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August 14, 2013

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*Via email to: [dpr13002@cdpr.ca.gov](mailto:dpr13002@cdpr.ca.gov)*

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

Dear Ms. Irokawa-Otani:

The Humane Society of the United States (HSUS) strongly supports 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. The SGAR active ingredients subject to this proposed regulation (brodifacoum, bromadiolone, difenacoum, and difethialone) pose significant threat of harm to California pets and wildlife. It is essential for the welfare of these animals that DPR adopt the proposed regulations to mitigate this harm.

**California Proposed Regulations Needed to Mitigate Significant Harm from SGARs**

In addition to causing cruel and often unnecessary death for the targeted rodents, anticoagulant rodenticides are harmful to animals who are not intended victims (non-target). Non-target animals eat poison intended for rodents. Anticoagulant rodenticides build up in targeted rodents so animals who eat those rodents are poisoned.<sup>1</sup> SGARs that don't kill quickly persist until they reach harmful levels.<sup>2</sup>

It is rare that wild animal victims are recovered and even rarer that necropsies or laboratory tests are performed. Occasionally, veterinarians contact a poison control hotline to aid treatment of a poisoned pet but there is no central recordkeeping of pet poisoning. Therefore reported and documented cases of non-target poisoning represent the tip of the iceberg. Even so, there have been hundreds of documented cases of non-target SGAR-poisoning in California in recent years. Surely, significantly more non-target animals are being harmed by SGARs but remain unreported and undocumented.

Non-target victims of anticoagulant rodenticides in California include a wide range of species of both mammals and birds including rare and endangered species. Documented victims include 44 rare Pacific fishers, a candidate for listing under the federal Endangered Species Act, and 72 San Joaquin kit foxes, a federally-listed Endangered Species. Raptors are the most frequent documented victims—159 are reported including hawks, owls, eagles, a kestrel, and vultures. Members of the following species have been documented poisoned by SGARs in California in recent years:<sup>3</sup>

<b><u>Mammals</u></b>	<b><u>Birds</u></b>
Bobcat	American kestrel
Coyote	Barn owl
Dog (domestic)	Burrowing owl
Pacific fishers (candidate threatened & endangered)	Cooper's hawk
Fox squirrel	Crow
Gray fox	Golden eagle
Heermann's kangaroo rat	Great horned owl
Mountain lion	Raven
Opossum	Red-shouldered hawk
Pig (domestic)	Red-tailed hawk
Raccoon	Rock pigeon
Red fox	Screech owl
San Joaquin kit fox (endangered)	Spotted owl
Striped skunk	Sharp shinned hawk
Western gray squirrel	Swainson's hawk
	Turkey
	Turkey vulture

An important consideration for mitigating the harm from SGARs is that homeowners are the primary users of rodenticides, and they primarily use SGAR.<sup>4</sup> Therefore, CDPR's proposed regulations very appropriately take these most-toxic rat and mouse poisons out of the hands of the public. CDPR's proposed regulations will allow only licensed applicators who have training in

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Integrated Pest Management and knowledge of the entire range of methods available to deal with rodents. This requirement will significantly reduce SGAR use, especially unnecessary use, while continuing to allow SGARs to be available for rodent control in those situations where they are appropriate.

Designating SGARs as California Restricted Materials will complement U.S. Environmental Protection Agency (EPA) actions to cancel the registrations of SGAR products that don't comply with EPA safety standards.<sup>5</sup>

Importantly, the proposed regulations will stop all sales of SGARs to consumers. The poisoning of rare Pacific fishers by SGARs at illegal marijuana growing sites shows the dangers inherent in bulk retail sales to the public.<sup>6</sup>

CDPR is also proposing use restrictions for SGARs that limit 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, which would incentivize users to consider whether a smaller area of baiting would adequately control rodents.

Since above-ground outdoor baiting is intended to protect structures from rodent infestation, SGAR use and its impacts 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. The HSUS strongly supports this limitation on above-ground baiting. It will reduce potential for pets to encounter SGARs in their neighborhoods and it will limit the area of wildlife habitats where wild animals could encounter SGARs to the benefit of both groups of animals.

### **Additional Mitigation Measures**

The HSUS strongly urges the CDPR to adopt these 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 pets and non-target wildlife 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 wild animals as well. Reports of dogs being

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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 beloved pets.

These two examples illustrate that pet owners can be unaware and their pets can be harmed from this lack of knowledge about the true nature of rodenticide products being used around their homes. Requiring that customers be informed about SGAR hazards will prevent future poisonings like these:

*A pest control company used brodifacoum, a SGAR, until the farmer's golden retriever was found dead with confirmed brodifacoum poisoning. Over a three-year period, non-target wildlife were found dead on the farm as well.*<sup>7</sup>

*A veterinarian called poison control and reported that, despite treatment, a female 2-year old yellow Labrador retriever died from consuming diphacinone-containing d-Con rodent poison product. The owner saw the dog eat out of the d-Con box but did not think d-Con would be poisonous to the dog, but only poisonous to rats and mice. The dog had been nursing her 8 puppies and the veterinarian was also concerned that the anticoagulant could have been passed to the puppies in their mother's milk.*<sup>8</sup>

The measures CDPR proposes are essential to protect pets and wild animals from existing threat of significant harm from SGARs. The HSUS is very pleased that CDPR is proposing to adopt these regulations that will spare many pets and wild animals pain, suffering, and death from exposure to SGARs in California.

Again, we strongly urge adoption of the proposed regulations as well as the additional mitigation measures described above.

Sincerely,



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Endnotes

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<sup>2</sup>Eason, C.T., E.C. Murphy, G.R.G. Wright, and E.B. Spurr. 2002. Assessment of risks of brodifacoum to non-target birds and mammals in New Zealand. *Ecotoxicology* 11:35-48.

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

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<sup>5</sup>Federal Register Vol. 78, No. 24, Tuesday, February 5, 2013 pgs. 8123-8128.

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<sup>7</sup> U.S. EPA OPP *Compilation of Rodenticide Wildlife Mortality Incidents Reported Between 1972- 2012*. January 29, 2013.

<sup>8</sup> Winfield, Sarah, US EPA, Toxicology and Epidemiology Branch, Health Effect Division. Memorandum: Rodenticides: Tier 2 Pet Incident Report in Support of NOIC. October 31, 2011.