To: Honorable Mayor and Members of the City Council
From: Councilmember Moore, District 2
Subject: Urging Local Businesses and Residents to Discontinue the Sale and Use of Rat and Mouse Poisons Deemed an Unreasonable Risk to Children, Pets and Wildlife

RECOMMENDATION
Adopt a Resolution urging local businesses to stop carrying rodenticides that pose an “unreasonable risk,” as deemed by the US EPA; urging residents to stop purchasing said rodenticides; and urging manufacturers to stop producing these products. Refer to the City Manager to come back with an implementation strategy in 6 months for outreach to local businesses and residents. Send a letter to the Department of Pesticide Regulation requesting that they refuse to renew registration of twenty rodenticide products because of the unreasonable risk that they pose to public health.

BACKGROUND
The United States Environmental Protection Agency (U.S. EPA) is taking a significant step under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) towards cancelling and removing from the consumer market 20 mouse and rat poison products, by forwarding to the FIFRA Scientific Advisory Panel (SAP) for review a draft Notice of Intent to Cancel and Notice of Denial. The 20 mouse and rat poison products are sold to general consumers as loose baits, or as pastes or blocks, without adequately protective bait stations that prevent access by children and pets. Eleven of the 20 products also contain second generation anticoagulants, active ingredients that pose particular hazards to non-target wildlife. EPA has found that these 20 rodenticide products generally cause unreasonable adverse effects on the environment, particularly since new rodent control products that meet the Agency’s safety criteria are now widely available, effective and affordable, and pose significantly less risk to people and the environment.

These baits are high-volume products sold widely to consumers and do not provide adequate protections for wildlife, children and pets. Since these baits are often used without bait boxes that keep mice or rats contained, predators like hawks or owls may eat a poisoned rat and become poisoned. Berkeley is also home to barn owls, great-horned owls, red-tailed hawks, and other birds of prey that might also be harmed. In recent years, we have had several incidents where Cooper’s hawks have been found dead on the street that have been confirmed (by WildCare/UC Davis) to have died of...
Oppose the Sale and Purchase of Rat and Mouse Poisons
Deemed an Unreasonable Risk to Children, Pets and Wildlife

January 17, 2011

rodenticide poisoning. Additionally, due to the lack of safeguards, the American Association of Poison Control Centers annually receives between 12,000 and 15,000 reports of children under the age of six being exposed to these types of products because they are so easily accessed.

The US EPA determined that these products pose an “unreasonable risk” in 2008, after years of evaluation and scientific review. Under federal law, pesticides that pose an “unreasonable risk” should not be legal for sale. At that time, US EPA gave producers of rat and mouse poison until June 4, 2011 to research, develop and register new products that would be safer for children, pets and wildlife. Over the past three years, EPA has worked with a number of companies to achieve that goal, and there are now new products on the market with new bait delivery systems and less toxic baits. These products are safer to children, as well as pets and wildlife, but still provide effective rodent control for residential consumers.

While many companies that produce rat and mouse poison products have agreed to adopt the new safety measures, a handful of companies have advised EPA that they do not plan to do so. The baits' manufacturers have challenged the way the US EPA planned to cancel these products. The EPA must now follow a very lengthy procedure called a formal cancellation process. This could keep the products on the shelves for years.

Due to the continued risk to public health due to the delay, it is recommended that the City of Berkeley work with local retailers to voluntarily stop carrying these hazardous products and urge their manufacturers to stop producing them. It is also recommended that the city launch an educational campaign to inform its citizenry of the risks that these products pose to children, pets and wildlife. San Francisco adopted a similar resolution and has begun an outreach campaign, which has already resulted in many local retailers voluntarily removing these products from their shelves.

FISCAL IMPACTS OF RECOMMENDATION
Unknown

CONTACT PERSON
Councilmember Darryl Moore, District 2, 981-7120

Attachments:
1) Resolution
2) Letter to Department of Pesticide Regulation
3) U.S. EPA List of Rodenticide Products "that cause unreasonable adverse effects on the environment"
RESOLUTION NO. ##.###-N.S.

OPPOSE THE SALE AND PURCHASE OF RAT AND MOUSE POISONS DEEMED AN UNREASONABLE RISK TO CHILDREN, PETS AND WILDLIFE

WHEREAS, in 1998 the United States Environmental Protection Agency (US EPA) issued its Reregistration Eligibility Decisions (REDs) for rodenticides, and expressed concern about accidental human exposures to rodenticides as well as risks to wildlife; and

WHEREAS, in September 2004, the US EPA released its Revised Comparative Ecological Assessment for nine Rodenticides, which found more than 300 documented wildlife incidents of exposure of birds and non-target mammals, including endangered species, to rodenticides, in particular those rodenticides that contain the ingredient brodifacoum; and

WHEREAS, brodifacoum residue has been detected in liver tissue of 27 of 32 endangered kit foxes screened for rodenticide residues from 1999 to 2003; and

WHEREAS, the American Association of Poison Control Centers annually receives between 12,000 and 15,000 reports of children under the age of six being exposed to these types of products; and

WHEREAS, in 2008, the US EPA issued its Final Risk Mitigation Decision for Ten Rodenticides, and gave producers until June 2011 to research, develop and register new products that would be safer for children, pets and wildlife; and

WHEREAS, several companies have recently advised US EPA that they do not intend to adopt the new safety measures stipulated in the Final Risk Mitigation Decision, these companies include Reckitt Benckiser Inc. (makers of D-Con, Fleeject, and Mimas rodent control products), Spectrum Group (makers of Hot Shot rodent control products), and Liphatech Inc. (makers of Generation, Maki, and Rozol rodent control products); and

WHEREAS, as a result of the above companies’ actions, many of the products that the US EPA considers to pose an unacceptable risk to children, pets and wildlife are still being sold to Berkeley residents.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council urges Berkeley businesses to stop the sale of rat and mouse poisons that would be prohibited under the US EPA’s Risk Mitigation Decisions for Ten Rodenticides.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges Berkeley residents to avoid buying the above products, and to use less-toxic rodent control methods.
BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges that all manufacturers of rat and mouse poisons immediately stop manufacture and sale of rat and mouse poisons that do not incorporate the safety measures specified in the US EPA’s Risk Mitigation Decisions for Ten Rodenticides.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges the California Department of Pesticide Regulation to cancel or refuse to renew registration of the above products.
November 11, 2011

Ms. Ann Prichard, Chief
Pesticide Registration Branch
Department of Pesticide Regulation
P.O. Box 4015
Sacramento CA 95812-4015

RE: Pesticide Product Registration Renewal (DPR Notice 2011-12) – Rodenticide Products that Pose Unreasonable Risks to Children, Pets, and Wildlife

Dear Ms. Prichard:

The Berkeley City Council respectfully request that DPR refuse to renew registration of twenty rodenticide products because these products pose unreasonable risks to children pets and non-target wildlife. We have attached a list of these products that was developed by U.S. EPA. We share U.S. EPA’s disappointment that the manufacturers – Reckitt Benckiser Inc. makers of D-Con; Spectrum Group makers of Hot Shot and Rid-a-Rat; and Liphatech Inc. makers of Generation rodent control products – have not voluntarily removed these products from the market.

We have actively followed U.S. EPA’s lengthy and detailed scientific review of rodenticides. We agree with U.S. EPA’s finding that these products pose unreasonable risks and that excellent alternatives are readily available. We look forward to be able to work with our community to minimize these risks posed by these products by asking local retailers to stop carrying these potentially harmful products and for residents to stop purchasing them.

The scientific basis for the finding of unreasonable risks to children, pets and wildlife has been well documented by U.S. EPA in its Risk Mitigation Decision for Ten Rodenticides (May 28, 2008) (available electronically - http://tinyurl.com/7389m69). U.S. EPA recently published updated documentation of ongoing unreasonable risks to children, pets, and non-target wildlife. It also published updated assessments documenting that effective alternatives are available for a reasonable cost (these recent documents are available in the U.S. EPA online docket EPA-HQ-OPP-2011-0718 - http://tinyurl.com/77caz73).

California residents should not continue to be exposed to the unreasonable risks posed by these products. We urge DPR to join the states of Kansas and New York in refusing to renew the registrations of these products.

Thank you for this opportunity to offer our input regarding the proposed renewal of pesticide product registrations.

Sincerely,
The Berkeley City Council
U.S. EPA List of Rodenticide Products “that cause unreasonable adverse effects on the environment”

D-CON CONCENTRATE KILLS RATS & MICE, EPA Reg. No. 3282-3 (warfarin)
D- READY MIXED KILLS RATS & MICE, EPA Reg. No. 3282-4 (warfarin)
D- MOUSE PRUFE KILLS MICE, EPA Reg. No. 3282-9 (warfarin)
D- PELLETS KILLS RATS & MICE, EPA Reg. No. 3282-15 (warfarin)
D- MOUSE PRUFE II, EPA Reg. No. 3282-65 (brodifacoum)
D- PELLETS GENERATION II, EPA Reg. No. 3282-66 (brodifacoum)
D- BAIT PELLETS II, EPA Reg. No. 3282-74 (brodifacoum)
D- READY MIXED GENERATION II, EPA Reg. No. 3282-81 (brodifacoum)
D- MOUSE-PRUFE III, EPA Reg. No. 3282-85 (difethialone)
D- BAIT PELLETS III, EPA Reg. No. 3282-86 (difethialone)
D- II READY MIX BAITBITS III, EPA Reg. No. 3282-87 (difethialone)
D- BAIT PACKS III, EPA Reg. No. 3282-88 (difethialone)
GENERATION MEAL BAIT PACKS, EPA Reg. No. 7173-247 (difethialone)
DIFETHIALONE BAIT STATION, EPA Reg. No. 7173-283 (difethialone)
HOT SHOT SUDDEN DEATH BRAND MOUSE KILLER, EPA Reg. No. 8845-125 (bromethalin)
HOT SHOT SUDDEN DEATH BRAND RAT KILLER 1, EPA Reg. No. 8845-126 (bromethalin)
HOT SHOT SUDDEN DEATH BRAND RAT & MOUSE KILLER, EPA Reg. No. 8845-127 (bromethalin)
HOT SHOT SUDDEN DEATH BRAND MOUSE KILLER BAIT STATION, EPA Reg. No. 8845-128 (bromethalin)

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