

U.S. EPA's Office of Criminal Enforcement, Forensics and Training



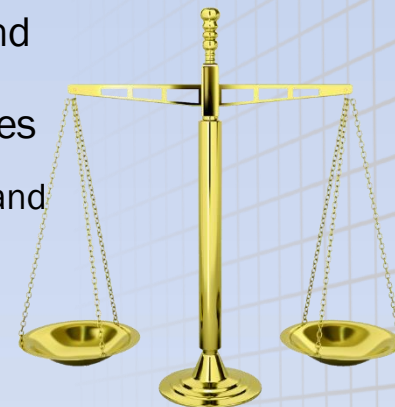
The Focus of Our Mission

We focus our resources on the most significant environmental crimes, targeting cases involving:

- Death or serious injury
- Hazardous substances and wastes
- Human exposure or other threats to community health
- Repeat offenders/multiple violations
- A large or significant corporate enterprise

Enforcing Environmental Laws

- **RCRA** (Resource Conservation and Recovery Act)
 - Hazardous waste treatment, storage and disposal
- **CERCLA** (Comprehensive Environmental Response, Compensation and Liability Act – aka Superfund)
 - Unreported releases of hazardous substances
- **CWA** (Clean Water Act)
 - Surface waters
 - Sewers and POTWs
 - Wetlands
- **SDWA** (Safe Drinking Water Act)
 - Public drinking water systems
 - Underground injection wells
- **CAA** (Clean Air Act)
 - Stationary Sources (112r, NESHAP, etc.)
 - Mobile sources (vehicle and fuels/RINS)
 - Ozone depleting substances
- **EPCRA** (Emergency Planning and Community Right to Know)
 - Notification Requirements
 - Toxics Release Inventory
- **FIFRA** (Federal Insecticide, Fungicide, and Rodenticide Act)
 - Pesticides
- **TSCA** (Toxic Substances Control Act)
 - PCBs
 - Lead-based paint



...and Associated Violations of Title 18, the U.S. Criminal Code

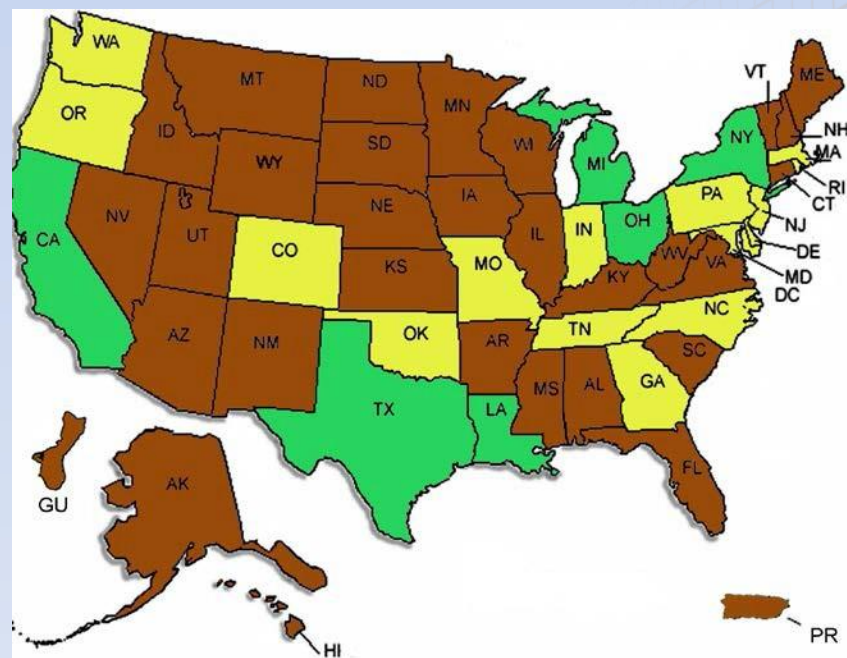
- Obstruction of Justice/Obstruction of Agency Proceeding (§1501 et seq.)
- Conspiracy (§371)
- Mail Fraud (§1341)/Wire Fraud (§1343)
- Aiding and Abetting (§2)
- Smuggling (§545)
- False Statements/Concealment (§1001)
- Money Laundering (§1956)



EPA's Critical Role in Bringing Criminal Enforcement Actions

States have few environmental criminal enforcement staff resulting in very limited capacity to prosecute pollution crimes in most of the country.

- Twenty-nine states (in brown) have no law enforcement officers (LEOs) or prosecutors dedicated to fighting pollution crimes;
- Fifteen states (in yellow) have five or less full-time LEOs and prosecutors combined; and
- Only six states (in green) have more than five full time pollution crime fighters.



NOTE: Does not included State resources dedicated to wildlife activities.

Coordination with the States

The majority of EPA's criminal cases involve coordination with State civil regulatory authorities.

Coordination includes activities such as reviewing state regulatory or permit data, meeting with state civil inspectors, and coordinating parallel civil and criminal enforcement proceedings.

In a minority of cases, such as where State jurisdiction is lacking (e.g., off-shore oil platform investigations), EPA has little to no coordination with States.

Distinctions Between Civil and Criminal Enforcement

Civil Judicial and Administrative

- Strict liability violations
- Burden of Proof: Preponderance of the evidence
- Gather evidence through inspection authority and information requests
- Results:
 - civil penalties
 - injunctive relief
 - SEPs
 - mitigation

Criminal

- Knowing/intentional violations
- Burden of Proof: Beyond a reasonable doubt
- Gather evidence following the Federal Rules of Criminal Procedure. Partner with DOJ to issue grand jury subpoenas or serve search warrants based on probable cause
- Results:
 - incarceration
 - conditions of probation
 - restitution
 - criminal fines
 - community service
 - court ordered environmental projects
 - deterrence

Note: If both programs are looking at a subject, neither can direct the other's investigative activities, and stringent grand jury secrecy rules apply.



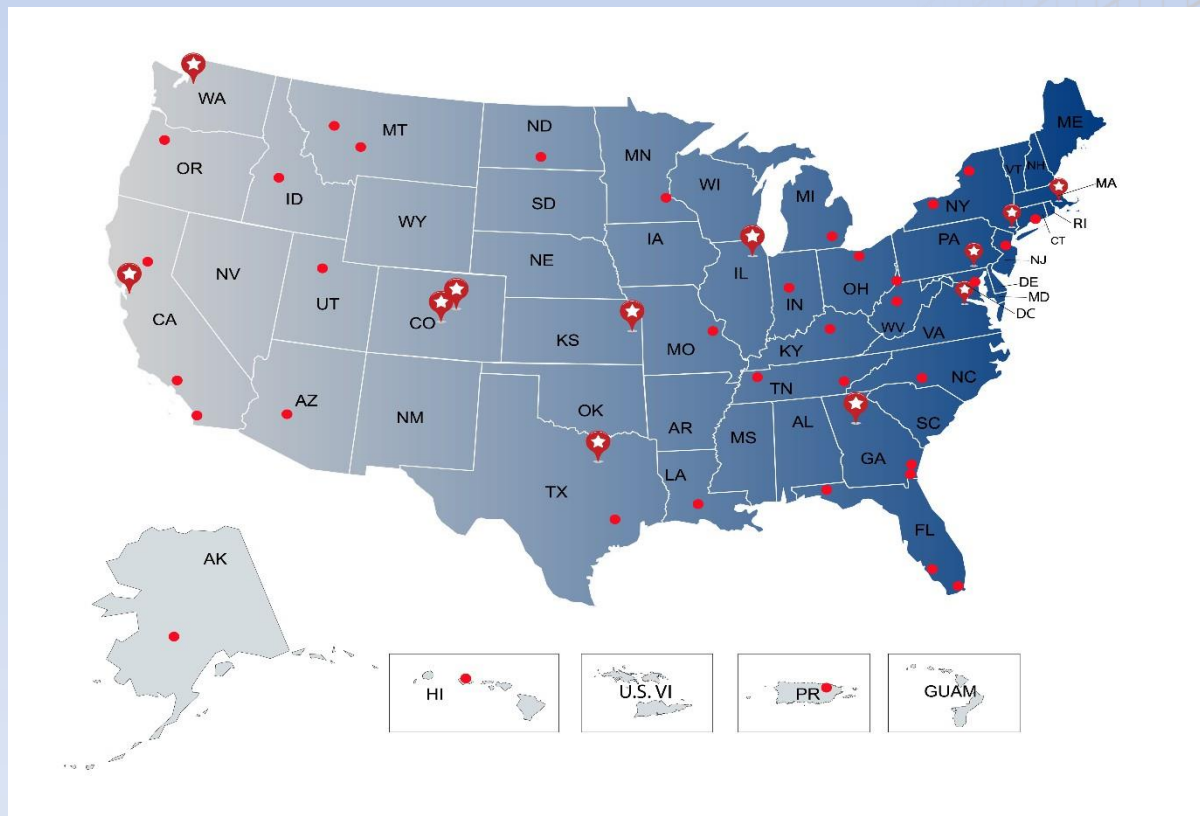
Who We Are in OCEFT

A team of professionals who work with Federal, state and tribal partners to investigate environmental and related crimes including:

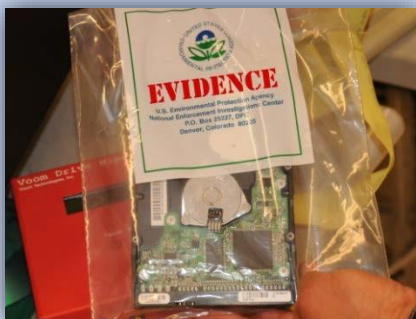
- ◆ 139 CID special agents in 49 offices nation-wide
- ◆ 69 scientists, engineers, regulatory experts and supporting discipline at the National Enforcement Investigations Center (NEIC), a fully accredited forensics center that supports both civil and criminal cases
- ◆ 13 attorneys in HQ and approximately 25 attorneys in EPA Regions with particular expertise in environmental crimes

Where We Are in OCEFT

- OCEFT Headquarters
- 10 CID Area Offices
- 34 CID RAC Offices
- NEIC and LCD Support (CO)
- NCFL - TEC Support (FL)
- FLETC Training Center (GA)
- Nat'l Secure Storage Facility (GA)



Criminal Investigation Division (CID)



Investigates potential criminal violations of federal pollution control statutes.



Plans, develops, and coordinates investigative activities and oversees all operational aspects of criminal investigations:

Includes interviewing witnesses, reviewing documents, executing search warrants, collecting evidence, and testifying in judicial proceedings.



Refers cases to DOJ and/or state prosecutors and provides support during prosecution.

Special Agents



Special Agents are Criminal Investigators with full federal law enforcement authority to:

- *Conduct investigations*
- *Carry firearms*
- *Execute and serve any warrant*
- *Make arrests for any offense against the United States*

National Criminal Enforcement Response Team (NCERT)

- NCERT's primary mission is to provide evidence collection support for environmental crime investigations, and law enforcement support/liaison to the Agency during regional or national disasters and emergency responses.
- NCERT is a specialized forensics team focused on:
 - Contaminated crime scene management, processing, and evidence collection/decontamination;
 - Law enforcement support/liaison;
 - Limited Weapons of Mass Destruction (WMD) investigative/forensic support to FBI under an existing MOU.



Legal Counsel Division (LCD) and Regional Enforcement Counsels (RCECs)

13 LCD Attorneys and approximately 25 RCECs:

- Provide legal support and guidance on matters affecting the criminal enforcement of environmental laws,
- Participate in the review of legislation and regulations,
- Provide legal training to OCEFT employees, EPA attorneys and EPA's federal, state, local, tribal, and international partners,
- Monitor legal developments that will affect not only OCEFT program management but also field operations,
- Help to respond to inquiries from Congress and members of the public.

National Enforcement Investigations Center (NEIC)



NEIC is OECA's environmental forensics center, comprised of field forensics specialists and a sophisticated laboratory utilizing a variety of analytical techniques to support criminal and civil investigations by:

- *Conducting complex on-site forensic investigations to determine compliance with environmental laws,*
- *Identifying and quantifying pollutants as supporting evidence to evaluate alleged violations under the CWA, CAA, RCRA, TSCA, FIFRA, SDWA, CERCLA, and EPCRA,*
- *Conducting applied research to improve the scope of existing compliance-related analytical methods.*

NEIC's Forensic Support



NEIC Criminal Enforcement Support

- NEIC supports the criminal program through forensic support from case development through litigation.
- Includes evidence collection, field sampling and measurement, statistical/data analysis, toxicology assessments, lab analysis, and expert witnesses.
- Seven NEIC Technical Coordinators (NTCs) who are engineers/scientists specially trained in criminal evidence collection.
- NTCs are co-located with CID in Area Offices to provide front-line planning and support from the earliest stages of investigations.

NEIC Civil Enforcement Support

- Support requests for on-site investigations, statistical/data analysis, toxicology assessments and analytical support are made by HQ and the Regions.
- Civil support requests often involve technically complex work that falls outside the scope of routine Regional work and may include process-based evaluations and sampling exercises.
- NEIC field tests advanced monitoring instruments to ascertain readiness and operational utility of emerging technology.

The Investigative Process



Investigative Process

Investigative Lead

Subject Research

Case Initiation

**Investigative Activities &
Techniques**

Interviews, Records Review,
Surveillance, Electronic
Surveillance, Monitoring, Search
Warrants, Cooperating Witnesses,
Sampling, Forensic Analysis

Case Presentation

**Federal or State
Prosecution Process**

We work with EPA's other programs (air, water, waste, civil enforcement, etc.)

- Use their subject matter and legal experts.
- Get leads, referrals, data and expertise.

We investigate cases for federal, state, and tribal prosecution, by:

- U.S. Attorneys offices,
- DOJ's Environmental Crimes Section (ECS), and
- State and tribal prosecutors.

We work with federal, state, local and international law enforcement agencies, such as:

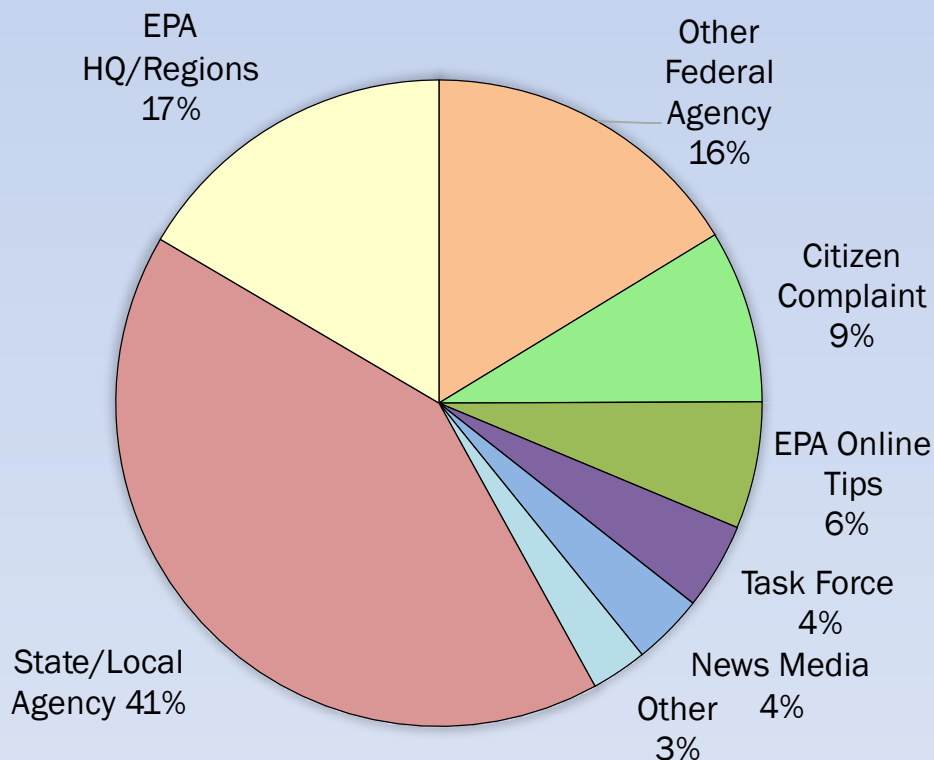
- Other "specialized" federal investigators, such as FDA, NOAA, Fish and Wildlife, Park Service, etc.,
- INTERPOL, Canada, Mexico, and
- FBI, ATF, as well as State, local and tribal police.

We use Environmental Crime Task Forces to organize joint efforts.



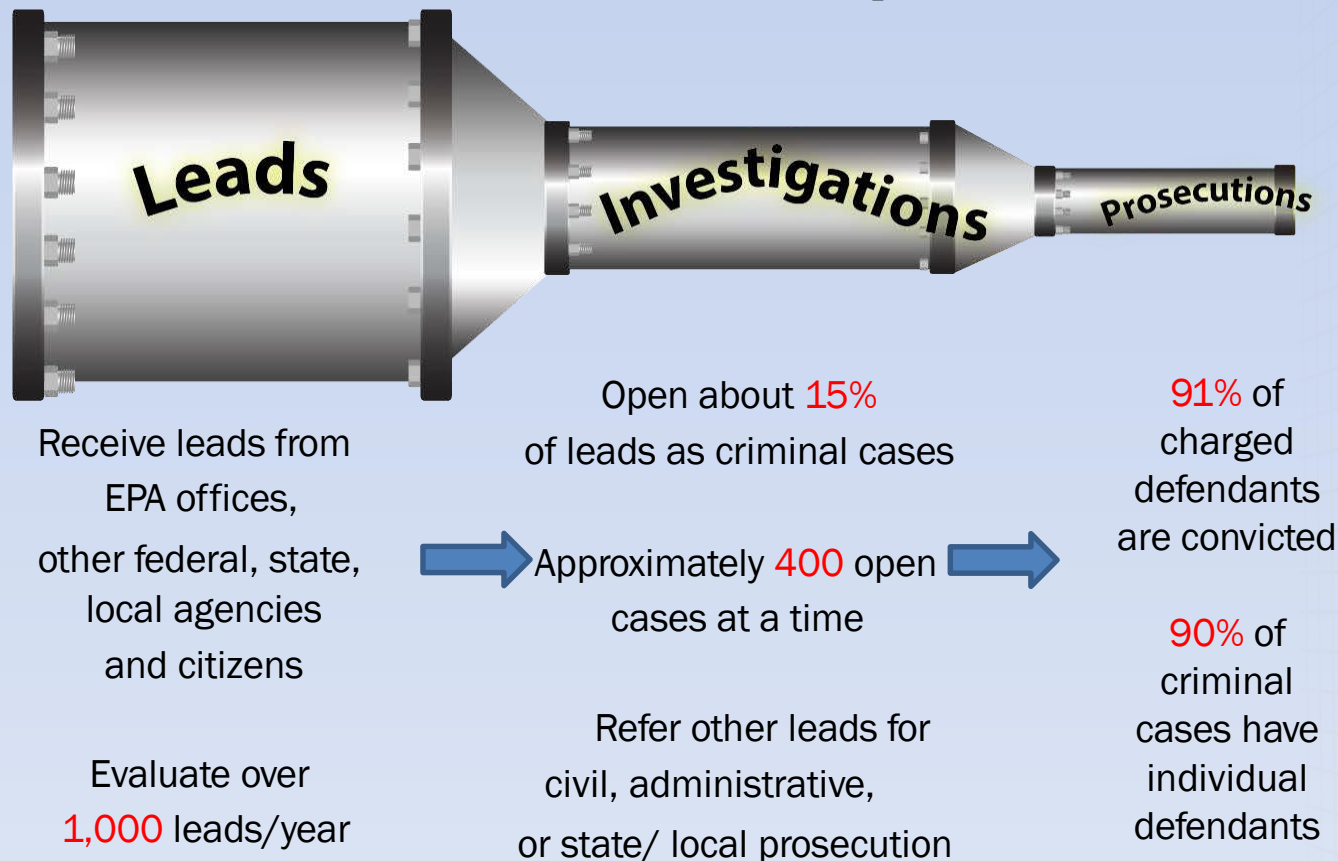
**Effective
Partnerships**

Case Referral Sources



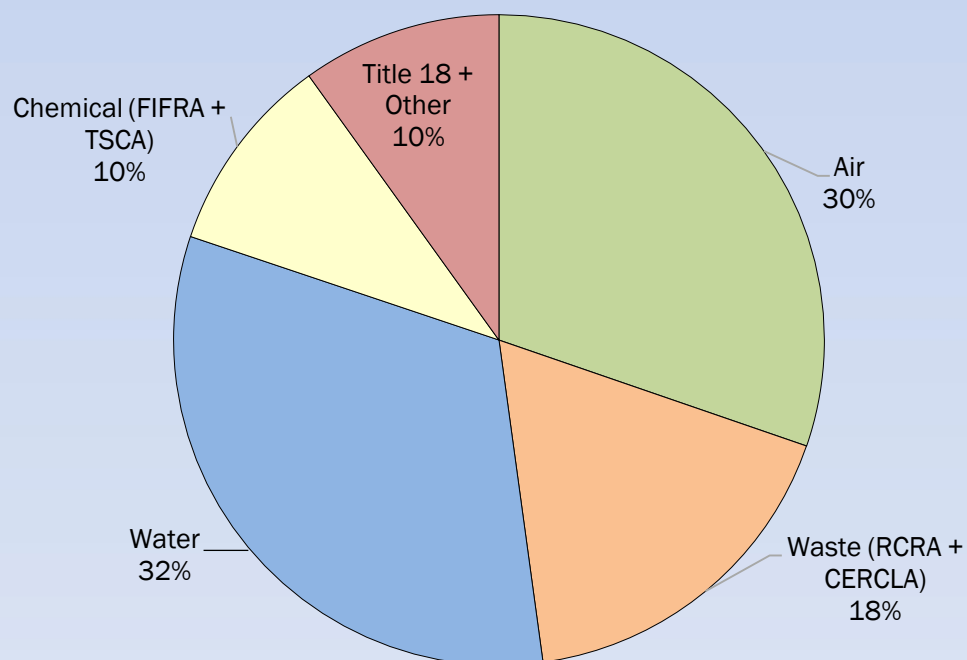
- Almost half (41%) of EPA's approximately 400 open criminal enforcement cases started with a referral from a State regulatory agency
- 17% were referred from EPA HQ/Regions
- 16% were referred from other federal agencies
- 15% came directly from citizen complaints or the online tip line
- The remaining 11% came from other investigations, task force groups, news media, etc.

EPA's Criminal Case "Pipeline" 2017



OCEFT Criminal Investigations

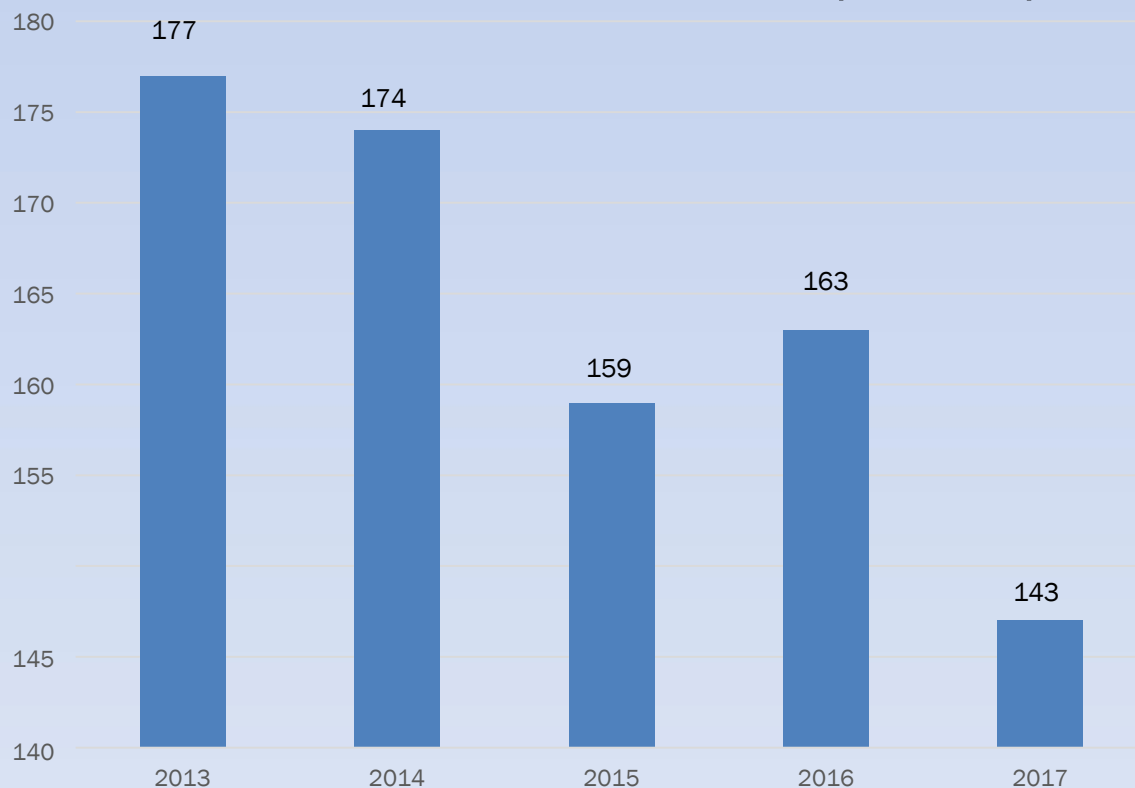
80% of our cases are in Air, Water and Waste



Trends FY 13 - FY17



Number of CID Special Agents FY 2013 – FY 2017 (as of 9/30 each year)

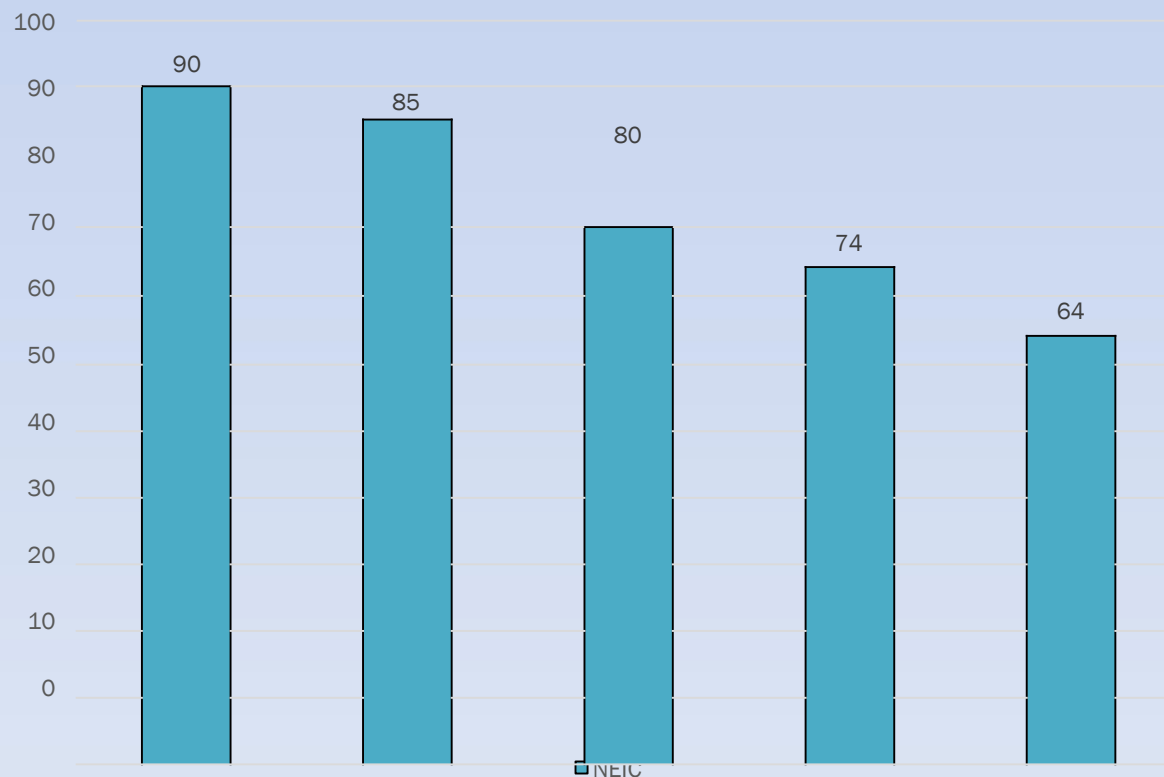


*The reduction in CID
to FY 17 represents
34 positions or 20%
of that workforce.*

As of 2/6/18 – 139 CID Agents on board

At Closer Glance....

NEIC On-Boards: FY 13-17

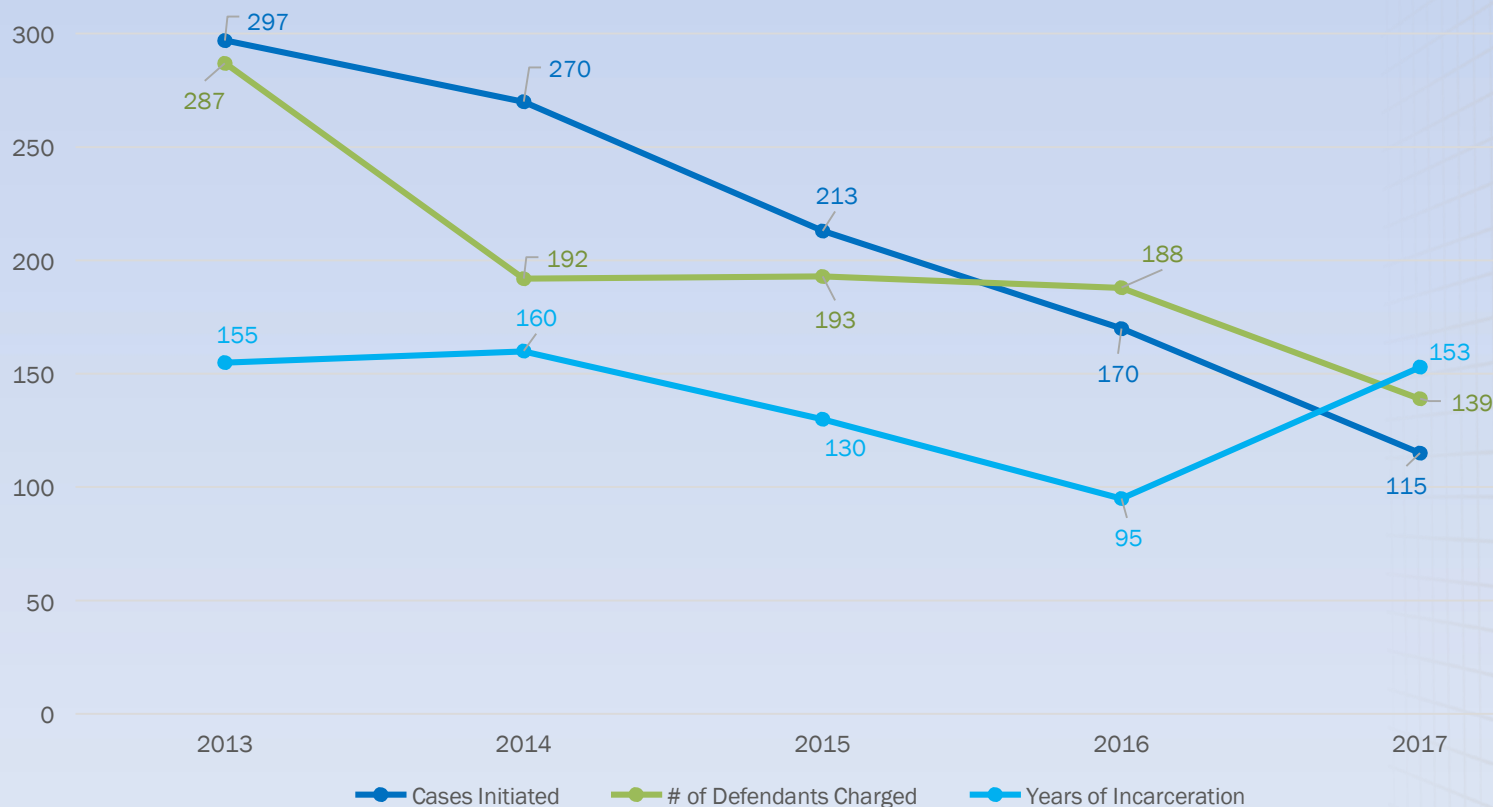


The reduction in NEIC from FY 13 to FY 17 represents 26 positions or 29% of that workforce.

Our Results



Criminal Enforcement Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results - Years of Incarceration FY 2013 - FY 2017



Criminal Enforcement Results 2013-2017

Fiscal Year	Cases Initiated	Defendants Charged	Fines and Restitution	Court Ordered Environmental Projects	Incarceration (years)
2013	297	287	\$1,545,291,040	\$3,071,952,080	155
2014	270	192	\$63,726,634	\$16,367,175	160
2015	213	193	\$200,574,014	\$3,939,723,645	130
2016	170	188	\$211,931,310	\$775,000	95
2017	115	139	\$2,964,019,782	\$3,092,631	153

Terminix – USVI



Terminix International Company LP (TERMINIX LP) and its U.S. Virgin Islands affiliate were charged with multiple knowing violations of FIFRA for illegally applying methyl bromide in residential buildings in the U.S. Virgin Islands, including a condominium complex in St. John where a family of four fell seriously ill after the unit below them was fumigated.

TERMINIX LP and TERMINIX, USVI were sentenced to pay a total of \$9.2 million in criminal fines, community service, and restitution payments.

Tonawanda Coke



- Endangered community by knowingly releasing benzene into the air and knowingly mishandling hazardous waste sludge.
- Judge called crimes “singularly inexcusable.”
- Ordered to pay a \$12.5 million criminal fine and pay an additional \$12.2 million community service to fund environmental studies to help determine the extent of health and environmental impacts.
- Environmental Control Manager sentenced to 12 months of incarceration.



Volkswagen

Volkswagen AG (VW) pled guilty to three felony counts and sentenced to pay a \$2.8 billion penalty stemming from the company's decade-long scheme to sell 590,000 diesel vehicles containing software designed to cheat on U.S. emissions tests.



This ain't your daddy's diesel.

Stinky, smoky, and sluggish. Those old diesel realities no longer apply. Enter TDI Clean Diesel. Ultra-low-sulfur fuel, direct injection technology, and extreme efficiency. We've ushered in a new era of diesel.

- Engineered to burn low-sulfur diesel fuel
- "Common Rail" direct injection system

[View key fuel efficiency info.](#)



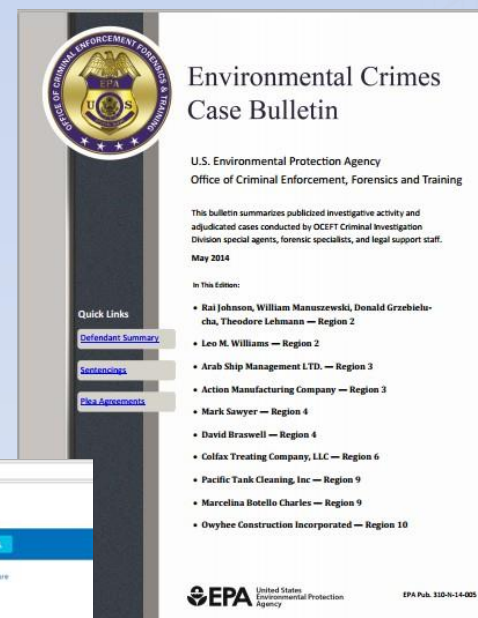
- James Liang, a VW engineer, was sentenced to 40 months in federal prison.
- Oliver Schmidt, the former general manager of Volkswagen AG's U.S. Environment and Engineering Office, was sentenced to 84 months in prison.
- Five additional VW executives and employees have been indicted for their roles in the nearly 10-year conspiracy.

Clean Water Act Cases 2018

8/2	MORA Development	PR	Clean Water Act Violation - discharging raw sewage into the La Plata River
6/5	Fuel Bio One, LLC	NJ	Clean Water Act violation - releasing 45,000 gallons of wastewater into the Arthur Kill waterway
4/23	Carl Zeiss Vision, Inc.	OR	Clean Water Act Violation - repeatedly discharging untreated wastewater into Kellogg Creek Wastewater Treatment Plant
4/18	Mike Blankenship	WV	Clean Water Act Violations - dumping untreated sewage into Little Huff Creek
2/27	Tyson Poultry Inc.	MO	Clean Water Act Violations - discharged spill contents into sewers resulting in fish kill.
2/21	James Philip Lucero	CA	Clean Water Act Violations - Dumped over 1000 Industrial-sized truckloads of debris (near San Francisco National Wildlife Refuge) into private property containing federally-protected wetlands, without landowner permission or permit.

Additional Information & Resources

Visit our Website: <https://www.epa.gov/enforcement/criminal-enforcement>



Questions

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