Commissioner of Labor."

Section 17.1003. ***Commissioner; duties.*** "The Commissioner of Labor shall have and perform the following powers and duties . . .

"(2) The Commissioner of Labor is directed to enforce all the laws of this state relative to employment of women and children . . . He shall investigate any complaint made to him as to violation of any of said laws and independently without complaint shall at all times endeavor to ascertain violations . . .

"Every factory, workshop, mine, mercantile establishment, or other place in or in connection with which children are engaged at labor of any kind shall at all times be subject to visitation by the county superintendent of schools of the county in which located or of the child's residence. All places where females or children are employed and whose employment is in any manner regulated by law, shall at all times be subject to the visitation and inspection of the Commissioner of Labor."

General Provisions Relating to Occupational Health and Safety

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 17.0602. Prohibits employment of children under 14 in any factory, workshop or mine; and prohibits employment of children under 16 in any occupation dangerous to life, health, or morals.

Section 17.0606. Requires factories, mills and workshops where women, girls or children are employed to be kept clean, well ventilated, and provided with separate water closets and change rooms when necessary, and the walls to be lime-washed or painted annually. Requires provision of seats for females and children in every mercantile or manufacturing establishment, hotel or restaurant.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Industrial Commissioner. (Sections 64.0101 to 64.0708)

Occupational Disease Compensation

Sections 64.0801 to 64.0827. Occupational Disease Disability Law. Schedule coverage. Twenty-five kinds of diseases are covered.

Reporting of Injuries

Section 64.0505. Requires every employer coming under provisions of compensation law to keep a record of all injuries, fatal or otherwise, sustained by his employees, and to report all accidents resulting in personal injury to the Industrial Commission within 48 hours after knowledge of such accident.

Section 64.9901. Prescribes penalty for failure to report accidents.

STATE INSPECTOR OF MINES

Sections 42.0101 to 42.0404. Contain laws relating to mines, quarries and smelters, which are enforced by the State Inspector of Mines. Laws deal with appointment of State Inspector and his duties with respect to routine inspection of mines, investigation of complaints of dangerous conditions, and investigation of accidents; contain brief regulations on mining operations, covering ladderways, signalling, and safety apparatus; and require that operators of smelters or dry crushing reduction works install exhaust fans and dust chambers or other suitable contrivance for removal of all gases, fumes, dust, and other impurities.

STATE BOARD OF VOCATIONAL EDUCATION

Vocational Rehabilitation

Sections 15.08A01 to 15.08A13. The Division of Vocational Rehabilitation is established in the State Board of Vocational Education (ex-officio State Board of Education) and is authorized to cooperate with the federal government in carrying out any federal statutes pertaining to vocational rehabilitation of disabled persons; to provide vocational rehabilitation services; to cooperate with other agencies in establishing and developing programs, facilities and services; and to conduct related research and compile statistics. Requirements for eligibility for vocational rehabilitation are included.

DEPARTMENT OF AGRICULTURE

Food Sanitation

Section 4.0104. The Department of Agriculture has jurisdiction among other things, over sanitary inspection of food processing and handling establishments, dairies, locker plants and cold storage warehouses, including authority to promulgate necessary rules and regulations.

Sections 22.0301 to 22.0322. Regulate food handling and processing places and locker plants and require that every establishment "be properly and adequately lighted, drained, plumbed, and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the employees . . . and the purity and wholesomeness of the food." Specific requirements for cleanliness of premises and equipment, provision of toilet and wash facilities are set forth. Persons affected with contagious or infectious diseases are prohibited from working. Penalties for violation.

Sections 22.12B01 to 22.12B08, as amended by Senate Bill No. 292, 1953 New Laws. Regulate spraying or dusting with economic poisons. Require the securing of a permit from Department of Agriculture to own or lease, and to pilot or fly any aircraft for such purpose, and also for persons engaged in business of dusting or spraying from the ground.

STATE LIVESTOCK SANITARY BOARD

Rendering Establishments

Sections 40.1101 to 40.1105. The State Livestock Sanitary Board has supervision over licensing and inspection of rendering establishments, and is empowered to inspect any establishment for which license is requested for manner of conduct of the business "with reference and due regard to the dangers of disease transmission and dissemination."

PUBLIC UTILITIES COMMISSION

The Public Utilities Commission has jurisdiction over railroads, other common carriers, and other public utilities. Powers include regulation of safety of operations and authority to prescribe rules, regulations and requirements to promote safety.

Section 44.0404. Regulates hours of continuous duty of drivers or chauffeurs of motor vehicles; requires at least 12 or 8 consecutive hours off duty after duty period, depending on whether continuous or aggregate in a 24-hour period; and requires rest period to be given at such a place where rest and relaxation from the strain of duties may be obtained. Penalty for violation.

Section 52.0928. Regulates construction and size of caboose cars, requires proper guard-rails, grab-irons and steps for safety, and cars to be equipped with cupolas, side bay windows and necessary closets and windows.

Section 52.0950. Regulates hours of continuous duty of certain railroad employees engaged in or connected with the movement of trains, requiring at least an 8-hour rest period after duty period. Penalty for violation.

TENNESSEE

SOURCES: William's Tennessee Code Annotated, as amended
Public Acts of Tennessee, 1953

DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

William's Tennessee Code Annotated, Section 325. ***Powers of this Department.*** "The department of public health shall have power: (1) To have general supervision of the interests relating to the health and lives of the people of the state. . . . (3) To make sanitary investigations as . . . deemed necessary for the preservation and improvement of public health. (4) To make investigations and inquiries with respect to the causes of disease, especially epidemics, to investigate . . . the effect of localities and other conditions on the public health, and to make such other sanitary investigations as may be deemed necessary for the preservation and improvement of the public health. . . ."

Section 5756. ***Commissioner may make rules.*** "The commissioner of public health may adopt rules and by-laws subject to the provisions of this article."

Section 5757. ***Duties.*** "The department of public health shall have general supervision of the interests of health and life of the citizens of this state. The commissioner shall . . . (2) make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of death, effects of employment, habits, localities, and circumstances, upon the health of the people. (3) Advise, when they deem it necessary, in reference to location of water supply, drainage, and ventilation of any public institution. . ."

Industrial Hygiene Division or Service

Section 5788.11. Definitions.

Section 5788.12. ***Division or service provided for; functions; employment of personnel.*** "The State department of public health is hereby authorized and empowered to create and maintain an industrial hygiene division or service. The division or service shall have as its functions the inspection, investigation, and remedying of conditions injurious to the health of the industrial

worker. The commissioner of public health, acting for the state, shall appoint or employ such personnel as he may find appropriate to the enforcement of the duties and powers of this Act and for this purpose, may spend the funds appropriated herein, together with any other funds which may be available to the State for this purpose."

Section 5788.13. ***Legislative declaration of radical variation in working conditions.*** "The legislature hereby declares that working conditions vary so radically with the type of employment, the type of the structure housing such employment and for various other reasons, to the point where it is now impossible to set up a definite set of standards for all such employment that would prove practical and efficient under all conditions or substantially all conditions and for this reason, it is forced to adopt and promulgate general corrective measures with the applicability of such general standards necessarily left to an examination of each particular case."

Section 5788.16. ***Inspections and examinations of conditions in industrial establishments.*** "The commissioner of public health or his duly authorized deputy is authorized to make such inspections and examinations of the conditions prevailing in establishments falling within the scope of this Act . . . shall have the right to enter upon such premises during working hours. Any person obstructing such entry shall be guilty of a misdemeanor and punished accordingly."

Section 5788.17. ***Notice of unhealthy conditions to be served upon employer*** . . . "Upon the findings of conditions deleterious to the health of the employees, in any establishment under this Act, the commissioner of public health . . . shall serve . . . upon the employer of such labor, a notice stating generally the nature of the unhealthy conditions . . . suggesting corrective methods which are available and which notice shall require such employer to show cause within a reasonable time fixed therein why the same should not be remedied. . . ." Rest of section concerns hearings before Commissioner of Public Health and proceedings in chancery court.

Section 5788.18. ***Control and prevention of industrial accidents.*** "Nothing herein shall be construed as giving the state department of public health jurisdiction over the control and prevention of industrial accidents."

Section 5788.19. ***Information obtained not evidence in actions at law.*** "Information obtained from studies or upon investigations made in accordance with the provisions of this Act shall not be admissible in evidence in any action at law to recover damages for personal injury or in any action under the Workmen's Compensation Act."

Section 5788.20. ***Expenditure of federal funds.*** "The Department of Public Health is hereby designated as the state agency to receive and expend any federal moneys which at any time may be available to and accepted by the State of Tennessee for industrial health protection."

Section 5788.21. Annual appropriation clause.

Section 5788.22. ***Inspectors of department of labor as deputies.*** "The commissioner of public health is hereby authorized to deputize the inspectors of the Tennessee department of labor and, when so deputized, said inspectors shall assist the state department of public health in carrying out the provisions of this Act."

General Provisions Relating to Occupational Health

Statutory Provisions

Section 5788.14. ***Material or process injurious to health to be rendered harmless.*** "No employer as defined in this Act [refers to employers with 5

or more persons; domestic and agricultural pursuits exempted] shall use in his business or place of employment any material or process in such a way as to create a condition which upon examination is found to be injurious to the health of those employed therein, without rendering same harmless as far as practicable."

Section 5788.15. ***Duties of employes as to drinking water, excreta disposal facilities and washing facilities.*** "Every employer shall provide adequate and safe drinking water which shall be dispensed in a sanitary manner, sanitary and adequate excreta disposal facilities, and adequate and sanitary washing facilities for employees on said property at all times; provided, that every employer shall provide adequate and sanitary shower facilities when the workers are exposed to excessive heat, or to skin contamination with infectious, irritating, or toxic materials. Provided, that it shall not be the duty of any employer to determine the adequacy or safety of any public water supply, whether operated by a municipality or a private corporation."

Rules and Regulations

Adopted by Public Health Council.

1. ***Special Regulation.*** Adopted November 10, 1950.

Regulation contains requirements for safeguarding employees and customers coming in contact with shoe-fitting X-ray machines, defines maximum allowable concentrations to X-radiation, and requires posting of warning notice.

2. Regulation 41. ***Sanitation of Labor or Industrial Camps.***

Regulation sets forth requirements for sanitation facilities, general cleanliness of areas, and food handling practices.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions [1]

Section 335. ***Powers of this department.*** "The Department of Labor shall have power (1) To supervise the administration of the workmen's compensation law. . . . (4) To visit and inspect during reasonable hours all shops, factories, and mercantile establishments and other places where workmen are employed . . . to cause the provisions of law to be enforced therein. (5) To inspect the sanitary conditions, system of sewerage, system of heating, lighting and ventilation of rooms where persons are employed. . . (6) To examine the machinery in and about workshops and factories, to see that it is not located so as to be dangerous to employees. . . (7) To declare and prescribe what safety devices, safeguards, or other means of protection are well adapted to render employees or places of employment safe. . . (8) To order such reasonable changes in the construction, maintenance, and repair of places of employment as shall render them safe. (9) To require the performance of any act necessary for the protection of life, health and safety of employees. . . ."

Section 5330.3. ***Mills, workshops and factories within jurisdiction of department of labor.*** "Any place where any manufacturing process is carried on and labor employed or used in such process, not domestic or agricultural in nature . . . shall be deemed a mill, workshop, or factory and subject to regulation and supervision by the department of labor. . . ."

Section 5330.4. ***Commissioner to adopt rules and regulations.*** "In order to facilitate the regulation and supervision of such places, the commissioner of

[1] Additional reference on page 264 (Section 5788.22).

labor of Tennessee is hereby authorized to adopt and promulgate rules and regulations to that end."

Section 5331. ***Creation of the division, to be under the chief factory inspector.*** "There is created a division to be known as the 'Division of Workshop and Factory Inspection' of the department of labor. . . ."

Section 5333. ***Chief inspector's qualifications and duties; qualifications and duties of deputies.*** ". . . He shall enforce the provisions of this and all laws relating to workshops and factories and prosecute violations thereof, and shall perform such other duties as are required of him by law. . . ."

Section 5335. ***Duties of deputy inspectors; entry at reasonable hours.*** ". . . They shall examine the belting, shafting . . . and machinery in and about such workshops and factories, and see that they are not so located as to be dangerous to employees . . . and as far as possible securely guarded . . . that each vat, pan or structure, filled with molten lead or hot liquor is surrounded by proper safeguards for preventing accident or injury to persons employed at or near them. For purpose of inspection . . . inspector, at reasonable hours, may enter any workshop or factory."

General Provisions Relating to Occupational Health and Safety

Statutory Regulations

Section 5342. ***Ventilation and fire protection in places of amusement.*** Requires that places of amusement wherein 5 or more persons are employed shall be well ventilated and adequate fire protection maintained.

Section 5343. ***Light and air required; permit for children under sixteen.*** Requires good lighting, minimum of 500 cubic feet of air space per person in industrial homework, and permit for children under 16 in such work. Penalty for noncompliance with orders of inspectors.

Section 5346. ***Safeguards not to be removed, except for prompt repairs . . .*** Prohibits removal of safeguards on any machinery or other apparatus, except for purpose of making repairs; requires notice of unsafe condition to be attached until machinery is repaired and safeguards provided.

Industrial Homework

Sections 6633 to 6639. Regulate industrial homework, requiring that all such places be kept clean; and authorize the factory inspector and local boards of health to inspect home workshops engaged in manufacture of clothing and similar articles for conditions of work, and evidence of infectious or contagious disease. Penalty for violation.

Rules and Regulations

Issued by Department of Labor.

Rules and Regulations. Approved by Assistant Attorney-General, October 31, 1939.

Contain 19 brief rules covering safeguards on machinery, safety of workplaces and passageways, requirements for toilet, washing, drinking and dressing room facilities, first-aid care, and illumination.

Employment of Women and Minors

Among pertinent provisions are the following:

William's Tennessee Code Annotated, Section 5307. Requires provision of seats for female employees in "any factory, mercantile establishment, mill, or workshop," and the permit to use them when duties allow it. Penalty for violation.

Section 5309. Requires provision of separate privies or water closets for female employees in any manufacturing or mercantile establishment. Penalty for violation.

Section 5315.2. Prohibits employment of minors under 16 in any manufacturing or mercantile establishment.

Section 5315.4. Regulates hours per day and week, and hours between which minors under 16 and 18 may be employed, and requires meal period after 5 hours of continuous work.

Section 5315.14. Prohibits employment of minors under 16 and under 18 in specific occupations and places of employment.

Mines and Mining

The mining laws are administered by the Chief and District Mine Inspectors.

Sections 5539 to 5676. Contain laws relating to coal mines and mining. Among the subjects covered are qualifications and duties of Chief Mine Inspector and of District Mine Inspectors as to inspections and enforcement of mining laws; certification and duties of mine foremen and other mine employees; safety of workplaces and traveling ways; storage and use of explosives and blasting practices using Cardox and Airdos devices; ventilation and routine measurements of volume of air circulating through mines; examinations for gas and dangerous conditions; rock dusting; safeguards for mobile equipment; electrical installations; fire prevention; use of protective clothing and devices; use of illuminating oils; requirements for first-aid equipment and washrooms in mines employing 50 or more persons; and organization and equipment for mine rescue work. Penalty for violation.

Public Acts of Tennessee, 1953, Chapter 86. Provides for the regulation and inspection of mines other than commercial coal mines, repealing all provisions in conflict with it. Subjects covered are similar in scope to those applying to coal mines. One of the provisions concerns a safety code providing minimum standards for the safety and health of employees as part of the State's industrial accident and disease prevention program. Another provision requires that drilling in rock be done by wet methods or other approved means of dust control. Specific provisions are also included for first-aid equipment, mine rescue stations and rescue corps, and for wash buildings in mines employing 50 or more persons. Penalty for violation.

Public Acts of Tennessee, 1953, Chapter 123. Provides for the regulation and inspection of strip or open pit mines and the safety, welfare and protection of employed persons. Among the subjects covered are specific provisions for safety on or about surface structures; prevention of slides; storage and use of explosives; blasting practices; electric installations; safe transportation by railroad and trucks; safeguarding of machinery, equipment and workplaces; provision of adequate illumination on night shifts; provision of protective clothing and respiratory devices; investigation of mine accidents; and provision of first-aid supplies. Penalty for violation.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Division of Workmen's Compensation. (William's Tennessee Code Annotated, Sections 6851 to 6901) Cases are court administered.

Occupational Disease Compensation

Section 6852. Provides for schedule coverage, naming nine diseases. Employers may elect to be liable for all occupational diseases.

Reporting of Injuries

Section 5363. Requires every employer of labor in workshops and factories to report every accident resulting in injury or death within 3 days of occurrence to the Division of Workmen's Compensation, stating certain minimum information.

Section 5364. Requires every employer to report within 10 days of occurrence every accident resulting in death or bodily injury causing absence from work of 7 days or longer, to the Division of Workmen's Compensation. This section requires more information concerning the injured person and the injury than the foregoing one. Penalty for violation.

Section 5366. Reports made pursuant to these sections are not admissible as evidence in any action or judicial proceeding.

STATE DEPARTMENT OF AGRICULTURE

Food Sanitation

Sections 6597 to 6617. The State Department of Agriculture has regulatory supervision over all food-producing and sale establishments.

Section 6597. Requires every building used for the preparation, manufacture, packing, storage, sale, or distribution of any food to be "properly lighted, drained, plumbed, and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks, or other persons therein employed."

Sections 526 to 547.13. Apply to dairies and dairy products plants which are under regulatory supervision of the State Dairy Commissioner. Include requirements for sanitation of workplaces.

Sections 519.1 to 519.5. Apply to anhydrous ammonia storage and equipment; require all dealers including manufacturers of anhydrous ammonia used as fertilizer or of equipment used in handling it, to secure permits from Department of Agriculture and to post bond to secure payment in event of damage. Attention is called to dangers from pressures exerted by anhydrous ammonia unless proper safety devices are installed in the equipment and care is used in handling.

Sections 6617.12 to 6617.27. Concern refrigerated agriculture locker plants and require provision of at least one gas mask of type approved by Department, readily accessible, in any refrigerated locker plant using a toxic gas refrigerant.

Sections 6617.28 to 6617.32. Contain provisions on livestock slaughtering establishments and require conformity to sanitary food laws and maintenance of establishments in a sanitary way.

DEPARTMENT OF EDUCATION

Vocational Rehabilitation

Sections 2483.11 to 2483.21. The Division of Vocational Rehabilitation administers the State's Vocational Rehabilitation Law. The law outlines duties of the Division; authorizes it to cooperate with the federal government and with public and private agencies and institutions on vocational rehabilitation of disabled persons; and empowers it to conduct research and compile statistics relating to the subject.

RAILROAD AND PUBLIC UTILITIES COMMISSION

The Commission has general supervision and regulation of railroads and all public utilities. Its authority includes inspection of conditions to the end that

"safety, health and comfort of the general public and employees may be preserved and that dangerous or unhealthy conditions on trains or along the rights-of-way" may be abated or removed by its order. (Section 5449)

Section 2670.9. Requires lights, windshields, windshield wipers, and tops on track motor cars for railroads "in order to safeguard lives and property, and to provide safety equipment for employees operating track motor cars . . . and for the protection and comfort of such employees required to use such cars in inclement weather." Penalty for violation.

Section 4047. Requires street railway cars to be vestibuled during certain months "for protection of employees from snow, wind and rain." Penalty for violation.

DEPARTMENT OF INSURANCE AND BANKING

Section 255.70. The Division of Fire Prevention is located administratively in the Department of Insurance and Banking.

Section 5717.24. Authorizes the State Fire Marshall to "make regulations establishing minimum requirements as to safety for the following: blower and exhaust systems, dust, stock and vapor removal, air conditioning systems, warm air heating, air cooling and ventilating systems and protection against lightning."

NUISANCE CONTROL

Section 11168. ***Unhealthful nuisance by trade.*** "The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalations, offensive smells, or otherwise, become injurious and dangerous to the health of individuals or the public, is a nuisance, and may be abated accordingly."

TEXAS

SOURCES: Vernon's Civil Statutes of the State of Texas, Annotated
Sanitary Code of Texas (Article 4477 of Vernon's Civil Statutes)
1953 New Laws

STATE DEPARTMENT OF HEALTH

Authority and Functions

Vernon's Civil Statutes of the State of Texas, Annotated, Article 4418d. ***Duties of State Health Officer.*** ". . . The State Health Officer, with the approval of the State Board of Health, may organize and maintain within his Department, such divisions of service as are deemed necessary for the efficient conduct of the work of the Department. . . . He shall have power, with the approval of the State Board of Health, to prescribe and promulgate such administrative rules and regulations . . . as may be deemed necessary for the effective performance of the duties imposed by this or any other law upon the State Department of Health. . . ."

Article 4419. ***General duties and powers.*** "The State Board of Health shall have general supervision and control of all matters pertaining to the health of citizens of this State, as provided herein. . . . It shall make a study of the causes and prevention of infection of contagious diseases . . . and shall have

direction and control over sanitary and quarantine measures for dealing with all diseases within the State and to suppress same and prevent their spread. . . ."

Article 4420. *May enter and inspect.* "The members of the State Board of Health . . . are hereby empowered, whenever they may deem it necessary in pursuance of their duties, to enter into, examine, investigate, inspect and view any ground, public building, factory, slaughter house, packing house, abattoir, dairy, bakery, manufactory, hotel, restaurant and any other public place and public building where they deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules of the sanitary code for Texas and of any health law, sanitary law or quarantine regulation of this State."

Sanitary Code of Texas, Article 4477–1, Section 19. *Industrial establishments.* ". . . (b) The Texas State Department of Health shall make available to the citizens of Texas current information concerning minimum allowable concentration of toxic gases and such environmental standards as may pertain to the health and safety of the employees of industrial establishments in this state.

"(c) The Texas State Department of Health shall make health and sanitary surveys and studies of industrial establishments including such special items as water supplies and distribution, waste disposal, adverse conditions caused by processes which may be responsible for or cause ill health of industrial workers. Such Texas State Department of Health shall bring to the attention of each surveyed establishment a summary of the studies and findings resultant thereof together with any recommendations which may be deemed necessary for the adequate protection of the health, safety and well being of the workers."

General Provisions Relating to Occupational Health

Statutory Provisions

Penal Code, Article 782 a. *Industrial Homework.* Prohibits any industrial homework that is determined by the State Board of Health as injurious to the health and welfare of the homeworkers or to the general public, or that which renders unduly difficult the enforcement of established health standards; empowers the Board of Health to make necessary investigations to carry out provisions of the article; and when indicated, to declare such homework unlawful and retract permits and certificates. Penalties for violations.

Rules and Regulations

Adopted by State Department of Health.

1. Sanitary Code, Article 4477–1. *Nuisances.* Section 2. "(a) Any and all of the following conditions are hereby specifically declared to be nuisances dangerous to the public health . . .

"(i) Any condition which may be proven to injuriously affect the public health and which may directly or indirectly result from the operations of any bone boiling, fat rendering, tallow or soap works or other similar establishments . . ." (Nuisances are abated by local health officers.)

Public buildings. Section 8. "Any and all public buildings hereafter constructed shall have incorporated therein all such heating, ventilation, plumbing . . . as may be necessary to properly protect the health and safety of the public." ("Public buildings" include places where people are employed.)

Ice plants. Section 9. "(a) . . . all employees whose services are required on tanks shall be provided with clean shoes or boots which shall be used for no other purpose . . . (d) Every ice plant operator shall provide sanitary handwashing and toilet facilities for the use of all employees thereof."

Drinking water. Section 10. ". . . (b) The use of the common drinking cup is hereby prohibited in this state. . . ."

Industrial establishments. Section 19. "(a) No person, firm, corporation or other employer shall use or permit to be used in the conduct of any business, manufacturing establishments or other place of employment, any process, material, or condition known to have any possible adverse effect on the health of any person or persons employed therein unless arrangements have been made to maintain the occupational environment to the extent that such injury will not result. Every industrial establishment shall be continually maintained in a sanitary condition."

Penal Code, Section 782. Prescribes penalty for violation of the Sanitary Code.

2. *Advisory Standards for Industrial Sanitation.* Approved January 1943. Standards deal with number, type, construction and maintenance of toilet facilities (based on American Standards Code Z 4.1), washing facilities, and dressing and rest rooms; prescribe requirements for water supply and eating facilities; list maximum allowable concentrations for toxic materials; and set forth requirements for lighting in terms of foot-candles, ventilation, and personal protective equipment.

Reporting of Occupational Diseases

None.

BUREAU OF LABOR STATISTICS

Authority and Functions

Vernon's Civil Statutes of the State of Texas, Article 5145. *Duties of Commissioner.* ". . . The Commissioner shall collect, systematize and present in biennial reports, statistical details relating to . . . sanitary conditions of the employees and their families, the means of escape from dangers incident to their employment, the protection of life and health in the factories and other places of employment, the labor of women and children . . . and in general, all matters and things which affect or tend to affect the prosperity of the mechanical, manufacturing and productive interests of this State, and of persons employed therein. . . ."

Article 5148. *May enter factories, etc.* "Upon the written complaint of two or more persons, or upon his failure otherwise to obtain information in accordance with the provisions of this law, the Commissioner shall have the power to enter any factory, mill, workshop, mine, store . . . or other establishment or place where five or more persons are employed at work . . . for the purpose of gathering facts and statistics . . . and for the purpose of examining into the methods of protecting employees from danger and the sanitary conditions in and around such building or place. . . ."

Article 5149. *To report violations.* "If the Commissioner shall learn of any violation of the law with respect to the employment of children, or fire escapes, or the safety of employees, or the preservation of health, or in any other way affecting the employees, he shall at once give written notice of the facts to the proper county or district attorney."

Article 5179. *Order to correct conditions.* "The Commissioner of Labor Statistics . . . shall have the right to enter any factory . . . or other establishment where five or more persons are employed, for the purpose of making inspections and enforcing the provisions of this chapter (Articles 5173 to 5180); and they are hereby empowered, upon finding any violation of this law by reason of

unsanitary conditions such as endanger the health of the employees therein employed, or of neglect to remove and prevent fumes and gases or odors injurious to employees, or by reason of the failure or refusal to comply with any requirement of this law, or by reason of the inadequacy or insufficiency of any plan, method, practice or device employed . . . to pass upon and to make a written finding . . . as to the adequacy or sufficiency of any practice, plan or method used in or about any place mentioned in this law in supposed compliance with any of the requirements of this law, and thereupon . . . issue a written order to the . . . person in control or management of such place or establishment, for the correction of any condition . . . to comply therewith, and shall state in such order how such conditions, practices, plans or methods, in any case, shall be corrected and the time within which the same shall be corrected. . . . Upon the failure or refusal . . . to comply with such order within the time therein specified, unless the same shall have been attacked and . . . or set aside . . . the Commissioner of Labor Statistics or his deputy or inspectors shall have full authority and power to close such place or establishment, or any part of it that may be in such unsanitary or dangerous condition or immoral influences in violation of any requirement of this law or of such order, until such time as such condition, practice or method shall have been corrected."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

NOTE: Articles 5173 to 5180 are entitled *Protection of Female Employees* but appear applicable to all employees.

Article 5173. ***Temperature and humidity.*** "In every factory, mill, workshop, mercantile establishment, laundry, or other establishment, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, an equable temperature consistent with a reasonable requirement of the manufacturing process. No unnecessary humidity which would jeopardize the health of employees shall be permitted. In every room, apartment, or building used as a factory . . . or other place of employment, sufficient air space shall be provided for every employee, and which in the judgment of the Commissioner of Labor Statistics . . . is sufficient for their health and welfare."

Article 5174. ***Odors and dust.*** "All factories . . . and other establishments shall be kept free from gas or effluvia arising from any sewer, drain, privy or other nuisance on the premises; all poisonous or noxious gases arising from any process, and all dust which is injurious to the health of persons employed, which is created in the process of manufacturing within the above named establishment, shall be removed as far as practicable by ventilators or exhaust fans or other adequate devices."

Article 5175. ***Cleaning and wet floors.*** "All decomposed, fetid or putrescent matter, and all refuse, waste and sweepings of any factory . . . or other establishment, shall be removed at least once each day and be disposed of in such manner as not to cause a nuisance. All cleaning, sweeping and dusting . . . if done during working hours, shall be done in such manner as to avoid so far as possible the raising of dust and noxious odors. In all establishments where any process is carried on which makes the floors wet, the floors shall be constructed and maintained with due regard for the health of the employees, and gratings or dry standing room shall be provided wherever practicable, at points wherever employees are regularly stationed, and adequate means be provided for drainage and for preventing leakage or seepage to lower floors."

Article 5176. *Exits and hand rails.* Requires that doors in all factories open outward; hand-rails on stairways and light on all main stairs, landings and elevator shafts.

Article 5177. *Toilets.* Sets forth requirements for number, separation and maintenance of toilet facilities.

Construction Workers

Article 5182. Contains provisions for safety and protection of construction workers.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Article 5172a, Section 4. Requires all employers to provide seats for female employees, to be used by them when not engaged in active duty of their employment.

Article 5181. Regulates employment of children between 12 and 15, providing for permits; prohibits employment "in or around any mill, factory, workshop, or other place where dangerous machinery is used, or where the moral or physical condition of the child is liable to be injured"; and requires certificate of physical fitness of child for work for which he is to be employed, by a competent physician.

INDUSTRIAL ACCIDENT BOARD

The Workmen's Compensation Law is administered by the Industrial Accident Board. (Articles 8306 to 8309)

Occupational Disease Compensation

Article 8306, Sections 20 to 27. Schedule coverage. Fifteen kinds or groups of occupational diseases are made compensable.

Reporting of Injuries

Article 8307, Section 7. Requires every subscriber to keep a record of all injuries, fatal or otherwise, and to report to the Industrial Accident Board within 8 days after occurrence, accidents resulting in an injury to an employee, causing absence from work for more than 1 day, and occupational diseases within 8 days after notification of manifestation by employee. Penalty for failure to make a report.

STATE MINING INSPECTOR

Articles 5892 to 5920. The State Mining Inspector has authority to make inspections and to enforce the mining regulations as provided for in the chapter. Mining regulations briefly cover shafts, cages and passageways, timbering, travelways, safety lamps, and electrical installations; require that every mine maintain currents of fresh air sufficient for the health and safety of men and animals, specifying quantity; make it unlawful for workmen to do any wilful act endangering lives of persons or the security of mine machinery; and require provision of bath facilities in every coal mine employing 10 or more men.

STATE DEPARTMENT OF EDUCATION

Vocational Rehabilitation

Article 2675–1. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise

are accepted, and the Vocational Rehabilitation Division is authorized to receive gifts and donations for rehabilitation work.

DEPARTMENT OF AGRICULTURE

1953 New Laws, House Bill No. 402. Regulates sale and use of hormone type of herbicides for crop dusting and spraying; provides for permits and inspection of equipment; and empowers the Commission to regulate or prohibit use of any equipment that may be hazardous in any area.

RAILROAD COMMISSION OF TEXAS

The Railroad Commission has jurisdiction over all railroads and related properties, motor carriers, and the liquefied petroleum gas industry.

Vernon's Civil Statutes of the State of Texas, Article 6386. Requires sufficient and secure grab-irons, hand-holds and foot stirrups on all railroad locomotives, tenders, cars or similar vehicles. Penalty for violation.

Article 6381. Requires type of ash pans on trains which can be emptied without necessity of any employee going under locomotive.

Article 6389. Requires the provision of a building or shed for railroad employees engaged regularly on repair work on railroad equipment. Penalty for violation.

Article 911b, Section 6cc. Regulates hours of continuous duty of drivers of motor carrier trucks, requiring 8 hours of continuous rest after duty.

Smoke Control

Article 6608a–1. ***Channel type carbon black plants; location; emission of smoke.*** "After the effective date of this Act no channel type carbon black plant shall be erected or constructed closer than five (5) miles to the limits of any city, town or village, incorporated at or before the time the erection or construction of such a plant is begun, or to a commercially operated citrus fruit orchard planted not less than one (1) year before the time the erection or construction of such a plant is commenced, unless adequate precaution is taken to minimize the emission of smoke from such plant."

NUISANCE CONTROL

Penal Code, Article 695. ***Nuisances.*** "Whoever shall carry on any trade, business or occupation injurious to the health of those who reside in the vicinity, or suffer any substance which has that effect to remain on premises in his possession, shall be fined not less than ten nor more than one hundred dollars." Each day is a separate offense.

UTAH

SOURCES: Utah Code Annotated 1953
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Utah Code Annotated 1953, Section 26–15–1. ***State department of health—Creation.*** "There is created and established the State Department of Health, which shall be an administrative department of the state government. The department of health shall be vested with such powers and required to perform

such duties as are set forth in this act, and shall be charged with the performance of duties required in such health laws as the state legislature may enact from time to time."

Section 26–15–4. *State department of health—Powers and duties.* "The state department of health shall have and exercise the following powers and duties in addition to all other powers and duties imposed on it by law. . .

"(3) To administer and enforce state health laws, regulations and standards.

"(4) To investigate and control the causes of epidemic, infectious, communicable and other disease affecting the public health, and to provide for the detection, reporting, prevention, and control of communicable, infectious, acute, chronic, or any other disease or health hazard considered dangerous or important or which may affect the public health. . .

"(8) To abate nuisances when necessary for the purpose of eliminating sources of filth and infectious and communicable disease affecting the public health.

"(9) To make any necessary sanitary and health investigations and inspections in cooperation with the local health department as to any matters affecting the public health.

"(12) To establish and maintain chemical laboratory and engineering facilities to meet the needs for conducting field investigations and laboratory analyses in the study of occupational health hazards and air pollution.

"(13) To cooperate with the Utah State Industrial Commission to conduct studies of occupational health hazards and occupational diseases arising in and out of the course of employment in industry, and make recommendations for the elimination or reduction of such occupational health hazards. . . .

"(21) To establish and enforce minimum sanitary standards for . . . (f) . . . factories . . . workshops; industrial, labor or construction camps. . ."

Section 26–15–5. *State board of health—Powers and duties—Rules, regulations, and standards.* . . "The state board of health shall have the following powers and duties:

"(1) By the affirmative vote of a majority of its members, adopt, amend or rescind regulations and standards as it may deem necessary or desirable to carry out the provisions and purposes of this act, and to enable the department to administer and enforce the public health laws of this state. . . .

"The regulations so established shall be part of the public health code, shall have the force and effect of law, and may deal with any matters affecting the security of health or the preservation and improvement of public health in the state of Utah, and with any matters as to which jurisdiction is hereinafter conferred upon the state department of health. . . . All rules, regulations, and standards heretofore adopted by the state board of health or any board, office, department or bureau whose duties are transferred to the state department of public health shall remain in full force and effect until superseded by rules, regulations or standards duly adopted by the state board of health. . . .

"(3) Establish such organizational units in the department as it may deem necessary for effective administration and enforcement of the public health laws, rules, regulations, and standards. . . ."

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

By regulation, adopted December 16, 1941, physicians are requested to report occupational diseases to the State Department of Health. An occupational dis-

ease, for purpose of this regulation, is defined, as "an illness which arises out of and in the course of the patient's occupation."

INDUSTRIAL COMMISSION OF UTAH

Authority and Functions [1]

Utah Code Annotated 1953, Section 35–1–16. ***Powers and duties of commission.*** "It shall be the duty of the commission, and it shall have full power, jurisdiction and authority:

"(1) To supervise every employment and place of employment and administer and enforce all laws for the protection of the life, health, safety and welfare of employees.

"(2) To ascertain and fix such reasonable standards, and prescribe, modify and enforce such reasonable orders, for the adoption of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employment and places of employment.

"(3) To ascertain, fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe. . . ."

Section 35–1–15. ***Right of visitation.*** "Any commissioner or any employee of the commission may enter any place of employment for the purpose of collecting facts and statistics or examining the provisions made for the health, safety and welfare of the employees therein, and may bring to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner or any employee of the commission to his place of employment."

Section 35–1–19. ***Investigation of places of employment.*** "Upon complaint by any person that any employment or place of employment, regardless of the number of persons employed, is not safe or is injurious to the welfare of any employee, the commission shall proceed, with or without notice, to make such investigation as may be necessary to determine the matter complained of. . . . Whenever the commission shall believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may . . . summarily investigate the same, with or without notice, and issue such order as it may deem necessary to render such employment or place of employment safe."

Section 35–1–39. Employers or other persons violating any orders of the Commission or provisions of this title shall be guilty of a misdemeanor.

Section 34–4–5. ***Duties of industrial commission and employers.*** ". . . (a) It shall be the continuing duty of the industrial commission . . . to ascertain . . . the hours and conditions of labor and employment in the various occupations, trades and industries in which women and minors are employed in the state of Utah, and to make investigations into the comfort, health, safety and welfare of such women and minors. . . ." Employer's duty is to allow the Commission, among other things, to investigate the conditions under which labor is performed.

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[1] Additional references on page 275 (Section 26–15–4), and 279 (State Board of Education).

Section 35–5–2. ***Industrial commission to report violations of law respecting employment—admission to premises.*** Authorizes the Industrial Commission "to investigate and report to proper authorities all violations of law regarding the conditions relating to employment of children, minors or women, and of laws for protection of employees, and to make recommendations pertinent for their protection."

Section 40–2–1. ***Duties of industrial commission.*** Empowers the Commission to inspect all coal and hydrocarbon mines and matters relating thereto.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 35–1–12. ***Places of employment to be safe—Wilful neglect—Penalty.*** "No employer shall construct or occupy or maintain any place of employment that is not safe, or require or knowingly permit any employee to be in any employment or place of employment which is not safe, or fail to provide and use safety devices and safeguards, or fail to obey and follow orders of the commission or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety and welfare of his employees . . ."

Section 35–1–13. ***Misconduct of employees.*** Forbids employees to remove or destroy any safety device provided, or to interfere in any way with their use by others, and requires them to follow and obey orders and to do every other thing reasonably necessary for the protection of life, health, safety and welfare.

Section 35–14. Prescribes penalty for wilful failure of employee to use safety devices or to obey orders adopted by employer for safety.

Rules and Regulations

Adopted by Industrial Commission.

1. ***General Safety Orders Covering General Safety, Construction, Boilers, Elevators and Laundry.*** Amended as of November 1, 1948.

General Safety. Orders deal with safety specifications for gears, belts, pulleys, grinding wheels, ladders, stairways, platforms and other machinery and work areas. Recommendations for safety organization are included.

General Construction. Orders apply to the construction, alteration, repairing, renovating, removal or wrecking of buildings or other structures and contain safety specifications for equipment and operations.

Laundry Safety Orders. Orders contain brief safety requirements for machinery and work areas.

2. ***General Safety Orders Covering Metal Mines, Mills and Smelters, Tunnels, Reclamation Tunnels, Stone Quarries, Gravel Pits and Other Operations that Require the Use of Explosives. Coal and Hydro-Carbon Mines Excluded.*** Effective July 1, 1945.

Among the subjects covered by the orders are duties of mine foreman and mine superintendent; reporting of accidents and dangerous mines; provision of first-aid supplies and maintenance of a first-aid corps in mines employing 100 or more men; provision of toilet, wash and change facilities; fire protection; exposure to harmful dusts or fumes, requiring wet drilling, wet methods of dust allaying and exhaust methods of removing harmful dust or fumes; use of goggles; safeguards in shafts, hoisting and other equipment; qualifications and duties of hoisting engineers including a requirement for certificates of health; hoisting rules; safety of underground mining and provision of adequate ventilation; safety

requirements for open pit mining and surface operations; handling and storage of explosives, and blasting practices; and safety requirements for smelters and mills.

3. *General Coal Mine Safety Orders.* Effective July 1, 1945.

Orders set forth requirements applicable to all coal mines covering accident investigations; maintenance of a first-aid corps and rescue apparatus by mines employing 50 men or more; blasting rules; provision of bath house and change room in mines employing 10 or more men; safety in and around surface plants; safeguarding in shafts and hoisting; qualifications and duties of hoisting engineers; rock dusting; underground haulage and operations; storage and handling of explosives; requirements for ventilation and blower fans; sprinkling; and electrical installations.

Employment of Women and Minors

Among pertinent provisions are the following:

Utah Code Annotated 1953, Section 34–4–1. Prohibits employment of children under 16 and of females in any mine or smelter.

Section 34–4–2. Requires provision of facilities for resting for female employees in all workplaces.

Section 34–4–8. Authorizes the appointment of a wage board to deliberate on "standard conditions of labor in the occupation, trade, or industry in question, demanded by the health and welfare of such women and minors", and on other matters.

Section 34–5–1. Forbids employment of minors under 16 in connection with power driven machinery.

Section 34–5–2. Prohibits employment of minors under 18 in employment "dangerous or prejudicial to life, health, safety or welfare."

Section 34–5–4. Forbids employment of minors under 18 in specified occupations.

Mines and Mining

Sections 40–1–1 to 40–3–6. The Industrial Commission is vested with authority to inspect and enforce laws relating to coal and hydrocarbon mines in the State and is given power of entry. Among the subjects covered by the laws are provision for safe egress; requirements for ventilation and air currents; maintenance of a water system for wetting down dust; general safety rules for operators and employees; reporting and investigation of accidents; appointment of an examining board and its authority to issue certificates of competency for foremen, fire bosses and shot firers.

Section 40–5–1 to 40–5–5. Specify miscellaneous offenses including failure to maintain fire protection equipment, safety cages as specified, and first-aid materials by mines employing 5 or more men. Penalties for violations.

NOTE: See also under rules and regulations for scope of mine orders issued by the Industrial Commission.

Workmen's Compensation

Workmen's Compensation Law is administered by the Industrial Commission. (Sections 35–1–32 to 35–1–103)

Occupational Disease Compensation

Sections 35–2–1 to 35–2–56. Occupational Disease Disability Law. Full coverage.

Reporting of Injuries

Section 35–1–97. Employers are required to keep records of all injuries fatal or otherwise and to report accidents resulting in personal injury to the Commission. Penalty for violation.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 53–17–1 to 53–17–6. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board of Education is designated as the agency to administer the provisions of the Act and is empowered to cooperate with the Federal Board; to prescribe and provide training for disabled persons; with the State Industrial Commission, to formulate a plan of cooperation; and to receive gifts and donations for this purpose.

STATE DEPARTMENT OF AGRICULTURE

Food Sanitation

Sections 4–20–1 to 4–20–72. The State Department of Agriculture has jurisdiction over the production, manufacture and sale of dairy and creamery products, and other foods, slaughterhouses and packing plants, and cold storage plants. Its authority extends to the enforcement of proper sanitary regulations in such places. Persons affected with contagious diseases are forbidden to work in food establishments of any type.

PUBLIC UTILITIES COMMISSION

The Public Utilities Commission has jurisdiction over railroads, other common carriers, and other public utilities.

Section 54–3–1. Requires every public utility to provide and maintain facilities and equipment for the "safety, health, comfort and convenience of its patrons, employees and the public."

Section 54–4–14. Empowers the Commission to require public utilities to take measures to promote and safeguard the health and safety of employees, as well as the public.

NUISANCE CONTROL

Section 76–43–3. ***Public nuisance defined.*** "A public nuisance is a crime against the order and economy of the state, and consists in unlawfully doing any act, or omitting to perform any duty, which act or omission either:

"(1) Annoys, injures or endangers the comfort, repose, health or safety of three or more persons . . .

"(4) In any way renders three or more persons insecure in life or the use of property."

Section 76–43–7. Authorizes the Governor to direct the Attorney General to institute action to abate nuisances as defined by the preceding section.

VERMONT

SOURCES: Vermont Statutes, Revision of 1947
Public Acts 1949; Public Acts 1951
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [1]

Public Acts 1949, No. 184, Section 1. ***Department created.*** "There is hereby created a department of health for the purpose of consolidating certain existing health and public health agencies, institutions, boards and commissions, and to promote a strong, active and coordinated health program."

Section 5. ***Commission members, appointment and qualification.*** "There shall be, within the department of health, a commission to be known and designated as the state health commission. . ."

Public Acts 1951, No. 170, Section 6. ***Duties.*** "The commission shall supervise and direct the execution of all laws vested in the department of health by virtue of this act, and . . . shall make and promulgate such rules and regulations as are necessary to administer this Act . . . the authority of the commission to make and promulgate the rules and regulations shall extend to all matters relating to the preservation of the public health. . . ."

Section 3. ***Commission, duties.*** "The commission shall take cognizance of the interest of life and health of the inhabitants of the state, shall make or cause to be made such inspections, investigations and inquiries respecting causes of disease and the means of preventing the same and the effect of all circumstances relating to or affecting the public health."

Section 4. ***Same; water supply; sanitation.*** "When requested, or when in its opinion, it is necessary, the commissioner shall advise with municipal officers in regard to . . . the erection, construction, heating, ventilation and sanitary arrangements of public buildings."

Industrial Hygiene

Public Acts 1951, No. 170, Section 19. ***Industrial Hygiene Division.*** "There shall be in the department of health a division of industrial hygiene consisting of a director and necessary personnel having special knowledge of the causes and prevention of occupational diseases who shall have the necessary laboratory facilities to efficiently perform their functions."

Section 20. ***Same; duties.*** "Acting under the authority vested in the department of health the division of industrial hygiene shall:

"I. Study occupational diseases and ways and means for their control and prevention and recommend necessary regulations for such control to the state health commission;

"II. Investigate industrial conditions causing occupational diseases, or which may be suspected of causing occupational diseases, and make recommendations for the control of such conditions;

"III. Make such inspections, studies, investigations and reports as may be necessary for the enforcement of the orders, rules or regulations of the state health commission pertaining to the control and prevention of occupational diseases."

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[1] Additional references on page 284 (Sections 8200 and 12).

Section 21. ***Regulations.*** "The commission shall have authority to prescribe regulations for the heating and ventilation of all mills, factories, stone sheds, sheds or other buildings in which five or more persons are employed."

Section 22. ***Same; notice by commission.*** "Notice of promulgation of an order or regulation made by the commission . . . shall be communicated in writing to the owner . . . of the mill, factory, stone shed, shed or other building concerning the ventilation and heating. . ."

Section 23. ***Same; enforcement; court of chancery.*** "The court of chancery shall have jurisdiction, upon application thereto by the commission or a party interested, to enforce such orders and regulations of the commission, and to restrain the use and occupation of the premises until the orders and regulations of the commission are complied with."

Section 24. ***Conditions and processes, remedy.*** "All persons, firms, corporations or employers who have present in their establishments, dust, fumes, mists, vapors, gases, or any materials or processes which affect the health of their employees adversely, shall, when so notified by the commission, within a reasonable time, take measures necessary to prevent these substances, or processes, from becoming injurious to the health of their employees."

Section 25. ***Inspection.*** "The commission or any of its representatives may enter any of the establishments in which the above conditions may or do exist for the purpose of making inspections."

Section 26. ***Control equipment.*** "The commission may approve plans for control appliances and equipment and may require installation and maintenance of such control appliances and equipment."

Section 27. ***Inspection.*** "The commission shall make inspections and studies of establishments for the purpose of carrying out the purposes of sections 19 to 26 inclusive, and such inspection shall be made in cooperation with similar inspections made by the department of industrial relations."

Section 28. Penalty for violation.

Section 29. ***Construction.*** "Nothing contained in sections 21 to 26 inclusive, shall be interpreted or construed to affect or change the existing powers or duties of the commissioner of industrial relations relating to inspections of places of employment."

General Provisions Relating to Occupational Health

Statutory Provisions

Public Buildings

Public Acts 1951, No. 170, Section 13. ***Definitions.*** Defines "public buildings" to include factories, mills and workshops, or buildings in which persons are employed.

Section 14. ***Jurisdiction, health commissioner.*** "All matters of sanitation, ventilation and water supply with reference to public buildings shall be under the control of the state health commission."

Section 17. ***Same, public buildings.*** Requires persons intending to erect a "public building" to submit plans showing method of heating, plumbing, ventilation and sanitary arrangements to the Commission and procure its approval.

Food Sanitation

Public Acts 1951, No. 170, Sections 80 to 88. Empower the State Health Commission to make and enforce regulations controlling the sanitation of slaughterhouses and other places where meat and meat products are prepared and kept, providing for licensing and inspection of such places.

Sections 159 to 169. Regulate sanitary inspection of food handling, processing, canning and packing establishments; require that such establishments "be constructed, maintained and operated with strict regard for the health of the employees, and the purity and wholesomeness of the food therein produced"; prescribe requirements for cleanliness of premises, equipment and employees, and provision of adequate ventilation, lighting, and sanitation facilities; and prohibit persons affected with contagious or infectious diseases from working in such places.

Sections 181 to 191. Regulate certification of bakeries and authorize the Commission to make regulations for the sanitary conditions.

Industrial Health

See under functions and authority of State Department of Health.

Rules and Regulations

Adopted by the State Health Commission.

1. ***Regulation Pertaining to Recirculation of Air in Granite Sheds.*** Adopted May 1948.

The regulation requires that the "air outlet from every exhaust system or separator used for the removal of granite dust from a place of employment shall be so arranged that the discharge therefrom will not re-enter that place of employment or enter any window, door, or other opening of surrounding establishments."

2. ***Regulations for the Use of Fluoroscopic Shoe Fitting Devices.*** Approved 1953.

Regulations set forth requirements for permissible beam intensities, protection for floor opening, control of primary X-ray beams and stray radiation, the placement of warning and instruction signs, and electrical safeguarding.

Reporting of Occupational Diseases

None.

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions[1]

Vermont Statutes, Revision of 1947, Section 8051. ***Duties as to employment and payment of wages.*** "The commissioner or his agent shall make examinations and investigations to see that the laws pertaining to the employment of minors and women . . . are being complied with and for such purposes may enter any place where persons are employed."

Section 8052. ***Report of violations; prosecutions.*** "Whenever the commissioner finds a violation of the provisions of chapter 355 [Sec. 8127–8201, relating to inspection of factories, steam engines and boilers], of the provisions of law relating to the employment of minors and women, relating to the weekly payment of wages, relating to the health, lives and limbs of operators of factories, workshops, railroads and other places, or relating to the protection of the working classes, he shall submit evidence thereof to the proper prosecuting officer who shall prosecute the offender."

Section 8188, as amended by 1953 New Laws, Senate Bill No. 44. ***Inspection report.*** "The commissioner of industrial relations, or his agent, may enter a

[1] Additional references on pages 281 (Section 29), and 284 (Section 9061).

factory, mill, workshop, private works or state institution which has shops or factories . . . or any other place of business where persons are employed, for the purpose of examining into the methods of protection from danger to employees and he shall make a record of such inspection. . ." Rest of section deals with facilities for egress.

Section 8189. *Notice to owners to make changes.* "In case the commissioner or his agent finds upon such inspection that the heating or lighting or physical conditions of sanitation, or facilities for drinking water of a workshop or factory, or any other place of business where persons are employed, is such as to be injurious to the health of the persons employed or residing therein or that the means of egress in case of fire or other disaster is insufficient or that the belting, shafting, gearing, elevators, drums, saws, cogs, or machinery in such workshop or factory, or any other place of business where persons are employed, are located or are in such a condition as to be dangerous to employees or not sufficiently guarded, or that vats, pans or any other structures filled with molten metal or hot liquids are not surrounded with sufficient safeguards to prevent accident or injury to those employed at or near them, the commissioner shall give written notice to the owner, proprietor or other person in charge of such workshop or factory, or any other place of business where persons are employed, to make, within thirty days, such alterations or additions for the safety and protection of employees as he deems necessary." Penalty for violation.

Section 8190. *Same; safety regulations.* "The Commissioner shall make such regulations relating to inspections as he deems necessary to secure the safety of and afford protection of employees. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

See section 8189 under authority and functions of the Department of Industrial Relations.

Rules and Regulations

Safety rules have been issued.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 8166. Requires, among other things, a certificate from licensed physician that child under 16 is physically fit to be employed in occupations not prohibited by law, before Commissioner of Industrial Relations shall issue an employment certificate.

Section 8170. Prohibits employment of children under 14 in certain gainful occupations, permitting employment in others during vacation or nonschool hours.

Section 8171. Prohibits and/or restricts employment of children under 16 in certain specified occupations, operations, or on certain machines.

Section 8173. Prohibits employment of females under 18 in any capacity where they are required to remain standing continuously, and requires provision of seats for use of such females employed in mills, canneries, workshops, factories or manufacturing establishments.

Section 8178. Prohibits knowingly employing a woman in any mill, cannery, workshop, factory, manufacturing or mechanical establishment within 2 weeks before or 4 weeks after childbirth.

Section 8180. Authorizes the Commissioner of Industrial Relations to investigate at least three times each year concerning the employment of minors in any of the occupations enumerated.

Section 8513. Requires provision of seats for all female employees in all places where women or girls are employed. Penalty for violation.

Reporting of Injuries

Section 8200. Requires employers when requested to furnish such Commissioner or his agent certain information concerning workers including the report of an accident upon forms furnished them. "Such information as to water supply, sanitation and ventilation shall be reported by the commissioner to the state board of health and the information as to fire escapes shall be reported by him to the state fire marshal."

Workmen's Compensation

The Employer's Liability and Workmen's Compensation Act is administered by Commissioner of Industrial Relations. (Vermont Statutes, Revision of 1947, Sections 8048 to 8164)

Occupational Disease Compensation

Public Acts 1951, No. 180. Provides for schedule coverage of occupational diseases. Seven groups of diseases are covered.

Reporting of Injuries

Vermont Statutes, Revision of 1947, Section 8155. Requires every employer coming under the Act to keep a record of all injuries, fatal or otherwise, sustained by his employees, and to report all injuries resulting in absence of one day or more to the Commissioner of Industrial Relations within 72 hours of occurrence. Penalty for violation.

Examination of Workers Exposed to Silicosis

Public Acts 1951, No. 180, Section 12. Employers engaged in a business where there is a hazard to silicosis may request each employee to submit to a chest X-ray examination to be conducted under the supervision of the Division of Industrial Hygiene, Department of Health, at State expense within one year after passage of the Act and annually thereafter. Refusal to submit to such an examination is equivalent to a waiver to any right to compensation for disability from silicosis or asbestosis. Medical findings and reports of doctors making such examinations, including X-ray films, are to be filed at the office of the Division of Industrial Hygiene and made available to the Commissioner of Industrial Relations.

MUTUAL WORKMEN'S COMPENSATION INSURANCE ASSOCIATION

Vermont Statutes, Revision of 1947, Section 9061. Empowers such association to prescribe and enforce reasonable rules for safety regulations on premises of its members, subject to the approval of the Commissioner of Industrial Relations, and to have free access to premises.

DEPARTMENT OF EDUCATION

Vocational Rehabilitation

Vermont Statutes, Revision of 1947, Sections 4376 to 4382. A Division for Vocational Rehabilitation is established under the direction of the State Board of Vocational Education and is empowered to disburse funds for the vocational rehabilitation of disabled persons; rehabilitate vocationally and place in remunerative occupations eligible persons; receive gifts and donations for this purpose; and cooperate with the U. S. Office of Education as provided in the Federal Act relating to the rehabilitation of persons disabled in industry or otherwise.

COMMISSIONER OF AGRICULTURE

1953 New Laws, House Bill No. 335. Deals with sanitation of frozen dairy products and authorizes the Commissioner to adopt necessary rules and regulations relating to manufacture, sale and purity of products.

Vermont Statutes, Revision of 1947, Sections 4620 to 4693. Regulate the sanitary inspection of all creameries, cheese factories, condensaries and receiving stations.

PUBLIC SERVICE COMMISSION

The Public Service Commission has jurisdiction over railroads and other common carriers, aircraft, certain public utilities, and transportation of explosives and inflammable materials.

Vermont Statutes, Revision of 1947, Section 9318. Empowers the Commission to determine, render judgment and make orders and decrees provided for in statutes, charters, and, among other things, to have jurisdiction in all matters respecting "V. The maintenance of the tracks, frogs, switches, gates, signals, culverts, bridges and other structures . . . and rolling stock and equipment so as to . . . be operated with safety and in compliance with the law."

Section 9557. Requires blocks in frogs, switches and guard-rails to protect the feet of its employees from being caught therein.

Section 9558. Requires railroads to have the ladders or steps on the end or inside of its cars on all cars of its own operated in the State.

Section 9581. Empowers Public Service Commission to determine methods of heating passenger, mail and baggage cars, and to require enclosed platforms and vestibules.

Section 9586. Regulates size and construction of van and caboose cars, and requires them to be equipped with proper guard-rails, grab-irons and steps.

AERONAUTICS COMMISSION

Public Acts 1949, No. 119. Authorizes the Aeronautics Commission to promulgate rules and regulations pertaining to the operation in flight of helicopters, or of aircraft in crop spraying or dusting.

MISCELLANEOUS

Public Acts 1949, No. 200. Prohibits employers from requiring employees to pay the cost of a medical examination as a condition of employment.

VIRGINIA

SOURCE: Virginia Code of 1950

STATE DEPARTMENT OF HEALTH

Authority and Functions[1]

Virginia Code of 1950, Section 32–6. *Rules and regulations.* "The Board may make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the subjects which follow in this chapter."

Section 32–10. *Research and study of diseases.* "The Board may provide for the thorough investigation and study of the causes of all diseases, infectious and otherwise. . ."

Section 32–12. *Emergency rules.* "The Board may make separate orders and rules to meet any emergency . . . for the purpose of suppressing nuisances dangerous to the public health and . . . other dangers to the public life and health."

Section 40–62.1. *Checks on occupational diseases.* "The State Health Commissioner or his duly authorized representatives of the Bureau of Industrial Hygiene shall have the right of entry at reasonable hours into any industrial or commercial establishment where persons are employed for the purpose of checking on occupational disease and to take such samples and tests as necessary to establish the degree of hazard existing."

Section 40–62.2. *Rules and regulations for control.* "The State Health Commissioner may recommend to the industry affected reasonable rules and regulations to control occupational disease. . . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Mercurial Carroting Solutions

Section 32–113. *Definitions.* Defines the terms hatters' fur, carroting, and mercurial carrot.

Section 32–114. *Use of mercurial carrot prohibited.* "No mercurial carrot shall be used in the State in the preparation of hatters' fur."

Section 32–115. *Use of certain fur prohibited.* "No hatters' fur which has been treated with mercurial carrot shall be used in the State in the manufacture of hats; provided, however, that any hat manufacturer or fur cutter having such hatters' fur on hand on the effective date of this chapter may use such fur until it is consumed."

Section 32–116. Prescribes penalty for violation.

Construction Camps

Section 32–58. *Inspection of construction camps.* Requires the regular inspection of construction camps by physician of such employer or of the board of health, and the vaccination of laborers at the discretion of the examining officer. Inspection fee is specified.

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[1] Additional references on pages 287 (Section 40–46), and 289 (Section 40–20).

Section 32–65. ***Certain camps and public buildings to have sanitary closets or privies.*** Requires construction and recreation camps to be supplied with sanitary closets or privies. Penalty for violation.

Common Drinking Cup and Towel

Sections 32–59 and 32–60. Prohibit the use of common drinking cups and towels in all public places and in factories and workshops. Penalty for violation.

Section 32–65. Requires sanitary closets or privies at construction camps. Penalty for violation.

Rules and Regulations

Adopted by the Department of Health.

None specifically. Rules and regulations relative to processing of sea-food contain requirements for cleanliness, lighting and ventilation of establishments and provision of washing and toilet facilities for employees.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions [1]

Section 40–4. ***Powers and duties of Commissioner.*** "The Commissioner of Labor shall have power to . . . secure the enforcement of all laws relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in the State. . . .

"The Commissioner of Labor, his assistants and factory inspectors shall visit and inspect at reasonable hours . . . the factories, mercantile establishments, mills, workshops. . .

"The Commissioner of Labor shall enforce the provisions of this title, and shall prosecute all violations of law relating to factories . . . and commercial institutions in this State before any trial justice or court of competent jurisdiction."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Sanitary Facilities

Section 40–44. ***Sanitary arrangements in places of employment.*** Requires every establishment employing 5 or more persons and in which 2 or more children of 18 years and women are employed to provide separate and suitable toilet facilities. Penalty for violations.

Section 40–46. ***When Commissioner of Labor to give notice to health authorities; duties of latter.*** "If it appears to the Commissioner of Labor that any act, neglect or default in relation to any drain, water closet, privy, ash pit, water supply, nuisance or other matter in a factory or workshop included under the provisions of Section 40–44 [Sanitary arrangements in places of employment] is punishable or remediable under any law relative to the preservation of health, but not under the provisions of this chapter, he shall give notice in writing thereof to the board of health of the city or county in which such factory

[1] Additional reference on page 289 (Section 40–20).

or workshop is located, or to the State Health Commissioner . . . (who) shall thereupon inquire into the subject of notice and enforce the laws relative thereto."

Foundries

Section 40–50. ***Foundries and moulding shops to have proper ventilation.*** Requires foundries to provide in each workroom "proper and sufficient means of ventilation. If excessive heat, or of steam, gases, vapors, dust or other impurities that may be generated in the course of the manufacturing process carried on therein, the room must be ventilated" in such a manner to disperse them and render them harmless. Penalty for violation.

Section 40–51. ***Foundries and moulding shops to have toilets and washrooms.*** Requires adequate and proper washrooms and toilets as specified, and shielded from the weather for employees. Penalty for violation.

Safety of Workplaces and Equipment

Section 40–52. ***Stairways in factories, etc.*** Requires hand-rails on stairways, and where females are employed, the stairs to be properly screened at the sides and bottoms.

Section 40–55. ***Safety appliances.*** Requires employers to safeguard mechanical contrivances, vats, openings of all types and machinery, and prohibits their removal except for repair.

Section 40–56. ***Prohibiting use of machine in dangerous condition.*** Prohibits the use of dangerous machinery and requires the posting of warning notice until required safeguards are provided or machinery is made safe. (Does not apply to farm machinery.)

Section 40–58. ***Lighting halls, rooms, etc.*** Prescribes lighting requirements for factories.

Section 40–59. Penalty for violation of foregoing section.

Section 40–61. ***Protection from dust and refuse from machinery.*** Sets forth requirements for equipping certain grinding, polishing or buffing wheels with local exhaust ventilation or other suction device to receive and confine dust and refuse from machinery. Penalty for violation.

Section 40–62. ***Shields for employees of peanut-cleaning establishments and cotton factories.*** When requested, owners are required to supply employees with suitable sponge shields to protect them from inhaling the dust. Such shields are to be furnished at cost and paid for by the employees. Penalty for violation.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 40–33. Requires employers of factories, shops, mills, mercantile and manufacturing establishments to provide seats for female employees, as specified, and allow their use when duties permit it. Penalty for violation.

Section 40–96. Prohibits employment of children under 14 in any gainful occupation and children under 16 in any manufacturing or mechanical establishment or commercial cannery, except in purely office work.

Section 40–97. Regulates length of hours and hours between which children under 18 may be employed; and requires interval for lunch after 5 hours' continuous work.

Section 40–109. Prohibits employment of children under 18 in specified dangerous and injurious occupations and places of employment; and prohibits employment of boys under 16 and girls under 18 "in scaffolding and construction work, brick or lumber yards . . . dry cleaning establishment or laundry."

Penalties are prescribed for violations of foregoing sections.

Mines and Mining

Sections 45–1 to 45–93. Contain coal mining laws which are enforced by the Division of Mines. Among subjects covered are qualifications of State mine inspector and assistant inspectors and their duties with respect to inspection and certification of mines, maps, and investigation of accidents; appointment of Board of Examiners and examination and certification of mine inspectors, mine foremen and other mine employees; qualifications and duties of fire bosses and foremen; requirements for ventilation in mines in general, in mines generating fire damp and mines with gas; protection of workers from gases and other dangers; provision of first-aid equipment and supplies in mines, and first-aid training of employees; use of oils and explosives; rock dusting; use of safety hats, shoes and goggles; and prohibition of males under 18 and females of all ages from working in mines.

SAFETY CODES COMMISSION

Section 40–20. *Safety Codes Commission.* "There is hereby continued, as an agency of the Commonwealth, the Safety Codes Commission. The Commission shall consist of the Commissioner of Labor, the member of the Industrial Commission representing employers and the State Health Commissioner. . . . The Commission shall study and investigate all phases of safety in industry and from time to time make recommendations regarding safety in industry to the General Assembly for enactment into law."

INDUSTRIAL COMMISSION OF VIRGINIA [1]

The Workmen's Compensation Act is administered by the Industrial Commission. (Sections 65–1 to 65–134)

Occupational Disease Compensation

Sections 65–7 and 65–42. Injury or personal injury is defined to mean only injury by accident, or occupational disease as defined, arising out of and in the course of employment. Full coverage.

Reporting of Injuries

Section 65–115. Requires employers to keep records of all injuries fatal or otherwise and to report them to the Industrial Commission. Penalty for failure to report.

Vocational Rehabilitation

Sections 65–129 to 65–134. The Division of Vocational Rehabilitation is continued under the direction and control of the Industrial Commission, and is authorized to examine applications for benefits and to make appointments for necessary rehabilitation and education. Provision is made for an annual appropriation for this purpose. The Commission is designated as trustee to receive

[1] Additional references on this page (Section 40–20) and page 290 (State Board of Education).

and accept gifts for this purpose; is authorized to cooperate with the U. S. government; and with the approval of the Governor, to accept benefits of any legislation that may be enacted by the U. S. government for the rehabilitation and training of employees injured in the course of their employment.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Sections 22–325 to 22–329. The provisions and benefits of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise are accepted. The State Board for Vocational Rehabilitation is designated as agency to cooperate with the Federal Board in carrying out the provisions of the Act, and is empowered to prescribe and provide necessary courses of vocational training; to administer the use of funds provided for this purpose and receive gifts and donations; and with the Industrial Commission, to formulate a plan of cooperation.

BOARD OF AGRICULTURE AND IMMIGRATION

Food Sanitation

Section 3–286. Requires all buildings and places used for preparation for sale, manufacture or distribution of food or food products of all kinds to "be properly lighted, drained, plumbed and ventilated, and conducted with due regard for the purity and wholesomeness of the food therein produced, and with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons employed therein."

Sections 3–287 to 3–305. Set forth sanitary requirements in general covering cleanliness of premises, equipment and utensils, sanitary practices of employees, provision of wash and dressing rooms, selling and transporting products produced under unsanitary conditions and prohibition of employees with contagious or infectious disease from working in such places.

Sections 3–341 to 3–476. Regulate the production, distribution and sale of milk and milk products.

STATE DRY CLEANERS BOARD

Sections 54–201 to 54–216. The State Dry Cleaners Board regulates the cleaning, dyeing and pressing business, and has authority to adopt necessary rules and regulations and to enforce and assist in the enforcement of fire, sanitation, labor and any other laws applicable to the industry.

STATE CORPORATION COMMISSION

The State Corporation Commission has jurisdiction over public service companies.

Section 56–417.1. Empowers the State Corporation Commission to inspect any track or structure of railroads and to order such changes as are found necessary to safeguard and preserve the safety of its employees, servants and the general public.

Section 40–60. Requires provision of sheds for the protection of employees engaged in the construction or heavy repair of railroad cars or car trucks. Penalty for violation.

WASHINGTON

SOURCES: Revised Code of Washington
1953 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Revised Code of Washington, Section 43.20.010. *Powers and duties of director—General.* "The director of health shall: (1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics; (2) Devote his time to the investigation of sanitary conditions and the prevalence of disease in the state; (3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations and orders of the state board of health. . ."

Section 43.20.052. *Powers and duties of the board of health.* "The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state. . . . The board may have special or standing orders or regulations for . . . such other sanitary matters as admit of and may be best controlled by universal rule. . . . The board shall make careful inquiry as to the cause of disease especially when contagious, infectious . . . and take prompt action to control and suppress it. It shall respond promptly, when called upon by health officers to investigate and report upon the water supply, sewerage system, heating, plumbing, or ventilation of any place or public building."

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRIES

Authority and Functions[1]

Section 43.22.010. *Division of department—Personnel.* "The department of labor and industries shall be organized into four divisions, to be known as (1) the division of industrial insurance, (2) the division of safety, (3) the division of mining safety, and (4) the division of industrial relations. . ."

Section 43.22.030. *Powers and duties.* "The director of labor and industries, through the division of industrial insurance, shall:

"(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of workmen's compensation and medical aid in this state. . ."

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[1] Additional references on pages 297 (Chapter 28.10), and 298 (Chapter 43.60).

Section 43.22.050. ***Powers and duties.*** "The director of labor and industries, through the division of safety, shall:

"(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws providing for the protection of employees in mills, factories, workshops, and other places where machinery is used, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries;

"(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges . . . and apparatus of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of railroads, street railways . . . and other public utilities.

"(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation . . . and use of electrical apparatus, and the construction thereof;

"(4) Have charge and supervision of the inspection of hotels as provided by law."

Section 43.22.120. ***Division of Mining Safety.*** ". . . the said division consists of the state mining board, the chief state mine inspector who shall have charge of the division and 2 deputy inspectors."

Section 43.22.200. ***Right of entry to inspect.*** "The chief inspector or his deputy shall enter, inspect, and examine any coal mine, and the workings and the machinery belonging thereto, at all reasonable times. . . . They shall make inquiry into the condition of the mine, workings, machinery, ventilation, drainage, method of lighting or using lights, and into all methods and things relating to the health and safety of persons employed in or about the mine, and especially make inquiry whether or not the provisions of the coal mining code have been complied with. The management of each mine shall furnish the means necessary for such entry, inspection, examination, and exit."

Section 43.22.270. ***Powers and duties.*** "The director of labor and industries, through the division of industrial relations, shall . . .

"(4) With the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

"(5) With the assistance of the supervisor of women in industry, supervise the administration and enforcement of all laws respecting the employment, health, sanitary conditions, surroundings, hours of labor, and wages of women and minors. . . .

Section 43.22.310. ***Access to plants—Penalty for refusal.*** "The director or any employee of the department of labor and industries may enter any factory, mill, office, workshop, or public or private works at any time for the purpose of gathering facts and statistics as provided by this chapter, and examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner . . . who refuses to allow an inspector or employee of the department to enter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished. . . ."

Section 49.16.050. *Safety standards to be promulgated.* "For all work other than coal mining, the supervisor [of Safety] shall make, and may from time to time modify, and promulgate standards of safety:

"(1) To make safe the place of work of workmen, the same to be termed 'safe place standards';

"(2) Of safety devices and safeguards to make safe machines, tools, apparatus, and appliances, the same to be termed 'safety device standards';

"(3) Of educational systems for the education and training of employer and workman in the appreciation and avoidance of danger, and in the maintenance and use of safe place and safety device standards.

"The supervisor shall make, and may from time to time modify, and promulgate rules and regulations for the enforcement of the use of such standards of safety."

Section 49.16.120. *Duty of department—Inspections.* "The director, through the division of safety, shall enforce the safe place, safety device, and educational standards and orders, inspect the establishment or work of every employer engaged in extrahazardous work (other than coal mines) as often as it is deemed necessary, but not less than once every year for the purpose of ascertaining whether the safe place, safety device, and educational standards applicable thereto are being complied with, and investigate and analyze all serious accidents to workmen in order to provide a remedy to prevent a repetition of the same, not only in the establishment in which the accident occurred, but also in all other like establishments."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety in Extra-Hazardous Employment

Chapter 49.16 applies to establishments subject to the provisions of Workmen's Compensation Law.

Section 49.16.030. *Workmen to be safeguarded—Duty of employer.* "Every employer shall furnish a place of work which shall be as safe for workmen therein as may be reasonable and practicable under the circumstances, surroundings, and conditions; furnish and use such safety devices and safeguards; adopt and use such practices, means, methods, operations, and processes as under the circumstances, surroundings, and conditions are reasonable and practical in order to render the work and place of work safe; and comply with such standards of safety of place of work and such safety devices and safeguards and such standards and systems of education for safety as shall be from time to time prescribed for him, by statute or by the supervisor."

Section 49.16.040. *Duty of workmen—Penalty.* "Every workman shall cooperate with his employer in all efforts for safety in respect to a safe place to work, safety devices, and safeguards, and for educational safety work, and comply with all standards of safety established for his work by statute, or by the supervisor, and he shall not remove, displace, damage, or destroy any safety device or safeguard so established; nor interfere in any way with the use thereof by any other workman; nor interfere with the use of any method or process adopted or prescribed for the protection of workmen in any place of employment."

Section 49.16.140. Penalty for violations of provisions of chapter 49.16 relating to safety in extra-hazardous employment.

Safety and Ventilation

Chapter 49.20 concerns health and safety in factories, mills and workshops and has general application.

Section 49.20.010. ***Safeguards to be provided—Unsafe or defective equipment to be remedied.*** Requires employers to provide safeguards on mechanical contrivances and machinery, and to post warning notices of unsafe or dangerous machinery or conditions.

Section 49.20.020. ***Ventilation and sanitation.*** "Every factory, mill, or workshop . . . shall be provided in each workroom thereof with good and sufficient ventilation, and kept in a cleanly and sanitary state. Each workroom shall be so ventilated as to render harmless, in so far as practicable, all gases, vapors, dust, or other impurities, generated in the course of the manufacturing or laboring process carried on therein. If in any factory, mill, or workshop, any process is carried on in any inclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles, exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust."

Section 49.20.030. ***Safeguards for hatchways, stairways, shafts, etc.*** All such openings in all workshops shall be protected by appropriate safeguards.

Section 49.20.110. Penalty for violation of this chapter.

Underground Workers

Chapter 49.24. Deals with working conditions of workers employed in tunnels, quarries, caissons, and subways; sets forth requirements for safety of equipment, locks, and workplaces; requires employers to provide adequate sanitation facilities for workers, to maintain a medical lock while work in compressed air is in progress, and to employ a qualified medical officer and nursing attendant to care for cases of illness; requires that the medical officer examine new and returning employees before permitting them to enter the working chamber; and specifies hours of work and shifts under various pressures. Additional requirements regulating underground work and conditions concern general safety precautions, regulations for decompression, lighting, fire prevention, locks, use of explosives, electric power, signals, and requirements as to caissons and hoisting. The Director of Labor and Industries is given authority to establish rules and regulations necessary for safety of underground workers. Penalty for violation.

First Aid

Section 51.36.030. ***First aid.*** "Every employer, who employs less than fifty workmen, shall keep at his plant a first aid kit equipped as required by the department with materials for first aid to his injured workmen. Every employer who employs within a radius of one-half mile of any plant or establishment fifty or more workmen, shall keep one first aid station equipped as required by the department with materials for first aid to his injured workmen, and shall cooperate with the department in training one or more employees in first aid to the injured. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under Title 49."

Rules and Regulations

Adopted by the Department of Labor and Industries.

1. ***Safety Standards for Protection Against Occupationally Acquired Diseases.*** Effective October 1, 1938.

Standards consist of general rules and safety standards relating to dusts, fumes, vapors and gases in industry. General rules deal with responsibility of employer, foreman and the worker in complying with the provisions and use of protective devices and methods of protection outlined in the Standards; organization of safety meetings for prevention of occupational diseases; first-aid

instruction and treatment of injured; and contents of first-aid kits for plants with less than 50 and plants with over 50 workers.

Safety standards relating to dusts, fumes, vapors and gases in industry list maximum allowable concentrations to toxic materials, give specifications of air requirements per worker in industrial plants, and prescribe specifically methods for protection. These include local exhaust ventilation on all equipment and processes emitting harmful dusts, fumes, vapors or gases in quantities sufficient to create a harmful exposure to employees; protection by respirators and other personal protective measures where removal is impractical, and methods for cleaning and sterilizing personal protective equipment; substitution of non-hazardous equipment, material or process, whenever practicable; use of dust-allaying media; and isolation of hazardous operations when indicated. Standards require that buildings be maintained in such condition as will reduce the dust hazard to a minimum, and when cleaning is being done, employees are to wear approved respiratory equipment. Employees subject to contamination are to observe rules of cleanliness. Rubber boots are not to be handed from one employee to another without first being sterilized.

Regulations concerning ventilation, control measures, personal protective devices and sanitation are given for specific operations and processes such as applying paint by the spray method in fixed finishing shops; galvanizing; operations where workmen are exposed to silicosis; plywood manufacturing where men are handling glue (core) sections; auto repair and internal combustion engine adjusting plants; applying paint by the spray method, in other than fixed finishing shops; wool weaving; sea food canning; paint and kalsomine manufacturing and handling; handling cement and other dusts in nonmanufacturing plants; shingle manufacturing; battery manufacturing; polishing, grinding and buffing operations including specifications for exhaust outlets and branch pipe diameters; plating operations; dry cleaning with toxic solvents; and handling of lumber treated with arsenic compounds.

The Standards also include regulations for *Persons working in compressed air chambers, hard rock workers—soft earth tunnels and open cuts.* These cover general health and safety requirements, rates of decompression, equipping rock drilling machines with dust controlling devices, suitable ventilation, and provision of medical locks, sanitation facilities and drinking water in tunnels. Injurious dust is defined in terms of concentrations. Certificates of health are required for applicants for work.

2. *General Safety Standards.* Adopted 1945.

The first part deals with safety educational standards, including responsibility of management and employees in maintaining a safe and healthful working environment and safety committee activities; and sets forth minimum requirements for first aid, contents for first-aid kits and equipment for first-aid rooms.

The second portion deals with "safe place and safety device standards" for workplaces in general and includes minimum standards of illumination for specific industrial interiors, use and care of personal protective equipment and clothing, and general requirements for respirators. Safe practices and safeguards are specified for commonly used machinery, operations and workplaces such as saws, belts, cranes and hoists, window cleaning, paper and chemical pulp mills, dry cleaning with volatile inflammable or explosive liquids, and specifications for wire and hemp rope.

3. *Safety Standards for Metallic and Non-Metallic Mines.* Effective May 1, 1948.

The first portion deals with safety educational standards, precautions to be used against dangerous or poisonous gases generated in mines, provision of mechanical ventilation when maximum concentrations for gases are above the limits specified, and in mines employing more than 100 men per shift underground, provision of at least 11 sets of two-hour permissible self-contained breathing apparatus.

The second portion deals with safe place, safety devices and safe practice standards. These include general safety rules, safe practice standards for underground men, requirements for shafts and hoisting including a requirement that hoist operators must pass a physical examination, at least once a year, to determine their fitness for duty, use of explosives and blasting practices and ventilation. Requirements are given for change houses, drinking water, sanitation facilities, illumination, and for rock dusting. Dry drilling is prohibited and approved methods must be used to keep dust within allowable concentrations as determined by dust counts which are specified for 3 classes of rock. Special standards for gaseous mines are given.

4. ***Standards of Safety for Compressed Air Work and Submarine Diving.*** Effective October 1, 1942.

Code gives schedule of hours of labor of work under compressed air, and rate of decompression; contains safety requirements for gauges, exhaust valves, lighting, fire prevention, bulkheads, compressor plants, the use and care and blasting of explosives, signal codes, locks and shafts and safety shields; outlines general safety rules for compressed air workers and sanitation requirements; requires employers to maintain a medical lock and to employ at least one licensed physician to be in attendance while compressed air work is in progress, to examine workers at specified occasions (maintenance of records of the examinations is also required); and gives requirements for control of atmospheres underground. Code also contains brief safety rules for submarine divers.

5. ***Safety Standards for Sawmills and Wood-Working Plants.*** Effective August 1, 1943.

Standards contain minimum general requirements for safety to be observed by the management and by employees, and specific requirements for safeguarding equipment, operations and workplaces so as to prevent accidents.

6. ***Quarry Safety Standards.*** Effective August 1, 1942.

Code applies to all quarry operations and contains safety rules governing the installation, use, maintenance, and operation of safety devices, methods, and practices for the protection of employees. Code covers such subjects as inspections, protection of openings, eye protection, first-aid instructions and treatment of the injured, and contents for first-aid kits.

7. ***Safety Standards for the Painting and Decorating Industry.*** Effective November 1, 1948.

Standards contain minimum requirements for safety to be observed by management and by employees; scope of joint inspections by safety inspectors representing employer and employees, and safety activities; minimum requirements for first-aid work, first-aid kit and room; detailed specifications for ladders and scaffolds of various kinds, and regulations governing the use and control of spray coating apparatus; spray coating of buildings, structures and other outdoor spraying, and coating operations inside of buildings including specifications for booth construction. Requirements for use of personal protective devices are included, and maximum allowable concentrations for toxic substances are listed.

NOTE: Among other standards that have been issued are: Safety Standards for Construction Work, 1951; Safety Sandards for Logging Operations, 1948; Safety Standards for Longshore, Stevedore and Waterfront Warehouse Operations, 1947. Safety and health standards of national organizations are also used.

Employment of Women and Minors

Among pertinent provisions are the following:

Revised Code of Washington, Chapter 49.12. Authorizes the Industrial Welfare Committee to ascertain matters concerning payment of adequate wages and establishment of adequate conditions of work for women and minors.

Chapter 49.28. Regulates hours of work for females in mechanical, or mercantile establishments and hours during which minors under 16 may be employed in bakeries. Penalty for violation.

Chapter 26.28. Prohibits employment of male children under 14 and female under 16 in industrial employment without written permit, and of minors under 18 in certain employments including those dangerous, or injurious to life, limb, health or morals.

Section 78.34.040. Prohibits employment of women and girls in mines, and boys under 18; prohibits employment of boys under 16, and women and girls, in or about surface workings, permitting their employment for messenger or clerical duties only.

Mines and Mining

Chapters 78.32 to 78.38. *Coal Mining Code.* Among the subjects dealt with are certification of coal mine foremen and fire bosses; duties of mine superintendents, foremen and bosses with respect to examinations of mines, ventilation, precautions against gas, water, prevention of accidents; inspections of gaseous mines; hours and rules of employment; provision of washrooms for employees upon petition of 20 or more employees; safety committees, rescue work and provision of medical supplies and first-aid kits at work places; safety regulations and precautions against dust explosions, fire and accidents; and ventilation requirements which are set forth specifically.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Department of Labor and Industries. (Chapters 51.04 to 51.52)

Occupational Disease Compensation

Section 51.08.140. Occupational disease is defined to mean "such disease or infection as arises naturally and proximately out of extra-hazardous employment." Full coverage.

Reporting of Injuries

Chapter 51.28.010. Employers are required to report "any accident which occurs to any workman" to the Department of Labor and Industries or its local representative.

STATE BOARD FOR VOCATIONAL EDUCATION

Vocational Rehabilitation

Chapter 28.10. Establishes a division for the vocational rehabilitation and placement in remunerative employment of persons whose capacity to earn a living has been destroyed or impaired. The State Board and the agency charged with the administration of the Workmen's Compensation Law shall formulate a plan of cooperation for assistance to injured workmen. Provisions of the Federal Act relating to promotion of vocational rehabilitation for persons disabled by industry and otherwise, are accepted.

PUBLIC SERVICE COMMISSION [1]

The Public Service Commission administers all laws relating to public utilities and transportation. Among the sections dealing with employee health and safety are the following: (Penalties for violations are prescribed.)

Section 81.40.080. Requires shelters for railroad employees while at work to protect them from rain and other inclement weather.

Sections 81.44.030 to 81.44.040. Require certain safety appliances on locomotives and cars for protection of employees.

Section 81.44.085. Requires common carrier railroads to equip locomotives and cabooses and passenger cars with first-aid kits and sanitary cups and ice-cooled drinking water.

Section 81.64.140. Requires vestibules or weather guards for protection of employees.

1953 New Laws, Chapter 185. Prohibits attachment to utility poles of signs, posters, vending machines, or other objects which present a hazard to, or endanger the lives of, electrical workers.

DEPARTMENT OF AGRICULTURE

Revised Code, Chapter 23. The State Director of Agriculture is empowered to enforce and supervise the administration of laws with respect to the sale and manufacture of food and food products, and to bakeries.

WASHINGTON STATE SAFETY COUNCIL

Chapter 43.60. The Safety Council is established as a division of the executive department. "The council shall study ways and means for prevention of accidents on the streets and highways, in homes, on the farms, at schools, in industrial and commercial plants, and in public places; shall plan and execute safety programs, including educational campaigns, designed to reduce accidents in every field of activity; shall work in cooperation with all official and unofficial organizations and instrumentalities within the state which are interested in safety to the end that all possible resources shall be marshalled and utilized to reduce the menace of accidental death and injury . . . shall advise with the state departments having responsibilities for safeguarding the people against accidents, and especially with . . . the chairman of the public service commission . . . and the director of labor and industries in the accomplishment of the purposes as herein stated."

WEST VIRGINIA

SOURCES: West Virginia Code of 1949 Annotated, as amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions [2]

West Virginia Code of 1949 Annotated, Section 1265. *Composition of Department.* "There shall be a state department of health, which shall consist

[1] Additional reference this page (Chapter 43.60).

[2] Additional references on pages 301 (Section 2333), 302 (Section 2359), and 303 (Section 1872).

of a board of health, a director of health; directors of divisions and other employees as hereinafter provided."

Section 1267. *Board of Health; Powers and Duties.* ". . . The state board shall have the authority to enforce all of the laws of this state concerning the public health, and shall take care to protect the life and health of all of the inhabitants of the state, and to that end shall make or cause to be made sanitary investigations and inquiries respecting the cause of disease especially of epidemics and endemic conditions, and the means of prevention or control of such conditions; the source of mortality and the effects of localities, employment, habits . . . and circumstances of life on the public health. . . . It shall inspect and examine food, drink and drugs offered for sale, or for public consumption, in such manner as it shall deem necessary to protect the public health, and shall report all violations of the laws of this state and the regulations adopted thereunder relating to pure food, drink and drugs to the prosecuting attorney of the county in which such violations occur, and lay before such prosecuting attorney the evidence in its knowledge of such violations. . . .

". . . It shall have the power to inspect, and to make and enforce, for the protection of the public health, reasonable rules and regulations to control the sanitary condition of . . . creameries, dairies, slaughterhouses, workshops, factories, labor camps . . . and places where offensive trades or industries are conducted. It shall have the power to make and enforce reasonable rules and regulations to control occupational and industrial health hazards, and to make inspections and conduct hearings respecting the cause and control of such hazards. . . .

"The state board shall have the power and authority to make and promulgate, and from time to time amend such rules and regulations as it may deem necessary and advisable to properly put into effect the public health laws of this state, and for the administration of the powers granted to it by this article. . . ."

Section 1272. *Administrative and Other Employees of the Department of Health.* "The state board of health may . . . employ . . . inspectors, examiners. . . Such inspectors, examiners . . . shall enforce the provisions of the public health laws and all duly promulgated rules and regulations of the board of health, and in the discharge of official duties shall have the right of entry into any . . . dairy, creamery, slaughterhouse, workshop, factory, labor camp . . . and places where offensive trades or industries are conducted. . . ." Penalty for violation.

Section 1277. Prescribes penalty for violation of any health provisions or rules and regulations of the State Board of Health.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Board of Health.

1. *Use of Fluoroscopic Shoe Fitting Machines.* Effective November 14, 1950.

Regulations set forth requirements for minimum intensities of beams, protection of floor opening, control of primary X-ray beams and stray X-ray beams, and the posting of warning and instruction signs on machines.

2. *Occupational and Industrial Health Regulations.* Effective July 1, 1952.

Regulations apply to all places of employment except domestic help and mining and quarrying operations and deal with responsibilities of employer to provide and maintain adequate control measures and of employees to use the measures provided; prescribe acceptable methods for control of atmospheric contaminants; require that measures be taken for prevention of the transmission of infectious diseases and skin irritations; require provision of adequate illumination, and measures to prevent impairment to health of employees from exposure to ultraviolet and infrared radiation, noise, vibration, and X-radiation; set forth requirements for general ventilation, local exhaust ventilation, personal protective equipment, housekeeping and sanitation; and give threshold limit values for toxic substances and illumination standards in terms of foot-candles for various tasks.

3. ***Sanitation of Labor and Industrial Camps.***

Regulations deal with water supply, provision of sanitation facilities, cleanliness of premises, and food handling.

4. ***Regulations Governing the Sanitation of Food Handling Establishments.*** Passed November 17, 1941.

Regulations apply to all food handling, processing, or vending establishments, and authorize the health officer to make inspections for purpose of investigating the methods practiced and prevailing sanitary conditions. Detailed requirements are given for cleanliness of premises and equipment, lighting, ventilation, toilet and hand washing facilities, and cleanliness of food handlers.

Reporting of Occupational Diseases

None.

STATE DEPARTMENT OF LABOR

Authority and Functions [1]

W. Va. Code of 1949 Annotated, Section 2313. ***State Department of Labor.*** "There shall be a state department of labor, which shall be under the control and management of a state commissioner of labor."

Section 2315. ***Inspections by Commissioner; Duties and Records of Employer.*** . . . "The Commissioner of Labor . . . shall have the power and authority in the discharge of their duties, to enter any place of employment . . . for the purpose of collecting facts and statistics relating to the employment of workers and of making inspections for the proper enforcement of all labor laws in the State. . . .

"The Commissioner or his authorized representative shall . . . visit and inspect the principal factories and workshops of the state, and shall, upon complaint and request . . . visit and inspect any place where labor is employed. . .

"In addition to such other powers and duties as may be conferred . . . the said commissioner shall have the power, duty, jurisdiction and authority . . . to make or cause to be made all necessary inspections to see that all laws and lawful orders which the department has the duty, power, and authority to enforce, are promptly and effectively carried out."

Section 2332. . . . ***Orders of Commissioner.*** ". . . To carry out the provisions of this chapter [on Safety and Welfare], the commissioner of labor shall have the power to investigate and prescribe that reasonable safety devices, safe-

[1] Additional reference on page 302 (Section 2527).

guards, or other means of protection be adopted for the prevention of accidents . . . and to make, modify, repeal, and enforce reasonable general orders . . . for the prevention of accidents. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 2332. ***Employer to Safeguard Life, etc. of Employees. . .*** "Every employer shall furnish employment which shall be reasonably safe for the employees . . . and shall adopt and use methods and processes reasonably adequate to render . . . employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees. . ."

Section 2333. ***Machinery and Dangerous Places.*** Requires all power driven machinery, projecting or moving parts, vats, pans to be so located and protected so as not to be dangerous to employees, and all dangerous areas to be guarded; prohibits the use of defective machinery and repair of any machine while in motion; authorizes the Commissioner of Labor to adopt codes promulgated by the American Standards Association and approved by the U. S. Department of Labor regulating work in the construction industries; and requires all workshops employing 5 or more people in the mechanical department to keep accessible necessary first-aid equipment recommended by the State Department of Labor and approved by the State Department of Health.

Section 2334. ***Shafts, Hatchways, Wheel Holes, Elevators, Electrical Apparatus.*** Requires the provision of appropriate enclosures or means of protection for all openings, and the remedying of unsafe conditions when notified by the Commissioner of Labor.

Section 2336. ***Control of Machinery.*** Sets forth detailed requirements for safeguarding machinery of various types for prevention of accidents.

Section 2337. ***Stairways, Passageways, Lights, Overloading Floors or Walls.*** Requires hand-rails and treads on stairways, proper lighting in passageways, and prohibits overloading areas and crowding machinery.

Section 2354. ***Removal of Safeguards.*** Prohibits any person from removing or making ineffective safeguards required.

Eating Facilities

Section 2341. ***Food or Meals in Factories.*** Prohibits employees to take food into workrooms where "white lead, arsenic, or other poisonous substances, or injurious or noxious fumes, dusts or gases under harmful conditions are present"; requires the posting of notice to this effect; and requires employer to make provision, when practicable, for eating elsewhere than in such workrooms.

Sanitation Facilities

Sections 2343 and 2344. Require that every workshop be provided with a sufficient number of water closets, separated for sex, well ventilated and kept sanitary, and adequate washing facilities and dressing rooms.

Industrial Homework

Sections 2366 (b) to 2366 (l). List prohibited industrial homework; authorize the Labor Commissioner to make investigations covering all phases of homework; provide for issuance of employer's permit and homeworker's certificate; and prescribe penalty for violation.

Miscellaneous

Section 2345. Empowers the Attorney General and prosecuting attorneys to prosecute any violations of orders of the Commissioner of Labor. Penalty for violation.

Section 2347. ***Inclosure of Street Car Platforms; Penalty.*** Requires operators or owners of street railways to protect employees from exposure to winds and inclement weather by properly enclosing street car platforms. Penalty for violation.

Rules and Regulations

Adopted by Commissioner of Labor.

Construction Industry Safety Code.

Code sets forth specifications and requirements for safety in connection with all excavations, building and construction work.

Employment of Women and Minors

Among pertinent provisions are the following:

W. Va. Code of 1949 Annotated, Section 2342. Requires persons employing females in any factory, mercantile establishment, mill or workshop to provide suitable seats and permit their use when duties allow it.

Section 2358. Prohibits the employment of children under 16 in gainful occupations other than agriculture or domestic service in homes.

Section 2359. Prohibits the employment of children under 18 in mines, and in connection with stone cutting, manufacture of highly inflammable substances, and certain metal industries, and in any other occupation declared to be hazardous or dangerous or injurious to life, limb, health, or morals, by the State Commissioners of Labor and of Health and the State Superintendent of Free Schools.

Section 2364. Regulates hours of employment of children under 16 and requires lunch period after 5 consecutive hours of work.

Section 2366. Empowers the Commissioner of Labor to enforce child labor provisions and provides for right of entry and inspection. Penalty for violation.

Reporting of Injuries

Section 2332. . . . ***Reports and Investigations of Accidents*** . . . ". . . when an accident occurs in any place of employment or public institution which results in injury to any employee, the employer . . . shall provide the commissioner of labor the necessary information as to the cause of the injury, on blanks furnished free of charge to the employer and prescribed by the commissioner of labor."

WORKMEN'S COMPENSATION COMMISSIONER

The Workmen's Compensation Law is administered by the State Compensation Commissioner. (Sections 2494 to 2545.)

Section 2527. Authorizes the Commissioner to "cooperate with the state department of mines and the state department of labor in promoting general safety programs and in formulating rules and regulations to govern hazardous employments."

Occupational Disease Compensation

Section 2526. The terms "injury" and "personal injury" are extended to include silicosis and any other occupational disease as defined. Full coverage.

Reporting of Injuries

Section 2540. Employers are required to report to the Commissioner every injury sustained by any person in his employ on forms prescribed, within 60 days from the date the employer first received knowledge of such injury.

Vocational Rehabilitation

Section 2534. ***Physical and Vocational Rehabilitation.*** Authorizes the Compensation Commissioner to order under specified conditions physical and vocational rehabilitation of disabled claimants and to expend necessary amounts not to exceed 800 dollars.

STATE DEPARTMENT OF MINES [1]

Sections 2367 to 2493. The Department of Mines has supervision and enforcement of all State laws pertaining to mine and minerals inspection enacted for safety of workers. Among other subjects covered are appointment of mine inspectors, their qualifications and duties; maintenance of mine rescue stations by chief of the State Department of Mines; requirements for ventilation of coal mines in general, and for those liberating explosive gas; rock dusting or wetting down dusty operations; provision of first-aid equipment in mines employing men underground; use of safety lamps; provision of safe mine openings or outlets; use of electricity; qualifications and duties of fire bosses, and mine foremen; and investigation of accidents. Laws also contain regulations applicable to strip mines, and oil and gas wells.

STATE BOARD OF EDUCATION

Vocational Rehabilitation

Section 1872. The State Board of Education is designated as the State Board of Vocational Education in which is established a Division of Vocational Rehabilitation. The Division is authorized to cooperate with the federal government in providing vocational rehabilitation to disabled persons; to provide necessary services for eligible persons; to cooperate with other public and private agencies in providing services, studying problems involved, and in establishing and providing necessary programs, facilities and services; to conduct research and compile related statistics; to accept and use gifts donated for this purpose; to establish, operate and maintain vocational rehabilitation centers and workshops; to cooperate with federal government in any federal program relating to such rehabilitation centers and workshops; and in order to assure coordination of the rehabilitation center program with the hospital construction program, to cooperate with the State Department of Health. Criteria for eligibility for vocational rehabilitation are given.

PUBLIC SERVICE COMMISSION

The Public Service Commission has supervision and enforcement of laws applying to public utilities.

Section 2563. Requires that every public utility "establish and maintain adequate and suitable facilities, safety appliances or other suitable devices, and shall perform such service in respect thereto as shall be reasonable, safe and sufficient for the security and convenience of the public, and safety and comfort of its employees."

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[1] Additional reference on page 302 (Section 2527).

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SOURCES: Wisconsin Statutes 1951
1953 New Laws
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions [1]

Wisconsin Statutes 1951, Section 140.05. *Powers and Duties.* "(1) The state board of health shall have general supervision throughout the state of the health and life of citizens. . . . It shall make sanitary investigations into the causes of disease . . . the effect on health of localities, employments, conditions, habits and circumstances, and make sanitary inspections and surveys. . . . It shall have power to execute what is reasonable and necessary for the prevention and suppression of disease. It shall voluntarily or when required, advise public boards or officers in regard to heating and ventilation of any public building or institution. . . . The board may establish bureaus and shall possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in courts for the enforcement of health laws and health rules. . . .

"(3) The board shall have power to make and enforce such rules, regulations and orders . . . as to any subject matter under its supervision . . . necessary to efficient administration and to protect health. . . ."

Section 36.225. *State Laboratory of Hygiene.* "(1) The state hygienic laboratory, heretofore established in connection with the university, is continued and shall be known as the state laboratory of hygiene. . . .

"(5) Examination of the following specimens shall be done without charge when submitted . . . by licensed physicians . . . health officers . . . material from men or animals suspected of suffering from rabies, anthrax and glanders; examinations pertaining to industrial health hazards and such other examinations as may be necessary for the control and prevention of those diseases which cause a public health problem. . . .

"(6) The State laboratory of hygiene shall be operated to furnish complete laboratory service to the State board of health for the purpose of administering the rules and regulations of said board. . . ."

Section 140.06. *Sanitary Inspection.* "(1) The state board of health may appoint a state sanitary inspector. . . .

"(2) It shall be the duty of the sanitary inspector to assist in the work of the board under its direction to the end that the laws and rules adopted by said board for the preservation of the public health may be strictly enforced in the various parts of the state. The inspector shall have the same right of inspection in regard to all matters affecting the public health. . . . He shall, under the direction of the board make thorough and complete investigations of nuisances, sources of sickness, infectious or contagious diseases, water supplies, and sewerage disposal systems, the sanitary condition of public buildings . . . and such other work as is found necessary to improve the general sanitary and hygienic conditions. . . ."

Section 140.07. *Districts; District Health Officers.* "(1) The state board of health shall from time to time divide the state into sanitary districts, not exceeding 10; and . . . appoint for each a district health officer. . .

[1] Additional references on pages 307 (Section 146.03), and 310 (Section 41.71).

"(2) The district health officer shall have jurisdiction throughout his district; and he shall have . . . right of entry into any workshop, factory, dairy, creamery, slaughterhouse or other place of business or employment. He shall carry out the instructions of the state board of health and make such investigations and reports as the board may require. He shall, when required by the board with the help of local health officers, inspect and report upon the sanitary conditions of . . . dairies, creameries, slaughterhouses, workshops and factories, and of all places where offensive industries are conducted.

"(3) The district health officer shall make careful inquiry, when required by the state board of health, into the effects of the different kinds of employment upon the health of employes and operators, with special reference to tuberculosis and to lead and phosphorous poisoning and other industrial diseases, and in all such investigations and inquiries he shall have the power to administer oaths. . ."

General Provisions Relating to Occupational Health

Statutory Provisions

Section 146.19. ***Registration and Certification of Industrial Camps.*** Deals with registration, inspection and certification of industrial camps maintained by employers as living quarters for seasonal or migrant agricultural, industrial, or construction workers. Penalty for violation.

Rules and Regulations

Adopted by State Board of Health.

1. ***Use of Hatters' Mercurial Carroting Solutions.*** Adopted May 19, 1941.

Prohibits use of mercurial carrot in the preparation of hatters' fur or in the manufacture of hats.

2. ***Sanitary Regulations for Industrial Camps.*** Adopted July 28, 1933.

Contains regulations concerning sleeping and living quarters, water supply, toilets and camp maintenance.

Reporting of Occupational Diseases

Section 69.53. ***Industrial Illness and Diseases.*** "(1) Every person licensed to practice medicine and surgery in this state attending on or called in to visit a patients whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the state board of health a notice. . ."

(2) Penalty for noncompliance.

"(3) The Industrial Commission shall enforce this section, and it may call upon the state and local boards of health for assistance."

INDUSTRIAL COMMISSION

Authority and Functions [1]

Section 101.08. ***Employers to Furnish Information; Statistics; Inspection by Commission.*** ". . . (3) Any commissioner or deputy of the commission may enter any place of employment or public building, for the purpose of collecting facts and statistics, examining the provisions made for the health, safety and welfare of the employes, frequenters, the public or tenants therein and

[1] Additional references on this page (Section 69.53), and page 310 (Section 41.71).

bringing to the attention of every employer or owner any law, or any order of the commission, and any failure on the part of such employer or owner to comply therewith. No employer or owner shall refuse to admit any commissioner or deputy of the commission to his place of employment or public building. . . ."

Section 101.09. *Supervisory Jurisdiction and Powers of Commission Over Employments and Places of Employment.* "The industrial commission is vested with the power and jurisdiction to have such supervision of every employment, place of employment and public building in this state as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employe in such employment or place of employment. . . ."

Section 101.10. *Other Powers, Duties and Jurisdiction of Commission.* "It shall also be the duty of the industrial commission, and it shall have power, jurisdiction and authority. . .

"(2) To administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to child labor, laundries, stores, employment of females . . . bakeries . . . manufacture of cigars, sweatshops, corn shredders, woodsawing machines, fire escapes and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, and all other laws protecting the life, health, safety and welfare of employes in employments and places of employment and frequenters of places of employment.

"(3) To investigate, ascertain, declare and prescribe what safety devices, safeguards or other means or methods of protection are best adapted to render the employes of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of life, health, safety and welfare of employes.

"(4) To ascertain and fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employes in employments and places of employment or frequenters of places of employment.

"(5) To ascertain, fix and order such reasonable standards, rules or regulations for the construction, repair and maintenance of places of employment and public buildings, as shall render them safe. . . . (5b) The industrial commission and its deputies shall have the right at all reasonable hours to enter into and upon all buildings, premises and public thoroughfares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or to the prevention of fire. . . . (5f) To require a suitable space in which lunches may be eaten in any place of employment if found by the commission to be reasonably necessary for the protection of the life, health, safety and welfare of employes therein. . . .

"(6) To investigate, ascertain and determine such reasonable classifications of persons, employments, places of employment and public buildings, as shall be necessary to carry out the purposes of sections 101.01 to 101.29 inclusive. . . .

"(13) To require the submission of proper plans and specifications for places of employment and public buildings, also for elevators, toilets and other permanent equipment of such buildings. . . ."

Section 101.11. *Complaints and Investigation as to Safety of Employments; Hearing and Order.* "(1) Upon petition, after January 1, 1912, by any person that any employment or place of employment or public building is not safe, the commission shall proceed with or without notice, to make such investigation as may be necessary to determine the matter complained of. . . .

"(3) Whenever the commission shall learn that any employment or place of employment or public building is not safe it may of its own motion, summarily investigate the same, with or without notice, and enter such order as may be necessary relative thereto."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 101.06. *Employer's Duty to Furnish Safe Employment and Place.* "Every employer shall furnish employment which shall be safe for the employees therein . . . and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such employment and places of employment safe, and shall do everything reasonably necessary to protect the life, health, safety, and welfare of such employees. . . . Every employer . . . shall so construct, repair and maintain such place of employment or public building, and every architect shall so prepare the plans for the construction of such place of employment or public building to render them safe."

Section 101.07. *Same; Employees Not to Meddle With Safeguards.* Specifies duty of employer to provide safe place of employment and adequate safeguards, and of employee to use the same and not to damage or remove safety devices or safeguards.

Section 167.12 *Safety Appliances.* Requires safety or automatic feeding devices on corn husking or shredding machines for protection of employees. Duty to so equip such machines and maintain them is absolute.

Section 167.07. *Manufacture, Storage and Distribution of Matches.* Includes a prohibition for the manufacture and sale of white phosphorus matches.

Section 103.44. *Permits; House Contract Work; Penalties.* Requires permit for "home work manufacture." Conditions of permit require compliance with regulations concerning minors, hours, wages, and health and safety. Penalty for violation.

Section 146.03. *Home Manufacturing.* Applies to securing a license from the local health officer concerning place and persons to be employed, to be granted only when premises are clean and none of the persons is afflicted with communicable diseases.

"(3) The state board of health and the industrial commission may jointly adopt and enforce rules and regulations for local health officers hereunder, and may prohibit home work upon specified articles when necessary to protect health of consumers or workers."

Rules and Regulations

Adopted by the Industrial Commission.

1. *General Orders on Dusts, Fumes, Vapors and Gases.* Effective December 7, 1947. (Revised)

Orders are designed to secure protection of workmen exposed to harmful dusts, fumes, vapors and gases. They include maximum allowable concentrations of toxic materials; ventilation requirements to be followed in accordance with the Heating and Ventilation Code; use of local exhaust ventilation at source of

contamination and approval of plans and specifications for exhaust ventilation equipment by the Industrial Commission; methods of personal protection, including respirators, from dusts, and harmful fumes, vapors or gases; specifications for capacity of exhaust ventilation equipment, and design of hoods and ducts; and good housekeeping methods.

2. *General Orders on Sanitation.* Effective October 13, 1939. (Revised)

Orders set forth requirements concerning toilet rooms, washing facilities, locker rooms and lockers, drinking water, and rest rooms; cleanliness of places of employment; first-aid cabinets in establishments employing 3 to 250 workers and first-aid rooms when more than 250 workers are employed; instruction of employees working with industrial poisons; and provision of protective clothing and equipment. General safety requirements for laundries are included.

3. *General Orders on Spray Coating.* Effective November 22, 1939.

Orders set forth safety requirements for spray coating of buildings, structures and other outdoor spraying, and for spray coating operations inside of buildings.

4. *Heating, Ventilation and Air Conditioning Code.* Effective April 11, 1936.

Code applies to all public buildings and places of employment and contains specific requirements for heating, ventilation and air conditioning. The Industrial Commission must approve all plans and specifications for such equipment.

5. *Cleaning and Dyeing Code.* Effective March 25, 1948.

Code contains standards for buildings, rooms, equipment and operations in dry cleaning and dry dyeing plants necessary to safeguard against fires and explosions, and for the protection of life and health of employees and the public. Plants are classified into 4 classes according to type of solvent used.

6. *Building Code.* First adopted in 1914, and revised repeatedly. Latest revision 1952.

Code contains requirements covering the construction, equipping, and maintenance of all new public buildings and places of employment.

7. *General Orders on Existing Buildings.* Effective June 1, 1952. (Revised)

Orders contain general requirements on safety, sanitation, and fire protection of public buildings and places of employment.

8. *General Orders on Mines.* Effective October 25, 1937.

Orders prescribe safety regulations applicable to all mines in the State. Among the subjects covered are care of the injured; ventilation; general safety precautions for workers above and underground including use of protective clothing and safety devices; inspections of mines; shafts and exits; fire protection; hoisting equipment; haulageways; medical examinations for hoisting engineers and their qualifications and duties; use and storage of explosives and blasting practices; sanitation and illumination requirements; and timbering.

9. *General Orders on Quarries and Pits.* Effective January 4, 1930.

Orders cover general safety precautions, care of the injured, inspections for unsafe and hazardous conditions at quarries and sand and gravel excavations, and use of apparatus and equipment. Orders also contain miscellaneous suggestions and recommendations for various quarry operations.

10. *General Orders on Safety.* Effective October 3, 1949.

Orders give safety standards or specifications for various mechanical installations and contrivances such as belts and pulleys, abrasive wheels, hoods and guards, passageways, scaffolds or platforms, drop hammers, cutting machinery, revolving drums and cylinders, and cranes.

11. *Industrial Lighting Code for Factories, Mills, Offices and Other Work Places.* Effective July 1, 1918. (Being revised)

Code prescribes minimum permissible illumination intensities at certain work in foot-candles, and gives requirements for prevention of glare, distribution of light, and for emergency lighting.

NOTE: Among other codes issued are: Boiler Code, 1944; Elevator Code, 1944; General Orders on Fire Prevention, 1950; Electrical Code, 1951; General Orders on Explosives, 1937; Flammable Liquids Code, 1949; Orders on Sanitary Facilities in Railroad Terminals and Cabooses, 1947; and General Orders on Liquefied Petroleum Gases, 1948.

Employment of Women and Minors

Among pertinent provisions are the following:

Wisconsin Statutes 1951, Section 103.02. Prohibits employment of women "for such period or periods during any day, night, or week, as shall be prejudicial to the life, health, safety, or welfare of such female. . . ."

Industrial Commission is empowered to investigate, and issue general or special orders regulating length of hours, and hours between which, they may be employed. Contains schedule to be effective until Commission issues orders. Penalty for violation.

Section 103.16. Requires provision of seats for females for their use when not actually engaged in duties for which they are employed. Penalty for violation.

Section 103.66. Authorizes the Industrial Commission "to investigate, determine and fix reasonable classifications of employments and places of employment for minors and females," and to issue general or special orders prohibiting their employment in places prejudicial to their life, safety or welfare.

Section 103.68. Regulates hours of employment of minors under 18 and 16, and contains provisions for lunch or meal period for girls under 18.

Section 103.69. Contains a detailed schedule of hazardous and injurious employments for minors under 21, 18, and 16, with varying provisions by sex, and prohibits employment of any female in or about any mine or quarry. Penalty for violation.

Mines and Mining

Section 101.104. ***Mines, Tunnels, Quarries, Pits; Operation in Violation of Safety Aids.*** "If any shaft or workings of a mine, or any tunnel, trench, caisson, quarry, or gravel or sand pit is being operated or used in violation of the safety orders of the industrial commission applicable thereto, the owner or operator upon receiving notice of such violation from the commission shall immediately cease such operation or use. The operation or use of such shaft or workings of a mine, or of such tunnel, trench, caisson, quarry or gravel or sand pit, shall not be resumed until such safety orders have been complied with."

See also No. 8 and No. 9 under Rules and Regulations.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Industrial Commission. (Chapter 102)

Occupational Disease Compensation

Section 102.01. By definition, "injury" is mental or physical harm to an employe caused by accident or disease. Full coverage.

Reporting of Injuries

Section 102.37. ***Employers' Records.*** Requires employer of three or more persons and every employer who is subject to the Workmen's Compensation Act

to keep records of accidents causing death or disability. Reports based on these records shall be furnished to the Industrial Commission as required by general order.

Rule 2 of Industrial Commission provides that employers under the provisions of the Workmen's Compensation Act shall report on a special form every accident or occupational disease "which exists beyond the third day."

STATE BOARD OF VOCATIONAL AND ADULT EDUCATION

Vocational Rehabilitation

Section 41.71. ***Rehabilitation Law.*** Applies to all handicapped persons. The State is authorized to accept provisions and benefits of Federal Vocational Rehabilitation Act, and to aid handicapped persons by counseling, training, and securing suitable employment; utilize facilities of public and private groups; arrange for physical or psychiatric examinations of persons applying and for treatment for all except those under the Workmen's Compensation Law. The Industrial Commission shall report to the Board cases of injury which render the injured person handicapped and cooperate in carrying out provisions of this section. The State Board of Health shall cooperate by arranging with health officers, hospitals, clinics, and physicians for reports of persons under treatment or suffering from any injury or disease which may render them handicapped. The section also deals with vocational schools.

DEPARTMENT OF AGRICULTURE

Sections 97.10 to 97.24. The Department of Agriculture and boards of health are authorized to enforce provisions relating to bakeries and confectionaries. These contain reference to sanitation, but on the whole are aimed at sanitation of the product.

The Department of Agriculture has regulatory supervision over dairies, foods and drugs.

PUBLIC SERVICE COMMISSION

Section 195.03. The Public Service Commission has supervision over railroads, and "may make reasonable rules, regulations, specifications and standards for the installation, operation and maintenance of all safety devices and measures," and "shall investigate and determine conditions of employment and the number of employees in switching crews and may make orders relative thereto."

AIR POLUTION CONTROL

Section 146.10. ***Smoke.*** "The council of any city or the board of any village may regulate or prohibit the emission of dense smoke into the open air within its limits and one mile therefrom."

Section 59.09. ***General Powers of County Boards.***[1] ". . . (27) In any county having 500,000 population or more according to the last United States or state census, regulate by ordinance within the territorial limits of such county the ejection, discharge, or emission into the open air of smoke, and solids, liquids, gases, fumes, acids, cinders, soot, particulate wastes or dusts from any

[1] Amended by Senate Bill No. 118, 1953 New Laws, to include "any county having 500,000 population or more."

chimney, smokestack, vent, fuel-burning equipment, open fire, apparatus, device, mechanism, substance, material or premises; prescribe the maximum volatile matter content or other constituents of fuels used within the county in hand-fired or other fuel-burning equipment; prescribe fees for the examination of plans, inspections, tests, issuance of permits, and certificates of operation; prescribe rules and standards in aid of such regulations; provide in such ordinance for an appeal board and an advisory board and prescribe the powers of each; prescribe penalties for violating such ordinance; provide for commencing actions to enjoin acts, threats of act and the procuring or suffering of acts to be done in violation of such ordinance; and provide for a county department of air pollution regulation with necessary officers and assistants to perform any and all functions relating to enforcing such ordinance. Whenever the county board enacts an ordinance pursuant to authority granted by this subsection, such ordinance shall supersede and nullify any town, city, or village ordinance then in effect, as to all matters included within such county ordinance and such towns, cities and villages shall thereafter and while such county ordinance remains in effect have no power to enact ordinances as to the subject matter included within such county ordinance. Matters treated in this subsection are declared to be of state-wide concern."

WYOMING

SOURCES: Wyoming Compiled Statutes 1945 Annotated, as amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions[1]

Wyoming Compiled Statutes 1945 Annotated, Section 63–149. ***Powers of Division of Administration.*** . . "The Division of Administration [with the Board of Health, composes the Department of Public Health] . . . through the other employees of the division, shall have and exercise the following powers and duties. . .

"(2) To investigate and control the causes of epidemic . . . occupational and other diseases and afflictions, and physical disabilities resulting therefrom, affecting the public health. . . .

"(5) To abate nuisances when necessary for the protection of the public health. . . .

"(15) To enforce such sanitary standards, as are or may be established by law, for the operation and maintenance of . . . factories, workshops, industrial and labor camps. . .

"(17) To establish and enforce sanitary control over slaughtering, packing, canning, and rendering establishments and over stores, shops and vehicles wherein meat and animal products intended for human consumption may be transported or offered for sale. . .

"(18) To certify, inspect and exercise sanitary control over all restaurants, cafes, bars, soda fountains and other eating and drinking establishments. . . ."

Section 63–154. Provides penalties for violation of health laws or regulations.

[1] Additional reference on page 313 (Section 58–302).

Industrial Health Service

Section 63–701. ***Title.*** "This Act [Sections 63–701 to 63–703] shall be cited as the Industrial Health Service Act of 1945."

Section 63–702. ***Service of industrial hygiene created.*** "The State Board of Health is hereby authorized and empowered to create and maintain a service of Industrial Hygiene as the State Health Officer may deem necessary."

Section 63–703. ***Investigations—Annual report required.*** "The Industrial Hygiene Service shall investigate places of employment and study those conditions which might be responsible for ill health of the industrial workers and submit a yearly report to State Treasurer."

Food Sanitation

Section 46–322. ***Inspection—Prosecution.*** "The State Director of Public Health and his assistants shall have full power at all reasonable times to enter and to inspect every building, room . . . occupied or used for the production for sale, manufacture for sale, storage . . . of food and all utensils, fixtures, furniture and machinery used. . . ." It is the duty of prosecuting attorneys to prosecute violations when called upon by the State Director of Public Health.

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

Section 46–301. ***Sanitary conditions of buildings—"Food" defined.*** Requires that all food processing and handling plants and buildings "shall be properly lighted, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks, or other persons therein employed."

Section 46–305. ***Toilet rooms.*** Sets forth requirements for toilet and washing facilities in food processing and handling establishments.

Rules and Regulations

Adopted by State Board of Health.

Regulations for the Use of Fluoroscopic Shoe Fitting Devices.

Regulations set forth requirements for minimum intensities of beams, protection of floor opening, control of primary X-ray beams and stray X-ray beams, and the posting of warning and instruction signs.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND STATISTICS

Authority and Functions[1]

Wyoming Compiled Statutes 1945 Annotated, Section 54–304. ***Duties of Commissioner.*** "It shall be the duty of the commissioner of labor and statistics to enforce all laws enacted by the legislature of Wyoming, relating to labor, hours of labor, and to the health, welfare, life and limb of the workers of this state . . . to make such inspections as may be by him deemed necessary of the industrial establishments and buildings hereinafter provided for; to make an inspection

[1] Additional reference on page 313 (Section 58–302).

of all living accommodations provided for employes wherever employed, where such are furnished as a part of the wages. . ."

Section 54–305. *Collection of statistics.* "The Commissioner of labor shall collect, classify, have printed and submit to the governor . . . the following statistics touching the industrial life of the state. . ."

Section 54–310. *Commissioner may enter establishments.* "The commissioner of labor . . . shall have power to enter any manufacturing establishment, mill, workshop, office, bakery, laundry, store . . . where labor is employed . . . for the purpose of enforcing the provisions of this article."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 54–307. *Doors to open outward.* Requires all doors leading into places where people are employed to open outward, and all stairways to be equipped with hand-rails.

Section 54–308. *Safety devices.* Requires all openings to be protected by trap doors or other safeguards, and all machinery to be equipped with proper shifters for throwing on or off pulleys, and other such safeguards as may be deemed necessary by the Commissioner for the proper safeguard of life and limb. Penalty for violation.

Rules and Regulations

None specifically.

Employment of Women

Among pertinent provisions are the following:

Section 54–703. Regulates hours of employment of women and requires all females who are required to be on their feet continuously during their employment to have two rest periods of not less than 15 minutes, one before and one after the lunch hour. Penalty for violation.

Section 54–703. Requires employers of women to provide suitable seats and to permit their use when they are not engaged in active duties. Penalty for violation.

Section 54–705. Empowers district attorneys to enforce provisions of laws relating to employment of women.

Section 54–706. Prescribes penalties for violations.

CHILD LABOR COMMISSION

The Child Labor Commission together with police, peace, and probation officers enforce laws relating to the employment of minors. Among pertinent provisions are the following:

Section 58-302. "The Commissioner of Labor and Statistics, and Commissioner of Education and the Secretary of the State Board of Health, shall constitute the Child Labor Commission, which is hereby authorized to declare any occupation, trade, employment, process or place dangerous, injurious, hazardous, or prejudicial to life, limb, health, safety, welfare or morals of children under (16) years of age."

This section also prohibits employment of children under 16 in certain specific occupations and places of employment, or "in any other occupation, trade, employment, or place declared by the Child Labor Commission dangerous, injurious, hazardous." Penalty for violation.

Section 58–105. Prohibits employment of males under 14 and of any female in any mine, underground works or dangerous place. Penalty for violation.

Section 58–309. Forbids females under 18 to work in any capacity where such employment compels them to remain standing constantly and requires employers of females to provide suitable seats and permit their use insofar as the nature of the work allows it.

WORKMEN'S COMPENSATION

The Workmen's Compensation Law is court administered. Extra-hazardous occupations to which the law applies are enumerated. (Sections 72–101 to 72–199)

Occupational Disease Compensation

None.

Reporting of Injuries

Section 72–162. Requires employers to file in triplicate report of any accident causing injury to workmen engaged in extra-hazardous employments as defined in the Act, with the Clerk of the District Court. Penalty for failure to report.

Section 72–153. Requires each physician or surgeon attending workmen injured while engaged in extra-hazardous occupations to file a full report of any injury causing disability of one day or longer, or requiring medical services other than first aid, with Clerk of the Court of the County. Penalty for failure to file a report.

STATE COAL MINE INSPECTOR

Sections 57–201 to 57–1014. Contain coal mining laws which are enforced by the State Coal Mine Inspector and Deputy Mine Inspectors. Among the subjects covered are: appointment of mine inspectors and their duties; appointment of Coal Mine Examining Board and certification of competency of mine foreman; safety requirements for use of surface openings, passageways and escapeways in mines; inspection of roofs of mines; safety standards for hoisting equipment, signalling, tracks, haulage roads, locomotives and equipment, and machinery; use of safety guards on equipment and the wearing of goggles or eye shields; safety regulations for electrical installations; requirements for ventilation of mines by means of fans, and air currents; inspection of gassy mines; rock dusting; prevention and control of fires; wearing of protective head and foot gear and other clothing; maintenance of first-aid equipment; provision of bathhouses equipped as specified in coal mines employing 20 or more miners; investigation of accidents; and storage and use of explosives.

Sections 57–801 to 57–813. Authorize the State Coal Mine Inspector, ex-officio State Mine Inspector, to enforce laws relating to safety inspections and investigation of accidents in metallic and nonmetallic mines.

WYOMING OIL AND GAS CONSERVATION COMMISSION

Sections 57–1102 to 57–1112. The Commission has jurisdiction and authority over conservation and waste prevention in oil and gas wells. The State Mineral Supervisor enforces laws relating to drilling and operation of oil and gas wells.

Section 517–1105. ". . . where natural gas is burned, consumed, or otherwise wasted . . . it shall be unlawful to allow or permit such natural gas to pollute

or contaminate the atmosphere to such an extent that injury or damage is sustained by growing crops, vegetation, livestock, wild life, or domestic fowls, or to such an extent that the human health, welfare, or safety is anywise impaired or damaged." Penalty for violation.

STATE BOARD OF EDUCATION[1]

Vocational Rehabilitation

Sections 67–1211 to 67–1214. The State Board of Education is designated as the agency to accept the provisions of the Federal Act relating to the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and is empowered to receive gifts and donations for this purpose.

STATE DEPARTMENT OF AGRICULTURE

Section 46–415. The State Department of Agriculture has jurisdiction over licensing and sanitary inspection of dairies, creameries, cheese plants and other dairy products processing or manufacturing establishments.

PUBLIC SERVICE COMMISSION

The Public Service Commission has jurisdiction over every public utility within the State.

Section 64–214. Empowers the Commission to make rules and regulations governing the construction, maintenance and operation of public utilities which are required to provide adequate, efficient and safe equipment for the promotion of the safety, health, comfort and convenience of its patrons, employees and the public.

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[1] Additional reference on page 313 (Section 58–302).

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