Role of ECS

- Prosecuting Environmental Crimes
  - Lead Enforcement Initiatives
- Supporting United States Attorney’s Offices
  - Participate in Task Forces (state and local)
- Training
  - Prosecutors and Investigators
    - Domestic and international
- Developing Policy/Legislative Proposals
Our Investigative Partners

- EPA’s Criminal Investigation Division
- Coast Guard Investigative Service
- Fish & Wildlife Service – Office of Law Enforcement
- National Marine Fisheries Service (NOAA)
- Federal Bureau of Investigation
- Immigration & Customs Enforcement (DHS)
- Department of Transportation’s Inspector General’s Office
What Makes a Case Criminal

- Deliberate Acts of Misconduct
- Deceptive Conduct and False Statements
- History of Non-Compliance/Repetitive Violations
- Blatant Failure to Obtain Permits/Meet Core Regulatory Requirements
- Serious Environmental Harm or Public Health Impact
- Risk of Environmental Harm or Public Health Impact
Environmental Harm

• Not an element of the offense
  • Violations defined by our statutes do not require proof of harm
    • Except in our knowing endangerment, then we must threat of harm
  • Can be considered by a judge after a trial

• Factors to consider
  • Significant harm to the environment or human health
  • Threat of significant harm
    • Not merely reactive
Common Environmental Crimes

- Prosecute crimes arising under these statutes:
  - Clean Water Act, Oil Pollution Act
  - Resource Conservation and Recovery Act (RCRA)
  - Clean Air Act (asbestos, CFC smuggling, Title V)
  - Act to Prevent Pollution from Ships (APPS)
  - Lacey Act and other wildlife statutes

- Title 18
  - Conspiracy
  - False statements
  - Obstruction
  - Wire fraud/mail fraud
M/V Cosco Busan
M/V Cosco Busan

- Allided with SF Bay Bridge
- 53,000 gal of oil into SF Bay
- 26 miles of shoreline impacted
- $70 million clean-up costs
- 2,400 birds killed
Intentional Pollution

Intentional, illegal discharges of oil from vessels = 88,000,000 gal a year

8 x Exxon Valdez. . . . every year
Each of these vessels was ISM certified and had passed Class, Flag and Port State inspections.
# Oil Record Book
## Materially False Statements and Omissions

<table>
<thead>
<tr>
<th>NOMBRE DEL BUQUE</th>
<th>MSC ELENA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NUMERO OFICIAL O DISTINTIVO DE LLAMADA</td>
<td>14 PAU</td>
</tr>
</tbody>
</table>

### OPERACIONES EN ESPACIOS DE MAQUINAS (TODOS LOS BUQUES) / OPERACIONES DE CARGA/DESCARGA (PETROLEROS) (TACHAR LO QUE NO CORRESponde)

Machinery space operations (all ships) / Cargo/descarg operations (oil tankers) (Delete as Appropriate)

<table>
<thead>
<tr>
<th>FECHA (Date)</th>
<th>CODIGO (LETRA)</th>
<th>PUNTO (NUMERO)</th>
<th>REGISTRO DE OPERACIONES/ FIRMA DE OFICIALES ENCARGADOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>04.04.05</td>
<td>D</td>
<td>13</td>
<td>60 m³ of oil</td>
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<tr>
<td></td>
<td>14</td>
<td></td>
<td>START 1300 HA &amp; 1800 HA</td>
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<tr>
<td></td>
<td>15</td>
<td></td>
<td>transfer to own (147.74/10) m³</td>
</tr>
<tr>
<td>04.05.06</td>
<td>C</td>
<td>12</td>
<td>LASPEZIA DISCHARGED</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PURISNSLER 24/3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>RECOLVAY 1/68</td>
</tr>
<tr>
<td>04.05.06</td>
<td>D</td>
<td>13</td>
<td>20m³ of oil</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td></td>
<td>START 1 1500 &amp; 1615 HA</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td></td>
<td>transfer to own (447.7/2) m³</td>
</tr>
<tr>
<td>05.05.06</td>
<td>D</td>
<td>13</td>
<td>20 m³ of oil</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td></td>
<td>START 1 2000 &amp; 1345 HA</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td></td>
<td>transfer to own (447.7/2) m³</td>
</tr>
<tr>
<td>05.05.06</td>
<td>D</td>
<td>13</td>
<td>140 m³ (own 231/9.2 m³)</td>
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<tr>
<td></td>
<td>14</td>
<td></td>
<td>0600 HA &amp; 1200 HA</td>
</tr>
<tr>
<td></td>
<td>15.1</td>
<td></td>
<td>START 1 3200 m³ &amp; 3065 m³</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>STOP: 36°25.8'N 060°58.8'W</td>
</tr>
</tbody>
</table>

### OPERACIONES EN ESPACIOS DE MAQUINAS (TODOS LOS BUQUES) / OPERACIONES DE CARGA/DESCARGA (PETROLEROS) (TACHAR LO QUE NO CORRESponde)

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</tr>
</thead>
<tbody>
<tr>
<td>05.05.06</td>
<td>D</td>
<td>13</td>
<td>30 m³ of oil</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td></td>
<td>START 0700 HA &amp; 1200 HA</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td></td>
<td>transfer to own (147.74/10) m³</td>
</tr>
<tr>
<td>06.05.06</td>
<td>D</td>
<td>13</td>
<td>9 m³ (own 12.10/4.3 m³)</td>
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<tr>
<td></td>
<td>14</td>
<td></td>
<td>0800 HA &amp; 1200 HA</td>
</tr>
<tr>
<td></td>
<td>15.1</td>
<td></td>
<td>START 1 3200 m³ &amp; 0297.1'W</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>STOP: 43°16.5'N 058°47.7'W</td>
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<tr>
<td>07.05.06</td>
<td>C</td>
<td>11</td>
<td>SO LET TO INGERVAY R</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>COLLECTION OF OIL RESIDUES</td>
</tr>
<tr>
<td>08.05.06</td>
<td>C</td>
<td>11</td>
<td>111</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PURISNSLER 24/3/1200 HA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TRANSLAY TO 1 2494/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TRANSLAY TO 1 1513 m³</td>
</tr>
</tbody>
</table>

**FIRMA DEL CAPITAN**

Master's signature: [Signature]

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52

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53
BP – TEXAS CITY

Clean Air Act
Threatened and Endangered Sea Turtle Species

- Five sea turtle species – Hawksbill, Leatherback, Kemp’s Ridley, Olive Ridley, and Green Sea Turtles – are listed as *Endangered* under the ESA throughout all or part of their habitat.

- One sea turtle species – the Loggerhead Sea Turtle – is listed as *Threatened* under the ESA.

- *All* species of sea turtles are listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), which is incorporated into US law by the ESA.
Sea Turtles: Trade

- **Sea Turtle Products from Mexico**
  - Tanned skins
  - Boots, belts, and other products
Sea Turtles: Trade
Front of Covert Business
Front Display Room
Warehouse
ECS’S OTHER ROLES

Capacity Building & Resource
Capacity Building

- Training
  - Domestic Training
  - International Coordination and Training

- Policy and Legislative Review
  - In conjunction with LPS