



# Fumigation Tragedies

May 2016

Don Lott, Associate Director

Waste & Chemical Enforcement Division  
Office of Civil Enforcement



# Methyl Bromide Incident – Virgin Islands

- March 2015 – MeBr fumigation performed
  - Powder post beetle control
  - Serranusa Condominium
  - St. John, VI
  - Lower unit treated
  - Upper Unit rented by family of 4 from Delaware
  - Family exposed after lower unit unsealed



## Sirenusa Condominium Resort





## Condo Unit J – Upper & Lower Units





## Treatment Details

- Applicator: Terminix
- Product: Meth-O-Gas Q
- Target Pest: Powder post beetle
- Application Rate: Undetermined
- Unit was sealed with plastic prior to treatment



## Meth-O-Gas Q Label

**RESTRICTED USE PESTICIDE  
DUE TO ACUTE TOXICITY**

For retail sale to and use only by Certified Applicators or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification.

**DIRECTIONS FOR USE OF THE PRODUCT**

**METH-O-GAS® Q**  
**COMMODITY FUMIGANT**  
**FOR QUARANTINE/REGULATORY USE ONLY**  
**SUPERVISION BY REGULATORY AGENT REQUIRED**

**EPA REGISTRATION NUMBER  
5785-41**



**DANGER PELIGRO**



Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted in detalle.  
(If you do not understand the label, find someone to explain it to you in detail.)

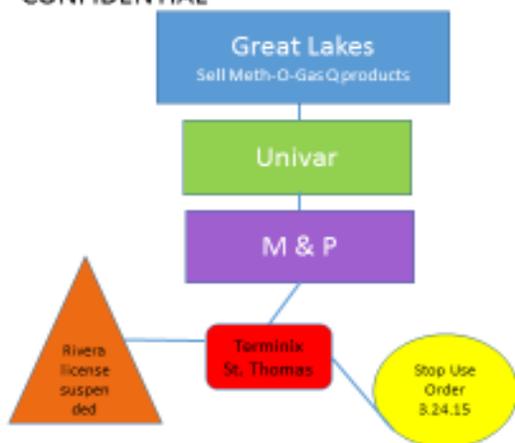




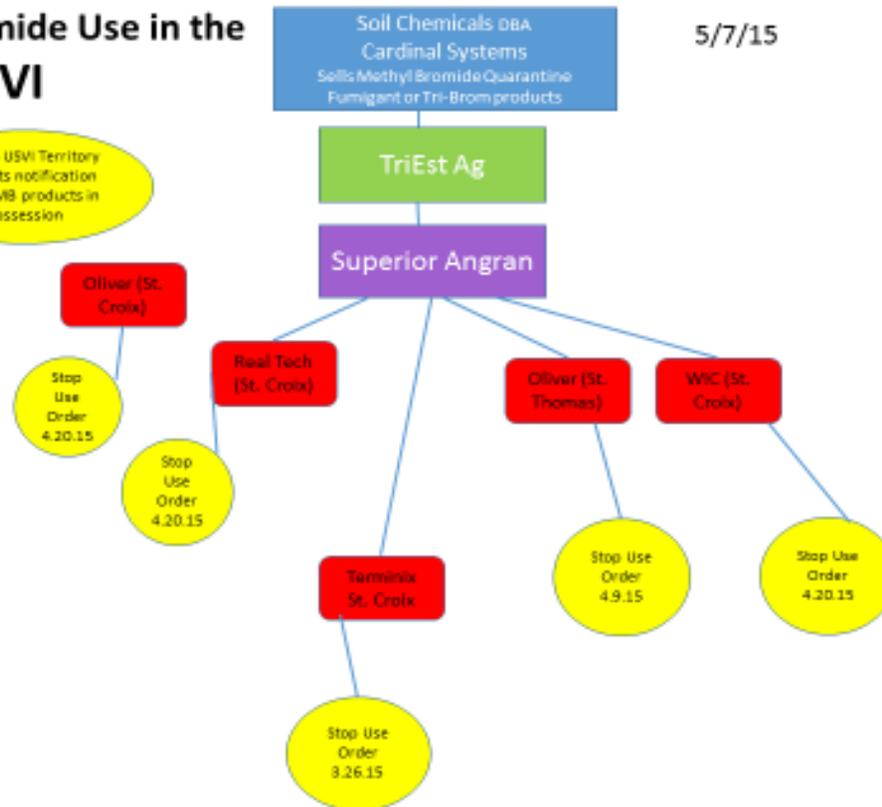
DRAFT-ENFORCEMENT  
CONFIDENTIAL

### Methyl Bromide Use in the VI

5/7/15



8.27.15 USVI Territory  
requests notification  
of any MB products in  
possession



Legend:  
 Blue: Registrant  
 Green: Mainland Distr.  
 Yellow: Orders  
 Orange: Applicator License suspended  
 Red: Applicators  
 Purple: PR Dist



## Consequences From Misuse

Lives changed forever

Mother – former dentist

permanent nerve damage

Father – school master

permanent nerve damage; communication difficulty

Sons – bed-ridden – strapped in

permanent nerve damage; non-communicative  
involuntary thrashing



## Virgin Islands

### Enforcement response

- Suspended applicator license

- Issued SSUROs to all VI MeBr applicator companies

- Retained “primacy”

- R2 has provided training support



## EPA Enforcement

- Terminix & Terminix VI
  - Plea agreement
    - \$10,000,000
      - \$8,000,000 cash penalty
      - \$1,000,000 restitution for emergency response costs
      - \$1,000,000 community service project to train VI pesticide applicators
    - Guilty plea
    - Court recently accepted guilty pleas but rejected penalty agreement
    - Plea to be revised and re-presented to Court
- Applicator
  - No plea agreement



## Puerto Rico

- Waived “primacy” for investigation and enforcement
  - Region 2 pursuing enforcement
- 2 Criminal referrals
- 2 Complaints filed
  - Tower
  - Truly Nolen
- 4 “show cause” letters issued....negotiations on-going



## National MeBr Initiative

- CAA - IRLs to ODS reporters
- FIFRA - PEIs of registrants and producers
- IRLs to foreign registrants
- IRLS and inspections planned for second-tier distributors
- Lists of all identified end-users to be shared with states



## Florida Fumigation Incident

- Sulfuryl Flouride incident – Florida
  - Termite re-treat by Sunland Pest Control
    - Stewardship training and clearance violations
  - 10-year old child suffered nerve damage
  - Company owner and applicator plea deal
    - 1 year in jail
    - Cash penalties assessed



## Contact Information

Don Lott

(202) 564-2652

[lott.don@epa.gov](mailto:lott.don@epa.gov)



Questions....?