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A Regulatory Update on Rodenticides for California Applicators (Abstract)

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ABSTRACT: Recent increased regulatory restrictions on the use of a first-generation anticoagulant rodenticide, diphacinone, were put into place in California in January 2024 by the passage of California Assembly Bill 1322 in late 2023. Second-generation anticoagulant rodenticides were listed as California Restricted Materials in 2014, and their uses were further restricted in 2021 with the passage of California Assembly Bill 1788. As a result of the passage of AB 1322, diphacinone was added to the Restricted Materials list and prohibited for use in all areas of the state except for specific exceptional uses and sites. Specific requirements for rodenticide applicators using diphacinone are described, along with exceptions to restrictions, as well as other related regulatory requirements for rodenticide users.

KEY WORDS: AB1322, AB1788, California, California Department of Pesticide Regulation, diphacinone, first-generation anticoagulant rodenticides, PRESCRIBE, regulations, rodenticides, second-generation anticoagulant rodenticides

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Due to concern about significant adverse impacts to non-target wildlife attributed to second-generation anticoagulant rodenticides (SGARs) in California, the California Department of Pesticide Regulation (CDPR) initiated a reevaluation of second-generation anticoagulant rodenticides brodifacoum, bromadiolone, difenacoum, and difethialone in 2019 (CDPR Notice 2019-03). With the passage of California Assembly Bill (AB) 1788 in September 2020, California prohibited most uses of second-generation anticoagulant rodenticides beginning in January 2021 (CDPR Notice 2023-06). The uses of first-generation anticoagulant rodenticides were not limited by AB1788. A reevaluation of diphacinone was initiated in June of 2023 by CDPR following a State Court appeal of the 2018 CDPR investigation of rodenticide data submitted to the Department, along with concern over findings submitted by the California Department of Fish and Wildlife (CDFW) and other wildlife advocacy groups of increased potential losses and wildlife exposures occurring at that time (CDPR Notice 2023-06). On October 13, 2023, passage of AB1322 resulted in amendment to Food and Agricultural Code (FAC) section 12978.7 prohibiting certain uses of diphacinone due to concern about threat to mountain lions and other wildlife from the use of diphacinone products. The bill also established standards, including the conclusion of the diphacinone reevaluation, that are necessary to remove the prohibition, and that effective beginning January 1, 2024 most uses of rodenticides containing diphacinone were prohibited in California. This prohibition will remain in effect until CDPR's director certifies completion of the diphacinone reevaluation, in concurrence and consultation with CDFW, and possible adoption of additional use restrictions necessary to protect wildlife. Limited exemptions for specified activities, such as agriculture, and use in locations necessary for public health and safety, were provided for by AB1322 (CDPR Notice 24-03) (CDPR ENF 2023-19). In addition to requirements set on FGARs and SGARs by AB1788 in 2021 and AB1322 in 2024, pest control operators are also reminded to follow the label requirement to consult US EPA

endangered species bulletins, as provided for on certain rodenticide product labels. When such requirements are listed on labels, pest control operators may obtain information about complying with US EPA endangered species bulletins by using CDPR's Pesticide Regulation's Endangered Species Custom Realtime Internet Bulletin Engine (CDPR PRESCRIBE), an online web and smart-phone application tool provided by CDPR to identify the presence of threatened and endangered species at locations where pesticide applications are taking place, and to identify specific use limitations placed on the products in use at the particular location in conjunction with the pesticide products in use at the time.

LITERATURE CITED

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