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10 UNITED STATES
11 ENVIRONMENTAL PROTECTION AGENCY
12 BEFORE THE ADMINISTRATOR

13 In the Matter of:

14 Reckitt Benckiser LLC, et al.,

15) FIFRA Docket No. 661
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29 **MOTION TO INTERVENE by**
30 **AMERICAN BIRD CONSERVANCY, CENTER FOR BIOLOGICAL DIVERSITY**
31 **DEFENDERS OF WILDLIFE, and SIERRA CLUB**

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1 **INTRODUCTION**

2 Pursuant to 40 C.F.R. §§ 164.31 and 164.60, the American Bird Conservancy, Center for
3 Biological Diversity, Defenders of Wildlife, and Sierra Club (collectively, “Wildlife Groups”) move
4 to intervene in these proceedings challenging a decision by the U.S. Environmental Protection
5 Agency (“EPA”) to cancel and deny registration of certain rodenticides manufactured by Reckitt
6 Benckiser LLC (“Reckitt”). As set forth below, the Wildlife Groups are all too familiar with the
7 unintended yet devastating impact that the poisons at issue are having on our native foxes, bobcats,
8 raptors, and other “non-target” animals. They have worked for years to secure reasonable and
9 prudent restrictions on rodenticides to prevent further harm to wildlife, and their advocacy was
10 instrumental in prompting EPA to impose the safeguards now under scrutiny by this Tribunal. The
11 Wildlife Groups respectfully request that they be granted leave to intervene in these proceedings to
12 defend EPA’s cancellation decision from an unwarranted and unfounded industry attack.

13 **BACKGROUND**

14 **Regulatory History**

15 The present cancellation proceedings stem from EPA’s longstanding efforts to bring
16 rodenticides into compliance with the Federal Insecticide, Fungicide, and Rodenticide Act
17 (“FIFRA”). The facts pertinent to the Wildlife Groups’ motion to intervene are as follows. FIFRA
18 generally prohibits the sale of any pesticide that is not registered by EPA. 7 U.S.C. § 136a(a). Prior
19 to registration, EPA must ensure that the pesticide “will perform its intended function without
20 unreasonable adverse effects on the environment.” 7 U.S.C. § 136a(c)(5). Rodenticides are
21 pesticides, so they must be registered in accordance with FIFRA. 7 U.S.C. § 136(t) and (u).

22 In 1988, Congress amended FIFRA to require EPA to “reregister” all pesticides that had been
23 registered prior to November 1, 1984. 7 U.S.C. § 136a-1. Reregistration involves several phases of
24 data gathering and review, at the end of which EPA must reconsider whether the pesticide meets the
25 requirements for registration under FIFRA – *i.e.*, whether it can be used without causing
26 unreasonable adverse effects on the environment. 7 U.S.C. § 136a-1(g)(2)(C).

27 Consistent with the statutory process described above, EPA issued a risk mitigation decision
28 (“RMD”) in 2008 that set forth the agency’s “final decision on the reregistration eligibility” of the

1 rodenticide products at issue herein and set the stage for these proceedings. RMD at 1. The RMD
2 identifies three categories of rodenticides: “first-generation anticoagulants,” which interfere with
3 blood-clotting and cause the animal to bleed to death; “second-generation anticoagulants,” which
4 have the same mode of action but are generally more potent; and “non-anticoagulants,” which have
5 alternative modes of action. RMD at 2. The RMD concludes that each of these three categories of
6 rodenticides “poses significant risks to non-target wildlife when applied as grain-based bait
7 products.” RMD at 7. It explains that “[t]he risks to wildlife are from primary exposure (direct
8 consumption of rodenticide bait) for all compounds and secondary exposure (consumption of prey
9 by predators or scavengers with rodenticide stored in body tissues) from the anticoagulants.” RMD
10 at 7. The RMD finds that “[s]econdary exposure to the second-generation anticoagulants is
11 particularly problematic, due to these compounds’ high toxicity and long persistence in body
12 tissues.” RMD at 7. According to the RMD:

13 Incident reports have identified many taxa of non-target animals exposed to
14 rodenticides. . . . In approximately 50% of those incidents, necropsy reports indicate
15 that it is highly probable that a second-generation anticoagulant was the cause of
16 death. . . . *EPA believes that widespread exposures to second-generation
17 anticoagulants are occurring wherever those rodenticides are being used.*

18 RMD at 8 (emphasis added).

19 In an effort to mitigate the risks to wildlife, the RMD establishes four specific measures
20 intended to “minimiz[e] the availability of second-generation anticoagulants on the consumer
21 market, and hence the overall amount of use . . .”¹ RMD at 12. In the absence of these mitigation
22 measures, the RMD concludes that the rodenticides at issue “would present unreasonable risks
23 inconsistent with FIFRA.” RMD at 25. Accordingly, the RMD provides that “should a registrant
24 fail to implement any of the risk mitigation measures identified in [the RMD], the [EPA] may take
25 regulatory action.” RMD at 25.

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¹ As set forth in detail in the RMD, the mitigation measures established by EPA include: (1)
“minimum package size requirements” designed to make second-generation anticoagulants less
attractive to non-professional consumers; (2) “use site restrictions” intended to limit use of second-
generation anticoagulants in residential settings; (3) “sale and distribution restrictions” designed to
limit non-professional access to second-generation anticoagulants; and (4) a requirement that all
outdoor, above-ground placements of second-generation anticoagulants be placed in bait stations
designed to prevent direct access to bait by non-target animals.

1 **The Instant Proceedings**

2 Most rodenticide manufacturers adopted voluntarily the mitigation measures set forth in
3 EPA's 2008 RMD. Three manufacturers – Reckitt, Liphatech, and Spectrum Group – declined to do
4 so. EPA therefore issued a draft notice on November 2, 2011 of its intent to cancel registration of
5 the non-conforming rodenticide products and to deny registration of several new rodenticide
6 products developed by the three companies that were also inconsistent with the RMD. Following
7 EPA's draft notice of intent, Liphatech and Spectrum Group finally accepted voluntary cancellation
8 of their non-conforming rodenticides products. Their acquiescence left British-based Reckitt as the
9 lone manufacturer still refusing to comply with EPA's 2008 RMD.

10 On February 5, 2013, EPA published final notice of its intent to cancel or deny registration of
11 14 Reckitt rodenticide products that do not comply with the 2008 RMD, all of which are marketed
12 under the brand-name "d-CON." *See* 78 Fed. Reg. 8123 (Feb. 5, 2013). Most of the products
13 identified in the notice run afoul of the 2008 RMD, because they are packaged and marketed for
14 consumer use without protective bait stations and contain a second-generation anticoagulant. As
15 such, they pose a significant and unreasonable risk to non-target wildlife. *Id.* at 8125.

16 On March 6, 2013, Reckitt filed objections to EPA's notice of intent to cancel and requested
17 a hearing pursuant to sections 6(b) and 3(c)(6) of FIFRA, 7 U.S.C. §§ 136d(b) and 136a(c)(6), thus
18 launching the instant proceedings.² Among other things, Reckitt disputes the factual and legal basis
19 for EPA's conclusion that the d-CON products at issue pose an unreasonable risk to non-target
20 wildlife. EPA published notice of Reckitt's objections on April 17, 2013. 78 Fed. Reg. 22876. EPA
21 has yet to publish notice of a hearing on the matter, together with a statement of the issues, in
22 accordance with 40 C.F.R. § 164.8. A prehearing conference has not been scheduled. *Id.*, §164.50.

23 By e-mail dated April 23, 2013, counsel for the Wildlife Groups' notified counsel for EPA
24 and the entities that have requested a hearing that the Wildlife Groups intended to move to intervene
25 in these proceedings. *See* Decl. of Gregory C. Loarie at ¶ 2, submitted herewith. Counsel for EPA

26 ² Shortly after Reckitt filed its objections, three other entities filed their own requests for a hearing
27 on the notice of intent to cancel: the Louisville Apartment Association, the Greater Cincinnati
28 Northern Kentucky Apartment Association and Do it Best Corp. These groups are aligned with
Reckitt and object to cancellation.

1 advised that EPA did not object to the Wildlife Groups' intervention. *Id.* at ¶ 3. Counsel for Reckitt
2 advised that Reckitt would not take a position on the Wildlife Groups' intervention until it reviewed
3 the Wildlife Groups' moving papers. *Id.* at ¶ 4. A representative of the Greater Cincinnati Northern
4 Kentucky Apartment Association advised that his organization did not take a position on
5 intervention; the other two hearing-requesters did not respond. *Id.* at ¶¶ 5-6.

6 **The Wildlife Groups**

7 The organizations seeking to intervene in these proceedings are non-profit, public-interest
8 groups dedicated to environmental conservation and the protection of America's natural heritage.
9 As detailed below, each organization has worked for years to reduce exposure of wildlife to
10 rodenticides. The organizations have been involved at every key juncture in the reregistration
11 process for rodenticides described above, through the submission of substantive comments,
12 attendance at stakeholder meetings, and through other means. They worked tirelessly to achieve the
13 safety measures set forth in EPA's 2008 RMD, and they have a compelling interest in the outcome
14 of these proceedings challenging the basis for those safety measures.

15 American Bird Conservancy ("ABC") is a not-for-profit organization, whose mission is to
16 conserve native birds and their habitats throughout the Americas. *See* Decl. of Cynthia Palmer in
17 Supp. of Mot. to Int. ("Palmer Decl.") at ¶ 3, submitted herewith. ABC works to safeguard the rarest
18 bird species, restore bird habitats, and reduce threats to key species. *Id.* The organization has been
19 actively involved in the campaign to restrict the use of rodenticides, contributing to scholarly
20 publications on rodenticide risks, developing a monitoring system for avian pesticide exposures, and
21 working to raise awareness regarding rodenticides risks. *Id.* at ¶¶ 4-5. ABC has also been an active
22 participant in EPA proceedings related to the regulation of rodenticides and has submitted a number
23 of comment letters in response to EPA's risk mitigation measures. *Id.* at ¶ 5 and Exh. 1-6 thereto.
24 ABC also participated in a joint meeting with EPA to discuss wildlife exposures to rodenticides and
25 mitigation measures to reduce rodenticide risks. *Id.* Implementation of risk mitigation measures for
26 rodenticide use are important to members of ABC, as they are committed to the conservation of bird
27 species and appreciate viewing bird species in their native habitats. *Id.* at ¶ 8.

1 Center for Biological Diversity (the “Center”) is a not-for-profit organization, whose mission
2 is to protect the diverse native species and habitats of North America through science, policy,
3 education, and environmental law. *See* Decl. of Jonathan Evans in Supp. of Mot. to Int. (“Evans
4 Decl.”) at ¶ 3, submitted herewith. The Center has a long-standing campaign to eliminate the threats
5 to imperiled species posed by pesticides, and as part of that campaign it has worked to improve the
6 evaluation and monitoring of pesticides and their effects on such species. The Center has developed
7 reports and publications regarding the harms of pesticides on endangered species and engaged the
8 public and other non-profit organizations to lend support to the campaign. Evans Decl. at ¶ 4. The
9 regulation of rodenticides has been one of the key areas of the Center’s pesticides campaign, and the
10 Center submitted comments in the proceedings leading up to EPA’s notice of intent to cancel. *Id.* at
11 ¶ 5 and Exh. 1 thereto. The Center supports EPA’s decision to cancel the Reckitt products at issue,
12 and seeks to defend EPA’s decision. *Id.* at ¶¶ 7-8. Allowing the Reckitt products to remain on the
13 market would lead to the deaths of endangered and other key wildlife species, and would harm the
14 Center’s members, who are committed to wildlife conservation and enjoy viewing wildlife in their
15 native habitats. *Id.* at ¶ 9.

16 Defenders of Wildlife (“Defenders”) is a not-for-profit organization dedicated to conserving
17 and restoring native species and the habitat upon which they depend. *See* Decl. of Jason Rylander in
18 Supp. of Mot. to Int. (“Rylander Decl.”) at ¶ 3, submitted herewith. Defenders is committed to
19 protecting imperiled wildlife from the threats posed by harmful pesticides, and it has worked to
20 reform the pesticide approval process, has petitioned for restrictions on and cancellation of harmful
21 pesticides, and has been a participant in litigation relating to pesticide regulation. *Id.* at ¶ 4.
22 Defenders is actively involved in the campaign to restrict the use of rodenticides, and as part of that
23 campaign it has submitted comments to EPA supporting additional restrictions for rodenticide use.
24 *Id.* at ¶¶ 4-6 and Exh. 1-5 thereto. Defenders also participated in a meeting with EPA to discuss
25 wildlife exposures to rodenticides and mitigation measures to reduce rodenticide risks. *Id.* Allowing
26 the Reckitt products at issue to remain on the market would result in the deaths of endangered and
27 imperiled species. *Id.* at ¶ 10. Allowing these products to remain on the market could also lead to
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1 larger ecosystem imbalances, as key species are removed from the food web. *Id.* These effects
2 would harm Defenders and its members. *Id.*

3 Sierra Club is a not-for-profit organization, whose mission is to protect the wild places of the
4 earth, to promote the responsible use of the earth's ecosystems and resources, and to protect and
5 restore the quality of the natural and human environment. *See* Decl. of Andrew Christie in Supp. of
6 Mot. to Int. ("Christie Decl.") at ¶ 3, submitted herewith. The Sierra Club has worked for years to
7 protect wildlife from the effects of rodenticides and other industrial chemicals in ecosystems. *Id.* at
8 ¶ 4. Sierra Club has been actively involved in campaigning to restrict rodenticides, and as part of
9 this campaign it has submitted comments supporting EPA's mitigation measures. *Id.* at ¶¶ 4-5 and
10 Exh. 1 thereto. Sierra Club and its members would be harmed by the continued use of the
11 rodenticides at issue, as their ability to enjoy viewing wild animals in their native habitats and to
12 protect and promote healthy ecosystems would be adversely affected. *Id.* at ¶ 9.

13 STANDARD FOR INTERVENTION

14 Part 164, Subpart B, of Title 40 Code of Federal Regulations governs proceedings
15 "concerning refusals to register [and] cancellations of registration." 40 C.F.R. §164.3. The
16 regulations provide that "[a]ny person may file a motion for leave to intervene in a hearing
17 conducted under this subpart." 40 C.F.R. § 164.31(a). A motion to intervene must set forth: (1) "the
18 grounds for the proposed intervention"; (2) "the position and interest of the movant in the
19 proceeding"; and (3) whether the movant intends to file certain responsive documents. *Id.* *See also*
20 *In the Matter of Albauch, Inc.*, No. FIFRA-98-H-02, 1998 WL 422222 (E.P.A. June 29, 1998)
21 (noting that 40 C.F.R. §164.31 sets forth the standards for intervention in pesticide cancellation
22 proceedings).

23 If motion to intervene is timely filed, "[l]eave to intervene will be freely granted but only
24 insofar as such leave raises matters which are pertinent to and do not unreasonably broaden the
25 issues already presented." 40 C.F.R. § 164.31(c). Once leave to intervene in cancellation
26 proceedings is granted, "the movant shall thereby become a party with the full status of the original
27 parties to the proceedings." *Id.*

1 **ARGUMENT**

2 **I. The Wildlife Groups Have Compelling Grounds for Intervention.**

3 The Wildlife Groups have compelling grounds for intervention in these cancellation
4 proceedings: (1) they have a long history of involvement with rodenticides issues, including active
5 participation in prior EPA actions that have precipitated these cancellation proceedings; (2) their
6 involvement has provided them with a great degree of expertise on rodenticides issues, particularly
7 the adverse effects of rodenticides on wildlife; and (3) Reckitt seeks to overturn safeguards that the
8 Wildlife Groups invested significant time and resources to secure.

9 As noted above, the Wildlife Groups have longstanding campaigns dedicated to reducing the
10 impact of rodenticides on non-target wildlife. *See* Evans Decl. at ¶¶ 4-5; Palmer Decl. at ¶¶ 4-5;
11 Christie Decl. at ¶¶ 4-5; Rylander Decl. at ¶¶ 4-6. As part of their campaigns, they have been
12 consistent participants in the administrative process that culminated in both the 2008 RMD and the
13 notice of intent to cancel now at issue. The Wildlife Groups have met with EPA to advocate for
14 robust mitigation measures for rodenticides and submitted formal comments to EPA at multiple
15 junctures. *Id.*

16 As a result of their long involvement with rodenticides, the Wildlife Groups have developed
17 a deep body of knowledge on the effects of rodenticides on wildlife. For example, they have
18 developed monitoring systems to track the effects of rodenticides on wildlife. *See* Evans Decl. at ¶
19 5; Palmer Decl. at ¶ 4. They have also authored articles and reports regarding the wildlife risks
20 associated with rodenticide use. *See id.*; Rylander Decl. at ¶ 5. Participation in these proceedings
21 would allow the Wildlife Groups to contribute their extensive knowledge of the adverse effects of
22 rodenticides on non-target wildlife to these proceedings.

23 Reckitt and its allies dispute the factual and legal basis for both EPA's cancellation decision
24 and the mitigation measures set forth in the 2008 RMD. The Wildlife Groups support EPA's 2008
25 RMD and the mitigation measures set forth therein to reduce exposure to non-target wildlife. *See*
26 Evans Decl. at ¶ 5; Palmer Decl. at ¶¶ 5, 7; Christie Decl. at ¶¶ 5, 7; Rylander Decl. at ¶¶ 6, 8. By
27 intervening in these proceedings, the Wildlife Groups seek to defend important mitigation measures
28 that were a direct result of their sustained advocacy and hard work.

1 The Wildlife Groups' grounds for intervention in these proceedings are akin to grounds that
2 this Tribunal found sufficient for intervention in another recent proceeding, *In re Request to Reduce*
3 *Pre-Harvest Interval for EBDC Fungicides on Potatoes*, EPA-HQ-OPP-2007-0181, 2007 WL
4 3311648 (September 18, 2007). That matter involved a hearing on the modification of a cancellation
5 order imposing time limitations on when a pesticide used on potatoes could be applied. This
6 Tribunal granted an environmental group leave to participate based on evidence that the group was
7 "dedicated to protection of public health and the environment" and that its members would be
8 "significantly and adversely affected" by any modification to the cancellation order. *Id.* at *2, n5. A
9 trade group was also granted leave to intervene, based on evidence that its members would "be
10 substantially affected by the outcome of this proceeding" and that it intended to support the position
11 of one of the parties to the proceeding. *Id.* at *2-3.

12 Like the members of the environmental organization and trade group in *In re Request to*
13 *Reduce Pre-Harvest*, the Wildlife Groups' members will be substantially affected by the outcome of
14 these proceedings, as their interest in wildlife conservation will be injured by the continued use of
15 rodenticides at issue. *See* Evans Decl. at ¶ 9; Palmer Decl. at ¶ 8; Christie Decl. at ¶ 9; Rylander
16 Decl. at ¶ 10. Like the trade group the potato proceedings, the Wildlife Groups seek to support
17 EPA's decision. *See* Evans Decl. at ¶ 5; Palmer Decl. at ¶¶ 5, 7; Christie Decl. at ¶¶ 5,7; Rylander
18 Decl. at ¶¶ 6, 8.

19 In sum, the Wildlife Groups have clear and compelling grounds for intervention.

20 **II. The Wildlife Groups' Position Is That Cancellation Is Warranted, and Their Interest Is**
21 **in Defending EPA's Cancellation Decision.**

22 The Wildlife Groups' position is that the mitigation measures set forth in the 2008 RMD are
23 reasonable and appropriate. *See* Evans Decl. at ¶ 5, 7-8; Palmer Decl. at ¶¶ 5, 7; Christie Decl. at ¶¶
24 5,7; Rylander Decl. at ¶¶ 6, 8. While the Wildlife Groups believe that additional restrictions on
25 rodenticides – above and beyond those set forth in the 2008 RMD – are also necessary, they fully
26 support EPA's decision to cancel rodenticide products that do not comply with the minimum
27 restrictions of the 2008 RMD. *Id.* The Wildlife Groups deny the allegations set forth in Reckitt
28 Benckiser's March 6, 2013 statement of objections.

1 As detailed above, the Wildlife Groups are organizations dedicated to the conservation and
2 restoration of native ecosystems and the animals that inhabit them. *See* Evans Decl. at ¶ 3; Palmer
3 Decl. at ¶ 3, Rylander Decl. at ¶¶ 3-4; Christie Decl. at ¶ 3. Their goal is to prevent further
4 poisoning of the animals by rodenticides, and they seek cancellation of all rodenticides that pose
5 unreasonable risk to non-target wildlife. Accordingly, their interest is in defending EPA’s decision
6 to cancel the rodenticides at issue in these proceedings.

7 **III. The Wildlife Groups Propose to File a Response to EPA’s Statement of Issues as**
8 **Specified by the Rules Governing these Proceedings.**

9 A motion to intervene in FIFRA cancellation proceedings must “set forth . . . the documents
10 proposed to be filed pursuant to either § 164.22 or § 164.24.” 40 C.F.R. § 164.31(b).

11 Section 164.22 provides for the filing of “*objections* to an order of [EPA] of . . . refusal to
12 register, or . . . intent to cancel registration . . .” 40 C.F.R. § 164.22, emphasis added. Here, the
13 Wildlife Groups do not object to – but rather support – EPA’s intent to cancel registration of the
14 rodenticides at issue. Accordingly, the Wildlife Groups do not propose to file objections under
15 section 164.22.

16 Section 164.24, in turn, provides that “any person wishing to participate in any proceeding
17 commenced pursuant to a notice of [EPA] of intention to hold a hearing shall file . . . a written
18 response to [EPA’s] statement of issues.” 40 C.F.R. § 164.24. To date, EPA has not yet published
19 “notice[] of intention . . . to hold a hearing, together with a statement of issues” in accordance with
20 40 C.F.R. § 164.8. At such time as EPA publishes notice of its intent to hold a hearing, the Wildlife
21 Groups propose to file a written response to EPA’s statement of issues “within the time set by [EPA]
22 in the notice.” *Id.*, § 164.24.

23 **IV. The Wildlife Groups’ Motion to Intervene Is Timely.**

24 The regulations that govern pesticide cancellation proceedings provide that “[a] motion for
25 leave to intervene in a hearing must ordinarily be filed prior to the commencement of the first
26 prehearing conference.” 40 C.F.R. § 164.31(b).

27 Here, the prehearing conference has yet to be scheduled, and EPA has yet to publish notice of
28 its intention to hold a hearing. The Wildlife Groups have filed their motion less than two months

1 after Reckitt filed its notice of objections and request for a hearing. The Wildlife Groups' motion is
2 timely. *See, e.g., In re Request to Reduce Pre-Harvest Interval*, 2007 WL 3311648 (motion filed to
3 intervene in proceedings under Section 6 of FIFRA is timely where notice of hearing was published
4 on July 11, 2007 and motion to intervene was filed on August 30, 2007).

5 **V. The Wildlife Groups Seek to Raise Matters that Are Pertinent to and Will Not Broaden**
6 **the Issues Already Presented.**

7 If a motion to intervene is timely filed, “[l]eave to intervene will be freely granted but only
8 insofar as such leave raises matters which are pertinent to and do not unreasonably broaden the
9 issues already presented.” 40 C.F.R. § 164.31(c). *See also In the Matter of Rohm and Haas*
10 *Company*, FIFRA Docket No. 613, 1987 WL 419161, *7 fn15 (E.P.A. Many 29, 1987) (recognizing
11 that leave to intervene in pesticide cancellation proceedings is “freely granted”). Here, the Wildlife
12 Groups seek to respond directly to the issues already presented and do not intend to broaden those
13 issues. The Wildlife Groups should therefore be granted leave to intervene.

14 If they are granted leave to intervene, the Wildlife Groups intend to counter the arguments
15 made by Reckitt and demonstrate that: (1) EPA complied with the necessary procedural
16 requirements for cancellation of pesticide registrations and denial of registration applications under
17 FIFRA; (2) EPA complied, to the extent necessary, with Executive Orders 12866 and 13563; (3) the
18 products at issue pose unreasonable risks to wildlife; and (4) there are alternatives available which
19 would allow for affordable and effective rodent control. Reckitt has also made a number of claims,
20 which are unsupported by scientific studies and literature, regarding the lack of risks posed by its
21 rodenticides to wildlife. Thus, in addition to the issues outlined above, the Wildlife Groups intend to
22 rebut these unsubstantiated claims made by Reckitt.

23 In short, all of the matters which the Wildlife Groups seek to raise are pertinent to these
24 proceedings, since they are directly responsive to the arguments made by Reckitt in its statement of
25 objections. For the same reasons, the issues raised by the Wildlife Groups do not broaden the scope
26 of the pending cancellation proceedings.

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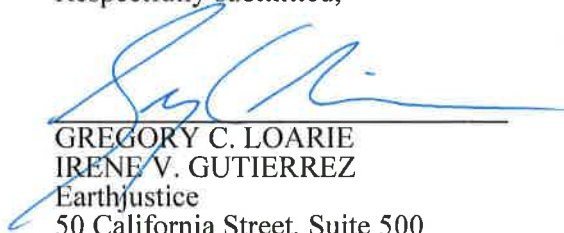
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CONCLUSION

The Wildlife Groups have worked long and hard to secure the cancellation of rodenticides that do not comply with the basic restrictions established by EPA in the 2008 RMD. They ask for leave to intervene in these proceedings to support EPA and continue their advocacy for much-needed regulation of dangerous rodenticides.

Respectfully submitted,



Dated: April 26, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2013, the following documents:

- **MOTION TO INTERVENE by AMERICAN BIRD CONSERVANCY, CENTER FOR BIOLOGICAL DIVERSITY DEFENDERS OF WILDLIFE, and SIERRA CLUB** (dated April 26, 2013);
- **DECLARATION OF CYNTHIA PALMER OF THE AMERICAN BIRD CONSERVANCY IN SUPPORT OF MOTION TO INTERVENE** (dated April 23, 2013);
- **DECLARATION OF JONATHAN EVANS OF THE CENTER FOR BIOLOGICAL DIVERSITY IN SUPPORT OF MOTION TO INTERVENE** (dated April 18, 2013);
- **DECLARATION OF JASON C. RYLANDER OF DEFENDERS OF WILDLIFE IN SUPPORT OF MOTION TO INTERVENE** (dated April 17, 2013);
- **DECLARATION OF GREGORY C. LOARIE IN SUPPORT OF MOTION TO INTERVENE** (dated April 26, 2013); **and**
- **DECLARATION OF ANDREW CHRISTIE OF SIERRA CLUB – SANTA LUCIA CHAPTER IN SUPPORT OF MOTION TO INTERVENE** (dated April 22, 2013)

were served at the addresses listed below in the manner indicated.

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