



January 22, 2004

WAL-MART TO PAY \$400,000 PENALTY AND CEASE SALES OF OZONE-DEPLETING REFRIGERANTS

WASHINGTON, D.C. - Tom Sansonetti, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division and Todd P. Graves, United States Attorney for the Western District today announced a settlement that resolves ozone-depletion violations of the Clean Air Act by various Sam's Club stores in eleven states.

Under the terms of a consent decree that was filed in federal court in Kansas City today, Wal-Mart agreed to pay a \$400,000 civil penalty. In addition, Sam's Club stores nationwide will stop selling refrigerants that contain ozone-depleting substances.

"This settlement will aid in protecting the ozone layer worldwide by eliminating from the earth's atmosphere harmful refrigerants, such as chlorofluorocarbons (CFCs) that leak from industrial appliances and have contributed to the depletion of the earth's ozone layer in recent years," said Assistant Attorney General Tom Sansonetti.

The ozone layer protects humans and animals from damaging ultraviolet (UV) rays. Excessive exposure to UV radiation can cause cataracts, skin cancer, and other ailments.

The lodging of the consent decree settles violations of Title VI of the Clean Air Act at Sam's Club stores in Alabama, Florida, Georgia, North Carolina, Illinois, Iowa, Minnesota, Missouri, New York, Pennsylvania and West Virginia..

Sections 608 and 609 of the Clean Air Act and federal regulations restrict sales of certain ozone depleting refrigerants to technicians who are certified in the use of such substances. The Complaint alleges that some Sam's Club stores sold ozone-depleting refrigerants to customers who were not certified in the use of such refrigerants in violation of the Clean Air Act and implementing regulations.

This case follows other precedent-setting settlements with violators of the stratospheric ozone protection provisions of the Clean Air Act. In the fall of 2000, Meyer's Bakeries, Inc. settled its corporate-wide violations and converted all its appliances to non-ozone-depleting refrigerants. In the summer of 2001, Air Liquide, a producer of industrial gases, settled its corporate-wide violations in addition to converting its refrigerant systems to non-ozone-depleting systems. And most recently, in July of 2003, various Sara Lee bakeries settled violations and agreed to convert all their industrial process refrigeration appliances to refrigerant systems that do not deplete the ozone layer.

This case is being prosecuted by Assistant U.S. Attorney Charles M. Thomas and Elizabeth Loeb, a trial attorney in the Environmental and Natural Resources Division of the Department of Justice. It was investigated by the Environmental Protection Agency.