



# BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003  
202-543-5450 phone ■ 202-543-4791 fax  
info@beyondpesticides.org ■ www.beyondpesticides.org

December 17, 2013

Mike T. Duke  
Chief Operating Officer  
President and Chief Executive Officer  
Walmart Stores, Inc.  
702 Southwest 8<sup>th</sup> Street  
Bentonville, AR 72716

*Re: Care About Kids this Holiday and Stop Selling Dangerous d-CON Products*

Dear Mr. Duke:

We are writing to request that Walmart makes the right choice to care about kids and pets and remove from its store shelves the loose pellet and granule rodenticide baits that the U.S. Environmental Protection has slated for cancellation. In this case, we believe that Walmart should comply with EPA's rodenticide safety standards and remove affected d-CON rodenticide products (cited below). It is the choice to care about kids and use Walmart's position as the largest national retailer to effect positive change. Yes, we understand that Walmart has the legal right to sell hazardous products that are subject to legal wrangling, but that does not mean it is the right decision for your consumers' and their families' health. We urge you, especially during this holiday season when families are gathering, to remove this danger.

As you may know, early in 2013 EPA announced its decision to move forward with a Notice of Intent to Cancel the registration of 12 rodenticide products manufactured by Reckitt Benckiser LLC. This action from EPA came only after the company refused to adopt voluntary risk mitigation measures in 2008 to reduce children's exposures. The mitigation measures involve rodent bait forms in secured, tamper-resistant bait stations, instead of loose pellet and granule baits which children can more readily access, as well as eliminating the most toxic and persistent pesticide active ingredients. On March 6, 2013, the company challenged EPA's decision, which delays for potentially years a ban that otherwise would have taken effect on March 7, 2013. This was the first time in more than 20 years that a company declined to implement EPA risk mitigation measures for pesticide products.

## **The Road to Reducing Rodenticide Risks**

Between 1993 and 2008, the American Association of Poison Control Centers logged somewhere in the range of 12,000 to 15,000 reports of rat and mouse poison exposures each year for children under the age of six. These numbers and other concerns about pet and non-target wildlife exposures spurred EPA to renew its efforts to establish better protections for children and the environment.

In 2008, EPA issued a risk mitigation decision that establishes stronger risk mitigation restrictions for the sale and use of ten active ingredients found in various registered rodenticide products. Because exposure in the home presented some of the greatest risks, some of the primary protective measures targeted consumer-use products, those sold for internal, residential use, and some outdoor residential uses in stores like Walmart.

EPA went through an extensive scientific review and transparent notice and comment process before establishing its protective risk mitigation measures. These protective restrictions prohibited the sale of “loose” rodenticide bait, such as pellets, powders, and liquids and required all such consumer-use baits be sold with protective bait stations. The mitigation measures also prohibited active ingredients brodifacoum, difethialone, bromadiolone, or difenacoum –otherwise known as second-generation anticoagulants (SGARs)– in any consumer-use products by establishing minimum packaging size standards.

Giving rodenticide manufacturers three years to implement the new protective measures, EPA requested that manufacturers adopt the risk mitigation measures by June 2011. Rodenticide manufacturers that failed or refused to adopt the standards by that time would face EPA enforcement actions to remove and cancel their products.

### **No Room for Risky Rodenticides**

Four manufacturers of unsafe rodenticide products failed to implement the risk mitigation requirements. Following through on its word and knowing that the science and data supported its safety standards, EPA initiated cancellation proceedings against one of the largest manufactures of the unsafe form of rodenticide: Reckitt Benckiser LLC.

The following are the products for which EPA is seeking cancellation because they fail to meet the safety standards established to protect children, pets, and wildlife:

<b>Manufacturer</b>	<b>EPA Registration Number</b>	<b>Product Name</b>
Reckitt Benckiser LLC	3282-3	D-CON CONCENTRATE KILLS RATS & MICE
Reckitt Benckiser LLC	3282-4	D-CON READY MIXED KILLS RATS & MICE
Reckitt Benckiser LLC	3282-9	D-CON MOUSE PRUFE KILLS MICE
Reckitt Benckiser LLC	3282-15	D-CON PELLETS KILLS RATS & MICE
Reckitt Benckiser LLC	3282-65	D-CON MOUSE PRUFE II
Reckitt Benckiser LLC	3282-66	D-CON PELLETS GENERATION II
Reckitt Benckiser LLC	3282-74	D-CON BAIT PELLETS II
Reckitt Benckiser LLC	3282-81	D-CON READY MIXED GENERATION II
Reckitt Benckiser LLC	3282-85	D-CON MOUSE-PRUFE III
Reckitt Benckiser LLC	3282-86	D-CON BAIT PELLETS III
Reckitt Benckiser LLC	3282-87	D-CON II READY MIX BAITBITS III
Reckitt Benckiser LLC	3282-88	D-CON BAIT PACKS III

In the agency's own words, "EPA has determined that all of these rodenticide products cause, or would cause, unreasonable adverse effects on the environment because they are sold for residential consumer use in controlling commensal rodents in and around buildings in forms and for means of placement that do not adequately protect against access by children, companion and domesticated animals, and non-target wildlife."<sup>1</sup>

**Rather than adopt EPA's safety standards and take the appropriate action, Reckitt Benckiser has challenged EPA, using legal stalling tactics to defer the improved safety of children, pets, and wildlife everywhere.**

We call upon Walmart to let Reckitt Benckiser know that it does not support placing children, pets, and wildlife in danger. We call upon Walmart to make the right choice and care about kids and remove these dangerous products from store shelves.

We appreciate your consideration of our request. Please do not hesitate to contact us if you would like us to provide you with additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Feldman", with a long horizontal flourish extending to the right.

Jay Feldman  
Executive Director

---

<sup>1</sup> U.S. Environmental Protection Agency, *Statement of Reasons and Factual Basis for Notice Intent to Cancel Registrations of, and Notice of Denial of Applications for, Certain Rodenticide Bait Products*, January 29, 2013, at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2013-0049-0003>.