

October 28, 1933

Dr. Graham Edgar
Ethyl Gasoline Corporation
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New York City
New York

My dear Edgar:

In accordance with the conversation with yourself and Mr. Mittnacht of some time ago I made it a point to visit Dr. Sayers in Washington last Tuesday, and to discuss with him the general character of the work which we have been carrying on on the public health and industrial aspects of Ethyl Gasoline. I made it a point at that time to discuss the matter of labeling or otherwise placarding the tank trucks which are to be used in the delivery of Ethyl Fluid. I found that Dr. Sayers was definitely opposed to the distribution of Fluid by means of these tank trucks unless they are properly labeled. We did not discuss the details of what might be regarded as proper labeling. I considered it advisable to leave such details to the New York office subject in a general way to the approval of Dr. Sayers and the Surgeon General. Dr. Sayers expressed himself as believing: (1) that the practical difficulties which had been anticipated as a result of the labeling would not arise, or if they did would be of short duration; (2) that if serious difficulty were to arise, the good faith of both the Public Health Service and of the Ethyl Gasoline Corporation might well be called into question. I must confess that I was unable to argue against either of these points of view for I was essentially in agreement with him. Mr. Mittnacht has stated that the liability in the matter could be covered by suitable insurance and that indeed this had been done. However I personally doubt if the question of good will or good faith could be covered by insurance or by any other indirect action. I told Mr. Schaefer about Dr. Sayers' point of view and suggested the advisability of his working out with the New York office suitable methods of labeling the tank trucks. Schaefer and I talked over the matter and certain tentative ideas were suggested. In view of the fact that the driver and his companion might be killed outright in an accident and there would be thus no means of identifying the ownership of the truck or of its cargo, it was suggested that a sign similar to that on the tank cars should be posted conspicuously on the truck. The Ethyl Gasoline Corporation emblem might be pasted on the tank or it might be left off. I can not see that it would be either a great advantage or a great disadvantage except for the one thing which Mr. Schaefer mentioned, namely,

that if made out conspicuously, it might result in attempts on the part of designing persons to collect damage as the result of real or fictitious accidents on the road. In any case I believe that proper signs similar to those used in rail traffic should be employed. I agree with Dr. Sayers that after a short period of use these would cause no more excitement than would the appearance on the roadway of well identified nitro-glycerin trucks. It was also suggested by Mr. Schaefer that a copy of the rules and regulations for the handling of Ethyl Fluid might well be posted inside the cab of the truck where they would not need to be noticed by the public but where they could be made available in case of any emergency.

I should be very glad to give any assistance that I can in working out these details. I believe that it will not be difficult to work out a method of identifying these tank trucks that will be suitable to the Public Health Service and not to the disadvantage of the Corporation.

In the course of my discussion of this matter with Dr. Sayers I found that he was by no means certain that the Corporation had ever discussed with the Public Health Service the use of tank cars for the transportation of Fluid. I was not able to state definitely just what discussion had been had either with the Surgeon or with Dr. Leake, but I am curious to know to what extent there was either correspondence or verbal discussion of this matter with the Service. I personally feel that it is important, particularly with a man of Sayers' character, that he be kept well informed of any new departures. We should be careful, therefore, not to neglect anything which might appear even vaguely discourteous. As a matter of fact he has certain reservations as to the safety of these tank cars. I discussed this whole matter with him and pointed out that the industrial hazards had been definitely and greatly reduced by the bulk transportation and bulk mixing. I said that I personally regarded it as a great advance in the direction of safety. He, on the other hand, raised a point which is essentially un-answerable, that if one of these tank cars should be demolished in transit, a serious problem would be presented and one with which we would find some difficulty in coping with intelligently. He suggested the possibility of certain modifications of the structure of the tank not with the idea that they should be done but rather that they might be considered. I mentioned this to Mr. Schaefer and neither of us considered them to be practical improvements. Moreover I am obtaining, as quickly as possible, available information on experience which has been had in the transportation of these and similar cars that have been in use for years.

I cite all these matters in order to demonstrate Dr. Sayers' interest in this problem, and in order to indicate his feeling that the Public Health Service must in a degree share the responsibility for any accidents or unusual difficulties associated with the entire industry. He takes the position, which I think is natural, that if there is any failure in the proper relationships between the Public Health Service and the Corpora-

tion that eventually legislation will result and that such legislation might be unfortunate both for the Service and for the Corporation since it might make it impossible to do those things which seem most intelligent.

While I was in Wilmington I made some arrangements with Mr. Schaefer for the collection of samples of water from different points in the Delaware river which would give us some idea of the extent of lead contamination which is occurring at present. I hope to be able to make these observations the basis of some consideration of future lead plant cites.

With kindest personal regards,

Cordially yours,

RAK:IS

Robert A. Kehoe, M.D.