

By: Flores

H.C.R. No. 225

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; during decades of pesticide production and storage,
5 constituent chemicals contaminated the surrounding neighborhood
6 through the ventilation of a chemical fog, the release of toxic
7 fumes resulting from the "melting" of pesticides, the open storage
8 of dry pesticides, and nearly daily chemical spills; and

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

18 WHEREAS, In September 2006, the EPA declared that the former
19 plant site posed "unacceptable threats to human health and the
20 environment"; in fact, hundreds of residents now suffer from health
21 problems known to be associated with long-term exposure to the
22 pesticides found at the site, including cancers, birth defects,
23 neurological disorders, skin disorders, and other illnesses; and

24 WHEREAS, In 1998, more than 1,800 Mission residents filed a

1 class-action lawsuit against the chemical companies who supplied
2 the products that contributed to the contamination; the District
3 Court of the 332nd Judicial District in Hidalgo County was
4 subsequently set to hear the consolidated case of five of the
5 residents exposed to pesticides while living in close proximity to
6 the site, but Allied Chemical and other pesticide defendants in the
7 case appealed the court's consolidation order; on March 28, 2005,
8 the Texas Supreme Court entered an order staying all underlying
9 proceedings in the lawsuit pending future orders of the court; and

10 WHEREAS, While awaiting a decision from the Texas Supreme
11 Court, the affected Mission residents are prohibited from taking
12 any further action in the case; these citizens have been denied the
13 use of the judicial system for more than two years while many are
14 gravely ill and some are dying, and it is urgent that the court make
15 a ruling as soon as possible before more residents die and are
16 unable to see their cases go to trial; now, therefore, be it

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

21 RESOLVED, That the secretary of state forward an official
22 copy of this resolution to the chief justice of the Texas Supreme
23 Court.