American Industrial Hygiene Association Journal

ISSN: 0002-8894 (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/aiha20

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**To cite this article:** LORICE EDE. J.D. (1972) Occupational Safety and Health Legislation II. Selected State Legislation, American Industrial Hygiene Association Journal, 33:5, 315-325, DOI: 10.1080/0002889728506655

**To link to this article:** https://doi.org/10.1080/0002889728506655

# Occupational Safety and Health Legislation: II. Selected State Legislation

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**Several representative State occupational safety and health acts are discussed in terms of relevant provisions of Public Law 91-596, the Occupational Safety and Health Act of 1970.**

## Introduction

It is important that the States continue to legislate in the area of occupational safety and health as there will be a continuing need to complement and to supplement the federal coverage so as to preclude the exclusion of any worker from protection from occupational safety and health hazards whether national or local in extent.

First, where there is an existing or potential occupational hazard and there is no federal standard in effect under section 6 of the national Act (discussed in Part I of this paper) it is the State that must take notice of the issue and legislate as necessary, and the Act recognizes this need for State action regarding "any occupational safety and health issue" where there is "no federal standard in effect."

Second, Section 18 (b) of the Act provides that a State may submit a plan for assuming responsibility for development and enforcement of occupational safety and health standards "relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under Section 6." Furthermore, "the Secretary (of Labor) shall approve the plan . . . if such plan in his judgment" meets the criteria set forth in Sections 18 (c) (1) through (8).

Of particular importance will be the application of Section 18 (c) (2). The section seems, in effect, to provide the only limitation of State participation in that a State is permitted to set a different standard from any national standard promulgated under Section 6 only so long as such "standards are . . . as effective . . . as the standards promulgated under Section 6" and so long as such "standards" (concerning items in interstate commerce) . . . "are required by compelling local conditions and do not unduly burden interstate commerce." State administration and enforcement of national standards are inherent in the provision of Section 18 that the Secretary of Labor shall approve a state plan meeting the criteria set forth in Section 18.

Selected specific acts which have been passed by the States and constitute that state's statutory recognition of the concept of an occupational safety and health entity are discussed as to similarities and differences with comments as to relevant provisions of the National Act and other legal aspects.

All except one (Illinois, 1937) of the selected occupational safety and health acts to be considered are recent enactments. In lieu of discussing the acts individually as in previous report[2,3] it is proposed to consider the State

A report containing the full text of PL 91-596 and the several State acts discussed is available from the author.

acts primarily against a list of pertinent factors (See Table 1) as follows:

(1) agency or agencies;
(2) standards as to (a) development, (b) promulgation, and (c) enforcement;
(3) right of entry and provision for obtaining " inspection" warrant;
(4) inspection and prohibition against giving notice;
(5) legal authority or power delegated to the agency including whether standard setting is comprehensive or limited to specified areas;
(6) staffing, with provisions for qualifications and training;
(7) funding;
(8) scope;
(9) reporting by employer, state, or other and as to nature of report;
(10) stipulation of statutory duty in employer, employee, state, and whether general or specific;
(11) representation on commissions, advisory committees, etc. by labor and management;
(12) certain miscellaneous factors such as use of declaratory judgements, security given by state for injunctive actions.

**Agency**

The National Act makes assignments; *i.e.*, Department of Labor for administration, promulgation of standards, and enforcement; Occupational Review Commission for review of enforcement on appeal; an Advisory Committee for standards development; the Small Business Adminstration for furnishing economic assistance along with the grants programs of the Department of Labor and the Department of Health, Education, and Welfare; the Department of Health, Education, and Welfare and the National Institute for Occupational Safety and Health for research; and both Labor and HEW for training.

In the States, a multiplicity of agencies is apparent in the ten acts reviewed. For instance, in Arizona, the 1968 enactment setting up the Division of Safety in the Industrial Commission specifically recognizes that "safety functions and their enforcement may be designated to other agencies of the federal and state governments" and exempts them from the Division of Safety Act.

Although enacted in 1937 the Illinois Health and Safety Act is representative of earlier efforts to recognize occupational safety and health as an entity and to facilitate administration by making only two agencies responsible, the Industrial Commission, for the process up to enforcement and the Department of Labor for the enforcement function. Only one exclusion because of other legislation was necessary in this 1937 act: the coal mining industry.

The Indiana Occupational Health and Safety Act of 1971 apparently permits of no exclusion by virtue of other legislation. It creates a board of safety compliance and appeals; a safety education and training bureau; an occupational safety standards commission within the Division of Labor.

The Maine Act of 1969 established a Board of Occupational Safety Rules and Regulations in the Department of Labor and recognizes other legislation which the Act does not supersede; such as the rules and regulations duly promulgated by various Boards (Boiler, Construction Safety, and Elevator) and the rules and regulations of the Department of Health.

The Minnesota Act of 1969 created an occupational health and advisory board in the department of labor and industry. There are no apparent exclusions due to other statutory laws.

The 1969 Montana Safety Act created the industrial accident board and provided that the board is vested with full power and jurisdiction in the area of safety and is charged with reporting occupational health hazards discovered in its investigations and inspection of places of employment to the State board of health and with cooperating with the State board of health in carrying out its duties as specified. This act supplemented the 1967 act on Industrial Hygiene (Department of Health responsibility).

TABLE I

Analysis of Selected State Occupational Safety and/or Health Acts

| State | Ar | Il | In | Ma | Mi | Mo | Ok | Te | Ve | Wy |
|---|---|---|---|---|---|---|---|---|---|---|
| Single agency responsibility (not including enforcement) | | x | x | | x | | x | x | | x |
| Standards setting only after public hearings | x | x | x | x | x | x | x | x | x | x |
| Right of entry expressly stated | | x | x | | x | | x | | x | x |
| Inspection warrant provided | | | | | | | | | x | |
| Notice of inspection prohibited | | | | | | | | | | |
| Agency issuances with "full force and effect of law" | | x | | | x | | | x | x | |
| Staffing expressed (excluding commission and board member stipulations) | x | | x | | | x | x | x | | x |
| Funding (refers to year of enactment only) | | | | | | | | | | x |
| Exemptions to coverage | | | | | | | | | | |
| Farming | | x | x | x | x | | x | | x | |
| Domestic | x | | x | x | x | | x | x | x | |
| Fishing | | | | x | | | | | | |
| Mining | | x | | | | | | | | x |
| Quarrying | | | | | | | x | | | |
| Transportation | | | | | | | | x | x | |
| Same as Workmen's Compensation | | | | | | x | | | | |
| Reporting | | | | | | | | | | |
| Employer | | | x | | | | x | x | | x |
| State Agencies | | x | x | | | | | x | | |
| Duty | | | | | | | | | | |
| Employer | | x | x | | x | x | x | x | x | |
| Employee (or person) | | | x | | x | x | x | | x | |
| Labor-management representation (number specified) | | | x | x | x | | x | x | | x |
| Miscellaneous provisions | | | | | | | | | | |
| Bond by State | x | | | | | | | | | x |
| Case precedence | | x | | | | | | x | | x |
| Declaratory judgment | | | | | | | x | | | |
| Employer classification | | | | | | | | x | | |
| Immunity | | | | | | | | | | x |
| Incorporation by reference | | | x | | x | | | | | |
| Inspection report | | | | | | x | | | | |
| Labor disputes | x | | | | | | x | x | | |
| Legislative approval | | | | | | | x | | | |
| Licensing | | x | | | | | | | | |
| Medical examination | | | | | | | | | | x |
| Preemption | x | | | | | | | | | |
| Publication of rules | | x | | | | x | | x | | |
| Special fund | | | | | | | x | | | |
| Taxes | | | x | | | | | | | |
| Workmen's compensation rate | | | | | | x | | | | |
| Definitions | x | | | x | | x | | | x | |

The 1970 Oklahoma Occupational Health and Safety Standards Act of 1970 created an Occupational Health and Safety Standards Commission in the Department of Labor which may adopt health and safety standards, but with the authority to promulgate health and safety standards limited to that not granted to other state departments or other legally consituted state boards or commissions. A Board of Health and Safety Compliance and Appeals has authority to conduct hearings and determine compliance or noncompliance with health and safety orders when such orders are referred to the Board as provided. The Health and Safety Education and Training Division is charged with developing training programs for state health and safety inspectors, developing and promoting consultative education approaches towards solution of occupational health and safety problems, and other tasks in the area of planning and organizing training needs.

The 1967 Texas Occupational Safety Act created in the Department of Health an Occupational Safety Board and Division of Occupational Safety for the prevention of accidents and occupational injuries in places of employment.

The 1967 Vermont Safety Act established an Industrial Safety Advisory Board and recognized the separate jurisdiction over transportation equipment of certain agencies and of the State of Vermont's public service board.

The 1969 Wyoming Occupational Health and Safety Act is a comprehensive act treating health and safety as a unified concept, subject only to the limitation of the jurisdiction and authority for making rules and regulations pertaining to coal mines and regarding mine inspectors. The act is administered by the Occupational Health and Safety Commission with a permanent advisory council.

A review of the above summary statements regarding agencies as provided for in the ten acts indicates that in none of the States is occupational safety and health the primary and sole responsibility of one statutory entity.

**Standards**

The States approach the standard setting problem in different ways. See Table II for analysis of the terminology used and designation of agency to which function is assigned.

It is interesting that there are 17 differently named agencies in the 10 states involved in the three major functions of developing, promulgating, and enforcing/administering standards.

**Inspection and Right of Entry**

The Act emphasizes the necessity for assuring right of entry and generally most of the States have some sort of right of entry provision. The state acts discussed in this report provide for right of entry as follows:

*Arizona:* No provision.

*Illinois:* Section 10 provides, "any employer . . . . shall admit any member of the industrial commission . . . to any place of employment . . . affected by . . . Act for the purpose of making inspection . . ." The Department of Labor is charged with enforcing the Commission Rules, but in Section 17 it is given only implied right of entry ("is hereby empowered to visit, and inspect at all times, all places of employment . . .")

*Indiana:* Section 502, provides, "The division may on its own motion, and shall upon receipt of a signed complaint, enter and inspect places of employment . . ."

*Maine:* No provision for right of entry, but Section 566 charges Department of Labor and Industry with inspection.

*Minnesota:* Section 182.57 explicitly provides for right of entry and investigation in those words, "The commissioner or his authorized representative shall have the power and authority to enter and inspect places, during normal working hours, . . . to determine . . . whether any person has violated any provisions . . ."

*Montana:* Section 41-1725 provides for periodic inspections of hazardous places of employment, but does not provide right of entry *per se.* "The board shall inspect from

time to time all the places of employment . . ."

*Oklahoma:* Section 10 provides for inspection, where the Commissioner has reason to believe that rules and standards are not being complied with; but exempts plants and facilities meeting workmen's compensation insurance credit criteria. Otherwise "authorized employees . . . may enter and inspect places of employment . . ."

*Texas:* Section 5 (d) limits inspection in that "No plant or facility shall be subject to this paragraph when it is entitled to credit on its workmen's compensation insurance rate." "This paragraph" refers to safety engineer's directing inspection of a plant or facility.

TABLE II

Standard Setting in Selected State Acts
Statutory Wording *

| State | Ar | Il | In | Ma | Mi | Mo | Ok | Te | Ve | Wy |
|---|---|---|---|---|---|---|---|---|---|---|
| Comprehensive coverage† | yes | no | yes | yes | yes | yes | yes | yes | yes | yes |
| Development | | | | | | | | | | |
| Developing | | | 14,1 | | 11,1 | | 13,1 | | | |
| Devising | | | | | | | | | | 12 |
| Drafting | 7 | 9 | 14,1 | | | | | | | |
| Formulating | | | | 2 | | 8 | | | | 12 |
| Making | | | | | | | | 10 | 5 | |
| Proposing | | | | | 11 | | | | | |
| Promulgation | | | | | | | | | | |
| Accepting | | | | | 5 | | | | | |
| Adopting | | | 14 | 2 | 5 | 8,15 | 13 | | | 12 |
| Approving | | | | | | 15 | | | | |
| Issuing | | | | | 5 | 8,16 | | | | |
| Promulgating | 9 | 9 | 14 | | | | 13 | | 5 | |
| Enforcement | | | | | | | | | | |
| Administering | | | | | | 8 | 3 | | | |
| Amending | | | | | | | | | | 12 |
| Enforcing | 7 | 4 | 6 | 5 | 5 | 8,16 | 3 | 17 | 5 | 12 |
| Modifying | | | | | | | | 10 | | |
| Repealing | | | | | | | | | | 12 |

* The key to the numerical designations is as follows:

1. Advisory Committee
2 Board of Occupational Safety
3 Commissioner of Labor
4 Department of Labor
5 Department of Labor and Industry
6 Division of Labor
7 Division of Safety
8 Industrial Accident Board
9 Industrial Commission
10 Occupational Safety Board
11 Occupational Safety and Health Advisory Board
12 Occupational Safety and Health Commission
13 Occupational Safety and Health Standards Commission
14 Occupational Safety Standards Commission
15 State Board of Health
16 State Department of Health
17 State Safety Engineer

† Comprehensive Coverage means that standards may be promulgated as required and not just for specified hazards stated in the statutes.

*Vermont:* Section 114 provides explicitly that "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." The law recognizes the possibility that entry may be refused and makes specific provision to authorize that, "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 purposes of inspection under this section."

*Wyoming:* Section 8 explicitly provides, "Any commission member . . . may enter and inspect any property . . . except private residences where persons are employed . . . for the purposes of investigating health and safety conditions and compliance with safety and health laws, rules and regulations . . ." And in so providing it also recognizes the right of business to be as unmolested as possible by further stating "but in so doing shall not unreasonably interfere with the operations, business or work of any employer or employee."

In summary, of the six acts, providing explicitly for right of entry and inspection, one (Vermont) also provides for an inspection warrant if entry is denied; another (Wyoming) provides that employment must not be unreasonably interfered with; and a third (Oklahoma) exempts plants meeting workmen's compensation credit criteria. Of the other four acts, one (Arizona) has no provision for right of entry or inspection, and three (Maine, Montana, and Texas) provide for inspection but not for explicit right of entry. None of these acts prohibit the giving of notice prior to making inspections.

### Legal Power

In delegating responsibilities and duties to the agency or agencies involved, the legal effectiveness of agency actions was in some cases explicitly characterized in specific language. Three states (Minnesota, Texas, and Vermont) provide that rules of the agency shall have the full force and effect of the law. Three states (Maine, Montana, and Oklahoma) make specific provision for the date of effectiveness of rules and regulations and implied force and effect of law.

### Staffing

The state acts do not in every case consider the need for statutory delineation of staffing and funding, although a number do provide for representation from labor, management, and the public as discussed hereafter. Some of the acts in addition have made provisions for specific positions as follows: Arizona (director); Montana (safety director); Oklahoma (State Safety Engineer, State Industrial Hygienist, and State Safety Inspector); Texas (State Safety Engineer and such personnel as may be necessary for the proper conduct of the operation of the division); and Wyoming (one chief administrator designated and known as "the state safety engineer").

In summary where the states indicated the qualifications deemed necessary in persons charged with the occupational safety and health responsibility, they specified engineering and safety qualifications rather than medical, although in some of the states the medical profession was represented on the supervising or advisory council or commission or board.

### Funding

Except for those acts stating the salaries for certain positions and for commission, board, etc., members, only the Act for the State of Wyoming actually appropriated funds for the purposes stated in the Act. See Section 15, chapter 199, Laws of 1969, which provided for the appropriation of the sum of one hundred fifty thousand dollars ($150,000.00).

### Scope of Acts

The acts vary as to the scope of coverage and as to the manner of indicating exemptions from

applicability of the act. For example, in the Arizona Act, the scope of the Act is indicated in the Definitions section which through the definitions of employee, employer, and place of employment makes the Act universally applicable within the State except for "employees engaged in household domestic labor and their respective employers." The substance of the state sections expressing exceptions to coverage is tabulated in Table I.

Thus, again agricultural-farm employment and household/domestic work are generally considered by the States as not amenable to regulation. PL 91-596 makes no similar exclusions.

**Reporting**

The lack of statistics to permit a precise picture of the occupational safety and health problem was discussed and emphasized in the various hearings during the enactment stages of the national Act.[4] The need for a uniform national system was recognized in the statement concerning the intent of Congress as stated in Section 2(b) (12) "by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;" and in Section 24 on Statistics which implements the Intent section. In addition throughout the Act there are references to responsibility for collection of statistics by the Secretary of Labor and the Secretary of Health, Education, and Welfare; *e.g.,* Section 18 on State Jurisdiction and State Plans, provides for reports by the State agency and others.

In the state acts reviewed for this paper some specifically require the reporting of injuries or diseases, but others do not. Arizona, Maine, Minnesota, and Vermont make no provision for reporting in their acts. The provisions in the other state acts reviewed relating to reporting requirements vary from no provision in four acts to the lengthy instructions in the Indiana and Oklahoma Acts. Reporting provisions in other states also vary widely.[5]

**Statutory Duty**

The states by virtue of the enactment of the occupational safety and health acts assume a two-fold, at least, statutory duty: one, to delineate the standard of care for measuring all duty created by the act and two, to effect enforcement where necessary. The first duty is met through the standard-setting process, which is explicitly provided for in some manner in all acts; and the second by the enforcement process of inspection, investigation, citing, and, if necessary, court action which is also explicitly provided for. Within this general framework, the state acts differ and reflect the interests and commitment of each state. Variations were as follows:

*Arizona:* Instead of referring to employer or employee, the Act refers to "person" and speaks of safety standards as applying to employers and employees alike. This is a type of universal duty and is also found stated in similar words in the acts of Indiana, Minnesota, Montana, and Vermont.

*Illinois:* Section 3 of the Act is an explicit creation of statutory duty in the employer to provide reasonable protection to the lives, health and safety of all persons employed by such employer." There is, however, no corresponding duty created in the employee.

*Indiana:* Section 201 and 202 each create a statutory duty in the employer to "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." In addition there is a statutory duty created in the employee: "Section 203. No employee shall wilfully remove, displace, damage, destroy or carry off any safety device or safeguard furnished or provided for use in any employment or

place of employment, or interfere in any way with the use thereof by any other person." and "Section 204. No employee or agent of employees shall interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, or of any other person lawfully within such place of employment."

*Maine:* The duty of employers and employees is not by statute directly to each other. Section 567 provides "If, upon inspection or investigation, the commissioner or his agents determine that any employer or employee has violated any rule or regulation promulgated under Section 565, he shall issue such orders as are deemed to be necessary to enforce such rule or regulation."

*Minnesota:* There is no provision creating a duty in the employee, but Section 182.52 specifies "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."

*Montana:* Not only is the employer's duty specifically stated (Section 41-1710) as to furnishing a place of employment which is safe for employees and for assuring operations and processes reasonably adequate to render the place of employment safe, but the employer is generally charged with doing "every other thing reasonably necessary to protect the life and safety of employees." There is an added duty on an employer who is the owner or lessee of real property not to construct or maintain any place of employment that is unsafe with an affirmative duty to repair and maintain same as to render it safe. There is no specific section on the employee's duty, but Section 19 places an affirmative duty in the employee to "notify his employer of any violation of law or regulation pertaining to safety of places of employment when the violation comes to the knowledge of the workman."

*Oklahoma:* The employer's duty is stated in Section 3 in general terms: "shall establish and maintain conditions of work which are reasonably safe and healthful for employees . . .". There is a provision that "No rule or standard promulgated under this act shall, or shall be deemed to establish legal standards of conduct or legal duties, the violation of which standards or duties would constitute negligence or gross negligence in any civil proceeding." This section must be read in the light of the national Act requirement for compliance with standards promulgated thereunder, which is the special duty created in the employer by the National Act. The Oklahoma Act also creates a duty in the employee "not to wilfully remove, displace, (etc.) any safety device or safeguard . . . or interfere in any way with the use thereof . . . or fail to follow and obey orders necessary to protect the life, health, and safety of such employees and any other person lawfully within such place of employment."

*Texas:* The provision in the Texas Act as to legal standard of conduct is identical with that in the Oklahoma Act and is stated once in the section on employer's duty and again in the section on Rule Making Power. There is also a provision as to employer's duty which is similar except that there is an added provision, "Every employer shall comply with every rule lawfully made. . . (except where exemptions have been granted)"

*Vermont:* Employer responsibility is set forth in Section 21-113(a) as to general duty to furnish a place of employment reasonably safe and healthful for em-

ployees and, with respect to specific work operations considered inherently risky, to establish and enforce work methods reasonably necessary to protect the life, health and safety of employees "with due regard for the nature of the work required." The owner of any premises, whether or not an employer, is charged with responsibility for structural adequacy of the premises and for provision of adequate general ventilation and lighting, and for safe elevator and hoisting systems. The Vermont Act does not charge employees with a specific duty.

*Wyoming:* The Wyoming Act does not create duties as such in the employer or employee. However, the section declaring policy of the State of Wyoming states: "the prevention of accidents and occupational diseases and abiding by rules and regulations are the responsibility of both the employer and the employee."

## Representation

The idea of representation of employer and employee interests in the area of state involvement in occupational safety and health is not new. The 1937 Illinois Act specifically provided (Section 6) "The industrial commission may appoint advisory committees to suggest rules or changes therein. Representation on such committees of employer and employee shall be equal." In most of the State Acts, provision for representation has been expanded from that expressed in the Illinois Act.

Some of the acts (Illinois and Vermont) provide for equal representation on advisory committees of employers and employees. Other states set varying numbers for each group. The section of the Indiana act is mentioned as being the most detailed of those reviewed. It provides an Occupational Standards Commission of nine members composed of two members representing management of principal industries with more than 200 employees; one, management of principal industries with 200 or less employees; one, international labor union; two, labor union other than international; one each, stock and mutual insurance organizations doing business in state; one, professional qualified in occupational health and safety fields; with the commissioner as secretary of the commission. The Board of Safety Compliance and Appeals shall consist of five members: two affiliated with labor organizations (but not more than one of the two shall be from the same international union) and two representatives of employer interests with the fifth, the chairman of the board, to be selected from the highest membership classification of the American Society of Safety Engineers.

The Occupational Health and Safety Standards Commission in Oklahoma is composed of the same representation as required in the State of Indiana, except that where the State of Indiana requires a member professionally qualified in the occupational health and safety field, the Oklahoma Act requires that one member be "at large" and a safety engineer who is a full member in good standing of the American Society of Safety Engineers.

The Wyoming Act provides that the seven-member Occupational Health and Safety Commission be composed of one member from the general field of employees or employee organizations; one, from the general field of business or industry; one medical doctor; and four, from the public at large appointed by the Governor with the advice and consent of the senate without regard to political affiliation.

## Miscellaneous Provisions

In lieu of quoting some of the special-type provisions noted in the ten acts covering areas not covered in the national Act, pertinent section headings have been listed under miscellaneous provisions in Table I with indication of the states to which applicable. These sections are particularly important in showing how wide-ranging a state occupational health and safety act can be. Full texts of the sections are quoted in the basic report[6] from which this portion was taken.

## Conclusions

From this review of selected occupational safety and health legislation, a few conclusions as to the general effect of the National Act on future state legislation are ventured:

First, it is believed that, in view of the scope of the national Act, the development of a model uniform state act is more desirable than ever. It is hoped that this presentation of information, particularly as to the state acts, will serve as a convenient source of material for development of a model uniform act that will be acceptable to the various states.

Second, with regard to a general duty in the employer to the employee, the national Act appears to preempt the area insofar as stating the nature of the general duty. All State provisions in this regard will have to be read in the light of Section 5(a)(1). This section does not depend for its effectiveness on existence of a Section 6 standard as Section 6 does not relate to the general duty stipulated in Section 5(a)(1). Nor is Section 5(a)(1) suspended by approval of a State plan since Section 18(e) does not include Section 5(a)(1) [as it does Section 5(a)(2) relating to compliance with standards] in the sections whose applicability to the States is suspended by the approval of the State plan. However, among the sections so suspended is Section 17, the Penalty Section, stipulating penalties including those for violation of Section 5(a)(1).

Third, where previously[2,3] standards were promulgated in statutes for specific factors either as "word," "quantitative as set by the State," or "nationally recognized" standards, currently under the changed emphasis, the States are granting comprehensive standard promulgating authority. The responsible agency is given broad comprehensive authority to set standards for occupational safety and health in recognition of the pace of industrial development and the need for flexibility and speed in meeting hazards as they occur. Nine of the ten acts reviewed so provided.

Fourth, the States by virtue of the national Act, must recognize, whether evidencing such recognition by State legislation or not, that occupational safety and health is an identifiable area of concern and warrants, if it has not so received, statutory recognition by the States as well as the national government.

Fifth, all of the acts discussed except the 1937 Illinois Act were enacted by the States since 1967 in the climate of the national interest in occupational safety and health. However, a reading of the Illinois Act against the other nine acts indicates that statutory authority (legislative terminology) has long been at hand and available as a tool. The words have been available; it is action that is now needed. And there has been a start.

The impetus of enacting a national Act with the provision for federal funding will inevitably assist in bringing about a new impetus in the States to effect programming at the occupational situs to provide conditions of health and safety that will mesh with community and comprehensive health planning to bring to more workers and their families good health in safe surroundings.

## Acknowledgment

The contribution of Mrs. Marlene T. Barnard in researching and preparing material for the project report from which this summary paper has been extracted is gratefully acknowledged.

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Received May 11, 1971

## Publications Available

The National Technical Information Service has announced the availability of the following publications.

| | |
|---|---|
| PB-199 903 | Guides for Short-Term Exposures of the Public to Air Pollutants. I. Guide for Oxides of Nitrogen. April 1971 |
| PB-199 904 | Basis for Establishing Guides for Short-Term Exposures of the Public to Air Pollutants. May 1971 |
| PB-203 464 | Guides for Short-Term Exposures of the Public to Air Pollutants. II. Guide for Hydrogen Chloride. Aug. 1971 |
| PB-203 465 | Guides for Short-Term Exposures of the Public to Air Pollutants. III. Guide for Gaseous Fluoride. Aug. 1971 |
| PB-193 801 | Long-Term Effects of Air Pollution–A Survey, G. D. Robinson, Center for the Environment and Man, Inc., Hartford, Conn., June 1970, 50 p. |
| PB-184 479 | Systems Study of Nitrogen Oxide Control Methods for Stationary Sources, Volume I, W. Bartok et al., Esso Research and Engineering Co., Linden, N.J., May 1969, 158p. |
| PB-192 789 | Systems Study of Nitrogen Oxide Control Methods for Stationary Sources, Volume II, Nov. 1969, 605 p. Paper copy $9.00 (microfiche 95 cents). |
| PB-178 972 | Sulfur Oxide Removal from Power Plant Stack Gas: Sorption by Limestone or Lime *Dry* Process (Conceptual Design and Cost Study), Tennessee Valley Authority, 1968, paper copy $6.00 (microfiche 95 cents), 98 p. |
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