SETTING THE RECORD STRAIGHT ON DEADLY PREDATOR CONTROL POISONS

Cosponsor the Compound 1080 and M-44 Elimination Act

December 11, 2007

Dear Colleague:

Last week you may have received a Dear Colleague regarding soon-to-be introduced legislation, the **Compound 1080 and M-44 Elimination Act**. This Dear Colleague incorrectly suggests that Compound 1080 and sodium cyanide capsules used in M-44s are safe and harmless chemicals, and in fact are necessary to control predators. Let me set the record straight.

Both Compound 1080 and sodium cyanide are incredibly dangerous poisons. Compound 1080 is colorless, odorless, tasteless, and quite water soluble; some countries have categorized this toxin as a threat to water supplies in the event of chemical warfare. Cyanide has been a chemical warfare agent since World War I. The EPA considers sodium cyanide and sodium fluoroacetate Category 1 toxicants: the deadliest type of toxin known to man.

Opponents claim that these toxicants are use to guard against aggressive predation by native carnivores. That claim seems reasonable, until one actually looks at the numbers of livestock killed by predators: of the total cattle produced in the U.S. in 2005, *less than two tenths of a percent (0.18%)* were killed by predators. Far more cattle (4%) die of weather-related issues, birthing problems, and a whole host of health problems. For sheep, predators killed three percent (3%), compared with the five (5%) percent that died from other unintended consequences. Using highly lethal poisons to address a minuscule "problem" is reckless at best.

Opponents of my legislation are correct that these toxicants are effective and efficient: they are very good at killing. However, they are wrong that they are humane killers: sodium cyanide usually kills within minutes but has been documented to take as long as eight hours and is excruciatingly painful, while Compound 1080 can take up to 15 hours to kill.

The opponents are also wrong that Compound 1080 and sodium cyanide discriminately target coyotes, foxes, and feral dogs. Based on data from Wildlife Services, an average of 13,000 animals are killed by M-44s each year, including 100 domesticated dogs, and a whole host of other non-target species including rare kit foxes, ringtails, javelinas, and swift foxes. www.aphis.usda.gov/wildlife_damage/prog_data_report.shtml. M-44s with sodium cyanide used on public and private lands have killed pets, as well as federally protected threatened and endangered species such as wolves, California condors, and grizzly bears.

Often, M-44s are placed on private land without the owners' consent, or on public lands without adequate notice, leading to disastrous consequences. For example:

- In 1994, Amanda Woods was exposed to sodium cyanide after her dog Ruby triggered an M-44 on her private property in Oregon. Ruby died in her owner's arms, and Ms. Wood suffered secondary poisoning after she tried to resuscitate Ruby. Wildlife Services illegally placed the device there without her knowledge or permission.

- In March 1999, while irrigating his farm in Crawford, Colorado with his three-year old daughter, Paul Wright witnessed his dog's death after it had triggered an M-44 illegally placed on Mr. Wright's private property. A lawsuit was filed February 2000 in federal court, and the matter settled in 2001. The USDA paid the Wrights $9,500.

- In May 1999, an elderly Virginia couple lost their dog, Rufus, to an M-44.

- In December 1999, two bird-dogs were killed by sodium cyanide during a bird-hunting trip in New Mexico on state lands.

- In January 2000, a domesticated dog died from M-44 poisoning in Estacada, Oregon.

- In May 2001, Maggie and Johnny Watson's dog in Gardner, Colorado was poisoned by an M-44. Other neighbors' dogs may have also been similarly poisoned.

- In 2001, an unknown individual in Grand Junction, Colorado illegally poisoned 30 pets with Compound 1080 and sickened police officer David Palacios, who handled the animals. The FBI investigated the matter, but could not find the perpetrator before that person disposed of Compound 1080 into the city's sewer system.

- In February 2002, Danielle Clair's dog died by an M-44 allegedly set by APHIS-WS in Philomath, Oregon.

- In February 2006, hunter Samuel Pollock's dog triggered an M-44 near Brough Reservoir in Utah, which is managed by the Bureau of Land Management. The agency denied any wrong doing, and Pollock was never compensated, much less given an apology.

- In April 2006, Sharyn and Tony Aguiar's two-year-old German shepherd was killed at a rock quarry in Utah. Again, the agency denied any wrong doing and refused to compensate the Aguiars. According to news reports, the couple filed a tort claim lawsuit against APHIS.

- According to records from the Environmental Protection Agency, at least five Wildlife Services agents have been exposed to sodium cyanide while placing it in the

field, and at least that many members of the public have inadvertently been exposed to sodium cyanide from triggering M-44s.

The opponents seem to suggest that because the Animal Plant Health Inspection Service (APHIS) – the agency in charge of insuring that Wildlife Services properly uses Compound 1080 and M-44s – has received no complaints from EPA regarding the use of the two toxins, then they are completely safe. In fact, four government reports have concluded that APHIS has been unable to account for stockpiles of these toxins, which has given rise to one of my chief concerns with these poisons: that they could be used in a terrorist attack (a concern shared by the FBI):

- In 2002, the Office of Inspector General (OIG) found that "APHIS could not account for 60 pounds of strychnine-treated bait and over 2,000 capsules containing sodium cyanide." In her February 2002 statement before Congress, Joyce Fleishman, Acting Inspector General for the USDA reported, "we found that APHIS lacks adequate accountability and control over hazardous pesticides and drugs maintained by some of its State offices for use in wildlife damage control."

- In 2004, OIG concluded that while APHIS could now account for these toxins, it failed to put in place an "adequate chemical inventory and tracking system." In that report, Assistant Inspector General Robert Young found that: "WS is unable to fully account for its inventories of hazardous pesticides and controlled drugs and that these inventories are not always stored in a safe and secure manner…Therefore, hazardous material remain vulnerable to undetected theft and unauthorized use, and may pose a threat to human and animal safety."

- In 2005 and again in 2006, OIG released audits revealing that APHIS was not in compliance with the Bioterrorism Preparedness and Response Act. In the June 2005 audit, the OIG found that APHIS had not secured "dangerous biological agents and toxins." In the 2006 audit, OIG found that APHIS was not complying with regulations concerning the security of toxins; that it had not secured access from unauthorized persons; that individuals using toxicants did not have adequate training; and that inventories had not been maintained to prevent the illegal possession (theft), transfer, or sale of these toxicants. The OIG selected 10 of 75 sites to visit, and none were in compliance.

- In November 2007, Wildlife Services itself admitted that it has problems with its program. Wildlife Services Deputy Administrator William Clay wrote in a stakeholders memo that "in the wake of several accidents in WS' programs, WS is conducting a nationwide safety review focusing on aviation and aerial operations, explosives and pyrotechnics, firearms, hazardous chemicals, immobilization and euthanasia, pesticides, vehicles, watercraft, and wildlife disease activities." That review, according to a letter from Deputy Director Clay, will be conducted by "professional experts" from other agencies, but will be shielded from public scrutiny.

Opponents claim that these poisons are necessary, and that a ban would harm predator control efforts. However, the opponents also recognize that these toxicants kill less than 16% (M-44s) and 0.04% (Compound 1080) of the total wildlife killed to protect livestock – so it's simply not true that Wildlife Services' clients would be harmed if these two predator poisons were abolished. Not only do they represent an insignificant tool in Wildlife Service's toolbox, but they also pose an enormously deadly threat to humans, wildlife, and the environment.

There are alternatives to these poisons. These alternatives are being used now, and they are effective. Such predator management must include an emphasis on non-lethal methodologies such as education of ranchers and farmers in best management practices for livestock husbandry, the use of fencing, guard animals, night penning, fladry and turbo-fladry, pyrotechnics, and/or non-lethal ammunition.

We've been throwing poisons, traps, and guns at coyotes and other predators for over 100 years. But while Wildlife Services largely extirpated wolves and grizzlies from the Lower 48 states, coyotes – the "target species" of lethal control mechanisms – have increased their range three-fold. Killing predators with deadly poisons simply does not work.

The livestock industry does not need Compound 1080 and M-44s in order to protect their herds and flocks. The American public, however, *does* need to be protected from deadly toxins that are already poisoning humans and their pets, and that could be used in a terrorist attack. I ask you to join me in supporting the **Compound 1080 and M-44 Elimination Act**. If you have any questions, please don't hesitate to contact me or Susan Jane Brown (susanjane.brown@mail.house.gov; 5-6416) in my office.

Sincerely,

Peter DeFazio