

C O P Y

OCONY - VACUUM OIL COMPANY INC.

26 Broadway

NEW YORK

November 29, 1935.

Claim Department.

Ethyl Gasoline Corporation
Chrysler Building
New York City.

Att: Mr. Mittnacht.

Dear Sir:

I have just received from the Department of Labor a copy of a report made by Dr. C. T. Graham-Rogers, Occupational Disease Advisor for the Department, concerning the alleged tetra ethyl lead poisoning of [REDACTED]. I am forwarding with this letter a copy of this report which I thought probably would interest you and Dr. Kehoe.

It will be observed that it is Dr. Graham-Rogers' opinion that [REDACTED] death was not due to tetra ethyl lead poisoning.

I feel that the case will again be closed on the issue of tetra ethyl lead poisoning but in view of Dr. Graham-Rogers' conclusions it is probable that they will now seek to establish heat exhaustion as the cause of death.

With kindest personal regards, I am

Very truly yours,

E. R. ALDEN

By: A. W. Wilsdon

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C O P Y

November 25, 1935.

FROM : G. T. Graham-Rogers, M.D. - Div. of Industrial Hygiene
to : Referee Nye - Death Calender
SUBJECT: Case #33611067 - [REDACTED] (Dec'd)

vs.
Sobol Bros.

The medical evidence in the folder has been carefully reviewed, in addition, a visit was made to the premises 211 St. & Jamaica Ave. Jamaica, L.I. September 16, 1935, during the noon hour. In order to ascertain the temperature during the day the deceased worked, a record was asked of the U. S. Weather Bureau, the reply is attached.

The evidence indicates that [REDACTED] did have manual labor in an open space exposed to the rays of the sun, up to what is considered the extreme heat of the day, subject to varying odors and gases from gasoline, tetra ethyl lead gasoline, and exhaust gases of automobiles in that vicinity.

The only medical evidence in support of the finding of lead poisoning is:-

Analytical findings of lead present viz
1.4 milligrams in 100 grams of liver
1.2 milligrams in 600 grams of lung
Trace present in brain
trace present in stomach contents also the necropsy
protocol of
Congestion and edema of the brain and viscera.

Death from lead poisoning, either acute or chronic, is rather unusual such deaths as occur due to exposure in industrial life, are from sequelae, pathological conditions of tissue following the secretion of lead in the tissues, or activation of, or aggravation of lesions present.

The mere finding of lead in the tissues, with no accompanying history of objective or subjective symptoms, or pathological conditions usually associated with lead, cannot be accepted as diagnostic of lead poisoning. Lead has been found in many persons who never exhibited any symptoms of plumbism or gave a history of an exposure to lead.

Death from plumbism would be expected to occur in any individual exposed to large quantities of lead in a form easily absorbed, such as the heavy dust of lead oxides. The only evidence of exposure in the case of Robinson, is to a very small amount as contained in gasoline.

The Federal Government carried out tests as to the hazard of tetra ethyl gasoline in relation to garage workers and attendants at the pumps, Bulletin 163, U. S. Public Health Service. An abstract of the report also appeared in Legal Medicine & Toxicology - Ralph W. Webster, M.D. edition of 1930, page 442. Webster on page 441 also quotes from a report of the U. S. Bureau of Mines 1924, which indicates a seeming remoteness of any danger of undue lead accumulation in the streets through the discharge of scale from automobile motors.

Assuming that [REDACTED] had absorbed sufficient lead through one of the salts, or tetra ethyl lead, there would have been noticeable symptoms some time prior to death, but the evidence is to the effect that [REDACTED] was a normal individual; even the physician who treated him for a gastro intestinal attack makes no mention of any other symptoms such as would indicate a plumbism.

The evidence indicates [REDACTED] was at hard manual labor on a summer day, that he stated he had difficulty in reaching the office building, also that he died suddenly.

The main findings of the necropsy are, congestion of brain and viscera.

In his work robinson was exposed to

- Heat
- Gasoline odors and gas
- Tetra ethyl lead gasoline
- Exhaust gases of automobile
- The results of muscular exertion.

Heat exhaustion is not uncommon around New York among workers in the summer time. The attack is often sudden; the individual is pallid, complains of marked weakness and collapses. The post mortem findings are those of congestion of the brain and the viscera.

Gasoline, a hydrocarbon in sufficient quantities, acts on the central nervous system so as to cause excitation, an intoxication, then a depression, if the concentration is heavy, that is due to rapid evaporation in an enclosed area, death my result. The post mortem findings often disclose a marked congestion of the viscera and brain.

To my knowledge there have been no fatalities due to exposure to tetra ethyl lead gasoline, the reported cases all relate to an exposure to the tetraethyl lead solution alone.

The exhaust gas from automobiles consists of carbon monoxide, carbon dioxide, carbon, and where ethyl gasoline is used, minute quantities of metallic lead, but the lead is not in sufficient quantities to cause death without there first being some symptoms of absorption or toxicity over a period of time.

It is quite possible that there may have been present lead absorption, in which case no noticeable symptoms would have been noticed, conceding there could have been sufficient trauma or other exciting cause sufficient to set up an acute exacerbation of plumbism, it would not have resulted in death.

At location where [REDACTED] was employed, this time and the season, there is a heavy motor traffic of commercial and pleasure vehicles, which means a considerable amount of odors and heavy exhaust gas, most of the gas hanging close to the ground. The exact point where [REDACTED] worked was unprotected from the rays of the sun and close to a brick wall which could radiate heat, this plus hard muscular labor, could all be factors in production of heat exhaustion.

The symptoms of heat exhaustion are, the individual becomes pallid, complains of sudden weakness, desires to get somewhere and rest, and suddenly collapses. This is a picture which corresponds very closely with the testimony as given by John Stark the station attendant, who was present when Robinson went into the office and collapsed.

The original findings of congestion and edema of the brain and viscera as contained in the necropsy protocol, would indicate an asphyxia or syncope, which are the symptoms usually found in heat exhaustion.

Therefore,

I am of the opinion that, the substance lead was not the competent producing cause for the pathological conditions found in the body of Robinson and to which his death is attributed.

I am inclined to the opinion that, the pathological conditions present and causing death were the result of heat exhaustion, and that the odors and vapors of gasoline, also the exhaust gases from motors were a remote and indirect factor.

This opinion is based upon,
A study of the record.
A review of medical literature,
The result of a personal investigation.
Personal knowledge and experience.

(sgd). C.T. Graham-Rogers, M.D.

GE/SL