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SUPREME COURT DECLINES REVIEW OF ENVIRONMENTAL CRIME CONVICTION *(Hansen v. United States)*

The United States Supreme Court denied a petition to review and reverse a controversial lower court decision that held company officials and supervisors criminally liable for environmental violations without requiring prosecutors to prove actual knowledge by the officials that the violations occurred.

In *Hansen v. United States*, Christian Hansen, the owner of a chemical business in Georgia; his son Randall, who served as a temporary vice-president; and a supervisor were all charged and convicted of violating the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA). They were sentenced to multi-year prison terms: ten years for the father, four years for the son, and six years for the supervisor. These harsh sentences were based upon charges (brought four years after the plant closed) that alleged that the defendants "knowingly endangered" the health and safety of employees. Yet only one worker testified about slipping in some wastewater, and he admitted he never sought any medical attention, and never reported the incident to management. Nevertheless, the U.S. Court of Appeals for the Eleventh Circuit upheld the conviction under the controversial "responsible corporate officer" doctrine that has allowed prosecutors to dispense with having to prove that company officials had actual knowledge of regulatory violations.

In its brief filed in support of the petition on behalf of itself and its client, Manufacturers Alliance/MAPI, Inc., WLF argued that the lower court ruling constitutes an unwarranted and unlawful expansion of the "responsible corporate officer" doctrine, particularly for environmental violations where the statute requires a showing of actual knowledge. WLF also argued that criminal prosecution of individual managers and supervisors would be counterproductive and have undesirable effects on the governance of firms with industrial operations.

WLF's brief was drafted with the *pro bono* assistance of Peter L. Gray, Thomas B. Johnston, and Margaret Johnson, of the Washington, D.C. law firm of McKenna & Cuneo, LLP.

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