AMERICAN BIRD CONSERVANCY

Shaping the future for birds

May 8, 2012

Hal Ambuter
Director, Regulatory and Government Affairs, North America
Reckitt Benckiser
Morris Corporate Center IV
399 Interpace Parkway
Parsippany, NJ 07054-0225

Dear Mr. Ambuter,

Thank you for your letter of April 19, 2012 concerning our action alert on d-CON and other rat poisons.

American Bird Conservancy shares your interest in controlling rats and mice. It is important to have a broad and effective arsenal of rodent-control techniques as an adjunct to raptor predation and other natural controls.

Unfortunately, our common ground ends there. Your company continues to market formulations that cause fatal hemorrhaging in Bald Eagles, hawks, and other wildlife, and that harm children, pet cats, and dogs. Other companies have made the required safety improvements prudently required by the Environmental Protection Agency, but you continue selling your poisons as loose pellets and pastes rather than in bait stations, and peddling to residential consumers the most toxic formulations of second-generation anticoagulants such as brodifacoum. You seem determined to fight this battle to the end because d-CON products are a significant source of profits in your $37 billion portfolio, alongside French's Mustard, Lysol, Woolite, and other products.

Your letter includes several components deserving rebuttal:

SCARE MONGERING. You emphasize that rats are biting children and poisoning food. We agree that there is no place for rats in our homes which is why we support the use of affordable, effective rodent-control technologies. The problem is that your products are causing unnecessary sickness and death. Owls and other raptors, as well as dogs and cats, face gruesome deaths from these chemicals. Poison-control centers get 12,000 to 15,000 calls each year because of accidental ingestion of rat poison by children. The EPA estimates that the unreported child exposure rate may be four times as high. While you may quibble over what is considered "poisoning" and what is merely "exposure," the parents of children who eat rat poison have legitimate concerns. EPA told you to stop selling these dangerous formulations. Other companies have complied with the EPA directive, selling effective and affordable rat-control options that pose significantly less risk to people, pets, and wildlife.

You argue that consumers will be stuck with "obsolete products" if the second-generation products are restricted. You suggest that the first-generation anticoagulants are developing resistance problems. The data do not support your case. We would propose, however, that the second-generation anticoagulants offer an important back-up should rodenticide resistance develop in local populations. Using these most powerful products as a first response may lead to resistance for which there will be no recourse.

MISINFORMATION. You suggest that the ABC action alert was incorrect in stating that EPA ordered Reckitt Benckiser to stop selling certain formulations. Yet the EPA Risk Mitigation Decision for Ten Rodenticides does just that: *it requires you to stop selling loose pellets and second-generation rodenticides to residential consumers*. The document concludes that your products cause "unreasonable adverse effects on the environment," the federal standard for removing a dangerous pesticide from the market. The Risk Mitigation Decision states,

> *"To minimize children's exposure to rodenticide products used in homes, EPA is requiring that all rodenticide bait products marketed to general and residential consumers be sold only with bait stations, with loose bait (e.g., pellets and meal) as a prohibited bait form.*
>
> *To reduce wildlife exposures and ecological risks, the Agency will require sale and distribution limits intended to prevent general consumers from purchasing residential use bait products containing four of the ten rodenticides that pose the greatest risk to wildlife (the second generation anticoagulants – brodifacoum, bromadiolone, difenacoum, and difethialone). Moreover, bait stations will be required for all outdoor, above-ground uses of these second generation anticoagulants."*

OBSTRUCTION OF HEALTH-PROTECTIVE SAFEGUARDS. By spurning the EPA directive, your company is forcing the federal government to spend vast sums of taxpayer dollars in an extended multi-year process to get your rat poisons off the market. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) allows pest-control manufacturers multiple layers of process and review before dangerous products can be banned. We have never suggested that your delay tactics are illegal, but they are an enormous drain on agency time and taxpayer dollars, with tragic consequences for children, wildlife, and pets.

We note that while you cling to every process requirement in federal pesticide law to keep your products on the market, at the same time you disparage that very legislation in your attack on FIFRA's Restricted Use designation. Yet this two-tier classification of pesticides, with some products available to the general public and others restricted to professional applicators, has been the foundation of FIFRA in dealing with hazardous pesticides, and reflects no profit-based bias. It reflects the careful review of incident data by EPA and the conclusion that the second-generation anticoagulants are too dangerous to use without training.

OBFUSCATION. The law requires EPA to convene a Scientific Advisory Panel before it may formally issue a Notice of Intent to Cancel a pesticide. This is one of many required procedural hoops for EPA – it is not, as you seem to imply, an indication that EPA scientists are now doubting their own findings. Reckitt Benckiser had opportunity to argue its case to the Scientific Advisory Panel, supported in this effort by the American Legislative Exchange Council and Arnold and Porter. Meanwhile, EPA scientists spoke of the enormous toll on people and animals. Many participants on the Scientific Advisory Panel, including the rat and poison control authorities of New York City, strongly endorsed EPA's decision to cancel these products.

We fully understand that you are working hard to poke holes in the science and to find gaps where the data remain incomplete, yet your letter offers no science to back up your own argument. You counter the scientific research on rodenticides that EPA has compiled over the last two decades with "a belief": "***In contrast, there are believed to be*** thousands of rat bites to humans each year in the U.S., and a large number of these bites are to children" (emphasis added). Whatever the true numbers, what is needed is to control the rats without harming the kids and wildlife. There is not a single study suggesting that rat populations will increase as a result of the new rules.

FALSE HEROICS. You claim that you are fighting for "the economically disadvantaged...who live in densely-populated urban environments." Yet a New York City Department of Health report to the Scientific Advisory Panel last November found that the health consequences of rodenticide exposure "are disproportionately likely to occur among low income New Yorkers -- 62 percent of hospitalizations for unintentional pesticide exposure occur to Medicaid recipients." We are perplexed that Reckitt Benckiser refuses to protect impoverished families from unnecessary poisonings despite the company's highly publicized relationship with Save the Children.

For the sake of the nation's wildlife, including New York City's beloved Red-tailed Hawk, Pale Male, whose mate was recently killed by second-generation anticoagulants, and for the sake of the nation's children and pets, we ask you to stop putting profits before safety. Your letter states that you would be willing to participate in a dialogue with non-governmental organizations such as ours. ABC and our colleagues in the National Pesticide Reform Coalition would welcome the opportunity to meet with you to help you comply with the EPA decision.

Sincerely,

George H. Fenwick
President
American Bird Conservancy

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