



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

May 17, 2021

Erica Millette
Program Specialist
New Mexico Department of Agriculture
PO Box 30005 / MSC 3AQ
Las Cruces, NM 88003

Subject: Registration Review Label Mitigation for Sodium Cyanide M-44
Product Name: M-44 Cyanide Capsules
EPA Registration Number: 39508-1
Application Date: 3/2/2020
Decision Number: 560321

Dear Ms. Millette:

The Agency, in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, has completed reviewing all the information submitted with your application to support the Registration Review of the above referenced product in connection with the Sodium Cyanide M-44 Interim Decision, and has concluded that your submission is acceptable. The label referred to above, submitted in connection with registration under FIFRA, as amended, is acceptable.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 12 months from the date of this letter. After 12 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

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If you have any questions about this letter, please contact Darius Stanton by phone at 703-347-0433, or via email at stanton.darius@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be "Linda Arrington", with a stylized flourish at the end.

Linda Arrington, Branch Chief
Risk Management and Implementation Branch 4
Pesticide Re-Evaluation Division
Office of Pesticide Programs

Enclosure

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 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 use 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 which are: (1) suspected of preying upon livestock and poultry; (2) suspected of preying upon federally designated Threatened or Endangered Species; or, (3) vectors of communicable disease.

ACTIVE INGREDIENT

Sodium Cyanide 91.06%

OTHER INGREDIENTS 8.94%

TOTAL 100.00%

KEEP OUT OF REACH OF CHILDREN

ANGER - PELIGRO
POISON



FIRST AID

IF SWALLOWED:

- Call a poison control center or doctor immediately for treatment advice. Prompt treatment is of the utmost importance.
- Rinse mouth with water.
- Remove contaminated clothing but keep patient warm.
- Do not induce vomiting unless told to by a poison control center or doctor.
- Do not give anything to an unconscious person.

IF INHALED:

- Move person to fresh air, have them lie down.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration.
- Call a poison control center or doctor for further treatment advice.

IF ON SKIN:

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 minutes.
- Call a poison control center or doctor for treatment advice.

IF IN EYES:

- Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eyes.
- Call a poison control center or doctor for treatment advice.

Have the product label with you when calling a poison control center or doctor, or going for treatment. If you need immediate medical attention, call the Poison Control Center at 1-800-222-1222 or a doctor. For non-emergency information concerning this product, call the National Pesticide Information Center at 1- 800-858-7378.

SEE NEXT PAGE FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

New Mexico Department of Agriculture
PO Box 30005 MSC-3AQ
Las Cruces, NM 88003- 8005

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

Net Contents: _____
Batch Code No.: _____

ACCEPTED

May 17, 2021

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

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER – PELIGRO **POISON**

READ THIS LABEL: Read the entire label and follow all applicable directions, restrictions and precautions. This label must be in the possession of the user at the time of pesticide application.

ACUTE HAZARDS: Sodium cyanide may be fatal if swallowed or inhaled.

HAZARD AVOIDANCE: Do not get in eyes, on skin, or on clothing. Use only with adequate ventilation and do not breathe the gas or dust. Wear protective clothing and face protection as listed under “**PERSONAL PROTECTIVE EQUIPMENT**.” Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Do not use in areas frequented by humans or domestic dogs.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators must wear:

- Long-sleeved shirt and pants,
- Shoes plus socks,
- Waterproof gloves, and
- A full face shield or other mechanism to contain and/or deflect ejected material away from the face of the applicator.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to wildlife. Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposing of wastes.

CHEMICAL HAZARDS

Contact with acid liberates poisonous and flammable hydrogen cyanide gas.

ENDANGERED SPECIES CONSIDERATIONS

It is a Federal offense to use any pesticide in a manner that results in the death of an endangered species. 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 product use.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Misuse may result in civil or criminal enforcement action. A copy of this label must be in the possession of the user at the time that the product is applied.

For use in the M-44 ejector device to control coyotes (*Canis latrans*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), and wild dogs which are: (1) suspected of preying upon livestock and poultry; (2) suspected of preying upon federally designated Threatened or Endangered Species; or, (3) vectors of communicable disease. For use on pastures, range land, and forest land, only.

IMPORTANT: Before handling or placing M-44 cyanide capsules or M-44 ejector devices, consult the “**USE RESTRICTIONS**” below for specific use directions, additional precautions, information on endangered species, and warning signs.

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

USE RESTRICTIONS

1. Use of the M-44 device must conform to all applicable Federal, State, and local laws and regulations.
2. Applicators must be subject to such other regulations and restrictions as may be prescribed from time-to-time by the U.S. Environmental Protection Agency (EPA) and the New Mexico Department of Agriculture (NMDA) or other state or federal agencies.
3. Any person using a M-44 device must be a certified applicator in possession of valid license(s) including certifications for applicable category requirements for M-44 use. No M-44 device shall be applied by an unlicensed individual including an unlicensed individual under the direct supervision of any other certified applicator. Each applicator must have been trained through a New Mexico Department of Agriculture approved course with minimal content to include training in: (1) safe handling of the capsules and device; (2) proper placement of the device; (3) necessary record keeping; (4) and applicable rules and regulations.
4. M-44 devices and sodium cyanide capsules must not be sold or transferred to, or entrusted to the care of any person not supervised or monitored by Animal and Plant Health Inspection Services (APHIS), Wildlife Services (WS), or any agency not working under a WS cooperative agreement or NMDA. It is prohibited to sell or transfer M-44 devices unless licensed as an authorized M-44 pesticide dealer.
5. The M-44 device must only be used to take wild canids: (1) suspected of preying on livestock or poultry; (2) suspected of preying on Federally designated threatened or endangered species; or (3) that are vectors of a communicable disease.
6. The M-44 device must not be used solely to take animals for the value of their fur.
7. The M-44 device must only be used on or within 7 miles of a ranch unit or allotment where losses due to predation by wild canids are occurring or where losses can be reasonably expected to occur based upon recurrent prior experience of predation on the ranch unit or allotment. Full documentation of livestock depredation, including evidence that such losses were caused by wild canids, will be required before applications of the M-44 are undertaken. This use restriction is not applicable when wild canids are controlled to protect Federally designated threatened or endangered species or are vectors of a communicable disease.
8. The applicator must ensure placement of M-44 devices is not prohibited by federal or state regulations. The M-44 device must not be used: (1) on Federal and state lands set aside for recreational use; (2) in areas where exposure to the public and family or pets is probable; (3) in prairie dog towns, or; (4) in National or State Parks, National or State Monuments, federally designated wilderness areas, and wildlife refuge areas, except that the M-44 device may be used in the areas listed above in (4) only for the protection of Federally designated threatened or endangered species following approval by the applicable state or federal agency.

To determine whether the applicable land management agency has set aside any area on Federal or State Lands for recreational use either on a permanent or temporary basis, New Mexico Department of Agriculture or his/her designated representative who are considering authorizing or are who is responsible for the ongoing use of M-44s on public lands, must 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 that contact, New Mexico Department of Agriculture, or his/her designated representative, must provide the applicable land management agency with written documentation specifying 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. The M-44 device must not be used in areas where Federally or State listed threatened or endangered animal species might be adversely affected. Each applicator must be issued a map by New Mexico Department of Agriculture, prepared by or in consultation with the U.S. Fish and Wildlife Service and New Mexico Game and Fish, which clearly indicates such areas.

(1) Except as provided in paragraph (2) below, the M-44 device must not be used in areas occupied by any Federally or State listed threatened or endangered species or any federally or State 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 or New Mexico Game and Fish. 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 application, consult with U.S. Fish and Wildlife Service or New Mexico Game and Fish 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 U.S. Fish and Wildlife Service or New Mexico Game and Fish through such consultation.

(2) Notwithstanding paragraph (1), the M-44 device may be used in areas occupied by endangered, threatened, or experimental

populations if use in such areas a) has been addressed by U.S. Fish and Wildlife Service in special regulations pursuant to section 4(d) of the Endangered Species Act, in requirements imposed through incidental take statements or incidental take permits, or in other applicable agreements with the U.S. Fish and Wildlife Service and b) the applicator's use of the M-44 is consistent with any conditions or limitations provided by U.S. Fish and Wildlife Service for such use.

10. Each applicator must notify New Mexico Department of Agriculture of the number of M-44 devices that the applicator has placed within 14 days of their placement. Notification must be submitted to New Mexico Department of Agriculture via email at pesticideregistration@nmda.nmsu.edu and include the number placed, GPS coordinates for each device, date of placement, and notification of any subsequent relocations of M-44 devices. When M-44 devices are placed on private land, all residences on the property must be notified of M-44 device use. In the event that the applicator is not the lessee or owner of the property, written permission must be obtained by the applicator from the landowner or from the lessee prior to placement of M-44 devices.

11. In areas where more than one certified applicator or governmental agency is authorized to place M-44 devices, New Mexico Department of Agriculture must exchange placement information and other relevant facts to ensure that the maximum number of M-44's allowed is not exceeded.

12. The M-44 device must not be placed within 200 feet of any nonfrozen lake, stream, or other body of water, provided that natural depression areas which catch and hold rainfall for short periods of time shall not be considered "bodies of water" for purposes of this restriction. M-44 devices may be set within 200 feet of frozen bodies of water only if (i) they are removed before the water body is no longer completely frozen, and (ii) are set at such elevation to prevent inundation in the event of an untimely thaw.

13. The M-44 device must not be placed in areas where food crops are planted.

14. The M-44 device must not be placed within 300 feet of any designated public road or public pathway.

15. The maximum density of M-44s placed in any 100-acre pasture land areas must not exceed 10; and the density in any 1 square mile of open range shall not exceed 12.

16. M-44 devices must not be placed within 30 feet of a livestock carcass used as a draw station. No more than four M-44 devices may be placed per draw station and no more than five draw stations may be operated per square mile.

17. The New Mexico Department of Agriculture must check the records, warning signs, and M-44 devices of each applicator licensed with New Mexico Department of Agriculture at least once a year to verify compliance with applicable laws, regulations, and restrictions.

18. Each M-44 device must be visually inspected by the applicator at least once every week, weather permitting access, to check for interference or unusual conditions and must be serviced as required, by the applicator.

19. Damaged or nonfunctional M-44 devices must be removed from the field and disposed of by applicator.

20. Any M-44 device must be removed from an area if, after 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 must store such capsules and devices under lock and key, including when in transit.

22. Used sodium cyanide capsules must be disposed of by deep burial or disposal at a landfill site approved for the purpose of accepting sodium cyanide waste. Incineration may be used instead of burial for disposal using approved incineration methods for that location. In locations that allow for incineration, place the capsules in an incinerator or refuse hole and burn until the capsules are completely consumed. When burning, avoid contact with fumes/smoke.

23. Bilingual warning signs in English and Spanish must be used in all areas containing M-44 devices. All such signs must 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 must be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Install freestanding warning signs at access points or on property boundaries where no fence lines exist, as appropriate. Signs must be inspected weekly to ensure their continued presence and ensure that they are conspicuous and legible.
- b. Two elevated signs, placed in the most likely directions of approach, must be placed within 15 feet of each individual M-44 device warning persons not to handle the device.

24. In all areas where the use of the M-44 device is anticipated, local medical people must 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. It

must be the responsibility of the applicator to perform this function. Notifications must be made at least annually.

25. Each authorized M-44 applicator must keep and submit their records to NMDA by September 15 of each year, regardless of M-44 use, for the preceding period covering September 1 through August 31. Such records must include, but need not be limited to:

- a. Copies of all Animal Damage Confirmation Reports submitted by the applicator for purchase or use of M-44 devices
- b. Record of notification provided to local medical personnel per Use Restriction 24.
- c. The number of devices placed and their specific GPS coordinates for each M-44 device
- d. The date of each placement, as well as the date of each inspection and removal.
- e. The number and location of devices which have been discharged and the apparent reason for each discharge.
- f. Species of animals taken.
- g. All accidents or injuries to humans or non-target animals.
- h. Current inventory of M-44 devices.
- i. Record of notification of occupied residences located within .5 miles of a M-44 placement per Use Restriction 27.

26. The M-44 device must not be used within 600 feet of occupied residences, except those of any cooperating entity who has given the applicator written permission for M-44 device placement on their property.

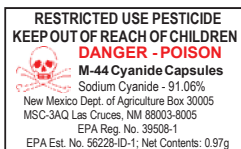
27. Prior to device placement, the applicator must notify any occupied residence within 0.5 miles of an M-44 device of the presence of M-44s by one or more of the following methods: face-to-face communication, person to person telephone conversation (voice message is not acceptable), door hanger notice, certified mail.

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. Do not contaminate feed or food stuffs.

PESTICIDE DISPOSAL: Dispose of defective and used M-44 capsules at a landfill site approved for this purpose. Incineration may also be used for disposal of used capsules. Place capsules in an incinerator or refuse hole and attend the burn until the contaminated material is completely consumed. If burned, stay out of smoke.

CONTAINER DISPOSAL: Styrofoam Container: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. If container is not to be recycled, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance in disposing of container at approved hazardous waste disposal facilities.



(Actual size: 1.25 inch x 0.75 inch)