

THE ELECTRIC STORAGE BATTERY COMPANY

PHILADELPHIA 32, PA.

S. WYMAN ROLPH
PRESIDENT

ALLEGHENY AVE. AND 19TH ST.

January 24, 1951

Dr. Robert A. Kehoe
University of Cincinnati
Eden Avenue
Cincinnati 19, Ohio

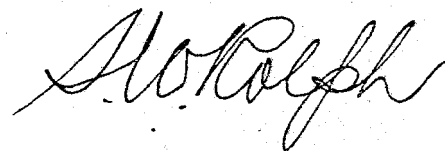
Dear Dr. Kehoe:

Thank you for your interested letter of January 18.

Realizing that actual accomplishments were too few we sought counsel some months ago to advise us regarding the manner in which we should organize our work for better results. The report is in hand. The work is being formally organized so as to tackle the problem on a very broad front.

I assure you we have not been idle, nor have we been silent. The difficulty has been that we did not properly organize our effort. I trust that when we next meet there will be a general consciousness of things worth while having been done.

Yours very truly,



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January 18, 1951

PERSONAL AND CONFIDENTIAL

Mr. S. W. Rolfe, President
The Electric Storage Battery Company
Allegheny Avenue and 19th Street
Philadelphia 32, Pennsylvania

Dear Mr. Rolfe:

At the time that I appeared in Philadelphia recently, in connection with the medico-legal problem in the [REDACTED] case, I promised myself that I would write to you and make certain comments on the general situation presented by this problem. On returning home I found myself in the midst of a number of things that had to be done at the year's end, and then I took a short holiday which I badly needed to restore my intellectual and temperamental equilibrium, after a rather trying period of undue stress. The result is that I have failed to write the letter. On the other hand, the matters which I wanted to say are rather fresh in my mind. I have heard nothing about the outcome of the hearing in this case, and although this is a matter of interest to me, the result is somewhat irrelevant in connection with my comments.

Quite some time ago I was requested by some of your people to visit the plant, to make certain observations concerning it, and to express my opinions in the form of recommendations for improving the situation. My investigation was not extensive or complete, but it did serve to reveal certain aspects of the situation on which I expressed myself in a memorandum as clearly and as vigorously as I could. Since that time I have watched with some interest to see what evidences of improvement might be made, as revealed by the analytical data on plant personnel, and at the time of my visit recently, I made point of raising certain specific questions, and getting as direct answers to them as I could. All of the evidence that I have, which may or may not be adequate, but for which I take the full responsibility, is such as to indicate to me that very little in the way of improvement of the situation in the North Philadelphia Plant has been achieved. As it happens I have a great professional interest in the matter of the lead trades, and I feel a very considerable amount of responsibility for the hygienic status of industrial plants, with whose personnel I have had direct and responsible associations. The fact that we continue to give aid and counsel to Dr. Lanahan, in connection with analytical services that we render, also gives me a sense of professional responsibility. Therefore, if I speak plainly on matters that I have in mind, I trust that you will not regard it as evidence of a gratuitous intrusion on my part, but rather a sign of real concern over a significant hygienic problem. I have chosen to speak directly to you, since I cannot fail to regard you as wholly responsible for the organized efforts of your company in this particular field in relation to this plant.

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Mr. S. W. Rolfe - (2) - January 18, 1951

The experience which I have had in this field over the last twenty years, which has been rather full and, I believe, rather unique, is such as to give me to feel that there is no real excuse for occupational conditions in the lead trades which give rise to dangerous lead absorption and to the occurrence of cases of lead poisoning. It is true that under the best type of hygienic regimen, accidents may happen from time to time, and individuals, because of personal predilections and of other unpredictable causes, may be injured beyond the efforts and responsibilities of plant management and plant hygienic organization. This, I may say, is not the situation in your plant. The hazards of the plant are significant, and the hygienic regimen is manifestly inadequate to do a proper job. The extent of the lead absorption among your personnel, which I know from the evidence of my own eyes, and that of our analytical laboratory, is hazardous, unduly so, and is not being controlled as it should be. I have no way of knowing how much you know about this directly, since I imagine that your activities are largely in another area, and since they make rather heavy demands upon your time, undoubtedly. However, I say on my own authority, that the problems with which your company has to deal, which are manifestly difficult, are not being handled properly, and the steps have not been taken that I recommended quite some time ago. Whatever may be the outcome of the McErlain case, it is quite obvious that the lead exposure within this plant is too great, and that this situation invites claims of the kind made in this instance. I appeared in this case for professional reasons, and because of my own concern that a precedent should not be set in a situation of this sort, which would react unfavorably upon the liabilities and responsibilities of employers in the lead trade. My own feeling is that the employer should be penalized very much indeed, for the existence of conditions comparable to those that are within your plant. On the other hand, no encouragement is offered to the employer to establish conditions of real safety within his plant, if he is to be penalized for offenses done in situations, for which he is not responsible. Therefore, on my own responsibility, I wanted to see this case decided properly, at least properly in accordance with my own ideas of where the truth lies. I was able to take a professional position honestly and conscientiously in this case, because the evidence available to me was such as to indicate that this man had not had a very severe exposure to lead during recent years. If this had been one of the other men whose exposure, according to my own information, had been great, I would have been wholly unwilling to appear or to make any statement in the situation. Actually, to be blunt, I should have felt that the company richly deserved the penalty for its own failure to do a sound job in the hygienic field.

I shall not continue, or enlarge upon what I have said above. I have every reason to believe that you are sincerely interested in promotion of healthful conditions of work for your employees. I suspect that you think that very good progress has been made in that direction in your North Philadelphia plant. Because this is not the case, I should like to take this means of suggesting to you that you refer again to the memorandum and report, with recommendations, that I prepared some months ago. The recommendations were made in good faith, on the basis of

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Mr. S. W. Rolfe - (3) - January 18, 1951

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reasonably satisfactory observation, and on the basis of long professional experience with the problem. I pointed out at that time that the organizational procedure, with reference to the handling of these problems, is inadequate, and that it can only be made adequate by a re-examination of the entire procedure and the sound co-ordination of the efforts of your engineering and medical group. Such co-ordination does not exist at the present time. I have no way of telling who is at fault, and from my point of view that does not matter. However, I am prepared to say that your company is not going at it in the right way, and that its present organized efforts will not accomplish the job. The lead hazards of the plant are unduly great. They can be brought under control and they can be maintained under control, in such a way that you will not have to worry about the safety of your personnel. May I suggest that you re-examine what I have said on this subject many months ago. If you should care to discuss the subject further with me, and if you would like somewhat more detailed recommendations, I should be pleased to comply with your wishes. Meanwhile, I trust that you will accept this in the professional spirit in which it is offered. I know, from experience, that the lead trades can be made safe. I also know that this is costly, but I am quite sure from my experience that the liabilities and costs which accrue through failure to achieve real safety are greater than the costs of suitable methods of control. I have rather strong feeling on the subject of the desirability of cleaning up these trades in the United States, and whenever the opportunity presents itself I make efforts in that direction. If any other excuse needs to be offered for my presenting my opinions in this unsolicited manner to you, you can credit it to my interest in seeing that American industry achieves a position which is unassailable, from the point of view of the fulfillment of its responsibilities to its employees in the matter of their health.

Sincerely yours,

Robert A. Kehoe, M. D.

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