



moving forward
for wildlife

with science &
the majority

Challenging USDA Wildlife Services in Idaho Courts

Appeals Court Reinstates Our Wolf-Killing Case Against Government

In a victory for a coalition of wildlife conservation groups, Idaho's Ninth Circuit Court of Appeals overturned a lower court's dismissal of their lawsuit challenging Wildlife Services' wolf-killing in the state. The lawsuit alleges that the federal agency has failed to properly analyze or disclose the effects of its killing campaign against these iconic carnivores.

With the new decision, we can return to the heart of the matter—whether or not Wildlife Services adequately reviewed the ecological consequences of killing scores of wolves each year in Idaho. This lawsuit is all about dispelling the myths and propaganda about the 'big, bad wolf' and getting federal agencies to acknowledge the overwhelming scientific evidence that killing wolves to reduce livestock losses or increase populations of hunted wildlife is cruel, pointless, and doesn't work.

Summary Judgment Won in EA Suit

We won a summary judgment opinion in our challenge to Wildlife Services' 2016 Idaho Environmental Assessment (EA). The Court vacated and remanded the flawed EA, but declined to issue injunctive relief to prevent Wildlife Services from carrying out most or all of the same activities under older EAs from 1996 and 2002.

While Wildlife Services has explained that it plans to do an Environmental Impact Statement including its coyote and wolf killing in Idaho, it also says the EIS process will likely take 5 years and it plans to continue killing predators while it completes the analysis. The next step, expected shortly, is filing a second lawsuit in the District of Idaho to prevent Wildlife Services from carrying out predator control under 1996 and 2002 EAs.

June 2019

Dear Friend of Predator Defense,

We wonder if you are experiencing the same phenomenon we are—a difficulty digesting positive news in such dark times. We have found the daily assault against the environment, rule of law, and our shared future overwhelming. But good things are happening in spite of this, and we're hoping that sharing the positive headlines below helps us take them in, as it's high time to celebrate the headline below (and on pg. 4).

Oregon Has Banned M-44 "Cyanide Bombs" Statewide

It's an understatement to say this is incredibly positive news. It appears our decades of work, followed by this year's rigorous coordination of testimony by victims and experts to Oregon House and Senate Committees, truly paid off. Legislators almost unanimously passed SB 580, which bans all use of M-44 "cyanide bombs" (and any other sodium cyanide dispersing devices) for wildlife control statewide. This means people, pets and wildlife on the entire West Coast will be able to enjoy the great outdoors without running into poisonous and lethal land mines, as Washington and California banned M-44s years ago.

The Oregon legislation was a direct result of USDA Wildlife Services (WS) directors denying our September 2018 APA petition, a letter requesting an M-44 ban signed by around 100 victims and interested parties. Our letter was seen by Senator Floyd Prozanski (D-Oreg), who drafted SB 580. The Oregon Senate vote was 25-3 and the House vote was 53-6. The bill was signed by Governor Kate Brown on May 6, 2019 and goes into effect Jan. 1, 2020.

Given this delayed effective date, we asked WS directors if they would respect the will of the people and safeguard public safety by implementing the ban immediately and removing all devices currently in use. In their response they lamented the loss of a "wildlife damage management tool" that would result in "unnecessary livestock losses," but said they would abide by the law. They also said they were done with their seasonal deployment of M-44s, had removed all devices from the field, and did not "intend"



The M-44 Case That Kick-Started Our Movement

In 1994 our director received a call that would change the trajectory of his life. It was from a traumatized woman who had just lost her dog to a poison trap. It ultimately led to the new ban on M-44 "cyanide bombs" in Oregon and a national movement. See pg. 2.



— cont. on page 4

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SPOTLIGHT: The M-44 Case That Kick-Started Our Movement



"The news that M-44s are finally banned in Oregon has brought me to tears," said Amanda Kingsley. "It's been 25 years since my dog Ruby was poisoned by one on my own property, and M-44s have continued to cause so much senseless suffering and death. I'm incredibly grateful to everyone who has worked so hard to end the use of these horrible devices. And I'm thrilled we can now say: 'We did it!'"

Read the rest of Amanda Kingsley's story, as well as testimony from other victims who spoke out and helped ban M-44s in Oregon, at predatordefense.org/m44s.htm.

Amanda's full testimony details the traumatic aftermath of her ordeal—attempting to get medical help for herself while dealing with shock and grief, trying to make sense of what had happened to her dog, and working to hold the government accountable for their gross negligence. We assisted her as best we could, but it took 25 years before we could finally bring her some measure of peace.

We are thrilled by the Oregon ban. Now we must succeed nationally. Help us rid our entire country of M-44s by donating today at predatordefense.org.

In 1994 Amanda Kingsley lost Ruby, her 130-pound Mastiff, to an M-44 "cyanide bomb" planted without her knowledge on her property in Oregon. Amanda was also poisoned, and her desperate call to us in the aftermath turned our director into a victims' advocate from that day forward. In 2019 Amanda's words to Oregon legislators provided one of several key testimonies in our push to pass SB 580, the bill that banned them statewide. Here is an excerpt.

"In the fall of 1994 my fiancé [Michael] and I were living on a farm north of Eugene that has been passed down to me through four generations of my family. We moved down to begin restoration of my great grandfather's 160 year-old farmhouse. We had many wonderful experiences while living in the Willamette Valley, but it's hard to not let it all be overshadowed by one terrible, life-changing event. While walking our dogs [Jack & Ruby] across the middle of my 250-acre property, Ruby came upon a hidden M-44 cyanide trap set in the grass by federal agents.

When we moved down from Seattle we were trying hard not to be dumb city people and were grateful for advice from our Oregon friends and relatives... Everyone warned us that loose-running dogs would likely be shot by livestock farmers so the first thing we did upon arriving was to fence the yard for our dogs... Even on our own property we were always with the dogs and usually had them on leashes. The one thing no one thought to mention was the poison traps set out by [USDA] Wildlife Services.

On October 28, 1994, the rain gave way to a beautiful fall afternoon so we put down our tool-belts and headed out with the dogs for a long walk across my property to play in Pierce Creek. Coming home we crossed the creek...I stopped to pick wild mint and Michael started on the last field toward the house... The dogs were wandering in the ditch near me. When I saw Ruby rolling on her back in the grass, I laughed, thinking she was playing. She got up then and started following Michael, but suddenly dropped over on her side and was kicking at the mud. My heart went to my throat; I knew something was extremely wrong.

I threw down everything I was carrying and screamed for Michael. We both ran to Ruby. Her eyes were rolled back; she was in violent convulsions and having trouble breathing. There was a strong, chemical smell—sharp and metallic. We immediately suspected poison and I bent near her mouth and inhaled deeply to try and identify the smell or to be able to describe it to a vet or medic. It didn't occur to me right then that it might be poison gas and that I shouldn't breathe it. Ruby was gasping and crying with her head arched back, eyes wild, fighting for air. Her strong legs thrashed and with every choking breath she let out a screaming moan... She was foaming at the mouth and her tongue was hanging limp in the dirt. I reached in her mouth to make sure her windpipe was clear and she bit my hand hard in a new wave of convulsions.

Michael began to run the 1/4 mile back to the house to get the van and call a vet. I knelt in the mud shaking and trying to get our big girl to keep breathing. More than anything I felt devastatingly helpless. As minutes ticked by she struggled less and less and breathed less and less, but when I would call her name sharply she would always gasp in one more breath. Just as Michael got back with the van...Ruby stopped breathing. We briefly tried to do CPR on her (through a plastic tube pushed down her throat) but it was clearly over...

Michael searched the grass where she had first rolled over and found the detonated trap as well as the tiny, faded sign warning that it was sodium cyanide. Both sign and trap were completely buried in tall grass. We then washed our hands in the creek and that's when Michael saw that I had been bitten.... The dreadful thought then occurred to both of us that we didn't know how cyanide worked and that I probably had it in my system by then. We were 30 minutes from the nearest hospital and had just watched an animal considerably more robust than me die horribly before our eyes. Neither of us said what we're thinking, but I could see it in Michael's eyes; we both wondered if I was next..."

- Continue reading Amanda's testimony at predatordefense.org/m44s.htm

How Amanda's Case Helped Ban M-44 'Cyanide Bombs' in Oregon

Twenty five years after the tragic case featured on pg. 2, our executive director, Brooks Fahy, was finally able to testify to Oregon legislators in support of a bill that banned M-44s statewide, SB 580. Here is his 2019 testimony to House and Senate Committees.

"In the fall of 1994 I received a call that would change the course of my life. It was a deeply traumatized woman who had just lost her dog to a poison trap and been poisoned herself. Little did I know I was about to become a victim's advocate for people who lost pets or were injured by one of the deadliest poisons on earth—sodium cyanide.

The EPA classifies sodium cyanide as a Category One poison, meaning most acute toxicity. It is the poison used in M-44 predator control devices, which S.B. 580, the bill before this committee, would ban. The need for a ban becomes obvious when you listen to what really happens when M-44s are used. Here is the brutal reality:

- M-44s are indiscriminate killers.
- They kill countless dogs each year.
- They kill countless nontarget wildlife each year, including endangered and threatened species.
- They poison people. Last year a Utah man died after an M-44 rendered him permanently disabled in 2003. Cyanide poisoning was listed as a contributing factor in his death. In 2017 an Idaho teen narrowly missed death. It is only a matter of time before an M-44 kills a child.

After three decades of investigating these incidents I can tell you with absolute certainty that placing "cyanide bombs" on the landscape is not worth

it. Every part of this collateral damage is unacceptable.

Even worse, far more animal deaths occur each year than are indicated in the official reports released by USDA Wildlife Services. Many M-44 poisonings are simply not reported by their agents. And far too many people have no idea the reason their dog did not come home was because it became yet another victim of an M-44.

I've helped so many people deal with the agony of losing their beloved pet and their shock and outrage that cyanide devices were placed by government agents near their backyards, in public places or wild lands, frequently without warning. But no incident hit me harder than the 2017 Pocatello, Idaho case in which a 14-year-old boy named Canyon Mansfield took a walk on a hill behind his house with

his dog, Kasey, and accidentally triggered an M-44 when he touched something in the ground that he thought was a sprinkler head. It ejected a powdery cloud. Within a few minutes his dog (and best friend) died a horrifying death in front of him. Canyon was only spared death because the wind was blowing the other direction. But he still required hospitalization and has suffered long-term side effects. His story was featured in the media world-wide.

Every time the death or poisoning of an unintended target is publicized, Wildlife Services says they will take care of the problem by updating their M-44 directives. But their updates have done nothing to prevent countless unnecessary deaths. In the Pocatello case, the M-44 was set illegally. No warning sign was posted, nor were the local sheriff, emergency responders or medical

facilities notified of the device or how to respond to an incident.

But discussing this issue of signage is a dead end. Wildlife Services' has long asserted that warning signs will protect the public. Ultimately they can't. Warning signs are only helpful on occasion—when they are seen by those who can read them and posted in all the places people might use when going outside. This is compounded by the fact that whistleblowers have revealed agents often don't post warning signs because they don't want to draw attention to the devices.

So ultimately, you should ignore all this talk of warning signs. Even if they were used "perfectly," they will not stop a child, dog or wild animal from being killed. They can't read warning signs! And there is virtually no place in the great outdoors where people and animals don't go. And wouldn't you say it is their right to enjoy the great outdoors?

Equally important, science increasingly shows that lethal predator control is unnecessary and counter-productive. For example, poisoning coyotes has not been shown to be effective in reducing predation on livestock and game species; in fact, it may increase it. So the reasons Wildlife Services gives for needing to use M-44 are without merit.

The use of M-44s must end. The devices are deadly, indiscriminate, and unnecessary. As I've said, it is only a matter of time before a child is killed. In fact, we have long feared that would have to happen before a ban takes place. With S.B. 580, Oregon has the opportunity to prevent such a horror by taking a strong stand on public safety and scientifically sound wildlife policy. Please support this bill to ban M-44s across the state and urge your colleagues to do so as well."



We've been told the filmmaker will soon release an online version of "Lethal Control," the poignant film featuring many M-44 victims we've helped. This year we screened it live in Oregon, Idaho and Washington, D.C., providing followup Q&As so engaged audiences could meet victims and experts. We'll keep you posted about availability. Meanwhile, watch the trailer and learn more at predatordefense.org/lethalcontrol.



April 2019 visit to U.S. Congress by Theresa Mansfield, Mark Mansfield, Canyon Mansfield, and Brooks Fahy (L to R).

Back to D.C. to Ban M-44s

We returned to Washington, D.C., a second time with the Mansfield family of Pocatello, Idaho, in April 2019 to garner support for newly introduced legislation to ban M-44s nationwide (see story at right). Since the horrifying M-44 incident in 2017 that killed their dog (and almost their son, Canyon), the Mansfields have become quite the activists, enduring countless visits to legislators' offices. They also answering questions after several showings of the film "Lethal Control," in which they are featured, including an educational briefing for Congressional staff.

LETTER FROM THE DIRECTOR, *cont. from page 1*

to use them again in 2019. We will hold them to this statement and watch them closely.

We do not mourn the loss of their "tool," as it means wildlife, dogs, and potentially a human will not die horrifying deaths from cyanide poisoning in Oregon. We also know their statement of "loss" is an essentially unfounded attempt to garner sympathy, as predators cause only a small fraction of livestock deaths. Disease, birthing and weather cause the vast majority of losses. And we know that wildlife does not need to be lethally managed. Populations left in balance are self-regulating and nonlethal methods of protecting livestock abound.

Oregon's ban leaves 13 states continuing to use M-44s. So while we will continue to work on a state-by-state level, a primary focus remains a nationwide ban. Speaking of...

Two Bills to Ban M-44s Nationwide Introduced in Congress

We're also pleased to announce some great national news. In May Congressman Peter DeFazio (D-Oreg.) reintroduced a bill in the U.S. House of Representatives to enact a national ban. We've long worked with him on this legislation, which is called the Chemical Poisons Reduction Act of 2019, H.R. 2471—aka "Canyon's Law" in honor of Canyon Mansfield, the 2017 Pocatello victim. The bill is receiving bipartisan support and is already cosponsored by Reps. Ted Lieu, Adam Schiff, and others. A companion bill was introduced in the U.S. Senate by Senator Jeff Merkley (D-Oreg.) as S. 1301, Canyon's Law. We hope you will encourage your U.S. senators and representatives to support these bills and will keep you posted at key junctures as they move forward.

In closing, we'd like to share a "hopeful future" headline, something like...

Government Ends War on Native Predators, Acknowledges Their Essential Role in Ecosystems

Did you do a double-take? As we said, that is a future headline we hope to share. We enjoyed typing it. We enjoy visualizing it as a potential reality. And we know the majority are with us in wanting it. While it's easy to fall victim to helplessness and believe all our efforts are futile, we know the following to be true: If we do not try, we will fail. And we want to spend our life energy working for causes we believe in.

So we remain focused on specific issues that naturally engender support and can be harnessed to effect even greater change over time—for example, fully debunking the myth that wildlife must be "managed" (killed). We believe we can make the absurd notion that we should wage war on beautiful native predators that are self-regulating and essential for nature's (and our own) well being a relic of the past.

We hope you will continue to stand with us as we push for a world that respects science, kindness and co-existence with native predators. We know we can make a difference together, just like we did in Oregon, thanks to your support. We are truly grateful for you. Just think what we can do next!

For all that is wild and free,

Brooks Fahy, Executive Director

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We must persist.

History shows we blame predators for problems humans have caused.

Help us right this wrong by donating to support our work at predatordefense.org.



5,000+
wolves killed
since 2011



40,000+
cougars killed
since 2001

...and millions of wild animals killed each year