March 30, 1959

Mr. Allan E. Dooley, Industrial Hygienist
The Texas Company
135 East 42nd Street
New York 17, N.Y.

Dear Mr. Dooley:

I am sorry not to have replied long since to your letter of February 16 but I've been hard pressed for time and my correspondence has suffered greatly.

The question raised in your letter is not new. It has come up periodically from time to time for many years, and always of course, there has been a good reason, in economic terms, for stretching a point in favor of the utilization of transport equipment of this type for edible products.

I consider the procedure to be unwise, not only because some degree of contamination of the edible products with lead is inevitable from time to time, but also because in the event of claims of injury or accusations of negligence, there is no appropriate defense. I'm quite certain that the cleaning of a rail tank car, so as to be certain that there will be no contamination with lead, can be effected only by drastic means which will remove all rust and scale down to bright clean metal. There may be other methods by which this can be done, but the only procedure of which I am sure is that of a careful job of sandblasting.

There is no doubt in my mind that a less drastic procedure would reduce the real danger to very near the vanishing point, but we all know how futile it is to establish a satisfactory defense for an act or a procedure which is "probably safe" or "generally safe", but which may be dangerous under certain unusual circumstances.

These people want you or me to guarantee them safety in doing what they wish to do for perfectly reasonable economic reasons. We cannot do so, and therefore, if they are willing to take their chances it is on their own heads, certainly not mine.

Sincerely yours,

Robert A. Kehoe, M. D.

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