

December 20, 1934

Mr. Ray Bevan
Ethyl Export Corporation
Abford House, Victoria
London, S. W. 1
England

Dear Ray:

Thanks for your full letter of December 4th and for your suggestions about the Regulations. With regard to the instructions for mixing Ethyl Fluid from cans, the signs and booklets are all printed so that it will not be possible to make any changes in the present edition. I will make note of your point, however, and include it in any subsequent reprinting of the booklets. As to Paragraph 8 to which you call attention, I can not tell from my typewritten copy at present whether this was omitted through some curious error, or whether it appears in the finished booklet. I shall soon be able to say. For the moment it will not make any great difference but I shall make note of this also. As to the instructions on the placards, you call attention to a difficulty of which I am fully aware when you point out that the instructions with regard to the handling of drums may cause some difficulty. I feel certain that this may be the case. On the other hand, I can not but recognize the fact that the proper handling of these drums is a responsibility which must be assumed if we are to avoid difficulty. If we take the position that we must not excite alarm in the minds of managements and harbor authorities, then we will either convict ourselves of ignorance with regard to certain dangers, or of carelessness in not pointing them out. It is quite obvious to me that there are a variety of ways in which this problem can be handled, but I should feel that I were not performing my duty at all if I did not stress the necessity for certain very definite precautions in the handling of drums. If one of these drums is broken or perforated, or if in any manner any considerable quantity of Fluid is allowed to escape where it should not, some one is very definitely in a position of danger unless there are facilities for handling the situation in the proper manner. We can not get around this fact, and it is not wise for us to close our eyes to it. Moreover, we must provide our own regulations in order to avoid having regulations enforced upon us which will be less effective and more difficult to carry out. I am afraid, therefore, that I shall have to insist that the instructions for the handling of drums, for the trans-shipment of drums etc. are necessary as they are

KE 0007043

Mr. Ray Doan

given in these rules. I believe it will be better to accept them as they are, to attempt to comply with the spirit of them in every regard, and to see from experience what will come of it. If we find that they are not practical, and I do not believe that this will be the case, we can make certain modifications of them. Obviously there will always be certain exceptional conditions which will have to be handled in a measure at the discretion of persons who are on the spot.

In my specifications for mixing equipment, I have not attempted to prescribe all the details but merely the general requirements, leaving it to the representatives of the Corporation to provide the necessary blue prints and to see to it that the plants are constructed in accordance with these blue prints. I have mentioned that such blue prints will be supplied and that they will be adhered to. I do not believe it is necessary, therefore, for me to change the phrasing of the specifications. In this and in other matters I do not wish to eliminate the discretionary powers of the technical representatives of the Corporation. This statement applies in a measure to your objection to my setting a limit on the number of mixes to be made by the partial drum equipment. The regulation concerning the number of mixes with each type of equipment does not deprive us of the opportunity to make exceptions in well chosen instances. I have tried to lay down a basis for the general operation of these mixing equipments. The attempt to limit the partial drum mixing equipment has become something of a necessity especially in the United States and this limitation applies more definitely in the United States than it does in certain parts of your field of operations. I do not think it is wise to write up several sets of regulations so that I have tried to cover the matter in one set. This regulation need not make it impossible for you to permit the more frequent use of these equipments at certain points where conditions are peculiar and where the circumstances justify it. It should merely be a general guiding principle. I believe the principle is sound for in most instances it will be found possible to supply adequate storage facilities. Where this can not be done for reasons which we accept as adequate, an exception can be made. In reply to your direct question, I meant this to apply to the number of mixes per month and not to the number of drums.

I have gone on with the translation and printing of these instructions and they are so far along now that no immediate change can be made in them. Very frankly, despite your argument, I do not believe that changes are necessary and I would suggest that you try these in their present form, that you shoot at the mark which they provide, and that if you find yourself getting into difficulties you will report the difficulties to me. I thank you know me well enough to know that I am not being just arbitrary about these things. Rather they are the result of considerable thought and they are an acceptance on my part of the responsibility

KE 0007044

Mr. Ray Bevan

for safety in this industry in so far as my advice about wise practices is concerned. What I have said about the exercising of your discretionary authority does not mean at all that I advise or condone violations of the spirit of the regulations. I simply mean that it is difficult to cover the many peculiarities in our situation by one set of rules, and yet we must be specific. In this dilemma therefore, we must reserve the right to exercise our own discretion in making exceptions (where they are necessary and where they are justified) to the general rules of procedure which we have laid down. I eventually expect that all such exceptions will be reported to me and that they will be fully justified, and I repeat that if I find any of these rules impractical in operation, I shall be willing to change them, but not without a trial.

I have some reservations about the clarity and the correctness of our translations. We have done the best we could with them and have spent a great deal of time working them over with the help of experts. There may still be points at which they are ambiguous and at which they depart from the simple forms of expression in the respective countries. I suggest, therefore, that you submit the French copy with an English copy as well to Thenault for his criticism not of the rules but of their manner of expression in French; that you do the same with the Italian and German, making sure that you submit them to people whose facility with both languages is entirely above question. We can have the Spanish checked closer to home since we are at present concerned mainly with South American and Mexican Spanish which are somewhat different from Castilian. The corrections or alterations should be made on the copy, if possible. If necessary certain paragraphs should be retyped clearly so that I shall have no uncertainty, and they should be returned to me for my use in bring out the improved versions. I will see that you receive these copies and I will appreciate it very much if you will have them checked as soon as it is convenient.

Believe me I thank you very much indeed for your criticisms despite the fact that I have over-ridden them at present. You may be entirely correct, and if so I shall not cling to my point of view after a trial has been given it.

With kindest personal regards and my sincere appreciation of your continued efforts to clarify and improve our situation.

Sincerely yours,

RAK:IS KE 0007045

Robert A. Kehoe, M.D.