

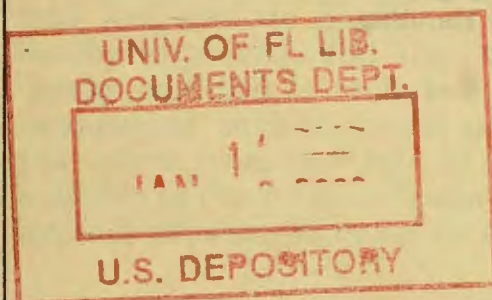
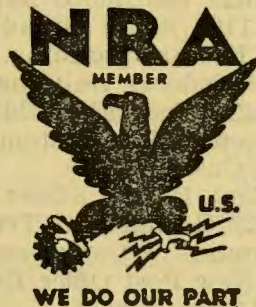
NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION**

FOR THE

**CAST IRON SOIL PIPE
INDUSTRY**

AS APPROVED ON AUGUST 3, 1934



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Approved Code No. 18—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CAST IRON SOIL PIPE INDUSTRY

As Approved on August 3, 1934

ORDER

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
CAST IRON SOIL PIPE INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Cast Iron Soil Pipe Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be, and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.
August 3, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on a Public Hearing on the Approved Code of Fair Competition for the Cast Iron Soil Pipe Industry, held in Washington, D. C., January 23, 1934, in accordance with the provisions of the National Industrial Recovery Act.

The Code of Fair Competition for the Cast Iron Soil Pipe Industry was approved by the President September 7, 1933, and amended by Order of the President dated December 18, 1933.

The Code of Fair Competition for the Cast Iron Soil Pipe Industry, which was among the first submitted to the Administration, did not contain many provisions which experience has since shown are necessary to effectuate the purposes of the Act, and accordingly after numerous protests were received by the Administration as to the hardship the Code was working on members of the Industry, a Public Hearing was ordered by the Administration to provide an opportunity for anyone to file objections or offer amendments to this Code.

At the Public Hearing the Cast Iron Soil Pipe Industry represented by its Administrative Agency, the Cast Iron Soil Pipe Association, submitted a proposed amendment to revise its Code of Fair Competition. Said amendment was duly heard at the hearing and all protests were duly considered.

The amendment provides for the addition of certain standard provisions in order that the Code might conform to the present policy of the Administration; it further provides for the establishment of a Code Authority which will be representative of the Industry and conform to the standards of the Administration.

The Code no longer contains any provisions or appendices which might be construed to mean the mandatory use of the Birmingham basing point.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate

governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment, provided that such approval and such amendment take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown before that time, and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AUGUST 3, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CAST IRON SOIL PIPE INDUSTRY

Amend Section 1, by deleting in its entirety, and the following substituted therefor:

SECTION 1 (a) For the purpose of this Code the term "Industry" means and includes the business of producing and selling Cast Iron Soil Pipe and Cast Iron Soil Pipe Fittings.

SECTION 1 (b) The term "cast iron soil pipe" as used herein means pipe for carrying soil and liquid waste matter from plumbing fixtures of buildings into the main sewer system, also for ventilating purposes in connection with plumbing systems within buildings, and for carrying other liquids where not under pressure. It is manufactured in lengths of five (5) feet only, and in diameter ranging from 2 inches to 15 inches, with a wall thickness of $\frac{1}{8}$ inch to $\frac{7}{16}$ inch. Cast Iron Soil Pipe is manufactured from pig iron and scrap iron by casting horizontally in green sand molds and green sand cores—by the hand-ramming stripping-plate methods. Its process of manufacture and use is not comparable with cast iron pressure pipe, which is manufactured in lengths of six (6) to eighteen (18) feet by the "pit cast" and "centrifugal" methods, and ranges in diameter from two (2) to ninety-six (96) inches, and is used for carrying liquids and gas under pressure.

SECTION 1 (c) The term "fittings" as used herein means cast iron soil pipe fittings, cast iron service, valve, roadway and meter boxes.

SECTION 1 (d) The term "member of the Industry" means and includes, but without limitation, any individual, partnership, association, corporation, trust, receivership or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

SECTION 1 (e) The term "association" as used herein means the Cast Iron Soil Pipe Association.

SECTION 1 (f) The term "employee" as used herein means and includes any and all persons engaged in this industry, however compensated, except a member of the industry.

SECTION 1 (g) The term "employer" as used herein includes any one by whom such employee is compensated or employed.

SECTION 1 (h) The term "President", "Act", and "Administrator", as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 1 (i) Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

SECTION 1 (j) The term "Code" where used in this amendment shall mean the Code of Fair Competition of the Cast Iron Soil Pipe Industry as approved by the President, and its Amendments.

Amend Section 3, by adding the following new subsections.

SECTION 3 (f) *Wage Adjustments Above Minimum*.—Equitable adjustments of compensation of employees receiving more than the

minimum rates of pay herein prescribed shall be made by all employers who have not heretofore made such adjustments, and all employers shall within thirty (30) days after approval of this Section, report in full to the Code Authority concerning such adjustments whether made prior to or subsequent to such approval, provided, however, that in no event shall hourly rates of pay be reduced.

SECTION 3 (g) *Female Employees*.—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees, and, where they displace men, they shall receive the same rate of pay as the men they displace.

SECTION 3 (h) *Handicapped Persons*.—A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity, may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to and the maximum hours of work for such employee.

Amend Section 4, by adding the following new subsections.

SECTION 4 (e) The hourly limitations of Section 4 (a) of the Code shall not apply to any employee engaged in emergency maintenance or emergency repair work, involving breakdowns, and protection of life and property; provided, however, that time and one-half (1½) the regular rates shall be paid for all hours worked in excess of eight (8) hours per day, or forty (40) per week.

SECTION 4 (f) *Piecework Compensation—Minimum Wages*.—This Section establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis.

Amend Section 5, by adding the following new subsections.

SECTION 5 (a) *Reclassification of Employees*.—No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 5 (b) *Standards for Safety and Health*.—Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three (3) months after the effective date of this Amendment.

SECTION 5 (c) *State Laws*.—No provision in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 5 (d) *Posting*.—All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of the provisions of Codes of Fair

Competition which may from time to time be prescribed by the Administrator.

SECTION 5 (e) No employer shall knowingly permit any employee to work for any time, which, when added to the time spent at work for another employer or employers in this Industry exceed 40 hours per week.

SECTION 5 (f) No employee shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of the Code.

Amend Section 7 by deleting in its entirety, and substituting the following therefor:

SECTION 7 (a) There shall be forthwith constituted a Code Authority consisting of the six (6) members of the Code Committee of the Cast Iron Soil Pipe Association and one (1) member to be elected from among the members of the industry who are not members of the Association, by a fair method of selection which shall be subject to review and disapproval by the Administrator.

In addition to the membership as above provided there may be one (1) to three (3) members, without vote, to be appointed by the Administrator.

SECTION 7 (b) Each trade or industrial association, directly or indirectly participating in the selection or activities of the Code Authority shall,

- (1) impose no inequitable restrictions on membership, and
- (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 7 (c) In order that the Code Authority shall at all times be truly representative of the industry, and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 7 (d) No member of the Code Authority shall participate as a member of such Code Authority in any proceedings in which he is interested by virtue of any connections with the Complainant or Respondent, and in the event of any such disqualification the Administrator may appoint an alternate, who shall be a member of the same group as the disqualified member, to act in the place of the disqualified member of the Code Authority.

SECTION 7 (e) Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose; nor shall any provisions of this Code be considered to render any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

SECTION 7 (f) The Code Authority is hereby designated as the agency to administer, supervise and promote observance of the pro-

visions of this Code, subject to the right of the Administrator upon review to disapprove any action taken by the Code Authority.

SECTION 7 (g) The Code Authority may adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code, subject to the approval of the Administrator.

SECTION 7 (h) The Code Authority shall have the right to use such other agencies or individuals as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such agencies shall at all times be subject to and comply with the provisions hereof.

SECTION 7 (i) Upon complaint of any member or upon its own initiative, the Code Authority shall investigate alleged violations of this Code under such rules and regulations as the Administrator may prescribe.

SECTION 7 (j) In order that the Administrator may be informed of the extent of observance of the provisions of this Code and the extent to which the policy of the Act is being effectuated in the Industry; the Code Authority shall make such reports to the Administrator as he may require and obtain from members of the Industry through an impartial non-member of Industry such information and reports as are required for the administration of this Code. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

SECTION 7 (k) In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the Administrator may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to Government agencies.

SECTION 7 (l) The Code Authority shall appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to this Industry, for the purpose of formulating fair trade practices to govern their inter-relationships under this code and under such others to the end that such fair trade practices may be proposed to the Administrator, and when approved by him shall become a part of this code and such other Codes.

SECTION 7 (m) The Code Authority shall establish, subject to the approval of the Administrator, uniform specifications for the types and sizes of pipe and fittings in accordance with Federal specifications—WW-P-401, and amendments thereto, and shall cause such tests and inspections to be made from time to time as will adequately safeguard the public interest. When such uniform specifications have been prepared and approved by the Administrator they shall be published to all members of the Industry. Thereafter no member of the Industry shall knowingly sell or offer to sell any product of the Industry without it being plainly marked that it does or does not conform to the above specifications. This provision shall not

apply to products manufactured prior to the effective date of these amendments.

SECTION 7 (n) If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

Amend Section 8, by deleting in its entirety, and substitute the following therefore:

SECTION 8 (a) It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary: (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Industry.

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and collect equitable contribution as above set forth, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 8 (b) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its Administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 8 (c) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures substantially in excess of prior budget estimates except those which the Administrator shall have so approved.

Amend Section 9 and Section 10 by deleting them entirely.

Amend Section 11, by deleting in Section 11 (B) the following "or plumbers' cast iron specialties",

Further amend Section 11 by deleting Section 11 (e) and 11 (f) and substituting the following therefor:

SECTION 11 (e) Quoting a total or lump-sum price on any schedule of pipe and fittings.

SECTION 11 (f) No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commissions, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

And further amend Section 11 by adding the following New Sub-Sections.

SECTION 11 (g) Guaranteeing against advances and declines in published prices of the products of the Industry.

SECTION 11 (h) Predating or post-dating any quotation or invoice or accepting any pre-dated order or other predated contract for the sale of any products of the Industry.

SECTION 11 (i) No member of the Industry shall give any cash discount at a rate exceeding two percent (2%). Such discount shall be allowed only on invoices paid on or before the 10th of the month for shipments made from the 16th to the end of the previous month, inclusive, and on invoices paid on or before the 25th of the month for shipments made from the 1st to the 15th, inclusive, of the current month; provided that the period may be extended to thirty (30) days from date of invoice, covering shipments by water between the Pacific Coast States and States situated East of the Mississippi River.

SECTION 11 (j) In no instance shall a cash discount be allowed on transactions financed through the medium of a trade acceptance or a promissory note.

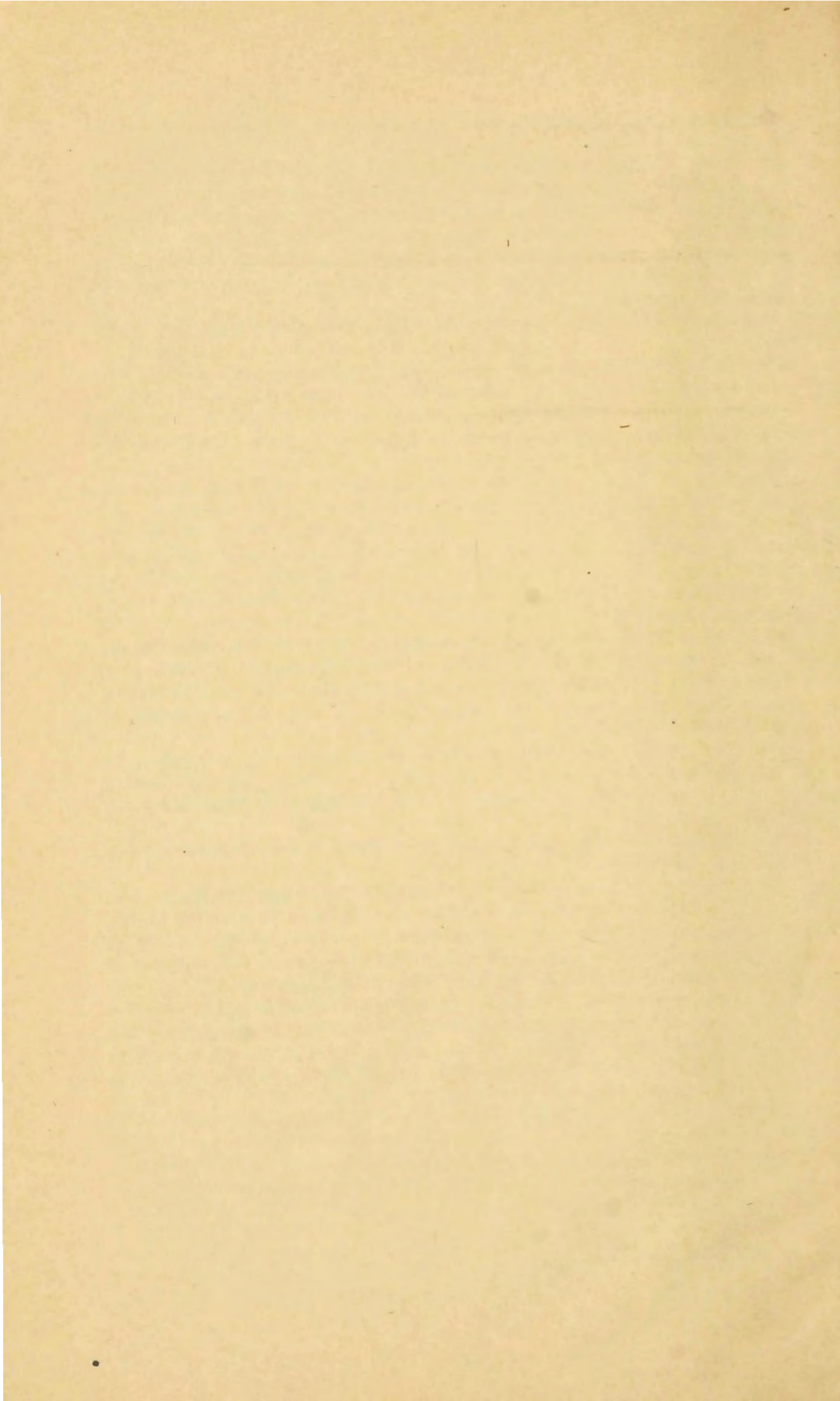
SECTION 11 (k) To accept bonds or other securities in part or in whole payment for products at a price which results, at the time of the sale, in the seller receiving less than the effective filed price for the product.

Amend Section 14 by deleting in its entirety, and substituting the following therefor:

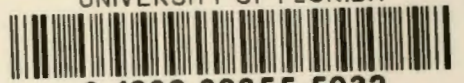
SECTION 14 (a) A member of the Industry may commit himself to furnish products of the Industry over an extended period, at prices, for use in the construction of a particular project; if the character of the project is clearly defined and identified, and if the volume of products to be delivered is specified within minimum and maximum limits defined in terms of quantity on the basis of anticipated requirements, provided that such prices and/or conditions of sale are not different than those effective prices and/or conditions of sale filed with the Code Authority by such member of the Industry, and effective on the date when such commitment is made.

Further amend the Code by adding the following new Section, to become Section 19:

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.



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