



PEST CONTROL OPERATORS OF CALIFORNIA

February 13, 2024

Dana Freidman
Chief, Risk Management and Implementation Branch 1
Pesticide Re-Evaluation Division (7508P)
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Submitted electronically via regulations.gov

Re: Docket EPA-HQ-OPP-2023-0567; Comment for the Draft Biological Evaluation, Effects Determinations, and Mitigation Strategy for Federally Listed, Proposed Endangered, and Threatened Species and Designated and Proposed Critical Habitats

Dear Ms. Friedman:

I am writing on behalf of the Pest Control Operators of California (“PCOC”) to comment on the Draft Biological Evaluation (BE) published in the Docket EPA-HQ-OPP-2023-0567-0004. PCOC is a statewide trade association representing over seven hundred structural pest control operators in California, the vast majority of which are small business entities.

The PCOC is a 501(c)(6) non-profit association dedicated to protecting people, property and the food supply through environmental stewardship and advocacy. PCOC has served the business and educational needs of pest management professionals in California for over 80 years. Currently, the PCOC represents the interests of over seven hundred plus members that help generate over 3.4 billion dollars’ worth of pest management economic activity in the Golden State. In fact, PCOC members account for over 80 percent of the state’s total volume of pest control business.

We understand the purpose of the BE is to protect threatened and endangered species from any unintended negative exposures to rodenticides. However, we believe that this document does not draw accurate conclusions as to what will protect the intended wildlife while causing undue burden on the pest management industry without the proper protection.

Ms. Dana Friedman, Chief, Risk Management Branch 1
Docket EPA-HQ-OPP-2023-0567; Comment for the Draft Biological Evaluation, Effects Determinations, and Mitigation Strategy for Federally Listed, Proposed Endangered, and Threatened Species and Designated and Proposed Critical Habitats

Many determinations that were made are based on the precautionary philosophy of prioritizing what is within the realm of possibility vs measuring actual risk associated with a pesticide use or application. Any proposed mitigation and restrictions would therefore not take real life conditions into consideration.

Potential mitigation options are on page 92-93 of the BE:

1. *Restricting bait station placement to within five feet of man-made structures in areas with listed mammals that are small enough to enter bait stations. This mitigation measure would reduce the likelihood that bait stations will be placed in the species habitat. This mitigation measure is intended to reduce the potential for primary exposure.*

PCOC Response: Rodenticides used for the control of commensal rodents' limit application within 100 ft of synthetic structures. These restrictions also specifically exclude a fence line, bringing the application of FGARS, SGARS, and Non-Anticoagulant rodenticides to the proximity to buildings. In California, rodenticide application is restricted to within 50 feet of a structure with applications from 51-100 feet only if there is justification for the application based on conducive conditions or signs of activity. One of the purposes of using rodenticide bait around the exterior of a structure is to help prevent a rodent from entering the building. The distance a rat travels from their nest is significant. In current literature, it states that a rat can travel up to 450 feet from its nest (*Handbook of Pest Control*, Mallis, pg. 48) and additional research shows that it can be further than that. With these distances, keeping a rodenticide bait that close to the structure may not provide the level of protection that the structure may require.

2. *Mandatory carcass searches and carcass disposal for SGAR products applied in structural use sites. This mitigation measure is intended to reduce the potential for secondary exposure.*

PCOC Response: This process would make this service cost prohibitive. Returning to the property on a reoccurring basis will impose significant investment in human capital on the service provider that the client will end up paying. With the range that rats travel, rodents are living and harboring in neighboring properties and beyond, making carcass search and removal ineffective due to the limited search and access restrictions.

Ms. Dana Friedman, Chief, Risk Management Branch 1
Docket EPA-HQ-OPP-2023-0567; Comment for the Draft Biological Evaluation, Effects Determinations, and Mitigation Strategy for Federally Listed, Proposed Endangered, and Threatened Species and Designated and Proposed Critical Habitats

- 3. Prohibiting use in areas or at times of the year when listed secondary consumers might be exposed (i.e., if species are active or in the area). FWS determined this measure was needed to protect listed species in the previous biological opinions for the rodenticide products Rozol Prairie Dog Bait and Kaput-D Prairie Dog Bait. This measure would reduce exposure to predators and scavengers and is intended to reduce the potential for secondary exposure.*

PCOC response: This approach could render the products useless by preventing the use of bait when the pests are most active and the baits are most effective. This measure may also result in high rodent populations since it allows only intermittent control. This technique will lead to more rodenticide application to bring down the high rodent populations. For example, baiting for ground squirrels is proven to be most effective starting in the late spring through the fall into the winter ([California Ground Squirrels / Citrus / Agriculture: Pest Management Guidelines / UC Statewide IPM Program \(UC IPM\) \(ucanr.edu\)](#)).

- 4. Users would need to monitor open burrows for dead animals after below-ground in-burrow applications made in fields and other non-structural use sites. For this mitigation measure users would need to check burrows at specific times depending on the toxicity of the active ingredient. For example, users applying strychnine, zinc phosphide, and bromethalin would need to check burrows between 48 and 96 hours after application to allow for consumption of bait and death. For chlorophacinone, diphacinone, and cholecalciferol, users would need to check burrows between 96 hours and 4 weeks after application to allow for consumption of bait and death. This mitigation measure is intended to reduce exposure to secondary consumers (those that feed on carrion or tertiary consumers).*

PCOC response: This is an extension of carcass search and removal applied to non-structural applications. In this situation, the carcass search and removal would be even more difficult due to the size of the treatment area. In this case, one of the target pests are ground squirrels which utilize an open burrow system described above. Dr. Baldwin from University of California Agriculture and Natural Resources (UC ANR) conducted a study that showed that most ground squirrels succumb to the bait in their burrows making carcass search not a productive use of time and money for the client ([An assessment of secondary toxicity risk for 0.005% diphacinone treated grain via three application strategies for California ground squirrels.](#)

[https://baldwin.ucdavis.edu/files/6716/4788/3666/Final_Report--Baldwin et al. Ground squirrel diphacinone residue.pdf](https://baldwin.ucdavis.edu/files/6716/4788/3666/Final_Report--Baldwin%20et%20al.%20Ground%20squirrel%20diphacinone%20residue.pdf)


February 13, 2024

Page 4 of 4

Ms. Dana Friedman, Chief, Risk Management Branch 1
Docket EPA-HQ-OPP-2023-0567; Comment for the Draft Biological Evaluation, Effects Determinations, and Mitigation Strategy for Federally Listed, Proposed Endangered, and Threatened Species and Designated and Proposed Critical Habitats

The PCOC leaders and membership is counting on U.S. EPA to reconsider many mitigations that are proposed in the PID and draft BE. The organization is grateful of U.S. EPA's stated interest in observing a demonstration of a rodent job. The PCOC is hopeful that through public comments and upcoming demonstrations, U.S. EPA can build upon their understanding rodent control complexities. It is PCOC hope that U.S. EPA uses their expanded understanding to finalize mitigation measures that achieve the agency's goals without disrupting the safe and effective use patterns of the professionals.

Sincerely,



Michael E. Wilson

CEO

Pest Control Operators of California

michael@pcoc.org

Attachments:

cc: Mary Hernandez, PCOC President

mary@hernandezsewing.com

Darren Van Steenwyk, M.S., BCE, PCOC Regulatory Committee Chair

dvansteenwyk@spraguepest.com