



The Departments of Justice and Labor Announce Plan to Prosecute More Employers

The Departments of Justice and Labor announced Thursday a plan to more effectively prosecute employers who put the lives and the health of workers at risk. Under the new plan, the Justice Department's Environment and Natural Resources Division and the U.S. Attorney's Offices will work with the Department of Labor's Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), and Wage and Hour Division (WHD) to investigate and prosecute worker endangerment violations.

"On an average day in America, 13 workers die on the job, thousands are injured and 150 succumb to diseases they obtained from exposure to carcinogens and other toxic and hazardous substances while they worked," said Deputy Attorney General Sally Quillian Yates. "Given the troubling statistics on workplace deaths and injuries, the Department of Justice is redoubling its efforts to hold accountable those who unlawfully jeopardize workers' health and safety."

"Safety and security in the workplace are a shared commitment. Workplace injuries and illnesses cause an enormous amount of physical, financial and emotional hardship for workers and their families, and underscore the urgent need for employers to provide a safe workplace for their employees," said Department of Labor Deputy Secretary Chris Lu. "Today's announcement demonstrates a renewed commitment by both the Department of Labor and the Department of Justice to utilize criminal prosecution as an enforcement tool to protect the health and safety of workers."

Starting last year, the Departments of Justice and Labor began meetings to explore a joint effort to increase the frequency and effectiveness of criminal prosecutions of worker endangerment

violations. This culminated in a decision to consolidate the authorities to pursue worker safety statutes within the Department's Environment and Natural Resource Division's Environmental Crimes Section. In a memo sent today to all 93 U.S. Attorneys across the country, Deputy Attorney General Yates urged federal prosecutors to work with the Environmental Crimes Section in pursuing worker endangerment violations. The worker safety statutes generally provide for only misdemeanor penalties. However, prosecutors have now been encouraged to consider utilizing Title 18 and environmental offenses, which often occur in conjunction with worker safety crimes, to enhance penalties and increase deterrence. Statutes included in this plan are the Occupational Safety and Health Act (OSH Act), the Migrant and Seasonal Agricultural Worker Protection Act, and the Mine Safety and Health Act (MINE Act).

In addition to prosecuting environmental crimes, the Environment and Natural Resources Division has also been strengthening its efforts to pursue civil cases that involve worker safety violations under statutes such as the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and the Toxic Substances Control Act. Violations of a number of provisions under these statutes can have a direct impact on workers tasked with handling dangerous chemicals and other materials, cleaning up spills and responding to hazardous releases.