

Enforcing Our Nation's Environmental Laws

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merica's remarkable environmental progress has been driven in large measure by the more than two dozen federal statutes that establish strong protections for air, water, land, and wildlife. But these laws are effective only if they are vigorously enforced.

The Clinton-Gore Administration has made strict enforcement of our environmental laws one of its highest priorities, targeting its efforts on those polluters posing the greatest threat to public health and natural resources. Through the course of this Administration, the number of environmental crimes prosecuted — and the number of convictions won — have steadily risen. Well over \$400 million in civil penalties have been collected since 1993.

Landmark cases have led to the largest civil penalty ever in an environmental case, the stiffest jail term ever in an environmental case, the largest pollution reduction ever achieved through the courts, and the first conviction ever for illegal importation of protected coral. In addition to penalties, enforcement actions have led to major cleanups and pollution reductions. They also serve as a powerful deterrent to would-be violators.



Cutting Air Pollution from Power Plants

Last year, the Administration commenced enforcement action against eight major electric utilities in the Midwest and South for illegally releasing massive amounts of air pollution from their coal-fired power plants. The government contends the utilities violated the Clean Air Act by making major modifications to 32 coal-fired power plants without installing equipment required to control smog, soot, and acid rain.

Earlier this year, one of the utilities agreed to a groundbreaking settlement. Tampa Electric Company of Florida utility agreed to pay a \$3.5 million fine, install new equipment to meet stringent pollution limits, and invest more than \$10 million in local environmental projects. The settlement will ensure cleaner, healthier air for the people of Florida, and significantly reduce emissions that contribute to global warming.

Clamping Down on Dirty Diesels

In the largest Clean Air Act enforcement settlement ever, the Administration reached a sweeping agreement in 1998 with seven diesel manufacturers accused of installing devices in their engines to illegally bypass emission controls.

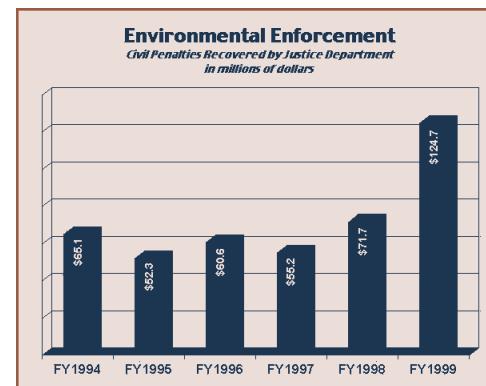
The companies sold an estimated 1.3 million engines containing "defeat devices" that allowed the engines to meet tailpipe standards during testing but bypass pollution controls during highway driving. The resulting pollution was equivalent to the emissions of 65 million cars. The

manufacturers agreed to pay \$83.4 million in civil penalties and to take actions costing more than \$850 million to reduce

pollution from diesel engines. These actions are expected to prevent more than 75 million tons of smog-forming nitrogen oxide emissions over the next quarter century — more than the total emitted in the U.S. in three years. This is the largest pollution reduction ever achieved in the courts.

Protecting the Ozone Layer

Under an international treaty called the Montreal Protocol, the United States has banned the production or import of chlorofluorocarbons (CFCs) and other chemicals that damage the Earth's protective ozone layer. This ban, however, has led to a black market in illegally imported CFCs, primarily for use in automotive air conditioners. The Administration's aggressive crackdown on CFC smuggling has resulted in more than 99 convictions so far. All told, convicted smugglers have been sentenced to 51 years of jail time and ordered to pay \$39 million in fines and \$28 million in restitution.



Source: U.S. Department of Justice, Environment and Natural Resources Division

Cracking Down on Vessel Pollution

Cruise ships and other vessels that illegally discharge wastes are a major source of pollution to ocean and inland waters. The Administration has undertaken a targeted enforcement strategy to reduce vessel pollution and prosecute violators.

In a major case last year, Royal Caribbean, one of the world's largest cruise ship lines, pled guilty to 21 felony counts for illegally dumping waste oil and chemicals, and for making false statements to the U.S. Coast Guard. The company agreed to pay an \$18 million criminal fine — the second largest ever in a vessel pollution case — and agreed to operate for the next five years under a court-supervised environmental compliance plan.

Protecting Rare and Endangered Species

A major threat to biodiversity around the world is the illegal trade in rare and endangered species — both live animals and their skins, organs and other parts. Through a vigorous enforcement strategy, including a series of undercover investigations called Operation Chameleon, the Administration is helping to control this \$6 billion-a-year black market.

In one case, agents broke up a ring responsible for smuggling more than 300 reptiles worth nearly half a million dollars, including the highly endangered plowshare tortoise and Komodo dragon, into the United States. Other smugglers have been prosecuted for bringing snakes and rare tortoises from Madagascar, turtles from Indonesia, and reptiles from the West Indies. In a case in Florida, the president of one the country's largest reptile import firms was sentenced to eight months in prison and agreed to pay \$250,000 to protect habitat in Indonesia.

In addition, the Administration last year won the first criminal conviction ever for the smuggling of protected corals and seashells.

Making Oil Pipelines Safer

Earlier this year, the Administration won the largest civil penalty ever under federal environmental law in a case involving hundreds of oil spills in six states. The Administration had sued Koch Industries, Inc., which operates an extensive oil pipeline network in the Midwest, for illegally allowing 3 million gallons of crude oil and other products to leak into lakes, rivers, or streams. Most of the spills occurred in Oklahoma, Texas and Kansas, and resulted from corrosion that could have been prevented through proper maintenance. Koch, the second-largest privately held firm in the U.S., agreed to pay a \$30 million civil penalty to the United States and the state of Texas; improve its leak prevention program; and invest \$5 million in environmental projects in the affected states.

Prosecuting Illegal Drug Labs

Last year, a long-time fugitive was sentenced to 15 years in jail for hazardous waste violations — the stiffest jail term ever in a federal environmental case. The conviction stemmed from an explosion 15 years earlier at one the country's largest illegal cocaine processing labs. The defendant, who was one of the managers of the operation, fled the lab after the explosion, leaving behind 230 drums of highly flammable toxic materials that posed an imminent hazard to police and firefighters responding to the blaze. While more than a dozen people were prosecuted within several years of the explosion, this defendant remained at large until last year.



Pittsfield, Massachusetts Freeing a Town and Its River from Toxic PCBs

For decades, General Electric was the economic lynchpin of Pittsfield, Massachusetts, employing thousands at its sprawling industrial plant. But when the people of Pittsfield learned that for years the plant had leaked toxic PCBs into the Housatonic River, they felt betrayed, and frightened.

Now, thanks to a settlement won by the federal and state governments worth more than \$250 million, there is hope that Pittsfield and the Housatonic will soon be free of their toxic legacy.

Under the settlement, G.E. will remove contaminated sediment from a half-mile stretch of the river, where ducks are so tainted with PCBs hunters are warned not to eat them. The company also will pay to clean up areas further downstream, the long-shut plant, and other contaminated properties. A cleanup at Allendale School, which neighbors the plant, already has been completed.

To help revitalize the local economy, G.E. also will transfer part of the decontaminated plant to the city for redevelopment. This "brownfields" package is worth an estimated \$50 million.

"Thanks to this settlement," said Pittsfield Mayor Gerald Doyle, "I believe we will move into the next century with a much safer environment and a stronger economy."