



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

January 11th, 2023

MEMORANDUM

SUBJECT: Response to requests to extend the public comment period for the rodenticide proposed interim registration review decisions

FROM: Dana Friedman
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THRU: Mary Elissa Reaves, Ph.D., Director
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A handwritten signature in blue ink, appearing to read "Mary Elissa Reaves".

The agency received multiple requests for extension of the comment period on the following rodenticide proposed interim registration review decisions (PIDs), which are currently available for public comment in their registration review dockets¹:

- *Anticoagulant Rodenticides Proposed Interim Registration Review Decision. Case Numbers 2100, 2205, 0011, 2755, 2760, 7630, 7603*
- *Bromethalin and Cholecalciferol Proposed Interim Registration Review Decision Case Numbers 2765 and 7600*
- *Strychnine Proposed Interim Registration Review Decision Case Number 3133*
- *Zinc Phosphide Proposed Interim Registration Review Decision Case Number 0026*

The Agency received requests for a 60-day comment period extension from the Rodenticide Task Force, Association of Structural Pest Control Operators, National Pest Management Association, Crop Life America and Responsible Industry for a Sound Environment, Ag ProVision, and the American Farm Bureau Federation, signed by multiple livestock and poultry

¹ Docket Numbers EPA-HQ-OPP-2015-0778, EPA-HQ-OPP-2015-0777, EPA-HQ-OPP-2015-0481, EPA-HQ-OPP-2015-0767, EPA-HQ-OPP-2015-0768, EPA-HQ-OPP-2015-0769, EPA-HQ-OPP-2015-0770, EPA-HQ-OPP-2016-0077, EPA-HQ-OPP-2016-0139, EPA-HQ-OPP-2015-0754, and EPA-HQ-OPP-2016-0140 at www.regulations.gov

stakeholder groups. Requestors cited the diversity of uses and products covered by the PIDs, multiple supporting documents, and complexity of the PIDs as predominant reasons for the extension request.

In recognition of the time required for stakeholders to review the multiple documents for which EPA is seeking feedback, the Agency decided to provide a 75-day public comment period rather than its standard 60-day public comment period when it announced the availability of the PIDs for review and public comment on November 29, 2022. As mentioned in the rodenticide PIDs, brodifacoum, bromadiolone, warfarin and its sodium salt, and zinc phosphide are mentioned in a stipulated partial settlement agreement in *Center for Biological Diversity (CBD) v. United States Environmental Protection Agency*, No. 3:11-cv-0293 (N.D. Cal). Among other provisions, this settlement agreement sets a November 2024 deadline for EPA to complete nationwide Endangered Species Act (ESA) section 7(a)(2) effects determinations for brodifacoum, bromadiolone, warfarin and its sodium salt, and zinc phosphide and as appropriate, initiate any consultation(s) with the National Marine Fisheries Service and U.S. Fish and Wildlife Service that EPA may determine are necessary based on those effects determinations. In addition to those four active ingredients, EPA also intends to make effects determinations, and consult as appropriate, on the additional rodenticide active ingredients bromethalin, chlorophacinone, cholecalciferol, difenacoum, difethialone, diphacinone and its sodium salt, and strychnine by November 2024. Prior to finalizing its effects determinations, the Agency plans to issue a draft biological evaluation (BE) for these 11 rodenticide active ingredients for a 60-day public comment period by the end of November 2023.

As explained in the rodenticide PIDs, the ESA workplan described how EPA is developing early mitigation for a subset of species where EPA predicts a likelihood of a jeopardy or adverse modification finding for one or more of the registration review pilot pesticides if mitigation is not undertaken. One of these pilots is for rodenticides, which focused on addressing effects to mammals and birds that consume rodenticide bait (primary consumers) and to birds, mammals and reptiles that consume primary consumers (secondary consumers). Accordingly, the PIDs include mitigations for three species that represent species that would be affected by rodenticides through different routes of exposure. Further, as explained in the PIDs, EPA plans to expand these mitigation measures to approximately 90 listed species affected by rodenticides and incorporate these mitigations when it conducts its draft effects determinations. As such, it is critical that the Agency receive comments on the proposed mitigations such that it has time to incorporate any comments into its draft BE analyses. Considering EPA's litigation as well as other deadlines to complete certain ESA obligations, the Agency is denying these requests to extend the 75-day public comment period on the rodenticide PIDs. The comment period is scheduled to close at 11:59 PM on February 13, 2023.