

April 23, 1947

PERSONAL AND CONFIDENTIAL

Mr. Earle W. Webb,
Ethyl Corporation,
Chrysler Building,
New York City 17.

Dear Earle:

A matter came up in connection with discussions with members of the Medical Department of the Du Pont organization last Tuesday, which it seems necessary to bring to your attention at this time. I have been conferring with Dr. Gehrman and Dr. Rankin, and have been familiarizing them with the problems and the procedures associated with the control of the hazards of the transportation of antiknock compounds containing tetraethyl lead, as well as all of the other associated problems which arise in refinery and field operations. Some little difficulties have occurred here and there, but in the main this has been a straightforward exchange of medical and hygienic information, in which we have undertaken to see clearly what is to be done and how it can best be done. Incidentally, Dr. Gehrman visited the U. S. Public Health Service about a week ago, and discussed the problem with them, pointing out that it was his intention to carry out the same regimen of medical activities, in the same manner as we have previously conducted this work. There now arises the problem of regulations, covering various medical and hygienic activities. These regulations are related to transportation, mixing plant activities, including the selection and supervision of personnel, and also such matters as the precautions to be exercised in laboratories and those which are required in the conduct of tank cleaning. All these have come to be systematized over the years, and for practical purposes they have become the law of the industry. Indeed, in a number of states, the Health Departments have taken the position that these serve effectively in lieu of State regulations. Moreover, in several countries outside of the United States these have been substantially codified into the law, or rather I should say into official administrative practice. It is fully recognized by all of us that these regulations have come about in part, at least, by an evolutionary process and that they cannot be materially changed. We also consider it desirable that they be kept uniform, and that every effort be made to avoid changes in their expression that might lead to misunderstanding and conflict. It seems almost certain that the two medical and hygienic organizations, representing the two competitors, will be operating within the same plant at times. Drs. Gehrman and Rankin are very anxious to avoid any situation in which they would be expected by their sales people to modify our practice in such a way as to achieve commercial advantage. Accordingly, they want to maintain the same authority in the Du Pont organization in these matters that we have had in the organization of Ethyl Corporation. They want to use the same procedure and to follow the same regulations, which include the posting

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KE 0001144

Mr. Earle W. Webb - (2) - April 23, 1947

of instructions to personnel in mixing plants, laboratories, and refineries. The question now arises as to whether they can adopt the present regulations word for word except for the use of certain names that relate to the product or to a specific distributor. The new regulation books which we have issued carry the Ethyl trade mark, and, of course, refer to the specific product marketed by Ethyl Corporation. Now, should the Du Pont book merely replace the name and the name of its product, without any other change, or should we delete from the regulation booklets all reference to trade marks, or to a specific product, using expressions that would be interchangeable? I know this sounds like a very naive question, but it is not quite as naive as it sounds, as you will perceive when you consider just how one goes about it to accomplish the desired purpose. We, in Ethyl Corporation, can very easily take the position that this is not our problem, but is rather one for Du Pont to solve, and so it is, except that I am not in the fortunate position of being able to take that attitude. This is a matter of fundamental hygienic importance, and if these regulations, which have had the substantial effect of law for nearly twenty years, are not to be emasculated, some policy will have to be developed that enables them to be promulgated in such a manner that they will not become a part of the competitive armamentarium. I raise the question at this time because I do not want to give advice on this point only to find that it conflicts with the policies of Ethyl Corporation and the opinions of its legal advisors. From the point of view of the community and of my own professional responsibility I now think I know what should be done. I am not quite sure, on the other hand, just how it should be done.

The above question along with a number of others of somewhat similar import arises and will continue to arise until some rather fundamental understanding has been arrived at by Ethyl and Du Pont executives. It appears that these cannot be arrived at jointly by any species of agreement. On the other hand, some of them may not be arrived at in an entirely satisfactory manner. Therefore, we might find it advisable some time at your early convenience to discuss some of these problems. I am quite prepared to accept the policy arrived at in general terms some time ago. On the other hand, it seems quite clear to me that in certain instances, at least, the accepted policy simply cannot be made to work. I shall, therefore, be compelled to go as far as I can and as cautiously as I can, and then to come to you for advice and instructions as circumstances require.

Sincerely yours,

Robert A. Kehoe, M. D.

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KE 0001145