

Press Release

INTERNATIONAL REFRIGERANT GAS SUPPLIER PLEADS GUILTY AND IS SENTENCED FOR FALSE STATEMENTS IN THE IMPORTATION OF OZONE DEPLETING HCFC-22

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FOR IMMEDIATE RELEASE

Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, Maureen O'Mara, Special Agent in Charge, U.S. Environmental Protection Agency (EPA), Criminal Investigation Division, Atlanta Area Office, and Anthony V. Mangione, Special Agent in Charge, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Miami Field Office, announced that defendant **Harp USA Inc.** (Harp), a Florida corporation, pled guilty and was sentenced today in connection with false statements made in entry documents for the importation of ozone depleting refrigerant gas, in violation of Title 18, United States Code, Section 542.

Harp pled guilty before U.S. District Judge Jose E. Martinez to a one count Information that charged Harp with knowingly and intentionally introducing into the United States approximately 1,874 cylinders of the ozone-depleting substance hydrochlorofluorocarbon-22 ("HCFC-22") using false invoices and statements. HCFC-22 is a widely used refrigerant for residential heat pump and air-conditioning systems.

Immediately following the guilty plea, Harp was sentenced to three years of probation and ordered to pay a \$206,140 criminal fine. Harp was also ordered to perform community service by making a \$25,000 payment to the Southern Environmental Enforcement Training Fund, a not-for-profit training organization. In addition, as a special condition of probation, Harp was ordered to implement and enforce an Environmental Compliance Plan and to reimburse the government for costs associated with the storage and handling of the merchandise. Finally, Harp was ordered to forfeit to the United States \$206,140, which represents proceeds received as a result of the crime.

The Clean Air Act regulates air pollutants including ozone depleting substances such as HCFC-22. As well, federal law prohibits making false statements in connection with documentation used to gain entry into the United States of merchandise.

According to court records, Harp, is a wholly owned subsidiary of Harp Overseas Limited, a United Kingdom Private Limited Company, which is a wholly owned subsidiary of Harp International Limited. Harp International Limited is a market leader in the supply of refrigerant gas throughout the United Kingdom and overseas markets. According to statements in court and court records, in July 2010, Harp sought to import approximately 25,497 kilograms of HCFC-22 based on a Petition to the EPA. The Petition falsely claimed a single source of the refrigerant gas, when in fact, there was no single source. EPA had previously indicated it would deny a Petition from multi-use or multi-source facilities because of the inability to verify whether the product was new or used. Harp also falsely claimed source equipment capacity was more than 25,0000 kilograms. In fact, the claimed source equipment capacity was only 700 kilograms (with a separate holding tank of another approximately 700 kilograms).

U.S. Attorney Wifredo Ferrer stated, "The U.S. Attorney's Office is committed to enforcing

federal laws that seek to protect our safety and environment.”

“The defendants flouted the protections we have in place to prevent the illegal importation of ozone depleting substances. These substances thin the ozone layer causing skin cancers and cataracts,” said Maureen O’Mara, Special Agent in Charge of EPA’s criminal enforcement program in Florida. “The aggressive criminal prosecution of these cases deter others who seek to jeopardize our health, safety and national security and bolsters EPA’s commitment to the Montreal Protocol, the international agreement designed to protect the ozone layer.”

“The effort to protect the ozone layer is a great success, but the job is not finished yet, since seasonal ozone holes in Antarctica continue to appear,” said Drusilla Hufford, U.S. EPA Stratospheric Protection Division Director. “When we prevent smugglers from illegally profiting by bringing falsely documented ozone depleting chemicals into the U.S., we are protecting the health of Americans and the ozone layer as well.”

“The unlawful importation of goods pose a triple threat to the national security, public safety, and economic well-being of the United States,” said ICE HSI Special Agent in Charge in Miami Anthony V. Mangione. “We will continue to vigorously investigate those who are determined to line their pockets with the proceeds of crimes against the environment.”

Mr. Ferrer commended the investigative efforts of the Environmental Protection Agency, ICE’s Homeland Security Investigations in Miami, the Florida Department of Environmental Protection, Criminal Investigation Bureau, and the Miami-Dade Police Department, Environmental Investigation Unit. The case was prosecuted by Special Assistant U.S. Attorney Jodi A. Mazer.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at <http://www.usdoj.gov/usao/fls>. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at <http://www.flsd.uscourts.gov> or on <http://pacer.flsd.uscourts.gov>.

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