

HOW DEFENSIBLE IS YOUR EHS COMPLIANCE PROGRAM?

A robust environment, health and safety program is an essential building block to any sustainable business enterprise and, according to the experts, increases the reputation and market value of a company. Currently, U.S. industries spend over \$65 billion annually to comply with major federal EPA and OSHA regulations.

With ever larger civil and criminal environmental cases, and e-NGO citizen suit litigation and scrutiny accelerating, many companies are increasingly vulnerable to the risks of noncompliance and litigation.

Environmental accidents, security breaches, or unsafe working conditions pose enormous risks and liabilities putting entire work forces and operations at risk, including potential civil and criminal enforcement and reputational harm. Recent federal statistics reveal that environmental offenses made up nearly one-third (or 33.2 percent) of all crimes committed by organizations. (see attached graph)

It is because of these growing risks that companies must be more vigilant in ensuring that their EHS programs has all the requisite parts to be successful, and are performing at their best.

Earth & Water Group's legal and non-legal professionals have extensive experience working with clients to evaluate and custom build compliance programs, including training, best practices, auditing, security, performance metrics, and managing compliance data. Our expertise can help to ensure that your company's EHS and security programs are well designed and implemented to consistently produce the, high level results your business and customers demand and will withstand legal scrutiny.

Firms with strong positive reputations attract better people. They are perceived as providing more value, which often allows them to charge a premium. Their customers are more loyal and buy broader ranges of products and services. Because the market believes that such companies will deliver sustained earnings and future growth, they have higher price-earnings multiples and market values and lower costs of capital.

- Harvard Business Review, Feb. 2007

We have long thought that those who mistreat their employees by cutting corners on worker safety laws to maximize production and profit, may also cut corners on environmental compliance. - John Cruden, DOJ

And when EPA or OSHA shows up on your doorstep – whether as part of a routine or surprise inspection – Earth & Water Group can rapidly respond to advise and defend you in any subsequent enforcement action. Our team consists of former EHS executives who have built and run EHS programs, as well as former federal investigators who know the vulnerabilities of EHS compliance programs.

Earth & Water Group can provide an array of services that will ensure your EHS compliance program is performing at its best based on “good faith” efforts, the benchmark of any defensible program.

These services include:

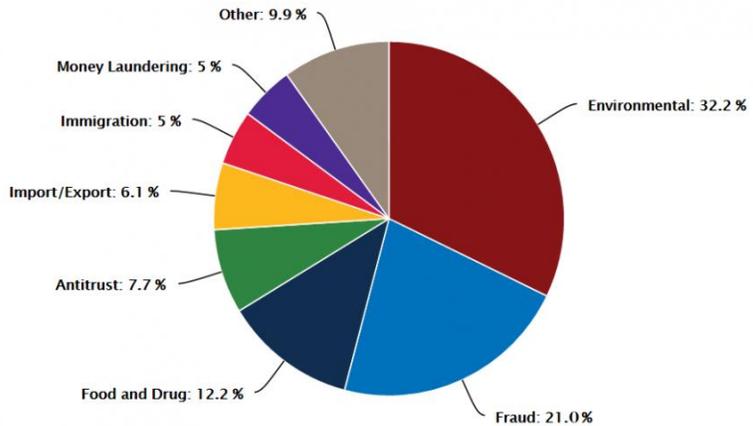
Compliance Reviews and Stress-Testing – Before the next EHS incident or security breach occurs or OSHA/EPA come knocking on your door, you need to be assured that your program is effective and legally defensible. Toward this end, our team of professionals routinely works with clients to build and stress test compliance programs, including tailoring our reviews to meet your needs whether it’s a limited desk-top review or full-blown assessment of your EHS policies, procedures, and personnel.

Internal Investigations – Whether conducting forensic investigations for a site cleanup or interviewing witnesses to assess potential employee wrongdoing, successfully pursuing a claim, investigating fraud and waste, or protecting our client’s business reputation depends upon a well-designed and thorough investigation. Our team has been involved in some of the country’s largest investigations and enforcement cases and EHS corporate turnarounds. We can put that experience to work for you.

Enforcement and Citizen Suit Defense – Our lawyers are also seasoned in defending clients from civil and criminal enforcement cases and third party citizen suits.

For more information contact Brent Fewell or Doug Parker at (202) 664-9297 or visit our website at www.earthandwatergroup.com.

Organizational Cases by Primary Offense FY 2015



Source: US Federal Courts, Dec. 2016