

ENTERGY FACT SHEET

In 2007, the Texas Supreme Court handed down a sweeping decision that puts workers all across Texas in danger. The decision known as *Entergy v. Summers* eliminates key accountability protections that were designed to prevent workplace accidents by holding plant owners and other premises owners accountable if they fail to provide a safe place to work.

This issue has been hotly contested in the legislature for decades. Each time, lawmakers have shown their commitment to workplace safety by siding with Texas workers and their families.

Now that the Texas Supreme Court, which has become a haven for polluters, insurance companies, and corporate wrongdoers, has provided a roadmap for immunity when workers are needlessly injured or killed, the special interests are fighting tooth and nail to stop lawmakers from restoring needed safety protections.

Why is *Entergy v. Summers* so important?

- Oil companies, chemical plants, manufacturers and others will no longer be held accountable in a court of law, putting Texas workers and communities in danger.
- Workers who will inevitably be injured on the job will be unable to hold a premises owner – like BP, Phillips, and Valero – accountable. In other words, if this decision had been made before the tragedy in Texas City, the families of those killed and injured would never have been able to hold BP accountable.
- The public will no longer know whether an industrial accident was caused by corporate negligence because without a public court record there will be no way to get access to internal company documents. In the BP case, it became clear that the company had cut corners on safety only after families forced the disclosure of key BP documents.
- Without accountability for providing an unsafe workplace, communities around these facilities face greater dangers of industrial accidents and environmental disasters are more likely.

What has the Legislature done?

Lawmakers have routinely rejected requests from oil and chemical interests to expand the shield immunizing plant owners who place their workers at risk. During the 2009 legislative session a bipartisan group of lawmakers filed legislation to undo the *Entergy* decision (HB1657 by Giddings/SB2063 by Duncan). The Texas House passed the bill with a bipartisan coalition dedicated to safe worksites. The special interests blocked passage in the Texas Senate, leaving workers at risk.

For six consecutive legislative sessions (1995-2005), the Texas Legislature had legislation introduced that would have limited the liability for plant owners in these circumstances and they chose not to do it. In 2005, public pressure following the BP tragedy led then-Rep. Joe Nixon to pull down legislation that would have stripped workers of their legal rights. The Legislature has confirmed time and again that it does not believe plant owners should avoid responsibility. The Texas Supreme Court ignored the will of the Legislature by providing plant owners with protections the Legislature did not intend.

How do lawmakers feel about *Entergy*?

A bipartisan coalition of lawmakers including Senators Rodney Ellis (D-Houston) and Jeff Wentworth (R-San Antonio), as well as Rep. Craig Eiland (D-Galveston) and Rep. Bryan Hughes (R-Mineola) filed a friend of the court brief encouraging the Court to reconsider its decision in *Entergy*. Several other legislators have expressed serious concerns about the decision. Still more have signed onto and voted for legislation in 2009 to undo the Court's wrong-headed opinion.

Who else is concerned about the *Entergy* decision?

Numerous public interest groups representing labor, consumer, and environmental interests joined a "friend of the court" brief calling on the Court to reconsider its ruling. Law professors from law schools across Texas have also filed briefs calling on the Court to reconsider its decision.