

MEMORANDUM ON THE FUNCTION AND SIGNIFICANCE OF THE WARNING SIGNS
ON PUMPS EMPLOYED TO DISPENSE LEADED GASOLINE AND ON CONTAINERS
IN WHICH SUCH GASOLINE IS DISTRIBUTED TO THE PUBLIC

Statements have been made previously, and will probably be made again, to the effect that the warning signs on gasoline dispensing pumps (and containers of certain types) serve no useful purpose, that they are unduly costly, that they tend to work against the interests of Ethyl Corporation, or that they promote the sale of Ethyl's product by advertising and tending to differentiate Ethyl's product from a competitor's. From the aspect of the public health, which is the only consideration with which this memorandum is concerned, the only one of these statements that is relevant is that the signs no longer serve the purpose for which they were and are intended.

It appears to be forgotten, from time to time, that these signs relate to a very fundamental policy in the conduct of the business of Ethyl Corporation. The statement of the group of distinguished scientists whose function it was in 1925 to decide the issue of the demise or survival of the industry, arrived at the conclusion "that.....there are no good grounds for prohibiting the use of (leaded) gasoline of the composition specified....., provided that its distribution and use are controlled by proper regulations. The committee feels that the formulation of specific regulations.....belongs properly to the office of the Surgeon General of the Public Health Service." Such regulations were formulated and proposed, and in lieu of the cumbersome and somewhat unpredictable mechanism for their conversion into legal status through their adoption by the several

States (the only mechanism for giving them such status) they were put into effect by Ethyl Corporation on verbal agreement with the Public Health Service. Under these circumstances, questions raised by Ethyl concerning their advantage or disadvantage to Ethyl Corporation are irrelevant and singularly inappropriate, and the matter of the cost of carrying out the procedure is equally so, so long as no obvious and discriminatory obstacle to the proper and profitable conduct of the business is provided thereby. Moreover, if the cost is unduly high, it seems highly probable that some less costly type of sign could be substituted for that now being employed, if it were equally effective and did not involve undue maintenance costs.

Meanwhile this regulation agreed to and enforced in good faith by Ethyl Corporation, has become a part of the international procedure of the petroleum industry. It exerts effects far beyond the limits of the United States of America, and indeed, these effects are more important in relation to human health, outside of the United States than within it, particularly in rural or relatively primitive areas in which leaded gasoline is distributed in barrels or other containers. Any action to abandon this policy in the United States, therefore, can be expected to bring about wide reverberations. The United States Public Health Service, if asked to alter its position, would, undoubtedly, be mindful of this situation.

This brings us to the one vital question, namely, does the use of the signs serve any useful purpose in relation to the public health? This question naturally presupposes that there was a purpose to be served. It is fair to admit that there was greater

apprehension concerning the risks of handling leaded gasoline in 1925 than there is now. Is it equally correct to conclude that the years have brought no evidence of the existence of any risk? The fact is that the latter is not the case. Experience has shown that when leaded gasoline is handled in a grossly careless manner and used for certain purposes for which it was not intended, it may be highly hazardous from the standpoint of its lead content. Therefore, as a matter of internal and selfish policy, Ethyl Corporation would not be wise to invite a public discussion of this subject. The question of the hazard of dispensing leaded gasoline by the very uniform mechanisms of the United States, is not now, and never has been, the issue. That there has been no "accident" or incident or indication of hazard in this procedure has no bearing on the situation. The primary purpose of the sign was to deter people from the use of leaded gasoline for any other use than that of a motor fuel. The use of this fuel in lamps, stoves, blowtorches and similar equipment, unless specially designed for the purpose, is bad both technically, and, to a less important degree, hygienically, while its use for dry cleaning can, under unusual circumstances, be quite dangerous. There have been fatalities from this use of high octane leaded gasoline. It is wise and necessary, therefore, to caution the public against the use of leaded gasoline for extraneous purposes, as it is also an obligation, on the part of the petroleum industry, to see to it that non-leaded gasoline is available for appropriate purposes. The industry tends, in certain areas, to forget this, and needs constant reminder, that such fuel must be available. If the signs and the reminders incident to the use of the signs on pumps and drums were to be discontinued, the industry would easily

adapt itself permanently to the idea that leaded gasoline may properly be expected to serve all of the purposes and uses to which gasoline is put. If we are contributing to this situation ignorantly or inadvertently, then we are vitiating the spirit of the agreement with the Public Health Service, and we are helping to create difficulties for ourselves in the future conduct of this business.

It may be argued, reasonably, that the signs do not accomplish their purpose in a uniformly effective manner. Indeed, it may be argued that no measures for the control of the potential hazard can be expected to be effectual. In my opinion, the Corporation acts wisely and in good faith when it does what it can to keep the potential hazard before the public, rather than be a party to public disregard of the entire matter. On the other hand, the Corporation would find itself in a somewhat awkward position if it were to instigate action on the theory that its procedure in this regard is ineffectual and, therefore, unnecessary, since such action might well result in a public re-examination of the nature and extent of the hazard and the development of better means for its control. I have very little doubt as to the outcome of such an examination, but I do not think it would be in either the public interest or that of the Corporation to bring about such action.

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