

# WS Directive

2.415 02/17/10

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## M-44 USE AND RESTRICTIONS

### 1. PURPOSE

To establish guidelines for the use of the M-44 device by WS personnel.

### 2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 2.415 dated 10/07/09.

### 3. POLICY

M-44 sodium cyanide capsules labeled with EPA registration No. 56228-15 and M-44 devices may only be used for control of coyotes, red and gray foxes, and wild dogs that are vectors of communicable diseases or suspected of preying upon livestock, poultry, and federally designated threatened and endangered (T/E) species. M-44 sodium capsules labeled with EPA Registration No. 56228-32 and M-44 devices may also be used for control of arctic fox that depredate federally designated T/E species in the Aleutian Islands, Alaska. M-44's must be used in accordance with the U.S. Environmental Protection Agency (EPA) 26 use restrictions (Attachment 1).

M-44 sodium cyanide capsules labeled with EPA Registration Nos. 56228-15 and 58228-32 containing blaze-orange marker particles produced by the Pocatello Supply Depot (PSD) are for WS official use only. M-44 capsules labeled with an individual State's registration containing light yellow marker particles produced by the PSD are not authorized for WS use.

All M-44 ejectors used by WS personnel will be stamped, marked, or engraved with "US Gov't" or "Property of U.S."

All M-44 applicators will physically inventory M-44 capsules under their control at least quarterly during the year using the Controlled Material Inventory Tracking System. Supervisors will review inventory records for accuracy during yearly field inspections and physical inventory. Inventory records may be reviewed more often by supervisors and managers when deemed necessary. For inventory purposes, only capsules that contain sodium cyanide will be reported as part of the available inventory.

Any toxic or adverse human effect which occurs to WS personnel, cooperators, or the public involving the use, storage, or disposal of sodium cyanide is to be immediately reported to the appropriate State Director and Director (as defined in Directive 1.101).

The Director will determine if the incident should be reported to the EPA and to the Director of Environmental Services, APHIS.

4. REFERENCES

WS Directive 2.401, Pesticide Use (01/02/08).

Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended.

40 CFR Part 153.75 - Toxic or Adverse Effect Incident Reports (a)(1)(i) through (iii).

A handwritten signature in black ink that reads "William H. Clay". The signature is written in a cursive style with a long, sweeping underline.

Deputy Administrator

M-44 Cyanide Capsules  
M-44 Use Restrictions  
EPA Registration No. 56228-15  
October 7, 2010

1. Use of the M-44 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 (EPA).
3. Each applicator of the M-44 device shall be trained in: (1) safe handling of the capsules and device, (2) proper use of the antidote kit, (3) proper placement of the device, and (4) 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 supervised or monitored, by the Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) or any agency not working under a WS cooperative agreement.
5. The M-44 device shall 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 shall not be used solely to take animals for the value of their fur.
7. The M-44 device shall 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 M-44 device shall not be used: (1) in areas within national forests or other Federal lands set aside for recreational use, (2) areas where exposure to the public and family and pets is probable, (3) in prairie dog towns, or (4) except for the protection of Federally designated threatened or endangered species, in National or State Parks; National or State Monuments; federally designated wilderness areas; and wildlife refuge areas.

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 APHIS State Director or his/her designated representative who are considering authorizing or are responsible for ongoing use of M-44 capsules 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, the APHIS State Director, 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 shall not be used in areas where federally listed threatened or endangered animal species might be adversely affected. Each applicator shall be issued a map, prepared by or in consultation with the U.S. Fish and Wildlife Service, which clearly indicates such areas.

- (1) Except as provided in paragraph (2) below, the M-44 device shall not be used in areas occupied by any federally listed threatened or endangered species or any federally 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 (FWS). 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 FWS to determine whether the application site is in an area occupied by listed animal species. Any use of the M-44 thereafter shall be consistent with any conditions or limitations provided by FWS 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 FWS in

special regulations pursuant to section 4(d) of the ESA, in requirements imposed through incidental take statements or incidental take permits, or in other applicable agreements with the FWS, and b) the applicator's use of the M-44 is consistent with any conditions or limitations provided by FWS for such use.

10. One person other than the individual applicator shall have knowledge of the exact placement location of all M-44 devices in the field.
11. In areas where more than one governmental agency is authorized to place M-44 devices, the agencies shall 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 shall not be placed within 200 feet of any 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.
13. The M-44 device shall not be placed in areas where food crops are planted.
14. The M-44 device shall be placed at least at a 50-foot distance or at such a greater distance from any public road or pathway as may be necessary to remove it from sight of persons and domestic animals using any such public road or pathway.
15. The maximum density of M-44's placed in any 100 acre pasture land areas shall not exceed 10; and the density in any 1 square mile of open range shall not exceed 12.
16. No M-44 device shall be placed within 30 feet of a livestock carcass used as a draw station. No more than four M-44 devices shall be placed per draw station and no more than five draw stations shall be operated per square mile.
17. Supervisors of applicators shall check the records, warning signs, and M-44 devices of each applicator at least once a year to verify that all applicable laws, regulations, and restrictions are being strictly followed.
18. Each M-44 device shall be inspected at least once every week, weather permitting access, to check for interference or unusual conditions and shall be serviced as required.
19. Damaged or nonfunctional M-44 devices shall be removed from the field.
20. An M-44 device shall 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 shall store such capsules and devices under lock and key.

22. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site.

Incineration may be used instead of burial for disposal. Place the 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.

23. Bilingual warning signs in English and Spanish shall be used in all areas containing M-44 devices. All such signs shall 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 shall be posted with warning signs to alert the public to the toxic nature of the 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 25 feet of each individual M-44 device warning persons not to handle the device.

24. Each authorized or licensed applicator shall carry an antidote kit on his person when placing and/or inspecting M-44 devices. The kit shall contain at least six pearls of amyl nitrite and instructions on their use. Each authorized or licensed applicator shall also carry on his person instructions for obtaining medical assistance in the event of accidental exposure to sodium cyanide.

25. In all areas where the use of the M-44 device is anticipated, local medical people shall 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. They shall be advised of the antidotal and first-aid measures required for treatment of cyanide poisoning. It shall be the responsibility of the supervisor to perform this function.

26. Each authorized M-44 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:

- a. The number of devices placed.
- b. The location of each device placed.
- c. The date of each placement, as well as the date of each inspection.
- d. The number and location of devices which have been discharged and the apparent reason for each discharge.
- e. Species of all animals taken.
- f. All accidents or injuries to humans or domestic animals.

U.S. Department of Agriculture  
Animal and Plant Health Inspection Service  
Riverdale, MD 20737-1237  
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