

## **Laboratory President Sentenced to Prison Term**

On March 15, 2005, Edward V. Kellogg, President, owner, and Quality Control Officer of Johnson Laboratories, Inc., New Cumberland, Pennsylvania, was sentenced in U.S. District Court, Eastern District of Pennsylvania, to 16 months in prison, followed by 36 months of probation, and ordered to perform 80 hours of community service. Kellogg was also ordered to pay restitution of \$7,181 and a \$3,400 special assessment.

On August 17, 2004, following a jury trial, Kellogg was found guilty of 34 counts of mail fraud. A May 2003 indictment charged that from May 1998 through July 2000, Kellogg engaged in a scheme to defraud customers of Johnson Laboratories by creating and billing customers for false and fraudulent environmental test reports.

Johnson Laboratories provided analytical testing of environmental samples, including water and wastewater, to municipalities and commercial clients required to comply with environmental laws and regulations administered by EPA. Among the tests prepared by Johnson Laboratories were tests for volatile organic compounds (VOCs), a contaminant whose presence in water is regulated by EPA. VOCs can contaminate drinking water, and VOCs in wastewater may be discharged into rivers and streams, potentially affecting fish, wildlife, and drinking water sources.

As the head of the business, Kellogg allowed environmental test results to be fraudulently prepared and billed to customers. These test reports purported to contain the results of VOC testing performed in accordance with EPA method 601/602, when in fact Kellogg knew that this testing method had not been used. Instead, VOC testing had been performed under the lesser inclusive EPA method 624. Johnson Laboratories did not have the necessary laboratory instruments in operating condition to perform the tests in accordance with EPA method 601/602 as reported to customers.

*This investigation was conducted jointly with the EPA Criminal Investigation Division, the Pennsylvania Attorney General's Office, and the Pennsylvania Department of Environmental Protection.*