

The Virgin Islands Consortium

V.I. Federal Prosecutor Receives EPA Gold Medal For Exceptional Service As Part Of DOJ's Terminix Enforcement Criminal Team

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United States Attorney Gretchen C.F. Shappert announced Wednesday that Assistant United States Attorney Kim Chisholm, together with Senior Litigation Counsel Howard P. Stewart of the Department of Justice(DOJ) Environmental Crimes Section, was awarded the Gold Medal for Exceptional Service today at the Ronald Reagan and International Trade Building in Washington, DC. Chisholm.

Mr. Stewart is a 28-year veteran prosecutor in the Virgin Islands U.S. Attorney's Office, and serves as the senior litigation counsel and appellate chief.

“We are grateful for the recognition that EPA has provided in acknowledgment of the hard work and dedication of AUSA Kim Chisholm,” Shappert said. “Together with Senior Litigation Counsel Howard Stewart, she spear-headed an important investigation and prosecution which successfully exposed the misapplication of dangerous chemicals in the U.S. Virgin Islands. This award is well-deserved.”

Shappert said the EPA presented the award in recognition of the federal investigation and prosecution conducted, following the misuse of fumigants by Terminix employees in 2015. As a result of the investigation and prosecution, Jose Rivera, 59, former branch manager of Terminix USVI, was sentenced in January to 12 months in prison for illegally applying fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands.

Two of the applications were at the Sirenusa condominium resort complex on St. John where [a family of four fell seriously ill in March 2015](#), after the unit below them was fumigated. In September 2018, Rivera pleaded guilty to four of the counts of an indictment charging violations of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for application of a restricted-use pesticide in a manner inconsistent with its label.

In November, 2017, the firms Terminix LP and Terminix USVI, Rivera's employer, were sentenced for violations of FIFRA, based on their earlier guilty pleas. Terminix USVI was sentenced to pay \$4.6 million in fines and \$1.2 million in restitution to the EPA for response and clean-up costs at the St. John resort. Terminix LP was sentenced to pay a fine of \$4.6 million and to perform community service related to training commercial pesticide applicators in fumigation practices and a separate health services training program.

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.