

cc: Operating Committee
Mr. J. E. Boudreau
Dr. R. A. Kehoe

Mr. E. L. Shea

New York

F. F. Warner

New York

Air Pollution Suit

November 30, 1955

In connection with the Air Pollution suit in Houston a very voluminous pleading has now been served upon Ethyl Corporation ordering the company to show cause why a temporary injunction should not be issued ordering the company to cease pollution of the air as alleged. This order is returnable in court on December 12, 1955. Following is the text of the specific charge against Ethyl:

Note That the defendant Ethyl Corporation has been and is now conducting and operating a manufacturing or refining plant on the LaPorte Road in Pasadena, Texas--that this defendant has erected or caused to be erected plant facilities at that place, and in connection with such plant it has constructed or caused to be constructed stacks or vents for the purpose of discharging industrial waste materials resulting from such operations into the air currents over and above its plant.

In the process of manufacturing, processing, mixing or refining raw or stock materials, there are

KE 0006246

N 7539.01

November 30, 1955

discharged into the air currents gases, liquids or mists, consisting of organic solvents, alcohols and lead compounds, which have an irritating effect and a toxic reaction.

That such chemicals and compounds heretofore now are discharged into the air currents and are carried in such air currents over the surrounding community, into and onto the homes, business buildings, churches, and other properties located in the area surrounding this defendant's plant, and such chemicals and compounds mix with the waste materials of plants owned and operated by other defendants in this action. That the chemicals and compounds heretofore identified which are being discharged into the air currents by this defendant are noxious, harmful and injurious in themselves--and that all persons living or being present in the affected area are involuntarily subjected to such concentrations at times depending solely upon the atmospheric conditions and the movements of the air currents. Such discharges of waste materials are being made by this defendant from its plant in concentrations sufficient to cause physiological reactions such as coughing, choking, eye smarting, irritation of the lungs, throat, nose and eyes, and other hazards and annoyances to persons involuntarily exposed thereto, deterioration of property, and decrease in its value. The emissions are heretofore described are annoying, disturbing, obnoxious, and cause discomfort to the

KE 0006247

November 30, 1955

persons residing in the area surrounding this defendant's plant as described herein--and mixed with other contaminants present in the air in that area, are hazardous and dangerous to the public health and the health of the community, as well as causing economic loss to the owners of the property in that area.

That there are in existence and available approved devices for the collection of such chemicals or compounds and the abatement of such conditions. That requests have been made by the Harris County Health Unit to this defendant that remedial steps be taken to abate these conditions--but that said defendant has failed and refused to comply with such requests. That such conditions have created, are creating and will create a public nuisance, contrary to the laws of the state of Texas. Enclosure

plw

ETHYL CORPORATION

INTER-OFFICE CORRESPONDENCE

TO	Dr. R. A. Kehoe	ADDRESS	Cincinnati
FROM	F. P. Warne	ADDRESS	New York
SUBJECT	Air Pollution Suit	DATE	November 30, 1955

There has been pending for some time in the Texas courts an air pollution suit brought by the Harris County Health Unit against Consolidated Chemical Company, Inc. Today a movement was made to broaden the suit by the inclusion of other companies and a complaint and request for temporary injunction was served upon Ethyl Corporation. We understand that a similar complaint is being served on each one of the 51 companies along the Houston Ship Channel.

Attached for your file is a copy of a memorandum summarizing the specific charge made against Ethyl. You will see that this is in general terms and does not indicate what substances, if any, are being discharged by Ethyl. I doubt if the Harris County Health Unit has such information.

I will, of course, communicate with you again when I can learn more about the law suit.

Attachment



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