

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

In the Matter of:

Reckitt Benckiser LLC, et al.

EPA Reg. Nos. 3282-3, 3282-4, 3282-9,  
3282-15, 3282-66, 3282-74, 3282-81,  
3282-85, 3282-86, 3282-87, and 3282-88;  
Application Nos. 3282-RNU and 3282-  
RNL

FIFRA Docket No. 661

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**PETITIONER'S REBUTTAL PREHEARING EXCHANGE**

Reckitt Benckiser LLC ("Petitioner") hereby respectfully submits, in accordance with the Court's Prehearing Order dated February 10, 2014, its rebuttal prehearing exchange of discovery materials.

1. Witnesses and Expected Testimony

**Vincent L. Ford.** Mr. Ford is a former inspector with the District of Columbia's Office of Consumer and Regulatory Affairs (DCRA) with decades of experience as a building inspector. Mr. Ford will testify as a fact and expert witness concerning the impact that rodent infestations can have on the structural integrity and safety of buildings, including multi-unit buildings such as apartments. He also will testify concerning the difficulty of rodent control in urban, multi-unit dwellings and the respective roles of landlords, tenant, and professional pest control applicators in rodent control efforts within the District of Columbia.

**Forrest St. Aubin.** Mr. St. Aubin is a Board Certified Entomologist and nationally recognized pest management consultant. He currently serves as a consultant to the urban pest management

industry and legal profession, as well as Chair of the Associate Certified Entomologist program of the Entomological Society of America. He is an author of many articles concerning food plant and health care pest management, structural pest control and medical entomology.

Mr. St. Aubin will be called as a fact and expert witness. He is expected to testify concerning the pest control practices of professional pest control operators, including the role of rodenticides in integrated pest control.

\* \* \* \* \*

Petitioner reserves the right to call any of the witnesses identified by the other parties for the purposes of direct and/or rebuttal testimony, and also reserves the right to call any witness identified in Petitioner's pre-hearing exchange of primary discovery materials, and/or supplements thereto, for the purpose of rebuttal testimony.


2. Exhibits

A list of all documentary and physical exhibits that at this time Petitioner intends to introduce also is attached. In accordance with the February 25, 2014 Order on Joint Motion Concerning the Prehearing Exchange, electronic copies of all paper exhibits will be transmitted to the parties in electronic format on a CD. Petitioner reserves the right to supplement the list of exhibits upon adequate notice to the other parties. Petitioner also reserves the right to use any exhibits produced by the other parties, or produced in Petitioner's pre-hearing exchange of primary discovery materials, and/or supplements thereto, in Petitioner's direct and/or rebuttal case.

As noted in Petitioner's March 14, and 20, 2014 submissions, in an abundance of caution, and in order to ensure that Petitioner is not interpreted to have waived any future claim of confidentiality with respect to documents PRX 579 and PRX 618, which Petitioner asserts contains confidential business information ("CBI"), Petitioner has provided only a redacted copy of that document to the non-EPA parties of record to this proceeding at this time. Petitioner stands ready to provide non-redacted versions of the document to the non-EPA parties in accordance with orders or other directives to be issued in this proceeding, including orders relating to the joint motion for a protective order submitted by the parties on March 28, 2014.

Respectfully submitted,

Dated: 4.4.14

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**CERTIFICATE OF SERVICE**

I certify that the foregoing Petitioner's Rebuttal Prehearing Exchange dated April 4, 2014, was served at the addresses listed below in the manner indicated.



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Reckitt Benckiser's Rebuttal Exhibit List  
April 4, 2014

Exhibit No.	Description
PRX 578	Centers for Disease Control and Prevention, <i>Integrated Pest Management: Conducting Urban Rodent Surveys</i> , US Department of Health and Human Services (2006).
PRX 579	Sample, B.E., Fairbrother, A., Kaiser, A., Law, S. and Adams, B., 2014. Sensitivity of Ecological Soil Screening Levels for Metals to Exposure Model Parameterization and Toxicity Reference Values. *This document contains CBI.
PRX 580	Memorandum from Dr. John Elliot, Environment Canada, to Dr. Gerald Bowes, Cal/EPA, re: "Review of the Cal/EPA Department of Pesticide Regulation's Assessment of the Hazard Posed by Second Generation Anticoagulant Rodenticides to Non-Target Oganisms [sic]" (Feb. 22, 2013).
PRX 581	Forrest St. Aubin CV
PRX 582	Vincent L. Ford CV
PRX 583	EPA, <i>Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis</i> (Apr. 2013).
PRX 584	Lisa P. Jackson, The White House Blog, "Reducing Pollution For All American Families," Feb. 14, 2013.
PRX 585	EPA, <i>Plan EJ 2014 Progress Report</i> (Feb. 2013).
PRX 586	EPA, "Obama Administration Announces Commitments to Protect the Health of Every American/ Agencies publish environmental justice strategies designed to ensure that all communities are protected from environmental harm and benefit from federal programs," Press Release, Feb. 27, 2012.
PRX 587	Centers for Disease Control and Prevention, "Trap Up! Trap rodents around the home and help reduce the rodent population," available at <a href="http://www.cdc.gov/rodents/prevent_infestations/trap_up.html">http://www.cdc.gov/rodents/prevent_infestations/trap_up.html</a> .
PRX 588	U.S. Environmental Protection Agency, <i>Determination of the Appropriate FQPA Safety Factor(s) in Tolerance Assessment</i> (Feb. 28, 2002).
PRX 589	Dorman, D.C., Zachary, J.F., and Buck, W.B., <i>Neuropathologic Findings of Bromethalin Toxicosis in the Cat</i> , 29 Vet. Pathol. 139 (1992).
PRX 590	Dorman, D.C., Simon, J., Harlin, K.A., and Buck, W.B., <i>Diagnosis of bromethalin toxicosis in the dog</i> , 2 J. Vet. Diagn. Invest. 123 (1990).
PRX 591	Dunayer, E., <i>Bromethalin: The other rodenticide</i> , Veterinary Medicine 732 (Sept. 2003).
PRX 592	Gwaltney-Brant, S.M. and Richardson, J.A., <i>Not All Rodenticides Are Alike!</i> , Proceedings 8th IVECCS (2002).
PRX 593	Steven M. Hall, Applied Safety and Ergonomics, Inc., <i>Reckitt Benckiser LLC Rodenticide Labeling Evaluation, Phase 2: Final Report</i> (Apr. 3, 2014).
PRX 594	<i>Top 10 Worst Rat Cities in the World</i> , Animal Planet, <a href="http://www.animalplanet.com/wild-animals/10-worst-rat-cites-in-the-world.htm">http://www.animalplanet.com/wild-animals/10-worst-rat-cites-in-the-world.htm</a> (last viewed Apr. 2, 2013).
PRX 595	<i>Logan Circle 'Rat Summit' stirs up Ideas for battling infestation</i> , CBS DC (Oct. 18, 2013), <a href="http://washington.cbslocal.com/2013/10/18/logan-circle-rat-summit-">http://washington.cbslocal.com/2013/10/18/logan-circle-rat-summit-</a>



	stirs-up-ideas-for-battling-infestation/ (last viewed Apr. 2, 2013).
PRX 596	Wilde, R., <i>NYC: Worst Rat Infestation in the World</i> , Breitbart (Jan. 24, 2014), <a href="http://www.breitbart.com/Big-Government/2014/01/24/NYC-Worst-Rat-Infestation-in%20he-World">http://www.breitbart.com/Big-Government/2014/01/24/NYC-Worst-Rat-Infestation-in%20he-World</a> (last viewed Apr. 2, 2013).
PRX 597	Wile, R., <i>This rat infestation map of New York City restaurants is the most disturbing thing you will see all day</i> , Business Insider (Feb. 18, 2014), available at <a href="http://www.breitbart.com/Big-Government/2014/01/24/NYC-Worst-Rat-Infestation-in%20he-World">http://www.breitbart.com/Big-Government/2014/01/24/NYC-Worst-Rat-Infestation-in%20he-World</a> (last viewed Apr. 2, 2013).
PRX 598	Block, D., <i>Bronx mom sues landlord after rats take bites of daughter</i> , Daily News (Aug. 5, 2009), <a href="http://www.nydailynews.com/new-york/bronx/bronx-mom-sues-landlord-rats-bites-daughter-article-1.398242">http://www.nydailynews.com/new-york/bronx/bronx-mom-sues-landlord-rats-bites-daughter-article-1.398242</a> (last viewed Apr. 2, 2013).
PRX 599	<i>Hantavirus pulmonary syndrome - Yosemite National Park</i> , World Health Organization (Sept. 4, 2012), <a href="http://www.who.int/csr/don/2012_09_04/en/">http://www.who.int/csr/don/2012_09_04/en/</a> (last viewed Apr. 2, 2013).
PRX 600	<i>Report: Louisiana baby with 100 small rat bites bled to death</i> , Associated Press (July 22, 2009), <a href="http://www.foxnews.com/story/2009/07/22/report-louisiana-baby-with-100-small-rat-bites-bled-to-death/">http://www.foxnews.com/story/2009/07/22/report-louisiana-baby-with-100-small-rat-bites-bled-to-death/</a> (last viewed Apr. 2, 2013).
PRX 601	Bowen, A., <i>100 New Yorkers bitten by rats each year</i> , Metro (Aug. 7, 2011), <a href="http://www.metro.us/newyork/news/local/2011/08/07/100-new-yorkers-bitten-by-rats-each-year/">http://www.metro.us/newyork/news/local/2011/08/07/100-new-yorkers-bitten-by-rats-each-year/</a> (last viewed Apr. 2, 2013).
PRX 602	<i>The rats of Telegraph Avenue</i> , Berkeleyside (Jan. 28, 2011), <a href="http://www.berkeleyside.com/2011/01/28/the-rats-of-telegraph-avenue/">http://www.berkeleyside.com/2011/01/28/the-rats-of-telegraph-avenue/</a> (last viewed Apr. 2, 2013).
PRX 603	<i>City says it is addressing Telegraph Avenue rat problem</i> , Berkeleyside (Feb. 10, 2011), <a href="http://www.berkeleyside.com/2011/02/10/city-says-it-is-addressing-telegraph-avenue-rat-problem/">http://www.berkeleyside.com/2011/02/10/city-says-it-is-addressing-telegraph-avenue-rat-problem/</a> (last viewed Apr. 2, 2013).
PRX 604	<i>Rodent Infestation Prompts Recall, Shut Down of Fremont Herb Community</i> , CBS SF Bay Area (July 26, 2012), <a href="http://sanfrancisco.cbslocal.com/2012/07/26/rodent-infestation-prompts-recall-shut-down-of-fremont-herb-company/">http://sanfrancisco.cbslocal.com/2012/07/26/rodent-infestation-prompts-recall-shut-down-of-fremont-herb-company/</a> (last viewed Apr. 2, 2013).
PRX 605	Ho, V., <i>Oh Rats! Neighbors get unwanted visitors</i> , SF Gate (Oct. 6, 2012), <a href="http://www.sfgate.com/bayarea/article/Oh-rats-Neighbors-get-unwanted-visitors-3925327.php">http://www.sfgate.com/bayarea/article/Oh-rats-Neighbors-get-unwanted-visitors-3925327.php</a> (last viewed Apr. 2, 2013).
PRX 606	<i>Oakland Coliseum concession workers complain of rat infestation</i> , KTVU (May 2, 2013), <a href="http://www.ktvu.com/news/news/local/oakland-coliseum-concession-workers-complain-rat-i/nXfWR/">http://www.ktvu.com/news/news/local/oakland-coliseum-concession-workers-complain-rat-i/nXfWR/</a> (last viewed Apr. 2, 2013).
PRX 607	Chuang, S., <i>Subway project stirs up rats issue in SF's SoMa District</i> , NBC Bay Area (Nov. 15, 2013), <a href="http://www.nbcbayarea.com/news/local/Subway-Project-Stirs-Up-Rats-Issue-in-SFs-SoMa-District-232004851.html">http://www.nbcbayarea.com/news/local/Subway-Project-Stirs-Up-Rats-Issue-in-SFs-SoMa-District-232004851.html</a> (last viewed Apr. 2, 2013).
PRX 608	Executive Order No. 12866, 58 Fed. Reg. 51735 (Oct. 4, 1993)
PRX 609	Executive Order No. 12898, 59 Fed. Reg. 7629 (Feb. 16, 1994)
PRX 610	Executive Order No. 13563, 76 Fed. Reg. 3821 (Jan. 21, 2011)
PRX 611	Corrigan, R.M. and Collins, D.C., 2004. The Possible Effects of Bait Container Design on Mouse Feeding Activity in Real-World Structural Baiting Situations. <i>Proc. 21<sup>st</sup> Vertebr. Pest Conf.</i> (R.M. Timm and W.P. Gorenzel, Eds.) Published at

	Univ. of Calif., Davis, 2004. Pp. 174-179.
PRX 612	Adameczyk K. and Walkowa, W., 1971. Compensation of numbers and production in a <i>Mus musculus</i> population as a result of partial removal. <i>Ann. Zool. Fennici</i> 8: 145-153.
PRX 613	Schumake, S.A., 1995. Electronic Rodent Repellent Devices: A Review of Efficacy Test Protocols and Regulatory Actions. <i>National Wildlife Research Center Repellents Conference</i> . Paper 34.
PRX 614	Smith, R.H., 1994. Chapter 5. Control Methods: Non- chemical and non-lethal chemical. In: <i>Rodent Pests and Their Control</i> , Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 109-125
PRX 615	Chiri, A., Jacobs, W., Becker, J., Kiely, T., White, K., Parsons, L., and Gross, W., 2004. Analysis of rodenticide bait use. Unpublished Report, Office of Pesticide Programs, U.S. Environmental Protection Agency, Washington, DC, 42 pp.
PRX 616	Bradbury, S.P., Feijtel, T.C.J. and Van Leeuwen, C.J., 2004. Meeting the Scientific Needs of Ecological Risk Assessment in a Regulatory Context. <i>Environmental Science and Technology</i> , 463A- 470A.
PRX 617	U.S. EPA Office of Pesticide Programs, <i>Integrated Pest Management in Buildings</i> , EPA 731-K-11-001 (Nov. 2011).
PRX 618	Meyer, C., <i>Modeled Change in Rodent Infestation Levels after Cancellation of Consumer Use of Second Generation Anticoagulant Rodenticides</i> (Apr. 2014). *This document contains CBI.
PRX 619	<i>A Review of the Reference Dose and Reference Concentration Processes</i> , EPA/630/P-02/002F, Final Report, prepared for the Risk Assessment Forum, U.S. Environmental Protection Agency (Dec. 2002).
PRX 620	MacDonald, D.W. and Fenn, M.G.P. (1994). Chapter 1. The Natural History of Rodents: Preadaptations to Pestilence. In: <i>Rodent Pests and Their Control</i> , Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 1-22.
PRX 621	Lund, M. (1994). Chapter 2. Commensal Rodents. In: <i>Rodent Pests and Their Control</i> . In : Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 23-44.
PRX 622	Gratz, N.G. (1994). Chapter 4. Rodents as Carriers of Disease. In: <i>Rodent Pests and Their Control</i> , Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 85-108.
PRX 623	Johnson, R.A. and Prescott, C.V. (1994). Chapter 7. The Laboratory Evaluation of Rodenticides. In: <i>Rodent Pests and Their Control</i> , Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 161-180.
PRX 624	Cowan, D.P. and Townsend, M.G. (1994). Chapter 8. Field Evaluation of Rodenticides. In: <i>Rodent Pests and Their Control</i> , Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 181-196.
PRX 625	Greaves, J.H. (1994). Chapter 9. Resistance to Anticoagulant Rodenticides. In: <i>Rodent Pests and Their Control</i> , Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 197-218.
PRX 626	Kaukeinen, D. (1994). Chapter 11. Rodent Control in Practice: Household, Pest Control Operators and Municipal Authorities. In: <i>Rodent Pests and Their Control</i> . In : Buckle, A.P. and Smith, R.H. (eds). Wallingford, Oxon, UK, CAB International. Pp. 249-272.



PRX 627	Sullivan, R. Chapter 2. "The City Rat." In <i>Rats: Observations on the History and Habits of the City's Most Unwanted Inhabitants</i> . New York: Bloomsbury, 2004. pp. 5-14.
PRX 628	Amazon.com "Central Life Sciences Just One Bite." Retrieved March 4, 2014.
PRX 629	Amazon.com "Motomco Jaguar Mouse and Rat Bait Chunx/Pail, 9 Pound." Retrieved March 4, 2014.
PRX 630	Amazon.com "Contra Blox Rodenticide - 18 lb. Pail." Retrieved March 4, 2014.
PRX 631	Amazon.com "Just1Bite 8 CT 16OZ Bar." Retrieved March 5, 2014.
PRX 632	Pasquale-Styles M.A., Sochaski, M.A., Dorman, D.C., Krell, W.S., Shah, A.K., and Schmidt, C.J., <i>Fatal Bromethalin Poisoning</i> , 51 J. Forensic Sci. 1154 (Sept. 2006).
PRX 633	Jacobs, W.W., 1992. Vertebrate pesticides no longer registered and factors contributing to loss of registration. In <i>Proc.: 15th Vertebrate Pest Conf.</i> , Borrecco, J.E. and Marsh, R.E. (eds), University of California at Davis, CA, 142-148.
PRX 634	U.S. Department of Commerce, "San Francisco County Quick Facts From the U.S. Census Bureau," available at <a href="http://quickfacts.census.gov/qfd/states/06/06075.html">http://quickfacts.census.gov/qfd/states/06/06075.html</a> (last viewed Apr. 2, 2014).
PRX 635	Murray, M., 2011. Anticoagulant rodenticide exposure and toxicosis in four species of birds of prey presented to a wildlife clinic in Massachusetts, 2006-2010. <i>J Zoo Wildl Med.</i> , 42:88-97.
PRX 636	Table of Statistics Concerning U.S. Households and Rodents; Children; and Pets