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OCT 31 1984

MEMORANDUM

SUBJECT: Strychnine/1080 Briefing for Steve Schatzow,
October 30, 1984

TO: John Melone, Director
Hazard Evaluation Division (TS-769c)

The purpose of the briefing was to report results of initial negotiations with counsel for registrants of strychnine and preliminary results of studies conducted by the Denver Wildlife Research Center (DWRC, USDI). The OGC was represented by M. Winer, K. Lee, W. Jordan and L. Cook. RD was represented by H. Harrison, W. Miller, D. Peacock, W. Jacobs and S. Palmateer.

EPA's negotiation terms (attached) were not summarily rejected by registrants and a second meeting is scheduled for WSM-S355 on November 14, 1984 (K. Lee).

DWRC's test of secondary toxicity to domestic ferrets from strychnine-killed prairie dogs produced only 1/10 deaths. However, DWRC deviated significantly from the approved protocol in ways that reduce the value of the test. It appears that DWRC is prepared to repeat critical aspects of the test with no additional cost (W. Jacobs).

DWRC's test of secondary toxicity for 1080 was considered by EPA to be critically flawed and unacceptable based on verbal reports of the test (K. Barbehenn).

DWRC's field test of low-dose (0.02%) 1080 indicated a very high level of efficacy for prairie dogs (K. Lee).

Steve questioned whether we should proceed either in further negotiations or issuance of 1080 PD4 until adequate test results were available. OGC felt that progress in negotiation was still possible without the new test results.

Steve asked for a briefing paper COB October 31, 1984 in preparation for his meeting with Moore on Friday. OGC has the lead. He also asked for a copy of his letter to Jantzen (FWS) since he planned to phone Hester on having the toxicity tests redone. I asked P. Lapsley to provide same.

/s/

Kyle Barbehenn, Wildlife Biologist
Science Integration Staff (TS-769)

Attachment

cc: Anne Barton
Amy Rispin
Clayton Bushong
Paul Lapsley

EPA Strychnine Settlement Counteroffer

The use of strychnine would be permitted with the following conditions and under the following circumstances:

1. Only in areas where there have not been any confirmed or probable sightings of black-footed ferrets.
2. Only if a program has been established which would provide a \$5,000 reward for a confirmed sighting of a black-footed ferret at a site where there has been no previously confirmed sighting and a \$5,000 reward to the owner of the property upon which the confirmed sighting was made.
3. Only if an acceptable ferret recovery program is established with a commitment for continuing funding (the recovery program may include a captive breeding program if deemed appropriate, an extensive ferret search program regardless of anticipated pesticidal use, and a translocation program).
4. Only if a research program has been established and fully funded for determining whether and under what circumstances chemical prairie dog control is cost effective.
5. Only when prairie dog control with strychnine is demonstrated as likely to be cost effective.
6. Only when black-footed ferrets are delisted by the Office of Endangered Species or after a time certain from the date of settlement which would give the black-footed ferret recovery program sufficient time to succeed.
7. Only if a survey validated by experimentation and acceptable to EPA is conducted by or under the direct supervision of OES personnel prior to strychnine use.
8. Only if strychnine is available only through a California-type prescription program, and if use is supervised by a State official.
9. Not for control of white-tailed, Gunnison or Utah prairie dogs.

The Agency is not unalterably committed to the above terms as constituting the only acceptable basis for settlement. We