



**U.S. Department of Justice**

**David B. Barlow**

**United States Attorney  
District of Utah**

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**FOR IMMEDIATE RELEASE  
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**CONTACT: MELODIE RYDALCH**  
U. S. Attorney's Office  
801-325-3206  
801-243-6475 (cell)

**NEWS RELEASE**  
***BUGMAN PEST AND LAWN, INC. AND  
COLEMAN NOCKS PLEAD GUILTY  
TO UNLAWFUL USE OF PESTICIDE***

SALT LAKE CITY – Bugman Pest and Lawn, Inc., and Coleman Nocks, age 63, of Bountiful pleaded guilty in federal court in Salt Lake City Tuesday afternoon to a misdemeanor count of unlawful use of a registered pesticide. The convictions relate to the application of a registered pesticide at a home in Layton in Feb. 5, 2010, resulting in the deaths of two children.

According to federal prosecutors, the Federal Insecticide, Fungicide, and Rotenticide Act (FIFRA) authorizes only the use of misdemeanor charges to combat the unlawful use of pesticides even when such unlawful use results in death. The act does not provide for felony prosecutions of unlawful use of pesticides. The misdemeanor FIFRA charges in this case carry the same penalty as the crime of negligent homicide available under state law.

In a plea agreement reached with federal prosecutors, Nocks, who was a licensed commercial applicator of pesticides and an employee of Bugman

Pest and Lawn, Inc., admitted that on Feb. 5, 2010, he used Fumitoxin, a registered, restricted use pesticide, at the Layton home of a customer of his employer.

Nocks admitted that he applied Fumitoxin into a burrow system that was closer than 15 feet to the Layton residence and that he exceeded dosage requirements for the pesticide. He also admitted he did not provide a Material Safety Data Sheet or applicable portions of the Applicator's Manual with the homeowners as required by Fumitoxin's labeling.

Nocks acknowledged in his plea agreement that his conduct caused the death of two minor children at the residence.

The plea agreement with Nocks includes a recommended sentence of six months incarceration and six months of home confinement as well as a period of supervised release.

As a part of the company's plea agreement, Bugman Pest and Lawn admitted that Nocks, its employee, used a registered pesticide in a manner inconsistent with its labeling at the home of a customer in Layton. The company acknowledged that Nocks applied the pesticide too close to the house, exceeded dosage requirements, and did not provide material about the pesticide to the homeowners. The company also acknowledged that the application of the pesticide caused the death of two children at the home.

The plea agreement with the company includes a recommendation for a \$3,000 fine and probation for a term of 36 months. During the period of probation, the company cannot operate as a seller, distributor, or user of pesticides.

Nocks and the company will be sentenced Dec. 20, 2011, at 2 p.m.

"When homeowners hire pesticide service companies, they have a right to expect that the company and its representatives will follow the rules and regulations governing the application of the pesticides they are using. When that trust is broken, we can have the type of tragic outcome that resulted in the prosecution of this case," U.S. Attorney David B. Barlow said. "We will continue to use all tools at our disposal to aggressively

investigate and prosecute those pesticide applicators who, for whatever reason, choose to ignore the safety rules and put lives at risk.”

“Today's pleas demonstrate how seriously EPA takes pesticide regulations,” said Lori Hanson, Special Agent in Charge of EPA’s criminal enforcement program in Utah. “Warning labels on pesticides are there for a reason. If not followed carefully, there can be serious, even fatal, consequences.”

Nocks and the company were charged with three misdemeanor violations of unlawful use of a registered pesticide in an indictment returned by a federal grand jury in February. In addition to the incident at the Layton home, the indictment alleged misuse of Fumitoxin at a home in North Salt Lake City in May 2009 and a residence in Centerville in September 2009.

The case was investigated by the EPA, the Layton Police Department, and the Layton City Attorney’s Office and prosecuted by Assistant U.S. Attorneys in the Utah U.S. Attorney’s Office.

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