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V.I. Dept. of Justice Enters Into \$3 Million Settlement With Terminix Over Allegations it Violated V.I. Consumer Protection Laws

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Previously known as the Sirenusa Resort on St. John, the vacation facility reopened in August, 2019 at The Hills, Saint John. By. YOUTUBE SCREENSHOT.

The V.I. Dept. of Justice announced Wednesday a \$3 million settlement with the Terminix pest control company. The settlement stems from a [2017 lawsuit](#) that the V.I. Attorney General's Office filed against Terminix after a family of four vacationing at the Sirenusa Resort on St. John in March 2015 became seriously ill when the unit below them was fumigated.

The lawsuit alleged that Terminix violated Virgin Islands laws by unsafely and deceptively using methyl bromide in numerous residences across the Virgin Islands.

Methyl bromide is a highly toxic pesticide banned for residential use. The lawsuit further alleged that Terminix employees—including the employees who performed the [March 2015 fumigation](#) at Sirenusa — lacked proper training and basic safety equipment to perform fumigations. Terminix no longer operates in the Virgin Islands.

“It ends a multi-year investigation and litigation against a company that put many Virgin Islands families at risk for great harm and devastated a family vacationing on the island,” said V.I. Attorney General Denise George.

The action against Terminix and the resulting settlement is separate from the charges the federal government brought against Terminix and the resulting plea agreement relating to the 2015 poisoning incident at Sirenusa, the V.I. D.O.J. said.

In bringing the case against Terminix in 2017, former V.I. Attorney General, Claude Walker said that while Terminix had agreed to pay \$10 million to the federal government to settle the suit, the settlement did not absolve Terminix from its violation of Virgin Islands law. “The Government of the Virgin Islands’ complaint does not seek relief for violations of any federal law. The complaint alleges a civil violation of the Virgin Islands Criminally Influenced and Corrupt Organizations (CICO) Act, a law that seeks to end sophisticated unlawful activity in the Virgin Islands. The complaint also alleges a violation of the territory’s Pesticide Control Act. The complaint alleges that Terminix violated the Virgin Islands’ consumer protection laws,” Mr. Walker said.

According to a March 2015 release from the Environmental Protection Agency, Steve Esmond, his wife, Dr. Theresa Devine, and their two teenage sons were staying at the Sirenusa complex in the Capri villa, an \$800-a-night condo that overlooks Cruz Bay. The EPA said the family may have been exposed to methyl bromide that was likely used to fumigate the condominium on March 18, 2015 during a clean out.

[According to the federal agency](#), the pesticide is restricted in the U.S. because of its acute toxicity. Furthermore, only certified applicators are allowed to use it in certain agricultural settings, and is not authorized for use in dwellings.

The EPA release also said that agency officials would “ensure that appropriate steps are taken if it determines any environmental regulations or laws were violated.”

Judith A. Enck, EPA’s regional administrator, said at the time, “Protecting people’s health in the U.S. Virgin Islands is of paramount importance.” She further pointed out that the agency was in the process of determining “how this happened and will make sure steps are taken to prevent this from happening to others at these vacation apartments or elsewhere.”

James J. Maron, a lawyer from Wilmington, Del. who was acting as the family spokesman, said the family “began having seizures in the middle of the night and their lungs stopped working. They all had to be intubated. This is serious stuff.”

Ronnie Klingsberg, public information officer at St. John Rescue, corroborated Maron’s statement that the Esmonds were suffering from seizures.

“Health effects of acute exposure to methyl bromide are serious and include central nervous system and respiratory system damage,” the EPA release said.

News of the poisoning spread to U.S. media, with Delaware Online reporting that state Sen. Chris Coons, a friend of the Esmond family, assisted in getting the family back to the U.S. mainland for

treatment.

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