



13 September 2007 **Honeywell Sentencing**

HONEYWELL SENTENCED FOR VIOLATING THE FEDERAL CLEAN AIR ACT

BATON ROUGE, LA – United States Attorney David R. Dugas; Special Agent-in-Charge Warren Amburn of the Environmental Protection Agency, Criminal Investigation Division ("EPA-CID"); Colonel Stanley Griffin, Superintendent of the Louisiana State Police; and Harold Leggett of the Louisiana Department of Environmental Quality announced today that Honeywell International Inc. ("Honeywell") pled guilty before U.S. District Court Chief Judge Ralph E. Tyson to a bill of information charging one count of negligently causing the release of hazardous air pollutants and negligently placing another person in imminent danger of death, in violation of Title 42, United States Code, Section 7413(c)(4) (federal Clean Air Act).

Immediately following the guilty plea, Chief Judge Tyson sentenced Honeywell to two years probation, a criminal fine of \$8,000,000, restitution of \$2,000,000 to the victim's three children, community restitution of \$750,000 to the Louisiana Department of Environmental Quality, community restitution valued at \$750,000 to the Louisiana State Police Hazardous Materials Unit, and community restitution valued at \$500,000 to the Louisiana State Police Emergency Operations Center. This constitutes the largest criminal fine and restitution award in the Middle District of Louisiana.

Today's charge stems from an ongoing investigation into an incident which occurred in the summer of 2003 at Honeywell's Baton Rouge Plant. As set forth in the stipulated factual basis, on July 29, 2003, Delvin Henry, an employee at the Baton Rouge Plant, opened a one-ton cylinder, which had been erroneously labeled as containing relatively benign refrigerant. Once opened, appropriately 1800 pounds of spent antimony pentachloride, which is a highly toxic and corrosive hazardous material, was violently released from the cylinder. Mr. Henry was struck by the material and died the following day from his injuries.

U.S. Attorney Dugas stated, "The U.S. Department of Justice is committed to working with our federal and state partners to enforce our nation's environmental laws and ensure the safety of our workers. This case demonstrates that great success can come when various agencies come together in a cooperative effort." Dugas continued, "Corporations, like individuals, have a responsibility to comply with the law and a failure to do so will not be tolerated. Honeywell has done the right thing by accepting responsibility and cooperating with the investigation."

Harold Leggett of the Louisiana Department of Environmental Quality stated, "While this is a very tragic event that occurred at the Honeywell facility in Baton Rouge, the Department has worked with and will continue to work with EPA-CID, the U.S. Department of Justice, and Honeywell to address environmental noncompliances at the facility."

"The tragic death of an employee may have been avoided if Honeywell had simply followed the law," said Granta Nakayama, assistant administrator for the EPA's enforcement and compliance assurance program. "EPA will vigorously pursue corporations whose failure to comply with environmental laws threaten human health and the environment."

"This case illustrates the terrible consequences that can result from environmental crimes," said Warren Amburn, the Special Agent-in-Charge of EPA's criminal investigation office in Dallas. "Honeywell needs to make sure this never happens again."

This case was prosecuted by Assistant United States Attorney Corey R. Amundson.