

NATURAL RESOURCES DEFENSE COUNCIL

February 20, 2014

**By Electronic Case Filing**

Hon. Mark Langer  
Clerk of the Court  
United States Court of Appeals for the District of Columbia Circuit  
333 Constitution Ave., NW  
Washington, DC 20001

Re: *In re Natural Resources Defense Council, Inc.*, Case No. 14-1017  
Notice of Supplemental Authority

Dear Mr. Langer:

Pursuant to D.C. Circuit Rule 28(j), petitioner Natural Resources Defense Council, Inc. (NRDC) submits the following supplemental authorities: Environmental Protection Agency (EPA) Memorandum from Shalu Shelat to Kaitlin Keller, Propoxur: Occupational and Residential Exposure Assessment in Response to the Natural Resources Defense Council Petition for Pet Collars (Sept. 12, 2013), attached as Exhibit A; Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations, 79 Fed. Reg. 3,586 (Jan. 22, 2014), attached as Exhibit B; and correspondence between EPA and propoxur registrants, attached as Exhibit C.

NRDC seeks an order directing EPA to respond to NRDC's petitions to cancel certain pet uses of the pesticides propoxur and tetrachlorvinphos. Page 13 of NRDC's brief states that EPA had not released a revised risk assessment for propoxur. EPA did, in fact, without advising NRDC, publicly release a revised propoxur risk assessment on January 22, 2014. Ex. A. This assessment, like a prior one conducted by EPA, found "risks of concern" from exposure to propoxur-formulated flea collars. *Id.* at 6. On the same date it released this assessment, EPA published notice that registrants of propoxur-formulated flea collars have requested voluntary cancellation of their registrations. Ex. B. These voluntary cancellations, if finalized, would allow the registrants to continue to sell propoxur-formulated flea collars

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until April 1, 2016, and would allow others to sell existing stocks of these collars indefinitely. *Id.* at 2. EPA agreed to the unrestricted sale of existing stocks despite the agency's concerns that registrants may act to flood the market with products, Ex. C at 11, and representations by the registrants that they intend to increase manufacturing volume prior to cancellation, *id.* at 4.

NRDC's petition to EPA requested that it immediately cancel all pet collar uses of propoxur. Neither EPA's new risk assessment, which confirms that the public health risks from propoxur-formulated pet collars exceed EPA's own safety thresholds, nor the registrants' proposed voluntary cancellations, which leave these dangerous products on the shelves indefinitely, constitutes a response to NRDC's petition. The Court should order EPA to respond to NRDC's request to immediately cancel pet collar uses of propoxur.

Respectfully submitted,

/s/ Dimple Chaudhary

Dimple Chaudhary

Natural Resources Defense Council

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## CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Notice of Supplemental Authority upon all parties by overnight mail or hand delivery at the following addresses:

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Dated: February 20, 2014

By: /s/ Dimple Chaudhary  
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