

August 19, 1940

Mr. Harry Kaley
Ethyl Gasoline Corporation
Chrysler Building
New York City
New York

Dear Mr. Kaley:

With respect to the regulations to be supplied to customers of Ethyl Gasoline Corporation, concerning which there has been both correspondence and discussion between Messrs. Webb, Taylor, you and myself, we are now in position to arrive at a definite conclusion.

I discussed this matter with representatives of the Public Health Service last Tuesday and explained to them quite fully my reasons for making the recommendation contained in my letter of July 2nd. They are quite in agreement with me that it is altogether necessary to maintain certain regulatory mechanisms, and that there is every necessity for maintaining careful supervision of the lead concentration in gasoline. In their opinion, as also in mine, there is good reason for using signs on the pumps and for maintaining the distinctive coloration of Ethyl Gasoline. On the other hand they are convinced that the use of leaflets for the purpose of warning the public have proved themselves to be impractical.

In addition to the impracticability of the use of the leaflets, I pointed out to Dr. Neal, who is the acting Director of the Division of Industrial Hygiene of the National Institute of Health, that it was no longer possible to prescribe warnings to the public which had any validity. I expressed myself as entirely willing to issue any warnings which might be regarded as necessary, but asked how I could warn the public honestly against a hazard which our experience and clinical work had shown to be non-existent. The issuance of a warning under this condition would be professional hypocrisy and, moreover, would involve the Ethyl Gasoline Corporation in a substantially dishonest representation of its viewpoint. It was

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agreed, therefore, that these leaflets should not be used.

As to the mechanism for the expression of the official point of view of the Public Health Service, it was agreed that I should write a memorandum to the Surgeon General, to the attention of Dr. L. R. Thompson, Director of the National Institute of Health, presenting my point of view concerning the use of these leaflets, and the reasons which were behind them. On the basis of such a memorandum the matter would be considered and such official action as might properly be taken would be transmitted either to me, or through me. For reasons which are quite understandable, the Service prefers to deal with the matter through me on a frankly professional basis.

I see no reason why you should wait for any official action on the part of the Service toward this matter. I think, therefore, you are in position to issue your rules and regulations to customers. With this idea in mind, I am enclosing an exact draft of the final copy of these rules and regulations. The one change which has been made in them since the discussion of Mr. Webb and Mr. Taylor will be noted in the paragraph at the bottom. I have discussed this paragraph with Mr. Webb and have given him the reasons for this slight modification.

I trust this will all be satisfactory to everybody.

Very truly yours,

RAK:is

Robert A. Kehoe, M.D.

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