



California Notice 2014-09

POST UNTIL August 21, 2014

## **NOTICE OF FINAL DECISION CONCERNING BRODIFACOUM (SECOND GENERATION ANTICOAGULANT RODENTICIDE)**

The Director of the Department of Pesticide Regulation (DPR) files this notice with the Secretary of the Resources Agency for posting pursuant to Title 3, California Code of Regulations (CCR), Articles 8 and 12. CCR requires the Secretary of the Resources Agency and DPR to post this notice for 30 days for public inspection.

### REEVALUATION

On December 30, 1999 (California Notice 1999-07), DPR commenced reevaluation of pesticide products containing the active ingredient brodifacoum, a second generation anticoagulant rodenticide (SGAR), at the request of the Department of Fish and Wildlife (DFW). DFW expressed concern that California's wildlife were being exposed and adversely affected by registered rodenticide products containing brodifacoum. This reevaluation, involved six registrants and twenty-one pesticide products. A list of products included in the reevaluation is available on DPR's Web site at <http://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/brodifacoum.htm>.

### BASIS OF REEVALUATION

DPR placed pesticide products containing the active ingredient brodifacoum into reevaluation based on concern that California's wildlife were being exposed to, and may be adversely affected, by use of this SGAR. As a SGAR, brodifacoum delivers a delayed lethal dose to the target rodent with the first feeding that does not kill the rodent immediately. After multiple feedings a rodent may have a significant "body burden" of this persistent pesticide at death and may lead to non-target wildlife exposures through contact with the dead or dying rodents. Given the increased public interest in wildlife issues associated with brodifacoum, DPR began taking steps to address the problems surrounding the use of brodifacoum and three other SGARs, bromadiolone, difenacoum, and difenthialone. During the course of this reevaluation, DPR worked with the U.S. Environmental Protection Agency (EPA) on its rodenticide risk mitigation decision (RMD). In May 2008, the U.S. EPA announced its final RMD for ten rodenticides and enacted mitigation measures, including for all four SGARs. To reduce wildlife exposures and ecological risks, U.S. EPA restricted sale and distribution of second-generation anticoagulant products with the intention of minimizing availability to residential consumers. U.S. EPA also restricted all outdoor, aboveground use of second-generation anticoagulants to use in bait stations. U.S. EPA allowed continued sale of larger size quantities of SGARs at farm type stores.

In the summer of 2011, DFW requested DPR designate SGARs as California restricted materials. In September 2012, DPR completed a final draft of its *Second Generation Anticoagulant*



*Rodenticides (SGARs) Assessment* memorandum based on available data and evaluation of the potential and actual risk to non-target wildlife from SGARs. The document concluded that the current use of SGARs presents a hazard related to persistent residues in target animals resulting in impacts to non-target wildlife. DPR submitted the document for external scientific peer review. On June 27, 2013, after revising the assessment in response to external peer review comments, DPR finalized its *SGARs Assessment* memorandum.

#### SUMMARY OF REEVALUATION

On July 19, 2013, DPR proposed to designate all SGARs containing the active ingredients brodifacoum, bromadiolone, difenacoum, and difethialone as California restricted materials, add additional use restrictions, and revise the definition of a private applicator. The proposed regulation change was made available for public comment.

On March 18, 2014, the Office of Administrative Law approved the proposed regulations amending Title 3 of the California Code of Regulations' sections 6000 and 6400, and adopting section 6471. This action makes all pesticide products containing the active ingredients brodifacoum, bromadiolone, difenacoum, or difethialone (SGARs) California-restricted materials, adds additional use restrictions for SGARs, and revises the definition of private applicator to refer to the federal definition of agricultural commodity found in Title 40 Code of Federal Regulations Section 171.2(5). Effective, July 1, 2014, SGARs can only be sold by licensed dealers and purchased by certified applicators. Restricting the sale of SGARs to certified applicators is expected to significantly mitigate exposure to, and protect, California's non-target wildlife.

#### FINAL REEVALUATION DECISION

DPR has determined that no additional mitigation measures are necessary at this point. Therefore, the reevaluation is concluded.

For more information on DPR's reevaluation, please contact Mr. Carlos Gutierrez by email at <Carlos.Gutierrez@cdpr.ca.gov> or by telephone at (916) 445-2885.

***Original signed by***

***July 18, 2014***

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Date

cc: Mr. Carlos Gutierrez, DPR Environmental Scientist, Registration Branch