Will Your Company Be Ready When the Next Disaster Hits?

Tips to Effectively Manage an Environmental Crisis

ACC Legal Quick Hit

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Today’s Speakers

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Overview of Today’s Presentation

- When An Environmental Crisis Hits, Steps to Take
  - Before
  - During
  - After

- Q&A
How to Prepare for Managing a Crisis

What Is A Crisis Management Plan?

When Should A Company Develop A Plan?
Factors to Consider When Drafting a Crisis Management Plan
Critical Elements of a Crisis Management Plan

- Crisis Management Team
- Emergency Action Plan
- Human Safety
- Containment
- Communication/Media Strategy
- Insurance Coverage
Designating Your Crisis Management Team

- Executives
- EHS/Risk Managers
- Plant Managers
Plan of Action

- Clear Assignment of Responsibility
- Identify Off-Site Location for Managing Crisis
- Notify Governmental Authorities
- Human Safety
- Containment
- Facilities and Equipment
- Communications/Social Media Policy
Notifications

• Keep a List of Individuals to be Notified
  ✓ Regulatory Authorities
    • EPA
    • State environmental authorities
    • Local environmental authorities
    • OSHA or state-run OSHA contact
    • Local fire and police
  ✓ Customers
  ✓ Third-Party Contractors
  ✓ Counsel
  ✓ Insurance Carriers
Human Safety
Public Relations/Media Strategy
Containment/ Protecting Facilities and Equipment

- Contain Environmental Harm
- Minimize Damage to Equipment
- Provide Instructions for Rapid Shutdown As Necessary
- Preserve Documents and Data
- Secure Private Employee and Company Information
After the Crisis

• Investigate Cause of Accident
• Gather Evidence and Interview Witnesses
• Preserve Data
Notify Insurance Carriers

- General Liability Policies
- Special Risk Policies
- Umbrella/Excess Policies
- Specialty Pollution Policies
Post-Crisis Regulatory Investigation
Avoiding Criminal Prosecution

• Maintain Good and Honest Relationship with Regulators Beforehand

• Identify Potential Targets in Criminal Investigation and Structure Legal Representation to Avoid Recusal
Don’t Waste a Good Crisis

- Look for Other Departments/Areas Lacking Proper Infrastructure

- Be Aware of Investigations Within Your Industry
Questions?

Thank You!

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