

ADVISORY LETTER

TDA Incident No. 2414-00006891

June 6, 2012

Predator Defense
Attn: Brooks Fahy
P.O. Box 5446
Eugene, OR 97405

Texas Department of Agriculture
Enforcement Division
P.O. Box 12847
Austin, Texas 78711-2847

tel (512) 463-7558 • fax (800) 909-8520

For the hearing impaired:

voice (800) 735-2988 • TDD (800) 735-2989

www.TexasAgriculture.gov



Dear Mr. Fahy:

The Texas Department of Agriculture (Department) has completed its investigation of the above referenced incident. During the investigation, the Department received a copy of an article published in 2011 entitled, *M-44 Tragedy in Texas: USDA Wildlife Services Kills Dog and Puts Family at High Risk* (http://www.predatordefense.org/m44s_bella.htm). The Department understands part of Predator Defense's mission is to help people who have lost pets by predator-control activities, but the Department does not condone actions that endanger the safety of others in order to accomplish that mission. According to the article, Predator Defense encouraged Angel and J.D. Walker to photograph and document the placement of the M-44 devices that killed their dog as well as other M-44 devices that were still loaded in the area. By requesting the Walkers to photograph loaded M-44 devices, Predator Defense exposed the Walkers to unreasonable risks that trained and certified applicators are fully versed in to expect and are prepared to handle. The safety precautions afforded by the label and use restrictions were effectively disregarded.

M-44 devices contain sodium cyanide, an extremely toxic substance. M-44 devices must be used in accordance with the 26 EPA mandated use restrictions and label language to prevent adverse or harmful effects to humans and the environment. The M-44 device label permits only trained and certified applicators instructed in the safe handling of the capsules and devices to use the pesticide. These authorized or licensed M-44 device applicators must carry an antidote kit when placing or inspecting M-44 devices. The M-44 device label language and use restrictions include vital information, such as safety precautions, that were written to protect the unsuspecting public and the applicator from the dangers of this pesticide.

In the future, Predator Defense must refrain from placing people in similar positions of harm as it did the Walker family on February 18, 2011. Do not ask untrained individuals to position themselves in close proximity to M-44 devices and investigate or inspect M-44 devices. Providing a copy of the Use Restrictions does not make a person qualified or prepared to handle M-44 devices. Instead, the Department strongly counsels Predator Defense to advise the people they aid to contact the appropriate personnel (e.g., law enforcement or the appropriate regulatory agency) to handle the matter.

Sincerely,



Dee Marlo Chico
Assistant General Counsel

DMC/af