

*Re: Ethyl Corp.
X The Confidentiality & Public Health Service*

April 21, 1953

Mr. L. R. Fleck
Ethyl Corporation
100 Park Avenue
New York City 17

Dear Van:

In reply to your letter of April 16 on the subject of the possibility and desirability of Ethyl's consenting to an increase in the concentration of tetraethyl lead in motor gasoline above the present conventional level of 3 cubic centimeters of tetraethyl lead per American gallon of gasoline, I have this to say.

1. First, this could not be done, in good faith, by Ethyl Corporation without first obtaining the formal consent of the United States Public Health Service in the form of the written statement of the Surgeon General. The reason for this, of course, is found in the agreement on the part of Ethyl years ago, to abide by, and to enforce by all means within its power, the proposed regulations issued in 1925. There is, as you know, no legal sanction by which the Service can enforce such a regulation, or compliance on the part of Ethyl Corporation thereto. The display of willingness on the part of the Corporation to violate its agreement, or of inability on its part to obtain compliance therewith, would result, however, in appropriate action on the part of the Public Health Service.

2. Second, there is the question of the wisdom of (a) requesting the Public Health Service to modify the proposed regulation to the desired extent, and (b) the wisdom of embarking on such a policy if such a request were agreed to. In considering the wisdom of either or both of these measures, it is evident that I would be expected by the Public Health Service (in view of my general professional responsibilities in this matter, as well as my specific responsibilities as a consultant to the Division of Environmental Health of the Public Health Service), to express ~~my~~ opinion on the subject and to support it with evidence that would be acceptable to the Surgeon General and to any possible critics of his action on such a matter. This would happen regardless of the source of any such proposal. I could not honestly advise the Surgeon General to modify the present arrangement. Moreover, for the same reasons I could not advise Ethyl Corporation to consent to such a modification of its own policy in this regard, even if the Public Health Service were to consent to the modification of its position.

RE 0009445

April 21, 1953

Mr. L. R. Fleck
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New York City 17

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KE 0009446

Mr. L. R. Fleck - (2) - April 21, 1953

From the aspect of the comparison of the situation of aviation gasoline with automobile gasoline, it should be pointed out that the discharge of lead in the exhaust gas of the aeronautical engine is not now, and is not likely to be, a problem of public health, since the discharge from the former is so dissipated in the higher strata of the atmosphere as to contribute little or nothing to general human exposure to lead. The opposite is true of the discharge from automobiles. This is the principal reason for the limitation, and until there is full and satisfactory evidence of the order of magnitude of the potentialities for human hazard - evidence that will demonstrate, in concrete form, the extent of the factor of safety, under the worst conditions that can arise out of the present situation - it would be sheer foolhardiness on the part of Ethyl Corporation, to run the risk of going beyond the limits of public safety.

The Kettering Laboratory is spending a large sum of Ethyl's money annually to determine the nature and magnitude of the factors of safety which influence this situation. Should the Corporation prejudge this matter and embark on an unpredictable course? I think the answer to this is self-evident.

As an answer to this customer, I think it sufficient and wise to point out the existence of the agreement with the Public Health Service, and to say that Ethyl Corporation does not consider it to be in the best interests of the industries involved to reopen this matter at this time. This can be said as softly and as tactfully as may seem necessary, but there should be no question of Ethyl's intent to adhere to the agreement in letter and spirit.

Sincerely yours,

Robert A. Kehoe, M. D.

RAK ef

Dictated but not read.

KE 0009447