



Monthly

Bulletin

Environmental Crimes Section

January 2021

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Authorities rescued Four Yellow-headed Amazon Parrots seized from Jafet Rodriguez who attempted to smuggle them from Quebec into Vermont. See *U.S. v. Rodriguez*, [inside](#), for more details on this case.

District/Circuit	Case Name	Case Type/Statutes
Central District of California	<u>United States v. Jordan Gerbich</u>	Seal Killing/MMPA
Eastern District of California	<u>United States v. Gregorio Moreno-Valencia, et al.</u>	Marijuana Cultivation/ Drug, Depredation of Public Lands, Firearms
Southern District of California	<u>United States v. John J. Torres</u>	Sea Cucumber Imports/ Conspiracy, Smuggling
	<u>United States v. Norma Alicia Tapia-Harrison</u>	
	<u>United States v. Manuel Macias Mendoza et al.</u>	Pesticide Smuggling/Failure to Present Merchandise for Inspection
	<u>United States v. Uriel Everardo Medina</u> <u>United States v. Erica J. Chacon</u>	
Western District of Louisiana	<u>United States v. Nathan Shumaker et al.</u>	Oil Spill Reporting/CWA, OPA
District of Missouri	<u>United States v. James Leach</u>	Pesticide Application/FIFRA
Southern District of Mississippi	<u>United States v. Khiem Dinh Vu</u>	Seafood Sales/Conspiracy, Lacey Act
Western District of New York	<u>United States v. Algoma Central Corporation</u>	Vessel/CWA
Eastern District of North Carolina	<u>United States v. Pacific Carriers Limited et al.</u>	Vessel/APPS, Failure to Notify Hazardous Condition, Obstruction
District of North Dakota	<u>United States v. Mark Douglas Meyer</u>	Pesticide Distribution/FIFRA
Western District of Pennsylvania	<u>United States v. Libertas Copper, LLC dba Hussey Copper</u>	Wastewater Discharges/CWA

District/Circuit	Case Name	Case Type/Statutes
District of Puerto Rico	<u>United States v. Raymond Michael Torres-Ramos</u>	Coral Sales/Lacey Act, Smuggling
District of Rhode Island	<u>United States v. J.P. Lillis Enterprises, Inc. d/b/a Cape Cod Ice</u>	Risk Management Plan/CAA
Eastern District of Tennessee	<u>United States v. Randall F. Henry et al.</u>	Ginseng Sales/Lacey Act
Eastern District of Virginia	<u>United States v. Danut Visinoae</u>	Vessel/Apps, False Statements, Obstruction, Witness Tampering
District of Vermont	<u>United States v. Jafet Rodriguez</u>	Tropical Bird Imports/ ESA, Smuggling
Western District of Wisconsin	<u>United States v. Chang Xiong</u>	Rhinoceros Feet/Lacey Act

Indictments/Informations

***United States v. Chang Xiong*, No. 3:20-CR-00138 (W.D. Wisc.), AUSA Daniel Graber.**

On December 2, 2020, prosecutors charged Chang Xiong with violating the Lacey Act for illegally purchasing endangered rhinoceros feet in July 2016, September 2017, and December 2018 (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)).

In May 2016, the U.S. Fish and Wildlife Service (FWS) enlisted a wildlife dealer in the United Kingdom as a confidential informer (CI). The CI received an email from Chang asking to purchase a rhinoceros foot. The CI informed Xiong it was illegal to ship one from the United Kingdom to the United States, but he could arrange for a contact (an undercover Fish and Wildlife Service agent) in the United States to assist. The agent ultimately arranged to meet Xiong in a Home Depot parking lot in July 2016 with the rhino foot (after exchanging multiple communications with the defendant concerning the illegality of this transaction). Xiong paid \$1,100 for the foot in July 2016. Xiong arranged to purchase another foot in September 2017 for \$1,100, and purchased two feet for \$1,600 in December 2018.

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



Rhinoceros feet

***United States v. Danut Visinoae*, No. 2:20-CR-00111 (E.D. Va.), ECS Senior Trial Attorney Kenneth Nelson, AUSA Joseph Kosky, and ECS Paralegal Chloe Harris.**

On December 2, 2020, prosecutors charged Danut Visinoae with violating the Act to Prevent Pollution from Ships, obstruction of justice, witness tampering, and making false statements (33 U.S.C. § 1908(a); 18 U.S.C. §§ 1505, 1512, 1001). Trial is scheduled for March 24, 2021.

Visinoae worked as a Second Engineer on the *M/V Protefs*. The Coast Guard inspected the ship on June 10, 2020, in Newport News, Virginia. Prior to the inspection, four engineering crew members provided a letter and photographs to the inspectors regarding Visinoae illegally discharging bilge water and oily mixtures from the vessel.

The United States Coast Guard conducted the investigation.

Guilty Pleas

***United States v. Jordan Gerbich*, No. 2:20-CR-00368 (C.D. Calif.), AUSA Heather Gorman.**

On December 21, 2020, Joradan Gerbich pleaded guilty to violating the Marine Mammal Protection Act for shooting a northern elephant seal in September 2019 (16 U.S.C. §§ 1372(a)(2)(A), 1375(b)). Sentencing is scheduled for April 12, 2021.

On September 19, 2019, Gerbich drove to an elephant seal viewing area adjacent to the Piedras Blancas Marine Reserve and Monterey Bay National Marine sanctuary near San Simeon. Gerbich shot a seal using a .45-caliber pistol. Tourists discovered the animal on the beach the following day with a bullet hole in its head.

The National Oceanic and Atmospheric Administration conducted the investigation, with assistance from the California Department of Fish and Wildlife.

***United States v. Algoma Central Corporation*, No. 1:20-mj-00198 (W.D.N.Y.), ECS Trial Attorney Patrick Duggan and AUSA Aaron Mango.**

On December 17, 2020, Algoma Central Corporation pleaded guilty to negligently violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)). Sentencing is scheduled for April 14, 2021.

This Canadian-based shipping company operates cargo vessels in the Great Lakes. The oily-water separator on the newly-built *M/V Algoma Strongfield* failed during delivery from China. As a result, the delivery crew stored oily bilge waste in the vessel's washwater tank. Upon the vessel's arrival in North America, no one informed Algoma employees that the washwater tank held oily bilge waste.

On June 6, 2017, an Algoma employee emptied the washwater tank into Lake Ontario, discharging close to 12,000 gallons of oily waste into U.S. waters.

The U.S. Coast Guard Investigative Service conducted the investigation.



M/V Algoma Strongfield

Guilty Pleas

United States v. J.P. Lillis Enterprises, Inc. d/b/a Cape Cod Ice, No. 1:20-CR-00115 (D.R.I.), AUSA Terrence P. Donnelly and RCEC Dianne Chabot.

On December 16, 2020, J.P. Lillis Enterprises, Inc., D/B/A Cape Cod Ice (CCI), pleaded guilty to violating the Clean Air Act for repeatedly failing to implement a Risk Management Plan (RMP) (42 U.S.C. § 7413 (c)(1)). Sentencing is scheduled for March 21, 2021.

CCI manufactured, stored, and distributed ice and other frozen products. The facility (located in a residential area near a school) utilized approximately 19,000 pounds of anhydrous ammonia during the refrigeration process. Section 112 (r)(7) of the CAA requires companies to develop an RMP to prevent accidental releases. The Occupational Safety and Health Administration (OSHA) further required CCI to abide by its Process Safety Management regulations, which contained nearly identical requirements designed to prevent and minimize the consequences of an accidental release.

Inspections conducted between 2015 and 2017 revealed evidence of corrosion on ammonia-carrying pipes and on the facility's high-pressure ammonia receiver. Inspectors also found a lack of corrosion-preventing insulation on the pipes, and inadequate inspection, testing, and maintenance of the ammonia piping and receiver. Despite these inspections (a few which escalated into civil and administrative sanctions) CCI failed to implement an adequate RMP.

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



Corrosion on ammonia-carrying pipe

Guilty Pleas

United States v. Gregorio Moreno-Valencia, et al., No. 2:18-CR-00194 (E.D. Calif.), AUSAs Samuel Wong and James R. Conolly.

On December 7, 2020, Alexandro Ayala-Acosta pleaded guilty to conspiracy to grow marijuana, felon in possession of a firearm, and depredation of public lands and resources (21 U.S.C. §§ 841, 846, 924; 18 U.S.C. § 1361.) Sentencing is scheduled for February 22, 2021.

Agents arrested Ayala-Acosta and co-defendant Gregorio Moreno-Valencia in August 2018 in the Mendocino National Forest. The illegal cultivation caused damage to the land and resources. Valencia possessed a Colt .22 caliber semi-automatic pistol and Acosta had a Mossberg short-barrel 12 gauge shotgun. The court previously sentenced Moreno-Valencia to 120 months' incarceration, followed by 48 months' supervised release. Moreno-Valencia also will pay \$22,105 in restitution to the U.S. Forest Service, after pleading guilty to similar charges.

The U.S. Forest Service, the Tehama County Sheriff's Department, the California Department of Fish and Wildlife, the California National Guard, and the California Department of Justice conducted the investigation.

Sentencings

United States v. Mark Douglas Meyer, No. 1:20-CR-00186 (D.N.D.), AUSA Jonathan OKonek.

On December 29, 2020, a court sentenced Mark Douglas Meyer to pay \$46,392 in restitution to the U.S. Environmental Protection Agency (EPA). Meyer pleaded guilty to unlawfully distributing a restricted-use pesticide in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136j(a)(2)(F), 136l(b)(1)(B)).

Between February and March 2016, Mark Meyer purchased 22 1,800-pound sacks of Rozol Prairie Dog Bait, a restricted-use pesticide, for David Meyer to use. David Meyer (who was not a certified applicator) supervised workers as they misapplied 39,000 pounds of poison both inside prairie dog holes, and on the ground nearby, over approximately 5,400 acres of land at the Wilder Buffalo Ranch (located in both Sioux County, North Dakota, and Carson County, South Dakota) and the Cannonball Ranch located in Morton County, North Dakota).



Green bait visible on the ground

The ranch land is used to raise buffalo. The prairie dogs ate the grass intended for the buffalo, and were considered a nuisance. The workers improperly placed the poison above ground (instead of in the holes, which would have killed the prairie dogs underground). Instead, their actions killed a number of other animals and birds including eagles and a hawk (who ate the poisoned prairie dogs and died), buffalo, pronghorn antelope, and horses who ate the bait due to its green color.

After a Standing Rock Sioux tribe game warden found a dead eagle, he notified the U.S. Fish and Wildlife Service, who notified the EPA. Officials dispatched an EPA emergency response team to oversee the cleanup. Mark Meyer's plea required him to reimburse the EPA for cleanup costs.

The U.S. Environmental Protection Agency Criminal Investigation Division and the U.S. Fish and Wildlife Service office of Law Enforcement conducted the investigation.

Sentencings

***United States v. Raymond Michael Torres-Ramos*, No. 3:20-CR-00188 (D. P. R.), ECS Trial Attorney Christopher Hale and AUSA Carmen Marquez.**

On December 21, 2020, a court sentenced Raymond Michael Torres-Ramos to complete a five-year term of probation, pay a \$10,000 fine (divided between the NOAA Asset Forfeiture Fund and the Lacey Act Reward Fund), pay \$25,000 in restitution to the Puerto Rico Coral Fund (a special legislative fund administered by Puerto Rican government), and perform 300 hours of community service. The court further banned Torres-Ramos from engaging in activity relating to marine organisms.

Torres-Ramos pleaded guilty to smuggling and violating the Lacey Act for collecting, falsely labeling, and shipping protected corals and other reef species (18 U.S.C. § 554; 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B); (d)(3)(A)).

Torres co-owned a San Sebastian, Puerto Rico-based saltwater aquarium business, known as Caribbean Reefers (spelling error intentional) that also operated online. They devoted a large part of the business to selling native Puerto Rican marine species highly prized in the saltwater aquarium trade.

Torres sent illegally collected live specimens to customers in the mainland United States and foreign countries by commercial courier services. One of the most popular items that Torres and his business sent off-island was an organism from the genus *Ricordea*. These animals are known as “rics,” “polyps,” or “mushrooms” in the aquarium industry. Members of the genus form part of the reef structure and spend their adult lives fastened in place to the reef. Aquarium owners find these animals particularly interesting for how they “glow” under the UV lights utilized in high-end saltwater aquariums.

Authorities forbid harvesting *Ricordea*, zoanthids, and anemones in Puerto Rico if the specimens are shipped off-island or otherwise sold commercially, nor is there a permit available to do so. Torres snorkeled from the shoreline to collect *Ricordea* and other reef creatures. Because *Ricordea* attach themselves to the reef substrate, Torres used a chisel to break them off, damaging the reef.

Between January 2014 and March 2016, Torres sent or caused to be sent at least 100 shipments of illegally harvested marine species, with an estimated aggregate retail of approximately \$400,000.

The U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration conducted the investigation as part of Operation Rock Bottom and Operation Borinquen Chisel.



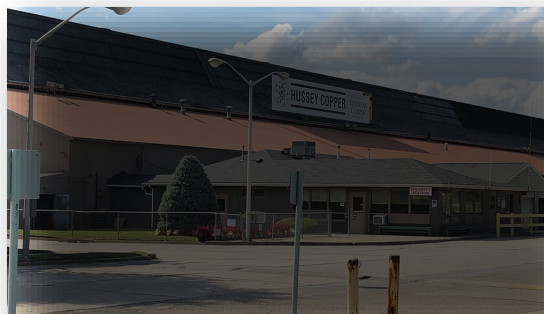
Ricordea

Sentencings

United States v. Libertas Copper, LLC dba Hussey Copper (Hussey), No. 20-CR-00369 (W.D. Pa.), AUSA Eric G. Olshan and SAUSA Martin Harrell.

On December 15, 2020, a court ordered Libertas Copper, LLC dba Hussey Copper (Hussey) to pay a \$550,000 fine and complete a three-year term of probation for pleading guilty to violating the Clean Water Act (33 U.S.C. §§ 1319(c)(2)(A), 1319(c)(4), 1321(b)(3), 1321(b)(5)).

Hussey operated a manufacturing facility on the Ohio River that produced flat-rolled copper products for electrical distribution, industrial, and residential construction markets. Hussey also managed



Hussey Copper

the copper processing wastewater via a wastewater treatment plant (WWTP). Hussey operated the WWTP pursuant to the terms of a National Pollution Discharge Elimination System (NPDES) permit. The permit specifies discharge limits for copper and oil, among other parameters, as well as requiring the company to submit monthly discharge monitoring reports (DMRs) to the Pennsylvania Department of Environmental Protection.

Between June 2012 and May 2017, the company submitted falsified DMRs for 140 parameters, including a substantial number of copper discharges. Hussey also discharged oil in a quantity sufficient to generate sheens on the Ohio River over an approximately six-year period. Despite documenting hundreds of oil sheens at two of its outfalls (using internal records), Hussey failed to report these events to local or federal authorities. After citizens complained, environmental authorities issued the company notices of violation requiring it to report future sheens. Despite this action, the company failed to fully report these events, all the while keeping internal records of sheens observed.

As a condition of probation, the company entered into a civil Consent Decree in connection with a pending parallel civil investigation, pursuant to which Hussey will implement a comprehensive environmental compliance program at its Leetsdale facility.

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

Sentencings

***United States v. Khiem Dinh Vu*, No. 1:20-CR-00082 (S.D. Miss.), AUSA Gaines Cleveland.**

On December 15, 2020, a court sentenced Khiem Dinh Vu to complete a two-year term of probation, to include six months' home confinement, and pay a \$2,000 fine.

Vu, an unlicensed wholesale seafood dealer operated a business known as "Gulf Coast Seafood." Between August and September 2016, Vu sold illegally harvested fish to seafood markets in the Atlanta, Georgia, metropolitan area. Vu bought the seafood from commercial fishermen and other seafood dealers in Mississippi, and transported the seafood to the Atlanta area for resale without a wholesale seafood dealer license, as required by Mississippi law. Vu pleaded guilty to conspiracy to violate the Lacey Act (18 U.S.C. § 371).

The National Oceanic and Atmospheric Administration Office of Law Enforcement and the Mississippi Department of Marine Resources conducted the investigation.

***United States v. Jafet Rodriguez*, No. 2:20-CR-00032 (D. Vt.), AUSA Joseph Perella.**

On December 15, 2020, a court sentenced Jafet Rodriguez to complete a two-year term of probation for smuggling endangered tropical birds into Vermont from Canada (18 U.S.C. § 545; 16 U.S.C. § 1538 (c)(1), 1540(b)(1)). The court also ordered Rodriguez to pay \$1,905 in restitution for costs of quarantining the birds.

In December 2019, Rodriguez approached a car on foot in Stanstead, Quebec, after walking across the border in Derby Line, Vermont. He retrieved a black duffle bag from the vehicle and walked back into the United States. Border Patrol agents intercepted Rodriguez after he entered another vehicle in Vermont. They recovered five Yellow-headed Amazons and two White-bellied Parrots from the vehicle. Both species are protected by the Convention on International Trade in Endangered Species. Officials transported the birds to the New York Animal Import Center in Rock Tavern, New York, for quarantine, followed by a trip to a zoo in North Carolina.

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



Yellow-Headed Amazon parrot

Sentencings

***United States v. John J. Torres*, No. 19-CR-04848 (S.D. Calif.), AUSA Melanie Pierson.**

On December 14, 2020, a court sentenced John J. Torres to six months' incarceration for smuggling protected sea cucumbers valued at more than \$60,000 into the United States from Mexico (18 U.S.C. §§ 371, 545).

In November 2019, authorities apprehended Torres with 100 undeclared packages of sea cucumbers, totaling 145 kilograms, concealed inside his truck. Torres also possessed four cell phones and \$1,600 in cash. A search of these phones revealed that Torres previously smuggled 20 bags of sea cucumbers in July 2019. Torres engaged in other smuggling activities, bringing food products, alcohol, medications and cigarettes over the border as well.

The U.S. Fish and Wildlife Service Office of Law Enforcement, Homeland Security Investigations, and Customs and Border Protection conducted the investigation.

***United States v. Nathan Shumaker et al.*, Nos. 6:20-CR-00133, 00280 (W.D. La.), AUSA Myers Namie.**

On December 14, 2020, a court sentenced Nathan Shumaker to pay a \$2,500 fine and complete a one-year term of probation, after pleading guilty to negligently violating the Clean Water Act (33 U.S.C. § 1319(c)(1)(A)).

Shumaker worked as a pump supervisor for Alliance Energy Services. While working on the offshore oil and gas platform known as Vermillion 124 during the summer of 2016, Shumaker discharged oily waste into the Gulf of Mexico sometime between July 31 and August 2, 2016. Several employees observed (and photographed) the sheen on the water.

Shumaker discussed the discharge with Thomas Wharton (the highest ranking employee on the platform). Wharton worked as a corporate official with Montco Oilfield Contractors, LLC, which oversaw the platform. Wharton failed to report the event to authorities. The operator, Black Elk Trust, reported the discharge to the Bureau of Safety and Environmental Enforcement on August 16, 2016. Wharton pleaded guilty to violating the Oil Pollution Act (33 U.S.C. § 1321(b)(5)) and was sentenced to pay a \$10,000 fine and complete 24 months' probation.

The U.S. Department of Interior Bureau of Safety and Environmental Enforcement conducted the investigation.

Sentencings

***United States v. Randall F. Henry et al.*, Nos. 2:19-CR-00158, 3:20-CR-00059 (E. D. Tenn.), ECS Senior Trial Attorney Todd Gleason and AUSA Matt Morris.**

On December 8, 2020, a court sentenced Randall F. Henry to complete a three-year term of probation, to include six months' home confinement. Henry also will pay \$2,557 in restitution to the Tennessee Department of Environment and Conservation, perform 100 hours of community service, and forfeit ginseng seized during the search. The court further waived Henry's license during the term of probation.

Henry pleaded guilty to falsifying records under the Lacey Act for illegally harvesting and selling ginseng (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(ii)). In a related case, Michael Turner pleaded guilty to similar charges and is scheduled for sentencing on June 3, 2021.

Turner owned and operated "High Mountain Ginseng," and Henry owned and operated "Tennessee Herbs." The State of Tennessee permitted both to buy and sell American Ginseng.

Between 2014 and 2016, the two submitted falsified paperwork to the state that failed to accurately record their illegal ginseng purchases and sales. Authorities valued the 6.8 pounds of ginseng forfeited by Turner at \$1,700, and almost \$18,000 for the 71.88 pounds Henry forfeited.

This case is the result of "Operation Green Gold," a multi-jurisdiction investigation conducted by the U.S. Fish and Wildlife Service into the illegal harvesting, trafficking, and smuggling of American Ginseng.

***United States v. Norma Alicia Tapia-Harrison*, No. 3:20-CR-02267 (S.D. Calif.), ECS Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On December 8, 2020, the court sentenced Norma Alicia Tapia-Harrison to complete a one-year term of probation and pay \$2,400 in restitution to the U.S. Environmental Protection Agency. Harrison pleaded guilty to failure to present merchandise for inspection (19 U.S.C. §§ 1433, 1461).

Authorities detained Harrison in May 2020, as she attempted to smuggle undeclared pesticide (18 liters of "Tactic" (Amitraz) from Mexico. Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

Sentencings

***United States v. Manuel Macias Mendoza et al.*, No. 3:20-CR-02432 (S. D. Calif.), ECS Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On December 8, 2020, a court sentenced Maria Elena Macias to complete a six-month term of probation. Macias and Manuel Macias Mendoza pleaded guilty to conspiracy (18 U.S.C. § 371). Mendoza is scheduled for sentencing on February 9, 2021.

In March 2020, authorities apprehended the defendants as they attempted to smuggle Mexican pesticides (five one-liter bottles of "Metaldane 600") into the United States from Mexico. Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

***United States v. Uriel Everardo Medina*, No. 3:20-CR-02268 (S.D. Calif.), ECS Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On December 4, 2020, a court sentenced Uriel Everardo Medina to complete a one-year term of probation and pay \$1,200 in restitution to the U.S. Environmental Protection Agency. Medina pleaded guilty to smuggling Mexican pesticides into the United States (18 U.S.C. § 545). Authorities apprehended Medina in May 2020, as he attempted to enter the United States with ten liter bottles of "Bovitraz," an illegal Mexican pesticide.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

***United States v. Erica J. Chacon*, No. 3:19-CR-04666 (S.D. Calif.), ECS Trial Attorney Steve DaPonte and AUSA Melanie Pearson.**

On December 3, 2020, a court sentenced Erica J. Chacon to complete a one-year term of probation, perform 52 hours of community service, and pay \$1,200 in restitution to the U.S. EPA.

Chacon pleaded guilty to failing to present merchandise for inspection while entering the United States from Mexico (19 U.S.C. §§ 1433, 1461). Authorities apprehended Chacon in September 2019, as she attempted to smuggle one bottle of the Mexican pesticide "Qufuran caborfuran L-350," and ten 1-liter bottles of "Metaldane 600 metamidofos" from Mexico into the United States. Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

Sentencings

***United States v. James Leach*, No. 4:19-CR-00753 (E.D. Mo.), AUSA Dianna Collins.**

On December 2 , 2020, a court sentenced James Leach to complete a two-year term of probation, after pleading guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act for misapplying zinc phosphide (7 U.S.C. §§ 136j(a)(2)(G), 136l(b)(1)(B)).

Leach worked as a licensed pesticide technician for B&D Pest Solutions, LLC. In January 2018, Leach applied zinc phosphide in open areas on the main floor of a residence where six people lived, including four young children. He later documented where he treated the residence. The product label clearly indicated the product is not to be applied in areas accessible to children or pets.

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

***United States v. Pacific Carriers Limited et al.*, Nos. 4:20-CR-00087, 00090, 00098 (E.D.N.C., S.D. Tex., E.D. La.), ECS Senior Trial Attorney Kenneth Nelson and ECS Trial Attorney Banu Rangarajan, AUSAs Stephen Schammal and Julia Evans, and ECS Paralegal John Jones.**

On December 1, 2020, a court sentenced Pacific Carriers Limited (PCL) to pay a \$12,000,000 fine, complete a four-year term of probation, and implement a comprehensive environmental compliance plan. The case includes charges from the Southern District of Texas and the Eastern District of Louisiana, which were transferred to the Eastern District of North Carolina.

PCL, the owner/operator of the *F/V Pacific Breeze*, pleaded guilty to violating the Act to Prevent Pollution from Ships for falsifying the vessel's oil record book and garbage record book, and failing to notify the U.S. Coast Guard of a hazardous condition onboard the vessel (33 U.S.C. § 1908(a), 18 U.S.C. § 1519, 46 U.S.C. § 70036 (b)(l)).

Between April 2019 and September 2019, the crew, at the direction of senior engineers, discharged oily bilge water and waste oil through numerous means including a sink in the crew laundry room that emptied into the vessel's sewage system and directly overboard. The crew also discharged bags of oiled rags and paint chips directly overboard, which a whistleblower captured on video. When the vessel arrived in New Bern, North Carolina, in September 2019, the Coast Guard discovered more than



Crew member preparing to dump oil into sink

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Sentencings

(Continued from page 15)

60,000 gallons of oily water in the vessel's duct keel (which is not designed to store oily water). The duct keel contains numerous systems including electrical connections and wiring. Storing oily water presented a serious risk of explosion/ hazardous condition that should have been reported to authorities in advance of the vessel's arrival.

The Chief Engineer, Wenguang Ye, pleaded guilty to falsifying the oil record book, and was sentenced to pay a \$5,500 fine. The court also banned We from entering the United States for one year.

PCL previously paid \$2.1 million for a case involving illegal discharges of oil waste from another one of its vessels, the *M/V Pac Antares* in 2008.

The U.S. Coast Guard conducted the investigation.

Position	Name	Phone
Chief	Deborah Harris	
Deputy Chief	Joseph Poux	
Assistant Chief	Thomas Ballantine	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Lana Pettus	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Howard P. Stewart	
Senior Litigation Counsel	Richard Udell	
Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Mary Dee Carraway	
Trial Attorney	Ryan Connors	
Trial Attorney	Adam Cullman	
Trial Attorney	Stephen DaPonte	
Trial Attorney	Gary Donner	
Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Richard Powers	
Trial Attorney	Banu Rangarajan	
Trial Attorney	Leigh Rende	
Trial Attorney	Lauren Steele	