

The Virgin Islands Consortium

Grand Jury Charges Terminix Employee For Applying Restricted-Use Pesticide To Residences In U.S. Virgin Islands

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WASHINGTON -- Jose Rivera, 59, was indicted on Thursday by a federal grand jury for violating the Federal Insecticide, Fungicide, and Rodenticide Act, the U.S. Department of Justice has announced. According to the indictment, Rivera 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, announced Assistant Attorney General Jeffrey H. Wood of the Environment and Natural Resources Division and United States Attorney Gretchen C.F. Shappert for the District of the Virgin Islands.

The indictment alleges that Rivera knowingly applied restricted-use fumigants at the Sirenusa resort in St. John for the purpose of exterminating household pests on or about Oct. 20, 2014, and on or about March 18, 2015. The defendant was also charged with applying the restricted-use pesticide in eight residential units in St. Croix and one additional unit in St. Thomas between April 2013 and February 2015.

In 1984, EPA banned the indoor use of methyl bromide products. The few remaining uses are severely restricted. Pesticides containing methyl bromide in the U.S. are restricted-use due to their acute toxicity, meaning that they must 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.

Earlier this year, TERMINIX LP and TERMINIX, USVI were sentenced to pay a total of \$9.2 million in criminal fines and restitution. The companies were also ordered to perform community service following an investigation and guilty pleas to their use and application of illegal fumigants in multiple residential locations in the Virgin Islands.

The case was investigated by EPA Criminal Investigation Division, working cooperatively with the Virgin Islands government and the Agency for Toxic Substances and Disease Registry. Senior Litigation Counsel Howard P. Stewart of the Justice Department's Environmental Crimes Section, and Assistant U.S. Attorney Kim L. Chisholm for the District of the Virgin Islands are prosecuting the case with the assistance of Patricia Hick, EPA Region II Regional Criminal Enforcement Counsel.

An indictment is merely a formal charging document and is not evidence of guilt. Every defendant is presumed innocent until, and unless, proven guilty.