



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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April 4, 2024

The Honorable David A. Bennett
Chairman
House Committee on Environment and Natural Resources
82 Smith Street
Providence, Rhode Island 02903

RE: H 7783 An Act Relating to Health and Safety – Pesticide Control

Dear Chairman Bennett,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 7783, which would prohibit all pesticides registered as second generation anticoagulant rodenticides (SGARs). DEM has concerns with this legislation.

Second generation anticoagulant rodenticides are a class of pesticides used to control rodents such as rats and mice. Although they typically kill rodents with a single feeding, SGARs remain in animal tissue for longer which means they pose greater risks to nontarget species that may consume them. Due to this concern, the U.S. Environmental Protection Agency (EPA) has instituted restrictions on the sale and use of SGARs intended to discourage homeowner use. For example, they are not allowed to be sold in consumer stores including drug stores, grocery stores, hardware stores, club stores and similar retail outlets. There are also requirements relating to the minimum size of containers that may be sold and the use of tamper-resistant bait stations in certain circumstances such as if children, pets or nontarget wildlife may have access.

DEM's concerns with this legislation are twofold. While we recognize that they pose a threat to nontarget animal species, they remain a valuable tool for addressing rodent infestations that may damage property, including agricultural crops, if left uncontrolled. The EPA announced in late 2022 that it was requiring additional risk mitigation measures for SGARs and would be conducting an endangered species pilot to assess the risk posed by rodenticides to three species listed under the Endangered Species Act.¹ The pilot will help to inform EPA determine if additional mitigation measures are necessary to protect endangered species. DEM would prefer to allow the EPA to complete its work before taking state-level actions relating to SGARs.

¹ <https://www.epa.gov/pesticides/epa-proposes-new-mitigation-measures-rodenticides-including-pilot-protecting-endangered>

DEM's second concern with this legislation relates to the specific language in the bill. The bill does not specifically state whether its intent is to prohibit the sale of SGARs, use of SGARs, or something else entirely. If the intent is to prohibit the sale of SGARs, it would be extremely difficult for DEM to implement the prohibition based upon the exemptions included in the bill. An entity selling the product would not know, nor be able to verify, how the purchaser intends to use SGARs or if that use is ultimately in compliance with the legislation.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Ryan Mulcahey, DEM Director of Legislative Affairs, at ryan.mulcahey@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terrence Gray". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Terrence Gray, P.E.
Director

cc: Members of the House Committee on Environment and Natural Resources
The Honorable Rebecca Kislak
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House
Lynne Urbani, House Policy Director