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

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OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Gary Frazer
Assistant Director for Endangered Species
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, D.C. 20204

RE: Re-initiation of Consultation for Sodium Cyanide (M-44)

Dear Mr. Frazer:

The Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency (EPA) is re-initiating Endangered Species Act (ESA) section 7(a)(2) consultation under 50 CFR Part 402.16 and 402.46. This request addresses the potential effects of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) containing the active ingredient **sodium cyanide (M-44)** to listed birds, mammals and reptiles and any designated critical habitat as appropriate.

This request is prompted by: 1) the listing of additional potentially affected species since the US Fish and Wildlife Service issued its 1993 Biological Opinion[1] (BO) related to this pesticide (see enclosed memorandum and species lists), 2) the findings in EPA 2010 Registration Review Problem Formulation for sodium cyanide (enclosed), 3) earlier Agency reviews, including the enclosed 2009 response to a petition to cancel all uses of M-44[2] and the 1995 Registration Eligibility Decision (RED)[3], and 4) EPA's desire to develop with the USFWS, more focused mitigation for those species identified in the 1993 BO.

Specifically, the 2010 Problem Formulation and 2009 petition response noted that additional species may be impacted by the use of M-44 beyond those identified in the BO and addressed through current label restrictions. Furthermore, potential changes in the range of listed species that were considered in the BO may have occurred since the BO was issued. The 1994 RED resulted in a determination that the use of pesticides containing sodium cyanide has the potential to adversely impact listed birds and mammals, although this determination does not necessarily apply throughout the geographic range of the listed species. Further, the assessment resulted in a determination that

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[1] U.S. Department of Interior, 1993. Effects of 16 vertebrate control agents on threatened and endangered species. U.S. Fish and Wildlife Biological Opinion, March, 1993.

[2] USEPA, 2009. *Environmental Protection Agency's Response to the Petition to Cancel All Uses of Sodium Fluoroacetate (1080).* Office of Pesticide Programs, Washington D.C.. March 6, 2009.

[3] USEPA. 1995. *Reregistration Eligibility Decision for Sodium Fluoroacetate.* Office of Pesticide Programs, Washington D.C. January 31, 1995.

there is a potential for effects to the critical habitat of listed birds and mammals for which such habitat has been designated. As a result, the 1994 RED recommended that the 26 use restrictions from the 1993 BO, including the listed species identified, be incorporated into the labels. The 26 restrictions are incorporated on current labels evaluated in this assessment.

M-44 is a restricted use pesticide registered to control *canid* predators (coyotes (*Canis latrans),* red fox (*Vulpes vulpes*), gray fox (*Urocyon cineoargenteus*), and wild dogs (*Canis latrans*)). One registration is used to control artic foxes that prey on listed species in Alaska. Federal agencies and states hold registrations for M-44: USDA/APHIS, Navajo Fish and Wildlife Department, and the states of Montana, New Mexico, South Dakota, Texas and Wyoming[4]. M-44 is registered for use in a mechanical device. The base of the device is buried in the ground and a capsule holder is inserted into the base. A capsule containing sodium cyanide is loaded into the capsule holder. The capsule holder is then treated with a scent used to attract canids to the unit. When an animal tugs at the capsule holder, a spring-driven plunger ejects the sodium cyanide capsule into its mouth. Primary exposure occurs when the injection device containing powdered M-44 is activated and M-44 is released directly into the mouth of the target animal. Rapid death occurs following the inhalation of newly formed hydrogen cyanide from the reaction of M-44 (sodium cyanide) with water contained in available moisture. The potential effects from the use of M-44 is a result of exposure of non-target terrestrial vertebrates through direct injection into the animal's mouth and from secondary poisoning from carcasses.

EPA believes the precise geographic scope of potential effects is dependent upon both the specific locations and sizes of populations of the species in relation to actual use of the pesticide and upon the locations and attributes (e.g. population of prey species) of the various relevant habitats. This location information relative to the species and the attributes of its various types of habitat are not available to EPA. We look forward to the U.S. Fish and Wildlife Service bringing this species-specific information to the consultation process to appropriately characterize the spatial and temporal extent of any potential effects to the species or its habitat.

Please let me know if you have any questions regarding this request or the enclosed materials.

Enclosures

Sincerely,

Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division (7507P)

cc: Donald Brady
Richard Keigwin
Steven Bradbury

[4] There is a Special Local Need registration for California to use sodium cyanide as a fumigant (Registration number CA84000600) on citrus. This use will also be evaluated during registration review.