



Environmental Crimes Case Bulletin

U.S. Environmental Protection Agency
Office of Criminal Enforcement, Forensics and Training

This bulletin summarizes publicized investigative activity and adjudicated cases conducted by OCEFT Criminal Investigation Division special agents, forensic specialists, and legal support staff. To subscribe to this monthly bulletin you may [sign up for email alerts](#) on our publications page. Unless otherwise noted, all photos are provided by EPA-CID.

November—December, 2022

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New Jersey Businessman Sentenced to Five Years in Prison for Defrauding over 75 Victims of More Than \$2.7 Million in Nationwide Scheme to Sell Pesticides Falsely Billed as Registered with EPA and Approved to Kill Coronavirus

A Burlington County, New Jersey man who sold more than \$2.7 million worth of pesticides he falsely claimed were registered with the Environmental Protection Agency as being effective against coronavirus, was sentenced on December 8, 2022 to 60 months in prison, U.S. Attorney Philip R. Sellinger and Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division announced.

Paul Andrecola, 63, of Maple Shade, New Jersey, previously pleaded guilty before U.S. District Court Judge Robert B. Kugler in Camden federal court to an information charging him with one count each of knowingly distributing or selling an unregistered pesticide in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), wire fraud, and presenting false claims to the United States. Judge Kugler imposed the sentence today in Camden federal court.

"Paul Andrecola's scheme profited on the fears of the American people during the height of concerns about transmission of COVID-19," U.S. Attorney Sellinger said. "Our office is dedicated to protecting public health and prosecuting to the full extent of the law fraudsters who commit such egregious criminal acts."

"The defendant committed a brazen fraud in the midst of a global pandemic and sought to profit from people's fears of contracting the coronavirus," Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division (ENRD) said. "This sentence shows that these crimes are serious and will be vigorously prosecuted by the Department of Justice."

"...a brazen fraud in the midst of a global pandemic which sought to profit from people's fears"

"Today's sentence holds the defendant accountable for perpetrating the largest pandemic fraud case related to the sale of unregistered pesticides charged nationwide," Special Agent in Charge Tyler Amon of EPA's Criminal Investigation Division in New Jersey said. "This case underscores EPA's commitment to hold violators accountable for placing the public at risk by failing to ensure the integrity and safety of their products."

According to documents filed in this case and statements made in court:

FIFRA regulates the distribution, sale, and use of pesticides to ensure that pesticides sold in the United States are safe, effective, and bear labeling containing true and accurate information. The EPA is responsible for regulating the manufacture, labeling, and distribution of all pesticides shipped or received in interstate commerce.

Under FIFRA, all pesticides must be registered with the EPA before the pesticide can be sold or distributed, and no person may distribute or sell a pesticide that has not been registered with the EPA. Before pesticide products can legally make claims that they can kill a particular pathogen, such as SARS-CoV-2 (coronavirus), the claim must be authorized by EPA based on a review of data. In March 2020, at the beginning of the global pandemic, the EPA created a list of EPA-registered products that it deemed to be effective against coronavirus, titled "List N: Disinfectants for Use Against SARS-CoV-2." The EPA has continued to update this list since its creation.

Andrecola, who controls two companies and is employed by a third company, all based in in Mount Laurel, New Jersey, manufactured various disinfectant products, including liquids and wipes, under the brand name "GCLEAN." GCLEAN products were unregistered pesticides under FIFRA and none of the products were on EPA's List N. Andrecola placed another company's EPA registration numbers on his company's products and falsely marketed that his products were EPA-approved to kill coronavirus by creating numerous false documents to support his claims. Andrecola, or others at his behest, would provide this falsified documentation to potential customers representing that various sanitizer and wipe products in the names GCLEAN or GC200 were EPA-registered products List N to persuade them to purchase the unregistered pesticide products.

From March 2020 through May 2021, Andrecola used these fraudulent representations to make more than 150 sales of unregistered pesticides for a profit of more than \$2.7 million. The purchasers of these unregistered pesticides included a police depart-

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ment in Delaware, a fire department in Virginia, a medical clinic in Georgia, a janitorial supply company in New York, a school district in Wisconsin, and numerous U.S. Government agencies, including the U.S. Marshal's Service, Moody Air Force Base, the U.S. Department of Veterans Affairs, and the National Forest Service.

In addition to the prison term, Judge Kugler sentenced Andrecola to three years of supervised release and forfeiture of \$2.74 million – the proceeds from the sale of the illegal product. The defendant is also responsible to make full restitution for all losses resulting from his commission of the charged crimes.

Investigation of this matter was conducted by EPA's Criminal Investigation Division and EPA's Office of the Inspector General Eastern; Homeland Security Investigations Newark Field Office; Defense Criminal Investigative Service Northeast Field; Naval Criminal Investigative Service Northeast Field Office; and the Mount Laurel, New Jersey Police Department. Prosecution was handled by a DOJ litigation team.

Richmond Contractor Sentenced to 16 Months Imprisonment for Violating Federal Lead Paint Laws and Obstructing Justice

On December 21, 2022, Jeffrey Delucio, 54, of Richmond, Indiana, was sentenced to 16 months in federal prison for violating the Toxic Substance Control Act, specifically the provisions of the Act concerning lead paint renovations, and for obstructing justice by fabricating records to obstruct a federal grand jury.

According to court documents, Delucio operated Aluminum Brothers Home Improvements in Richmond, Indiana, which received federal grant money from the U.S. Department of Housing and Urban Development (HUD) to mitigate lead paint hazards in older low-to-middle income homes. Lead-based paint is the leading cause of lead poisoning in children, which can result in permanent developmental and health problems. Because of lead's toxicity, federal law requires contractors renovating homes with lead-based paint to take certain precautions while working to protect themselves and those living in and around the homes under construction.

Delucio admitted in federal court that he and other Aluminum Brothers workers he supervised failed to follow these laws while conducting multiple the HUD-funded renovations in Richmond. As a result, lead-based paint chips were scattered throughout the properties and were not cleaned up timely or properly as work was being conducted. One of the residences was inhabited by a child with elevated blood lead levels, which had prompted the renovation work at that property to begin with.



Lead-containing paint chips from improper removal cover the ground.

Delucio further admitted that he failed to train his workers on lead-safe work practices and then falsified documents to conceal his conduct. Delucio's company was subpoenaed by a federal grand jury for business records, including records of employee training on lead-safe work practices. In an effort to impede federal criminal investigators, including those from HUD and the Environmental Protection Agency (EPA), Delucio fabricated training records for each of his employees and supplied the false documents to EPA and HUD agents.

"Mr. Delucio put his community, employees, and the environment at risk, including a medically vulnerable child" said Zachary A. Myers, United States Attorney for the Southern District of Indiana. "These regulations are in place to ensure the health of Hoosiers for generations to come. We will continue working with the EPA, IDEM, and HUD to prosecute those who do not uphold their responsibility to preserve the environment and the safety of citizens."

"The defendant created risks by not only failing to follow lead-safe work practices, but also falsely representing to the government their employees had received training," said Special Agent in Charge Jennifer Lynn of EPA's criminal investigation program. "Today's sentencing demonstrates that individuals who intentionally violate environmental laws will be held responsible for their crimes."

"Protecting families and communities from lead-based paint hazards is one of HUD OIG's top priorities," said Special Agent in Charge Mabelle Jindra. "HUD OIG is committed to seeking criminal penalties for those who

willfully disregard lead-based paint safety regulations and other violations of Federal law related to HUD programs.”

“This wasn’t simply a situation of an environmental crime. Mr. Delucio’s behavior had real-life health implications for families in Wayne County,” IDEM Commissioner Brian Rockensuess said. “We’re pleased that this investigation has led to a conviction, preventing him and his company from causing further harm.”

The sentence was imposed by U.S. District Judge James Patrick Hanlon and included a \$1,000 fine and 2 years’ probation following his release from federal prison.

This case was prosecuted as part of EPA’s Environmental Justice Initiative and DOJ’s Comprehensive Environmental Justice Enforcement Strategy which seeks to provide timely and effective remedies for systemic environmental violations and contaminations and for injury to natural resources in underserved communities that have been historically marginalized and overburdened, including low-income communities, communities of color, and Tribal and Indigenous communities.

The case was investigated by EPA’s Criminal Investigation Division, the Indiana Department of Environmental Management (IDEM), and the U.S. Department of Housing and Urban Development (HUD).

Co-Owners of Arm Rippin Toys Sentenced to 5-Years Probation and \$66,000 Each for Clean Air Act Violations

On November 9, 2022, the three co-owners of Arm Rippin Toys, Inc each pleaded guilty to one count of violating the Clean Air Act. Arm Rippin Toys is an Anchorage, Alaska vehicle repair shop specializing in modifying, repairing and maintaining diesel vehicles.

According to court documents, Zachary Czubak, Patrick Fleming and Michael Hanzuk, II, tampered with federally mandated monitoring devices on private and commercial diesel vehicles and removed required air pollution control equipment on at least 37 vehicles between July 2019 and September 2020.

In July 2019 the co-owners of Arm Rippin Toys, entered into an agreement to engage in “tuning and deleting” customers’ diesel vehicles. This process involves the removal of emissions control systems which are de-

Arm Rippin Toy’s co-owners and employees falsified, tampered with and rendered inaccurate the vehicles’ monitoring devices so the vehicles could continue to function despite the removal or deletion of emissions control equipment.

signed to reduce pollutants being emitted from the vehicles. Under normal operating conditions, an on-board diagnostic (OBD) system will detect any removal and/or malfunction of a vehicle’s emissions control equipment. By modifying OBDs on vehicles, Arm Rippin Toy’s co-owners and employees falsified, tampered with and rendered inaccurate the vehicles’ monitoring devices so that the modified vehicle could continue to function despite the removal or deletion of emissions control equipment. In total Arm Rippin Toys collected approximately \$100,000 for performing unlawful deletes and tunes on diesel vehicles.

“We take protecting the environment seriously in Alaska and we won’t hesitate to prosecute individuals committing environmental crimes,” said U.S. Attorney S. Lane Tucker for the District of Alaska. “The defendants in this case knowingly and repeatedly installed ‘defeat devices’ to remove emissions controls in dozens of vehicles violating the Clean Air Act which

protects the nation’s air quality by, among other things, reducing vehicle emissions that pollute the air.”

“Installing emissions defeat equipment in passenger vehicles results in a massive increase in air pollution from even a single vehicle,” said Special Agent in Charge Scot Adair of EPA’s Criminal Investigation Division in Alaska. “EPA and its law enforcement partners will continue to hold accountable those who jeopardize human health and the environment for the sake of profit.”

Defendants in this case are:

Zachary John Czubak, 25, pleaded guilty to Conspiracy to Violate the Clean Air Act and was sentenced to five years’ probation, a \$66,000 fine and 180 hours of community service as a condition of probation.

Michael Wayne Hanzuk, II, 30, pleaded guilty to Conspiracy to Violate the Clean Air Act and was sentenced to five years’ probation, a \$66,000 fine, 180 hours of community service as a condition of probation and a public statement acknowledging wrongdoing.

Patrick Fleming Thomas Fleming, 29, pleaded guilty to Conspiracy to Violate the Clean Air Act and is awaiting sentencing.



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The removal or disabling of a vehicle's emissions control system can increase particulate matter (PM) by a factor of about 40 times; nitrogen oxides (NOx) by a factor of about 310 times; carbon monoxide (CO) by a factor of about 120 times; and non-methane hydrocarbons (NMHC) by a factor of about 1,100 times.

The case was investigated by EPA's Criminal Investigations Division. Prosecution is being handled by a DOJ litigation team.

Kentucky Oil Operator Pleads Guilty to Negligent Violation of Clean Water Act

On November 28, 2022, Joshua M. Franklin pleaded guilty to a negligent violation of the Clean Water Act. The charge stems from a 2018 discharge of oil and brine water into a small creek near an oil tank battery and eventually into other downstream creeks.

According to court documents, Franklin, 33, of Columbia, was an operator at an oil lease tank battery in Columbia. His duties included ensuring that brine water, a waste product from oil production, was separated from the oil before it was sold to customers. On Aug. 22, 2018, the oil/water separator at the tank battery used to remove brine water from a tank holding oil ready for sale was not functioning. To separate the brine water from the oil tank, Franklin instead attached a conduit to the oil tank's discharge valve, opened the valve and left the site. As a result, approximately 100 barrels (4,000 gallons) of oil were discharged into a nearby tributary, which led to other creeks. The oil could be seen in a downstream creek, Brush Creek, over a mile away from the tank battery.

"This prosecution sends a clear and deterrent message to those who would cut corners and cause significant pollution of our nation's waters," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division.

"The Clean Water Act was designed to protect our nation's waters from pollution that can damage the environment and threaten human health," said Acting Assistant Administrator Larry Starfield of the U.S. Environmental Protection Agency (EPA) Office of Enforcement and Compliance Assurance. "This case shows that those who violate the law can expect to be held accountable by EPA and our law enforcement partners."

The Kentucky Department of Environmental Protection (KDEP) conducted the initial cleanup immediately after the oil spill. The EPA then assumed cleanup tasks for the spill, which took until April of 2019.

Franklin entered a plea agreement where he agrees to pay a restitution of \$10,000 to the EPA and KDEP, based on a limited ability to pay. He is scheduled to be sentenced on March 1, 2023, and faces a maximum penalty of one year in prison and a fine of \$100,000. A federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The case was investigated by EPA's Criminal Investigation Division. Prosecution is being handled by a DOJ litigation team.

Sanitation Company and Owners Plead Guilty to Fraud and Illegal Sale of Pesticides

On December 1, 2022, Integral Hygienic Solutions, Inc, dba TruClean, a La Mesa-based sanitation company, pleaded guilty in federal court to defrauding customers by falsely claiming that its antimicrobial cleaning product was tested and approved by the U.S. Environmental Protection Agency.

The company claimed that its antimicrobial product, TruClean 365, eliminates bacteria and viruses, including Covid-19, on treated surfaces for one year with a single application. The company also claimed that its product had been submitted to the antimicrobials division at the EPA for testing and that the EPA had validated their claim of one year of effectiveness through “rigorous testing.”

At the beginning of the pandemic in early 2020, the defendants put TruClean’s own labels on bottles of chemical products purchased from a chemical company on the East Coast. Ray Louis Smith Jr., Ramont Joseph Smith, and TruClean then marketed, sold, and distributed the newly re-labeled products as providing year-long protection against infection from viruses, including the virus that causes Covid-19, on its social media pages and its website.



"This slot machine has been protected with TruClean" label.

Products represented to kill viruses in the environment are regulated by the EPA as pesticides. None of the products sold under the TruClean name was registered as a pesticide by the EPA, as required by law. Pesticides that are unregistered may not be sold or distributed in the United States. In pleading guilty, the company admitted that it sold over \$800,000 worth of the unregistered pesticides.

"The defendants tried to gain commercial advantage during the pandemic by falsely claiming that the federal government had tested and validated their product," said U.S. Attorney Randy S. Grossman. "The U.S. Attorney's Office is committed to investigating and prosecuting criminal cases to assist in protecting the public from frauds such as this."

Grossman thanked the prosecution team and investigating agencies for their excellent work on this case.

"The defendants in this case knowingly persisted in their false assertions that their pesticide application provided protection against COVID-19," said Special Agent in Charge Scot Adair of EPA's criminal program in California. "As this case demonstrates, EPA and its law enforcement partners are committed to holding responsible parties accountable for false claims that put entire communities at risk."

"This case demonstrates the EPA Office of Inspector General's commitment to investigate crimes that undermine the integrity of EPA programs and defraud consumers," said Special Agent in Charge Garrett J. Westfall of the U.S. EPA OIG. "Our investigative team and law enforcement partners held the subjects accountable by quickly uncovering the potential harm to health and safety and by exposing the false claims promoted by TruClean 365."

"Homeland Security Investigations (HSI) along with our government partners are committed to protecting the

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American public against criminal networks attempting to illegally sell products that could endanger lives of U.S. consumers for financial gain,” said HSI San Diego Special Agent in Charge Chad Plantz. “We remain vigilant and will use our broad legal authorities to disrupt and dismantle criminal networks seeking to exploit and benefit from the COVID-19 pandemic.” Sentencing is set for Feb 24, 2023.

The case was investigated by EPA’s Criminal Investigation Division and Office of Inspector General. Case prosecution was handled by a DOJ litigation team.

Erie Coke and Corporate Officer Indicted for Violating the Clean Air Act over Four Years

Erie Coke Corporation, and a corporate officer, Anthony Nearhoof, were indicted by a federal grand jury in Erie, Pennsylvania on charges including Violation of the Clean Air Act.

The eight-count Indictment, returned on Nov. 15, 2022, and unsealed on December 15, 2022, named Erie Coke Corporation, now permanently out of operation, and Anthony Nearhoof, 41, of Pittsburgh, Pennsylvania, as the defendants.

According to the Indictment presented to the court, from in and around October 2015 and continuing until in and around December 2019, Erie Coke Corporation and Nearhoof tampered with measurements on heating systems which emitted contaminants and pollutants into the air including volatile gases such as benzene, toluene, and xylene. Erie Coke Corporation was a plant regulated by federal and state statutes and regulations including the Clean Air Act (CAA) administered by the Environmental Protection Agency (EPA) and Pennsylvania Department of Environmental Protection (PADEP), which was located adjacent to numerous private residences, public facilities, and several schools.

Nearhoof was an operator and “responsible corporate officer” at the plant when hazardous air pollutants were being released and directed other plant supervisors and foremen to vent combustion gases directly into the air to avoid the plant’s environmental monitoring system.

“It is important to protect our community from environmental health hazards and to ensure equal access to a healthy environment in which to live, learn, and work,” said U.S. Attorney Chung. “This indictment demonstrates our ongoing commitment to securing environmental justice by holding Erie Coke Corporation and its management responsible for violations of laws meant to protect the environment and the community.”

“Today’s indictment holds Erie Coke Corporation and its management responsible for covering up and lying to federal regulators and the public about their discharges,” said Jennifer Lynn, Special Agent in Charge for the Mid-Central Area Branch. “Through thorough investigative efforts by EPA and its state partner, we were able to uncover the fraudulent scheme.”

The law provides for a maximum total sentence of not more than five years in prison, a fine of \$250,000,00, and a term of supervised release of not more than three years. Under the Federal Sentencing Guidelines, the actual sentence imposed would be based upon the seriousness of the offense and the prior criminal history, if any, of the defendant.

The investigation leading to the Indictment was conducted by EPA’s Criminal Investigation Division. Prosecution is being handled by a DOJ litigation team.

An Indictment is merely an accusation. Defendants are presumed innocent unless and until proven guilty.