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\$87 MILLION RECORD OSHA FINES TO BE ANNOUNCED**HEALTH AND SAFETY LAW ALERT**

The New York Times is reporting that self-described "New Sheriff," Secretary of Labor Hilda Solis, will announce an \$87 million OSHA fine against BP for failure to abate and willful and egregious violations at its Texas City Refinery, the site of a 2005 explosion that caused 15 deaths and 178 injuries. Reportedly, the fine is four times the size of any previous OSHA fine.

Six months after the explosion, BP entered into a settlement with OSHA in which it agreed to pay a \$21.3 million fine, then the largest in OSHA history. It also plead guilty to federal charges related to the explosion and agreed to pay \$50 million, the largest criminal fine ever assessed against a company for Clean Air Act violations. Those violations included failing to maintain the safe startup of processing units and the mechanical integrity of the refiner. Since the explosion, *The New York Times* reports that BP has settled more than 4,000 civil claims, paid from a \$2.1 billion fund it set aside to resolve claims.

Apparently, BP has not attended a Patton Boggs Liability Risk Reduction Seminar. Since the start of the Obama Administration we have been warning clients and friends that the New Sheriff and her deputies would change the way OSHA and MSHA do business, adopting aggressive new enforcement strategies. Given the announcements, speeches and history of Department of Labor appointees, it is no surprise that they are focusing on a "severe violators program," and returning to previously cited companies and facilities to determine if abatement took place and if new violations were prevented. Other new enforcement programs target specific industries, processes or substances. Advance preparation, including documented safety and health improvements, audits, training and advice from experienced safety and health law counsel, are critical in preventing the severe enforcement encountered by BP.

This client alert provides only general information and should not be relied upon as legal advice. For more information, contact your Patton Boggs LLP attorney or one of the lawyers listed below.

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