

May 26, 1959

CONFIDENTIAL

AIR MAIL

Mr. Arthur S. Hawkes
Assistant Director, Chemical Research
Ethyl Corporation
Research and Development Department
Research Laboratories
1600 West Eight Mile Road
Ferndale 20, Detroit
Michigan

Dear Hawkes:

The information available to us is being reviewed with care by Dr. Brust and Mr. Witherup in order to prepare a statement for your use in connection with the patent problem referred to in your letter of May 21. This statement will cover as well as we can the contents of your telegram of May 26 as well as that in your letter.

My schedule calls for my being in New York (office of Ethyl Corporation) on May 27, in Los Angeles (Statler Hotel) on the 28th and 29th, and in San Francisco (St. Francis Hotel) on Monday June 1 and Tuesday June 2. I can be reached in all probability through Ethyl offices (for the purpose of a message to telephone you, since I shall be out of my hotel most of the time) in Los Angeles and San Francisco, but I suspect that this will be unnecessary. I'll be back in my office on June 4. Because of my absence from my office during this period, I have thought it best to leave this matter in the hands of Dr. Brust, and to write to you on one aspect of the matter which to me seems relevant regardless of the details of the toxicologic comparison of the two compounds.

I am afraid that I do not understand the importance of the relative toxicity of these compounds in the legal action. Evidently there is some legal issue here but it escapes me. In the telegram, for example, it is said that "toxicity is an important feature in adaptability as a gasoline additive". This may or may not be true, for what we are concerned with here is not toxicity, per se, but hazard. These are not necessarily synonymous, and moreover, the manner of use and the dilution of the anti-knock material in the fuel base may be such that no hazard exists in either case. In short, it would seem to me that the issues here are artificial and unreal. It would be our purpose to avoid the use of any material which would enhance the hazardous qualities of gasoline as a motor fuel to any practical or important extent. We have demonstrated that an highly toxic material (TEL) can be used in gasoline in appropriate concentrations without adding to the dangerous qualities of the gasoline in ordinary use, and that

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the manufacture and distribution of the antiknock compound can be achieved with safety. I can think of a less toxic material than TEL, which, when added to gasoline in the necessary concentration to suppress "knock", will greatly increase the hazard of handling the fuel. Such a material is benzene (benzol). My point is that the mere toxicity of a material (when actually absorbed into the body) is of little practical significance, if the conditions of use tend to keep it from being absorbed.

Perhaps this is all beside the point, for, as I have said, I don't understand the legal issue. Perhaps, on the other hand, there is a principle here which must be considered carefully. In any case, what I have said above when coupled with the information which Dr. Brust will supply to you may enable you and your associates to see where you are.

Cordially yours,

Robert A. Kehoe, M. D.

RAK:ss

cc: Dr. A. Brust

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