

Mar del Plata: Pollution case against fishmeal factory executives remains open.

This is a case of "corporate crime affecting the environment." The Court dismissed the claims of the accused executives.

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The Supreme Court of Justice of the Nation dismissed claims filed by the directors of a fishmeal factory accused of polluting the public beach in the port of Mar del Plata, leaving the case open.

According to the Court, they are Juan Carlos D'Amico, Vicente Galeano, Cayetano Sebastián Agliano, Jorge Antonio Boccanfuso, Salvador Pennisi, Crescencio Jorge Di Scala and Rubén Darío Buckhard.

All are accused of being alleged co-authors of the "discharge of toxic substances from the fishmeal factory facilities of the Mar del Plata Fisheries and Industry Cooperative LTDA (Coomarpes), through the storm drain located on the port's public beach, affecting the health of bathers."

Rejection of prescription

On November 15, 2021, the First Federal Court of Mar del Plata rejected the claim of statute of limitations for the civil action filed by the defendant executives, on the grounds that the polluting activity had been prolonged.

The Mar del Plata Federal Court upheld this decision and also ratified the ruling that granted Roberto Maturana, the plaintiff in the case, a request to become a civil plaintiff.

The defendants filed extraordinary appeals against both decisions, which were declared "inadmissible."

Finally, after the appeals were filed, the case reached the Supreme Court, which, with the signatures of Horacio Rosatti, Juan Carlos Maqueda, and Ricardo Lorenzetti, dismissed all the claims.

Corporate crime

The case was initially brought by Attorney General Daniel Adler.

After years of investigation, analyzing numerous samples that indicated the company's routine behavior, accessing studies conducted by specialists in the field, and a failed attempt at an alternative solution, the representative of the Public Prosecutor's Office charged seven company executives with violating Articles 55

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and 5 / of Law 24,051 (on Hazardous waste) and filed a motion to rerer the case to trial.

For the Public Prosecutor's Office, the company "*violated its regulatory obligations by failing to comply with minimum requirements for hazardous waste treatment, endangering both public health and the environment.*"

According to prosecutors, it is a "*case of corporate crime affecting the environment.*"

Responsibility falls on the board of directors of the firm Coomarpes: "It can be inferred that the company, by dumping hazardous substances into the sea, violated its regulatory obligations by failing to comply with the minimum requirements for hazardous waste treatment, endangering both public health and the environment," according to the indictment.

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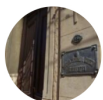
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