

Natural Resource Damages Liability

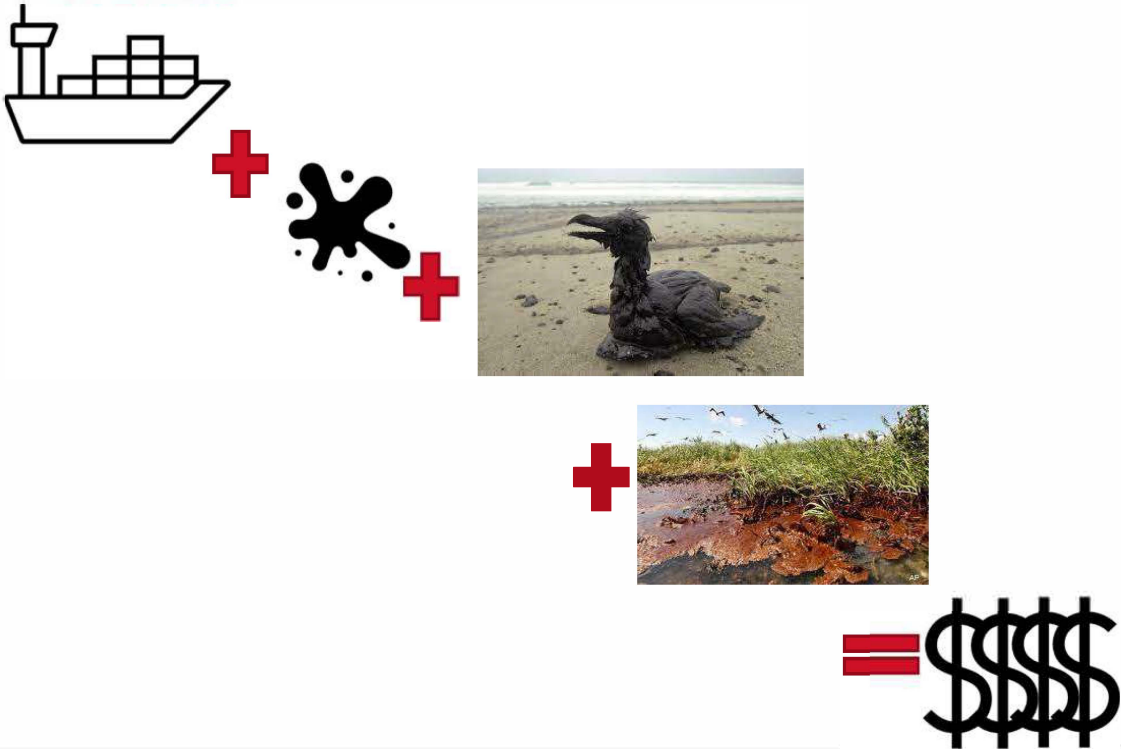
Molly Cagle and Austin Echols

CONFIDENTIAL
© Copyright Baker Botts 2022. All Rights Reserved.



1

Overview



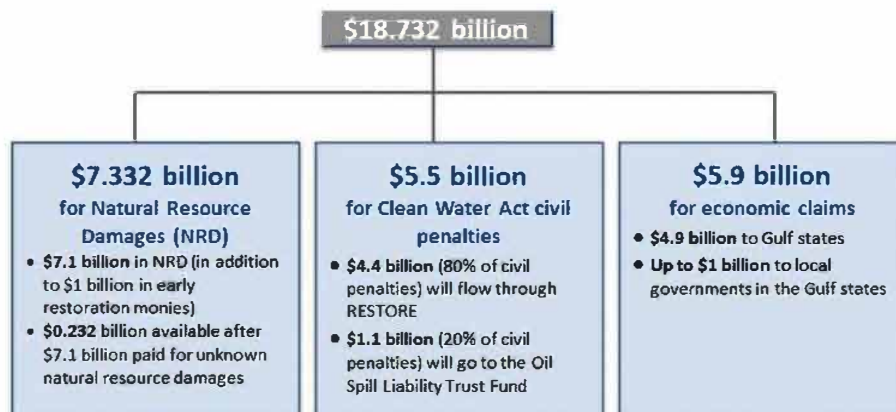
BAKER BOTTS

2

2

Deepwater Horizon

"We're sorry for the massive disruption it's caused their lives. There's no one who wants this over more than I do. I would like my life back."



3

#1. DON'T LOOK UP OIL SPILL PENALTIES IN STATUTES



Do not immediately look up penalties under each statute.

4

Statutory Penalties Are Adjusted for Inflation

Statutory Provision	Penalty When Enacted	Current Penalty
Oil Pollution Control Act (33 U.S.C. § 2716a)	\$25,000/day	\$51,796/day (30 C.F.R. § 553.51)
Clean Water Act (33 U.S.C. § 1319(d))	\$25,000/day	\$59,973/day (40 C.F.R. § 19.4)
Marine Protection, Research, and Sanctuaries Act (33 U.S.C. § 1415(a))	\$50,000/violation	\$218,048/violation (40 C.F.R. § 19.4)
Endangered Species Act (16 U.S.C. § 1540(a)(1))	\$25,000/knowning violation	\$57,527/knowning violation (50 C.F.R. § 11.33)
Marine Mammal Protection Act (16 U.S.C. § 1375)	\$10,000/violation or \$20,000/knowning violation	\$29,074/any violation (50 C.F.R. § 11.33)
CERCLA (42 U.S.C. § 9604(e)(5)(B))	\$25,000/day	\$62,689/day (40 C.F.R. § 19.4)

BAKER BOTTS

5

5

Exxon Valdez 1989



BAKER BOTTS

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Handling Environmental/Spills/Claims

Also available as part of the eCourse

[2022 David W. Robertson Admiralty and Maritime Law eConference](#)

First appeared as part of the conference materials for the
31st Annual David W. Robertson Admiralty and Maritime Law Conference session
"Handling Environmental/Spills/Claims"