



September 17, 1787

How can we know where we are going if we know not whence we came?



Article I, Section 8, Clause 3:

"The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes

First Written Construction Safety Code
circa 1790 - 1700 BCE

Code of Hammurabi

Number 229. If a builder builds a house for someone, and does not construct it properly, and the house which he built falls in and kills its owner, then that builder shall be put to death.

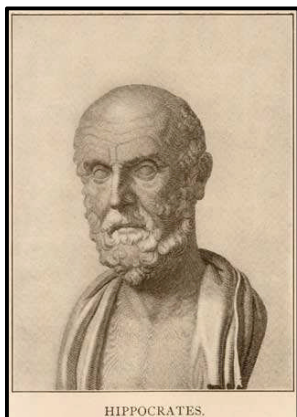


The Law of Moses

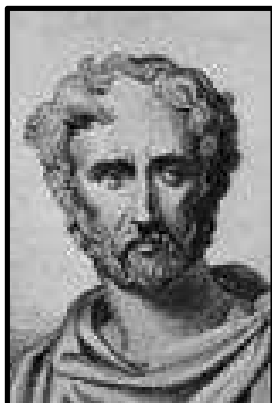
Deuteronomy, Chapter 22 Verse 8:

"In case you build a new house, you must also make a parapet for your roof, that you may not place bloodguilt upon your house because someone falling might fall from it."

Hippocrates (460-377 BC)
Described symptoms of lead poisoning among miners and metallurgists.



Pliny the Elder (23-70 AD)
Roman senator who wrote about workers who protected themselves from dust by tying bladders over their mouths.
He also noted hazards of asbestos and cinnabar (mercury ore).



Paracelsus (1493-1541)
Known by several names
Born: Born Phillip von Hohenheim

A Swiss physician, he wrote a treatise on occupational diseases. Described lung diseases among miners and attributed the cause to vapors and emanation from metals (fumes).

Paracelsus is best known today as the "Father of Toxicology" because of his observations of dose and response: "All substances are poisons; there is none which is not a poison. The right dose differentiates a poison and a remedy."



Credited with naming the element zinc

Bernardino Ramazzini (1633-1714)

Italian physician, known as the "patron saint of industrial medicine".

His book *De Morbis Artificum Diatriba* (The Diseases of Workmen) described

the symptoms of mercury and lead poisoning and other occupational diseases.

He wrote about the pathology of silicosis and recommended precautions to avoid hazards.



Sir George Baker (1722-1809)

Discovered that "Devonshire colic" was caused by lead contamination in cider."



Benjamin Franklin

In 1736, Franklin, with a group of like-minded individuals, formed the Union Fire Company in Philadelphia, Pennsylvania, the first organized fire company in the colonies.



"About this time I wrote a paper... on the different accidents and carelessness by which houses were set on fire, with cautions against them, and means purposed of avoiding them."

Percival Pott (1714-1788)

A London physician, he was the first to link occupational exposure to cancer.

Scrotal cancer among chimney sweeps, caused by soot



"My lamp is almost extinguished: I hope it has burned for the benefit of others."

-upon deathbed-

Fight Hazards with INSURANCE!

Throughout the Antebellum era and especially after the Civil War, life and accident insurance companies expanded, and some workers purchased insurance or set aside savings to offset the income risks from death or injury.

Some unions and fraternal organizations also offered their members insurance.

Railroads and some mines also developed hospital and insurance plans to care for injured workers while many carriers provided jobs for all their injured men.

1877, the state of Massachusetts passed a law requiring guarding for dangerous machinery, and took authority for enforcement of factory inspection programs.

1878, the first recorded call by a labor organization for federal occupational safety and health law is heard.

1896, an association to prevent fires and write codes and standards, the National Fire Protection Association (NFPA), was founded.



Railroad Safety Appliance Act (1893)

(Railroads were second only to coalminers)

Provided a uniform standard.
Controlled speeds of the train without requiring brakemen to use a hand brake for that purpose.
Coupler safety
Applied to all trains and cars used on any railroad engaged in interstate
Required safety checks on locomotive and a sufficient number of cars.
Required secure grab irons or handholds in the ends and sides of each car
Violation paid in a penalty of \$100 for every violation,
If someone working for a non-compliant train is injured. If employee injured in a train that is not in compliance with this act will not need to bear the risk occasioned even if he knew that it was unlawful to do things that way and still continued working for the employer.

Lochner vs. New York (1905)

(Joseph Lochner, owner of Lochner's Home Bakery)

Lochner vs. New York, (1905), In response to a New York State Bakeshop Act,

Regulated sanitary conditions
Prohibited individuals from working in bakeries for more than ten hours per day or sixty hours per week.
Could not sleep in bakery

Supreme Court ruled was a landmark United States Supreme Court case that held a "liberty of contract" was implicit in the due process clause of the Fourteenth Amendment. The case involved a New York law that limited the number of hours that a baker could work each day to ten, and limited the number of hours that a baker could work each week to 60. By a 5-4 vote, the Supreme Court rejected the argument that the law was necessary to protect the health of bakers, deciding it was a labor law attempting to regulate the terms of employment, and calling it an "unreasonable, unnecessary and arbitrary interference with the right and liberty of the individual to contract."

**"The Great Dissenter"
Oliver Wendell Holmes Jr.**



Oliver Wendell Holmes Jr.

Lochner vs. New York, (Dissenting Opinion)

I think that the word 'liberty,' in the 14th Amendment, is perverted when it is held to prevent the natural outcome of a dominant opinion.... It does not need research to show that no such sweeping condemnation can be passed upon the statute before us. A reasonable man might think it a proper measure on the score of health. Men whom I certainly could not pronounce unreasonable would uphold it as a first installment of a general regulation of the hours of work. Whether in the latter aspect it would be open to the charge of inequality I think it unnecessary to discuss.

**Mr. Justice John Marshall Harlan's
Dissent**



John Marshall Harlan

"The power of the courts to review legislative action in respect of a matter affecting the general welfare exists only "when that which the legislature has done comes within the rule that, if a statute purporting to have been enacted to protect the public health, the public morals or the public safety, has no real or substantial relation to those objects, or is, beyond all question, a plain, palpable invasion of rights secured by the fundamental law."

The Triangle Fire

Near closing time on Saturday afternoon, March 25, 1911, a fire broke out on the top floors of the Asch Building in the Triangle Shirtwaist Company. Within minutes, the quiet spring afternoon erupted into madness, a terrifying moment in time, disrupting forever the lives of young workers. By the time the fire was over, 146 of the 500 employees had died. The survivors were left to live and relive those agonizing moments. The victims and their families, the people passing by who witnessed the desperate leaps from ninth floor windows, and the City of New York would never be the same. The images of death were seared deeply in their mind's eyes.

















1914 - Studies in New York City and Youngstown, Ohio

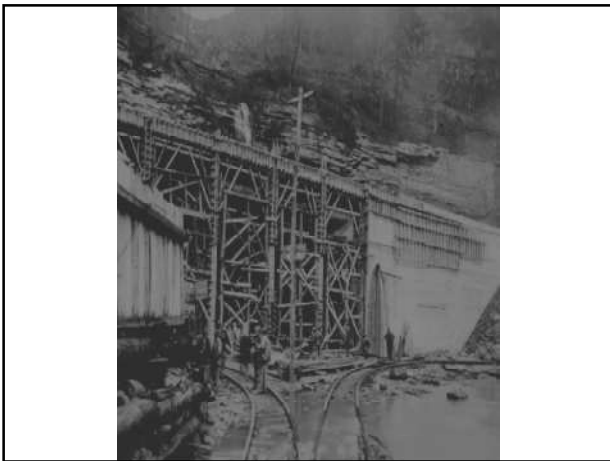
Revealed unsanitary conditions and tuberculosis among workers, leading to the abolishment of "sweat shops."

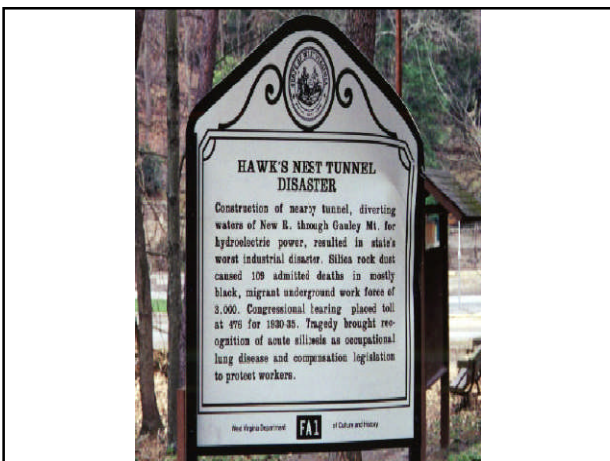


1923 - Studies of the "dusty trades"

Led to the development of industrial hygiene sampling equipment.

1930: Gauley West Virginia Bridge Disaster, also known as the Hawks Nest tragedy, this was America's worst industrial disaster killed at least 476 men and disabled 1500 by silicosis. Economic factors of the Great Depression forced the men to work in unhealthy conditions





Francis Perkins

Witnessed Triangle Shirtwaist
"pivotal event in her life"

New York State Industrial
Commission

Expanded factory investigations for
safety and health issues.

Called for a federal occupational
safety and health law.

Created the Bureau of Labor
Standards in 1934.



1936 Instrumental in the drafting of the Walsh-Healey (Public Contracts) Act passed. This law required that all federal contracts be fulfilled in a healthful and safe working environment.



President Richard M. Nixon signs *OSH Act*

Commerce Clause Cases

Gibbons v. Ogden (1824)

Slaughterhouse Cases 83 (1872)

Standard Oil Co. of New Jersey v. United States 221 (1911)

National Labor Relations Board v. Jones & Laughlin Steel Corp. (1937)

Heart of Atlanta Motel, Inc. v. United States 379 (1964)

Constitutional Issues Live On
Multiple Employer Citation
Can you think of any?
