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7/18/2012

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

JUL 18 2012

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Mr Cary C S Hamilton
Program Manager
New Mexico Department of Agriculture
MSC 3AQ Box 30005
Las Cruces NM 88003 8005

Subject M 44 CYANIDE CAPSULES
EPA Registration No 39508 1
Labeling Submissions of June 22 2012

Dear Mr Hamilton

The labeling submitted on June 22 2012 is accepted under the provisions of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) as amended. The labeling accepted via this letter includes the label submitted on June 22 2012 for the individual M 44 capsules used for EPA Reg No 39508 2 plus the container label and the bulletin of use restrictions for this product that were submitted separately on June 22 2012.

Before it is printed the container label submitted on June 22 2012 should be modified as indicated below

- 1 **CALL A PHYSICIAN IMMEDIATELY** should to be the last sentence of the **IF SWALLOWED OR INHALED** paragraph. Note the enclosed guidance regarding type sizes for **DANGER POISON KEEP OUT OF REACH OF CHILDREN** and **RESTRICTED USE PESTICIDE**.
- 2 In the **IF IN EYES** paragraph **Call a physician** should be changed to **call a physician** as the phrase concludes a longer sentence.

Before it is printed the changes listed below should be made to the bulletin of use restrictions submitted on June 22 2012

- 1 In the fifth sentence of the first paragraph of Use Restriction 9 County the should be changed to County – the (i.e. spaces should be inserted between the words and the dash)

- 2 A line space should be inserted between the end of item c) and the beginning of item d) of Use Restriction 26

One stamped copy of each of the three elements of accepted labeling are enclosed for your records

Submit two copies of each element of final printed labeling before releasing this product for shipment under the labeling accepted via this letter Product released for shipment after July 17 2013 must bear the labeling accepted via this letter

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 William Jacobs by phone at 703 305 6406 by FAX at 703 308 0029 or via e mail at jacobs.bill@epa.gov

Sincerely yours

A handwritten signature in black ink, appearing to read "Venus Eagle", followed by a horizontal line.

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

Enclosures



DANGER
POISON

M 44 Cy d C ps le
C ta S d m Cy d 91 06 /
N w M D ptarm t f
Ag lt
L Cru NM 88003

ACCEPTED

JUL 18 2012

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

EPA Reg No 39508-1

received 6/25/11

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**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 and 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*), grey 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 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 PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

**IF SWALLOWED, CALL A PHYSICIAN OR
POISON CONTROL CENTER IMMEDIATELY!**

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or 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 at a proper landfill site.

CONTAINER DISPOSAL Cardboard outer box: Non-refillable 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. Dispose of container by burial at a safe location in the field or at a proper landfill site. Contact the New Mexico Department of Agriculture for guidance in disposing of containers at approved waste disposal facilities.

New Mexico Department of Agriculture
Box 30005, Department 3189
Las Cruces, New Mexico 88033-0005

EPA Reg. No. 39508-1
EPA Est. No. 56228 ID 1

25 Capsules Net Weight 24.25 grams

ACCEPTED

JUL 18 2012

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

EPA Reg No. 39508-1

received 6/25/12

M-44 Use Sodium Cyanide Use Restrictions
New Mexico Department of Agriculture
EPA Reg No 39508-1

- 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 US 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 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 upon 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

To determine whether the applicable land management agency has set aside any area on Federal Lands for recreational use either on a permanent or temporary basis the applicator who is considering using M 44s or is responsible for ongoing use of M-44 capsules on private land, or other land managed by the applicator must contact New Mexico Department of Agriculture

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(NMDA) for recent changes to recreational use land NMDA will contact each applicable land management agency quarterly to determine whether any portions of the projected or current M 44 use areas are or are to be, set aside for recreational use Within 30 days of contact NMDA must provide the applicator with the applicable land management agency's determinations of what projected or current M 44 use areas are to be set aside for recreational use For purposes of this Use Restriction, areas set aside for recreational use 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

- 9 M 44s may kill or harm certain federally 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

The M 44 device shall not be used in areas occupied by federally listed threatened or endangered animal species including areas occupied by federally listed experimental populations of such species Each applicator shall obtain a map prepared by or in consultation with the U S Fish and Wildlife Service (FWS) which clearly indicates areas where threatened or endangered animal species might be adversely affected by use of the M 44 device 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 a map from the USFWS covering the application site does not exist, then the applicator must prior to application consult with FWS to determine whether the application site is in an area occupied by federally listed animal species that are threatened or endangered species Any use of the M-44 thereafter shall be consistent with any conditions or limitations provided by FWS through such consultation FWS maps may be obtained by accessing FWS website at <http://www.fws.gov/southwest/es/> and follow links to the list of threatened and endangered species that occur in New Mexico NMDA will provide maps to applicators indicating Jaguar and Wolf habitat in NM

- 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 devices(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 pasture 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 Signs shall be inspected weekly to ensure their continued presence and ensure 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 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 the following
 - a) Copies of all Animal Damage Confirmation Reports submitted by the applicator for the purchase or use of M 44 devices
 - b) The name address and telephone number of the individual who has knowledge of the exact location of placed M 44 devices

- c) The name(s) of any other certified applicator(s) including government animal damage control agency(ies) placing M 44 devices on land owned or leased by applicator
- d) The written protocol for information exchange between certified applicators including placement location and number of devices
- e) Copy of written notification information and the date provided to local medical personnel in areas where M 44 use or anticipated use is to occur The information shall include agency name antidotal and first aid measures
- f) The date applicators name and number of M 44 capsules sold or transferred to another certified applicator
- g) 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
 - 1) The name address and license number of the certified applicator
 - 2) Product name and EPA Registration Number
 - 3) The target animal M 44s will be used to control
 - 4) The number of M 44 devices placed detailed description or map of their location and total acres treated
 - 5) Type of land treated either improved pasture or open range
 - 6) The dates of each M 44 device placement inspection and removal
 - 7) The number and location of devices which have been discharged and the apparent reason for each discharge
 - 8) The date number and type of all species taken
 - 9) All accidents or injuries to humans or domestic animals
 - 10) Any other records deemed necessary by NMDA specified in the New Mexico Pesticide Control Act and applicable rules promulgated under it