

shall be in a form prescribed by the court.

~~(vi)~~ (6)

The organization shall make periodic reports to the court, to the probation officer, or to any person or entity designated by the court, at intervals and in a form specified by the court, regarding the organization's progress in implementing the approved program. Among other things, such reports shall disclose any additional criminal prosecution, civil litigation involving its environmental responsibilities, or environmental administrative proceedings commenced against the organization, or any investigation or formal inquiry by governmental authorities relating to federal, state or local environmental health or safety matters of which the organization learned since its last report. Copies of any such periodic reports shall be furnished to the government.

~~(vii)~~ (7)

In order to monitor the organization's compliance with the approved program, the court may order the organization to submit to such examination of its books and records, inspections of its facilities, testing and monitoring of its operation and regular or unannounced examinations of its employees as the court deems necessary. Compensation to and costs of any experts engaged by the court shall be paid by the organization. Reports on any such monitoring activities shall be filed with the court and copies shall be furnished to the government and the organization.

~~(5)~~ (e)

If probation is imposed under ~~Step V(a)~~ §9F1.1(a), the following conditions may be appropriate to the extent they appear necessary to safeguard the organization's ability to pay any deferred portion of an order of restitution, fine, or assessment.

~~(i)~~ (1)

The organization shall make periodic submissions to the court or probation officer, at intervals specified by the court, reporting on the organization's

financial condition and results of business operations, and accounting for the disposition of all funds received.

~~(ii)~~(2) The organization shall submit to: (a) a reasonable number of regular or unannounced examinations of its financial or appropriate corporate books and records at appropriate business premises by the probation officer or experts engaged by the court; and (b) interrogation of knowledgeable individuals within the organization. Compensation to and costs of any experts engaged by the court shall be paid by the organization.

~~(iii)~~(3) The organization shall be required to notify the court or probation officer immediately upon learning of (a) any material adverse change in its business or financial condition or prospects, or (b) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.

~~(iv)~~(4) The organization shall be required to make periodic payments, as specified by the court, in the following priority: (1) restitution; (2) fine; and (3) any other monetary sanction.

~~(d)~~ §9F1.4 Additional Conditions of Probation  
(Policy Statement)

The court may order the organization, at its expense and in the format and media specified by the court, to publicize the nature of the offense committed, the fact of conviction, the nature of the punishment imposed, and the steps that will be taken to prevent the recurrence of similar offenses.

**§9F1.5 Violations of Conditions of Probation - Organizations**  
**(Policy Statement)**

Upon a finding of a violation of a condition of probation, the court may extend the term of probation, impose more restrictive conditions of probation, or revoke probation and resentence the organization.

ADVISORY GROUP ON ENVIRONMENTAL SANCTIONS

THE UNITED STATES SENTENCING COMMISSION

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Michael S. Gelacak

ADVISORY GROUP CHAIR:

Frederick R. Anderson

ADVISORY GROUP REPORTER:

Jonathan Turley

Frederick R. Anderson, Esq.  
Counsel  
Cadwalader, Wickersham & Taft

Stephen M. Axinn, Esq.  
Partner  
Skadden Arps, Slate, Meagher & Flom

Jim Banks, Esq.  
Vice President and General Counsel  
Chemical Waste Management, Inc.

Jane Barrett, Esq.  
Assistant U.S. Attorney  
District of Maryland - U.S. Attorney's Office

Professor John C. Coffee, Jr.  
Adolph A. Berle Professor  
Columbia University School of Law

Douglas I. Foy  
Executive Director  
Conservation Law Foundation

Commissioner Michael S. Gelacak  
U.S. Sentencing Commission

Lloyd Guerci, Esq.  
Partner  
Mayer, Brown & Platt

David Hawkins, Esq.  
Staff Attorney  
Natural Resources Defense Council

Meredith Hemphil, Esq.<sup>5</sup>  
Deputy General Counsel  
Bethlehem Steel

Andrew E. Lauterback, Esq.  
Regional Counsel  
Criminal Enforcement Counsel  
U.S. Environmental Protection Agency

Ray Mushal, Esq.  
Senior Counsel  
Environmental Crimes Section  
U.S. Department of Justice

Commissioner Ilene H. Nagel  
U.S. Sentencing Commission

Judson W. Starr, Esq.  
Partner  
Venable, Baetjer, Howard & Civiletti

John T. Subak, Esq.  
Group Vice President and General Counsel  
Rohm & Haas Company

Professor Jonathan Turley  
Professor of Law  
Director, Environmental Crimes Project  
George Washington University

Larry Wallace, Esq.  
Partner  
Hazel & Thomas

J. Bryan Whitworth  
Vice President, Corporate Relations and Services  
Phillips Petroleum Company

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<sup>5</sup> Replaced original Advisory Group member, Mr. Curtis H. Barnette, Chairman, Bethlehem Steel.