

US Charges Company Executives in West Virginia Chemical Spill



Some people and groups, particularly unions, feel that company executives are too often let off the hook when there's been a serious workplace safety incident or environmental disaster. This sentiment can be heard both in Canada and across the border in the US. But a recent US indictment relating to a major environmental spill may keep members of senior management up at night.

In Jan. 2014, a leak from chemical tanks contaminated the Elk River and left 300,000 residents around West Virginia's capital without usable water for drinking and bathing for days. According to health officials, more than 400 people were treated for symptoms that patients said came from exposure to the chemical, known as MCHM.

In Dec. 2014, the government announced the indictment of the chemical company Freedom Industries as well as four former company owners/executives, an environmental consultant and a plant manager. (Freedom filed for bankruptcy protection eight days after the leak.)

The indictment accuses the corporate officers of approving "funding only for those projects that would result in increased business revenue for Freedom or that were necessary to make immediate repairs to equipment that was broken or

about to break.”

Executives ignored or failed to fund other projects to repair, maintain and improve equipment and systems needed for compliance with environmental regulations.

U.S. Attorney General Eric Holder said in a statement that the tank conditions at Freedom Industries “were not only grievously unacceptable, but unlawful. They put an entire population needlessly at risk. As these actions make clear, such conduct cannot, and will not, be tolerated.”

U.S. Attorney Booth Goodwin added, “This spill was completely preventable’If we don’t want it to happen again, then we have to make it crystal clear that those who will commit violations like this are held accountable.”

Canada has also recently gotten aggressive in punishing environmental violators’just look at the [record \\$7.5 million penalty](#) just imposed for the breach of a tailings pond dam. But once again, that penalty was imposed on the company itself’no company executives were charged.