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PIPELINE EMERGENCY RESPONSE



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Fox Rothschild's Energy Emergency Response Team possesses unique, real-world experience in helping pipeline operators and other energy companies handle the aftermath of explosions, leaks and other emergencies. We assist with navigating National Transportation Safety Board (NTSB) investigations, complying with Pipeline and Hazardous Materials Safety Administration (PHMSA) notification and reporting requirements and Corrective Action Orders, interfacing with state and local authorities, and external and internal messaging.

The agencies that descend following a major accident come with their own expectations, laws and personnel. Minimizing the severity of NTSB findings, as well as limiting regulatory action, civil liability, criminal liability and negative attention from the media and politicians requires a legal team that can leverage its experience to minimize the disruption to your operations. The fast-paced nature of an emergency response is not a time for your attorney to learn on the job.

We have represented companies in dozens of major NTSB investigations. Although we will assist in any way we are needed, typically we are on-site immediately to:

- Counsel leadership on all aspects required to brief boards and stakeholders
- Advise as to how the NTSB conducts its investigations, what powers NTSB investigators have, and what rights the company's executives and employees possess
- Ensure the emergency response plan is being followed and key personnel have been notified
- Assist with required National Emergency Response Center notifications

- Help select and brief the employees who will serve the Party Coordinator role and represent the company in various NTSB working groups
- Prepare and represent witnesses in NTSB interviews
- Identify evidence to preserve
- Review press releases, statements in response to media inquiries and, more broadly, develop and help implement a public relations strategy
- Deal with internal messaging and employment issues
- Implement document collection procedures
- Analyze key issues in operations, integrity management, maintenance, and compliance

After the field phase of the investigation, we will assist in reviewing and making proposed revisions to NTSB interview transcripts, factual reports, testing protocols and company reports to PHMSA. If the NTSB decides to hold a public hearing, we will help prepare the company's witnesses and presentations and will represent the company at the hearing. Prior to the NTSB's adoption of a final report, we can coordinate meetings between the company and individual board members. Throughout the investigation, we will also advise the company as to the impact the NTSB investigation might have on related investigations and how other investigations affect the NTSB proceedings.

We have authored for our clients an Emergency Response Handbook that will assist with all aspects of your emergency response. Although it is a useful reference following an accident, it is even more useful as a guide to developing an emergency response plan. After an accident is not the time to meet your attorney or NTSB personnel for the first time. Give us a call and we will make sure you are properly prepared.

We also defend companies from accident-related claims, including wrongful deaths, toxic tort, personal injuries, property damage, cargo and freight claims, business interruption and products liability.

Representative experience includes:

- The San Bruno pipeline explosion (NTSB)
- The Sissonville pipeline rupture (NTSB)
- The Centreville pipeline leak (NTSB)
- Oil refinery explosion (Litigation)
- Defense of class action toxic tort arising from gas release (Litigation)
- Oil rig accident (Litigation)
- Alaska Airlines Flight 261 Accident (Litigation)
- US Airways Flight 427 Accident (Litigation)
- Colgan Air Flight 3407 Accident (NTSB)
- Virgin Galactic Spaceship Two Accident (NTSB)
- US Airways "Miracle on the Hudson" (NTSB)

Our team has developed productive relationships with officials and staff members at the NTSB. Over the last 30 years, our team has represented clients in nearly every major airline accident investigation conducted by the NTSB and over the last 10 years has represented pipeline companies in NTSB investigations resulting from pipeline leaks and explosions.

We assist with emergency response plans, coordinating pre-accident meetings with NTSB personnel, preparing witnesses for state and federal hearings, representing companies in post-accident meetings with NTSB board members, drafting submissions to NTSB, raising legal issues with NTSB general counsel's office, protecting trade secrets and proprietary information and otherwise everything required to protect our clients in the fast-paced and consequential post-accident legal environment.