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KE 0021940

*Waterbury Case*

ETHYL GASOLINE CORPORATION

NEW YORK, April 7, 1931.

MEMORANDUM TO MR. WEBB:

I tried all day yesterday to get in touch with Dr. Kirchbaum by telephone to make an appointment for Dr. Kehoe and me to see him later on this week. Evidently, having heard that the Ethyl Corporation was trying to reach him, he had his secretary say that he was too busy to talk and as a final resort I wired him late in the afternoon, as per the attached copy, and just before going home received his telegram in reply, also attached hereto.

This morning on explaining to his secretary the reason for the call, I was able to get the doctor on the phone and I had a conversation which lasted about fifteen or twenty minutes with him.

He states that it would be absolutely impossible for him to see us within the next two weeks due to the fact that he has just returned from his vacation and has all of his time booked for the next month.

The main thing I attempted to determine was whether or not through research he had found out anything which could have justified the placing of the "poison" label on Ethyl pumps in Waterbury. He stated that he had absolutely nothing at all new but that he had read over all of the published data on tetraethyl lead as received from the Surgeon General's office and in view of the fact that all lead compounds are poisonous, he felt that the Surgeon General's warning plate was not sufficient. He had, furthermore, gone out and had interviewed quite a few service station attendants and had found out that very few of them paid any attention to the warning plate and handled Ethyl just as they did ordinary gasoline. He mentioned that operators and the public did not understand the danger of lead, particularly when it was associated with an uncommon word like "tetraethyl" and he therefore felt that the gasoline should definitely be labelled "poison".

He later reaffirmed that he had nothing specific with regard to cases of lead poisoning but that all lead poisons were cumulative and that it might be ten or fifteen years before anything developed, in which event he would, of course, have the sale of Ethyl banned in Waterbury; in the meantime, the purchasers would have been warned through the poison label. He stated that there were two cases which seemed very much like lead poisoning to him (at least the symptoms could not be attributed to anything except the use of Ethyl Gasoline) and that one of the patients had died day before yesterday.

He stated that before having decided what to do in Waterbury, he had talked the entire matter over with Dr. Yandell Henderson, concerning whom he made the statement that Henderson was the only man who had character enough to stand up and say that the Surgeon General was wrong with regard to the hazards connected with the sale of Ethyl Gasoline. He further added that Henderson disagreed with the Surgeon General on several other major points and that he himself felt that the lead warning plate did not give sufficient protection to purchasers of Ethyl Gasoline. The "poison" label had, therefore, been added to give purchasers protection without at the same time affecting the sale of Ethyl in Waterbury.

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Mr. Webb - #2

I brought up the point that before going ahead with the measure in Waterbury, it might have been advisable for him to communicate with us, particularly with regard to any unpublished data so that we at least should have a chance to show to him that the additional label was not necessary as indicated from tests over a period of years. He replied that we should have known all about it because one of our representatives was in his office some time before the measure was passed and he explained to this representative what he had planned to do.

Dr. Kirchbaum is evidently quite a crusader because in addition to what he has done on Ethyl, he has had legislation passed with regard to labelling alcohol as poisonous and also with regard to the banning of certain gases as refrigerants. He mentioned that he had held conferences with major executives in both the alcohol and refrigerating industry.

In closing the conversation, he again confirmed the fact that it would not be possible for him to see Dr. Kehoe but he stated that he should be very glad to have the Doctor correspond with him on the subject.

Dr. Edward H. Kirchbaum's address is 20 Grove Street, Waterbury, Conn.

J. C. T.

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