National Pest Management Association
Our Mission is Your Protection

Analysis of Rodenticides Draft Biological Evaluation

On November 30th, the U.S. EPA Office of Pesticide Programs published its Draft Biological Evaluation for 11 rodenticides. These rodenticides are described below:

- Chlorophacinone
- Diphacinone and its sodium salt
- Warfarin and its sodium salt
- Brodifacoum
- Bromadiolone
- Difenacoum
- Difethialone
- Bromethalin
- Cholecalciferol
- Strychnine
- Zinc phosphide

High-level Summary	
What is a Draft Biological Evaluation (BE)?	Biological evaluations are the beginning of EPA's Endangered Species Act consultation review process for pesticides where the agency determines whether the pesticide "may affect" one or more individuals of a listed species and their designated critical habitats.
Comment Due Date	Public comment period closes on January 29th, 2024.
Concerns/Issues	• Inaccurate Species Range Maps • Unsupported Effects Determinations • Unrealistic mitigation measures • Unaddressed mitigation measures carried over from Proposed Interim Decision
Action Items	NPMA members should provide their feedback using the EPA Rodenticides Draft BE Feeback Form.

What is a Draft Biological Evaluation (BE)?

The purpose of this draft BE is to make effect determinations and predict whether there is a potential likelihood that current registrations of 11 rodenticides may lead to a future jeopardy or adverse modification finding by U.S. Fish and Wildlife Service for listed species and their critical habitats. This draft BE also identifies possible mitigation measures, as part of the Rodenticide Strategy, that are intended to avoid potential jeopardy and minimize take for species that could potentially be jeopardized or adversely affected.

What opportunities will NPMA have to provide feedback to EPA?

NPMA will be submitting public comments to EPA before the current January 29th deadline. NPMA has requested that the Agency extend the deadline by 60 days; however, we will continue to operate under the assumption that the current deadline will not be changed.

In addition to public comments, NPMA will be meeting with the Agency to discuss industry's concerns with the draft Biological Evaluation, and will also be hosting a full day event with EPA staff in Spring of 2024, during which we will review the contents of both the draft Biological Evaluation and the Proposed Interim Decisions (PID).

What are industry's key concerns with the draft BE?

1) EPA has included inaccurate/outdated information related to the ranges of listed species in the draft BE. Given that the new mitigation measures included in the draft BE only apply to applications made within these species' ranges, it is important that the Agency refine these species' ranges to prevent unnecessary modifications to the way our applicators perform rodent jobs. Furthermore, to best protect listed species, EPA should have accurate information about these species' ranges.

2) EPA has proposed new mitigation measures, three of which are particularly concerning to the professional structural applicator community. These three mitigation measures are:
    a. *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.*
    b. *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.*
    c. *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.*

    To better understand these mitigation measures and their potential impact, NPMA will be looking into which listed mammals are small enough to enter bait stations and requesting that EPA set parameters around carcass searches.

    When responding to the draft BE, NPMA will need to focus on challenging the science used to develop mitigation measures, ranges, etc. The Biological Evaluation process is different than the Proposed Interim Decision process in that EPA is less interested in hearing from stakeholders about business concerns (e.g. cost), and is more focused on receiving feedback on topics such as exposure, methodology, etc.

3) Other concerns include unsupported effects determinations, errors in use patterns for specific active ingredients, and unchanged mitigation measures carried over from the Proposed Interim Decisions.

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What's next?

1) NPMA will be working with other stakeholders (registrants, agriculture, etc.) to identify which groups are best suited to comment on specific topics included in the draft BE.
2) NPMA will redesign our Spring "field trip" with EPA to cover industry's perspective on the mitigation measures included in the draft BE.
3) If NPMA members would like to weigh in on the draft BE, we encourage you to use the EPA Rodenticides Draft BE Feedback Form to provide thoughts/perspective that NPMA can incorporate in our public comments.

Frequently Asked Questions:

Q) I saw that RUP status was still included in the draft BE. Does that mean that RUP status is final?
A) No. EPA indicated that comments and conversations the Agency had related to the PID would not be reflected in the draft BE. NPMA is still working with the Agency on alternative solutions that remove/lessen the burden of RUP status.

Q) Should state associations submit comments?
A) State associations are welcome to submit comments; however, NPMA will not be mirroring the all-hands-on deck approach we took to responding to the PIDs. If your state association chooses to comment, please be sure that your tone and tenor is respectful, and that your comments are sensitive to EPA's goal of protecting listed species. NPMA is happy to review any comments prior to submission.

Q) What should I include in the feedback form?
A) You are free to provide any feedback you would like. NPMA would benefit from local knowledge of wildlife and additional perspective on the feasibility of these mitigation measures (e.g. excluding cost, can they actually be done?).

Q) Where can I see the current species ranges?
A) To see these species ranges and critical habitats, please review pages 99-101 of the Draft Biological Evaluation on Rodenticides.

Q) Where can I see a list of all the proposed mitigation measures in both the draft BE and the PIDs?
A) To see a crosswalk of all proposed mitigation measures, please review pages 95-97 of the Draft Biological Evaluation on Rodenticides.

Questions?

All questions on the draft BE on Rodenticides can be directed to J.D. Darr, NPMA's Director of Legislative and Regulatory Affairs, who can be reached at jdarr@pestworld.org or (703) 618-1303.