

**EGS**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

1

**UNITED STATES OF AMERICA**

:

**CRIMINAL NO. 15-**

*cr 513*

**v.**

:

**DATE FILED: October 27, 2015**

**TAMINCO US, INC.**

:

**VIOLATIONS:**

**FILED**

**OCT 27 2015**

**MICHAEL J. KUNZ**  
**By** *[Signature]*

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21 U.S.C. § 842(a)(9) and (c)(2)(A) (failure to identify customer of a regulated transaction – 3 counts)

21 U.S.C. § 842(a)(9), (a)(10) and (c)(2)(A) (failure to identify customer of a regulated transaction and failure to report missing List 1 chemicals – 3 counts)

:

Notice of forfeiture

**INFORMATION**

**COUNTS ONE THROUGH THREE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this information:

**BACKGROUND**

1. Defendant TAMINCO US INC. (Taminco) was a Delaware corporation with its headquarters in Allentown, Pennsylvania. In December 2014, Taminco was acquired by a corporation headquartered in Tennessee through a transaction which was completed on December 5, 2014, and Taminco remains a wholly owned subsidiary of that corporation.

2. Taminco was in the business of manufacturing and selling chemical products in the alkylamines industry. Taminco had manufacturing facilities for chemical products in Pace, Florida and in St. Gabriel, Louisiana.

3. Taminco manufactured the chemical methylamine (also known as monomethylamine) (MMA) at its facility at Pace, Florida. Taminco shipped MMA as an anhydrous chemical (100% purity) or diluted with water at 40% purity (MMA-40).

4. Taminco possessed DEA registrations permitting it to manufacture, distribute, import and export listed chemicals from its Pace, Florida, manufacturing plant.

### **REGULATORY FRAMEWORK**

5. The United States Drug Enforcement Administration (DEA) maintains lists of legal chemicals which are regulated because of their potential use in the manufacture of controlled substances. 21 C.F.R. §1310.02. “List I” chemicals are regulated because they are known to be used in the manufacture of a controlled substance and are important in the manufacture of the controlled substance. List I chemicals also have legal uses.

6. Methylamine is a List I chemical. 21 U.S.C. §802(34)(M); 21 C.F.R. §1310.02(13). Methylamine is a necessary chemical for one method of manufacturing methamphetamine, a Schedule II controlled substance. Because MMA is a precursor to methamphetamine, DEA regulates MMA.

7. Certain transactions involving List I chemicals are regulated, and are known as “regulated transactions.” 21 U.S.C. §802(39). These include the export of a List I chemical. For MMA, international transactions and exports involving more than one kilogram of MMA are regulated transactions. 21 C.F.R. §1310.04(f).

8. An entity or person is a “regulated person” if the entity or person, among other actions, manufactures, distributes, or exports a listed chemical. 21 U.S.C. §802(38).

9. Regulated persons who engaged in regulated transactions are required to know their customers. Specifically, such persons must identify the other party to any transaction involving a List I chemical. For export transactions, the person must make a good faith inquiry to verify the existence of the foreign customer and must verify the apparent validity of that business. 21 U.S.C. §830(a)(3); 21 C.F.R. §1310.07.

10. Regulated persons are required to report to the Attorney General, through reporting to the local DEA office, any unusual or excessive loss or disappearance of a listed chemical under the control of the regulated person. The regulated person who supplied the listed chemical is responsible for reporting a loss in transit. 21 U.S.C. §830(b); 21 C.F.R. §1310.05.

#### **MANNER AND MEANS**

11. When Taminco filled orders for MMA-40, it produced the MMA-40 at its plant in Pace, Florida, and shipped it by railroad tanker car to a company in Houston, Texas. The Houston company was in the business of packaging chemicals in 55-gallon drums (also referred to as barrels). The company in Houston, at Taminco’s direction, packaged Taminco’s MMA-40 in 55-gallon drums.

12. At Taminco’s direction, the company in Houston, Texas, then caused the drums of MMA-40 to be transported to Laredo, Texas, to await export into Mexico to Taminco’s Mexican customers.

13. Each load of MMA-40 to its Mexican customers usually consisted of 96 55-gallon drums, and contained approximately 16,800 kilograms of MMA-40.

14. Taminco used the services of a non-employee agent in Mexico to sell MMA to Mexican customers. Using the services of this agent, Taminco sold approximately 47 shipments of MMA-40 to a total of four customers in Mexico between approximately October 16, 2007 and June 28, 2010.

15. These shipments were sold to customers IPP (19 shipments), TC (1 shipment), GC (16 shipments), and CRC (11 shipments). TC and GC were the same company, with GC the surviving named company after a name change. Each shipment was approximately 16,800 kilograms of MMA-40.

16. Taminco collected the name and address of the customers from its non-employee agent in Mexico but failed to verify the identity or existence of the customers, the validity of their businesses, or the use to which the MMA-40 would be put by the customer or the end users.

17. On or about February 18, 2010 and March 2 and 3, 2010, Taminco caused loads of MMA-40 to be shipped to Mexico for delivery to customer GC. Taminco did not verify the existence of this customer or its business, or the validity of the address to which the MMA-40 was shipped.

18. In or about March of 2010, five loads of MMA-40 were shipped to and delivered to the border in Laredo, Texas, at Taminco's direction, for delivery to customer CRC. Mexican authorities prevented the entry into Mexico of these shipments, with two shipments eventually allowed to cross into Mexico and held there, and three shipments being prevented from crossing into Mexico.

19. In or about May of 2010, the three March shipments of MMA-40 that were still on the United States side of the border were removed from the custody of the freight forwarder by a

business associate of Taminco's non-employee agent. The non-employee agent later reported to Taminco that the two loads that had been held on the Mexican side of the border had been released.

20. Taminco did not verify the delivery of the two shipments from the Mexican side of the border and did not locate or verify the location of the three shipments that were on the U.S. side of the border from the March shipments to CRC.

21. Taminco never notified the DEA that any of these March shipments were missing.

22. In December of 2011, five drums of MMA-40 manufactured by Taminco were intercepted by Customs and Border Protection officers at the border when an individual attempted to smuggle them into Mexico at Nogales, Arizona. These Taminco drums of MMA-40 were from shipments that had been held at the U.S. side of the border in March of 2010 and removed from the warehouse in May of 2010.

23. In April of 2012, DEA agents found and seized six Taminco drums of MMA-40 at a self-storage unit in Nogales, Arizona. These drums were from shipments that had been held at the U.S. side of the border in March 2010 and removed from the warehouse in May of 2010.

24. In or about June 2010, Taminco resumed shipping loads of MMA-40 to the customer CRC. Approximately six of these loads were stopped at the border in Laredo, Texas, by Mexican authorities. Taminco never confirmed the final delivery of these drums of MMA-40. Taminco never notified the DEA that any of these drums were missing.

25. In August of 2011, DEA found in a building in San Luiz, Arizona, wrappers from Taminco drums of MMA-40. The drums that bore these wrappers were part of one of the June shipments to CRC of Taminco MMA-40 that had been prevented from crossing into Mexico by Mexican authorities.

26. On or about the dates shown below, in the Eastern District of Pennsylvania, and elsewhere, defendant

**TAMINCO US, INC.,**

a regulated person, knowingly engaged in regulated transactions without obtaining the identification required by Title 21, United States Code, Section 830(a)(3), that is, knowingly engaged in the exportation of methylamine, a List I chemical, without identifying the other party to the transaction, each transaction constituting a separate count:

<b>COUNT</b>	<b>Date</b>	<b>Order No.</b>	<b>Customer</b>	<b>Quantity</b>	<b>Payment (\$)</b>
<b>1</b>	2/18/2010	74492	GC	16,800 kg	34,074.67
<b>2</b>	3/2/2010	74493	GC	16,800 kg	34,074.67
<b>3</b>	3/3/2010	74790	GC	16,800 kg	34,074.67
<b>Total</b>					102,224.01

All in violation of Title 21, United States Code, Sections 842(a)(9) and 842(c)(2)(A).

**COUNTS FOUR THROUGH SIX****THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 25 of Counts One through Three are incorporated here.
2. On or about the dates shown below, in the Eastern District of Pennsylvania, and elsewhere, defendant

**TAMINCO US, INC.,**

a regulated person, knowingly engaged in regulated transactions without obtaining the identification required by Title 21, United States Code, Section 830(a)(3), that is, knowingly engaged in the exportation of methylamine, a List I chemical, without identifying the other party to the transaction, and subsequently knowingly failed to report an excessive loss and disappearance of a List I chemical, methylamine, in connection with these shipments, as required by Title 21, United States Code, Section 830(b)(1)(C), each transaction constituting a separate count.

<b>COUNT</b>	<b>Date</b>	<b>Order No.</b>	<b>Customer</b>	<b>Quantity</b>	<b>Payment (\$)</b>
<b>4</b>	3/2/2010	75731	CRC	16,800 kg	36,296.94
<b>5</b>	3/10/2010	75735	CRC	16,800 kg	35,926.56
<b>6</b>	6/29/10	77843	CRC	16,800 kg	35,926.56
<b>Total</b>					108,150.06

All in violation of Title 21, United States Code, Sections 842(a)(9) and 842(a)(10) and 842(c)(2)(A).



**NOTICE OF FORFEITURE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Section 842(a)(9) set forth in this information, defendant TAMINCO US, Inc., shall forfeit to the United States all moneys furnished by any person in exchange for a listed chemical in violation of that statute, including \$210,374.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture, that is approximately \$210,374.



All pursuant to Title 21, United States Code, Section 881, and Title 28, United States Code,  
Section 246 l(c).

  
**LOUIS D. LAPPEN**  
**ACTING UNITED STATES ATTORNEY**

No. 15-

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**UNITED STATES DISTRICT COURT**

Eastern District of Pennsylvania

Criminal Division

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**THE UNITED STATES OF AMERICA**

vs.

TAMINCO US, INC.

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**INFORMATION**

**Counts**

21 U.S.C. § 842(a)(9) and (c)(2)(A)(failure to identify customer of a regulated transaction – 3 counts)

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A true bill.

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Foreman

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Filed in open court this \_\_\_\_\_ day,  
Of \_\_\_\_\_ A.D. 20\_\_\_\_

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Clerk

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Bail, \$ \_\_\_\_\_

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