

S582195

361/12

S582196

361/17

JUL 11 2000

Mr. Frank A. DuBois
Director/Secretary
New Mexico Department of Agriculture
Box 30005 MSC 3189
Las Cruces, NM 88003-0005

Dear Mr. DuBois:

Subject: M-44 CYANIDE CAPSULES
EPA Registration No. 39508-1
Your Submissions of June 13, 2000, and
July 6, 2000

The labeling included with your submission of June 13, 2000, incorporated the changes indicated in our letter of May 24, 2000; but the template to which the changes were added was out-of-date. Via telephone conversations, Mr. Jed Elrod of your Department and I discussed the situation. The submission of July 6, 2000, ultimately was made to replace that of June 13, 2000.

The labeling submitted on July 6, 2000, is basically acceptable. This labeling includes: labels for individual cyanide capsules; labels for containers holding 10, 25, and 50 capsules; and the use restriction bulletin. However, the use restriction bulletin must be modified as indicated below.

1. The name of the bulletin must be changed to something that includes the words "Use Restriction" or "Use Restrictions" so that the container label's reference to a "Use Restriction Bulletin" is clearly understood as meaning the intended document. "Use Restriction Bulletin" or "**M-44 Sodium Cyanide Use Restrictions**" (the name used for the bulletin accepted on February 3, 1998) would be acceptable names. "**TECHNICAL BULLETIN for use of M-44 Cyanide Capsules**" is not acceptable.

2. In Use Restriction #23.b., change "(25))" to "(25)".

Submit two copies of all elements of final printed labeling. Make sure that text on final printed labeling is crisp and legible.

A stamped copy of each element of labeling is enclosed for your records.

You may call me at 703-305-6406 if you have any questions regarding this letter.

Sincerely yours,



William W. Jacobs
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 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 federally designated endangered canids or felids.

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, who are certified specifically to use M-44 Sodium Cyanide Capsules in M-44 ejector units, and for whom the New Mexico Department of Agriculture assumes a supervisory role with respect to the user of this product.

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.

ACTIVE INGREDIENT

Sodium Cyanide	91.06%
INERT INGREDIENTS	8.94%
TOTAL	100.00%

KEEP OUT OF 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 patient 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 OR POISON CONTROL CENTER 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 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. For use on pastures, rangeland 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

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. Incineration may be used instead of burial for disposal in the field (preferably on property owned or managed by the applicator) at least 1/2 mile from human habitation and water supplies. Place capsules in an incinerator or refuse hole and burn until the capsules are completely consumed. Capsules may be incinerated using either wood or diesel fuel. Attend the burn until the capsules are completely consumed. If burned, stay out of smoke.

Distributed by
NEW MEXICO DEPARTMENT OF AGRICULTURE
Box 30005, Dept. 3189
Las Cruces, NM 88003-8005
EPA Reg. No. 39508-1
EPA Est. No. 56228-ID-1

10 Capsules

Net Weight 9.7 grams

ACCEPTED

JUL 11 2000

Under the Federal Insecticide, Fungicide, and Rodenticide Act, an establishment for the pesticide registered under EPA Reg. No. 39508-1

3/10

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

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DANGER-POISON



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Distributed by
NEW MEXICO DEPARTMENT OF AGRICULTURE
Box 30005, Dept. 3189
Las Cruces, NM 88003-8005
EPA Reg. No. 39508-1
EPA Est. No. 56228-ID-1

25 Capsules

Net Weight 24.25 grams

ACCEPTED
JUL 11 2000
Federal Insecticide,
Fungicide and Rodenticide Act
and for the pesticide
under 39508-1

PRECAUTIONARY STATEMENTS

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DANGER-POISON



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SEE LEFT PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

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Distributed by
NEW MEXICO DEPARTMENT OF AGRICULTURE
Box 30005, Dept. 3189
Las Cruces, NM 88003-8005
EPA Reg. No. 39508-1
EPA Est. No. 56228-ID-1


50 Capsules


Net Weight 48.50 grams


ACCEPTED
JUL 11 2000
Under the Federal Insecticide, Fungicide, and Rodenticide Act, approved for the pesticide 39508-1

EPH
7-6-00

 **DANGER-POISON**
M-44 CYANIDE CAPSULE
Contains Sodium Cyanide - 91.05%
In the event of accidental exposure contact
the NM Poison Control Center
1-800-432-6866
New Mexico Department of Agriculture
Las Cruces, NM 88003

 **DANGER-POISON**
M-44 CYANIDE CAPSULE
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Las Cruces, NM 88003

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ACCEPTED
JUL 11 2000
New Mexico Department of Agriculture
Las Cruces, NM 88003
39508-1

TECHNICAL BULLETIN

for use of the

M-44 Cyanide Capsules

EPA Registration No. 39508-1

Text prepared by:

Guy Connolly

Wildlife Research Biologist

U.S. Department of Agriculture

Animal and Plant Health Inspection Service

Denver Wildlife Research Center

Denver, Colorado

ACCEPTED
with COMMENTS
in EPA Letter Dated

JUL 11 2000

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, the pesticide
registered under EPA Reg. No.
39508-1

NEW MEXICO DEPARTMENT OF AGRICULTURE

MSC-3AQ, Box 30005
Las Cruces, New Mexico 88003-8005
(505) 646-2133

REVISED JUNE 2000

M-44 Sodium Cyanide Use Restrictions

EPA Reg. No 39508-1

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

1. Use of the M-44 Sodium Cyanide Device ("M-44" or "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 and the New Mexico Department of Agriculture.
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 certified and monitored by the New Mexico Department of Agriculture.
5. M-44s shall only be used to take wild canids suspected of preying on livestock and poultry.
6. The M-44 device shall not be used solely to take animals for the value of their fur.
7. M-44s 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, an evaluation will be made and documented to include livestock losses and evidence of depredating species prior to application of M-44 devices.
8. M-44s 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. M-44s may kill or harm certain Federally designated threatened or endangered animal species and shall not be used where these species may be affected. In New Mexico, this includes the endangered jaguar in Hidalgo County. Do not use M-44s within the jaguar's occupied habitat. The habitat is identified on maps prepared by the US FWS and issued to each applicator by the New Mexico Department of Agriculture. Within the remainder of Hidalgo County – the jaguar's occupied range in New Mexico – M-44s may only be used in agricultural and grassland habitats. M-44s may only be baited with fetid attractants, because cats generally avoid such items
10. One person other than the certified applicator shall have knowledge of the exact location of all M-44s in the field.

11. In areas where more than one certified applicator or governmental agency is authorized to place M-44s, the applicators or agencies shall exchange placement information and other relevant facts to ensure that the maximum number of M-44s is not exceeded.
12. M-44s 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. M-44s shall not be placed in areas where food crops are planted.
14. M-44s shall be placed at a distance of at least fifty (50) feet or at such a greater distance from any public road or pathway as may be necessary to remove the device(s) from the sight of persons and domestic animals using any such public road or pathway.
15. The density of M-44s 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 (1) square mile of open range shall not exceed twelve (12).
16. M-44s shall not 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 five (5) draw stations shall be operated in any one (1) square mile of area.
17. Any person using M-44s shall be specifically trained and certified in their use and subject to at least annual inspection of devices, records, warning signs and storage by the New Mexico Department of Agriculture to verify that all laws, regulations and restrictions are being strictly followed. M-44s may not be used by anyone who is not a certified M-44 applicator even if that person works under the direct supervision of someone who is a certified M-44 applicator.
18. Each M-44 shall be inspected by the applicator at least once a week, weather permitting access, to check for interference or unusual conditions and shall be serviced as required.
19. Any damaged or non-functional M-44 device shall be removed from the field.
20. Any M-44(s) shall be removed from an area if, after thirty (30) days, there is a cessation of losses due to 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 or defective M-44 sodium cyanide capsules shall be disposed of by deep burial, or at a proper landfill site. Incineration may be used instead of deep burial for disposal of used capsules. Capsules may be burned using either wood or diesel fuel. Place the capsules in an incinerator or refuse hole and attend the burn until the capsules are completely consumed. If burned, keep all persons and animals out of smoke.

23. Bilingual warning signs in English and Spanish shall be used in all areas containing M-44s. All such signs shall be removed when M-44s are removed.
- a) Main entrances or commonly used access points to areas in which M-44s are set shall be posted with warning signs to alert the public to the toxic nature of the sodium cyanide and to the danger to pets.
 - 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 certified applicator shall carry an antidote kit on his/her person when placing, inspecting or disarming M-44s. The kit shall contain at least six pearls of amyl nitrite and instructions on their use. Each certified 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 M-44s is anticipated, local medical personnel shall be notified of the intended use. This notification may be through a poison control center, local medical society, 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 sodium cyanide poisoning. It shall be the responsibility of the supervisor to perform this service.
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 no 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.
 - e) Species of animals taken.
 - f) All accidents or injuries to humans or domestic animals.