

March 17, 1943

Mr. C. E. Chase, Secretary-Manager,
Washington State Apple Commission,
Wenatchee, Washington.

Dear Mr. Chase:

Thanks for your letter of March 5, which I take as a warning that I may be called upon to consider the merits of claims made upon the owners of fruit orchards. As you may well imagine, we are literally swamped with work at present, and it would be very difficult for me to spend any considerable amount of time on cases of this type. Nevertheless, I should be glad to be of any assistance that is possible.

Perhaps it would be wise if I were to point out to you that I would be unwilling to testify in cases of this sort, unless a very careful effort were made to establish the facts in the individual case. Legal controversies based on theoretical considerations are highly unsatisfactory, and therefore, the medical status of these cases, or at least of any that are destined for a court hearing, should be the subject of careful study. At the time they are studied samples of blood and urine should be analyzed to determine the actual extent of the lead exposure. If this is done, most of the claims can undoubtedly be refuted. If it is not done, most of the talk will be in the dark. It has been clearly demonstrated that the opportunities for significant exposure can exist under suitable conditions. If the trees are heavy with spray, a considerable amount of dust will result from the picking operations, and individuals may absorb considerable quantities of both lead and arsenic, (provided, of course, lead arsenate was used as the spray). The chances are rather against this, but it can occur, and any individual case should be dealt with honestly and fairly on its merits, and the information concerning the exposure should be obtained at the time of the claim for illness. Otherwise, it will be impossible to obtain. If any such case were to be brought to my attention for consideration, I should be glad to supply the necessary containers and to carry out the analyses in such a way as to have reliable information on which to express an opinion. At the same time such an individual ought to have a competent and thorough medical examination, including microscopic examination of the blood.

I mention these matters so that you will know what to expect and will be able so to advise any persons who may be interested in my opinions.

Cordially yours,

N9725

Robert A. Kehoe, M. D.

WASHINGTON STATE APPLE COMMISSION

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Wenatchee, Washington

March 5, 1943

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Dr. Robert A. Kehoe
Kettering Laboratory of Applied Physiology
University of Cincinnati
Cincinnati, Ohio

Dear Dr. Kehoe:

One of the large insurance companies that places liability insurance on farms covering all risks in the producing and growing of crops has had several claims from apple pickers who claim that they have become "leaded" in harvesting apples. Through a friend of mine, I have suggested to them that they consult you. So far they have always been able to settle these claims for amounts of \$100 to \$250, which of course is less than it would cost them to go to court. However, it is not unlikely that sometime they will have a case that will run up to bigger figures, and it seems to me that you would be the logical one to advise them.

It is hard for me to conclude that a person could become leaded in picking apples from the small amount that is on the apples when we figure how diluted the spray is. One of my friends had a complaint from one of the pickers who claimed to have become leaded, and he even went so far as to go to an attorney. When the attorney found that my friend had been spraying with Kryocide for the past three years, he refused to take the case.

I am not too sure which insurance company it is, but I believe it is the General Insurance Company of America. In any event, I think if they get into any serious trouble they will be consulting you.

We have had a very successful year. Growers have cleaned their fruit to conform with our state laws, and in no circumstance has there been any seizure or trouble of any sort. I am hopeful that we may continue as we are. I doubt the possibility of a hearing, at least until we get out of the present emergency.

With kind personal regards, I am

Sincerely yours,

C. E. CHASE, Secretary-Manager

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