

Thieves target fryer grease

Rise in biodiesel demand makes it a hot commodity

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Companies that collect used cooking grease from restaurants across the country have turned to all forms of sleuthing in recent years. Private investigators. Surveillance cameras. Rigged alarms. And still, containers full of used fryer oil are slipping through their fingers.

For years, restaurants had to pay companies to haul away the old grease, which was used mostly in animal feed. Some gave it away to local gearheads, who used it to make biodiesel for their converted car engines.

But with a demand for bio-fuel rising, fryer oil now trades on a booming commodities market, commanding around 40 cents per pound, about four times what it sold for 10 years ago. That makes it a tempting target for thieves, especially in hard times.

California and now Virginia have enacted special statutes to regulate grease collection from commercial kitchens; North Carolina legislators may vote on a similar law in May. But while some law enforcement agencies, especially in California, have become increasingly watchful about the problem, the courts have lagged behind.

"It's very difficult to get district attorneys to take it seriously," said Douglas Hepper, head of the California state agency that regulates the disposal of grease. "They're busy with murders and meth labs, and they have limited budgets themselves, so they have to set priorities."

Few cases go to trial, and when they do, the offenders often get off with no more than a small fine and hit the streets again to siphon off some more, he added.

For years, law enforcement authorities seemed unaware

that fryer oil was being stolen by unlicensed haulers, causing millions of dollars worth of losses each year for the rendering industry that collects and processes the grease.

Jon Jaworski, a lawyer in Houston who represents people accused of stealing grease, said that in the early 1990s he had won more than a dozen cases by arguing that grease should be considered abandoned property and therefore free to take — like Dumpster-diving.

The grease is often stored in Dumpsters, in back alleys, which is why pickups usually take place in the middle of the night.

But the rendering industry has been trying to lock down the growing market, driven by demand for biodiesel, from freeloaders. Many restaurants now have contracts with collection companies to sell their grease for about \$300 per container.

As companies have invested more time and money in lobbying efforts, police have started to take notice. Randall Stuewe, chairman and chief executive of Darling International, the largest publicly traded rendering company in the United States, said it had recorded 100 arrests in 2011.

California has taken a lead in the crackdown on grease theft. In October, the state's Department of Food and Agriculture began a program with local police departments to

target areas most often hit. As of early December, police had caught and cited five people suspected of grease theft, and they will probably pay fines. They will announce full results from the pilot program soon and expand it to other parts of the state, Hepper said.

Turning arrests into convictions with punishments large enough to deter future theft is rare, in part because of how hard it can be to determine not just the value of the stolen grease, but also how much was stolen and from where. The thieves typically strike at multiple restaurants on one night, carting away the grease in tanker trucks or barrels in the back of a van.

Out of frustration, larger companies like Darling have started hiring lawyers to press civil charges against pilferers in a bid to recoup losses. "The reception in municipal court is very uneven," said Steven Singer, a lawyer in New Jersey hired by Darling. "You're reliant upon the prosecutors, so you got to get them to understand the seriousness of this, as well as the judge."

In the past couple of years, Darling, which has about 2,000 trucks that pick up grease at sites in 42 states, has filed two civil lawsuits against companies accused of taking its grease, and has received close to \$60,000 in damages.

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