

# The Virgin Islands Consortium

## AG Files Opposition To Terminix's Motion To Dismiss

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ST. CROIX -- Attorney General Claude Earl Walker announced Tuesday that the Virgin Islands Department of Justice (DOJ) has filed its response to Terminix's motions to dismiss DOJ's lawsuit against Terminix, V.I. Department of Justice Public Media Officer Corliss Smithen announced this afternoon.

Last December, DOJ brought an enforcement action against Terminix with the V.I. Superior Court on St. Croix following an investigation that revealed that for seven years or more, the company engaged in violations of numerous laws of the Territory related to its promotion and use of the highly-toxic chemical, methyl bromide.

The parent company, ServiceMaster, sought to avoid liability for the alleged violations by claiming that it does not have enough contacts with the Virgin Islands to answer for its alleged misconduct here. DOJ, in today's filing, disagrees, arguing that company documents clearly demonstrate that ServiceMaster controlled and managed the Terminix operations in the Virgin Islands and reaped substantial revenue from Terminix USVI. DOJ also argues that ServiceMaster directed their national marketing website to the Virgin Islands and consumers here.

DOJ also explained in today's filing that it has alleged valid claims against Terminix for violating the laws of the Virgin Islands. DOJ has alleged that Terminix violated Virgin Islands consumer protection laws, which prohibit the type of deceptive marketing and other tactics used by Terminix in promoting and selling its fumigation services. DOJ alleges that Terminix deceived Virgin Islands consumers by concealing and misrepresenting facts and information that impact public health and safety, including:

- In many cases, that it was using methyl bromide
- That it was using methyl bromide illegally
- That its use of methyl bromide was illegal due to the chemical's acute toxicity
- That its personnel on the Virgin Islands was not trained and not competent to perform fumigations safely
- That it did not have proper equipment to perform fumigations safely in the Virgin Islands

In addition, DOJ states that it has properly alleged civil claims against Terminix under the Virgin Islands Criminally Influenced and Corrupt Organizations Act (CICO), a law that seeks to end sophisticated unlawful activity in the Virgin Islands. DOJ alleges that for years Terminix colluded with its pesticide distributor to illegally import pesticides containing methyl bromide into the Virgin Islands to sell fumigation services using methyl bromide for unlawful uses here.

The federal government has settled alleged violations against the distributor for its alleged illegal practices. The Virgin Islands has an independent, sovereign interest and obligation to ensure that Terminix is also held to account for its alleged violations of Virgin Islands laws.