



# The United States Attorney's Office

## Middle District of Louisiana

March 25, 2011

### **COLORADO COMPANY SENTENCED IN CONNECTION WITH DEATH OF HONEYWELL EMPLOYEE**

BATON ROUGE, LA - United States Attorney Donald J. Cazayoux, Jr., announced today that Chief U.S. District Judge Ralph E. Tyson sentenced Chemical and Metal Industries Inc. ("C&MI"), a company based in Colorado, to two years probation, a \$1,000,000 fine, and \$2,000,000 in restitution to the victim's estate, including his three children. The sentence stems from C&MI's conviction for negligently causing the release of hazardous air pollutants and thereby 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).

Today's sentencing is the result of a long-running investigation by the U.S. Attorney's Office, the U.S. Environmental Protection Agency's Office of Criminal Enforcement, and the Louisiana State Police into an incident that occurred in the summer of 2003 at Honeywell's Baton Rouge Plant. On July 29, 2003, Delvin Henry, an employee at the Baton Rouge Plant, opened a one-ton cylinder, which C&MI had labeled as containing relatively benign refrigerant while the cylinder was at C&MI's Colorado facility. Once opened, approximately 1800 pounds of spent antimony pentachloride, which is 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.

In 2008, Honeywell accepted responsibility for its role in the incident, pled guilty to negligent endangerment under the Clean Air Act, and was sentenced to pay a criminal fine of \$8,000,000, restitution of \$2,000,000 to Mr. Henry'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 is the largest criminal monetary penalty in the history of Middle District of Louisiana.

U.S. Attorney Cazayoux 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. Corporations, like individuals, have a responsibility to comply with the law and a failure to do so will not be tolerated.”

"Today's sentencing demonstrates our commitment to enforce our nation's environmental laws and prosecute violators who damage the environment and place workers in harm's way," said Ivan Vikin, Special Agent in Charge of EPA's criminal enforcement program in Louisiana. "This company's negligence led to the tragic death of an individual, a death that could have been avoided if the law was followed. This manner of doing business is not only dangerous it is criminal and it will not be tolerated."

This case is being prosecuted by Assistant United States Attorney Corey R. Amundson who serves as the Senior Deputy Chief of the Criminal Division.