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THOMAS J. HERBERT, GOVERNOR

ROGER E. HEERING, M.D., M.P.H.
DIRECTOR OF HEALTH

306 OHIO DEPTS. BUILDING
COLUMBUS 15, OHIO

STATE OF OHIO



DEPARTMENT OF HEALTH COLUMBUS

April 3, 1947

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Robert E. Kehoe, M.D.
Kettering Laboratory of Applied Physiology
University of Cincinnati
Cincinnati, Ohio

Dear Doctor Kehoe:

Your letter addressed to Dr. Roger E. Heering, Director of Health, concerning the 19 cases of lead poisoning that occurred at the Magnus Metal Division of the National Lead Company, Cincinnati, Ohio, was referred to me for reply. In order to supplement your files concerning the Ohio Department of Health, I should like to submit the following information.

An occupational disease report received July 16, 1946, was submitted by Dr. H.W. Ryder concerning the case of lead poisoning of Cornelius Lansford and was referred in the latter part of October to our District Office which was established in Middletown, Ohio.

On October 28, 1946, a letter was written to Mr. Rutledge, Manager of the Martin Service Company, representing the National Lead Company, notifying him of the establishment of the District Office.

On November 12, 1946, a letter from the District Office was written to the Plant Manager of the National Lead Company at 659 Freeman Avenue, Cincinnati, Ohio. The following paragraphs from that letter are self-explanatory:

"This letter is directed particularly to you because one of the first industrial hygiene problems which has come to the attention of this office is a "Certificate of Industrial or Occupational Disease" pertaining to an employee of the National Lead Company who suffered from lead poisoning. This matter has come to our attention because every physician in this state attending or called in to visit a patient who he believes to be suffering from occupational poisoning shall within forty-eight hours quote the facts to the State Commissioner of Health.

"No doubt you are already well acquainted in general with the dangers attending the manufacture and use of lead and its compounds. However, it is quite possible that you are unaware that there existed in your plant concentrations of lead dust and fume sufficiently high to cause lead poisoning among your employees. The primary function of this Division will be the detection, quantification and control of toxic air-borne materials. It is believed that we can shortly be of material assistance in preventing additional cases of lead poisoning. At the present time

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this office does not have the necessary equipment to quantitatively collect air-borne dust and fume, nor the highly specialized personnel necessary to make lead analyses. The necessary equipment has been ordered, and shortly we hope to have sufficient technical personnel.

"If you are very much concerned about the lead poisoning hazard at your plant, and I believe you should be, then it is strongly recommended that you do not wait until this Division is prepared to conduct a complete investigation. Your main technical laboratories should have the necessary personnel and equipment to adequately appraise this hazard, and, if necessary, to design suitable means of ventilation to protect your employees. In the event such a plan is not feasible, it is recommended that you obtain the services of an industrial hygiene consulting laboratory. One such laboratory is located in Cincinnati and is extremely well qualified to aid in the solution of industrial health problems related to lead poisoning."

No reply or acknowledgment was received from the company.

On November 14, 1946, a letter was sent to Dr. Ryder by the District Office advising him that an attempt had been made to contact the National Lead company and expressed a hope that the management would avail themselves of whatever services were necessary for their plant.

On December 17, 1946, our District Office received another copy of an occupational disease report of lead poisoning from the same company pertaining to Mr. Everett Griffis.

On December 27, 1946, Dr. W.E. Obetz, Medical Investigator, Industrial Commission visited the plant and submitted a report.

On January 3, 1947, an Industrial Health Conference sponsored by this Division was held with representatives of the Manufacturers' Association, the Industrial Commission, and the Ohio Department of Health for the purpose of discussing the functions and activities of the state agencies in the field of Industrial Hygiene. At the conference, eight major questions were presented for discussion. The first question illustrates the basic point which is applicable to the present situation. The following two excerpts from the discussion express the views of the Manufacturers' Association concerning the related functions of the Industrial Commission and the Ohio Department of Health.

- "1. There are 3 state agencies which have some authority in the field of Industrial Health. In order to avoid overlapping and duplication of Industrial Hygiene services there should be a clarification of the activities and functions of each official state agency.

Question 1. In what manner can the respective activities and functions be clarified?

2. Would it be possible or desirable for the Industrial Commission, the Department of Industrial Relations and the Department of Health to coordinate their educational and technical services in order to provide the maximum concentration of effort toward the improvement of

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"I think that there should be little fear of duplication of conflict in this Industrial Health Code if it is administered in the way we have understood from the year past. It is to be of service to and in cooperation with industry, so I see no need of conflict between the department of health and these other long established departments that have to do with related but somewhat different problems, even though there is a natural impingement between some angles of it. I would deplore any attempted supervision of well established functions in other departments by any new created agencies. "

"I think by and large this whole problem of relative functions of the Industrial Commission and the State Department of Health will solve itself by cooperative effort between the two bodies and if each of them keeps in mind the essential functions of the other there need be no particular conflict."

On January 10, 1947, a letter was received from the Martin Service Company, Incorporated, stating that they were in charge of all activities connected with workmen's compensation for the National Lead Company in the State of Ohio. The letter included an excerpt from a report made by Dr. Obetz of the Safety & Hygiene Division of the Industrial Commission concerning an inspection made by him of a lead exposure at that plant. Mr. Martin stated, in addition, that they wanted air analyses made for both lead and silica.

On January 15, 1947, a letter was written by our District Engineer upon the advice of the Central Office to the Martin Service Company acknowledging the letter of January 10th and calling to their attention the receipt of occupational disease reports for lead poisonings of employees of the National Lead Company. It was also stated that a letter had been written to the Plant Manager calling his attention to this problem. The following two paragraphs from this letter illustrates the position taken at that time by the Department of Health.

"These reports of lead poisoning are a matter of serious concern to this office, because our purpose is to prevent occupational diseases. It is not our policy, however, to conduct environment investigations (in this case, lead and silica analysis) when an occupational disease claim is pending, and the results may be used to determine the validity of the claim. If we had not adopted this principle, in a short time we would be engaged in mediolegal work and not in public health. I am sure you appreciate the distinction and can understand our position.

"I suggest that, if the parent company is unable to provide you with the technical assistance necessary to appraise the environment, you consider the services of the Kettering Laboratory of Applied Physiology in Cincinnati. This laboratory has complete facilities and personnel to make the analysis you desire and to scientifically appraise the environmental hazard.

"Later, when the claim has been settled and the necessary technical equipment is available in this office, the Division of Industrial Hygiene would welcome an opportunity to survey the health problems at both the National Lead Company plants in Cincinnati and make recommendations where control measures were deemed necessary."

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On January 20, 1947, a letter was received from the Martin Service Company expressing concern over the exposure to lead and requesting that special consideration be given by the Health Department.

On January 23, 1947, a letter was sent to Mr. H.R. Harlan, Plant Manager of the Magnus Metal Division forwarding three copies of the pamphlet "Legal Requirements for the Prevention and Control of Industrial Public Health Hazards", and calling his attention to the regulations which went into effect January 1, 1947. He, also, was advised that a District Office had been established in Middletown for assistance to industry of the southwestern section of the state.

On January 24, 1947, a letter was written by this Division to Dr. Obetz of the Safety & Hygiene Division of the Industrial Commission concerning the correspondence from the Martin Service Company and the occupational disease reports of lead poisoning from the National Lead Company:

"This letter was referred to our District Industrial Hygiene Engineer in Middletown together with an expression of the desire of this Division not to become involved in compensation cases. Mr. Bourne, in accordance with my telephone conversation with him, wrote a letter to Mr. Martin on January 15th advising him that it was not our policy to conduct environmental investigations when an occupational disease claim is pending and the results may be used to determine the validity of the claim.

"Today, we received a letter from the Martin Service Company referring to Section 6330-6 of the lead law, and requesting atmospheric appraisal for lead to determine whether it would be necessary to have medical examinations for these employees.

"I am sure that the Martin Service Company is aware that the lead law is under the administration of the Industrial Commission. This knowledge, together with the fact that you had conducted a survey of the plant and our desire not to become involved in any compensation investigations, reflects the position we have taken."

On January 28, 1947, this Division was advised by Dr. Obetz of the activities of the Industrial Commission relative to the company involved. The following paragraph is self-explanatory:

"This Division also had a request from this plant for consideration of their lead hazards. I visited the plant on December 27 and submitted a copy of my report to the company. A part of one of the paragraphs has been quoted in one of the letters which you received. It seems that this investigation was requested largely to obtain information to be used in connection with an industrial claim. This claim has since been filed together with a copy of my report. The Martin Service Company letter of January 10 states that my report was not conclusive enough and for that reason you have been asked to make a more extensive investigation."

On January 30, 1947, this Division advised the Martin Service Company that any action in relation to compensation was under the complete jurisdiction of the Industrial Commission.

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On March 19, 1947, photostatic copies of all occupational disease reports of cases of lead poisoning from the Magnus Metal Division of the National Lead Company were sent to the Industrial Commission and the Department of Industrial Relations for their consideration.

On March 20, 1947, a letter was written by Dr. Obetz of the Safety & Hygiene Division to the Plant Manager of the company calling his attention to the reports of occupational lead exposure and asking whether any technical assistance had been received from the parent company, or private agency for the consideration of this problem and whether the assistance of the Safety & Hygiene Division would be desired. As far as I know, no reply has been received from the plant manager to the present time.

On March 29, 1947, a report was received from Dr. Kehoe, together with a summary of the medical and laboratory findings of the employees under examination and requested that action be taken by the proper officials of the state agencies.

On March 31, 1947, a conference was held with the Safety & Hygiene Division and the Department of Health was advised that the Industrial Commission would conduct air samples and make such recommendations as would be necessary.

In summary, I should like to make the following comment - from the period of July to the present time the technical facilities and equipment of the Ohio Department of Health have not changed materially since the organization of the Division in 1913. This is due to the fact that there has been no provision of state funds. The present attempt of establishing industrial hygiene services is based upon the provision of some federal funds. The technical equipment necessary to perform essential industrial hygiene investigations have been ordered and not received.

The lack of such facilities, together with the fact that the regulations of our Division did not go into effect until January 1, 1947, explains the position taken by the Department of Health between October and January 1 in calling the attention of the company and their Martin Service representatives to the problem and advising them to consult with the parent company, or a private consulting agency in Cincinnati.

The industrial health conference held on January 3, 1947, in which representatives of the Manufacturers' Association made it quite clear that the administrative policy of the Division of Industrial Hygiene should not in anyway conflict with the activities and functions of the Industrial Commission, explains the adoption of our policy as reflected in our January 10th and subsequent communications to Mr. Martin. A conference with representatives of the Industrial Commission in reference to Mr. Martin's request and the plant involved was held on January 10, 1947.

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Dr. Kehoe

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I wish to assure you that this Division desires to conduct such investigations as are necessary and now required by law to prevent diseases resulting from exposure to toxic fumes, mists, vapors, gases and dusts. We are endeavouring to convince the proper authorities that these services are essential to the health protection of the industrial population. The investigations and report of the Kettering Laboratory of Applied Physiology revealing a severe exposure with 19 known cases of lead poisoning clearly demonstrates such a need.

I want to thank you and Dr. Ryder in making the summary of your findings available to us and to assure you of our earnest desire to cooperate in the solution of these problems. Our efforts, however, must be confined to the extent that such facilities and funds are provided for this purpose, together with such administrative policies as are adopted in reference to state agencies.

Personal regards.

Sincerely yours,



Thomas F. Mancuso, M.D.
Chief, Industrial Hygiene Division

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CC: Mr. Bourne
Middletown, Ohio

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