BICKLAW LLP
exclusively environmental

PROVIDING DEFENSE IN ENVIRONMENTAL CRIMINAL CASES

Environmental statutes such as the Resource Conservation and Recovery Act (RCRA), the Clean Water Act, the Clean Air Act and the Toxic and Substances Control Act (TSCA) include criminal provisions applicable to both businesses and individuals. When a chemical spill, release or other form of environmental contamination occurs in violation of the law, state and federal agencies including the EPA and the DOJ can criminally prosecute the corporation along with its corporate officers and managers.

The fines and penalties associated with the commission of an environmental crime can be severe. Even if a company's CEO or manager had nothing to do with the criminal violation, he or she can be held criminally liable for the offense and face huge fines and penalties including significant jail time. The government's rationalization for holding CEOs, managers and other employees personally liable is to ensure that the people running the business are cognizant of the company's activities and enact policies to prevent environmental violations.

Strategic Defense in White Collar Cases

The attorneys at Bick Law work with clients operating across all industries to defend against serious environmental crimes. We conduct internal investigations and help businesses and individuals cooperate with and respond to government investigations and enforcement actions at the state and federal levels. Our California environmental lawyers also represent clients accused of environmental crimes before grand juries and in state and federal trial and appellate courts. We counsel and defend clients charged with all types of criminal violations of environmental regulations including alleged violations of CERCLA, NEPA, CEQA, the Clean Air Act and the Clean Water Act.

Our lawyers become actively involved with our clients as soon as a potential event surfaces. We collaborate with clients to analyze the situation so that we can develop effective response strategies.

In most cases, the best approach is to negotiate a resolution with the government as soon as possible in the process. Our lawyers are intimately familiar with how governmental agencies conduct investigations and prosecute defendants in cases involving environmental crimes. We assist our clients in cooperating with state and federal authorities while protecting their important privacy rights. By working with government agencies early on to reach a fair settlement, including exploring potential environmental offsets, we help our clients avoid a long and costly process. Our goal is to resolve the matter as quickly as possible while minimizing our clients' exposure and risk.

Avoiding Perjury in 104(e) Information Requests

In white collar cases involving alleged environmental crimes, the EPA will frequently issue what is known as a 104(e) Information Request. These requests must be answered under penalty of perjury, and inaccurate or incomplete responses can lead to *additional* criminal charges. Unfortunately, we have seen cases in which employees have faced federal perjury charges due to erroneous responses to 104(e) Information Request.

Cover ups are a hot-button issue among environmental enforcement agencies, and, as a result, responding to a 104(e) Information Request requires an abundance of caution. Our attorneys regularly assist clients in responding to the EPA and state agencies, and we also have experience defending clients accused of attempting to cover up spills and other environmental violations.

Criminal investigations can often lead to a fishing expedition that quickly runs out of control. When our clients are subject to these types of investigations, we take swift action to protect our clients' interests. We understand how threatening and intrusive government investigations and enforcement actions can be and we do everything possible to protect our client's businesses as well as the personal and professional reputations of their CEOs, managers and other employees.