

JUSTICE NEWS

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The Departments of Justice and Labor Announce Expansion of Worker Endangerment Initiative to Address Environmental and Worker Safety Violations

Justice Department's Environment and Natural Resources Division Will Work with the Department of Labor and U.S. Attorneys for Broader Look at Environmental and Workplace Safety Crimes

In an effort to prevent and deter crimes that put the lives and the health of workers at risk, the Departments of Justice and Labor announced today a plan to more effectively prosecute such crimes. Under the new plan, the Justice Department's Environment and Natural Resources Division and the U.S. Attorneys' 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 of Justice'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 (MSPA) and the Mine Safety and Health Act (MINE Act).

"We have seen that employers who are willing to cut corners on worker safety laws to maximize production

and profit, will also turn a blind eye to environmental laws,” said Assistant Attorney General John C. Cruden for the Justice Department’s Environment and Natural Resources Division. “Working with our partners in the Department of Labor and law enforcement, we will remove the profit from these crimes by vigorously prosecuting employers who break safety and environmental laws at the expense of American workers.”

“Every worker has the right to come home safely. While most employers try to do the right thing, we know that strong sanctions are the best tool to ensure that low road employers comply with the law and protect workers lives,” said Assistant Secretary for Occupational Safety and Health Dr. David Michaels. “More frequent and effective prosecution of these crimes will send a strong message to those employers who fail to provide a safe workplace for their employees. We look forward to working with the Environment and Natural Resources Division to enforce these life-saving rules when employers violate workplace safety, workers’ health and environmental regulations.”

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.

For more information, visit: www.justice.gov/enrd/worker-endangerment/

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Worker Endangerment

Office of the Deputy Attorney General

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FMCSA Orders Shutdown of Ohio Trucking Company

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WASHINGTON – The U.S. Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA) has declared Jefferson, Ohio-based trucking company Garfield Trucking, LLC, USDOT No. 1882948, to be an imminent hazard to public safety and ordered that it immediately cease all intrastate and interstate operations.

On October 4, 2015, a commercial vehicle operated by Garfield Trucking was stopped for an unannounced roadside safety inspection in Missouri. A total of 43 safety violations were recorded during the inspection, including 13 out-of-service violations such as multiple instances of improperly adjusted or inoperable brakes, defective brake components, cracked frame rails, load securement violations, and falsified hours-of-service log books.

It was further discovered that Garfield Trucking had been operating in violation of two separate out-of-service orders, one of which dated back to October 2014.

On October 13, 2015, FMCSA safety investigators visited Garfield Trucking to conduct an unscheduled compliance review. The investigators observed an “out-of-business” announcement on the premises. The investigators left and also sent by express mail copies of a demand for access letter and an administrative subpoena for company documents.

Garfield Trucking has yet to provide FMCSA safety investigators with access to the subpoenaed documents.

Due to the denial of access, Garfield Trucking has been unwilling to produce proof to FMCSA that the company has a safety program. Garfield Trucking’s refusal to allow FMCSA access, its continued operation despite two out-of-service orders, its continued use of unsafe vehicles, and its failure to comply with hours-of-service regulations designed to prevent fatigued driving substantially increase the likelihood of serious harm to drivers, passengers, and the motoring public.

Violating an imminent hazard out-of-service order and operating without operating authority and a USDOT number may result in civil penalties up to \$60,000 as well as a criminal penalty, including a fine of up to \$25,000 and imprisonment not to exceed one year.

A copy of the imminent hazard out-of-service order can be viewed at <http://www.fmcsa.dot.gov/newsroom/Garfield-Trucki> [Submit Feedback >](#)