

INSIGHTS

Monitor/Sidebar Crossover Part 1: I Am The One Who Knocks

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In the first of a two-part series on government investigations and inspections, Bracewell partners [Kevin Collins](#) and [Seth Du Charmé](#) join Environmental Law Monitor host [Daniel Pope](#) for a discussion of best practices for preparing for government inspections at facilities. Kevin is a partner in our Austin office and Seth is a partner in New York.

For any company that has regulated facilities or sites, what are some of those best practices that companies can start doing now to prepare for the day when their facility is visited for an inspection or subjected to a deeper investigation by DOJ or an administrative agency?

You need to have a plan, and you need to understand what authority the agency's presenting to you to gather your information or come onto your facility. There's a lot of warrantless acquisition of information going on right now, and there are lots of commercial providers that will sell your geolocation information to the government if the government will ask them and pay for it.

For any company that is regulated, particularly by the EPA, but by any government agency, what best practices can they adopt to help them prepare them for an inspection or investigation?

You can create very simple plans with lots of white space. Something that is easy to read when the inspector shows up. Let your security staff or your gate people know what to do if someone shows up and presents credentials. They need to understand they can take the credential or not take it, but they can look at the credential and call to validate whether or not the person who's standing there is in fact from the agency that they represent themselves to be from. There is nothing wrong with that. Agents understand that is something that will be done. If you want to get more complicated, some statutory authorities that allow for inspection will allow for government agents to come into your facility under their appropriate authority.

These things always go more smoothly when you act professionally and calmly, but that does not mean you give away the farm and volunteer things you don't have to. Having that confidence to act calm and professional in what is undoubtedly going to be a stressful situation is really important for the company because people can appear guilty just when they're nervous and they can arouse suspicion just through any kind of erratic behavior. You can lose confidence quickly if the inspectors or the agents get the impression that you are either willfully trying to disobey the rules or you are trying to mislead or misdirect them, so you want to have that confidence, professionalism, know your rights, keep the temperature down and everything

should go more smoothly for everyone involved.

Want to learn more about government investigations and inspections? Contact [**Daniel Pope**](#), [**Kevin Collins**](#) and [**Seth DuCharme**](#) with your questions.

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