

The Virgin Islands Consortium

Former Terminix VI Branch Manager Pleads Guilty To Four Counts Of Illegally Applying Restricted-Use Pesticide To Multiple Residents In USVI

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Jose Rivera, 58, former branch manager of Terminix International USVI, LLC (Terminix USVI), pleaded guilty today to four counts of an indictment charging violations of the federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for illegally applying fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands, United States Attorney Gretchen C.F. Shappert announced today.

The illegal application included the condominium resort complex in St. John [where a family of four fell seriously ill in 2015](#), after the unit below them was fumigated.

According to the plea agreement, defendant Rivera was certified as a pesticide applicator by the Virgin Islands Department of Planning and Natural Resources and received pesticide applicator training from the University of the Virgin Islands. Based on his training, the defendant knew that he was required to read the pesticide label and follow all instructions when using any pesticide. In short, the defendant was instructed that federal law requires applicators to follow the pesticide use instructions on the label.

The label on methyl bromide states that its use is restricted to the location and manner on the label, and the label does not authorize application of methyl bromide in a residential unit. Rivera applied methyl bromide, a registered restricted-use pesticide, in a manner inconsistent with the use instructions on the label at the residences named in the counts of conviction.

“This prosecution demonstrates the importance of complying with environmental laws and regulations,” said Shappert. “Tragically, the defendant’s failure to do what was required of him resulted in catastrophic injuries to the victims and exposed many others to similar harm. Here in the Virgin Islands, the United States Attorney’s Office is committed to the enforcement of environmental laws. We will take all necessary steps to hold those who violate these laws criminally accountable and to protect residents and visitors of the Virgin Islands.”

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. These pesticides can be very toxic, and it is critically important that they be used only as approved by EPA.

After the government began its investigation, Terminix LP voluntarily ceased its use of methyl bromide in the U.S. and in U.S. territories, except for one remaining supervised government contract.

On March 23, 2017, the companies Terminix LP and Terminix USVI, Rivera’s employer, pleaded guilty and were sentenced on four counts charging violations of FIFRA. The companies paid a total of approximately \$10 million in criminal fines, community service, and restitution payments. In addition, Terminix LP has discontinued using pesticides containing methyl bromide in the United States and U.S. territories.

According to the release, EPA worked cooperatively with the Agency for Toxic Substances and Disease Registry and the Department of Justice in its investigation. U.S. Attorney Shappert expressed appreciation to Assistant United States Attorney Kim Chisholm and Senior Litigation Counsel Howard P. Stewart of the Department of Justice, Environmental Crimes Section who prosecuted the case with the assistance of Patricia Hick, EPA Region II Regional Criminal Enforcement Counsel.