



# Senator Eliot Shapleigh

District 29

## Press Release

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### For Immediate Release

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## COURT RULING ADDS \$6 BILLION TO ASARCO BANKRUPTCY

*"Now that Grupo has been found legally liable for \$6 billion, that money will go to bankruptcy court. We ask that El Paso be made whole—clean up 100 years of lead and arsenic."*

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**EL PASO** - On Wednesday, April 1, 2009 in Brownsville, Texas, U.S. District Judge Andrew Hanen [ruled that Grupo Mexico must pay ASARCO LLC about \\$6 billion in damages](#). The case will have a dramatic impact on ASARCO's ongoing bankruptcy.

The [damages ruling](#) stems from an August decision by Judge Hanen that Grupo Mexico's Americas Mining Corporation unit harmed ASARCO creditors by stripping the company's stake in a valuable Peruvian copper mine. In August, Hanen found Americas Mining Corporation liable for fraudulent transfer, aiding and abetting a breach of fiduciary duty, and civil conspiracy. In terms of damages, Hanen specifically ruled that Grupo Mexico must return ASARCO's 30 percent stake in Peruvian copper miner Southern Copper Corporation and pay \$1.9 billion in related dividends and interest.

Reacting to the news, Senator Eliot Shapleigh (D-El Paso) stated, "Now that Grupo has been found legally liable for \$6 billion, that money will go to bankruptcy court. We ask that El Paso be made whole—clean up 100 years of lead and arsenic."

The Texas Commission on Environmental Quality (TCEQ) has [a \\$52 million claim in the ASARCO bankruptcy to go toward remediating the El Paso site](#). Senator Shapleigh has argued that ASARCO's ability to pay pollution liabilities needs to be reevaluated and renegotiated now that the \$6 billion in damages will be rolled into the bankruptcy proceedings.

"The money available to clean up ASARCO's mess has gone from an estimated \$2.7 billion to an estimated \$8.7 billion," added Senator Shapleigh. "ASARCO ought to pay for to clean up 100 years of lead and arsenic in El Paso."

In letters sent to Environmental Protection Agency ([EPA Administrator Lisa Jackson](#), [U.S. Senator Frank Lautenberg](#) and [U.S. Congressman Edward Markey](#))—chairmen of the Senate's Subcommittee on Superfund, Toxics and Environmental Health, and the House's Subcommittee on Energy and Environment, respectively—Senator Shapleigh [asked that the federal government intervene in ASARCO's bankruptcy proceedings](#) and ensure that the EPA and the TCEQ make sure lead and other contaminants are cleaned up both onsite and in El Paso County neighborhoods.

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