

Terminix Pleads Guilty to Illegal Pesticide Applications

April 2016

Product Stewardship and Sustainability Report

On March 29, 2016, Terminix International Company LP and its U.S. Virgin Islands affiliate pleaded guilty to criminal charges that the company illegally applied the pesticide methyl bromide to numerous residential structures in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The U.S. Environmental Protection Agency (EPA) initiated its investigation of Terminix after a family of four was inadvertently exposed to methyl bromide while on vacation in the U.S. Virgin Islands in March 2015. Members of that family suffered severe medical harm.

The use of methyl bromide in residential structures was canceled by EPA in 1984, and any such use in the U.S. is illegal. The charges filed against Terminix listed 15 separate residential applications from 2012 to 2015. As part of its plea, Terminix agreed to pay a \$10 million fine, and make “good faith efforts” to resolve the past and future medical expenses of the family harmed. Terminix also agreed to three years’ probation, and agreed to suspend the use of methyl bromide nationwide—even for approved uses—except as required to fulfill existing government fumigation contracts. Because the charges and plea agreement were filed the same day, it is clear that Terminix and EPA had reached an agreement as to the plea deal prior to the filing.

Of the \$10 million fine, \$1 million is set aside to reimburse the EPA for the cost of responding to and cleaning up the March 2015 incident site, and an additional \$1 million is to be paid to the National Fish and Wildlife Foundation to fund pesticide applicator training in the Virgin Islands.

Practice Areas

Environment & Product Regulation
Extended Producer Responsibility and Recycling

EPA has separately announced that it has opened administrative proceedings against two other applicators in Puerto Rico also for alleged residential applications of methyl bromide.

Observers and industry are also waiting for the results of an EPA Office of Inspector General internal evaluation of EPA's fumigant regulations and oversight practices. That evaluation includes methyl bromide and other fumigants registered by EPA. The results of that report are anticipated to be released in the coming months, and may shed light on whether and how EPA intends to update its regulation and enforcement for these types of products.