



AGO Environmental Crimes Factsheet

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Environmental Crime Report Form: [link](#) (or <http://goo.gl/XR7Kik>)

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Introduction

The Attorney General's Office Environmental Protection Division has developed this factsheet to offer law enforcement officers, public servants, and other interested persons convenient access to information about Washington state environmental crimes, their investigation, and prosecution. The purpose is to assist in the collective efforts to respond to, report, investigate, and refer for prosecution potential environmental crimes in your jurisdiction.

In 2016, Attorney General Bob Ferguson established the unit now known as the Environmental Protection Division. The Environmental Protection Division works with the U.S. Environmental Protection Agency, the Washington State departments of Ecology, Fish and Wildlife, Natural Resources, and other state and federal agencies. In addition, we work closely with county Prosecuting Attorneys and the United States Attorneys for the Western and Eastern Districts of Washington. The following information is not intended to alter any existing policies regarding communication about environmental crimes with those agencies or officials.

1. Response and Reporting

Often, an environmental crime such as a hazardous substance discharge creates a significant and immediate danger to human health and the environment. In addition, such incidents can cause more damage if not addressed quickly. Therefore, certain discharges or spills require a response involving specialized training and equipment. For these cases, time is of the essence, and prompt reporting will trigger response and cleanup actions.

To report an emergency, please contact your dispatch or dial 911 immediately. To report a spill, leak, or discharge, call the [National Response Center](#) at 800-424-8802 AND the [Washington Emergency Management Division](#) at 800-258-5990 or 800-OILS-911. Those calls will notify federal and state responders and regulatory agencies.

In addition, report a spill, leak, or discharge to the appropriate regional office of the state Department of Ecology. The map below identifies the areas associated with each office:



Northwest Office, Shoreline
206-594-0000

Southwest Office (Headquarters), Lacey
360-407-6300

Central Office, Union Gap
509-575-2490

Eastern Office, Spokane
509-329-3400

If you wish to report another type of incident, contact the appropriate agency below:

Law Enforcement:

[U.S. Environmental Protection Agency Region 10 Criminal Investigations](#)

[Division](#): 206-553-8306 (24-hour hotline)

[National Oceanic and Atmospheric Administration Office of Law](#)

[Enforcement Seattle Field Office](#): 206-526-6133

[U.S. Coast Guard Investigative Service Northwest Region](#): 206-220-7170

[U.S. Fish and Wildlife Service Resident Agent in Charge-Redmond, WA](#):

425-883-8122

[U.S. Forest Service Law Enforcement and Investigations Pacific Northwest](#)

[Region](#): 360-891-5270

[Washington Department of Fish and Wildlife Enforcement](#): 360-902-

2936, Option 1

[Washington Department of Natural Resources, Natural Resources Police](#):

855-883-8368

Regulatory:

[Washington Department of Labor and Industries](#): 800-547-8367 (1-800-LISTENS)

[Washington Department of Health](#): 800-525-0127 or 360-236-4501

If you would like advice on which agency is appropriate to contact, you may contact the Environmental Protection Division at the Attorney General's Office.

2. Investigation

If you are investigating a potential environmental crime, you should carefully document your observations just as you would any other crime scene. The techniques used in the processing of an environmental crime scene are similar to those used in other crimes, with the exception that some environmental crime scenes present threats to the health of responders. If you have contacted the appropriate agency (listed above) to respond to the scene, that agency will advise you how to proceed safely.

When responding to a potential environmental crime, keep in mind that state law may cover not only the direct hazard to human health or the environment but also many "paperwork" aspects of criminal activity, such as the offering of a false instrument for filing with the government (a felony under [RCW 40.16.030](#)) or defrauding a public utility (felony and misdemeanor offenses under [RCW 9A.61.020 et seq.](#)).

If you or others from your office or agency are interested in additional training in response and investigation of environmental crimes, please contact Assistant Attorney General Brad Roberts to arrange a training.

3. Referral

If your investigation has involved the U.S. EPA, U.S. National Oceanic and Atmospheric Administration, or U.S. Fish and Wildlife Service, those agencies may indicate that they intend to refer the case to the United States Attorney for possible Federal charges. If your case may involve violations of State law, you may refer the case directly to the appropriate county Prosecuting Attorney's Office, or you may consult with the Environmental Protection Division. Although the Attorney General's Office does not have original jurisdiction to prosecute environmental crimes, it is authorized to prosecute cases at the request of the county prosecuting attorney or the Governor. The Environmental Protection Division will work closely with county Prosecuting Attorney's Offices to either offer technical assistance on environmental criminal prosecutions or offer to prosecute environmental crimes directly at their request. If you would like our assistance in contacting a county Prosecuting Attorney's Office to consider prosecution, please contact the Environmental Protection Division at the Attorney General's Office.

4. Leading Washington Environmental Crimes

Washington state law prohibits many activities that threaten human health and the environment. This section offers a selection of the most commonly applicable environmental crimes. It is divided into roughly six categories: offenses involving water, air, dumping and hazardous substances, fish and wildlife, generally applicable prohibitions, and those involving dishonesty or false information. This section is not intended to be comprehensive, and the statutes themselves should be consulted for the elements of the crime and the penalties available. A list of many of the pertinent environmental crime statutes is below. Notably, state law establishes these crimes for both the actions of individuals and corporate entities. Fines for corporations are established in [RCW 10.01.100](#).

Water

- **Violation of Water Pollution Control Act** – gross misdemeanor – [RCW 90.48.140, 080](#)
- **Falsifying water quality data** – gross misdemeanor – [RCW 90.48.590](#)
- **Polluting water supply** – gross misdemeanor - [RCW 70.54.010](#)
- **Furnishing impure water** – gross misdemeanor - [RCW 70.54.020](#)
- **Placing poison or other harmful object or substance in food, drinks, medicine, or water** – felony - [RCW 69.40.030](#)
- **Violation of Shoreline Management Act** – gross misdemeanor – [RCW 90.58.220](#)
- **Unlawful Hydraulic Project Activities** – gross misdemeanor – [RCW 77.15.300](#)
- **Reckless operation of a tank vessel** – felony – [RCW 90.56.530](#)

- **Operation of a vessel while under influence of liquor or drugs** – felony – [RCW 90.56.540](#)
- **Causing a vessel to become abandoned or derelict upon aquatic lands, causing a vessel to block a navigational channel** – misdemeanor – [RCW 79.100.110](#)

Air

- **Washington Clean Air Act** – felony, gross misdemeanor – [RCW 70A.15.3150](#)
 - **Potential WACs** – emission control systems – [WAC 173-421-100](#)
 - **Potential Regulations** – asbestos
 - [Benton Clean Air Agency Regulation Regulation 1, Article 8](#)
 - [Northwest Clean Air Agency Section 570](#)
 - [Olympic Region Clean Air Agency Rule 6.3](#)
 - [Puget Sound Clean Air Agency Regulation 3-4](#)
 - [Southwest Clean Air Agency Regulation 476](#)
 - [Spokane Regional Clean Air Agency Regulation I, Article IX](#)
 - [Yakima Regional Clean Air Agency Regulation 1, Article 3.07](#)

Dumping / Substances / Transportation

- **Defrauding a public utility** – felony and misdemeanor – [RCW 9A.61.020 et seq.](#)
- **Unlawful dumping of solid waste** – gross misdemeanor – [RCW 70A.205.195](#)
- **Transporting or storing waste tires** – gross misdemeanor – [RCW 70A.205.450, 445](#)
- **Violation of the Washington Pesticide Application Act** – misdemeanor, gross misdemeanor - [RCW 17.21.150, 310](#)
- **Violation of the Washington Pesticide Control Act** – misdemeanor - [RCW 15.58.330](#)
- **Transportation, storage, disposal of hazardous substance** – felony, gross misdemeanor – [RCW 70A.300.100, 110](#)
- **Unlawful operation of facility (oil and hazardous substances)** – felony, gross misdemeanor – [RCW 90.56.300](#)

Fish and Wildlife

- **Unlawful take or harassment of endangered fish and wildlife** – felony, gross misdemeanor – [RCW 77.15.120](#)

- **Unlawful take or harassment of protected fish and wildlife** – misdemeanor – [RCW 77.15.130](#)
- **Waste of fish and wildlife** – gross misdemeanor – [RCW 77.15.170](#)
- **Unlawful use of WDFW land or facilities** – misdemeanor – [RCW 77.15.230](#)
- **Unlawful release or possession of fish, shellfish, or wildlife** – felony, gross misdemeanor – [RCW 77.15.250](#)
- **Unlawful trafficking in fish, shellfish, or wildlife** – felony – [RCW 77.15.260](#)
- **Providing false information regarding fish or wildlife** – gross misdemeanor – [RCW 77.15.270](#)
- **Washington Animal Trafficking Act** – felony, gross misdemeanor – [RCW 77.15.135](#)

Animal Cruelty Related

- **Animal Cruelty in the First Degree** - class C felony – [RCW 16.52.205](#)
- **Animal Cruelty in the Second Degree** – gross misdemeanor – [RCW 16.52.207](#)
- **Animal Fighting** - class C felony – [RCW 16.52.117](#)
- **Poisoning Animals** – gross misdemeanor - [RCW 16.52.190](#)
- **Sentences - Forfeiture of Animals – Liability for Costs – Penalty – Education – Counseling** – [RCW 16.52.200](#)
- **Dog Breeding** – gross misdemeanor – [RCW 16.52.310](#)

General-purpose

- **Public nuisance** – misdemeanor - [RCW 9.66.010](#), [030](#)
- **Deposit of unwholesome substance** – gross misdemeanor - [RCW 9.66.050](#)
- **Littering** – misdemeanor, gross misdemeanor - [RCW 70A.200.060](#)
- **Violation of Industrial Safety & Health Act** – misdemeanor, gross misdemeanor - [RCW 49.17.190](#)

False information

- **Offering false instrument for filing or record** – class C felony – [RCW 40.16.030](#)
- **False statement to a public servant** – gross misdemeanor - [RCW 9A.76.175](#)
- **Obstructing a law enforcement officer** – gross misdemeanor – [RCW 9A.76.020](#)

- **See also media-specific statutes**