

July 11, 1940

Mr. B. C. Loder
Ethyl Gasoline Corporation
Chrysler Building
New York City
New York

Dear Mr. Loder:

I have received from Mr. Kaley this morning a copy of a letter from Kurt, Reed, Sappenfield and Cooper, attorneys for Maryland Casualty Company concerning the case of [REDACTED], an employee of Orange State Oil Company.

It would appear to me from this correspondence that this case has reached the stage in which no further action should be taken by representatives of Ethyl Gasoline Corporation without legal advice. Accordingly I think it wise to give you a brief resume of what has been done in connection with this case for your information. After that, if there is anything which you wish me to do further, I shall be pleased to carry out your instructions.

I was informed of the acute illness and death of [REDACTED] through medical men in Jacksonville, one of whom wrote in and asked me for certain items of information to enable him to arrive at a diagnosis. From the description of the man's illness, I suspected that he had had some exposure to tetraethyl lead, and before giving any opinion in the case, I asked that tissues be sent me for analysis. On analysis of these tissues, it became quite apparent that the deceased had had a very serious exposure to lead compounds, and on subsequent conversation with the doctors, the nature of his illness coincided with these findings and brought about the definite diagnosis of fatal tetraethyl lead poisoning.

I instituted an investigation of the circumstances through the usual channels and was able to establish that this man in the company of other workmen, had engaged in cleaning a tank in Tampa, Florida, on a date coinciding with the expectation of the onset of acute illness. Further investigation disclosed the fact that the tank had been cleaned without the exercise of proper precautions, despite the fact that our precautionary regulations were in the hands of

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such tanks. The tank in question had been used for irregular blending operations at a time when Orange State Oil Company entered into the distribution of leaded gasoline. This was done, of course, at the request of Orange State and although it is a procedure which we avoid so far as possible, it is not to be regarded as careless or negligent on the part of Ethyl Gasoline Corporation since at the time it was done, it was considered necessary and, in fact, under proper circumstances would be considered so today. The tank was marked, in accordance with our procedure, for calling attention to a dangerous situation. Precautionary measures had definitely been advised. These were completely ignored and there can be no question, except, perhaps, from a legal point of view, that the failure to use them was a matter of gross negligence on the part of the management.

At the time I discussed this case with the Orange State Oil Company officials, point was made of the fact that any dangers resident within this tank were the result of the action of the Ethyl Gasoline Corporation in "spiking" this tank. I did not argue this point since I was there for the purpose of obtaining information and of asking for cooperative action, but I did point out that if any fault on the part of the Ethyl Gasoline Corporation could be shown to have occurred, I was confident that officials of the Corporation would make no attempt to sidestep their responsibilities.

After a thorough-going investigation which established the facts in connection with the cleaning of this tank, I made full report to the officials of Orange State Oil Company, which report, presumably, they passed on to the Maryland Casualty Company. In connection with this report, I appended a letter indicating that in my opinion every effort should be made promptly to compensate the family of the deceased and thus to avoid litigation in a case the issues of which were entirely clear.

On further investigation of the fate of the men who were employed with the deceased in cleaning the tank, it was established that another man, a negro, had developed mental symptoms and an abnormal behavior for which he was jailed by police officers. No physician was called to see this man at any time but he became more acutely ill and died in the jail without benefit of any medical care. The facts concerning this man, as well as the others who were employed with him, were apparently

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a matter of no interest to Orange State Oil Company, and indeed they made little or no effort to aid our investigator in the accumulation of the facts. Their attitude has been that of complete willingness to avoid any and all responsibility and even since this unfortunate set of circumstances, they have shown no appreciable interest in the use of proper precautions in their subsequent operations of this type. Accordingly I should be very sorry to see the Ethyl Gasoline Corporation undertake any action in cooperating with Orange State Oil Company to protect the latter from the consequences of their negligence. Moreover I should hate to see any acceptance of the responsibility on the part of Ethyl Gasoline Corporation. On the other hand I should like very much to see the unfortunate victims of this carelessness compensated in some measure, and although the relatives of the deceased negro will probably never make any trouble, it would seem to me that something should be done for them, if indeed such relatives exist. We have had tragic matters to deal with before and although these have always been cause for regret, so far as I know they have always been handled with some appearance of decency by the customer companies with whom we have worked. This one has revealed the most disgusting lack of ordinary human decency and a complete carelessness with respect to the fate and welfare of employees and their dependents. As a consequence of this, I should be quite unwilling to be in any litigation on behalf of Orange State Oil Company.

As a matter of fact, it was necessary for me to make full report of my findings to physicians of the deceased Hubbard in Jacksonville, since it was only through their inquiry that I received any original information on the case. Therefore if they were to call upon me to testify in support of the report provided them, I should feel that I was professionally bound to do so, even at whatever personal expense I might be put to in so doing. Accordingly, as you can see, I am not in position to sidestep my professional responsibilities. I am quite sure that you would not wish me to do so but I make mention of this point only to clarify my own position in relation to this case.

I should be glad to supply you with any and all of the reports and correspondence in our files in connection with this unhappy affair.

Cordially yours,

RAK:is

Robert A. Kehoe, M.D.

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