

35975-2

02-29-2012

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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

FEB 29 2012

Ms. Linda Johns
Education & Assessment Program Manager
Montana Department of Agriculture
302 N. Roberts, P.O. Box 200201
Helena, MT 59620

5912427
360/1155

Dear Ms. Johns:

Subject: M-44 CYANIDE CAPSULES
EPA Registration No. 35975-2
Submissions of January 17, 2012, February 22, 2012, and February 24, 2012

The capsule labeling submitted on January 17, 2012, the container label submitted on February 22, 2012, and the bulletin of use restrictions submitted on February 24, 2012, 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 of final printed labeling (container label, capsule label, and Use Restriction bulletin) before releasing this product for shipment under the labeling accepted via this letter. Product released for shipment after March 1, 2013, must bear the labeling accepted via this letter. When labeling is printed, the changes listed below should be incorporated.

The container label should be edited as indicated below.

1. Within the "**STORAGE AND DISPOSAL**" box, the paragraph headings "**Storage**" and "**Disposal**" should be changed to "**Pesticide Storage**" and "**Pesticide Disposal**", respectively.

The bulletin of use restrictions should be edited as indicated below..

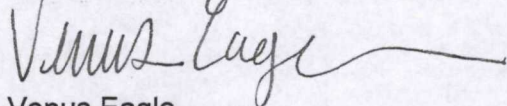
1. In the second sentence of Use Restrictions 7, "cause" should be changed to "caused".
2. The first letters of the first words in items "a)" and "b)" of Use Restriction 23 should be capitalized (i.e., "main" should be changed to "Main"; and "an" should be changed to "An").

Guidance regarding minimum type sizes for the signal word ("**DANGER**") and the "**KEEP OUT OF REACH OF CHILDREN**" statement is enclosed with this letter.

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

You may contact Dr. William W. Jacobs at 703-305-6406 or jacobs.bill@epa.gov if you have any questions regarding this letter.

Sincerely yours,

A handwritten signature in black ink that reads "Venus Eagle". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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

Enclosures

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 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. The M-44 ejector device may not be used in areas inhabited by endangered canids or felids.

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 Services to regulate the location of habitats occupied by any endangered species which occur in or near the intended area of use.

CHEMICAL HAZARDS

Contact with acid liberates poisonous and flammable hydrogen cyanide gas.

RESTRICTED USE PESTICIDE DUE TO INHALATION HAZARD TO HUMANS AND THE NEED FOR HIGHLY SPECIALIZED APPLICATOR TRAINING

For retail sale and distribution to and use only by Certified Applicators who have taken the required additional training to use M-44 Cyanide Capsules in M-44 ejector units and in this regard are supervised and monitored by the Montana 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 Federally designated threatened or endangered species.

Active Ingredient:	91.06%
Sodium Cyanide	8.94%
Inert Ingredients	100%
Total	

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 FURTHER 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 Federally designated threatened or endangered species. For use on 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

Bilingual (Spanish/English) 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 or 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 landfill site.

Container Disposal - Cardboard outer box: Non-refillable container. Do not reuse or refill this 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: Non-refillable container. Do not reuse or refill this container. Dispose of container by burial at a safe location in the field or proper landfill site.

ACCEPTED

Montana Department of Agriculture
 Capitol Complex
 PO Box 200201
 Helena MT 59620-0201

FEB 29 2012

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

capsule net weight 48.5 Grams

EPA. Reg. No. 35975-2

813

rec'd 2/22/12

ACCEPTED

FEB 29 2012

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

M-44 SODIUM CYANIDE USE RESTRICTIONS BULLETIN
MONTANA DEPARTMENT OF AGRICULTURE (EPA Reg. No. 35975-2)

EPA Reg. No. 35975-2

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 by the U.S. Environmental Protection Agency.
 3. Each applicator of the M-44 device shall be trained in: a) safe handling of the capsules and device; b) proper use of the antidote kit; c) proper placement of the device; and d) 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 supervised or monitored by the Montana Department Agriculture.
 5. The M-44 device shall only be used to take wild canids: a) suspected of preying upon livestock or poultry, or b) suspected of preying on federally designated threatened or endangered species.
 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 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, full documentation of livestock depredation, including evidence that livestock losses were cause by wild canids, will be required before application of M-44 devices is undertaken. This restriction is not applicable when wild canids are controlled to protect federally designated threatened or endangered species. Ongoing predations must be documented on the monthly report form by the applicator.
 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 or g) areas where exposure to the public and family pets is probable. Areas (a) through (d) are self-explanatory. Use of M-44 devices is prohibited from Area (f), prairie dog towns, for the protection of the black-footed ferret which, if present, is known to frequent prairie dog towns. Area (g) might include a public park or rest area adjacent to private property. Do not use M-44 devices on private property adjacent to public parks, rest areas, or other sites from which incidental trespassing by children or pets might occur. Use the devices only in isolated areas.
- Prior to M-44 deployment, applicators must determine whether this use restriction affects their intended M-44 use. To determine whether the applicable land management agency has set aside any area on Federal Lands for recreational use (areas where and when there are scheduled recreational events, areas identified on maps with "recreation" in the title, areas where developed or known

received 2/27/12

camping occurs, areas near designated or known recreational trail heads, and designated or known vehicle access sites) either on a permanent or temporary basis contact the Montana Department of Agriculture (MDA), Pesticide Division, P.O. Box 200201, Helena, Montana 59620, (406) 444-3676, for assistance in determining whether their intended use would be in an area prohibited by this use restriction. The Montana 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 use area are, or are to be, set aside for recreational use.

9. The M-44 device shall not be used in areas where animals classified as threatened or endangered species under the U.S. Endangered Species Act (ESA) 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 threatened or endangered species or any federally listed experimental populations as set forth in the most current versions of maps that have been prepared or approved by the U.S. Fish and Wildlife Service (USFWS). The M-44 device may be used in areas occupied by endangered, threatened, or experimental populations if use in such areas has a) been addressed by USFWS in special regulations pursuant to section 4(d) of the ESA, in requirements imposed through incidental take statements or incidental take permits, or in other applicable agreements with the USFWS, and b) the applicator's use of the M-44 is consistent with any of the conditions or limitations provided by USFWS for such use. At the time of application, the applicator must be in possession of the most current map, if such map exists, that covers the application site. If maps covering the application site do not exist, then the M-44 applicator must, prior to the 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 FWS through such consultation. To obtain the most current information the applicator must contact U.S. Fish and Wildlife Services, Montana Ecological Services Field Office, 585 Shepard Way, Helena, Montana 59601, (406) 449-5225.

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 M-44 applicator is authorized to place M-44 devices, the applicators shall exchange placement information and other relevant facts to ensure 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. 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 or at a 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. The Montana Department of Agriculture 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 nonfunctional 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 a cessation of losses caused by target predators in the area.

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, caked or faulty sodium cyanide capsules must 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 twenty-five (25) feet of each individual M-44 device warning persons not to handle the device.

24. Each M-44 applicator shall carry an antidote kit on his/her person when placing and/or inspecting M-44 devices. The kit shall contain at least six (6) pearls of amyl nitrite. Each authorized or licensed applicator shall also carry on his/her 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 reason for each discharge;
- e) species of animals taken;
- f) all accidents or injuries to humans, domestic animals or non-target wildlife; and,
- g) continuous surveillance and documentation of livestock losses caused by wild canids.

DISTRIBUTION OF THE BLACK-TAILED PRAIRIE DOG IN MONTANA

