

PM-14

Reg # 33858-2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 21 1995

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Ms. Crystal A. Wilbanks
Predator Management and Certification
Training Specialist
Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711

Dear Ms. Wilbanks:

Subject: M-44 CYANIDE CAPSULES
EPA Registration No. 33858-2
Your Submission of August 11, 1995

Because of the change to the "RESTRICTED USE PESTICIDE" box and the addition of endangered species text to the container label, we decided to consider your submission of August 11, 1995, to be a proposed labeling amendment rather than final printed labeling. Consequently, we made copies of the labeling and included copies of the capsule label that you submitted on May 17, 1995.

We consider the change to the "RESTRICTED USE PESTICIDE" box to be a reasonable adaptation of the instructions for the first option for this portion of the label, as indicated in the Reregistration Eligibility Document (RED) for Sodium Cyanide.

The full required text concerning the protection of endangered species should follow the centered heading "ENDANGERED SPECIES CONSIDERATIONS". The container label submitted on August 11, 1995, lacks the first two sentences required under item "V. B. 2. c." of the RED. These sentences pertain to general prohibition of use of the product in certain areas and the requirement to contact the Fish and Wildlife Service to determine where "occupied habitats" exist. Bee and San Patricio Counties should be added to those listed on your container label. The list provided in the RED appears to be correct for the ocelot, according to information in the biological opinion of March, 1993, but the two additional counties appear to be needed to protect the jaguarundi. We apologize for not having the appropriate list in the RED.

CONCURRENCES

| SYMBOL | | | | | | | |
|---------|--|--|--|--|--|--|--|
| SURNAME | | | | | | | |
| DATE | | | | | | | |

The "ENDANGERED SPECIES CONSIDERATIONS" section of the container label should appear as indicated below.

"ENDANGERED SPECIES CONSIDERATIONS

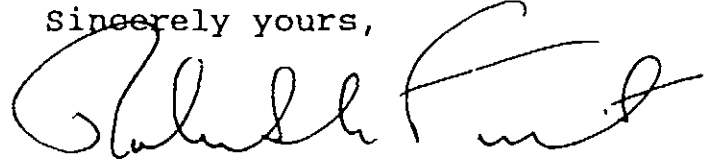
Use of this product is prohibited in areas where such use might jeopardize the continued existence of endangered species. Contact the local office of the U.S. Fish and Wildlife Service to determine the locations of habitats occupied by any endangered species which occur in or near the intended area of use.

Jaguarundi and Ocelot

Do not use this product within three miles of occupied habitat of the jaguarundi and ocelot in Bee, Cameron, Hidalgo, Kleberg, Jim Wells, Kenedy, San Patricio, Starr, Willacy, and Zapata Counties."

We find the amended labeling to be generally acceptable, but the changes described above are needed on the container label. Submit copies of each component of final printed labeling (container label, use restriction bulletin, capsule label) before the product is released for shipment under this labeling.

Sincerely yours,



Robert A. Forrest
Product Manager 14
Insecticide-Rodenticide Branch
Registration Division (7505C)

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER

Sodium Cyanide may be fatal if swallowed or inhaled. Use only with adequate ventilation and do not breath the gas or dust. When handling, setting out or checking M-44 cyanide capsules, always have at least six pearls of Amyl-Nitrite readily available in case sodium cyanide is swallowed or inhaled.

While handling sodium cyanide capsules, protect hands with gloves and shield eyes to prevent eye burns and skin irritation. Wash thoroughly before eating or smoking. Do not use in areas frequented by humans or domestic dogs.

ENVIRONMENTAL HAZARDS

This pesticide is TOXIC TO WILDLIFE. Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposal of wastes. Do not use this product within three miles of occupied habitat of the jaguarundi and ocelot in Cameron, Hidalgo, Kleberg, Jim Wells, Kenedy, Starr, Willacy and Zapata Counties, Texas.

CHEMICAL HAZARDS

Contact with acid liberates poisonous and flammable hydrogen cyanide gas.

RESTRICTED USE PESTICIDE

**INHALATION HAZARD TO HUMANS
M-44 SODIUM CYANIDE CAPSULES
MAY ONLY BE USED BY CERTIFIED
APPLICATORS WHO HAVE TAKEN
THE ADDITIONAL REQUIRED TRAINING
PROVIDED BY THE TEXAS
DEPARTMENT OF AGRICULTURE**

M-44 CYANIDE CAPSULES

For use in the M-44 ejector device to control coyotes (*Canis latrans*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*) and wild dogs that depredate livestock and poultry or that are vectors of communicable disease.

Active Ingredient:
Sodium Cyanide.....91.06%
Inert Ingredients..... 8.94%
Total..... 100.00%
25 Capsules. Net Weight 24.25 grams.

**KEEP OUT OF
THE REACH OF CHILDREN**

DANGER  POISON

STATEMENT OF PRACTICAL TREATMENT.

If swallowed or inhaled, prompt treatment is of the utmost importance. Carry patient to fresh air, have him lie down. Patient should breathe the contents of an Amyl-Nitrite pearl 15-30 seconds each minute if necessary, until five pearls have been used. Use artificial respiration if breathing has stopped. Remove contaminated clothing, but keep patient warm.

CALL A PHYSICIAN IMMEDIATELY
If on skin, immediately flush with plenty of water.

If in eyes, immediately flush with plenty of water and call a physician.

SEE LEFT SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. For use in specific situations to reduce canids (coyotes, red fox, gray fox and wild dogs) that depredate livestock and poultry or that are vectors of communicable disease. For use in pastures, range land and forest land only. Do not place in areas where food crops are planted.

IMPORTANT - Before handling or placing M-44 cyanide capsules or M-44 ejector devices, consult the Use Restriction Bulletin for specific use directions, additional precautions, information on endangered species, warning signs, and antidotal measures.

WARNING SIGNS

Warning signs must be posted in the general area and at the application site. Bilingual (Spanish/English) warning signs must be posted in the general area and at the application site.

STORAGE AND DISPOSAL

Storage - Store M-44 cyanide capsules under lock and key in a dry place away from food, domestic animals and acids. Do not contaminate feed or food stuffs.

Disposal - Dispose of defective and used M-44 capsules by burial in a safe location in the field or at a proper land fill site.

**TEXAS DEPARTMENT
OF AGRICULTURE
Austin, Texas 78711
EPA EST. NO. 56228-ID-1
EPA REG. NO. 33858-2**

ACCEPTED
with COMMENTS
in EPA Letter Dated

AUG 21 1995

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

33858-2

DANGER POISON

M-44 CYANIDE CAPSULE
Contains Sodium Cyanide 91.06 %
MFG. BY USDA/APHIS/ADC FOR
TEXAS DEPT. OF AGRICULTURE
AUSTIN, TEXAS 78711

M-44 SODIUM CYANIDE USE RESTRICTION BULLETIN
TEXAS DEPARTMENT OF AGRICULTURE
(EPA Reg. No. 33858-2)

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This Bulletin is an essential part of the label for this registration, and a copy including the carton label is to be provided to each applicator.

1. Use of the M-44 device shall conform to all applicable Federal, State, and local laws and regulations.
2. Applicators shall be subject to such other regulations and restrictions as may be prescribed from time to time by the U.S. Environmental Protection Agency.
3. Each applicator of the M-44 device shall be trained in: (1) safe handling of the capsules and device; (2) proper use of the antidote kit; (3) proper placement of the device; (4) necessary record keeping.
4. M-44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care of any person not certified for M-44 use by the Texas Department of Agriculture.
5. The M-44 device shall only be used to take wild canids: (1) suspected of preying upon livestock and poultry, or (2) that are vectors of communicable disease.
6. The M-44 device shall not be used solely to take animals for the value of their fur.
7. The M-44 device shall only be used in instances where there is reason to believe that canids are vectoring a communicable disease or where actual livestock losses due to predation by wild canids are occurring or, based on documented prior experience indicating a recurring or seasonal predator problem in a specific area, where actual livestock losses due to wild canid predators can reasonably be expected to occur. In each case where used to protect livestock or poultry, an evaluation will be made and documented so as to include livestock or poultry losses and evidence of depreeding species prior to application of M-44 devices.
8. The M-44 device shall not be used in: (a) National or State Parks; (b) National or State Monuments; (c) Federally designated wilderness areas; (d) Wildlife refuge areas; (e) Areas within national forests or other Federal lands specifically set aside for recreational use; (f) prairie dog towns; and (g) Areas where exposure to the public and family pets is probable.
9. The M-44 device shall not be used in areas where threatened or endangered animal species might be adversely affected. Each applicator shall be issued a map which clearly indicates such areas.
10. One person other than the individual applicator shall have knowledge of the exact location of all M-44 devices in the field.
11. In areas where more than one governmental agency is authorized to place M-44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M-44 devices is not exceeded.
12. The M-44 device shall not be placed within two hundred (200) feet of any lake, stream, or other body of water, provided that natural depression areas which catch and hold rainfall only for short periods of time shall not be considered "bodies of water" for purposes of this restriction.
13. The M-44 device shall not be placed in areas where food crops are planted.
14. The M-44 device shall be placed at least fifty (50) feet distance or at such greater distance from any public road or pathway as may be necessary to remove it from the sight of persons and domestic animals using any such public road or pathway.
15. The density of M-44 devices used shall be the minimum necessary to reduce losses as a rule, but the maximum density of M-44 devices in any 100 acre pastureland shall not exceed ten (10) and in any one square mile of open range shall not exceed twelve (12).
16. No M-44 device shall be placed within thirty (30) feet of a livestock carcass used as a draw station; no more than four (4) M-44 devices shall be placed at any single draw station; and no more than three (3) draw stations shall be operated in any one square mile of area.
17. Supervisors of applicators shall check the records, warning signs, and M-44 devices of each applicator at least once a year to verify that all applicable laws, regulations, and restrictions are being strictly followed.
18. Each M-44 device shall be inspected by the applicator at least once a week to check for interference or unusual conditions and shall be serviced as required.
19. Damaged or non-functional M-44 device shall be removed from the field.
20. An M-44 device shall be removed from an area if, after thirty (30) days, there is no sign that a target predator has visited the site.
21. All persons authorized to possess and use sodium cyanide capsules and M-44 devices shall store such capsules and devices under lock and key.
22. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site.
23. Bilingual warning signs in English and Spanish shall be used in all areas containing M-44 devices. All such signs shall be removed when M-44 devices are removed.
 - a. In entrances or commonly used access points to areas in which M-44 devices are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Signs shall be inspected weekly to insure their continued presence and insure that they are conspicuous and legible.
 - b. an elevated sign shall be placed within six (6) feet of each individual M-44 device warning persons not to handle the device.
24. Each authorized or licensed applicator shall carry an antidote on his person when placing and inspecting M-44 devices. The kit shall contain at least six pearls of amyl nitrite and instruction on their use. Each authorized or licensed applicator shall also carry this person instructions for obtaining medical assistance in the event of accidental exposure to sodium cyanide.

ACCEPTED
COMMENTS
EPA Letter Dated
NOV 21 1995
Federal Insecticide,
Fungicide, and Rodenticide Act
Registration for the pesticide
EPA Reg. No.
33858-2

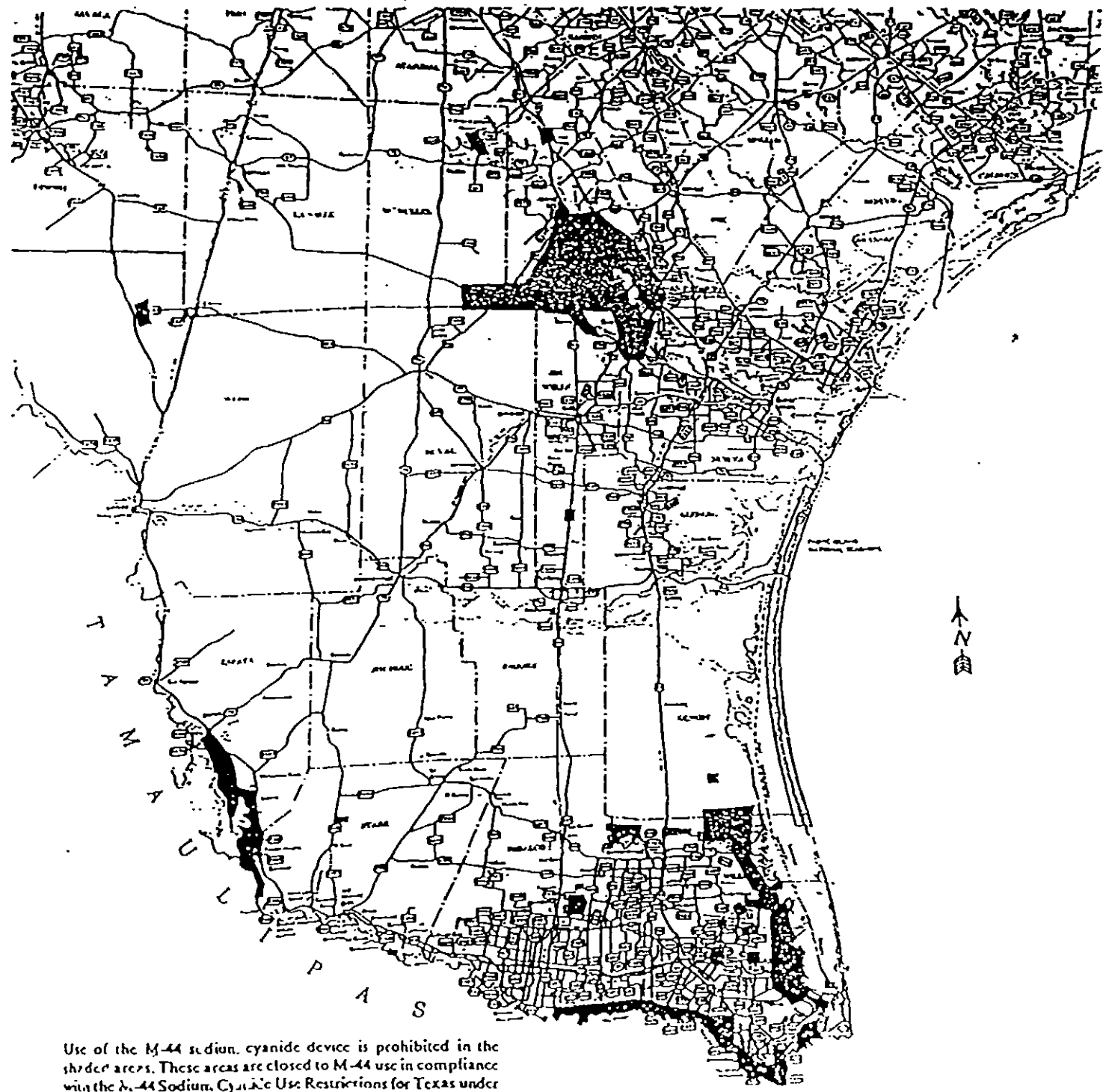
BEST COPY AVAILABLE

25. In all areas where the use of the M-44 device is anticipated, local medical people shall be notified of the intended use. This notification may be through a poison control center, local medical society, the public health service, or directly to a doctor or hospital. They shall be advised of the antidotal and first-aid measures required for treatment of cyanide poisoning. It shall be the responsibility of the supervisor to perform this function.

26. Each applicator shall keep records dealing with the placement of the device and the results of each placement. Such records shall include, but need not be limited to:

- a. The number of devices placed.
- b. The location of each device placed.
- c. The dates of each placement, inspection and removal.
- d. The number and location of devices which have been discharged and the apparent reasons.
- e. Species of animals taken.
- f. All accidents or injuries to humans or domestic animals.

AREAS CLOSED TO USE OF M-44 SODIUM CYANIDE



Use of the M-44 sodium cyanide device is prohibited in the shaded areas. These areas are closed to M-44 use in compliance with the M-44 Sodium Cyanide Use Restrictions for Texas under EPA Registration No. 13358-2. Closure is for the protection of ocelot and jaguarundi, two species of wild cats that are listed as endangered species by the U.S. Fish and Wildlife Service.

The shaded areas on the map represent areas of known ocelot occurrence and areas of habitat believed suitable for sustaining ocelot and jaguarundi. Ocelots may travel more than 10 miles from their home range and occur outside the closed areas. It is illegal to poison an endangered species; therefore, M-44 applicators should avoid taking ocelot, jaguarundi or any other endangered species regardless of the area of use.

Do not use M-44 Cyanide Capsules within three (3) miles of habitat occupied by ocelots or jaguarundis.

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