

U.S. Department of Justice Combines Environmental and Worker Safety Enforcement Functions

MARCH 25, 2016

The U.S. Department of Justice's (DOJ) Environmental and Natural Resources Division (ENRD) has recently taken on new responsibilities in the area of worker safety.

On December 17, 2015, DOJ announced the expansion of the Worker Endangerment Initiative, DOJ and U.S. Department of Labor's (DOL) joint plan to coordinate with the Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration, and Wage and Hour Division to investigate and prosecute worker endangerment violations. Under the expansion, the ENRD is authorized to prosecute worker safety law violations. That same day, the DOJ and DOL entered into a [Memorandum of Understanding \(MOU\)](#) regarding the criminal prosecution of worker safety laws. Under the MOU, ENRD's Environmental Crimes Section was named the primary point of contact and DOJ coordinator for policy matters arising under the MOU.

On March 15, 2016, Assistant Attorney General John Cruden spoke at the Environmental, Health, and Safety & Sustainability Roundtable, and his [comments](#) emphasized DOJ's increased focus on worker safety issues. Cruden reported that the DOJ is strengthening its efforts to pursue civil cases that involve worker safety violations under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Toxic Substances Control Act. Cruden noted that ENRD is coordinating with OSHA to develop settlement frameworks and demands for injunctive relief to ensure that redress of violations of pollution control statutes also protect workers faced with environmental and health risks. Cruden emphasized that each case referral is now reviewed for potential worker safety concerns and, where appropriate, worker safety issues are investigated and developed alongside alleged environmental violations. As a practical matter, a vice president or other corporate official responsible for safety, health, and environmental affairs can expect to see an ENRD attorney across the table in a federal enforcement action in any of those areas of responsibility.

DOJ's increased focus on worker safety issues is part of a larger federal law enforcement trend. U.S. EPA's recently announced [National Enforcement Initiatives](#), for instance, include a new initiative intended to address accidental releases at industrial and chemical facilities, an issue that, according to U.S. EPA, can pose significant risks to workers.

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