

By: Flores

H.R. No. 1844

R E S O L U T I O N

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

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