

getting those put in the buildings when they are required. And the Board has also granted variations as to the number of people involved with these toilet facilities, because of space and things like this, and they have granted variations.

Mr. DOWDY. This Act that we seek to here amend gives the Industrial Safety and Minimum Wage Board the authority to make reasonable regulations. I was trying to find out just exactly what "reasonable" means. Of course, you said you have hearings whenever you are setting up regulations.

Mr. GREENE. Yes, sir.

Mr. DOWDY. I suppose you have a pretty big book, most agencies do, of regulations, don't you?

Mr. GREENE. It is considerable. It is not that big as you indicate, but it is considerable.

Mr. DOWDY. When you set up those regulations, of course you have a hearing.

Mr. GREENE. Yes.

Mr. DOWDY. But the people who came to testify at that hearing, of course, they didn't have any knowledge or opportunity probably to consider a great many of them, and I expect you wrote regulations in there when it was set up that probably nobody thought about except your agency.

Now let's suppose that a practice which exists in a given area has existed for a great many years, and essentially there has been no accident record, no record of accidents under that practice that has been set up. In those regulations you adopted, you don't permit that practice to continue. Now is an order to enforce a change from something that has been perfectly safe, is that a reasonable order?

Mr. GREENE. I think it is.

Mr. DOWDY. Even though there have been no accidents?

Mr. GREENE. The consideration of no accidents in a particular thing would not necessarily mean that it is a safe operation or considered a safe operation. The regulations that are for the exception of very few, I would possibly name four, would be peculiar to the District of Columbia only.

If I took the American Standards Association codes, if I took the codes of New York State or California or Wisconsin, and you start comparing regulations, you would undoubtedly see the same regulations or almost the same regulations in particular fields as you find here in the District of Columbia.

Now the fact that nobody can find that there is an accident does not necessarily mean that we know there is no accident.

Mr. DOWDY. Even though the practice has gone on for many years. We have talked about hearings awhile ago, and sometime in the past this regulation has been promulgated that you are going to use to make somebody change over from a safe practice that he has followed for many years. If he came in and asked you for a hearing, would you give him one?

Mr. GREENE. It would depend on what the request was based on.

Mr. DOWDY. Well, a request would have to be based on that you had an unreasonable regulation.

Mr. GREENE. If it is based on a waiver, variation of the regulation, then we grant a hearing on it.