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October 4, 2013

Mr. Brian Leahy, Director
California Department of Pesticide Regulation
1001 I Street
P.O. Box 4015
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Via email to: dpr13002@cdpr.ca.gov

Re: Proposed Regulation of Second Generation Anticoagulant Rodenticide Products, DPR regulation No. 13-002

Dear Director Leahy:

On behalf of Audubon California, our more than 150,000 members and supporters in California and seventeen of our local chapters in California including the Santa Clara Valley Audubon Society, Ventura Audubon Society, Santa Monica Bay Audubon Society, Kern Audubon Society, Mount Diablo Audubon Society, El Dorado Audubon Society, La Purisima Audubon Society, Sierra Foothills Audubon Society, Yosemite Area Audubon Society, Napa/Solano Audubon Society, Santa Barbara Audubon Society, Marin Audubon Society, Sea and Sage Audubon Society, Kerncrest Audubon Society, Stanislaus Audubon Society, Golden Gate Audubon Society and the Palos Verdes/South Bay Audubon Society I am writing to comment on the Department of Pesticide Regulation (CDPR) proposed regulation of second generation anticoagulant rodenticide (SGAR) products (DPR regulation No. 13-002) that would designate four active ingredients as California-restricted materials and add additional use restrictions for SGARs. We applaud CDPR's effort to establish much more rigorous controls over the sale and use of these materials within California. The SGAR active ingredients subject to this proposed regulation (brodifacoum, bromadiolone, difenacoum, and difethialone) pose significant threat of harm to California wildlife, domestic pets and people and it is essential that DPR adopt new regulations to help mitigate this harm.

Anticoagulant rodenticides are a threat to many species of wildlife particularly predatory and scavenging bird species. Non-target species such eat poison intended for rodents. Anticoagulant rodenticides build up in targeted rodents so animals that eat those rodents are poisoned.¹ SGARs that do not kill quickly persist until they reach harmful levels.² Non-target mortalities due to anticoagulant rodenticides in California span a wide range of both bird and mammal species including rare and endangered species. Raptors are the most frequent documented victims—159 are

reported including hawks, owls, eagles, kestrels, and vultures. Members of the following native species have been documented poisoned by SGARs in California in recent years:³

Birds

American Kestrel
Barn Owl
Burrowing Owl
Cooper's Hawk
Common Crow
Golden Eagle
Great-horned Owl
Common Raven
Red-shouldered Hawk
Rock Dove
Western Screech Owl
Northern Spotted Owl
Sharp-shinned Hawk
Swainson's Hawk
Wild Turkey
Turkey Vulture

Mammals

Bobcat
Coyote
Pacific fisher
Western gray squirrel
Gray fox
Heerman's kangaroo rat
Mountain lion
Opossum
Raccoon
Sierra Nevada red fox
San Joaquin kit fox
Striped skunk

An important consideration for mitigating the harm from SGARs is that property owners, largely untrained in pesticide application are the primary users of SGAR rodenticides, Therefore, CDPR's proposed regulations very appropriately remove these most-toxic rat and mouse poisons from often indiscriminant use by the public. CDPR's proposed regulations will allow only licensed applicators who have training in Integrated Pest Management and knowledge of the entire range of methods available to deal with rodents. This requirement will significantly reduce SGAR use and abuse, while continuing to allow SGARs to be available for rodent control in those situations where they are appropriate in providing clear benefits for public health or environmental purposes under strict criteria for use.

Designating SGARs as California Restricted Materials will complement U.S. Environmental Protection Agency (EPA) actions to cancel the registrations of SGAR products that do not comply with EPA safety standards.⁴

We applaud the direction of the proposed regulations that specify spatial limits on above-ground use to within 50 feet of a structure unless the licensed user identifies a feature harboring and/or attracting rodents within 50 and 100 feet of a structure. We would urge an even tighter regulation; limiting the use of these compounds to within 10 feet of structures and features deemed at risk to rodent impacts. Since above-ground outdoor baiting is intended to protect structures from rodent

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infestation, SGAR use should be focused where the most significant need for rodent control exist—in the area immediately around structures. Baiting further from those structures does not necessary protect structures better than focusing on the area immediately around the structures. CDPR's proposed regulation would reduce the area where SGARs could be encountered by non-target animals, limiting the opportunities for non-target poisoning.

Additional Mitigation Measures

Audubon respectfully urges the CDPR to adopt the following additional mitigation measures for SGAR use by licensed applicators: (1) allow use of SGARs only after non-poison alternatives have been tried and failed and (2) require licensed applicators to inform customers of the dangers from SGARs to non-target wildlife and domestic animals before utilizing SGARs.

These measures will focus SGAR use on those situations where they are most appropriate. By making SGAR use a true last resort, to be used only after non-poison alternatives have been tried and failed, much unnecessary SGAR use will be avoided.

Requiring applicators to inform customers of the dangers of SGAR use is particularly important for pet owners and it will likely benefit wildlife as well. Reports of dogs being poisoned by rodenticides are not uncommon. Many dog owners are not aware that the product for controlling rodents is actually just as poisonous to other animals, including their pets.

The measures CDPR proposes are essential to wildlife from existing threat of significant harm from SGARs. Audubon is very pleased that CDPR is proposing to adopt these regulations that will help spare nontarget wildlife and domestic animals from the deadly effects of SGARs in California. Again, we urge adoption of the proposed regulations strengthened by the additional mitigation measures described above.

Sincerely,



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Endnotes

¹U.S. EPA OPP *Risk Mitigation Decision for Ten Rodenticides* May 28, 2008.

U.S. EPA OPP *Potential risks of nine rodenticides to birds and nontarget mammals: A comparative approach*. July 2004.

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³U.S. EPA OPP *Compilation of Rodenticide Wildlife Mortality Incidents Reported Between 1972- 2012*. January 29, 2013.

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⁴Federal Register Vol. 78, No. 24, Tuesday, February 5, 2013 pgs. 8123-8128.

Personal communication. Russell Wasem, US EPA Office of Pesticide Programs (OPP), January 30, 2013.

U.S. EPA OPP *Risk Mitigation Decision for Ten Rodenticides*, May 28, 2008.