



## AGO Environmental Crimes Factsheet

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**Environmental Crime Report Form: [link](#) (or <http://goo.gl/XR7Kik>)**

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## Introduction

The Attorney General's Office Counsel for Environmental Protection unit has developed this factsheet to offer law enforcement officers, public servants, and other interested persons convenient access to information about Washington state environmental crimes, their investigation, and prosecution. The purpose is to assist in the collective efforts to respond to, report, investigate, and refer for prosecution potential environmental crimes in your jurisdiction.

Attorney General Bob Ferguson created the Environmental Crimes Unit in 2013 in order to better protect human health and the environment in Washington. The Environmental Crimes Unit works with the U.S. Environmental Protection Agency, the state Department of Ecology, Department of Fish and Wildlife, Department of Natural Resources, and other state and federal agencies. In addition, we work closely with county Prosecuting Attorneys and the United States Attorneys for the Western and Eastern Districts of Washington. The following information is not intended to alter any existing policies regarding communication about environmental crimes with those agencies or officials.

### 1. Response and Reporting

Often, an environmental crime such as a hazardous substance discharge creates a significant and immediate danger to human health and the environment. In addition, such incidents can cause more damage if not addressed quickly. Therefore, certain discharges or spills require a response involving specialized training and equipment. For these cases, time is of the essence, and prompt reporting will trigger response and cleanup actions.

To report an emergency, please contact your dispatch or dial 911 immediately. To report a spill, leak, or discharge, call the [National Response Center](#) at 800-424-8802 AND the [Washington Emergency Management Division](#) at 800-258-5990 or 800-OILS-911. Those calls will notify federal and state responders and regulatory agencies.

In addition, report a spill, leak, or discharge to the appropriate regional office of the state Department of Ecology. The map below identifies the areas associated with each office:



Northwest Office, Bellevue: 425-649-7000  
Southwest Office, Olympia: 360-407-6300  
Central Office, Yakima: 509-575-2490  
Eastern Office, Spokane: 509-456-2926

If you wish to report another type of incident, contact the appropriate agency below:

Law Enforcement:

U.S. Environmental Protection Agency: 206-553-8306  
National Oceanic and Atmospheric Administration: 206-526-6133  
U.S. Coast Guard: 206-220-7295  
U.S. Fish and Wildlife Service: 425-883-8122  
U.S. Forest Service: 360-891-5270  
Washington Department of Fish and Wildlife: 360-902-2936  
Washington Department of Natural Resources: 855-883-8368

Regulatory:

Washington Department of Labor and Industries: 800-547-8367  
Washington Department of Health: 800-525-0127

If you would like advice on which agency is appropriate to contact, you may contact the Environmental Crimes Unit at the Attorney General's office.

## **2. Investigation**

If you are investigating a potential environmental crime, you should carefully document your observations just as you would any other crime scene. The techniques used in the processing of an environmental crime scene are similar to those used in other crimes, with the exception that some environmental crime scenes present threat to the health of responders. If you have contacted the appropriate agency (listed above) to respond to the scene, that agency will advise you how to proceed safely.

When responding to a potential environmental crime, keep in mind that state law may cover not only the direct hazard to human health or the environment, but also many “paperwork” aspects of criminal activity, such as the offering of a false instrument for filing with the government (a felony under RCW 40.16.030) or defrauding a public utility (felony and misdemeanor offenses under RCW 9A.61.020 et seq.).

If you or others from your office or agency are interested in additional training in response and investigation of environmental crimes, please contact your office’s training supervisor, or EPA’s Criminal Investigations Division at 206-553-8306.

### **3. Referral**

If your investigation has involved the U.S. EPA, U.S. National Oceanic and Atmospheric Administration, or U.S. Fish and Wildlife Service, those agencies may indicate that they intend to refer the case to the United States Attorney for possible Federal charges. If your case may involve violations of State law, you may refer the case directly to the appropriate county Prosecuting Attorney’s Office, or may consult with the Environmental Crimes Unit. The Attorney General’s office does not have original jurisdiction to prosecute environmental crimes, but is authorized to prosecute cases at the request of the county prosecuting attorney or the Governor. The Environmental Crimes Unit will work closely with county Prosecuting Attorney’s offices to either offer technical assistance on environmental criminal prosecutions, or to offer to prosecute environmental crimes directly at their request. If you would like our office’s assistance in contacting a county prosecuting attorney’s office to consider prosecution, please contact the Environmental Crimes Unit.

### **4. Leading Washington Environmental Crimes**

Washington state law prohibits many activities that threaten human health and the environment. This section offers a limited selection of the most commonly applicable environmental crimes. It is divided into roughly six categories: offenses involving water, air, dumping and hazardous substances, fish and wildlife, generally applicable prohibitions, and those involving dishonesty or false information. This section is not intended to be comprehensive, and the statutes themselves should be consulted for the elements of the crime and the penalties available. A list of many of the pertinent environmental crime statutes is attached.

## Water

- **Violation of Water Pollution Control Act** – gross misdemeanor – RCW 90.48.140, 080
- **Falsifying water quality data** – gross misdemeanor - 90.48.590
- **Polluting water supply** – gross misdemeanor - RCW 70.54.010
- **Furnishing impure water** – gross misdemeanor - RCW 70.54.020
- **Placing poison or other harmful object or substance in food, drinks, medicine, or water** – felony - RCW 69.40.030
- **Violation of Shoreline Management Act** – gross misdemeanor – RCW 90.58.220
- **Unlawful Hydraulic Project Activities** – gross misdemeanor – RCW 77.15.300
- **Reckless operation of a tank vessel** – felony - 90.56.530
- **Operation of a vessel while under influence of liquor or drugs** – felony - 90.56.540
- **Causing a vessel to become abandoned or derelict** – misdemeanor – RCW 79.100.110.

## Air

- **Washington Clean Air Act** – felony, gross misdemeanor – RCW 70.94.430
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## Dumping / Substances / Transportation

- **Defrauding a public utility** – felony and misdemeanor – 9A.61.020 et seq.
- **Unlawful dumping of solid waste** – gross misdemeanor - 70.95.240
- **Transporting or storing waste tires** – gross misdemeanor – RCW 70.95.560
- **Violation of the Washington Pesticide Application Act** – gross misdemeanor - RCW 17.21.150, .310
- **Violation of the Washington Pesticide Control Act** – gross misdemeanor - RCW 15.58.330
- **Transportation, storage, disposal of hazardous substance** – felony, gross misdemeanor – RCW 70.105.085, .090

- **Unlawful operation of facility (oil and hazardous substances)** – felony, gross misdemeanor – RCW 90.56.300

### **Fish and Wildlife**

- **Unlawful take or harassment of Fish and Wildlife** – gross misdemeanor – RCW 77.15
- **Waste of fish and wildlife** – gross misdemeanor – RCW 77.15.170
- **Unlawful use of WDFW land or facilities** – misdemeanor – RCW 77.15.230
- **Unlawful release or possession of fish, shellfish, or wildlife** – felony, gross misdemeanor – RCW 77.15.250
- **Unlawful trafficking in fish, shellfish, or wildlife** – felony – RCW 77.15.260
- **Providing false information regarding fish or wildlife** – gross misdemeanor – RCW 77.15.270

### **General-purpose**

- **Public nuisance** – misdemeanor - RCW 9.66.010, 9.66.030
- **Deposit of unwholesome substance** – gross misdemeanor - RCW 9.66.050
- **Littering** – gross misdemeanor - RCW 70.93.030 & 70.93.060
- **Violation of Industrial Safety & Health Act** – gross misdemeanor - RCW 49.17.190

### **False information**

- **Offering false instrument for filing or record** – class C felony - RCW 40.16.030
- **False statement to a public servant** – gross misdemeanor - RCW 9A.76.175
- **Obstructing a law enforcement officer** – gross misdemeanor - RCW 9A.76.020
- **See also media-specific statutes**