

ASARCO

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AMERICAN SMELTING AND REFINING COMPANY

120 BROADWAY, NEW YORK, N. Y. 10005

FOR IMMEDIATE RELEASE

May 15, 1972

NEW YORK--The attached "Judgment and Order of Injunction" represents a consent decree entered into on Thursday, May 11, between American Smelting and Refining Company (Asarco), the City of El Paso, and the State of Texas. Also attached is editorial comment from both El Paso newspapers which appeared in their Saturday editions.

The decree is in settlement of a court suit in which the City of El Paso charged Asarco with continually polluting the air. The city initially asked \$1 million in fines and subsequently raised their demand to over \$4 million. Significantly, the actual fines levied totalled \$80,500 for 88 specific violations of specific air quality standards since the passage of the Texas Clean Air Act in 1968. There was no finding that the day-to-day operation of the plant constitutes a continuing pollution hazard.

We believe that the decree is entirely consistent with Asarco's position, maintained throughout the trial, that the current operation of the plant is not endangering the health of El Paso residents. Publicity and actions by city officials during the trial implied that the health of the entire City of El Paso was endangered. The medical examinations and therapy called for in Article IV of the decree were voluntarily initiated by Asarco in February when the elevated blood lead levels in Smeltertown children, apparently due to contaminated soil, were first discovered.

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As indicated by the completion dates, the emission control devices listed in Article IX which Asarco has voluntarily agreed to install had either already been installed or were in the planning stage prior to entry of the judgment. Article X of the decree recognizes Asarco's "cooperative approach in meeting a community need".

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