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08/31/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

AUG 31 2011

Mr. Jimmy Bush
Assistant Commissioner for Pesticides
Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711

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Dear Mr. Bush:

Subject: M-44 CYANIDE CAPSULES
EPA Registration Number: 33858-2
Labeling Submissions Dated July 26, 2011, August 25, 2011, and August 29, 2011

Dear Mr. Bush:

The container label submitted on August 29, 2011, and the bulletin of use restrictions and the capsule label submitted on July 26, 2011, are accepted under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. Stamped copies of all 3 elements of this product's labeling are enclosed for your records.

Submit two copies of all 3 elements (container label, capsule label, and Use Restriction bulletin) of final printed labeling before releasing this product for shipment under the labeling accepted via this letter. Product released for shipment after August 31, 2012, must bear the labeling accepted via this letter. When labeling is printed, a space should be inserted between the end of Use Restriction 9 and the beginning of Use Restriction 10 in the "M-44 SODIUM CYANIDE USE RESTRICTION BULLETIN".

If these conditions are not complied with, this registration will be subject to cancellation in accordance with FIFRA section 6(e).

If you have any questions regarding this letter, you may reach Dr. Jacobs by phone at 703-305-6406, by FAX at 703-308-0029, or via e-mail at jacobs.bill@epa.gov.

Sincerely yours,

Venus Eagle
Product Manager 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

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

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal.

Pesticide Storage - Store M-44 cyanide capsules under lock and key in a dry place away from food, domestic animals and acids.

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

Container Disposal - Card board outer box: Nonrefillable container. Offer for recycling, if available. If recycling is not available, dispose of container by burial at a safe location in the field or at a proper landfill site. Styrofoam inner container: Nonrefillable container: Dispose of container by burial at a safe location in the field or proper landfill site. Contact Texas Commission on Environmental Quality for guidance in disposing of containers at approved waste disposal facilities.

TEXAS DEPARTMENT OF AGRICULTURE
P.O. Box 12847, Austin, Texas 78711
EPA EST. NO. 56228-ID-1
EPA REG. NO. 33858-2

M-44 PACKAGE LABEL

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 diseases.

Active Ingredient:

Sodium Cyanide..... 91.06%

Inert Ingredients..... 8.94%

TOTAL100.00%

10 Capsules. Net Weight 9.7 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 physician.

SEE BACK PANEL FOR ADDITIONAL
PRECAUTIONARY STATEMENTS

ACCEPTED
AUG 31 2011

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:

EPA. Reg. No: 33858-2

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 breathe the vapors 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 animals.

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.

ENDANGERED SPECIES CONSIDERATIONS

Use of this product is prohibited in areas where such use might jeopardize the existence of endangered species. To obtain the most current information, contact U.S. Fish and Wildlife Service, Ecological Services Field Supervisor, Corpus Christi, TX, to determine the location 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 without first contacting U.S. Fish and Wildlife Service, Ecological Services Field Supervisor, Corpus Christi, TX, (361) 994-9005.

CHEMICAL HAZARDS

Contact with acid liberates poisonous and flammable hydrogen cyanide gas.

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

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 depredating 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. Areas set aside for recreational use as described in subsection (e) of this use restriction, include areas where and when there are scheduled recreational events, areas identified on maps with "recreation" in the title, areas where developed or known camping occurs, areas near designated or known recreational trail heads, and designated or known vehicle access sites. Prior to M-44 deployment, applicators must determine whether this use restriction affects their intended M-44 use. Contact the Texas Department of Agriculture (TDA), Pesticide Division, P.O. Box 12847, Austin, Texas 78711, (512) 936-2638, for assistance in determining whether their intended use would be in an area prohibited by this use restriction. The Texas Department of Agriculture must contact each applicable land management agency quarterly and maintain documentation to determine whether any portions of the projected or current M-44 area are, or are to be, set aside for recreational use.
9. The M-44 device shall not be used in areas where threatened or endangered animal species might be adversely affected. Each applicator shall obtain a map, prepared by or in consultation with the U.S. Fish and Wildlife Service (USFWS), which clearly indicates these areas. The M-44 device shall not be used in areas occupied by any Federally listed experimental populations as set forth in the most current versions of maps that have been prepared and approved by the USFWS. At the time of application, the applicator must be in possession of the most current map, if such a map exists, that covers the application site. If a map from the USFWS covering the application site does not exist, then the M-44 applicator must, prior to application, consult with USFWS to determine whether the application site is in an area occupied by listed animal species. Any use of the M-44 thereafter must be consistent with any conditions or limitations provided by USFWS through such consultation. To obtain the most current information, the applicator must contact U.S. Fish and Wildlife Services, Ecological Service Field Supervisor, Corpus Christi Ecological Services Field Office, 6300 Ocean Drive, Corpus Christi, Texas 78412, (316) 994-9005.
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.

ACCEPTED

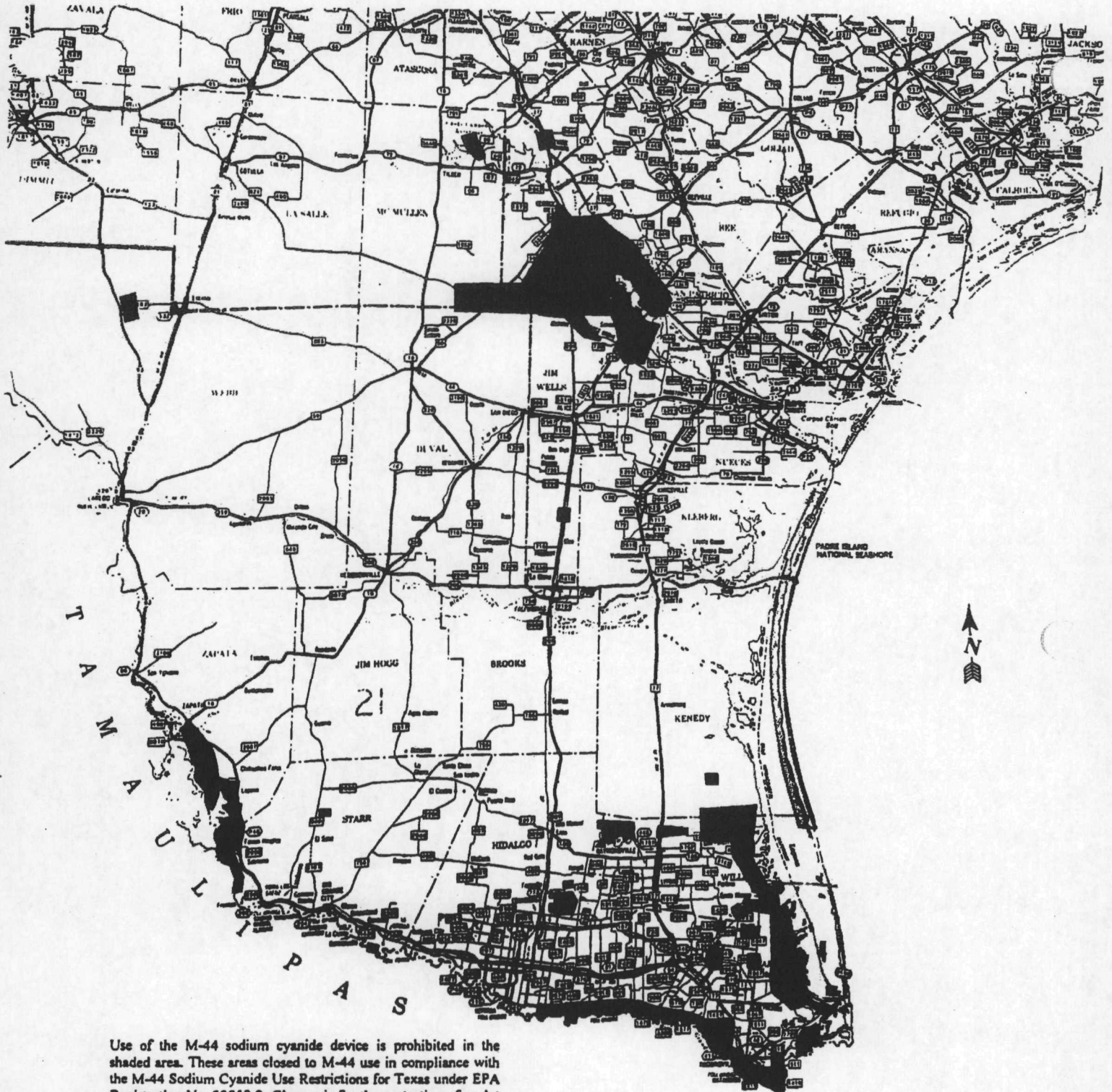
AUG 31 2011

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under:

EPA Reg. No: 33858-2

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 devices 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. Main 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 kit on his person when placing and/or 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 on his person instructions for obtaining medical assistance in the event of accidental exposure to sodium cyanide.
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 area. These areas closed to M-44 use in compliance with the M-44 Sodium Cyanide Use Restrictions for Texas under EPA Registration No. 33858-2. 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 represents 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 of 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.

