



This article can be viewed at <http://enviro.blr.com/display.cfm?id=61927>

11/08/2005

## 'Cradle to Grave' Includes Whole Journey

If you are part of top management in a company that generates hazardous waste, make sure to follow its journey to final disposal or you face criminal liability and possible jail time no matter how far removed you are from the actual happenings.

EPA's "cradle to grave" dictum to generators of RCRA hazardous waste received a strong endorsement in a recent case involving a defunct chemical supply company in Philadelphia (*U.S. v. Wasserman*). And 3rd Circuit U.S. Court of Appeals made no bones about upper management's responsibility for all hazwaste disposal decisions.

Wasserman was president and CEO of Sterling Supply Company, which supplied chemicals to dry cleaning establishments. When Sterling went belly up in 1994, Wasserman had a warehouse full of trash and hundreds of drums of hazardous chemicals. He hired a former employee who had no knowledge of RCRA to find someone to remove the materials. A fourth party was eventually hired, and the trash and drums ended up at a landfill that did not have a permit to receive hazardous waste.

The Appeals Court upheld a lower court decision that transport and disposal are two distinct acts and that Wasserman could be convicted for both without it resulting in duplicate criminal liability for the same conduct.

©1997-2004 Business & Legal Reports, Inc. All Rights Reserved

No part of this site may be reproduced in any form without permission of Business & Legal Reports, Inc.