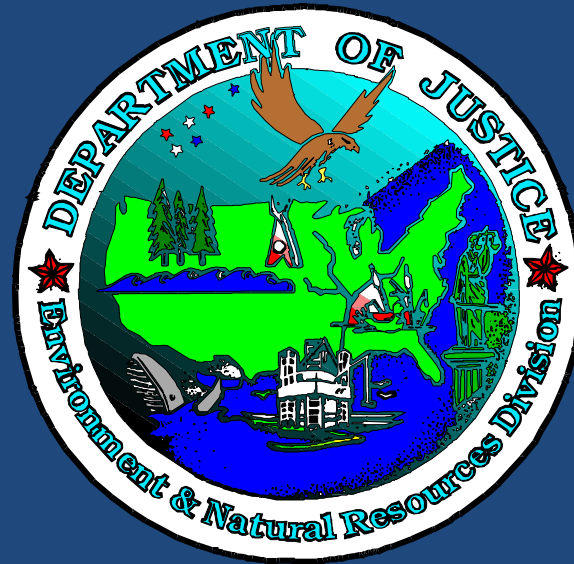


CRIMINAL PROSECUTION OF ENVIRONMENTAL CASES



September 26, 2012

Stacey H. Mitchell, Chief

Role of ECS

- Prosecuting Environmental Crimes
 - Lead Enforcement Initiatives
- Supporting United States Attorney's Offices
 - Participate in Task Forces (state and local)
- Training
 - Prosecutors and Investigators
 - Domestic and international
- Developing Policy/Legislative Proposals

Our Investigative Partners

- ❑ EPA's Criminal Investigation Division
- ❑ Coast Guard Investigative Service
- ❑ Fish & Wildlife Service – Office of Law Enforcement
- ❑ National Marine Fisheries Service (NOAA)
- ❑ Federal Bureau of Investigation
- ❑ Immigration & Customs Enforcement (DHS)
- ❑ Department of Transportation's Inspector General's Office

What Makes a Case Criminal

- ❑ Deliberate Acts of Misconduct
- ❑ Deceptive Conduct and False Statements
- ❑ History of Non-Compliance/Repetitive Violations
- ❑ Blatant Failure to Obtain Permits/Meet Core Regulatory Requirements
- ❑ Serious Environmental Harm or Public Health Impact
- ❑ Risk of Environmental Harm or Public Health Impact

Environmental Harm

- Not an element of the offense
 - Violations defined by our statutes do not require proof of harm
 - Except in our knowing endangerment, then we must prove threat of harm
 - Can be considered by a judge after a trial
- Factors to consider
 - Significant harm to the environment or human health
 - Threat of significant harm
 - Not merely reactive

Common Environmental Crimes

- Prosecute crimes arising under these statutes:
 - Clean Water Act, Oil Pollution Act
 - Resource Conservation and Recovery Act (RCRA)
 - Clean Air Act (asbestos, CFC smuggling, Title V)
 - Act to Prevent Pollution from Ships (APPS)
 - Lacey Act and other wildlife statutes
 - Title 18
 - Conspiracy
 - False statements
 - Obstruction
 - Wire fraud/mail fraud

VESSEL POLLUTION

Act to Prevent Pollution from Ships

- M/V Cosco Busan



M/V Cosco Busan

- Allided with SF Bay Bridge
- 53,000 gal of oil into SF Bay
- 26 miles of shoreline impacted
- \$70 million clean-up costs
- 2,400 birds killed





Intentional Pollution

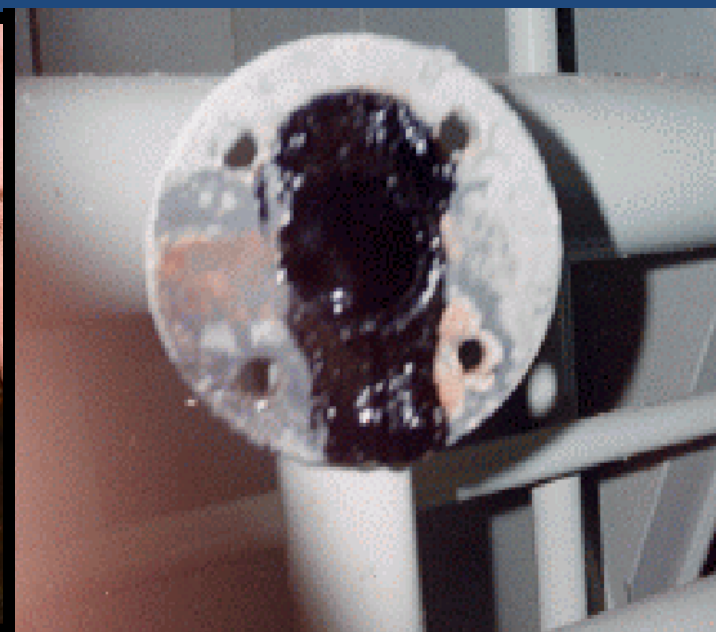
Intentional, illegal discharges of oil from vessels = 88,000,000 gal a year

8 x Exxon Valdez.
. . . every year









• Each of these vessels was ISM certified and had passed Class, Flag and Port State inspections.

Oil Record Book

Materially False Statements and Omissions

NOMBRE DEL BUQUE
Name of ship: MSC ELENA

NÚMERO OFICIAL O DISTINTIVO DE LLAMADA
Official number or call letters: HPAU

OPERACIONES EN ESPACIOS DE MAQUINAS (TODOS LOS BUQUES)* OPERACIONES DE CARGA/LASTRE (PETROLEROS)* (TACHAR LO QUE NO CORRESPONDE)

Machinery space operations (all ships) / Cargo / ballast operations (oil tankers) (Delete as Appropriated)

FECHA Date	CODIGO (LETRA) Code (letter)	PUNTO (NUMERO) Item (number)	REGISTRO DE OPERACIONES/ FIRMA DE OFICIALES ENCARGADOS Record of operations/signature of Officers in charge
30.04.05	D	13	6.0 m ³ E/R BILGES
		14	START 1300 Ha ~ 1600 Ha
		15	TRANSFER TO OWRK (44.78/18 m ³)
04.05.05	C	12.1	LA SPEZIA DISCH RETAINED PURIFIER SLDG TK 24/3.7
			IRRECOVERY TK 1/6.8
04.05.05	D	13	2.0 m ³ E/R BILGES
		14	START 1500 ~ 1615 Ha
		15	TRANSFER TO OWRK (44.78/21 m ³)
6.05.05	D	13	2.0 m ³ E/R BILGES
		14	START 13.00 Ha ~ 13.45 Ha
		15	TRANSFER TO OWRK (44.78/21 m ³)
08.05.05	D	13	14 m ³ (OWRK 23.0/9.0 m ³)
		14	0800 Ha ~ 1500 Ha
		15.1	START 137° 20.3' N 000° 55.5' W
			STOP: 36° 26.8' N 003° 11.8' W
		12.2	53 LTR TO IRRECOVERY TK

FIRMA DEL CAPITAN
Master's signature: [Signature]

NOMBRE DEL BUQUE
Name of ship: MSC ELENA

NÚMERO OFICIAL O DISTINTIVO DE LLAMADA
Official number or call letters: HPAU

OPERACIONES EN ESPACIOS DE MAQUINAS (TODOS LOS BUQUES)* OPERACIONES DE CARGA/LASTRE (PETROLEROS)* (TACHAR LO QUE NO CORRESPONDE)

Machinery space operations (all ships) / Cargo / ballast operations (oil tankers) (Delete as Appropriated)

FECHA Date	CODIGO (LETRA) Code (letter)	PUNTO (NUMERO) Item (number)	REGISTRO DE OPERACIONES/ FIRMA DE OFICIALES ENCARGADOS Record of operations/signature of Officers in charge
12.05.05	D	13	3.0 m ³ E/R BILGES
		14	START 0900 Ha ~ 1000 Ha
		15	TRANSFER TO OWRK (44.78/12 m ³)
14.05.05	D	13	9 m ³ (OWRK 12.0/3 m ³)
		14	0800 Ha ~ 1200 Ha
		15.1	START: 43° 24.8' N 057° 11' W
			STOP: 43° 16.5' N 058° 42.7' W
		12.2	50 LTR TO IRRECOVERY TK
16.05.05	C	11	COLLECTION OF OIL RESIDUES
		11.1	PURIFIER SLDG TK (37.43/135 m ³)
			IRRECOVERY TK: 22.94/7.14 m ³
			INCINERATOR TK: 1.5/113 m ³

FIRMA DEL CAPITAN
Master's signature: _____

HONEYWELL

RCRA – Hazardous Waste

KOH

5274

2798

POND MUDS

(POTASSIUM HYDROXIDE)

CAUTION





KOH MILES
CAUTION
CORROSION
HARMFUL TO AQUATIC LIFE

Lot 117200
Dist. 27
Phy 10
422.3
19.6
402.7

KOH MILES
CAUTION
CORROSION
HARMFUL TO AQUATIC LIFE









BP – TEXAS CITY

Clean Air Act







Pre-Incident

Post-Incident



OPERATION CENTRAL

Wildlife U/C Operation

Sea Turtles: Basic Facts

- Threatened and Endangered Sea Turtle Species
 - Five sea turtle species – Hawksbill, Leatherback, Kemp's Ridley, Olive Ridley, and Green Sea Turtles – are listed as *Endangered* under the ESA throughout all or part of their habitat.
 - One sea turtle species – the Loggerhead Sea Turtle – is listed as *Threatened* under the ESA.
 - ❖ *All* species of sea turtles are listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), which is incorporated into US law by the ESA.

Sea Turtles: Trade

- Sea Turtle Products from Mexico
 - Tanned skins
 - Boots, belts, and other products



Sea Turtles: Trade



Front of Covert Business



Front Display Room



Warehouse



ECS'S OTHER ROLES

Capacity Building & Resource

Capacity Building

- Training
 - ▣ Domestic Training
 - ▣ International Coordination and Training
- Policy and Legislative Review
 - ▣ In conjunction with LPS