



Hanson Bridgett Practice Group Environmental Crimes & Investigations

Our lawyers have specialized experience in the defense of environmental crimes, including responding to subpoenas, target letters and other government inquiries, designing and conducting privileged internal investigations, negotiating pre-filing resolutions, and trying cases. We work with highly qualified technical experts to interpret complex scientific and engineering issues in environmental cases and to explain those issues to prosecutors (when requesting a non-prosecution decision), or judges and juries (when the case goes to trial). We understand the intricacies of environmental permits, environmental data, and the overlapping laws, regulations and guidance documents used by the U.S. EPA and state environmental agencies to prosecute organizations and individuals.

Our team conducts internal investigations in response to government enforcement actions, whistleblower accusations, and internal corporate inquiries. We work closely with in-house counsel and executives to articulate the specific objectives of the investigation and keep it on track. We have conducted internal investigations during complex parallel proceedings, while representing the company and its employees (pursuant to a joint defense agreement), for companies who have hired counsel for individual employees facing potential prosecution, and in many other challenging situations.

We have experience handling filed criminal cases in federal and state court, having litigated against U.S. Attorneys' Offices, the Department of Justice, numerous California District Attorneys' Offices, and the California Attorney General's Office.



Environmental Crimes

Our lawyers have handled all aspects of environmental criminal cases under numerous federal and state laws. For example, we have defended clients against criminal prosecutions under the federal Clean Water Act for alleged unlawful discharges to waters of the United States, false reporting, and unlawful dredging and filling. We have also represented companies and individuals facing prosecution under the California Porter-Cologne Water Quality Control Act for alleged violations of municipal and storm water permits and unlawful discharges to water bodies. We have defended cases involving protected species and habitat, management and disposal of hazardous materials and waste, air emissions and releases, and risk assessment and emergency planning. We have successfully defended a company for alleged violations of hazardous waste laws and laws prohibiting the international export of hazardous waste. Our expertise spans all environmental media and numerous industry sectors.

We have defended companies facing parallel proceedings (criminal, civil and administrative) initiated by federal, state and local agencies after a major environmental incident. We help companies balance the interests of full and complete cooperation with the protection of individual rights, to ensure the provision of accurate information to investigators in stressful and fast-moving situations.

Representative environmental criminal matters:

- Represented public agency in federal criminal investigation of alleged violations of the Clean Water Act and reporting laws. No charges were filed.
- Represented company and its employees in federal criminal investigation of alleged violations of the Endangered Species Act relating to the importation and sale of listed species. No charges were filed.
- Represented individual in federal criminal investigation of alleged violations of Section 404 of the Clean Water Act for unlawful filling in waters of the United States. No charges were filed.
- Represented company in action by District Attorney alleging unlawful disposal of hazardous waste. Resolved case via civil settlement.
- Represented company in action by District Attorney alleging violations of the California Accidental Release Prevention program. Resolved case via civil settlement.
- Represented individual in state criminal prosecution for alleged taking of listed species. Charges were dismissed.
- Represented individual in federal Clean Water Act prosecution for alleged falsification of reports and unlawful discharges to water. Negotiated resolution of case and reduction in Sentencing Guidelines calculation based on ambiguities in discharge permit.

- Represented individual in state prosecution for overfishing. Probation granted.
- Represented chemical company in parallel criminal/civil and state/federal investigation for labeling and marketing violations under pesticide laws. Resolved case via misdemeanor plea.
- Represented employee in investigation and prosecution under the Act to Prevent Pollution from Ships for alleged dumping of oil in ocean. Case was dismissed.
- Represented a smelting company and its president in investigation and prosecution by the U.S. Department of Justice under the Resource Conservation and Recovery Act and international export laws for alleged illegal transport and export of hazardous waste and illegal dumping of hazardous waste. Obtained jury acquittals of all defendants after a six week trial.
- Represented an irrigation district and five individuals in investigation and prosecution by the U.S. Attorney under Sarbanes Oxley and fraud statutes alleging that district had filed false records of water deliveries with the United States. Charges were dismissed after motions filed.
- Represented a state political subdivision against federal criminal charges by the U.S. Attorney for alleged retaliation against alleged whistle blowing employees, who had reported falsification of records to an agency of the United States and were subsequently terminated by the political subdivision. Case was dismissed after presentation to prosecutor.
- Represented an Air Force general officer against allegations by the Federal Bureau of Investigation of covering up a release of highly radioactive material into the atmosphere. No charges were filed.

Internal Investigations

A successful internal investigation requires the early identification of goals, development of an investigative plan with in-house counsel and/or company executives, careful management of the investigation to ensure it stays on track, retention of specialized professionals when necessary, and completing the investigation quickly and cost-effectively. Our expertise in the criminal arena

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Representative internal investigations and audits:

- Conducted internal investigation of alleged air violations made by internal whistleblower and provided recommendations for improved compliance protocols for major company.
- Conducted internal investigation for quasi-governmental agency under federal investigation by U.S. EPA for alleged Clean Water Act violations while coordinating joint defense with counsel for executives and managers facing potential felony prosecution.
- Conducted internal investigation for quasi-governmental agency under state investigation for alleged water and species violations while representing organization and employees under joint defense agreement.
- Conducted internal investigation for company after major air release of chemical in preparation for negotiations with District Attorney's Office, U.S. EPA, Air Quality Management District, neighboring company, and injured individual.
- Conducted multi-facility audit for biotechnology company regarding possible violations of environmental laws governing use and reporting of chemicals, and developed reporting strategy and protocols to minimize potential penalties.

- Designed and conducted periodic facility audits for submittal to U.S. EPA, U.S. DOJ, and private adverse company under federal, state, and local emergency planning, worker safety and hazardous materials management laws, as well as applicable safety and building codes.
- Conducted extensive confidential internal investigation while under indictment for alleged activities of 50 employees that resulted in erroneous records being filed with an agency of the United States regarding water deliveries at a federal reclamation project.
- Conducted extensive privileged internal investigation while under threat of prosecution by U.S. Attorney regarding termination of 25 employees who were identified as whistleblowers in a federal prosecution.
- Conducted an internal investigation of release of highly radioactive material to the atmosphere in response to threatened charges from the Federal Bureau of Investigation and a U.S. Senate Subcommittee investigation of the release.
- Conducted an investigation of the alleged illegal dumping of hazardous waste in several dozen areas of a northern California city in response to potential charges by state agencies of illegal dumping.