

August 6, 2012

Via Email and U.S. Mail

Peet's Coffee & Tea, Inc. Board of Directors
1400 Park Avenue
Emeryville, CA 94608

Re: Proposed sale of Peet's Coffee & Tea, Inc. to Joh A. Benckiser

Dear Members of the Board:

We write on behalf of the Golden Gate Audubon Society, Marin Audubon Society, Monterey Peninsula Audubon Society, Mount Diablo Audubon Society, Napa Solano Audubon Society, Ohlone Audubon Society, Sequoia Audubon Society, and the Santa Clara Valley Audubon Society (collectively, "Audubon Chapters") to urge the Board of Directors to reconsider the potential sale of Peet's Coffee & Tea to Joh. A. Benckiser (JAB), which is also a major shareholder of Reckitt Benckiser.¹ Each of the Audubon Chapters is an independent chapter of the National Audubon Society and together we represent thousands of members in and around the San Francisco and Monterey Bay areas.

We are extremely concerned about the proposed sale of Peet's to JAB because of its connection with Reckitt Benckiser, a producer of several highly toxic rodenticides that have been found by the U.S. Environmental Protection Agency to "cause unreasonable adverse effects on the environment".² We are particularly concerned because these rodenticides are a known killer of raptors, including specially protected species such as the Golden Eagle and Burrowing Owl. Peet's has much better options than ownership by a company that affiliated with the production and distribution of highly toxic and unnecessary rodenticides that pose unreasonable risks to children, pets and wildlife.

Peet's has a well-deserved reputation for prioritizing community values, including environmental health and safety. The company prides itself on being a "good neighbor" and a "good steward of the earth's natural resources."³ These values are incongruous with ownership by a company that not only persists in the manufacture and global distribution of an unnecessarily dangerous poisons, but that also actively fights reasonable regulation of its dangerous products. In fact, when the US EPA proposed to remove certain Reckitt Benckiser products due to their unreasonable risks, the company actively fought the effort, even through filing lawsuits to delay action. This has resulted in years of continued use of the products, with deleterious effects on humans, pets, and wildlife. Notably, JAB has not taken any action to stop the activity.

We urge the Board of Directors to conduct due diligence before proceeding. This is not simply a matter of a few environmental groups voicing concern about chemical company or about the sale of any and all rodenticides and pesticides. Reckitt Benckiser sells *particularly* harmful products and it has continued to do so regardless of the harm or external costs associated with its actions. Indeed, the EPA recently published updated documentation of

¹ <http://www.bloomberg.com/news/2012-07-23/joh-a-benckiser-to-buy-peat-s-coffee-for-about-1-billion.html>

² U.S. EPA. 2011. *Cancellation for Certain Pesticides*. Available at

<http://www.epa.gov/oppsrrd1/reregistration/rodenticides/cancellation-process.html>. These products include rodenticides manufactured and sold by Reckitt Benckiser, including *D-Con Concentrate Kills Rats & Mice*, *D-Con Ready Mixed Kills Rats & Mice*, *D-Con Prufe Kills Mice*, *D-Con Pellets Kills Rats & Mice*, *D-Con Mouse Prufe II*, *D-Con Pellets Generation II*, *D-Con Bait Pellets II*, *D-Con Ready Mixed Generation II*, *D-Con Mouse-Prufe III*, *D-Con Bait Pellets III*, *D-Con II Ready Mix BaitBits III*, *D-Con Bait Packs III*, and *Generational Meal Bait Packs*.

³ http://www.peets.com/who_we_are/community_recycling.asp

ongoing unreasonable risks to children, pets, and non-target wildlife posed by these products.⁴ Moreover, the EPA has also found that economical alternatives are available, demonstrating that these products pose an *unnecessary* as well as unreasonable risk.⁵

Poisoning from rodenticides is a significant threat to many species of wildlife.⁶ Wild animals are harmed by ingesting these products or when a predator species like a hawk or an owl eats a poisoned rodent, which can be more easily scavenged or hunted by raptors. Some raptor species such as hawks and owls also frequently feed poisoned rodents to their young. The poison causes severe damage to the birds' digestive tracts, resulting in an extremely painful and inhumane death. The mortality of adults and chicks can contribute to declines of local populations of some species and hinder conservation efforts.

Thankfully, there is a growing public awareness about the problems posed by unnecessary and unreasonably harmful rodenticides such as those sold by Reckitt Benckiser.⁷ In November 2011, the City of San Francisco initiated its "Don't Take the Bait Campaign," which works with local business to remove the products on the EPA's list from store shelves in San Francisco. More municipalities and the State of California are poised to do the same. Reckitt Benckiser and its ilk are on the wrong side of this issue and the wrong side of history.

Peet's Coffee & Tea can and should do better. It is a strong company, with a popular and well-considered brand. It is associated with quality, tasteful products, and clean and hygienic stores and facilities. Ownership by an aggressive and callous purveyor of unnecessary and unreasonably toxic rodenticides will only tarnish that reputation, especially in Peet's home region of the Bay Area where residents are already expressing concerns about the sale. We urge you to take action now and to consider alternatives and consequences of the sale carefully.

Thank you for your consideration of our comments. If you would like to discuss this issue further, please do not hesitate to contact us at (510) 843-6551 or at mlynes@goldengateaudubon.org.

Michael Lynes
Conservation Director
Golden Gate Audubon Society

Shani Kleinhaus
Conservation Director
Santa Clara Valley Audubon

Evelyn Cormier
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Blake Matheson
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Monterey Audubon Society

Jennifer Rycenga
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Sequoia Audubon Society

Barbara Salzman
President
Marin Audubon Society

Jimm Edgar
President
Mount Diablo Audubon Society

Jerry Karr
Napa Solano Audubon Society

⁴ The scientific basis for the finding of unreasonable risks to children, pets and wildlife has been well documented by the EPA in *Risk Mitigation Decision for Ten Rodenticides* (May 28, 2008) (available at <http://tinyurl.com/7389m69>).

⁵ See online docket EPA-HQ-OPP-2011-0718, available at <http://tinyurl.com/77caz73>.

⁶ See, e.g., U.S. Fish & Wildlife Service. *Migratory Bird Poisonings*. Available at <http://tinyurl.com/6pzcaoy> (finding that 37% of eagles submitted to the Service's forensic lab for criminal investigations were found to be killed by poisons); see also Whitford, F., at all. *Pesticides and Wildlife*. Purdue University Cooperative Extension, available at <http://www.ppp.purdue.edu/Pubs/PPP30.html#wildlife>.

⁷ See <http://www.sfgate.com/homeandgarden/thedirt/article/Silent-spring-for-Bay-Area-s-raptors-3552179.php>



U.S. FISH & WILDLIFE SERVICE

MIGRATORY BIRD POISONINGS

Federal Criminal Investigators

Seek Reporting of Wildlife Poisoning Incidents

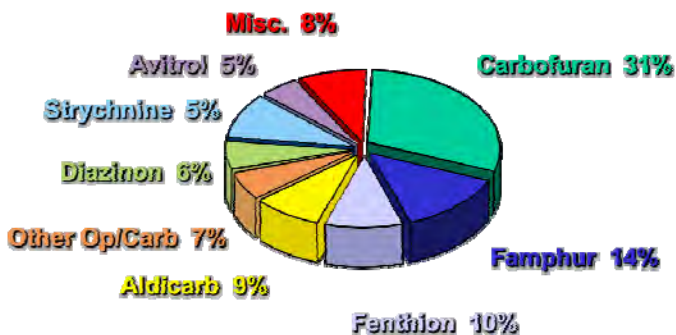
The victims range from dogs and cats to bald eagles, red-tailed hawks, crows, great horned owls, songbirds, and virtually every carnivore found across the United States. Thousands of animals die each year as the result of the intentional use of “poison” to kill any prey that consumes it. Wildlife poisoning is indiscriminate and may pose a significant hazard to endangered species, domestic animals, and even humans.



Commonly Used Poisons

The two most common “poisons” used unlawfully in the Southeast are Furadan (Carbofuran – labeled for alfalfa and corn crops) and Temik (Aldicarb – labeled for cotton and peanut crops). Both are carbamate insecticides that EPA has designated as “restricted-use pesticides.”

Of 190 poisoning cases worked by the USFWS National Fish and Wildlife Forensics Laboratory, 31% involved the use of Furadan; Temik was found in 9% of the poisonings.



FEDERAL LAWS

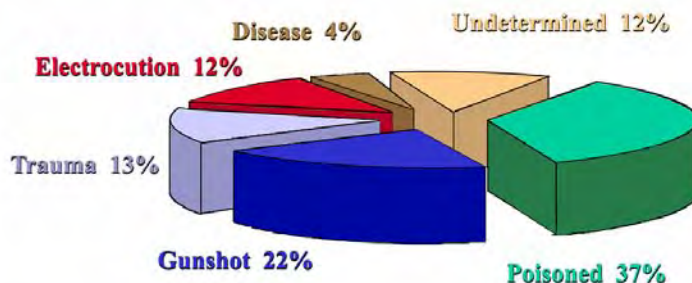
Migratory Bird Treaty Act

This federal wildlife law prohibits the killing of migratory birds such as eagles, hawks, owls, and songbirds. All poisoning incidents that involve the deaths of migratory birds violate this law and can result in a fine of up to \$15,000 and/or six months in prison.

Federal Insecticide, Fungicide, & Rodenticide Act

This federal law, in part, prohibits the use of restricted-use pesticides, such as Furadan and Temik, in a manner inconsistent with their labeling. The labels on these products specifically forbid their use on “bait.” The misuse and application of restricted-use pesticides on “bait” can result in penalties of up to \$100,000 and/or one year in prison.

Causes of Death in Eagles N=756 Carcasses



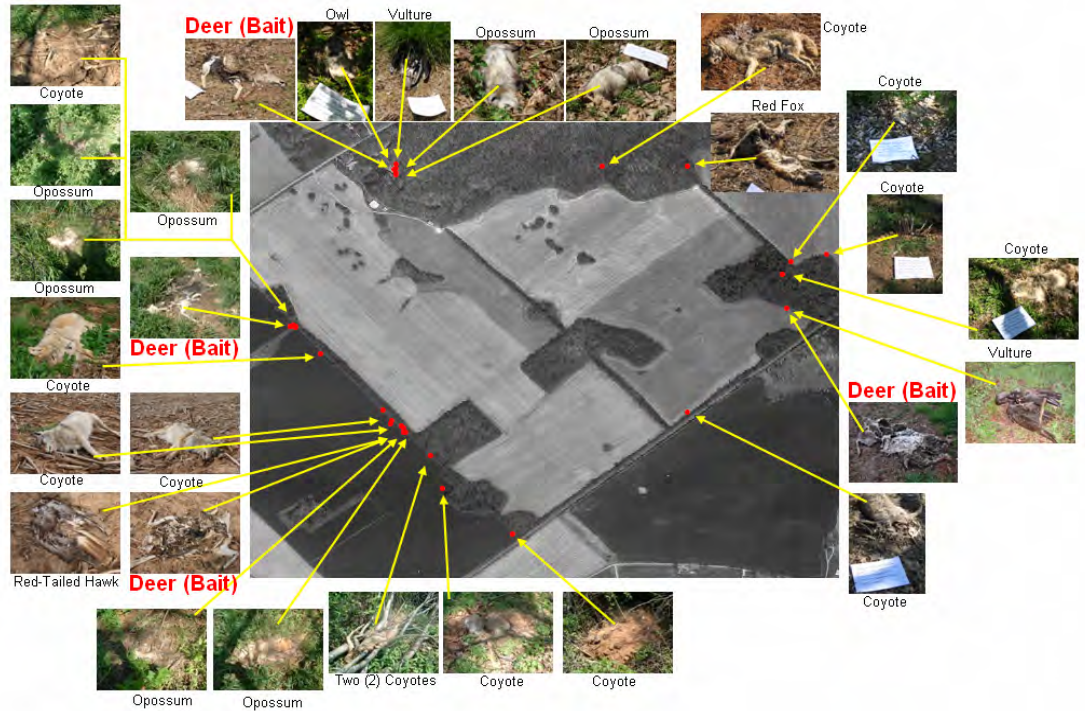
NFWFL data provided by Dr. Richard K. Stroud DVM MS
Veterinary Medical Examiner

The number of eagles killed each year by illegal use of restricted-use pesticides and other poisons is alarming. The National Fish and Wildlife Forensics Laboratory reports that 37% of all eagles submitted for necropsy during criminal investigations have been poisoned.

Current Trends

Pesticides are most often used to unlawfully control predators near pens where roosters are tethered and at some livestock operations. In both cases, pesticides typically are applied to a bait carcass (such as a deer, calf, sheep, or chicken) or are injected into eggs or hotdogs.

Carbofuran Poisoning in Kentucky



POISON 

CAUTION: Temik and Furadan are extremely toxic!

Do not attempt to pick up dead animals. Very small amounts of these pesticides can easily kill an adult. Skin contact or breathing small amounts of dust may be fatal. These carbamate pesticides work by interfering with the chemistry of the nervous system, which disrupts regulation of the heart and lungs. Upon exposure, the body's reaction is quick and symptoms begin within several minutes.



Deer used as bait containing application of Furadan

Red-tailed hawk died while eating from this poisoned deer carcass

Report confirmed or suspected poisoning incidents by calling the Southeast Regional USFWS Law Enforcement Office at 404/679-7057 or contacting a local U.S. Fish & Wildlife Service special agent.

For more information contact:

Bob Snow, Senior Special Agent
U.S. Fish & Wildlife Service
Office of Law Enforcement
601 W. Broadway, Suite 115A
Louisville, KY 40202
ph: 502/582-5989 x29

or

Anthony Velasco, Ecologist
Environmental Contaminants Division
Kentucky Ecological Services Office
U.S. Fish & Wildlife Service
330 W. Broadway, Room 265
Frankfort, KY 40601
ph: 502/695-0468 x105

Affix Local FWS/OLE Contact Label Here