



October 29, 2009

**Comments of the Natural Resources Defense Council on
“Carbaryl; Notice of Receipt of a Request To Voluntarily Cancel Pesticide
Registrations To Terminate Use of Certain Products”**

74 Federal Register 54045 (October 21, 2009)

Docket ID: EPA-HQ-OPP-2008-0347

On October 21, 2009, the U.S. Environmental Protection Agency (EPA) announced receipt of a request by registrant Wellmark International to voluntarily cancel the pet collar uses for the pesticide carbaryl. This action would terminate the last carbaryl pet products registered for use in the U.S. In that notice, EPA also announced that the registrant would be able to continue selling and distributing all existing stocks of the product until December 30, 2010. In addition, other persons can also sell and/or use existing stocks of the products until such stocks are exhausted.

NRDC is very pleased by this announcement to cancel the remaining pet product uses for carbaryl. In November, 2007 NRDC petitioned EPA to cancel all pet product registrations for carbaryl, citing concerns about the use of carbaryl in pet collar uses.¹ Specifically, NRDC identified a concern that the exposure assessment failed to consider that pets sleep with household children, share intimate play space with children (floors, rugs, dusty corners, etc.), and share hugs and kisses with children.

In April 2009, NRDC released a report showing that pesticide residues on pets' fur as a result of pet collar use are dangerously high, even two weeks after the pet collar had been attached. This report, *Poison on Pets II: Toxic Chemicals in Flea and Tick Collars*, focused on two pesticides, propoxur and tetrachlorvinphos, commonly found in pet collars. After a collar had been attached to the pet, dangerously high residues of those

¹ Petition from the Natural Resources Defense Council to Cancel Carbaryl and Propoxur for Pet Collar Uses; November 26, 2007.

pesticides were detected on pet fur at levels that could cause serious neurological and cancer risks in children.² Although carbaryl-impregnated pet collars were not included in the report, it is reasonable to suspect that unsafe levels of carbaryl residue could also be left on pet fur from pet collar use.

Now the registrant Wellmark has decided to voluntarily cancel its pet collar registrations. We commend Wellmark for taking this step to remove this dangerous use of carbaryl off the shelves.

However, we have two concerns. First, we believe that the effective date of the cancellation should be sooner than is proposed. The notice states that the cancellation will be effective September 30, 2010 – after which Wellmark will no longer be able to product these products. Again, we are concerned that these products can expose young children and families to unsafe levels of carbaryl residues on their pets. As such, having the cancellation order effective immediately would provide more protection to public health than would delaying the cancellation by almost one year.

Second, we are very concerned about the treatment of the existing stocks of the products. EPA explained that the cancellation will include instructions on existing stocks. First, Wellmark is allowed to use and sell these products through the end of 2010 – well after the registration has been cancelled. Sale or distribution of the product may occur after 2010, but only to facilitate disposal or export of the product. On the other hand, persons other than Wellmark may sell and use existing stocks of the product until those stocks are exhausted. This suggests that the sale and use of these pet collar products could continue well beyond 2010.

This existing stock provision means that families with small children will continue to be exposed to dangerous levels of a toxic chemical long after the registration has been canceled. The potential harm will be just as great one year from now as it is today. We believe that this is both a dangerous chemical and a dangerous use of this chemical, which should be prohibited from the market immediately. As such, rather than allow the continued use of the stocks, the EPA should immediately terminate all distribution, sales, and use of the pet collar uses except for the purpose of disposing of the products permanently when the cancellation order is issued.

We are also concerned that the existing stock provision will allow export of these products out of the U.S. even after 2010, when stocks will not be allowed to be sold in the U.S. Generally, pesticide manufacturers prefer to voluntarily cancel high risk products rather than have EPA issue a ban on those products. When a ban is issued, Prior Informed Consent (PIC) listing is triggered, according to the Rotterdam Convention which entered into force in early 2004.³ The Convention creates legally binding obligations for the implementation of the Prior Informed Consent (PIC) procedure for pesticides that have been banned or severely restricted for health or environmental

² Rotkim-Ellman, M and Solomon, G. Poison on Pets II: Toxic Chemicals in Flea and Tick Collars. April 2009. Available at <http://www.nrdc.org/health/poisonsonpets/files/poisonsonpets.pdf>.

³ Rotterdam Convention <http://www.pic.int/home.php?type=t&id=5&sid=16>

reasons. PIC requirements including labeling and obligations to inform other Parties of a national ban or restrictions. At this time, there are 29 pesticides subject to PIC procedures.⁴

To avoid PIC listing, manufacturers will instead issue a quiet voluntary cancellation, thereby leaving open international markets and trade options. We find this practice morally reprehensible as it results in the transfer of high risk products to other countries, where environmental, occupational, and public health protections can be far weaker than the protections in the U.S. Rather than continue exposing families around the world to this toxic product, EPA should immediately prohibit the existing stocks of pet collar products containing carbaryl from both the U.S. and the international market.

Sincerely,

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⁴ See Annex III of the Rotterdam Convention for a list of chemicals currently subject to the PIC procedure <http://www.pic.int/home.php?type=t&id=29>