

Lawyer targets pollution scofflaws

Stiff penalties under Endangerment Act

By DAVID WEBER

A top state environmental crimes prosecutor is slated to speak today against a bill he claims would shield polluters from investigators and in support of another bill to stiffen penalties for polluting.

Martin Levin, chief of the Environmental Crimes Strike Force for Attorney General Scott Harshbarger, said the Environmental Endangerment Act would make polluting a felony and provide a 20-year maximum prison sentence for those who knowingly or recklessly commit environmental crimes that cause serious bodily harm.

The bill also would provide for fines up to \$2 million for organizations that repeatedly commit crimes against nature.

"This bill raises the ante," said Levin, noting that most environmental crimes currently are misdemeanors with maximum jail sentences of one or two years in a house of correction and relatively minor monetary fines.

In many cases, Levin said, polluting companies find it more economical to commit environmental crimes and pay the costs imposed by courts than to remedy their damaging practices.

"The important thing

is to get the courts to consider these as serious crimes," he said.

A provision in the bill would allow judges to order offending polluters to undergo audits to determine how to most effectively correct their problems.

Levin's speeches for and against the bills will be delivered to the joint Natural Resources Committee today at the State House.

He said he will speak in opposition to a bill that would make internal environmental audits privileged in the event of an investigation by law enforcement agencies.

He said company records from such audits typically are subpoenaed by state investigators if there is reason to believe wrongdoing has occurred.

"Now is the time to move forward, not enact legislation which will be useful to those wishing to hide their environmental practices behind a veil of secrecy," Harshbarger said in a prepared statement.

The bill also would prohibit any participant in in-house audits from testifying in any legal proceeding pertaining to the audits.

"We're very concerned about who this law is intended to protect," Levin said.