

November 8, 1971

Mr. Kenneth W. Nelson, Director
Department of Environmental Sciences
American Smelting and Refining Company
3422 South 700 West
Salt Lake City, Utah 84119

Dear Ken:

Thanks very much for your letter of November fourth, with which I am nothing loath to comply, as to a point, which I will explain below. I'm pleased that your people were gratified by my testimony. It was, in most respects, thanks to them and yourself, a very pleasant visit to Omaha.

I have no intention of charging a fee for my participation in this hearing, which, as I explained both to you and Mr. Thomas, was rendered, in a sense, only indirectly on behalf of ASARCO. I was convinced in this instance that a very important part of the issue arose out of a misunderstanding of the federal agency and the labor unions, who wield an unduly heavy influence upon the activities of the agency. I believed strongly that this matter should be aired as fully as it could be in this hearing, and I was prepared to intervene, if possible, at my own expense, since I and my associates in the Wittering Laboratory had played a significant part in the development of the biological standards. My intervention was made possible by your invitation to me to appear on your behalf. I believe I made clear on the stand that the issue to which I spoke was the necessity for the use of the biological data in view of the relative inadequacy of the air standard.

This, of course, does not mean that I object to the payment of money to me by your company, and I am quite glad to send you a bill to cover my out-of-pocket expense in attending the hearing. I do believe, however, since I have been under fire for years, in this cynical period of American life, that I should avoid, so far as possible, accepting payment for the expression of my professional views in a matter of such deep public and hygienic concern as the discussion of methods for protecting the health of workmen, at this particular period in the development of this effort on the part of the Government of the United States to fulfill its proper responsibilities in this matter. It has gone along much too long without examining this matter carefully and correcting it. The Government is in bad need of advice and help from knowledgeable professional sources, and I should be very happy to be able to give them some guidance in fields of action with which I have had experience. This may not be possible, but I do not wish to put obstacles in their way. I hope you and your people will not regard this as a quixotic attitude on my part, and I hope, even more, that neither you nor they will take it as a "holier than thou" position. As a matter of fact, I have travelled around this country and elsewhere mostly at the expense of industry for some years, and I expect to continue to do so, actually because I could not afford

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this otherwise, and it is not an unfair bargain, for I suspect that industry has benefitted considerably thereby.

You will find enclosed a statement of my expense for attending this hearing in Omaha. The additional side trip which I made to Wichita has not entered into the statement of this expense.

I hope your Company's chances for a proper decision from this hearing will not have been as slight as you suspect. I'd like to know the outcome sometime at your convenience.

With best regards,

Sincerely,

Robert A. Kehoe, M.D.
Professor Emeritus of
Occupational Medicine

RAK:wb

November 3, 1971

Account of Expenditures Incurred in Attendance upon a Hearing of
American Smelting and Refining Company vs. Occupational Health and
Safety Administration of the United States, on October 27 and 28,
1971 -

Transportation

Airplane fare to and from Cincinnati, Ohio	\$132.00
Taxi and limousine fare to and from airports	23.70

(Hotel bill paid by ASARCO)

Meals (mostly paid by ASARCO)	15.00
Miscellaneous (telephone, tips, etc.)	11.00

TOTAL EXPENSE \$181.70