



# Department of Justice

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## FACT SHEET 2003 HAZARDOUS MATERIALS TRANSPORTATION INITIATIVE

### *Targeting Hazardous Materials Transportation Crimes Nationwide*

- **The Justice Department Announces that Emery Worldwide Airlines Has Pled Guilty to Charges that It Criminally Violated the Nation's Hazardous Materials Transportation Laws.** On many occasions in 1998 and 1999, Emery intentionally ignored a requirement that pilots be told when hazardous materials – including pressurized gases, flammable liquids, and explosives – are loaded aboard their aircraft as cargo.
  - ✓ The company admitted in its plea to transporting hazardous materials on aircraft leaving its hub at Dayton International Airport without providing the pilot-in-command of the aircraft written notification that hazardous material had been loaded on the plane, as required by Department of Transportation regulations.
  - ✓ Emery has agreed to pay a fine of \$6 million for its crimes.
  - ✓ As part of its plea, Emery has also agreed to implement a comprehensive compliance plan to ensure that there is no repetition of these violations.
- **The Justice Department's Environment and Natural Resources Division Is Committed to Criminal Enforcement Targeting Violators of Hazardous Materials Transportation Law.** Building on its substantial experience prosecuting cases involving the illegal handling of hazardous materials and wastes, the Environment and Natural Resources Division (ENRD) is launching a hazardous materials transportation initiative to address the environmental dangers and homeland security risks raised by the illegal transportation of hazardous materials by air, rail, land, and sea.
  - ✓ Choosing to ignore the precautions required under the nation's hazardous materials transportation law is a felony.
  - ✓ Over one-and-a-half billion tons of hazardous materials are shipped across the United States every year.
    - These shipments include flammable liquids, pressurized gases, explosives, poisons, radioactive materials, and corrosive materials.

- ✓ Hazardous material transportation laws and regulations require shippers to provide identification, documentation, and placarding for hazardous materials shipments. Many of those who handle these materials must be specially trained and certified.
  - Failure to meet these requirements can lead to environmentally devastating accidents and could allow diversion of these materials by terrorists.
- **The Hazardous Materials Transportation Initiative Will Focus on These Critical Areas:**
  - ✓ Undeclared hazardous materials;
    - Hiding dangerous goods in otherwise safe cargos.
  - ✓ Unsafe transportation practices;
    - Violating requirements that make hazardous materials transportation safer.
  - ✓ Licensing fraud;
    - Obtaining a commercial driver's license hazmat endorsement or a merchant mariner's license by fraud.
- **Other Examples of Hazardous Materials Transportation Cases that ENRD, together with United States Attorneys' Offices, have successfully resolved:**
  - ✓ United States v. Olympic Pipeline.
    - The Equilon Pipeline Company and the Olympic Pipe Line Company agreed to pay \$21 million to resolve criminal charges stemming from a pipe rupture that killed three individuals.
  - ✓ United States v. AMR Corp.
    - American Airlines' parent corporation pleaded guilty to illegal hazardous waste storage and paid \$8 million in fines and restitution. The airline admitted loading flammable, corrosive, and poisonous materials onto planes in violation of hazardous materials transportation regulations for over three years.
  - ✓ United State v. Sabretech.
    - Sabretech, Inc. provided services to the ValuJet airline and illegally introduced used oxygen canisters onto Flight 592, resulting in the death of all 110 people on board.

- **ENRD Cases for Which Federal Grand Juries Have Recently Returned Indictments:**
  - ✓ United States v. Chin Wang and Solar International Shipping Agency, Inc.
    - A grand jury charged criminal falsification of the emergency telephone number required on the shipping papers that accompany containers of hazardous materials. Chin Wang is alleged to have used the number of a national hazardous materials tracking organization without having set up any account with that organization. This saved the shipper money and paperwork, but placed first responders—who use the emergency response number to assess the danger of a chemical spill—at risk.
  - ✓ United States v. Hormoz Pourant et al.
    - A grand jury charged officials of AAD Distribution and Dry Cleaning Services, Inc., formerly one of California’s largest handlers of perchloro-ethylene, with various hazardous materials transportation crimes, including the use of drums not approved by the Department of Transportation for safe transportation of hazardous waste.

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