



## The Use of Rodenticide Bait Stations in Feed Mills and Elevators in Michigan

The MDARD Food Division uses one of its regulations, Regulation 553, Food Establishments, Rule 14 to require Food Establishments to use approved bait stations for rodenticide bait blocks and also to prohibit the use of rodenticide pellets and throw packs. Rule 14 states:

### **R 285.553.14 Animals, birds, and vermin control.**

Live birds or animals shall not be permitted in an establishment, except that a guide dog accompanying a blind person may be permitted in selling areas, and birds and animals may be permitted in the same building if caged or otherwise restrained and located a safe distance from all food operations as to eliminate the possibility of contamination by any means. Persons employed in the food area of an establishment shall not care for or handle any such birds or animals while on duty. Effective measures shall be taken to exclude pests from the processing and storage areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin, including, but not limited to, rodents and insects. **The use of insecticides or rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues.**

This Rule which gets its authority from the Food Law, Act 92 of 2000 can also be used by PPPMD for enforcement of the use of Rodenticide in feed mills and elevators. The definition of “Establishment” used in Rule 14 above from Regulation 533 states:

"Establishment" means a place where food is manufactured, handled, stored, prepared, offered for sale, or sold. The term includes bakeries, bottling plants, seasonal and municipal fruit and vegetable markets, **grain elevators, farm crop storages, feed mills**, frozen food plants, grocery stores, supermarkets, food warehouses, gas stations, and canning and preserving plants.

The inclusion of grain elevators, farm crop storages and feed mills as a “food establishment” is also helpful if enforcement is necessary for a violation of off- label use of a Rodenticide in a Feed Mill or Elevator. Many of the pesticide labels will prohibit the use of the Rodenticide in a “food establishment”, or if use is allowed on the label, the label may require the bait to be used in an approved bait station. The EPA has set guidelines for “approved bait stations” and are described at the following link: <http://www.epa.gov/pesticides/mice-and-rats/rodent-bait-station.html>

Another issue that I believe we will begin to deal with is a recommendation by the Pesticide Project Team concerning the placement of bait blocks in bait stations as Ready-To-Use or not Ready-To-Use. The recommendation reads:

## **Rodenticides and Ready-to-Use**

The team was asked to make a recommendation for when a rodenticide is considered to be ready-to-use. Based on a review of field staff recommendations and team discussion the following policy is offered for review and adoption:

A rodenticide is considered ready-to-use if the following application conditions exist:

1. The rodenticide is packaged for placement and the label does not require it to be placed in a tamper resistant bait station or allows for placement without a bait station in situations where children or domestic animals will not come into contact with rodenticide (throw packs, etc.).
2. The rodenticide is pre-packaged and does not require placement in a tamper resistant rodent bait station, but it is placed in such a station as an additional precaution (not required by label).
3. Some rodenticides are sold in bait stations and as such, placement of the station containing the rodenticide is considered the same as pre-packaged placement (#1 above).

**A rodenticide is not considered ready-to-use if the following application conditions exist:**

- 1. The rodenticide is pre-packaged and is required to be placed in a tamper resistant rodent bait station (since it is required by label then bait station is a piece of application equipment).**
- 2. The rodenticide is transferred from manufacturer's container into another service container before placement (such as a bucket).**

The typical approved bait station that might be in use in Michigan's feed mills and elevators requires inspection and placement of new bait blocks in the station as needed. The recommendation above would require the feed mill staff that services the bait station to be a certified pesticide applicator in categories 7A or 7D. An alternative to this type of bait station for the feed mill or elevator would be a pre-baited bait station that is disposed of once the bait is used up. This type of bait station would be considered Ready-To-Use and could be used by uncertified feed mill staff.

To sum it all up, if a Michigan feed mill or elevator uses a rodenticide, the rodenticide must be placed inside an approved bait station that is child and animal tamper proof, and if shaken, the bait will not fall out. The rodenticide label must also not prohibit its use in a food establishment. Also, if the bait station is the type that can be refilled with bait blocks, the person servicing the bait station must be commercially certified in category 7A or 7D.

All in all our best enforcement tool in the event a rodenticide is used inappropriately in a feed mill or elevator is Rule 9, Section 8311, Act 451 Pesticide Control which states:

Each person shall follow recommended and accepted good practices in the use of pesticides, including, but not limited to, use of a pesticide in a manner consistent with its labeling.

The above law authorizes the MDARD to write Warning Letters or NOI's in the event a rodenticide is used in a manner not consistent with the pesticide label.