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Three Men and Company Convicted of Conspiracy to Violate the Clean Air Act During Demolition of Tennessee Factory

Chattanooga Plant Containing Large Amounts of Asbestos Was Illegally Demolished, Exposing Community and Workers to Asbestos

WASHINGTON – Three men and a demolition company were convicted by a federal jury in Chattanooga, Tenn., of environmental crimes and obstruction of justice charges related to the illegal demolition of a Chattanooga factory containing large amounts of the toxic air pollutant asbestos, announced William C. Killian, U.S. Attorney for the Eastern District of Tennessee, and Ignacia S. Moreno, Assistant Attorney General for the Justice Department’s Environment and Natural Resources Division. David Wood, Donald Fillers, James Mathis and Watkins Street Project LLC, a business formed for the purpose of salvaging and demolishing the facility, were convicted today of conspiracy, Clean Air Act and obstruction-related offenses. James Mathis was found not guilty of one of the Clean Air Act charges, but guilty of conspiracy and three other substantive Clean Air Act counts.

During the course of the three week trial, the evidence proved that the defendants entered into a year-long scheme, from August 2004 to September 2005, in which the former Standard Coosa Thatcher Plant was illegally demolished while still containing large amounts of asbestos. Any asbestos that was removed from the plant prior to demolition was removed illegally, scattered in open debris piles and left exposed to the elements in the vicinity of the 1700 block of Watkins Street in Chattanooga. During the course of these illegal operations, visible emissions engulfed surrounding businesses, residences and a day-care center, potentially exposing the surrounding community to substantial quantities of asbestos – a substance for which the U.S. Environmental Protection Agency (EPA) has determined there is no safe-level given its demonstrated tendency to cause lung cancer, mesothelioma and asbestosis. The evidence also showed the defendants tried to cover up their illegal activities by falsifying documents and lying to federal authorities.

Sentencing is currently set for June 7, 2012. The conspiracy, substantive Clean Air Act and false statements counts of the indictment each carry a maximum possible term of five years in prison and a fine of \$250,000, twice the gross gain to the defendants, or twice the gross loss to a

victim. The obstruction of justice charge carries a maximum possible term of 20 years in prison and similar fines.

This case was investigated by Special Agents of the EPA's Criminal Investigation Division and investigators with Chattanooga-Hamilton County Air Pollution Control Bureau. The case is being prosecuted by Assistant U.S. Attorney Matthew T. Morris and Todd W. Gleason, Environmental Crimes Section of the Environment and Natural Resources Division of the U.S. Department of Justice.