



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

OFFICE OF CHEMICAL SAFETY AND  
POLLUTION PREVENTION

January 4, 2024

**MEMORANDUM**

**SUBJECT:** Memorandum to Extend the Public Comment Period for EPA's Draft Endangered Species Act (ESA) Biological Evaluation for the Registration Review of 11 Rodenticides

**FROM:** Jan Matuszko, Director  
Environmental Fate and Effects Division Office of Pesticide Programs

This memorandum extends the comment period on the EPA's Draft Endangered Species Act (ESA) Biological Evaluation for the Registration Review of 11 Rodenticides (Rodenticides BE) currently posted to the public docket at <https://www.regulations.gov>, docket number EPA-HQ-OPP-2023-0365. The comment period is extended for 15 days, from January 29, 2024 to February 13, 2024.

On November 29, 2023, EPA released the Draft Rodenticides BE for public review and comment. The original deadline for submitting comments on these documents was 60 days from the date of posting. EPA has received several requests from stakeholders, including the Rodenticide Task Force, American Farm Bureau Federation, Crop Life America and over twenty national or state crop or use specific organizations to extend the comment period by 60 days asserting the complexity of the BE, the number of species for which the Agency has made predictions of the potential likelihood of future jeopardy/adverse modification, the breadth of the associated mitigations, and that the comment period spans the holiday season.

After careful consideration of these requests, EPA has determined that an extension of 15 days (total of 75 days of public comment) is appropriate because the draft strategy included in the rodenticide BE is one of its first attempts to lay out how the Agency plans to address mitigation for a group of pesticides (rodenticides) going forward to address potential impacts to listed species earlier in the process in a different, more efficient manner.

EPA has determined that an extension for more than 15 days is not appropriate for the following reasons: (1) stakeholders were already aware that a 60-day comment period would begin in November based on the settlement agreement in *Ctr. for Biological Diversity v. EPA*, No 3:11-cv-0293 (N.D. Cal.); (2) the methodology EPA used to make effects determinations in the draft BE is consistent with the methodology that the Agency used for the pilot ESA species in the 2022 rodenticide proposed interim decisions (PIDs), for which EPA took public comment; (3) EPA built the draft mitigations upon the previous mitigation proposals from the 2022 PIDs and pilot program for which EPA took public comment; (4) the number of species evaluated in this BE is consistent with other biological evaluations for which EPA provided a 60-day comment period; and (5) EPA expects that stakeholders will have additional opportunities to comment

during the comment period(s) on any draft biological opinion(s) for these rodenticides.

EPA appreciates the engagement of such a broad range of stakeholders in its ESA efforts. EPA is willing to meet with stakeholders and organizations to answer questions about the draft Rodenticide BE to better focus any comments that are submitted to the Agency during the public comment period.