

September 24, 1954

CONFIDENTIAL

Mr. E. L. Shea, President
Ethyl Corporation
100 Park Avenue
New York City 17

Dear Mr. Shea:

In response to your request, I am putting into writing the essential facts as to the situation brought to my attention by Dr. Robert C. Page, General Medical Director of Standard Oil Company (N. J.), concerning the medical program of Ethyl Corporation vis a vis the personnel of the Jersey affiliated companies who are engaged in mixing "ETHYL" fluid with gasoline, or who, otherwise, are handling the concentrated fluid. I deliberately eliminate most of the extraneous issues, personal, competitive and professional, which actually are responsible for the situation, in order to state the case and to consider appropriate action.

It was Doctor Page's idea, originally, I believe, that with the development of the medical and hygienic facilities of the Jersey group of companies, it was no longer necessary for Ethyl's Medical Department or Ethyl's Customer Services organization to act on behalf of Jersey employees. Jersey people could, he believed, attend to these matters themselves and, in so doing, avoid any uncertainty among their own employees as to where the responsibilities for their health and safety reside. Some discussion with me and with at least one of the physicians of an affiliated company has modified this opinion to some extent, but it is quite possible that Dr. Page is unconvinced that any modification of this viewpoint is more than a temporary expedient. In any case, the issue has been raised and it must be met.

The Medical Department of Ethyl Corporation can deal with this matter satisfactorily, and is prepared to do so, and the proposed procedure will be sketched below. However, certain matters of policy involved in the situation penetrate so deeply into the fabric of Ethyl's field operations as to go well beyond the superficial aspects of the professional (medical) relationships which are concerned. Decision and action on my part, without consultation with responsible members of management, might,

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therefore, turn out subsequently to have been arbitrary and unwise, if not somewhat irresponsible.

There are two main issues of this matter, out of which a third primary consideration arises. First is the agreement of Ethyl Corporation (and myself as Ethyl's Medical Director) with the U. S. Public Health Service, the substance of which is that Ethyl Corporation accepts the responsibility for maintaining safe practices in the operations, in accordance with the spirit of the proposed regulations of 1925, and for informing the Service of any developments which relate to industrial and public safety. Since I am the Chairman of the Advisory Committee to the Division of Occupational Health of the Public Health Service, and, as such, am a consultant to the Surgeon General (U. S. P. H. S.), my professional responsibility in the matter is direct and implicit, but such responsibility would continue to reside in the Medical Director of Ethyl Corporation, regardless of any relationship which he may or may not have to the Public Health Service.

Second is Ethyl's contractual relationship to its customers, by which the agreement with the Public Health Service is implemented. There is no other structure or arrangement, so far as I can see, whereby this agreement can be carried out. Ethyl's medical and hygienic personnel, by this means, have the right to enter plants, examine facilities and people, and recommend and insist upon the necessary precautionary measures.

The primary consideration involved in the two preceding matters, is that of the actual health and safety of the mixing personnel - and of others (laboratory workers and tank cleaners) less directly included under Ethyl's hygienic supervision. By reason of our researches and their application as uniform procedure throughout the petroleum industry, and because of the direct information sought and obtained systematically about all of the operations of the business on a substantially world-wide basis, the health and safety of these people have been protected. Among the mixing personnel, no case of illness has occurred, nor has there been any significant problem of litigation or claim for compensation from them. Even the difficult problem of tank cleaning has been brought under control. Now these are significant facts, and they are not matters of chance. On the contrary, they are the direct consequence of Ethyl's policies and of responsible and effective medical and engineering services. The safety of these people must not be jeopardized for specious reasons. This is not only a moral responsibility of Ethyl Corporation, but it involves the security of its business. There is, I think, no question about what will come to pass if the responsibility for the instruction, guidance and performance of the individual employees of this type is handed over to the individual petroleum companies, and if the advisory activities of Ethyl Corporation medical and "safety" personnel are withdrawn. These services, then, must not be subject

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to attenuation bit by bit, but must be maintained in adequate strength and efficacy. Facts and evidence may permit them to be altered and perhaps greatly reduced, but personal and professional prejudices about them must not prevail.

It is evident that Ethyl Corporation cannot deal with one group of its customers, and in particular with the Jersey group, in a manner that differs from its general procedure. Regardless, therefore, of Jersey's fitness to take over this job - and such fitness is unquestioned in only a few instances and locations - and regardless of the development of a corresponding fitness on the part of certain other customer companies, the position of the industry in general, while greatly improved over that of 1926, is not sufficiently advanced, medically and hygienically, to accept this responsibility. Our activities in this field, therefore, must continue and they must have uniformity of purpose and application.

For these reasons the Medical Department, as represented by the Medical Director, the Assistant Medical Director and the Medical Supervisors, is convinced that Ethyl Corporation should not turn over the responsibility for the medical and hygienic supervision of the mixing plants and their personnel to any of the customers of the Corporation at this time. It is prepared, however, to share the responsibility with the appropriate personnel of the customer companies.

In cultivating the best possible relationships with the physicians of the petroleum industry, it is the purpose of our medical staff to discuss this entire situation with the medical directors and the local medical representatives of customer companies. We shall work out a substantially uniform procedure which is acceptable to them and to ourselves and which will avoid any professional clash or personal offense. This is, we believe, no very difficult problem. A beginning has been made in this direction, and there is no reason to feel that the medical and hygienic services of the Corporation are not generally acceptable. There seems to be little doubt that the relationships between the medical men involved can be improved, and that a better understanding of the entire situation can be achieved. The physicians of Ethyl's Medical Department will retain their responsibility, will delegate some of it to physicians of companies at the individual plants, and will, in effect, act as consultants to the medical directors and local physicians. The "Safety" personnel of Ethyl's Sales Department can continue in their present activities without change, except that they will find it useful and desirable, we believe, to carry on their work in the closest cooperation that can be affected with the corresponding personnel of customer companies.

It is not to be supposed, from anything that has been said above, that the physicians of Ethyl Corporation have ever dealt with their colleagues in the petroleum industry in a high handed or inconsiderate manner. On the contrary, our professional relationships with these men have been consistently good, and for the most part, excellent. These relationships

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recently, however, have been complicated by the competitive aspects of the antiknock business, and by the necessity, on the part of refinery physicians and the medical directors of the petroleum companies, of dealing with physicians of both Ethyl and du Pont. Without going into the reasons for this, it must be said that the medical representatives of Ethyl Corporation have expected these difficulties to occur. We have guarded against them by every means we could devise, but we have not been able entirely to eliminate them. We deplore the acts and circumstances that tend to conflict with strictly hygienic and humane considerations with competitive effort and advantage, but we have neither the power nor the persuasiveness to prevent such confusion. We can only hold to our primary purpose. In this attitude, however, we need the support and confidence, as expressed in policies and performance, of those who are responsible for the general and daily conduct of the Corporation's business.

It would be unwise, in my opinion, for any of us to bring this matter, possibly in a most personal and confidential manner, to the attention of executives of any of the oil companies, until it has been explored further with their medical representatives. This opinion is conditioned, however, upon a basic premise, - namely, that the Staff and Directors of Ethyl Corporation regard Ethyl's activities on behalf of the safety of the employees of its customers to be sound in principle. In other words, if we are concerned at this time only with certain methods and details of medical procedure, the matter should, I think, be dealt with by the medical personnel involved. If, on the other hand, we face a point of view toward this matter on the part of our own people or of the Jersey group (not merely a present attitude on the part of Dr. Page, which can be corrected), then it will require a very different type of handling. I believe that Jersey management is not in a position to do this and I would prefer not to have them consulted, lest there be some reaction which might give Dr. Page the feeling that we had dealt with them behind their backs. I must recognize, however, that my opinion may not be shared by yourself or others in the Staff, and, therefore, in bringing this to your attention, I have opened it up for the consideration of the Staff and the Directors, if you so desire. I am content to leave the matter in your hands.

I present my apologies for the length of this letter, but it has seemed necessary to present my views in some detail, both to you and for the record.

Sincerely yours,

Robert A. Kehoe, M. D.

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