

May 5, 1933

Mr. A. E. Mittnacht
Ethyl Gasoline Corporation
Chrysler Building
New York City
New York

Dear Mr. Mittnacht:

I am entirely familiar with the facts in the suit of [REDACTED] Jr. which is being brought against the Standard Oil Company of Indiana. This is the case which was referred to at the original Washington conference by Dr. Henderson as an example of a poisoning from tetraethyl lead which was not being reported at that time, and which was presumably being concealed by interested parties. You will remember that at this time Dr. Morton stated that the man did not have lead poisoning and that there was no justification for the statement of Dr. Henderson.

More than a year ago this came to the point of formal suit which, for one reason or another, has been postponed until now it seems certain that it will come to trial some time in June. Months ago, I was asked to discuss the case with the Standard Oil people and with the attorney Mr. Felonie. We went over the ground rather carefully, and at my request Mr. Felonie had certain additional investigations made in an attempt to establish the real facts. I, personally, do not believe there is any justification for the claim, and I have agreed to appear as an expert witness in the case. Since this man was a laboratory worker and since his exposure was to tetraethyl lead as well as other metallo-organic compounds, there is no question of any connection with gasoline exposure, and the Standard Oil people have apparently regarded it as their own problem un-associated with the interests of the Ethyl Gasoline Corporation. Perhaps I should have brought it to your attention previously although I had assumed that this would be done by the Standard Oil Company of Indiana. Moreover, the case has been straggling along in such a way that no one has been certain that it would be brought to trial until recently. The Standard Oil people feel that they can win the suit since in their opinion, and also in mine, there is no justification for the claim.

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If there are any further details in which you are interested, I shall be glad to provide them, and if you have any feeling about the wisdom of my appearing in this case, I should be glad if you would communicate with me at once. However, this much I feel is certain, that unless the case can not be compromised or settled out of court, it will be difficult, if not impossible, to obtain other expert testimony other than mine in establishing the background of facts in fairness to the Standard Oil Company. The reason for this is that the principal question of fact involved has to do with whether or not Mr. [REDACTED] had sufficient exposure to tetraethyl lead to account for his illness, and whether or not his illness may not have been due to his exposure to other heavy metal compounds. (Mr. [REDACTED] worked with organic mercury compounds for a period of years thereby presumably establishing his technical ability to handle poisonous materials.) His handling of tetraethyl lead was very meager, consisting of repeated attempts to synthesize tetraethyl lead by a variety of methods, most of which were unsuccessful. His note books are available showing the amounts of tetraethyl lead which he finally prepared. The conditions in the laboratory in which he worked were apparently, from all the information which I have been able to obtain, reasonably satisfactory so that with customary chemical technique, there seems no reasonable doubt that his actual lead exposure was negligible. These facts may be brought out adequately, I believe, but I do not think any one else has available the facts and figures as to what might be considered significant exposure to tetraethyl lead. Thus it becomes necessary to discuss the toxicity of tetraethyl lead, the manner and rate of its absorption and the experience of others, especially of those groups who have shown over a period of years the non-injurious effect of slight exposure. I believe I have stated the situation of the Standard Oil Company with reasonable adequacy. You will probable wish to discuss the matter with Mr. Webb. Let me know promptly if you disapprove for any reason of my appearing in this case.

Very truly yours,

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