



May 29, 2008

Debra Edwards, Ph.D., Director
Office of Prevention, Pesticides & Toxic Substances
U.S. Environmental Protection Agency
Washington, DC 20460

Re: Fourth Addendum to Sinapu¹ et al.'s Petition to Ban Sodium Cyanide (M-44) and Sodium Fluoroacetate (Livestock Protection Collars)

Dear Dr. Edwards:

This week we received a significant new document from the Environmental Protection Agency (EPA) in response to our Freedom of Information Act request. We hope that EPA decision makers will carefully consider the attached notice of warning letter as part of its deliberations on the above-captioned petition.

On March 2008, the EPA dispatched a notice of warning letter to USDA-Wildlife Services because the federal predator-killing agency had failed to properly place M-44s sodium-cyanide ejecting devices in accordance with the Federal Fungicide, Insecticide, and Rodenticide Act's (FIFRA) 26 use restrictions for M-44s.

As a result of Wildlife Services' negligence, Sam Pollock (a U.S. Fish and Wildlife Service biologist), who was rabbit hunting on federal public lands with his dog, Jenna, was exposed to sodium cyanide after Jenna had asphyxiated and died. Apparently, Jenna triggered an unmarked M-44 device. According to Mr. Pollock, the device was placed on public roadway under a powerline in an area known as Brough Reservoir. Mr. Pollock witnessed Jenna gagging, frothing, and vomiting and saw the spent M-44. Jenna died in Mr. Pollock's arms approximately 90 seconds later. Mr. Pollock hoisted Jenna over his shoulder and carried her carcass for two miles back to his truck. Soon after, Mr. Pollock reported that he felt faint and noticed a metallic taste in his mouth. Jenna was buried in Mr. Pollock's back yard.

On behalf of the EPA, the Utah Department of Agriculture and Food investigated this incident—one month later. The state inspector went to the Brough Reservoir without Mr. Pollock's aid. Therefore, the state agent could not know the precise location where Jenna was killed. Yet, he was able to take photographs, and one allegedly showed that the device had been placed on the road, and had been marked—something Mr. Pollock adamantly disputes. Utah Department of Agriculture erroneously determined, despite its own photographic evidence, that the device was not on a roadway. The EPA's March 2008 letter, rightfully disputes this finding. The notice of

¹ In January 2008, Sinapu and Forest Guardians joined forces to become WildEarth Guardians.

warning also found that Wildlife Services had recklessly placed the M-44 device in a public recreation area in violation of FIFRA.

As we have documented as part of this administrative process, this type of negligence seems to be a pattern and practice for Wildlife Services. These devices are unnecessary to protect livestock and yet they pose imminent harm to people, their pets, and to a whole host of species. Therefore, we urge you to ban sodium cyanide (and Compound 1080) as a means to kill native carnivores.

Sincerely yours,

A handwritten signature in black ink that reads "Wendy Keefover-Ring". The signature is written in a cursive, flowing style.

Wendy Keefover-Ring, Director
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