



# Bulletin

## Environmental Crimes Section

September 2022

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Rhino horn seized by authorities in *U.S. v. Kromah*. See [inside](#), for more details on this case.



District/Circuit	Case Name	Statutes
Middle District of Alabama	<a href="#"><u>United States v. William C. Easterling, et al.</u></a>	Cock Fighting/Animal Fighting Venture, Conspiracy
Northern District of Alabama	<a href="#"><u>United States v. ABC Polymer Industries, LLC</u></a>	Worker Death/OSHA
District of Alaska	<a href="#"><u>United States v. Bruce A. Jackson, et al.</u></a>	Waste Dumping/Conspiracy, Depredation
Eastern District of Arkansas	<a href="#"><u>United States v. Jackson Roe</u></a>	Wildlife Trafficking/Lacey Act
Central District of California	<a href="#"><u>United States v. Jose Manuel Perez, et al.</u></a>	Wildlife Trafficking/Conspiracy, Lacey Act
	<a href="#"><u>United States v. Renaissance Aquatics, Inc., et al.</u></a>	Marine Wildlife Sales/Smuggling
Eastern District of California	<a href="#"><u>United States v. Marino Cruz Diaz, et al.</u></a>	Marijuana Grow/Drugs, Firearms
Southern District of California	<a href="#"><u>United States v. EcoShield LLC, et al.</u></a>	Pesticide Sales/FIFRA
District of Colorado	<a href="#"><u>United States v. McDermid Sales &amp; Service, et al.</u></a>	Emissions System Tampering/CAA
District of Connecticut	<a href="#"><u>United States v. David Foster</u></a>	Baiting/MBTA
Middle District of Florida	<a href="#"><u>United States v. Tampa Electric Company</u></a>	Worker Death/OSHA
District of Kansas	<a href="#"><u>United States v. Brian Chansky</u></a>	Electroplating Waste/CWA
	<a href="#"><u>United States v. Terri Settle, et al.</u></a>	Aerosol Products/CAA
Eastern District of Louisiana	<a href="#"><u>United States v. Kirill Kompaniets</u></a>	Vessel/APPS, Obstruction
Eastern District of Michigan	<a href="#"><u>United States v. FCA US LLC</u></a>	Emissions Systems Tampering/Conspiracy
Northern District of Michigan	<a href="#"><u>United States v. Robert Jensen, et al.</u></a>	Fish Harvesting/Lacey Act



District/Circuit	Case Name	Statutes
Western District of Michigan	<a href="#"><u>United States v. ASP Plating Company, et al.</u></a>	Electroplating Waste/CWA
Southern District of Mississippi	<a href="#"><u>United States v. Robert D. Douglas</u></a>	Wastewater Discharges/CWA
Southern District of New York	<a href="#"><u>United States v. Moazu Kromah, et al.</u></a>	Rhino and Ivory Trafficking/ Conspiracy, Lacey Act
Southern District of Ohio	<a href="#"><u>United States v. Tony Lee Coffman</u></a>	Ginseng Harvesting/Lacey Act
	<a href="#"><u>United States v. DEM Technology, LLC, et al.</u></a>	Pesticide Sales/FIFRA
	<a href="#"><u>United States v. Allison Spaulding</u></a>	Invasive Species/Lacey Act
District of Oregon	<a href="#"><u>United States v. Hydro Extrusion USA</u></a>	Aluminum Processor/CAA
Western District of Pennsylvania	<a href="#"><u>United States v. Glenn Lijewski, et al.</u></a>	Drinking Water Plant/Conspiracy, CWA
Northern District of Texas	<a href="#"><u>United States v. Richard Kazmaier</u></a>	Wildlife Sales/ESA, Smuggling
Southern District of Texas	<a href="#"><u>United States v. Jonathan Roberto Rojas-Casados, et al.</u></a>	Wildlife Trafficking/Lacey Act, Smuggling



## Indictments

***United States v. Tony Lee Coffman*, No. 2:22-CR-00154 (S.D. Ohio), ECS Senior Trial Attorney Adam Cullman, SAUSA Mike Marous, AUSA Nicole Pakiz, and ECS Paralegal Jillian Grubb.**

On August 26, 2022, prosecutors charged Tony Lee Coffman with violating the Lacey Act for illegally transporting and selling protected plants (wild American ginseng) and falsifying records (16 U.S.C. §§ 3372(a)(2)(B)(i), 3372(a)(4), 3373(d)(1)(B)). Trial is scheduled to begin on November 21, 2022.

Coffman was a licensed dealer of wild American ginseng in the state of West Virginia. On September 7, 2017, and September 15, 2017, Coffman purchased approximately 28 pounds of American ginseng roots that others illegally transported from Ohio. Ginseng dealer reports Coffman submitted to authorities in October 2017 claimed the ginseng purchased on September 7th originated in West Virginia; he further failed to mention purchasing any roots on September 15th. Coffman also submitted falsified records claiming ginseng illegally harvested in Ohio between November 2018 and September 2020 came from West Virginia.

The U.S. Fish and Wildlife Service and the Ohio Department of Natural Resources conducted the investigation.

***United States v. Hydro Extrusion USA*, No. 3:22-CR-00299 (D. Ore.), AUSA Ryan Bounds.**

On August 24, 2022, prosecutors charged Hydro Extrusion USA (Hydro) with violating the Clean Air Act (CAA) by negligently releasing a hazardous air pollutant from its facility, endangering employees and nearby community members (42 U.S.C. § 7413(c)(4)).

Hydro operates a secondary aluminum processing facility in The Dalles, where it melts aluminum scrap to produce reusable aluminum billets. The CAA Title V permit requires facilities such as this to use aluminum scrap that is free of paints, coatings or lubricants. Between July 2018 and June 2019, Hydro acquired and melted scrap aluminum coated in a mineral-oil based mixture that, when combusted, produced hazardous smoke. During this time, Hydro employees noticed excessive smoke inside the building. Despite both federal and local authorities notifying Hydro that it was violating its permit, Hydro continued melting the unclean material, releasing hazardous air pollutants to the ambient air, and placed individuals in imminent danger of death or serious bodily injury.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from the Oregon Department of Environmental Quality.



## Indictments

***United States v. Jonathan Roberto Rojas-Casados, et al., No. 7:22-CR-01383 (S.D. Tex.), AUSA Devin Victoria Walker.***

On August 23, 2022, prosecutors charged three Mexican nationals with attempting to export wildlife from the United States into Mexico. Jonathan Roberto Rojas-Casados, Roberto Rojas-Ramirez, and Roberto Angel Roman-Alvarez are charged with violating the Lacey Act and exporting wildlife for trafficking more than 160 animals into Mexico (18 U.S.C. § 554; 16 U.S.C. §§ 3372(a)(1), 3372(a)(4), 3373(d)(1)(A)(a)). Trial is scheduled to begin on December 6, 2022.

Rojas-Ramirez collected the wildlife and loaded the boxes into a vehicle. He then paid Rojas-Casados to assist with transporting the wildlife. None of the men possessed permits to export wildlife from the United States.

On August 3, 2022, the three men drove two vehicles into the Hidalgo Port of Entry and attempted to travel outbound into Mexico. Rojas-Casados and Roman-Alvarez rode together in a van, while Rojas-Ramirez followed behind in a separate vehicle. Authorities stopped both vehicles for inspection. Upon searching the van, they discovered two boxes holding more than 160 animals concealed in small plastic containers and fabric bags inside the boxes. Authorities identified a number of reptiles as protected species, including snakes, iguanas, scorpions, tarantulas, frogs, geckos and lizards.

Homeland Security Investigations and the U.S. Fish and Wildlife Service conducted the investigation, with the assistance from Customs and Border Protection and the Gladys Porter Zoo.

***United States v. ABC Polymer Industries, LLC, No. 2:22-CR-00294 (N.D. Ala.), ECS Trial Attorney Bill Shapiro, ECS Senior Trial Attorney Ethan Eddy, AUSAs Robert Posey and Ryan Rummage, and ECS Law Clerk Maria Wallace.***

On August 12, 2022, prosecutors charged ABC Polymer Industries, LLC, with two counts of willfully violating an Occupational Safety and Health Act (OSHA) standard, causing a death (29 U.S.C. § 666(e)).

ABC Polymer manufactured plastic sheets using assembly lines that pulled the plastic through clusters of large spinning rollers. The machine at issue employed a metal barrier to protect the operator from the moving roller “pinch points”, as well as an “interlock” mechanism designed to stop the rollers if the guard was not in place. OSHA requires this type of machinery to employ guards while the machine is energized.

To save time, however, the company, routinely caused employees to operate the machine with the guard in the “up” or unprotected position when the rollers were moving. Employees disengaged the safety mechanism that would have stopped the rollers and shut down the line when necessary. This allowed the operators to reach between or near the roller drums to cut tangles in the plastic sheet without stopping the line, allowing

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## Indictments

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production to continue.

Despite knowing the machine previously hurt other workers who used it without the safety guard engaged, ABC Polymer assigned the victim and others to cut tangles out of plastic sheeting from among the machine's unguarded spinning rollers with a hand tool. The victim died in August 2017, after becoming entangled in the spinning rollers.

The Occupational Safety and Health Administration conducted the investigation.

***United States v. Robert Jensen, et al.*, No. 2:22-CR-00013 (W.D. Mich.); *United States v. Garden Bay Fisheries, et al.*, No. 2:22-CR-00014 (W.D. Mich.), ECS Trial Attorney Joel La Bissonniere, AUSA Paul Lochner, and ECS Paralegal Sam Goins.**

On July 29, 2022, prosecutors filed two separate informations charging defendants with falsely labelling and illegally selling commercially harvested lake trout.

Robert Jensen, and his son, Joseph Jensen, are enrolled members of the Sault Ste. Marie Tribe, who commercially fish Lake Michigan pursuant to licenses issued by their tribe. James and Michael Hermes are non-tribal fish wholesalers doing business as Garden Bay Fisheries, located in Michigan's Upper Peninsula.

During 2017, the Jensens repeatedly harvested lake trout in excess of established daily trip limits. Big Bay de Noc Fisheries (the predecessor to Garden Bay Fisheries) purchased this fish for sale in interstate commerce. To conceal the illegal harvesting, Robert Jensen falsified monthly catch reports filed with the tribe, and Big Bay de Noc Fisheries falsified wholesale reports filed with the State of Michigan.

Prosecutors charged the Jensens with misdemeanor false labeling in violation of the Lacey Act. Garden Bay Fisheries is facing felony trafficking, and James and Michael Hermes are charged with misdemeanor trafficking, all in violation of the Lacey Act (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(ii), (d)(3)(B)).

The U.S. Fish and Wildlife Service conducted the investigation.



## Guilty Plea

***United States v. Robert D. Douglas*, No. 3:22-CR-00096 (S.D. Miss.), AUSA Gaines Cleveland, ECS Senior Trial Attorney Jeremy Korzenik, and RCEC Keith Weisinger.**

On August 31, 2022, Robert D. Douglas pleaded guilty to violating the Clean Water Act for illegally discharging industrial waste into the Jackson, Mississippi, sewer system (33 U.S.C. § 1319(c)(1)(B)). Sentencing is scheduled for November 9, 2022.

Douglas co-owned a fat and oil recycling business called Gold Coast Commodities, Inc. Between December 2016 and October 2017, Douglas authorized payments on behalf of Gold Coast to transport and dispose of industrial waste at a commercial entity in Jackson. Douglas caused others to transport the waste and discharge it to a facility not designated as a discharge point for the Jackson Wastewater Treatment System.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, the Brandon Police Department, and the Mississippi Department of Environmental Quality, with assistance from the City of Brandon and the City of Jackson municipal governments, conducted the investigation.

***United States v. Richard Kazmaier*, No. 2:22-CR-00005 (N.D. Tex.), ECS Senior Trial Attorney Ryan Connors, AUSA Anna Bell, and ECS Paralegal Chloe Harris.**

On August 29, 2022, Dr. Richard Kazmaier, pleaded guilty to smuggling and violating the Endangered Species Act for illegally importing wildlife into the United States (18 U.S.C § 545; 16 U.S.C. §§ 1538(e), 1540(b)(1)). Sentencing is scheduled for January 10, 2023.

Kazmaier worked as a biology professor at West Texas A&M University. From approximately 2009, Kazmaier purchased wildlife items from around the world (including Bulgaria, Canada, China, Czech Republic, Indonesia, Latvia, Norway, Russia, South Africa, Spain, the United Kingdom, and Uruguay) for his personal collection. He bought taxidermy mounts, skeletons, bones, and feathers; he did not purchase any live animals.

He imported the wildlife without declaring it to customs or the U.S. Fish and Wildlife Service. The wildlife included protected species.

The U.S. Fish and Wildlife Service conducted the investigation.



## Guilty Plea

***United States v. Jose Manuel Perez, et al.*, No. 2:22-CR-00057 (C.D. Calif.), ECS Senior Trial Attorney Gary Donner, AUSAs Matthew W. O'Brien and Brian R. Faerstein, and ECS Paralegal John Taylor.**

On August 24, 2022, Jose Manuel Perez, a.k.a. "Julio Rodriguez," pleaded guilty to smuggling and Lacey Act trafficking charges (18 U.S.C. § 545; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)). Perez's sister, Stephany Perez, remains under indictment for conspiracy. Both illegally imported more than 1,700 reptiles (including 60 reptiles Perez hid in his clothes) into the United States at the Mexico border.

Between January 2016 and February 2022, the Perez siblings and co-conspirators used social media to buy and negotiate the sale and delivery of wildlife in the United States. The defendants advertised for sale on social media the animals smuggled from Mexico into the United States, posting photos and video that depicted the animals collected from the wild.

The defendants and others imported animals (including Yucatan box turtles, Mexican box turtles, baby crocodiles, and Mexican beaded lizards) illegally into the United States from Mexico and Hong Kong without any permits or documentation. Many of these species are protected under the Convention on the International Trade of Endangered Species of Wild Fauna and Flora.

For the animals smuggled from Mexico, co-conspirators retrieved the wildlife from Ciudad Juarez International Airport in Mexico and eventually shipped them by car to El Paso, Texas. Jose Perez paid co-conspirators a "crossing fee" for each border crossing based upon the number of animals transported, the size of the package, and the risk of detection.

Prosecutors filed a superseding indictment after Perez entered the United States from Mexico on February 25, 2022, with approximately 60 reptiles, including dozens of lizards and four snakes, concealed inside his jacket pockets, pants pockets, groin area, and pant legs. Three of the reptiles died during his smuggling attempt. The total market value of the wildlife exceeds \$740,000.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from U.S. Customs and Border Protection and Homeland Security Investigations.





## Guilty Plea

### ***United States v. Brian Chansky*, No. 2:22-CR-20030 (D. Kans.), AUSA Jabari Wamble.**

On August 23 2022, Brian Chansky pleaded guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)).

Chansky owned the Disposable Instrument Company, Inc. (DIC), which manufactured medical/surgical components from stainless steel and aluminum bar stock for the medical device industry. This process continuously generated electroplating wastewater that required pretreatment prior to discharge into the sanitary sewer system (or publicly owned treatment works). Chansky employed 15 workers and often participated in day-to-day operations. In January 2015, he acquired an Industrial Wastewater Discharge Permit for the company.

Beginning sometime in 2016, DIC began bypassing the pretreatment system, sending wastewater directly to the sewer, and dumping hazardous waste into a dumpster behind the facility. During this time, DIC reduced the amount of hazardous waste manifested for shipment and disposal while maintaining consistent production activities.

In August 2018, an employee alerted Chansky that DIC employees were bypassing the pretreatment process and dumping wastes in the back parking lot of the facility and directly into the sewer. This employee also alerted local authorities who then contacted the U.S. Environmental Protection Agency (EPA).

In September 2018, the EPA's National Enforcement and Investigations Center installed two manhole samplers up and downstream from DIC to collect water samples. After removing the samplers approximately a month later, chemists analyzed the samples finding DIC violated its discharge permit on multiple days between September and October 2018.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

### ***United States v. ASP Plating Company, et al.*, No. 1:22-CR-00105 (W.D. Mich.), AUSA Justin M. Presant.**

On August 15, 2022, ASP Plating Company (ASP), president Gary S. Rowe, and vice president Stephen F. Rowe, pleaded guilty to violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(B), 1319(c)(2)(A)).

Between 2015 and 2021, this electroplating company routinely violated its industrial user permit by dumping zinc in excess of the daily and monthly limitations, releasing zinc in batches without notice, and bypassing the pretreatment system entirely. The Grand Haven-Spring Lake Sewer Authority periodically monitored the company's discharges, but Gary and Stephen Rowe instructed employees to be sure they discharged wastewater containing excessive amounts of zinc when the monitor was not on the premises..

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



## Guilty Plea

***United States v. Renaissance Aquatics, Inc., et al.*, No. 2:17-CR-00585 (C.D. Calif.), AUSAs Heather Gorman and Dennis Mitchell.**

On August 10, 2022, Renaissance Aquatics, Inc., and Lim Aqua-Nautic Specialist Inc., pleaded guilty to smuggling for unlawfully importing live corals from Vietnam (18 U.S.C. § 545). Sentencing is scheduled for November 9, 2022.

Between 2007 until March 2013, Renaissance Aquatics operated as a retailer of live marine specimens, representing Lim Aqua-Nautic Specialist, a marine wildlife wholesaler. The companies imported marine life from foreign suppliers, then sold and shipped marine life within and outside the United States.

Renaissance employees placed orders with foreign suppliers to purchase various live saltwater species, including live corals. Aqua-Nautic provided Renaissance with the funds to pay for the orders, provided trucks and drivers to pick-up the orders upon arrival at Los Angeles International Airport, and arranged for warehouse space and employees to unpack and store the marine life upon delivery. Aqua-Nautic received most of the proceeds after Renaissance customers purchased the wildlife.

Renaissance imported live stony corals, also known as “hard corals,” from a supplier in Vietnam. Many of these species are protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Renaissance failed to provide the proper paperwork for these shipments. The customs broker subsequently submitted documentation provided by Renaissance that omitted the live stony corals and listed inaccurate prices. Renaissance also ensured the live stony corals were concealed beneath other properly declared wildlife.

From May 2012 to March 2013, Renaissance, acting as Aqua-Nautic’s agent, imported at least eight shipments from Vietnam containing stony corals that were not declared to the U.S. Fish and Wildlife Service and were not accompanied by the required CITES documentation.

The U.S. Fish and Wildlife Service conducted the investigation.



## Guilty Plea

***United States v. William C. Easterling, et al.*, No. 2:21-CR-00455 (M.D. Ala.), ECS Trial Attorney Leigh Rende, ECS Senior Trial Attorney Gary Donner, and ECS Paralegals Sam Goins and John Taylor.**

On August 5, 2022, William Colon Easterling, Brent Colon Easterling, William Tyler Easterling, and George William Easterling pleaded guilty on the eve of trial. Thomas Glyn Williams, Kassi Brook Easterling, and Amber Nicole Easterling previously pleaded guilty for their involvement in a large-scale gambling and cockfighting operation. Sentencing is scheduled for October 13, 2022 and November 8, 2022.

Between January and June 2018, the defendants maintained a cockfighting arena or “pit” with stadium seating for approximately 150 people and several rings to host cockfights. The Easterlings also operated three adjacent fighting bird breeding operations: one owned and operated by Big Jim Easterling; another called L&L Gamefarm, owned and operated by Brent and Kassi Easterling; and the third known as Swift Creek Gamefarm, owned and operated by Billy and Tyler Easterling, with help from Junior Williams. The defendants bred, sold, and shipped birds for fighting and breeding for use in fights. Brent and Kassi Easterling also promoted and sold cockfighting weapons from their operation.

George William Easterling, William Tyler Easterling, Kassie Brook Easterling, Brent Colon Easterling, and William Colon Easterling pleaded guilty to conspiracy to commit acts in violation of the Animal Welfare Act's animal fighting venture prohibition (18 U.S.C. § 371; 7 U.S.C. § 2156). George William Easterling, Amber Nicole Easterling, Thomas Glyn Williams, and William Colon Easterling pleaded guilty to sponsoring or exhibiting an animal in an animal fighting venture (U.S.C. § 2156(a)(1) and 18 U.S.C. § 49(a)). Brent Colon Easterling pleaded guilty to selling and breeding animals for use in an animal fighting venture (7 U.S.C. § 2156(b) and 18 U.S.C. § 49(a)). William Tyler Easterling pleaded guilty to promoting animal fighting ventures (7 U.S.C. § 2156(c) and 18 U.S.C. § 49(a)).

The U.S. Department of Agriculture Office of Inspector General and Homeland Security Investigations conducted the investigation.

***United States v. DEM Technology, LLC, et al.*, No. 3:22-CR-00048 (S.D. Ohio), ECS Senior Trial Attorney Adam Cullman.**

On August 2, 2022, DEM Technology, LLC, (DEM) and the company's vice president, Evan Morgan, pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 36j(a)(1)(B)). Sentencing is scheduled for December 7, 2022.

DEM produced a variety of products, including “SaniGuard,” a surface sanitizer spray registered with the Environmental Protection Agency (EPA). DEM also made a product called SaniGuard Total Release Fogger that it marketed in 2004 as a total room disinfectant using a continuous, fogging spray. The SaniGuard Total Release Fogger product was not registered with the Environmental Protection Agency (EPA). In its

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## Guilty Pleas

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marketing materials, DEM claimed that the SaniGuard Fogger could sanitize an entire room, including killing viruses and bacteria.

In 2004 and 2005, the EPA informed DEM that it failed to supply efficacy data to support SaniGuard's use as a fogger. Between 2004 and 2012, DEM acknowledged receiving this correspondence directing the company to remove any "fogging language" from the SaniGuard label.

In July 2015, DEM and the EPA signed a Consent Agreement ordering the company to pay a \$1,500 civil penalty for illegally selling and distributing SaniGuard Fogger. Despite the Consent Order, DEM and Morgan continued to produce, distribute, and sell SaniGuard Fogger from 2015 up through 2018.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Bureau of Criminal Investigation, and the Ohio Attorney General's Office conducted the investigation.

### ***United States v. David Foster*, No. 3:22-CR-00136 (D. Conn.), AUSA Nathaniel Gentile.**

On August 2, 2022, David Foster pleaded guilty to violating the Migratory Bird Treaty Act (16 U.S.C. §§ 704(b)(2), 707(c)). Sentencing is scheduled for October 28, 2022.

In September 2020, following an anonymous complaint about illegal baiting, local and federal wildlife officials initiated an investigation around a hunting blind on Menunketesuck Island. On duck season opening day (October 10, 2020), officers surveilling the blind area observed Foster and two other hunters shoot and retrieve ducks over an area baited with whole kernel corn. Foster previously received a summons for waterfowl baiting/taking violations in the same area in October 2009. Upon questioning, Foster admitted that he had spread the corn to attract ducks.

The U.S. Fish and Wildlife Service and the Connecticut Environmental Conservation Police conducted the investigation.



## Sentencings

***United States v. Kirill Kompaniets*, No. 2:22-CR-00066 (E.D. La.), ECS Senior Litigation Counsel Richard Udell, AUSA G. Dall Kammer, and ECS Paralegals Chloe Harris and Samantha Goins.**

On August 30, 2022, a court sentenced Kirill Kompaniets to a year and a day of incarceration, followed by six months' supervised release. Kompaniets also will pay a \$5,000 fine and perform 300 hours of community service. Kompaniets pleaded guilty to violating the Act to Prevent Pollution from Ships and to obstructing justice (33 U.S.C. §1908(a); 18 U.S.C. §1505). Kompaniets, the chief engineer of a foreign-flagged vessel, deliberately discharged approximately 10,000 gallons of oil-contaminated bilge water overboard in U.S. waters off the coast of New Orleans in 2021, and attempted to obstruct the Coast Guard's investigation of the spill. A crewmember used social media to report the illegal conduct to the Coast Guard.

In March 2021, the ship was undergoing repairs to correct a problem with discharging clean ballast water when a valve burst flooding the engine room. Very late on the evening of March 13, 2021, after bringing the leak under control, Kompaniets and a subordinate engineer dumped the oil-contaminated water overboard. The ship discharged this waste while anchored near the South West Passage off the Louisiana coast. The defendant did not employ the oily-water separator and oil content monitor, and failed to record the discharge in the oil record book (ORB).

Kompaniets took several steps to obstruct the Coast Guards' investigation into the illegal discharge, including: (1) making false statements concealing the fact that the engine room flooded and that he illegally discharged oily waste overboard; (2) destroying the computer alarm printouts generated during the discharge; (3) directing subordinate crew members to make false statements to the Coast Guard; (4) failing to record the discharges in the ORB; (5) directing subordinate engine room employees to delete all evidence from their cell phones in anticipation of the Coast Guard inspection; and (6) preparing a retaliatory document accusing the whistleblower of poor performance as part of an effort to discredit him.

The U.S. Coast Guard conducted the investigation.





## Sentencings

***United States v. Allison Spaulding*, No. 2:22-CR-00060 (S.D. Ohio), ECS Senior Trial Attorney Adam Cullman.**

On August 25, 2022, a court sentenced Allison Spaulding to pay a \$5,000 fine, complete a two-year term of probation, and perform 80 hours of community service. Spaulding pleaded guilty to violating the Lacey Act for illegally selling marbled crayfish from her home via eBay (16 U.S.C. §§ 3372 (a)(2), 3373(d)(2)).

Marbled crayfish are sought-after in the aquarium trade, but are very difficult to eradicate. These animals are an especially problematic invasive species because of their ability to “self-reproduce” or clone themselves. The Ohio Department of Natural Resources deemed them an “injurious aquatic invasive species” in January 2020, making them illegal to possess or sell. Spaulding knew about their status.

The Ohio Division of Wildlife conducted the investigation, in cooperation with the U.S. Fish and Wildlife Service.



*Marbled Crayfish*

***United States v. Terri Settle, et al.*, No. 6:21-CR-10074 (D. Kans.), ECS Senior Trial Attorney R.J. Powers, AUSA Alan Metzger, and ECS Paralegal Jillian Grubb.**

On August 22, 2022, a court sentenced Terri Settle to pay a \$1,000 fine and complete a one-year term of probation, after pleading guilty to a Clean Air Act (CAA) false statement charge (42 U.S.C. §§ 7413 (c)(1),(c)(2)).

Settle worked for Airosol Company, Inc. Airosol manufactures and packages aerosol and liquid products for a variety of industries, including automotive, janitorial, and electrical. During production, Airosol uses several chemical compounds regulated under CAA §7412(r). The company failed to create and implement a risk management plan (RMP) to prevent or minimize any accidental releases of hazardous substances from its facility.

As the company’s environment coordinator, Settle was responsible for preparing and filing the company’s RMP report with the Environmental Protection Agency every five years starting in 2000. Each report prepared and filed by Settle falsely represented that Airosol had instituted or revised a detailed RMP meeting regulatory requirements, when, in truth, no such program existed. The court sentenced Airosol to pay a \$100,000 fine, complete a three-year term of probation, and enact a comprehensive risk management plan.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.





## Sentencings

***United States v. Marino Cruz Diaz, et al.*, No. 1:19-CR-00171 (E.D. Calif.), AUSA Justin Gilio.**

On August 19, 2022, a court sentenced Marino Cruz Diaz to 10 years' incarceration, followed by five years' supervised release for illegally cultivating marijuana in a national forest. Diaz also will pay approximately \$13,286 joint and several in restitution for damage to the land.

In August 2019, law enforcement officers located a clandestine marijuana grow site in the Sequoia National Forest. After hiking into the area, they arrested Diaz and David Moreno Florez (who carried a loaded, AR15-style rifle). Officers eradicated close to 2,500 marijuana plants, removing chemicals, fertilizers, chicken wire, and irrigation lines. The defendants diverted water from nearby creeks by constructing man-made dams and reservoirs.

Florez was sentenced to 12 years' incarceration, followed by 60 months' supervised release, for his role in the illegal grow operation, and possessing a firearm in furtherance of the crime. Both pleaded guilty to manufacturing marijuana, and Florez also plead guilty to felon-in-possession of a firearm (21 U.S.C. §§ 841, 924).

The U.S. Forest Service conducted the investigation, with assistance from the California Department of Fish and Wildlife, and the Fresno County Sheriff's Office.

***United States v. Tampa Electric Company*, No. 8:22-CR-00165 (M.D. Fla.), ECS Senior Trial Attorney Adam Cullman, AUSA Rachelle DesVaux Bedke, and ECS Law Clerk Nate Borrelli.**

On August 18, 2022, a court sentenced the Tampa Electric Company (TECO) to pay a \$500,000 fine and complete a three-year term of probation, along with implementing a safety compliance plan. TECO pleaded guilty to willfully violating an Occupational Safety and Health Act standard and causing the deaths of five workers (29 U.S.C. § 666(e)).

TECO operates Big Bend, a coal-fired power plant located outside of Tampa, Florida. The facility consists of four large coal-fired furnaces. Water-filled tanks sit underneath the furnaces to catch and cool the molten "slag" by-product that drips down from the furnace.

On June 29, 2017, accumulated slag could not be removed from the top and bottom of the slag tank. Rather than shutting down the furnace, TECO called in a contractor to perform high-pressure water blasting to try and clear the slag with the unit still running. TECO failed to brief the workers on the procedures for the water blasting work. Instead, the employees proceeded without proper instruction, failing to ensure critical safety-related steps were in place. Employees failed to lower the amount of coal entering the furnace, and the unit continued to operate. TECO caused the deaths of five people when molten slag came loose, spraying the area.

The Federal Bureau of Investigation and the Department of Labor Office of Inspector General conducted the investigation.



## Sentencings

### ***United States v. Moazu Kromah, et al.*, No. 1:19-CR-00338 (S.D.N.Y.), AUSAs Sagar K. Ravi and Jarrod L. Schaeffer.**

On August 18, 2022, a court sentenced Moazu Kromah to 63 months' incarceration, after pleading guilty to conspiracy and Lacey Act wildlife trafficking (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(2)(A) and 3373 (d)(1)(B)).

Kromah, a citizen of Liberia and resident of Uganda, trafficked in millions of dollars in rhinoceros horns and elephant ivory, both endangered species. He and co-conspirators poached approximately 35 rhinoceros and more than 100 elephants.

Between December 2012 and May 2019, Kromah, Amara Cherif, and Mansur Mohamed Surur conspired to transport, distribute, sell, and smuggle approximately 190 kilograms of rhinoceros horns and 10 tons of elephant ivory from countries in East Africa, including Uganda, the Democratic Republic of the Congo, Guinea, Kenya, Mozambique, Senegal, and Tanzania, to buyers located in the United States and countries in Southeast Asia. In total, the estimated retail value of trafficked rhinoceros horn was \$3.4 million, and \$4 million for the elephant ivory.

The defendants exported the horns and ivory in packaging that deliberately concealed the contents, hiding it among pieces of art such as African masks and statues. The defendants received and deposited wire transfer payments from foreign customers as well as cash.

Cherif and Surur previously pleaded guilty to similar charges. Cherif is scheduled for sentencing on October 12, 2022, and Surur is set for October 17, 2022. Authorities recently arrested the fourth and final defendant, Abdi Hussein Ahmed, on similar charges.

The U.S. Fish and Wildlife Service and the U.S. Drug Enforcement Administration, conducted the investigation, with assistance from: the Uganda Wildlife Authority, the Uganda Office of the Director of Public Prosecution, the Uganda Police Force, the Kenya Directorate of Criminal Investigations, and the Kenyan Office of the Director of Public Prosecutions.



*Rhino horn*



## Sentencings

***United States v. Glenn Lijewski, et al.*, Nos. 2:20-CR-00360, 2:22-CR-00342 (W.D. Pa.), AUSA Michael Ivory and SAUSA Martin Harrell.**

On August 16, 2022, a court sentenced Glenn Lijewski to pay a \$1,500 fine, and complete a three-year term of probation, with a special condition that he participate in creating public service announcements about his criminal activity. Lijewski pleaded guilty to conspiring to violate the Clean Water Act (18 U.S.C. § 371).

Lijewski worked as a supervisor at the Aspinwall Drinking Water Plant, which is operated by the Pittsburgh Water and Sewer Authority (PWSA). Between 2010 and 2017, Lijewski and another supervisor discharged clarifier sludge directly into Allegheny River in violation of the plant's National Pollutant Discharge Elimination System (NPDES) permit. They also directed plant employees to discharge sludge into the river.

In addition to the NPDES permit, regulators required the Aspinwall plant to comply with an Industrial User permit (IU). The IU permit allowed the plant to discharge one million gallons of sludge per day to the publically owned treatment works (Allegheny County Sanitary Authority (ALCOSAN)). Following the breakdown of five sludge flow monitors, Lijewski and other plant employees began using estimated sludge-flow figures (using round numbers such as 25,000 gallons for every four hours). They also diverted sludge discharges to an outfall that flowed directly into the Allegheny River. They included the estimated sludge data on reports to ALCOSAN certified as "true, accurate, and complete" meter readings. Over time, an island formed in the river out of this sludge, that a number of plant employees referred to as "Glenn's Island."

A court sentenced PWSA in September 2021 to complete a three-year term of probation, to include a comprehensive environmental compliance plan funded by PWSA for \$500,000. The company pleaded guilty to violating a condition of its NPDES permit (under the Clean Water Act) and making a false statement (33 U.S.C. §§ 1319(c)(4), 1311, 1342, 1319(c)(2)).

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



## Sentencings

### ***United States v. EcoShield LLC, et al.*, No. 21-CR-001463 (S.D. Calif.), ECS Senior Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On August 12, 2022, a court sentenced Eco Shield and Samir Haj for importing, selling, and mailing an unregistered pesticide. Haj will serve eight months' incarceration, followed by three years' supervised release. His company, Eco Shield LLC, will complete a five-year term of probation and pay a \$42,000 fine. They will forfeit \$427,689 in proceeds and pay \$86,754 restitution, joint and several.

The defendants marketed a product from Japan as a killer of airborne viruses, including COVID-19. Known as EcoAirDoctor, the small badge purported to emit a virus-killing gas within a certain distance. The defendants failed to register their product with the U.S. Environmental Protection Agency, as required for lawful sale.

Haj negotiated an agreement on behalf of the company with a foreign exporter that allowed him to import the product at \$6.25 per unit. When Haj imported 125,000 units into the United States in June 2019, he falsely declared the value to be approximately \$2.07 per unit, resulting in a \$33,919 duty underpayment to Customs.

The defendants falsely described the product as an air purifier rather than a pesticide. They shipped it via U.S. mail to individuals who purchased it from their website, including a shipment to an undercover mailbox in Arizona in May of 2020. The product, as noted on the label, contains sodium chlorite, which is an item declared to be unmailable under U.S. Postal rules and regulations. Sodium chlorite has a propensity to explode.

Both defendants pleaded guilty to Entry of Goods Falsely Classified (18 U.S.C. §541). Haj also pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act and sending non-mailable injurious articles (18 U.S.C. § 1716(j)(1); 7 U.S.C. §§ 136j(a)(1)(A), 136l(b)(1)(B)).

The U.S. Environmental Protection Agency Criminal Investigations Division, Homeland Security Investigations, and the U.S. Postal Inspection Service conducted the investigation.



## Sentencings

***United States v. McDermid Sales & Service*, No. 1:22-CR-00065; *United States v. Pro Diesel Inc.*, No. 1:22-CR-00062; *United States v. Endrizzi Diesel, LLC*, No. 1:22-CR-00064 (D. Colo.), AUSA Rebecca S. Weber and SAUSA Linda S. Kato.**

On August 5, 2022, a court sentenced McDermid Sales and Service (McDermid) to complete a three-year term of probation (to include enacting a compliance plan), pay a \$37,500 fine, and pay \$75,000 towards a community service project. The project will help the Oconto Falls, Wisconsin, school district purchase a cleaner school bus.

McDermid is the final defendant sentenced in this case involving tampering with diesel truck emissions control systems. The defendants own garages and/or fleets of trucks in three different states: Pro Diesel, Inc., is located in Des Moines, Iowa; McDermid is located in Oconto Falls, Wisconsin; and Endrizzi Diesel, LLC, (Endrizzi) operates out of Bolivar, Missouri. The companies disabled hardware emission controls (including diesel particulate filters and catalytic converters) on Class 8 heavy duty semi-trucks. To complete the process, they hired a garage located in Colorado that specialized in remotely “tuning,” or overriding, the on-board diagnostic (OBD) computer software systems. OBD functions include monitoring hardware emission controls on vehicles to ensure proper operations. As such, OBDs qualify as “monitoring devices” under the Clean Air Act (CAA). The defendants tampered with monitoring devices by hiring the Colorado garage to tune the OBDs, preventing them from detecting emission control malfunctions. In total, the defendants manipulated the OBDs on 126 vehicles.

On June 29, 2022, a court ordered Endrizzi to complete a three-year term of probation (to include enacting a compliance plan), pay a \$110,000 fine (with \$55,000 held in abeyance upon successfully completing probation) and pay \$110,000 towards a community service project. The project will help the Walnut Grove, Missouri, school district purchase cleaner school buses. On June 14, 2022, a court sentenced Pro Diesel to complete a three-year term of probation (to include enacting a compliance plan), pay a \$77,500 fine (with \$38,750 held in abeyance upon successfully completing probation), and pay \$77,500 towards a community service project. The project will fund a training program at a local community college for diesel mechanics. All three companies pleaded guilty to conspiring to violate the CAA (42 U.S.C. § 7413(c)(2)(C)).

The U.S. Environmental Protection Agency Criminal Investigation Division and the Colorado Office of the Attorney General conducted the investigation.





## Sentencings

### ***United States v. Bruce A. Jackson, et al.*, No. 3:21-CR-00109 (D. Alaska), AUSAs Steven Skrocki and Charisse Arce.**

On August 3, 2022, a court sentenced Bruce A. Jackson to complete a four-year term of probation, perform 500 hours of community service, and pay \$88,000 in restitution to the U.S. Forest Service. Jackson pleaded guilty to conspiracy to commit depredation against a property of the United States (18 U.S.C. §§ 371, 1361).

On May 31, 2018, Jackson and James D. Withrow removed 17 55-gallon drums from Jackson's property in Seward and placed them on a tractor trailer driven by Withrow. The two men then drove to Anchorage. The next day, Withrow drove the tractor trailer off the Seward Highway down a road clearly marked "No Dumping" "No Public Access." He parked and proceeded to dump 15 of the drums at the Granite Creek Recreation Area in the Chugach National Forest, which is U.S. Forest Service land.

Coincidentally, Forest Service biologists happened to be working in the area, and noticed someone had removed locks from an access gate. They observed Withrow after he dumped 15 of the 17 drums, leaving two on the trailers. Some of the drums leaked, causing approximately \$80,000 in damage. The biologists alerted the authorities to investigate further. When questioned by U.S. Forest Service officials, Withrow falsely claimed that he transported the drums to Anchorage, rather than dumping them after Jackson hired him to pick them up.

The U.S. Forest Service and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation



*Waste Barrels*





## Sentencings

### ***United States v. Jackson Roe* No. 1:19-CR-00675 (E.D. Ark.), AUSA Edward Walker.**

On August 1, 2022, a court sentenced Jackson Roe to complete a three-year term of probation and perform 150 hours of community service. Roe pleaded guilty to violating the Lacey Act for illegally importing reptiles from China (16 U.S.C. §§ 3372(a)(23)(A), 3373(d)(1)(A)).

In August 2015, the U.S. Fish and Wildlife Service (FWS) received an anonymous tip regarding a reptile hobbyist who sold and smuggled various animals into the United States.

Through undercover conversations with this individual (located in China) agents learned that he shipped rare and endangered animals to various buyers, including Roe in the United States. In January 2017, wildlife inspectors intercepted a package addressed to Roe containing two live Chinese giant salamanders, with no holes for air or documents in the package. The animals were removed and taken to a nearby zoo for veterinary care.

In August 2017, FWS agents executed a search warrant at Roe's parents' residence, and conducted a consensual search of Roe's home. Roe admitted he illegally purchased several live amphibians and reptiles from a Chinese dealer he met on Facebook. He stated he paid \$450 for each salamander, despite knowing their status as a protected species. Roe received a total of seven packages shipped from Hong Kong, which included six Chinese giant salamanders, a Vietnamese leaf turtle, an Indian roofed turtle, and a Chinese big-headed turtle. Roe also informed agents that he owned a Nile crocodile, a Morelet's crocodile, and an American alligator, all of them seized by Arkansas Game and Fish Commission agents.

In October of 2019, investigators received new information that Roe illegally possessed Chinese giant salamanders. Agents executed a new search warrant at his residence in November 2019, discovering, among other animals, two live Chinese giant salamanders and four deceased Chinese giant salamanders.

The U.S. Fish and Wildlife Service conducted the investigation.



*Black Mamba*



## Sentencings

***United States v. FCA US LLC*, No. 19-CR-20626 (E.D. Mich.), ECS Senior Trial Attorney Todd Gleason; Trial Attorneys Jason M. Covert, Kyle W. Maurer, Michael P. McCarthy, and Assistant Chief Michael T. O'Neill of the Criminal Division's Fraud Section; White Collar Unit Chief John K. Neal and AUSA Timothy J. Wyse; and ECS Law Clerks Maria Wallace and Amanda Backer.**

On August 1, 2022, a court sentenced FCA US LLC (FCA US), formerly Chrysler Group LLC, to pay a \$96,145,784 fine, forfeit \$203,572,892, and complete a three-year term of probation. FCA US will continue to implement a compliance and ethics program designed to prevent and detect future fraudulent conduct.

FCA US pleaded guilty to conspiracy to defraud the United States, commit wire fraud, and violate the Clean Air Act (18 U.S.C. § 371). The company made false and misleading representations about the design, calibration, and function of the emissions control systems on more than 100,000 Model Year 2014, 2015, and 2016 Jeep Grand Cherokee and Ram 1500 diesel vehicles. The company further made erroneous claims about the vehicles' emission of pollutants, fuel efficiency, and compliance with U.S. emissions standards.

Beginning as early as 2010, FCA US developed a new 3.0-liter diesel engine for use in FCA US's Jeep Grand Cherokee and Ram 1500 vehicles (the Subject Vehicles) for sale in the United States. FCA US designed a specific marketing campaign to market these vehicles to U.S. customers as "clean EcoDiesel" vehicles with best-in-class fuel efficiency. However, according to court documents, FCA US installed software features in the Subject Vehicles and engaged in other deceptive and fraudulent conduct intended to avoid regulatory scrutiny and fraudulently help the Subject Vehicles meet the required emissions standards, while maintaining features that made them more attractive to consumers, including fuel efficiency, service intervals, and performance.

Specifically, FCA US purposely calibrated the emissions control systems on the Subject Vehicles to produce less NOx emissions during test procedures, or driving "cycles," than when driven under normal driving conditions. FCA US further concealed the emissions impact and function of the emissions control systems from U.S. regulators and customers by (a) submitting false and misleading applications to U.S. regulators to obtain authorization to sell the vehicles, (b) making false and misleading representations to U.S. regulators both in person and in response to written requests for information, and (c) making false and misleading representations to consumers about the Subject Vehicles in advertisements and in window labels, including that the Subject Vehicles complied with U.S. emissions requirements, had best-in-class fuel efficiency as measured by EPA testing, and ran on "clean EcoDiesel engine[s]" that reduced emissions.

In the related criminal prosecution, prosecutors charged three FCA US employees, Emanuele Palma, Sergio Pasini, and Gianluca Sabbioni for conspiracy to defraud the United States and to violate the Clean Air Act and six counts of violating the Clean Air Act. They await trial.

The Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



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