

Catastrophe Response Team



An Unexpected Event

You receive a phone call as you are preparing to leave the office and the news hits hard. An explosion has occurred at one of your plants, with employee fatalities and multiple hospitalized injuries. The explosion has knocked out the windows in nearby homes and businesses, and released a cloud of gas. The Fire Department's HAZMAT team is evacuating the area. Meanwhile, the fire rages on and may affect other crucial business operations. As you end the call you realize your business may never be the same again.

Would you know what to do if the call ever came? Who would you ask for assistance? What needs to be done in the next minute, hour, day, and week?

If you operate a chemical manufacturing or pharmaceutical plant, a power plant, steel mill, construction site or other heavy industrial facility, you should have emergency plans and procedures in place and you may have conducted disaster response drills. If you manufacture or use a chemical substance that requires special handling, you probably know a lot about that substance. If you operate a refrigeration system using ammonia, for instance, you know the odor threshold and the reportable quantity for an ammonia release. If you use chlorine for water purification, you know how to properly handle and store the material. Still, responding to an actual catastrophe situation is difficult and, because catastrophes are infrequent, dealing with the aftermath of a significant event may be a new experience for you.

Seyfarth Shaw's Catastrophe Response Team brings together decades of experience in Environmental, Safety, and Toxic Torts to assist clients to prepare for and respond to the legal aspects of crisis management:

- Facility fires and explosions
- Building and construction site collapses
- Catastrophic equipment and facility failures
- Environmental releases
- Workplace fatalities or multiple injuries
- Wind and weather related emergencies
- Threatened toxic tort actions
- Agency inspections

Managing the After-Effects

A catastrophic workplace event requires legal representation with demonstrated experience responding to various (and sometimes competing) regulatory, community, and business interests. Some of the governmental agencies that may be involved include:

- The U.S. Environmental Protection Agency (U.S. EPA)
- The Occupational Safety and Health Administration (OSHA)
- Mine Safety and Health Administration (MSHA)
- The U.S. Chemical Safety Board
- State, regional, or local emergency management agency
- The local emergency planning committee (LEPC)
- The state emergency response committee (SERC)
- The State Fire Marshal
- The local police and fire department
- The U.S. Department of Homeland Security

Coordinating a Multiple Stakeholder Response

At the same time you are responding to the emergency conditions, you will need to deal with some or all of these governmental stakeholders, as well as internal senior management, employees and families of injured or deceased employees, the media, suppliers and customers, lenders and insurers, and those people who will be able to get your facility up and running again as quickly as possible.

A coordinated response may include:

- Providing emergency release reports
- Coordinating employee/witness interviews by governmental agencies
- Managing investigations and protocols of multiple agencies
- Conducting your own internal investigation
- Notifying insurers



- Arranging for business continuity
- Maintaining records and managing documents
- Preserving evidence
- Working with experts
- Managing external media, family, and co-worker reaction to the catastrophe
- Preparing for potential litigation
- Managing relationships with landlords or adjacent property owners

With years of experience, our Catastrophe Response Team is uniquely positioned to provide comprehensive support to companies dealing with the aftermath of a workplace catastrophe. Team members meet regularly to share best practices for accident prevention and response, helping to ensure our clients effectively manage these issues while minimizing associated litigation risks.

For more information, please contact your Seyfarth Shaw attorney or one of the Catastrophe Response Team attorneys on our website at www.seyfarth.com.

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