October 3, 2013

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
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.

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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. 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. 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.

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. More than 100 pets needlessly die each year due to rodenticide exposure.

SGARs also pose an unreasonable risk to wildlife. EPA’s ecological incident report documents anticoagulant residues in 27 avian species and 17 mammalian species. 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. The problem is so severe that 73% of wildlife tested in California had been exposed to super-toxic rat poisons.

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.

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4 2011 Draft NOIC, at 18.
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.
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,

Jeff Miller
Executive Director
Alameda Creek Alliance

Cynthia Palmer
Manager, Pesticides Program
American Bird Conservancy

Shepherd Bliss
Member
Apple Roots Group

Susan Frank
Executive VP & COO
The Better World Group

Jay Feldman
Executive Director
Beyond Pesticides

Jane Williams
Director
California Communities Against Toxics

Nan Wishner
Board Member
California Environmental Health Initiative

Sarah de Guia, J.D.
Director of Government Affairs
California Pan-Ethnic Health Network

Carmela Castellano-Garcia
President/CEO
California Primary Care Association

Anne Katten
Work Health and Safety Specialist
California Rural Legal Assistance Foundation

Patty Clary
Executive Director
Californians for Alternatives to Toxics

Sarah Aird & Tracey Brieger
Co-Directors
Californians for Pesticide Reform

Bob Ferris
Executive Director
Cascadia Wildlands

Jonathan Evans
Toxics and Endangered Species Campaign Director
Center for Biological Diversity

Caroline Cox
Research Director
Center for Environmental Health

Lupe Martinez
Assistant Executive Director
Center on Race, Poverty & the Environment

Cesar Campos
CCEJN Coordinator
Central California Environmental Justice Network

Marcos Vargas PhD
Executive Director
Central Coast Alliance United for a Sustainable Economy
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Andria Ventura</td>
<td>Toxics Program Manager</td>
<td>Clean Water Action</td>
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<tr>
<td>Luis Olmedo</td>
<td>Executive Director</td>
<td>Comité Cívico del Valle</td>
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<tr>
<td>Teresa DeAnda</td>
<td>Director</td>
<td>El Comité para el Bienestar de Earlimart</td>
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<tr>
<td>Pablo Rodriguez</td>
<td>Executive Director</td>
<td>Communities for a New California Education Fund</td>
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<td>Kim Delfino</td>
<td>California Program Director</td>
<td>Defenders of Wildlife</td>
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<tr>
<td>Irma Medellin</td>
<td>Executive Director</td>
<td>El Quinto Sol de América</td>
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<tr>
<td>Judy Braiman</td>
<td>President</td>
<td>Empire State Consumer Project</td>
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<tr>
<td>Dan Silver</td>
<td>Executive Director</td>
<td>Endangered Habitats League</td>
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<tr>
<td>Dan Jacobson</td>
<td>Legislative Director</td>
<td>Environment California</td>
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<tr>
<td>Joy Williams</td>
<td>Research Director</td>
<td>Environmental Health Coalition</td>
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<tr>
<td>Colin Bailey</td>
<td>Executive Director</td>
<td>Environmental Justice Coalition for Water</td>
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<tr>
<td>Gary Graham Hughes</td>
<td>Executive Director</td>
<td>Environmental Protection Information Center</td>
</tr>
<tr>
<td>Virginia Ruiz</td>
<td>Director of Occupational and Environmental Health</td>
<td>Farmworker Justice</td>
</tr>
<tr>
<td>Adam Scow</td>
<td>California Director</td>
<td>Food &amp; Water Watch</td>
</tr>
<tr>
<td>Sarah Sharpe</td>
<td>Environmental Health Director</td>
<td>Fresno Metro Ministry</td>
</tr>
<tr>
<td>Lisa Archer</td>
<td>Director, Food and Technology Program</td>
<td>Friends of the Earth</td>
</tr>
<tr>
<td>Carleen Pickard</td>
<td>Executive Director</td>
<td>Global Community Monitor</td>
</tr>
<tr>
<td>John Mataka</td>
<td>President</td>
<td>Grayson Neighborhood Council</td>
</tr>
<tr>
<td>Bradley Angel</td>
<td>Executive Director</td>
<td>Greenaction for Health and Environmental Justice</td>
</tr>
<tr>
<td>Kimberly Baker</td>
<td>Executive Director</td>
<td>Klamath Forest Alliance</td>
</tr>
</tbody>
</table>
Joseph Vaile
Executive Director
Klamath-Siskiyou Wildlands Center

Pamm Larry
Co-Director and Northern California
Grassroots Campaign Manager
LabelGMOs.org

Captain Cindy Machado, CAWA
Director of Animal Services
Marin Humane Society

Debbie Friedman
Co-Chair
MOMS Advocating Sustainability

Frank Egger
President
North Coast Rivers Alliance

Dan Ehresman
Director
Northcoast Environmental Center

Aimee Code
Senior Environmental and Community
Health Director
Northwest Center for Alternatives to
Pesticides

Sue Williamson
Coordinator
Ojai Wildlife League

Suguet Lopez
Executive Director
Organización en California de Líderes
Campesinas, Inc.

Medha Chandra
Campaign Coordinator
Pesticide Action Network North America

Patty Pagaling
Executive Director
Pesticide Free Ojai Valley/Transition to
Organics

Mike Somers
Executive Director
Pesticide Watch Education Fund

Martha Dina Argüello
Executive Director
Physicians for Social Responsibility-Los
Angeles

Harry Wang, MD
President
Physicians for Social Responsibility-Sacramento

Lucia Sayre
Co-Executive Director
Physicians for Social Responsibility-San
Francisco

Gavin Raders
Executive Director
Planting Justice

Gary Karnes
Member
Safe Strawberry-Monterey County
Working Group

Robert Gould, MD
President
San Francisco Bay Area Chapter
Physicians for Social Responsibility

Jason Flanders
Program Director
San Francisco Baykeeper

Comments on DPR Proposed Regulation 13-002
October 3, 2013
Charity Kenyon
Slow Food USA Central Valley Governor
Chair, Slow Food California Policy Committee
**Slow Food Sacramento**

Dr. Jack Milton
Coordinator
**Stop West Nile Spraying Now!**

Chelsea Donovan
Executive Director
**Sustainable Fairfax**

Jim Cochran
Owner
**Swanton Berry Farm**

Judi Shils
Executive Director
**Teens Turning Green**

Jan De Leeuw
President
**TriCounty Watchdogs**

Todd Steiner
Executive Director
**Turtle Island Restoration Network**

Travis Longcore, Ph.D.
Science Director
**The Urban Wildlands Group**

Estrella Phegan
Representative
**Watertrough Children’s Alliance**

Amy Trainer
Executive Director
**West Marin Environmental Action Committee**

Brent Plater
Executive Director
**Wild Equity Institute**

Judith Stege
Active Member
**WILPF/ Earth Democracy/FresCAMP**

cc:
Director Brian Leahy, California Department of Pesticide Regulation, Brian.Leahy@cdpr.ca.gov
Ann Hanger, California Department of Pesticide Regulation, Ann.Hanger@cdpr.ca.gov