

Hold corporations accountable

We are experiencing a prolonged national nightmare. Business and industry giants have been generating a wave of separate — but eerily similar — bad dreams for American consumers and workers. First it was banks and securities firms, then insurance carriers, car manufacturers, a wayward mining company and now Big Oil.

These goliaths have a lot in common. They are extremely profitable, but their products and services are barely affordable. And they exercise outsized influence over the government regulators that are supposed to make sure they follow the rules.

Yet, none of them are above the law. The American civil justice system keeps them in check.

Big investment banks engineered the near-collapse of our national economy right under the noses of federal banking and securities regulators. Health insurers raise premiums by 20, 30 even 40 percent, and state level insurance commissioners across the country rubberstamp the rate hikes.

The National Highway Safety Administration was



**Brad
Lint**
Guest
Opinion

blind to the runaway Toyotas produced right here in the U.S. of A. The U. S. Mine Safety and Health Administration was well aware of Massey Energy Company's abysmal safety lapses (the agency repeatedly cited the company in recent years), but 25 workers died anyway during the explosion this past April at Massey's Upper Big Branch Mine. And now, BP has spewed over 21 million gallons of oil — and counting — into the Gulf of Mexico, no doubt due in part to seriously deficient oversight by the Minerals Management Service (MMS).

Recent reports reveal that the MMS — which regulates the oil and gas industries — receives billions of dollars a year in royalties from the very industries it is supposed to regulate. Its employees also accept expensive gifts from industry representatives. Even

more disturbing, some of the MMS inspectors literally let oil company employees fill out their own inspection reports. President Obama called it a “cozy and sometimes corrupt” relationship between oil companies and regulators, and he has started to clean house at the agency.

Federal and state regulatory agencies are tasked with keeping corporations honest — and keeping us safe — and they were once the envy of the world. But we've learned the hard way that these agencies do not always work effectively to protect our health, safety and financial wellbeing. Some of them have become lap dogs instead of watchdogs, and they need to find their bark (and bite) again.

Toyota's CEO will not be tried in criminal court for producing a product that has killed 89 Americans in the last decade. And the people who run BP are not likely to see jail time for destroying Gulf marine life and fisheries while devastating hundreds of miles of marshes and shores. But the very people who were physically or financially ruined by their actions will hold these com-

panies accountable in our civil courts.

When the Exxon-Valdez tanker spill despoiled Alaska seas and shores 21 years ago, Exxon was called to account by our civil justice system. This compelled the company to clean up its act and transform its operations. (Exxon is now the acknowledged industry leader in accident prevention and mitigation.) BP also will be called to account and will undoubtedly undergo a like transformation. But first Congress needs to lift the laughably low \$75 million oil spill liability cap.

Limiting the legal and financial responsibility of corporate wrongdoers is a bad idea in the best of times. But in times like these — when corporate malfeasance is waxing and government oversight is waning — it is almost unthinkable. The American civil justice system will make certain that justice is served, and that even the most powerful corporate entities in the world are held accountable for their actions — as long as we just let it be.

Brad Lint is executive director with the Iowa Association for Justice.