

## Kevin D. Collins

Partner

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AUSTIN

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Kevin is a former Assistant U.S. Attorney from the Eastern District of Texas, and he can help you manage the problems that arise during government investigations. His goal is to help you avoid significant penalties or uncertain litigation by negotiating a favorable outcome. But he has the trial experience to stand firm against the government when it demands too much or oversteps its lawful authority.

Kevin has focused on process safety since he assisted the Baker Panel investigate and issue its report on safety culture and corporate oversight of BP's North American refineries in 2005. This focus results in four main areas of assistance to you: (1) responding to government investigations after industrial accidents; (2) representing you during OSHA (process safety management standard) and EPA (RMP) enforcement proceedings; (3) improving safety culture in refineries and chemical plants; and (4) preparing for industrial accidents by helping you to develop useful business-continuity plans, legal resource handbooks, release-reporting guides, and meaningful tabletop exercises and emergency field drills.

Kevin's combination of process safety experience, trial experience, and technical understanding will help you solve your problems. He is a member of the AIChE, speaks often on the criminalization of process safety, and is an adjunct faculty member of The University of Texas at Austin.

### **Industries**

[Energy](#)

[Healthcare](#)

### **Practices**

[Data Security & Privacy](#)

[Environment, Lands and Resources](#)

[Government Contracts](#)

[Government Enforcement & Investigations](#)

[Internal Investigations](#)

[Incident Prevention & Response](#)

[Labor & Employment](#)

[Litigation](#)

[Environmental Litigation](#)

[Environmental Litigation & Enforcement Defense](#)

## Experience

### Business owner

- defended against federal conspiracy and criminal tax charges; tried case to verdict in federal jury trial

### Executive

- negotiated plea agreement for international executive charged by the U.S. Justice Department with FCPA violations

### Independent panel

- conducted special investigation into corporate safety culture, corporate safety oversight and safety management systems at BP's five North American refineries on behalf of an independent panel of experts chaired by former US Secretary of State James A. Baker III\*

### Major integrated energy company

- special safety investigation under Contra Costa county's industrial safety ordinance\*

### Major refining and marketing company

- investigations by CalOSHA, the U.S. Chemical Safety Board (CSB), the U.S. EPA, and Contra Costa County Hazardous Materials\*

### Chemical manufacturer

- represented during OSHA and CSB investigation of release resulting in a fatality\*
- represented during OSHA, CSB, U.S. EPA, and TCEQ investigations of a release resulting in four fatalities\*

### Midstream oil and gas company

- internal investigation of a process safety incident\*

\* *Work completed prior to Bracewell*

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## Credentials

### Education

- The University of Texas School of Law, J.D., 2005, *with honors*
- The University of Texas at Austin, B.A., 1993

## Bar Admissions

- Texas

## Affiliations

- American Bar Association, Section of Environment Energy and Resources; Section of Environmental Enforcement and Crimes; Section of Environmental Litigation; Section of Toxic Torts Committees
- Eastern District of Texas Anti-Terrorism Advisory Task Force
- Texas Bar Foundation, Fellow

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## Recognition

### ***Chambers USA***

- Texas Environment, 2021 – 2024

### ***The Legal 500 United States***

- Environment: Regulatory, 2016, 2019 – 2024
- Environment: Litigation, 2016, 2018 – 2019, 2022 – 2024
- Dispute Resolution: Corporate Investigations and White-Collar Criminal Defense, 2023 – 2024

## BL Rankings

- *Best Lawyers*, Environmental Law, 2019 – 2024
- *Best Lawyers*, Litigation – Environmental, 2020 – 2024
- *Best Lawyers*, Austin Lawyer of the Year, Litigation – Environmental, 2023

## Lawdragon Inc.

- *Lawdragon Green 500: Leaders in Environmental Law*, Government Investigations, Enforcement & Litigation, 2024
- *Lawdragon 500 Leading US Energy Lawyers*, Energy Investigations and Litigation, 2024

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## Resources

### **EPA's Risk Management Plan With Craig Haas**

Podcast

### **FOIA's Deliberative-Process Privilege and the ESA**

Blog Post

## **Environmental Enforcement, Suspension and Debarment With Robert Wagman, Jason Hutt and Kevin Collins**

Podcast

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

Podcast

## **COVID-19 Preparedness**

Update

## **Monitor/Sidebar Crossover Part 2: I Am the One Who Knocks**

Podcast

## **Surviving and Thriving in a Hostile Cyber Environment**

Video

## **Criminal Investigations and Prosecutorial Discretion in HSE**

Video

## **U.S. Chemical Safety Board Issues Factual Update on TPC Group Port Neches Facility**

Blog Post

## **10th Circuit expands PSM coverage**

Blog Post

## **COVID-19: EPA Enforcement Discretion Policy**

Blog Post

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## **Publications & Speeches**

- Co-author, "Avoiding criminal liability after a flood: Lessons from Hurricane Harvey," *Trends*, Section of Environment, Energy, and Resources of the American Bar Association, January/February 2018.
- Presenter, "Personal Criminal Liability for Corporate Activities," Association of Corporate Counsel Austin Chapter, March 28, 2017.
- "Lessons Learned from the PG&E Trial," *Austin Bar Association Environmental Law Section*, December 1, 2016.
- "The Criminalization of Process Safety," *Chicagoland Safety, Health, & Environment Conference*, Chicago, September 21, 2016.

# BRACEWELL

- "Criminalization of Process Safety Incidents," *29th Annual Environmental, Health & Safety Seminar Sponsored by Texas Chemistry Council (TCC) and Association of Chemical Industry of Texas (ACITS)*, Galveston, Texas, June 6, 2016.
- "The Criminalization of Process Safety," *Inside Counsel*, March 15, 2016.
- "Major Accident Response," *26th Annual Texas/Louisiana EHS Seminar Sponsored by Texas Chemistry Council (TCC) and Association of Chemical Industry of Texas (ACITS)*, Galveston, Texas, June 3-6, 2013.
- "How is Environmental & Safety Regulation of the Oil & Gas Industry Evolving?," *65th Annual Oil & Gas Law Conference*, Houston, Texas, February 19-20, 2014.
- "What to Expect in the Event of an Oil Spill or Other Significant Offshore Incident or Catastrophe," *Rocky Mountain Mineral Law Foundation, Federal Offshore Regulatory Enforcement Conference*, Houston, Texas, January 20-21, 2016.
- "Incident Response: E-Discovery in Government Investigations," *AU-CLE Webinar*, July 30, 2014.