

June 15, 1946

Dr. James Townsend,
U. S. Public Health Service,
National Institute of Health,
Bethesda 14, Maryland.

Dear Dr. Townsend:

At long last I have been able to get an apparently satisfactory draft of "Changes in the Regulations for the Sale and Distribution of Gasoline containing Tetraethyl Lead....." I am submitting these to you herewith for the consideration of your committee or whomever you consider it advisable to consult on this subject. As you will note I have drawn up this draft substantially in the general form of the last document of this type, on the assumption that it would probably be issued as a public expression of policy, presumably over the signature of the Surgeon General. You may wish to change the entire procedure in this regard, but at least I have done the best I could do to bring this up to date on the basis of such information as is available to me.

Promptly upon returning home after my interview with you and your associates, I redrafted the changes, after consulting all of the correspondence which had taken place between myself and representatives of the Public Health Service as well as between other representatives of Ethyl Corporation and the Public Health Service. On this basis the dates given in the next to the last paragraph of Page 1 are those indicated on the documents or letters which are in my file. The actual changes, in addition to those with which you were fully familiar at the time of our interview, have to do with letters exchanged between officers of Ethyl Corporation and representatives of the Surgeon General, concerning the second type of sign. These exchanges give permission, first for the use of the briefer sign, and later for its use interchangeably with the earlier and larger sign on any type of gasoline dispensing pump. It was my feeling, in view of these agreed upon changes, that it was necessary only to refer to these dates and to the present date; thereby establishing a sequence of events as a matter of record, and then representing the regulations now in force in what might be regarded as a simple and understandable form. I trust that I have accomplished this purpose.

All that was added or modified in relation to my draft was a more detailed description of the two signs.

KE 0009289

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You will also note that these proposed changes have resulted in the elimination of any reference to the use of leaflets of information to the public at filling stations. My point of view with reference to this issue is represented in some detail in a letter addressed to Surgeon General Thomas Parran, dated September 3, 1940. In that letter I pointed out that the need for a warning of this type is not very great in view of present knowledge based on years of experience, and moreover that the attempt to follow this regulation had shown clearly that it was an impracticable procedure. What actually happened was that if these leaflets were handed to motorists, they were glanced at hastily and then discarded, with the result that the premises were littered up with discarded booklets. On the other hand, if one waited until such a booklet was requested, none were ever given out. I should hope, therefore, that your committee will agree with me that there is no real point in the continuation on the record of this recommendation.

When you have had time to consider this matter, you can, if you wish, return your conclusions to me in the form of the official recommendations. I shall then transmit this information to Ethyl Corporation for their information and for their further use in informing their customers. As you are aware, no doubt, the contract of Ethyl Corporation with its customers requires them to follow official recommendations of the Surgeon General of the United States Public Health Service, as well as any local or general laws bearing on this industry and also with the requirements of the Medical Director of Ethyl Corporation in matters of specific occupational hazards. It is highly advisable, therefore, that Ethyl Corporation should keep its customers informed of any changes of any kind which occur in any of these regulatory mechanisms.

I trust that this is all clear and complete so far as any action on my part is involved, but if I can be of any other assistance, please do not hesitate to call upon me.

Sincerely yours,

Robert A. Kehoe, M. D.

RAK ef

Enc.

KE 0009290

New York draft

*3 copies for Townsend
1 for our file*

CHANGES IN THE REGULATIONS FOR THE SALE
AND DISTRIBUTION OF GASOLINE CONTAINING
TETRAETHYL LEAD AS APPROVED FROM TIME TO
TIME UP TO JUNE, 1946

KE 0009291

CHANGES IN THE REGULATIONS PROPOSED FOR TETRAETHYL LEAD GASOLINE

In 1926 there were published, as part of Public Health Bulletin No. 163, which contained the report of the committee on tetraethyl lead gasoline, four sets of regulations which had been formulated in accordance with the committee's recommendations. These were proposed for adoption by the several States in order to secure uniformity of control, and were the subject of consideration at the meeting of the State and Territorial Health authorities with the Surgeon General on May 25, 1926. The regulations were in four series, as follows:

- I Proposed regulations for the manufacture of tetraethyl lead and the blending of the latter to make Ethyl Fluid.
- II Proposed regulations for mixing.
- III Proposed regulations for distribution of Ethyl gasoline.
- IV Proposed regulations for automobile garages, repair shops, service stations, and filling stations.

It was stated in the above-mentioned bulletin that the regulations thus published were based on the conditions and knowledge then existent, and that changes might be advisable from time to time.

The results of years of experience have fully justified the recommendations of the committee with respect to the foregoing measures of control. However, that regulation in Series III which had to do with warning signs on the pumps, left much to be desired in uniformity, effectiveness, and practicability, as motor fuels and equipment employed in dispensing them underwent change. Moreover, it appeared wise, in view of the general availability of gasoline containing tetraethyl lead, to call the attention of consumers in the simplest and most striking manner, to the fact that such gasoline contains tetraethyl lead and that it is designed for use only as a motor fuel. By such means it was intended that motor fuel containing tetraethyl lead would come to be differentiated in the public mind from gasoline and other petroleum products adapted to other uses, and so would not be misused. In accordance with this viewpoint, the approval of the Surgeon General was given in November, 1928, February 1933, March 1935, and June 1946, to certain changes in the wording and the manner of employment of warning signs on gasoline pumps and other containers. These changes have resulted in the replacement of Series III referred to above, with the following regulations:

1. Each filling station shall keep prominently displayed on each pump which delivers motor fuel containing tetraethyl lead a sign or signs, composed of enameled metal or of material of equivalent durability, inscribed in prominent heavy gothic capital letters, black on white background, with one or the other of the following statements arranged as shown:

(a)

CONTAINS
LEAD
(Tetraethyl) and
is to be used as
motor fuel only;
Not for cleaning
or any other use.
Avoid spilling.

(1)

For use as a
motor fuel only
CONTAINS
LEAD
(Tetraethyl)

The printed matter on ~~either of~~ these signs, not counting the enclosing border, should measure approximately 7 inches wide by 8-1/2 inches high ~~for the first sign;~~ *in the case of (a) above, 9 1/2"* 7 inches wide by 6 inches high ~~for the second sign.~~ *in the case of (1) above, 7 1/2"* Such a sign shall be located on any side (front, back, or either lateral surface) of each pump, at such height (between 4 and 5 feet above ground level, when the design of the pump will permit), and in such position (free of intervening structures or equipment) as to be most easily observed. Island pumps will require a sign on front and back, or on both lateral surfaces, while pumps approached ~~from~~ *or* but one side ~~and~~ from either direction will require one sign on the front, or one on each lateral surface.

2. Containers of gasoline containing tetraethyl lead sold to customers shall bear one or the other of the following labels (as a sticker or decalcomania) in such a position as to be plainly legible when the container is opened.

(a)

CONTAINS
LEAD
(Tetraethyl) and
is to be used as
motor fuel only,
Not for cleaning
or any other use.
Avoid spilling.

(1)

For use as a
motor fuel only
CONTAINS
LEAD
(Tetraethyl)

KE 0009293