

October 3, 2013

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
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dpr13002@cdpr.ca.gov

RE: Proposed Regulation 13-002: Designating Brodifacoum, Bromadiolone, Difenacoum, and Difethialone (Second Generation Anticoagulant Rodenticide Products) as Restricted Materials

Dear Ms. Irokawa-Otani,

The seventy undersigned organizations submit this comment letter to urge the California Department of Pesticide Regulation (DPR) to take stronger measures than those proposed in regulatory action 13-002¹ to protect children, pets, and wildlife. Although we commend your department on the important steps you are proposing to reduce the widespread problem of second-generation anticoagulant rodenticide (SGAR) poisoning in California, we believe the proposed regulations will not sufficiently safeguard children, pets, and particularly wildlife, from the potential harms of SGARs. We urge DPR to ban SGARs in California and to eliminate their use by both licensed and unlicensed applicators except in environmental and public health emergencies.

In the proposed regulatory action, DPR states that the proposed regulations are intended to eliminate unnecessary harms of SGARs to children, pets, and wildlife, including imperiled wildlife species like the endangered San Joaquin kit fox and threatened northern spotted owl. Given the wide array of cost-effective alternatives available on the market today to address rodent infestations, there is no need for our families and environment to continue to suffer poisonings due to SGARs. For true public health or environmental emergencies DPR would still have the opportunity to rely upon second generation anticoagulants under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.²

DPR's proposal has three main components. First, it would categorize SGARs as restricted use materials, which would be available only to licensed commercial and private applicators. Second, DPR proposes to establish a 50-foot limit for rodenticide baiting around a man-made structure unless a feature beyond the 50-foot perimeter is attracting rodents. Finally, DPR proposes to expand the list of individuals who may qualify for a private applicator license and be eligible to apply SGARs.

¹ DPR 2013, Proposed DPR regulatory action 13-002: *Designating Brodifacoum, Bromadiolone, Difenacoum, and Difethialone (Second Generation Anticoagulant Rodenticide Products) as Restricted Materials.*

² 40 CFR Part 166.

Unfortunately, the use of SGARs by licensed applicators will still allow rodents to consume the product and then be eaten by upper-level predators, which will result in continued wildlife poisonings. The 50-foot perimeter limitation and the exceptions to apply SGARs beyond that perimeter will still allow for rodents to consume the poison, which will then harm the pets and wildlife that consume the poisoned rodents.

SGARs pose an unreasonable risk to children. According to safety calculations from the Environmental Protection Agency (EPA), the estimated child exposure from taking just one 5-gram bite of rodenticide bait greatly exceeds possible safe levels.³ Between 1999 and 2009, the American Association of Poison Control Centers received reports of an average of 17,000 human exposures to rodenticide each year, with 85% of these exposures, (i.e., approximately 15,000 per year), occurring to children less than 6 years of age.⁴ Between 1999 and 2003, an average of 3,617 of these cases per year were treated in a health care facility, and an average of 17 were treated in an Intensive Care Unit.⁵

SGARs pose an unreasonable risk to pets and domestic animals as well. Between 1999 and 2009, data indicate that rodenticides caused about 160 severe (death or major effect) domestic animal incidents each year, which EPA believes is a significant underestimate.⁶ More than 100 pets needlessly die each year due to rodenticide exposure.⁷

SGARs also pose an unreasonable risk to wildlife. EPA's ecological incident report documents anticoagulant residues in 27 avian species and 17 mammalian species.⁸ Poisonings and deaths in California have been documented in numerous species such as eagles, hawks, falcons, owls, bobcats, mountain lions, and even the imperiled San Joaquin kit fox and northern spotted owl.⁹ The problem is so severe that 73% of wildlife tested in California had been exposed to super-toxic rat poisons.¹⁰

Fortunately a range of viable, cost-effective alternatives exist that can address the threat posed by rodent infestations. Integrated pest management strategies prevent infestations by sealing buildings and eliminating food and water sources, and are a necessary first step. Lethal rodent control strategies that involve snap traps, electric traps, and other non-toxic methods can then be implemented to address any infestations. Several types of less toxic rodenticides are available as well. More information on effective and affordable alternatives can be found at www.saferodentcontrol.org.

³ USEPA 2011, *Draft Notice of Intent to Cancel and Denial (2011 Draft NOIC)*, at 16 (Nov. 2, 2011).

⁴ 2011 Draft NOIC, at 18.

⁵ USEPA 2008, *Final Risk Mitigation Decision for Ten Rodenticides (2008 Final RMD)*, at 7 (May 28, 2008).

⁶ 2011 Draft NOIC, at 23.

⁷ USEPA 2013, *Rodenticides; Notice of Intent To Cancel Registrations of, and Notice of Denial of Applications for, Certain Rodenticide Bait Products*, at 8125 (February 5, 2013).

⁸ 2008 Final RMD, at 8.

⁹ DPR 2012, *Memorandum: Second Generation Anticoagulant Rodenticides (draft) (2012 Memorandum)* from Deborah Daniels, DVM, Senior Environmental Scientist (September 19, 2012).

¹⁰ 2012 Memorandum.

Given the overwhelming harm posed by SGARs and the availability of cost-effective alternatives, these super-toxic rodenticides must be banned from sale in California and available only under emergency circumstances.

Sincerely,

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