



OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

WASHINGTON, D.C. 20460

March 25, 2025

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

Subject: Label Amendment - Registration Review Mitigation for Sodium Cyanide – M-44
Product Name: M-44 Cyanide Capsules
EPA Registration Number: 39508-1
Application Date: 03/29/2022
Decision Number: 582864
Case Number: 00480880

Dear Erica 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 Revised Interim Decision and subsequent amendment, *Updated Label Language for the Sodium Cyanide Revised Interim Registration Review Decision, December 2019*, 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 Assurance.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling and must be used at your next label printing. 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.

If you have any questions about this letter, please contact Michelle Nolan by phone at (202) 566-2237, or via email at nolan.michelle@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin Costello".

Kevin Costello, Branch Chief
Risk Management and Implementation Branch 2
Pesticide Re-Evaluation Division
Office of Pesticide Programs

ENCLOSURE: Stamped label

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 provided by the New Mexico 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 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%

ACCEPTED

Mar 25, 2025

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

EPA Reg. No. **39508-1**

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.: _____

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

I. GENERAL

- A. Use of the M-44 device must conform to all applicable Federal, State, and local laws and regulations.
- B. The M-44 device must not be used solely to take animals for the value of their fur.
- C. 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 communicable disease.

II. APPLICATOR LICENSING REQUIREMENTS

- A. 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.
- B. 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; and
 - 4. applicable rules and regulations.
- C. It is prohibited to sell or transfer M-44 devices unless licensed as an authorized M-44 pesticide dealer. 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), NMDA, or any other agency not working under a WS or NMDA cooperative agreement.

III. PLACEMENT RESTRICTIONS

- A. DOCUMENTED DEPREDAATION: Full documentation of livestock or poultry depredation, including evidence that such losses were caused by wild canids, will be required before applications of the M-44 devices are undertaken, except for the following:
 - 1. when wild canids are controlled to protect Federally or state designated threatened or endangered species and following approval from the applicable state or federal agency; or
 - 2. found to be vectors of a communicable disease, on the property where use will occur, as identified by a state or federal recognized authority.
- B. PROHIBITED PLACEMENTS: the use of M-44 devices is **PROHIBITED** on the following::
 - 1. any Federal and state lands including
 - a) lands leased from a Federal or state agency;
 - b) National or State Parks, National or State Monuments, federally designated wilderness areas, and wildlife refuge areas, except for the protection of Federally or state designated threatened or endangered species and following approval from the applicable state or federal agency, or
 - c) any other federal or state areas that prohibit M-44 devices;
 - 2. areas where exposure to the public and family or pets is probable; and
 - 3. prairie dog towns.
- C. ENDANGERED SPECIES REQUIREMENTS:
 - 1. The M-44 device must only be used in areas where either:
 - a) state or Federally endangered or threatened species under the Endangered Species Act ("endangered or threatened species") are not expected to be exposed to the devices or the pesticide contained in the devices; or

b) where site- and/or species-specific measures have been prepared by or in coordination with the U.S. Fish and Wildlife Service ("Service"), NMDA, or New Mexico Game and Fish that will avoid endangered or threatened species' exposure to such devices or the pesticide contained in them.

2. At the time of application, each applicator must have in their possession a list of threatened and endangered species ("species list") not more than 3 months old, from the Service that may be present within the area in which M-44 devices are to be deployed. Species lists and Service points of contact are available through the Information, Planning and Consultation (IPaC) website (<https://ecos.fws.gov/ipac/>). To procure an official species list, the geographic area in which the M-44 devices are to be deployed must be entered into IPaC. Each applicator must ensure that one of the following conditions are met:

a) there are no endangered or threatened species shown on the species list for the area in which M-44 devices are to be deployed that can trigger the device or can scavenge on carcasses impacted by the device; or

b) if endangered and threatened species capable of triggering the device or scavenging on carcasses impacted by the device are shown on the species list, the applicator must also have in their possession written documentation of any appropriate site- and/or species-specific measures that avoid exposure and are prepared by or developed in coordination with the Service.

D. PROXIMITY RESTRICTIONS: Use of M-44 devices must adhere to the following restrictions. M-44 devices must:

1. only be used on or within 7 miles of a ranch unit or allotment where documented losses due to predation by wild canids are occurring, or where losses can be reasonably expected to occur based upon documented recurrent experiences of predation on the ranch unit or allotment within the past 2 years;

2. 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:

a) they are removed before the water body is no longer completely frozen; and

b) are set at such elevation to prevent inundation in the event of an untimely thaw.

3. not be placed within 600 feet of areas where food crops are planted;

4. not be placed within 300 feet of any designated public road or public pathway;

5. be placed to ensure the maximum density of M-44 devices 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;

6. 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;

7. 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.

IV. NOTIFICATION/PERMISSION REQUIREMENTS

A. SIGNAGE: Bilingual warning signs in English and Spanish must be used in all areas containing M-44 devices prior to their placement. Warning sign requirements include:

1. installation of warning signs at 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;

2. installation of freestanding warning signs at access points or on property boundaries where no fence lines exist, as appropriate;

3. weekly inspection of signs to ensure their continued presence and ensure that they are conspicuous and legible;

4. installation of no less than two elevated warning 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; and

5. removal of such signs when M-44 devices are removed.

B. MEDICAL NOTIFICATION: 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.

C. **PLACEMENT NOTIFICATION:** Each applicator must notify at least one person in addition to the applicator of the number of M-44 devices that the applicator has placed within 14 days of their placement. Notification must include the following:

1. number of M-44 devices placed;
2. GPS coordinates for each device;
3. date of placement;
4. notification of any subsequent relocations of M-44 devices; and
5. notification of the date when removed.

D. **PRIVATE PROPERTY NOTIFICATION:** When M-44 devices are placed on private land, all residences on the property must be notified of the presence of M-44 devices 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, or certified mail use. Details of each notification must be recorded to include date and identity of person notified.

E. **ADJACENT RESIDENCE NOTIFICATION:** 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-44 devices 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, or certified mail use. Details of each notification must be recorded to include date and identity of person notified.

F. **PROPERTY OWNER PERMISSION:** 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 of the private land prior to placement of M-44 devices.

V. ANNUAL RECORD SUBMISSION

A. **RECORDS SUBMISSION:** 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:

1. copies of all Animal Damage Confirmation Reports submitted by the applicator for purchase or use of M-44 devices;
2. records of notification provided to local medical personnel per Section III., Subsection B;
3. number of devices placed and their specific GPS coordinates for each M-44 device;
4. dates of placement, inspection, and removal for each M-44 device;
5. number and location of each M-44 device which have been discharged and the apparent reason for each discharge;
6. species of animals taken;
7. all accidents or injuries to humans or non-target animals;
8. current inventory of M-44 devices;
9. notification records of residences located on private land where M-44 devices are/were placed per Section IV., Subsection D;
10. notification records related to occupied residences located within 0.5 miles of a M-44 placement per Section IV. Subsection E;
11. records related to written permissions from property owner per Section IV., Subsection F;
12. records related to disposal of damaged or unused M44-devices.

VI. DEVICE REQUIREMENTS:

A. **INSPECTIONS:** 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.

B. **DAMAGED DEVICE:** Damaged or nonfunctional M-44 devices must be removed from the field and disposed of by applicator.

C. **STORAGE:** 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.

D. **DISPOSAL:** 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.

E. **REMOVAL:** 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. Date of removal must be recorded.

VII. NEW MEXICO DEPARTMENT OF AGRICULTURE REQUIREMENTS

A. **INSPECTIONS:** 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.

B. **INFORMATION SHARING:** In areas where more than one certified applicator or governmental agency is authorized to place M-44 devices, NMDA must exchange placement information and other relevant facts to ensure that the maximum number of M-44's allowed is not exceeded.

VIII. ADDITIONAL NEW MEXICO STATE SPECIFIC REGULATIONS

A. In accordance with NM Wildlife Conservation and Public Safety Act (17-11-1-NMSA 1978), the use of M-44 device is **PROHIBITED** in NM on any public land. Public land means state-owned land, state leased-land, state parks, county or municipality owned lands, lands administered by the United States Fish and Wildlife Service, the United States Forest Service, the Federal bureau of Land Management, the National Park Service, the United States Department of Defense, but does not include the interior of physical structures or land belonging to or held in trust for an Indian nation, tribe, or pueblo.

B. Following placement of an M-44 device, the M-44 device shall be monitored at least once every seven days to determine if the M-44 device has been discharged. Following a discharged event, the area surrounding the M-44 device shall be immediately surveyed to collect and dispose of carcasses in a manner to prevent scavenging by other species including endangered species.

C. Additional consultation with New Mexico Game and Fish may be required to determine if placement would endanger any state threatened or endangered species.

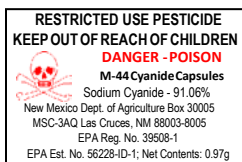
STORAGE AND DISPOSAL

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.

EPA accepted xx/xx/xx



(Actual size: 1.25 inch x 0.75 inch)