

Botched Arkema Trial Shows Enviro Crimes a Tough Sell

Media Mentions

October 02, 2020 | *Law360* | 1 minute read | Houston

Bracewell's **Kevin Collins** discussed with *Law360* reporter Michelle Casady how Texas prosecutors failed to hold Arkema Inc. and its executives criminally liable for chemical releases that happened during Hurricane Harvey.

Collins called it a case of "Monday morning quarterbacking" and said the state's case against Arkema was an example of the criminalization of process safety.

"Just think about all the things that had to go wrong for the peroxide to explode," Collins said, noting that the temperature-controlled building lost power, transformers and backup generators failed, and a crew of Arkema employees remained on-site trying to contend with rising floodwaters while making safety decisions.

"And then the government comes back after the fact and — based on poor presentation of evidence regarding what another company did — gets indictments. That crosses a line," he said. "That's not what our prosecutors should be trying to do."

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