

The job safety law of 1970: its passage was perilous

Just over a decade ago Congress enacted the Occupational Safety and Health Act of 1970 to help protect the Nation's workers on the job, following a 3-year legislative struggle

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On December 29, 1970, President Richard Nixon signed into law the Williams-Steiger Occupational Safety and Health Act, which gave the Federal Government the authority to set and enforce safety and health standards for most of the country's workers.¹ This act was the result of a hard-fought legislative battle which began in 1968 when President Lyndon Johnson unsuccessfully sought a similar measure. However, the roots of government regulation of workplace hazards date back to the late 19th century.

State factory laws

In the factories that sprang up after the Civil War, chemicals, dusts, dangerous machines, and a confusing jumble of belts, pulleys, and gears confronted inexperienced, often very young workers. The reports of State labor bureaus in the 1870's and 1880's were full of tragedies that too often struck the unwary or the unlucky. The Massachusetts report of 1872 described some particularly grisly accidents. These tragedies and the industrial accident statistics that State labor bureaus collected, spurred social reformers and the budding labor movement to call for State factory safety and health laws. In 1870, the Massachusetts Bureau of Statistics of Labor urged legislation to deal with "the peril to health from lack of ventilation." In 1877, Massachusetts passed the Nation's first factory inspection law. It re-

quired guarding of belts, shafts, and gears, protection on elevators, and adequate fire exits.² Its passage prompted a flurry of State factory acts. By 1890, nine States provided for factory inspectors, 13 required machine guarding, and 21 made limited provision for health hazards.

The labyrinth of State job safety and health legislation covered a wide range of workplace hazards but was badly flawed. There were too many holes in the piecemeal system and numerous hazards were left uncontrolled. The laws had to be amended often to cover new hazards. Many legislatures failed to provide adequate funds for enforcement. Inspectors, who were often political appointees, were not always given the legal right to enter workplaces. States with strong safety and health laws tended to lose industry to those with less stringent ones, which made States competitive and limited their legislative efforts.

The Progressive Era and the growth of mass circulation newspapers and national magazines helped forge a national movement for workers' safety and health. In 1907, 362 coal miners were killed at Monongah, W. Va., in the worst U.S. mine disaster. This widely publicized tragedy shocked the Nation and led to the creation in 1910 of the U.S. Bureau of Mines to promote mine safety.

That same year William B. Hard, a muckraking journalist, published an article in *Everybody's Magazine* titled, "Making Steel and Killing Men," based on his

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firsthand investigations of a Chicago mill.³ Hard estimated that every year, out of a work force of 10,000 workers, 1,200 were killed or seriously injured. He urged the steel industry to use its technical knowledge to reduce this casualty rate. U.S. Steel, spurred by mounting accident tolls, had already begun to collect accident statistics. Safety programs in subsidiaries dated back to the 1890's. In 1908, U.S. Steel formed a safety committee with instructions from the company president, Judge Elbert Gary, to cut the accident rate as much as possible. A highly successful "safety first" movement developed from this which spilled over to other industries and led to the creation of the National Safety Council in 1915.⁴

The "Pittsburgh Survey," a detailed study of living and working conditions in Allegheny County, Pa., done in 1907-08, had a special impact on job safety and health.⁵ One of the major topics of the investigation, which was sponsored by the Russell Sage Foundation, was industrial accidents. The survey found that the injured workers and the survivors of those killed on the job bore the economic brunt of accidents, even though most were the employers' fault. The authors of the survey agreed that, for reasons of social equity, employers should bear a substantial share of the economic burden, giving them more incentive to eliminate the causes.

Workers' compensation started

Years before the Pittsburgh Survey, the idea of compensating injured workers from an insurance fund to which employers would contribute had gained a foothold in this country, though it was not at first promoted as a preventive measure. Prince Otto von Bismarck had initiated the first workers' compensation program in Germany in 1884, and the idea soon spread throughout Europe. In the United States, a few States tried to establish early compensation systems. Organized labor successfully opposed the concept, precisely because it was intended as a palliative, not a preventive measure. In 1908, Congress passed, with President Theodore Roosevelt's support, a limited workers' compensation law for Federal employees. Encouraged by this example, several States appointed study commissions. However, until the Pittsburgh Survey, compensation was treated mainly as a humanitarian measure.

The survey's call for an economic incentive to encourage accident prevention struck a responsive chord. It quickly became a key part of the rationale for workers' compensation. This seemed to tip the scales. Both labor and business rallied in support.⁶ In 1911, Wisconsin became the first State to successfully establish a workers' compensation program. Within 1 year it was joined by nine other States and by 1921 most States had followed suit.

Ironically, it was as a preventive measure that work-

ers' compensation accomplished the least. The general level of this type of insurance premium was already so low that there was no real incentive for a company to invest heavily in safety improvements to be eligible for the slightly lower rates offered firms with good safety records. Very few States included compensation for disease, although much was already known about occupational illness. Still, insurance company safety experts helped improve their clients' safety programs and the establishment of compensation gave the safety movement a moral boost.⁷

An idea that developed alongside of workers' compensation probably produced more significant long-run results. If the States would create industrial commissions with authority to establish specific safety and health regulations, it would not be necessary to go back to the legislatures and amend the factory laws in order to cover new hazards or change requirements. A workers' compensation advocate, John R. Commons of the University of Wisconsin, found this system in use in Europe and urged its adoption in the United States. Wisconsin, in another pioneering move, created the first permanent State industrial commission which developed and enforced safety and health regulations, after hearing comments from labor, management, and others.⁸ This idea was widely accepted and became a guide for future State and Federal regulation of occupational safety and health.

Early Federal action

The Federal Government was relatively inactive, though not dormant, on safety and health until the era of workers' compensation. In 1790, the First Congress passed an ineffective merchant seamen's act which gave the crew of a ship at sea the right to order the vessel into the nearest port if a majority of the seamen plus the first mate believed it was unseaworthy.⁹ In 1887, Congress created the Interstate Commerce Commission partly because of the large numbers of railroad workers killed or injured in train wrecks. In 1893, at the urging of the commission and the railroad unions, Congress passed the "coupler bill" which banned the notoriously dangerous link-and-pin method of coupling cars.

Industrial disease studied. After the turn of the century, the Federal Government quietly began investigation into industrial diseases. In 1903, the U.S. Bureau of Labor began publishing graphically detailed studies of death and disease in the dusty trades, as well as other safety and health topics. In 1910, the Bureau published a study by a labor law advocate, John B. Andrews, on the horrors of phosphorus necrosis ("phossy jaw"), a disfiguring and sometimes fatal disease of the jawbone suffered by workers in the white phosphorus match industry.¹⁰ This shocking study jolted the Nation to de-

mand action. In 1912, Congress passed the Esch Act, which placed a prohibitive tax on white phosphorus matches. The Diamond Match Co. agreed to release its patented substitute for general use.

By a lucky stroke, U.S. Commissioner of Labor Charles Neill met Dr. Alice Hamilton (now considered the founder of industrial medicine in America) at a 1910 European conference on occupational accidents and diseases. Hamilton, at the time just beginning her career, was in the midst of pioneering investigations into the lead trades as director of the Illinois Occupational Disease Commission. Neill invited her to work as a special investigator for the Bureau of Labor. She accepted and until 1921 traveled around the country visiting lead smelters, storage battery plants, and other hazardous workplaces. In 1911, she published a study of the white lead industry that was the first of a series of Bureau of Labor reports known as the "Federal survey." Hamilton had a free hand but lacked authority to enter plants other than by moral suasion. She found many examples of foul conditions and gross neglect and some "remarkable instances of wise and humane employers."¹¹

Department of Labor formed. In 1913, Congress created the Department of Labor and one of its main purposes was "to improve working conditions." A Senate resolution specifically called on the newly appointed Secretary of Labor, William B. Wilson, to report on industrial diseases and accidents.¹² Wilson, an ex-coal miner and mine union official, needed no prodding. A "miner" poet, Wilson described the horror of a mine disaster in this excerpt from "The Explosion," originally written in 1903:

Stalwart men were but as feathers
Driven with a cyclone's fire.
Fast their flesh and sinews shriveled,¹³
Scorched and roasted with the fire.

Under Wilson, the Bureau of Labor Statistics (formerly the U.S. Bureau of Labor) started compiling regular accident statistics in the iron and steel industry and gradually included other industries. Wilson sought to establish the principle that, instead of feeding men "into the maw of unhealthy occupations . . . the thing to do is to make the unhealthy occupations healthy."¹⁴

Working Conditions Service created. The entry of the United States into World War I precipitated a crisis in health and safety and conditions in the hard-pressed war production industries. To meet this challenge, Congress initiated the Working Conditions Service. The service inspected war production sites, advised companies on reducing hazards, and helped States develop and enforce safety and health standards. When the war ended,

the service was allowed to expire, but the Labor Department ordered its records saved for the time "when public and legislative opinion again shall have become focused upon the necessity for a constructive organization of this character."¹⁵

Labor standards

Frances Perkins appointed. In 1933, President Franklin D. Roosevelt selected Frances Perkins as Secretary of Labor and first woman Cabinet member. She brought to the Labor Department long experience in occupational safety and health with the State of New York. To help assure that workplaces would be "as safe as science and law can make them," Perkins created a Bureau of Labor Standards in 1934 as a rallying point for those interested in job safety and health.¹⁶ This was the first permanent Federal agency established primarily to promote safety and health for the entire work force. The Bureau helped State governments improve their administration of job safety and health laws and raise the level of their protective legislation.

Congress enacted three laws as part of Roosevelt's New Deal which augmented the Federal Government's role in protecting people on the job. The Social Security Act of 1935 allowed the U.S. Public Health Service to fund industrial health programs run by State health departments. This made the Public Health Service, which had begun doing industrial health studies in 1914, the national leader in this field. The Fair Labor Standards Act of 1938, which set a minimum wage and banned exploitative child labor, gave the Labor Department the power to bar workers under age 18 from dangerous occupations. The Walsh-Healey Public Contracts Act of 1936 allowed the department to ban contract work done under hazardous conditions.

Maritime rules. By the late 1950's, the Federal-State partnership which Frances Perkins had cultivated was no longer adequate to deal with growing threats to workers' safety and health, so gradually the Federal Government took a more prominent role. In 1958, Congress passed a seemingly minor amendment to the Longshoremen's and Harbor Workers' Compensation Act. It gave the Labor Department authority to set safety and health standards for the very small work force covered under this law. In addition to protecting workers in one of the Nation's most hazardous industries, the amendment closed "the last remaining 'no man's land'" in safety enforcement. The Secretary of Labor was authorized to seek penalties against willful violators, but not against those who only carelessly broke the rules. After holding public hearings, the department began enforcing standards in 1960. Compliance was good, and the high accident rates declined sharply.¹⁷

In December 1960, shortly after the congressionally ordered maritime rules became effective, the department issued on its own a set of mandatory safety and health standards under the Walsh-Healey Act. The department had previously issued most of these standards in a "Green Book" of informal guidelines to aid Federal and State inspectors. States had been encouraged to inspect Federal contractors and enforce their own rules. Now they were barred from applying their standards and had to enforce the Federal rules instead. For the first time, the Federal occupational safety and health requirements were applied to the whole range of industry.¹⁸

The new rules were not popular. Because there had been no hearings or prior announcement, labor and industry were caught by surprise and miffed that they had not been consulted. Business protested strongly to the Labor Department against making the rules mandatory. The National Safety Council deplored this "monumental set of rigid regulations."¹⁹ The department took the criticisms to heart, and in October 1963 it announced proposed revisions, with hearings held in March 1964.

Business opposition had been building up for 3 years and reached a peak at the hearings.²⁰ They ran for 2 weeks, and the transcript filled 1,347 typed pages. More than 100 witnesses appeared, mostly from industry. Business felt that the new rules were not only illegal, but also technically deficient and would inhibit innovation. By substituting Federal for State regulations, the Labor Department generally undermined State safety programs, it was argued. Business also felt that the new policy weakened its own long-established pattern of voluntary safety efforts.

Coordination of programs. The powerful wave of criticism that climaxed at the 1964 hearings prodded the Department of Labor into a serious examination of all its safety programs in order to develop a more coordinated safety and health policy. A study by an outside consultant found in the department a fragmented collection of safety programs and laws. It recommended consolidation of all these safety programs under a single agency, which was done somewhat in 1966.²¹

A movement to protect the natural environment from the ravages of mankind and technology began growing while the Labor Department was seeking to improve and expand its protection of workers' safety and health. Large-scale Federal air and water pollution control programs were developed, helping to increase awareness and concern about the occupational environment.

Spurred by this movement, in 1965 the Public Health Service produced a report, "Protecting the Health of Eighty Million Americans," which outlined some of the recently found technological dangers. It noted that a new chemical entered the workplace every 20 minutes, that evidence now showed a strong link between cancer

and the workplace, and that old problems were far from being eliminated. The report called for a major national occupational health effort centered in the Public Health Service.

The AFL-CIO urged President Lyndon Johnson to support the report's recommendations. On May 23, 1966, Johnson told a meeting of labor reporters that "the time has . . . come to do something about the effects of a workingman's job on his health." The Departments of Labor and Health, Education and Welfare promptly set about to develop legislation for such a program. A joint task force was then to combine both departments' ideas and submit a proposal to the President. However, Labor and HEW could not agree on which department would control a national program and by late 1966 the task force was deadlocked.²²

Mining tragedy breaks deadlock. In 1967, it was revealed that almost a hundred uranium miners, an abnormally high number, had died of lung cancer since the 1940's. Up to a thousand more such deaths were expected. In 1947, when large-scale uranium mining was getting underway, the Atomic Energy Commission discovered that radiation levels in these mines were dangerously high. The Commission, in cooperation with the Public Health Service, began a long-term health study of the miners. A number of Federal agencies had limited jurisdiction over uranium mines, but none had clear responsibility for them, and there was very little enforcement.

The lack of action took on tragic overtones with the revelations of 1967, and public attention focused on the Federal Radiation Council. Created in 1959 to advise the President on protective measures to take against all types of radiation hazards, the council was composed of representatives from concerned agencies. In 1967, it had just completed a study of the uranium mines and was expected to recommend a standard shortly. However, when the council met on May 4, 1967, it became deadlocked between a standard that the Atomic Energy Commission recommended and a tougher one preferred by the Labor Department.²³

The next day, Secretary of Labor Willard Wirtz, impatient with inaction, announced a bold step. Previously, Wirtz had been reluctant to act because he felt that uranium mining was not properly a Department of Labor area. However, without holding public hearings, Wirtz adopted under the Walsh-Healey Act the standard he had unsuccessfully advocated before the Federal Radiation Council.²⁴

This move had a decisive impact on the shaping of a national job safety and health program in 1967, as the Departments of Labor and HEW promoted their competing proposals. The Bureau of the Budget accepted the Department of Labor's recommendations.²⁵

Johnson bill fails

In January 1968, President Johnson called on Congress to enact a job safety and health program virtually identical to that developed by the Labor Department. Johnson said it was "the shame of a modern industrial nation" that each year more than 14,000 workers were killed and 2.2 million injured on the job. Citing inadequate standards, lagging research, poor enforcement of laws, shortages of safety and health personnel, and a patchwork of ineffective Federal laws, Johnson argued that a comprehensive new law was needed.²⁶

The Johnson proposal, quickly introduced as legislation, gave the Secretary of Labor the responsibility of setting and enforcing standards to protect 50 million workers. The bill also had a general duty clause requiring employers to "furnish employment and place of employment which are safe and healthful." It gave inspectors legal authority to enter workplaces without management's permission or prior notice. Violators could be fined or jailed, and the Secretary could blacklist transgressors who held government contracts. The Labor Department would help interested States to develop their own programs in lieu of the Federal one. The Department of HEW would provide the Labor Department with scientific material for new safety and health standards.

Congressional committee hearings on the Johnson proposal began in February 1968.²⁷ Secretary of Labor Wirtz, who led off the hearings, cited two casualty lists facing America at that time: the military toll in Vietnam—and the industrial toll at home. Wirtz claimed that 3 of 4 teenagers entering the work force would probably suffer one minor disabling injury or more during their worklife. He also displayed shocking photographs of gory industrial accident scenes. Wirtz felt that the main issue was "whether the Congress is going to act to stop a carnage" which continues because people "can't see the blood on the food that they eat, on the things that they buy, and on the services they get."²⁸

The proposal aroused opposite strong reactions. Organized labor supported the bill. George Meany, AFL-CIO president, headed a long list of union witnesses at the congressional hearings. A noted occupational health researcher, Irving R. Selikoff, of the Mt. Sinai School of Medicine, and consumers' advocate Ralph Nader added their voices in support. However, industry, led by the U.S. Chamber of Commerce, vehemently opposed the broad powers which would be given to the Secretary of Labor. Industry campaigned hard against a "crash program" that would undermine the rightful role of the States.

Ironically, the Labor Department itself may have hurt the bill's chances. In March 1968, it published the booklet, "On the Job Slaughter," containing gory pho-

tographs similar to those Secretary Wirtz had displayed when testifying. When industry found out that many of the pictures were 20 to 30 years old, it accused the Labor Department of deception.

The Johnson proposal failed in 1968. President Johnson's decision not to run for re-election, domestic violence in the inner cities, demonstrations against the Vietnam War—these and many other events diverted congressional and national attention from dealing with workers' safety and health. The bill never came to a vote in Congress.

Safety and health board proposed

By 1969, the idea of a general job safety and health law had taken hold. Beginning in 1965, Congress passed several laws protecting various groups of workers. The Service Contracts Act of 1965 and the Federal Construction Safety and Health Act of 1969 provided missing links in the protection of Government contractor employees. The 1966 Metal and Non-metallic Mine Safety Act protected noncoal miners. A mine explosion in 1968 causing 78 deaths in Farmington, W. Va., spurred Congress to pass the Coal Mine Health and Safety Act of 1969.

In this context of Federal action, President Richard Nixon presented his version of a comprehensive job safety and health program to Congress in August 1969. After his inauguration, he had called on his Cabinet departments to sift through his campaign speeches for election-year promises. They were to report to him on what they were doing to meet these pledges. Under Secretary of Labor James D. Hodgson,²⁹ who was particularly interested in workers' safety and health, was "delighted" to find that in a speech in Cincinnati, the Presidential candidate had called for Federal action on that problem. The White House asked Hodgson to prepare a bill, and he began work immediately, consulting extensively with labor and management.³⁰

The Nixon Administration's proposal bypassed the question of whether Labor or HEW should have control and offered instead a five-person board that would set and enforce job safety and health standards. The Labor Department would be limited to inspecting workplaces and HEW would do research. Nixon emphasized use of existing efforts by private industry and State governments. The main Federal concern would be with health research and education and training, and only secondarily with direct regulation.³¹

Legislation embodying the Nixon proposal was introduced in Congress and for the second consecutive year hearings began on a national job safety and health program. Hundreds of witnesses from labor, industry, government, and the safety and health community gave thousands of pages of oral and written testimony. In addition to hearings in Washington, there were field

hearings around the country at which rank-and-file workers in steel mills, automobile plants, and other industries testified.³²

Secretary of Labor George Shultz emphasized at the hearings that the Nixon bill was part of a continuous historical process. Secretary Shultz believed that a consensus had finally evolved on both the need for a Federal law and its general form. He exhorted Congress to “work out our differences and get something done.”³³

Labor opposes, business applauds

This turned out to be easier said than done. Democratic Congressmen, and some Republicans, raised strong objections to the bill. Many felt that, with two departments already involved, a safety board would create administrative confusion. Labor union supporters opposed any such board and wanted the programs lodged in the Labor Department. The proposed enforcement scheme came under fire because it only penalized willful, flagrant violators. Critics felt that this would take away much of the deterrent effect, because employers would be tempted to ignore Federal safety and health standards until after they were inspected. Exemptions of small employers, a 3-year delay in the bill's effective date, and a reliance on “consensus” standards devised by industry groups also drew Democratic opposition.

Organized labor had enthusiastically backed the Johnson bill, but it completely opposed the Nixon proposal. It agreed with congressional critics that the Labor Department was the proper locus of authority over safety and health. Unions felt that strong action was needed to deal with the hazards of the workplace, especially alarming new chemical dangers. As Anthony Mazzocchi of the Oil, Chemical and Atomic Workers union put it: “The mad rush of science has propelled us into a strange and uncharted environment We grope in the dark and we can light only a few candles.”³⁴

Buried in the battle of witnesses for and against the Nixon proposal were some thought-provoking comments by Irving Selikoff. He described the suffering of construction workers who succumbed to asbestosis from applying asbestos insulation in buildings. Refusing to blame any one group, he asked rhetorically, “Who killed Cock Robin?” Selikoff's answer was: “No one His has been an impersonal, technological death We have all failed.”³⁵

In a crucial switch, the U.S. Chamber of Commerce, which had led the fight against the Johnson proposal, came out in favor of the Nixon bill. The National Association of Manufacturers and other industry groups added their support. The main reason for the chamber's switch was President Nixon's proposal to put a special safety and health board in charge of the Federal program, instead of giving the Labor Department that

duty, as the Johnson proposal would have done. Business also was impressed with the fact that the Administration had listened to industry's views in drafting the legislation. Behind the change of heart was acceptance by business that, while the idea of Government regulation of conditions in the workplace was distasteful, some kind of safety and health law was inevitable.

A seesaw battle

Early in 1969, two Democrats, Representative James G. O'Hara of Michigan and Senator Harrison Williams, Jr., of New Jersey had presented bills that were similar to the Johnson proposal of 1968. Despite Republican efforts in 1970 to bottle up the bills in committee, they—and not the Nixon bill—were introduced on the floors of the House and Senate shortly before the congressional elections. Opponents succeeded in delaying consideration of these labor-backed measures until after the election, in hopes that it would prevent passage.

The strategy was partially successful. In the Senate, the first to act in the post-election “lameduck” session, Republicans offered an amendment substituting the Nixon proposal for the Democratic measures and came just two votes short of succeeding. With the division this close, compromise seemed likely. Senator Jacob Javits, New York Republican, offered an amendment under which the Secretary of Labor would set safety and health standards, and a separate commission would oversee Labor Department enforcement, serving as a kind of court of appeals for parties who disagreed with the Secretary's decisions. Senate Democrats and the Nixon Administration supported the compromise and the Senate passed it.

In the House, a grassroots effort which the Chamber of Commerce waged against the Democratic proposal during the election campaign drained off some support. Republican William R. Steiger of Wisconsin offered an Administration-backed bill to substitute for the O'Hara bill introduced earlier in the year. In a major defeat for labor, which had stoutly resisted any efforts at compromise, the Steiger amendment passed easily and a House-Senate conference committee met to hammer out the differences between the two bills.

However, the odds were now stacked in labor's favor. The conference committee members reflected the liberal views of the Democratic House and Senate committee chairmen who selected them. When the conferees met in December, they adopted the more liberal Senate bill almost unchanged. The only significant point on which the Senate yielded was deletion of a provision allowing the Secretary of Labor to close down a plant under conditions of imminent danger. The Senate immediately approved the measure and sent it on to the House. When Secretary of Labor Hodgson announced that President Nixon approved of the bill, Republican oppo-

nents in the House abandoned plans to fight the conference committee version, and it passed easily.

ALL SIDES PRAISED the final bill. President Nixon lauded it as a significant piece of social legislation. Although he disagreed with specific provisions, he believed that it would help attain "the goal we all want to achieve"—the protection of Americans on the job. The Chamber of Commerce termed it "a substantial victory" for those in industry seeking a fair yet effective law. AFL-CIO President George Meany called it "a long step

... toward a safe and healthy workplace."³⁶

President Nixon signed the milestone Occupational Safety and Health Act of 1970 in a ceremony at the Labor Department. George Meany and other labor figures, leaders in the business community, and prominent members of Congress were present. The ceremony ended the bitter 3-year legislative struggle on a note of harmony and bipartisanship. It marked the culmination of a historical movement that first found expression in the Massachusetts factory act of 1877. □

— FOOTNOTES —

¹ Employees protected by other Federal occupational safety and health laws are excluded from coverage, as are State and local government employees, but participating States provide comparable coverage. These States and territories are South Carolina, Oregon, Utah, Washington, North Carolina, California, Minnesota, Maryland, Tennessee, Iowa, Kentucky, Alaska, Virgin Islands, Michigan, Vermont, Hawaii, Nevada, Indiana, Wyoming, Arizona, New Mexico, Virginia, Puerto Rico, and Connecticut.

² Massachusetts Bureau of Statistics of Labor, *Annual Report*, 1872, pp. 421–25; Massachusetts Bureau of Statistics of Labor, *Annual Report*, 1870, p. 197; and John R. Commons and John B. Andrews, *Principles of Labor Legislation* (New York, Harper and Brothers, 1916), pp. 327–28.

³ William B. Hard, "Making Steel and Killing Men," *Everybody's Magazine*, November 1907.

⁴ U.S. Bureau of Labor Statistics, Bulletin, 428, "Proceedings of the Industrial Accident Prevention Conference," 1926, pp. 35–36; David S. Beyer, "Safety Provisions in the United States Steel Corporation," in Crystal Eastman, ed., *Work Accidents and the Law* (New York, Charities Publication Committee, 1910), pp. 244–45; David Brody, *Steelworkers in America, the Nonunion Era* (New York, Harper and Row, 1969), pp. 166–68.

⁵ Eastman, *Work Accidents and the Law*.

⁶ Roy Lubove, "Workmen's Compensation and the Prerogatives of Voluntarism," *Labor History*, Fall 1967. James Weinstein, "Big Business and the Origins of Workmen's Compensation," *Labor History*, Spring 1967, pp. 162–70.

⁷ Lubove, pp. 278–79; Robert Asher, "Radicalism and Reform: Workmen's Compensation in Minnesota, 1910–1930," *Labor History*, Winter 1973, p. 36; Herman M. and Anne R. Somers, *Workmen's Compensation: Prevention, Insurance, and Rehabilitation of Occupational Disability* (New York, John Wiley & Sons, 1954), pp. 333–35.

⁸ Commons and Andrews, *Principles of Labor*, pp. 430–36; Gordon M. Haferbecker, *Wisconsin Labor Laws* (Madison, University of Wisconsin Press, 1958), pp. 20–23.

⁹ Henry W. Farnam, *Chapters in the History of Social Legislation in the United States to 1860* (Washington, Carnegie Institution, 1938), pp. 242–46.

¹⁰ C. F. W. Doehring, "Factory Sanitation and Labor Protection," U.S. Bureau of Labor Bulletin 44, 1903; John B. Andrews, "Phosphorus Poisoning in the Match Industry in the United States," U.S. Bureau of Labor Bulletin 86, 1910.

¹¹ Alice Hamilton, *Exploring the Dangerous Trades* (Boston, Little, Brown and Co., 1943), pp. 7, 121–29.

¹² S. Res. 68, 63d Cong., *Congressional Record*, Vol. 51, p. 11395.

¹³ *New York Herald Tribune*, Dec. 28, 1913.

¹⁴ Letter, William B. Wilson to John B. Andrews, Nov. 13, 1914, Secretary of Labor files, National Archives.

¹⁵ U.S. Department of Labor, *Annual Report*, 1919, pp. 198–204.

¹⁶ Frances Perkins, *People at Work* (New York, John Day Co., 1934), p. 50; Arthur W. MacMahon and John D. Millett, *Federal Administrators* (New York, Columbia University Press, 1939), p. 372.

¹⁷ Assistant Secretary of Labor, John J. Gilhooley, Mar. 20, 1958, in U.S. Cong., Senate Committee on Labor and Public Welfare, Hearings on "Amending Longshoremen's and Harbor Workers' Compensation Act" (Washington, 1958), pp. 13–17; U.S. Department of Labor, *Annual Report*, 1960, p. 192; U.S. Department of Labor, "Maritime Safety Program, Five Year Report, 1960–64."

¹⁸ U.S. Department of Labor, "Walsh-Healey Public Contracts Act, Basic Safety and Health Requirements," Mar. 2, 1942 (Washington, 1943); *Federal Register*, Dec. 28, 1960, pp. 13809–25.

¹⁹ Letters from Walter Reuther to Secretary of Labor Arthur Goldberg, Dec. 21, 1961, John B. Olverson, Jan. 26, 1961, and G. C. Stewart, Oct. 9, 1961, Secretary of Labor files, National Archives.

²⁰ U.S. Department of Labor, Public Hearing on Proposed Revision of Safety and Health Standards for Federal Supply Contracts," Mar. 17–27, 1964, Department of Labor Library.

²¹ Thomas A. Chittenden, "A Study of Occupational Safety Responsibility of the Department of Labor" (Washington 1964), pp. 1, 2, 53–58; Secretary of Labor's Order 12–66, July 19, 1966.

²² "White House, 1967 Legislation (Task Force on Occupational Health and Safety)," folder, Secretary of Labor files, National Archives.

²³ Federal Radiation Council Meeting, May 4, 1967, Secretary of Labor files, National Archives.

²⁴ Department of Labor Press Releases, May 5, May 9, 1967, Departmental Historian's Office.

²⁵ Letter, David Swankin to Assistant Secretary of Labor Esther Peterson, Nov. 3, 1967, Secretary of Labor files, National Archives.

²⁶ Lyndon Johnson, "President's Message to Congress on Manpower and Occupational Safety and Health Programs," Jan. 23, 1968, *Weekly Compilation of Presidential Documents*, Vol. 4, No. 4, pp. 110–11.

²⁷ U.S. Cong., House Committee on Education and Labor, Hearings on "Occupational Safety and Health" (Washington, 1968); U.S. Cong., Senate Committee on Labor and Public Welfare, Hearings on "Occupational Safety and Health Act of 1968" (Washington, 1968).

²⁸ 1968 Senate Hearings, p. 62.

²⁹ James D. Hodgson was Under Secretary while George P. Shultz served as Secretary of Labor from 1969 to mid-1970. When Shultz left, Hodgson was appointed Secretary and served until 1973.

³⁰ James D. Hodgson, interview with author, June 12, 1979.

³¹ Richard Nixon, "Occupational Safety and Health Message to Congress," Aug. 6, 1969, *Weekly Compilation of Presidential Documents*, Vol. 5, No. 32.

³² U.S. Cong., House Committee on Education and Labor, Hearings on "Occupational Safety and Health Act of 1969," (Washington, 1970); U.S. Cong., Senate Committee on Labor and Public Welfare, Hearings on "Occupational Safety and Health Act of 1970" (Washington, 1970).

³³ 1969 House Hearings, pp. 312–413.

³⁴ *Ibid.*, pp. 1181, 1194.

³⁵ 1970 Senate Hearings, pp. 1078–79.

³⁶ *The New York Times*, Dec. 18, 1970.