

# NEWS RELEASE

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Contact:

Ed Sills, AFL-CIO, 512-477-6195  
Alex Winslow, Texas Watch, 512-381-1111  
Glenn Smith, Texas Progress Council, 512-322-0700  
Craig McDonald, TPJ, 512-472-9770, 512-923-1733

## Health, Consumer & Safety Advocates Cite Dangers If *'Entergy'* Ruling Stands

### Groups Renew Call for Legislative Action If High Court Fails to Restore Accountability

Dallas: Leaders from Texas consumer, labor, worker-safety and corporate-accountability organizations warned of dangerous consequences for Texas' workers and communities if the Texas Supreme Court's reckless *'Entergy'* ruling is not reversed by either the Court or the Legislature. Under growing pressure from safety advocates, editorial writers, and legislators who insist the Texas Supreme Court overstepped its bounds in its 2007 ruling in *Entergy v Summers*, the court held a rare rehearing today in Dallas.

Texas safety advocates contend the *Entergy* ruling harms Texas communities and workers by shielding the owners of large industrial plants from accountability for injuries to contract workers employed at dangerous workplaces. Under the *Entergy* ruling, for example, the families of workers killed or injured in the 2005 BP explosion in Texas City would have been barred from pursuing legal claims in Texas courts. Those claims exposed unsafe plant practices, prompted new safety procedures and compensated victims of a preventable disaster. Absent such courtroom accountability, workers and communities will not be safe.

"The Texas Supreme Court's do-over in the *Entergy v. Summers* case will have a direct impact on worker safety," **Texas AFL-CIO President Becky Moeller** said. "Continuing the legal principle that has served Texas well for years will encourage companies to emphasize safety in dangerous workplaces. Reverting to the result reached in the first *Entergy* opinion would 'fix' what's not broken and encourage companies to make new calculations of the cost of safety v. the risk of injury or death. As we have seen so many times, it is both cheaper and better business practice to place worker safety first, rather than game the system in a way that compromises safety."

“Ignoring the law, legal precedent and the intent of the Legislature in the *Entergy* case, the Texas Supreme Court made the workplace in Texas even more dangerous,” said **Glenn Smith, co-founder of the Texas Progress Council**. “The ruling destroyed all notions of accountability, a Texas value if ever there was one. When no one is accountable, no one is safe. Let's hope the court restores accountability by reversing its earlier opinion.”

“The Texas Supreme Court, once again, got it wrong in the *Entergy* decision on the facts and on the law,” said **Alex Winslow, Executive Director of Texas Watch**. “The ruling eliminates accountability and leaves us all more vulnerable. If the court doesn’t reverse this ruling, the legislature will be left to clean up the mess.”

“The court’s unanimous *Entergy* ruling is a reckless deregulation of Texas workplaces,” said **Craig McDonald, director of Texans for Public Justice**. “It will result in more accidents, more injuries and more preventable deaths. This is the ultimate example of an activist court legislating from the bench. The high court rewrote the law to benefit the oil, gas and chemical giants that will no longer be accountable to the public or to Texas courts.”

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[Link to Press Release from Rep. Craig Eiland, Sens. Jeff Wentworth & Rodney Ellis.](#)

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