



# BP and Its Brethren

Identifying the Largest Violators  
of Environmental, Health and Safety Laws  
in the United States

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of Environmental, Health and Safety  
Laws in the United States

*by Philip Mattera*

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Corporate Research Project of Good Jobs First  
1616 P Street NW, Suite 210  
Washington, DC 20036  
202-232-1616  
[www.corp-research.org](http://www.corp-research.org)  
[www.goodjobsfirst.org](http://www.goodjobsfirst.org)

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# EXECUTIVE SUMMARY

Eight large corporations and their subsidiaries have each been penalized more than \$1 billion for environmental, health and safety cases brought by the federal government since 2010. Thirty-two more parent companies have been assessed \$100 million or more in such penalties. The list is dominated by BP, whose \$25 billion total—mostly relating to the 2010 Deepwater Horizon catastrophe—far exceeds that of any other company.

These are some of the key findings that emerge from the data collected for Violation Tracker, a new online database of corporate misconduct created by the Corporate Research Project of Good Jobs First, which can be found at [violationtracker.org](http://violationtracker.org).

This initial version of Violation Tracker includes approximately 100,000 entries combined from the disparate records of the Environmental Protection Agency, the Occupational Safety & Health Administration and a dozen other environmental and health and safety agencies. It also includes settlements and verdicts in cases referred by those agencies to the Justice Department. The penalties we examine, which include both civil and criminal cases with penalties of at least \$5,000, add up to about \$60 billion.

Using a proprietary system of parent-subsidiary matching developed by Good Jobs First for our Subsidy Tracker database, we enhanced the data by matching the companies named in the violations to their current ultimate corporate parents. This allows us to generate aggregate penalty totals for more than 1,600 parents. Our matched-parent entries in Violation Tracker

account for 95 percent of the total dollar value of the penalties in the dataset.

Other findings from the Violation Tracker data:

- BP's \$25 billion total puts oil and gas at the top of the ranking of total penalties by industry. The pharmaceutical industry is second, due to a series of major cases involving the promotion of medications for “off-label” uses not approved as safe by the Food and Drug Administration. Utilities rank third, due to cases involving power plant emissions. In fourth place is the auto industry, thanks mainly to a \$1.2 billion penalty paid by Toyota and a \$900 million fine against General Motors, both for safety issues. The chemical industry, with a wide range of violations, is fifth.
- Large corporations are responsible for the vast majority of the penalties. Companies on the Fortune 500 and the non-U.S. portion of the Fortune Global 500 account for 81 percent of the total dollar value of our penalty universe.
- Foreign companies operating in the United States account for a large share of violations. In fact, given that BP is one of those foreign

parents, the penalty total for that group is *larger* than for U.S.-based firms: \$34 billion vs. \$21 billion. Even without BP, foreign parents (not including those reincorporated abroad for tax reasons) account for \$9 billion in penalties.

- There are substantial overlaps between the companies penalized by the different agencies, especially between EPA and OSHA. Some parent companies show up on more than one of the agency lists of the top-ten most-penalized firms. BP shows up on four: EPA, OSHA, the Pipeline & Hazardous Materials Safety Administration, and the multi-agency cases handled by the Justice Department. Berkshire Hathaway, via various subsidiaries, appears on three lists.
- Some big regulatory violators have also received economic development incentives. A comparison of the 100 parents with the most penalties in Violation Tracker to the 100 highest-dollar parents in our Subsidy Tracker database finds 16 overlaps, mainly automakers such as Toyota and General Motors.
- Along with actual foreign companies, the most penalized parents include some companies that have “inverted” (reincorporated or merged abroad) and thus claim to be foreign to dodge U.S. taxes. The tax runaway company with the largest penalty total is Transocean, which leased the ill-fated Deepwater Horizon drilling rig to BP and which had to pay a total of \$1.4 billion in penalties in connection with the disaster.
- Leading federal contractors are also among the most-penalized companies. Of the 100 largest federal contractors in FY2014, ten are also among the biggest penalty parents in Violation Tracker. Four are pharmaceutical manufacturers (GlaxoSmithKline, Merck, Pfizer and Sanofi); two are oil and gas giants (Royal Dutch Shell and Exxon Mobil) and three are big military contractors (Honeywell, General Electric and Boeing). Conglomerate Berkshire Hathaway is also on the list.
- Not all large corporations are major violators. Among Fortune 50 firms, there are 21 with environmental, health and safety penalties below \$50,000; no penalties were found for 11 of the 21. Such companies are predominantly in financial services, information technology, retail and wholesale. The one goods-producing company on the list is Apple, but it famously does nearly all its manufacturing offshore and thus outside the jurisdiction of U.S. regulators.

Taking the example of BP, which had major safety scandals even before Deepwater Horizon, we raise the question of whether escalating penalties are having the intended deterrent effect. We argue for a serious national examination of what needs to be done to curb corporate misconduct.

## **VIOLATION** **TRACKER**

Full Violation Tracker data can be found at [violationtracker.org](http://violationtracker.org).

# INTRODUCTION: TRACKING THE VIOLATORS

Volkswagen is discovered to have installed software in its diesel cars to circumvent federal emissions controls. General Motors pays \$900 million to settle allegations that it failed to report a safety defect linked to more than 100 deaths. BP pays \$20 billion to settle the remaining government civil claims relating to the 2010 Deepwater Horizon disaster in the Gulf of Mexico, on top of \$4 billion previously paid to settle criminal charges. Citizens Bank is fined for pocketing the difference when customers mistakenly filled out deposit slips for amounts lower than the sums actually transferred. DuPont is put on a list of “severe violators” for safety lapses linked to an explosion at a pesticide plant in Texas that killed four workers.

Just about every day there is a new case of corporate malfeasance—bribery, tax evasion, price-fixing, defrauding of government or consumers, environmental violations, unfair labor practices and much more. Given the frequency of these scandals, it is difficult to keep track of which corporation has done what. Yet we have to try, and that is the mission of Violation Tracker.<sup>1</sup>

The attempt to tabulate corporate misbehavior has a long history, dating back to Edwin Sutherland’s 1949 book *White Collar Crime*, which was updated by Marshall Clinard and Peter Yeager’s 1980 work *Corporate Crime*.<sup>2</sup>

Around the same time as the latter work, Milton Moskowitz, Michael Katz and Robert

Levering published *Everybody’s Business: The Irreverent Guide to Corporate America*, which shifted from statistical summaries of corporate misconduct to profiles of the track records of individual companies.<sup>3</sup> They compiled their information with the help of two pioneering research organizations: the Data Center and the Council on Economic Priorities, both of which also produced a great deal of background information on companies for activist groups and corporate accountability organizations. Similar work also appeared in the pages of *Multinational Monitor*, which was founded by Ralph Nader and his associates in 1978, and *Corporate Crime Reporter*, a newsletter published by Russell Mokhiber since 1987.<sup>4</sup>

The author of the current study sought to continue the tradition of critical corporate profiles in his 1992 book *World Class Business: A Guide to the 100 Most Powerful Global Corporations*.<sup>5</sup>

By the mid-1990s, corporate backgrounding had moved to the internet. The website Hoover’s began providing handy profiles of companies, though its focus was not on misconduct. The latter was emphasized much more on the website CorpWatch, which in 1996 began publishing articles, corporate profiles and other material on giant corporations.<sup>6</sup> In 2002 the Project On Government Oversight (POGO) launched the Federal Contractor Misconduct Database, which documents litigation and regulatory violations involving the largest contractors for the U.S. government.<sup>7</sup>

In 2007 CorpWatch, along with the Corporate Research Project of Good Jobs First and the Center on Corporate Policy, launched Crocodyl, a site designed to be a Wikipedia-type collection of critical profiles of major corporations from around the world. Crocodyl continued that effort for several years but is no longer being published.

In 2012 the Corporate Research Project, whose mission is to create research tools for those working on corporate accountability, sought to pick up where Crocodyl had left off. We launched a series of “Corporate Rap Sheets,” which provide narrative summaries of the misconduct records of major corporations. There are now 70 of these dossiers available.<sup>8</sup>

Creating an official federal government version of the POGO contractor misconduct database is the intention of the Federal Awardee Performance and Integrity Information System, but the content of FAPIIS is still quite limited.<sup>9</sup>

Violation Tracker is designed to go beyond the Corporate Rap Sheet focus on a limited number of the worst violators and the POGO/FAPIIS focus on federal contractors. It aims to provide access to information on serious regulatory infractions and other violations involving all private-sector entities operating in the United States, whether the company is domestic or foreign, publicly traded or privately held. In its initial version, Violation Tracker covers environmental, health and safety cases involving penalties of \$5,000 or more initiated since the beginning of 2010 by the following 13 agencies:

- Bureau of Safety and Environmental Enforcement
- Consumer Product Safety Commission
- Energy Department Office of Enforcement
- Environmental Protection Agency

- Federal Aviation Administration
- Federal Motor Carrier Safety Administration
- Federal Railroad Administration
- Food and Drug Administration
- Mine Safety & Health Administration
- National Highway Traffic Safety Administration
- Nuclear Regulatory Commission
- Occupational Safety & Health Administration
- Pipeline and Hazardous Materials Safety Administration

It also contains information on settlements or verdicts obtained by the Justice Department in cases referred to it by these agencies as well as a limited number of environmental cases referred by four other agencies:

- National Oceanographic and Atmospheric Administration
- U.S. Coast Guard
- U.S. Department of Agriculture
- U.S. Fish and Wildlife Service

Using a proprietary system of parent-subsidary matching developed by Good Jobs First for our Subsidy Tracker database, Violation Tracker matches the companies named in the individual agency records to their ultimate parents, allowing users to see the full scope of the violations associated with major corporations. What follows are some patterns that emerge from an analysis of the more than 1,600 parents we identified.



# FINDINGS: THE LARGEST VIOLATORS AND THEIR CHARACTERISTICS

## The Top Tier

Just 1,633 parent companies account for a total of \$57.5 billion in environmental, health and safety penalties in cases brought since the beginning of 2010 by 13 federal agencies or the Department of Justice. These parents are large corporations, regardless of penalty amount, and smaller firms with penalty amounts of \$500,000 or more. Other smaller companies account for about another \$2 billion.\*

During the period since 2010, eight parent companies and their subsidiaries have each been penalized more than \$1 billion. Another dozen parents have paid between \$500 million and \$1 billion, and 20 others racked up penalties between \$100 million and \$499 million. All told, then, 40 parent companies have penalties of \$100 million or more (Table 1).

It comes as no surprise that the list is topped by BP, with \$25 billion in total penalties. Three weeks before this report is being published, the Justice Department announced that BP would pay a record-breaking \$20.8 billion to settle the remaining federal and state government civil claims relating to its role in the 2010 Deepwater Horizon disaster in the Gulf of Mexico.<sup>10</sup> In 2012, BP had to pay \$4 billion to settle related criminal charges.<sup>11</sup>

\* Violation Tracker includes only penalties of \$5,000 or more, and company penalty totals are adjusted for the fact that EPA records list overall settlement amounts for multi-facility settlements in the entries for each of the company's locations.

**Table 1. Parent Companies with \$100 Million or More in Environmental, Health and Safety Penalties Since the Beginning of 2010**

Rank	Parent Company	Penalty Total
1	BP	\$25,394,091,789
2	Anadarko Petroleum	\$5,151,339,071
3	GlaxoSmithKline	\$3,750,839,650
4	Johnson & Johnson	\$2,392,753,043
5	Abbott Laboratories	\$1,500,000,000
6	Transocean	\$1,400,040,000
7	Toyota	\$1,266,214,250
8	Alliant Energy	\$1,018,102,250
9	Merck	\$1,018,102,250
10	General Motors	\$936,388,294
11	Mosaic	\$810,837,543
12	Allergan	\$764,169,410
13	Amgen	\$762,005,400
14	Hovensa	\$705,530,000
15	NiSource	\$613,592,435
16	Pfizer	\$563,357,650
17	AstraZeneca	\$520,000,000
18	Alpha Natural Resources	\$510,471,236
19	Westar Energy	\$509,000,000
20	Sun Pharmaceuticals	\$500,000,000
21	Novartis	\$422,569,368
22	Boston Scientific	\$326,012,000
23	WEC Energy Group	\$310,621,475
24	Tronox	\$270,535,122
25	NRG Energy	\$267,886,671
26	Hecla Mining	\$264,810,974
27	Endo International	\$237,700,000
28	Hyundai Motor	\$221,094,000
29	LafargeHolcim	\$212,469,752
30	Consol Energy	\$206,189,160
31	Perrigo	\$203,036,980
32	CF Industries	\$194,035,811
33	Kia Motors	\$160,509,180

Rank	Parent Company	Penalty Total
34	Dairyland Power Cooperative	\$155,950,000
35	Murphy Oil	\$144,922,539
36	Royal Dutch Shell	\$127,414,956
37	Saint-Gobain	\$116,929,792
38	Duke Energy	\$112,150,534
39	Fiat Chrysler Automobiles	\$105,182,946
40	SunCoke Energy	\$103,858,334

Also high on the list is Transocean—the company from which BP leased the ill-fated offshore drilling rig—as a result of two settlements totaling \$1.4 billion it reached with the Justice Department in 2013 on civil and criminal charges.<sup>12</sup> The 2010 disaster has generated an unprecedented level of corporate penalties.

Another oil company ranks second on the list. Earlier this year, the Justice Department announced that a final settlement worth \$5.15 billion had been reached with Anadarko Petroleum to settle claims related to years of toxic dumping by Kerr-McGee, which Anadarko acquired in 2006.<sup>13</sup> Kerr-McGee had tried to offload its liabilities by spinning off a business called Tronox, which went bankrupt but survived. Yet a federal court found Kerr-McGee, and thus Anadarko, responsible for the messes at more than 2,000 sites.<sup>14</sup>

Also in the top group are three drug companies that reached expensive settlements with the Justice Department in cases involving the marketing of prescription drugs for unapproved or “off-label” uses, a practice that federal regulators regard as a safety violation.

In 2012 GlaxoSmithKline pled guilty to three criminal counts and agreed to pay \$3 billion to resolve allegations concerning the unlawful promotion of Paxil and Wellbutrin, failure to report certain safety data to the Food and Drug

Administration, and false price reporting.<sup>15</sup> The following year, Johnson & Johnson and its subsidiaries had to pay \$2.2 billion to settle criminal and civil liability arising from the marketing of three drugs for uses not approved as safe and effective by the FDA.<sup>16</sup> Abbott Laboratories had to pay \$1.5 billion to settle a similar case.<sup>17</sup>

If our coverage began a year earlier, two other pharmaceutical companies would be in the top ten: In 2009 Pfizer had to pay \$2.3 billion and Eli Lilly \$1.4 billion in their own cases for marketing drugs for uses not approved as safe.<sup>18</sup>

Two other companies are in the billion-dollar group. Toyota ended up there as the result of a case last year in which it had to pay \$1.2 billion as part of a deferred prosecution agreement covering charges that it misled regulators and the public about the problem of unintended acceleration.<sup>19</sup>

Rounding out the billion-dollar group is Alliant Energy, whose subsidiary Wisconsin Power and Light entered into a 2013 agreement with the EPA and the Justice Department under which it agreed to spend more than \$1 billion on new pollution control technology in addition to paying a civil penalty of \$2.45 million (we treat such spending obligations as part of our penalty totals).<sup>20</sup>

In all likelihood, the billion-dollar group will soon be joined by Volkswagen on account of the scandal over its efforts to circumvent federal emission standards. VW’s chief executive admitted that the \$7 billion it had set aside for resolution of the case “will not be enough.”<sup>21</sup>

The dozen companies with total penalties between \$500 million and \$1 billion include six more pharmaceutical firms (Merck, Allergan, Amgen, Pfizer, AstraZeneca and Sun

Pharmaceuticals), two utilities (NiSource and Westar Energy), and one each from four other industries: automobiles (General Motors), chemicals (Mosaic), oil and gas (Hovensa) and mining (Alpha Natural Resources).

## Largest Individual Penalties

The parent totals above may consist of a single, large case or hundreds of smaller penalties. Cases that are referred to the Justice Department tend to yield much larger penalty results than those handled administratively. While the parent totals are more significant, it is worth examining the largest individual penalties. Table 2 shows the top ones.

**Table 2. Largest Penalties in Individual Environmental, Health and Safety Cases Since 2010**

Parent Company	Case Penalty	Agency
BP	\$20,800,000,000	Justice Department multi-agency case
Anadarko Petroleum	\$5,150,000,000	EPA referral to DOJ
BP	\$4,000,000,000	Justice Department multi-agency case
GlaxoSmithKline	\$3,000,000,000	FDA referral to DOJ
Johnson & Johnson	\$2,200,000,000	FDA referral to DOJ
Abbott Laboratories	\$1,500,000,000	FDA referral to DOJ
Toyota	\$1,200,000,000	NHTSA referral to DOJ
Alliant Energy (Wisconsin Power and Light)	\$1,010,950,000	EPA referral to DOJ
Transocean	\$1,000,000,000	EPA referral to DOJ
Merck	\$950,000,000	FDA referral to DOJ
General Motors	\$900,000,000	NHTSA referral to DOJ
Mosaic	\$810,200,000	EPA referral to DOJ
GlaxoSmithKline (SB Pharmco Puerto Rico)	\$750,000,000	FDA referral to DOJ
Hovensa	\$705,375,000	EPA referral to DOJ
Allergan	\$600,000,000	FDA referral to DOJ
AstraZeneca	\$520,000,000	FDA referral to DOJ
Westar Energy	\$509,000,000	EPA referral to DOJ
Sun Pharmaceuticals (Ranbaxy USA)	\$500,000,000	FDA referral to DOJ

## Industry Breakdown

BP's \$25 billion total puts oil and gas at the top of the ranking of total penalties by industry (Table 3). The slew of large off-label marketing cases puts the pharmaceutical industry in second place, and cases such as the Alliant Energy one cited above put utilities third. Motor vehicles are fourth most penalized, thanks to Toyota's big unintended acceleration case plus the \$900 million General Motors had to pay this year to resolve allegations that it concealed a safety defect linked to more than 100 deaths.<sup>22</sup>

**Table 3. Industries with the Most Environmental, Health and Safety Penalties Since 2010**

Rank	Industry	Penalty Total
1	Oil & Gas	\$31,886,188,359
2	Pharmaceuticals	\$12,681,411,625
3	Utilities & Power Generation	\$3,229,013,800
4	Motor Vehicles	\$2,880,458,181
5	Chemicals	\$1,697,808,485
6	Oilfield Services & Supplies	\$1,419,290,485
7	Mining & Minerals	\$1,155,386,529
8	Building Materials	\$434,049,882
9	Medical Equipment & Supplies	\$407,599,776
10	Diversified	\$373,663,012
11	Retailing	\$157,463,256
12	Paper & Packaging	\$148,918,252
13	Miscellaneous Energy Products & Systems	\$144,244,533
14	Food Products	\$128,001,144
15	Freight & Logistics	\$108,344,863

Note: Includes only those entries matched to a parent company.

In fifth place is the chemical industry, with nearly half of its total coming from the \$800 million settlement Mosaic Fertilizer recently reached with EPA and the Justice Department to resolve allegations concerning its handling of hazardous waste at eight facilities in Florida and Louisiana.<sup>23</sup> Under that settlement, Mosaic must set up a \$630 million trust fund, spend \$170

million on environmental projects, and pay a \$5 million civil penalty.

Next is oilfield services, whose total consists largely of Transocean's \$1.4 billion Deepwater Horizon settlements cited above.

The last of the industries with a penalty total in excess of \$1 billion is mining and minerals. The biggest contributor to this total, with \$510 million in penalties, is coal miner Alpha Natural Resources. Alpha acquired the controversial mining firm Massey Energy, which was heavily penalized for its 2010 Upper Big Branch mining disaster in West Virginia that took the lives of 29 workers, the most fatalities in a U.S. coal accident in 40 years. Its other operations have also been frequently cited by the Mine Safety & Health Administration. Other miners with big penalty totals include Hecla and Consol Energy.

A word should be said here about two of our other industry categories: diversified, which has a total of \$373 million in penalties and includes conglomerates such as Berkshire Hathaway; and private equity firms, whose portfolio companies account for \$31 million in penalties. If they were independent, the individual companies owned by these parents would be placed in other industry groups, increasing their totals.

## Parent Company Size and Ownership

Given the findings presented so far, it is apparent that the companies with the largest penalty totals are giant corporations. To make the point clearer, we have identified which of our 1,633 parents are among the best-known groupings of large companies.

The Fortune 500 accounts for 330 Violation Tracker parents with total penalties of \$16.4 billion, while the Forbes list of the largest U.S. private companies accounts for 90 parents with total penalties of \$118.9 million. Together, these 420 companies account for 28 percent of the total penalties in our parent universe.

The non-U.S. portion of the Fortune Global 500 list accounts for another 89 parents with total penalties of \$32.3 billion (BP is part of that group). Thus, just 509 parent companies account for \$48 billion, or 81 percent of our total penalty universe.

It's clear that large corporations account for the overwhelming majority of environmental, health and safety penalties — though that predominantly means publicly traded not privately held firms. The privately held parent with the most penalties is Renco, at \$76 million. Renco is the parent of Doe Run Resources, which in 2010 was hit with a \$7 million penalty and compelled to spend \$65 million to correct environmental problems at its lead mining, milling and smelting operations in Missouri.<sup>24</sup>

## Geographic Breakdown

Foreign companies operating in the United States account for a large share of violations. In fact, given that BP is one of those foreign parents, the penalty total for that group is *larger* than for U.S.-based firms: \$34 billion vs. \$21 billion. Even without BP, foreign parents account for more than \$9 billion in penalties. Table 4 shows the largest of this group. Both the geographical breakdown in this paragraph and the table exclude parents that have reincorporated abroad for tax reasons; they are discussed on page 16.

**Table 4. Foreign Parents with the Most Environmental, Health & Safety Penalties Since 2010**

Parent Company	Case Penalty	Home Country
BP	\$25,394,091,789	Britain
GlaxoSmithKline	\$3,750,839,650	Britain
Toyota	\$1,266,214,250	Japan
AstraZeneca	\$520,000,000	Britain
Sun Pharmaceuticals	\$500,000,000	India
Novartis	\$422,569,368	Switzerland
Hyundai Motor	\$221,094,000	South Korea
LafargeHolcim	\$212,469,752	Switzerland
Kia Motors	\$160,509,180	South Korea
Royal Dutch Shell	\$127,414,956	Netherlands
Saint-Gobain	\$116,929,792	France
Fiat Chrysler Automobiles	\$108,682,946	Britain

Thanks to BP, Britain accounts for far more penalties (\$29.8 billion) than any other parent home country. Second is Japan with \$1.5 billion, followed by Switzerland with \$642.9 million (again excluding firms that reincorporated abroad for tax reasons).

Given that many of the violation records we obtained from federal agencies do not include facility locations, it is not possible to provide a comprehensive breakdown by state. Yet we can show the geographic distribution of penalties based on the location of domestic parent company headquarters.

The state with the heaviest concentration of penalized parents is Texas, with a total of \$5.6 billion, thanks mainly to the fact that Anadarko is based there. Second is New Jersey, with \$3.7 billion, due largely to Johnson & Johnson and Merck. Table 5 shows the top dozen states or territories. The Virgin Islands make the list because they contain the headquarters of Hovensa, an oil and gas joint venture owned 50-50 by Hess and PDVSA.

**Table 5. States or Territories where the Parent Companies with the Most Environmental, Health & Safety Penalties Since 2010 are Headquartered**

Rank	State or Territory	Total Penalties of Parents Headquartered in State or Territory
1	Texas	\$5,562,394,222
2	New Jersey	\$3,721,488,732
3	Illinois	\$1,869,236,103
4	Wisconsin	\$1,492,973,051
5	Michigan	\$1,073,680,411
6	California	\$831,975,213
7	Minnesota	\$827,962,276
8	New York	\$786,225,891
9	Virgin Islands	\$707,330,000
10	Indiana	\$651,713,906
11	Virginia	\$555,724,418
12	Kansas	\$552,715,238

## Breakdown by Agency

The penalties collected by the agencies bringing environmental, health and safety cases vary enormously, in part because the laws governing the different agencies set different penalty schedules. Looking only at those entries matched to a parent company, the EPA accounts for \$16 billion in penalties, while the Nuclear Regulatory Commission has collected less than \$1 million (Table 6).<sup>25</sup> The largest portion comes from multi-agency cases handled by the Justice Department. The total in that category is largely attributable to the BP's \$20.8 billion and \$4 billion cases.

The contrast between the two agencies with the broadest coverage is stark: EPA's total is nearly 90 times that of OSHA, and that is without the big multi-agency environmental cases handled

by DOJ. MSHA's total of \$443 million seems inadequate, given the well-documented safety failures of the coal mining industry.

The \$13 billion total for FDA is the result of the big off-label marketing cases against major drug companies handled for the agency by DOJ. Otherwise FDA makes little use of financial penalties for food and drug safety cases, relying instead on its ability to force dangerous products off the market.

Variations in the number of parent companies penalized by different agencies go along with the differences in penalty amounts. Table 6 also shows those numbers. Although its penalty total is much lower, OSHA has brought cases against more parents than EPA. The other agencies are far behind.

**Table 6. Penalty Totals by Agency for Penalties Matched to a Parent Company**

Agency	Penalty Total	Parents Cited
Justice Department multi-agency cases	\$25,481,700,143	28
Environmental Protection Agency (EPA)	\$15,634,861,741	986
Food and Drug Administration (FDA)	\$13,091,287,439	22
National Highway Traffic Safety Administration	\$2,472,465,000	14
Mine Safety & Health Administration (MSHA)	\$400,176,187	162
Occupational Safety & Health Administration (OSHA)	\$183,073,736	1,117
Federal Aviation Administration (FAA)	\$95,307,967	45
Federal Railroad Administration (FRA)	\$37,583,977	190
U.S. Coast Guard (USCG)	\$27,800,000	12
Pipeline and Hazardous Materials Safety Administration (PHMSA)	\$25,277,950	41
Energy Department Office of Enforcement (DOE)	\$13,637,500	7
Bureau of Safety and Environmental Enforcement (BSEE)	\$8,628,250	19
U.S. Fish and Wildlife Service (FWS)	\$5,500,000	4
Federal Motor Carrier Safety Administration (FMCSA)	\$5,046,191	65
National Oceanographic and Atmospheric Administration (NOAA)	\$1,042,000	1
Nuclear Regulatory Commission (NRC)	\$743,700	6

## Penalties Across Agencies

No parent company has been penalized by all of the agencies we examine here, but there are some significant overlaps. Of the 1,633 parents in our universe, 605 have been penalized by both EPA and OSHA; 99 by EPA and MSHA; and 65 by OSHA and MSHA. Fifty parents have been penalized by all three of those agencies. Table 7 shows the overlaps among the eight agencies (except DOJ) that have penalized at least 25 Violation Tracker parent companies.

**Table 7. Number of Penalized Parent Overlaps Among Agencies Penalizing 25 Parents or More**

	CPS	EPA	FAA	FMCSA	FRA	MSHA	OSHA	PHMSA
CPSC		10	2	2	1	0	17	0
EPA	10		27	37	173	99	605	37
FAA	2	27		2	6	2	36	0
FMCSA	2	37	2		13	7	46	5
FRA	1	173	6	13		20	149	24
MSHA	0	99	2	7	20		65	1
OSHA	17	605	36	46	149	65		31
PHMSA	0	37	0	5	24	1	31	

# Biggest Violators Across Agencies

Knowing how many parent companies have been penalized by different agencies does not tell the whole story. More significant as indicators of recurring “bad actors” are the biggest violators in multiple agencies.

Appendix 2 shows the ten largest violators for each of the agencies covered in Violation Tracker. Table 8 extracts from those lists the largest penalized parent for each agency. The table shows that BP tops not only Justice Department multi-agency cases but also OSHA cases.

**Table 8. Largest Penalty Totals Collected by Each Agency from a Parent**

Agency	Parent Company	Penalty Total
Justice Department multi-agency cases	BP	\$24,825,000,000
Environmental Protection Agency	Anadarko Petroleum	\$5,151,162,435
Food and Drug Administration	GlaxoSmithKline	\$3,750,000,000
National Highway Traffic Safety Administration	Toyota	\$1,266,150,000
Mine Safety & Health Administration	Alpha Natural Resources	\$256,285,576
Occupational Safety & Health Administration	BP	\$63,860,860
Federal Aviation Administration	American Airlines	\$54,405,500
Federal Railroad Administration	Union Pacific	\$11,218,535
U.S. Coast Guard	Columbia Shipmanagement	\$10,400,000
Pipeline and Hazardous Materials Safety Administration	Enbridge	\$6,309,100
Consumer Product Safety Commission	Techtronic Industries	\$4,300,000
Energy Department Office of Enforcement	Fluor	\$4,048,750
Federal Motor Carrier Safety Administration	Quality Steel	\$3,876,000
U.S. Fish and Wildlife Service	Berkshire Hathaway	\$2,500,000
Bureau of Safety and Environmental Enforcement	Apache	\$2,077,000
National Oceanographic and Atmospheric Administration	Lou’s Fish Market Inc.	\$1,042,000
Nuclear Regulatory Commission	Entergy	\$210,000



Extending this a step further, we looked at which companies appear in the top ten lists for the various agencies. Half a dozen parents appear on more than one list, led by BP on four. Berkshire Hathaway appears on three, and Anadarko Petroleum, Babcock & Wilcox, Chevron and Freeport-McMoRan on two each (Table 9).

Berkshire Hathaway is on those lists because of penalties paid by its subsidiaries: recreational vehicle maker Forest River to NHTSA, BNSF Railway to the Federal Railroad Administration, and PacifiCorp Energy to the U.S. Fish and Wildlife Service in a case referred to the Justice Department.<sup>26</sup>

**Table 9. Parents Appearing on More than One Agency Top-Ten List**

Parent Company	Penalties	Agency
<b>Four Lists</b>		
BP	\$24,825,000,000	Justice Department multi-agency cases
BP	\$2,640,307,804	Environmental Protection Agency
BP	\$63,860,860	Occupational Safety & Health Administration
BP	\$4,590,000	Pipeline and Hazardous Materials Safety Administration
<b>Three Lists</b>		
Berkshire Hathaway	\$35,000,000	National Highway Traffic Safety Administration
Berkshire Hathaway	\$7,365,400	Federal Railroad Administration
Berkshire Hathaway	\$2,500,000	U.S. Fish and Wildlife Service
<b>Two Lists</b>		
Anadarko Petroleum	\$5,151,162,435	Environmental Protection Agency
Anadarko Petroleum	\$157,000	Bureau of Safety and Environmental Enforcement
Babcock & Wilcox	\$412,500	Energy Department Office of Enforcement
Babcock & Wilcox	\$67,500	Nuclear Regulatory Commission
Chevron	\$901,800	Pipeline and Hazardous Materials Safety Administration
Chevron	\$720,000	Bureau of Safety and Environmental Enforcement
Freeport-McMoRan	\$6,800,000	Justice Department multi-agency cases
Freeport-McMoRan	\$364,750	Bureau of Safety and Environmental Enforcement

## Subsidized Violators

Except in the most extreme cases, corporate violators are allowed to remain in operation. Some of them also go on receiving subsidies from federal, state and local government agencies. There is a modest amount of overlap between the most heavily penalized companies for environmental, health and safety issues and those firms that have gotten the most in government financial assistance.

One reason is that some industries, such as mining, get a lot of environmental and safety violations yet they rarely receive economic development subsidies. On the other hand, companies such as Apple, Facebook and Google get lots of subsidies for their data centers yet don't have the type of operations that receive many environmental or safety violations.

We compared the 100 parents with the most penalties in Violation Tracker to the 100 biggest parents in the Good Jobs First Subsidy Tracker database and found 16 overlaps (Table 10).<sup>27</sup> What stands out on the list is the presence of motor vehicle companies, led by Toyota and General Motors. Toyota is the only parent with more than \$1 billion in both penalties and subsidies. Of the 16 parents on both top 100 lists, six are automakers (the others are Hyundai Motor, Fiat Chrysler Automobiles, Honda and Ford Motor). Volkswagen, which has been awarded just over \$1 billion in subsidies, will soon join the top tier of penalized companies.

The other industries with the most parents on both lists are utilities (NRG Energy, Duke Energy and Dominion Resources) and oil & gas (Royal Dutch Shell, Exxon Mobil and Marathon Petroleum).

**Table 10. Parent Companies in the Top 100 Lists of both Violation Tracker and Subsidy Tracker (ranked by Violation Tracker totals)**

Parent Company	Violation Tracker total	Subsidy Tracker total
Toyota	\$1,266,214,250	\$1,108,042,710
General Motors	\$936,388,294	\$5,626,475,631
NRG Energy	\$267,886,671	\$2,279,378,427
Hyundai Motor	\$221,094,000	\$657,506,822
CF Industries	\$194,035,811	\$533,466,352
Royal Dutch Shell	\$127,414,956	\$2,074,778,300
Duke Energy	\$112,150,534	\$1,225,206,401
Fiat Chrysler Automobiles	\$108,682,946	\$2,177,967,643
Honda	\$70,606,971	\$441,486,300
Berkshire Hathaway	\$46,810,063	\$1,454,873,446
Exxon Mobil	\$46,285,706	\$458,645,398
General Electric	\$27,775,175	\$1,382,932,498
Ford Motor	\$17,440,950	\$4,024,557,726
Marathon Petroleum	\$17,230,448	\$393,896,104
Boeing	\$16,922,703	\$13,925,079,613
Dominion Resources	\$14,168,658	\$605,940,132

## Penalized Tax Dodgers

Along with actual foreign companies, the most penalized parents include some companies that have “inverted” (reincorporated or merged abroad) and thus claim to be foreign to dodge U.S. taxes. The tax runaway company with the largest total is Transocean, with its \$1.4 billion in penalties from Deepwater Horizon. Table 11 shows all “inverted” parents with \$100 million or more in penalties.

**Table 11. Largest Penalty Parents that Have Undergone “Inversions”**

Parent Company	Penalty Total	Nominal Headquarters Country
Transocean	\$1,400,040,000	Switzerland
Allergan	\$764,169,410	Ireland
Tronox	\$270,535,122	Australia
Endo International	\$237,700,000	Ireland
Perrigo	\$203,036,980	Ireland

## Penalized Federal Contractors

The Project On Government Oversight's Federal Contractor Misconduct Database has long made it clear that the companies that do the most business with Uncle Sam include many that have had run-ins with the law.<sup>28</sup>

Violation Tracker also finds overlaps. Of the 100 largest federal contractors in FY2014, ten are also among the biggest penalty parents in Violation Tracker (Table 12).<sup>29</sup> Four of the group are pharmaceutical manufacturers (GlaxoSmithKline, Merck, Pfizer and Sanofi); two are oil and gas giants (Royal Dutch Shell and Exxon Mobil) and three are big military contractors (Honeywell, General Electric and Boeing). Conglomerate Berkshire Hathaway is also on the list.

When Violation Tracker is expanded to include other categories of violations such as false claims, there are likely to be many more overlaps between these top 100 lists.

**Table 12. Top 100 Violation Tracker Parents that are also Among the Top 100 Federal contractors**

Parent Company	Penalty Total	FY2014 Contracts
GlaxoSmithKline	\$3,750,839,650	\$783,856,514
Merck	\$951,806,424	\$1,386,415,889
Pfizer	\$563,357,650	\$862,675,889
Royal Dutch Shell	\$127,414,956	\$1,615,435,432
Honeywell International	\$93,641,829	\$1,947,244,601
Berkshire Hathaway	\$46,810,063	\$529,184,316
Exxon Mobil	\$46,285,706	\$878,349,559
Sanofi	\$32,879,725	\$607,633,412
General Electric	\$27,775,175	\$2,453,988,898
Boeing	\$16,922,703	\$19,610,963,243

## The Less Penalized

Our emphasis until now has been on the companies at the top of the penalty list. What about those on the bottom or not on it at all? Among the firms in the Fortune 50, there are 21 with environmental, health and safety penalties below \$50,000 in the period since 2010 (Table 13). We found no penalties for 11 of the 21.

The companies on the list are predominantly in sectors such as financial services, information technology, retail and wholesale that are less likely to be cited for environmental, health and safety violations. The one goods-producing company on the list is Apple, but it famously does nearly all its manufacturing offshore and thus outside the jurisdiction of U.S. regulators.

**Table 13. Fortune 50 Companies with Total Environmental, Health and Safety Penalties Below \$50,000 Since 2010**

Parent Company	Penalty Total
Aetna	None found
Amazon.com	\$7,000
American International Group	\$33,000
AmerisourceBergen	\$35,660
Anthem	None found
Apple	None found
Bank of America	\$6,600
Cardinal Health	\$26,800
Citigroup	\$7,650
Express Scripts	None found
Fannie Mae	None found
Freddie Mac	None found
Google	None found
IBM	\$43,814
JP Morgan Chase	None found
McKesson	\$24,635
MetLife	None found
Microsoft	None found
State Farm Insurance	\$8,160
UnitedHealth	None found
Wells Fargo	\$17,207

# METHODOLOGY

The findings of this report are based on data collected for the Violation Tracker database produced by the Corporate Research Project of Good Jobs First.

We began with enforcement data obtained from the websites of 13 federal regulatory agencies with responsibility for environmental, health and safety matters. We also collected information from the Justice Department website on the disposition of cases referred to it by these agencies and several others. A list of the agencies and the online locations of their data are presented in Appendix 3 below. In some cases the data for a particular agency could be downloaded all at once. In other cases we had to “scrape” the information from website tables or extract the information from official press releases posted on those sites. For all agencies we gathered data for the period from January 1, 2010 to August 29, 2015 for the EPA ECHO, OSHA and MSHA datasets and through early October 2015 for EPA settlements and cases from other agencies.

For all agencies we use revised penalty amounts rather than those initially proposed, in order to account for cases in which companies were able to negotiate reductions in the penalties or those in which regulators decided on their own to adjust the amounts.

We eliminate entries with penalty amounts below \$5,000 as well as those with no dollar penalties at all. The latter is frequently the case for agencies such as the Food and Drug Administration, which generally does not use dollar penalties but instead compels companies

to suspend sales of dangerous products. (The FDA, however, does refer serious cases to the Justice Department, which may negotiate settlements or obtain verdicts involving financial penalties. We include those.) For OSHA we include only those penalties designated as willful, repeat or serious.

We also eliminate entries, regardless of the penalty amount, brought against government agencies or publicly owned entities such as municipal power authorities. Also excluded are cases against individual executives unless the firm was also a defendant. Lawsuits brought by individual plaintiffs, including class actions, are outside the scope of our project. We include criminal as well as civil cases brought by the agencies and DOJ.

In addition to the agency enforcement records, we collected information on settlements negotiated by the agencies or DOJ and announced in press releases. The company totals in this study as well as in Violation Tracker are adjusted to avoid double-counting of penalty amounts reported both in agency enforcement records and in settlement announcements. They are also adjusted to account for the fact that in numerous EPA cases involving multiple facilities owned by a single company, an overall penalty or settlement amount covering all the facilities is reported in the individual records for each facility.

For cases brought by the EPA or referred by that agency to the Justice Department, we include both civil or criminal penalties paid to the federal government and those penalties

the company was required to pay to state or local government agencies. In addition, our penalty amounts include the stated costs of supplementary environmental projects companies are frequently required to undertake as part of the settlement of environmental cases. We exclude Superfund cases, most of which are clean-up agreements and often involve parties that do not own the sites, unless the company was also being charged with violations.

In their original form posted by agencies, the violation records usually do not identify the ultimate parent company of the business entity involved. Using a proprietary system developed with the help of Rich Puchalsky of Grassroots Connection for the Good Jobs First Subsidy Tracker database, we matched individual records to what turned out to be a universe of 1,633 parent companies. (Rich worked on Violation Tracker as well). That universe is a mixture of large companies (regardless of penalty amount) and smaller companies with penalties of at least \$500,000. Summary pages for each of the parent companies can be found on the Violation Tracker site.

Overall, we were able to match about 26,000 of the roughly 100,000 entries in our dataset to corporate parents. This group accounts for more than 95 percent of the total dollar penalties in our universe. The number of entries is not the same as the number of violations; mainly because the data we obtained from the Environmental Protection Agency's Enforcement and Compliance History Online (ECHO) system aggregates penalty amounts for a given establishment during the most recent a five-year period.

Following the practice adopted for Subsidy Tracker, we match entities to their current parent, even if they were part of a different corporate "family" at the time the penalty was imposed. Consequently, the totals are technically the sum of penalties paid by the establishments currently owned by the parent company, not the total paid by the parent itself.

Joint ventures are treated like subsidiaries when one of the owners has a stake of 50 percent or more; those in which no owner has a majority interest are treated like independent companies. Portfolio companies of private equity firms are treated the same way.

Along with the parent-subsidiary matching, we collected data on the parent companies themselves, including their ownership status, the location of their headquarters and their primary industry group. This information made possible many of the findings in this report.

# CONCLUSION

The information collected for Violation Tracker and summarized here makes it clear that substantial numbers of corporations are paying large sums for violations of environmental, health and safety laws. Are they succeeding in changing corporate behavior? After all, the point of monetary sanctions is to deter misconduct.

The evidence is not encouraging. Take the case of BP. Five years before the Deepwater Horizon disaster, a massive explosion at the company's refinery in Texas City, Texas killed 15 workers and injured about 180 others. The company blamed employees for causing the accident, but both OSHA and the Chemical Safety and Hazard Investigation Board pointed to deficiencies in company safety policies. In September 2005 OSHA announced a settlement under which BP agreed to pay a then-record \$21.4 million in fines for nearly 300 "egregious" safety violations and many other violations deemed willful and serious.<sup>30</sup>

In its report, the investigation board found that cost-cutting measures implemented by BP management contributed to a deterioration of safety conditions at the refinery.<sup>31</sup> Even a company-sponsored investigation of the accident led by former U.S. Secretary of State James Baker was critical of management.<sup>32</sup>

There is little evidence that the fines and the criticisms prompted the company to reform its safety practices. In 2006, after finding unsafe conditions at BP's refinery near Toledo, Ohio that were similar to those found in the Texas City disaster, OSHA fined the company \$2.4 million.<sup>33</sup> Three years later, OSHA charged

that BP was not living up to its obligations under the Texas City settlement and proposed an even larger fine—\$87.4 million—against the company for allowing unsafe conditions to persist.<sup>34</sup> BP challenged the fine but later agreed to pay \$50.6 million to settle with OSHA.<sup>35</sup> And then came the safety lapses that contributed to the Deepwater Horizon disaster.

While BP certainly deserved to be penalized for its poor safety practices, it is not evident that the escalating fines made a difference. One could easily reach the conclusion that the company is perfectly willing to go on paying the penalties but will still cut corners on safety.

BP is not the only corporate recidivist. The data in Violation Tracker provide all too many examples of companies that have violated environmental, health and safety regulations repeatedly. These violations amount to a severe threat to our physical well-being, just as banking misconduct is a threat to our financial well-being.

The time has come for a serious national discussion of what to do about corporate crime and misconduct.

# APPENDIX 1. THE 100 CORPORATE PARENTS WITH THE LARGEST ENVIRONMENTAL, HEALTH AND SAFETY PENALTY TOTALS SINCE 2010

Parent Company	Penalty Total	Headquarters Country	Primary Industry
BP	\$25,394,091,789	Britain	Oil & gas
Anadarko Petroleum	\$5,151,339,071	USA	Oil & gas
GlaxoSmithKline	\$3,750,839,650	Britain	Pharmaceuticals
Johnson & Johnson	\$2,392,753,043	USA	Pharmaceuticals
Abbott Laboratories	\$1,500,000,000	USA	Pharmaceuticals
Transocean	\$1,400,040,000	Switzerland (reincorporated for tax reasons)	Oilfield services & supplies
Toyota	\$1,266,214,250	Japan	Motor vehicles
Alliant Energy	\$1,018,102,250	USA	Utilities & power generation
Merck	\$951,806,424	USA	Pharmaceuticals
General Motors	\$936,388,294	USA	Motor vehicles
Mosaic	\$810,837,543	USA	Chemicals
Allergan	\$764,169,410	Ireland (reincorporated for tax reasons)	Pharmaceuticals
Amgen	\$762,005,400	USA	Pharmaceuticals
Hovensa	\$705,530,000	USA	Oil & gas
NiSource	\$613,592,435	USA	Utilities & power generation
Pfizer	\$563,357,650	USA	Pharmaceuticals
AstraZeneca	\$520,000,000	Britain	Pharmaceuticals
Alpha Natural Resources	\$510,471,236	USA	Mining & minerals
Westar Energy	\$509,000,000	USA	Utilities & power generation
Sun Pharmaceuticals	\$500,000,000	India	Pharmaceuticals
Novartis	\$422,569,368	Switzerland	Pharmaceuticals
Boston Scientific	\$326,012,000	USA	Medical equipment & supplies
WEC Energy Group	\$310,621,475	USA	Utilities & power generation
Tronox	\$270,535,122	Australia (reincorporated for tax reasons)	Chemicals
NRG Energy	\$267,886,671	USA	Utilities & power generation
Hecla Mining	\$264,810,974	USA	Mining & minerals
Endo International	\$237,700,000	Ireland (reincorporated for tax reasons)	Pharmaceuticals
Hyundai Motor	\$221,094,000	South Korea	Motor vehicles
LafargeHolcim	\$212,469,752	Switzerland	Building materials
Consol Energy	\$206,189,160	USA	Mining & minerals
Perrigo	\$203,036,980	Ireland (reincorporated for tax reasons)	Pharmaceuticals

Parent Company	Penalty Total	Headquarters Country	Primary Industry
CF Industries	\$194,035,811	USA	Chemicals
Kia Motors	\$160,509,180	South Korea	Motor vehicles
Dairyland Power Cooperative	\$155,950,000	USA	Utilities & power generation
Murphy Oil	\$144,922,539	USA	Oil & gas
Royal Dutch Shell	\$127,414,956	Netherlands	Oil & gas
Saint-Gobain	\$116,929,792	France	Building materials
Duke Energy	\$112,150,534	USA	Utilities & power generation
Fiat Chrysler Automobiles	\$108,682,946	Britain	Motor vehicles
SunCoke Energy	\$103,858,334	USA	Miscellaneous energy products/systems
Honeywell International	\$93,641,829	USA	Diversified
Amcor	\$91,830,900	Australia	Paper & packaging
Wal-Mart Stores	\$91,381,607	USA	Retailing
Mitsui	\$90,005,400	Japan	Diversified
Cabot	\$85,419,512	USA	Chemicals
Volvo	\$80,049,100	Sweden	Motor vehicles
Stryker	\$79,560,000	USA	Medical equipment & supplies
Renco	\$76,214,094	USA	Diversified
Noble Energy	\$75,947,625	USA	Oil & gas
Honda	\$70,606,971	Japan	Motor vehicles
W.R. Grace	\$63,436,300	USA	Chemicals
PPL	\$57,655,614	USA	Utilities & power generation
American Airlines	\$54,594,682	USA	Airlines
Potash Corporation of Saskatchewan	\$51,995,778	Canada	Chemicals
Plains All American Pipeline	\$48,792,000	USA	Pipelines
Fleet Management Ltd.	\$47,400,000	Hong Kong	Freight & logistics
Berkshire Hathaway	\$46,810,063	USA	Diversified
Exxon Mobil	\$46,285,706	USA	Oil & gas
Hess	\$45,940,459	USA	Oil & gas
Golden Valley Electric Association	\$40,420,000	USA	Utilities & power generation
Owens-Illinois	\$39,664,713	USA	Paper & packaging
Tonawanda Coke	\$36,857,182	USA	Miscellaneous energy products/systems
Italcementi	\$36,695,224	Italy	Building materials
UCB	\$34,006,750	Belgium	Pharmaceuticals
Ash Grove Cement	\$33,577,126	USA	Building materials
Sanofi	\$32,879,725	France	Pharmaceuticals
Trident Seafoods	\$32,660,249	USA	Food products
East Kentucky Power Cooperative	\$30,735,321	USA	Utilities & power generation
Aquatech International	\$30,083,000	\$30,083,000	Chemicals
General Electric	\$27,775,175	USA	Diversified
Chemtura	\$26,560,985	USA	Chemicals
Energy Transfer	\$25,467,251	USA	Pipelines
Novo A/S	\$25,007,500	Denmark	Pharmaceuticals
P&W Waste Oil Services	\$21,373,143	USA	Waste management & environmental services



Parent Company	Penalty Total	Headquarters Country	Primary Industry
Patriot Coal	\$19,132,264	USA	Mining & minerals
FJ Management	\$18,499,675	USA	Retailing
CountryMark	\$18,362,300	USA	Agribusiness
Murray Energy	\$18,088,318	USA	Mining & minerals
Sinclair Oil	\$17,904,622	USA	Oil & gas
Ford Motor	\$17,440,950	USA	Motor vehicles
Marathon Petroleum	\$17,230,448	USA	Oil & gas
Boeing	\$16,922,703	USA	Aerospace & military contracting
McWane	\$16,599,392	USA	Miscellaneous manufacturing
Icahn Enterprises	\$16,404,168	USA	Diversified
American Municipal Power	\$15,850,000	USA	Utilities & power generation
Precision Castparts	\$15,250,352	USA	Industrial equipment
Scotts Miracle-Gro	\$14,228,988	USA	Chemicals
Dominion Resources	\$14,168,658	USA	Utilities & power generation
ConAgra Foods	\$14,011,289	USA	Food products
Total S.A.	\$12,973,504	France	Oil & gas
Arch Coal	\$12,888,279	USA	Mining & minerals
Union Pacific	\$12,832,610	USA	Railroads
DuPont	\$12,623,968	USA	Chemicals
PDVSA	\$12,490,267	Venezuela	Oil & gas
Pelican Refining	\$12,380,000	USA	Oil & gas
Cemex	\$12,284,738	Mexico	Building materials
Noble Corp.	\$12,208,000	Britain	Oilfield services & supplies
Norfolk Southern	\$11,675,325	USA	Railroads
Chevron	\$11,373,376	USA	Oil & gas
Eisai	\$11,006,376	Japan	Pharmaceuticals

# APPENDIX 2. TEN LARGEST VIOLATORS FOR EACH AGENCY

## Bureau of Safety and Environmental Enforcement

Apache	\$2,077,000
Riverstone Holdings	\$1,295,000
Black Elk Energy Offshore Operations LLC	\$1,127,500
W&T Offshore	\$955,000
Chevron	\$720,000
Hilcorp Energy	\$610,000
Linder Oil	\$525,000
Freeport-McMoRan	\$364,750
SandRidge Energy	\$250,000
Anadarko Petroleum	\$157,000

## Consumer Product Safety Commission

Techtronic Industries	\$4,300,000
Ross Stores	\$3,900,000
General Electric	\$3,500,000
Phil&teds USA	\$3,500,000
Office Depot	\$3,400,000
HSN	\$3,100,000
Johnson Health Tech	\$3,000,000
Fiskars Group	\$2,600,000
Stanley Black & Decker	\$2,535,000
Daiso Industries	\$2,050,000

## Energy Department Office of Enforcement

Fluor	\$4,048,750
Bechtel	\$2,882,500
AECOM	\$2,587,500
Battelle	\$2,332,500
Lockheed Martin	\$1,113,750
Babcock & Wilcox	\$412,500
Parsons	\$260,000

Note: only 7 parents found

## Environmental Protection Agency

Anadarko Petroleum	\$5,151,162,435
BP	\$2,640,307,804
Transocean	\$1,400,040,000
Alliant Energy	\$1,018,050,000
Mosaic	\$810,665,256
Hovensa	\$705,530,000
NiSource	\$613,172,235
Westar Energy	\$509,000,000
WEC Energy Group	\$310,580,000
NRG Energy	\$267,847,461

## Federal Aviation Administration

American Airlines	\$54,405,500
Boeing	\$14,370,000
United Continental	\$7,324,847
FedEx	\$4,884,150
Alaska Air	\$2,576,367
Trans States Holdings	\$1,664,100
Textron	\$1,336,030
Southwest Airlines	\$1,286,625
United Parcel Service	\$1,183,390
SkyWest	\$1,026,099

## Federal Motor Carrier Safety Administration

Quality Steel	\$3,876,000
Leucadia National	\$224,735
Leggett & Platt	\$45,600
FirstGroup	\$44,790
UGI	\$42,920
Incitec Pivot	\$39,810
Coca-Cola	\$39,564
Medford Trucking	\$33,140
La-Z-Boy	\$30,000
Granite Construction	\$29,040

## Federal Railroad Administration

Union Pacific	\$11,218,535
Berkshire Hathaway	\$7,365,400
CSX	\$3,752,198
Norfolk Southern	\$3,382,220
Canadian National Railway	\$1,636,620
Genesee & Wyoming	\$1,090,755
Watco Companies	\$710,715
Kansas City Southern	\$685,940
Canadian Pacific Railway	\$669,345
Royal Dutch Shell	\$300,250

## Food and Drug Administration

GlaxoSmithKline	\$3,750,000,000
Johnson & Johnson	\$2,392,200,000
Abbott Laboratories	\$1,500,000,000
Merck	\$950,000,000
Allergan	\$764,000,000
Amgen	\$762,000,000
Pfizer	\$560,400,000
AstraZeneca	\$520,000,000
Sun Pharmaceuticals	\$500,000,000
Novartis	\$422,500,000

## Justice Department multi-agency cases

BP	\$24,825,000,000
Tronox	\$270,000,000
Hecla Mining	\$263,400,000
Fleet Management Ltd.	\$44,400,000
P&W Waste Oil Services	\$21,373,143
Noble Corp.	\$12,200,000
Caribbean Petroleum	\$8,200,000
Freeport-McMoRan	\$6,800,000
Bouchard Transportation	\$6,000,000
Irika Shipping	\$4,000,000

## Mine Safety & Health Administration

Alpha Natural Resources	\$256,285,576
Patriot Coal	\$15,918,931
Murray Energy	\$11,914,976
Peabody Energy	\$6,970,328
Arch Coal	\$6,402,529
Cliffs Natural Resources	\$5,188,034
Alliance Resource Partners	\$5,068,458
James C. Justice Companies	\$4,687,332
Walter Energy	\$4,401,330
Coalfield Transport Inc.	\$3,654,019

## National Highway Traffic Safety Administration

Toyota	\$1,266,150,000
General Motors	\$935,441,000
Fiat Chrysler Automobiles	\$108,500,000
Honda	\$70,000,000
Berkshire Hathaway	\$35,000,000
Ford Motor	\$17,350,000
Hyundai Motor	\$17,350,000
Spartan Motors	\$9,000,000
BMW	\$3,000,000
Newell Rubbermaid	\$3,000,000
Volvo	\$3,000,000

## National Oceanographic and Atmospheric Administration

Lou's Fish Market Inc.	\$1,042,000
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Note: only 1 parent found

## Nuclear Regulatory Commission

Entergy	\$210,000
NextEra Energy	\$210,000
BWX Technologies	\$140,000
Dominion Resources	\$70,000
Babcock & Wilcox	\$67,500
Energy Capital Partners	\$17,500
Toshiba	\$17,500
Chicago Bridge & Iron	\$11,200

Note: only 8 parents found

## Occupational Safety & Health Administration

BP	\$63,860,860
Louis Dreyfus	\$6,063,600
Republic Steel	\$2,635,000
Tesoro	\$2,532,355
Olivet Management	\$2,359,000
Dollar Tree	\$2,153,585
Ashley Furniture	\$1,869,745
Kehrer Brothers Construction	\$1,822,800
Renco	\$1,535,475
Black Mag LLC	\$1,218,500

## Pipeline and Hazardous Materials Safety Administration

Enbridge	\$6,309,100
BP	\$4,590,000
Buckeye Partners	\$1,986,700
Kinder Morgan	\$1,323,400
Enterprise Products Partners	\$1,267,200
Exxon Mobil	\$1,172,700
Marathon Petroleum	\$1,032,750
Tallgrass Energy	\$927,700
Chevron	\$901,800
Loews	\$644,700

## U.S. Coast Guard

Columbia Shipmanagement	\$10,400,000
Carboflotta Group	\$2,750,000
Sanford Ltd.	\$2,400,000
Cardiff Marine	\$2,400,000
Pacific International Lines	\$2,200,000
Offshore Vessels LLC	\$2,100,000
Odfjell	\$1,200,000
Nimmrich & Prahm	\$1,200,000
Noka Shipping Company Ltd.	\$900,000
Uniteam Marine Shipping	\$800,000

## U.S. Fish and Wildlife Service

Berkshire Hathaway	\$2,500,000
Elite Estate Buyers Inc.	\$1,500,000
Duke Energy	\$1,000,000
BHP Billiton	\$500,000

Note: Only 4 parents found.

# APPENDIX 3.

## VIOLATION DATA SOURCES

Bureau of Safety and Environmental Enforcement: [civil penalties](#)

Consumer Product Safety Commission: [civil penalties announced in press releases](#)

Energy Department Office of Enforcement: [enforcement actions](#)

Environmental Protection Agency: [civil cases and settlements](#)

Environmental Protection Agency: [criminal prosecutions](#)

Environmental Protection Agency: [Enforcement and Compliance History Online \(ECHO\) data download](#)

Federal Aviation Administration: [quarterly enforcement reports](#)

Federal Motor Carrier Safety Administration: [civil penalties](#)

Federal Railroad Administration: [annual enforcement reports](#)

Food and Drug Administration: [civil penalties announced in press releases](#)

Justice Department Civil Division: [settlements and verdicts announced in press releases](#)

Justice Department Criminal Division: [settlements and verdicts announced in press releases](#)

Justice Department Environment and Natural Resources Division: [settlements and verdicts announced in press releases](#)

Mine Safety & Health Administration: [settlements announced in press releases](#)

Mine Safety & Health Administration: [violations data](#)

National Highway Traffic Safety Administration: [civil penalties](#)

Nuclear Regulatory Commission: [significant enforcement actions](#)

Occupational Safety & Health Administration: [corporate settlement agreements](#)

Occupational Safety & Health Administration: [enforcement data download](#)

Pipeline and Hazardous Materials Safety Administration: [cases involving civil penalties](#)

# ENDNOTES

- 1 <http://www.goodjobsfirst.org/violation-tracker> or [violationtracker.org](http://violationtracker.org).
- 2 The original edition of Sutherland's book was published without company names. A new unexpurgated version was published by Yale University Press in 1983. Sutherland's work was updated in: Marshall Clinard and Peter Yeager, *Corporate Crime* (New York: The Free Press, 1980).
- 3 Milton Moskowitz, Michael Katz and Robert Levering, eds., *Everybody's Business: The Irreverent Guide to Corporate America* (San Francisco: Harper & Row, 1980). See also: Milton Moskowitz, *The Global Marketplace: 102 of the Most Influential Companies Outside America* (New York: Macmillan, 1987).
- 4 Multinational Monitor is no longer published regularly. Information on Corporate Crime Reporter can be found at <http://www.corporatecrimereporter.com/>
- 5 Philip Mattera, *World Class Business: A Guide to the 100 Most Powerful Global Corporations* (New York: Henry Holt, 1992).
- 6 <http://corpwatch.org/>
- 7 <http://www.contractormisconduct.org/>
- 8 <http://www.corp-research.org/corporaterapsheets>. Other sources of critical background information on corporations include: Business & Human Rights Resource Centre, Center for Research on Multinational Corporations (SOMO), Endgame, Sourcewatch's Global Corp Wiki and Transnationale.
- 9 <https://www.fapiis.gov/fapiis/index.action>
- 10 <http://www.justice.gov/opa/pr/us-and-five-gulf-states-reach-historic-settlement-bp-resolve-civil-lawsuit-over-deepwater>
- 11 <http://www.justice.gov/opa/pr/bp-exploration-and-production-inc-agrees-plead-guilty-felony-manslaughter-environmental>
- 12 <http://www.justice.gov/opa/pr/transocean-agrees-plead-guilty-environmental-crime-and-enter-civil-settlement-resolve-us>
- 13 <http://www.justice.gov/opa/pr/historic-515-billion-environmental-and-tort-settlement-anadarko-petroleum-corp-goes-effect-0>
- 14 [http://www.nytimes.com/2014/04/04/business/energy-environment/anadarko-petroleum-to-pay-5-1-billion-to-settle-pollution-case.html?\\_r=0](http://www.nytimes.com/2014/04/04/business/energy-environment/anadarko-petroleum-to-pay-5-1-billion-to-settle-pollution-case.html?_r=0)
- 15 <http://www.justice.gov/opa/pr/glaxosmithkline-plead-guilty-and-pay-3-billion-resolve-fraud-allegations-and-failure-report>
- 16 <http://www.justice.gov/opa/pr/johnson-johnson-pay-more-22-billion-resolve-criminal-and-civil-investigations>
- 17 <http://www.justice.gov/opa/pr/abbott-labs-pay-15-billion-resolve-criminal-civil-investigations-label-promotion-depakote>
- 18 Pfizer: <http://www.justice.gov/asg/speech/associate-attorney-general-tom-perrelli-pfizer-settlement-press-conference>. Eli Lilly: <http://www.justice.gov/archive/opa/pr/2009/January/09-civ-038.html>.
- 19 <http://www.justice.gov/opa/pr/justice-department-announces-criminal-charge-against-toyota-motor-corporation-and-deferred>
- 20 <http://www.justice.gov/opa/pr/clean-air-act-settlement-wisconsin-utilities-reduce-emissions-more-50000-tons-annually>
- 21 [http://www.nytimes.com/2015/10/07/business/international/vw-diesel-emissions-job-cuts.html?\\_r=1](http://www.nytimes.com/2015/10/07/business/international/vw-diesel-emissions-job-cuts.html?_r=1)
- 22 <http://www.justice.gov/opa/pr/us-attorney-southern-district-new-york-announces-criminal-charges-against-general-motors-and>
- 23 <http://yosemite.epa.gov/opa/admpress.nsf/21b8983ffa5d0e4685257dd4006b85e2/26736b02b1788ad285257ed100409f70!OpenDocument>
- 24 <http://www.justice.gov/opa/pr/north-america-s-largest-lead-producer-spend-65-million-correct-environmental-violations>
- 25 Violation Tracker also has two cases referred to the Justice Department by the Agriculture Department, but they involve smaller companies not linked to a parent and thus are not included in the totals discussed here.
- 26 Forest River: <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2015/dot-fines-2-heavy-duty-vehicle-makers>. BNSF has received numerous penalties from the FRA; data can be found at [https://www.fra.dot.gov/eLib/Find#p1\\_z5\\_I EA](https://www.fra.dot.gov/eLib/Find#p1_z5_I EA). PacifiCorp Energy: <http://www.justice.gov/opa/pr/utility-company-sentenced-wyoming-killing-protected-birds-wind-projects-0>.
- 27 Subsidy Tracker can be found at: <http://www.goodjobsfirst.org/subsidy-tracker>.
- 28 <http://www.contractormisconduct.org/>
- 29 The contractor list was obtained from the Federal Procurement Data System site at [https://www.fpds.gov/fpdsng\\_cms/index.php/en/reports/62-top-100-contractors-report3.html](https://www.fpds.gov/fpdsng_cms/index.php/en/reports/62-top-100-contractors-report3.html)
- 30 [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=NEWS\\_RELEASES&p\\_id=11589](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=11589)
- 31 <http://www.csb.gov/csb-investigation-of-bp-texas-city-refinery-disaster-continues-as-organizational-issues-are-probed/>
- 32 [http://www.nytimes.com/2007/01/17/business/worldbusiness/17baker.html?\\_r=0](http://www.nytimes.com/2007/01/17/business/worldbusiness/17baker.html?_r=0)
- 33 [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=NEWS\\_RELEASES&p\\_id=12170](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=12170)
- 34 [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=NEWS\\_RELEASES&p\\_id=16674](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16674)
- 35 [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=NEWS\\_RELEASES&p\\_id=18156](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=18156)

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