

✓
Revised Edition

Public Health Service

Publication No.

357
(Rev. 1970)

LANE MEDICAL LIBRARY
STANFORD UNIVERSITY
MEDICAL CENTER
STANFORD, CALIF. 94305

OCCUPATIONAL

Health and safety

LEGISLATION

LANE MEDICAL LIBRARY
STANFORD UNIVERSITY
MEDICAL CENTER
STANFORD, CALIF. 94305

U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LANE MEDICAL LIBRARY
STANFORD UNIVERSITY
MEDICAL CENTER
STANFORD, CALIF. 94305

Revised Edition

**OCCUPATIONAL
LEGISLATION**

health and safety

LANE MEDICAL LIBRARY
STANFORD UNIVERSITY
MEDICAL CENTER
STANFORD, CALIF. 94305

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

U.S. Environmental Health Service

OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

**Public Health Service Publication No. 357
Revised Edition**

Public Health Service Publication No. 357

Revised 1970

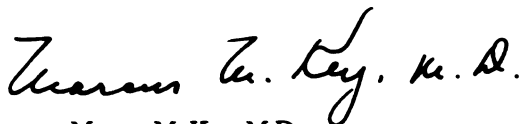
For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$1.75

FOREWORD

The President in his message to Congress relative to Occupational Safety and Health, August 6, 1969, stated, "... Some efforts to protect the safety and health of the American worker have been made in the past both by private industry and by all levels of government. But new technologies have moved even faster to create newer dangers. Today we are asking our workers to perform far different tasks from those they performed five or fifteen or fifty years ago. It is only right that the protection we give them is also up-to-date."

This growing recognition of the importance of a safe and healthy working environment has intensified interest in the legislative authority vested in various State agencies. This compilation was prepared by the Bureau of Occupational Safety and Health of the Public Health Service, U.S. Department of Health, Education, and Welfare. 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.

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.



Marcus M. Key, M.D.
Director, Bureau of Occupational
Safety and Health
Public Health Service
U.S. Department of Health, Education,
and Welfare



George C. Guenther
Director, Bureau of Labor Standards
U.S. Department of Labor

CONTENTS

	Page
ACKNOWLEDGMENTS	ix
NATURE AND SCOPE OF COMPILATION	1
ALABAMA	6
State Department of Public Health, Department of Industrial Relations.	
ALASKA	11
Department of Health and Welfare, Department of Labor, Department of Natural Resources.	
ARIZONA	16
State Department of Health, Industrial Commission of Arizona, State Mine Inspector.	
ARKANSAS	21
State Board of Health, Department of Labor, Workmen's Compensation Commission, State Mine Inspector.	
CALIFORNIA	28
State Department of Public Health, Department of Industrial Relations, State Fire Marshal.	
COLORADO	40
State Department of Public Health, Department of Labor and Employment, Chief Inspector of Coal Mines, Bureau of Mines.	
CONNECTICUT	48
State Department of Health, Connecticut Labor Department, Workmen's Compensation Commission, State Fire Marshal.	
DELAWARE	55
State Board of Health, Department of Labor and Industrial Relations, Industrial Accident Board.	
DISTRICT OF COLUMBIA	59
Commissioners of the District of Columbia, District of Columbia Health Department, Minimum Wage and Industrial Safety Board, Board of Education of District of Columbia, Workmen's Compensation.	
FLORIDA	64
State Board of Health (Department of Health and Rehabilitative Services), Florida Industrial Commission (Department of Commerce).	
GEORGIA	70
State Department of Public Health, Department of Labor, State Board of Workmen's Compensation, Department of Agriculture.	
HAWAII	74
Department of Health, Department of Labor and Industrial Relations.	
IDAHO	79
Department of Health, Department of Labor, Industrial Accident Board, State Inspector of Mines.	
ILLINOIS	85
State Department of Public Health, Department of Labor, Illinois Industrial Commission, Department of Mines and Minerals, Department of Agriculture.	

CONTENTS (Con't)

	Page
INDIANA	93
State Board of Health, Department of Labor, Administrative Building Council, State Fire Marshal.	
IOWA	101
State Department of Health, Bureau of Labor, Industrial Commis- sioner, Department of Mines and Minerals, Department of Agriculture.	
KANSAS	107
State Board of Health, State Department of Labor, Workmen's Com- pensation Director.	
KENTUCKY	111
State Department of Health, Department of Labor, Department of Mines and Minerals, Department of Public Safety.	
LOUISIANA	118
State Department of Health, Department of Labor, Workmen's Compensation.	
MAINE	123
Department of Health and Welfare, Department of Labor and In- dustry, Industrial Accident Commission, Department of Agriculture.	
MARYLAND	128
State Department of Health, Department of Labor and Industry, Workmen's Compensation Commission, Department of Geology, Mines and Water Resources.	
MASSACHUSETTS	134
State Department of Public Health, Department of Labor and Industries.	
MICHIGAN	145
Department of Public Health, Department of Labor, Copper and Iron Mine Inspectors, State Fire Marshal, Department of Agriculture.	
MINNESOTA	152
State Department of Health, Department of Labor and Industry, In- spector of Mines, Department of Agriculture, State Fire Marshal.	
MISSISSIPPI	164
State Board of Health, Employment of Minors, Workmen's Compen- sation Commission.	
MISSOURI	167
Department of Public Health and Welfare, Department of Labor and Industrial Relations, Department of Agriculture.	
MONTANA	175
State Department of Health, Industrial Accident Board, Department of Labor and Industry.	
NEBRASKA	181
State Department of Health, Department of Labor, Workmen's Com- pensation Court, Department of Agriculture.	
NEVADA	186
Department of Health and Welfare, Nevada Industrial Commission, Labor Commissioner, State Inspector of Mines.	
NEW HAMPSHIRE	191
Department of Health and Welfare, Department of Labor.	

CONTENTS (*Con't*)

	Page
NEW JERSEY.....	197
State Department of Health, Department of Labor and Industry.	
NEW MEXICO.....	206
Health and Social Services Department, Labor and Industrial Commission, State Inspector of Mines.	
NEW YORK.....	211
State Department of Health, Department of Labor, State Workmen's Compensation Board.	
NORTH CAROLINA.....	226
State Board of Health, Department of Labor, Industrial Commission, Department of Agriculture.	
NORTH DAKOTA.....	232
State Department of Health, Workmen's Compensation Bureau, Department of Labor, State Coal Mine Inspector, State Laboratories Department.	
OHIO	236
State Department of Health, Department of Industrial Relations, Industrial Commission, Department of Agriculture, State Fire Marshal.	
OKLAHOMA	247
State Department of Health, State Department of Labor, State Industrial Commission, Mine Inspectors, State Dry Cleaners' Board.	
OREGON	254
State Board of Health, Workmen's Compensation Board, Bureau of Labor, State Department of Agriculture.	
PENNSYLVANIA	261
State Department of Health, Department of Labor and Industry, Department of Mines and Mineral Industries, Department of Agriculture.	
PUERTO RICO.....	275
Department of Health, Department of Labor.	
RHODE ISLAND.....	282
State Department of Health, Department of Labor.	
SOUTH CAROLINA.....	290
State Board of Health, Department of Labor, Industrial Commission.	
SOUTH DAKOTA.....	295
State Department of Health, South Dakota Industrial Commissioner, State Inspector of Mines, Department of Agriculture.	
TENNESSEE	298
Department of Public Health, Department of Labor, State Department of Agriculture.	
TEXAS	304
State Department of Health, Bureau of Labor Statistics, Industrial Accident Board, State Mining Inspector.	
UTAH	311
State Department of Health and Welfare, Industrial Commission of Utah, State Department of Agriculture.	
VERMONT	317
State Department of Health, Department of Labor and Industry.	

CONTENTS (*Con't*)

	Page
VIRGINIA	323
State Department of Health, Department of Labor and Industry, Industrial Commission of Virginia, Department of Agriculture and Commerce, State Dry Cleaners Board.	
WASHINGTON	328
State Department of Health, Department of Labor and Industries, Department of Agriculture, University of Washington.	
WEST VIRGINIA	338
State Department of Health, State Department of Labor, Workmen's Compensation Commissioner, State Department of Mines.	
WISCONSIN	345
State Department of Health and Social Services, Department of Industry, Labor and Human Relations.	
WYOMING	353
State Department of Health and Social Services, Department of Labor and Statistics, Occupational Health and Safety Commission, Workmen's Compensation, State Inspector of Mines, State Inspector of Coal Mines, State Department of Agriculture.	

ACKNOWLEDGMENTS

Grateful acknowledgment is made to the many State governmental agencies which provided copies of codes, rules, regulations and other related information used in this compilation.

It is a pleasure to express gratitude to Miss Lorice Ede, J.D., Legal Assistant, Bureau of Occupational Safety and Health, for her generous advice and to Miss N. Lynne Kallas, also of the Bureau, for her excellence and precision in typing the manuscript, and especially for her cheerful patience in working with difficult copy.

NATURE AND SCOPE OF COMPILATION

This publication is an updated edition of the 1954 issue of Public Health Service Bulletin No. 357. It consists of citations and excerpts or digests of State laws and regulations dealing with occupational health and safety. No attempt has been made to evaluate the adequacy or effectiveness of the various provisions. This publication is intended primarily as a *guide* to State legislation and regulations dealing with the health and safety of workers at their places of employment.

In planning the 1954 edition, it was intended 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, sanitation* and *hygiene* 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 and prevention of work accidents. For the most part, this edition covers the same areas. 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 strictly 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, their scope, and their length. Several States have passed laws creating occupational safety and health commissions and because of the recency of this trend, most of the provisions are quoted in full.

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

Information is given for each of the 50 States, the District of Columbia, and Puerto Rico. Not covered by the compilation are the Virgin Islands and municipal and county jurisdictions.

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, and agriculture; industrial accident commissions; departments and inspectors of mines; and a few others, such as State fire marshals for laws regulating health and safety in dry cleaning establishments. Omitted from this edition are references to public utilities or services commissions, and vocational rehabilitation agencies.

The format followed in this revision is the same as in the 1954 publication. Independent State agencies are identified by all caps; administrative subdivisions are in lower case.

Sources Used

The legal sources used are shown at the beginning of each State. Laws up to and including those enacted during 1969 as reported in legislative supplements to codified laws were examined for the States. Since this compilation is intended essentially as a reference source and guide, numbers and dates of Acts are excluded. 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 and current information, this material may be incomplete for some of the States. In a few instances, copies of codes and regulations were not available for review, or were out of print.

Selected rules, orders, or codes are listed or presented in digest form to give an indication of their scope or content. In no instance can the digest be considered complete. A more comprehensive listing of administrative codes and regulations will be found in the publication of Bureau of Labor Standards, U.S. Department of Labor, entitled *Directory and Index of Safety and Health Laws and Codes* (see end of this portion). 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.

Among *exclusions* in this 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 certification requirements and procedures of State agencies; labeling and regulation of poisons, drugs, caustic acids, and corrosive substances for sale; adulteration and misbranding of food and drugs; registration of insecticides and pesticides; boiler inspection; elevator inspection; prevention and control of fire; and transportation of flammable liquids and explosives.

Because of their complex and constantly changing nature, laws dealing with air pollution control—State, District and Interstate Compacts—were also excluded.

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, direct or implied, in the field of occupational health and safety at places of employment, 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 referred to briefly or 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 and safety hazards, prevention of accidents and occupational diseases, 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. It is quite likely that some of the provisions relating to employment of women have been, in effect, modified by Title VII of the Civil Rights Act of 1964 which prohibits discrimination in private employment on basis of race, color, religion, sex or national origin.

Mines and mining—Only a brief digest or outline is given of the subjects covered by mining laws. Details relating to technical specifications and standards are usually extensive and 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 requirements for reporting occupational diseases and accidents by physicians and employers to health and labor agencies are covered in full. It is believed that references to regulations of State departments of health requiring reporting of occupational diseases are complete. However, no attempt was made to ascertain administrative regulations of labor agencies requiring employers to report work injuries.

Workmen's compensation—Information on workmen's compensation is limited to citing the statutory references, the type of coverage for occupational diseases, and provisions for reporting injuries. 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 others and hence, is only referred to briefly here.

Provisions relating to vocational rehabilitation of disabled persons are not covered because State laws usually follow closely the Federal vocational rehabilitation laws and regulations. Otherwise, State provisions regarding vocational rehabilitation of workers disabled in industry are contained in workmen's compensation laws.

Radiation control—References to enabling legislation for radiation control are generally cited, and known regulations are listed. In a few States, regulations relating directly to places of employment have been abstracted. Interstate Nuclear Compact legislation is not covered.

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 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.

Supplemental Sources of Information (Selected)

Worker Health and Safety

1. *Directory and Index of Safety and Health Laws and Codes.* Richard M. Ronk and Thomas H. Seymour, Bureau of Labor Standards, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. U.S. Government Printing Office, Washington, D.C. 20402. Price \$1.25. (Single copies available free from Bureau of Labor Standards.)

2. *Highlights 1967-68—State Safety Code Activities.* Richard M. Ronk and Thomas H. Seymour, Bureau of Labor Standards, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. (Available free)

3. *Review of State Occupational Health Legislation.* Andrew D. Hosey and Loric Ede, J.D. Processed 1969. Bureau of Occupational Safety and Health, Environmental Health Service, Public Health Service, Department of Health, Education, and Welfare, 1014 Broadway, Cincinnati, Ohio 45202. (Available free)

Workmen's Compensation and Rehabilitation

4. *State Workmen's Compensation Laws.* Bulletin 161 (Revised 1969). Bureau of Labor Standards, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. U.S. Government Printing Office, Washington, D.C. 20402. Price 40 cents. (Single copies available free from Bureau of Labor Standards.)

5. *Summary of State Workmen's Compensation Laws.* Labor Law Series No. 10, January 1970. Bureau of Labor Standards, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. (Available free)

6. *Analysis of Workmen's Compensation Laws,* 1970 Edition. Chamber of Commerce of the United States, 1605 H Street, N.W., Washington, D.C. 20006. Price \$1.50. (Updated annually)

7. *State Compensatory Provisions for Occupational Diseases.* G. G. Morgis, Lena P. Beaugard, and Earle P. Shoub. Bulletin 623, Bureau of

Mines, U.S. Department of the Interior, 1967. Government Printing Office, Washington, D.C. 20402. Price \$1.25 (paper cover).

8. *Workmen's Compensation and Rehabilitation Law—With Section by Section Commentary*. The Council of State Governments, 1313 East 60th Street, Chicago, Illinois 60637, 1965. Price \$3.00.

Radiation Control

9. *State Radiation Control Legislation, 1969*. Bobby L. Dillard. Publication No. BRH-ORO 70-2, June 1970. Bureau of Radiological Health, Environmental Health Service, Public Health Service, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Maryland 20852. (Single copies available free.)

Air Pollution Control

10. *A Digest of State Air Pollution Laws, 1967 Edition*. Public Health Service Publication No. 711. National Air Pollution Control Administration, Environmental Health Service, U.S. Department of Health, Education, and Welfare. U.S. Government Printing Office, Washington, D.C. 20402. Price \$2.75. (Being revised)

ALABAMA

SOURCES: Code of Alabama Recompiled
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Code of Alabama Recompiled Section 22-1. *State board of health; how constituted.* "The medical association of the state of Alabama, as constituted under the laws now in force, or which hereafter may be in force, is the state board of health."

Section 22-2. *State committee of public health, how constituted.* "The state board of censors, of said association, as said board of censors is or hereafter may be constituted . . . and under the constitution of said association . . . shall be known as the state committee of public health; and the governor shall be a member and ex-officio chairman of said state committee of public health."

Section 22-3. *Representation of the state board of health fixed.* When the State Board of Health is not in session, the State Committee of Public Health is authorized to act for said Board, and have and discharge all duties of the Board, including the adoption and promulgation of rules and regulations. When the Committee is not in session, the State Health Officer shall act for the Board and the Committee.

Section 22-7. *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 shall 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 22-75. *Enumeration of nuisances menacing health.* "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 or 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, trade, or industry or occupation . . . without comply-

ing 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 22-76. *Nuisances: by whom abated.* "Any such nuisance shall be abated by the county board of health. . . ."

Section 22-85. *Regulations of State committee of public health for the operation of food-handling establishments, etc.* "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 sale for human consumption are made, prepared . . . or served. . . ." Rest of section deals with enforcement by county boards of health.

Section 22-103. Provides for penalties for violation of regulations of State Board of Health.

Section 22-295 to 22-310. *Radiation Control.*

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

Section 22-45. *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 22-47. *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 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. . . ."

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions

Section 26-1. Establishes the Department of Industrial Relations.

Section 26-3. *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 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. . . . The director of industrial relations may appoint committees composed of employers, employees, and experts to suggest and assist in the preparation of rules and regulations or amendments thereof. (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 26-21. *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."

Section 26-8. *Board of appeals.* Establishes a Board of Appeals for the Department of Industrial Relations, which "shall be separate and distinct from and independent of the department of industrial relations."

Section 26-9. *Functions and duties, powers and procedures of the board of appeals.* Among functions enumerated are to hold public hearings on proposed safety rules and regulations and to promulgate and publish them, and to hear and determine appeals from findings or orders of the Department of Industrial Relations regarding safety.

Section 26-24. *Penalties.* Provides for penalties for violation, failure or refusal to comply with laws or regulations of the Board of Appeals.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 26-12. *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 . . . and shall include conditions and methods of sanitation and hygiene reasonably necessary for the protection of the life, health and safety of the employees and others who are not trespassers."

Section 26-13. *Prevention of use of dangerous machines, tools, equipment, and structures.* Requires posting of notices warning against use when unsafe; provides for temporary injunction from use of such posted equipment

upon application by the Department of Industrial Relations to local Circuit Court; authorizes the Department to permit temporary use of unsafe equipment for a reasonable time while owner is rectifying the condition.

Rules and Regulations

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

1. *Basic Industrial Safety Manual*. Adopted January 1962.

Manual contains 65 brief rules (some give specific requirements such as for sanitation facilities) and an explanation of their importance and application in plant safety programs. Rules cover reporting and prevention of accidental injuries; safety of work areas, operations, equipment and installations; requirements for sanitation facilities, eating facilities, and for personal protective equipment; use of explosives; and safety activities. Rule 54 requires use of sufficient ventilation or individual respiratory protection to keep average concentrations of gases, dusts, fumes or mists below the TLV's as defined in current ACGIH recommendations for 8 hours exposure.

2. *Open Pit and Quarry Safety Rules*. Amended January 1963.

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; drilling; protective apparel; first aid; sanitation facilities; inspections, investigations and reports of accidents. Prospective employees are required to pass physical fitness examinations.

3. *Mine Safety Rules*. Effective December 1962.

Rules apply to mines other than coal mines and cover the following: means of access; ladders and openings; fire prevention and equipment; shafts, hoisting, and hoisting engines and ropes; signals; qualifications and duties of hoisting engineers; haulage; explosives; blasting; drilling; electrical installations; ventilation; change rooms and drinking water; control of dust; first-aid training and first-aid equipment; mine rescue training and equipment; physical examinations for mine employees, personal protection responsibilities of operators and employees; inspections, investigations and reports.

Employment of Minors

Among pertinent provisions are the following:

Section 26-349. 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 26-350. Forbids children under 18 to be employed in any mine, coal breaker, coke oven, or quarry.

Section 26-351. 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 sixteen years of age."

Section 26-370. Requires employers of minors to keep such establishments in a sanitary condition, properly ventilated, and equipped with adequate sanitation facilities.

Section 26-371. Empowers the Department of Industrial Relations to inspect such establishments, to issue written orders for correction of insanitary or unhealthful conditions, and to compel compliance with the orders.

Section 26-372. Authorizes the Department to have free access to establishments employing minors and prescribes penalty for violations.

Mines and Mining

Sections 26-30 to 26-166. *General Provisions.* Deal with the authority and responsibility of the Department of Industrial Relations for inspections, investigations, and supervision of the mining industry; appointment, qualifications and duties of mine inspectors; certification and duties of mine foremen and fire bosses; suppression of coal dust by water or rock dust; other requirements and prohibitions for mine safety; and violations and penalties.

Sections 26-166(1) to 26-166(114). *Coal Mine Safety Law.* "The purpose of this article is to provide reasonable laws to promote the safety and health of those engaged in the mining of coal and for the protection and preservation of property."

Among subjects covered 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 for first-aid equipment and medical care in case of injury or sickness to employees; reports and investigations of mine accidents; requirements for mechanical ventilation equipment, detection of mine gases, minimum volume of air in workways, and for coursing of air; examination of gassy mines by fire bosses; rock dusting including specifications for rock dust; use of explosives and blasting practices; prevention of fires and fire control; testing and timbering or roof support; hoisting and haulage; safeguarding various mining operations, machinery, other equipment and structures; duty of management in complying with provisions of laws; duty and responsibility of employees in complying with laws and regulations and in using safety and health measures provided for their protection; safety regulations applicable to strip mining operations; and compliance with and violations of laws.

Workmen's Compensation

The Workmen's Compensation Law is under the supervision of the Workmen's Compensation Division. Claims are court administered. Sections 26-253 to 26-325.

Occupational Disease Compensation

Sections 26-313 (1) to 26-313 (16). Provide for compensation for disability due to Occupational pneumoconiosis" as defined.

Sections 26-313 (17) to 26-313 (32). Provide for compensation for disability due to "Occupational exposure to radiation."

Reporting of Injuries

Section 26-266. Requires every employer to keep a record of all injuries, fatal or otherwise, received by employees in the course of their employment, and for which compensation is claimed or paid, and to report same to the Department of Industrial Relations.

ALASKA

SOURCES: Alaska Statutes
Rules and Regulations of State Agencies

DEPARTMENT OF HEALTH AND WELFARE

Authority and Functions

Alaska Statutes, Section 18.05.010. *Administration of laws by department.* "The department shall administer the laws and regulations relating to the promotion and protection of the public health, control of communicable diseases . . . and shall discharge other duties provided by law."

Section 18.05.040. *Rules and regulations.* "The Commissioner shall adopt, promulgate, repeal and amend rules and regulations consistent with existing law for (1) the identification and control of communicable diseases; (2) the prevention and control of public health nuisances; (3) regulation of sanitation and sanitary practices in the interest of public health; . . . (5) protection and promotion of the public health and prevention of disability and mortality; . . . (9) standards of cleanliness and sanitation in connection with the construction, operation and maintenance of a camp, cannery, . . . food manufacturing plant . . . mattress manufacturing establishment, industrial plant, . . . and for other similar establishments in which insanitation may create a condition causative of disease."

Section 18.05.060. Provides for penalties for violation of provisions of this chapter or rules and regulations promulgated under it.

Sections 18.60.470 to 18.60.570. *Radiation Protection Act.*

Occupational Health

Alaska Administrative Code, Subchapter 10, *Occupational Health*, July 1959.

Section 1100. *Duties.* "The Occupational Health Section shall, in cooperation with the Commissioner of Labor (and Economics) and the Commissioner of Natural Resources, investigate places of employment and study those conditions which might be responsible for ill health of the industrial worker.

"It shall be the duty of the Commissioner of Health and Welfare, through the Occupational Health Section and in cooperation with the Commissioner of Labor (and Economics) and the Commissioner of Natural Resources, to prepare rules 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, housing, and other matters pertaining to the maintenance of the health of the worker; provided, that it shall be the duty of every employer to comply with these rules."

Section 1101. *Right of inspection.* "The Commissioner of Health and Welfare, or his duly authorized deputy, shall have free access to any firm, corporation, industry or manufacturing plant for the proper discharge of his

official duties; provided, that it shall be a violation of these regulations for an employer to obstruct the entrance by the Commissioner of Health and Welfare, or his duly authorized deputy, to any firm, corporation, industry or manufacturing plant for the proper discharge of his official duties."

Section 1102. *Use of information.* "Information obtained from studies or upon investigations made by the Commissioner of Health and Welfare in accordance with the provisions of these regulations 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 Occupational Health Section 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 1104. *Reporting of disease.* "The incidence of diseases arising out of the nature of a worker's occupation shall be reported to the Occupational Health Section by the physician in attendance upon such worker, or by others who have knowledge of the existence of such disease, and the Occupational Health Section shall be authorized to investigate such reports."

Section 1105. *Violations.* "If upon receipt of written notice or order to correct insanitary conditions or practices in his plant any employer fails to take action necessary to comply with said notice or order and correct insanitary conditions or practices, same shall be considered a violation of these regulations."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

The following regulations are contained in the Alaska Administrative Code, Subchapter 10, *Occupational Health*.

Section 1103. *Processes detrimental to worker's health prohibited unless protective measures are used.* "It shall be a violation of these regulations 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 Occupational Health Section 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 1106. *Maximum allowable concentrations of atmospheric contaminants.* "Rules and regulations defining and providing for 'Maximum Allowable Concentrations of Atmospheric Contaminants' to which workers may be exposed for an eight hour working day, as reflected in the official report of the Committee on Threshold Limits published by the American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, current edition, are hereby adopted by reference as rules and regulations of the Department of Health and Welfare."

Section 1107. Provides for penalties for violation of any provisions of these regulations.

Reporting of Occupational Diseases

See Section 1104 under *Occupational Health* (Administrative Code).

DEPARTMENT OF LABOR

Authority and Functions

Alaska Statutes, Section 18.60.020. *Rules and Regulations.* "The Department of Labor may issue the orders, rules and regulations necessary to carry out the purpose of paragraphs 10-100 of this chapter."

Section 18.60.030. *Duties of Department of Labor.* "The Department of Labor shall (1) study ways and means for prevention of accidents to persons on the streets and highways . . . on the farms, at schools, industrial and commercial plants, and in public places; (2) plan and execute safety programs, including educational campaigns, designed to reduce accidents in every field of activity; . . . (5) advise with public agencies responsible for safeguarding the people against accidents; and especially . . . Department of Health and Welfare. . . ."

Section 18.60.105. *Definitions.* "As used in . . . this chapter 'safe' or 'safety' as applied to an employment or to a place of employment, includes conditions and methods of sanitation and hygiene reasonably necessary for the protection of life, health, and safety and welfare of employees."

Section 18.60.100. *Nonabrogation of powers of Department of Health and Welfare.* "Sections 10-100 of this chapter are not intended to abrogate the powers, duties or responsibilities of the Department of Health and Welfare in carrying out the provisions of this title and title 17." (Food and Drugs)

Section 18.60.090. Penalty for violations.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 18.60.075. *Safe employment.* "An employer shall (1) furnish employment which is reasonably safe; (2) furnish and use safety devices and safeguards; (3) adopt and use methods and processes reasonably adequate to render the employment or place of employment reasonably safe; and (4) do every other thing reasonably necessary to protect the life, health, safety and welfare of employees."

Rules and Regulations

1. *General Safety Code.* Adopted July 1949.

Chapter II. *Sanitation.* Sets forth requirements and standards for water supply, toilet facilities including construction of toilet rooms, washing facilities, dressing rooms for men and women, and lunchrooms.

2-08. *Hazardous Processes.* "(a) In all places of employment where recognized health hazards exist, from ineffective or toxic agents in materials used, from dusts, fumes, heat, radiation, humidity, radioactive material, gases or vapors, or other causes, the employer should provide pre-employment medical examination and periodic medical examination thereafter.

"(b) The employer shall post warning signs, calling attention to such hazards, . . . and shall periodically instruct all employees regarding the health hazards connected with their duties and the best preventive measures and methods to protect themselves therefrom.

"(c) Where necessary to safeguard the health of the worker exposed to any hazards, protective devices (such as exhaust hoods, shields, positive pressure helmets and masks, the necessary protective clothing, etc.) shall be provided without cost to the employee.

"(d) Employees shall use such protective devices at all times while at work and so exposed."

Chapter III. *Industrial housing.* Covers items such as bunks and bunk houses, sanitary facilities, kitchen and mess halls, garbage and refuse and sewerage.

Chapter IV. *First-aid requirements.* Sets forth specifications for first-aid kits and mobile operations, first-aid rooms, first-aid workers, etc.

Chapter V. *Protective Equipment.* Requires specified personal protective equipment of approved types to be furnished to employees exposed to hazards where such devices may be expected to prevent injury, and when working with acids or other chemicals, to provide approved mechanical means necessary for adequate protection of workmen.

Chapter VI. Sets forth specific requirements for illumination.

Chapter VII. Requires every place of employment to provide proper and sufficient means of ventilation; permits Commissioner of Labor to order installation of local exhaust ventilation for removal of air contaminants; specifies air requirements per worker in industrial plants; and outlines ventilation requirements for office and personal service rooms.

Chapter VIII deals with housekeeping, material storage and handling.

Chapters IX to XXVII deal with floors and exits, fire prevention, boilers and pressure vessels, machinery and mechanical power transmission, electrical equipment, woodworking machinery, other tools and mechanical equipment, vehicles, ladders, painting, welding, explosives, floating plants, women in industry, etc.

2. *Construction Safety Code, 1952.*

Employment of Children

Sections 23.10.325 to 23.10.370. The purpose of the chapter is to "establish protective standards for child labor to the end that their health, morals, education and future welfare will be protected. . . ." The Department is authorized, after public notice and hearing, to promulgate rules, regulations and orders establishing minimum standards for safety, working conditions, kind and extent of work, hours and wages and other safeguards. Some exempted and prohibitive employments for children under 14, under 16, and under 18 are stated.

Rules and regulations issued by the Department list occupations prohibited to minors under ages of 16, 18 and 21 years.

Workmen's Compensation

Alaska Workmen's Compensation Act is administered by the Alaska Workmen's Compensation Board, of which the Commissioner of Labor is Chairman. Alaska Statutes, Title 23, Chapter 30.

Occupational Disease Compensation

Section 23.30.265. The term "injury" includes "occupational disease" as defined.

Reporting of Injuries

Section 23.30.065 requires employers to keep records of injuries to employees.

Section 23.30.070 requires employers within 10 days of knowledge of injury, death or disease to report same to the Workmen's Compensation Board and provides penalty for failure to do so.

Commercial Fishermen

Sections 23.35.010 to 23.35.150. Establish a Fishermen's Fund derived 60% from all commercial fishermen's licenses and administered by the Department of Labor (Department of Revenue is custodian of funds). Provide medical and hospital benefits to a fisherman who "sustains an injury or disability arising out of an accident directly connected with his operations as a fisherman . . . or suffers an occupational disease." Limitations on benefits are specified. Occupational disease is defined to include hernia, varicose veins of the leg, respiratory diseases, except cold and influenza, and rheumatism, arthritis and musculoskeletal diseases directly caused or aggravated by fishing endeavor.

DEPARTMENT OF NATURAL RESOURCES

Sections 27.20.005 to 27.20.480. *Mine Operation.* Apply to coal mining and to other than coal mining. Purpose is to "provide uniform safety standards for all mining operations of the state; to afford maximum freedom of operation to mining operators while assuring proper working conditions for their employees. . . ." The Commissioner of Natural Resources is empowered to adopt rules and regulations in accordance with Administrative Procedure Act and which shall have the force and effect of law.

Sections 27.20.015 to 27.20.335 apply to coal mining. Among subjects covered are inspections, notices of defects, records and reports of injuries; first-aid equipment and training; exits; safety requirements for machinery, equipment and operations; explosives and blasting; ventilation generally and specifically of gaseous and non-gaseous mines; air supply; inspection for gas; precautions against coal dust explosions; electrical equipment; examinations and certificates of competency of foremen and fire-bosses.

Sections 27.20.340 to 27.20.480 apply to all mines employing labor, except coal mines. Subjects covered include inspections of mines; reports and investigations of accidents; safeguarding of machinery, hoisting, outlets; lighting; precautions against accumulations of water; requirements for ventilation, dust and sprinklers; requirements for first aid; explosives; orders of the Department; and penalties.

Mine Safety Regulations. Issued 1963, by the Department of Natural Resources, Administrative Code, Title 11, *Natural Resources*. Subchapter 1 of chapter 3 deals with safety rules for coal mines and subchapter 2 with mines other than coal.

ARIZONA

SOURCES: Arizona Revised Statutes
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Arizona Revised Statutes, Section 36-102. *State board of health; appointment; terms; compensation.* Establishes the State Board of Health to consist of 5 members, appointed by the Governor.

Section 36-105. *Promulgation of rules and regulations.* "A. The board may, by affirmative vote of a majority of its full membership, make and amend rules from time to time as deemed necessary for the proper administration and enforcement of the laws relating to the public health.

"B. The board shall, by regulation: 1. Define and describe reasonably necessary measures for detecting, reporting, preventing and controlling communicable and preventable diseases. . . . 4. . . . The regulations shall prescribe minimum standards for the sanitary facilities and conditions which shall be maintained in any plant, packing house, abattoir, dairy, warehouse, restaurant or other premises . . . or other vehicle in which food or drink is produced, processed, stored, handled, served or transported. . . ."

Section 36-132. *State department of health; functions.* "A. There shall be a state department of health which shall consist of the state board of health, the commissioner of public health, and the divisions of the department.

"B. The department shall, in addition to other powers and duties vested in it by law: 1. Protect the health of the people of the state. . . ."

Section 35-136. *Powers and duties of commissioner.* "A. The commissioner shall: . . . 6. Exercise general supervision over all matters relating to sanitation and health throughout the state. . . . The commissioner may enter upon, examine and survey . . . factory, workshop, . . . milk plant or food manufacturing or processing plant, and also any premises in which he has reason to believe there exists a violation of any health law of the state, regulation of the state board of health, or any law which he has the duty to administer. . . ."

Section 23-232 to 23-234. Authorize the Board of Health to determine occupations hazardous to minors and to prohibit their employment therein. See under *Employment of Women and Minors.*

General Provisions Relating to Occupational Health

Statutory Provisions

Section 36-641. *Industrial Sanitation.* "A. For the maintenance of public health, proper bathrooms, wash rooms, toilets and a heated change room immediately contiguous to the works shall be provided by every person, whether owner or operator, engaged in the treatment or reduction of ores or

metals, in cement works, in works using oils, cyanide, acids or quicksilver." Number of toilets and shower baths are specified, and required to be kept open and in a clean sanitary condition. "A heated wash and change room shall be maintained contiguous to every mine employing twenty-five or more men." Violations of preceding provisions and placing of obscene picture, writing or marking in or about premises are punishable by fines.

Sections 36-661 to 36-675. *Labor camps.* Prescribe provisions regarding sanitation and safety in labor camps and provide for their supervision by local health departments or in their absence, by the State Department of Health.

Rules and Regulations

None specifically.

Reporting of Occupational Diseases

None.

INDUSTRIAL COMMISSION OF ARIZONA

Authority and Functions

Arizona Revised Statutes, Section 23-101. *Members; qualifications, terms, etc.* Establishes the Industrial Commission of Arizona to be composed of five members appointed by the Governor and with the advice and consent of the Senate.

Section 23-107. *General powers.* "A. The commission has full power, jurisdiction and authority to:

"1. Formulate and adopt rules and regulations for effecting the purposes of this article.

"2. Administer and enforce all laws for the protection of life, health, safety and welfare of employees in every case and under every law when such duty is not specifically delegated to any other board or officer, and, when such duty is specifically delegated, to counsel, advise and assist in the administration and enforcement of such laws and for such purposes may conduct investigations. . . .

"B. Upon petition by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee, the commission has power and authority, with or without notice, to make investigations necessary to determine the matter complained of."

Section 23-927. *Power to enter places of employment.* Empowers a commissioner to "enter any place of employment to collect facts and statistics" and to bring to the attention of any employer any law or order and failure to comply therewith.

Division of Safety

Sections 23-401 to 23-411. Establish the Division of Safety within the Industrial Commission and extend duties and powers of the Commissioner to administer the provisions of these Sections through the Division, including the formulation of "safety standards for the prevention of accidents." The Division of Safety is authorized to propose to the Commissioner safety standards or changes thereto and to enforce them after promulgation by the Commission. Requirements for qualifications of director of the Division are spelled out.

Duties of the Division include drafting of safety standards or changes in the manner specified; holding public hearings; and the creation and adminis-

tration of a "continuous employee accident program through safety education." Procedures are specified for enforcement of safety standards through written notices and for hearings, appeals, and cease and desist orders; and for review of existing safety standards and petitions for changes.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 23-284. *Laundry workers; exceptions; posting notice of hours of labor; arrangement of laundry rooms; violation, penalty.* Regulates hours of work, and requires "every laundry room shall be constructed to provide at least six hundred cubic feet of air for each occupant and shall have not less than two windows to admit a cross-current of external air."

Rules and Regulations

General Construction Safety Code, 1957.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 23-231. Prohibits employment of children under 14 in specified occupations and industries.

Section 23-232. Prohibits employment of children under 16 in enumerated occupations and industries and "in any other occupation declared by the state board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under 16 years of age."

Section 23-233. 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 23-234. "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 from such trade or occupation, and may prohibit their employment therein."

Section 23-261. 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 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 23-101 to 23-1270

Occupational Disease Compensation

Sections 23-1101 to 23-1270. Occupational Disease Disability Law. Schedule coverage.

Reporting of Injuries

Section 23-908. Requires that "Every employer affected by the provisions

of this chapter, and every physician who attends an injured employee of such employer, shall file with the commission, and the employer's insurance carrier 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

Title 27 contains the mining code, applicable to mines, mills, smelters and the aggregate industry. Among subjects covered are qualifications of state mine inspector and deputies; cooperation of inspectors with State Mine Dust Engineer in prevention and elimination of hazardous dust conditions; duties with respect to mine inspections and enforcement; operator and employee responsibility for health and safety; reports and investigation of accidents; notices and orders to mine operators; requirements for first aid; requirements and prohibited practices relating to explosives and blasting, hoists, shafts, signals, ventilation of underground working places, and underground use of internal combustion engines.

Uranium

Section 27-371. *Radon control.* "Concentrations of radon gas shall not exceed such amounts as may be set by the inspector."

Section 27-372. *Uranium operations, testing for radon daughters.* "In all uranium operations the operator shall test regularly for radon daughter concentrations and submit such records of testing as may be required to the inspector."

Dust Prevention

Section 27-141. *State Mine Dust Engineer; Qualifications, Compensation.* Provides for the appointment of a State Mine Dust Engineer.

Section 27-411. *Definitions.* "1. *Dust prevention practices* 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 other means of removing or settling dust from mine air as approved by the state mine dust engineer.

"2. *A hazardous dust or gas condition* shall exist when the breathing zone of an employee while engaged in the performance of his work contains higher concentration limits than specified in the following table." Limits are specified for toxic dusts and fumes including uranium, mineral dusts and gases. "Dust counts shall be determined in accordance with techniques prescribed by the inspector and shall be made when necessary." Requires respirators to be of type approved by U.S. Bureau of Mines and the State Mine Dust Engineer.

Section 27-412. *Dust Control.* "A. Every operator shall do everything reasonably within his power to encourage good practices in the use of any appliances for allaying dust. Each employee shall use such devices as are furnished by the operator. Employees shall not be allowed to work in hazardous dust or gas concentrations without approved respiratory and eye protection." Requires use of some mechanical or other means whenever practical, to alleviate hazardous dust conditions; and "in dry places where the operation of a power drill produces dust, such dust shall be controlled either by wet drilling, spraying, or approved dust catching devices."

Safety Rules

Mine Safety Rules, issued by the State Mine Inspector in accordance with authority to fix and enforce 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 of shafts; electrical installation; protection against floods; and prohibitions as to use of inflammable materials.

ARKANSAS

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

STATE BOARD OF HEALTH

Authority and Functions

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. . . ." Violations of such orders are misdemeanors. Governor may, by his order, direct county officers to have orders obeyed.

Sections 82-1512 to 82-1525. *Radiation Protection Act.*

Industrial Health

Section 81-414. *Industrial Health Service Act—Coal mining excepted.* "This act (Secs. 81-414 to 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.

Rules and Regulations

Adopted by the State Board of Health.

1. *Environmental Sanitation in Industrial Establishments.* Adopted January, 1945 and amended.

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.

Note: See also *Safety Code for Industrial Sanitation in Manufacturing Establishments*, Code No. 6. Promulgated by Department of Labor and approved and adopted by State Board of Health, page 25.

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

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.

"(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 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 may appoint committees composed of employers, employees and experts to suggest rules or changes therein. The rules . . . 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 81-112. *Variations.* Provides for variations from rules, upon petition and public hearing.

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 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—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.

Sections 81-408 to 81-409. Prescribe 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

Promulgated by State Department of Labor.

1. Code No. 6. *Safety Code for Industrial Sanitation in Manufacturing Establishments*, effective May 1960. (Also approved and adopted by State Board of Health.)

Code contains mandatory and informational provisions and applies to every employer operating a manufacturing establishment. Contents cover requirements for good housekeeping; prohibit eating in work rooms where processes produce toxic fumes or dusts; specify cubic feet of air space per employee in working areas; requirements for mechanical air supply and for ventilation of office, toilet, locker, rest and lunch rooms; requirements for lighting "not to be less than minimum requirements specified by American Standard *Recommended Practice of Industrial Lighting*"; water supply for human consumption; specifications for toilet rooms and facilities, wash and locker rooms and lunch rooms.

2. *Basic Safety Manual*, effective June 1959.

Items covered include brief discussion of management's and labor's part in safety, accidents and injury rates, prevention of accidental injuries and accident investigation, requirements for first-aid facilities, and benefits of safety organization and education. Brief rules having full force and effect of law cover plant housekeeping, ladders and portable steps, overhead work, hand tools, electrical hazards, personal protective equipment, and safe practices involving equipment in close proximity to high-voltage power lines.

3. Among other codes promulgated are the following: *Anhydrous Ammonia Containers and Equipment*, 1952; *Laundry Machinery and Operation*, revised 1951; *Demolition, Building and Construction*, 1957; *Logging and Sawmill Operations*, revised 1968; *Quarrying and Stone Crushing Operations*, 1958; and *Woodworking Plants*, revised 1951.

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 children.

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 children.

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

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 pro-

ceedings 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. Among subjects covered are: qualifications of State Mine Inspector and assistant State Mine Inspector; duties with respect to inspection of mines, reports and issuing notices for violations; extension of laws to all coal mines; duties of owners and operators to facilitate mining inspections; procedures for filing complaints by inspectors before circuit court, restraining orders, arrests, appeals, and penalties for violations. Mining regulations cover requirements for maps, mine openings, and escapeways, maintenance of adequate ventilation, signals, reports and investigations of accidents, emergency first-aid supplies, and wash houses in coal mines. Provision is made for a coal mine examining board to examine and issue certificates of qualification and competency for foremen and fire bosses and for coal miners as specified. Prohibits employment of females and minors under 18 years of age. Penalties are prescribed for violations of various provisions.

CALIFORNIA

SOURCES: West's Annotated California Codes:
Health and Safety Code
Labor Code
Administrative Code

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

NOTE: Unless otherwise indicated, Section numbers refer to *Health and Safety Code*.

Section 100. *Department.* "There is in the Human Relations Agency a State Department of Public Health."

Section 102. *State board of health; composition; power and duties.* Establishes the State Board of Health and confers on it the "power to adopt, promulgate, repeal and amend rules and regulations consistent with law for the protection of the public health. . . ."

Section 106. *Duties of director.* "The director is the executive officer of the department. He shall administer the laws and regulations of the board pertaining to public health. . . ."

Section 113. *Divisions and subdivisions of department.* Authorizes the Director of Public Health to create, consolidate or abolish divisions or subdivisions as may be necessary, and subject to the approval of the Governor.

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 compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health.

"(d) To protect and preserve the public health.

"It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the department of public health."

Section 211. *Sources of morbidity and mortality; special investigations.* Empowers the Department to "cause special investigations of the sources of morbidity and the effects of localities, employments, conditions and circumstances on the public health. . . ."

Occupational Health

Section 429.11. *Program.* "The State Department of Public Health shall maintain a program of occupational health and occupational disease prevention including, but not limited to, the following:

"(a) Investigations into the causes of morbidity and mortality from work-induced diseases.

"(b) Development of recommendations for improved control of work-induced diseases.

"(c) Maintenance of a thorough knowledge of the effects of industrial chemicals and work practices on the health of California workers.

"(d) Provision of technical assistance in matters of occupational disease prevention and control to the Department of Industrial Relations and other governmental and non-governmental agencies, organizations, and private individuals.

"(e) Collection and summarization of statistics describing the causes and prevalence of work-induced diseases in California."

Section 429.12. *Avoidance of duplication.* "In any situation where these activities may duplicate or overlap the activities of another state department or agency such as the Department of Industrial Relations or Division of Industrial Safety, the department shall avoid duplication."

Section 25960. *Provision of services by local health departments.* "Local health departments, as defined in Section 1102 of this Code shall provide services in occupational health to promote the health of employed persons, including educational, consultative, statistical, investigative, and other activities appropriate thereto."

Administrative Code, Section 1275. *Duties and Functions.* "A local health department, in order to qualify for funds pursuant to Division 1, Part 2, Chapter 8, of the Health and Safety Code, shall perform all of the duties and functions imposed upon it by the Health and Safety Code and other statutes of the State of California, and by the rules, regulations and orders of the California State Board of Public Health."

Administrative Code, Sections 1276, 1306 and 1307. Contain basic occupational health services the local health department shall offer in its jurisdiction; number of trained staff required according to population to be served; and qualifications for the various professional categories of personnel.

Migrant Workers

Section 429. Authorizes the State Department of Public Health to maintain a program for seasonal agricultural and migratory workers to consist of studies of health and health services, technical and financial assistance to local agencies concerned with such workers and their families, and co-ordinate with similar programs of the Federal government, other states and voluntary agencies.

Radiation Control

Sections 25600 to 25610. *Control of Radioactive Contamination of the Environment.*

Sections 25650 to 25654. *Transportation of Radioactive Materials.* Authorize the Department to adopt regulations.

Sections 25800 to 25870. *Radiation Control Law.*

General Provisions Relating to Occupational Health

Statutory Provisions

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

Sanitation

Section 3702. *Water containers; protection against dipping and contamination.* . . . "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. *Prohibition.* Prohibits use of common towel in "any . . . factory, store, office building . . . railroad train, railway station . . . or any other public place."

Section 5416. *Water closets at construction sites; violations.* Requires water closets for each 20 employees working at a construction job site.

Food Sanitation

Sections 28190 to 28216. Deal with sanitation of bakeries and bakery products. Contain general requirements for cleanliness, lighting, drainage, ventilation and toilet and washing facilities.

Sections 28280 to 28299. Deal with food processing establishments (except restaurants). Contain 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.

Sections 28700 to 28726. Regulate frozen food locker plants. Require, among other things, the provision of an approved type of gas mask in any frozen food locker plant using a toxic gas refrigerant; toilet and washing facilities for employees of food locker plants; and single towel service.

Sections 28360 to 28455. Deal essentially with inspection and licensing of food canneries not under supervision of other State agencies. Require compliance with sanitary regulations of the State Board of Health.

Rules and Regulations

1. None specifically on occupational health. However, the California Conference of Local Health Officers approved by resolution *Recommended Standards of Sanitation in Places of Employment*, issued by the Bureau of Occupational Health, State Department of Public Health for use by local health departments as a guide for the enactment of local regulations.

2. *Regulations Relating to Sources of Radiation*, 1960. Administrative Code, Sections 30100 to 30123.

Reporting of Occupational Diseases

None.

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions

NOTE: Unless otherwise indicated, section numbers refer to the *Labor Code*.

Section 50. *Department.* "There is in the state government, in the Human Relations Agency, the Department of Industrial Relations."

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."

Section 55. *Organization of department; law enforcement; rules and regulations; exclusions.* "For the purpose of administration the director shall organize the department subject to the approval of the Governor, in the

manner he deems necessary properly to segregate and conduct the work of the department. Notwithstanding any provision in this code to the contrary, the director may require any division in the department to assist in the enforcement of any or all laws within the jurisdiction of the department. The director . . . may make such rules and regulations as are reasonably necessary to carry out the provisions of this chapter and to effectuate its purpose. . . ."

Section 56. Names the divisions of the Department, including the Division of Industrial Safety, Division of Industrial Welfare, Division of Statistics and Research, Division of Labor Law Enforcement, and Division of Industrial Accidents.

Division of Industrial Safety

Section 140. *Members; appointment.* "There is in the Division of Industrial Safety, the Industrial Safety Board which consists of the Director of Industrial Relations, who shall be the chairman, and four members who shall be appointed by the Governor."

Section 142. *Enforcement of safety orders; continuance of orders previously adopted.* "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. *Enforcement and administrative powers of division.* "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. *Investigative powers; orders and recommendations.* "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. . . ."

"The division may make orders or recommendations with respect to the cause of such injuries . . . but neither the order nor the recommendation of the division shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death."

Section 6314. Provides for right of entry to any person designated by the Division.

Section 6315. Violations of the two preceding sections are considered misdemeanors.

Section 6316. Authorizes the Division to establish and maintain museums of safety and hygiene, publish and distribute safety bulletins, deliver lectures on causes and prevention of industrial accidents, occupational diseases, and related subjects, and to appoint advisers (without compensation) to assist in establishing safety standards.

Section 6418. *Portable and mobile internal combustion engines used inside factories, etc.* "It shall be the duty of the division to determine by February 1, 1967, the maximum allowable standards of emissions of contaminants from portable and from mobile internal combustion engines used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures, which standards are compatible with the safety of employees.

"The standards shall be developed after the division has held public hearings. . . ."

Section 6419. *Certified exhaust purifier required on portable and mobile internal combustion engines used inside factories, etc.* "All portable and all mobile internal combustion engines that are used inside factories, manufacturing plants . . . shall be equipped with a certified exhaust purifier device after certification of such a device by the State Air Resources Board." Makes the Division of Industrial Safety responsible for enforcement of this section.

Section 6500. *Safety orders, rules, regulations.* "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) 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) 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) Fix and order reasonable standards for the construction, repair and maintenance of places of employment necessary to make them safe.

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

Section 6505. *Summary investigation; 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. *Injunction.* "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 of division.* "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. *Jurisdiction of Public Utilities 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 Public Utilities Commission. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 6416. *Death from employer's gross negligence; punishment.* "Every employer who, through his gross negligence in failing to provide a safe employment and place of employment, causes the death of his employee is punishable by imprisonment . . . or by a fine. . . ."

(Enforced by Division of Industrial Safety)

Safety Devices and Practices

Section 6400. *Safe employment and place of employment.* "Every employer shall furnish employment and a place of employment which are safe for the employees therein."

Section 6401. *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. Every employer shall do every other thing reasonably necessary to protect the life and safety of employees."

Section 6402. *Employee in unsafe employment or place.* "No employer shall require, or permit any employee to go or be in any employment or place of employment which is not safe."

Section 6403. *Duties of employer.* "No employer shall fail or neglect: (a) To provide and use safety devices and safeguards. (b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe. . . ."

Section 6404. *Occupancy or maintenance of unsafe place.* "No employer shall occupy or maintain any place of employment that is not safe."

Section 6404.1 An employer is presumed to be maintaining an unsafe place of employment when he "causes or allows the use of any inflammable or combustible material for the installation acceptance pressure test of any gas house line or piping" or "causes or allows gas pipe lines to be tested with gas at pressures in excess of that permitted by applicable sections of the American Society of Mechanical Engineers Code for Pressure Piping."

Section 6405. Forbids the construction of unsafe place of employment.

Section 6406. Forbids the removal, damage or carrying off of safety devices and notices and warnings, interference with their use or of any method or process adopted for the protection of employees.

Sections 7100 to 7205. Contain safety requirements for buildings under construction or repair, for scaffolding and staging, and for construction elevators.

Sections 7325 to 7332. Deal with requirements for safety devices upon buildings for safeguarding window cleaners.

(Enforced by Division of Labor Law Enforcement)

Factories and Business Establishments

Section 2350. *Toilet facilities.* "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.* "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 and blowers.* "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 2354. Penalty for violation of preceding sections.

Foundries and Metal Shops

Section 2330. *Water and toilet facilities for employees.* Owners of foundry or metal shops where one or more men are employed, are required to provide wash bowls or sinks and a water closet.

Section 2331. *Ventilation.* "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.

First aid

Section 2440. *Medical or surgical chest; contents; use; violations.* "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 . . . 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. *Drinking water; violations.* "Every employer of labor in this State shall, without making a charge therefor, 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.

Rules and Regulations

Issued by Division of Industrial Safety and filed with Secretary of State. Title 8, California Administrative Code.

1. *General Industry Safety Orders.* Subchapter 7. As amended through 1968.

Orders establish minimum standards for health and safety, and apply to all employments and places of employment, except where jurisdiction is vested by law in another agency. Introduction provides for permits for variations from Orders.

Group 1. *General Hazards.* Sections 3210 to 3297. Set forth standard specifications for railings, stairways, platforms, openings, escape exits and other parts of buildings; requirements for housekeeping and maintenance; miscellaneous safe practices to be observed; personal safety devices to be used such as for head, eye and body protection; and approval of safety materials, devices, equipment by the Division of Industrial Safety when they conform to standards of institutions of recognized standing.

Group 2. *General Plant Equipment and Special Operations.* Sections 3298 to 3399. Provisions relating to agricultural operations (growing and harvesting of farm crops and agricultural services) cover accessibility of first-aid materials and of medical attention in isolated farm areas; safeguarding of specific field equipment such as corn pickers and power-driven grinders; engagement of services of a physician by employer for prompt care of organic phosphate poisoning, making of cholinesterase determinations or other medical tests and medical supervision of workers applying or formulating organic phosphate materials; precautions to be taken in aircraft crop dusting and spraying; and safeguarding of applicator rigs, tanks and vessels used for chemical solutions of a hazardous nature.

Among other equipment or operations covered are: longshore and stevedore operations, various containers of hazardous substances, motion picture projection, mechanical refrigeration, automotive lifts and abrasive wheels.

Group 3. *General Mobile Equipment and Auxiliaries.* Sections 3400 to 3415.

Group 4. *Power Transmission Equipment, Prime Movers, Machines and Machine Parts.* Sections 3500 to 3551.

Group 5. *Points of Operation of Dangerous Machinery.* Sections 3600 to 3773.7. Orders require safeguarding points of operation of metal, wood, paper and printing machines; textile and laundry machinery; leather and composition goods machines; food and tobacco machinery; chemical industry, rubber, stone, clay and glass working machines; and cotton and seed cotton processing machines.

Group 6. *Radiation and Radioactivity.* Sections 3800 and 3801. "Pursuant to the Radiation Control Law . . . of the Health and Safety Code, an agreement has been made between the State Department of Public Health and the Division of Industrial Safety concerning the regulation and control of sources of radiation. In accordance with that agreement, the Division adopts as its Safety Orders the regulations of the Department of Public Health contained in Groups 1, 2, 3, and 4 of Title 17, Chapter 5, Subchapter 4

(commencing at Section 30100) of the California Administrative Code, except sections pertaining to the establishment of fees. . . ." Amendment or repeal of any portion of the regulations may only be made after mutual approval by the two agencies.

Sections 3860 to 3861. Set up minimum standards for protection of employees exposed to ultra-violet radiation.

Group 6.1. *Noise Control Safety Orders.* Sections 3870 to 3872. Set up minimum standards for the control of and exposure to excessive industrial noise. Require, whenever operations reasonably permit, exposures to be eliminated or reduced by engineering or operational controls; provision of acceptable ear protectors when noise levels exceed or equal those in Table I of the Appendix; and instruction and education of employees in use and care of ear protectors provided. Appendix A contains table of noise levels and explains its use.

Group 7. *Cranes and Other Hoisting Equipment.* Sections 3900 to 4012.

Group 8. *Gas Systems for Welding and Cutting.* Sections 4015 to 4080. 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. Orders also cover storage of calcium carbide and of gases used in these processes and the installation and operation of acetylene generating systems.

Group 9. *Control of Hazardous Substances.* Sections 4100 to 4109. 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; provision and care of respiratory protective equipment; use of wet methods for allaying dusts; isolation of hazardous operations; and requirements for sanitation and cleanliness; and use of approved exhaust purifier devices, supplementary to natural or forced dilution or exhaust collecting systems, to maintain concentrations of dangerous gases or fumes below the maximum acceptable concentrations.

Appendix A lists threshold limit values and explains their application.

Sections 4201 to 4207. Establish minimum precautionary label standards for 205 injurious substances in places of employment.

Sections 4110 to 4132. Set up minimum standards for the use, handling and storage of explosives and fireworks.

Sections 4140 to 4191. Set up minimum standards for the use, handling, and storage of hot, flammable, poisonous, corrosive and irritant substances in all places of employment except laboratories and city gas systems.

2. *Compressed Air Safety Orders (Governing Work in Compressed Air).* Subchapter 3. Revised July 1966.

Sections 1200 to 1280. Provide for permits for variation from orders; require employers to notify the Division when such work is contemplated and to have at all times present at least one competent person to be responsible for full compliance with the Safety Orders; set forth requirements and specifications for compression and decompression of workers, man locks and decompression chambers, temperatures, lighting and sanitation provisions to be observed in conduct of compressed air work, and communications; specify requirements regarding retention of one or more physicians familiar with and experienced in medical aspects of compressed work, medical supervision of workers while work is in progress, physical examinations of workers, main-

tenance of records of examinations and decompression or other illness, and reporting decompression illness to the Division of Industrial Safety; and regulate the establishment and maintenance of a medical lock.

Appendix A contains decompression tables and Appendix B contains information adopted from the U.S. Navy Diving Tables for use when an employee is required to enter compressed air environment more than once within a 12-hour period.

3. *Construction Safety Orders.* Subchapter 4. Revised July 1965.

Sections 1500 to 1768. Contain safety regulations or specifications for the various operations, equipment, materials and related activities. General requirements for health and safety cover employer and employee responsibilities; maintenance of accident prevention programs and adequate first-aid materials on every job; arrangements for prompt medical attention in case of serious accidents; good housekeeping practices; protection of feet, head, eyes and body; prevention of skin disorders; and provision of toilets and drinking water.

Orders relating to dust, fumes, mists, vapors or gases require harmful exposures to be controlled "by eliminating the degree of hazard, by removing the workmen from exposure to the hazard, by the application of general ventilation, local exhaust ventilation or by approved respiratory protective equipment," the last to be used when removal of toxic substances is impractical.

4. *Mine Safety Orders.* Subchapter 12. Filed September 1958.

Sections 5900 to 6147. Apply to operations at underground mines in the extraction of minerals, either metallic or nonmetallic. Provide for permits for variations from orders. General requirements for health and safety include maintenance of accident prevention programs; reporting to the Division of Industrial Safety all hazardous situations and accidents, whether or not personal injury results; first-aid provisions for care of injured; frequency of mine inspections; and maintenance of mine rescue stations and equipment at mines with more than 50 men underground. Rest of orders deal with fire prevention, gassy mines, mine ventilation, traveling ways, shafts, hoisting equipment and practices, requirements for sanitation facilities, protection against rock dust, blasting practices and use of explosives underground.

5. *Tunnel Safety Orders.* Subchapter 20. Filed August 1954.

Sections 8400 to 8498. Establish minimum safety standards in places of employment at tunnels during excavation, construction, alterations, repairing, renovating or demolishing and provide for permits for variation from orders. General requirements include maintenance of accident prevention programs, first-aid services as specified, and self-contained oxygen breathing apparatus where flammable or noxious gases are encountered or anticipated; precautions to be taken when air may contain dangerous or poisonous gases; provision of change houses for employees as specified, pure and fresh drinking water, and ample supply of dry or water closets at all main working areas; control of dust by water or other effective methods where drilling holes in rock or concrete; provision of adequate ventilation to all underground areas as specified; and use and storage of flammable materials. Specific regulations are given for transportation and haulage, hoisting, storage and use of explosives and electric blasting.

6. Other Safety Orders issued by the Division of Industrial Safety include: *Electrical Safety Orders*, Subchapter 5; *Elevator Safety Orders*, Subchapter 6; *Aerial Passenger Tramway Safety Orders*, Subchapter 6.1; *Safety Rules for Gold Dredges*, Subchapter 8; *Logging and Sawmill Safety Orders*, Subchapter 11; *Quarry and Open Pit Mine Safety Orders*, Subchapter 17;

Ship and Boat Building Safety Orders, Subchapter 18.**Employment of Women and Minors**

(Enforced by Division of Industrial Welfare)

Among pertinent provisions are the following:

Labor Code, Sections 1250 to 1252. Regulate the moving or lifting of objects weighing 50 pounds or over and those weighing 10 pounds or more, by female employees.

Section 1253. Requires employers to provide seats for female employees and to permit their use when not engaged in active duties of their employment.

Sections 1254 to 1255. Provide for penalties for violations of the preceding sections.

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.

Reporting of Injuries

Section 6407. *Reports of injuries.* "Every employer, insurer and physician or surgeon who attends any injured employee shall file with the Division of Labor Statistics and Research, 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." Authorizes the Division to adopt reasonable rules and regulations prescribing details of reports.

Section 6408. Requires employers to report injuries resulting in death by telephone or telegraph.

Section 6410. Prescribes penalty for failure to comply with reporting requirements.

Section 6413. *Information confidential; admissibility of reports in evidence.* "No information furnished to the Division of Labor Statistics and Research by an employer or an insurer shall be open to public inspection or made public . . . or . . . shall be admissible as evidence in any proceeding before the Industrial Accident Commission; provided, however, that the reports required of physicians or surgeons by Section 6407 of this code shall be admissible as evidence in such proceeding."

Workmen's Compensation

Workmen's Compensation Law is administered by the Industrial Accident Commission. Labor Code, Sections 3201 to 6149.

Occupational Disease Compensation

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

STATE FIRE MARSHAL

Clothes Cleaning Establishments

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

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.

COLORADO

SOURCES: Colorado Revised Statutes, 1963
1969 New Laws
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Colorado Revised Statutes, Section 66-1-2. *Department of public health created.* The Department "shall consist of the following divisions: The state board of health, and the division of administration. The division of administration shall include . . . such subdivisions and sections heretofore and hereafter created by law or established as hereinafter provided. . . ."

Section 66-1-7. *Powers and duties of the state department of public health.* "(1) 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:

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

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

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

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

"(21) To establish and enforce standards for exposure to toxic materials in the gaseous, liquid or solid phase, that may be deemed necessary for the protection of public health;

"(22) To establish and enforce standards for exposure to environmental conditions, including radiation, that may be deemed necessary for the protection of public health; . . ."

Section 66-1-8. *Powers and duties of the state board of health.* "(1) In addition to all other powers and duties . . . the board shall have and exercise the following specific powers and duties:

"(2) To determine general policies to be followed by the division of administration in administering and enforcing the public health laws and the orders, standards, rules and regulations of the board. . . .

"(4) 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.

"(5) (a) 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. . . .

"(7) 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 66-1-9. *Powers and duties of the division of administration.*

"(1) (a) In addition to other powers and duties herein conferred and imposed upon the division of administration, the division, through the director . . . shall have and exercise the following powers and duties:

"(b) 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. . . ."

Sections 66-26-1 to 66-26-9. *Radiation control.*

General Provisions Relating to Occupational Health

Statutory Provisions

Food Sanitation

Sections 66-13-1 to 66-13-11. 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 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. Provides penalties for violations.

Rules and Regulations

Adopted by State Board of Health.

1. *Rules and Regulations Pertaining to Occupational Health.* Adopted August 1968.

Part I. *General.* Contains statutory references to authority for adopting rules and regulations; exemptions from requirements; ordering additional requirements necessary to minimize danger to public health and safety and posting of notices; purpose of rules and regulations which is "to establish occupational health standards which will assure as far as possible . . . healthful working conditions, and to provide supplemental measures to promote further their health and/or well-being." Regulations apply to every place of commercial employment except in those places subject to the jurisdiction of other State agencies "which have promulgated and adopted health and disease control regulations pursuant to statutory authority."

Regulations provide for modification of requirements upon written petition, right of entry to inspect, appeals, and penalties.

Part II. *General requirements and control methods.* Forbids employers to use or permit to be used any process, material, or method known to have an adverse effect on health unless arrangements have been made to assure an injury to health will not result; requires installation of reasonable control measures, and informing employees regarding health hazards and proper methods for utilizing such control measures; requires every employee to use control measures and protective equipment; and requires all containers of

hazardous materials, except as noted, to bear adequate warning or caution labels, prepared in accordance with specified acceptable guides.

"The acceptability of the concentration of atmospheric contaminants in the air breathed by workmen shall be governed by the latest document pertaining to Threshold Limit Values as prepared by the American Conference of Governmental Industrial Hygienists.

"It is not implied that observance of the Threshold Limit Values will be a guarantee against possible ill health of workers exposed, or that medical control can be neglected."

Requirements are also outlined for the following: protection against noise including recommended allowable exposures, abrasive blasting, spray coating and painting, fumigation, and general methods of control of hazardous exposures.

Part III. *Industrial Ventilation and Heating*. Contains requirements for general and local exhaust ventilation.

Part IV. *Sanitation*. Sets forth requirements regarding plumbing, water systems and water supply, housekeeping, disposal of waste materials, light and ventilation in personal service rooms, number of permanent and temporary toilet facilities per number of persons, construction and installation of toilet fixtures, chemical toilets and pit privies, washing facilities, and eating facilities.

Part V. *Personal Protective Equipment*. Specifies conditions where personal protective equipment should be used; requires eye protection to conform with USA Standards; requires materials used in personal protective equipment to be of such quality as will permit sanitizing and only sanitized equipment shall be issued to workers, and respiratory protective devices to be of approved types; and specifies requirements for air supplied to positive-pressure respiratory protective equipment.

Part VI. *Illumination*. Sets forth general requirements and refers to appropriate USA Standards for guide to basic requirements.

Part VII. *Non-Ionizing Radiation*. Forbids employees to be exposed to any form of radiant energy to the extent that health or bodily functions will be injured and efficiency impaired, and requires "radiations to be controlled to within permissible levels by measures established by recognized professional or standards groups."

2. *Regulations Governing the Use of Hatters' Mercurial Carrotting Solutions*. Effective December 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.

DEPARTMENT OF LABOR AND EMPLOYMENT

Authority and Functions

1969 New Laws, House Bill No. 1279 provides for the administrative reorganization of the Industrial Commission of Colorado and for a Division of Labor and a Division of the State Compensation Insurance Fund in the Department of Labor and Employment. (Effective July 1, 1969.)

Colorado Revised Statutes 1963 (as amended by above law). Section 80-1-4. Creates in the Department of Labor and Employment a board to be known as the Industrial Commission of Colorado, appointed by the Governor with the consent of the Senate.

Section 80-1-5. Creates a Division of Labor in the Department of Labor and Employment.

Section 80-1-9. *Powers and duties of commission—powers and duties of director.* "(1) (a) In addition to any other duties prescribed in this chapter or in law, the commission shall have the duty, and it shall have the power, jurisdiction and authority: . . .

"(c) To ascertain and fix such reasonable standards for the adoption of safety devices, safeguards and other means or methods of protection to be as 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.

"(d) 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.

"(e) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities to govern the proceedings of the division of labor and to regulate the mode and manner of investigations and hearings. . . .

"(2) (a) . . . the director (Division of Labor) shall have the duty, and he 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 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, or rule or regulation of the commission.

"(d) To enforce such reasonable standards of the commission relative to the adoption of safety devices, safeguards, and other means or methods of protection of the life, health, safety and welfare of employees. . . .

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

Section 80-1-12. *Unsafe places—Investigation—Report—Order.* "Whenever the director shall learn . . . that any employment or place of employment is not safe, he 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 chapter. After investigation, the director shall order such changes as may be necessary to render such employment or place of employment safe, and comply with the provisions of this chapter."

Section 80-1-15. *Jurisdiction over relation between employer and employees.* "The director 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. He is also vested with the power and jurisdiction to administer all provisions of this chapter with respect to the relations between employer and employee. . . ."

Section 80-1-16. *Officers to assist in enforcing orders.* Makes it the duty of all officers and employees of the state, the counties and municipalities, upon request of the Director, to enforce in their respective departments lawful orders of the Director, and to submit reports as required.

Section 80-1-18. Requires employees and employers to furnish information to the Director as required. Penalty for failure or refusal to do so.

Section 80-1-20. *Investigators to have access to premises.* "The director, without any other warrant than this chapter, and any other person being authorized . . . , at any reasonable time, may enter any building, mine, mine workings, factory, workshop, place, or premises of any kind, wherein . . . 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 director 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. . . ." Penalty for violation.

Section 80-1-26. *Inquiries—Scope—Report.* "(1) The director 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 80-1-49. *Authority of department of health not affected.* "Nothing contained in this chapter shall be construed to affect the authority of the department of health relative to public health."

Section 80-2-1. *Inspections—inspectors—salaries.* "(1) The division of labor 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." The Executive Director of the Department is authorized to appoint inspectors.

Section 80-2-5. *Duty of inspection.* "It shall be the duty of the Division of Labor to examine 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 80-2-7. Provides for issuance of certificates of inspection by the Director of the Division of Labor, and for appeals from requirements under specified circumstances.

Section 80-2-12. *Powers of inspectors to enter buildings.* Provides for power of entry and penalties for refusal of entry and violations of provisions of the article.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Equipment and Places

Section 80-1-11. *Employer to furnish safe place to work.* "Every employer shall exercise reasonable care and comply fully with 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 80-2-2. *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." Employers are required to post notice of prohibited use of defective machinery.

Section 80-2-3. *Ventilation.* "Any person, firm . . . operating a factory, mill, workshop . . . or any kind of establishment wherein laborers are employed or machinery used 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. If any 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 80-2-4. *Protection of elevators, well holes.* 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 80-2-6. *Employer notified of defects—failure to remedy—complaint.* 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 Division of Labor, whose duty it shall then be to make the necessary inspection.

Sanitation

Section 80-2-10. *Water closets—Dressing rooms.* Requires all places of employment and public assemblage to provide sufficient number of water closets, separate for sex, 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 director. . . ."

Rules and Regulations

Adopted by the Industrial Commission.

1. *Factory Safety Manual*, 1942.

The manual contains 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 washroom facilities; adequate lighting, and heating and ventilation; electrical equipment; prevention of fire; provision of first-aid facilities; and conduct of safety educational activities.

2. *Rules and Regulations Governing Excavation Work*, 1966.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 80-2-13. Requires employers to provide seats for female employees and permit their use. Penalty for violation.

Section 80-6-4. Prohibits employment of children under 16 in specified occupations.

Section 80-6-5. Forbids employment of children under 18 in specified hazardous occupations.

NOTE: See also Rules and Regulations under Bureau of Mines.

Workmen's Compensation

The Workmen's Compensation Act and the Colorado Occupational Disease Disability Act are administered by the Director of the Division of Labor. Chapter 81, Articles 1 to 19.

Occupational Disease Compensation

Sections 81-18-1 to 81-18-31. Occupational Disease Disability Act. The Act lists 48 diseases considered compensable. Schedule coverage.

Reporting of Injuries

Section 81-6-1. Requires employers to keep records of all injuries, fatal or otherwise, received by employees in the course of their employment, and within 10 days, to report the occurrence of an accident resulting in personal injury to the Director.

CHIEF INSPECTOR OF COAL MINES

Colorado Revised Statutes 1963, Chapter 92, Articles 1 to 12. *Coal Mines*. Laws apply to coal mining operations whether on surface or underground. Subjects covered include appointment and duties of Board of Examiners; creation of office of Chief Inspector; qualifications, certification and duties of inspectors and mine foremen; requirements for ventilation; examination of mines for gas and dangerous conditions; roof control and danger signals; emergency rescue crews; escapements and outlets; maps; explosives and blasting and electricity. Safety regulations contain required safeguards and safe practices to further assure safe working conditions in mines.

BUREAU OF MINES

Colorado Revised Statutes 1963, Chapter 92, Article 32 and 33. Establish the Bureau of Mines and inspection districts; outline duties of inspectors re-

garding examination of "all ore mills, sampling works, smelters, metallurgical plants, rock quarries, clay pits and mines in this state of whatever kind or character, except coal mines"; provide for power of entry for inspector upon exhibition of his certificate of appointment; require notices of defects to be remedied and orders for compliance; and provide for restraining orders and prosecution for violations by justices of peace and county courts in districts involved. Empower the Commissioner to make and enforce rules and regulations necessary to carry out provisions of these articles and make necessary examinations and inquiries regarding conditions relating to safety and health of persons employed; provide penalty for failure of owners and operators to comply with laws; require reporting of accidents to the Commissioner; and set forth general requirements regarding storage of explosives, signals, fire protection, shafts, and other safeguards.

Rules and Regulations

Rules and Regulations (Bulletin No. 19 of Bureau of Mines) cover a series of 159 items governing general conditions, operations, machinery, and related responsibilities for safety of owners and operators, and of employees. Selected rules follow:

Rule 28 contains requirements for protective clothing.

Rule 41 contains rules for operation of diesel powered equipment used underground including permissible tolerances for toxic gases.

Rule 47 requires mechanical or wet methods to control harmful quantities of dust or fumes in excess of concentration limits listed for specific toxic dust and fumes, mineral dusts and radon gas, and that maximum allowable concentrations shall be according to standards as set forth by State Department of Public Health.

Rule 53 prohibits employment of minors under 18 years underground and lists permissible occupations for minors between ages of 16 and 18.

Rule 54 prohibits employment of women at any time in underground mines, mills, excavations, mines or quarries or "at any other work which would be hazardous or harmful to them," specifies permissible occupations and requires provision of separate washing and toilet facilities.

Rule 64 specifies requirements for first aid to be provided by every employer.

Rules 69 and 70 deal with control of gases and list MAC's for specific gases and vapors as set forth by the Colorado State Department of Health.

Rule 91 is concerned with inspections of mines by employers, employees and by inspectors of Bureau of Mines.

Rule 115 regulates plant and toxic material safety, covering housekeeping, personal hygiene, dust control, and beryllium processing and tolerances.

Rule 118 requires, in places containing radon gas and its decay products, the maximum concentration for the alpha emitting decay products of radon "should not exceed three hundred micromicrocuries or one work level." Provides for sampling by Bureau of Mines inspectors, and recognizes rules and regulations as set forth in N-7-1960, American Standards Association bulletin.

Rules 120 and 121 deal with responsibilities of employees and employers.

Rule 127 specifies requirements for sanitation.

Rule 154 requires every employer of underground workings to provide good and sufficient amount of ventilation for employees and sets forth further requirements and prohibitions.

CONNECTICUT

SOURCES: Connecticut General Statutes Annotated
Public Health Code of the State of Connecticut
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Connecticut General Statutes Annotated, Section 19-1. *Composition of department.* Establishes the State Department of Health as a single budgeted agency to consist of a Public Health Council, an Office of Public Health, and other Offices.

Section 19-4. *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 public health code and prepare regulations for the public health 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. . . . He 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 19-13. *Public health code.* "The public health council shall establish a public health code and, from time to time, amend the same. The public health code may provide for the preservation and improvement of the public health. . . ." Section also provides penalty for violation of any provision of the Code.

Section 19-48. *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 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 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 31-41. *Order to remove excessive dust.* See Section 31-41 under *Statutory Provisions* for State Department of Labor.

Sections 19-24 to 19-26. Deal with regulation of sources of ionizing radiation and radioactive materials.

General Provisions Relating to Occupational Health

Statutory Provisions

Section 19-65. *Heating and lighting of leased buildings. Hot water.* 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 degree provided herein is subject to penalty.

Section 53-212a. *Fluoroscopic x-ray shoe-fitting devices.* "Any person, partnership, association or corporation which operates or maintains within this state any fitting devices or machines which use fluoroscopic x-ray or radiation principles for the purpose of selling footwear or other articles of apparel through commercial outlets shall be fined not more than one hundred dollars."

Rules and Regulations

In Public Health Code of the State of Connecticut.

Occupational Disease

Section 19-13-E5. *Occupational environment.* "(a) 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.

"(b) 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.

"(c) Exposure to dusts, fumes, mists, vapors, gases, or any materials that may affect health shall be kept below the threshold limits as established in Section 19-13-E6."

Section 19-13-E6. *Threshold Limits of Toxic Materials.* Contains listing of threshold limits.

Section 19-13-E7. *Use of Mercurial Carrotting Solutions and Mercurial Carroted Fur.* 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.

Section 19-13-E8. *Use of Dyed Piece Fur in Fur Felt Hat Manufacturing Industry Prohibited Unless Processed.* Defines dyed piece fur and specifies color standards; requires all manufacturers of fur felt hats using processed dyed piece fur to notify the State Department of Health receipt of such fur, date of processing and name and address of the processor; and requires labeling of containers or bags as specified.

Section 19-13-E9. *Control of Fumigation.* 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. Not applicable to greenhouses, horticultural or farm fumigation or control of burrowing animals outside of buildings.

Section 19-13-E10. *Cleaning of Wiping Cloths.* Requires their sterilization before use in commercial trade.

Occupational Health—Tetraethyl Lead

Sections 19-13-E1 to 19-13-E4. 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, and filling stations must display warning labels at pumps.

Radiation Sources and Radioactive Materials

Sections 19-13-E11 to 19-13-E24. Regulations "apply to the manufacture, use, storage, handling, transportation and disposal of all sources of ionizing radiation, and all radioactive materials, except as specifically exempted herein."

Sanitation for Agricultural and Migratory Farm Workers

Sections 19-13-B53 to 19-13-B63. Regulations cover water supplies for field workers, first-aid kits, housing for workers and sleeping quarters, eating facilities and food, sewage disposal and lavatory, bathing and laundry facilities for workers.

Reporting of Occupational Diseases

Section 19-48. ***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, phosphorus, 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. . . ." Penalty specified for failure to report.

CONNECTICUT LABOR DEPARTMENT

Authority and Functions

Section 31-1. ***Appointment of commissioner.*** Authorizes the Governor to appoint a Labor Commissioner who shall have direction and control of the Labor Department.

Section 31-9. ***Factory inspection. Deputy commissioner. Report.*** "There shall continue to be a department of factory inspection under the management of the labor commissioner. . . . 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 31-11. ***Hindering inspector.*** Prescribes penalty for hindering inspectors in the performance of their duties.

Section 31-3. ***Investigation of employment of women. Special agents.*** "The labor commissioner 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 stores . . . 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 31-41. *Order to remove excessive dust.* See under *Statutory Provisions* Relating to Occupational Health and Safety.

Section 31-46a. *Regulations for safe working conditions where no other provisions. Industrial safety commission.* "(a) The labor commissioner shall have power to make or adopt, or to adopt by reference, and to enforce rules and regulations or codes concerning safe places, safe conditions, safe practices and safe appliances or appurtenances for the performance of work in all places of employment not otherwise provided by statute. Such rules, regulations or codes shall be consistent with accepted engineering standards and practices. . . . (b) The commissioner, with the consent of the governor, is authorized to appoint an industrial safety committee composed of. . . . The commissioner . . . shall be chairman of this committee which shall meet . . . to advise him in matters dealing with the prevention of industrial accidents in places of employment in this state. . . ." The committee is also authorized to "advise the commissioner in making, adopting and amending the rules, regulations or codes authorized by this section."

The rest of section deals with public hearings and printing of regulations, granting of exceptions from requirements upon petition, appeals, and penalties for violations.

"(g) The provisions of this section shall not apply to any place of employment in which there exists a safety program which includes appropriate codes and is approved by the commissioner. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 31-34. *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 31-35. *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 therein 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 31-36. *Toilet rooms in foundries.* Authorizes the Commissioner to require employers of 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 31-37. *Toilet accommodations 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, including lavatory facilities, 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 of provisions or non-compliance.

Section 31-41. *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 includes 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 or by a judge thereof if said court is not in session, by injunction on application of the commissioner or the state department of health." Penalty for violation.

Section 31-42. *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 31-43. *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, a scrofulous or venereal disease or a communicable skin affection."

Section 31-44. Prescribes penalties for violation of the two preceding sections.

Industrial Homework

Sections 31-29 to 31-33. 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."

Miscellaneous

Section 31-39. *Employees in paper factory to be vaccinated.* "Any person who employs in the manufacture of paper any person who has not had smallpox or been vaccinated shall pay to any town all expenses caused it by the sickness of such persons with smallpox contracted while so employed."

Section 31-45. *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.

Section 31-46. *Safety regulations for workmen in building operations.*

Contains specific safety requirements for building construction industry to be enforced by the chief officer in any city charged with the enforcement of building laws.

Rules and Regulations

The Labor Department Sanitary Code contains regulations promulgated by the Department.

1. *Sanitary Facilities in Connecticut Establishments*, Sections 31-37-1 to 31-37-14. Contain specific requirements regarding water supply and drinking facilities; general toilet accommodations; washing and toilet facilities; ventilation, heating and lighting of toilet facilities, and maintenance.

2. *Sanitary, Lighting and Heating Facilities for Employees of Railroad Companies*, Sections 31-38a-1 to 31-38a-15. Subject covered is similar in scope to that in *Sanitary Facilities in Connecticut Establishments*.

3. *Regulations for Safe Working Conditions*, Sections 31-46a-1 to 31-46a-4. A.S.A. Standards for abrasive wheels, woodworking machinery, power presses and power transmission apparatus are adopted by reference. Application of codes is specified.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 31-23. 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 labor department." Penalty for violation.

Section 31-24. Lists hazardous employments forbidden to children under 16 years of age.

Section 31-26. Prohibits employment of women within four weeks previous to confinement or within four weeks after giving birth to a child. Penalty.

Section 31-27. 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 31-40. 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

The Workmen's Compensation Act of Connecticut is administered by the Board of Commissioners, composed of five Commissioners. Each Commissioner has sole jurisdiction over his respective congressional district. Sections 31-139 to 31-221a.

Occupational Disease Compensation

Section 31-139. Personal injury is construed to include occupational disease as defined. Full coverage.

Reporting of Injuries

Section 31-167. Employers subject to the compensation law, are required to keep record of injuries sustained by their employees resulting in incapacity for one day or more, and to report such 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 FIRE MARSHAL***Dry Cleaning and Dry Dyeing Establishments***

Section 29-67. 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."

Section 29-68. Authorizes local fire marshals to enforce regulations.

DELAWARE

SOURCES: Delaware Code Annotated
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

Delaware Code, Section 16-122. *General powers and duties of Board; rules and regulations.* "The State Board of Health shall have the following general powers and duties—

"(1) Supervision of all matters relating to the preservation of the life and health of the people of the State. . . .

"(3) By affirmative vote of the majority of the Board, to adopt, promulgate, amend, and repeal regulations consistent with law, which shall be enforced by all State and local public health officials, to: (A) Prevent and control the spread of all diseases that are dangerous to the public health; (B) Prevent and control nuisances which are or may be detrimental to the public health . . . (G) Provide for the sanitary production, distribution, and sale of market milk and dairy products and other foods; . . . (K) Protect and promote the public health generally in this State, and carry out all other purposes of the laws pertaining to the public health. . . .

"(5) Make careful study of . . . the sanitary condition and effects of localities, employments, the personal and business habits of the people . . .

"(7) Promulgation and enforcement of reasonable rules and regulations relating to safety, sanitation and adequate shelter as affecting the welfare and health of railroad trainmen, enginemen, yardmen, maintenance of way employees, highway crossing watchmen, clerical, platform, freight house and express employees. No rules and regulations shall be issued . . . unless the board has held hearings. . . ."

Section 16-125. *Regulations and orders of State Board of Health; effect; distribution.* "(a) Regulations and orders promulgated or issued by the State Board of Health . . . have the force and effect of law and supersede all local ordinances and regulations which are inconsistent therewith. . . ."

Sections 16-7401 to 16-7416. *Radiation Control.*

General Provisions Relating to Occupational Health

Statutory Provisions

Sections 16-3501 to 16-3513. *Canneries and other food processing establishments.* Provide for inspection and enforcement of laws; issuance of certificates of inspection; requirements for general sanitation of premises and personal hygiene; and penalties for violation.

Sections 16-3701 to 16-3711. *Poultry processing.* Deal with regulating and licensing of commercial places processing poultry. Issuance of license is contingent upon compliance with sanitary regulations.

Sections 16-4301 to 16-4317. *Soft drinks and non-alcoholic beverages.* Deal with licensing of places where soft drinks or beverages are manufactured. License may be denied if such establishment is found in an insanitary condition. Contain regulations for cleanliness and sanitation of premises and equipment and forbid employment of persons afflicted with contagious, infectious or skin disease.

Rules and Regulations

Adopted by State Board of Health.

1. More detailed regulations have been adopted regarding slaughter houses and poultry processing plants, among others. Requirements for sanitary facilities and personal hygiene of employees are included.

2. *Radiation*, 1953.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Authority and Functions

Section 19-102. *Establishment of Department.* Establishes a Department of Labor and Industrial Relations, consisting of five members to be appointed by the Governor as specified.

Section 19-105. *Inclusion of Industrial Accident Board Within Department.* Transfers and makes the Industrial Accident Board a separate division within the Department, to continue to perform functions and duties as conferred previously by law.

Section 19-106. Abolishes the Labor Commission of Delaware and transfers to the Department all its powers and duties.

Section 19-112. *Duties and Powers of the Department.* "In addition to such other duties and powers which may be conferred upon them by law the Department may:

"(a) administer all labor laws in this State; . . .

"(c) direct to the attention of the Attorney General of this State with a request for the necessary enforcement action, all violations under the terms of this chapter;

"(d) make investigations and collect and compile statistical information with respect to and report upon the conditions of labor generally, and upon all matters relating to the enforcement and effect of the provisions of this chapter;

"(e) propose to the Industrial Accident Board such rules, or changes in rules, as may be deemed advisable. . . ."

Section 19-113. *Rules relating to accidents and industrial diseases.* "(a) The Department may make, modify, and repeal rules for the prevention of accidents or of industrial or occupational diseases in every employment or place of employment or such rules for the construction, repair and maintenance of places of employment as shall render them safe. Such rules when made shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter." Following paragraphs deal with public hearings on rules and procedures for variations from rules.

"(f) In the formulation of rules and regulations . . . the Department shall seek the advice of the Industrial Accident Board."

Section 19-114. *Inspection of records; duty to furnish information.* Provides for power of entry to places of employment at reasonable times, and makes refusal to admit members of the Department, or failure to cooperate as required, a violation of the law.

Section 19-125. Confers on the Attorney General of the State the duty to prosecute any violations of laws and rules, at request of the Department.

Section 19-126. Provides for penalties for violations of preceding sections.

Section 19-128. Authorizes the Department to assist and cooperate with the Wage-Hour and Public Contracts Division of the U.S. Department of Labor in the enforcement of the Fair Labor Standards Act of 1938.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

None specifically.

Rules and Regulations

Promulgated by Department of Labor and Industrial Relations.

1. *Rules Governing Sanitation in Places of Employment.* Effective July 1963.

Rules apply to all permanent places of employment, except where domestic, mining, or agricultural work only is performed.

Rules contain general requirements relating to housekeeping, expectorating, waste disposal, rodent, insect and vermin control, and inspections by employers; minimum requirements for lighting as specified, and ventilation in terms of air space in room in cubic feet per person for cubic feet of outside air per minute per person; provision of water supply and drinking facilities; minimum requirements for toilet facilities, toilet rooms, washing facilities, change rooms, retiring rooms for women, and lunch rooms; obtaining and posting permits from State Board of Health by employers operating food facilities for employees; serving of notices of violations; and penalties for violations.

2. Rules have also been promulgated for the *Safe Operation of Wood-Working Machinery*, 1963; the *Safeguarding of Mechanical Power-Transmission Apparatus*, 1963; *Safety Rules for Floor and Wall Openings, Railings, and Toe Boards*, 1963; and *Safety Rule for Protection of Construction Operations*, 1964.

Employment of Minors

Among other pertinent provisions are the following:

Section 19-512. 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 Department. Prohibits employment of children under 18 in certain specified employments.

Industrial Accident Board

NOTE: The Industrial Accident Board which administers the Workmen's Compensation Law (Sections 19-2301 to 19-2397) is located in the Depart-

ment of Labor and Industrial Relations for budget purposes. It is accountable to the Governor and the General Assembly through its own governing body.

Section 19-2121. *Powers and duties generally.* "(a) The Board shall have jurisdiction of all cases arising under Part II of this title (Workmen's Compensation). It shall hear disputes as to compensation to be paid . . . make its own rules of procedure. . . ."

"(b) The 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 for those who are injured in such accidents. . . ."

Occupational Disease Compensation

Section 19-2301. Defines "injury" and "personal injury" to include "compensable occupational diseases arising out of and in the course of employment." Full coverage.

Reporting of Injuries

Section 19-2313. Requires every employer to whom the chapter applies to keep a record of all injuries, fatal or otherwise, and within 10 days after knowledge of occurrence to report same to the Board. Penalty for non-compliance. "Reports made in accordance with this section shall not be evidence against employer in any proceedings under this chapter or otherwise, but shall be exclusively for the information of the Board in securing data to be used in connection with the performance of their duties. . . ."

DISTRICT OF COLUMBIA

SOURCES: District of Columbia Code 1961
U. S. Code Annotated
Rules and Regulations

COMMISSIONERS OF THE DISTRICT OF COLUMBIA

District of Columbia Code, 1961 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. . . ."

DISTRICT OF COLUMBIA HEALTH DEPARTMENT

Authority and Functions

Section 6-101. *Director of public health—appointment and 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 Health Department.

1. *General Provisions Applicable to Use and Occupancy of All Premises or Parts of Premises Used for Other Than Residential Purposes.*

"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, workshops, 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. . . ."

2. *Regulations Requiring Registration of Sources of Ionizing Radiation from Radioisotopes or High Voltage Equipment.* Adopted July 1960.

MINIMUM WAGE AND INDUSTRIAL SAFETY BOARD

Authority and Functions

Section 36-402. Creates the Minimum Wage and Industrial Safety Board and specifies its composition.

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."

Sections 36-434 to 36-436. Deal with public hearings and adoption of rules and regulations, and variations by employers from regulations.

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 employ-

ment. 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."

Section 36-442. Prescribes penalties for violations of provisions of the subchapter.

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."

Rules and Regulations

Adopted by Minimum Wage and Industrial Safety Board.

1. *General Safety Regulations.* Effective September 1958.

Contain brief safety rules applicable to industrial and commercial establishments and covering operations, equipment and structures, sanitation facilities, eating facilities, first-aid supplies and equipment, and ventilation. Require employers to maintain records of work injuries and annual frequency rates.

2. *Safety Standards, Rules and Regulations, Laundry, Dry-Cleaning and Dyeing.* Effective September 1958.

Cover employer responsibility for safety of work areas and operations, accident investigation, and maintenance of records of work injuries and annual frequency rates. Contain requirements for housekeeping and sanitation; illumination in minimum foot candles for specified work areas; and natural or mechanical ventilation. List threshold limit values for 23 substances. "If any of the following materials are used, and if the concentration in the work-room atmosphere is below that given, it shall be prima facie evidence that this requirement has been complied with."

Require provision of potable drinking water, eating facilities, toilet rooms and fixtures as specified, locker and dressing rooms, and rest rooms. Contain safety requirements for structures, machines and equipment, and for machines used in connection with laundries. Require employees to be properly instructed as to hazards of their work, especially in marking and handling soiled clothes, and precautions to be taken for avoidance of injury. Specify when personal protective equipment shall be supplied to employees, number and type of first-aid kits to be maintained, and other safety practices to be observed.

3. *Safety Standards, Rules and Regulations, Construction.* July 1968 (Adopted by District of Columbia Council).

Regulations apply to construction projects, equipment and operations. Provisions of the USASI Construction Safety Code are adopted and made part of the regulations.

Provide for variations upon written application of employer; require employers to report work accidents and deaths to the Industrial Safety Division, and to maintain records of work injuries and annual frequency rates; stress employer responsibility for safety and safety inspection; require provision of sanitation facilities as specified, adequate illumination, personal protective equipment and/or devices when employees are subjected to specified hazards including injurious concentrations of toxic materials, radiant energy and harmful dusts, fumes, mists, vapors and gases; require Threshold Limit Values of American Conference of Governmental Industrial Hygienists to be used as a guide in determining and controlling safe concentrations of substances; specify number and content of first-aid kits to be maintained; and prescribe safety requirements for various work areas, equipment, structures and operations.

NOTE: Safety Standards, Rules and Regulations have also been issued for *Explosive-Actuated and Projectile Tools and Equipment*, 1967; *Window Cleaning Operations and Equipment*, 1958; and *Operation and Maintenance of Wood-Working Machinery*, 1958.

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." (References are to Workmen's Compensation Act.)

BOARD OF EDUCATION OF DISTRICT OF COLUMBIA

Employment of Minors

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

Section 36-501. Makes provisions of the Longshoremen's and Harbor Workers' Compensation Act (U.S. Code, Sections 33-901 to 33-950) applicable to workers in the District of Columbia with respect to occupational injury and death, with exemptions as specified. The Act is administered by the Bureau of Employees' Compensation, U.S. Department of Labor.

Occupational Disease Compensation

U.S. Code, Section 33-902. 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

U.S. Code, Sections 33-929 and 33-930. Require employers to keep record of any injury or death to employees and within 10 days from date of injury or death or from date that the employer has knowledge of a disease or infection, to send to the Secretary of Labor a report stating pertinent facts.

LANE MEDICAL LIBRARY
STANFORD UNIVERSITY
MEDICAL CENTER
STANFORD, CALIF. 94305

FLORIDA¹

SOURCES: Florida Statutes Annotated
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

Florida Statutes Annotated, Section 381-031. *Duties and powers of the board.* "(1) It shall be the duty of the board to: . . . (b) Supervise generally the enforcement of laws, rules and regulations relating to sanitation, control of communicable diseases . . . and the general health of the state; . . . (g) Adopt, promulgate, repeal and amend rules and regulations consistent with law regulating: 1. Control of communicable diseases; 2. Prevention and control of public health nuisances; 3. Sanitary practices relating to . . . production, handling, processing, and sale of food products and drinks including milk, dairies and milk plants; canning plants . . . ; toilets and washrooms in all public places and places of employment; factories; . . . and any other condition, place or establishment necessary for . . . the protection and safety (light and ventilation) of the public health. . . ."

"Regulations adopted under subparagraphs 2, 3 . . . of this subsection shall be called and known as the sanitary code of Florida."

Section 381.111. Empowers any member of the Board or any officer or agent of the Board to enforce provisions of this chapter and rules and regulations promulgated and to request the issuance of warrants by magistrates.

Section 381.472. Authorizes the Board to make, promulgate and repeal rules and regulations regulating health and safety of persons living in migrant labor camps.

Occupational health. "Regulations for the Control and Prevention of Occupational Diseases," adopted by the Industrial Commission of Florida, delegate certain responsibilities to the Florida State Board of Health. See pages 67-68.

See also Section 440.152 which authorizes the Division of Workmen's Compensation to cooperate with the State Board of Health in a study of occupational diseases.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Sanitary Code of Florida contains the following:

¹Information for Florida does not reflect the Governmental Reorganization Act of 1969. See notes at end of this State.

1. Chapter 170C-8. *Sanitary Facilities for Buildings Serving the Public and Places of Employment.* Requires provision of adequate sanitary facilities in every place of employment with one or more persons, and when 10 or more are employed, equal facilities for each sex; specifies number and type of facilities according to number of employees and requires that they be kept clean, lighted and ventilated; requires provision of soap and approved hand-drying devices at all times.

Chapter 170C-17. *Food Processing.* Contains regulations applicable to commercial building or establishment in which food is processed or otherwise prepared and packaged for human consumption. Included are requirements for cleanliness of premises and equipment, provision of sanitary facilities, dressing rooms and lockers, and emergency first-aid rooms in plants employing over 250 persons; and standards for food sanitation. Persons afflicted with infectious or communicable disease are prohibited from working in these establishments.

Chapter 170C-32. *Camps.* Contains sanitary practices relating to construction, operation and maintenance of migrant labor, recreation and other camps.

Chapter 170C-26. *Self-Service Dry Cleaning Machines.* Contains regulations aimed at protecting the public from possible toxic materials escaping from such machines.

2. *Control of Radiation Hazards, 1961.*

Reporting of Occupational Diseases

None.

FLORIDA INDUSTRIAL COMMISSION

Authority and Functions

Florida Statutes Annotated, Section 440.44. *Industrial commission.* Creates the Florida Industrial Commission to consist of the Workmen's Compensation Division and other divisions as may be created by law, to administer the provisions of this act.

Section 440.46. *Investigations by the commission; refusal to admit, penalty.* "(1) (a) 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 any agency or department of the State engaged in enforcing any laws to assure safety for employees, and (b) to permit any such agency or department to have access to the records of the commission.

"(b) The commission and its authorized representatives shall have the power and authority to enter and inspect any place of employment at any reasonable time for the purpose of investigating compliance with this chapter and making inspections for the proper enforcement of this chapter." Provides for penalty for refusal to admit any member of the Commission or its authorized representatives to any place of employment or to permit investigations and inspections.

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 . . . and to make, amend or repeal reasonable rules for the prevention of accidents 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."

(3). Provides for public hearings regarding rules and their prompt publication.

(4). Provides for variations from rules or requirements.

"(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 . . . 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 representative to any place of employment.

"(6) The provisions of (Section) 440.33 shall be applicable to all proceedings arising under this section and it shall be the duty of the court having jurisdiction in the place in which the commission is sitting . . . to compel obedience to such provisions in proceedings arising under the section in the same manner as provided in (Section) 440.33 for proceedings in respect of compensation claims."

(7) and (8). Permit any person aggrieved by a rule to commence action in any civil court, and provide for notices, hearings, penalties and orders for violation of rules by employer.

(10). Contains eligibility requirements for Chief of Industrial Safety and authorizes him to enforce the safety provisions of this chapter, under the direction of the Director of the Workmen's Compensation Division, and to enforce all rules and regulations adopted by the Commission.

"(11) The industrial commission shall cooperate with the federal government so that duplicate inspections will be avoided yet assure safe places of employment for the citizens of this state."

Section 440.152. *Commission to make study of occupational diseases, etc.* "(1) 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. (2) The result of the above study, together with its recommendations shall be reported by the division to the governor and the legislature."

General Provisions Relating to Occupational Health and Safety Statutory Provisions

Section 440.56. *Safety rules and provisions; penalty.* "(1) Every employer . . . including employers who have elected not to accept the workmen's

compensation law, shall furnish employment which shall be safe for the employees therein and shall furnish and use safety devices and safeguards . . . adopt and use methods and processes reasonably adequate to render such 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' . . . shall mean such freedom from danger as is reasonably necessary for the protection of the life, health and safety of employees or public, including conditions and methods of sanitation and hygiene. . . ."

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

1. *Regulations for the Control and Prevention of Occupational Diseases*, Code 185S-1. Amended June 1960.

185S-1.01. *Definitions.*

185S-1.02. *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 manner as to prevent the existence of a health hazard."

185S-1.03. *Housekeeping.* Requires in all places of employment housekeeping practices that "will neither produce nor abet a condition which is injurious to safety and/or health, and . . . to prevent the existence of a nuisance condition"; floors to be maintained in a clean and dry condition and where wet processes are used, the maintenance of drainage or dry standing places and where nature of process requires work in water, that boots be worn. Prohibits dry sweeping and compressed air cleaning, and in areas where dusty operations involving toxic and irritating dusts are carried on, requires cleaning to be done so as to liberate minimum amount of dust into the air.

185S-1.04. *Atmospheric Contaminants.* Lists maximum allowable concentrations for atmospheric contaminants; authorizes both the Florida State Board of Health or the Florida Industrial Commission to stipulate others after a study of the most recent toxicological information; specifies methods that may be used to control atmospheric contaminants such as substitution, enclosure of process, wet methods, ventilation, and respirators; and requires plans for ventilating systems to be submitted to the Division of Radiological and Occupational Health, Florida State Board of Health for approval. Other methods of control may be used upon approval of the aforesaid Division.

185S-1.05. *Direct Skin Contact.* "In places of employment where substances encountered are capable of causing any pathological changes in the skin, adequate precautions shall be taken to prevent these substances from contacting the skin."

185S-1.06. *Illumination.* Standards to be followed are those recommended by the Illuminating Engineering Society in the ASA Code A-11.1, 1952.

185S-1.07. *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.

185S-1.08. *Radiant Energy*. "In places of employment where there is an exposure to any form of radiant energy, the quantity of radiant energy shall not be such as may cause injury to health." Authorizes inspection of working environment by Division of Radiological Health and Occupational Health of the Florida State Board of Health; requires all exposed employees to be supplied with a personal monitoring service "unless experience or calculation show that it is unlikely that their exposure will exceed one-fourth the maximum permissible dose"; and requires that in no place of employment shall radon content exceed 10^{-11} curie per liter of air, and body exposure to X or Gamma Radiation not to exceed 5 roentgens per year and in no 13 week period, 3 roentgens.

175S-1.09 and 185S-1.10. Require places of employment to conform to specifications for sanitation and sanitary facilities, and regulations for handling, preparing and serving of food in industrial plants, as set forth in the Florida State Sanitary Code.

185S-1.11. Recommends that "continuous noise levels be kept as low as possible in accordance with good engineering practices" which are stated.

185S-1.12. Outlines precautions to be taken during mask or skin diving.

2. Other Safety Regulations in effect include: Construction and Demolition Guarding; Excavation and Trenching Operations; Guarding Open Vats and Tanks; Guarding Machine Points of Operation; and Safeguarding Permanent Holes and Openings.

Employment of Minors

Among pertinent provisions are the following:

Section 450.061. Prohibits employment of minors under 16 years of age in 18 specified hazardous occupations.

Section 450.071. Prohibits persons under 21 years to be employed in pool-rooms, saloons, etc. or any other place where alcoholic beverages are manufactured or sold, except as provided for.

Section 450.081. 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 450.091. Requires provision of suitable rest rooms and separate toilet facilities in establishments employing persons under 18 years of age, and in all establishments employing girls under 18, seats for their use when not engaged in active duties.

Section 450.121. Authorizes the Florida Industrial Commission to administer this chapter and with all other law enforcement officers to enforce its provisions.

Section 450.132. Regulates employment of children in motion picture studios, television studios and legitimate theaters in the production of pictures, plays and shows, when determined not to be "hazardous, or detrimental to their health, morals, education or welfare."

Workmen's Compensation

Workmen's Compensation Law is administered by the Workmen's Compensation Division. Chapter 440.

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.



NOTE: The *Governmental Reorganization Act of 1969* (Senate Bill No. 650) relates to the Executive Branch of the Government and consolidates or reorganizes existing agencies into specifically named departments, including the following:

Department of Commerce

Section 17 of the Act creates the Department of Commerce to consist of a Division of Labor and Employment Opportunities, and a Division of Commercial Development. The Act transfers the Florida Industrial Commission, created under Section 440.44 Florida Statutes to the Division of Labor and Employment Opportunities. It creates within the Division an Industrial Relations Commission, and transfers to it powers of the Industrial Commission relating to rule making in Sections 440.56 and 443.12.

The Secretary of the Department of Commerce has the authority until July 1, 1970 to create new Divisions and reorganize functions of existing Divisions.

Department of Health and Rehabilitative Services

Section 19 of the Act creates the Department of Health and Rehabilitative Services to consist of several Divisions including a Division of Health. The Act transfers to this Division the functions of the State Board of Health, and abolishes the position of "State Health Officer."

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 88-101. *Short title.* "This Code Title 88 shall be known and may be cited as the 'Georgia Health Code.' "

Section 88-102. Creates and establishes the Department of Public Health.

Section 88-103. *Board of Health; composition.* Creates the Board of Health and specifies its composition.

Section 88-108. *The department; its duty, functions, and powers.* "The department is created and established to safeguard and promote the health of the people of the state. . . .

" . . . the department is hereby empowered to: (a) Provide epidemiological investigations and laboratory facilities and services in the detection and control of disease, disorders, and disabilities and provide research, investigations, and the dissemination of information concerning reduction in the incidence and proper control of disease, disorders, and disabilities;

"(b) Forestall and correct physical, chemical and biological conditions, that, if left to run their course, could be injurious to health; . . .

"(j) Enter into or upon public or private property at reasonable times for the purpose of inspecting same to determine the presence of disease and conditions deleterious to health or to determine compliance with health laws and rules, regulations and standards thereunder."

Section 88-110. *The department, rules and regulations.* ". . . Therefore the said department is authorized and directed by and through its board to adopt and promulgate rules and regulations to effect prevention, correction, and abatement of such situations and conditions. . . ."

Section 88-111. *Department as agency of State.* Designates the Department as State agency to receive funds from Federal government, State appropriations and other sources in conformity with law; "and shall have the authority to prescribe the purposes for which such funds may be used in order to: . . . (e) Conduct programs which lie within the scope and power of the Department of Public Health relating to industrial hygiene, control of ionizing radiation, air pollution, occupational health. . . ."

Section 88-307. *Promulgation of rules and regulations.* "All rules and regulations promulgated by Department of Public Health and by any county board of health shall be adopted after due notice to and hearing by persons and parties affected. . . ."

Section 88-1206. *Occupational health.* "The Department of Public Health and county boards of health are empowered to conduct studies and research pertaining to the operation and maintenance of industrial, commercial, business, or other facilities where people congregate or work for the purpose

of safeguarding the health of the employees and the public generally. The Department of Public Health may issue such orders and directives in any particular instance as shall be necessary to abate or minimize any practice or any operation or condition that constitutes or may be reasonably deemed to constitute a hazard to the health and safety of the employees and the public generally. Administrative hearings and reviews and enforcement of such orders and directives shall be governed by the provisions of Chapter 88-3 of this Title." (Refers to Enforcement and Administrative Procedures.)

Section 88-1207. *Duties of person in charge of facility.* "In carrying out the provisions of this Chapter it shall be the duty of the person in charge of any industrial, commercial, business, or other facility where people work, live, or congregate, upon reasonable notice and at reasonable times, to grant entry of duly authorized agents of the Department of Public Health and of any county board of health."

Chapter 88-13. *Radiation Control.*

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

Rules and Regulations for Notification of Diseases. Filed in the Office of the Secretary of State, August 1969.

List of notifiable diseases includes the item "Occupational Diseases (specify)." Regulations require all physicians practicing medicine under the provisions of the laws of the State to report the specified notifiable diseases to the County Board of Health or to the Department of Public Health, and authorize the Department to employ approved morbidity sampling questionnaires for obtaining information on certain conditions including occupational diseases.

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. (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 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, employees and experts to suggest rules or changes therein. . . ."

Sections 54-124 to 54-134 provide for public hearings before any rule is adopted, amended or repealed; publication of rules; variation of rules and complaints to enjoin or set aside rules; and prosecutions for violation of laws.

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

Promulgated by the Department of Labor.

Occupational Health and Safety Code. Promulgated August 1968.

Code contains general requirements for investigation and reporting of accidental injuries and occupational diseases; safeguarding machinery, equipment, plant vehicles, tools, passageways, ladders, handling and storage of materials; use of personal protective equipment; general housekeeping; and provision of sanitation facilities. Prohibits persons from working in areas where "harmful concentrations of dusts, fumes, vapors or other contaminants exceed the maximum concentrations recommended by the Georgia Health Department unless adequate protective equipment is used." References are made to codes available from American Standards Institute, National Fire Protection Association and the National Board of Fire Underwriters for more detailed recommendations.

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.

STATE BOARD OF WORKMEN'S COMPENSATION

The Workmen's Compensation Law is administered by the State Board of Workmen's Compensation. Title 114.

Occupational Disease Compensation

Section 114-803. Provides for schedule coverage. Twenty-three diseases or 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 State Board of Workmen's Compensation within 10 days all cases requiring medical or surgical treatment in excess of \$50.00 or causing absence for more than 7 days. Supplemental reports are also required. Penalty for failure to report.

Rules and Regulations of the State Board of Workmen's Compensation require employers to file monthly reports of all accidents requiring medical or surgical attention costing \$50.00 or less and causing an employee to be absent from work for less than 7 days. Penalty for refusal or wilful neglect to make required reports. (Rule 11)

Section 114-827. *Reports to State Board of Health.* (See under State Department of Public Health.)

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 Commission to promulgate necessary rules and regulations.

HAWAII

SOURCES: Revised Laws of Hawaii 1955, as Amended
Rules and Regulations of State Agencies

DEPARTMENT OF HEALTH

Authority and Functions

Revised Laws of Hawaii 1955, Section 46-8. *General powers of the (department)*.* "The [department] 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. . . . All county health authorities, sheriffs and police officers and all other officers and employees of the Territory, and every county thereof, shall enforce the rules and regulations of the [department]. All such powers in health matters as have been or may be conferred upon any county shall be concurrent with those of the [department]. . . ."

Section 46-13. *Subjects of health regulations, generally.* "The [department of health], with the approval of the governor, may make such regulations as it deems necessary for the public health and safety respecting:

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

"(b) Adulteration and misbranding of food or drugs;

"(c) Location, air space, ventilation, sanitation, drainage and sewage disposal and other health conditions of buildings, courts, construction projects, excavations. . . .

"(i) Laundries, and the laundering and sterilization of all articles and uniforms by or in the following businesses and professions . . .

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

"(q) 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 . . .

"(u) Sources of ionizing radiation; . . .

"(x) Fumigation. . . ."

Industrial Hygiene

Section 46-70. *Bureau of Industrial Hygiene.* "There shall be a bureau of industrial hygiene in the [department of health].

"The bureau shall enforce the rules and regulations of the [department] relating to or affecting industrial hygiene, and detect, prevent and control: (1) conditions and exposures affecting health which are associated with conditions of employment, (2) atmospheric pollution, (3) improper fumigation, (4)

*Brackets indicate the substitution of Department of Health for the Board of Health which was abolished in the reorganization (Chapter 14A).

inadequate and improper ventilation, (5) sources of ionizing radiation, and (6) other similar conditions.

"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 Department of Health.

1. *Working Places and Conditions*. Adopted October 1947, and approved by Governor, November 1947. (Being revised)

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 rooms 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 Department 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 Department 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 Department 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; maintenance of records by employers of injuries and illnesses incurred by the employees; variations from requirements and penalties for violations.

2. *Fumigation*, 1958.

3. *Air Conditioning and Ventilating*, 1964.

4. *Radiation Protection*, 1967.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Authority and Functions

Section 88-3. Creates the Department of Labor and Industrial Relations to be headed by the Director of Labor and Industrial Relations.

Section 88-6. *Bureaus within the department; assistant directors in charge.* Establishes within the Department, the Bureaus of Employment Security, Workmen's Compensation, Research and Statistics, and Labor Law Enforcement.

Section 88-13. *Duties and powers of the {department}; rules and regulations; procedure for varying.* "In addition to such other duties and powers as may be conferred upon the [department]* by law, the [department] 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 employment or place of employment; provided that any such rules and regulations shall not conflict with any rules or regulations of the department of health covering the same subject matter.

"(c) To make, modify and repeal such other reasonable rules and regulations of general application as may be necessary to carry into effect any provisions of this chapter.

"The rules and regulations of the [department], and any amendments thereto, when approved by the Governor promulgated in accordance with sections 7-28 to 7-41, shall have the force and effect of law, and shall be enforced in the same manner as the provisions of this chapter. . . ." Provides for variations from requirements.

Section 88-15. *Duties and powers of director; enforcement of rules; wage claims, joinder of.* ". . . the director, shall have the power, jurisdiction, authority and duty: . . .

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

"(c) To propose such rules and regulations or changes in rules and regulations, as he deems 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 88-17. Prescribes penalty for violation of any lawful rule or regulation of the Department.

Division of Industrial Safety

Section 96-2. *Division of industrial safety.* "There shall be within the bureau of workmen's compensation of the department of labor and industrial relations a division of industrial safety under the control of the director of labor and industrial relations."

Section 96-3. *Powers and duties of division.* "The division of industrial safety: (a) 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) shall enforce all rules and regulations made by the [department] for the protection of life, health and safety of employees; (c) may investigate the cause of all industrial injuries resulting in disability

*Brackets indicate the substitution of "department" for "commission" which was abolished in the reorganization (Chapter 14A).

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) 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 subjects.

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

General Provisions Relating to Occupational Health and Safety Statutory Provisions

Section 96-4. *Safe place of employment; safety devices and safeguards.* "Every employer shall furnish employment and a place of employment which are safe for the employees therein. No employer shall require or permit any employee to go or be in any employment or place of employment which is not safe.

"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."

Section 96-5. *Safety orders.* "Whenever the division finds that any employment or place of employment or the operation of any machine, device, apparatus or equipment 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, the division may make an order relative thereto which is necessary to render the employment or place of employment safe and protect the life and safety of employees therein. The division may in the order direct 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. The employer shall obey and observe all safety orders." The Division is authorized to grant extension of time for compliance with orders.

Section 96-6. *Prohibition of use.* Deals with posting of notices prohibiting use of unsafe devices and equipment.

Sections 96-6.5 to 96.8. Deal with appeals, judicial review and injunction.

Rules and Regulations

Adopted by Director of Labor and Industrial Relations and approved by the Governor.

1. *General Safety Code.* Effective January 1957.

Among subjects covered are: first-aid equipment and first-aid workers; protective equipment; housekeeping; machinery and mechanical power transmission; electrical equipment; woodworking machinery; tools, wheels, cranes,

derricks and hoists, chains, etc.; painting; welding and cutting metals; air compressors; and explosive powered tools. Women whose employment brings them near moving machine parts are to be provided with suitable caps or hairnets, and should not wear jewelry or high heels and toeless shoes. "Wherever possible women shall be seated at their work, with stools or chairs provided which have a back rest and contribute to good posture."

2. *Elevators, Dumbwaiters, Escalators, Moving Walks and Manlifts*. Effective February 1967.

3. *Storage, Transportation and Use of Explosives*, 1957.

Employment of Minors

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

Section 88-22. Forbids the employment of minors under 16 in any gainful occupation, or in connection with any power driven machinery, and of minors under 18 in any occupation declared by the Department 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. Sections 97-1 to 97-163.

Occupational Disease Compensation

Section 97-3. Provides for full coverage.

Reporting of Injuries

Section 97-110. 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 failure to report.

Section 97-111. Requires any physician, surgeon or hospital treating or rendering any service to injured employees to make reports of such injuries and treatments within 7 days to the employer and the Department, and interim reports at intervals of 21 days or less during continuing treatment. Claims held invalid unless such reports are made.

IDAHO

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

DEPARTMENT OF HEALTH

Authority and Functions

Idaho Code, Section 39-101. *Establishment of department of health.* "There is created and established in the state government a department of health which shall be an administrative department of the state government. . . . The department of health shall have as its head the state board of health."

Section 39-102. *Establishment of state board of health.* "There is hereby created and established the state board of health, . . . which shall be vested with the authority, control, supervision and administration of the department of health. . . . It shall create in the department such divisions and sections as are or may be necessary to accomplish the powers and duties assigned to it."

Section 39-106. *State board of health—Powers and duties.* "All of the powers and duties of the department of public health are hereby transferred to the state board of health and the state board of health shall have all of such powers and shall exercise the following powers and duties in addition to all other powers and duties imposed on it by law: . . .

"(5) To make special investigations of the sources of morbidity, mortality and the effects of localities, employment, conditions and circumstances on the public and mental health.

"(6) To administer and enforce all state health laws, regulations and standards.

"(7) To investigate and control the cause of epidemics, . . . and other diseases affecting the public health and mental health, the causes of mortality and the effects of localities, employment, conditions, ingesta habits and circumstances on the health of the people. . . ."

Section 39-108. *Public health—Powers and duties.* "The board shall conduct such health programs as are now delegated to it by law and which may hereafter be delegated to it. It may, among other things, include general services, preventive medicine, maternal and child health and environmental sanitation."

Section 39-116. *Rules and regulations—General provisions.* "The board, . . . may adopt, amend, or rescind regulations, rules and standards as it deems necessary to carry out the purposes and provisions of this act and to enforce the public health and mental health laws of this State.

"The regulations so adopted and established shall be a part of this code and shall have the force and effect of law and may deal with any matters affecting the security or health or preservation and improvement of the public health and mental health of this state. . . . The board shall provide public hearings prior to adopting any rule, regulation or standard. . . . All rules, regulations

and standards heretofore adopted by the department of public health . . . whose duties are transferred to the state board of health shall remain in full force and effect until superseded by rules, regulations and standards duly adopted by the board."

Section 39-118. *Violations of public health laws—Misdemeanors—Civil actions.* "A. It shall be unlawful for any person, association, or corporation, and the officers thereof: (1) To wilfully violate, disobey or disregard the provisions of the public health laws or the terms of any lawful notice, order, standard, rule or regulations issued pursuant thereto;. . ."

Sections 30-3001 to 30-3019. *Radiation Control.*

Sections 37-2001 to 37-2008. Bring under supervision of the State Board of Health, all matters relating to sanitation of food-processing establishments, canning factories and cold storage plants.

Industrial Hygiene

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 function 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

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Board of Health.

Radiation Control Regulations, 1968.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

Section 44-101. Establishes in the Executive Department of the State a Department of Labor.

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, . . . and of promoting the welfare of all working people. . . ."

Section 44-104. *Duties of commissioner—Inspections notice—Hearing by industrial accident board.* "The commissioner . . . 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 business 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 there carried on of the unsafe conditions and shall make recommendations for the correction of such unsafe conditions.

"Upon receiving such notice and recommendation . . . the owner . . . shall immediately comply with such recommendation or he shall request the industrial accident board for a hearing. . . ."

Section 44-104A. *Injunction to prevent operations.* Provides for injunctions in the event of failure to comply with provisions of preceding section.

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 during hours as specified.

Section 44-1306. Declares theatrical employment of children under 16 as defined, a misdemeanor punishable by fines.

Section 44-1307. Prohibits employment of minors in immoral surroundings and in places where liquors are prepared or offered for sale, and prescribes penalty for violation.

INDUSTRIAL ACCIDENT BOARD

Authority and Functions

Section 72-501. *Creation of board—Appointment.* Creates the Industrial Accident Board and sets forth qualifications for members of board.

Section 72-1101. *Powers of board.* "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. *Procedure—Warning order.* "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 employees, 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 disease, 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 devices 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 (Selected)

Adopted by Industrial Accident Board.

1. *Idaho Minimum General Safety Standards and Practices*. Part I. Revised 1956.

Manual contains 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 work areas, equipment, 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*. Amended 1957.

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; machine shop operations; and house-keeping practices.

3. *Idaho Minimum Safety Standards and Practices for the Building and Construction Industries*. Amended 1956.

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 and Mineral Industry*. July 1963. Adopted jointly by State Inspector of Mines and the Industrial Accident Board.

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; provision of adequate mechanical ventilation; housekeeping practices; safety of entrances and exits, shafts, cages and passageways; safeguards on machinery; qualifications and duties of hoisting engineers; signals; hoisting rules and practices; haulage; and explosives and blasting.

Section on dust prevention defines injurious silica dust concentrations, advises periodic medical examinations, and suggests engineering control methods. Employers are obligated to conduct all operations in such manner so that exposure to dust and/or toxic fumes or gases is reduced to safe standards as set forth by American Conference of Governmental Industrial Hygienists when not governed by Idaho Statutes, and are advised to obtain advice and assistance with inspections from the Idaho Department of Health. Methods of control are subject to approval by Inspector of Mines and the Industrial Accident Board.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Industrial Accident Board. Title 72, Idaho Code, as amended.

Occupational Disease Compensation

Section 72-1201 to 72-1234. *Occupational Disease Compensation Law.* Eleven diseases or groups of diseases are listed. 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 submit first reports of injuries causing absence from work for one day or more, not later than 10 days after occurrence, to the Industrial Accident Board. Supplemental reports are also to be submitted as specified. Failure to report is a misdemeanor, punishable by fine.

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.

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, shafts and openings, hoists, signals, and storing and use of explosives; duties of hoist engineer, prohibited practices, and penalties for violations.

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

Section 47-501. *Dust prevention apparatus—Operator must furnish.* "It shall be unlawful for any owner, operator or person in charge of any underground mine to cause to be drilled or bored by machinery a hole or holes in any stope or raise in ground that causes dust from drilling, unless said machinery is equipped with a water jet or spray or other means equally efficient to prevent the escape of dust."

Section 47-502. *Dust prevention apparatus—Employee must use.* "Where machinery used for drilling or boring holes in stopes or raises is equipped as required by the preceding section it shall be unlawful for any person or persons to drill or bore a hole in said stope or raise without using said appliance for the prevention of dust."

Section 47-503. Prescribes penalties for violations of preceding sections on dust prevention.

ILLINOIS

SOURCES: Smith-Hurd Illinois Annotated Statutes
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Smith-Hurd Illinois Annotated Statutes, Section 127-3. Lists the Department of Public Health as one of the State departments herein created.

Section 111½-22. *Power of department.* "The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State . . . The Department may make such rules and regulations and such sanitary investigations as it may from time to time deem necessary for the preservation and improvement of the public health. All local boards of health, health authorities and officers . . . and employees of the state or any locality shall enforce the rules and regulations so adopted. . . ."

Section 127-55.02. *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 and to exercise the rights, powers and duties of those acts which it is by law authorized to enforce."

Section 127-55.07. *Sanitary investigations.* "To make such sanitary investigations as it may, from time to time, deem necessary for the preservation of health."

Section 127-55.08. *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 127-55.09. *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 127-55.15. *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."

Section 111½-185.1 to 111½-185.14. *Illinois Migrant Labor Camp Law.* Contains procedures regarding licensing and inspection of camps and requirements for construction and sanitary facilities.

Sections 111½-194 to 111½-230.13. *Radiation Protection.*

Sections 111½-701 to 111½-708. *Laser Systems Registration Act.*

General Provisions Relating to Occupational Health

Statutory provisions

Sections 48-53 to 48-57. *Sanitary Standards for Butterine and Ice Cream Factories.* Require that certain sanitary, structural, plumbing and ventilating standards be maintained; provide for issuance of certificates of compliance by the Department of Public Health.

Rules and Regulations

Adopted by Department of Public Health.

Protection Against Radiation Hazards. Amended May 1967.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

Section 127.3. Lists the Department of Labor as one of the State departments herein created.

Powers and duties vested in Department of Labor:

Section 127-43.04. *Factory inspection.* "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."

Section 127-43.08. *Improving working conditions.* "To improve working conditions."

Section 127-43.15. *Information concerning conditions of employment.* "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."

Section 127-43.16. *Information concerning prevention of accidents and occupational diseases.* "To acquire and diffuse information in relation to the prevention of accidents, occupational diseases and other related subjects."

Section 48-59.1. *Safety Inspection and Education Division.* "The Department of Labor . . . shall . . . maintain a division to be known as the Division of Safety Inspection and Education. . . ."

Section 48-59.2. *Powers and duties of Division.* "The Department, through the employees of the Division shall: (a) enforce the rules promulgated under the Health and Safety Act; (b) visit and inspect . . . the factories, mercantile establishments, mills, workshops and all other industrial and commercial establishments where . . . goods, wares or merchandise are manufactured, stored, purchased or sold at wholesale or retail; and (c) foster and promote safety practices. . . ."

"The Department shall through the Division enforce the provisions of this Act, and any other law relating to the inspection of factories, mercantile establishments, mills, workshops and other commercial and industrial institutions in the State."

NOTE: See also Section 48-137.17 under Illinois Industrial Commission.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Sanitation Facilities

Sections 48-98 to 48-102. *Wasbrooms in Certain Employments.* "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."

Require provision of lockers or 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.

Authorize mine inspectors, the Department of Labor and other inspectors to inspect places and kinds of business required by this Act and to make recommendations for improvements or changes as necessary. Penalty for violation.

Employment Under Compressed Air

Sections 48-261 to 48-268. 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 48-60 to 48-69. Contain provisions for safety of employees engaged on structural work and scaffolding. Make owner and contractor both responsible. Penalty for violation.

Industrial Home Work Law

Sections 48-251 to 48-260. Include a list of prohibited occupations; prohibit 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; empower the Department to enforce the Act and make necessary rules and regulations; authorize the Department 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; specify conditions to be met for sanitary permits and work certificates. Procedures concerning orders and public hearings are included.

Medical Examination of Applicants for Employment

Sections 48-172d to 48-172g. Prohibit 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.

Rules and Regulations

The Department enforces rules promulgated by the Industrial Commission.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 48-31.1. Prohibits employment of minors under 16 in specified gainful occupations and permits employment of minors between 14 and 16 years of age outside school hours "but not in dangerous or hazardous factory work or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law."

Section 48-31.4. Prohibits employment of minors under 16 for more than 5 hours continuously without an interval of at least 30 minutes for meal period.

Section 48-31.7. 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 48-31.8. Regulates employment of minors under 16 in theatrical production.

Section 48-31.17. Authorizes the Department of Labor to assist in the enforcement of the provisions and visit and inspect all places covered by this Act.

Section 48-31.19. Prescribes penalties for violation.

ILLINOIS INDUSTRIAL COMMISSION

Authority and Functions

Health and Safety Act

Illinois Revised Statutes, Section 48-137.1. *Industrial Commission to administer.* "The industrial commission is hereby vested with the power and authority to administer the provisions of this Act."

Section 48-137.2. *Application of act.* The Health and Safety 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 48-137.3. *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 48-137.4. *Nature of rules.* "To effectuate the purposes stated in Section 3, 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, dusts, 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 48-137.5 *Effect of rules.* "Such rules of the industrial commission shall have the force and effect of law."

Section 48-137.7. *Rules—Powers of commission.* "The industrial commission, may on its own initiative, or upon written petition, make, modify or repeal any rule or rules as provided in this Act conforming with the procedures prescribed in this Act."

Section 48-137.10. *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 48-137.17. *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. . . ."

Section 48-137.18. Provides penalty for failure to comply with notice of violation, or for obstructing or interfering with examination or investigation.

Rules and Regulations

Promulgated by the Industrial Commission under "Health and Safety Act."

Part A. *Purpose and Application, Scope, Arrangement and Numbering, Definitions, and Interpretations of Health and Safety Rules.* Amended March 1955.

"Irrespective of any language in any of the following parts to the contrary, all rules shall apply wherever the subject matter of such rules shall exist in all businesses, occupations, or enterprises having employees."

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.* Amended September 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 Dust, Vapors, Fumes or Gases From Grinding, Polishing and Buffing Operations. Amended March 1955.

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

Rules apply to ferrous and non-ferrous 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 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.* Amended July 1962.

Part I. *Requirements for Scaffolds, Staging, Ladders and Other Equipment for Use in Constructing, Erecting, Repairing, Servicing and Demolishing Buildings, Structures, or Other Objects.* Amended July 1962.

Part J. *Rules and Regulations Relating to Labeling in the Use, Handling and Storage of Substances Harmful to the Health and Safety of Employees.* Effective June 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 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.

Part L. *Rules and Regulations Relating to Health and Safety of Workers Engaged in Gas and Electric Cutting, Welding, Brazing, Soldering and Similar Operations.* Effective March 1955.

Rules include a section on requirements for ventilation and personal respiratory protective equipment and a section on protection against light radiation.

Part M. *Rules and Regulations Relating to Shoring of Trenches.* Effective July 1962.

Workmen's Compensation

Workmen's Compensation Act is administered by the Industrial Commission. Sections 48-138.1 to 48-138.28.

Occupational Disease Compensation

Sections 48-172.36 to 48-172.62. *Workmen's Occupational Diseases Act.* Full coverage.

Reporting of Injuries

Sections 48-138.6 and 48-172.41. Employers subject to the act are required to report all compensated work injuries and occupational diseases to the Industrial Commission when they result in the loss of more than 1 week or in permanent impairment or death.

DEPARTMENT OF MINES AND MINERALS

Sections 93-1.01 to 93-37.05. *Coal Mining Act of 1953.* 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, requirements and duties of mine managers, mine examiners and hoisting engineers; miners' examinations and qualifications; investigation of accidents and requirements for first-aid equipment and mine rescue stations; miscellaneous safety rules; 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 working 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 precautions to be taken when conditions do not conform to requirements; classification of 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. Penalties are prescribed for violations.

Sections 93-95.01 to 93-141. *Metal mines.* Regulate the inspections of metal mines and deal with reports of accidents and unsafe conditions; requirements for first-aid; requirements and duties of superintendent of mines, and foremen; explosives; hoisting and outlets; requirements for sanitary facilities; precautions to insure safety of operations, equipment and structures; prohibited practices; signals; and penalties for violations with jurisdiction over all offenses and proceedings vested in county courts.

DEPARTMENT OF AGRICULTURE

Chapter 56½. The Department of Agriculture has jurisdiction over food processing and selling establishments including dairies, locker plants and meat and poultry, 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.

INDIANA

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

STATE BOARD OF HEALTH

Authority and Functions

Burns' Indiana Statutes, Section 35-201. Continues the State Board of Health as created by Acts of 1945.

Section 35-202. *Statement of powers.* "The State board 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 35-211. *Health instruction—Middle and advanced aged persons.* "The state board of health shall provide facilities and personnel for investigation, 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. . . ."

Sections 35-4501 to 35-4521. *Radiation Control.*

NOTE: See Section 40-2140 under Department of Labor which authorizes the Commissioner of Labor to seek expert advice and assistance from State Board of Health.

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 Board 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.

Sections 35-4301 to 35-4347. Deal with frozen food processing plants.

Rules and Regulations

Adopted by State Board of Health.

Mercurial Carrotting in Hat Industry. Effective January 1946. Prohibits use of mercurial carrot in the preparation of hatters' fur or mercurial carroted hatters' fur in the manufacture of hats. Terms are defined.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

Section 40-2130. *Department of labor—Creation—Industrial board—Division of labor.* "There is hereby created a department of labor. Said 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 40-2133. *Boards and bureaus in division of labor.* "The following boards and bureaus are hereby created within the division of labor; (a) The bureau of mines and mining; (b) A bureau of factory inspection; (c) A bureau of boiler inspection; (d) A bureau of women and children."

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."

Sections 40-2141 to 40-2143 deal with variations from rules, holding public hearings on rules and appeals to circuit courts to enjoin or set aside orders of the Commissioner of Labor.

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."

Section 40-2148. *Violations—Penalty—How enforced.*

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.* Requires employers to provide 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 any person under 16 or any female under 18 to clean machinery while in motion.

Section 40-1009. *Dangerous buildings—Inspections.* Empowers Commissioner of Labor 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 under Compressed Air

Sections 40-2501 to 40-2507. Regulate work under compressed air. 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. (Selected list)

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

Rules deal with good plant housekeeping practices; set forth requirements for number, installation and construction of wash and locker facilities, lunch-rooms 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 foot-candles of illumination 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 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 1947.

Rules deal with installation and operation of exhaust systems including design, specifications and testing for air velocity for grinding, polishing and buffing operations, and 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 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 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 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 1952.

Specific rules are given for safeguarding machinery and workplaces covering the gang saw department, planer department, stonemillers 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 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.

10. Industrial Health and Safety Rule No. 12. *Gypsum Mining.*

11. *Safety Code for the Construction Industry, 1960.*

Employment of Women and Minors

Among pertinent provisions are the following:

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 Commissioner of Labor 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 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.

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.

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.

Mines and Mining

Bureau of Mines and Mining has jurisdiction over mining laws.

Sections 46-108 and 46-1901 to 46-2711. Contain coal mining laws. Among the subjects covered are duties of director or mine inspector regarding personal inspection of all coal mines, investigation of mine accidents and

enforcement of mining laws; certification of competency of mine bosses and other mine employees; provisions for health and safety in coal mines; explosives and blasting practices; ventilation and examination of mines for gas and dangerous conditions; duties of fire bosses as to examination of coal mines where noxious or dangerous gases are generated or coal dust exists in dangerous quantities; control of coal dust; rock dusting including specifications for composition and distribution of dust and routine dust analysis; safety provisions for entrances, haulageways and travelways; safe use of electricity; safety examinations of mines by mine bosses, safety precautions, and provision of first-aid supplies and equipment for injured; provision of adequate wash houses 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 Commissioner of Labor in writing within 48 hours. Commissioner 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 40-1802.

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. Penalty for failure to report.

Section 40-2230. Requires employers operating under the Occupational Diseases Act to keep a record of all disablements by occupational disease, 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.

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

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.

Regulations Concerning Synthetic Dry Cleaning Plants, Exposed Directly to the Public. Amended 1962.

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 of this title and . . . 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."

Section 135.38. Provides penalty for violations.

Section 136.3. *Duties.* "The state board shall be the policy making body for the state department of health and shall have the following powers and duties to:

"1. Consider and study the entire field of legislation and administration concerning public health, hygiene, and sanitation.

"2. Advise the department relative to: a. The causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health. . . .

"7. Adopt, promulgate, amend, and repeal rules and regulations consistent with the law for the protection of public health. . . . All rules and regulations which have been or are hereafter adopted by the department shall be subject to approval by the board. . . ."

Migratory Labor Camps

Sections 138.1 to 138.19. Authorize the State Department of Health to issue permits for operating migrant labor camps, and to make necessary inspections and enforce the provisions of these sections or any rules or regulations made. Requirements for eligibility for permits cover sites and shelters, water, toilet and washing facilities, refuse disposal, lighting, and insect and rodent control. Penalty prescribed for failure to comply with provisions or rules.

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

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, education, 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 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."

Section 91.16. Prescribes penalties for violations of provisions of this chapter.

Iowa Employment Safety Act

Section 88A.1. *Public policy.* "It is the policy of this state that every employer shall furnish and maintain a safe place of employment for employees

and shall cause all places of employment to be in all respects constructed, equipped, arranged, operated and maintained so as to provide reasonable and adequate protection for the lives, health, and safety of all persons employed or working therein or frequenting the same, taking into consideration the nature of the employment and work."

Section 88A.3. *Employment safety commission.* "An employment safety commission is hereby created. The commission shall consist of eight (8) members. . . . Each member of the commission shall have had substantial experience in employment safety before his appointment."

Section 88A.10. *Duties and powers.* "It shall be the duty of the commission and it shall have power, jurisdiction, and authority to:

"1. Adopt and amend rules as hereinafter provided.

"2. Hold hearings with respect to employment safety, proposed rules, and proposed amendments.

"3. Hear and decide appeals as hereinafter provided.

"4. Administer oaths, subpoena witnesses, and take the testimony of any person under oath, in connection with any hearing or appeal.

"5. Advise and consult with the labor commissioner on employment safety and safety education.

"6. Appoint advisors who shall, without compensation, assist the commission and the labor commissioner in the formulation of rules. Upon request by the commission or the labor commissioner, any state official or state agency shall furnish technical assistance and advice in the formulation of rules."

Section 88A.11. *Safety rules.* "The commission shall adopt reasonable rules, regulations, and codes to carry out and give effect to the policy and provisions of the employment safety laws, including but not limited to section one (1) of this Act. The commission may amend the rules from time to time.

"The rules shall take into consideration and shall be based on applicable and recognized safety codes, standards, and regulations, including, without limiting the generality of the foregoing, any such codes. . . ." (Safety organizations are listed.)

"All rules shall be enforced as provided in this Act."

Section 88A.12. *Public hearing and notice.*

Section 88A.14. *Enforcement and inspections.* "It shall be the duty of the labor commissioner to supervise the enforcement of the provisions of the employment safety laws and all rules. The labor commissioner and inspectors of the department of labor shall have the right and power to enter and inspect any place of employment at any reasonable time in order to determine compliance with, and aid in the enforcement of, the employment safety laws and the rules. . . .

"The labor commissioner may accept, without cost to the state, inspections performed by insurance company inspectors or other qualified inspectors when evidence of their qualifications satisfactory to the labor commissioner has been furnished. . . ." Such inspections shall not provide basis for civil liability.

The remaining sections cover violations, penalties and appeals.

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 tumbling 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."

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

Promulgated by Employment Safety Commission.

1. *Safety Rule for Demolition.* Effective July 1966.
2. *Safety Rule for Floor and Wall Openings, Railings and Toe Boards.* Effective July 1966.
3. *Safety Rule for Electrical Installations in Hazardous Locations.* Effective February 1967.
4. *Safety Rule for Excavation.* Effective August 1967.

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

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 17 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.

DEPARTMENT OF MINES AND MINERALS

Chapter 82. Establishes a Department of Mines and Minerals to consist of the State Mine Inspector and a State Mining Board to supervise and enforce the mining laws of the State. Laws apply to production of coal and other minerals. Among subjects covered are: 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; provisions of safety appliances on machinery and equipment; duties of mine engineers, foremen, miners and other employees with respect to examinations for safety of work areas and observance of mining laws; storage and handling of explosives and safe blasting practices; provision of washing facilities in mines where more than 20 persons are employed; maintenance of a stretcher, etc. for each 50 employees or less; electrical installa-

tions; 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.

DEPARTMENT OF AGRICULTURE

Section 159.5. 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.

Chapter 170 contains 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 diseases are prohibited from working in such establishments.

Chapter 171 deals with cold storage plants and chapter 172 with frozen food locker plants.

KANSAS

SOURCES: Kansas Statutes Annotated
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

Kansas Statutes Annotated, 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.

Sections 48-1601 to 48-1621. *Nuclear Energy Development and Radiation Control Act.*

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 conditions upon the health of operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the foods or drugs therein produced."

Sections 65-6a01 to 65-6a17. 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

1. 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.

2. *Radiation Protection Regulations*. Revised January 1967.

Reporting of Occupational Diseases

Regulations relating to *Communicable and Other Reportable Diseases* include a list of 32 reportable industrial diseases and "any other disease or disability contracted as a result of the nature of the person's employment." Physicians are required to make reports to local health officers.

STATE DEPARTMENT OF LABOR

Authority and Functions

Section 75-3401. Establishes the State Labor Department.

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 75-3404. *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 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 class. . . ."

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 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. . . ." Rest of section deals with removal of safeguards and actions to set aside orders or decisions, and penalties for violations.

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 handrails 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.

Rules and Regulations

None specifically.

An Attorney General's opinion of KSA 44-636 ruled that Standards of the American National Standards Institute are enforceable.

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: 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.

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 work areas 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 DIRECTOR

The Workmen's Compensation Law is administered by the Workmen's Compensation Director. Sections 44-501 to 44-573.

Occupational Disease Compensation

Sections 44-5a01 to 44-5a22. An occupational disease is to be "treated as the happening of an injury by accident." Twelve diseases or groups are deemed compensable. Schedule coverage.

Reporting of Injuries

Section 44-557. Requires every employer including those not electing to come under the Workmen's Compensation Act to report to the Director 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 Director or in any court. Penalty for violation.

KENTUCKY

SOURCES: Kentucky Revised Statutes
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Kentucky Revised Statutes, Section 211.005. *Declaration of legislative policy concerning public health laws.* "The General Assembly of the Commonwealth of Kentucky recognizes and hereby declares that it is an essential function, duty and responsibility of the government of this Commonwealth to adequately safeguard the health of all its citizens, and to establish, maintain, implement, promote and conduct appropriate facilities and services for the purpose of protecting the public health. This chapter is enacted with the expressed legislative intention of effectuating the aforesaid objectives in the manner provided herein."

Section 211.025. *General powers and duties of department.* "Except as otherwise provided by law, the department shall administer all provisions of law relating to public health; shall enforce all public health laws and all regulations of the board; shall supervise and assist all local boards of health and departments; shall do all other things reasonably necessary to protect and improve the health of the people; and may cooperate with federal and other health agencies and organizations in matters relating to public health."

Section 211.100. *Divisions of department of health.* "The department shall be divided into the following divisions: . . . Division of Occupational Health . . ."

Section 211.180. *Functions of department in the regulation of certain public health matters.* "The department shall enforce the rules and regulations adopted by the board for the regulation and control of the matters set out below and shall formulate, promote, establish, and execute policies, plans and programs relating to all matters of public health, including but not limited to the following matters: (1) detection, prevention, and control of . . . occupational diseases and health hazards peculiar to industry, home accidents and health hazards . . . such other diseases and health hazards as may be controlled; (2) . . . the sanitation of . . . industrial establishments and other public and semi-public buildings . . . and the control of such other factors as may be necessary to insure a safe and sanitary environment."

Section 211.210. *Abatement of nuisances.* "The department may examine into all nuisances, sources of filth and causes of sickness that may, in its opinion to be injurious to the health of the inhabitants in any county in the state . . . the department may order, in writing, the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, or within such reasonable time thereafter, as the department may order."

Section 211.220. *Powers of department personnel in the conduct of*

investigations; subpoenas, process. "For the purpose of enforcing the public health laws of the Commonwealth, investigators, inspectors, officers, representatives and agents of the department may enter upon any premises when necessary for the purpose of making inspections and investigations, and may view evidence and interrogate persons, to the extent required in the performance of their duties and responsibilities. . . .

Section 211.990. *Penalties.* Provides for penalties for failure to comply with an order made under the provisions of KRS 211.210 or rules and regulations adopted by the Department.

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 State Board of Health.

O.H. 1. *Control of Occupational Environments and the Prevention of Occupational Diseases.* Amended November 1966.

Regulations cover the following:

1. *Definitions.*
2. *Employer responsibility.* Requires employers to maintain the occupational environment in full compliance with the requirements set forth, to provide all control and personal protective devices and maintain same in good conditions and instruct employees regarding health hazards and controls; empowers the Department to direct the employer to investigate and correct existing health hazards to an acceptable extent and inform it of the results; prohibits employers to change or alter health hazards that would create new or worsen existing hazards; requires posting and distribution of safety and health literature to employees as directed by the Department; and empowers the Department to specify type of control measures in event employer fails to remedy or correct health hazard.
3. *Employee responsibility.* Requires employees to use control measures and personal protective equipment provided.
4. *Control of atmospheric contaminants.* Requires that "workers shall not be subjected to levels of atmospheric contaminants which may in the judgment of the Department constitute an exposure hazardous to health": outlines methods for control of atmospheric contaminants. TLV's published by ACGIH are to be used as guides.
5. *Infectious agents.* Requires provision of control measures satisfactory to the Department.

6. *Visual requirements.* Requires provision of sufficient illumination levels, suitable contrast ratios, and/or reduction of glare as deemed necessary by the Department.

7. *Noise.* "Environmental or personal protective controls shall be provided for any occupational noise exposure, as deemed necessary by the Department for the prevention of adverse hearing effects to employees."

8. *Radiation.* Requires occupational exposures to ionizing radiation to be controlled in accordance with radiological health regulations adopted by the State Board of Health.

9. *General ventilation and temperature requirements.* Sets forth general requirements for air supply and specific requirements for thermal limits.

10. *Local exhaust ventilation, make-up and re-entry air.* Covers general requirements.

11. *Personal protective equipment and practices.* Requires provision and maintenance by employer of such equipment and use by employees.

12. *Housekeeping.* Requires all places of employment to be kept in a clean and sanitary condition, and adequate labeling of all toxic materials.

13. *Sanitation.* Sets forth general requirements for sanitation facilities and practices.

14. *Eating facilities.* When provided, facilities must be maintained and operated to conform with State laws and regulations; prohibits eating in areas where injurious substances are present.

15. *Health services and facilities.* Covers requirements for retiring rooms where women are employed; first-aid facilities and first-aid workers; preplacement physical examinations of workers on jobs with exposure to specified conditions and additional examinations as may be necessary to determine fitness of employee; requires examining physician to inform employee of any health risk incident to employment, and furnish the employer with an evaluation of the employee insofar as it applies to conditions of work; and provides for the Department, upon request, to issue a written waiver to requirements for first-aid facilities and first-aid workers.

Reporting of Occupational Diseases

A regulation adopted in 1956 requires "every physician or when no physician is in attendance, every employer to report to his local health department or to the State Department of Health within forty-eight hours after discovery, every occurrence of illness, disease or death suspected or known to have been contributed to by conditions of the working environment or activity, except those conditions incident to or resulting from traumatic injuries. . . ."

DEPARTMENT OF LABOR

Authority and Functions

Kentucky Revised Statutes, 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 employes 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-employee 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 336.100. *Notice of occupancy of place of employment to be given.* "Within one month after any employer begins to occupy a factory, workshop, mill or other place of employment he shall notify the department, in writing, of such occupancy . . ."

Section 336.110. *Unlawful to refuse to admit inspector.* "No person shall refuse or attempt to prevent the admission of any inspector of the department to any place which he is required by law to inspect, at any reasonable hour, or during the working hours of the persons employed there, or interfere with the performance of the official duties of any inspector."

Section 338.020. Establishes the Industrial Safety Board.

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 employees 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 and to undertake to have corrected any dangerous condition he finds. If he is unable to effect correction, he shall file the complaint with the Industrial Safety Board for hearing. If the Board finds premises or equipment unsafe, the Commissioner may then apply to county circuit court for an injunction restraining use or operation until dangerous condition is corrected.

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 employees therein; (b) Furnish safeguards and safety devices reasonably necessary to protect his employees 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 or similar apparatus, 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 solid emery wheels used for tool grinding or those used only 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 for wheels as specified.

Section 338.090. *Fans; suction required.* Requires fans or blowers of specified velocity to be connected with suction pipes.

Section 338.100. Empowers the Commissioner to enforce, supervise, and prosecute all violations of KRS 338.070 to 338.100 and provides for power of entry.

Sanitation

Section 338.120 *Toilet and dressing rooms to be provided for employees.* 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

Industrial Safety Standards adopted by the Industrial Safety Board. Selected list.

Chapter V. *Safety Codes of National Acceptance.*

Specific American Standards Association Safety Codes are "incorporated by reference and made part of this regulation."

Chapter VI. *Basic Safety Rules.* Effective June 1966.

Contains a series of brief rules that are essentially safety rules; includes use of protective clothing.

Chapter VIII. *Safety Standards for Logging and Sawmill Operations.* Effective May 1959. These are general and brief rules.

Chapter X. *Safety Standards for Woodworking Operations.* Effective November 1964.

Brief rules cover items such as plant layout, general housekeeping, handling of materials, machinery and tools, powered industrial trucks, electrical utilization and protective equipment.

Section 10.16.1 gives recognition by the Industrial Safety Board to current regulations adopted and administered by the Kentucky Division of Occupational Health which "include, but are not limited to noise levels, visual requirements, general ventilation, and temperatures."

Section 10.16.2 requires "problems arising from any conditions covered by the Occupational Health regulations" to be reported to the Division of Occupational Health "for any action or investigation that they may deem necessary."

Chapter XI. *Safety Standards for the Construction Industry.* Effective July 1965.

Chapter XV. *Safety Standards for Quarries of the Pit and Underground Types.* Effective April 1967.

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 of 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 Labor 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 342.316. Full coverage.

Reporting of Injuries

Section 342.330. Requires employers subject to this chapter to keep records of all injuries, fatal or otherwise, and within one week of occurrence and knowledge to report to the Workmen's Compensation Board injuries to employees causing absence from work for more than one day. Supplemental reports are also required.

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

Chapter 351 authorizes the Department of Mines and Minerals to administer the coal mining laws through district inspectors appointed by the Governor, and required to pass examination for competency; provides for Board of Examiners for certification of district mine inspectors, mine foremen and fire bosses; outlines duties of district mine inspectors; provides for license to operate mines and for mine rescue divisions and stations.

Chapter 352 contains mining regulations and deals with methods of ventilation and amount of air required; rock dusting; openings; hoisting devices; operation of cages and cars; haulage roads; safety or electric lamps; investigation and reports of accidents; first-aid equipment and first-aid training; conduct of miners in mines; electrical equipment; use of explosives and other blasting devices; duties of fire boss, mine foremen and operators; inspection of mines and court review of petitions; maps; and penalties for violations.

Section 352.620 makes provisions of Chapters 351 and 352 applicable to clay mines and clay mining.

DEPARTMENT OF PUBLIC SAFETY

Chapter 228. *Dry cleaning and dyeing.* Provisions of this chapter apply only to cities of first and second class, and are administered by the Director, Division of Insurance, and his assistants. Deals with permits and fees, requirements for location, structure and use of buildings, operations, storage and use of volatile substances, and provides for penalties.

LOUISIANA

SOURCES: Louisiana Revised Statutes
Sanitary Code, State of Louisiana

STATE DEPARTMENT OF HEALTH

Authority and Functions

Louisiana Revised Statutes, Section 40:1. Creates the State Board of Health to be composed of a president and 8 members, one from each congressional district.

Section 40:6. *Executive officer; powers; restriction on issuance of warrants.* "The president of the state board of health is the chairman and executive officer of the board with the title of state health officer and director of Louisiana department of health. 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 and shall coordinate and have submitted to him all health programs which are legally under the jurisdiction of the state health department within the state including that of all its political subdivisions. However, he may issue warrants only 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 40:12. Provides for penalties for violation of the Sanitary Code.

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 violation; 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 themselves shall arrest and apprehend all offenders committing such offense in their view or sight or within their personal knowledge."

General Provisions Relating to Occupational Health

Statutory Provisions

Section 40:1295. *Devices exposing to radiation; prohibitions; exceptions; penalties.* Declares unlawful the operation or maintenance of any shoe-fitting device or machine using fluoroscopic X-ray or radiation principles except where such device is used under the direct supervision of an individual licensed in the use of diagnostic or therapeutic ionizing radiation in the state. Penalty for violation.

Rules and Regulations

Approved by the State Board of Health.

1. *Industrial Health Regulations*, 1943.

Sanitary Code, Chapter XVII, Sections 17.01 to 17.121. 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, lunch rooms, and rest rooms; require sufficient general ventilation or local exhaust ventilation when indicated.

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 numerous regulations pertaining to food sanitation, food handling and processing places, camps, etc.

Regulations require, when pertinent, adequate ventilation and lighting of buildings, provision of toilet and washing facilities, physical examinations of workers, 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 1.017. *Other.* Includes "occupational diseases" among reportable diseases.

DEPARTMENT OF LABOR

Authority and Functions

Louisiana Revised Statutes, 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 23:4. *Divisions of the department.* The Commissioner, with approval of the Governor, "may establish any division or bureau deemed advisable for enforcement of any law with which the commissioner or the department of labor is charged. . . ."

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."

Provides for public hearings. "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 23:9. *Application to courts for aid.* "The commissioner of labor may apply to a court of competent jurisdiction for aid in enforcement of all labor laws, rules, regulations and lawful orders, and the court shall have jurisdiction to grant aid and equitable relief in such cases subject to the right of appeal by the party aggrieved."

Section 23:10. *Court review.* Provides for appeals by aggrieved party.

Section 23:16. *Penalties.*

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 23:488. Regulate health and safety for work in compressed air. Require all employers of divers, tunnel and caisson workers to provide ample facilities to protect the health of such employees; physical examinations of workers to determine physical fitness before working in compressed air and at intervals of 60 days; and maintenance of 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."

Section 23:897. *Medical examinations, etc.* "It is unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or cost of furnishing any records required by the employer as a condition of employment." Prescribes penalty.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 23:152. *Enforcement of provisions.* "The commissioner of labor or his authorized representatives shall visit and inspect at all reasonable times, 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 23:161. 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. Seven groups or specific diseases are named.

Reporting of Injuries

None.

MAINE

SOURCES: Maine Revised Statutes Annotated
Rules and Regulations of State Agencies

DEPARTMENT OF HEALTH AND WELFARE

Authority and Functions

Maine Revised Statutes, Section 22-1. Establishes the Department of Health and Welfare to consist of such bureaus and divisions as may be required to carry out the work of the Department.

Section 22-3. *Duties of department.* "The department shall have general supervision of the interests of health and life of the citizens of the State. It shall . . . make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality and 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 22-42. *Rules and regulations.* "The department shall issue such rules and regulations as it shall think necessary and proper for the protection of life, health, and welfare, including protection of health of employees of industrial establishments and places of employment, and the successful operation of the health and welfare laws. . . ."

Act Relating to Rules and Regulations for the Protection of Health and Safety (H.P. 1311, January 1970)

Section 22-42A. *Duties of the Department of Health and Welfare.* "The Department of Health and Welfare shall be authorized and empowered:

"1. *Formulate, amend and repeal rules and regulations.* To formulate, amend and repeal such rules and regulations as may be necessary for the protection of life, health and welfare of employees in industrial establishments and places of employment;

"2. *Environmental or other health hazards.* To make evaluations and determinations of environmental or other health hazards affecting employees in any occupation and to establish appropriate standards related thereto. These hazards shall include but not be limited to drinking water, toilets, lavatories, showers, sleeping quarters, eating facilities, garbage and refuse disposal, sewage disposal, cross-connections, control of communicable diseases, plumbing, housekeeping, illumination, heating and ventilation, rest and dressing rooms, labeling, storage, transportation and use of materials, noise, occupational diseases including protection from radiation and air contaminants such as dusts, fumes, mists, gases and vapors.

"3. *Cooperate with others.* To advise, consult and cooperate with other agencies of the State, the Federal Government and other states and interstate

agencies, and with affected groups, political subdivisions and industries;

"4. *Funds.* To accept and administer according to law loans, grants or other funds or gifts from the Federal Government and from other sources, public or private, for carrying out its functions under this chapter;

"5. *Studies and research.* To encourage, participate in or conduct studies, investigations, training, research and demonstrations relating to the control of occupational health hazards;

"6. *Health education information.* To collect and disseminate health education information relating to occupational health and welfare;

"7. *Inspections.* To enter and inspect industrial establishments and places of employment and to enforce the rules and regulations promulgated under this section;

"8. *Penalties.* Any person who violates any provisions of this section or the rules and regulations made thereunder shall be punished by a fine. . . ."

Food Sanitation

Sections 22-2311 to 22-2314. 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 Commissioner of Health and Welfare.

1. *Rules and Regulations Relating to Occupational Health and Sanitary Standards for Places of Employment and Sanitation of Labor Camps, 1968.*

Rules cover requirements for housekeeping practices; illumination, general heating and ventilation; number, construction and location of toilet rooms; closets without flush; washing facilities; dressing rooms; water supply; cross-connections; eating facilities; warning signs calling attention to hazards and warning labels on containers of hazardous materials; and excessive noise control. Rules require employers to protect employees from contacts with poisonous or injurious substances by means of materials and devices approved by the Department. For control of air contaminants, the Threshold Limit Values published by the American Conference of Governmental Industrial Hygienists shall be used as guides.

Rules applying to labor camps cover sleeping quarters; provision of meals; water supplies and containers; washing facilities; disposal of waste and sewage; garbage and refuse; location of stables; abandoned camps; and variance from rules upon application.

2. *Rules and Regulations Relating to Radiation Protection, 1964.*

Reporting of Occupational Diseases

Section 22-1481. *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 22-1482. *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."

Section 22-1483. Penalty; prosecutions.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Section 26-41. Establishes the State Department of Labor and Industry under the direction of the Commissioner of Labor and Industry, and the State Factory Inspector.

Section 26-42. *Powers and duties.* "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. . . . 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; . . . and may conduct a program of research, education and promotion to reduce industrial accidents."

Section 26-44. *Right of access.* Provides for right of entry to any factory, mill, construction activity, workshop, etc. for purpose of gathering facts and statistics; and "may examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and may make a record of such inspection."

Occupational Safety Rules and Regulations Board

Section 26-564. Establishes the Board, to consist of 7 members, as specified.

Section 26-565. *Powers and duties of board.* "The board shall formulate and adopt reasonable rules and regulations for safe and healthful working conditions, including rules requiring the use of personal protective equipment. The rules and regulations so formulated shall conform as far as practicable to nationally recognized standards of industrial safety. . . . Before any rules and regulations are adopted, a public hearing shall be held. . . ." Also authorizes the Board to appoint "ad hoc single industry's committees to advise and counsel" it.

Section 26-566. *Enforcement.* "The department shall inspect and enforce the rules and regulations."

Sections 26-567 and 26-568. Provide for penalties for violations and appeals from orders of the Commissioner.

Section 26-569. *Rules and regulations.* "The rules and regulations formulated under this chapter may supplement, but shall in no manner supersede, the rules and regulations duly promulgated by the . . . Board of Construction Safety Rules . . . by the Department of Health and Welfare under the laws administered by that department."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 26-45. *Notice of improper conditions.* "The workshops, equipment, tools and working conditions provided by an employer shall be reasonably safe and not in such condition as to be hazardous to the employee engaged therein. If, upon inspection, the commissioner . . . shall find an existing condition is such as to be injurious to the health of the persons employed or residing therein by reason of inadequate heating, lighting, ventilation or sanitary arrangement, or that reasonable safeguards for preventing accidents or injuries to those employed are not provided, he shall notify, in writing, the employer . . . to make within 30 days, the alterations or additions by him deemed necessary. . . . In case of extraordinary hazard, the commissioner or his agent may demand that the hazard be removed immediately." Rest of Section deals with serving notices relating to construction activities.

Section 26-46. Penalties for violations of preceding sections.

Sections 26-271 to 26-343. *Compressed air work.* 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.

Section 26-592. *Charge by employer prohibited.* Makes it unlawful for any employer "to require any employee or accepted applicants for employment to bear the medical expense of an examination when such examination is ordered or required by the employer." Penalty.

Sections 26-371 to 26-374. *Construction Safety Rules and Regulations.* Establish the Board of Construction Safety Rules and Regulations and authorize it to formulate and adopt reasonable rules and regulations for safe and proper operations.

Rules and Regulations

Adopted by State Board of Construction Safety.

Construction Safety Rules and Regulations

Issued at various times and cover briefly such subjects as staging and scaffolding (1957); excavation work (1957); housekeeping and disposal of waste material (1958); minimum first aid requirements (1962); poisonous, hot, or other harmful substances or conditions (1958); demolition work (1961); and personal protective equipment and clothing (1961).

Employment of Women and Minors

Among pertinent provisions are the following:

Section 26-771. Lists employments prohibited to children under 14 years. Children between 14 and 16 years, are not permitted to work during school hours and if it necessitates their remaining from home overnight.

Section 26-772. 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 26-773. Specifies employments that are prohibited to minors under 16.

Section 26-735. 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

Section 26-2. *Reports of deaths, accidents, and injuries.* Employers are required to report to the Commissioner of Labor and Industry within 48 hours, exclusive of weekends and holidays, after the occurrence, all deaths, or serious physical injuries. Reports are not admissible in evidence in any action. "Serious physical injuries" mean "every accident which results in death, amputation, loss or fracture of any body part, or which necessitates immediate hospitalization."

INDUSTRIAL ACCIDENT COMMISSION

The Industrial Accident Commission administers the Workmen's Compensation Act. Chapter 39.

Section 39-93. 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

Sections 39-181 to 39-195. Occupational Disease Law. Full coverage.

Reporting of Injuries

Section 39-106. Requires employers to file with the Industrial Accident Commission within 7 days of knowledge 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 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.

MARYLAND

SOURCES: Annotated Code of Maryland 1957, as Amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Annotated Code of Maryland, Section 43-1A. Creates the State Board of Health and Mental Hygiene.

Section 43-1D. Provides for appointment of a Commissioner of the State Department of Health.

Section 43-1F. *Powers and Duties of Board.* "The jurisdiction, power and duties of the Board herein created are as follows:

"(a) To establish general policy for the environmental, physical and mental health services of the State and its subdivisions . . .

"(c) To give general supervision to the administration of health laws of Maryland and each county and city thereof.

"(d) To formulate and promulgate, with and on the advice of the commissioners of health and mental hygiene, rules, regulations and standards for the purpose of promoting and guiding the development of the environmental, physical and mental hygiene services of the State and its subdivisions. To enforce rules and regulations promulgated. . . ."

Section 43-2. *Powers and duties in general; nuisances; injunctions.* "The State Board of Health and Mental Hygiene 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. . . ."

Section 43-6. *Division of State into 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 43-8. *Deputy State health officers—Jurisdictions, powers and duties.* "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 . . .

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 43-198. Authorizes the State Board to have supervision of all places where food products are manufactured, stored, sold, etc.

Section 43-199. Authorizes the State Board to cause to be inspected all factories, canneries, packing and slaughterhouses, and other food handling or preparing establishments and to enforce the correction of all unsanitary conditions and practices found therein.

Sections 43-675 to 43-689. *Radiation Protection Act.*

Occupational Disease Prevention

Section 101-30. *Duty of State Department of Health and health commissioner of Baltimore City relating to occupational diseases.* "It shall be the duty of the State Department of Health and of the commissioner of health of Baltimore City, concurrently:

"(1) To receive reports of occupational diseases from physicians who have knowledge of such cases.

"(2) 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 deals with public notices of proposed rules and hearings. Prescribes penalty for violations.

"(3) 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.

"(4) To enforce regulations regarding occupational diseases.

"(5) 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

Food Sanitation

Sections 43-200 to 43-209. Contain general sanitary rules and regulations for establishments engaged in handling food and food products, and for canning factories and frozen food processing plants. Requirements cover cleanliness of premises and equipment; provision of toilets and lavatories; prohibition of sleeping on premises and the employment of employees affected with communicable disease; licensing of canneries and frozen food processing plants; and penalties for violations.

Rules and Regulations

Adopted by State Board of Health.

Regulations Governing the Prevention of Occupational Diseases

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 places 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." Effective January 1941.

2. "Employees shall not be subjected to contaminants in the working atmosphere which may constitute an exposure hazardous to health. In appraising health hazards and evaluating control of atmospheric contaminants, the current threshold limit values recommended by the American Conference of Governmental Industrial Hygienists will be employed as a guide. Criteria for establishing evidence of hazard to health shall include such pertinent factors as the nature of the contaminant, the frequency and duration of exposure, and the capability of the toxic agent to cause acute impairment of health for exposures of short or intermittent duration." Effective March 1959.

Reporting of Occupational Diseases

Section 43-11. *Physicians to report diseases contracted as a result of person's employment.* "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. . . ."

It is the duty of the State Board of Health to enforce this Section and to transmit such data to "Commissioner of Labor and Industry, who shall record such data and include the same and a summary thereof in his annual report."

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Section 89-1. Creates the Department of Labor and Industry to be headed by a Commissioner.

Section 89-2. *Duties of Commissioner.* "It shall be the duty of the said Commissioner: 1st. To collect statistics concerning and examine into the condition of labor in this State. . . . 3rd. To encourage, promote and develop the welfare of wage earners."

Section 89-25. Transfers the powers and duties relative to the employment of minors and hours of labor for females to the Department.

Section 89-26. Transfers powers and duties relative to workshops and factories to the Department.

Section 89-30. *Safety programs; Division of Industrial Safety in Department of Labor and Industry.* "It shall be the duty of the Commissioner of Labor and Industry to aid and assist employers in carrying out their responsibilities under Section 29¹ and to suggest and recommend to employers . . . methods and procedures by which they may develop safety programs to carry out such responsibilities." Establishes a Division of Industrial Safety for enforcing safety codes "in construction and other hazardous industries."

Section 89-31A. Creates an Occupational Health and Safety Board to consist of seven members with specified qualifications, including two members from the health profession, to be recommended for appointment by the Department of Health.

¹ See page 131.

Section 89-32. *Same—Duties; assistance to be given Board.* "(a) *Board to formulate and propose rules and regulations, etc.*—In addition to other duties . . . the Board shall formulate and propose to the Commissioner of Labor and Industry such reasonable rules and regulations . . . for the prevention of accidents and occupational diseases in every employment or place of employment and for reporting of such accidents and occupational diseases as the Board shall find . . . to be necessary for the protection of the life and safety of employees."

Authorizes appointment of special committees composed of employees, employers and experts to recommend or assist the Board in the development of rules and regulations.

Section 89-34. *Rule-making power of Commissioner.* Authorizes the Commissioner upon receipt from the Board proposed rules and regulations or changes to "either accept, adopt, and issue such rules and regulations . . . or shall refer them back to the Board for further consideration or revision." Permits adoption by reference in whole or in part standards approved by national organizations.

"(c) Rules and regulations . . . issued by the Commissioner . . . shall have the force and effect of law."

Sections 89-35 to 89-38 deal with notices of public hearings, petitions, variations and hearings on reasonableness of safety regulations.

Section 89-39. *Right of entry and investigation.* Provides for power and authority to enter and inspect places of employment and outlines procedures regarding violations of Section 29.

Section 89-40. *Enforcement of subtitle.* "The Commissioner of Labor and Industry shall have the power to administer and enforce the provisions of this subtitle."

Section 89-43. Deals with penalties and injunctions.

Health—Workshops and Factories

Section 27-324. "The owner of every factory, manufacturing and mechanical establishment and workshop, and of every store or other mercantile establishment employing five or more persons shall register same with the Commissioner of Labor and Industry. . . ."

Section 27-325. "The owner, operator . . . of any factory, workshop . . . or other mercantile, manufacturing or mechanical establishment . . . shall when requested by the Commissioner . . . furnish any information . . . and for the purpose of inspection shall admit the Commissioner . . . to any place which is affected by this subtitle or which is required by law to be inspected. . . ." Penalty for refusal to do so.

Sections 27-326 to 27-333. Deal with industrial homework. Granting of license is subject to compliance with health and safety laws. Penalty for violation.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 89-29. *Employer's Duty as to Safety.* "Every employer shall furnish and maintain employment and a place of employment which shall be reasonably safe and sanitary for employees. Every employer shall install, maintain and use such methods, processes, devices, and safeguards as are reasonably necessary to protect the life and safety of such employees, and

shall do every other thing reasonably necessary to render safe and sanitary such employment and place of employment."

Rules and Regulations

About 40 USA Standards have been adopted by reference.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 100-6. Regulates employment of minors 14 and 15 years of age, 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 100-7. Prohibits employment of minors under 16 in any manufacturing, mechanical or processing occupation, or in any commercial cannery, except in purely office work or related occupations.

Section 100-8. Prohibits employment of minors under 16 in the operation or tending of power-driven machinery other than office machinery.

Sections 100-9 and 100-10. Prohibit employment of male minors under 16 and female minors under 18 in specified industries.

Sections 100-12 to 100-16. Prohibit and/or regulate employment of minors under 18 in specified industries and occupations including those related to explosives, motor vehicles, coal mines, timbering and logging, power-driven woodworking machines, radiation, and power-driven hoisting apparatus.

Section 100-17. Prohibits employment of females under 18 in any capacity where employment compels them to remain standing constantly.

Section 100-21. Requires lunch period of at least 30 minutes after 5 hours of continuous work for minors under 18.

Reporting of Injuries

Section 89-47. *Employers to send copies of reports of accidents or injuries to Commissioner.* "Every employer who under the provisions of Article 101 of this Code is required to submit a report of an accident or injury to the Workmen's Compensation Commission, and who may also be submitting a report thereof to the State Accident Fund, shall send a copy of each such report to the Commissioner of Labor and Industry."

WORKMEN'S COMPENSATION COMMISSION

Authority and Functions

Safety Rules

Section 101-53. *Commission authorized and directed to formulate; employment of director and inspectors.* "The Workmen's Compensation 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; said Commission is hereby authorized and empowered to employ a competent and discreet person who shall be known as director of safety . . ."

Section 101-54. *Penalty for violation of rules.*

Section 101-55. *Right of entry and inspection; penalty for obstruction;*

public service corporations excepted. "Any member of Workmen's Compensation Commission, director of safety, the inspectors appointed . . . or any other person authorized to do so . . . 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 Workmen's Compensation Commission relating to safety methods or appliances. . . ." Penalty for violation.

Workmen's Compensation

Workmen's Compensation Law is administered by the Workmen's Compensation Commission of Maryland. Sections 101-1 to 101-102.

Occupational Disease Compensation

Sections 101-22 to 101-29. Provide for full coverage for disability from occupational diseases, as defined.

Reporting of Injuries

Section 101-26. Requires employers to report promptly disability from an occupational disease to the Commission.

Section 101-38. Requires employers to report within 10 days of happening, accidents causing disability of more than 3 days to the Commission.

DEPARTMENT OF GEOLOGY, MINES, AND WATER RESOURCES

Section 66C-16. Empowers the Commissioner to have general supervision, among other things, over the inspection, sanitation, ventilation, and safeguarding of mine operations, and examination of applicants for certificates of competency, as mine foremen and fire bosses.

Sections 66C-486 to 66C-674. Contain mining laws. Create within the Department a Bureau of Mines to supervise and enforce all mining laws enacted for health and safety of persons in bituminous coal mines or strip-pings and fire clay mines, and 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.

MASSACHUSETTS

SOURCES: Annotated Laws of Massachusetts
Rules and Regulations of State Agencies

STATE DEPARTMENT OF PUBLIC HEALTH

Annotated Laws of Massachusetts, Section 17-1. Creates the Department of Public Health to consist of a Commissioner of Public Health and a Public Health Council.

Section 111-2. *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 111-3. *Certain Duties of the Public Health Council.* "The Authority and Functions 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 111-5. *Powers and Duties of the Department, in General.* "The department shall take cognizance of the interests of life and health . . . shall conduct sanitary investigations and investigations as to the causes of disease, and especially of epidemics. . . ."

Section 111-5B. *To Control Hazards of Ionizing Radiation.* Provides for registration of sources of ionizing radiation, and for establishing rules and regulations, after public hearing.

"Nothing in this section shall prevent the department of labor and industries from establishing rules and regulations for protection of the health and safety of employees against ionizing radiation in any place of employment as defined. . . . Said department of labor and industries shall consult with the department of public health at least 30 days prior to the adoption or modification of any rules or regulations in so far as they pertain to the health aspects of ionizing radiation. . . ."

Section 111-5I. *Authority to Make Rules and Regulations Relative to Use of Laser Systems, etc., and to Provide Penalties for Violations, etc.* Purpose of the rules and regulations is "to protect the public from hazards of laser rays or beams." The Section does not limit the powers of the Department of Labor and Industries relative to the prevention of accidents or injuries to employees.

Sections 111-128G to 111-128H. Authorize the Department of Public Health to make inspections of farm labor camps, issue certificates of occupancy, and investigate violations of the Sanitary Code. Powers of local boards of health are not restricted.

General Provisions Relating to Occupational Health

Statutory Provisions

Section 111-186A. *Shoe-Fitting Machines Employing Fluoroscopic X-ray or Radiation Principles, Regulated.* "No person shall operate or maintain a shoe-fitting device or machine which uses fluoroscopic, x-ray or radiation principles, except for diagnostic or therapeutic purposes by or under the direction of a physician or chiropodist (podiatrist) registered under the laws of the commonwealth. Violations of this section shall be punished by a fine of not more than twenty-five dollars."

Nuisance Control

Section 111-143. *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. . . ."

Food Sanitation

Chapter 94. Contains laws regulating sanitation and sale of food, drugs and various articles. Responsibilities are divided among the department, local boards of health and others. Emphasis is on cleanliness and wholesomeness of products sold.

Rules and Regulations

Established by Department of Public Health.

1. *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.

2. *Housing and Sanitation Standards for Farm Labor Camps, 1960.*

3. *Rules and Regulations to Control the Radiation Hazards of Radioactive Materials and of Machines which Emit Ionizing Radiation.* Filed with Secretary of State and effective August 1962.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRIES

Authority and Functions

Section 23-1. Establishes the Department of Labor and Industries, under the supervision of Commissioners as specified.

Section 23-3. *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, and they shall, except as otherwise provided, take effect when approved by the associate commissioners. . . ."

Section 149-3. *Inspection.* "The inspection and investigation carried on by the department shall be a regular and systematic inspection and investigation of all places of employment and the conditions of safety and health pertaining thereto."

Section 149-4. *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."

Section 149-5. *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 149-6. *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. . . ." *Penalties for violations.*

Sections 149-8 and 149-9. Deal with hearings on proposed rules and appeals.

Section 149-10. *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 149-17. *Entry into Buildings for Purposes of Inspection; Access to Records.* "For enforcement of the provisions of this chapter, the commissioner . . . the director . . . of division of industrial safety may enter places of employment 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 and as to compliance with all provisions of this chapter and shall have access to all records . . . found essential to such investigations."

Division of Occupational Hygiene

Section 23-11A. *Creation and Powers and Duties.* "In addition to such staff and facilities as may be necessary in the efficient performance of its duties, there shall be employed in the division of occupational hygiene persons having special knowledge of the causes and prevention of occupational diseases. It shall be the duty of the division to investigate conditions of occupation with reference to hazards to health and to determine the degree of such hazards, to investigate and evaluate methods for the control of such hazards, to assist in

the preparation of rules and regulations for the preventing of occupational accidents and diseases, and, in cooperation with the department of public health or otherwise, to promote occupational health and safety education."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Longshoring

Sections 149-18A to 149-18I. Contain safety orders applicable to longshore and waterfront operations. Orders cover such items as sanitary and safety requirements in working areas, power transmission equipment, chains and ropes, personal protective equipment, industrial trucks and tractors, explosives (U.S. Coast Guard regulations), and signs and signals. Section 149-18B requires: "Before allowing employees to enter confined spaces where flammable, poisonous, asphyxiant, suffocant or anesthetic vapors, gases or dusts are likely to exist, the area shall be made free of the hazardous substance; employees shall be advised of the hazard; adequate ventilation shall be provided; and proper respiratory equipment shall be provided where necessary." Penalties prescribed for violations.

Drinking Water

Section 149-106. *Drinking Water to be Provided; Penalty.* Requires all industrial establishments and construction projects to provide fresh and pure drinking water to which employees shall have access during working hours. Penalty for violation upon complaint by local board of health. Industrial establishments include public garages and premises used by trucking and transportation companies where persons are employed.

Humidifying

Sections 149-107 to 149-112. 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 devices to be used for testing humidity; specify limits of humidity in weaving and spinning departments in textile factories; specify sources of water that can be used for humidifying purposes in textile mills; and prescribe penalty for violation.

Lighting

Section 149-113. *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 149-114. *Investigations by Industrial Health Inspectors 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, as in the opinion of the department is practicable, 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 149-115. *Devices for Preventing Injury to Eyes, When to be Provided; Penalty.* "If it appears to an inspector that in any industrial establishment, from the nature of the work or the machinery . . . 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. . . ." Penalty for violation.

Section 149-116. *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. Penalty for non-compliance with order.

Ventilation

Section 149-117. *Ventilation of Factories.* "Every establishment in which one or more persons is employed shall be so ventilated that all gases, vapors, dusts, fumes or any impurity injurious to health, whether generated in the course of the work carried on therein, or otherwise, shall so far as practicable, be rendered harmless."

Dust Removal

Section 149-118. *Devices for Removal of Dust.* "If, in any place of employment, 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 149-119. *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 with fans or blowers, in accordance with the following section. . . ."

Section 149-120. *Same subject.* Deals further with hoods and hoppers.

Section 149-121. *Limitation of sections 119 and 120.* Specifies kinds of grinding machines and emery wheels to which these sections do not apply.

Section 149-122. Authorizes the inspectors to prosecute when sections 117 to 121 are violated.

Safeguards for Machinery

Section 149-127. *Guards for Gears, etc.* Requires safety guards for bearing, 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 149-128. *Wrongful Operation of Traversing Carriages of Certain Machines Penalized.* Prohibits use of traversing carriages in cotton factories within 12 inches of any pillar, column, pier or fixed structure. Penalty for violation.

Section 149-129. *Openings of Hoistways, etc., to Be Guarded.* Requires adequate safeguards.

Section 149-129A. *Shoring of Certain Excavations.* Requires shoring and bracing of trenches on construction work to conform to construction rules and regulations. Penalty for violation.

Section 149-131. *Guards for Shuttles; Penalty.* Requires looms to be equipped with guards or devices approved by the Department. Penalty for violation.

Section 149-132. *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 Facilities

Section 149-133. *Toilet Facilities in Industrial and Railroad Establishments.* Requires adequate, convenient, and sanitary water closets and washing facilities, separate for each sex, in every industrial establishment, including public garages and trucking and transportation premises and railroad establishments where persons are employed.

Section 149-136. *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 industrial 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 149-137. *Toilet Rooms, etc. in Foundries; Penalty.* Requires provision of change and toilet rooms for men employed in foundries, to be "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 149-139. *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

Section 149-141. *Medical Appliances, etc., When to Be Provided; Penalty.* Requires employers in establishments where machinery is used for manufacturing or other purpose to maintain free of expense to employees "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 medical or surgical chest as the department may require. . . ." Penalty for violation.

Benzol and Mixtures Containing Benzol

Sections 149-142A to 149-142G. Prohibit keeping, selling, transporting, storing, or having for use in any manufacturing, mechanical or mercantile establishment, benzol, carbon tetrachloride or other substance, which in the opinion of Departments of Labor and Industries and of Public Health acting

jointly, is so hazardous to health as to warrant regulation, in any receptacle other than part of a vehicle used exclusively for outdoor transportation, unless it is labeled accordingly and together with warnings as both of the aforementioned Departments may require by joint rules and regulations.

Authorize the Commissioners of both Departments, by reasonable rules and regulations, to require reports of the manufacture, sale or use of substances which are so hazardous to health as to warrant regulation. Penalty for violation. Areas of enforcement by both Departments are spelled out.

Industrial Homework

Sections 149-143 to 149-147H. Among other things, provide for the issuance of permits and making investigations to determine whether conditions of employment are detrimental to health and welfare of the workers.

Miscellaneous

Section 149-141A. ***Lifting by Hand Heavy Objects in Textile Factories Regulated.*** Forbids the lifting by hand of heavy objects totalling more than 325 pounds, by persons employed in tending or repairing machinery in textile factories.

Section 149-142. ***Cloths for Cleaning Printing Presses.*** Requires publishers and printers to use sanitary cloth or material for cleaning their presses.

Section 149-159B. ***Payment by Employers for Certain Medical Examinations of Present or Prospective Employees.*** Requires any employer who requests a present or prospective employee to undergo a medical examination by a physician designated by him, as a condition to securing or continuing in employment, to reimburse the employee for the medical expenses.

Rules and Regulations

Adopted by Department of Labor and Industries. (Selected)

1. Industrial Bulletin No. 6. ***Rules and Regulations for the Prevention of Anthrax.*** Effective December 1967.

Preamble to rules discusses the seriousness of anthrax disease, how it may be transmitted, symptoms, medical treatment and cleanliness as a preventive measure.

Rules apply to leather manufacturing, wool processing, animal hair and bristle industry, carpet manufacturing and all other industries where anthrax is a potential hazard. Require installation of adequate exhaust equipment where processes are carried on causing dust which may be injurious to employees; good housekeeping practices; provision of washing facilities, protective clothing to be furnished by employer, individual lockers for street clothes with suitable facilities for work clothes, and drying room where employees are engaged in the handling of wet materials, designation by employer of a responsible official who shall arrange for immediate medical attention for any employee suspected of suffering from anthrax; reporting by employees any sore, boil, or pimple; maintenance of records; and posting of notices regarding dangers of anthrax. Rules provide for modifications by the Department and for penalty for violations.

2. Industrial Bulletin No. 7. ***Rules and Regulations for the Prevention of Accidents in Tunnels, Shafts, Subways, and Work Under Compressed Air.*** Effective February 1961.

Subjects covered include maintenance of accident prevention programs by management; general safety precautions to be taken including protective clothing and safety shoes and goggles; requirements for first-aid equipment

and supplies at every tunnel; tests for dangerous and poisonous gases; requirements for change houses, drinking water and toilets; control of rock dust; provision of adequate ventilation to keep dust concentrations below the maximum allowable as designated; blasting practices; storage and use of flammable materials; transportation and haulage; hoisting operations; storage, handling and use of explosives; and safe practices and operation code.

Regulations governing work in compressed air require employers to notify the Department when such work is undertaken and to have present at all times at least one competent person with authority to require compliance with regulations, and a competent person to make regular inspections; specify pressure shifts and intervals of work for each 24-hour period and requirements for decompression; specify provisions to be observed regarding temperature, lighting, sanitation, air supply, telephone communications, shafts, locks, bulkheads and screens; require medical officers to be present while work is in progress, to perform physical examinations, enforce rules regarding employees working in compressed air, maintain records of inspections and examinations, and to report to the Department within 48 hours accidental death or injury or caisson disease; and specify the conditions to be maintained and equipment for dressing rooms for employees engaged in compressed air work and for medical locks. Prescribe penalty for violations.

3. Industrial Bulletin No. 10. *Rules and Regulations Relating to Safe and Sanitary Working Conditions in Foundries and the Employment of Women in Core Rooms.* Effective 1940.

Rules apply to iron and steel, copper and other metal foundries; contain requirements for construction of entrances to eliminate drafts and safeguarding of gangways leading to molding floors; require removal of smoke, steam, gases or dust by mechanical ventilation; require provision of adequate lighting and heating facilities, drying rooms and lockers; specify the number of water closets and washrooms per number of persons and separate for sex; require routine inspection of processes and working areas as specified, and employees to use safety devices provided for their protection. 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 governing conditions in brass foundries are given.

4. Industrial Bulletin No. 11. *Rules and Regulations Relative to Benzol, Carbon Tetrachloride and Other Substances Hazardous to Health.* Effective May 1957.

Contain examples of warning labels for receptacles containing harmful substances as specified and requirements for markings. Provide for use of other markings when those specified are impractical upon special permission from Commissioners of the Department of Labor and Industries and the Department of Public Health. Require all persons engaged in the manufacture, sale or use of the specified substances, at request of the Commissioners, to furnish reports relative to such substances.

5. Industrial Bulletin No. 13. *Revised Rules, Regulations and Recommendations Pertaining to Structural Painting, 1950.*

Rules apply to all firms engaged in painting operations and regulate safety of 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.

6. Industrial Bulletin No. 14. *Requirements for the Care of Employees Injured or Taken Ill in Industrial Establishments*, 1930.

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.

7. Industrial Bulletin No. 18. *Lighting Code for Factories, Workshops, Manufacturing, Mechanical and Mercantile Establishments*. Effective January 1924.

Code sets forth illumination requirements in terms of foot-candles and for protection from glare. Penalty for violation.

8. Industrial Bulletin No. 19. *Rules and Regulations for Common Drinking Cup and Common Towel in Factories, Workshops, Manufacturing, Mechanical and Mercantile Establishments*, 1961.

Rules prohibit their use. Penalty for violation.

9. Industrial Bulletin No. 4. *Rules and Regulations for Toilets in Industrial Establishments*, 1963.

Rules deal with numerical requirements, location, ventilation, lighting, construction and maintenance of toilet and washing facilities.

10. Industrial Bulletin No. 5. *Rules and Regulations for the Protection of the Health and Safety of Employees from Occupational Diseases Caused by Ionizing Radiation*. Effective January 1962.

Rules contain minimum requirements for use, handling, processing, storage and removal of all sources, materials, instruments and equipment which produce or emit ionizing radiation in all places of employment. Rules cover registration requirements; prohibited employment of persons under 18 years of age and of persons with illness which may be aggravated by work with exposure to ionizing radiation; maximum permissible exposure; conduct of surveys by radiation safety officer; monitoring of atmosphere to insure control of radiation hazards; testing of biological specimens of exposed workers, and testing of sealed sources for leakage; maintenance of records of surveys and of employees' exposures; notification of any incident involving sources of radiation to the Commissioner; warning signs and labels to indicate presence of sources; storage of radioactive materials; requirements for medical examinations; general safety precautions to be taken; exemptions from rules and regulations; and penalty for violations. Appendices list quantities of radioactive materials exempt from application of the rules and regulations; maximum doses permitted in any calendar year or quarter for specified parts of body; and neutron dose equivalent to one rem.

11. Industrial Bulletin No. 12. *Rules and Regulations for the Prevention of Accidents in Construction Operations*. Effective April 1967.

Rules apply to activities connected with construction and demolition projects. Among subjects covered are: responsibilities of employers and employees for safety and health protection; general performance requirements including provision of personal protective apparel and equipment and safeguarding of work areas, equipment and operations; fire safety; specific requirements for first-aid kits, first-aid stations, first-aid men, toilet and washing facilities in accordance with number of workers employed; protection against skin irritants; and drinking water supply. Rules also contain requirements and specifications concerning tools, demolition, excavations, scaffolds and related areas.

12. Industrial Bulletin No. 15. *Rules and Regulations for the Pro-*

tection of the Health and Safety of Employees in the Rubber, Plastic and Allied Industries. Effective April 1955.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 149-18. *Duties of Industrial Health Inspector.* "Every industrial health inspector shall inform himself concerning the health of all minors employed in factories within his district; and whenever he may deem it advisable or necessary, he shall call the ill health or physical unfitness of any minor to the attention of his parents, guardians or employer and of the department."

Section 149-53. 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 149-54. *Investigation 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. . . ." Penalty prescribed.

Section 149-55. 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 149-59. Prohibits night labor for women in manufacturing and mechanical establishments except as specified for females over 21 years. Penalty for violation.

Section 149-60. Prohibits employment of children under 16 in any factory, workshop, manufacturing or mechanical establishment and other listed occupations.

Section 149-61. Prohibits employment of minors under 16 in operating or assisting in the operation of the listed machines and in the specified occupations.

Section 149-62. Prohibits employment of minors under 18 in specified dangerous and/or injurious occupations or places of employment.

Section 149-63. 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 149-99. Provides for observance of meal periods for women and children in factories and prohibits their doing any work during such period.

Section 149-100. Requires meal period after 6 hours of continuous work for women and children in factories. Penalty for violation.

Section 149-103. Requires employers to provide seats for women and children employed in any manufacturing, mechanical, or mercantile establishment and permit their use when not engaged in active duties, and also to provide suitable seats while at work, except when work cannot be properly performed in a sitting position. Penalty for violation.

Reporting of Occupational Diseases

Section 149-11. *Reports to Department by Physician.* "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 of all such reports and all statistics and data compiled . . . shall be furnished on request to the division of industrial accidents and the department of public health. No such report shall be subject to summons nor shall its contents be made public."

Workmen's Compensation

The Workmen's Compensation Act is administered by the Division of Industrial Accidents. Sections 152-1 to 152-75.

Section 152-2. *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. It shall also have the powers and duties set forth in this chapter."

Occupational Disease Compensation

Full coverage by court interpretation.

Reporting of Injuries

Section 152-19. 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, as well as subsequent reports on termination of disability.

MICHIGAN

SOURCES: Michigan Statutes Annotated
Rules and Regulations of State Agencies

DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Michigan Statutes Annotated, Section 3.29 (425). Creates a Department of Public Health.

Section 3.29 (426). *Head of department.* "The head of the department of public health is the director of public health."

Section 3.29 (427). *General transfer of powers.* "Except as otherwise provided in this act, all powers, duties and functions vested by law in the department of health and the state health commissioner are transferred by a type I transfer to the department of public health."

NOTE: The above organizational designations should be read in the appropriate context in the following statutes.

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 especially of epidemics, the causes of mortality, and the effects of localities, employments, conditions and circumstances on the health of the people.

Section 14.7. *Rules and regulations; publication.* ". . . 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. . . ."

Occupational Disease Investigations

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 disease."

NOTE: For further reference, see under *Reporting of Occupational Diseases.*

Agricultural Labor Camps.

Sections 17.424 (1) to 17.424 (14). Act applies to all camps occupied

or used as living quarters for 5 or more migratory workers engaged in agricultural activities including related food processing. Requires operators of such camps to obtain license from the Director of Public Health, and the Director to cause to be made investigations for conformity to minimum standards of construction, health, sanitation and related items. Authorizes the Director to promulgate rules and regulations for the protection of health, safety and welfare of seasonal or temporary workers and members of their families occupying such camps, and the appointment of an advisory committee representing growers, processors, local health departments and others. Act is enforced by the Director, and provides for penalties for violations.

Dry Cleaning Plants

Section 18.577 (37). Authorizes the State Department of Health to inspect, approve and issue permits for operation of Class IV installations. (See under *State Fire Marshal*.)

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Filed with Secretary of State.

1. *Occupational Air Contaminants and Physical Agents*. February 1970.

Rules 1 to 19 contain general definitions; prohibit an employer to allow the exposure of a person to concentrations of a contaminant in excess of the MAC as established in Rules 12 to 19, or to a contaminant or combination of contaminants in concentrations hazardous or injurious to the person's health; list Maximum Allowable Concentrations of air contaminants based on a repeated 8-hour work day exposure; and identify and indicate precautions to be taken for especially hazardous contaminants.

Rules 21 and 22 contain standards for occupational noise exposures, including maximum permissible noise levels of continuous broad-band noise based on daily *exposure* time in places of employment.

Remaining rules deal with illumination; control methods for enclosures and controlled processes; control methods for process spaces containing known or suspected non-respirable atmosphere; inert gas or foam systems; supply ventilation systems; direct fired air heaters; exhaust ventilation systems; and respiratory protective equipment.

Rules 43 to 48 deal with granting of variances, notices of violation of rules, and hearing procedures and appeals.

2. *Minimum Standards for Health Hazard Control in Underground Operations Including Mines and Tunnels*. August 1962.

General ventilation requirements and minimum air supply for operations other than mines and for mines are given for contaminant control of toxic dusts and gases. Ventilation equipment is required to be adequate for contaminant control. Whenever possible and practical, noise control equipment is to be applied to excessive noise sources injurious to health, and ear plugs and ear muffs to be made available for use when necessary.

Standards cover routine testing of the work atmosphere for gas detection; use of respiratory protective equipment as specified in work areas suspected to contain excessive concentrations of hazardous air contaminants or oxygen

deficiency; control of dust by wet drilling methods and wetting down muck piles; safe practices to be observed during blasting; and requirements regarding air supply and exhaust ducts to prevent recirculation.

Supplement to the standards covers signaling devices, requirements for sanitation facilities, housekeeping, first aid and emergency care, and procedures in contested cases.

3. *Regulations Governing the Use of Radioactive Isotopes, X-Radiation and All Other Forms of Ionizing Radiation.* February 1967.

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 statistical summaries of the diseases reported together with the type of employment leading to their occurrence and disseminate the information to all employers as well as information expedient to prevent the occurrence of occupational diseases.

Section 17.432. *Reports; failure to make, falsification, penalty.* Prescribes penalty for failure to report or for wilfully making false statements.

Section 17.433. *Violations of act, prosecution.* Makes it the duty of the State department of health and of the prosecuting attorney of the county involved to prosecute all violations of this act.

DEPARTMENT OF LABOR

Authority and Functions

Section 3.29 (375). Creates a Department of Labor.

Section 3.29 (376). *Head of department.* "The head of the department of labor is the director of labor."

Section 3.29 (377). Abolishes the Office of Commissioner of Labor and transfers all his powers, duties and functions to the Department of Labor.

Occupational Safety Standards Commission

Section 17.49 (4). *Occupational safety standards commission; representation; appointment; terms of office; quorum; compensation; meetings.* Creates within the Department of Labor an Occupational Safety Standards Commission to consist of 9 members as further specified.

Section 17.49 (5). *Safety standards; adoption; promulgation.* "(1) . . . the commission may adopt reasonable safety standards in accord-

ance with the provisions herein provided designed for the prevention of accidents in all places of employment and the protection of the life, health and safety of employees, and amend or rescind such standards.

"(2) Authority to promulgate safety standards is limited to that not granted to other state departments, other agencies within the department, other legally constituted boards or commissions or the federal government."

Sections 17.49 (6) and 17.49 (7). Deal with development of standards; authorize the Commission to appoint and consult with an advisory committee for this purpose; provide for public hearings, filing and publication of standards; stipulate procedure for legislative approval or rejection; and give procedure for variances.

Section 17.49 (8). *Administration and enforcement.* "(1) The director shall administer and enforce the provisions of this act."

Entry and inspection of premises (2). Confers right of entry to authorized employees to make inspections and to determine non-compliance with provisions of the Act or standards promulgated.

Investigation of complaint (3). Authorizes the Department to investigate signed complaints of violations and to inform the complainant the result of the investigation.

Safety order; issuance; contents; quorum (4). Authorizes the authorized employee to issue safety orders for violations as further described.

Notification of compliance (5). Requires employer to notify the Department of compliance with safety order.

Noncompliance with order; procedure (6). Authorizes the Director of the Department to grant additional time for compliance with orders.

Board of Safety Compliance and Appeals

Section 17.49 (9). Creates the Board of Safety Compliance and Appeals, specifies its composition and functions regarding hearings for noncompliance with safety orders.

Section 17.49 (10). Further specifies procedures when employer fails to comply with final safety order of the Board.

Sections 17.49 (11) to 17.49 (14). Create a Safety Education and Training Division in the Department of Labor and outline duties and responsibilities of Division regarding a program for the control of occupational accidents.

General Provisions Relating to Occupational Health and Safety Statutory Provisions

Section 17.49 (2). *Safe and healthful working conditions; methods, processes, devices.* "Each employer shall establish and maintain conditions of work which are reasonably safe and healthful for employees. Each employer's methods, processes, devices and safeguards, including methods of sanitation and hygiene, shall be such as are reasonably necessary to protect the life, health and safety of his employees."

Section 17.49 (3). *Removal or damage to safety devices or safeguards; interference with methods or processes; failure to obey orders.* Forbids employees to willfully remove, damage or carry off safety devices furnished by employer, to interfere in any way with their use by any other person, and to interfere with the use of any method or process adopted for the protection of employees. Requires employees to follow and obey orders necessary to protect life, health and safety within places of employment.

Rules and Regulations

Adopted by Occupational Safety Standards Commission.

1. *General Safety Rules and Regulations for the Construction Industry.* Amended November 1967. Promulgated by the Construction Safety Commission.

Regulations establish minimum safety standards for operations in construction work for the prevention of accidental injuries.

Subjects covered include housekeeping and provision of sanitary facilities and potable drinking water; minimum requirements for first-aid equipment and supplies according to number of employees; personal protective apparel and safety equipment; protection against occupational health hazards—"toxic gases, dusts, fumes, and mists, noise, heat, oxygen deficiency and ionizing radiation"; and employer's responsibility to recognize such hazards and to either eliminate them or provide necessary protection.

Regulations call attention to the rules of the Michigan State Department of Health relating to control of exposures to atmospheric contaminants in places of employment, and to the Department's Division of Occupational Health for investigations of environmental health conditions. Forbid employees to be permitted to work in atmospheres deficient in oxygen or containing harmful substances unless employee is provided with necessary protective equipment, and require respiratory protective devices to be of the type approved by the U.S. Bureau of Mines.

Subsequent rules govern the safeguarding of various construction operations, and equipment.

Safety and health provisions for tunnel workers cover rules for work in compressed air which may be interpreted to apply to caissons. Rules contain specific requirements for compressor plant, material air lock, man locks, and medical lock; require a physician to be in charge of all matters relating to medical examinations and on-site activities in compressed air; specify when medical examinations are to be given; require a medical attendant on job conditions requiring a medical lock, and man locks to be under control of lock tenders; give rules for decompression including table of decompression requirements; and require maintenance of records of workers passing into and out of the pressure working areas.

Other subjects covered are welding and cutting, excavation and shoring, hoists and derricks, scaffolds, temporary electrical installations, tools and ramps.

Employment of Minors

Among pertinent provisions are the following:

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 Director 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 17.714. Lists permissible employments for minors.

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 other permissible employments, provides for issuance of work permits, and prescribes other conditions for permissible employments.

Mines and Mining

Mine Safety Act of 1967

Sections 17.382 (1) to 17.382 (15). Applies to mines and to milling, smelting and other operations needed to render the minerals marketable. Act provides for a Mine Safety Board "to formulate definitions and rules for the protection of life, promotion of health and safety and the prevention of accidents in mines subject to this act"; appointment and qualifications of chief mine safety inspector and mine inspectors; duties of inspectors regarding orders for temporary cessation of mine operations; and for modification of rules upon written request to the Board and appeals of orders. Persons violating provisions are guilty of misdemeanors.

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 Director 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.

Reporting of Injuries

Section 17.49 (15). *Employers' annual reports; form; exemptions; publication of summary; confidentiality of information.* "(1) To assure the availability of accurate, timely statistical data concerning occupational safety, all employers having 1 or more employees simultaneously employed shall submit annual reports . . . of disabling work injuries as defined and in accordance with the standard method of recording and measuring work injury experience (Z16.1, last edition) of the United States of America Standards Institute. Reports shall not call for employees to be identified by name."

This section specifies when employers may be exempted from the above requirements and states details regarding publication of data thus collected.

Bureau of Workmen's Compensation

The Workmen's Compensation Law is administered by the Bureau of Workmen's Compensation. Sections 17.237 (101) to 17.237 (899) (Workmen's Compensation Act, Act 317 of 1969.)

Occupational Disease Compensation

Sections 17.237 (401) to 17.237 (441). Full coverage.

Reporting of Injuries

Section 17.237 (615). 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. Items to be recorded are specified. The Bureau is authorized to require reports based on these records by general order.

Rule 1 of the Bureau requires that employers report all injuries and diseases, causing 7 days or more disability, death or specific losses.

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 in their counties; 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.

STATE FIRE MARSHAL

Sections 18.577 (31) to 18.577 (158). The State Fire Marshal and the Department of Public Health enforce the Act regulating the installation, operation and licensing of dry cleaning and dry dyeing plants. Plants are divided into 4 classes, according to type of solvent used. The State Fire Marshal inspects, approves and issues permits for plant operations in Class I, II and III installations, and the State Department of Public Health for Class IV installations which also must meet the Department's requirements for ventilation. The Department is authorized to delegate the duties of inspections for approval for licensing Class IV installations to local health departments, and to reimburse them. 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. Penalties are prescribed for violations.

DEPARTMENT OF AGRICULTURE

Sections 12.693 to 12.1059 (11). The Department of Agriculture has regulatory supervision over certain food services, including preparation of dairy products and frozen desserts, the business of canning, preserving, and freezing, and over frozen food locker plants. Requirements cover provision of adequate sanitation facilities, ventilation, and lighting, and cleanliness of premises.

MINNESOTA

SOURCES: Minnesota Statutes Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Minnesota Statutes Annotated, Section 144.01. *Membership.* "The department of health as created . . . , is hereby continued under the supervision and control of the state board of health. . . ."

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. . . ."

Section 144.12. *Regulations, enforcement.* "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, except in so far as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. In and by the same 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, migratory or migrant labor camps, and other industrial camps; . . .

"(14) Atmospheric pollution which may be injurious or detrimental to public health; and

"(15) Sources of ionizing radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials."

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 to it, in accordance with the provisions of this section. 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 145.04. *Entry for inspection.* "For the purpose of performing their official duties all . . . employees of the state and local boards of health . . . shall have right to enter any building, conveyance, or place where contagion . . . 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 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 176.688 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 Department of Labor and Industry in preparing rules and regulations and in evaluating industrial health hazards, and under *Rules and Regulations* of the Department of Labor and Industry.

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 Carrotting Solutions.* Adopted October 1941.

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 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 slaughter houses.

4. *Regulations on Ionizing Radiation.* December 1958.

Reporting of Occupational Diseases

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

Section 175.001. *Reorganization of state agency.* "Subdivision 1. *Creation and organization.* The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. . . ."

"Subdivision 5. *Powers and duties.* Subject to the provisions of sections 175.001 to 175.006 relating to workmen's compensation, all of the powers, duties and functions vested in or imposed upon the industrial commission immediately prior to July 1, 1967, are transferred to, vested in, and imposed upon the department of labor and industry."

Section 175.005. *Abolition of former departments of labor and industry and industrial commission.* Provides for the transfer of the then existing powers, duties and functions (1967) to the reorganized Department of Labor and Industry, Sections 175.001 to 175.006.

Section 175.006. *Division of workmen's compensation.*

"Subdivision 1. *Creation and organization.* The division of workmen's compensation is created within the department under the supervision and control of a commission known as the workmen's compensation commission of Minnesota. . . ."

"Subdivision 4. *Powers and duties.* Transfers powers and duties and functions vested in the Industrial Commission prior to July 1, 1967 to the newly established Workmen's Compensation Commission.

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 commissioner may deem necessary and establish. . . ."

Section 175.171. *Powers and duties.* "The department of labor and industry shall have the following powers and duties:

"(1) 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;

"(2) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties . . . and to regulate the mode and manner of all investigations and hearings. . . ."

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 the discharge of its duties the members and employees of the department may enter any factory, mill, workshop, warehouse, mercantile establishment, office, engineering work or other place where persons are employed . . . give such direction as may be necessary to enforce the laws. . . .

"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 department of labor and industry 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 (department) 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.

Occupational Safety and Health Advisory Board

Section 182.50. *Occupational safety, policy and purpose.* "Occupational accidents produce social and economic loss, impair productivity and retard the advancement of standards of living. Both humane and economic considerations recommend the establishment and implementation of effective injury control measures. A unified continuing professional effort is required. A dynamic program of safety inspection, education, and training is necessary for the control of occupational accidents."

Section 182.52. *Conditions of work.* "Each employer shall establish and maintain conditions of work which are reasonably safe and healthful for employees. Each employer's methods, processes, devices, and safeguards, including methods of sanitation and hygiene, shall be such as are reasonably necessary to protect the life, health, and safety of his employees. No person shall render ineffective any protective devices or safeguards installed or provided in compliance with the provisions of sections 182.50 to 182.62 for protection of health or safety."

Section 182.53. *Occupational safety and health advisory board.* Creates the Board to consist of 11 members to be appointed by the Governor with the advice and consent of the Senate, as specified.

Section 182.54. *Standards.* "The board shall propose standards, and may propose by reference nationally recognized standards, for the prevention of accidents in all places of employment and for the protection of the life, health and safety of employees. . . ." Authorizes the Board to consult with ad hoc committees representative of the major interests to be affected.

Section 182.55. *Rulemaking power.* Authorizes the Commissioner of

the Department to adopt the proposed standards of the Board, amend them, or to "issue additional standards by rule."

Section 182.56. *Variations.* Provides for the variations by persons affected by provisions of sections 182.50 to 182.62 or by rules issued.

Section 182.57. *Right of entry and investigation.* Provides for Commissioner or his authorized representative for right of entry and authority to inspect places and to "investigate all matters which may aid in the enforcement of sections 182.50 to 182.62."

Section 182.58. *Enforcement.* Confers on the Commissioner the power to administer and enforce the provisions of sections 182.50 to 182.62.

Sections 182.59 to 182.62. Deal with hearings, variations, penalties, injunctions and jurisdiction.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Equipment and Places

Section 182.01. *Dangerous machinery; powers of department.* 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 department, 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. *Dangerous machinery to be guarded.* "When practicable the points of danger in any machine or mechanism shall be securely guarded by the maker, and the manufacture, sale, loaning or leasing 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 department, 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 therefor. . . ."

Section 182.10. *Crowding of floor space prohibited.* "The floor space in any factory, mill 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 department 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 protective devices.* "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 protective devices.* Requires employees to wear protective devices provided.

Section 182.27. *Commission (department) to approve devices.* "The goggles and helmets required in section 182.24 shall be of a design and material approved by the commission (department) 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 sterilized 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 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 wholesome-

ness 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 (department) 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 (department) 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 (department) 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.* Requires workrooms to be properly heated during the cold weather and where excessive heat is created because of the nature of the process, the provision of heat deflectors, exhaust fans and such other mechanical means as may be necessary. "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. . . ."

The use of salamanders or other heaters that discharge smoke or gas into a workroom in which workers are employed is permitted under conditions as specified.

Sanitation Facilities

Sections 182.35 to 182.40. Deal with the provision of toilet facilities, their construction and 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 (department) 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 department 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 above rules are made applicable to brass foundries. Penalty for violation.

Rules and Regulations

NOTE: The following regulations, adopted by the Industrial Commission of Minnesota and issued by the Department of Labor and Industry, do not reflect the 1967 reorganization changes of the Department of Labor and Industry (see Section 175.006).

Minnesota Regulations Relating to Industrial Safety, 1964 Edition.
(Being revised)

Publication contains 479 Industrial Safety codes of minimum standards relating to acids and caustic liquids, electrical equipment, engines, illumination, machines and machine hazards, power transmission, floors, elevators, ladders, etc. and the following subjects:

Chapter 19. *Welfare and Health.* Requires local exhaust ventilation on listed equipment; safety lenses for eye protection as specified; respirators to be of type approved by Bureau of Mines; foot and leg protection for employees pouring molten metal, acids and other harmful liquids; washing facilities and clothing lockers as specified; and some means of first aid for treatment of accidents and illnesses in every place of employment. "All first-aid treatments shall be administered by some person who has been instructed by a physician or an organization such as the Red Cross and is qualified for such duties." Safety requirements for window cleaners are included.

Chapter 49. *Drinking Water.* Requires an adequate supply of pure drinking water at all construction jobs as specified.

Chapter 50. *Eye Protection.* Requires all employees engaged in cutting or chipping concrete rock, steel or brick to be provided with safety goggles without cost to the employees.

Chapter 51. *Helmets.* Requires all employees engaged in the process of oxyacetylene or electric welding or cutting to be provided with approved goggles or helmets, without cost to the employee; and forbids use of such equipment unless properly sterilized to prevent transmission of diseases.

Chapter 57. *Protection from Dust.* "Where persons are engaged in handling of cement in cars, working in rock-crushing plants or dry grinding of terrazzo, the employees shall be provided with and required to use dust respirators of an approved type, without cost to the employee." Also requires dust collectors on all dust creating operations.

Chapter 62. *Toilets.* Requires provision of sanitary toilet facilities on all construction work; inside and outside toilets to be kept in a clean condition and adequately ventilated and lighted, and as otherwise specified.

Chapter 67. Contains safety requirements for tunnels.

Chapters 80 and 81. *Industrial Environmental Sanitation.* This code was adopted by the Industrial Commission in discharge of its duties under Minnesota Statutes 1949, Section 176.668 relating to occupational diseases. "The Code will be enforced by the Industrial Commission. The Division of Industrial Health of the State Health Department will act as consultants to the Commission on the technical phases in the evaluation and controlling of industrial health hazards."

Code permits appeal for variation from requirements upon application in writing; provides penalty for violation; and sets forth employer responsibility regarding control measures and employee responsibility to use control measures and protective equipment in accordance with the Code.

Provisions regarding control of atmospheric contaminants require that "workers shall not be exposed to concentrations of atmospheric contaminants hazardous to health"; require all containers holding substances known to constitute a health or safety hazard to be labeled in accordance with guide adopted by the Manufacturing Chemists' Association, Incorporated; suggest acceptable methods for control of atmospheric contaminants; contain list of maximum concentrations for gases and vapors, toxic fumes and mists, mineral dusts, radiations, tentative gases and vapors values, and tentative toxic dusts, fumes, and mists values to be used in appraising health hazards and in

evaluating control of atmospheric contaminants; make it the duty of the Commission to review the "values listed at regular intervals, and based upon progress in toxicological knowledge to alter or amend the list where indicated after due notice and public hearing," and to specify other concentrations "which shall apply in exposures of short or intermittent duration, to contaminants capable of causing acute impairment to health."

Code also contains requirements and/or specifications for illumination in working areas, general ventilation and temperature, local exhaust ventilation, personal protective equipment, and housekeeping practices.

Chapter 82. *Service Facilities*. Requirements are set forth for retiring rooms in places where 10 or more women are employed at any one time; and for lunchrooms or facilities in all places of employment where employees are permitted to lunch on the premises.

Chapter 84. *Submission of Plans*. Requires submission of plans showing the location and type of dust, fumes, gas, vapor or mist generating operation and methods of control to the Commission and to the State Board of Health "for review and conditional approval subject to final acceptance after tests have been conducted to determine whether the control measure is effective in maintaining the concentrations of toxic materials below those specified herein."

Chapter 85. *Degreasing Tank Requirements*. Covers design of equipment, location of equipment, local exhaust ventilation, and operation of degreasing tanks.

Chapter 86. *Paint Spray Booths*.

Chapter 88. *Ventilation for Garages*. Requirements cover size of system and submission of plans for review and approval by the Commission and Board of Health.

Chapter 89. Contains specifications for dust collecting systems for stone cutting.

Employment of Women and Minors

Among pertinent provisions are the following:

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 children under 18 in specified practices and theatrical performances 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 183.24. Prohibits employment of women for placing cores into or taking out of ovens.

Section 183.25. Prohibits females employed in core rooms to make or handle cores exceeding 25 pounds.

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 (department) may determine when seats, with or without backs, are necessary and the number thereof."

Reporting of Injuries

Section 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 Department of Labor and Industry, 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 (department of labor and industry) a notice stating . . . with such other specific information as may be required by the industrial commission (department) 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 (department of labor and industry) 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."

Workmen's Compensation

The Workmen's Compensation Act is administered by the Workmen's Compensation Commission, Division of Workmen's Compensation. Chapter 176, as amended.

Occupational Disease Compensation

Section 176.66. Disablement of an employee due to an occupational disease as defined is treated as the happening of an accident within the Workmen's Compensation Law. Full coverage.

Reporting of Injuries

Section 176.231. Requires employers subject to the Workmen's Compensation Law to report within 48 hours to the 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 from the Workmen's Compensation Commission, to report all facts within his knowledge relative to the nature and extent of injury, and extent of disability resulting therefrom. 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 employees of such institution in connection with his duties to the Workmen's Compensation Commission.

INSPECTOR 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

Food Sanitation

The Commissioner of Agriculture 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.

STATE FIRE MARSHAL

Dry Cleaning and Dyeing Establishments

Sections 76.30 to 76.55. Requirements include approval of use of buildings, inspection by Fire Marshal before issuing permit and submission of plans for equipment and its installation for approval. Plants are classified according to solvents used for each of the 4 classes of installations. Safety requirements are specified for construction, installation and operation of equipment and use of solvents.

LANE MEDICAL LIBRARY
STANFORD UNIVERSITY,
MEDICAL CENTER
STANFORD, CALIF. 94305

MISSISSIPPI

SOURCES: Mississippi Code Annotated
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

Mississippi Code Annotated, Sections 25-7024 to 25-7028. Establish the State Board of Health and authorize it to appoint an executive committee to execute all powers vested in it.

Section 25-7029. *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 conditions of . . . railroad and street cars. . . ."

Section 25-7031. *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 objectives 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."

Section 25-7096.5-11. Designates State Board of Health as State Radiation Control Agency.

Factory Inspection

Section 25-6977. *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 25-6978. *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 occurred. . . ."

Section 25-6979. *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 which it is his duty to inspect . . . 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 25-6980. Prescribes penalty for failing to aid inspector.

Section 25-6981. *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 25-6982.

Section 25-6984. Prescribes penalty for violation 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 coming within any of the following regulations . . . for the purpose of making official inspections . . . and it is thereby the duty of every person in the management and control of any such place of business mentioned above to afford free access . . . and render all aid and assistance necessary. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Frozen Food Locker Plants

Sections 25-7129-48.01 to 25-7129-48.18. 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.* June 1954.

Regulations cover duty of employer to inform employees of any hazards associated with their work and to provide necessary safeguards; duty of employees to use protective measures; requirements for water supply, specifications for toilet and washing facilities, dressing rooms and lockers, and lunchrooms; provision of protective clothing or creams against occupational diseases of the skin; cleanliness and maintenance of building and workrooms; provision and maintenance of adequate natural ventilation, exhaust systems to reduce all toxic materials below the maximum allowable concentrations as approved by the State Board of Health; provision of personal protection devices, general industrial safeguards; and requirements for building exits, and illumination.

2. *Regulations for Use of Fluoroscopic Shoe Fitting Machines.* December 1950.

Regulations require registration of shoe fitting machines with Division of Occupational Health, 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.* June 1969.

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.

"Maintenance of exposure levels to dust, fumes, mists, vapors, and gases within the limits stated in the latest edition of the Threshold Limits Values of Air-borne Contaminants as published by and available from the American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, shall be considered prima facie evidence of compliance with the regulation insofar as the substances are concerned.

"Exposure to other materials, not included, shall be kept below injurious concentrations."

4. *Regulations Governing Installation, Operation, and Registration of Coin-Operated Dry Cleaning Machines.* Effective June 1962.

Require registration of such establishments with the Division of Occupational Health, State Board of Health; and set forth requirements for installation, operation and maintenance of machines.

5. *Regulations Governing Radiation.* June 1961.

Reporting of Occupational Diseases

Rules and Regulations Governing Reportable Diseases. Section II, Class 4. Lists dermatitis, occupational pneumoconiosis, poisoning from specific causes and radiation disease as reportable occupational diseases.

"a. Whenever the local health officer shall know of a case of occupational disease or injury, such as those named in Section II, he shall conduct a thorough investigation of the circumstances and report the results to the Mississippi State Board of Health.

"b. The Division of Industrial Hygiene of the Mississippi State Board of Health shall, through investigation, consultation and cooperation with the local health officer and physician, make recommendations to the local health officer for the elimination of existing hazards."

EMPLOYMENT OF MINORS

Among pertinent provisions are the following:

Section 25-6985. Prohibits employment of children under 14 in "any mill, cannery, workshop, factory or manufacturing establishment."

Section 25-6988. Makes it the duty of the sheriff to see that the laws on employment of minors are being carried out.

Section 25-6989. Makes it the duty of the county health officer to inspect the above establishments for sanitary conditions and physical conditions of children employed and report violations to the sheriff. Penalty for violation.

WORKMEN'S COMPENSATION COMMISSION

The Workmen's Compensation Law is administered by the Workmen's Compensation Commission. Sections 25-6998-01 to 25-6998-59.

Occupational Disease Compensation

Sections 25-6998-02 and 25-6998-04 provide for full coverage.

Reporting of Injuries

Sections 25-6998-33 and 25-6998-34. 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 the Workmen's Compensation Commission. Penalty for failure to report.

MISSOURI

SOURCES: Vernon's Annotated Missouri Statutes
Rules and Regulations of State Agencies

DEPARTMENT OF PUBLIC HEALTH AND WELFARE

Authority and Functions

Vernon's Annotated Missouri Statutes, 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. . . ."

Section 191.400. *State board of health—appointment—terms—qualifications—compensation.* Creates a State Board of Health to consist of 7 members as specified.

Section 191.420. *Board may make rules—copies when and where filed.* "The authority previously granted by law to the division of health and the director of the division to make rules and regulations is transferred to the state board of health. . . ."

Section 192.400 to 192.490. *Radiation Protection and Control.*

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, provisions of washing and toilet facilities, prohibition of diseased persons from working in such places, abatement of violations by the Division of Health, and authority to close any food handling place considered a menace to health.

Rules and Regulations

None specifically, other than relating to certain food establishments.

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, 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 (see under Division of Industrial Inspection), 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."

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Authority and Functions

Section 286.010. *Creation of department of labor and industrial relations—industrial commission of Missouri*. . . . "There is hereby created and 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' . . ."

Section 286.060. *Duties, powers, and jurisdiction of industrial commission*. "It shall be the duty of the industrial commission, and it shall have the 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. *Divisions 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. . . ."

Section 291.130. *Inspection fees—refusal of inspection—penalty.* Among other things, prescribes penalty for refusal to admit and to cooperate with inspector.

Section 291.140. *Director to investigate serious accidents—recommendations.* "The director of the division of industrial inspection shall make an investigation of all accidents serious enough to require physical rehabilitation, under the provisions of the state board of rehabilitation, and make safety recommendations to the employers of the injured employees."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 292.020. *Belting, etc., to be guarded.* Requires safeguarding the 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, 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 order when dangerous or unsafe conditions as specified are found. Penalty for non-compliance.

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. Require 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 of Division of Inspection 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 and other apparatus are used in any such process or manufacture or labor . . . 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. Deal with 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. Semiannual inspections are to be made by the Division of Industrial Inspection. Penalty for violation.

Rules and Regulations

None.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 290.040. Limits hours of employment of women in specified industries.

Section 290.060. Prohibits employment of women in industries specified in sections 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 section 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 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.

Section 293.060. Prohibits employment of females in or about mines, except in an office or in a clerical capacity.

Sections 294.011 to 294.030. Prohibit 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.

Sections 564.670 to 564.700. Also prohibit 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; authorize the Division of Industrial Inspection and other designated officers to enforce these sections; and declare any violation a misdemeanor.

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."

Mines and Mining

Sections 293.010 to 293.690. Contain mining regulations for enforcement by Division of Mine Inspection. General provisions cover hours of work; posting of safety rules; sanitation facilities and first-aid equipment to be furnished; safety requirements for air in which men work or travel in mines to be improved under specified conditions including when "it is contaminated with dust or with noxious or poisonous gases in excess of accepted limits as established by the director of the division of mine inspection;" safety requirements for electrical equipment, fire-fighting equipment, escapement shafts and mine railroad equipment. Men exposed for short periods to gas, dust, and fumes must wear permissible respiratory equipment, and if exposure is prolonged, other methods to reduce the hazard must be used. Accidents must be reported without delay to the Division of Mine Inspection and investigated.

Provisions relating to coal mines deal with requirements for mine outlets, escapement shafts, and ventilation; daily examination of coal mines generating explosive gases; employment and duties of shot firers; requirements and prohibitions regarding explosives; signals and hoisting devices; control of coal dust through wetting and rock dusting; and competency requirements for coal miners.

Sections dealing with mines other than coal mines contain requirements for inspections and correction orders regarding safety, ventilation and presence of dust "in such quantities as shall be injurious to the health of employees"; handling and use of explosives; and hoisting equipment and operation regulations.

Division of Workmen's Compensation

The Workmen's Compensation Law is administered by the Division of Workmen's Compensation. Section 287.010 to 287.800.

Occupational Disease Compensation

Sections 287.063 and 287.067. Full coverage as defined; elective.

Reporting of Injuries

Section 287.380. Requires every employer, whether he has accepted or rejected the provisions of this chapter, to report accidents resulting in death or personal injury to the Division of Workmen's Compensation in accordance with rules and regulations established. Penalty for violation.

DEPARTMENT OF AGRICULTURE

Chapter 196. The Commissioner of Agriculture has the authority to regulate and establish standards of cleanliness and sanitation for egg processing plants, frozen locker plants, dairies, and other food processing establishments.

MONTANA

SOURCE: Revised Codes of Montana 1947 Annotated, as Amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Revised Codes of Montana, Section 69-4101. Creates the State Department of Health within the Executive Branch of State government.

Section 69-4103. Deals with appointment and qualifications of members of the State Board of Health.

Section 69-4105. *Administration of laws relating to public health by department.* "With policy guidance of the state board the department has responsibility for administration of laws relating to public health including but not limited to, laws on: (1) industrial hygiene . . . (13) pure foods and drugs . . . (14) insecticides, fungicides, and rodenticides. . ."

Section 69-4106. *Functions, powers and duties of state board.* "(1) The state board shall: . . . (c) bring actions in court for enforcement of health laws . . . (d) after consultation with the executive officers, adopt and enforce rules and standards for carrying out provisions of section 5 (69-4105) of this act and for the preservation of public health and prevention of disease. . ."

Section 69-4110. *Functions, powers and duties of department.* "With policy guidance of the state board of health, the department shall: (1) establish divisions, sections, or units which are necessary to carry out the responsibilities of the department . . .

"(3) Make investigations, disseminate information, and make recommendations for control of diseases and improvement of public health to persons, groups, or the public; . . ."

Industrial Hygiene

Section 69-4201. "*Occupational disease*" defined. "As used in this chapter 'occupational disease' means an illness that: (1) arises from the person's employment; (2) is caused by exposure to a substance or industrial practice which is hazardous to health; (3) has symptoms of an industrial disease which is known to have resulted from the same type of exposure in other cases; (4) is not the result of a person's contacts or activities outside his employment."

Section 69-4202. *Hazardous conditions—correction or prevention.* "The state board of health shall adopt rules and approve orders to correct or prevent conditions which are hazardous to health at any place of employment."

Section 69-4203. *Functions, duties and powers of state department of health.* "The state department of health shall: (1) make studies, make recommendations, and issue orders approved by the state board on industrial

hygiene and occupational diseases; (2) keep complete records of its studies, recommendations, or orders; (3) investigate the conditions of work at any place of employment at any time; (4) report the findings of investigations to the industry concerned and to cooperate with the industry in preventing or correcting conditions which are hazardous to health; (5) enforce provisions of this chapter, and rules adopted by the state board; (6) prepare forms and instructions for reporting occupational diseases and furnish them to physicians, hospitals, clinics, industrial plants, and labor unions on request; (7) investigate reports of deaths from occupational disease to determine the correctness of the report and the cause of the disease; (8) at least once each year compile statistical summaries on occupational diseases reported to the department."

Section 69-4205. *Penalty.* "(1) A person is guilty of a misdemeanor if he (a) does not make a report required by this chapter; (b) does not comply with a rule adopted by the state board; (c) does not comply with an order approved by the state board; (d) willfully makes a false statement in a report. (2) On conviction, he shall be fined not more than five hundred dollars (\$500)."

Sections 69-5801 to 69-5816. *Control of Ionizing Radiation.*

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

Section 69-4204. *Duty of physicians and others to report occupational disease case—reports private records.* "(1) Before the eleventh day after discovery, every physician, person in charge of a hospital or clinic, or state employee shall report an occupational disease to the department. The report shall be on forms prescribed by the department and include: (a) name and address of the diseased person; (b) name and business address of the employer; (c) business of the employer; (d) place of the person's employment; (e) length of time the person was employed at the place where he became ill; (f) nature of the disease; (g) other information required by the department.

"(2) Reports made under this section are neither public records nor open to public inspection. They are not admissible as evidence in any legal action or at a hearing under workmen's compensation laws of this state."

INDUSTRIAL ACCIDENT BOARD

Authority and Functions

Section 92-104. Creates the Industrial Accident Board to consist of three members as specified.

Montana Safety Act (1969)

Section 41-1713. *Board's powers—duty to establish department of safety under a safety director—rule making power—subpoena and other powers.* "In the administration of this act the board:

"(1) 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 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.

"(2) Shall establish a department of safety under the supervision of a safety director, to be appointed by the board, to carry out the provisions of this act. . .

"(3) May make, establish, promulgate and enforce all necessary and reasonable rules and provisions for the purpose of carrying this act into effect and in reference to the investigation of all violations. . . ."

Section 41-1715. *Board's power to prescribe safety devices and fix and order safety standards.* "The board may, after hearing had upon its own motion or upon complaint, by safety orders, rules or otherwise:

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

"(2) Fix reasonable standards and 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 and places of employment.

"(3) Fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe.

"(4) Require the performance of any other act which the protection of the life and safety of employees . . . may demand."

Sections 41-1716 to 41-1724. Deal with notice of hearings on rules and codes, serving orders, notices of violation of safety code, hearings, injunctions, penalties, orders for closure or cessation of work places found unsafe, judicial review and hearings.

Section 41-1725. *Periodic inspections of bazardous places of employment.* Authorizes the Board to inspect places of employment defined in the Montana Workmen's Compensation Act "as being hazardous and the machinery and appliances therein contained for the purpose of determining whether they conform to law." Requires reports of such inspections to be filed with the Board and a copy given to the employer.

Section 41-1727. *Code-making power.* "In addition to such other powers and duties . . . the board shall have the power to promulgate, amend, repeal and enforce rules 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 board may appoint advisory committees to deal with specified industries composed of equal numbers of employers and employees; and others to suggest safety codes or amendments thereto. All safety codes and rules shall, when adopted, be not inconsistent with the then existing widely accepted codes of such engineering bodies as the American Society of Mechanical Engineers, the American Standards Association, the American Society of Safety Engineers. . . ."

Section 41-1728. Deals with granting of variations from particular provisions of the code.

Section 41-1729. *General research and review powers of board—power to appoint advisers.* "The board may: (1) Develop greater knowledge

and interest in the causes and prevention of industrial accidents, occupational diseases and related subjects through:

"(a) Research, conferences, lectures and uses of public communication media,

"(b) Collection and dissemination of accident statistics, and

"(c) Development of staff competent in review of safety codes.

"(2) Appoint advisers . . . who shall assist the board in establishing standards of safety. The board may adopt and incorporate in its orders such safety recommendations as it may receive from such advisers."

Section 41-1730. Makes persons violating any safety provision of the Montana Safety Act guilty of a misdemeanor.

Section 41-1733. *Occupational health hazards.* "The board shall report occupational health hazards discovered in its investigations and inspection of places of employment to the state board of health and shall cooperate with the state board of health in carrying out its duties as specified in Title 69, Chapter 42, R.C. M. 1947."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

(Montana Safety Act, 1969)

Section 41-1710. *Employers to furnish and require safety devices and practices.* "Every employer shall furnish a place of employment which is safe for employees therein, and shall furnish and use, and require the use of, such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render the place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of employees."

Section 41-1711. *Employer's duty to provide and maintain safe place of employment.* "An employer who is the owner or lessee of any real property in this state shall not construct or cause to be constructed or maintained any place of employment that is unsafe.

"Every employer who is the owner of a place of employment, or a lessee thereof, shall repair, and maintain the same as to render it safe."

Section 41-1712. *Removal or refusal to use safety devices prohibited.* Prohibits persons from removing or damaging or refusing to use safety devices or safeguards furnished and provided for his use in places of employment or from interfering with any methods or processes adopted for protection of life and safety.

Section 41-1726. *Workmen to notify employers of safety violations—complaint to board—investigation.* Requires workmen to notify employers of safety violations and if employer fails to remedy the violation, to complain in writing to the Board which shall make an inspection. Copy of the report of the inspection is to be given to the complainant.

Rules and Regulations

Issued by the Industrial Accident Board.

1. *Liquefied Petroleum Gases Safety Orders*, 1955.
2. *Minimum Safety Standards for the Construction Industry*, 1957.
3. *Mining, Quarrying, Milling and Smelting Operations*, 1961.
4. *Sawmills and Woodworking*, 1955.

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; provisions 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, Title 92, is administered by the Industrial Accident Board. Act applies to hazardous occupations which are specifically enumerated.

Occupational Disease Compensation

Sections 92-1301 to 92-1368. Occupational Disease Act. Schedule coverage. Also permits employers who so elect, to insure against disablement by other diseases if such insurance has been approved by the Board.

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.

Silicosis Benefit Act

Sections 71-1001 to 71-1008. The Act provides for monthly payments to eligible persons with silicosis and is administered by the Industrial Accident Board.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Section 41-1601. Creates the Department of Labor and Industry.

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. . . ."

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 employers to provide seats for female employees and to permit their use when duties allow. 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.

Section 71-2601. *State Board of Health; members; appointment; qualifications.* Establishes the Board of Health as a policy-making body, appointed by the Governor as head of the Department.

Sections 71-3501 to 71-3519. *Radiation Control Act.*

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by Department of Health.

Radiological Health Regulations, 1966 and 1967.

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 Section 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.

Rules and Regulations

Adopted by Department of Labor.

1. Nebraska Safety Codes.

Part I. *Construction Work.* Rules contain safety specifications for work areas, 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, metal-working, 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 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 plants that process seasonable agricultural products "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 48-191.

Occupational Disease Compensation

Section 48-151. Personal injury to an employee by accident or occupational disease as defined is compensable. Full coverage.

Reporting of Injuries

Section 48-144. Requires reports of accidents and settlements to be made by employers or insurance companies to the Compensation Court.

DEPARTMENT OF AGRICULTURE

Section 81-201. The Department of Agriculture 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. . . ."

Section 81-2,111.01. Authorizes Director of Agriculture "to study methods of inspection and food handling procedures for improvement in sanitation of restaurants" and to adopt and promulgate rules and regulations.

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. Confers right of entry and issuing of orders 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.

NEVADA

SOURCES: Nevada Revised Statutes
Rules and Regulations of State Agencies

DEPARTMENT OF HEALTH AND WELFARE

Authority and Functions

Nevada Revised Statutes, Section 439.010. *Administration of chapter.* "The provisions of this chapter shall be administered by the state health officer and the health division of the department of health and welfare, subject to administrative supervision by the director."

Section 439.030. Creates the State Board of Health.

Section 439.130. *General powers, duties of state health officer.* "The state health officer shall: 1. Enforce all laws and regulations pertaining to public health.

"2. Investigate causes of disease . . . nuisances affecting the public health, and all other matters related to the health and life of the people, and to this end he may enter upon and inspect any public or private property in the state. . . ."

Section 439.200. *Rules and regulations of state board of health; . . .*

"1. The state board of health shall have power . . . to adopt, promulgate, amend and enforce reasonable rules and regulations consistent with law:

"(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. . . ."

"2. Such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations. . . ."

Sections 459.010 to 459.160. *State Radiation Control*

Special Silicosis Fund

Sections 443.145 to 443.165. Create in the State Treasury a special silicosis fund to be administered by the Health Division of the Department of Health and Welfare for payment of claims for silicosis approved by the Health Division; set forth requirements for eligibility for benefit claims; and provide for cooperation of the Nevada Industrial Commission and the Health Division in determining amount of benefits to be made, and for making available to the State Board of Health all records which may be of use in determining eligibility.

General Provisions Relating to Occupational Health

Statutory Provisions

Sections 440.130 to 440.200. Regulate sanitation of construction and labor camps, employing 5 or more persons. Contain requirements for cleanliness

and ventilation of premises, provision 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

Sections 446.010 to 446.945. Regulate sanitation in food and drink manufacturing, preparing, selling and serving 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.

Rules and Regulations

Adopted by State Board of Health.

1. *Labor Camp Sanitation Regulations*. January 1959.
2. *Laws and Regulations Governing the Sanitation of Food-Service Establishments*, 1963.
3. *Radiation Control Regulations*. January 1962.

Reporting of Occupational Diseases

None.

NEVADA INDUSTRIAL COMMISSION

Authority and Functions

Department of Industrial Safety

Section 618.110. Creates the Department of Industrial Safety within the Nevada Industrial Commission.

Section 618.170. *Rules and Regulations*. "1. Subject to the approval of the Nevada industrial commission, the department shall adopt such reasonable and proper rules as are necessary . . . to provide safe and healthy employment in those employments within its jurisdiction.

"2. Such rules and regulations shall be adopted and approved only after adequate and proper and legally publicized public hearings. . . ."

Section 618.180. *Jurisdiction and authority of department: Safety orders*. "The department of industrial safety shall have full power, jurisdiction and authority over all employments not within the jurisdiction of the inspector of mines, the public service commission of Nevada or other board or commission:

"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 lives 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 lives and safety of employees in employments and places of employment may reasonably demand. . . ."

Section 618.200. *Summary investigation of unsafe places of employment; orders.* "Whenever the department 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. After a hearing upon such notice as it may prescribe, the department may enter and serve such order as may be necessary relative thereto."

Section 618.270. *Obedience to and compliance with orders.* "Every employer, employee and other person shall: 1. Obey and comply with each and every requirement of every order . . . rule or regulation made or prescribed by the department in connection with matters specified in NRS 618.010 to 618.310. . . ."

Section 618.280. Makes every order, rules, findings and decisions admissible as evidence in any prosecution for violations.

Section 618.290. Penalty for violation of safety provisions.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 618.230. *Duties of employers to furnish safe employment.* "Every employer shall: 1. Furnish employment which shall be safe for the employees therein.

"2. Furnish a place of employment which shall be safe for employees therein.

"3. 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 and place of employment safe.

"4. Do every other thing reasonably necessary to protect the life and safety of such employees."

Section 618.240. *Employers not to maintain unsafe places of employment.* Forbids employers to allow employees to go or be in places of employment which are not safe; to fail to furnish safeguards or other safe methods or every other thing reasonably necessary to protect life and safety of employees; and to maintain an unsafe place of employment.

Section 618.250. Forbids employers and owners from constructing places of employment that are not safe.

Section 618.260. *Employees not to remove, destroy, interfere with safety devices, safeguards.*

Rules and Regulations

Issued by Nevada Industrial Commission.

Basic Safety Orders. Effective July 1964.

Subjects covered include the following; employers' and employees' responsibilities; building requirements; window cleaning; mechanical, steam and electrical equipment; specifications for mechanical power transmission guarding; requirements for laundry machinery and operations including dry cleaning and dry dyeing; requirements for first-aid facilities; gas and electric welding requirements and specifications; ventilation and exhaust systems; working equipment, including personal protective equipment; and rules governing quarries and pits.

Section IV deals with orders for *prevention and control of occupational diseases* in accordance with the provisions of the Industrial Insurance Act and the Occupational Diseases Act. General requirements (Chapter I) cover appeals by aggrieved persons; duty of employers to furnish safe place of employment and safeguards, prohibiting use of "any process, material or condition known to have an adverse effect on health, unless provisions have been made to prevent injury to the health of the employees and the public"; and duties of employees including prohibited practices and required use of control measures and equipment provided by the employer for the control of occupational health hazards.

Chapter 2 covers general control methods and lists approved methods for elimination or control of harmful exposures; requires application of adequate warning labels on containers of hazardous chemicals in accordance with guides set forth by the Manufacturing Chemists Association or ICC Regulations for labeling drums and bags; and lists maximum permissible concentrations for gases, vapors, mineral dusts, and metal and miscellaneous dusts, fumes and mist substances. Chapters 3 and 4 contain minimum requirements for general and local exhaust ventilation, and for provision, care and maintenance of personal protective equipment.

Workmen's Compensation

Nevada Industrial Insurance Act is administered by the Nevada Industrial Commission. Sections 616.010 to 616.625.

Occupational Disease Compensation

Sections 617.010 to 617.500. *Occupational Diseases Act*. Provide for full coverage.

Reporting of Injuries

Section 616.345. 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

Section 607.010. Creates the office of Labor Commissioner.

Section 607.150. *Inspection of places of employment; penalty for refusal to allow entry to labor commissioner*. "1. The labor commissioner shall have the power to enter any store, foundry, mill, office, workshop, mine . . . for the purpose of: (a) Gathering facts and statistics . . . (b) Examining safeguards and methods of protection from danger to employees, the sanitary conditions of buildings and surroundings. . . ." Penalty for refusal of such entry.

Section 607.160. *Enforcement of labor laws; wage claims; duties of district attorney*. "1. The labor commissioner shall enforce all labor laws of the State of Nevada the enforcement of which is not specifically vested in any officer, board or commission. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 618.320. *Separate lavatories for men, women to be provided.* Requires separate lavatories and toilet rooms where 5 or more male, and 3 or more female, employees are employed. Penalty for violation. The Labor Commissioner in conjunction with peace officer, shall investigate and report violations to proper officials.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Sections 609.120 to 609.140. Require employers of females to allow at least a 30-minute interval for meal periods and two 10-minute rest periods as specified (except in communication industry); provide suitable seats and permit their use when not engaged in active duties; and furnish and launder all special uniforms.

Labor Commissioner enforces provisions and district attorneys prosecute violations.

Sections 609.190 to 609.270. 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." Empower 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. Prohibit employment of minors under 18 in specified injurious, immoral and dangerous businesses; make it unlawful to employ minors under 14 when school is in session. Prescribe penalties for violations.

STATE INSPECTOR OF MINES

Sections 512.010 to 512.270. Establish the office of Inspector of Mines for making inspections, serving orders when dangerous conditions are found and investigating complaints and accidents; require the Inspector of Mines to notify the Attorney General of refusal or neglect to comply with orders to correct defects or dangers after notice; require reports of fatal and serious accidents to be filed by owners or operators with the State Inspector; and extend applicability of chapter to cover mines, smelters, ore reduction plants and mills, tunnels and other underground excavations.

Sections 518.010 to 518.350. Contain health and safety requirements and prohibited practices in connection with hoisting, use of explosives, means of egress for underground workers, and signals; regulate underground use of internal combustion engines; require wet drilling practices and sprinkling of dust ores; require dust-control programs in enclosed milling, crushing or mineral-processing operations, and specify permissible concentrations for dust containing free silica.

NEW HAMPSHIRE

SOURCES: New Hampshire Revised Statutes Annotated
Rules and Regulations of State Agencies

DEPARTMENT OF HEALTH AND WELFARE

Authority and Functions

Revised Statutes Annotated, Section 126-A:3. *Department Established.* Establishes the Department of Health and Welfare to include a Division of Public Health Services, a Division of Welfare, and a Division of Mental Health.

Section 125:9. *Duties.* "The department of health and welfare, division of public health services, 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."

Section 147:2. *General Regulations.* "The director, division of public health services, 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 his judgment the public good requires, and such rules and regulations shall be enforced by the department of health and welfare, division of public health services, and local boards of health. . . ."
Industrial Health Service

Section 125:16. *Industrial Health Service.* "The department of health and welfare, division of public health services, shall have authority:

"I. 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.

"II. To authorize the division of industrial hygiene to have charge of matters under this section.

"III. To make such rules and regulations as it may deem necessary for the administration of the provisions of this section.

"IV. 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 125:17. *Commissioner of Labor.* "The department of health and welfare, division of public health services, shall forward to the commis-

sioner of labor for his information and use, copies of any investigations and rules and regulations made under the provisions of section 16 hereof. The labor commissioner shall adopt the provisions of such rules and regulations in standards established by him under the provisions of RSA Chapter 277. The commissioner of labor may request the division of industrial hygiene . . . to visit any other factories. This section and section 16 shall not be construed as to prevent the cooperation of the department of health and welfare, division of public health services, with the industrial physicians and nurses in the promotion of industrial health."

Section 125:18. Prescribes penalty for violation.

Radiation Protection

Sections 125:56 to 125:77. ***Radiation Protection and Radiation Control Program.***

General Provisions Relating to Occupational Health

Statutory Provisions

Sections 143:1 to 143:28. ***Sanitary production and distribution of food.*** Deal with sanitary production and distribution of food; define "unclean, unhealthful or unsanitary conditions" of such places which endanger wholesomeness of food; and empower the Division of Public Health Services, among other things, to make inspections and necessary rules and regulations for enforcement of the chapter. Laws also prohibit the employment of persons affected with communicable or infectious diseases.

Rules and Regulations

Adopted by State Department of Health and Welfare (and as otherwise indicated).

1. Regulations Pertaining to the Control and Prevention of Occupational Diseases.

Regulation 1-68. "No person, firm, corporation, or other employer, employing 5 or more persons, 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 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." Requires that exposures to dusts, fumes, mists, vapors, gases, and any material that may affect health be kept below the maximum allowable concentrations as established under Regulation 2-68.

Regulation 2-68. Lists maximum allowable concentrations of toxic materials, the exposures to which shall be kept below the limits "as determined by accepted procedures as established by the State Board of Health in all manufacturing plants." (List up-dated annually)

2. Regulations Pertaining to the Breaking and Disposal of Fluorescent Lamp Tubes. Adopted by State Board of Health, December 1948, and Labor Commissioner, February 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 Carrotting Solutions and Use of Mercurial Carroted Hatters' Fur.* Adopted December 1941.

Regulation 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.

4. *Regulations Governing Coin-Operated Dry Cleaning Establishments.* Adopted June 1962.

Contain general requirements for maintenance of establishments; construction and design of equipment; and installation and operation of machines. Specify minimum air flow rate per specified number of machines; requirements for exhaust systems on cleaning equipment; and methods of preventing liquid leaks. Require daily checks of establishments; supply of make-up air, as specified; and concentration of solvent vapor in combustion air not to exceed 5 parts per million parts of air.

5. *Regulations Governing Air Quality Standards in Underwater Breathing Apparatus (Scuba Diving).* Adopted February 1964.

Require "all persons, companies or corporations which supply air from pressurized containers or from air compressors to scuba divers" to register with the Bureau of Occupational Health, Division of Public Health; specify limits for contaminants; require testing the air of all suppliers of compressed air for scuba diving, twice each season; and require all suppliers to provide suitable intake screening and filtration as needed for the intake side of the compressors.

6. *Rules and Regulations Governing Nuisance from Asphalt Plants.* Adopted June 1963.

Apply to any facility mixing tar, asphalt or similar materials for use as a finish or sub-surface for roads, parking lots, etc. Require notification of such facility on forms supplied by the Department and asphalt plants to be equipped with suitable collectors for removal of particulate matter and the reduction of fumes and gases. Regulate location of portable asphalt plants and require plants and auxiliary equipment to be so maintained as to prevent the unnecessary discharge of excessive amounts of materials into the atmosphere.

7. *Highway Construction Regulations* Adopted August 1968.

"*Rock drilling operations.* When drilling holes in rock or other dust producing material, the dust shall be controlled within the threshold limit values set forth in this regulation under *Respirable Dusts Evaluated by Count.*

"Dust control methods shall be by the use of either water or chemical solutions, suction or exhaust methods, or other equivalent methods."

Table of *Respirable Dusts Evaluated by Count* represent concentrations of silica, silicates and natural graphite "in which it is considered safe for men to work, whether for brief periods or for full working periods daily for an indefinite time."

8. *Regulations Governing the Construction and Sanitation of Migratory Labor Camps.* Adopted January 1956.

9. *Regulations Governing the Construction and Sanitation of Lumber Camps.* Adopted April 1959. (Being revised)

10. *Rules and Regulations for the Control of Ionizing Radiation.* Adopted November 1966.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 618.320. *Separate lavatories for men, women to be provided.* Requires separate lavatories and toilet rooms where 5 or more male, and 3 or more female, employees are employed. Penalty for violation. The Labor Commissioner in conjunction with peace officer, shall investigate and report violations to proper officials.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Sections 609.120 to 609.140. Require employers of females to allow at least a 30-minute interval for meal periods and two 10-minute rest periods as specified (except in communication industry); provide suitable seats and permit their use when not engaged in active duties; and furnish and launder all special uniforms.

Labor Commissioner enforces provisions and district attorneys prosecute violations.

Sections 609.190 to 609.270. 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." Empower 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. Prohibit employment of minors under 18 in specified injurious, immoral and dangerous businesses; make it unlawful to employ minors under 14 when school is in session. Prescribe penalties for violations.

STATE INSPECTOR OF MINES

Sections 512.010 to 512.270. Establish the office of Inspector of Mines for making inspections, serving orders when dangerous conditions are found and investigating complaints and accidents; require the Inspector of Mines to notify the Attorney General of refusal or neglect to comply with orders to correct defects or dangers after notice; require reports of fatal and serious accidents to be filed by owners or operators with the State Inspector; and extend applicability of chapter to cover mines, smelters, ore reduction plants and mills, tunnels and other underground excavations.

Sections 518.010 to 518.330. Contain health and safety requirements and prohibited practices in connection with hoisting, use of explosives, means of egress for underground workers, and signals; regulate underground use of internal combustion engines; require wet drilling practices and sprinkling of dusty ores; require dust-control programs in enclosed milling, crushing or mineral-processing operations; and specify permissible concentrations for dust containing free silica.

NEW HAMPSHIRE

SOURCES: New Hampshire Revised Statutes Annotated
Rules and Regulations of State Agencies

DEPARTMENT OF HEALTH AND WELFARE

Authority and Functions

Revised Statutes Annotated, Section 126-A:3. *Department Established.* Establishes the Department of Health and Welfare to include a Division of Public Health Services, a Division of Welfare, and a Division of Mental Health.

Section 125:9. *Duties.* "The department of health and welfare, division of public health services, 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."

Section 147:2. *General Regulations.* "The director, division of public health services, 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 his judgment the public good requires, and such rules and regulations shall be enforced by the department of health and welfare, division of public health services, and local boards of health. . . ."
Industrial Health Service

Section 125:16. *Industrial Health Service.* "The department of health and welfare, division of public health services, shall have authority:

"I. 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.

"II. To authorize the division of industrial hygiene to have charge of matters under this section.

"III. To make such rules and regulations as it may deem necessary for the administration of the provisions of this section.

"IV. 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 125:17. *Commissioner of Labor.* "The department of health and welfare, division of public health services, shall forward to the commis-

Reporting of Occupational Diseases

Section 140:1. *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 department of health and welfare, division of public health services, a report stating . . . the nature of the disease and such other information as may be reasonably required. . . ."

Section 140:3. *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 140:4. *Copy to Commissioner of Labor.* "It shall be the duty of the division of public health services to transmit a copy of all such reports of occupational disease to the commissioner of labor."

Section 140:5. Prescribes penalty for failure to report.

DEPARTMENT OF LABOR

Authority and Functions

Section 273:1. *Department: Commissioner.* Establishes the Department of Labor.

Section 273:9. *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."

Safety and Health

Section 277:13. *Inspection.* "The commissioner of labor shall cause all places of employment subject to this law to be inspected at intervals to be determined by him, 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 277:15. *Entry.* Provides for right to enter places of employment and to examine the same for purposes of this chapter.

Section 277:16. *Standards.* "It shall be the duty of the commissioner to make and adopt such reasonable standards of general application as may be necessary to give effect to sections 10 and 11 . . ." (The sections require provision of sanitary facilities and safeguards.) Provides for public hearing before standards can be adopted.

Section 277:18. *Added Safeguards.* "Whenever, after inspection as provided in section 13, the commissioner shall be of the opinion that compliance with the standards . . . necessitates the use of any safeguard, or the doing of any other act for which the standards adopted by him do not provide, he shall 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."

Subsequent sections cover petitions, hearings and appeals from orders.

Section 277:38. *Enforcement of Laws, Orders, and Regulations.* "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."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 277:6. *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." Penalty for violation.

Section 277:10. *Sanitation.* "Every employer shall provide and maintain reasonable and proper toilet facilities and reasonably sanitary and hygienic conditions for employees."

Section 277:11. *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 277:12. *Interference with Safeguards.* Prohibits the removal, displacement, or damage of any safety device or safeguard furnished, and interference with use of any method or process adopted for the protection of any employee.

Rules and Regulations

Adopted by Labor Commissioner.

Factory Inspection Standards. Revised 1949.

Standards cover abrasive wheels, belts and pulleys, boilers and boiler rooms, drinking water, electrical safety, elevators, engines, fire escapes and exits, floors and passageways, lighting, mechanical power transmission, miscellaneous (ladders, etc.), railings, stairways, storage and use of flammable liquids, swinging doors, washing and toilet facilities, and woodworking machinery.

The standards also include *Regulations for the Control and Prevention of Occupational Diseases*, adopted by State Board of Health and Labor Commissioner, 1946, and *Regulations Pertaining to the Breaking and Disposal of Fluorescent Lamp Tubes*, adopted by State Board of Health, December 1948, and Labor Commissioner, February 1949. See under rules and regulations of State Department of Health and Welfare for scope of these regulations.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 276:1. Prohibits employment of children under 14 in any occupation except as listed.

Section 276:3. Empowers the Labor 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.

Section 277:8. 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 Labor Commissioner. Sections 281:1 to 281:54.

Occupational Disease Compensation

Section 281:2. Full coverage.

Reporting of Injuries

Section 281:46. Requires every employer subject to Workmen's Compensation Law to keep a record of all injuries, fatal or otherwise, sustained by his employees, and report such within 48 hours after knowledge to the Labor Commissioner. Supplemental reports upon termination of disability are also required to be reported.

NEW JERSEY

SOURCES: New Jersey Statutes Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

New Jersey Statutes Annotated, Section 26:1A-2. Establishes the State Department of Health as a principal Department in the Executive Branch of the State Government.

Section 26:1A-4. Establishes the Public Health Council to consist of 8 members as specified.

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 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. . . ." Requires public hearings and notices prior to final adoption of regulations.

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. Such codes shall be observed throughout the State and shall be enforced by each local board of health and the local police authorities and other enforcement agencies. . . ."

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 relating to the health of the people of the State, and all provisions of the State Sanitary Code; . . . (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 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, cooperate with the State Department of Labor in formulating rules and regulations concerning industrial sanitary conditions; . . .

"j. Enforce the State food, drug, and cosmetic laws. . . ."

Section 26:1A-67. *Powers and duties vested in State Department of Labor or State Commissioner of Labor not affected.* "The powers, duties and functions vested in the State Department of Health under the provisions of this Act shall not be construed to affect in any manner the powers, duties and functions vested in the State Department of Labor or the State Commissioner of Labor under any other provisions of law."

Sections 26:2D-1 to 26:2D-17. *Radiation Protection Act.*

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 prohibited 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 the 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 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 1953.

Regulations were adopted for the administration of Chapter I, Regulation I 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.

3. *Coin-Operated Dry Cleaning Establishment Code of New Jersey* (1962).

Code was approved by State Department of Health for adoption by reference by any local board of health. Code provides for issuance of operator's permit; requirements for construction, operation and maintenance of machines and establishments; requirements for personnel and customer safety; and inspections by health authorities. Establishments in violation are declared "to be a nuisance and detrimental to public health."

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Section 34:1A-1. Establishes the Department of Labor and Industry as a principal Department in the Executive Branch of the State Government.

Section 34:1A-3. *Duties of Commissioner.* "The Commissioner, as head of the department, shall:

"(a) Administer the work of the department; . . .

"(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 34:1-15. *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. . . ."

Worker Health and Safety Act

Section 34:6A-6. *Enforcement of act; entry and inspection.* "The commissioner shall enforce the provisions of this act, make complaints against persons violating its provisions and prosecute violations of the same.

"The commissioner shall have the power and authority to enter and inspect any place of employment, and to make such investigation as is reasonably necessary to carry out the provisions of this act. . . ."

Section 34:6A-7. *Written orders as to violation; imminent physical hazards.* Sets out procedures relating to violations of the provisions of the Act.

Section 34:6A-9. *Rules and regulations.* "The commissioner shall make and promulgate rules and regulations to implement the purposes of this act. Such rules and regulations shall have the force and effect of law and shall be enforced in the manner provided in this act." Rest of section deals with promulgation of rules and regulations and hearings concerning same.

Section 34:6A-10. *Submission of plans and specifications.* Empowers the Commissioner to require by rules and regulations the submission of plans and specifications for his approval of any building to be erected or adapted as a place of employment, and also of the installation of sanitation facilities, fire prevention and protection, exhaust and ventilation systems, etc.

Section 34:6A-12. *Report of accidental deaths, fires, etc.* Requires reporting of such occurrences "to the bureau in the quickest manner possible."

Section 34:6A-14. *Bureau of Engineering and Safety.* Establishes Bureau within the Division of Labor "to administer and enforce the provisions of this act and to perform such other duties as the commissioner may direct or as may be provided by law."

Section 34:6A-15. *New Jersey Industrial Safety Committee.* Establishes the Committee within the Department, not to exceed 100 members, to be appointed by the Commissioner, to function as an advisory group.

Section 34:6A-16. *Industrial Safety Board.* Establishes and specifies composition of the Board. "It shall be the duty of the board to act upon proposed rules and regulations in accordance with the provisions of section 9 of this act."

Section 34:6A-20. *Repealer: savings clause.* Lists sections that are repealed "provided, however that any rules and regulations adopted pursuant to the provisions of any section repealed herein shall remain in force and effect until 5 years following the effective date of this act or until sooner replaced by rules and regulations adopted under the provisions of this act. L. 1965, c. 154, 20."

Sections 34:6A-22 and 34:6A-23 deal with exempted groups and employments and granting of exceptions from literal requirements of rules and regulations.

Section 34:6A-24. *Duties of Health Department not abrogated.* Refers to duties under section 26:1A-1 et seq.

Migrant Labor

Sections 34:9A-1 to 34:9A-34. *Seasonal Farm Labor Act.* Establish the Bureau of Migrant Labor within the Department of Labor and Industry to administer and enforce the provisions of the Act.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Worker Health And Safety Act

Section 34:6A-3. *Safe and healthful place of employment.* "Every employer shall furnish a place of employment which shall be reasonably safe and healthful for employees. Every employer shall install, maintain and use such employee protective devices and safeguards including methods of sanitation and hygiene and where a substantial risk of physical injury is inherent in the nature of a specific work operation shall also with respect to such work operation establish and enforce such work methods, as are reasonably necessary to protect the life, health and safety of employees, with due regard for the nature of the work required."

Section 34:6A-4. *Structural adequacy; fire prevention; ventilation and lighting; elevators.* "The owner of any premises used in whole or in part as a place of employment shall be responsible for its structural adequacy, protection against the origin and spread of fire and for the provision of adequate general ventilation and lighting, emergency egresses, fire warning systems and for safe elevator systems."

Section 34:6A-5. *Protective devices or safeguards; rendering ineffective.* "No person shall render ineffective any employee protective devices or safeguards installed or provided in compliance with the provisions of this act for the protection of the health or safety of any employee."

Mercantile Establishments

Sections 34:2-31 to 34:2-35. Require all floor openings to be protected by trap doors, safety hatches or guardrails; every mercantile establishment to be well ventilated (penalty for failure to do so); and provision of sufficient, suitable and separate toilet facilities for each sex. Authorize the Commissioner to make necessary orders in writing for carrying out provisions of these sections and prescribe penalty for violations.

Industrial Homework

Sections 34:6-120 to 34:6-136.23. Regulate industrial homework; require an employer's 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; specify prohibited homework including the manufacture of articles hazardous to the health or safety of persons employed; require homeworkers to obtain certificate from Commissioner; prescribe conditions of manufacture; and authorize the Commissioner to issue orders and to make necessary rules to carry out provisions of the chapter. Penalties for violations of various sections.

Construction

Sections 34:5-166 to 34:5-181. *Construction Safety Act.*

Rules and Regulations

Promulgated by Commissioner of Department of Labor and Industry.

NOTE: The Administrative Procedures Act of 1968 established the New Jersey Administrative Code (N.J.A.C.) effective September 1, 1969. Safety regulations previously identified by a number are now cited by the N.J.A.C. Citation.

1. N.J.A.C. 12:110. *Plan Filing* (S.R. No. 30). Effective July 1969.

Regulation requires the filing of plans, specifications and related data by employers or owners of buildings or structures used as places of employment within the jurisdiction of the Department and covers required plan filings, required elements of plan filing submittals including fees, approval of plans by the Bureau of Engineering and Safety, and modified procedure for existing building approval. Appendix contains guidelines to details normally required for large or complex projects.

2. N.J.A.C. 12:120. *Sanitation* (S.R. No. 40). Effective December 1969.

Regulation establishes minimum standards for sanitation facilities in places of employment and requires conformance to standards of the State Department of Health or of national organizations when otherwise applicable. Covers water supply and drinking facilities; construction, location, and maintenance of toilet and washing facilities and minimum fixtures required per specified number of employees; employee service rooms and lunchrooms to be provided as specified; waste disposal and housekeeping practices; and special requirements for location of facilities in high hazardous areas and areas of excessive heat, skin contamination, or excessive grime. Requires filing of plans in accordance with S.R. No. 30.

3. N.J.A.C. 12:130. *Precautionary Labeling of Hazardous Chemicals* (S.R. No. 2). Effective December 1967.

The regulation sets forth general warning label requirements for containers holding hazardous substances when used, handled, or stored in places of employment. Appendix contains information on selection of precautionary statements for various classes of hazards; instructions for container handling and storage; and illustrations of label statements for selected chemical products intended for industrial use, prepared by the Manufacturing Chemists' Association.

4. N.J.A.C. 12:131. *Threshold Limit Values for Dusts, Vapors, Fumes, Gases and Mists* (S.R. No. 3). Effective December 1967.

Regulation requires time-weighted average atmospheric concentrations to which a worker may be exposed for an 8-hour working day not to exceed applicable limits listed in Section 5 of the regulation (Threshold Limit Values, adopted in 1966 by the American Conference of Governmental Industrial Hygienists), except as provided for mixture and ceiling values in the Appendix. Requires sampling, testing and analysis to be performed only by technically qualified persons and in accordance with accepted and reliable methods.

5. N.J.A.C. 12:160. *Welding and Cutting* (S.R. No. 11). Effective July 1969.

Regulation is essentially based on *Safety in Welding and Cutting*, USAS Z49.1-1967. Contains minimum standards for the installation, operation and

maintenance of welding and cutting equipment for the protection of workers from injury and illness. Sections are also included on fire prevention and protection, personal protective equipment; and requirements for health protection and ventilation.

6. N.J.A.C. 12:170. *Work in Confined Spaces* (S.R. No. 10). Effective December 1967.

Regulation applies to work in, about or in connection with confined spaces such as tanks, tank cars and trucks, and certain forms of structures such as bins, silos, and manholes, that could give rise to accumulation of hazardous gases, mists, fumes, vapors or dusts, or oxygen deficiency or excess. Contains general safety requirements relative to work in and about confined spaces such as availability of a person for emergency aid, use of required protective equipment, posting of warning notices, emergency aid for overcome victims, and supervision of work being performed; special precautions to be taken such as prohibition of smoking and use of any flame producing agents, use of life lines; preparation of confined spaces prior to entry including tests of the atmosphere for possible hazards from flammability, toxicity, and lack or excess of oxygen, and purging when atmospheric conditions are found to be hazardous; and use of personal protective equipment as specified.

7. N.J.A.C. 12:122. *Local Exhaust Systems in Industry* (S.R. No. 19). Effective June 1951.

Regulation deals with minimum standards of performance, workmanship and materials, safeguards and safe practices in the operation and maintenance of dust, gas, vapor, mist and fume removal systems. Contains 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 prescribes requirements for ventilation of industrial garages and industrial kitchens, fire protection of systems, explosion relief venting, airflow producing equipment, and separating and collecting equipment. Requires submission of plans of installations for examination and approval by the Division of Engineering and Safety.

Other Safety Regulations promulgated by the Department include: *Construction Safety Code*, 1968; *Woodworking Machinery*, 1967; *Pits and Quarries*, 1960; and *Smoking in Manufacturing Establishments*, 1958.

Mines and Mining

Sections 34:6-98.1 to 34:6-98.18 *Mine Safety Act*. Applies to surface and underground mines and to any mining plant handling metalliferous and nonmetalliferous products. Creates a Mine Safety Section within the Bureau of Engineering and Safety to "inspect, investigate, inquire and examine into the operation, workings, methods, safety devices and appliances, machinery, sanitation, ventilation, means of ingress and egress, means taken to protect the lives and insure the safety and health of miners, together with the causes of accidents, injuries and fatalities and means taken to comply with the law; conduct scientific tests to determine amount and condition of air together with contaminants therein . . ."; authorizes inspectors to enter and examine any part of a mine, mining plant, or workings; and specifies qualifications of mine safety engineer and duties as to inspections.

Empowers the Commissioner of Department of Labor and Industry to promulgate rules and regulations which shall have the force and effect of law, serve written notices of violations, and order cessation of operations when necessary for the protection of life, health and property.

The Act also covers general requirements relative to compliance with laws and regulations, posting of warning notices, availability of at least 2 approved portable oxygen breathing apparatus in mines employing 25 or more men underground, and provision of adequate medical care for all work injuries; requirements for safety of mine construction, operations and equipment and for sanitation facilities; regulation of use of explosives; investigation of accidents; and hearings of aggrieved persons before the Commissioner. Penalties for violations.

Common Carriers

Sections 34:6-119.1 to 34:6-119.6. Apply to "every railroad company, express company, car loading and freight forwarding company and airline company which is a common carrier of passengers and freight, or either or both, and which has or shall have in this State, a station, office, . . . assembly points or other place incidental to the conduct of its business as a common carrier. . . ." Require provision in such cases as the Commissioner shall certify to be necessary adequate facilities for the health and comfort of employees, including rest rooms, eating rooms, and adequate sanitation facilities. The Commissioner is authorized to prescribe rules and regulations to administer and effectuate the purposes of the Act. Penalties for violations.

Employment of Women and Children

Among pertinent provisions are the following:

Section 34:2-21.2. Regulates employment of minors between 14 and 16 years of age when not in school. Permits employment of minors under 16 years of age for whom a theatrical employment permit has been issued.

Section 34:2-21.4. Requires at least a 30-minute lunch period for minors under 18 after 5 hours of continuous work.

Section 34:2-21.17. Lists prohibited employments for minors under age 16, and under age 18; and prohibits employment of any minor under age 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 and Industry.

Sections 34:2-21.57 to 34:2-21.64. Regulate employment of minors as actors or performers in theatrical productions.

Section 34:2-29. Requires provision of seats for female employees in any manufacturing, mechanical, or mercantile establishment, or in the service or operations incident to any commercial employment, and permits their use "except when necessarily engaged in the discharge of duties that cannot properly be performed in a sitting position."

Workmen's Compensation

The Workmen's Compensation Law is administered by the Division of Workmen's Compensation. Sections 34:15-1 to 34:15-128.

Occupational Disease Compensation

Section 34:15-31. Provides for full coverage as defined.

Reporting of Injuries

Section 34:15-90. Requires every employer carrying insurance to "make report in accordance with the terms of his insurance policy upon the happen-

ing 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." Supplemental 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.

NEW MEXICO

SOURCES: New Mexico Statutes Annotated, 1953
Rules and Regulations of State Agencies

HEALTH AND SOCIAL SERVICES DEPARTMENT

Authority and Functions

New Mexico Statutes Annotated, Section 12-1-28. *Health and social services department—Creation—Transfer of powers, duties and property.* Creates the Health and Social Services Department and transfers to it all powers, duties, property, records and funds of the former State Departments of Public Health and Public Welfare.

Sections 12-1-29 and 12-1-30. Create the Health and Social Services Board to consist of 5 members appointed by the Governor and confer upon it the duties of formulating and establishing broad policies for the operation of the department and the promulgation of "all official rules and regulations applying to persons and entities outside of the department."

Section 12-1-27. *Health and social services department—Definitions—Reference to existing laws.* "A. As used in this act (12-1-27 to 12-1-31): . . . B. As used in the New Mexico Statutes Annotated, 1953 Compilation:

"(1) 'department of public health . . .' means the health and social services department;

"(2) 'board of public health . . .' means the health and social services board; and

"(3) 'state health director . . .' means director of the health and social services department."

Section 12-1-3. *Departmental powers.* ". . . The state department shall have power: . . .

"(5) To adopt, amend and repeal bylaws, 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 health* . . .

Section 12-1-4. *Activities of 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 of public health.

"(3) Inspect public buildings, institutions, premises and industries and to regulate the sanitation thereof in the interest of public health.

*See Section 12-1-2"

"(4) Regulate the sanitation and conduct in so far as it effects the 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 . . .

"(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 12-1-13. *Additional powers granted 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 or 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 12-1-14. *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 12-1-15. *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 12-1-13 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."

Section 12-1-17. Prescribes penalties for violating orders and rules.

Sections 12-9-1 to 12-9-8. *Radiation Control.*

General Provisions Relating to Occupational Health

Statutory Provisions

Section 12-9-8. *Fluoroscopic or X-ray machines for shoe-fitting—Operation or maintenance prohibited.* "A. No shoe-fitting device or shoe-fitting machine which uses fluoroscopic, X-ray or radiation principles shall be operated or maintained within the State." Penalties for violation.

Rules and Regulations

Promulgated by State Board of Health.

1. *Regulations Governing the Sanitation of Places of Employment.* December 1956.

Apply to places of employment except where only domestic or agricultural work is performed. Require provision of adequate supply of water, drinking facilities, toilet and lavatory facilities, and retiring rooms for women, as specified; maintenance of good housekeeping practices; provision of suitable space for eating facilities when employees are permitted to lunch on the

*See Section 12-1-27

premises; maintenance of good and sufficient ventilation during working hours. "Workers shall not be exposed to concentrations of atmospheric contaminants hazardous to health. Where the materials or processes are such that hazardous exposures may occur, adequate control methods approved by the health officer shall be provided." Require exhaust systems handling dusts, or toxic gases, fumes or mists to be provided with air cleaning devices to remove air contaminants; lighting to assure good visibility; and the use of "all feasible methods of preventing noise levels capable of causing ear damage."

2. *Regulations Governing the Sanitation of Temporary Labor Camps.* September 1967.

3. *Regulations Governing Health Aspects of Ionizing Radiation.* January 1961.

Reporting of Occupational Diseases

Regulations Governing the Reporting of Notifiable Diseases and Accidents, amended November 1959. Group II. *Occupational Diseases and Injuries*. Five classes of diseases and "any other disease, disability or injury contracted as a result of the nature of the person's employment" are reportable to local health officers.

LABOR AND INDUSTRIAL COMMISSION

Authority and Functions

Section 59-1-1. Creates the Labor and Industrial Commission of New Mexico.

Section 59-1-9. *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 in the State of New Mexico, the enforcement of which is not specifically and exclusively vested in any other officer, board. . . ."

Section 59-1-11. *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. . . ." Penalty for refusal of entry.

General Provisions Relating to Occupational Health

None specifically.

Employment of Women and Children

Among pertinent sections are the following:

Sections 59-5-10 to 59-5-12. Require provision of seats for female employees in all establishments and to permit their use when duties allow it,

and make it the duty of the Labor Commissioner to enforce these provisions. Penalty for failure to furnish suitable seats.

Section 59-6-1. Forbids employment of children under 14 years at any gainful occupation when school is in session.

Section 59-6-5. Lists occupations prohibited for children under 16, except as specified.

Section 59-6-6. Prohibits children under 18 years of age to be employed in any mine or quarry or about any place where explosives are used.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Labor and Industrial Commission. Sections 59-10-1 to 59-10-37.

Occupational Disease Compensation

Sections 59-11-1 to 59-11-42. *Occupational Disease Disablement Law.* Schedule coverage; 33 diseases and poisonings are listed.

Reporting of Injuries

Section 59-10-27. Requires all employers subject to the Workmen's Compensation Act to make a written report of all compensable accidental injuries, within 10 days after occurrence, to the Labor Commissioner. Penalty for failure to report.

Section 59-11-39. Requires every employer subject to the Occupational Disease Disablement Law to make a written report to the Labor Commissioner of all claims for disablement filed by his employees during the course of their employment.

Physical Examinations of Employees

Section 59-10-24. Makes it the duty of the workman "at the time of his employment or thereafter at the request of the employer, to submit himself to examination by a physician or surgeon duly authorized to practice medicine in the state, who shall be paid by the employer, for the purpose of determining his physical condition."

STATE INSPECTOR OF MINES

Section 63-3-1. Makes mining laws of the State applicable to coal, metals and other mineral substances, tunnel and caisson operations, ore houses, quarries, pits, and similar workings.

Sections 63-4-5 to 63-4-19. Authorize the State Mine Inspector to make inspections of every mine, issue written notices for correction of unsafe conditions; investigate fatal mine accidents and inspect and pass upon safety of hoisting apparatus; provide for right of entry and for ordering dangerous conditions in mines to be removed, or removal of workmen from danger zones; and provide for appointment of a qualified dust and mine gas engineer to test for gas in mines, take air samples, make dust counts and keep records of all tests conducted.

Sections 63-5-1 to 63-18-13. Apply to coal mines. Among subjects covered are: registration and statistical information; duties of coal mine operators as to safety; prohibited employee practices; qualifications and duties of coal mine officials; general safety regulations for escapeways, fire control and boiler inspection in coal mines; safety requirements relating to ladderways,

hoisting equipment, underground haulage, use of explosives; ventilation requirements in gassy and nongassy mines; timbering; rock dusting including sampling, testing, and method of taking dust samples; and safety of electrical equipment. All operators are required to have officials and employees trained in first aid, and to provide and maintain first-aid equipment and supplies as specified. Operators employing 50 or more men are required to maintain rescue stations and apparatus as specified and to have two or more crews of five men each trained in the use of oxygen breathing apparatus and gas masks.

Sections 63-19-1 to 63-28-20. Apply to mines other than coal. Scope of provisions is similar to those for coal mines.

Section 63-31-1 to 63-31-16. Creates a mining Safety Advisory Board and provides for adoption of rules and regulations by the Board.

Rules and Regulations cover diesel equipment in underground mines; sinking of shafts; transportation of explosives; use of ammonium nitrate-fuel oil compositions for underground blasting in mines other than coal; and requirements effective in the uranium mining areas.

Miscellaneous

Section 63-30-6. **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 63-30-7. **Failure to provide care of lead poisoned employee—Recovery of expenditures.** "If any such corporation, person or persons engaged 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
Sanitary Code of State Department of Health
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

NOTE: Unless otherwise indicated, section numbers refer to *Public Health Law*, McKinney's Consolidated Laws of New York.

Public Health Law, Section 200. Continues the Department of Health in the State government.

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 the reporting and control of disease; (d) engage in research into morbidity and mortality . . . (g) promote education in the prevention and control of disease; . . . (n) supervise and regulate the sanitary aspects of camps, hotels, boarding houses, public eating and drinking 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 . . . (s) supervise and regulate the public health aspects of the use of ionizing radiation and the handling and disposal of radioactive wastes. . . ."

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 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 . . . (h) cause to be made from time to time, examinations and inspections of all labor camps and enforce the provisions of the sanitary code relating thereto; . . .

"2. The commissioner and any person authorized by him so to do, may without fee or hindrance, enter, examine, and survey all grounds . . . vehicles, structures, apartments, buildings and places. . . ."

Section 220. Establishes the Public Health Council and specifies its composition.

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 . . . (m) require that application be made for a permit to operate a farm or food processing labor camp as defined in the sanitary code . . . prescribe standards for living quarters at farm and food processing labor camps, including provisions for sanitary conditions; light, air and safety . . . (q) require that application be made for the registration of a radioactive installation. . . ."

Section 229. *Sanitary code; violation; penalties.* "The provisions of the sanitary code shall have the force and effect of law . . ." Penalties are prescribed.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by Public Health Council.

Sanitary Code, 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 specified 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.* 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 as to repeated exposure, signs to bear the names of the State Department of Health and State Department of Labor; 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.

DEPARTMENT OF LABOR

Authority and Functions

NOTE: Unless otherwise indicated, section numbers refer to *Labor Law*, McKinney's Consolidated Laws of New York.

Labor Law, Section 10. *Department of labor; industrial commissioner.* Continues in the State government a Department of Labor, to be headed by the Industrial Commissioner, appointed by the Governor, by and with the advice and consent of the Senate.

Section 12. *Board of Standards and Appeals.* Creates the Board and specifies its composition.

Section 12-d. *Advisory council on farm labor safety.* Establishes in the Department "an advisory council on farm labor safety to make a study and investigation of the problems of providing protection to farm workers against injuries arising out of their employment. Such study and investigation shall include: (a) the unique and special conditions involved in farm safety; (b) the need for education and training programs for the protection of farm workers against accidents; (c) the identification of areas where existing educational and training programs are insufficient . . . (d) the methods of encouraging farmers and farm groups to establish such . . . programs; and (e) all matters and approaches for the protection of farm workers against accidents referred by the industrial commissioner." Section also specifies composition and qualifications of the members of the Council.

Section 20. *Divisions or bureaus.* "Existing divisions or bureaus in the department shall continue until changed, consolidated or abolished pursuant to this section. The commissioner may establish such divisions or bureaus as may be necessary for the administration and operation of the department. . . . Each division and bureau shall be subject to the supervision and direction of the commissioner. . . ."

Section 21. *General powers and duties of commissioner.* "The commissioner shall be the administrative head of the department and shall have . . . general administrative supervision over the several divisions, boards . . . whether established under the provisions of this chapter or the workmen's compensation law and in connection therewith, 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 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. The board may require licenses to be applied for and issued by the commissioner as a condition of carrying on any such industry, trade, occupation or process. . . . The board may also require medical inspection and supervision of persons so employed or applying for such employment, and may prescribe other appropriate requirements.

"3. The rules may be limited in their application to certain classes of 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. . . . The commissioner may appoint committees composed of employers, employees and experts to suggest rules or changes therein. Every rule adopted and every amendment or repeal thereof shall be promptly published as part of the industrial code.

Section 30. Provides for variations from code requirements, petitions and hearings.

Section 31. *Violations of provisions of labor law: the industrial code; the rules, regulations or orders of the industrial commissioner and the board of standards and appeals.* Prescribes penalties.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 200. *General duty to protect the health and safety of employees; enforcement.* "1. All places *** shall be so constructed, equipped, arranged, operated and conducted as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein or lawfully frequenting such places. All machinery, equipment, and devices in such places shall be so placed, operated, guarded, and lighted as to provide reasonable and adequate protection to all such persons. The board may make rules to carry into effect the provisions of this section.

"2. If the commissioner finds that any machinery, equipment, or device in any place *** is in a dangerous condition, or finds that any area *** is in a dangerous condition, he may attach a notice to such machinery, equipment, or device, or post a notice in such area warning all persons of the danger. Such notice shall prohibit the use of such machinery, equipment, or device or prohibit further work in or occupancy of such area until the dangerous condition is corrected and the notice is removed by the commissioner, or until sixty days have elapsed, whichever period is shorter." Rest of paragraph deals with the filing with the Board petitions for review of orders.

"3. Whenever a notice is attached or posted as provided in subdivision two of this section, the attorney general may institute a proceeding to enjoin the use of such machinery, equipment, or devices, or to enjoin further work in or occupancy of such area. Such proceeding shall not be stayed by the filing with the board of a petition for a review of the validity or reasonableness of a commissioner's order pursuant to section one hundred ten of this chapter.

"4. In the exercise of his powers to protect the health and safety of employees the commissioner shall, in municipalities which have accepted the applicability of the state building construction code, enforce the provisions of such code in factories, mercantile establishments and places of public safety assembly with respect to: (a) sanitation and health facilities; (b) guarding against and minimizing fire and industrial radiation hazards; (c) safety of vertical transportation; and (d) adequacy of exits."

Section 201-b. *Fees for medical examination.* Makes it "unlawful for any employer to require any applicant for employment to pay cost of a medical examination required by the employer as a condition of original employment." Exception is cited under collective bargaining agreement providing for repayment of such cost by the employer to the applicant. Penalty for violation.

Section 202. *Protection of persons engaged at window cleaning.* Requires owners, managers and agents of public buildings to provide safety devices and requires the use of such devices by employees.

Section 202-a. *Protection of aerial performers from accidental falls.* Requires provision of appropriate safety devices to arrest or cushion fall and minimize the risk of such injury to performers.

Section 202-b. *Prevention of personal injuries at carnivals, fairs, and amusement parks.* Empowers the Board of Standards and Appeals to make rules guarding against personal injuries to employees working at such places outside of New York City.

Section 202-d. *Coin-operated machines performing a manufacturing*

*** Indicate omission of words "to which this chapter applies."

process. Authorizes the Board of Standards and Appeals to make rules governing construction, maintenance, use and operation of coin-operated machines "necessary for protection of lives, health, and safety of employees and of persons lawfully using such machines."

Section 203. *Washrooms, washing facilities and waterclosets for elevator employees.* Requires the provision and maintenance of adequate and convenient facilities for all persons employed in operating freight or passenger elevators.

Section 203-a. *Seats in certain passenger elevators or relief for the operator.* Requires passenger elevators to be equipped or furnished with seats for use of operator when elevator is not being operated. "Notwithstanding the operator is allowed the recess and lunch periods herein specified." Does not apply to factories or buildings with one passenger elevator.

Section 204-a. *Examination of plans; fees.* Specifies fees to be charged by Commissioner for examination of plans for approval for the construction or alteration of buildings to be used or occupied as a factory or mercantile establishment, and for installation or modification of exhaust or ventilating systems.

Section 205. *Prohibition against eating meals in certain workrooms.* Prohibits employees taking any food into a room "where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases exist in harmful conditions or are present in harmful quantities as an incident or result of the business carried on in such working place." Requires posting of notice to this effect, prohibits employees to remain in any such room during time allowed for meals unless his presence is necessary for conduct of business, and requires employer to provide suitable facilities for eating.

Section 222-a. *Prevention of dust hazard in public works.* "In the construction of public works by the state or a public benefit corporation or a municipal corporation or a commission 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 for the construction of such work requiring the installation, maintenance and effective operation of such appliances and methods and . . . if this section is not complied with, the contract shall be void." Further specifies use of approved appliances and methods for elimination of silica dust hazard. Provides penalty for violation.

Section 257. *Illumination.* Requires that proper lighting be provided during working hours in the specified work areas in factories.

Sanitation

Sections 291 to 294. Require every room in a factory to be kept in a safe and clean condition and in proper repair; provision of sufficient supply of clean and pure drinking water for use of employees; provision of washrooms, dressing rooms, toilet rooms in all factories which are to be adequately ventilated, heated, lighted and maintained; 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."

Section 296. *Laundries.* Makes provisions relating to factories applicable to all public laundry work.

Section 297. *Unclean factories.* Requires affixing to articles the word "unclean" upon finding evidence of contagious disease in a factory, and notifying the local board of health.

Ventilation

Section 299. *Ventilation, heating and humidity.* Requires every workroom in a factory to be provided with and maintain sufficient means of natural or mechanical or both means of ventilation and proper degrees of temperature and humidity; all machinery creating dust or impurities in quantities tending to injure health of employees to be equipped with proper hoods and pipes connected to an exhaust fan of sufficient capacity and power to remove them; and use of appropriate suction devices at point of origin if dust, gases, fumes, vapors, filters or other impurities are generated or released in any workroom of a factory, in quantities tending to injure health of employees. Authorizes the Board of Standards and Appeals to make rules for and fix standards of ventilation, temperature and humidity in factories, and to prescribe special means when required, for removing impurities or reducing excessive heat, and for the machinery and appliances to be used. Authorizes the Commissioner to issue orders directing compliance with the requirements or rules adopted thereunder, and to require the filing of plans and specifications for changes or alterations for approval.

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

Section 310. *Foundries.* Requires foundries to conform to provisions relating to factories and also to construct and maintain entrances and windows so as to minimize drafts and gangways so as to be safe; and to remove smoke, steam or gases generated and to perform milling and cleaning of castings and the milling of cupola cinders in accordance with rules of the Board. Prohibits use of heaters discharging smoke or gas into workrooms, and requires first-aid kits to be provided, and where 10 or more persons are employed, washrooms, lockers and adequate toilet facilities.

Section 311. *Employment of females at core-making.* "No female shall be employed in a foundry at or in connection with the making of cores, where an oven in which the cores are baked is in operation in the same rooms or space in which the cores are made. A partition separating the oven from the space where the cores are made shall not be sufficient, unless the partition extends from floor to ceiling and is so constructed and the openings therein so protected that gases and fumes from the core oven will not enter the space in which women are employed. The board may adopt rules regulating the construction, equipment, maintenance and operation of core rooms and the size and weight of cores that may be handled by women."

Industrial Homework

Sections 350-363. Regulate "the manufacturing in a home, in whole or part, with material which has been furnished by an employer, of any article or articles to be returned to the said employer."

Empower the Industrial Commissioner to "determine within what industries conditions may permit of industrial homework . . . without unduly jeopardizing the factory workers in such industries as to both wages and working conditions and without unduly injuring the health and welfare of the industrial homemaker himself"; require employers to secure necessary permits; prescribe conditions of manufacture; provide for periodic inspection of every

house in which industrial homework is permitted; provide for inspection of health records "of any department of health or health authorities as will aid the commissioner in carrying out his duties"; and prescribe conditions under which permits and certificates may be revoked or suspended. Authorize the Commissioner to make rules and regulations necessary to carry out the provisions.

Mercantile and Other Establishments

Sections 376-382. **Sanitation.** Set forth sanitation requirements for mercantile establishments and restaurants covering cleanliness and safety of premises, drinking water, washrooms, dressing rooms, lunchrooms, water-closets and ventilation, temperature and humidity.

Mines, Tunnels and Quarries

Sections 400 to 405. Require informing the Commissioner of new openings, abandonment or discontinuance of shafts, inclines, tunnels or quarries; blasting operations to conform to rules prescribed by the Board; inflammable supplies to be stored at safe distance from mine or tunnel openings and provision of washroom when more than 25 persons are employed. Prohibit employment of females in or in connection with a mine or quarry.

Sections 410 to 417. Apply to safety requirements in mines and tunnels only.

Compressed Air

Sections 425 to 432. Prescribe equipment and work conditions for safety of workers; require employers to keep at place of work one or more medical officers to care for cases of illness and make physical examinations of new employees, employees absent for ten or more days, and of employees who have worked in compressed air continuously for 3 months; prohibit users of intoxicants to work in compressed air; authorize the Board of Standards and Appeals to specify working time in compressed air in any 24 hours and require that "no person shall be subjected to pressure exceeding fifty pounds except in emergency"; require period of decompression as specified by the Board for persons passing from compressed air to normal pressure; and authorize the Board to adopt further requirements and standards.

Rules and Regulations

Promulgated by Board of Standards and Appeals.

1. Industrial Code Rule No. 1. ***Employment of Women in Canneries.*** Effective December 1957.

Applies to employment of women in canning or preserving perishable fruits and vegetables in food preserving establishments between June 25 and August 5 in any year. Limits employment of any employee to not more than 12 hours in any one day or more than 6 days or 66 hours in any week when specified conditions prevail; and sets forth general requirements for sanitation and comfort of employees including provision of seats for female employees when work can be performed in a sitting position, adequate drinking water, toilet and washing facilities, lighting and ventilation.

2. Industrial Code Rule No. 9. ***Sanitation.*** Effective October 1947.

Applies to "sanitary facilities for employees in all factories, mercantile establishments, restaurants, places of public assembly, and all other establishments where sanitary facilities are required by the provisions of Labor Law. . . ." Contains specifications for provision and location, type and construction of toilet facilities, heating and ventilation of toilet rooms; require-

ments for washing facilities and washrooms, dressing rooms for females, drinking water; requirements for lighting and general maintenance of rooms and facilities; and provisions for privies and other closets without flush, where water flush cannot be supplied.

3. Industrial Code Part 10. *Equipment, Maintenance and Sanitation of Foundries and the Control of Dusts, Gases, and Fumes in Foundries.* Effective July 1956.

Code sets forth safety requirements concerning entrances and work spaces, furnaces and furnace operation, equipment for handling of materials, cleaning and finishing, inspection and maintenance of equipment, and personal protection equipment other than respiratory. Requires maintenance of a first-aid kit in foundries not maintaining a first-aid station, or a room or hospital in charge of a nurse.

Requirements concerning dust, fume and gas control include maximum allowable concentrations for dust, lead, carbon monoxide and sulphur dioxide. Methods for the control of dusts, fumes and gases are prescribed. Plans showing the location and type of dust, fume or gas generating operations and the methods of control must be filed with the Industrial Commissioner, for examination and for approval after tests for approval of control methods have been made as specified. Requirements are given for local exhaust ventilation, wet methods of dust control, general ventilation, respiratory protective equipment, sanitation facilities, and facilities for drying employees' clothing. Prohibits females from handling cores which have a temperature of more than 110 degrees Fahrenheit, and from making or handling cores when combined weight of core, corebox and plate exceeds 25 pounds. Standards used in examination of plans include specifications of performance tests, hoods and enclosures, air velocities, air control equipment and air flow producing equipment.

4. Industrial Code Rule No. 12. *Control of Air Contaminants in Factories.* Effective April 1961.

Rule lists references to other Code Rules applicable in part or whole to the control of air contaminants in factories which shall govern when inconsistent with this Rule. Subjects covered include responsibility of employers and employees in complying with the Rule; general requirements and methods for prevention and removal of air contaminants; specific requirements for certain operations such as grinding and polishing wheels, tank operations and abrasive blasting; storage and use of flammable liquids; and the provision, installation, operation and maintenance of control or protective equipment. Includes a list of air contaminants with quantities which when exceeded shall constitute prima-facie evidence that such contaminants are dangerous air contaminants, except when they exist only momentarily and infrequently.

5. Industrial Code Rule No. 17. *Quarries and Open-Pit Mines.* Effective September 1950.

Rule applies to "all quarries and to all open-pit mines and to all operations directly connected therewith, to and including the primary crushing operation". Dust control in drilling operations shall be conducted according to provisions of Rule No. 33, and in rock crushing operations, Rule No. 34.

Rule sets forth general and specific provisions covering, among other items, use of personal safety protective equipment, sanitation facilities, first-aid equipment, supplies and first-aid corps, explosives, blasting, flammable liquids, electrical equipment, haulage and handling, and hoisting equipment, and safety requirements for primary crushing operations.

6. Industrial Code Rule No. 18. *Exhaust Systems*. Effective April 1961.

"This rule is a reference rule only and establishes requirements and standards in regard to the construction and maintenance of exhaust systems required by any provisions of the Labor Law or of the Industrial Code except as hereinafter provided." Subjects covered include: general provisions; submittal of plans and specifications for approval; operations, maintenance, and requirements for exhaust systems; piping design of systems handling dust; piping design of systems handling fumes, gases and vapors; air movers; disposal of discharged air; air flow and branch pipe requirements; open surface tank operations; tumbling processes; exhaust systems for abrasive blasting operations, for crushing, milling, screening, mixing and conveying, for welding, brazing, plane cutting and metallizing, and for gases from motor vehicles operating in enclosed areas; and industrial products coating. Appendix contains information on properties of specific materials and processes.

7. Industrial Code Rule No. 22. *Work in Compressed Air*. Effective January 1967.

Rule applies to work in compressed air and to all places, operations, buildings and equipment directly associated with such work. Requires presence of owner's representative in all matters of joint responsibility under the Labor Law and Industrial Code; makes employer responsible for effecting compliance with provisions of rules, and employee for carrying out rules and using safety devices furnished him; and further requires presence of superintendent while work in compressed air is in progress.

Subjects covered include general operating requirements to insure safety of the workmen, and posting of instructions for guidance of compressed air workers; work and rest periods (as required in Section 430 of Labor Law); instructions in application of the required decompression along with a series of decompression tables; provision of equipment, lighting, heating and ventilation in man locks and of special decompression chamber when total time of decompression exceeds 75 minutes; regulation of pressure in working areas; air supply for chambers and man locks; requirements for compressor plants, change houses, sanitation facilities below ground, and other installations; signal codes to be used for transmitting signals from working chamber in caissons; explosives and blasting; fire prevention and fire fighting; and special provisions for tunnels and caissons.

Rule requires maintenance of a first-aid room and equipment within 100 yards of the entrance shaft, to be equipped with a medical lock and necessary equipment for treatment of compressed air illness and first-aid treatment of other injuries; employment of a physician trained in compressed air work to be available at all times for immediate service and making physical examinations, a registered nurse on every job, and first-aid personnel on each shift below ground; reporting of compressed air illness to the Industrial Commissioner; preemployment examinations of new employees including preliminary tests in medical lock, and periodic examinations at regular intervals not exceeding three months; criteria for physical fitness of compressed air worker; and the preservation of all medical records.

8. Industrial Code Rule No. 23. *Protection of Persons Employed in Construction and Demolition Work*. Effective August 1963.

Rule applies to "all work of the types performed in the construction, erection, alteration, repair, maintenance, painting or moving of buildings and structures other than buildings and includes, by way of illustration, but not by way of limitation, the work of land clearing, earth moving, grading,

excavating, trenching, pipe and conduit laying, road and street building, concreting, equipment installation and the structural installation of wood, steel, glass, masonry and other buildings in any form or for any purpose."

Rule is comprehensive and prescribes general or detailed provisions and requirements for the protection of health and safety of workers. General provisions cover, among other subjects, the control of dusts and gases by ventilation or otherwise so as to prevent concentrations tending to injure health or obstruct vision; provision of approved eye protection equipment, respirators, other personal protective equipment; and provision of sanitation and drinking facilities.

Among the broader areas covered are demolition, excavation, concrete work, special provisions for building construction and various types of scaffolds, ladders, safety belts, material handling and hoisting machinery, cranes and devices, lift and fork trucks, pile drivers, etc. General requirements are also given for welding and flame cutting, control of lead fumes and dust in structural steel work and for painting in confined spaces. Rules prohibit employment in breathing zone atmospheres in which exhaust gases may tend to injure health.

9. Industrial Code Rule No. 25. *Toxic Gases in Mines, Tunnels and Shafts*. Effective March 1940.

Rule covers explosives fume classification, explosives for use underground, operating practices, and control of atmospheres underground. Appendix A-6 contains "Approved Method of Determining Carbon Monoxide and Inflammable Gas."

10. Industrial Code Rule No. 28. *Protection of the Needle Trades in All Industries*. Effective February 1962.

Rule prescribes safety and related requirements covering aisles along tables, seats, cutting and finishing tables, guards on moving parts, steam pressure apparatus, lighting, temperature, humidity and ventilation. Requires first-aid kits and space for equipment as specified unless a separate hospital room in charge of a registered nurse is maintained for use of employees.

11. Industrial Code Rule No. 29. *Dry Dyeing Plants and Dry Cleaning Plants*. Effective January 1967.

Rules set forth general restrictions applying to dry dyeing or dry cleaning operations and facilities; requires employees in dry dyeing and deterging rooms to be issued certificate of fitness, and proprietors of such plants, certificates of compliance with provisions of the Labor Law and the Code. Require filing of construction plans for approval by the Commissioner. Specify requirements or prohibitions relating to: location and construction of all dry dyeing, deterging and drying rooms and exits therefrom; approved system of apparatus, equipment and operations; fire prevention; guarding of machinery; sanitation and comfort; illumination; and ventilation of wet dye houses or rooms.

12. Industrial Code Rule No. 30. *Tunneling Operations*. Effective December 1957.

Rule applies to all operations under normal atmospheric pressure in connection with the excavation and construction of tunnels. General provisions cover miscellaneous items including observance of rules, maintenance of equipment, inspection and maintenance of excavations, general ventilation, protective clothing, safety shoes, belts, goggles and eyeglasses, and repair of equipment. Requires dust control in drilling operations to conform to Industrial Code Rule 33 relating to control of silica dust in rock drilling.

Specify "blasting and mucking operations shall be so conducted that the concentration of dust in the air breathed shall not exceed 10,000,000 particles per cubic foot when working in rock containing 10 per cent or more weight of free silicon dioxide, or 100,000,000 particles per cubic foot when working in rock containing less than 10 per cent by weight of free silicon dioxide." Require "every unusual occurrence resulting from fire, water, cave-in, broken hoistway gear, flammable gas or explosion, and every personal injury requiring medical treatment beyond ordinary first aid" to be reported by the superintendent to Bureau of Mines, Quarries, Tunnels and Explosives, Department of Labor.

Requirements are set forth concerning sanitation facilities, lighting and ventilation. First-aid requirements include the provision and maintenance on the premises of stretchers, woolen blankets, waterproof blankets, and availability of motor ambulance; first-aid supplies as specified; a trained first-aid corps "in every tunnel where less than 50 men per shift are employed per shift . . . consisting of the superintendent, all foremen, and at least two additional persons employed underground, designated by the superintendent", and in tunnels employing 50 or more men per shift, also shift bosses and timekeepers.

Specific safety requirements are prescribed for exits and openings; explosives; storage, transportation and supply of flammable and combustible liquids; electrical equipment, hoisting, signal systems, haulage and handling equipment; and for protection against water and supports.

13. Industrial Code Rule No. 31. *Underground Mining Operations*. Effective March 1949.

Rule applies to all underground mining operations. General requirements deal with responsibility of employer for safety, inspection and maintenance of equipment and working places, general ventilation, and prohibited practices. Rock drilling operations are to be conducted in compliance with provisions of Industrial Code Rule 33. "Blasting and mucking operations shall be so conducted that the concentration of dust in the air breathed by workmen shall not exceed 10,000,000 particles per cubic foot when working in rock containing 10 per cent or more by weight of free silicon dioxide, or 100,000,000 particles per cubic foot . . . in rock containing less than 10 per cent by weight of free silicon dioxide." Method of determining dust concentration is specified. Require reports of every unusual occurrence resulting in a hazardous or dangerous condition as specified, and of deaths occurring in a mine or outside of such mine from injuries received therein to be reported to the Bureau of Mines, Tunnels, Quarries and Explosives.

Requirements are specified for sanitation facilities, lighting and ventilation; aid to the injured (stretchers, blankets, first-aid supplies, trained first-aid corps, ambulance, safety goggles); and communications. Safety rules are prescribed for exits and openings; storage and use of explosives and combustible liquids; electrical equipment; and for hoisting, signal systems, haulage and handling equipment; drilling and timbering.

14. Industrial Code Rule No. 33. *Control of Silica Dust in Rock Drilling*. Effective June 1945.

Require "all rock drilling operations in silica-bearing rock shall be executed so that there will be no dissemination of injurious silica dust concentration into the atmosphere." Require use of only dust control equipment and methods approved and tested by the Industrial Commissioner in

accordance with standards set forth in Appendix A-8; and for inspection and tests of dust control equipment during operation by the Commissioner.

"Injurious silica dust concentration shall mean dust produced from drilling silica-bearing rock which is in excess of the following values as determined by an approved dust count method (see Appendix A-8). Class 1. One hundred million particles per cubic foot of air as specified in subdivision (b). Class 2. Ten million particles per cubic foot of air, as specified in subdivision (b)."

Appendix A-8. Contains approved dust count method; standards for testing dust control equipment and dust control methods; and requirements for wet methods of dust control and wet drilling operations; and facilities for change houses to be provided as specified.

15. Industrial Code Rule No. 34. *Control of Silica Dust in Stone Crushing Operations*. Effective July 1942.

Rule applies to all stone crushing and associated processing operations involving exposure to dust containing free silicon dioxide. Requires operations to be so conducted that there shall be no exposure to atmospheric dust concentrations in excess of a maximum allowable dust concentration as defined; specifies methods of dust sampling and dust control; requires filing of plans showing location and type of dust-generating operations and methods of dust control used for examination by the Industrial Commissioner and the making of tests as specified for obtaining certificate of approval of installations; prescribes general and specific requirements for local exhaust ventilation systems, wet methods of dust control, general ventilation, and respiratory protective equipment; and provides for variations from above requirements by Board of Standards and Appeals.

16. Industrial Code Rule No. 35. *Control of Silica Dust in the Stone Cutting and Stone Finishing Industry*. Effective September 1941.

Rule applies to "all stone cutting and finishing operations in stone cutting plants and in connection with the construction, renovation and alteration of buildings, bridges, monuments and other structures." Maximum allowable dust concentrations, according to three classes of stone formation as determined by content of free silicon dioxide—10 per cent, 10 to 70 per cent and more than 70 per cent by weight—are set at 100 million, 10 million and 5 million particles per cubic foot of air, respectively. Prescribes procedures for determination of atmospheric dust concentration and methods of dust control; requires filing of proposed plans showing location and type of dust generating operations and methods of dust control for examination by the Industrial Commissioner and the making of tests as specified for obtaining certificate of approval of installations; prescribes general and specific requirements for local exhaust ventilation systems, wet method of dust control, general ventilation, and respiratory protective equipment.

17. Industrial Code Rule No. 38. *Radiation Protection*. Effective October 1962.

Rule applies throughout the State to "every person, who, in any industry, trade, occupation or process in the State, transfers, receives, possesses or uses any radiation source while such source is free from and not subject to the regulatory powers and jurisdiction of any of the following: The State Department of Health, New York City Department of Health, the State Public Service Commission, the U.S. Coast Guard, the U.S. Civil Aeronautics Board, U.S. Interstate Commerce Commission, or the U.S. Post Office Department."

Rule establishes 16 exemptions from requirements of the Rule; requires registration, except as provided, of every installation and mobile source with the Commissioner; specifies requirements for licensing and special requirements for persons exempted from licensing. Radiation protection requirements cover permissible occupational dose, permissible dose in uncontrolled areas; disposal of radioactive material; limitations on human use; surveys, checks and tests, personnel monitoring equipment, radiation symbol, signs, labels and control devices; posting notices; maintenance of exposure and related records; reporting to the Commissioner incidents involving radiation source, excessive concentrations, theft or loss of radiation source; reports to individuals of their dose and exposure to concentrations of radioactive materials; and inspections and tests by the Commissioner. Rules list tables of exempt concentrations, exempt quantities, and concentrations in air and water above natural background.

18. Industrial Code Rule No. 42. *Sanitation and Shelter for Railroad, Pullman and Express Company Employees.* Effective November 1960.

Contains detailed requirements for toilet, washing, drinking water, locker and lunch facilities at terminals, stations, offices, depots, shops, engine houses, attended sub-stations and power houses; sleeping facilities at terminals and stations; facilities for yard employees and for maintenance of way employees; cleanliness and maintenance; heating, ventilation and lighting.

19. Industrial Code Rule No. 43. *Coin-Operated Machines.* Effective March 1966.

Rule applies "to coin-operated machines which perform or are used to perform any manufacturing process, and to the manufacturers, owners and operators thereof, and to the places in which such machines are exposed for operation." Requires "every machine shall be so constructed, maintained, used and operated as to provide reasonable and adequate protection to the lives, health and safety of employees and of all persons lawfully using it," and prohibits use of machine when it or its place of operation is defective or unsafe. General safety requirements are further specified for all machines. Requires after March 1, 1966 approval of plans for installation or material change of a dry cleaning machine as well as its operation; prescribes general safety requirements for service areas, for machine and exhaust ventilation in room in which a dry cleaning machine is installed, and for handling of solvent and residue. Requires posting of instructions in the proper operation of the installed machines and proper procedure in event of solvent spillage or gas discharge. Requires complete and substantial enclosure for plastic injection molding machines, and for car washing machines. After March 1, 1967 appropriate safeguards are required on front-loading type of laundry washing machines and laundry dryers.

20. NOTE: Among the many other Industrial Code Rules that have been promulgated are the following: *Tree or Brush Cutting, Trimming or Removal Around or Near Power Lines or Power Facilities* (No. 3, 1967); *Milling Industry and Malt House Elevators* (No. 11, 1967); *Guarding of Dangerous Machinery, Vats and Pans* (No. 19, 1966); *Protection of Persons Employed at Window Cleaning—Structural Requirements, Equipment and Procedures* (No. 21, 1966); *Mercantile Establishments* (No. 26, 1967); *Laundry Work* (No. 27, 1955); *Explosive Powered and Projectile Tools* (No. 40, 1964); *Aerial Performers* (No. 41, 1952); and *Transparent Glass Doors in Mercantile Establishments and in Public and Commercial Buildings and Structures* (No. 47, 1968).

Employment of Women and Minors

Labor Law, Sections 130 to 140. Regulate employment of minors. Prohibit employment of minors under 14 years of age in or in connection with any trade, business or service, except as specified. Prohibit likewise, employment of minors 14 or 15 years, and 16 and 17 years of age when "attendance upon instruction is required by law," and list permissible employments. Prohibited employments applicable to all minors under 18 are listed.

Specify requirements for employment certificates; require physical examination of employed minors 16 or 17 years of age when in judgment of medical inspector of the Department of Labor such minors are physically unfit for work at which they are employed, and specify procedure for cancellation of certificates; and authorize Commissioner to prosecute violations of Education Law relating to child performers, child models, street trades, and newspaper carrier boys.

Section 203-b. *Seats for female employees.* Requires the provision of sufficient number of suitable seats in factories, mercantile establishments, elevators, hotels and restaurants as may be reasonable for the preservation of the health of female employees and to permit their use when duties allow it.

Section 206-a. *Physical examination of females.* "Whenever an employer shall require a physical examination of a female by a physician or 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." Requires posting of notice to the effect.

Section 206-b. *Employment of females after child-birth prohibited.* Employment is prohibited within four weeks after she has given birth to a child.

NOTE: See also Section 311 under *Statutory Provisions.*

STATE WORKMEN'S COMPENSATION BOARD

The Workmen's Compensation Law is administered by the State Workmen's Compensation Board. Workmen's Compensation Law, Sections 1 to 401.

Occupational Disease Compensation

Sections 37 to 49gg. *Occupational Diseases.* Occupational disease is treated as the happening of an accident within the meaning of the chapter. Full coverage.

Reporting of Injuries

Section 110. Requires every employer 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 which have caused no loss of time or in which the employees returned to their regular employment after not more than 3 days if there is no evidence of further disability.

NORTH CAROLINA

SOURCES: General Statutes of North Carolina
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

General Statutes of North Carolina, Section 130-4. Creates the State Board of Health.

Section 130-9. *Powers and duties of the State Board of Health.* "The State Board of Health . . . shall have the power and duty to adopt, amend, and rescind rules and regulations under and not inconsistent with the laws of this State necessary to carry out the provisions and purposes of this Article and to enable the Board and its administrative staff to administer and enforce the public health laws of this State. . . ." Procedures for public hearings and filing regulations are outlined.

Section 130-11. *Duties of the administrative staff of the State Board of Health.* "The administrative staff of the State Board of Health shall have and exercise such administrative duties and authority as may be assigned by the State Board of Health including the following:

"(1) To enforce the State health laws and the rules and regulations established. . . .

"(2) To investigate the causes of epidemics, and of infectious, communicable and other diseases; . . . and to provide, under the rules and regulations of the Board, for the detection, reporting, prevention, and control of communicable, infectious, occupational or any other diseases or health hazards considered dangerous to the public health.

"(3) To develop and carry out, with the approval of the State Board of Health, reasonable health programs . . . that may be necessary for the protection and promotion of the public health and control of disease.

"(4) To make sanitary and health investigations and inspections authorized by this chapter or by regulations. . . .

(Industrial Hygiene)

"(5) To conduct studies and research concerning the prevention of disease, the promulgation of life and the promotion of physical health and mental efficiency . . . ; including occupational health hazards and occupational diseases arising in and out of the course of employment in industry; and to make recommendations for the elimination or the reduction of such occupational health hazards. The industrial hygiene unit of the State Board of Health shall, under the direction and supervision of the Industrial Commission, carry out all of the provisions of the Workmen's Compensation Act with respect to the occupational disease work, and the State 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 required by the Industrial Commission has been completed, the State Board of Health may use the services of the industrial hygiene unit for such other work as the Board may deem advisable. . . ."

Sections 130-24 to 130-26. Authorize the State Board of Health (or any local board of health) to adopt by reference codes or parts of codes, provided they are filed with the Secretary of State.

Chapter 104C. *Atomic Energy, Radioactivity and Ionizing Radiation.*

General Provisions Relating to Occupational Health

Statutory Provisions

Sections 130-166.1 to 130-166.15. Deal with sanitation of agricultural labor camps. Forbid any person to operate an agricultural labor camp unless he has obtained a permit from the local health department having jurisdiction; require camps to be maintained in a sanitary condition and to comply with requirements for water supply, washing and toilet facilities, construction and food facilities as specified; empower the State Board of Health to enforce the article.

Rules and Regulations

Adopted by State Board of Health.

Rules and Regulations for Protection Against Radiation, 1964.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

Section 95-1. Establishes the Department of Labor under the direction of the Commissioner of Labor.

Section 95-4. *Authority, powers and duties of Commissioner.* ". . . said Commissioner shall have authority and be charged with the duty: . . .

"(4) 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. . . .

"(5) To visit and inspect . . . at reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops . . . where goods, wares, or merchandise are manufactured, purchased, or sold, at wholesale or retail.

"(6) 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 95-11. *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, 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 . . . (e) The Division shall conduct such research and carry out such studies as will contribute to the health, safety and well-being of the working classes. . . . The findings of such investigations, with the approval of the Commissioner of Labor and the Governor . . . shall be promulgated as rules and regulations governing work places and working conditions . . . (f) The Division shall make, promulgate and enforce rules and regulations for the protection of employees from accident and from occupational disease. . . ."

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.* Require all persons and corporations employing males and females to provide and maintain separate toilet facilities for each sex; prescribe penalty for violations; empower police officers in towns and cities to investigate and prosecute violations in local courts, and county sheriffs to have jurisdiction of establishments located outside of any town or city; and empower the Department of Labor to investigate all places of business employing males and females and to make rules and regulations for enforcement of these sections.

Section 14-357.1. Prohibits employer from requiring applicants for employment to pay cost of any medical examination he may require. Commissioner of Labor enforces sections; penalties prescribed.

Rules and Regulations

Approved by Governor of North Carolina and Commissioner of Labor.

1. *Safety and Health Standards for Industrial, Mercantile and Service Establishments, 1965.*

Health standards cover general requirements for first aid; heating and air conditioning including temperatures for specified activities; ventilation control of dust, gases, fumes and vapors through natural and/or mechanical ventilation of work places; personal protective equipment of approved types as a temporary measure or where complete elimination of contamination is impractical; lighting standards in foot-candles for specified location and types of work; provision of potable drinking water; toilet facilities as specified and adequate washroom facilities.

Safety standards cover escapeways, stairways, ramps and platforms, ladders, floors, lift and power trucks, abrasive wheels, power transmission and machine guards, and personal protective equipment, among other items.

The following Supplementary Bulletins have been issued in conjunction with the above Safety and Health Standards:

- No. 1. *First Aid*—An Advisory Guide on Emergency Medical Care.
- No. 2. *Lighting*—An Advisory Guide on Industrial Lighting.
- No. 3. *Ventilation Control of Dust, Gases, Fumes, and Vapors*—An Advisory Guide to Better Employee Health.
- No. 4. *Electrical Installations*—An Advisory Guide on Electrical Safety.

No. 5. *Welding*—An Advisory Guide on Safe Practices and Procedures.
 No. 6. *Personal Protective Equipment*—An Advisory Guide on Safe Practices and Procedures.

2. *Health and Safety Standards for Surface Mines, Pits and Quarries*, 1967.

Require every employer to use every reasonable precaution to provide safe and healthful working conditions for employees whether provided for in standards or not. Health standards require that preventive or protective measures shall be taken that will reduce hazardous contaminant concentrations in drilling, crushing and screening operations, found to exceed the threshold limit values as defined by the State Board of Health "or which are detrimental to the health of the exposed employee as confirmed by technical studies of the State Board of Health;" provision of potable drinking water; maintenance of adequate first-aid supplies and equipment; provision of first-aid training; and provision of toilet facilities as specified.

Safety standards cover general safety requirements or prohibitions regarding openings, moving parts of machinery, housekeeping, personal protective clothing, handling equipment, haulage and transportation, crushing equipment, tanks and boilers, fire prevention, and explosives and blasting.

3. *Rules and Regulations Governing the Construction Industry*. Effective July 1948.

Employment of Women and Minors

Rules apply to trenching, excavation, demolition, building and construction work and contain safety requirements to be observed by employers and employees, and governing workplaces, equipment and operations.

Among pertinent provisions are the following:

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 specified hazardous occupations and places of employment.

Section 110-7. Prohibits employment of minors under 18 "at any process where quartz or any other form of silicon dioxide or an asbestos silicate is present in powdered form" or involving exposure to lead and benzol and their compounds, spray painting and handling of unsterilized hides or animal or human hair. Other prohibited employments are listed.

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 74-24. Contain laws regulating 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 of mines; investigation and reporting of accidents; duties of Division of Standards and Inspection with respect to mine examinations and investigations of fatal accidents. Minors under 16 years of age are not allowed to be employed. Penalty for violation.

Rules and Regulations Governing Mining Industry. Effective October 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 by the State Board of Health or found to be detrimental 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.

INDUSTRIAL COMMISSION

Authority and Functions

Section 97-77. Creates the Industrial Commission to administer the Workmen's Compensation Act.

Section 97-76. **Inspection of bazardous employment; refusal to allow inspection made misdemeanor.** "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 employments 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 cooperate 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."

Workmen's Compensation

Workmen's Compensation Act. Sections 97-1 to 97-101.

Occupational Disease Compensation

Section 97-53. Schedule coverage. Twenty-seven diseases 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. Supplementary reports must also be made upon termination of disability. 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 such 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."

Following sections deal further with requirements for subsequent examinations of employees with asbestosis and silicosis, removal of employees from hazardous occupations, and hearings.

DEPARTMENT OF AGRICULTURE

Chapter 106. The Department of Agriculture has jurisdiction over foods and drugs, and creameries, slaughterhouses, bottling of soft drinks, bakeries, 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.

NORTH DAKOTA

SOURCES: North Dakota Century Code, Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

North Dakota Century Code, Section 23-01-01. Establishes the State Department of Health and the Health Council.

Section 20-01-03. *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 of the things which may be required in the proper performance of the various duties placed upon the state department of health."

Section 23-01-04. *Effect of rules and regulations.* "All rules and regulations promulgated by the health council . . . shall have the force and effect of law."

Section 23-01-05. *Health officer—Qualifications, salary, terms, 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; . . ."

Sections 23-20-02 to 23-20-06. *Radiation* (Registration of sources).

Sections 23-20.1-01 to 23-20.1-11. *Ionizing Radiation Development.*

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Established by the Health Council.

Regulation 80. *Minimum Requirements for Sanitation in Places of Employment*, 1959.

Regulations apply to all permanent places of employment, except where domestic, mining, or agricultural work only is performed, and cover the following: general requirements for housekeeping, waste disposal and for inspections to insure compliance; lighting to be in accordance with American Standard for Industrial Lighting; provision of ventilation in accordance with requirements of authorities having jurisdiction, or with minimum ventilation rates per person listed; requirements for adequate water supply, drinking, toilet, and washing facilities; provision of change rooms where employees are exposed to "skin contamination with poisonous, infectious, or irritating material," retiring rooms for women where 10 or more women are employed;

and lunchrooms where there is exposure to injurious dust or other toxic materials. Food handling shall be in accordance with the regulations of authorities having jurisdiction, or in absence of such regulations, with recommendations of the Public Health Service.

Reporting of Occupational Diseases

None.

WORKMEN'S COMPENSATION BUREAU

Authority and Functions

Section 65-03-01. *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."

Section 65-03-02. Provides for penalties for failure to comply with safety rules or regulations.

Section 65-11-01. *Appointment (Safety Engineer)—Term of office.* "The commissioners of the North Dakota workmen's compensation bureau shall appoint a state safety engineer. . . ."

Section 65-11-04. *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 chapter; 9. Evaluate the effectiveness of safety programs and develop and recommend the cooperative measures indicated; 10. Make 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 Industrial Safety Code. July 1960.

Rules contain safety regulations and requirements for use of personal protective equipment; provision of first-aid supplies and services by employer; adequate 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 any toxic or poisonous vaporizing liquid as a fire extinguishment, fluid or cleaning agent; housekeeping practices; use of hand tools; precautions in places where atmosphere is unsafe because of gas; handling and storing materials; lighting; electrical hazards; excavations and trenches; and safeguarding machinery and mechanical contrivances.

References are made to various American standards for more specific requirements, copies of which are on file in the State Capitol Building.

Workmen's Compensation

Workmen's Compensation Act. Sections 65-01-01 to 65-10-03.

Occupational Disease Compensation

Section 65-01-02. "Injury" is defined to include "any disease which can be fairly traceable to the employment." Full coverage.

Reporting of Injuries

Section 65-01-07. Requires every employer to keep a record of all injuries fatal or otherwise, and within one week after occurrence to report same to the Workmen's Compensation Bureau. Penalty for violation.

DEPARTMENT OF LABOR

Authority and Functions

Section 34-05-01.1. Creates the Department of Labor.

Section 34-05-01.3. *Duties of commissioner of labor.* "The Commissioner of Labor shall: 1. Improve working conditions and living conditions of employees and advance their opportunities for profitable employment; . . . 9. Administer the provisions of Chapter 34-06 relating to wages and hours, chapter 34-07 relating to child labor, and the provisions of chapter 34-12 relating to labor-management relations; . . ."

Section 34-06-03. *Commissioner may adopt standards.* "The commissioner, in the manner prescribed in this chapter, may ascertain and prescribe: . . . 2. Standards of conditions of labor for employees in any occupation within this state and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of employees in any such occupation. . . ."

Section 34-07-19. *Duties of commissioner of labor—Prosecutions for violations of chapter.* Authorizes the Commissioner of Labor to distribute necessary blanks to school officers and authorities and to exercise general supervision of the provisions relating to child labor. Provides for right of entry for him and his agents and for inspection of all establishments in which minors may be employed. Violations of this chapter brought to the attention of the Commissioner are to be referred to the state's attorney for prosecution.

Employment of Minors

Among pertinent provisions are the following:

Section 34-07-01. Lists employments prohibited to minors under 14 years of age.

Section 34-07-16. Lists employments prohibited to minors under 16 years of age.

Section 34-07-18. Authorizes peace officers to visit employments within their jurisdiction to ascertain whether any minors are employed contrary to provisions of this chapter, and to report all cases of illegal employment to the Commissioner of Labor.

STATE COAL MINE INSPECTOR

Sections 38-01-01 to 38-07-09. Contain coal mining laws. Among subjects covered are the following: appointment of State Coal Mine Inspector by the Commissioners of the Workmen's Compensation Bureau; qualifications of the Inspector; his powers and duties relating to inspections; violations of regulations, and various reports; licensing of coal mines; and mine foremen examinations and qualifications.

Section 38-06-01 authorizes the State Mine Inspector to "promulgate, issue, and enforce all necessary and proper rules and safety regulations relative to any operation over which he has jurisdiction", prescribe safety equipment to be worn and used, and issue orders making it unlawful to operate internal combustion engines in underground mines.

Sections dealing with health and safety in mines further cover: duties and qualifications of mine foremen and miners; requirements for safety of shafts, cages and general equipment, means of egress and passageways; requirements for ventilation, quantity of air per person, and maintenance of separate air currents as specified; handling and storage of explosives; duties of miners regarding inspections of their workplaces; safeguards to be taken by machine operators; maintenance of signal systems; responsibilities of hoisting engineers; provision of adequate washhouses and first-aid supplies and equipment; records and investigation of accidents; and miscellaneous prohibited practices.

Rules and Regulations

Safety Code for Strip Bituminous Coal and Lignite Mines of North Dakota, 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. Penalty for violation.

STATE LABORATORIES DEPARTMENT

The State Laboratories Department has jurisdiction over foods and drugs.

Sections 19-02-18 to 19-02-23. 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.

OHIO

SOURCES: Baldwin's Ohio Revised Code
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Baldwin's Ohio Revised Code, Section 3701.02. Creates the Department of Health to consist of a Director of Health and a Public Health Council.

Section 3701.03. *General duties of director of health.* "The director of health . . . shall administer the laws relating to health and sanitation and the regulations of the department of health. He shall prepare sanitary and public health regulations for consideration of the public health council. . . ."

Section 3701.04. *Powers of director of health.* "The director of health shall:

"(A) Require such reports and make such inspections and investigations as he deems necessary; . . .

"(D) Enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private; . . ."

Section 3701.06. *Right of entry to investigate violations.* Provides for right of entry to the Director of Health and any person authorized by him to enter, examine and survey all grounds, buildings and other places where he has reason to believe exists a violation of health laws or of the Sanitary Code.

Section 3701.13. *Powers of department.* "The department of health shall have supervision of all matters relating to the preservation of life and health of the people. . . . It may make special or standing orders or regulations for preventing the use of fluoroscopes for non-medical purposes which emit doses of radiation likely to be harmful to any person. . . . It may make and enforce orders in local matters when an emergency exists, or when the board of health . . . has neglected or refused to act. . . ."

Section 3701.14. *Special duties of director of health.* "The director of health shall make 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 relation of the diseases of man and beast, shall be subjects of careful study by the director. . . . When called upon by the state or local governments, or 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."

Section 3701.33. Deals with composition of the Public Health Council.

Section 3701.34. *Powers and duties of public health council.* "The public health council shall:

"(A) Make and amend sanitary regulations to be of general application throughout the state. Such sanitary regulations shall be known as the sanitary code . . .

"(D) Prescribe, by regulations, the number and functions of divisions and bureaus and the qualifications of chiefs of divisions and bureaus within the department . . .

"(F) Consider any matter relating to the preservation and improvement of the public health and advise the director thereon with such recommendations as it may deem wise. . . ."

Section 1236.3. *Right of entry to investigate violations.* "The director of health and any person authorized by him may without fee or hindrance enter, examine and survey all grounds . . . buildings and places in furtherance of any duty laid upon the department or where he has reason to believe there exists a violation of any health law or of the sanitary code."

Radiation

Sections 3701.90 to 3701.98. Authorize the Public Health Council to adopt regulations, specify powers of Director of Health and provide for a Radiation Advisory Council.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by the 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 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 equivalent 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 1941.

Regulations 241 and 242. Regulations prohibit use of mercurial carrot in the preparation of hatters' fur, or of mercurial carroted hatters' fur in the manufacturing of hats.

Reporting of Occupational Diseases

Section 3701.25. *Occupational diseases; report of by physician to department of health.* "Every physician 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 department of health shall require to be reported, shall within forty-eight hours from the time of first attending such patient send to the director of health a report stating. . . . Such reports shall not be evidence of the facts therein stated in any action arising out of the disease herein reported. . . ."

Section 3701.27. *Transmittal of copy to inspection official.* "The department of health shall transmit a copy of all reports of occupational diseases required to be filed by section 3701.25 of the Revised Code to the chief of the division of workshops and factories."

DEPARTMENT OF INDUSTRIAL RELATIONS

Authority and Functions

Section 4101.02. *Powers and duties of department of industrial relations.* "The department of industrial relations shall:

"(A) Appoint advisers who shall, without compensation, assist the department in the execution of its duties . . . and assign to their duties all officers . . . of the division of labor statistics, the chief of the division of mines, the chief of the division of workshops and factories. . . .

"(B) 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 . . . hospitals, medical institutes . . . and other buildings used for the assemblage of people in this state, bakeries, employment offices, and bureaus, manufacturers of cigars . . . erection, repair, alteration or painting of buildings . . . employment of females . . . and all other laws protecting the life, health, safety, and welfare of persons in employment and places of employment. . . ."

Section 4101.03. *Jurisdiction of department.* "The department of industrial relations has such supervision over every employment and place of employment . . . as is necessary to enforce all laws and lawful orders . . . requiring the protection of the life, health, safety and welfare of every employe. . . ."

Section 4101.05. *Powers of agents.* Confers right of entry to authorized employees of the Department.

Section 4101.06. *Orders are prima facie reasonable and lawful.* "All orders of the department of industrial relations or the industrial commission in conformity with laws shall be prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose . . . or revoked by department or commission."

Division of Workshops and Factories

Section 4107.05. *Free access to buildings.* "The chief of the division of workshops and factories and each inspector of workshops and factories may, at reasonable hours, enter a shop or factory . . . for the purpose of making an inspection or examination required by law."

Section 4107.07. *Duties of chief of division of workshops and factories.* "If the chief of the division of workshops and factories or an 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 . . . the chief or the inspector shall notify the owner . . . by personally serving a notice in writing. . . . Said notice shall describe the alterations and additions therein and the time in which each alteration or addition required by such shall be made and each appliance installed."

Section 4107.99. *Duty to comply.* Requires compliances with notices of the Chief of the Division of Workshops and Factories and provides for legal action for non-compliance.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 4101.11. *Duty of employer to protect employees and frequenters.* "Every employer shall furnish employment which is safe for the employees engaged therein, shall furnish a place of employment which shall be safe for the employees therein and for frequenters thereof, shall furnish and use safety devices and safeguards, 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 4101.12. *Duty of employer to furnish safe place of employment.* "No employer shall require, permit or suffer any employee 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. No employer shall fail to do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees or frequenters. No such employer or other person shall construct, occupy or maintain any place of employment that is not safe."

Section 4101.13. *Duties of employees.* Forbids employees to remove,

destroy or carry off any safety device or safeguard furnished by employers, and to interfere with the use of any method adopted for their protection.

Safety of Workshops and Factories

Section 4107.23. ***Safety precautions.*** Specifies safety requirements that owners and operators of shops and factories must observe or provide to prevent injury to persons who use or come in contact with machinery.

Section 4107.24. ***Compliance; disposition of fines.*** Provides for penalty for violation of orders issued by the Division of Workshops and Factories and for failure to comply with provisions of preceding section.

Section 4107.25. ***Notices on dangerous machinery.*** Authorizes the Division Chief to post such notices and prohibits use of posted machine until changes have been made as ordered.

Section 4107.26. ***Safety rules.*** Lists safety rules and regulations for the safety of persons employed or assembled in manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices and railroad depots.

Sections 4107.27 to 4107.30. Deal with requirements for prevention of fires in shops and factories.

Lead Poisoning

Section 4125.02. ***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 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."

Section 4125.03. ***General duties of employers.*** "Every employer shall, without cost to the employees, provide such reasonably effective devices, means, and methods as are prescribed by the industrial commission to prevent the contraction by employees of illness or disease incident to the work or process in which such employees are engaged.

"No employer, either personally or through any agent, shall fail to comply with this section."

Section 4125.04. ***Duties of employer to provide safety devices.*** "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 included in section 4125.02 . . . are exposed to lead dusts, lead fumes, or lead solutions:

"(A) The employer shall provide and maintain workrooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air. All such rooms shall be fully ventilated and separated by partition walls from all departments in which the work or process is of a nondusty character, and shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning. All such floors shall be cleaned daily.

"Every work or process . . . including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding, and packing of all lead salts or other compounds referred to in such sections, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employee, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle, or furnace in which lead . . . is being melted or treated, and any place where the contents of such kettles . . . 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. All hoppers, chutes . . . or other apparatus for drying pulp lead . . . receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system. . . ."

(B) Requires the employer to provide a washroom which shall be separate from the workrooms, kept clean, and equipped as specified.

"Where basins are provided there shall be at least one basin for every five employees, and where troughs are provided, at least two feet of trough for every five employees. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each employee. A time allowed of not less than ten minutes, at the employer's expense, shall be made to each employee for the use of said washroom before the lunch hour and at the close of the day's work."

(C) Requires the employer to provide at least one shower bath for every five such employees as further specified, and, among other things, to "keep a record of each time that such baths are used by each employee, which record shall be open to inspection at all reasonable times by the division of workshops and factories and also by the department of health.

"(D) The employer shall provide a dressing room which shall be separate from the workrooms, be furnished with a double sanitary locker or two single sanitary lockers for each employee and be kept clean.

"(E) The employer shall provide an eating room which shall be separate from the workrooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employee shall take or be allowed to take any food or drink of any kind into any workroom, nor shall any employee remain or be allowed to remain in any workroom during the time allowed for his meals.

"(F) The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employees.

"(G) The employer shall provide at least two pairs of overalls and two jumpers for each employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

"(H) The employer shall 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 4125.05. *Duties of employees to use safety devices.* Requires exposed employees to use the washing and eating facilities, and wear clothing provided by employer, and to use and keep clean respirators while engaged in work which produces lead dusts.

Section 4125.06. *Notices.* Requires employers to post notices as specified on dangers associated with the lead processes.

Section 4125.07. Requires the Division to publish notices containing provisions dealing with prevention of lead poisoning.

Sections 4125.08 to 4125.10. *Medical examination.* Require exposed workers to be examined at least once a month during working hours by a licensed physician to be paid by employer, for purposes of ascertaining symptoms of lead poisoning, and maintenance of records by physician and

reporting workers with symptoms of lead poisoning to the employer and the Department. "No employer shall continue a reported 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 4125.11. Empowers the Division of Workshops and Factories to enforce the above provisions and prosecute all violations.

Section 4125.99. Cites penalties for violation of above sections.

Industrial Homework

Sections 4107.15 to 4107.22. Require rooms used for manufacture of wearing apparel or tobacco goods by family members to be separate from living and sleeping rooms, and to have suitable water closet arrangements for each sex so employed. Such rooms are regarded as one shop or factory and are subject to inspection by the Division of Workshops and Factories which shall require compliance with orders for necessary changes.

Miscellaneous

Section 4107.39. *Sanitary rags.* Forbids employers of workshops or factories to furnish or deliver any cloth or material to be used as wiping rags by employees unless it has been thoroughly washed, sterilized with chemical preparations, and dried with an average heat of 212 degrees.

Sections 4107.54 to 4107.61. *Bakeries.* Require inspectors of workshops and factories to visit bakeries routinely, to see that laws are enforced, and to issue certificates of compliance with laws. Require all bakeries to be drained and plumbed in a sanitary manner, ventilated, and provided with suitable and separate washroom and water closets.

Rules and Regulations

See under Industrial Commission. The Department of Industrial Relations enforces regulations adopted by the Commission.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 4107.42. Requires provision of seats for female employees and to permit their use when duties allow it, and suitable lunchroom apart from workrooms. Specifies length of meal period.

Section 4107.43. Prohibits employment of females in specified occupations and in employments requiring frequent or repeated lifting of weights over 25 pounds.

Section 4107.40. Requires provision of toilets and dressing rooms for female employees, and specifies number and location.

Section 4109.21. Prohibits employment of females under 21 where work requires them to remain standing constantly.

Section 4109.10. *Employment of minors.* Prohibits employment of minors under 16 in specified places and occupations.

Section 4109.13. Prohibits employment of children under 16 in specified occupations involving machinery.

Section 4109.14. Prohibits employment of children under 16 in specified injurious and hazardous occupations.

Section 4109.15. 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 4109.12. Prohibits employment of children under 18 in specified occupations and industries.

Section 4109.16. Authorizes the State Department of Health to determine whether 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.

Section 4109.19. Regulates employment of children under 14 years in places of public amusement as specified and in certain vocations.

Mines and Mining

Sections 4151.01 to 4151.47. *Administration of Mine Laws.* Mining laws apply to all types of underground or surface excavations or developments for the extraction of coal, gypsum, asphalt, rock, and including operations of clay mines and clay stripping pits. Authorize the Division of Mines, Department of Industrial Relations, to supervise and enforce laws enacted for health and safety of workers; create the Mine Examining Board to conduct examinations and issue certificates of competency to mine foremen, fire bosses, and other workers; require the maintenance of rescue stations to be equipped and staffed as specified, and the holding of first-aid and rescue classes; require the operation of a laboratory for making chemical tests of air, gases, and dusts; and provide for employment and functions of deputy mine inspectors regarding examination of mines and investigation and reporting of major accidents and deaths.

Sections 4153.01 to 4153.46. Deal with construction, maintenance, and abandonment of mines. Contain requirements for examination of mines generating firedamp; washrooms for workers; rock dusting and testing of dust samples; and examination of working places by mine foremen, fire bosses, and by miners.

Sections 4155.01 to 4155.24. Deal with employment and duties of certified mine foremen; prohibit employment of minors under 18 years of age in or around the mine; require employers to report immediately accidents resulting in loss of life; and contain miscellaneous provisions relating to mine employees.

Sections 4157.01 to 4157.67. Deal with safety of mine equipment and operations. Among subjects covered are prohibited practices in mines; maintenance by foremen of records and reports of conditions of mine and air measurements; requirements regarding ventilation of mines and ventilating fans; use of explosives, electricity, petroleum and chemicals, and locomotives underground; safety regulations regarding elevators and hoists, signal codes, and fire protection; and provision of first-aid equipment as required by the Division of Mines.

Section 4155.99. Provides for penalties for violations of foregoing sections.

Reporting of Injuries

Section 4107.13. *Accident Report.* Requires every manufacturer to report to the Division of Workshops and Factories within 3 days, the "happening of any accident in his establishment resulting in death, or bodily injury" and causing absence from work of 2 days or more. Specifies items to be reported and defines "manufacturer." Penalty for failure to comply.

INDUSTRIAL COMMISSION

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. . . ."

Section 4121.02. *Composition of Industrial Commission.* Three members are appointed by the Governor with the advice and consent of the Senate.

Section 4121.12. Creates the Bureau of Workmen's Compensation.

Section 4121.13. *Powers and duties of commission.* "The industrial commission shall:

"(A) Investigate, ascertain, and declare and prescribe what hours of labor, safety devices, safeguards, or other means or methods of protection are best adapted to render the employees 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 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 employees;

"(B) 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 employments and places of employment or frequenters of places of employment;

"(C) Ascertain, fix, and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe; . . .

"(D) Adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings, which rules and regulations shall not be effective until ten days after their publication. . . ."

Section 4121.17. *Examination of place of employment upon petition that same is unsafe.* Authorizes the Industrial Commission to proceed with or without notice to make such investigations, and to make necessary orders.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by Industrial Commission.

1. IC-5. *All Workshops and Factories*. Effective April 1964.

Code applies to all workshops and factories subject to the Workmen's Compensation Act. Contains general safety requirements for openings, platforms, railings and stairways, power transmission machinery, ladders and scaffolds, power-activated tools and saws, power presses and machines, cranes and hoists, and grinding and polishing equipment. Specify types of personal protective equipment required for health and safety protection of employees and methods of control for air contaminants including illustrations of local exhaust ventilation systems (Appendix II). Appendix I lists threshold limit values for air contaminants.

2. IC-7. *Foundries*. Effective April 1964.

Code contains safety requirements for iron and steel foundries, and for nonferrous foundries, and makes other codes of the Commission applicable such as IC-5.

3. IC-9. *Steel Mills*. Effective April 1964. Safety requirements are given for coke plants, blast furnaces, steel producing and steel processing.

4. IC-11. *Laundry Machinery and Operation; Drycleaning and Dyeing*. Effective April 1964.

Safety requirements apply essentially to machinery and equipment. Ventilation requirements are given for rooms where solvents are used for drycleaning.

5. IC-3. *Construction*. Effective January 1967.

Code applies to all demolition, building, and other construction work. Among items covered are personal protective equipment including a list of operations requiring eye protection; structures, machinery, tools, equipment, ropes, ladders and scaffolds; cutting and welding; and excavations and trenches. Methods of control for air contaminants are given and threshold limit values are listed in the appendix.

Chapter IC-3-14 contains safety requirements for shafts, tunnels and caissons. Provisions in connection with work in compressed air include presence of representative of employer, knowledgeable in compressed air techniques while work is in progress; requirements for pressure shifts and intervals of work for each 24 hour period and for decompression of workers; and safety requirements regarding compressor plant facilities and operations. Requires the maintenance of a first-aid room within 100 yards of the entrance shaft and equipped with a medical lock as specified; the designation of a physician for each job with knowledge of compressed air work to be responsible for health of employees, treatment on the job of illness and injuries, and making required physical examinations; a registered, trained nurse to be in attendance in first-aid room, and first-aid personnel below ground on each shift; the maintenance of records of medical examinations and of compressed air illness; and wearing identification badges by compressed air workers.

Chapter IC-3-15 contains requirements for "self-contained underwater breathing apparatus (scuba) in construction operations."

6. IC-15. *Specific Requirements for Potteries*. Effective January 1924.

Contains general requirements regarding ventilation, temperature, sanitary

facilities, drinking water, housekeeping, dipping rooms and kiln sheds; and lists dusty processes that "shall not be carried on without the use of an efficient exhaust draught."

7. IC-13. *Rubber and Plastic Industries*. Effective April 1964.
8. IC-17. *Window Cleaning*. Effective April 1964.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Bureau of Workmen's Compensation. Sections 4123.01 to 4123.94.

Occupational Disease Compensation

Section 4123.68. Full coverage.

Reporting of Injuries

Section 4123.28. Employers are required to keep a record of all injuries and occupational diseases, fatal or otherwise, and within one week after occurrence, to report deaths and injuries resulting in 7 days or more of total disability to the Industrial Commission. Penalty for violation.

Section 4123.71. 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 section 4123.68 shall, within forty-eight 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.

Section 4123.72. Provides for penalty for neglect or refusal of physician to make report.

DEPARTMENT OF AGRICULTURE

The Department of Agriculture has supervision over the preparation, manufacturing and packaging of soft drinks and nonalcoholic beverages, bakeries, cold storage plants, and canneries. Provisions are aimed at sanitation of the products, but plants must meet sanitary requirements before licenses are issued.

Sections 913.04 to 913.10. Contain requirements for ventilation, sanitation facilities and cleanliness in commercial canneries.

STATE FIRE MARSHAL

Dry Cleaning and Dyeing

Sections 3739.01 to 3739.99. 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 the State Fire Marshal; and safety requirements for location and equipment for 4 classes of dry cleaning systems, classified according to a hazard scale.

OKLAHOMA

SOURCES: Oklahoma Statutes Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Oklahoma Statutes Annotated, Section 63-1-103. *State Board of Health created.* Board consists of nine members appointed by the Governor for terms as specified.

Section 63-1-104. *State Board of Health—Officer—Government—Compensation—Powers and duties.* “. . . (b) The Board shall have the following powers and duties: . . . (2) adopt such rules, regulations, and standards as it deems necessary to carry out any of the provisions of this Code . . . (4) establish such divisions, sections, bureaus, offices, and positions in the State Department of Health as it deems necessary. . . .”

Section 63-1-105. Creates the State Department of Health, headed by the State Commissioner of Health.

Section 63-1-106. *State Commissioner of Health . . . powers and duties.* “. . . (b) The Commissioner shall have the following powers and duties, unless otherwise directed by the State Board of Health:

“(1) have general supervision of the health of the citizens of the state; make investigations, inquiries and studies concerning the causes of disease . . . and the effects of localities, employment, conditions and circumstances on the public health; investigate conditions as to health, sanitation and safety of schools . . . public institutions, mines . . . camps, places of group abode . . . and recommend, prescribe and enforce such measures of health, sanitation and safety for them as he deems advisable; . . . advise state and local governments on matters pertaining to health, sanitation and safety; and abate any nuisance affecting injuriously the health of the public or any community. . . .”

“(2) . . . and enforce rules, regulations and standards adopted by the State Board of Health. . . .”

(4) Provides for right of access to any premise for the Commissioner of Health or his representatives.

Section 63-1-502. *Rules and regulations.* “. . . (b) The State Board of Health is authorized to establish preventive programs for noncommunicable diseases and to promulgate rules and regulations for the control of causative or toxic substances which can or may cause disease.”

Occupational Health

Section 63-1-1501. *Occupational diseases—Reports—Detection and prevention—Agreements.* “. . . (c) The State Commissioner of Health shall 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.

"(d) The State Commissioner of Health may enter into agreements with any other agencies of this State for the purpose of carrying out the provisions of this section, and securing uniformity of the regulations pertaining to occupational diseases."

NOTE: See also Section 40-125, 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 conditions in industry. See also Regulation No. 2 under State Dry Cleaner's Board.

Section 63-1-1701. Provides for penalties for violations of the Public Health Code (Title 63).

Ionizing Radiation and Air Pollution

Section 63-1-1502 to 63-1-1505. Designates the State Department of Health as the official agency for all regulatory activities pertaining to health and safety in the use of atomic energy and radiation sources; establish a Radiation Advisory Committee; and empower the State Board of Health to adopt reasonable rules and regulations as specified.

Section 63-1-1507. Designates the State Department of Health as the official air pollution control agency.

General Provisions Relating to Occupational Health

Statutory Provisions

Sections 63-1-1120 to 63-1-1134. 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.

NOTE: Most of the other sections on food are aimed essentially at wholesomeness and purity of products.

Rules and Regulations

Adopted by State Board of Health.

1. *Radiation Protection Regulations*. September 1961.
2. *Migrant Labor Camps*, 1964.

Reporting of Occupational Diseases

Section 63-1-1501. *Occupational diseases—Reports—Detection and prevention—Agreements*. "(a) The State Board of Health shall 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 State Industrial Court.

"(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

Section 40-1. *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 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 40-3. **Obstructing work of labor officials.** "No person shall interfere with, obstruct or hinder by force or otherwise the Commissioner of Labor, his deputies . . . while in the performance of their duties . . . or refuse them admittance to any place where and when labor is being performed which is affected by the provisions of this act."

Section 40-111. **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 . . . (kinds 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 and shall perform such other duties as are prescribed by law.

"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 40-112. **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 safety belts, life lines, safety helmets and shoring of trenches and excavations, and adequate ventilation and sanitation of enterprises as mentioned in 40 O.S. 1961, (Section) 111, by adopting and publishing applicable safety codes of the American Standards Association, the American Society of Mechanical Engineers, the Federal and State Governments and other nonprofit organizations."

Section 40-124. Provides penalty for violating preceding sections.

Section 40-125. **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."

NOTE: See also reference to Section 1-1501 (c) under **Authority and Functions** of State Department of Health relative to a joint program with the State Commissioner of Health.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 40-114. **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 40-116. *Lights.* Requires workrooms, halls and stairways to be properly lighted.

Section 40-117. *Doors and stairways.* 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 40-118. *Separate toilets and wash rooms.* Requires employers to provide separate toilet and washing facilities where men and women are employed.

Section 40-174. *Scaffolding, etc., to be safeguarded.* Requires scaffolding, hoists, cranes, etc., to be erected, constructed, operated and safeguarded in a proper and suitable manner for the protection of employees.

Section 40-175. *Temporary floorings in steel frame buildings.* Required for safety of construction workers on steel frame buildings.

Section 40-178. *Damages for injury.* Holds the employer "responsible in damages for personal injury caused to an employee" injured by reason of defects in the condition of the machinery or appliances which arose or had not been remedied, owing to the negligence of the employer or person responsible for making inspections for safety.

Section 40-179. *Railroad repair tracks to be sheltered.* Requires railroad operators to maintain sheds for the protection of employees in construction and repair work so as to provide shelter from snow, sleet, rain, or other inclement weather. Penalty for violation.

Section 40-191. *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.

Section 40-192. Violations of preceding sections constitute misdemeanors, punishable by fine.

Rules and Regulations

Issued by the Department of Labor.

1. *Bureau of Factory Inspection*—Book No. 7-A. Edition 1959. Book contains a digest of safe practices and methods of eliminating industrial safety hazards. Rules are based on ASA standards.

2. Book No. 7-B. 1959. Contains a digest of safe practices and presentation of accident hazards in the construction industry and rules for their elimination.

3. Book No. 11-A. *Petroleum Industry Safety Regulations, 1956.*

Employment of Women and Minors

Among pertinent provisions are the following:

Section 40-71. 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 40-72. 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 40-75. Regulates hours of employment of children under 16, requiring one-hour meal and rest period, and provision of seats for their use as nature of work allows.

Section 40-83. 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 and permit them to use such seats when duties allow it.

Section 40-85. Prohibits employment of children under 16, and girls and women in any underground work in a mine or quarry.

Section 40-86. Requires provision of seats for female clerks in mercantile establishments, stores, shops, hotels and restaurants, and their use when duties allow it.

Section 40-88. Provides penalties for violation of any provisions of article on employment of women and children.

Section 40-262. 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 40-263. *Industrial Welfare Commission.* Creates Industrial Welfare Commission to establish standard of wages and conditions of labor for women and minors as shall be held to be reasonable and not detrimental to health and morals.

Reporting of Injuries

Section 40-120. *Injuries to be reported.* Requires the person in charge of any factory to report all accidents or injuries sustained by employees 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. Sections 85-1 to 85-176.

Occupational Disease Compensation

Section 85-3. Provides for schedule coverage. Fourteen diseases or groups are named, including poisoning from 28 substances.

Reporting of Injuries

Section 85-102. Requires every employer to keep a record of all injuries, fatal or otherwise, and within 10 days to report the same to the Commission. Penalty for violation.

MINE INSPECTORS

Sections 45-1 to 45-406. Contain the Coal Mining Code. Among subjects covered are the creation of a State Mining Board and issuance of certificates of competency for miners, mine inspectors, mine foremen and engineers; duties of Chief Mine Inspector and District Mine Inspectors with respect to making safety examinations of mines and enforcing mining laws; duties of

mine foremen regarding accident prevention; safety requirements for travel-ways, openings and shafts, hoisting operations and equipment, and for other mining equipment and installations; reporting of accidents to District Mine Inspectors; provision of first-aid supplies and facilities; rock dusting; handling and storage of explosives; and requirements for ventilation and examination of mines for gas.

Sections 45-528.1 to 45-528.3. Make it the duty of every person, owner or lessee of any coal mine "to employ and use water on the cutter bars on all mining machines while cutting rock in said mines, and on all rock drills while drilling in said mines in rock. Rotary roof or rock drills must use water or an approved type dust collector." Provide penalties for violations of this provision by owners and operators, and also for violations by miners operating drills or machines contrary to the provision.

Sections 45-411 to 45-437. Apply to lead and zinc mines and cover duties of mine inspectors with respect to mine examinations for dangerous conditions, and issuing of orders when ventilation and dust in injurious quantities are found to be detrimental to health of workers; 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 45-441 and 45-442. Permit use of diesel engines underground, equipped for detoxification in accordance with rules promulgated by the U.S. Bureau of Mines and prohibit use when they do not meet standards.

STATE DRY CLEANERS' BOARD

Sections 59-742 to 59-759. *State Dry Cleaners' Act.* 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 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; pre-

scribe preplacement and periodic physical examinations of workers; and require the reporting of hazardous environments discovered as the result of the physical examinations of employees 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."

OREGON

SOURCES: Oregon Revised Statutes
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

Oregon Revised Statutes, Section 431.010. *The State Board of Health; appointment; confirmation; vacancy.* Establishes the State Board of Health.

Section 431.110. *General powers and duties of State Board of Health.* "The State Board of Health shall:

"(1) Have direct supervision of all matters relating to the preservation of life and health of the people of the state . . .

"(3) Make sanitary surveys and investigations and inquiries respecting the causes and prevention of diseases, especially of epidemics. . . ."

Section 431.120. *Duties of State Health Officer.* "The State Health Officer shall: (1) Perform the duties prescribed by the statutes listed in ORS 431.130 or required by the State Board of Health. . . ."

Section 431.130. *Rules and regulations of the board.* "(1) The State Board of Health shall in accordance with the provisions of ORS chapter 183, make such rules and regulations as, in its judgment, are necessary for carrying out . . ." The numbers of the sections are listed.

Section 431.140. *Effect of rules and regulations.* Makes all rules and regulations made pursuant to ORS 431.130 and under 446.600, and 446.660 binding upon all county and municipal health officers.

Section 431.150. *Enforcement of health laws generally.* Charges local health officers with strict and thorough enforcement of the statutes, under the supervision and direction of the State Health Officer, and among other things, authorizes the State Health Officer to investigate cases of irregularity or violations of laws and the Attorney General to assist in the enforcement of the laws.

Section 453.605 to 453.992. Radiation Control.

Occupational Health Investigation

Section 654.105. *Regulations regarding and inspections of health conditions in places of employment and in living quarters furnished employees.* "(1) Except as provided in subsection (2) of this section, the State Board of Health shall make rules and regulations concerning conditions detrimental to the health of employees in all factories, workshops, mills, industrial establishments, common carriers and in living quarters and shelters furnished by employers of such employees. Such rules and regulations shall relate to matters of sanitation, shelter, atmospheric contamination, lighting, ventilation and other environmental conditions affecting the health of employees.

"(2) If a state agency other than the State Board of Health is authorized by law to make rules and regulations relating to certain conditions detrimental to the health of employees, the State Board of Health shall not make any rules and regulations concerning such conditions.

"(3) The State Board of Health, on its own motion or whenever requested by the State Industrial Accident Commission, the Bureau of Labor, the State Wage and Hour Commission, the State Department of Agriculture, or the Department of Employment Commissioner, may make inspections to determine if an employer is complying with the rules and regulations made pursuant to subsection (1) of this section."

Section 654.110. *Procedure to eliminate or remedy condition detrimental to health.* "(1) Whenever the State Board of Health determines that conditions detrimental to the health of employees exist in any place inspected under ORS 654.105, it shall notify the owner or operator of the place in writing of the detrimental condition, stating the measures that should be taken to remedy it."

Rest of section provides for hearings and, if the detrimental condition is not remedied, the Board may commence a suit in the circuit court of the county involved.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Board of Health and filed with the Secretary of State.

1. *Occupational Health Regulations.* Filed May 1965.

Regulations apply to "all factories, workshops, mills, industrial establishments, common carriers, and in living quarters and shelters furnished by such employers of such employees," and provide for modification of requirements upon written application.

General requirements and control methods. Require every employer to provide necessary control measures and protective equipment and to keep employees informed of known health hazards and methods for using control measures; prohibit employers from using any process, material or condition known to have harmful effects on health unless safeguarded; require employees to use the control measures and protective equipment; and require warning signs or labels on all containers of hazardous substances, except as provided for in accordance with guides published by the Manufacturing Chemists' Association and the listed Federal Acts.

List permissible atmospheric contaminants in Appendix I; give requirements for protection against occupational noise including table of maximum sound pressure levels for sound frequency ranges; specify personal protective equipment for workers engaged in abrasive blasting operations and in spray coating and painting; prescribe requirements for the control of fumigation gases; and specify methods for control of hazardous exposures.

Industrial ventilation and heating. Prescribe requirements for general and local exhaust ventilation to insure a work atmosphere free of harmful effects.

Sanitation. Prescribe requirements for housekeeping practices, waste disposal, 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 eating facilities, separated from work areas with exposure to harmful materials; and prohibit eating at any time where industrial poisons or harmful substances are present.

Personal protective equipment. Require use and maintenance of such equipment during periods of exposure to hazardous conditions, and respiratory protective devices to be of type approved by U.S. Bureau of Mines or recommended by U.S. Department of Agriculture for existing exposures.

Illumination. Require that rooms, buildings and work areas be provided with adequate lighting, and windows, lamps and other accessories be kept in clean and good repair.

2. **Labor Camps.** Filed May 1965.

Regulations contain general requirements regarding use and maintenance of camps, water supply and facilities, toilet and washing facilities, sewage and refuse disposal, utility buildings, and safety and first aid. Require reporting of communicable diseases and outbreaks of suspected food poisoning to the local health officers.

3. **Sanitary and Drinking Water Facilities on Locomotives, Baggage and Express Cars and Cabooses.** Require railroad companies to provide and maintain such facilities for use of employees, and provide for granting of variances by the Board of Health.

4. **Regulations for the Control of Sources of Ionizing Radiation Including Radioactive Materials.** February 1965.

Reporting of Occupational Diseases

None.

WORKMEN'S COMPENSATION BOARD

Authority and Functions

Section 656.712. Creates the Workmen's Compensation Board.

Section 654.025. **Jurisdiction and supervision of Workmen's Compensation Board over employment and places of employment.** "(1) 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 all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employe in such employment or place of employment.

"(2) The board may make, establish, promulgate and enforce all necessary and reasonable rules, regulations and provisions for the purpose of carrying ORS 654.005 to 654.100 into effect and in reference to the investigation of all violations. . . ."

Section 654.035. **Scope of rules and orders of board.** "The board may, after a hearing had upon its own motion or upon complaint, by general or special orders, rules and regulations, or otherwise:

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

"(2) Fix reasonable standards and prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and opera-

tion 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 employes in employment and place of employment.

"(3) Fix and order such reasonable standards for the construction, repair and maintenance of places of employment and equipment and shall render them safe.

"(4) Require the performance of any other act which the protection of the life and safety of employes in employments and places of employment may demand."

Sections 654.040 and 654.045. Deal with publication of notice of hearing on general safety orders and making and serving orders for corrections.

Section 654.050. *Violations of safety statute or code; prohibition pending correction; civil penalty.* Requires the posting of notices of unsafe conditions upon finding any violation of any statute or promulgated safety code, and prescribes penalty for removal of such notice.

Section 654.060. *Duty to comply with orders, decisions and regulations.* "Every employer, employe and other person shall obey and comply with every requirement of every order, decision, direction, rule or regulation made or prescribed by the board in connection with the matters specified in ORS 654.005 to 654.100, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employes in such employments . . . and shall do everything necessary or proper in order to secure compliance with and observance of every such order. . . ."

Subsequent sections deal with hearings and appeals from rules.

Section 654.090. *Accident prevention and other prevention activities.* "The board may: (1) Develop greater knowledge and interest in the causes and prevention of industrial accidents, occupational diseases and related subjects through (a) research, conferences, lectures and use of public communication media and (b) collection and dissemination of accident statistics.

"(2) Appoint advisers who shall, without compensation, assist the board in establishing standards of safety. The board may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers."

Section 654.100. *Labor Commissioner to enforce rules of and furnish information to board.* "The Commissioner of the Bureau of Labor shall see that general and special orders, rules and regulations of the board are enforced, and shall at all times give the board any information that would assist the board in carrying out the purposes of ORS 654.005 to 654.100."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 654.010. *Employers to furnish safe place of employment.* "Every employer shall furnish employment and a place of employment which are safe for the employes therein, 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 employes."

Section 654.015. *Unsafe place of employment prohibited.* Prohibits employer from maintaining unsafe place of employment.

Section 654.020. *Interference with safety devices.* . . . Prohibits employees from interfering, damaging or destroying any safety device or safeguard, and from interfering with their use by others, or of any method or process adopted for their protection.

Rules and Regulations

Adopted by Workmen's Compensation Board.

1. *Basic Industrial Safety.* Effective January 1967.

Code prescribes minimum standards for safety of workmen in all places of employment. Among subjects covered are the following: approval by the Board of safety devices, appliances and equipment; employer's responsibility for safety inspection, supervision and investigation of accidents and employees' responsibilities in complying with rules; requirements for signals and signal systems when use is indicated by nature of work; good housekeeping methods to be observed; first-aid requirements covering content of kits, first-aid rooms, personnel, emergency equipment and maintenance; specifications for safety for buildings, structures and work places; fire prevention and protection; electrical systems and facilities; steam air compressors; hand and portable power-driven tools; kind of safety equipment and personal protective equipment to be furnished by employers and used by employees when conditions so indicate it; and safety requirements for commercial and industrial type vehicles.

Publication also contains Occupational Health Regulations of the State Board of Health.

2. *Safety Code for Mining, Tunneling and Quarrying.* Effective November 1962.

Code covers the following areas: general safety requirements, hoisting equipment, access and egress, timbering, ventilation, underground operations, pits and quarries, explosives underground, and tunnel or coyote hole blasting.

Ventilation provisions require employers to "do everything reasonable and encourage the use of any appliances for allaying dust" and employees to use devices furnished them. Maximum allowable concentrations are listed for selected toxic dusts and fumes, mineral dusts, gases and vapors, and for radon. Require tests of air in any underground working known or suspected to contain any explosive gas, and, among other items, the wearing of approved respiratory equipment by workmen exposed for only short periods of time. Regulate the use of diesel equipment underground.

3. Other *Safety Codes for Places of Employment* include: *Logging*, 1967; *Communication Work*, 1956; *Motor Vehicle Transportation of Workers*, 1960; *Machine Guarding and Abrasive Wheels*, 1964; *Material Handling Equipment and the Piling and Storing of Materials*, 1962; *Explosives and Blasting Agents*, 1961; *Sawmill, Woodworking and Allied Wood Products Industries*, 1960; *Ladders and Scaffolds*, 1961; *Construction Codes—Excavation Work*, 1942, *Compressed Air Work*, 1942, *Blasting*, 1942; *Gas and Electric Welding*, 1947.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Workmen's Compensation Board. Sections 656.001 to 656.990.

Occupational Disease Compensation

Occupational Disease Law. Sections 656.802 to 656.824. An occupational disease is deemed an "injury." Full coverage.

Reporting of Injuries

Limited to filing of claims.

BUREAU OF LABOR

Authority and Functions

Section 651.020. *Bureau of Labor.* Establishes the Bureau of Labor as a separate department in the State.

Section 651.030. *Commissioner of Labor; election; term; qualifications.* Places the Bureau under control of the Labor Commissioner.

Section 651.050 *Duties of Labor Commissioner.* "The Labor Commissioner shall cause to be enforced: (1) All laws regulating the employment of children, minors and women.

"(2) All laws established for the protection of the health, lives and limbs of operatives in workshops, factories, mills and other places.

"(3) All laws enacted for the protection of the working classes. . . ."

Section 651.120. *Entry and examination of factories.* Confers on the Labor Commissioner right of entry to any factory, mill, office, workshop or public or private work 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 make a record thereof."

Section 654.100. *Labor Commissioner to enforce rules of and furnish information to board.* (See this section under *Authority and Functions* of Workmen's Compensation Board.)

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Proper Lighting in Places of Employment

Sections 654.405 to 654.430. 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.

Section 654.990 (4). Penalty for violations of provisions.

Safety and Sanitation of Theater Projection Booths

Section 654.605 and 654.610. Require owner or operator of any motion picture establishment to equip projection rooms with "ventilation equipment connected to ducts leading to the exterior of the building, and of a sufficient capacity to change the air every five minutes," toilet, running water for drinking and washing purposes in room adjacent or in projection room, and first-aid equipment. Authorize the Labor Commissioner to inspect such establishments at least once a year and report on working conditions to county district attorneys.

Section 654.990 (5). Penalty for violation.

Rules and Regulations

Bureau of Labor enforces rules and regulations of the Workmen's Compensation Board.

Employment of Women and Minors

(Enforced by Wage and Hour Commission.)

Among pertinent provisions are the following:

Section 653.320. Prohibits children under 14 from working in any factory, workshop and certain other employments, and at any work for wages during school hours.

Section 653.315. Regulates working hours of minors under 16, and requires that they be given at least 30 minutes for meal time at noon.

Sections 653.326 to 653.340. Further restrict or permit employment of minors.

Orders Issued

A series of orders have been promulgated by the Wage and Hour Commissioner governing the employment of women and minors in specific types of industries and occupations. Orders contain provisions relating to wages, hours of work, rest periods, sanitation facilities and general conditions of work. References are made to regulations of other State agencies having jurisdiction such as the State Board of Health's Recommended Standards and Regulations for Occupational Health, and Regulations for Labor Camps.

Examples of Orders issued are: Order No. 9—Mercantile-Retail, Wholesale, Distributing, or Purchasing (contains weight lifting restrictions for women); Order No. 7—Laundry, Cleaning and Dyeing; and Order No. 1—Beauty Operators and Manicurists.

STATE DEPARTMENT OF AGRICULTURE

Sections 616.005 to 616.120. Empower the Department of Agriculture to administer and enforce legislation applying to production, processing or distribution of all food products, and the State Board of Health to make surveys of such establishments and enforce sanitation laws where food or drink is consumed on the premises where sold; and require that "there shall be the fullest cooperation" between the two agencies.

Sections 616.695 to 616.755. Contain sanitary regulations for food and food establishments to be enforced by the Department. Require every building or place used for the storing, preparing, manufacturing, processing, freezing and otherwise handling food to be maintained in clean, healthful and sanitary condition as further specified. Employment of diseased persons is prohibited. Provisions cover licensing and inspection of establishments.

PENNSYLVANIA

SOURCES: Purdon's Penna. Statutes Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Purdon's Penna. Statutes Annotated, Section 71-531. *Powers and duties in general.* "The Department of Health shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the former bureaus thereof, the Commissioner of Health, and the Secretary of Health."

Section 71-532. *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 71-541. *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 of the Commonwealth and for the proper performance of the work of the Department of Health, and such rules and regulations when made by the board shall become the rules and regulations of the department. . . ."

Section 71-1401. *Secretary of Health; head of Department; appointment; term of office; seal.* "The Department of Health shall consist of a Commissioner of Health (Secretary of Health) and of an advisory board. . . ."

Section 71-1403. *Duty to protect health of the people.* "It shall be the duty of the commissioner of health (Secretary of Health) to protect the health of the people of the state, and to determine and employ the most efficient and practical means for the prevention and suppression of disease.

"The commissioner shall cause examination to be made of nuisances or questions affecting the life and health in any locality . . . and any person authorized by him to do so, may without fee or hindrance, enter, examine and survey all grounds . . . buildings . . . and places. . . ."

Section 71-1409. Prescribes fines and penalties for violations of orders or regulations of the Department.

Sections 73-1301 to 73-1309. Radiation Control.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by Advisory Health Board.

1. Chapter 4, Article 432. *Regulations Establishing Threshold Limits in Places of Employment.* Amended February 1969.

Regulations prescribe minimum requirements and standards for the maintenance of occupational health in places of employment.

Section 3. Definitions of terms.

Section 4. Requires every employer to "install and provide such control measures and protective equipment as is required for the protection of health;" to instruct his employees regarding known hazards and proper methods for using control measures; and when necessary to do so, to provide protective equipment and cause equipment to be maintained in a sanitary and clean condition.

Section 5. "No employee shall be exposed to atmospheric concentrations of contaminants which concentrations may give rise to occupational disease. Tables 1 and 2 shall be used for the determination of permissible levels."

Section 6. "No air from any local exhaust ventilation system may be recirculated without express approval by the Department." Requires discharge of air from local exhaust system to be such so as not to create a health hazard.

Section 7. Contains requirements regarding workmen entering confined space.

Section 8. Contains housekeeping rules for places where hazardous materials are used, stored or handled.

Section 9. "Adequate identification, warning, and caution labels shall be applied to all containers of hazardous chemicals."

Section 10. Forbids any person to engage in rock drilling operations unless "machinery is equipped with either an integral water or exhaust ventilation dust suppression device and this device is being operated and maintained in proper working condition."

2. Chapter 4, Article 436. *Regulations for Laser Registration.* Adopted June 1968.

Provides for the registration of laser systems as defined, with the Department, and reporting by any person possessing a laser system, the occurrence of any injury in the course of the use, handling, operations, manufacture or discharge of such a system.

3. Chapter 4, Article 434. *Regulations for Certain Dangerous Substances.* Adopted April 1968.

Purpose of regulations is to prevent exposure of persons to certain cancer-producing substances.

Forbids the use of any substance listed in Table 1 unless approval has been obtained from the Department of Health; requires requests for approval to be submitted in writing, giving intended use of substance and description of medical and industrial hygiene control measures; lists requirements to be

met for obtaining approval; and provides for withdrawal of approval at any time the Department finds that adequate surveillance is not maintained and continued use of substance is detrimental to health. "These regulations shall not apply to any substance which contains one (1) percent or less by weight of a substance listed in Table 1." Table lists nine substances.

4. Chapter 4, Article 433. *Regulation for Radiation Protection*. Amended August 1961.

Reporting of Occupational Diseases

See under *Statutory Provisions Relating to Occupational Health and Safety*, for Department of Labor and Industry, section 43-478, 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

Section 71-561. *Powers and duties in general*. "The Department of Labor and Industry shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the several former bureaus and divisions thereof, and the Industrial Board abolished by the Administrative Code of one thousand nine hundred and twenty-three."

Section 71-562. *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 safeguarding against hazards that may cause accidents to employes, as may now or hereafter be provided by law. . . ."

Section 71-563. *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 71-565. *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, or where public assemblies are held and to enforce all such rules and regulations. . . ."

Section 71-574. *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 71-567. *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 department relating to the work of women and children."

Section 71-1442. *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 71-1443. *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 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."

Section 71-1445. Prescribes penalty for violations of provisions of the Act and of rules and regulations of the Department. Empowers the Department of Labor and Industry to enforce provisions of the Act and its rules and regulations.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 43-19. *Safe means of egress from factories to be provided.* "If the inspector of factories finds that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed therein, or that means of egress in case of fire or other disaster is not sufficient or in accordance with all the requirements of law, or that the belting, shafting . . . are located so as to be dangerous to employees . . . or that vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, he shall notify the proprietor of such factory or workshop to make the alterations or additions necessary. . . ."

Section 43-25-2. *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 employes 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 43-25-3. *Lighting, heating, ventilation and sanitary facilities.* Requires that these facilities be adequate.

Section 43-25-4. *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 43-25-5. *Floor space.* Prohibits crowding of floor space with machinery so as to cause risk to life of employees.

Section 43-25-6. *Removal of guards.* Prohibits removal of safeguards attached to machinery.

Section 43-25-7. *Prohibited use of dangerous machinery.* Prohibits the use of dangerous machinery and requires the posting of notice until repaired.

Section 43-25-8. *Air space for workroom.* Requires provision of not less than 250 cubic feet of air space per person in every workroom.

Section 43-25-9. *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 43-25-10. *Safe practices.* Authorizes the Department to prepare and publish recommendations for elimination of accidents.

Section 43-25-11. *Industrial homework.* Requires it to be conducted so as to assure the safety and health of all persons employed.

Section 43-25-12. *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 43-25-13 to 43-25-15. Provide for enforcement, right of entry and penalties for violations.

Sanitation in Foundries

Sections 43-1 to 43-3. Require provision of toilet rooms and closets in foundries and rolling mills where 10 or more men are employed, which shall be accessible without exposure to open air, maintained separately, ventilated, cleaned and protected from dust of building. Penalty for violation.

Lead Manufacturing Establishments

Section 43-473. *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 employees who, while engaged in such work or process are exposed to lead dusts, lead fumes, or lead solutions."

Section 43-474. *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 43-473, 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 have them washed weekly.

Section 43-475. *Duty of employees.* Requires employees to use the sanitation and eating facilities, clothing and respirators provided by employers.

Section 43-476. *Posting of notices—explanation of contents.* Requires employers to post notice of known dangers arising from such work or process.

Section 43-477. *Examination for symptoms of lead poisoning.* "The employer shall cause every employee who while engaged in any work or process included in section (43-473), 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 43-478. *Record and reports of examinations.* "Every physician making an examination, under section (43-477), 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 (43-473), 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 (43-473) of this act."

Section 43-479. Prescribes penalties for violations of the lead manufacturing provisions. Authorizes the Department of Labor and Industry to enforce the act and prosecute all violations.

Compressed Air Work

Sections 43-441 to 43-453. Regulate working conditions of persons employed 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 43-491-1 to 43-491-24. Regulate industrial homework; provide for issuance of permits and homeworke'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. Penalties for violations.

Dry Cleaning and Dyeing Establishments

Sections 35-1269.1 to 35-1269.19. 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; and provides for enforcement, rule-making and inspection powers, appeals and hearings, and penalties for violations.

Rules and Regulations

Promulgated by Department of Labor and Industry.

NOTE: All regulations cite law prescribing penalties for violations of provisions, and give procedure for filing petitions for modification of rules. Common also to all regulations are rules prohibiting the removal of or making ineffective safety devices, employer's responsibility for prompt replacement of such safeguards, and employee's responsibility to use the safety devices furnished for his protection.

1. *Regulations for Compressed Air Apparatus.* Effective February 1917, amended to June 1964.

Rules apply to workers who use compressed air apparatus; 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 1917, amended to June 1963.

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 per cent; 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, shower baths, and towels, locker rooms, eating rooms and protective clothing; require physical examinations of employees exposed to lead and reporting of cases of lead poisoning to the Departments of Labor and Industry, and Health; specify safety regulations for tank processes, filter-pressing and straining, dry grinding, sieving and packing; and list prohibited practices.

3. *Regulations for Paint Grinding, Paint and Varnish Manufacturing.* Effective August 1917, amended to January 1966.

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.

4. *Regulations and Suggested Safe Practices for the Manufacture of Nitro and Amido Compounds.* Effective August 1917, amended to February 1963.

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. Requirements are given for construction and use of platforms, and safeguards in the manufacture of the substances including enclosure of processes, storing of materials, exhausting 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 food in workrooms; specify type of wash and dressing rooms to be provided and

recommend 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 of a life line to body of employees. 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 cover 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 1917, amended to March 1964.

General requirements cover 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, prohibited practices and health precautions. Additional safety regulations are given for the manufacture 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. Require the posting of lead poisoning law.

6. *Regulations for Cereal Mills, Malt Houses and Grain Elevators.* Effective April 1917, amended to June 1964.

Rules contain safety specifications for buildings, guarding machinery, fire protection, exhausting belt conveyors, and discharge of dust collectors, prohibiting dust or "stive" rooms. Approval of plans and specifications for all mills by the Department is required.

7. *Regulations for Printing and Allied Industries.* Effective October 1918, amended to March 1964.

Rules apply to firms or individuals engaged in photo-engraving, composition, electrotyping, bookbinding, lithographing, steel or copper plate printing and other allied printing industries. Require approval of plans for exhaust systems by the Department and contain requirements dealing with safety and cleanliness of workrooms, exhausting melting pots, safeguarding machinery, provision of sanitation facilities and suggested safe practices for prevention of lead poisoning and tuberculosis.

8. *Regulations for Foundries.* Effective August 1929, amended to May 1967.

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; regulate employment of women in core rooms.

9. *Regulations Affecting Textile Industries.* Effective July 1924, amended to March 1963.

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 specified machines; heating and ventilation of dye houses; protection from special hazards such as contact with caustic soda or potash; and safe tanks and vats containing hot or corrosive liquids.

10. *Regulations for Canneries.* Effective May 1926, amended to May 1965.

Rules require license to operate canneries and labor camps; prohibit persons afflicted with communicable diseases from being employed; regulate location, construction, maintenance and sanitation of canneries; and require working apparel to be suitable for the job.

11. *Regulations for Laundries.* Effective January 1927, amended to January 1966.

Rules set forth specific requirements covering safety of operations and equipment.

12. *Regulations for Dry Cleaning and Dyeing.* Effective June 1950, amended to February 1965.

Rules apply to dry cleaning and dyeing establishments of all types using commercially non-aqueous volatile or volatile and flammable 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 safety requirements for solvent tanks.

13. *Regulations for Spray-Coating.* Effective August 1929, amended to March 1964.

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.

14. *Regulations for Miscellaneous Hazards and Conditions of Employment.* Amended to June 1965.

Regulations contain rules promulgated from time to time by the Industrial Board and applying to hazards or conditions of employment not specifically covered by other regulations. Among items covered are: prohibited practices such as use of common towels and smoking in factories; maintenance of first-aid kits; removal of injurious atmospheric impurities (dusts, fumes, vapors, gases, fibers, mists) by means of suction devices at their point of origin or by other method acceptable to the Department, and when required by the Department, analyses of samples by qualified analyst; and safeguarding of meat grinders, centrifugal extractors, electric welders, bakery machinery and needle sewing machines. Numerous other prohibited practices are included.

15. *Construction and Related Work.* The following regulations governing safety of structures, equipment, devices and operations have been issued:

Regulations for Construction and Repairs. Effective May 1929, amended to January 1967.

Contain also requirements for sanitation facilities and first-aid cabinets and equipment.

Regulations for Demolition Work. Effective May 1952, amended to March 1967.

Regulations for Excavations and Construction. Effective November 1961, amended to November 1967.

16. *Regulations for Industrial Sanitation.* Effective May 1921, amended to August 1966.

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, location, maintenance and number of retiring rooms and dressing facilities for women, toilet facilities of various types, 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 supply.

17. *Regulations for Head and Eye Protection.* Effective July 1921, amended to May 1967.

Rules apply to all workers whose occupations require head and eye protection—specifically, goggles, helmets, shields, hoods and masks; classify processes requiring specified protection into seven groups; specify methods of sterilization; set forth mandatory provisions for manufacturers of protectors; list occupations requiring protectors; and require respirators to be of approved types.

18. *Regulations for Industrial Lighting.* Effective May 1923, amended to July 1964.

Require working or traversed spaces during the time of use to be supplied with light in accordance with the rules; shading of lamps to prevent glare; and emergency lighting in event of loss of light power as required in Special Regulations for Emergency Lighting Systems. 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 operations in specific industries.

19. *Regulations for Industrial Home Work.* Effective December 1937, amended to May 1965.

Rules deal with contractors' licenses to be secured from the Department, submission of data on home workers, 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 given in the Appendix.

20. *Regulations for Migratory Farm Labor Camps.* Effective November 1957, amended to October 1967.

Regulations "set forth rules to safeguard the health, safety, morals and comfort of workers housed in migratory farm labor camps." Require the

securing of a license to operate from the Department of Labor and Industry to be granted after Department of Health has submitted a satisfactory report of the sanitary inspection of the camp; require approval of the building plans by Bureau of Inspection of all newly-constructed housing after October 1957; forbid persons afflicted with any communicable disease to work in the preparation or handling of food and require that persons working in kitchen or dining room in connection with a migrant camp obtain certificate of health from a licensed physician; and set forth requirements for housing facilities, kitchen and dining room accommodations, drinking water, washing, bathing and laundering facilities, toilet facilities and sewer connection, and fire prevention.

NOTE: Many other regulations have been promulgated covering subjects such as protection from panic and fire, mechanical power transmission apparatus, ladders, machine tools, explosives and window cleaning.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 18-4641. 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.

Sections 43-42 and 43-44. Prohibit employment of minors under 16 in any manufacturing or mechanical occupation, on scaffolding, in building trades, railroads and mines; and of minors under 18 in specified 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.

Sections 43-101 to 43-133. Regulate female labor. The employment of females "in any occupation dangerous to life or limb, or injurious to the health or morals" is prohibited; and 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 for their use, 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 lunch-room 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

Sections 43-12 to 43-16. Require employers to report within 15 days any injury and accidental death 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." Penalty of failure to report.

Reporting of Occupational Diseases

See under *General Provisions Relating to Occupational Health and Safety*, section 43-478, 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 Bureau of Workmen's Compensation. Sections 77-1 to 77-1603.

Occupational Disease Compensation

Sections 77-1201 to 77-1603. *Occupational Disease Act*. Full coverage.

DEPARTMENT OF MINES AND MINERAL INDUSTRIES

Pennsylvania Anthracite Coal Mine Act

Sections 52-70-101 to 52-70-1405. Act deals with authority and functions of Secretary and Deputy Secretary of the Department who are vested with "the same power and authority as the inspectors to enter and examine any mine within the Commonwealth, and the works and machinery connected therewith;" arrangement of coal-producing counties by the Secretary, with the consent of the Governor, into Mine Inspection Districts, each to be headed by a Mine Inspector, commissioned and appointed by the Governor from among persons holding valid unexpired certificates of qualification issued by the Examining Board; appointment of Electrical Inspectors; composition of the Anthracite Mine Inspectors' and Electrical Inspectors' Examining Board and their functions regarding examination of candidates for inspectors; duties of mine inspectors for examination of mines and collieries, reports of mine conditions, and issuance of stop orders; appeals from decisions of Mine Inspectors to a Commission appointed by the Secretary; and appointment of a first-aid instructor and a mine rescue instructor to instruct mine employees regarding care of injured and to operate the Department's staff mine rescue stations.

Laws provide for a Board of Examiners to be set up in each Mine District to examine applicants for certification as foremen, and assistant foremen, and a Miner's Examination Board in specified counties to examine and certify miners for employment; specify duties and responsibilities of foremen regarding examination and safety of working places, blasting and drainage; duties of miners regarding blasting, examination for gas, use of explosives, reporting to foremen any dangerous condition; general responsibilities of mine superintendent for supervision of work in process; notices of death or serious injuries resulting from accidents and roof falls to Mine Inspectors; and general safety practices to be observed.

Among other subjects covered are: safeguarding machinery, structures and buildings; provision of wash houses where 10 or more men are employed; requirements for ventilation of mines; explosive and blasting practices; safeguarding shafts, openings and outlets; transportation underground; functions of hoisting engineers; requirements for first-aid supplies, emergency equip-

ment and motor ambulance to convey injured to hospital; duties of mine foremen in case of injury to employees, and of Mine Inspectors regarding routine visits to medical rooms in his district; prompt reporting and investigation of fatal accidents, including notifying coroner and attendance at inquests; installation and maintenance of electrical equipment; injunctions; and penalties for violations. Prohibits employment of boys under 18 and females of any age in any mine, permitting employment of females of at least 18 years in an office capacity.

Bituminous Coal Mine Act

Sections 52-701-101 to 52-701-706. Provisions relating to inspectors, mine employees and safety are in general similar to those in the Anthracite Coal Mine Act. They also cover safe working conditions in gaseous mines; provision of ventilation so as to dilute and render harmless smoke and noxious gases; control of dust and other inhalation hazards by use of "approved dust collectors, or by water or other approved methods" and for short exposure periods, by use of approved respiratory equipment; control of coal dust by rock dusting and watering, the rock dust not to contain more than 5 percent by volume of quartz or free silica particles; fire protection measures and facilities and miscellaneous safeguards and precautions specific for bituminous coal mines. Prohibit employment of boys under 18 years of age and women and girls of any age in or outside of coal mines, other than in an office or in performance of clerical work.

DEPARTMENT OF AGRICULTURE

Food Sanitation

The Department of Agriculture has jurisdiction over sanitary regulation of bakeries, ice cream plants, slaughterhouses, and cold storage plants and other food processing plants. Laws 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.

PUERTO RICO

SOURCES: Laws of Puerto Rico Annotated
Rules and Regulations

DEPARTMENT OF HEALTH

Authority and Functions

Laws of Puerto Rico Annotated, Section 3-171. *Secretary of Health—Head of Department; scope of power.* "The Secretary of Health . . . shall be the head of the Department of Health, and shall have charge of all matters relating to public health, sanitation, and charities, except such as related to the conduct of maritime quarantine. He shall also perform such other duties as may be prescribed by law."

Section 3-178. *Regulations; to prevent diseases and protect public health.* "The Secretary of Health shall have power to prescribe, repeal, and amend rules and regulations:

"1. For the purpose of preventing and suppressing infectious, contagious, or epidemic diseases.

"2. In order to protect public health in any service, business, activity . . . such as the water supply service, food and beverages, construction of buildings, ventilation of buildings, drainage, plumbing installations . . . restaurants, eating houses . . . factories, workshops, industrial establishments, slaughter-houses and slaughtering, meat markets . . . ; provided, that nothing contained in this section shall authorize the promulgation of regulations that will deprive a female employee of the privilege of selecting the physician who is to make the examinations as to her physical condition. . . ."

Section 3-179. Deals with procedures of drafting, holding hearings and promulgation of rules and regulations.

Section 3-181. *Inspections and investigations; public places; private dwellings.* "The Secretary of Health, the District Inspectors and the Health Officers . . . are hereby, empowered to enter into any building, house, shop or place, at any hour during the daytime, to inspect and report on the sanitary condition of same, or to cause the prompt removal or correction of any public nuisance, in the form and manner prescribed in the sanitary regulations. . . ." Law is not to be construed as limiting the right to enter all places (except private dwelling) including shops, stores and factories without first obtaining consent of owner or occupant.

Section 3-186. Empowers the Secretary of Health and inspectors and officers to make arrests of persons found or apprehended in the act of violating the sanitary law.

Section 3-187. Prescribes penalties for violations of any provisions of sections 3-171 to 3-190 and sections 24-351 to 24-353 (notification of communicable diseases).

Ionizing Radiation

Sections 24-251 to 24-251t. Establish the Commission for Control of Radiation and vest in the Department of Health responsibility for regulatory control of sources of ionizing radiation used in healing arts or places where safety of the public health may be affected, and in the Department of Labor, responsibility for sources used in industry, industrial research or in any place where worker's safety may be affected.

General Provisions Relating to Occupational Health**Statutory Provisions**

Section 29-336. *Dispensary and medical aid in sugar factory and other establishments.* "Every owner of a sugar factory, dock, factory, workshop, electric or hydraulic plant, or building where power-driven machinery is used, boxing stadium, or race track, whether inside or outside of the urban zone, whose employees exceed fifty (50) in number, is hereby obliged to provide a dispensary sufficiently stocked with medicines and an emergency room for cases of accidents. . . ." Provisions of this section do not apply to dressmaking establishments where only small motors are used, and to factories for the packing of fruits, provided that such motors are safeguarded.

Section 29-337. *Establishment of dispensary; physician furnished.* "The dispensary referred to in section 336 of this title shall be established in a proper room with sanitary conditions and of sufficient light and supplied with water, telephone, operating table and other appurtenances thereunto belonging, so that it may be used for giving first aid in cases of accidents. . . ."

Sections 29-338 and 29-339. Make it the duty of the employer to contract for services of a physician, licensed minor surgeon, and nurse, and require the surgeon and nurse to be at the factory or other workplace during working hours.

Section 29-340. *Inspection of dispensaries.* "The Secretary of Health shall be in charge of the enforcement of sections 336-341 of this title and shall visit and inspect said dispensaries either personally or through his inspectors or other employees, to satisfy himself that said dispensaries are properly supplied with all the material necessary for the purposes for which they are intended."

Section 29-341. Prescribes penalty for violation of above sections.

Rules and Regulations

None specifically.

DEPARTMENT OF LABOR**Authority and Functions**

Section 3-301. *Reorganization of Department by Secretary of Labor.* Authorizes the Secretary to reorganize, consolidate, or coordinate from time to time, the various bureaus and divisions of the Department "whenever such changes may be necessary to accomplish any of the following purposes:

"(1) To promote the best enforcement of labor protecting laws and the most effective and expedite management of the business of the Department. . . ."

Section 3-306. *Secretary to administer department, promote welfare of laborer, and maintain industrial peace.* "The Secretary of Labor shall

have charge of the direction, administration and general supervision of his department, and shall be the head thereof. Through the agencies, services and bureaus created by law, he shall . . . make studies and investigations of the living and working conditions of industrial and agricultural laborers, and shall study and investigate labor systems, the daily working hours . . . and the hygiene and safety of laborers in fields, factories, and shops; . . . he shall study and codify social and labor protecting legislation now in force. . . ."

Section 3-307. *Rules and regulations; approval of Governor.* Empowers the Secretary of Labor to adopt rules and regulations, and after they have been approved by the Governor, such rules and regulations shall have the force of law.

Section 3-308. *Enforcement of labor protection laws.* "It shall be the duty of the Secretary of Labor to enforce the labor protecting laws.

"The Secretary . . . shall investigate every complaint alleging the violation of any labor protecting laws now in force or hereafter enacted." Rest of section deals with hearings and issuance of summons by the Secretary.

Section authorizes the Secretary or employees designated by him "to visit and examine buildings, factories, mills, shops, machinery, farms, agricultural properties and other establishments and premises of any kind where any sort of labor of a commercial, agricultural or industrial nature is performed" in the performance of duties. Prescribes penalty for refusing entry or to cooperate.

Section 3-311. Authorizes the establishment of bodies, boards and commissions under the administrative jurisdiction of the Department, legally constituted for developing and preserving the safety, health and welfare of workers. Requires the Secretary of Labor to be a member ex-officio.

Section 3-312. *Organization of Department.* Included in the list of 16 services and bureaus are: Service of Industrial Supervision, Division of Hygiene and Industrial Safety, Bureau of Labor Statistics, Women's Bureau, Child Bureau, Employment and Migration Bureau, and Industrial Commission.

Section 3-315. *Service of Industrial Supervision.* ". . . shall have charge of:

- "(1) The supervision of the enforcement of laws protecting labor;
- "(2) The inspection of commercial and industrial establishments, agricultural plantations, properties, farms, factories . . . or other establishments or places where any kind of work is done;
- "(3) The investigation of the living and working conditions of workmen and employees."

Section 3-316. *Division of Hygiene and Industrial Safety.* ". . . shall have charge of the supervision and oversight of measures of safety and industrial hygiene applicable to any industry, business, or occupation, and shall be charged with enforcing all the regulations that the Secretary of Labor may promulgate under sections 321-335 of Title 29."

Section 29-323. *Powers and duties of Secretary of Labor.* "The Secretary of Labor shall be bound and shall have jurisdiction and authority:

"(a) To investigate, ascertain, declare and prescribe what safety devices or systems, safeguards, and other means or methods of protection are best adapted to protect the life and health of laborers or employees; to protect the welfare . . . of laborers or employees as required by law or by rules having force of law;

"(b) To ascertain and fix such reasonable standards, and to make, amend, and enforce such reasonable rules, as uniform as possible, for the adoption of safety devices, safeguards, and other means and methods of protection, . . .

relating to the protection of the life, health, safety and welfare of laborers or employees;

"(c) To ascertain, fix, and direct such reasonable standards and rules for the construction, repair, care, and maintenance of places of employment, as shall render them safe."

Section 29-324. *Draft of regulations by Secretary of Labor.* "The Secretary of Labor is authorized to make drafts for rules on industrial safety, and for that purpose it shall advise with employers, employees, technical experts, and such other interested persons or groups as it may determine. . . ."

Sections 29-325 to 29-335. Deal with public hearings and publication of regulations, petitions for hearings to propose changes in rules, procedure for injunctions, cooperation with other officials and agencies of the government, penalties for violations of provisions of act, and special proceedings upon petition to any judge of the Court of the First Instance when laws and rules are not being complied with. "All rules of the Secretary of Labor in conformity herewith shall be in force, and shall be prima facie reasonable and lawful until otherwise held in an action brought for the purpose, pursuant to the provisions of section 333 of this title, or until altered or revoked by the Secretary of Labor, and no code, rule, or regulation in force shall be declared ineffective, illegal, or void on account of any omission of a technical nature found therein."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 29-322. *Employer's duty to provide safe place of employment.*

"1. Every employer shall provide safe employment to the laborers employed and a safe place of employment both to workmen and frequenters thereof, shall furnish and use safety devices and safeguards, shall adopt and use methods, processes and systems 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 said employees. Every employer or owner of a place of employment now or hereafter constructed shall so construct, repair, modify or maintain such place of employment as to render the same safe, and every engineer or architect who prepares plans for the construction of a place of employment shall so prepare said plans as to insure complete safety for such place of employment.

"2. No employer, owner or person may:

"(a) require, permit or suffer any workman or employee to go to or remain in any employment or place of employment which is not absolutely safe;

"(b) fail to furnish, provide and/or use safeguards and safety devices;

"(c) fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment absolutely safe;

"(d) fail or neglect to do everything reasonably necessary to protect the life, health, safety and welfare of employees;

"(e) hereafter construct, maintain, or occupy any place of employment that is not absolutely safe;

"(f) prepare and permit the preparation of plans which do not provide for the necessary safety of such places of employment.

"3. No employee or workman shall remove, displace, damage, destroy, or carry away any safety device or safeguard furnished and provided for use in . . . employment, nor in any way interfere with said safety device or

apparatus while in use by other persons, nor shall any employee interfere with the use of any method, process or system adopted for the protection of employees or place of employment, nor fail or neglect to do everything reasonably necessary to protect the life, health, safety and welfare of the laborers or employees."

Weight Lifting

Sections 29-353 to 29-358. Regulate maximum loads to be lifted or transported by any adult, and specifically by women and children. Authorize the Secretary of Labor to alter the limits when indicated and draft necessary regulations.

Industrial Homework

Sections 29-371 to 29-462. List prohibited forms of homework; authorize the Department of Labor to make inspections and issue orders for correction of deficiencies, providing for public hearings; require employer to procure from the Department permit to operate, maintain a register of all persons employed, articles manufactured and wages paid and report same to the Department, and affix labels to articles manufactured as specified; specify conditions for manufacture in homes including possession of a valid homeworker's certificate; confer right of entry to inspectors of the Department; specify sanitary requirements for homes used for work; prohibit home stripping of tobacco; and prescribe penalties for violations of the various provisions.

Scaffolds and Ladders

Sections 29-346 to 29-348. Contain safety requirements for scaffolds and ladders used on any kind of construction work, and provide penalty for violation of provisions.

Rules and Regulations

1. *General Code of Safety and Industrial Hygiene.* Effective 1967.

Code covers responsibility of employer to furnish safe place and necessary safety devices, and of employee to use and maintain in good condition all safeguards furnished for his protection, and to observe all rules and regulations; prohibits the destruction and damaging of such safeguards; and authorizes the officials of the Department to make inspections, and to have right of entry to workplaces.

Safety requirements and specifications are given for floors, walls, openings, elevators, etc. in places of employment, and for worker protection during construction, repair and demolition of structures.

Chapter III deals with industrial hygiene and personal protection; requires contaminating substances and materials to be controlled when they affect the health of the worker, reduce visibility, increase humidity, constitute a fire or explosion hazard, or any other nuisance; lists in the Appendix the Threshold Limit Values published by the ACGIH; specifies types of methods to be used for control of contaminating substances; requires all places of employment to provide adequate illumination and gives requirements for artificial lighting; specifies requirements for ventilation, air supply, local exhaust ventilation; and requires protection against temperature and humidity.

Personal protective measures include specifications for safety goggles, respiratory protection and safety belts; requirements regarding water supply, number and type of toilet facilities, washing facilities, and lunch rooms;

maximum number of persons to occupy the required separate lunch rooms; and requirements for housekeeping and cleanliness.

2. *Regulations for the Harvesting and Hauling of Sugar Cane.* Effective January 1945.

Regulations deal with the protection of life and safety of workmen in the harvesting and hauling of sugar cane; provide for penalties and petitions for change or modification of the rules; require every workman to make use of every safeguard provided and to observe all rules for the protection of health, and employers to protect their workmen and to see that they use the safety devices and other protective means; specify requirements for intervals between rows, hauling of sugar cane and transportation of workers including minimum requisites for vehicles, portable tracks and tie plates; require workmen to report accidents to employers; employers to post information on matters of industrial safety and accident prevention, and maintenance of safety committees at farms employing 500 or more laborers.

3. *Industrial Safety Regulation for Woodworking Shops.* Effective 1944.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 29-432. Prohibits employment of minors under 16 in any gainful occupation, except as specified outside of class hours.

Section 29-434. Forbids employment of minors 14 years and less than 18 years without allowing one-hour lunch period after 4 consecutive hours of work.

Section 29-439. Requires for employment of minors a medical certificate as to physical and mental fitness.

Section 29-443. Requires the procurement of a permit by minors between 14 and 16 years of age to work at peddling outside of class hours; forbids boys under 14 and girls under 18 to be employed in peddling as specified or in selling lottery tickets.

Section 29-446. Lists prohibited work for girls under 18 including as a messenger in delivery of merchandise and in places where alcoholic beverages are sold.

Section 29-447. Prohibits employment of minors under 18 years as beggars, acrobats, etc.

Section 29-448. Prohibits employment of minors under 18 at any occupation "dangerous or injurious to his life, health, education, safety and welfare." Establishes the Board for Determining the Occupations Dangerous to Minors, specifies its composition and empowers it to adopt regulations.

Section 29-460. Requires employers of women to provide suitable chairs and permit their use when duties allow it. Forbids the employment of female under 16 years where she must stand constantly.

Section 29-461. Requires space for each employee to be no less than 400 cubic feet.

Section 29-462. Requires employers where women or children under 18 years work to provide sufficient means of ventilation, potable water, and sanitary cups. "If, during the course of the day's work, excessive heat, vapor, gases, dust or other impurities obnoxious to health are produced, the department shall be ventilated in such manner as to be put in good condition in accordance with the health laws."

Section 29-463. Requires "every establishment where women or children under eighteen years work in dust-producing occupations shall be white-washed and painted at least once every twelve months, of which the Department of Labor shall be notified. Requires floors to be washed with soap and water at least once a month."

Sections 29-467 to 29-474. Regulate conditions of work for mothers during pregnancy. Prescribe penalties for violations.

Workmen's Compensation

The Workmen's Accident Compensation Act is administered by the Manager of State Insurance Fund, Department of Labor. Sections 11-1 to 11-112.

Occupational Disease Compensation

Section 11-3. Full coverage.

Reporting of Injuries

Section 11-14. Requires every employer to keep a record of all work injuries, serious or slight, received by his employees and of such diseases as are covered by the law, and to file a written report within 5 days after accident occurs with the Manager of the Fund. Penalty for failure or refusal to make reports.

RHODE ISLAND

SOURCES: General Laws of Rhode Island 1956, as Amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

General Laws of Rhode Island 1956, Section 23-1-1. *General functions of department—Prevention and control of diseases.* "The department of health shall take cognizance of the interests of life and health among the peoples of the state; shall make investigations into the causes of disease . . . the effect of localities, employments and all 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 and control of diseases or conditions detrimental to the public health, and adopt proper and expedient measures to prevent and control such diseases and conditions. . . . The department shall adopt and promulgate such rules and regulations . . . to carry out purposes of this section."

Section 23-1-17. *Additional general powers.* ". . . and in order to permit the director to perform the duties given to him by the general assembly, and to enforce the rules and regulations he is authorized to promulgate and adopt, the director is further authorized to promulgate and adopt rules and regulations for the establishment of information collection, minimum sanitary requirements . . . and to enforce such rules and regulations. . . ."

Section 23-1-18. *Power to provide rules and regulations in specific areas.* "Without limiting the generality of the foregoing, such rules and regulations relating to sanitation and health provided for by paragraph 23-1-17 may include: . . . (5) Minimum standards with respect to the manufacture, processing, storage and transportation of frozen food and ice . . . (7) Minimum standards for the establishment and maintenance of salutary environmental health conditions. . . ."

Subsequent sections deal with inspections, compliance orders, notices of violations and hearings, enforcement of compliance orders, penalties, and public hearings before rules and regulations are adopted.

Food Sanitation

Sections 21-27-1 to 21-27-4. Authorize the Director of Health to adopt regulations relating to sanitation in any food business; provide for power of entry and orders to cease operating if necessary in interest of public health; and prescribe penalties for violations.

Industrial Hygiene

Section 23-1-7. *Industrial hygiene.* "Said department and director of health 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."

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

None specifically. See under Department of Labor.

Reporting of Occupational Diseases

Sections 23-5-5 to 23-5-8. Require that every physician "attending on 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 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.

DEPARTMENT OF LABOR

Authority and Functions

Section 42-16-2. *Functions.* "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 department; (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. . . ."

Section 28-20-1. *Division of industrial inspection—Inspection fees.* Establishes the Division of Industrial Inspection and confers on it all the powers and duties prescribed by the provisions of this chapter and such others as may by law be conferred.

Section 28-20-6. *Inspection powers—Reports to general assembly.* Empowers inspectors to visit and inspect the factories, workshops and other establishments subject to the provisions of this chapter as often as practicable.

Section 28-20-9. *Laws enforced by division.* Authorizes the industrial inspectors to enforce provisions of chapter and to prosecute violators before any court of competent jurisdiction.

Industrial Code Commission

Section 28-19-4. Creates the Industrial Code Commission for Safety and Health in the Department of Labor, consisting of 5 members as specified. The Director of Labor and the Director of the Department of Health are ex-officio members of the Commission.

Section 28-19-6. *Power to adopt codes—Committees—Effect of codes.* "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 codes 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 to existing codes as they may deem necessary to carry out the intent of this chapter. In the performance of their duties they may appoint committees composed of employers, employees and experts to suggest codes or amendments thereto. All such codes shall, when adopted, 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. . . . The codes adopted under this chapter shall have the force and effect of law."

Section 28-19-7. Requires public hearings before any code is adopted, amended, or repealed.

Section 28-19-10. *Assistance to employers; Granting of 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 chapter 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 28-19-14. Prescribes penalties for violations of this chapter or of any code adopted by the Commission.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 28-19-2. *Duty to make employment safe and sanitary.* "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 chapter, 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."

Section 28-21-8. *Safeguarding of shafts and well-holes.* Applies to any factory, manufacturing or mercantile establishment where hoisting shafts or well-holes are used and requires same to be properly enclosed or secured as further specified.

Section 28-21-9. *Health and safety requirements generally.* Requires proprietors of any factory or workshop to provide adequate means of egress; locate belting, shafting, etc. so as to be sufficiently guarded; provide safeguards on all vats, pans or structures filled with molten metal or hot liquid;

and provide adequate heating, lighting, ventilation, and sanitary arrangements. Penalties for failure to comply with orders of inspectors when violations are found.

Sections 28-23-1 to 28-23-4. Require painting contractors employing 6 or more painters and using or furnishing painter's rigging for use in structural painting to obtain license from the Department of Labor. Penalties for use of defective rigging.

Sections 28-24-1 to 28-24-4. Require and specify means of exit to be provided on all projects and construction work wherein workers are employed in shafts or tunnels of specified depth. Penalty for violation.

Sanitation

Section 28-21-1. *Water closets in large establishments.* Requires owners of factories, manufacturing or mercantile establishments employing 25 or more persons to equip each establishment with number of water closets as specified and separate for sexes.

Section 28-21-2. *Water closets in small establishments.* Requires provision of one adequate and separate closet for males and one for females in in above places of employment with 25 employees or less when sexes are different.

Section 28-21-6. *Drinking water—Common cup or towel.* Requires every manufacturing and business establishment to provide fresh drinking water for their employees and prohibits use of common cup or common towel. Penalty for violation.

Section 28-21-7. *Wasbrooms in foundries.* Requires every foundry employing 10 or more men to provide suitable toilet, washing and change room facilities which shall be heated, ventilated and protected from the weather. Penalty for violation.

First Aid Provided by Employers

Section 28-27-1. *Definition of terms.* "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 counseling 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 acknowledged 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 28-27-2. *Duty of employers to render first aid to employees—First aid chest.* "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 chapter, 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 28-27-3. *Designation and employment of nurses or first aid workers.* "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 chapter."

Section 28-27-4. *Accident room.* "Every person . . . employing 400 or more persons in any factory . . . or mercantile establishment shall further set aside and equip, on the premises of such factory . . . 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 28-27-5. *Aid administered by first aid workers.* "The first aid worker, who may be regularly employed at other duties in the factory . . . shall, when rendering first aid, administer such first aid as defined in section 28-27-1."

Section 28-27-6. Chapter does not abrogate medical services under workmen's compensation law.

Section 28-27-7. *Enforcement—Assistance by director of health.* "The provisions of this chapter 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 chapter."

Section 28-27-8. Prescribes penalty for violation.

Industrial Homework

Sections 28-18-1 to 28-18-18. 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 sanitary inspections of premises and for presence of communicable or infectious diseases; prescribe conditions permitting homework; prohibit the employment of minors under 16; and prescribe penalties for violations.

Rules and Regulations

Adopted by Industrial Code Commission for Safety and Health. (Selected)

1. Industrial Code No. 3. *Safety Code for Power Presses and Drop Hammers.* Effective June 1947.

Code applies to all power presses and automatic drop hammers and plain drop hammers and covers general hazards, safeguarding press hazards at point of operation, making and setting dies, and inspection and maintenance.

2. Industrial Code No. 5. *Safety Code for Woodworking Machinery*. Effective July 1967.

Code contains safety requirements for plant layout, machines and equipment, and woodworking, veneer and cooperage machinery.

3. Industrial Code No. 6. *Safety Code for the Manufacture, Use and Storage of Industrial Organic Solvents in Places of Employment*. Effective October 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 as 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 Safety Code No. 7. *Safety Code for Equipment Used in Structural Painting, Painters' Rigging and Other Industries*. 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. All accidents resulting in injuries due to failure of rigging, or equipment are to be reported to Division of Industrial Inspection.

5. Industrial Code No. 8. *Safety Code for Laundry Machinery and Operations*. Effective July 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 1949. (Being revised)

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 four 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 the 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*. Effective April 1951.

Code covers mechanical and health hazards encountered in industries processing rubber and rubber products including rubber mills; specifications

for calenders and monthly inspections; safeguards for other machinery; requirements for 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.

8. Industrial Safety Code No. 11. *Ventilation and Operation of Open-Surface Tanks used in Electroplating Operations*. Effective June 1955.

Open-surface tank operations are classified into 12 classes, according to hazard potential measured in terms of Hygienic Standards. Code contains specifications for general and local exhaust ventilation including enclosure of hoods and minimum control velocity for undisturbed locations and minimum ventilation rates for lateral exhaust; system design; air-flow producing equipment for ducts, hoods, etc.; and operation of exhaust systems. Other requirements include: use of personal protective equipment; provision of protective ointments, emergency rinsing water wherever acids or caustics are used, sufficient washing facilities, and availability of first-aid facilities; exposure to potentially toxic substances to be kept within the maximum allowable concentrations listed in the Appendix; special precautions to be taken in connection with the use of cyanides; inspection, maintenance and installation of equipment; and vapor degreasing or vapor drying tanks. Appendices include table of flash points, boiling points, relative evaporation and suggested Hygienic Standards applicable to various substances; suggested Hygienic Standards for toxic mists, gases, fumes or vapors and metal salts which may emanate from open-tank operations; typical design forms for hoods; and a list of maximum allowable concentrations.

9. Industrial Safety Code No. 15. *Safety Code Relating to Occupational Radiation Protection*. Effective June 1964.

Code applies to the manufacture, use, storage, handling, transportation of materials, equipment, etc. which produce, generate or limit ionizing radiation, except as exempted. Subjects covered include registration, maximum permissible exposure limits, surveys and monitoring, radiation exposure records and reports, control of exposure and contamination, labeling, disposal of wastes.

NOTE: Among other Safety Codes adopted are the following: No. 13—*Bakery Industry*; No. 14—*Construction Industry*; and No. 16—*Materials Handling*.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 28-3-1. 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.

Section 28-3-9. Prohibits employment of minors under 16 years of age in listed hazardous places or occupations or "in any work, occupation, place or process declared by the department of health to be injurious, dangerous or hazardous. . . ."

Section 28-3-10. Empowers the Department of Health to declare other places or occupations as hazardous for minors and makes it unlawful for minors to be so employed as well as in other places or occupations not so declared but found hazardous.

Section 28-3-13. 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.

Section 28-3-14. 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.

Section 28-21-3. Requires provision of sanitary facilities for women and children "in such manner as shall in the judgment of said inspectors, meet the demands of health and propriety."

Section 28-21-4. Requires provision of separate dressing rooms for females when such are deemed a necessity, and seats for their use when duties do not require their standing.

Reporting and Investigation of Fatal Injuries

Sections 28-28-1 and 28-28-2. Require 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; authorize the Department to conduct an immediate on-the-scene investigation to determine cause; and prohibit the 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. Sections 28-29-1 to 28-38-22.

Occupational Disease Compensation

Section 28-34-2. Provides for full coverage.

Reporting of Injuries

Sections 28-32-1 to 28-32-6. Require employers subject to the provisions of the Workmen's Compensation Law to report to the Director of Labor within 48 hours, personal injuries resulting in death; within 10 days, injuries incapacitating employees from earning full wages for a period of at least 3 days or requiring medical services; and occupational diseases after knowledge of such incapacity. No other report of injuries to employees shall be required by any other department or office of the state from employers covered by the Workmen's Compensation Law. Reports are not admissible as evidence in any action.

SOUTH CAROLINA

SOURCES: Code of Laws of South Carolina 1962
Rules and Regulations of State Agencies

STATE BOARD OF HEALTH

Authority and Functions

Code of Laws of South Carolina, Section 32-1. *Composition.* Specifies composition of State Board of Health.

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, scavenging, water supply, heating and ventilation. . . ."

Section 32-8. *Executive 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: . . . (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, epidemic 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 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.

Investigation of Occupational Diseases

In *Rules and Regulations on Communicable Diseases*—Filed Secretary of State's Office, June 1958.

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 pro-

visions of this section shall not be admissible as evidence in any action of law to secure compensation for occupational diseases through common law."

Radiation Control

Sections 1-400.11 to 1-400.16. *Atomic Energy and Radiation Control Act.*

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Filed Secretary of State's Office.

1. *Rules and Regulations Governing Industries.* Filed May 1958.

Regulations require industrial plants to provide water for drinking purposes and for the humidifying of spaces or rooms where workmen are employed; require all textile and industrial plants, mercantile establishments and other places where one or more persons are employed to provide sanitary drinking fountains or individual cups; specify requirements for toilet facilities; prohibit spitting on the floors and walls of industrial plants; and prohibit employers to use or permit to use "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 of toxic substances including radiation; and prohibit use of mercurial carrot in the preparation of hatters' furs, and of mercurial carotated hatters' fur in the manufacture of hats.

2. *Shoe Fitting Machines.* Filed February 1953.

Require registration of all x-ray fluoroscopic devices for fitting shoes, that such machines meet the physical standards as set forth in these regulations, and that inspection of such machines be made at least twice a year by the State Board of Health; specify limits for intensity of primary x-ray beams, filtration, control-stray radiation, and require warning placards and electrical safeguarding in accordance with the National Electrical Code.

3. *Food Processing Plants.* Filed April 1951.

Regulation deals with sanitary requirements for food processing plants engaged in preparing, manufacturing, canning, bottling, packing and processing food not covered by separate regulations. Require provision of dressing, washing and toilet facilities as specified, adequate lighting and ventilation, and prohibition of persons with communicable disease from working with food.

Regulations have also been filed for sanitary regulation of slaughterhouses, poultry processing plants, rendering plants, soft drink bottling plants, and the manufacture and sale of frozen dairy foods and frozen desserts.

Reporting of Occupational Diseases

In *Rules and Regulations on Communicable Diseases.* Filed Secretary of State's Office, June 1958.

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. . . ."

Section 5. Lists notifiable occupational diseases.

DEPARTMENT OF LABOR

Authority and Functions

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, his assistants and inspectors, 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, mercantile 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 40-254. *Recommendations for correction and penalty for failure to follow.* Authorizes the Commissioner upon finding any hazardous or dangerous defect in buildings subject to provisions of Section 40-253, to call such defect to the attention of the owner or contractor, and provides penalty for failure to comply.

Section 40-257. *Factories, etc., to be provided with suitable water closets.* Requires factories, mercantile or other establishments and offices to provide sufficient number of water closets, separate for each 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, except as specified. Penalty for violation.

Section 40-256. Requires that seats as specified to be provided for women in mercantile establishments for their use when duties permit it and at certain sedentary occupations. Penalty for violations.

Sections 40-165 and 40-166. Empower the Commissioner of Labor and his agents to enforce the provisions of the chapter relating to the employment of minors, to make complaints against persons violating its provisions, and to institute prosecution for violations; and give right of entry for inspection purposes to establishments employing minors.

INDUSTRIAL COMMISSION

Authority and Functions

Section 72-51. *Creation; appointment, terms and chairman.* Creates the South Carolina Industrial Commission to consist of 6 Commissioners as specified.

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, upon the advice and recommendations of the medical advisory panel: . . .

"(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

The Workmen's Compensation Law is administered by the Industrial Commission. Sections 72-1 to 72-504.

Occupational Disease Compensation

Sections 72-251 to 72-265. *Occupational diseases.* Full coverage.

Reporting of Injuries

Sections 72-501 to 72-504. Require employers to keep records of injuries fatal or otherwise, and to report to the Commission within 10 days after the occurrence and knowledge thereof all injuries causing absence from work for more than 7 days. Upon termination of disability, or if disability extends beyond a period of 60 days, supplemental reports are to be filed. Penalty for violation.

SOUTH DAKOTA

SOURCES: South Dakota Compiled Laws 1967
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

South Dakota Compiled Laws 1967, Section 34-1-1. Creates the State Department of Health.

Section 34-1-2. Establishes the Public Health Advisory Committee.

Section 34-1-16. *Rules, regulations and investigations by advisory committee—Information—Advice to state officials.* "The public health advisory committee shall have the power:

"(1) 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;

"(2) To gather and diffuse proper information upon all subjects to which its duties relate; and

"(3) To advise all state officials and boards in matters relating to hygiene and sanitation."

Sections 34-21-1 to 34-21-46. *Radiation Exposure Control.*

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Department of Health.

Radiation Control, Section 2.14 of Chapter 2, *Environmental Sanitation Services*, 1957. (Also prohibits the operation or maintenance of fluoroscopic shoe fitting devices.)

Reporting of Occupational Diseases

None.

SOUTH DAKOTA INDUSTRIAL COMMISSIONER

Authority and Functions

Division of Labor

Section 60-5-1. *Division established—administration by commissioner of labor.* "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 60-5-3. *Duties of commissioner of labor.* Confers authority to enforce laws relating to women and children.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 60-12-2. Prohibits employment of children under 14 in any factory, workshop or mine.

Section 60-12-3. Prohibits employment of children under 16 in any occupation dangerous to life, health, or morals.

Section 60-12-7. 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.

Section 60-12-8. Requires interiors of factories and workshops to be lime-washed or painted annually, and cleaned periodically.

Section 60-12-9. Requires provision of suitable seats for females or children employed in mercantile or manufacturing establishment, hotel, or restaurant and their use when duties permit.

Workmen's Compensation

The Workmen's Compensation Law is administered by the Industrial Commissioner. Sections 62-1-1 to 62-7-35.

Occupational Disease Compensation

Sections 62-8-1 to 68-8-35. *Occupational Disease Disability Law.* Schedule coverage. Twenty-six kinds of diseases are covered.

Reporting of Injuries

Section 62-6-1 to 62-6-3. 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 Commissioner within 48 hours after knowledge of such accident and supplemental reports upon termination of disability.

Section 62-6-6. Prescribes penalty for failure to report.

STATE INSPECTOR OF MINES

Sections 45-3-1 to 45-3-8. Create Office of Inspector of Mines.

Sections 45-6-1 to 45-6-63. Safety laws apply to "all underground, strip, open pit, open cut workings, tunnel or caisson operations and placer mines" and also to all smelters and dry crushing reduction works. Among subjects covered are: registration of mines; duty of operators to furnish such employment and place of employment safe; escapeways, timbering, and safeguarding of machinery and apparatus; wet drilling to allay dust in metal mines; ventilation requirements, including mechanical ventilation in uranium mines as specified; exhaust fans or other contrivances for removal of harmful gases, dust, fumes and other impurities in smelter or dry reduction works; fire protection; first-aid requirements; protective clothing; inspections by employees and reports of unusual hazards; issuance of necessary rules and regulations; annual inspections by State Inspector of Mines; right of entry; penalties for non-compliance or refusal of entry; reporting of serious or fatal accidents and their investigation; reporting of compensable mine accidents to State Mine Inspector; and appeals to circuit court.

DEPARTMENT OF AGRICULTURE

Food Sanitation

Chapter 39-1. 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.

Chapter 39-2. Regulates food handling and processing places and requires 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.

Chapter 39-3. Contains sanitary requirements for refrigerated food locker plants.

TENNESSEE

SOURCES: Tennessee Code Annotated
Rules and Regulations of State Agencies

DEPARTMENT OF PUBLIC HEALTH

Authority and Functions

Tennessee Code Annotated, Section 53-101. *Department organized into divisions.* Specifies the different divisions comprising the Department.

Section 53-103. *Commissioner may adopt rules and by-laws.* "The commissioner of public health may adopt rules and by-laws subject to the provisions of this chapter."

Section 53-104. *Duties of commissioner.* "The department of public health shall have the 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, . . . effects of employment, habits, localities, and circumstances, upon the health of the people. . . ."

Section 53-114. Establishes the Public Health Council.

Sections 53-3301 to 53-3313. *Radiological Health Service Act.*

Industrial Hygiene Division or Service

Section 50-401. *Definitions.* "The following definitions shall apply in the interpretation and enforcement of this chapter:

"(a) Industrial hygiene—the science of the preservation of the health of the industrial worker.

"(b) Employer—any person, firm, partnership, corporation or industry which employs more than five (5) workers to perform a service or occupation, provided that this definition as used in this chapter shall not be construed to mean the employment of domestic servants or employment in agricultural pursuits.

"(c) Material—dusts, fumes, vapors, mists, or gases of metals, liquids, chemicals or other substances.

"(d) Process—operation or series of operations performed in the manufacture or production of a product or products.

"(e) Condition—any situation or circumstance which may result in injury to the health of workers."

Section 50-402. *Creation of division—Duties—Employment of personnel—Funds.* "The state department of public health is authorized and empowered to create and maintain an industrial hygiene division or service. The division or service shall have as its function 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 chapter, and for this purpose, may spend the funds

appropriated under this chapter, together with any other funds which may be available to the state for this purpose."

Section 50-405. *Inspections authorized.* "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 chapter as he may deem proper, and for this purpose 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 50-406. *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 chapter, 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 50-407. *Construction as to jurisdiction.* "Nothing herein shall be construed as giving the state department of public health jurisdiction over the control and prevention of industrial accidents."

Section 50-408. *Information obtained not evidence in actions at law.* "Information obtained from studies or upon investigations made in accordance with the provisions of this chapter 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 Law."

Section 50-409. *Expenditure of federal funds authorized.* "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 50-410. Annual appropriation clause.

Section 50-411. *Inspectors of department of labor serving as deputies.* "The commissioner of public health is hereby authorized to depute 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 chapter."

General Provisions Relating to Occupational Health

Statutory Provisions

Industrial Hygiene

Section 50-403. *Material or process injurious to health to be rendered harmless.* "No employer as defined in this chapter (Section 50-401) 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 50-404. *Sanitary requirements.* "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; pro-

vided, that every employer shall provide adequate and sanitary shower facilities where 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.

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.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR

Authority and Functions

Section 50-101. *Department of labor divisions.* The Department of Labor shall consist of the Division of Mines, Division of Factory Inspection, and Division of Workmen's Compensation.

Section 4-316. *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 50-502. *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 50-505. *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 . . . the chief inspector and each deputy inspector at reasonable hours, may enter any workshop or factory."

Section 50-509. *Refusal to comply with orders a misdemeanor—Fine.* Penalty clause.

Section 50-510. *Term "workshops and factories" construed—Regulation of such places.* "The term 'workshops and factories' as used in this chapter, shall include the following: manufacturing, mills, mechanical, mercantile, art and laundering establishments, . . . department stores, or any kind of establishment wherein labor is employed or machinery used.

"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. . . . In order to facilitate the regulation and supervision of such places, the commissioner of labor of Tennessee is hereby authorized to adopt and promulgate rules and regulations to that end."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 50-601. *Safeguards—Removal only 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.

Section 50-602. *Light and air requirements where work performed in room, apartment or tenement.* "No person shall hire, employ or contract with another to manufacture . . . any article in any room, apartment, or tenement, unless said room . . . shall be well lighted and ventilated and shall contain at least five hundred (500) cubic feet of air space for every person working therein."

Industrial Homework

Sections 53-2201 to 53-2207. 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

Promulgated by Department of Labor.

Rules and Regulations. Approved by Attorney-General and filed with Secretary of State.

1. Rule No. 1. *Rules and Regulations Regarding Safety.* Filed April 1967.

Contains 16 brief rules regarding safety of machinery, passageways, platforms, exits; first-aid facilities; maintenance of time sheets where females and/or minors under 19 years are employed; and protection of employees exposed to bright sunlight.

2. Rule No. 2. *Rules and Regulations Regarding Sanitation.* Filed August 1955.

Regulations set forth requirements regarding water supply, excreta disposal facilities, washing facilities and dressing rooms including construction requirements, retiring rooms, lunchrooms, and housekeeping.

3. *General Safety Rules and Regulations for the Construction Industry.* Effective March 1966 and as amended July 1967.

Among subjects covered are: job training and job instruction, housekeeping and sanitation, first aid, personal protective equipment, welding and cutting, handling and storage of materials, excavation and shoring, hoists and derricks, etc.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 50-607. Requires provision of seats for female employees in "any factory, mercantile establishment, mill, or workshop," and to permit their use when duties allow it. Penalty for violation.

Section 50-609. Requires provision of separate privies or water closets for female employees in any manufacturing or mercantile establishment. Penalty for violation.

Section 50-711. Prohibits employment of minors under 16 in any manufacturing or mercantile establishment or in connection with a bowling alley or in the operation of any power-driven machinery.

Section 50-712. Lists prohibited occupations for children under 18 years and specifies exemptions.

Mines and Mining

Mining laws are administered by the Division of Labor through the Chief and District Mine Inspectors.

Title 58, Chapters 1 to 4. Deal with qualifications and duties of Chief Mine Inspector and District Mine Inspectors as to inspections and enforcement of mining laws; certification and duties of mine foremen and other mine employees; duties in case of accident or disaster; right of entry and penalty for refusing inspections; issuing of orders; periodic examinations of copper, iron ore, lead, zinc, and other mineral mines for ventilation requirements; and reports required of owners or operators.

Chapter 5. Prohibits use of furnaces for ventilating mines and contains specifications for illuminating oils.

Chapters 6 to 10. Deal with regulations in commercial coal mines. Among items covered are: storage of flammable materials; safety of equipment and working areas; storage of explosives; fire-fighting equipment; ventilation requirements and prohibitions; transportation in mines; electric lines and equipment; examination of mines for gas and dangerous conditions; rock dusting and wetting down of excessive amounts of dust; blasting; use of protective clothing; provision of building for washrooms in coal mines employing 50 or more persons; penalties for violations.

Chapters 11 to 14. Contain regulations for health and safety in mines other than coal mines. Subjects covered are similar in scope to those applying to coal mines. Included also are provisions dealing with obligations of employers to render places of employment safe and duties of employees regarding safety and compliance with rules; and interpretation and application of safety statutes covered by these chapters including the prerogative of the mining inspector to consider health and safety standards of nationally recognized authorities, both Federal agencies and professional associations, in determining what "is reasonably safe, adequate, substantial".

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.

Chapter 15. Deals with safety and health of employed persons in strip and open pit mines. 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; haulage by railroad and trucks; safeguarding of machinery, equipment and workplaces; provision of adequate illumination on night shifts; provision of protective clothing and respiratory devices; reports and 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. Sections 50-901 to 50-1211.

Occupational Disease Compensation

Section 50-1101. Provides for schedule coverage, naming 17 diseases. Employers may elect to be liable for all occupational diseases.

Reporting of Injuries

Section 50-801. 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 50-803. 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.

Section 50-805. Reports made pursuant to these sections are not admissible as evidence in any action or judicial proceeding.

Section 50-806. Prescribes penalty for violations.

STATE DEPARTMENT OF AGRICULTURE

Food Sanitation

Title 52. The State Department of Agriculture has regulatory supervision over all food-producing, processing and selling establishments.

Chapter 3. Contains "Dairy Law of the State of Tennessee".

Chapter 10. ***Food Establishments.*** Applies to all establishments used for the preparation for sale, manufacture, etc. of any food products. Require every such establishment 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 and the purity and wholesomeness of the food therein produced."

Chapter 11. ***Refrigerated Locker Plants.*** Requires provision of at least one gas mask of type approved by Department, readily accessible, in any refrigerated locker plant using a toxic gas as a refrigerant.

TEXAS

SOURCES: Vernon's Civil Statutes of the State of Texas, Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Vernon's Civil Statutes, Article 4414a. Establishes the State Department of Health "to better protect and promote the health of the people of Texas. . . ."

Article 4418d. *Duties of Commissioner of Health.* The Commissioner of Health "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 the 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 . . . 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."

Industrial Hygiene

Article 4477-1. *Minimum standards of sanitation and health protection.* 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."

Radiation Control

Article 4590f. *Texas Radiation Control Act.*

Occupational Safety

Article 5182a, Chapter Nine A. *Occupational Safety.*

Section 3. *Duties of Employers.* "Every employer shall furnish and maintain employment and a place of employment which shall be reasonably safe and healthful for employees. . . ."; and requires employers to comply with every rule lawfully made by the Board in accordance with provisions of the Act.

Section 4. *Occupational safety board.* Creates within the State Department of Health a Division of Occupational Safety, to be administered by an Occupational Safety Board to consist of Commissioner of Labor, Commissioner of Health, and a public member.

Section 5. *Safety Engineer.* Authorizes the Board to employ a safety engineer as Director of the Division of Occupational Safety, under control of the Board. Qualifications are specified. "(c) The engineer shall make annual reports to the board and to the Governor. . . . The reports shall contain the following information to be obtained from the records: (i) accident frequency rates, (ii) accident severity rates, (iii) time loss from industrial accidents, (iv) location and cause of industrial accidents, and (v) all of such information shall be reported by industrial and occupational classification.

"(d) The engineer shall cause to be inspected any plant or facility when he has reason to believe that the plant or facility has not complied with the rules, standards and regulations established by the board. . . ."

Section 6. *Confidential information.* Prohibits disclosure of information relating to secret processes or methods of manufacture of products. Penalty for such disclosure by engineer or other employee.

Section 7. *Classification, consultative and educational powers.* Authorizes the Board to secure medical and compensation costs data from the State Board of Insurance "for purposes of establishing a safety classification for employer", and from the Commissioner of Labor Statistics, statistical data relating to accident experience of employers and their safety programs.

Section 8. *Rule-making power.* Authorizes the Board "to make and modify reasonable rules and standards" for prevention of accidents and occupational injuries, and for "construction, repair, and maintenance of places of employments"; and the engineer to propose rules or amendments as may be necessary. The Board is also authorized to appoint a General Advisory Occupational Safety Committee as specified. Rules and standards promulgated under the Act "shall have the force and effect of law and shall be enforced by the engineer through the Division of Occupational Safety of the Department of Health."

Sections 9 to 12. Deal with public hearings on proposed rules, petitions, publication of rules and judicial review.

Section 13. *Enforcement and penalties.* Empowers the engineer to ad-

minister and enforce the provisions of the Act, and provide penalties for violations.

Section 14. *Accident reports.* Authorizes the Board to "require of employers and of any other source including the Industrial Accident Board" reports of accidents, personal injury and fatalities that it may determine to be appropriate.

Section 15. *Cooperation with other state agencies.* Authorizes the Board, the engineer and the General Advisory Committee to cooperate with other agencies capable of providing assistance. Lists other statutory provisions with which the Act shall be construed as not conflicting.

Section 16. *Labor disputes.* "It is not intended that this Act . . . shall be an issue or be involved in any labor dispute, or be used or asserted to advantage in collective bargaining by employers or employees, and their respective representatives. . . ."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Article 5182a, Chapter Nine A, *Occupational Safety Act.*

Section 3. *Duties of Employers.* See under *Authority and Functions* of the State Department of Health.

Article 4477-1. *Minimum standards of sanitation and health protection measures.*

Section 19. *Industrial establishments.* "(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."

Section 8. *Public buildings.* "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.)

Section 9. *Ice plants.* "(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."

Section 10. *Drinking water.* ". . . (b) The use of the common drinking cup is hereby prohibited in this state. . . ."

Industrial Homework

Penal Code, Article 782a. 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 Board of Health.

1. *Environmental Standards in Industrial Establishments.* Amended December 1963.

Standards apply to all industrial establishments and prescribe minimum environmental requirements for protection of health of employees. Regulations include general requirements for housekeeping, waste disposal, rodent, insect and vermin control, and inspections by employers; lighting to be in accordance with latest standards of ASA; minimum standards for ventilation of work and toilet rooms; potable and non-potable water supply; number, types, construction and maintenance of toilet facilities; and general requirements for change rooms, and retiring rooms for women. Requirements regarding lunchrooms prohibit eating and storing of food where toxic materials are present, and specifications for separate lunchroom where there is exposure to injurious dust or other toxic materials.

2. *Industrial Homework Regulation.* December 1957.

Regulations apply to any manufacture in a home of materials or articles for an employer and require employers to obtain permits, and persons engaging in industrial homework, valid Homeworkeer's Certificates from the State Board of Health. Fees are also prescribed.

3. *Standards for Face and Eye Protective Devices in Public Schools.* June 1965.

Standards are based on ASA Code Z2.1, 1959, and apply to teachers and pupils participating in certain vocational, industrial arts, and chemical-physical courses or laboratories where potentially hazardous operations exist.

4. *Texas Regulations for Control of Radiation.* Amended September 1966.

Reporting of Occupational Diseases

None.

BUREAU OF LABOR STATISTICS

Authority and Functions

Vernon's Civil Statutes, Article 5145. *Duties of Commissioner.* ". . . The Commissioner shall collect, systematize and present in biennial reports, statistical details relating to all departments of labor in Texas, especially as bearing upon the commercial, social, educational, and 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 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."

Article 5180. Provides for appeals.

Article 1568, P.C. Provides for penalty for non-compliance with orders of Commissioner of Labor Statistics.

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Health, Safety and Morals Law (Applies to all employers of 5 or more persons.)

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 a 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; requires hand rails on stairways and light on all main stairs, landings; and that elevator shafts be provided.

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 workmen on buildings.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Article 5172a. Requires all employers to provide seats for female employees, to be used by them when not engaged in active duty at their employment; specifies hours of work; and provides for hearings and punishment for violations.

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.

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. Forty-five diseases are listed.

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 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.

UTAH

SOURCES: Utah Code Annotated 1953, as Amended
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH AND WELFARE

Authority and Functions

Utah Code Annotated 1953, as amended, Section 26-15-1. *Board of health within the department of health and welfare—Creation—Powers and authority.* Creates the Board of Health as the policy-making body of the Division of Health.

Section 26-15-2.1. *Division of health—Creation—Powers and authority.* Creates the Division of Health within the Department of Health and Welfare as the health authority for the State of Utah.

Section 26-15-4. *State department of health (Division of Health)—Powers and duties.* "The state department of health (Division 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) a. To establish and enforce minimum sanitary standards for: . . . (f) . . . factories . . . workshops; industrial, labor or construction camps . . ."

Section 26-15-5. *Board of health—Powers and duties—Rules, regulations, and standards—Reports.* "The 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 division of health 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 any matters as to which jurisdiction is hereinafter conferred upon the division 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 board of health or the division of health shall remain in full force and effect until superseded by rules, regulations or standards duly adopted by the board of health. . . ."

Sections 26-25-1 to 26-25-5. *Radiation Protection Act.*

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

INDUSTRIAL COMMISSION OF UTAH

Authority and Functions

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—Violations of rules or orders—Temporary injunction.* "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 35-1-34 and subsequent sections deal with actions to set aside orders of the commission requiring protection of life, health, safety or welfare of employees in places of employment.

Section 35-1-39. Any employer or other person violating any order of the Commission or provisions of this title shall be guilty of a misdemeanor.

Section 35-1-40. *Each day's default a separate charge.* "Every day during which any person or corporation fails to observe and comply with any order of the Commission, or to perform any duty imposed by this title shall constitute a separate and distinct offense."

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. . . ." Requires employers to allow the Commission to investigate the conditions under which labor is performed. Violations are considered misdemeanors.

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. Where injury is caused by wilful failure of an employer to comply with the law or any lawful orders of the industrial commission, compensation . . . shall be increased fifteen percent, except in case of injury resulting in death."

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 35-1-14. Prescribes penalty for wilful failure of employees to use safety devices or to obey orders or rules adopted by employer for safety and reduces compensation benefits by fifteen percent in cases of non-compliance.

Rules and Regulations

Approved and adopted by Industrial Commission of Utah.

1. *General Safety Orders Covering Utah Industries.* Revised Edition, Effective March 1969.

The purpose of these Orders is "to prescribe specifically, or by reference to nationally organized standards, minimum reasonable requirements for the safe performance of work activities in places of employment in the State of Utah."

The 121 sections contain general requirements for employee safety and health applicable to all places of employment and minimum detailed standards applicable to specific industries, operations or facilities.

Among subjects covered are the following: reporting of accidents and "any sudden or unusual occurrence or change of conditions . . . that might affect the safety or health of the employees or tend to increase the hazards thereof" to the Industrial Commission; responsibilities of employers and employees for safety and inspections; provision of first-aid supplies and special rescue equipment where unusual hazards exist and first-aid training for supervisors and employees; safety and protective equipment for personal protection of employees; prohibited practices; requirements for sanitation facilities, drinking water, eating areas and washing facilities; and housekeeping.

Section 13 of the Orders requires "The working atmosphere must be kept reasonably free from all contaminants, such as dust, fumes, metallic substances, or any other material of a toxic, infectious, irritating or explosive nature that might be injurious to the health of employees. In determining the maximum allowable concentrations or threshold limits for any such substances, the latest report of the American Conference of Governmental Industrial Hygienists or some other nationally recognized authority will be used by the Industrial Commission as a guide whenever necessary in establishing the safe limits or concentrations."

Section 28 of the Orders deals with noise control for prevention of loss of hearing and covers noise control criteria, control measures, audiometric tests, and noise measurement instrumentation.

Section 76 requires labeling of containers of hazardous substances to conform to regulations of Federal and other agencies as specified.

Section 79 of the Orders requires containers of pesticides to be placarded or labeled as required by the Utah Insecticide, Fungicide, Rodenticide Act and precautions to be observed as recommended by the specified agencies. General precautions and prohibitions involving pesticide use, to be observed are also specified.

Examples of other specific subjects covered in the General Orders: drilling operations; flammable and combustible liquids; exhaust control fumes; tank operation, cleaning and repairs; industrial explosives; meat packing and processing; salvage operations; motor vehicle transportation of workers; foundry operations; rubber and plastic operations; dry cleaning; and service stations and repair garages. Minimum requirements may be general or specific or both. References are given to nationally approved standards, when applicable. The 1969 Edition contains a detailed alphabetical index which facilitates reference to specific subject areas.

2. *General Safety Orders Covering Coal Mining Operations.* Effective January 1967.

Orders apply to all coal mining operations, regardless of number of employees and ownership. General safety responsibilities cover inspections by

mine inspectors regarding safety of workmen, machinery, ventilation, lighting, and all other related matters; requirements for granting certificates of competency to mine foremen and fire bosses; maintenance of records and reporting of accidents to the Industrial Commission; maintenance of adequate first-aid equipment and facilities and approved breathing apparatus for rescue purposes; prohibition of underground employment of women and boys under 18 years; use of protective clothing; posting of warning signs; guarding machinery and walkways, and underground fire protection. Other subjects covered relate to surface facilities and conditions; mining methods including control of coal dust and rock dusting; ventilation and mine gases; use of explosives; transportation; electric power, and strip mines.

3. *General Safety Orders Covering Metal and Nonmetallic Mines, Mills, Smelters, Tunnels, Quarries, Gravel Pits, etc.* Effective July 1963.

Among subjects covered are the following: responsibility of employer for safety of places of employment, and of employee to obey and follow rules and to report unsafe conditions; maintenance of records and reporting of accidents; provision of first-aid supplies and equipment, and completion of U.S. Bureau of Mines First Aid Course by supervisors; prohibited practices; provision of effective dust allaying or collecting facilities that will keep dust content at or below threshold limit values as given in latest report of American Conference of Governmental Industrial Hygienists or of other nationally recognized authority; equipment for personal protection; use of explosives on surface and underground; electrical power; prohibited practices in underground mining; requirements for change rooms in underground mines employing 10 or more men; and for rescue apparatus in mines employing 100 or more men; fire protection; safeguarding of openings, shafts and hoisting equipment; duties and qualifications of hoistmen and motormen; and safety rules applicable to smelters, refineries, mills, concentrators and similar operations, and to open pit mines, quarries and gravel pits.

Orders relating to mining, milling and processing radioactive ores (Section 104), require working places of every underground uranium mine to "be provided with sufficient mechanical ventilation to maintain radon daughter concentrations at acceptable levels whenever the mine is being operated.

(b) The atmospheric concentration of radon daughters where men work should not exceed 300 micro micro curies per liter (WL) as determined by the field method detailed in the American Standard for Uranium Mines N7-1 1960, and every operator shall make a reasonable effort to attain said standard."

4. *General Safety Orders Covering Gilsonite Mines.* Effective December 1967.

Among subjects covered are the following: duties and certification of mine personnel; requirements for mine inspections; equipment and facilities for first aid and mine rescue; sanitation facilities and change rooms; prohibited practices; maintenance of records and reporting of accidents; use of explosives; ventilation requirements; mining methods; shafts and hoisting; safeguarding machinery, operations, and openings; and electrical power.

Employment of Women and Minors

Among pertinent provisions are the following:

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 for their use when duties allow.

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 14 years of age in any gainful occupation and those under 16 in connection with power-driven machinery; and specifies permitted work.

Section 34-5-3. Prohibits employment of minors under 18 in employment "dangerous or prejudicial to life, health, safety or welfare."

Section 35-5-4. 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.

Sections 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 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 35-1-106.

Occupational Disease Compensation

Sections 35-2-1 to 35-2-57. *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 within a week of occurrence to report accidents resulting in personal injury to the Commission. Penalty for violation.

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.

VERMONT

SOURCES: Vermont Statutes Annotated
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Vermont Statutes Annotated, Section 18-1. *General powers of department of health.* Creates the Department of Health and empowers it to supervise and direct the execution of all laws relating to public health.

Section 18-101. *State board of health, appointment and qualifications.* Establishes the State Board of Health and specifies its composition.

Section 18-102. *Duties of commission (State Board of Health).* "The commission (State Board of Health) shall supervise and direct the execution of all laws vested in the department of health by virtue of this title, and shall make and promulgate such rules and regulations as are necessary to administer this title. . . . 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 18-107. *Life and health of inhabitants; inspections, investigations.* "The commission (State Board of Health) 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. . . ."

Industrial Hygiene

Section 18-1401. *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 and ionizing radiation who shall have the necessary laboratory facilities to efficiently perform their functions."

Section 18-1402. *Duties.* "Acting under the authority vested in the department of health the division of industrial hygiene shall:

"(1) Study occupational diseases and ways and means for their control and prevention and recommend necessary regulations for such control to the state Board of Health;

"(2) Investigate industrial conditions causing occupational diseases, or which may be suspected of causing occupational diseases, and make recommendations for the control of such conditions;

"(3) Make such inspections, studies, investigations and reports as may be necessary for the enforcement of the orders, rules or regulations of the Board of Health pertaining to the control and prevention of occupational diseases."

Section 18-1403. *Heating and Ventilation—Regulations.* "The Board of Health 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 18-1404. *Notice by Board of Health.* "Notice of promulgation of an order or regulation under the provisions of Section 1403 shall be communicated in writing to the owner . . . of the mill, factory, stone shed, shed or other building concerning the ventilation and heating of which the order or regulation is made, and a copy of such order shall be kept on file by the Commissioner."

Section 18-1405. *Enforcement; court of chancery.* "The court of chancery shall have jurisdiction, upon application thereto by the Board of Health or a party interested, to enforce such orders and regulations of the Board of Health, and to restrain the use and occupation of the premises until the orders and regulations of the Board of Health are complied with."

Section 18-1406. *Conditions and processes affecting health—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 Board of Health, within a reasonable time, take measures necessary to prevent these substances, or processes, from becoming injurious to the health of their employees."

Section 18-1407. *Entry for inspection.* "The Board of Health 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 18-1408. *Control equipment.* "The Board of Health may approve plans for control appliances and equipment and may require installation and maintenance of such control appliances and equipment."

Section 18-1409. *Inspection.* "The Board of Health shall make inspections and studies of establishment for the purpose of carrying out the purposes of sections 1401-1408 of this title, and such inspection shall be made in cooperation with similar inspections made by the department of industrial relations (Department of Labor and Industry)."

Section 18-1410. *Penalty for violation.*

Section 18-1411. *Powers of Commissioner of Industrial Relations (Department of Labor and Industry).* "Nothing contained in sections 1403-1408 of this title, shall be interpreted or construed to affect or change the existing powers or duties of the Commissioner of Industrial Relations (Labor and Industry) relating to inspections of places of employment."

Ionizing Radiation

Sections 18-1651 to 18-1658. Deal with ionizing radiation control and authorize the Commissioner of Health to designate the Director of Industrial Hygiene to perform the functions vested in the State Board of Health as the State Radiation Control Agency.

Air Pollution Control

Sections 10-351 to 10-370. Deal with air pollution control, and authorize the Commissioner of Health to "designate the Director of Industrial Hygiene as the director of the division who shall perform the functions" vested in the State Board of Health designated as the Air Pollution Control Agency.

Public Buildings

Sections 18-1301 to 18-1306. Public buildings are defined to include "factories, mills and workshops, or buildings in which persons are employed." Bring under the control of the State Board of Health "all matters

of sanitation, ventilation and water supply with reference to public buildings," and require persons intending to erect a "public building to submit plans showing method of heating, plumbing, ventilation and sanitary arrangements for approval by the Board."

Food Establishments

Sections 18-4301 to 18-4451. Deal with food establishments generally, and require that such places be "constructed, maintained and operated with strict regard for the health of the employees and for the purity and wholesomeness of the food therein produced, kept, stored, handled, served or distributed." Among other provisions, empower the State Board of Health to make and enforce necessary regulations to carry out provisions of these Sections.

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically other than regulation of sanitary conditions in food handling and processing establishments. See also appropriate Sections relating to *Industrial Hygiene* under *Authority and Functions* of the Department of Health.

Rules and Regulations

Approved by the State Health Commission (Board of Health).

1. *Regulations for the Use of Fluoroscopic Shoe Fitting Devices.* Effective June 1957.

Authorize the Division of Industrial Hygiene, State Department of Health, to inspect new installations of such devices to insure that the provisions of the regulations have been met. Provisions cover permissible exposures to primary x-ray beams and protection of the floor of the foot openings as specified, control measures to be observed by sales persons and customers, control of stray radiation, posting of warning and instruction signs, and electrical safeguarding.

2. *Regulation Pertaining to Recirculation of Air in Granite Sheds.* Approved 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."

3. *Regulation for Radiation Protection.* Approved January 1963.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRY

Authority and Functions

Section 21-1. Creates the Department of Labor and Industry. References in statutes to the Department of Industrial Relations are to be construed to mean the Department of Labor and Industry.

Section 21-101. *Policy of the state.* "It is the policy of the state of Vermont that in their employment all persons shall be provided by their employers, when reasonable and practicable, with safe and sanitary places of employment, machinery, tools and equipment maintained in safe working conditions; safeguards against injury; heating in buildings sufficient to the well being of employees; drinking water facilities, washrooms and toilet facilities; and protective clothing, glasses and equipment necessary to guard against injury.

"It is also the policy of the state that practices and procedures prescribed by an employer for performance of work or duties by his employee shall not be unreasonably dangerous to the life, body or well being of the employee.

"It is the legislative intent that to effectuate the policy of the state, nationally recognized standards may be prescribed in rules made under this subchapter."

Section 21-104. *Inspections.* "(a) The commissioner shall enforce the provisions of this subchapter, make complaints against persons violating its provisions and prosecute violations of the same.

"(b) The commissioner shall have the power and authority to enter and inspect any place of employment, and to make such investigation as is reasonably necessary to carry out the provisions of this subchapter.

"(c) If an employer refuses entry to a place of employment to the commissioner or an inspector, the commissioner may apply to any court of chancery for an order or search warrant to enforce the right of entry for the purposes of inspection under this section."

Sections 21-105 to 21-106. Deal with violations of provisions of subchapter on *Safety*, cease and desist orders, prohibition of employment of any person "in any place or in any activity which would expose him to the imminent physical hazard," reinspections, petitions for injunctive relief, and hearings upon appeal by persons aggrieved by rulings or actions of the Commissioner.

Section 21-107. *Rules.* "(a) The commissioner shall make and promulgate rules reasonably necessary to implement the purposes of this subchapter. Such rules shall have the force and effect of law and shall be enforced in the manner provided in this subchapter. . . ."

Section 21-108. *Assistance to employers.* "The commissioner is authorized to provide service and assistance to employers in carrying out their responsibilities under this subchapter and to suggest to employers or groups of employers methods and procedures by which they develop safety programs to carry out such responsibilities."

Section 21-109. *Industrial safety advisory boards.* Empowers the Commissioner to appoint said boards with representation from labor, industry, insurance carriers and the public.

Section 21-111. *Penalty.* Prescribes penalties for violation of subchapter on *Safety* (Sections 21-101 to 21-114).

Section 21-113. *Power to grant exceptions.* Confers upon the Commissioner power and authority to grant exceptions from literal requirements of rules and regulations promulgated.

General Provisions Relating to Occupational Health and Safety Statutory Provisions

Section 21-103. *Responsibilities.* "(a) Every employer shall furnish a place of employment which shall be reasonably safe and healthful for em-

ployees. Every employer shall install, maintain and use such employee protective devices and safeguards including methods of sanitation and where a substantial risk of physical injury is inherent in the nature of a specific work operation shall also with respect to such work operation establish and enforce such work methods, as are reasonably necessary to protect the life, health and safety of employees, with due regard for the nature of the work required.

"(b) The owner of any premises used in whole or in part as a place of employment shall be responsible for its structural adequacy, for the provision of adequate general ventilation and lighting, and for safe elevator and hoisting systems.

"(c) No person shall render ineffective any employee protective devices or safeguards installed or provided in compliance with the provisions of this subchapter for the protection of the health or safety of any employee."

Section 21-301. *Medical examination, expense.* Makes it unlawful for any employer subject to this chapter "to require an employee or applicant for employment to pay the cost of a medical examination as a condition of employment."

Rules and Regulations

Issued by Department of Labor and Industry.

1. *General Regulations for the Safety and Protection of Employees.* Effective September 1957.

Regulations cover safeguarding of machinery and elevators; operation of boilers and unfired pressure vessels; protection against fire hazards; use of safety goggles or protective shields while work is being performed on specified operations such as welding, working with chemicals, and in foundry operations; standards for goggles, glasses and shields; safety precautions when handling or working with explosives and explosive liquids, vapors or dusts; use of protective clothing; ventilation requirements for listed equipment; provision of sanitation facilities, drinking water facilities, and first-aid kits; general duty of employer to furnish and require use of safety devices and practices; investigation of accidents by employer, keeping of records of all injuries and reporting such injuries to the Commissioner; and safeguarding of floors, openings, ladders and electrical equipment, among other items.

2. *Safety Regulations* regarding construction, demolition and general safety. Effective August 1962.

In addition to safety provisions, regulations contain requirements for minimum first aid and a first-aid station on construction projects on which more than 100 persons are employed; require employers to determine extent of known or suspected hazards to gases, fumes, dusts and other toxic or harmful substances, and provide adequate warning and proper protective equipment for workers; set forth procedures to be taken for prevention of poisoning from poison ivy, oak, and other plants, as well as for protection against hazards involving insects, vermin or snakes.

3. *Safety Regulations* regarding excavation work, shoring, etc; operation of power cranes and shovels in proximity to overhead utility lines; ladders; housekeeping and disposal of waste material. Effective August 1962.

4. *Quarries and Underground Mining.* 1962.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 21-432. 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.

Section 21-436. Prohibits employment of children under 14 in certain gainful occupations, permitting employment in others during vacation or nonschool hours.

Section 21-437. Prohibits and/or restricts employment of children under 16 in certain specified occupations, operations, or on certain machines.

Section 21-439. 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 21-444. Prohibits knowingly employing a woman in any mill, cannery, workshop, factory, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth.

Section 21-445. Requires persons in charge of mercantile establishments, hotels and restaurants employing women or girls as clerks or other help to provide chairs or other contrivances for their comfort and rest and permit their use when not actively employed in the discharge of their duties.

Section 21-447. Authorizes the Commissioner to investigate at least three times each year concerning the employment of minors in any of the occupations enumerated.

Workmen's Compensation

The Employer's Liability and Workmen's Compensation Act is administered by Commissioner of Labor and Industry. Sections 21-601 to 21-1023.

Occupational Disease Compensation

Sections 21-1001 to 21-1023. Schedule coverage. Nine groups or diseases are listed.

Reporting of Injuries

Sections 21-701 to 21-703. Require 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 or necessitating medical attendance to the Commissioner of Industrial Relations within 72 hours of occurrence. Final reports upon termination of disability are also required. Penalty for failure to report.

Examination of Workers Exposed to Silica or Asbestos Dusts

Section 21-1010. Employers engaged in a business where there is a hazard of silicosis or asbestosis 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 and upon termination of employment. 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 Department of Labor and Industry for purposes of this chapter.

VIRGINIA

SOURCES: Code of Virginia 1950
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

Code of Virginia 1950, Section 2.1-1. *Departments generally.* Lists the State Department of Health as one of the departments of the State government.

Section 32-1. Specifies composition of State Board of Health.

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."

Sections 32-414.1 to 32-414.19. *Radiation Control.*

Occupational Disease Control

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. . . ."

NOTE: See also under Department of Labor and Industry for related provisions.

General Provisions Relating to Occupational Health

Statutory Provisions

Mercurial Carrotting Solutions

Section 32-113. *Definitions.* Defines the terms—hatters' fur, carrotting, 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 physicians of such employers or of the Board of Health of county involved, and the vaccination of laborers at the discretion of the examining officers, to be paid by employers. Inspection fee and cost of vaccination may be collected by sheriff or other officer.

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.

Rules and Regulations

Adopted by the Department of Health.

None specifically. Rules and regulations relative to processing and packing 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

Section 40-1. Continues the Department of Labor and Industry as a department of the State government.

Section 40-4. *Powers and duties of Commissioner.* "The Commissioner shall: (1) Have general supervision and control of the Department.

"(2) Enforce the provisions of Titles 40 and 45 and shall prosecute all violations of law relating to the business establishments before any court of competent jurisdiction.

"(3) Make such rules and regulations not inconsistent with the provisions of these titles as may be necessary for the enforcement of Titles 40 and 45; . . .

"(5) . . . The Commissioner or his assistants shall visit and inspect or investigate at reasonable hours, as often as practicable, the business establishments in the State. . . ."

Section 40-8. Prescribes penalty for refusing admission or obstructing investigation by authorized persons.

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."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 40-44. *Toilet facilities in places of employment.* Requires every business establishment to provide adequate and suitable toilet facilities. Penalty for violation.

Section 40-44.1. *Commissioner to notify State Health Commissioner of facilities creating health problems.* "If it shall appear to the Commissioner that the sanitary facilities in any business establishment constitute or create a problem of health, he shall so notify the State Health Commissioner."

Section 40-55. *Safety devices.* "All dangerous or unsafe machinery, appliances, equipment and portions of any business establishment shall be protected by adequate safety devices and the use of any machinery, appliances, equipment and portions of a business establishment in a dangerous or unsafe condition or not so protected is prohibited."

Section 40-58. *Lighting halls, rooms, etc.* Requires work rooms, halls and stairs in any business establishment to be adequately lighted. "The Safety Codes Commission, in adoption of rules and regulations authorized by this chapter, shall specifically require the provision of such illumination as will insure compliance with this section and the standards shall be based on those of recognized authorities in such field."

Section 40-61. *Protection from heat, gases, vapors, fumes, dust and other impurities.* "Every business establishment shall have reasonably adequate and suitable ventilation so as to remove and disperse, insofar as reasonably practical, excessive heat, steam gases, vapors, fumes, dust or other impurities where the required exposure of employees would be substantially injurious to their health or safety. The Safety Codes Commission, in the adoption of rules and regulations authorized by this chapter, shall specifically require the provision of such ventilation as will insure compliance with this section; it may base such rules and regulations upon the standards promulgated by recognized authorities in such field. In the determination of what is reasonable under this section, the nature of the employment or of the processes employed shall be controlling."

Section 40-61.1. *Devices preventing or removing dust or refuse.* "When, in the operation of machinery in any business establishment, dust or refuse results therefrom whether from the machinery, the process, or the materials employed therein, and which constitutes a substantial danger to the operators or other employees working near such machinery, then such machinery shall be equipped with such devices as will reasonably prevent or remove such dust or refuse."

Section 40-61.2. *Safeguards against danger in construction etc., work; rules and regulations of Safety Codes Commission.* Requires adequate shoring and other safeguards in construction, excavation and demolition work. Authorizes the Safety Codes Commission to adopt rules and regulations which may be based upon recommendations and standards of generally recognized bodies.

Section 40-61.3. Contains proceedings upon violation of rules and codes of the Safety Codes Commission; notices of orders by Commissioner of Labor and Industry to employers; referral of appeals from employers by the Com-

missioner to the Safety Codes Commission; and penalties for violations.

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

Adopted by the Safety Codes Commission.

1. *Rules and Regulations Governing Manufacture, Storage, Handling, Use and Sale of Explosives, 1964.*

2. *Rules and Regulations Governing Construction, Demolition and all Excavation, 1966.*

3. *Rules and Regulations Governing the Use and Care of Abrasive Wheels, 1967.*

Employment of Women and Minors

Among pertinent sections are the following:

Section 40-33. Requires all business establishments to provide suitable rest rooms or seating facilities and to permit their use by females at all reasonable times when nature of their work requires them to stand while working. Penalty for violation.

Section 40-96. Prohibits employment of children under 14 years of age in any gainful occupation, except farm work outside of school hours, and of children under 16 years at any gainful occupation during school hours, except as specified.

Section 40-109. Prohibits employment of children under 18 years in the listed occupations and industries.

Mines and Mining

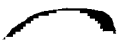
Sections 45.1-1 to 45.1-105. Laws apply to the mining of coal and quarrying of other minerals. Among subjects covered are the creation of the Division of Mines under control of the Department of Labor and Industry to supervise the execution of and to enforce the laws; qualifications of the chief and mine inspectors, and duties with respect to inspections and accidents; examinations and certifications of mine foremen and fire bosses by Board of Examiners; duties of foremen and fire bosses; safety requirements covering surface structures and materials, timbering, explosives and blasting; requirements for ventilation in gaseous and non-gassy coal mines, and in other mines, including examination of mines for gas and other dangers; control of coal dust by effective methods; hoisting and haulage equipment; duties in case of fire; and provision of first-aid equipment and supplies.

INDUSTRIAL COMMISSION OF VIRGINIA

The Workmen's Compensation Act is administered by the Industrial Commission. Sections 65.1-1 to 65.1-137.

Occupational Disease Compensation

Section 65.1-7. 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.



Sections 65.1-46 to 65.1-53. Define occupational diseases and give schedule of occupational diseases. (Employer may elect full coverage.)

Reporting of Injuries

Sections 65.1-124 to 65.1-128. Require every employer to keep records of all injuries, fatal or otherwise and within 10 days of occurrence to report same to the Industrial Commission and turn over 2 copies to the Department of Labor and Industry. Supplemental reports are required as specified. Prescribe penalty for failure to report, with provision for hearings and appeals. Records are open only to the "parties satisfying the Commission of their interest . . . and their right to inspect them."

DEPARTMENT OF AGRICULTURE AND COMMERCE

Sections 3.1-365 to 3.1-385. Contain general sanitary requirements for places used for the sale, manufacture, packing and storage of foods. Require such places to be "properly lighted, drained, plumbed and ventilated 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 and other persons therein employed."

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.

WASHINGTON

SOURCES: Revised Code of Washington
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 powers and perform all the duties prescribed by law with respect to public health and vital statistics;

"(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the cause of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report his findings to the state board of health for such action as the board determines is necessary; . . .

"(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 . . .

"(6) Have the same authority as local health officers, except that he shall not exercise such authority unless the local health officer fails or is unable to do so . . ."

Section 43.20.050. *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. In order to protect public health, the board of health shall: . . .

"Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes . . . and other environmental contaminants; . . .

"Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation; sanitary facilities, cleanliness in all types of public facilities, including but not limited to food service establishment . . . and in places of work. . . .

"All local boards of health, health authorities and officials . . . and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. . . ." Penalty for refusing to do so.

Radiation Control

Sections 70.98.050 to 70.98.910. Designate the State Department of Health as the State Radiation Control Agency to have the powers and duties as specified.

General Provisions Relating to Occupational Health

None specifically.

Reporting of Occupational Diseases

None.

DEPARTMENT OF LABOR AND INDUSTRIES

Authority and Functions

Section 43.22.010. *Division of department—Personnel.* "The department of labor and industries shall be organized into six 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. . . ."

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, warehouses, 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 in employments subject to the provisions of title 51, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries. Provided, however, this section does not apply to railroads;

"(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges . . . and apparatus of 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 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 43.22.270. *Powers and duties.* "The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations: . . .

"(4) To, 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) To, with the assistance of the supervisor of women in industry,

supervise the administration and enforcement of all laws respecting the employment and relating to 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 other work than coal mining, the director of labor and industries through the division of safety . . . shall make, and may from time to time modify, and promulgate standards of safety, to wit:

"(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 director . . . shall make, and may from time to time modify, and shall promulgate rules and regulations for the enforcement of the use of such standards of safety."

Section 49.16.120. *Duty of department—Inspections.* "It shall be the duty of the director of labor and industries through and by means of the division of safety, to enforce the safe place, safety device, and educational standards and orders to inspect the establishment or work of every employer engaged in extra-hazardous 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."

Section 49.20.040. *Examination of factories, etc.* Makes it the duty of the Director of Labor and Industries "by and through the division of safety to examine from time to time, all factories, mills, workshops . . . and the machinery and appliances contained therein" to determine compliance with provision of chapter 49.20.

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.* ". . . it shall be the duty of every employer to 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 and to furnish and use such safety devices and safeguards and to 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 to 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 such employer by the director of labor and industries through the division of safety or by statute or by the state mining board."

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, safe 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 49.16.151. Penalty for violations of provisions of chapter 49.16 relating to safety in extra-hazardous employment.

Health and Safety

Chapter 49.20 deals with 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. Violations are termed misdemeanors.

Section 49.20.020. *Ventilation and sanitation.* "Every factory, mill, or workshop where machinery is used . . . 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, 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 in any factory, mill, or workshop, any process is carried on in any enclosed room thereof, by which gases, vapors, dust or other impurities are 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 impurities. . . ."

Section 49.20.030. *Safeguards for hatchways, stairways, shafts, etc.* All such openings in all workshops shall be protected by appropriate safeguards.

Section 49.20.050. Confers the right to any person carrying on business to which the chapter applies to make written request for an inspection.

Section 49.20.060. Requires employees to notify supervisors of any defect or failure to guard machinery.

Section 49.20.110. Cites penalty for violations of provisions of this chapter (49.20).

Underground Workers

Sections 49.24.010 to 49.24.380. Deal with working conditions of workers employed in tunnels, quarries, caissons, and subways; set forth requirements for safety of equipment, locks, and workplaces; require 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; require that the medical officer examine new and returning employees before permitting them to enter the working chamber; and specify 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

Promulgated by the Department of Labor and Industries.

1. *Occupational Health Standards.* Effective August 1963.

Purpose is "to protect the health of workmen by prescribing minimum requirements for the prevention or control of conditions in industry hazardous to health" and to "assist in the provision of a healthful working environment as required by RCW 49.20.020."

Standards provide for variations from requirements upon application and after adequate investigation by the Department; require every reasonable precaution to be taken for the control of hazardous conditions where no standards have been derived; forbid workmen to be exposed to hazardous concentrations of chemical agents, and the accumulation of chemical agents so as to constitute a health, fire or explosion hazard; and define airborne and contact chemical agents.

Forbid workmen to be exposed to hazardous concentrations of biological agents associated with industrial products or wastes, and likewise to hazardous levels of physical agents, including but not limited to illumination, non-ionizing radiation, pressure, vibration, temperature and humidity, and noise as defined or referenced to other Standards of the Department. Section on *noise* requires the elimination of excessive exposures whenever operations reasonably permit it by engineering or operational controls, and when levels equal or exceed the levels given in the accompanying table on sound pressure levels for frequency band ranges, the use of approved ear protectors. Also forbid workmen to be exposed to oxygen deficient atmosphere hazardous to health unless provided with an adequate air supply.

Require ventilation control of hazardous airborne contaminants to be accomplished by either local exhaust or dilution as further specified; use of approved respiratory protective equipment when required, but not in lieu of engineering or operational controls; and provision of emergency wash facilities such as deluge washers and eye wash fountains where hazardous

exposure to contact with chemical agents can occur. "Regulations relating to industrial sanitation are the responsibility of the State Board of Health."

Appendices contain supplemental materials on *Threshold Limit Values for 1963* published by the ACGIH; *Levels of Illumination Currently Recommended*; *Non-Ionizing Radiation*; and *Temperature and Humidity*.

2. *Standards Relating to Precautionary Labeling of Hazardous Substances Used in Places of Employment*. Effective December 1962.

Standards contain warning label requirements for containers holding substances capable of producing a health, fire, or explosion hazard in places of employment governed under the Washington Industrial Insurance and Medical Aid Act. Standards cover general labeling requirements; minimum information and warning to appear on such containers; required typography and location of warning text; and instructions to be given in separate labels or in combination with warning labels.

Appendices contain material on: *Selection of Precautionary Statements*; *Container Handling and Storage*; and *Illustrative Labels for Hazardous Chemicals*.

3. *Safety Standards for Compressed Air Work*. Effective February 1963.

Require the owner to have a representative and a superintendent experienced in compressed air work on every job and to give the Department their names and addresses within 24 hours after starting work; specify general operating requirements and instructions deemed advisable by the medical officer for posting in change houses and manlocks; set forth requirements for hours of work, compression and decompression of workers, manlocks and special decompression chamber; and for lock attendants.

Section dealing with regulation of pressure and air quality in working areas requires pressure monitoring and installation of automatic air quality monitoring systems which will indicate dangerous presence of specified air contaminants; prohibits dry drilling of holes in rock by machines, and specifies limits for free silicon dioxide and nuisance dust according to three classes of rock; and gives requirements for protection against atmospheric contaminants.

Subsequent sections contain requirements with respect to air supply, compressor plants, sanitary and other personnel facilities including dressing room and clothes drying facilities, supply of coffee for men working in compressed air, suitable eating space underground, and sanitation facilities below ground; construction, use and maintenance of stairs and ladders; lighting and power; communications and signals; use and storage of explosives; fire prevention; and special safety provisions for tunnels and caissons.

Standards require the employer to arrange for medical supervision of workers while employed in compressed air by one or more physicians trained in such work, a certified medical attendant to be on every job to be in charge of first aid and perform other duties as the physician may direct, and other first-aid personnel on each shift as specified; specify provisions for first-aid room and equipment; contain requirements for location, design and use of medical locks; require workers with symptoms of decompression illness to proceed immediately to the first-aid room for examination and treatment; require physicians to report every case of decompression illness to the Supervisor of Safety; and contain requirements for pre-employment and periodic physical examinations of workers, and for physical fitness. A series of decompression tables is appended to the end.

4. *General Safety Standards*. Filed March 1960.

The first part deals with safety educational standards, including responsibility of management and employees in maintaining a safe and healthful working environment, safety committee activities, and minimum requirements for first-aid services, contents for first-aid kits and equipment for first-aid rooms.

The second portion deals with "safe place and safety device standards" designed to safeguard workmen against recognized hazards of industry. Among subjects covered are requirements for minimum standards of lighting and illumination for various industrial interiors; communication systems; provision and maintenance of personal protective equipment, clothing and respirators; specifications for ladders; protection of persons at window cleaning; regulations for foundries, and for cranes and hoists, and platforms; safeguards for paper machines, chemical pulp mill; and specifications for scaffolds and ropes.

5. *Safety Standards for Metallic and Non-Metallic Mines*. Effective May 1948.

Standards contain discussion of safety education and accident prevention programs, management's responsibility for such programs, accident records keeping and calculation of injury rates, employee's responsibility in safety education activities, and functions of safety inspector and safety committees. Specify minimum requirements for first-aid personnel, supplies, and first-aid room; and require testing of mines for dangerous or poisonous gases and accessibility of oxygen 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.

6. *Safety Standards for Metals Industry*. Effective June 1955.

Standards apply to all metal producing and metal working operations and cover employer responsibility to furnish and maintain a safe place of employment as specified; minimum standards of illumination for industrial interiors; specifications for standard railings, and metal guards; and safeguarding various work places, equipment and materials. Require provision of ventilation sufficient to keep concentration of hazardous gases, vapors, mists, fumes, and dust below amount which will produce harmful effects; recognize maximum permissible limits set by the ACGIH, the American Standards Association, or other recognized authorities, which if exceeded, "shall constitute harmful conditions or exposures and positive control methods shall be instituted;" discuss in some detail "eight principal methods used for elimination or control of industrial health hazards."

7. *Safety Regulations for Scuba Diving*. Effective February 1964.

Regulations apply only to those divers whose activities are subject to the workmen's compensation law, and cover appointment and duties of safety advisory committees to make recommendations to the Supervisor of Safety regarding equipment, physical examination and training standards; classifica-

tion of apparatus permitted and air purity; approval of equipment by the Department; periodic testing of air cylinders; requirements for diver registration; and procedures for emergencies, buddy system of diving, records, signals and warnings. Divers are to be guided by U.S. Navy Standard Air Decompression Tables. Rules prescribe requirements for decompression chamber at the diving site when planned dives will exceed the "no decompression" in the Navy Tables. Provision is made for variances upon written application. Included also are the physical examination form to be completed by the physician, the medical history record to be completed by the applicant, and illustrations of flag codes.

8. *Safety Rules for Grain Elevator Operations.* Effective January 1965.

Rules prescribe general requirements and prohibited practices around grain elevators; require workman entering a storage bin to first ascertain that it is safe to do so, to wear an approved safety belt with lifeline attached, and that at least one other person be present to observe constantly; and require workman entering silo type bin to notify the supervisor accordingly. Instructions are given regarding inspection of shovel equipment, and railroad car safety. Manlifts are to conform to *Safety Standards for Manlifts* of the Department.

Rules for fumigation deal briefly with posting of warning notices, sealing of silo type bins and structures, inspection of areas, and the wearing of protective equipment and clothing. Persons applying insecticides and disinfectants must examine areas first and give warning of danger. General requirements for walkways, ladders, deluge shower, safety belts and lifelines, and other safeguards are also given.

9. *Quarry Safety Standards.* Effective August 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.

10. *Safety Standards for the Painting and Decorating Industry.* Effective November 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 of 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: Other standards that have been issued include: *Safety Standards for Logging Operations*, 1967; *Safety Standards for Longshore, Stevedore and Waterfront Warehouse Operations*, 1965; *Safety Standards for Sawmills and Wood-Working Plants*, 1951; and *Electrical Construction Code*, 1964.

Employment of Women and Minors

Among pertinent provisions are the following:

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.

Section 49.12.215. Requires employers of females to provide seats and permit their use when duties allow it.

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 78.40.606. 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

Sections 43.22.120 to 43.22.250. Establish within the Department a Division of Mining Safety; authorize the Director of Labor and Industries to appoint a State Mining Board to conduct examinations and issue certificates of competency for Chief and Deputy Inspector; provide for making inspections, right of entry to inspect, issue orders for corrections and for investigation of accidents. Provision is made for writ of injunction to courts, and if trouble is not corrected, for temporary closing down of places.

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 to 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."

Coal Mining Code

Sections 78.40.010 to 78.40.797. Among subjects dealt with are examinations and certificates of competency for mine foremen and fire bosses; ventilation requirements including minimum quantity of air required and weekly measurements of air; duties of fire bosses for inspections of gaseous mines; qualifications of hoistmen and safety of hoisting equipment and practices; duties of foremen regarding investigation and reporting deaths and injuries and testing of safety devices; provision of washrooms, first aid and mine rescue equipment; duties of superintendents to see that laws are complied with and weekly examination made of mines; rules regarding use of explosives, installation of electricity and shaft sinking, hours of labor; and safety committee activities. General safety rules and prohibited practices are listed. Laws also prohibit internal combustion engines underground and provide specific penalty for violation of this provision.

Workmen's Compensation

The Workmen's Compensation Law (Industrial Insurance) is administered by the Department of Labor and Industries. Sections 51.04.010 to 51.98.050.

Occupational Disease Compensation

Section 51.08.140. Occupational disease is defined to mean "such disease or infection as arises naturally and proximately out of employment." Full coverage.

Reporting of Injuries

Section 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.

DEPARTMENT OF AGRICULTURE

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.

UNIVERSITY OF WASHINGTON

Section 28.77.410. Authorizes the construction and maintenance of an Occupational and Environmental Research Facility in the School of Medicine "having as its objects and purposes testing, research, training, teaching, consulting and service in the fields of industrial and occupational diseases among workmen, the promotion and protection of safer working environments and dissemination of the knowledge and information acquired from such objects and purposes."

Section 28.77.414. Authorizes the submission of any matter or problem relating to the industrial and occupational health of workmen to the Facility by any public agency or interested party.

Section 28.77.416. Creates an Advisory Committee to the Environmental Research Facility to consist of eight members as specified.

Section 28.77.418. Authorizes the University to "accept and administer loans, grants, funds, or gifts, conditional or otherwise, in furtherance of the objects and purposes of this Act, from the Federal government and from other sources, public or private. For the purposes of securing payment from the accident and medical aid fund, as funds are required, vouchers shall be presented to the Department of Labor and Industry."

Section 51.16.042. *Industry to share costs.* "Inasmuch as business, industry and labor desire to provide for testing, research, training, and teaching facilities and consulting services at the University of Washington for industrial and occupational health for workmen in the environmental research facility thereat, each class of industry shall bear its proportionate share of the cost accrued during any fiscal year based on average workman hours of exposure over the preceding two-year calendar period."

WEST VIRGINIA

SOURCES: West Virginia Code
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH

Authority and Functions

West Virginia Code, Section 16-1-1. *Composition of department.* Establishes the State Department of Health to consist of a Board of Health, a Director of Health, and others as provided for.

Section 16-1-2. *Board of health—Body corporate, etc.* Establishes the Board of Health to consist of members as specified.

Section 16-1-3. *Same—Powers and duties: rules and regulations.* ". . . 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, suppression, 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 16-1-6. *Director of health—Powers and duties.* "The director of health shall be the executive officer of the State board of health. Under its supervision, he shall administer the provisions of this article, all other laws of this State relating to public health and within the authority of the

department of health, and the rules, regulations and orders established, promulgated or issued by the board of health. . . ."

Section 16-1-8. *Administrative and other employees of department; interfering with inspectors, etc.* "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 interfering with authorized employee in discharge of his duties.

Section 16-1-20. *Penalties for violating provisions of article.*

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 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 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,* 1949.

Regulations deal with water supply, provision of sanitation facilities, cleanliness of premises, and food handling.

4. *Radiological Health Regulations.* Effective July 1968.

5. *Regulations Governing the Sanitation of Food Handling Establishments.*

Reporting of Occupational Diseases

None.

STATE DEPARTMENT OF LABOR

Authority and Functions

Section 21-1-1. *Creation, control and management of department.* "There shall be a state department of labor, which shall be under the control and management of a state commissioner of labor."

Section 21-1-3. *Inspections by commissioner; duties and records of employer; commissioner may appoint assistants.* "The commissioner of labor . . . shall have the power and authority in the discharge of their duties, to enter any place of employment or public institution 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 21-3-1. . . . *orders of commissioner.* "To carry out the provisions of this chapter (21-3) the commissioner of labor shall have the power to investigate and prescribe that reasonable safety devices, safeguards, or other means of protection be adopted for the prevention of accidents in every employment or place of employment, and to make, modify, repeal, and enforce reasonable general orders, applicable to either employers or employees, or both, for the prevention of accidents."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Safety of Workplaces and Equipment

Section 21-3-1. *Employer to safeguard life, etc. of employees;* "Every employer shall furnish employment which shall be reasonably safe for the employees therein engaged 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. . . ."

"Every employer and every owner of a place of employment . . . shall so construct, repair and maintain the same as to render it reasonably safe. . . ."

Section 21-3-2. *Guarding machinery and dangerous places, standards for construction of scaffolding, hoists and temporary equipment; first aid equipment.* Requires all power driven machinery, projecting or moving parts, vats, pans of molten, hot or corrosive fluids, and machinery of all kinds 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 construc-

tion 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 21-3-3. *Guarding shafts, hatchways, wheel holes, elevators and electrical apparatus; requiring correction of unsafe conditions.* 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 21-3-3a. *National Electrical Code minimum standards.* Requires all electrical wiring, apparatus and equipment in all work establishments to conform to the National Electrical Code of the National Fire Protection Association.

Section 21-3-4. *Removal of safeguards.* Prohibits any person from removing or making ineffective required safeguards.

Section 21-3-5. *Control of machinery.* Sets forth detailed requirements for safeguarding machinery of various types for prevention of accidents.

Section 21-3-6. *Stairways, passageways, and lights; overloading floors or walls; space between machines.* Requires hand-rails and treads on stairways, proper lighting in passageways, and prohibits overloading areas and crowding machinery.

Eating Facilities

Section 21-3-10. *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 21-3-12 and 21-3-13. 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.

Miscellaneous

Section 21-3-14. Empowers the Attorney General and prosecuting attorneys to prosecute any violations of orders of the Commissioner of Labor. Penalty for violation.

Section 21-3-15. *Inclosure of street car platforms.* 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.

Section 21-3-16. *Employers not to require payment of fees for medical examination as condition of employment; enforcement.* Makes it unlawful for any employer as defined "to require any employee or applicant for employment to pay the cost of a medical examination as a condition of employment." Commissioner of Labor enforces this section. Penalty for violation of provisions of this article.

Industrial Homework

Sections 21-7-1 to 21-7-11. List prohibited industrial homework; authorize the Labor Commissioner to make investigations covering all phases of

homework; provide for issuance of employer's permit and homeworke's certificate; and prescribe penalty for violation.

Rules and Regulations

Promulgated by Commissioner of Labor.

1. *Basic Safety Rules and Regulations.* Effective January 1963.

Introductory chapters discuss responsibility of management for and importance of a safe physical environment; list the items to be checked when making a plant survey; and list kind of hazards that are responsible for most of the work injuries and fatalities.

Rules are applicable to all industries, and are designed "to protect the life and health of workers and the stability and health aspects of their employment." Rules contain minimum requirements for sanitation facilities, house-keeping, personal protective equipment and for lifting; list recognized control methods for toxic materials; require garages to be equipped with effective ventilation systems, and service stations to comply with specified safety provisions; give regulations for the protection of life, health and safety of women in industry, with discussion of possible effects of toxic materials on health of pregnant women; and regulate transportation of workers by motor vehicles.

Other subjects covered include safety requirements with respect to the plant layout and facilities, guarding of machinery, abrasive wheels, and handling and storage of explosives.

2. *West Virginia Safety Code for Building Construction.*

Code contains mandatory and advisory rules based on the American Standards Safety Code (A10.2—1944) for Building Construction, adopted by the Commissioner of Labor in accordance with Section 21-3-2 (see under *Statutory Provisions*). Two of the 18 Parts of the Code follow.

Part VII. *Compressed-Air Work.* Provisions cover hours of work and rest intervals, and requirements for decompression, lighting, communications and sanitary facilities including separate drying room. Contractors are required to employ at least one licensed physician experienced in compressed air work and to establish and maintain a medical lock as specified. Requirements are given for physical examinations of workers and maintenance of records of such examinations and of compressed air illness. Covered also are general requirements for compressor plants, locks and shafts, caissons, and for prevention of fires.

Part XV. *Personal Protective Apparel, Clothing and Safety Equipment.* This Part includes a section on "Protection Against Occupational Health Hazards." Makes it the duty of the employer to protect the health of employees against hazards to "such items as toxic gases, dusts, fumes and mists, noise, heat, oxygen deficiency and ionizing radiation." Prohibits employees for work in atmosphere containing less than 19 per cent oxygen or other substances in harmful quantities "unless the employee is provided with the necessary protective equipment." Requires all respiratory protective devices to be of the type approved by U.S. Bureau of Mines.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 21-3-11. 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 21-6-1. Prohibits the employment of children under 16 in gainful occupations other than agriculture or domestic service in homes.

Section 21-6-2. 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 21-6-7. Regulates hours of employment of children under 16 and requires lunch period after 5 consecutive hours of work.

Section 21-6-9. Empowers the Commissioner of Labor to enforce child labor provisions and provides for right of entry and inspection. Provisions relating to employment of children in mines are to be enforced by State Department of Mines.

Reporting of Injuries

Section 21-3-1. . . . *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 23-1-1 to 23-5-6.

Occupational Disease Compensation

Section 23-4-1. The terms "injury" and "personal injury" are extended to include silicosis and any other occupational disease as defined. Full coverage.

Reporting of Injuries

Section 23-4-15. 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.

STATE DEPARTMENT OF MINES

Sections 22-1-1 to 22-2-79. The Department of Mines has supervision and enforcement of all State laws pertaining to mine and minerals inspection enacted for health and safety of workers. Among subjects covered are appointment and qualifications of mine inspectors; establishment and duties of Mine Inspectors' Examining Board; duties of mine inspectors for examination of mines, investigation of fatal accidents and issuance of orders and notices for correction or closing off of dangerous area; creation of Coal Mine Safety Board and procedures regarding hearings upon application of aggrieved mine operators; and maintenance of mine rescue stations by Director of the Department and the employment of mine rescue crews.

Provisions for safety in coal mines include requirements for ventilation,

examination of gassy and non-gassy mines; qualifications and duties of mine foremen and fire bosses; control of coal dust by removal from mine, watering down or rock dusting as specified; responsibility of workmen for testing roof, face and ribs; storage, use and handling of explosives; requirements regarding hoisting machinery, transportation and electricity; safeguards for mechanical equipment and related facilities; provision of first-aid equipment as specified in every mine employing 50 or more men; and investigation of accidents and reporting them to the Department.

Sections 22-6-1 to 22-6-8. Provide for examination and certification of competency and qualification of miners.

WISCONSIN

SOURCES: Wyoming Statutes
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Authority and Functions

Wisconsin Statutes Annotated, Section 15.19. *Department of health and social services; creation.* Creates the said Department under the direction and supervision of the Health and Social Services Board, the latter to consist of 9 members.

Section 15.191. *Same; program responsibilities.* Lists chapter and section numbers having application.

Section 15.193. *Same; specified divisions.* "... (2) *Division of Health.* Creates the Division of Health under the administration of the State Health Officer, who shall be appointed by the Health and Social Services Board, with the approval of the Council on Health.

Section 15.197. *Same; councils.* "... (6) *Council on Health.* Creates said Council to consist of 7 members to advise the Department and the Division of Health.

Section 140.05. *Powers and Duties.* "(1) The department 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 department 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. It may empower the state health officer to act for the department upon such matters as it determines in issuing and enforcing orders in compliance with law and rules adopted by the department. . . .

"(14) The board* may conduct investigations, studies, experiments and research pertaining to any public health problems which are a cause or potential cause of morbidity or mortality and methods for the prevention or amelioration of such public health problems. For the conduct of such investigations, studies, experiments and research, the board* may on behalf of the state accept funds from any public or private agency, organization or person. It may conduct such investigations, studies, experiments and research independently or by contract or in cooperation with any public or private agency, organization or person including any political subdivision of the state."

* Should be interpreted to mean the *Department* Statutory changes were not brought up to date as of this compilation.

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 it shall appoint for each a district health officer. . . .

"(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. . . ."

Sections 140.50 to 140.60. *Radiation Protection Act.*

General Provisions Relating to Occupational Health

Statutory Provisions

Section 146.03. *Home Manufacturing.* Applies to securing 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* may adopt and enforce rules for local health officers hereunder, and may prohibit home work upon specified articles when necessary to protect health of consumers or workers."

Section 146.19. *Certification of migrant labor camps.* Requires every person maintaining a migrant labor camp to file annually an application to operate with the State Board of Health* and provides for inspection of camps and adoption of rules by the Board.* Penalty for failure to make application and for violation of rules.

Rules and Regulations

See Wisconsin Administrative Code.

1. *Hatters' Mercurial Carrotting Solutions.* Section H 102, effective February 1963.

"The use of mercurial carrot in the preparation of hatters' fur, or the use of mercurial carroted hatters' fur in the manufacture of hats is prohibited."

2. *Minimum Standards for Wisconsin Migrant Labor Camps.* Section H 76, effective January 1962.

Apply to all migrant labor camps maintained as living quarters for 6 or more seasonal or migrant agricultural, industrial or construction workers. Contain requirements as to site, dwelling units, water supply, sanitary facilities, waste disposal and camp maintenance.

3. *Radiation Protection Code.* Section H 57, effective February 1966.

* See footnote on preceding page.

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 patient 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 state board of health shall enforce this section, and it may call upon the local boards of health for assistance."

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS*

Authority and Functions

Section 15.22. *Department of industry, labor and human relations; creation.* Creates said Department under the supervision of the Industry, Labor and Human Relations Commission.

Section 15.221. *Same; program responsibilities.* Lists chapter numbers having application.

Section 15.227. Creates Councils including the Council on Workmen's Compensation.

Section 101.08. *Employers to furnish information; statistics; inspection by department.* ". . . (3) Any commissioner or deputy of the department 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 bring to the attention of every employer or owner any law, or any order of the department, 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 department to his place of employment or public building. . . ."

Section 101.09. *Supervisory jurisdiction and powers of department over employments and places of employment.* "The department 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 department.* "It shall also be the duty of the department, 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,

* In accordance with Section 584 of Assembly Bill No. 1086, 1969 New Laws, pages 1158 and 1159, the word "*department*" was substituted for the terms "commission" and "Industrial Commission."

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 department 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 department 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. . . ."

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 department shall proceed with or without notice, to make such investigation as may be necessary to determine the matter complained of. . . .

"(3) Whenever the department 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."

Section 101.13. Declares orders of Department lawful.

Section 101.15. Provides for petitions and hearings on reasonableness of orders.

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 em-

ployes 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 every other thing reasonably necessary to protect the life, health, safety, and welfare of such employes. . . . Every employer . . . shall so construct, repair and maintain such place of employment or public building, as to render the same safe."

Section 101.07. *Same; employes 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 103.44. *Permits; house contract work; penalties.* Requires permit to be obtained from the Department for "home work manufacture." Conditions of permit require compliance with regulations concerning minors, hours, wages, and health and safety. Penalty for violation.

Rules and Regulations (Selected)

See Wisconsin Administrative Code.

1. *Dusts, Fumes, Vapors and Gases.* Section Ind 20, effective May 1957.

"Concentrations that equal or exceed those listed in the most recent list of maximum allowable concentrations (Threshold Limit Values) published by the American Conference of Governmental Industrial Hygienists shall constitute harmful exposures or harmful concentrations." Rules require general ventilation to conform to Heating, Ventilation and Air Conditioning Code; provision of exhaust ventilation at source of contamination; exposure to silica dusts to be controlled by adequate exhaust ventilation, and when impractical to do so, exposed persons shall be protected by approved respiratory protective devices; use of hoods with duct connection or other suction devices for protection from dusty operations and harmful fumes, vapors or gases; separate exhaust systems when specified conditions exist, and approval of plans and specifications for exhaust systems. Give specifications for design and capacity of exhaust systems, and for hoods at exhaust outlets and ducts. Require disposal of exhaust material in a manner to eliminate the health hazards from the occupied areas; personal protective devices to be of type and design approved for the specific use; and treatment of dusts deposited on machinery and in work areas by flushing or vacuum cleaning.

2. *Sanitation.* Section Ind 22.01, February 1956.

Rules contain requirements for 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. *Trench, Excavation and Tunnel Construction.* Section Ind 20, effective January 1963.

Rules apply to all tunnels, caissons, accessory shafts and trenches while under construction, except mines. Prescribe requirements for timbering of trenches and excavations; fire protection, lighting, and electrical equipment in shafts and tunnels; provision of toilet, drinking and change house facilities; testing of atmosphere during all shifts and after blasting for noxious and explosive gases; and provision of mechanical ventilation when concentrations for gases as specified are exceeded. Require that "harmful dust concentrations shall be controlled to maintain safe air in breathing zone" and "the

maximum silica dust concentrations in the normal breathing zone shall not exceed 15 million particles under 10 microns in longest dimensions per cubic foot of air when quartz content of the dust is 35%."

Prescribe requirements for timbering and protection of shafts; rules for hoisting equipment and signals; and timbering specifications for tunnels.

Additional rules are given for work when done under compressed air. These cover hours of work at different pressures; requirements for decompression of workers and man locks; posting of instructions including prohibited practices for guidance of compressed air workers; and requirements for compressor plants, sanitation and ventilation and change rooms. Require the employment of one or more licensed physicians familiar with compressed air work to perform medical examinations of compressed air workers as specified; maintenance of a medical lock when maximum pressure exceeds 17 pounds and no hospital facilities are readily available; and the reporting by employers of cases of compressed air illness as required by the workmen's compensation act.

4. *Safety in Construction.* Section Ind 35.01, January 1956.

Rules apply to the erection, excavation, alteration and demolition of buildings and other structures. Contain safety specifications for scaffolds, hoists and derricks, ladders, elevators, etc.; and require provision of natural or artificial illumination during construction work, toilet and drinking facilities, protection of machine operators from weather, and routine inspections of all equipment and construction by foreman or other designated workmen.

5. *Safety.* Section Ind 1.01, February 1962.

Contains 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, revolving drums and cylinders, and cranes; and for certain machinery and equipment including gas welding and cutting.

6. *Quarries and Pits.* Section Ind 2.01, effective May 1958.

Covers general safety precautions to be observed; requirements for first aid and eye protection; safeguards for passageways, trestles, railings, ladders and related operations; and inspections of quarry face and hoisting equipment. References are given to other rules with application to quarries.

7. *Mines.* Section Ind 3.01, January 1956.

Among subjects covered are requirements for first aid and emergency care of injured; fire protection; general safety precautions to be taken; requirements for shafts, ladders, openings, hoisting equipment and practice; medical examinations for hoisting engineers, and their qualifications and duties; routine inspections; ventilation and tests for gases; and requirements for illumination and sanitation facilities.

8. *Cleaning and Dyeing.* Section Ind 7.01, January 1956.

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.

9. *Spray Coating.* Section Ind 21.01, January 1956.

Contains safety requirements for spray coating of buildings, structures and other outdoor spraying, and for spray coating operations inside of buildings.

10. *Illumination Code.* Section Ind 19, effective September 1964.

Sets forth minimum lighting requirements for factories, offices, mercantile establishments, public places, schools, hotels, apartments and swimming pools.

11. *Migrant Labor Camps*. Section Ind 49.01, effective January 1970. Rules apply to migrant workers primarily in agricultural and related seasonal industries. Require approval of all plans and specifications for new construction and additions to existing ones; give requirements for housing sites and facilities, water supply, and facilities for toilets, bathing, laundry, cooking, eating and sleeping; require all buildings to conform to fire and safety laws; specify number and contents of first-aid kits to be provided; and provide for inspections by the Department and the posting of these regulations.

NOTE: Among other codes issued are: *Flammable Liquids*, Section Ind 9.01; *Anhydrous Ammonia Code*, Section Ind 43.01; *Towing and Lifting Devices for Ski Areas*, Section Ind 46.01; *Building and Heating, Ventilating and Air Conditioning Code*, Section Ind 50.01; and *Mechanical Refrigeration*, Section Ind 45.01.

Employment of Women and Minors

Among pertinent provisions are the following:

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. . . ."

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 Department "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 contains provision for lunch or meal period for girls under 18.

Section 103.69. Contains a detailed schedule of hazardous and injurious employment prohibited for minors under 21, 18, and 16, with varying provisions by sex, and prohibits employment of females of any age in or about any mine or quarry. Penalty for violation.

Mines and Mining

Section 101.103. *Mine excavations; application; permit; inspections*. Empowers the Department to cause the inspection of all underground mines, quarries, pits, zinc works or other excavations; to require compliance with orders promulgated; and to apply to a court of record for closing of any mines being operated in violation of rules.

Section 101.104. *Mines, tunnels, quarries, pits; operation in violation of safety orders*. Requires owners upon receiving notice of violation to immediately cease such operation until safety order has been complied with.

Workmen's Compensation

The Workmen's Compensation Act is administered by the Department of Labor, Industry and Human Relations. Sections 102.01 to 102.65.

Occupational Disease Compensation

Section 102.01. By definition, "injury" is mental or physical harm to an employee 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 occupational accidents causing death or disability. Reports based on these records shall be furnished to the Department as required by general order.

Wisconsin Administrative Code, Section Ind 80.02. *Reports.* Requires employers under the provisions of the Workmen's Compensation Act to report within one day after occurrence deaths due to accidents or industrial disease, and to report on special form the fourth day after the accidents or beginning of disability from occupational disease, every accident or disease causing death or disability existing beyond the third day after the employee leaves work.

WYOMING

SOURCES: Wyoming Statutes
Rules and Regulations of State Agencies

STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Authority and Functions

Wyoming Statutes, Section 9-160.1. *Creation.* "Effective July 1, 1969, there shall be created a department within the executive branch entitled the 'department of health and social services', hereinafter referred to as 'the department'."

Section 9-160.2. *Department succeeds existing boards, etc.; transfer of powers, etc.; continuation of rules, etc.* The Department is named successor to the then existing Board and Department of Health, as well as of Welfare and Vocational Rehabilitation which are abolished. Transfers powers and continues rules adopted prior to July 1, 1969 until further amended or repealed.

Section 9-160.4. *Creation of divisions within the department.* One of 3 Divisions so created is the Division of Health and Medical Services (the former State Department of Public Health).

Section 9-160.7. *Powers of governor.* These include holding hearings as provided by the Wyoming Administrative Procedure Act, and the promulgation of rules and regulations after consultation with Advisory Councils.

Section 9-160.9. *Advisory councils—Council on health and medical services.* Continues members of the abolished State Board of Health as members of the newly created Council, and specifies qualifications and terms.

NOTE: The above organizational designations should be read in the appropriate context in the following statutes.

Section 35-25. *Powers and duties.* "The division of administration, through the director or under his direction and supervision, through the other employees of the division, shall have and exercise the following powers and duties: . . .

"(2) *Communicable diseases generally.* To investigate and control the causes of epidemic . . . occupational and other diseases and afflictions, and physical disabilities resulting therefrom, affecting the public health . . .

"(5) *Abatement of nuisances.* To abate nuisances when necessary for the protection of the public health . . .

"(15) *Hotels, public conveyances, schools, factories, etc.* 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 . . . and other places used for public gatherings . . .

"(18) *Restaurants, cafes, bars, etc.* To certify, inspect and exercise sanitary control over all restaurants, cafes, bars, soda fountains and other eating and drinking establishments; to establish and enforce sanitary standards for

the operation of toilet facilities in all garages, filling stations and other places of business which maintain such facilities for the convenience of their patrons. . . ."

Industrial Health Service

Section 35-80. *Citation of act.* "This act shall be cited as the Industrial Health Service Act of 1945."

Section 35-81. *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 35-82. *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."

Radioactive Isotopes or Material

Sections 35-201 to 35-203. Provide for registration of such materials with the State Department of Public Health.

Food Establishments

Section 35-274. *Inspection of establishment; report of violations to prosecuting attorney; prosecutions; authority of director of health to close establishment, etc.* "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 who also is given authority to close such establishments. (See also under State Department of Agriculture for further provisions relating to this section.)

General Provisions Relating to Occupational Health

Statutory Provisions

None specifically.

Rules and Regulations

Adopted by State Board of Health.

Regulations for the Use of Fluoroscopic Shoe Fitting Devices. February 1952.

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

Section 27-10. *Office created.* Creates the Office of Commissioner of Labor.

Section 27-13. *Duties generally; biennial report required.* "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 of all living accommodations provided for employes wherever employed, where such are furnished as a part of the wages. . . ."

Section 27-14. *Collection of statistics; to be shown in report.* "The commissioner of labor shall collect, classify, have printed and submit to the governor . . . the following statistics touching the industrial life of the state . . . the hours of labor . . . the number and character of accidents, the working conditions of all industrial establishments (including manufacturing establishments, hotels, stores, workshops, theatres, halls, and other places where labor is employed). . . ."

Section 27-17. *Right of entry.* "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 act."

General Provisions Relating to Occupational Health and Safety

Statutory Provisions

Section 27-2. *Doors to open outward; handrails on stairs.* Requires all doors leading into places where people are employed to open outward, and all stairways to be equipped with handrails.

Section 27-3. *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 of Labor for the proper safeguard of life and limb.

Section 27-8. Prescribes penalties for violations of the preceding sections.

Rules and Regulations

None specifically.

Employment of Women and Minors

Among pertinent provisions are the following:

Section 27-219. 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 27-222. Empowers county district attorneys and attorney general of the state to enforce provisions of laws relating to employment of women.

Section 27-230. Forbids employment of children under 16 years in the operation of or working on heavy construction equipment, in employments requiring contact or exposure to explosives or chemicals, or "in any other occupation, trade, employment, or place declared by the child labor commission dangerous, injurious, hazardous or prejudicial to life, limb, health, safety, welfare or morals." Penalty for violation.

Section also establishes the Child Labor Commission to consist of the Commissioner of Labor and Statistics (who will act as Child Labor Commis-

sioner and enforce child labor laws), the State Superintendent of Public Instruction and the Secretary of the State Board of Health to declare other employments forbidden to children.

Section 27-232. Forbids employment of children under 16 years in specified amusement, immoral or dangerous pursuits, and cites exceptions.

Section 27-233. Forbids employment of females under 18 years in any capacity that compels them to remain standing constantly, and requires employers to provide suitable seats and to permit their use when nature of work allows it.

Section 27-234. Prescribes penalties for violations of child labor provisions.

OCCUPATIONAL HEALTH AND SAFETY COMMISSION

Authority and Functions

Section 27-274. *Citation.* "This act (Sections 27-274 to 27-287) shall be known and may be cited as the Wyoming Occupational Health and Safety Act." (Laws 1969)

Section 27-275. *Declaration of policy.* "It is hereby declared to be the policy of the State of Wyoming, that the primary purposes of this act are:

"(a) That the prevention of accidents and occupational diseases and abiding by rules and regulations are the responsibility of both the employer and the employee;

"(b) To help and assist employers and employees in accident and occupational disease prevention through educational means, which shall be made available to all industries, businesses, employees, employee groups and associations;

"(c) The commission shall furnish consultant services on development of safety programs, procedures and training services for employees, supervisors and groups;

"(d) Commission members and its employees shall be neutral in labor-management relation in carrying out the provisions of this act;

"(e) Enforcement shall be used only when there has been refusal to reasonably cooperate with the commission and its employees and abide by rules and regulations established by the commission;

"(f) It is also the purpose of this act to include everyone who works in private or public employment or is self-employed; except that in the case of self-employed persons in agriculture, its purpose shall be limited to education."

Section 27-276. *Definitions.*

Section 27-277. *Occupational health and safety commission.* Creates the Commission to consist of 7 members as specified. Designates 9 State agencies to have representatives to serve on a permanent advisory council to the Commission. Requires majority vote of the entire membership of the Commission before any regulations can be devised, amended or repealed.

Section 27-278. *Same—Powers and duties.* "The commission shall have the powers and is hereby charged with the duties:

"(a) To manage its internal affairs and prescribe rules of practice and procedure;

"(b) To develop and formulate, with the advisory committees herein referred to, a comprehensive program for the prevention, control and abatement of occupational accidents and unhealthy working conditions and to direct state agencies to compile statistics, do research, do investigation and any

other duties where practical, possible and not inconsistent with the purposes of this act. All agencies and their staffs shall comply with directives of the commission in regard to occupational health and safety;

"(c) To compile statistics and to require such reports as may be needed to aid in accomplishing this purpose;

"(d) To do research on the causes and methods of preventing occupational diseases and accidents;

"(e) To promote accident prevention and occupational disease prevention programs and provide consultative and educational assistance;

"(f) To devise, formulate, adopt, amend, and repeal rules and regulations and to appoint advisory committees equally composed of employers and employees from the industries involved to assist and advise the commission;

"(i) All rules and regulations shall be reviewed as needed and revised as necessary. Such review would be under the same procedures as the original establishment of the rules and regulations.

"(ii) The standards set by rules and regulations by the commission shall take into consideration recognized and accepted national codes, recognized industrial standards or similar, in whole or in part, but shall not be limited exclusively to these.

"(g) Provides for exemptions from coverage under this act.

"(h) To select or give emphasis to those areas and segments of the business and industrial community which need the concentrated attention and assistance of the commission and its employees;

"(i) To require that any rules and regulations of the commission be a part of construction, maintenance or servicing contracts or other contracts as the commission may determine;

"(j) To enter into agreements with agencies of the United States government for assistance . . . and to accept funds. . . ."

(k) Provides for variances from standards and rules promulgated.

Section 27-279. *Enforcement and administration.* "(a) The commission shall enforce and administer this act and the rules, regulations and orders promulgated and issued under this act. The commission shall have authority to hold hearings in accordance with the Wyoming Administrative Procedure Act.

"(b) If a clear and immediate threat to health or safety exists, whether it is in a specific industry where rules and regulations are in effect or not, the commission or any employee of the commission so authorized are hereby empowered to direct the person where such threat . . . exists to cease operations immediately in order to eliminate such threat to health or safety. If such person does not cease operations . . . the commission . . . may bring a civil suit in the name of the state in the district court of the county where such threat exists, or in the United States district court for Wyoming (if it otherwise has jurisdiction), to restrain such person from continuing such operations. . . ."

"(c) Any state district court may enforce commission orders issued in that county after a commission hearing where no appeal has been taken from such order within the time provided for such an appeal. The United States district court for Wyoming . . . may also enforce any commission order.

"(d) Any suit, action or appeal involving this act or rule, regulation, or order of the commission, shall be advanced for trial and determined as expeditiously as feasible and no postponement or continuance shall be granted unless deemed imperative by the court. . . ."

Section 27-280. Prescribes penalties for violations of the provisions of the act.

Section 27-281. Provides for right of entry and inspections.

Sections 27-282 to 27-284. Deal with procedures for investigating violations, injunctions and variances from rules and regulations.

Section 27-285. *Safety engineer; safety supervisors and other employees; compensation.* Authorizes the Commission to appoint a safety engineer with specified qualifications and with approval of the Governor to serve as chief administrator. "The state safety engineer shall be charged with such duties as are delegated by the commission and in addition thereto he shall investigate charges and complaints of violation of the laws of this state with respect to health and safety and any order, rules, or regulations of the commission made in connection therewith and report all such violations made to the commission." The commission is also authorized to appoint other safety supervisors and employees as found to be necessary.

Section 27-286. *Physical examination of employees.* "Any employer may require an employee to submit to a physical examination before employment or at any time during employment. The employer may determine the extent of such examination and shall pay for such examination."

Section 27-287. *Limitations of act.* "Nothing in this act shall:

"(a) Limit or restrict the present jurisdiction or authority of the public service mission except employee safety and occupational health;

"(b) Supersede or limit the present authority for making rules and regulations pertaining to coal mines;

"(c) Affect the rules and regulations now in force until the commission shall adopt rules and regulations pertaining to non-coal mines and until the same shall become effective;

"(d) Affect the appointment of the state mine inspector and deputy mine inspectors;

"(e) Affect the powers and duties of the state mine inspector and deputy mine inspectors as to their present powers and duties until July 1, 1970."

WORKMEN'S COMPENSATION

The Workmen's Compensation Law is court administered. Extra-hazardous occupations to which the law applies are enumerated. Sections 27-48 to 27-309.

Occupational Disease Compensation

Sections 27-288 to 27-309. *Occupational Disease Law.* Schedule coverage; 46 diseases listed.

Reporting of Injuries

Section 27-97. 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.

Sections 27-107 to 27-110. Require 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, as stipulated. Make it also the duty of the County Clerk to file a copy of the report with the State Treasurer. Penalty if employer fails to report.

Section 27-295. Whenever an occupational disease occurs, the employer is required to file a report in triplicate with the clerk of the District Court.

STATE INSPECTOR OF MINES

Sections 30-1 to 30-115. Contain laws and standards applicable to mining operations other than coal mines. Mining operations are defined to include ore mills, smelters, cement works, rock quarries, clay and sand and gravel pits. Among subjects covered are: procedures with respect to violations of provisions of the act including authority of inspector to close operations; creation of Board of Mines to act in an advisory capacity; appointment, qualifications, powers and duties of Inspector of Mines and Deputy Inspectors; requirements relating to inspection of mining operations, investigation of accidents, clearing mines in case of danger, and enforcement of laws; and duty of operators to inform Inspector in case of fatal accidents.

Authorize the Inspector of Mines to formulate and adopt such rules and regulations as are necessary to carry out provisions of the Act, and specify procedures for hearings and appeals; provide for right of access to all mining operations; and require owners and operators to keep a record of all accidents occurring in such operations, which shall be open to the inspectors; and authorize the Inspector to collect and compile records of accidents.

Safety regulations cover briefly permissive and prohibited practices and requirements covering buildings, equipment, communication systems, transportation, escapeways and exits, fire-fighting equipment, first-aid equipment and supplies, ventilation, posting of warning signs and maintenance of good housekeeping. Require all operators to test the atmosphere where harmful dust may be present and to maintain atmospheric conditions in conformity with standards of the U.S. Bureau of Mines.

STATE INSPECTOR OF COAL MINES

Sections 30-97 to 30-201. Contain laws applicable only to coal mines, and enforced by the State Inspector of Coal Mines and Deputy Mine Inspectors. Among subjects covered are: appointment and duties of deputy inspectors; prohibited practices; right of entry and investigations of accidents; minimum safety standards for roofs of mines; ventilation regulations and duties of mine foremen concerning ventilation; inspection of gassy mines; allaying coal dust at its source by use of wetting agents; rock dusting; safeguarding of hoisting and other equipment; fire prevention; requirements for use of protective gear and clothing; emergency and first-aid equipment and services; qualifications and duties of shot-firers; and provision of bathhouses to be equipped as specified in coal mines employing 20 or more miners.

STATE DEPARTMENT OF AGRICULTURE

Section 35-263 to 35-277. Require all places used for "preparation for sale, manufacture, packing, storage, sale or distribution of any food 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 and the purity and wholesomeness of the food therein produced." Contain sanitary regulations for premises; requirements for toilet rooms and washrooms; and prohibited practices

including the prohibition of persons affected with specified diseases from working in such establishments. Authorize the Deputy Commissioner of Agriculture, acting as sanitary inspector, to promulgate and enforce such rules and regulations as may be necessary. Penalties are prescribed for violations.