

Terminix Companies Sentenced for Applying Restricted-Use Pesticide to Residences in the U.S. Virgin Islands

Terminix International Company LP (Terminix LP) and U.S. Virgin Islands operation Terminix International USVI LLC (Terminix, USVI) were sentenced on November 20, 2017 for violations of the Federal Insecticide, Fungicide, and Rodenticide Act in the U.S. Virgin Islands, announced the Department of Justice and the Environmental Protection Agency.

The Virgin Islands pest control company illegally applied fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands, including the condominium resort complex in St. John where a family of four fell seriously ill in March 2015 after the unit below them was fumigated. According to the plea recommendation, Terminix LP and Terminix, USVI are to pay a total of \$9.2 million in criminal fines, community service, and restitution payments. Under the agreed recommendation, Terminix, USVI will pay \$4 million in fines and \$1 million in restitution to the EPA for response and clean-up costs at the St. John resort. Terminix LP will pay a fine of \$4 million and will perform community service related to training commercial pesticide applicators in fumigation practices and a separate health services training program.

“The sentences in this case reflect the serious nature of the defendants’ illegal actions and the unacceptable consequences of those actions,” said EPA Administrator Scott Pruitt. “This case should serve as a stark reminder that pesticides must be applied as intended and that those who ignore laws that protect public health will be held accountable by EPA and our law enforcement partners.”



“The tragic incident at issue in this case shows the extreme danger posed by the improper use of toxic pesticides,” said Acting Assistant Attorney General Jeffrey H. Wood of the Justice Department’s Environment and Natural Resources Division. “Businesses using these products must take appropriate cautions to safeguard the public, or else the consequences can be devastating. We trust that the result in this case shows how imperative it is that users of these products take the time to review, understand, and employ appropriate techniques and uses.”

“This case demonstrates how critical it is to comply with environmental laws and regulations,” said Acting United States Attorney Joycelyn Hewlett for the District of the Virgin Islands. “An entire family suffered horrendous and life-altering injuries. We will continue to aggressively enforce environmental laws to help prevent something like this from ever happening again.”

Sentencings

In 1984, the EPA banned the indoor use of methyl bromide products. The few remaining uses are severely restricted and largely limited to commodity applications for quarantine and pre-shipment purposes. Pesticides containing methyl bromide in the U.S. are restricted-use due to their acute toxicity, meaning that they may only be applied by a certified applicator. Health effects of acute exposure to methyl bromide are serious and include central nervous system and respiratory system damage. Pesticides can be very toxic and it is critically important that they be used only as approved by EPA.

According to the information filed in federal court in the U.S. District Court of the Virgin Islands, the defendants knowingly applied restricted-use fumigants at the Sirenusa resort in St. John for the purpose of exterminating household pests on or about October 20, 2014, and on or about March 18, 2015. The companies were also charged with applying the restricted-use pesticide in 12 residential units in St. Croix and one additional unit in St. Thomas between September 2012 and February 2015.

According to the factual basis of the plea agreement, Terminix, USVI provided pest control services in the Virgin Islands including fumigation treatments for Powder Post Beetles, a common problem in the islands. These fumigation treatments were referred to as “tape and seal” jobs, meaning that the affected area was to be sealed off from the rest of the structure with plastic sheeting and tape prior to the introduction of the fumigant. Customers were generally told that after a treatment, persons could not enter the building for a two- to three-day period.

On or about March 18, 2015, two employees of Terminix, USVI, performed a fumigation pesticide treatment at the lower rental unit of Building J at Sirenusa in St. John. The upper unit in Building J was occupied by a Delaware family of four. Via various means, methyl bromide from the lower unit migrated to the upper unit of Building J, causing serious injury to and hospitalization of the entire family.

EPA regional staff responded immediately to the incident in St. John, securing the scene, performing testing, and addressing the contamination. Within days, the EPA sent out a pesticide use warning to pesticides applicators in Puerto Rico and the U.S. Virgin Islands, followed by a broader pesticide notice to regulators in all states, the British Virgin Islands, and to other Caribbean and Latin American countries.

After the government began its investigation, Terminix LP voluntarily ceased its use of methyl bromide in the U.S. and in U.S. territories. The government has notified the district court that the defendants have made full restitution to the Esmond family. The family is satisfied with the criminal resolution and has asked that their privacy be respected.

The case was investigated by EPA’s Criminal Investigation Division, working cooperatively with the Virgins Islands government and the Agency for Toxic Substances and Disease Registry. The case was prosecuted by DOJ and EPA attorneys.