

September 26, 2005; Agenda Item No. 15

Resolution No. 05-070

RESOLUTION OF THE SANTA MONICA MOUNTAINS CONSERVANCY PROHIBITING THE  
PURCHASE OR APPLICATION OF ANTI-COAGULANT RODENTICIDES UPON AGENCY OWNED  
OR MANAGED LANDS.

*Resolved*, That the Santa Monica Mountains Conservancy hereby prohibits the purchase or application of anti-coagulant mode-of-action rodenticides upon Conservancy-owned or managed lands.

*Further resolved*, That the Conservancy supports all efforts and public information activities to discourage the use of such wildlife-harming rodenticides.

~ *End of Resolution* ~

I HEREBY CERTIFY that the foregoing resolution was adopted at a meeting of the Santa Monica Mountains Conservancy, regularly noticed and held according to law, on the 26<sup>th</sup> day of September, 2005, in Glendale, California.

Dated: 9/26/05

  
Executive Director

# Agenda Report



**Date:** August 13, 2013  
**To:** Jeffrey W. Collier, City Manager  
**From:** Nancy Mendez, Assistant City Manager  
**Subject:** Voluntary Ban on Anticoagulant Rodenticides

## RECOMMENDATION

It is recommended the City Council consider adopting a resolution for a voluntary ban on the sale and use of anticoagulant rodenticides in Whittier.

## BACKGROUND

City Council members commented during the July 9, 2013 Council meeting regarding the use of anticoagulant rodenticides (ARs) in Whittier and the potential for unintended secondary consequences for other animals that prey on rodents. At the July 23, 2013 City Council meeting, the Council concurred with Mayor Bob Henderson's request to place on a future Council agenda consideration of a resolution urging a voluntary ban on such rodenticides (Attachment A).

### Federal Actions

In May 2008, the federal Environmental Protection Agency (EPA) issued a risk mitigation decision for ten rodenticides. The decision addressed uses in and around man-made structures, with major components of reducing children's exposure to rodenticides and reducing wildlife/ecological risks. To address these issues, EPA required that ARs and non-ARs marketed to residential consumers be sold as solid formulations with bait stations. The decision also restricted distribution and package size to limit the availability of second generation ARs on the residential consumer market.

### State Actions

The California Department of Fish and Wildlife found that anticoagulant poisons used to control rodents have injured and killed wild animals and pets throughout the state (Attachment B). Scavenging birds such as hawks and predators such as bobcats are poisoned indirectly by eating dead or dying rodents that have consumed anticoagulants. On July 18, 2013, the California Department of Pesticide Regulation issued a new proposed regulation to address impacts to non-target wildlife, which would make it illegal to use second generation ARs without a permit and would allow possession or use only by certified applicators. The new regulation would also limit placement of aboveground AR baits to within 50 feet of a man-made structure.

### Local Actions

Some cities and counties in California have supported the EPA's decision on ARs by adopting a resolution urging a voluntary ban of ARs. For example, the City of Malibu adopted a resolution in June 2013 opposing the sale, purchase and use of ARs in Malibu. The resolution urged property owners to cease purchasing or using such poisons on their properties and committed the City of Malibu to not use ARs as part of its maintenance program for city-owned parks and facilities.

On July 25, 2013, the Puente Hills Habitat Preservation Authority Board considered impacts of ARs (Attachment C). The Board directed staff to prepare a comment letter to the California Department of Pesticide Regulation in support of the proposed regulation to address impacts of ARs to non-target wildlife; and to draft a resolution urging a voluntary ban on the use of ARs near the Habitat area.

### Industry Reaction

Three companies initially refused to comply with the EPA's decision on ARs and since January 2013, Reckitt Benckiser (makers of d-CON) is the one remaining company challenging the EPA decision. EPA has announced its intent to cancel products not in compliance with its decision, thus removing 12 d-CON products from the market. The next step is a formal hearing before an administrative law judge, the outcome of which may take several years.

On July 23, 2013, d-Con requested that the City Council consider additional information they provided (Attachment D). The letter noted these points:

- Alternatives to active ingredients in d-CON can present risks.
- There is no clear connection between wildlife exposures and consumer uses of rodenticides
- d-CON is fully registered and remains lawful to sell and use throughout the United States.

The company requested that the City Council allow them to present a full explanation of the risks of rodent infestations and the benefits of existing rodenticides. The City has informed the company of the Council's further consideration of ARs at its August 13, 2013 meeting.

## **DISCUSSION**

The City of Whittier now uses ARs only at the Parnell Park zoo. Whittier Union High School District, Whittier City School District, East Whittier School District, and Friendly Hills Country Club do not use ARs.

The City Council may be interested in discontinuing City use of ARs and in encouraging a voluntary ban on anticoagulant rodenticide use for Whittier residents and businesses. If the Council determines to support a voluntary ban, a public information program could convey this information via Channel 3 messages, City web site postings, meeting announcements, press releases, utility bills and other avenues to discourage the use of ARs and request voluntary compliance.

## **FISCAL IMPACT**

None.

Submitted by:

  
Nancy Mendez  
Assistant City Manager

Attachments: A – Draft Resolution for Voluntary Ban  
B – California Department of Fish and Wildlife Information  
C – July 2013 Report to Puente Hills Habitat Preservation Authority Board  
D – July 23, 2013 Letter from d-CON

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING A VOLUNTARY BAN ON THE PURCHASE, SALE, AND USE OF ANTICOAGULANT RODENTICIDES IN WHITTIER

WHEREAS, anticoagulant rodenticides are poisonous bait products available to the public and used to combat infestations of rodents in business and residential properties;

WHEREAS, anticoagulant rodenticides are used as bait which the rodents ingest, causing lethal internal hemorrhaging; and

WHEREAS, pets and wildlife may also become sick or die from ingesting rodenticides directly or due to secondary exposure after consuming the dead or dying rodents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council urges businesses in Whittier to no longer use or sell anticoagulant rodenticides, urges all property owners to cease purchasing or using anticoagulant rodenticides on their properties in Whittier, and commits the City of Whittier to not use anticoagulant rodenticides as part of its maintenance program for City-owned parks and facilities.

SECTION 2. The City Clerk-Treasurer shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 13<sup>th</sup> day of August 2013.

\_\_\_\_\_  
BOB HENDERSON, Mayor

ATTEST:

\_\_\_\_\_  
KATHRYN A. MARSHALL  
City Clerk-Treasurer

**Hal Ambuter**

Director, Regulatory and Government Affairs  
North America

July 23, 2013

City Council  
City of Whittier, California  
13230 Penn Street  
Whittier, CA 90602

Whittier City Council,

It has come to our attention that the Whittier City Council will meet today to discuss the use of anticoagulant rodenticides in Whittier. I am the Director of Regulatory and Government Affairs for d-CON, a manufacturer of rodenticide products.

As the City Council explores and discusses this very important issue, we wanted to provide you with additional information to consider. The information provided in this short letter summarizes the scientific evidence and the public health benefits concerning the appropriate uses of rodent control products -- including the findings of an independent government-appointed Scientific Advisory Panel.

***Alternatives to the Active Ingredients in d-CON Can Present Risks***

As the manufacturers of d-CON, we are committed to keeping effective and affordable rodent control products available to consumers. We are concerned that removing effective and affordable products from consumer use could have a profound impact on Whittier consumers by forcing them to choose from inferior, potentially more expensive, and possibly more dangerous pest management approaches. Among the consequences that consumers would face if this restriction were to stand include:

- the increased use of obsolete ingredients to which many mice and rats have become resistant to over time;
- wide spread consumer use of an alternate class of nerve toxin rodenticides, which unlike the d-CON products, *have no antidote* in the case of accidental human or pet exposure; and
- higher costs to consumers, who would be forced to hire costly pest control professionals to treat rodent problems if they want to continue using the same active ingredients in d-CON. This puts economically challenged consumers at a significant disadvantage as it can cost hundreds of dollars to hire a professional pest-control applicator, even one using the exact same active ingredients available to consumers on store shelves today.

**d-CON Products**

Morris Corporate Center IV  
399 Interpace Parkway  
Parsippany, NJ 07054-0225  
T 973.404.2716



Effective rodent control is vital and critical to public health. If not properly controlled, rodent populations can grow exponentially. In a city block, it is not unrealistic to find 1,000 mice. Assuming unlimited food and habitat and EPA estimates of population growth rates, an uncontrolled population of 1,000 mice could increase to 18,750 in one year. The numerous public health problems attributed to rodents are well known and include the transmission of dozens of rodent-borne diseases (CDC has identified 35 different rodent linked diseases that kill hundreds each year), household fires caused by gnawed wires, and damage to food supplies. A recent CDC study found that 72% of fleas found on rodents have disease causing bacteria. CDC estimates that there are 15,000 rodent bites per year. Within infested households, some rodent-related risks are borne particularly by children, who are the most common victims of rodent bites and suffer higher rates and aggravation of asthma when rodent allergens are present.

Clearly, the risk of poor rodent control on the public health is significant. These issues and concerns should not be discounted.

***There is No Clear Connection between Wildlife Exposures and Consumer Uses of Rodenticides***

The EPA convened a Scientific Advisory Panel (SAP) in November 2011 to more carefully consider the scientific basis for EPA's proposal to cancel certain consumer use rodent control products. Multiple experts offered testimony and presented technical reports on this issue. The findings of the SAP called into question a number of EPA's assumptions and interpretations of the pertinent data. The findings of the SAP are publically available and many of our concerns about EPA's interpretation of the available data were echoed by the Panel. The Panel's meeting minutes reflect that the following:

"There are no data to indicate population level effects on wildlife from homeowner uses of rodenticides in suburban and urban settings." Further, there is no clear direct connection between wildlife exposures and consumer uses of rodenticides, especially given that agricultural uses and professional applications around the exterior of buildings are equally plausible routes of wildlife exposures.

***d-CON is Fully Registered, and Remains Lawful to Sell and Use Throughout the U.S.***

The d-CON products that would be impacted by your recent resolution remain registered with the U.S. Environmental Protection Agency (EPA) and can be lawfully sold and used in California (and every other state in the U.S.).

Because we are concerned about potential public health consequences of EPA's actions and we consider it our duty to provide consumers with the most effective and affordable rodent-control products available, d-CON has challenged the proposed action by EPA. This entitles d-CON to participate in a process that is intended to ensure the scientific data is given full consideration. It would be premature for your City Council to act on incomplete information while the administrative review process has not been completed.



d-CON is committed to meeting the needs of consumers at all income levels who have relied upon our products for more than 50 years to help control household rodents that spread disease, contaminate food, and destroy property. To be clear, we share your concerns about accidental exposures to children, pets and non-target wildlife to rodenticides. We believe there are measures that can be taken to further help consumers to appropriately use residential-use rodent control products and successfully avoid such exposures.

We would respectfully request that the Whittier City Council give d-CON an opportunity to submit and/or present a full explanation of the risks of rodent infestations and the benefits of current rodenticides. If you have any further questions or would like to discuss anything in further detail, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Hal Ambuter". The signature is written in a cursive style with a large, circular flourish at the end.

Hal Ambuter



**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90265  
PHONE (310) 589-3200  
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February 26, 2007

Kelly Sherman and Laura Parsons  
Office of Pesticide Programs (OPP)  
Regulatory Public Docket (7502P)  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW.  
Washington, DC 20460-0001

**Comments on Proposed Risk Mitigation Decision for Nine Rodenticides  
Docket ID No. EPA-HQ-OPP-2006-0955**

Dear Ms. Sherman and Ms. Parsons:

The Santa Monica Mountains Conservancy (Conservancy) has reviewed the Environmental Protection Agency's (EPA) January 17, 2007 Proposed Risk Mitigation Decision for Nine Rodenticides. The Conservancy is in full support of the proposed risk mitigation measures.

The significant risks associated with the nine subject rodenticides (brodifacoum, bromadiolone, difethialone, warfarin, chlorophacinone, diphacinone, bromethalin, cholecalciferol, and zinc phosphide), to non-target wildlife are of extreme concern. With the ongoing increase of development throughout the Santa Monica Mountains and Rim of the Valley Trail Corridor zones, the current availability of these rodenticides as household products constantly threatens native wildlife. The Santa Monica Mountains National Recreation Area staff has documented secondary exposure in five of six tested mountain lions, and 90 percent of tested bobcats. Incident reports in California and New York that indicate death as a result of exposure to these rodenticides in more than half of the species studied clearly portends the importance of restricting the use of anti-coagulants.

The rate of rodenticide exposure to children is unacceptably high. The Conservancy supports the criteria for tamper-resistant bait stations and agrees with the EPA that the expected reduction in children's exposure to rodenticide bait products outweighs the estimated increase in cost as a result of new requirements for tamper-resistant bait stations.

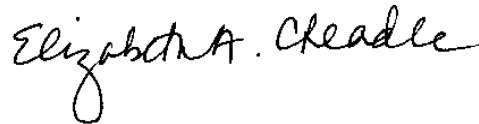
Docket ID No. EPA-HQ-OPP-2006-0955

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Due to a growing population and urban development encroaching natural habitats, the availability of the subject rodenticides as common household products alone warrants approval of the proposed risk mitigation decisions. The Conservancy fully supports the proposed decision to classify anti-coagulants as restricted-use pesticides and new requirements for tamper-resistant bait stations, and urges the EPA to adopt these measures without delay.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth A. Cheadle". The signature is written in a cursive style with a large, looping initial "E".

ELIZABETH A. CHEADLE

Chairperson

## Rodenticides can harm wildlife; please use carefully

Throughout California, the careless use of poison baits used to control rodents has injured and killed numerous wild animals and pets. This is because scavenging birds like owls, hawks, and predators such as raccoons, foxes, skunks and coyotes that eat dead or dying rodents that have consumed these baits will also be poisoned.

Pets will also eat dead or dying rodents and unprotected bait. You can protect both pets and wildlife by reading – and following – the label directions of any rodent baits you purchase, and only purchasing those that are legal for the pest you are trying to control.

Protect your wild neighbors and pets from accidental poisoning. Use all pesticides very carefully and follow all label directions, or chose organic or mechanical pest control methods.

### Rodenticide Baits: Frequently-Asked Questions

#### **Q. How do rodent baits harm wildlife and pets?**

A. It's possible for wildlife and pets to consume the poison directly. However, it's more likely that these animals have received a secondary exposure. A secondary exposure occurs when wildlife or pets consume dead or dying rodents that have eaten the rodent bait. Wildlife that can be affected by secondary poisoning include owls, hawks, other scavenging birds and predators such as raccoons, foxes, skunks and coyotes.

#### **Q. How can I protect wildlife and pets, but still control rodent pests?**

A. Rodent bait users must follow label directions carefully. Some rodent baits, for example those that contain the active ingredients **chlorphacinone** and **diphacinone**, are legal to use in outdoor areas. These products can be used to control field rodents such as gophers, voles and ground squirrels. Other rodent bait products, such as those that contain the active ingredients **brodifacoum**, **bromadiolone** or **difethialone**, can only be used to control rodents found within structures, like rats and mice.

⇒ Read product labels carefully before using any pesticide, and follow directions exactly.

⇒ Check daily for dead rodents. Wearing gloves, collect the carcasses as soon as possible, place in plastic bags and dispose in garbage cans with tight lids that other animals can't open. Always wear protective gloves when handling any dead animal.

#### **Q. Where can I get the rodenticide with chlorphacinone and diphacinone?**

A. These products are sold at many hardware, nursery and farm supply stores. Depending on the county, they may also be sold by the county agricultural commissioner's office.

#### **Q. Why are chlorphacinone and diphacinone safer to use in open spaces?**

A. Chlorphacinone and diphacinone are less toxic to mammals, and are eliminated rather quickly from the bodies of animals that ingest them. These products generally require multiple feedings before killing rodent pests.

#### **Q. What kind of rodenticides should I NOT use in the yard, away from buildings?**

A. Over-the-counter rodenticides, such as d-Con®, that contain the active ingredients **brodifacoum**, **bromadiolone** or **difethialone**. These can only be legally used to control rats and house mice in and around structures. It is illegal to

use these products in open areas such as pastures or fields.

**Q. Why is brodifacoum so dangerous for wildlife and pets?**

A. Brodifacoum, bromodialone and difethialone pose a greater secondary toxicity risk to wildlife and pets than products that contain chlorphacinone and diphacinone. These products are more toxic to mammals, stay longer in the bodies of animals that ingest them and can kill with a single feeding. Their residues are most likely ingested by scavenging dead rodents. Deer are sometimes attracted to the pellet form of brodifacoum.

**Q. How do these rodent baits work?**

A. Both types of rodenticides are anti-coagulants. Animals that ingest them die from internal hemorrhaging (bleeding).

**Q. How do you know rodent baits are poisoning wildlife?**

A. Since 1994, CDFW's Pesticide Investigations Unit has confirmed at least 136 cases of wildlife poisoning from anticoagulant rodent baits. Brodifacoum was the poison most frequently detected. Animals harmed include coyote, gray fox, San Joaquin kit fox, raccoon, fox squirrel, bobcat, red fox, mountain lion, black bear, Hermann's kangaroo rat, golden eagle, Canada goose, great-horned owl, barn owl, red-shouldered hawk, red-tailed hawk, Cooper's hawk, turkey vulture and wild turkey.

Since animals typically retreat to their dens, burrows or other hiding places in the final stages of anticoagulant poisoning, the number of non-target wildlife killed by these compounds may be much greater than we know. CDFW researchers have found that most birds and mammals killed by anti-coagulants are found in areas adjacent to urban development.

**Q. Can I control rodent pests without using poison baits?**

A. You can discourage some rodents from moving in by keeping grasses mowed at no more than two inches or by disking around sites that need to be protected. (See Vole Control, below.)

**Q. I found a dead raccoon (or other small wild animal) in my yard. What should I do?**

A. First, do NOT touch it bare-handed. Wildlife can carry diseases and parasites, so always wear protective clothing – especially gloves – before handling dead or dying animals of any kind. If you're in an urban or suburban area, call your city or county animal control office with detailed information about the animal's appearance and condition. Even if they don't have the staff to come retrieve it, they need to know about it, as the one you found may not be the only one.

**Q. If I think my pet has been poisoned, what should I do?**

A. If your pet is having seizures, is unconscious or losing consciousness, or is having difficulty breathing, phone ahead and take your pet immediately to your local veterinarian or emergency veterinary clinic.

## Vole Control

Rodent baits are often used to control voles. Their populations tend to be cyclical and once established, vole colonies are not easy to control.

One of the most effective ways to discourage voles from moving in is to simply mow grasses down to no more than two inches or disk around sites that need to be protected. Either action will reduce or eliminate their preferred habitat. Often, if you don't control the vole population, there may be little you can do about it. The secret is to protect sensitive sites – such as gardens – by mowing or disking the area **before** the population gets too high.

If you must use a rodent bait to control voles, only use those baits intended for field rodents. Their labels will identify chlorphacinone or diphacinone as the active ingredient. Baits should only be used in small treatment areas and the areas should be checked daily for dead rodents.

With very high vole populations, rodent baits may ultimately have little effect. The best approach is to protect sensitive sites – such as gardens – by mowing or disking the area before the population gets too high.

Puente Hills  
Habitat Preservation Authority  
Endowment Provided by the Puente Hills Landfill

MEMORANDUM

**Date:** July 25, 2013

**To:** Board Members

**From:**   
Andrea Gullo, Executive Director

**Subject:** Agenda Item No. 9) Discussion regarding opposing the sale, purchase and use of anticoagulant rodenticides in communities surrounding the Puente Hills Preserve.

Recommendation:

Discussion and possibly provide direction.

Background:

Anticoagulant rodenticides used to control rodent populations are increasingly being identified as having negative effects on a wide variety of wildlife. Their commercial, institutional and residential use has the potential to impact the health of the Puente Hills Preserve. Urging the cessation of their sale, purchase and use may help reduce this potential threat.

**Anticoagulant rodenticides:**

Used to control rodent populations, anticoagulant rodenticides (AR's) are widely used in urban and rural settings. The AR's can be delivered by tablets or pellets, paraffin blocks and/or bait stations, to name a few. Tablets, pellets and paraffin blocks can be especially dangerous if placed in the outdoors where wildlife have access to the AR. Bait stations have holes that limit the size of animals that can enter the station, therefore selectively allowing for certain species but non-target species, including natives, can still access the bait station. Once ingested, the animals' blood loses its clotting ability and capillaries are damaged, causing the individual to die from internal bleeding. First-generation anticoagulant rodenticides (FGAR's) require multiple feedings and are persistent in the liver up to 90 days (United States Environmental Protection Agency [USEPA] per CA Department of Fish and Wildlife [DFW] 2012). Due to the development of resistance to FGAR's in rodents, companies developed second-generation anticoagulant rodenticides (SGAR's) that are more toxic (may only require one feeding for a lethal dose) and are more persistent in tissue (up to 248 days; USEPA per DFW 2012). However, due to

delayed action it may take days for the animal to die, allowing for multiple feedings and very high concentrations in the body. Active ingredients in SGAR's include at least one the following:

- Brodifacoum
- Bromadiolone
- Difenacoum
- Difethialone

Species have varying levels of susceptibility to the toxins found in anticoagulants and, therefore, their effects differ by species. Once ingested, individuals may continue to live with the toxin in their tissues for days, even months, prior to death, and can become prey for wildlife. Thus, targeted and non-targeted individuals may be affected by direct ingestion of the anticoagulants but also secondarily by ingesting an animal that has ingested the toxin. It is in this way that the toxin can be transferred to animals higher on the food chain or to decomposers such as turkey vultures that feed on carrion (dead animals). In a PowerPoint presentation on impacts of rodenticides in 2012, the DFW listed the following species as impacted by AR's (only those found on Habitat Authority land are listed below; complete list has 21 species):

- Great-horned owl
- Barn owl
- Red-tailed hawk
- Red-shouldered hawk
- Cooper's hawk
- American kestrel
- Turkey vulture
- Coyote
- Mountain lion
- Bobcat
- Raccoon

According to a study conducted by Riley et al. (2007) in southern California, anticoagulants were found in 90% of bobcats tested and two adult mountain lions died as a direct result of anticoagulant toxicity. Other indirect deaths of bobcats and mountain lions were linked to exposure to AR's. According to DFW (2012 presentation), 100% (14 individuals) of mountain lions tested by DFW during 2011/2012 tested positive for AR's. The one Puente Hills Preserve (Preserve) bobcat tested for anticoagulants in 2009 (direct death due to vehicle collision) was determined to have multiple AR's in its tissues, including SGAR's.

**Mange:**

Aside from death due to direct ingestion of AR's, exposure has been linked to other illnesses such as mange. Mange is a skin disease caused by parasitic mites that burrow into the skin causing an allergic-like reaction including itching. This can lead to thickening of the skin and hair loss which can affect an individuals' ability to maintain their body temperature. Eventually the skin may open from scratching providing a wound where bacteria may enter the body and either weaken the animal further and/or lead to death. Healthy individuals can typically fight the infection, however those with weakened immune systems (for instance individuals exposed to toxins such as AR's)

have a harder time fighting the disease giving time for the mites to reproduce and invade the entire body. (<http://www.urbancarnivores.com/notoedric-mange-a-disease-of/>).

Mange can be transmitted from one animal to another and there are other types of closely related mites that cause mange: a) notoedric mange, caused by the *Notoedres cati* species of mite, infects cats including bobcats, and b) sarcoptic mange, caused by the *Sarcoptes scabiei* species of mite, infects dogs including coyotes. A notoedric mange epizootic hit the Santa Monica Mountains in 2002 and more than 50% of radio collared bobcats in Thousand Oaks died of mange between 2002 and 2006

(<http://www.urbancarnivores.com/archives/>). In the Puente Hills Preserve during 2013, two bobcats were radio collared as part of a study conducted by the U.S. Geological Survey; the male bobcat was collared on January 16<sup>th</sup> and the female was collared on January 18<sup>th</sup>. Mange was not detected on either bobcat at the time of collaring. The last time the female bobcat was observed by wildlife camera traps was on 3/27 and a mortality signal was detected on 4/15. Upon location of the females' body, she had severe mange. Therefore this individual became infected with mange and died in less than 3 months. The male bobcat, observed to have increasing levels of mange on the wildlife camera trap pictures, was captured on 6/26 and transported to a veterinarian for care. He continues to be treated. Testing for anticoagulants must be done postmortem but unfortunately the females' body was too far decomposed for analysis and therefore, we do not know the levels of AR's in the female or male bobcat. In addition, wildlife camera photos and observation by a Habitat Authority Ranger have also indicated that coyotes in the Preserve have developed mange.

### **Regulation:**

The California Department of Fish and Wildlife (DFW) expressed concern to the California Department of Pesticide Regulation (DPR) about the effects of brodifacoum on non-target wildlife back in 1999 and requested a review of the product. Since the USEPA was already conducting its own review, the DPR decided to wait for the results of that assessment (DPR 2013).

In 2008, the USEPA released a Risk Mitigation Decision for Ten Rodenticides (RMD) which included reducing children's exposure to rodenticides in the home and reducing wildlife risks. Specifically, FGAR's (and other non-anticoagulant rodenticides) would no longer be allowed to be sold in pellets (must now be sold with bait stations) and use of SGAR's outdoors also requires the use of bait stations. The EPA also included sales, distribution and packaging restrictions on SGAR's to avoid sale on the residential consumer market (EPA 2008).

In response to a lack of compliance, the USEPA is currently taking action to remove 12 products (those that don't comply with the Risk Mitigation Decision, including products containing any of the four SGAR's) from the market (EPA 2008). The DPR conducted a study and found that impacts to non-target wildlife is an issue statewide and that they are exploring mitigation measures such as designating SGAR's as restricted material (DPR 2013). Recently, the Center for Biological Diversity released a 60-day Notice of Intent to

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Sue for violations related to the Endangered Species Act, Migratory Bird Treaty Act and several other laws/acts (Center for Biological Diversity 2/21/2013) as a result of the noncompliance with the Risk Management Decision.

Based on a non-comprehensive internet search, 11 cities and 2 counties in California have taken action supporting the EPA's Risk Management Decision. In 2011, the City of Albany adopted a resolution (No. 2011-60) urging businesses in the city to no longer sell rat and mouse poisons that would be prohibited under the USEPA's RMD, asking property owners to not use the products, and urging the California DPR to cancel or refuse to renew the registration of products listed in USEPA 2008 decision. On January 17, 2012, the City of Berkeley adopted a resolution (No. 65,581-N.S.) to urge Berkeley businesses to stop the sale of rodenticides prohibited under the USEPA's Risk Mitigation Decision. Since then, other cities have adopted similar resolutions including the City of Brisbane (No. 2013-15), City of Malibu (No. 13-28) and numerous others. See the attached City of Albany resolution and Malibu staff report for your reference.

**Local concern:**

Recent detections of mange in coyotes and bobcats on the Preserve, as well as the recent death of one bobcat due to mange, create concern for wildlife due to anticoagulant exposure. Especially since an enclosed bait station was recently discovered on private property adjacent to the Preserve but the exact type of AR is unknown. Outreach with the property owner is occurring.

**Alternatives:**

There are many alternatives to using harmful pesticides. An important component to controlling rodent populations is prevention. This involves sealing entry points into your home or business, keeping food in sealed containers indoors, keeping outdoor pet food in sealed storage containers and lids on garbage containers, decluttering the inside of homes, removing debris piles around homes, and not planting ivy ([www.saferodentcontrol.org](http://www.saferodentcontrol.org)). For rodent elimination, snap or electronic traps are only recommended for indoor use only since outside you can capture other unintended animals (<http://www.urbancarnivores.com/alternatives-to-poisons/>). The University of California, Statewide Integrated Pest Management Program (<http://www.ipm.ucdavis.edu/PDF/PESTNOTES/index.html>) and Urban Carnivores website (<http://www.urbancarnivores.com/alternatives-to-poisons/>) contain a wealth of information regarding alternative controls. The DFW recommends the following alternatives to SGAR's <http://www.dfg.ca.gov/education/rodenticide/>:

- Habitat modification - seal entrances to your home, remove yard debris, etc.
- Trapping (not recommended outdoors by Habitat Authority)
- Use other non-anticoagulant rodenticides (bromethalin, zinc phosphide, cholecalciferol) since there is less risk of secondary poisoning (not recommended by Habitat Authority)
- Use first-generation anticoagulant rodenticides (not recommended by Habitat Authority)



**Literature Cited:**

California Department of Fish and Wildlife. 2012. The current state of anticoagulant rodenticides in California. <http://www.cdpr.ca.gov/docs/dept/prec/2012/031612rodenticides.pdf>

California Department of Pesticide Regulation. 2013 February 12. DPR Rodenticide Update at Agricultural Pest Control Advisory Committee meeting.

Center for Biological Diversity. 2013 Feb 21. 60-Day Notice of Intent to Sue for Violations of Section 9 of the Endangered Species Act; Notice of Violations of the California Endangered Species Act, California's Fully protected Species Laws, the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Environmental Protection Agency. 2008. Risk Mitigation Decision for Ten Rodenticides (<http://www.epa.gov/oppsrrd1/reregistration/rodenticides/finalriskdecision.htm>)

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[www.dfg.ca.gov/education/rodenticide/](http://www.dfg.ca.gov/education/rodenticide/)

[www.ipm.ucdavis.edu/PDF/PESTNOTES/index.html](http://www.ipm.ucdavis.edu/PDF/PESTNOTES/index.html)

[www.saferodentcontrol.org](http://www.saferodentcontrol.org)

[www.urbancarnivores.com](http://www.urbancarnivores.com)

**From:** [pralist-bounces@pestreg.cdpr.ca.gov](mailto:pralist-bounces@pestreg.cdpr.ca.gov) [<mailto:pralist-bounces@pestreg.cdpr.ca.gov>] **On Behalf Of** PraEditor@CDPR  
**Sent:** Thursday, July 18, 2013 12:02 PM  
**To:** [pralist@pestreg.cdpr.ca.gov](mailto:pralist@pestreg.cdpr.ca.gov)  
**Subject:** [Notice of Proposed Action (Rulemaking)] NOTICE OF PROPOSED ACTION

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION  
Designating Brodifacoum, Bromadiolone, Difenacoum, and Difethialone  
as Restricted Materials (Second Generation Anticoagulant Rodenticide Products)  
DPR Regulation No. 13-002

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend sections 6000 and 6400, and adopt section 6471 of Title 3, California Code of Regulations (3 CCR). The proposed action would designate the active ingredients brodifacoum, bromadiolone, difenacoum, and difethialone as California-restricted materials, making all second generation anticoagulant rodenticide (SGAR) products restricted materials. Also, this proposed action would add additional use restrictions for SGARs, and revise the definition of private applicator to refer to the federal definition of agricultural commodity found in Title 40, Code of Federal Regulations (40 CFR) section 171.2(5).

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on September 3, 2013. Comments regarding this proposed action may also be transmitted via e-mail to <[dpr13002@cdpr.ca.gov](mailto:dpr13002@cdpr.ca.gov)> or by facsimile at 916-324-1452.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.<sup>[1]</sup>

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight includes: product evaluation and registration; statewide licensing of commercial and private applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

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<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

Pesticides must be registered (licensed for sale and use) with the U.S. Environmental Protection Agency (U.S. EPA) before they can be registered in California. DPR's preregistration evaluation is in addition to, and complements, U.S. EPA's evaluation. Before a pesticide can be sold or used, both agencies require data on a product's toxicology and chemistry--how it behaves in the environment; its effectiveness against targeted pests, and the hazards it poses to nontarget organisms; its effect on fish and wildlife; and its degree of worker exposure.

Commensal rodents, such as the house mouse, Norway rat, and roof rat, are public health pests that generally live in close association with humans and are dependent upon human habitats for food, water, and shelter. Rodenticides currently registered for use in California to control aboveground commensal rodents fall into three categories: acute toxicant (nonanticoagulant) rodenticides; first generation anticoagulant rodenticides (FGARs); and SGARs containing the active ingredient brodifacoum, bromadiolone, difenacoum, or difethialone.

Anticoagulant rodenticides work by inhibiting a rodent's ability to produce several key blood clotting factors, thus causing the poisoned rodent to die from internal bleeding. Anticoagulant rodenticide baits may take several days following ingestion of a lethal dose to kill the rodent. SGARs were developed in response to resistance issues reported with the FGARs. In general, SGARs are more toxic than FGARs because they are designed to be lethal after a single feeding instead of after multiple doses. Since it takes several days for a rodent to die after feeding on a SGAR, rodents may feed on the SGAR bait multiple times before dying. As a result, rodent carcasses may contain residues of SGARs many times over the lethal dose. If a nontarget predator feeds on a rodent containing lethal concentrations of a SGAR, the nontarget predator can also be impacted by the rodenticide.

In 2008, U.S. EPA prohibited all consumer-size SGAR products and required bait stations be used for all outdoor aboveground uses, with a specific requirement that tamper-resistant bait stations be used for placements within reach of pets, domestic animals, children, or nontarget wildlife to reduce wildlife exposures to SGARs and ecological risks posed by SGARs. U.S. EPA believes the majority of lethal SGAR dosing to wildlife occurs when relatively few food sources are available, as is typical of residential settings, so U.S. EPA set forth more requirements to limit the use of SGARs in that environment. Although tamper-resistant bait stations protect wildlife from primary exposures and directly accessing bait, they do not protect nontarget wildlife from secondary exposures to rodenticides that may occur when preying on poisoned rodents; therefore, U.S. EPA determined that it was necessary to address the significant risks to nontarget wildlife resulting from consumer-use SGARs. In lieu of making SGARs restricted use pesticides, U.S. EPA implemented distribution and package size restrictions to minimize the availability of SGAR products to residential consumers while maintaining livestock and poultry producers' access to SGARs on an unrestricted basis.

In addition, U.S. EPA specified as a term/condition of sale/distribution in the reregistration notices of all SGAR products that the registrant cannot sell or distribute these products in a manner that results in sales of these products in stores oriented towards residential consumers. The registrant can only sell or distribute these products in a manner that results in sales of these

products in stores oriented towards agricultural consumers (i.e., farm, agricultural, tractor stores) and pest control operators.

In July 2011, DPR received a request from Department of Fish and Wildlife (DFW) that DPR designate all SGARs as California-restricted materials in order to mitigate wildlife exposure in California. In response to DFW's request, DPR analyzed wildlife incident and mortality data between 1995 and 2011, land use data, and rodenticide use and sales data between 2006 and 2010. DPR considered data from multiple sources, including DFW, private agencies and individuals, available journal articles, and other resources. After reviewing all the data obtained from both urban and rural areas, DPR finds that SGAR exposure and toxicity to nontarget wildlife is a statewide problem, regardless of the setting. DPR finds that the use of SGARs presents a hazard related to persistent residues in target animals resulting in impacts to nontarget wildlife.

Although U.S. EPA established distribution and package size limitations to reduce the availability of SGARs to residential consumers, residential consumers and other uncertified users are still able to purchase and use all SGARs since they are not federally restricted. Based on DPR's findings that baits containing SGARs present a hazard to nontarget wildlife, DPR proposes to add to section 6400(e) the pesticide active ingredients brodifacoum, bromadiolone, difenacoum, and difethialone, designating these active ingredients as California-restricted materials. By doing so, this proposed action will make all SGAR products restricted materials.

In accordance with FAC section 14015, restricted materials can only be possessed or used by, or under the direct supervision of, a certified private applicator or a certified commercial applicator. Section 6000 defines certified commercial applicator to include a person holding a valid structural pest control operator or field representative license issued by the Structural Pest Control Board. Commercial and private applicators become certified by taking an examination to demonstrate they have the knowledge and proficiency required to use restricted materials.

Restricting the use of all SGARs to only certified applicators will significantly reduce unintended exposures to nontarget wildlife. Certified applicators have the knowledge and ability to use pesticides safely and effectively. Certification will ensure that SGARs are properly used, placed, and monitored, and that poisoned target rodents, the primary source of secondary poisonings in nontarget wildlife, are properly disposed of. Certified applicators perform qualitative site assessments to determine how to effectively control the target species. SGARs are only one of a number of tools which certified applicators may use for effective rodent control. In contrast to noncertified residential, institutional, or industrial users, certified applicators are more likely to implement integrated pest management strategies and use nonpesticidal measures, especially preventative strategies, before resorting to pesticides. When toxicants are used, they are monitored and limited for a focused duration to reduce the amount of time the bait is available in the environment.

DPR's current definition of private applicator in section 6000 refers to an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity. Section 6000 defines "agricultural commodity" to specifically exclude livestock, poultry, and fish, and therefore, under this current definition, the producers of livestock, poultry, and fish do not

qualify for a private applicator certificate. DPR proposes to amend the definition of "private applicator" to adopt the definition of "agricultural commodity" found in 40 CFR 171.2(5). This will provide livestock, poultry, and fish producers the option of obtaining a private applicator certificate instead of a DPR-issued qualified applicator certificate or license, to use these products around structures involved in their operations. 40 CFR 171.2(5) states: "The term agricultural commodity means any plant, or part thereof, or animal, or animal product produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals." DPR is not amending the definition of "agricultural commodity" found in section 6000. That definition will remain the same and is applicable wherever referenced within 3 CCR which primarily references "agricultural commodity" in connection with use reporting requirements.

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 man-made 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.

Adoption of these regulations will provide a benefit to the environment by adding an extra level of environmental protection and reducing unintended exposures to nontarget wildlife.

These proposed regulations are not inconsistent or incompatible with existing state regulations. DPR is the only state agency that has the authority to regulate pesticides. No other state agency has the authority to designate pesticides as restricted materials. DPR is not aware of any state agencies regulating the use of rodenticides.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code, because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts are expected to result from the proposed regulatory action.

[HTTP://ACTION.BIOLOGICALDIVERSITY.ORG/P/DIA/ACTION3/COMMON/PUBLIC/?ACTION\\_KEY=14107](http://action.biologicaldiversity.org/p/dia/action3/common/public/?action_key=14107)

## **CALIFORNIA: SAVE WILDLIFE, BAN SUPER-TOXIC RAT POISONS**

Rodenticides are used to control rodents, but these toxic chemicals also have unintended effects: They frequently poison wildlife, pets and even children.

The most hazardous of all these rodenticides are called second-generation anticoagulants -- or "super-toxic" rat poisons. And these extremely toxic poisons are pushing some of California's most vulnerable wildlife dangerously toward extinction.

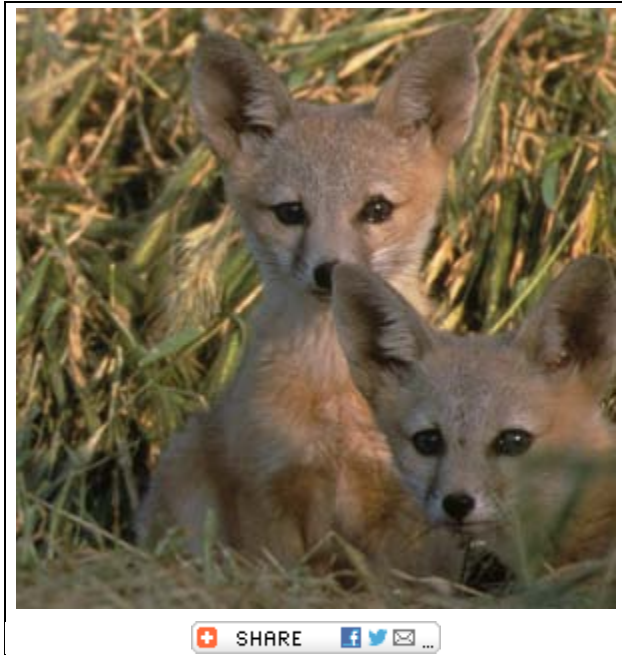
### **These poisons harm more than 25 different types of wildlife in California.**

Eagles, hawks, falcons, bobcats, mountain lions, as well as imperiled San Joaquin kit foxes and northern spotted owls have been found poisoned and even killed by super-toxic rat poisons after eating poisoned rodents. The problem is so severe that more than 70 percent of wildlife tested in California have been exposed to these deadly rodenticides.

These poisons also pose an unreasonable risk to children and pets. **It's estimated that 17,000 people are exposed to rodenticides each year -- and 85 percent of these exposures occur in children younger than six.**

California regulators have taken a first step to reduce widespread accidental poisoning by restricting the use of super-toxic rat poisons, but this is merely a half-step that leaves many of California's most vulnerable wildlife species at risk. There are a number of viable and cost-effective alternatives that make these deadly poisons unnecessary.

**Please act now to tell the California Department of Pesticide Regulation to protect our wildlife, pets and children by banning super-toxic rat poisons.**



## **EXAMPLE LETTER FROM CENTER FOR BIOLOGICAL DIVERSITY**

### **Ban Second-generation Rodenticides (DPR 13-002)**

I would like to commend the California Department of Pesticide Regulation on a strong first step to reduce the widespread problem of poisonings caused by second-generation anticoagulant rodenticides (SGARs) through proposed regulations that would designate Brodifacoum, Bromadiolone, Difenacoum and Difethialone as restricted materials.

Please also ensure that adopted regulations eliminate the risk to children, pets and wildlife -- including vulnerable raptors and bobcats and imperiled San Joaquin kit foxes and northern spotted owls. The only effective way to do this is to ban SGARs in California and eliminate their use by both licensed and unlicensed applicators except in extreme emergencies.

For true public health or environmental emergencies, the Department of Pesticide Regulation would still have the opportunity to rely upon SGARs under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act.

The department's proposal to categorize SGARs as restricted use materials -- available only to licensed applicators, with perimeter limitations beyond certain structures -- can't address the widespread poisoning of non-target wildlife, pets and people. The use of SGARs by licensed applicators will still allow rodents to consume the poison and then be eaten by wild predators, leading to continued wildlife poisoning. Additionally there is no way to guarantee that all SGARs will be in tamper resistant boxes to prevent a direct pathway for accidental ingestion.

SGARs pose an unreasonable risk to wildlife. They harm more than 25 different types of wildlife in California. More than 70 percent of wildlife tested in California have been exposed to super-toxic rat poisons.

SGARs also pose an unreasonable risk to children and pets. Between 1999 and 2009, the American Association of Poison Control Centers documented an average of 17,000 human rodenticide exposures each year. Of those, 85 percent occurred in children younger than six. During that same period rodenticides caused about 160 severe domestic animal incidents each year -- some resulting in death.

Fortunately there are a range of viable, cost-effective alternatives on the shelves today that would address rodent infestations. Preventing infestations by sealing buildings and eliminating food and water sources is a necessary first step. Lethal rodent control strategies that involve snap traps, electric traps and non-toxic methods can then be implemented to address any infestations. There are even less-toxic rodenticides available.

Given the overwhelming harm of SGARs and the availability of cost effective alternatives these super-toxic rodenticides must be banned in California.