

**Administration Budget for 2010 Signals Expanding Environmental and Workplace Safety Enforcement**

**May 11, 2009**

The Obama administration’s budget, publicly released on May 7, includes \$10.5 billion for the U.S. Environmental Protection Agency (EPA), the largest budget allocation for the agency in its 39-year history. Under the proposed budget, EPA will dedicate \$600 million to the agency’s civil and criminal enforcement program, a \$32 million increase over last year. The funding increase would allow EPA to add approximately 30 members to its criminal and civil enforcement staff. The Department of Justice’s (DOJ’s) Environment and Natural Resources Division (ENRD) would also receive additional funding to augment its enforcement staff, focusing on criminal and civil air and water pollution violations.

President Obama’s nomination of Cynthia Giles, a former federal prosecutor and attorney with a public-interest environmental advocacy organization, to head EPA’s enforcement division further demonstrates the administration’s focus on environmental enforcement. Companies should expect intensified governmental attention on environmental compliance and increasing criminal and civil investigations.

In a related development, the budget also includes significant new resources related to workplace safety enforcement. The ENRD would receive increased budget support for its “worker endangerment” initiative. Under this initiative, DOJ and EPA environmental enforcement staff have sought to increase coordination and overlap of their environmental investigations with the inspections and investigations of Occupational Safety and Health Administration (OSHA) officials. OSHA is also slated to receive a significant budget increase, sufficient to hire an additional 160 new enforcement staff.

EPA also intends to devote \$184 million to Superfund enforcement. Under the Superfund program, companies and individuals who are now and have in the past been in compliance with applicable environmental laws nonetheless can be held financially responsible for the cleanup of contaminated sites.

For more information on the issues discussed in this LawFlash, please contact any of the following Morgan Lewis attorneys:

**Washington, D.C.**

Ronald J. Tenpas	202.739.5435	<a href="mailto:rtenpas@morganlewis.com">rtenpas@morganlewis.com</a>
Mark A. Srere	202.739.5049	<a href="mailto:msrere@morganlewis.com">msrere@morganlewis.com</a>
Amy J. Conway-Hatcher	202.739.5953	<a href="mailto:aconway-hatcher@morganlewis.com">aconway-hatcher@morganlewis.com</a>
Jonathan L. Snare (OSHA issues)	202.739.5446	<a href="mailto:jsnare@morganlewis.com">jsnare@morganlewis.com</a>

**Philadelphia**

Eric Kraeutler	215.963.4840	<a href="mailto:ekraeutler@morganlewis.com">ekraeutler@morganlewis.com</a>
John J. McAleese III	215.963.5094	<a href="mailto:jmcaleese@morganlewis.com">jmcaleese@morganlewis.com</a>
Dennis J. Morikawa (OSHA issues)	215.963.5513	<a href="mailto:dmorikawa@morganlewis.com">dmorikawa@morganlewis.com</a>

**Chicago**

Nina G. Stillman (OSHA issues)	312.324.1150	<a href="mailto:nstillman@morganlewis.com">nstillman@morganlewis.com</a>
--------------------------------	--------------	--------------------------------------------------------------------------

For additional contacts and further information about our services involving the above-referenced areas—specifically those involving criminal and OSHA enforcement—please see the firm’s website at <http://www.morganlewis.com/environmentalcrimes>.

**About Morgan, Lewis & Bockius LLP**

Morgan Lewis is an international law firm with more than 1,400 lawyers in 22 offices located in Beijing, Boston, Brussels, Chicago, Dallas, Frankfurt, Harrisburg, Houston, Irvine, London, Los Angeles, Miami, Minneapolis, New York, Palo Alto, Paris, Philadelphia, Pittsburgh, Princeton, San Francisco, Tokyo, and Washington, D.C. For more information about Morgan Lewis, please visit [www.morganlewis.com](http://www.morganlewis.com).

This LawFlash is provided as a general informational service to clients and friends of Morgan, Lewis & Bockius LLP. It should not be construed as, and does not constitute, legal advice on any specific matter, nor does this message create an attorney-client relationship. These materials may be considered Attorney Advertising in some states. Please note that the prior results discussed in the material do not guarantee similar outcomes.

© 2009 Morgan, Lewis & Bockius LLP. All Rights Reserved.

