



Terminix fined \$10 million; pesticide poisoned family in Virgin Islands

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(CNN)Terminix has agreed to pay \$10 million for illegally using a pesticide containing a toxic chemical in the U.S. Virgin Islands, [federal officials said](#).

The plea deal comes more than a year after a family of four vacationing in the U.S. Virgin Islands [fell seriously ill when the unit below them was fumigated](#).

"Terminix companies knowingly failed to properly manage their pest control operations in the U.S. Virgin Islands, allowing pesticides containing methyl bromide to be applied illegally and exposing a family of four to profoundly debilitating injuries," U.S. Assistant Attorney General John C. Cruden said in a statement Tuesday.

The plea agreement, which must be approved by a district court judge, includes \$8 million in criminal fines, \$1 million in restitution and a \$1 million community service project for Terminix International Company and its U.S. Virgin Islands operation, the U.S. Justice Department said.

'Like being in a torture chamber'

A criminal investigation began last year after two Delaware teens and their parents fell gravely ill and suffered seizures at the Sirenusa resort on St. John in the U.S. Virgin Islands. Employees of the pest control company had used methyl bromide to fumigate the unit below the villa where the family was vacationing, officials found.

[Delaware boys in critical condition after resort illness, possibly from pesticide](#)

"Via various means," the Justice Department said Tuesday, "methyl bromide from the lower unit migrated to the upper unit of Building J, causing serious injury to and hospitalization of the entire family."

Exposure to methyl bromide can result in serious health effects, including central nervous system and respiratory system damage, [according to the Environmental Protection Agency](#).

The chemical is a restricted-use pesticide that the EPA has considered "highly toxic" for more than two decades. The agency banned the indoor use of methyl bromide products in 1984.

A lawyer representing the family told CNN in September that the brothers were barely able to move months later, trapped in bodies badly damaged by the nerve agent.

"Neurologically, it's like being in a torture chamber," attorney James Maron [said last year](#).

What is methyl bromide?

Methyl bromide is a restricted-use pesticide that the U.S. EPA has considered "highly toxic" for more than two decades. Inhalation of methyl bromide, even short-term, can cause severe lung damage, while long-term inhalation can lead to "neurological effects." Studies on lab animals caused degenerative lesions in the nasal cavity and had effects on the testicles of male animals

The teens' father, Steve Esmond, was slowly improving, but still suffering from severe tremors, struggling to speak and unable to turn the pages of a book, Maron said. Their mother, Teresa Devine, had less exposure to the toxic gas and had made the strongest recovery, according to the attorney.

It's unclear how the family's been doing since. Their lawyer did not respond to a request for comment Tuesday.

Feds: Restricted pesticide used in several locations

Court documents filed Tuesday allege that Terminix knowingly applied the restricted-use pesticide at the Sirenusa resort in St. John, at 12 residential units in St. Croix and at another unit in St. Thomas between September 2012 and February 2015.

[CNN previously reported](#) that methyl bromide was used across the islands on different occasions by Terminix.

The company said last year that it had taken steps to ensure this doesn't happen again, including halting fumigation in the U.S. Virgin Islands, reinforcing policies with employees and speaking to technicians about the specific products they use and how they're applied.

After federal authorities began investigating, Terminix voluntarily stopped using methyl bromide in the United States and U.S. territories, except for one supervised government contract at the Port of Baltimore, the U.S. Justice Department said Tuesday.

"This settlement sends a clear message that the Virgin Islands will not tolerate such blatant disregard of our laws and will utilize the best avenue in seeking justice," Gov. Kenneth E. Mapp said in a statement.

An investigation is ongoing, according to the Justice Department.

New details on family poisoned by pesticide: Sons can't eat or walk alone

Six months after the horrifying incident, their father, Steve Esmond, is slowly getting better as well, but suffers from severe tremors, struggles to speak and can't turn the pages of a book, Maron said.

"Neurologically, it's like being in a torture chamber," Maron said.

Esmond and his boys are mentally "strong as an ox" and "100% cognizant," but they are trapped in bodies badly damaged by the nerve agent, Maron said.

Prior to the incident, the boys were athletic stars at their schools. The older brother had big prospects playing lacrosse and was already touring colleges.

A pattern of problems

In the U.S. Virgin Islands, allegations of lax oversight by the Department of Planning and Natural Resources surfaced long before the Esmond family fell ill. The DPNR is the local environmental agency, which receives funding from and is regulated by the EPA.

The DPNR has been riddled with corruption for years, and the EPA inspector general recently found deficiencies with the department related to management and oversight in several areas.

In May of 2014, the EPA designated it "high risk," saying the agency "does not meet management standards."

In addition, nearly \$100,000 in federal funding that the DPNR received to train local pest control workers did not go toward training. That meant there were no classes whatsoever on the island of St. Thomas, where Terminix is based, according to the former director of the USVI Pesticide Safety Education Program, Joe Williamson.

Pesticide's dangerous history

The EPA has long known of the toxic effects of methyl bromide, and in 2005 banned it except for certain agricultural applications; before the ban took effect, there were several serious incidents involving Terminix.

- A Pennsylvania woman sued, alleging her 57-year-old son was killed after Terminix fumigated his Lancaster, Pennsylvania, apartment in April 2004. Court papers from the case show that Terminix said it lost the paperwork recording which chemicals were used. Terminix fought the case, saying his death was unrelated, that he had a pre-existing condition, and that no methyl bromide was used. The case settled in 2008.
- Also in 2006, Terminix pleaded guilty to a criminal assault charge after nine employees in New Jersey were overcome by methyl bromide fumes. The attorney general said Terminix was negligent for not giving the workers proper protective gear or training for removing tarps from

stacks of cocoa bean pallets that had been fumigated. Terminix had to pay a \$300,000 criminal fine, on top of a \$80,000 civil fine.

Pesticide applicators are supposed to be retrained every year in order to keep their certification. But because there were no available classes on the island, pest control workers were being recertified without being retrained, Williamson said.

<http://www.cnn.com/2015/09/10/us/virgin-islands-pesticide-investigation/>