

March 14, 1940.

MR. OSCAR B. LEWIS,

Dear Oscar,

This is in reply to your letter of March 12th in which you asked for some information about an accident which occurred in connection with cleaning a tank at Jacksonville.

We believe there must have been some misunderstanding in that we have no information about any difficulty at any of the Jacksonville terminals.

If Mr. Kehoe was referring in his telephone conversation to the accident which the Orange State Oil Company had, he probably intended to convey the information that this accident occurred at Tampa. Some time ago, I gave you a preliminary report on this occurrence but deferred any further information inasmuch as Mr. Kehoe had asked for the information direct, and it was not until Sunday of this week that we were able to give any complete story in order that he might prepare a report for the Orange State Oil people.

I talked with Mr. Kehoe in New Orleans yesterday and on the basis of his findings and the information which we were able to provide him, there is evidence that although masks and one pair of boots were on the ground, the men were permitted to remove these masks for comfort while working in the spiked tank at the Orange State Oil Company terminal in Tampa. No gloves had been provided for these workmen. This was the case notwithstanding the fact that everyone connected with the Orange State Oil Company- from Major Carter who is in charge, down to the foreman who did the work- had been contacted on several occasions by Mr. McCoooley. Moreover, this spiked tank was tagged at the time that the cleaning was done and when the manhole cover was replaced, the tag was put back on the tank. Also, the regulation tank cleaning instructions were posted in the office of the terminal, and Major Carter had a copy of them in his office in Miami. In order to be sure about whether or not this particular tank was tagged, I had Phipps go back to Tampa after the difficulty was reported to us and find out whether or not the tag had been replaced, even though I had been assured beforehand by McCoooley that he had personally seen to having it attached. I believe I mentioned in a previous report that we were not advised of this tank cleaning beforehand although the Orange State Oil Company had been instructed on a number of occasions to give us notice and had been provided with postcards for that purpose.

Dr. Kehoe, I understand, will shortly prepare a complete report on the situation which I presume you will obtain a copy of. In the meantime, he has asked me to determine the present condition of the other four men who were employed in the tank cleaning opera-

tion but who are no longer in the employ of the Orange State Oil Company, and also if possible to influence the company involved as well as their insurance company, in making a satisfactory settlement for any damages that are equitably involved.

It so happens that Orange State had four spiked tanks in Florida - two of which were located at Jacksonville and one at the Miami terminal. They have not cleaned any tanks since 1936 and undertook to clean the one at Tampa only because they are making some changes and repairs in connection with this particular tank. I have had Phipps check the other three tanks to be sure that tags are properly in place and that tank cleaning instructions are supplied if they have been lost since McCoolley provided them.

We, of course, are following out the recent instruction in regard to your circular letter about spiked tanks, and I had a chance to discuss this with McCoolley when I was with him during the early part of this week. We see that we now have no alternative but for him to go through the territory personally and examine every tank in which our records show there has been any unusual blending. This, of course, was done several years ago and at that time, the tags were properly affixed to all such tanks in this Division. However, we certainly do not want a recurrence of what happened in Tampa if there is any way to prevent it, for notwithstanding Orange State's disregard of the tag which was affixed to the tank at Tampa, we still feel that having these tags on the tank, has considerable value. For your information, we are not at all certain that Orange State may not do the same thing again since even now, they seem to have no sense of responsibility for what has happened in Tampa inasmuch as they are inclined to feel that it is partly our responsibility for having spiked the tank, and partly the insurance company's worry for any damage that is involved. McCoolley has had considerable suspicion about this company ever since the beginning of our safety program for the reason that notwithstanding the fact he went over the whole situation with them in August, 1936, about the proper procedure for notifying us of cleaning tanks and placing special emphasis on the spiked tanks, a later investigation showed that four months afterwards, they cleaned a spiked tank in Miami without telling us about it.

Unfortunately, they have cleaned no tanks since that time and although Mac has called on them continuously, we have had no way of telling what they would be likely to do if they had occasion to clean another tank. As you appreciate, Orange State comes under the category of a jobber: but notwithstanding certain instructions we have had to disregard jobber tanks, the fact that Orange State has large terminals in Florida and also because four of their tanks were spiked, Mac made every effort to keep on top of it in order to prevent what ultimately happened.

I believe the fact that even now the Orange State people are not

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concerned with this particular incident, indicates to me the kind of problem we have had with them and points out in some measure the almost impossibility of getting cooperation from them. However, I am planning on meeting Mac in Florida within the next two weeks and at that time, I expect to get some definite commitments from them on a change in ways in this regard. If this cannot be done, we will then take it up with the Arkansas Fuel Oil Company in Shreveport who, we understand, have now some control of this company; and if we still cannot get the assurances that we wish, we will ask you to discuss it with the Cities Service people in New York. In the meantime, we have been assured that there is no tank cleaning planned for at least the next month and we feel we are reasonably safe not to have a recurrence before we are able to set up the necessary safeguards.

Very truly yours,

JAC/F.L

J. A. Costello.

CC-McCooley.

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