



## California Rice

*Via electronic transmittal*

October 3, 2013

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

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

Dear Ms. Irokawa-Otani:

The California Rice Commission (CRC) is a statutory organization representing the State's rice industry encompassing 2,500 rice farmers, 40 millers and approximately 550,000 acres of California farmland. We collaborated with the California Warehouse Association to determine whether the proposed regulations would cause concern at warehouses and dryers storing rice. The rice mills operate under more stringent food safety requirements than the warehouse storage facilities. Therefore, the following comments are specific to the mills handling rice in California.

We are responding to the Department of Pesticide Regulation (DPR) proposed regulation, DPR 13-002, to designate second-generation anticoagulant rodenticides (SGAR) as restricted materials. The CRC appreciates DPR's openness in reaching out to stakeholders prior to posting the proposed rulemaking. We responded to the DPR Staff that changing the SGARs to restricted materials is not an issue for the rice mills. The CRC neglected to follow-up with DPR Staff on the 50-foot versus 100-foot distance of bait placement from man-made structures.

We are taking this opportunity to provide DPR Staff with additional information specific to the proposed language change of section 6471 of Title 3, California Code of Regulations (3 CCR). Brodifacoum, Bromadiolon, Difenacoum and Difethialone. The proposed text reads as follows:

### ARTICLE 5. USE REQUIREMENTS

6471. Brodifacoum, Bromadiolone, Difenacoum, and Difethialone

This section supplements the label restrictions on the use of brodifacoum, bromadiolone, difenacoum, and difethialone.

(a) It is prohibited to place any above ground bait more than 50 feet from a man-made structure unless there is a feature associated with the site that is harboring or attracting the pests targeted on the label between the 50-foot limit and the placement limit specified on the label.

NOTE: Authority Cited: Sections 11456, 11502, 12781, 12976, 14005, and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

Under the Initial Statement of Reasons, DPR provides the following:

*“Additionally, DPR proposes to adopt section 6471 to add further use restrictions on brodifacoum, bromadiolone, difenacoum, and difethialone by prohibiting the placement of aboveground baits containing these active ingredients more than 50 feet from a man-made structure unless there is a feature associated with the site that is harboring or attracting the pests targeted on the label between the 50-foot limit and the placement limit specified on the label. In 2012, U.S. EPA extended the maximum allowable placement of SGAR baits from 50 feet to 100 feet from the structure. However, as the distance from the structure increases, the allowable amount of bait at the site also increases to account for the larger perimeter. Since SGARs are intended to protect the structure from rodent invasions, DPR believes that in most cases, baiting within 50 feet of the manmade structure should adequately protect the structure. In cases where it is necessary to bait beyond 50 feet, this proposed restriction will reinforce the idea that bait placements should be based on a careful evaluation of the site. **If a certified applicator has evidence to indicate that a bait placement needs to occur beyond 50 feet due to evidence of rodent harborage or attraction, the certified applicator may make the necessary bait placement.**”*

The last sentence of the Initial State of Reasons seem to conflict with the language in the proposed regulation. It appears the rice mills would have some flexibility in placement of the bait from man-made structures. However, we thought it prudent for the CRC to provide additional information and text for consideration.

Perhaps the proposed regulation could also provide as an example, *“(In milling facilities handling rice, the bait placement for the first line of defense may be a fence or natural barrier at a distance of more than 50 feet.*

***Background on regulations for rodenticide use in food facilities:***

Food companies use a three-ring defense system for rodent control as follows:

- First line of defense is perimeter fence line bait usually spaced 50 to 100 feet apart, and located along the property line, which can be man-made (i.e. fencing) or natural (i.e. berms).
- Second line of defense consists or either bait or traps outside the walls, and
- Third line of defense is mechanical trapping indoors.

**Please note:** some areas of the perimeter fence are often farther than 50 feet from the facility. The main reason for this distance it to accommodate a truck and trailer within the perimeter fence.

Losing the first ring of defense would actually increase the amount of bait being used. The closer bait is placed towards the buildings, the less tolerance for rodents close

to the structure. Wall perimeter baiting would reduce the spacing by 50 percent, or 25 to 50 feet apart and actually double the amount of bait being used. It is also quite possible to increase risk at a food plant because more rodents will approach building perimeters with bait stations next to the wall of the facility.

Mills may also utilize natural dividers such as tree lines, canals or soil mounds rather than fencing to designate property and facility lines. In these cases, bait stations are placed along the natural dividers as the first line of defense. If the ability to use the line of defense were lost, many handlers and producers would incur additional costs due to increase bait usage along facility wall line or installation of fencing along property lines to allow for compliant baiting.

***Food safety regulations and concerns:***

In regards to food safety, moving the concentration of SGAR baits closer to any facility access points is of significant concern. These baits are not only consumed within the stations, but can also be carried back to 'nesting' areas as feed, which unfortunately could be somewhere within a facility, the wall, or roof. As a producer of food, the mills must prioritize efforts to minimize the risk of potential human food contamination by these compounds. This is accomplished through a decrease in the usage near facility access points and an expansion of the protection zone between first and second lines of defense.

The Code of Federal Regulations (CFR) specifies that all food storage and processing facilities must have a written sanitation program [(9 CFR 416.2(a))], which includes the control of pests: insects, rodents and birds. Good manufacturing practices (GMPs) specified in the CFR clearly states that pests cannot be present in the food-processing environment (21 CFR 110.35). To prevent infestation, the processor must create a proactive program for stopping these pests from threatening the safety and quality of the food supply.

The Rice mills must also follow compliance standards administered through contractors such as the American Institute of Baking (AIB), Food Processors Association (FPA), or Silliker Food Safety and Quality Solutions. These contractors assure compliance with the CFR along with routine GMP and food safety audits from these quality control companies. Rodent control is one of the many standards administered by these companies. These standards offer instruction for the second and third line of defense.

From the Silliker GMP and Food Safety Audit template for standards under IV.A. Pest Control:

*"1. There are an adequate number of interior pest control devices, spaced at consistent intervals (typically 20-30 ft.) around the interior perimeter of the facility, including mechanical stations within 10 ft. of both sides of doors leading to the exterior, including dock doors. Pest control devices must also be used in dry storage areas, coolers, locker rooms, and lunchrooms. These devices must be located so that they do not contaminate product, packaging or equipment. The*

*proper number and/or color code to correspond with the master identification map should be used. Toxic bait is not used inside the facility.*

*2. There are an adequate number of tamper-resistant exterior pest control stations spaced at appropriate intervals (usually 30-50 ft.) around the building's exterior perimeter. Stations are secured in place next to the building, closed, and a key or a tool (e.g., Allen wrench) is required to open. Bait must be anchored inside the stations to avoid being removed by a rodent or floating away during heavy rains. These devices must be located so that they do not contaminate product, packaging or equipment. The proper number and/or color code to correspond with the master identification map should be used.*

*3. Live catch devices and glue boards are checked at least twice monthly. Exterior bait stations are checked at least monthly. The pest control operator (PCO) must sign and date the labels on all devices. These labels should be on the inside of the devices.*

*4. All pest control devices are functioning properly; i.e., are properly wound, have bait as appropriate, and are of sound construction and working as intended. Bait in the stations has a fresh appearance."*

Bait loses effectiveness after 30 days and should be discarded and replaced. Old bait is unappetizing, stale and will not attract rodents. Molds growing on the bait will produce Vitamin K, which is the antidote to the toxin in the bait and only makes the rodent sick. Moldy bait may not be effective in controlling the rodent population.

The bait stations outside agriculture, public buildings, transport vehicles (ships, trains, aircraft) and related port and terminal buildings are contentiously maintained. Some rice mills place the product in bait stations, which are secured to the perimeter fence approximately 90-feet apart. A licensed pest control operator maintains the bait stations and uses the product according to label directions.

***Additional state regulations:***

The Department of Health Services regulations for sanitation in food plants further restrict use and placement of rodenticides. Under Section 12255 Title 17 CCR. *"Use of Poisonous Insecticides and Rodenticides. (a) Every practical precaution shall be taken to keep establishments free from flies, rats, mice and other vermin. If necessary, rodent-proof rooms shall be provided for materials which might become contaminated by these pests. (b) The use of insecticides, or rodenticides, toxic to humans, in areas where any food products, not adequately protected, is being stored or handled is prohibited. (c) Poisonous insecticides and rodenticides may be used under buildings, wharves, outbuildings, or similar places, or where adequately protected packaged products are stored; only, if adequate precautions are taken to eliminate the possibility of said poisons being accidentally spilled, or carried, by any means, to areas where these poisons are prohibited. These poisons are to be adequately protected from possible contact by children, or domestic animals, and are to be plainly and distinctly labeled for identification by adults."*

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The CRC hopes DPR finds these comments useful in developing regulations for the SGAC pesticides. Baits are necessary around rice mills for rodent control and compliance with sanitation standards. Consistent management of the bait stations also mitigates secondary poisoning to wildlife.

Please contact me if you have any questions, or need additional information. The CRC and the California Warehouse Association welcomes the DPR Staff on a tour to rice milling, drying and warehouse facilities if that would help in the final decision making process of this proposed regulation.

Sincerely,



Roberta L. Firoved  
Industry Affairs Manager

cc: Ms. Ann Hanger, Staff Environmental Scientist, Pesticide Registration Branch

