

By: Flores

H.C.R. No. 225

Substitute the following for H.C.R. No. 225:

By: Gonzales

C.S.H.C.R. No. 225

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, From 1945 to 1968, the Hayes-Sammons Chemical
2 Company operated pesticide formulating and storage facilities on a
3 six-acre site located in a residential area near downtown Mission,
4 Texas; and

5 WHEREAS, The United States Environmental Protection Agency
6 (EPA) tested the area around the facility in 1980 and found at least
7 10 different chemicals with concentrations several times higher
8 than levels the agency considers safe for human exposure; the
9 pesticides discovered at the Hayes-Sammons plant, which include
10 DDT, toxaphene, chlordane, BHC-lindane, and dieldrin, have been
11 banned in the United States because of their chronic toxicity and
12 ill-effects on human health and the environment; and

13 WHEREAS, In September 2006, the EPA declared that the former
14 plant site posed "unacceptable threats to human health and the
15 environment"; and

16 WHEREAS, In 1998, more than 1,800 Mission residents filed a
17 class-action lawsuit against chemical companies who supplied
18 products found in the contamination; the District Court of the
19 332nd Judicial District in Hidalgo County was subsequently set to
20 hear the consolidated case of five of the residents exposed to
21 pesticides while living in close proximity to the site, but Allied
22 Chemical and other defendants in the case appealed the court's
23 consolidation order; on March 28, 2005, the Texas Supreme Court
24 entered an order staying all underlying proceedings in the lawsuit

1 pending future orders of the court; and

2 WHEREAS, It is urgent for these citizens that the court make a
3 ruling as soon as possible; now, therefore, be it

4 RESOLVED, That the 80th Legislature of the State of Texas
5 hereby request the Texas Supreme Court, in the interest of justice,
6 to rule on the pending mandamus appeal filed by Allied Chemical
7 Corporation et al.; and, be it further

8 RESOLVED, That the secretary of state forward an official
9 copy of this resolution to the chief justice of the Texas Supreme
10 Court.