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LINDABURY, DEPUE & FAULK

PRUDENTIAL BUILDING

763 BROAD STREET, NEWARK, N. J.

TELEPHONE
MULBERRY 1755

January 24, 1929.

RE: [REDACTED] VS. STANDARD OIL CO.
[REDACTED] VS. STANDARD OIL CO.
[REDACTED] VS. STANDARD OIL CO., #3902

Dr. Robert A. Kehoe,
University of Cincinnati,
Cincinnati, Ohio.

Dear Dr. Kehoe,

Referring to my conversation of the 19th inst. with you with reference to the above cases, I desire to say that we will not know definitely just what the plaintiffs will claim concerning their exposure to tetra ethyl poisoning until they testify at the trial. They have been required to serve a Bill of Particulars in which they severally specify that they had been exposed as follows:

As to the [REDACTED] Case.

Plaintiff claims that he was put to work on the tank car loading rack in fixing up and repairing pumps and pumping machinery and their appurtenances. Rettino claims that this exposure occurred in the fall of 1926.

As to the [REDACTED] and [REDACTED] Cases.

The plaintiffs in these cases each claim that he was exposed to tetra ethyl lead in the months of October and November of 1925, in the spring of 1926 and in the fall

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of 1926. They each claim that the places where they worked and were exposed to tetra ethyl lead were the tank wagon loading rack in the months of October and November, 1925, the Reclamation and Fuel Oil Treating Plants in the spring of 1926, and the tank car loading rack in the fall of 1926; that the work at the tank wagon loading rack was the leveling, packing and repairing of pumps and their appurtenances; that the work in the spring of 1926 was the transferring, erection and repairing of some shafting and its appurtenances, including clutches; and that the work in the fall of 1926 at the tank car loading rack was the fixing up and repairing of pumps and pumping machinery and their appurtenances.

I have been advised by employees of the Standard Oil Company and the Ethyl Gasoline Corporation that these men did work in the places stated in the Bills of Particulars, although they seem to be in error as to the dates. Each of them spent three days on the installation and adjustment of the air motor at the tank car loading rack.

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This motor was installed within the wire enclosure of the mixing platform, although practically all of the time on the installation was spent by these men outside of the wire enclosure. The apparatus was assembled in the machine shop and brought to the tank car loading rack. Before these men were allowed within the wire enclosure of the mixing platform the platform and all of the mixing equipment was thoroughly washed with kerosene, then with water and finally the floor was swept before they were allowed to enter.

During the period when the men were working on the installation the pump was not run mechanically at all, although it was turned over by hand a few times in order to make the adjustment on the eccentric. At the time, however, the suction of the pump was not connected to an Ethyl Fluid barrel and the pump chamber was empty. There was no odor of Ethyl Fluid at any time nor any indication of any leak through the packing of the pump or other places. I am informed that any leak would be very noticeable because of the fact that Ethyl Fluid is colored

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pink. While the pump had been used before pumping Ethyl Fluid, the pump handle, the block and the eccentric rod were all new. The air machine used for operating the eccentric rod had previously been used but not in connection with Ethyl Fluid. None of the plaintiffs had any occasion to do any work upon the pump. The packing used in the pump was made by Metalicastic, Inc. This is a granular metallic packing, especially designed to prevent leaking of gasoline and other liquids which are difficult to hold.

I am further informed that on one occasion when it was necessary to operate the pump the plaintiffs were instructed to remain out of the enclosure and were not permitted to return until the floor and equipment had been washed with gasoline and flushed with water.

As I understand it, the apparatus used at the tank car loading rack was used for mixing Ethyl Fluid with gasoline. You probably are familiar with the character of the equipment.

All or some of these men also made repairs on

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the recirculating pump on the outside of the bathhouse building at the tank wagon loading rack. This pump was installed before any Ethyl Fluid had been brought from the Reclamation Department to the tank wagon mixing station and I assume it is entirely immaterial whether they worked on the installation of the pump.

After the installation had been completed, however, it was necessary to make a minor adjustment on the pump. The plaintiffs, or some of them, removed one packing ring from the packing boxes. This was done after the pump had been used in recirculating ethyl gasoline. The maximum tetra ethyl lead content of the gasoline mixed by this pump was 1-6/10 c.c.'s of lead per gallon which, as I understand it, would give a dilution of one part of lead to 2,365 parts of gasoline.

As you doubtless know, both the tetra ethyl lead pump at the tank wagon loading rack and the recirculating pump at the tank car loading rack were in the open air.

The work in connection with the shafting and clutches was as follows: The shaft and clutch had been

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removed from the tetra ethyl lead plant a year previous to the time that [REDACTED] and [REDACTED] came in contact with it. After its removal from the manufacturing plant it had been thoroughly chlorinated and washed with salt water. It was then placed in the Reclamation Department which, as I understand it, is an open yard, where it was exposed to the open air and to rain and snow for many months - perhaps a year. In the installation of the shaft it was necessary to remove two clutches and substitute two new clutches.

This is substantially all of the information that I have with regard to this matter. Dr. Gehrman of the DuPont Company has visited the plant and inspected the apparatus and has had the work which the men did and the conditions under which it was done described to him by employees of the company. I am enclosing herewith a copy of his letter with reference thereto.

I would appreciate your opinion as to whether, under the circumstances above stated, it was possible for these men to have acquired any tetra ethyl lead poisoning.

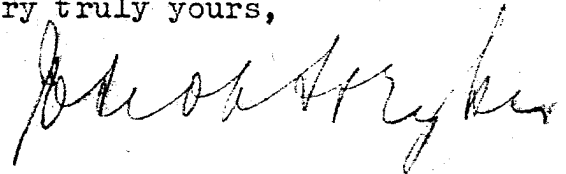
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In considering this question you should, perhaps, have in mind that two of these men were actually employed from time to time as mechanics in the tetra ethyl lead plant during the period that tetra ethyl lead was actually being manufactured by the company. They, however, were not made ill and lost no time from work and because of this fact the company did not settle with them at the time it paid many of its employees \$1,000. each for release. This is the real reason why the cases were instituted because these men insisted that they were as much entitled to be paid as some others who actually lost time because of illness.

Very truly yours,



JS/EAS

ENC.

KE 0017075

(COPY)

E.I. DU PONT DE NEMOURS & COMPANY
Incorporated

Wilmington, Delaware.

November 2, 1928.

Medical Director's Office.

Josiah Stryker, Attorney-at-Law

Prudential Building

Newark, N. J.

Care Lindabury, Depue & Faulkes

Dear Sir:

On Thursday, November 1st, 1928, I visited Mr. Walters of the Ethyl Gasoline Corporation, at his office, 25 Broadway, New York City. We first discussed the cases of alleged illness of Jenkins and others, claimed to have been contracted while in the employ of The Standard Oil Company of New Jersey at their Bayway refinery. Later we visited the Bayway refinery and went carefully over the places, equipment and circumstances which are alleged to be those leading up to and causing the plaintiff's alleged condition.

It is my understanding that lead ethyl poisoning, or lead poisoning, was contracted by these plaintiffs and that three specific instances are mentioned as being responsible.

First, certain duties performed in connection with installing equipment on a mixing platform.

Second, the handling of a piece of shafting which was used in the manufacture of lead tetraethyl at least several months prior to the handling.

Third, Packing a pump used to circulate ethyl gasoline con-

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taining 1.6 cc per gallon or a dilution of approximately 1 - 2300.

We have been manufacturing tetraethyl lead, the concentrated fluid, for several years and during that time have necessarily learned considerable about its peculiarities and dangers and before discussing the cases in question would like to briefly review some of these facts.

The introduction of tetraethyl lead into the human body will cause lead poisoning, which does not differ from the poisoning of any other form of lead from the standpoint of cause and effect, but is undoubtedly brought about more rapidly. Tetraethyl lead may gain entrance to the human body by inhalation of the fumes, by the gastro intestinal tract, and by absorption through the skin. The latter route being another peculiarity of this form of lead and one which does not enter into consideration with other forms. We know that kerosene is a solvent and if applied to the skin within a few moments after exposure, will eliminate the possibility of danger from absorption through that channel.

In reviewing the circumstances of the first instance, I am informed that, while the work was under way the equipment was not in operation and prior to the installation the platform and machinery were well washed down with kerosene and water and then swept dry. Further, there were no leaks in the lines or equipment and the time required to perform the work was only a matter of a few hours. I could see that the work was done outside and the ventilation therefore perfect and the chances of fumes minimal. I further noted the presence of adequate washing facilities not

over fifty feet away and was informed that these facilities were present at the time of the alleged inception of illness. I was unable to obtain any history of spillage of ethyl fluid.

Therefore, in the first instance we can eliminate all possibilities of hazard from the manner in which the work was conducted, the precautions taken, and the lack of evidence of any actual contact with the fluid.

In the second instance where it has been claimed that a piece of shafting was handled, which had previously been used in the manufacture of tetraethyl lead. It is true that this material had been used as claimed but in the first place, it was so used, that there is no reason to believe that it ever was covered with ethyl fluid, as it was outside of the autoclaves. Secondly, this same shafting had been properly cleaned, several months prior to its being handled by the plaintiffs. After the primary cleansing it was laid out in the open for several months.

This alone would have rendered any ethyl fluid inert as such, by decomposition and oxidation with the formation of lead oxides. Therefore, from this angle there could be no danger from tetraethyl lead.

In the third instance of complaint, a packing was removed from a circulating pump. This pump circulated ethyl gasoline in approximately the proportion of 1 - 2300. In this instance I can only say that any claim, as presented, is absolutely ridiculous.

To sum up the entire situation, I can say that in only the first instance could there have been even a possibility of these

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men being poisoned by lead and this would not exist in the circumstances as shown in this case. Extreme carelessness, willful contact, or accidental spillage could, of course, cause trouble.

In the event that you wish to talk this matter over with me, I will be glad to make an appointment with you for the near future.

Yours very truly,

MEDICAL DIVISION

By: G. H. Gehrman, M.D.

Medical Director.

GHG/D

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