

October 29, 1957

Dr. William F. Ashe
Chairman, Department of Preventive Medicine
The Ohio State University
Columbus 10

Dear Bill:

I am indeed aware of the status of the report of the work done by yourself and others in the survey of the Alcoa Plant at Niagara Falls in 1946. A report of this, you will remember, has been put together in a satisfactory form for such a report. Some considerable work would have to be done to make this information suitable for publication. I consider that it will be possible to publish this at sometime in the not too distant future, since the Alcoa attorneys have already recognized that this would have served a useful purpose if it had been in the literature. I have worked along in this direction and I think the end is in sight. I agree with you that this is useful information and it should be published.

I must point out to you however, that you are entirely mistaken in your belief that there was some informal agreement between ourselves and Alcoa as to the publication of this material after the lapse of ten or more years. It is true that I have zealously guarded the right of the Laboratory to publish the results of its investigative work. On the other hand, I have recognized that our access to industrial plants, and our gathering of information about such plants and their employees, is in a totally different category than is our intramural experimental work. One enters an industrial plant solely with the consent of the management, and immediately assumes a doctor-patient relationship, unless some definitive understanding has been arrived at to the contrary, or unless one has police powers, which under law entitle him to enter, observe, and report. The premises belong to the industry, the employees are the responsibility of the management in matters of occupational health, and one is dealing therefore, with responsibilities and relationships, with which, as an outsider, one is not entitled to meddle. There is no statute of limitations on such medical relationships; they are confidential and they remain confidential. One gains access to industrial premises and industrial problems only with the consent of the management, and on a confidential basis. This is the policy we have always followed in connection with plant surveys, and we cannot publish information of this sort, unless there has been a specific agreement, or unless specific consent is given.

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I agree that this has its disadvantages. However, this is the way it is, and all we can do is to wait until consent has been given for the release of the information.

It is not even possible to refer to this information in any situation in which it may find its way directly, or indirectly into publication. The existence of such information in the hands of an investigator makes him subject to subpoena, and indicates the probability of a report, which also may be subpoenaed. It is a very touchy business, therefore, to use data of this sort in support of a published opinion, since one may be required to substantiate the opinion expressed.

This is one of the problems which we have to face in connection with all industrial surveys. I regret it, but it is a condition of our work, and the only people who gain access to the premises and operations of certain industries, are those who are prepared to abide by these conditions. The moment one is considered to be untrustworthy in this regard, that moment he is excluded from making observations. This is important to remember, in connection with your own work, and therefore I make emphatic point of it, since we must work in industry if we are to know our way around, and we must, therefore, work under the conditions that are prescribed. I cannot imagine any industry opening up its doors to medical and hygienic investigators under any other set of conditions, since the risks in these days are much too great to ignore.

Sincerely yours,

RAK:ss

Robert A. Kehoe, M.D.

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