

Dr. R. A. Kehoe

ETHYL CORPORATION

TO: Staff Committee

FROM: F. P. Warne

ADDRESS: New York

SUBJECT: Houston Air Pollution Suit DATE: December 5, 1955

We have now been formally served with a petition and an order to show cause in the Houston Air Pollution suit. The official designation of the suit is State of Texas v. Consolidated Chemical Industries, Inc., et al, and it is pending in the District Court of Harris County, Texas in the 152nd Judicial District.

The suit was originally filed June 23, 1955 against Consolidated Chemical Industries, Inc. The petition has now been amended to include 51 other companies doing business along the Houston Ship Channel. The form of the petition as to each company is substantially identical to that relating to Ethyl, as set forth in my memorandum of November 30. The language as to each company varies slightly to describe in general terms the types of alleged harmful substances which the companies are claimed to be emitting. A list of the companies involved and the charge against them is attached hereto.

In addition to the specific charge against each company the petition contains an allegation in Paragraph 81 that defendants all contribute to an industrial overcast or smog which is obnoxious to persons residing or working in the area, destructive to property, and hazardous to public health and welfare. This potentially is the most troublesome allegation of the petition since under it a company making any contribution to air pollution might be held liable even though such contribution by itself would not be enough

December 5, 1955

The law suit has been assigned to Hon. Wm. Sears McGee, Master in Chancery, for hearing. I am endeavoring to learn more about Mr. McGee and his economic and political predilections and will report at a later date.

The order to show cause has been set for hearing on December 12. If the order were granted it would mean that the defendants would have been found to be polluting the air and would be ordered to stop, which would mean that all of them would have to shut down at least temporarily. I do not believe that there is a substantial chance that this will happen.

The suit is being handled by Mr. Malcolm Lovett and Mr. Hugh Patterson of Baker, Botts, Andrews and Shepherd in Houston.

F. P. Warne

Attachments

12/2/55

Summary of Charges
in Houston Air Pollution Suit

Consolidated Chemical
Industries

sulfur dioxide and sulfuric acid, which
have an irritating effect and an acid
reaction

Humble Oil

sulfur compounds, hydrocarbons, carbonaceous
smoke, mercaptans, sulfur dioxide,
sulfuric acid, and hydrogen sulfide,
which have an irritating effect and an
acid reaction

Olin Mathieson Chemical

nitrogen compounds, fluorides, sulfur dioxide
and sulfuric acid, which have an irritating
effect and an acid reaction

Champion Paper and
Fibre

mercaptans, sulfur dioxide and hydrogen
sulfide, and inorganic chemicals which
have an irritating effect and an acid
or alkaline reaction and obnoxious odor

Butler Chemical

nitrogen compounds, mercaptans, sulfur
dioxide, hydrogen sulfide and sulfuric
acid; which have an irritating effect,
an acid reaction and obnoxious odors

Diamond Alkali Plant 2

insecticides or their derivatives which
have an irritating effect, an acid reaction
and obnoxious odors

Tennessee-Texas
Chemicals and Alloys

inorganic toxic effluents which have an
irritating effect and an acid reaction

Sheffield Steel

phenolic compounds and dusts which have an
irritating effect and an acid reaction

Ideal Cement

solids and dust which have an alkaline
reaction, and cause damage to metals and
paints

Marco Chemical

protein or fat putrefaction which have
an irritating effect and an obnoxious odor

Sinclair Refining

mercaptans, sulfur dioxide and petroleum
hydrocarbons, which have an irritating
effect and an acid reaction

Eastern States
Petroleum Company

mercaptans, sulfur dioxide, hydrogen sulfide and sulfaric acid; which have an irritating effect and an acid reaction

Mayo Shell

solids and dusts, which are inorganic, inactive material, and which have an irritating effect and an alkaline reaction

Lone Star Cement

solids and dusts which have an irritating effect and an alkaline reaction

Best Fertilizers

mercaptans, sulfur dioxide, fluorides, hydrogen sulfide and sulfuric acid, which have an irritating effect and an acid reaction

Armour Fertilizer

sulfur dioxide and sulfuric acid, and inorganic compounds, which have an irritating effect and an acid reaction

City of Pasadena

carbonaceous smoke and protein or fat putrefaction odors resulting from incomplete combustion of organic materials which have an irritating effect and an obnoxious odor

City of Houston

chemical compounds which have an irritating and nauseating effect and an obnoxious odor

City of Houston

chemical compounds which have an irritating and nauseating effect and an obnoxious odor

City of Houston

fine dried sewage sludge dust in such quantities as to have an irritating effect and a highly obnoxious odor

City of Houston

gases, solids, dusts and smoke derived from freshly burned garbage and trash which have an irritating effect and an obnoxious odor

Trinity Portland Cement

solids and dusts which have an irritating effect and an alkaline reaction

Shell Builders

inorganic chemicals which cause damage and deterioration of paint on buildings and damage to property subjected or exposed thereto

Parker Brothers

solids and dusts of an inorganic nature, which have an irritating effect and an alkaline reaction

Shell Chemical

inorganic and organic compounds, mercaptans, sulfur dioxide, hydrocarbons and solvents which have an irritating effect and an obnoxious odor

Shell Oil

sulfur compounds, sulfur dioxide, sulfuric acid, hydrogen sulfide and mercaptans which have an irritating effect and an acid reaction

Rohn and Haas

inorganic and organic compounds, zinc carbonyl, cyanide, hydrocarbons and solvents, which have an irritating effect, an acid reaction and an obnoxious odor

Lubrizol Corporation

inorganic and organic compounds, hydrocarbons, solvents and phenolic substances which have an irritating effect and an obnoxious odor

San Jacinto Chemical

sulfur compounds, sulfuric acid, sulfur dioxide and inorganic chemicals which have an irritating effect and an acid reaction

Phillips Chemical

sulfur compounds, sulfuric acid, sulfur dioxide and inorganic chemicals, which have an irritating effect and an acid reaction

Ethyl Corporation

organic solvents, alcohols and lead compounds, which have an irritating effect and a toxic reaction

Crown Central Petroleum

sulfur compounds, hydrocarbons, carbonaceous smoke, mercaptans, sulfur dioxide, sulfuric acid and hydrogen sulfide, which have an irritating effect and an acid reaction

Index Chemical

hydrogen sulfide, sulfur compounds, hydrocarbons, mercaptans and other compounds which have an irritating effect and a toxic reaction

Merichem Company

hydrogen sulfide, sulfur compounds, sulfur dioxide, hydrocarbons, mercaptans and carbonaceous smoke, which have an irritating effect and are toxic in nature

Chipman Chemical

carbonaceous smoke, organic and inorganic compounds and insecticides, which have an irritating effect and an obnoxious odor

Processors, Limited

sulfur compounds, sulfur dioxide, sulfuric acid, mercaptans, hydrogen sulfide, aromatics and asphalt compounds, which have an irritating effect and an acid reaction

Drumex, Inc.

chemical compounds depending upon the contents of the drums being cleaned at the time which have an irritating effect and an acid or alkaline reaction

Richmond Tank Car

sulfur compounds, ammonia and other chemical compounds, depending upon the contents of the cars being cleaned, which have an irritating effect and an acid or alkaline compound reaction

Gulf States Asphalt

materials having obnoxious and acrid odors and are of an organic nature, which have an irritating effect

Arrow Mills

solids and dusts which are explosive and inflammable and which have an irritating effect

Napko Paint and Varnish

solvents, paint fumes and other chemical compounds which have an irritating effect

Natural Gas Odorizing

sulfur compounds, mercaptans and hydrogen sulfide, which have an irritating effect and toxic reaction

Lead Products

chemical compounds, lead compounds, and smokes which have an irritating effect, a toxic reaction, and obnoxious odors

Myers-Spalati Furniture

dusts and solids consisting of smoke from improper combustion in its furnaces

American Brake Shoe Co.

solids and dusts consisting of smoke which have an irritating effect and an obnoxious odor

Rothschild Iron and Metal

carbonaceous smoke and organic and inorganic compounds which have an irritating effect and obnoxious, acrid odors

American Smelting and Refining
(9000 Market St.Rd.)

fumes and dusts, consisting of toxic metal fumes, which have an irritating effect and a toxic reaction

American Smelting and Refining Company
(Clinton Drive)

fumes and dusts consisting of toxic metal fumes, which have an irritating effect and a toxic reaction

Lloyd A. Fry Roofing

inorganic compounds having obnoxious and acrid odors and which have an irritating effect and toxic reaction

Goodyear Synthetic Rubber	organic compounds which have an irritating effect and a toxic reaction
Sinclair Rubber, Inc.	organic compounds which have an irritating effect and a toxic reaction
Nyotex Chemicals	inorganic compounds and flourides which have an irritating and toxic effect and an acid reaction
Brown and Root Marine Operators	lead compounds and smoke, which have an irritating effect and a toxic reaction
E. I. Du Pont	organic compounds which have an irritating effect and a toxic reaction
J. M. Huber Corporation	sulfur compounds and smoke which have an irritating effect and an acid reaction
United Chemical	styrene and other chemical compounds which have an irritating effect
A. O. Smith	inorganic compounds and solvent vapors which have an irritating effect and a toxic reaction
Standard Concrete Products	gases, solids and dusts from concrete manufacturing which have an irritating effect and an alkaline reaction