

WS Directive

2.415 2/14/2018

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 06/15/2017.

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 cyanide 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) pesticide label including the 26 Use Restrictions (revised 1/26/2018), and the Wildlife Services Implementation Guidelines (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 "U.S. 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 refer all incidents to the Director of Operational Support Staff (or their designated delegate to the Pesticide Coordination Committee) for determining whether or not it is an incident that should be reported to the EPA and to the Director of Environmental Services, APHIS.

Applicators must comply with all label requirements, including those related to PPE.

When setting M-44s, applicators must possess the EPA label with 26 Use Restrictions (revised 1/26/2018). WS provides additional instruction on complying with the 26 use restrictions in Wildlife Services Implementation Guidelines (attachment #1 of this document), and applicators should pay particular attention to the following clarifications and refinements of Use Restrictions and Implementation Guidelines 1, 8(2), 23, and 24:

Additional Guidelines for Complying with M-44 Use Restriction 1.

State Directors and subordinate supervisors must ensure that all M-44 use by personnel under their jurisdiction is in compliance with NEPA (National Environmental Policy Act) documents and decisions, agreements, and federal agency work plans.

Additional Guidelines for Complying with M-44 Use Restriction 8(2) include:

M-44s will not be placed within 0.5 mile of occupied residences except for those belonging to a cooperator who has requested the use of M-44s and has signed a Work Initiation Document. Within properties where its use is authorized, the M-44 device shall only be used in areas where exposure to the public and family and pets is not probable, per Use Restriction 8(2). In certain situations, applicators may request a variance to the 0.5 mile restriction to allow for M-44 devices to be placed between 0.25 and 0.5 mile of an occupied residence. After applying the WS Decision Model (WS Directive 2.201) and determining that the use of an M-44 is acceptable and practical for the situation, the applicator may request a variance by completing WS Form 205. The applicator will use the WS Form 205 to document the characteristics of the Cooperator's property and nearby residences and justify the need to use the M-44 device closer than 0.5 mile so the State and Regional Director can make an informed decision.

WS Form 205 must be submitted by the applicator through their supervisor to the Regional Director, who will evaluate each WS Form 205 on a site-by-site basis and render a decision based on the totality of information provided. Variance applications will be granted only if they demonstrate that potential for human or pet exposure to M-44s at the site is not probable. The Regional Director will indicate how long the variance will remain in effect on WS Form 205.

Variance requests approved by the Regional Director are contingent on the subsequent notification of residents located within 0.5 miles of the proposed M-44 location(s). It is the supervisor's responsibility to ensure that resident notifications are performed and documented by WS staff prior to setting M-44s in the area covered by the variance.

WS will notify the owner or lessee occupying any residence between 0.25 and 0.5 miles of an M-44 device prior to their use in the area. Notification must be in a manner that ensures that the message was received. A voicemail message or note left on the door does not constitute notification for this purpose.

The identity of the Cooperator and of the Cooperator's property, must not be shared directly with the notified individuals due to federal privacy protection rules, unless the Cooperator has authorized disclosure in writing.

Documentation of the notification as defined above will be maintained by the applicator and filed via WS Form 205 with the state Wildlife Services office and must include: location of the residence, manner in which notified (ex. telephone, in person, email with response, certified mail delivery receipt), date and time the notification took place. The USDA/APHIS/WS "M-44 Device for Local Predator Control" Fact Sheet can be used as supplemental information when notifying persons in nearby areas.

If approved, copies of WS Form 205 will be maintained by the applicator, District Supervisor, State Director, and Regional Director.

WS personnel should accurately identify property boundaries where M-44 devices are to be placed. If the property boundaries are not clearly posted, or the landowner or lessor is unable to accurately identify the property boundaries, WS personnel shall use electronic mapping or aerial imagery to identify: a) property boundaries to ensure devices are placed on the property covered by the agreement; and b) residences to ensure none are within 0.5 mile of the device and/or residences that may require a variance using WS Form 205. Buildings that are obviously abandoned or not actively occupied are not residences for purposes of this interpretation.

Additional Guidelines for Complying with M-44 Use Restriction 23

On properties where no fence lines exist to identify property boundaries or display warning signs, appropriate warning signs shall be erected to indicate that M-44 devices have been placed on the property ("premise sign") per Use Restriction 23(a). A WS authorized elevated sign ("device sign") as required by Use Restriction 23(b), must be securely anchored to a stake, post or wire and positioned vertically above ground level or hung from a low hanging tree limb in a manner that renders it clearly visible and legible from the device. One elevated device sign will be required for each M-44 device set. WS requires elevated device signs to be placed within 15 feet of each individual M-44 Device, a more stringent requirement than the EPA label Use Restriction. Applicators should use the most recent version of the device and premise signs available through the Pocatello Supply Depot. Signs that become faded, ripped, or otherwise illegible must be replaced.

Label Change in M-44 Use Restriction 24

Amyl nitrite inhalants are not approved as an antidote for cyanide poisoning by the Food and Drug Administration. The EPA label Use Restrictions revised on 1/26/2018

eliminates the requirement to carry amyl nitrite ampules as an antidote to sodium cyanide poisoning.

4. REFERENCES

WS Directive 2.401, Pesticide Use (12/08/09).

WS Directive 2.201, WS Decision Model (07/15/14)

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).

5. ATTACHMENTS

- APHIS Wildlife Services Implementation Guidelines for the 26 Use Restrictions for M-44 Sodium Cyanide Capsules. February 2018.

Deputy Administrator

APHIS Wildlife Services Implementation Guidelines for the 26 Use Restrictions for M-44 Sodium Cyanide Capsules

EPA Registration No. 56228-15

Revised: February 14, 2018

Note to Applicators: Although these guidelines contain verbiage from the EPA Label’s 26 Use Restrictions for M-44 Sodium Cyanide capsules, possession of this document in the field does not fulfill label requirements to possess the full EPA Label, which includes the 26 use restrictions, with you in the field.

EPA Use Restriction (as written on Label)	WS Implementing Guideline
<p>1. Use of the M-44 device shall conform to all applicable federal, state, and local laws and regulations.</p>	<p>State Directors are responsible for ensuring that WS employees under their supervision are fully aware of all relevant Federal, State, and local laws and regulations, and individual M-44 applicators are responsible for complying with these laws and regulations. Applicable laws will vary from state to state as well as within states. WS M-44 applicators are subject to inspection by EPA or State regulatory enforcement officials to ensure that applicable laws and regulations are being followed.</p> <p>State Directors and subordinate supervisors must ensure that all M-44 use by personnel under their jurisdiction is in compliance with NEPA (National Environmental Policy Act) documents and decisions, agreements, and federal agency work plans.</p>
<p>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).</p>	<p>Additional regulations and restrictions prescribed by EPA will be provided by the WS Operational Support Staff through normal supervisory channels. Each State Director is responsible to ensure that all M-44 applicators in the state are properly trained and individual M-44 applicators are responsible for complying with all State and Federal regulations regarding M-44 use.</p>
<p>3. Each applicator of the M-44 device shall be trained in: (1) safe handling of the capsules and device, (2) proper placement of the device, and (3) necessary record keeping.</p>	<p>Applicators of pesticides will be trained and certified by the appropriate state regulatory agency. If the State regulatory agency training includes specific M-44 application that covers use, safety precautions, and record keeping, this training meets WS requirements. However, in those states where generalized pesticide training lacks specific M-44</p>

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	<p>training, the State Director will be responsible for supplementing the training to meet specific training needs on use, safety precautions, and record keeping requirements.</p> <p>WS State Directors are responsible to assure that all M-44 applicators they supervise are adequately trained and certified as often as the State pesticide agency requires. The "Annual M-44 Sodium Cyanide Training Certification" form (WS Form 40) will be used to document applicator knowledge through the completion of this form by the supervisor during annual field inspections.</p>
<p>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 Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) or any agency not working under a WS cooperative agreement.</p>	<p>M-44 cyanide capsules and ejectors will be used only by WS program employees who are Certified Applicators, and who have received specific M-44 training as described in Use Restriction #3. This includes both cooperatively funded employees and official volunteers who are supervised by WS personnel. WS personnel will transfer M-44 capsules or equipment only to other WS employees who are certified M-44 applicators. When transfer of sodium cyanide is necessary, the capsules shall be tracked using the WS Controlled Materials Inventory Tracking System (CMITS).</p>
<p>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.</p>	<p>M-44s may not be used to protect wildlife other than Federally designated threatened or endangered species. "Livestock or poultry" includes the species listed in "Livestock" and "Commercial Game Animals (Pen-raised)" subcategories of MIS Resources Protected codes.</p> <p>"Wild canids" for which M-44s may be used include coyote, red fox, gray fox, and wild (feral) dogs (see label and WS Directive 2.340 "Feral, Free Ranging, and Hybrid Dog Damage Management"), subject to further restrictions by State or local regulations. States can restrict but cannot expand the list of approved target species. Additional target species can be designated only with EPA approval.</p>
<p>6. The M-44 device shall not be used solely to take animals for the value of their fur.</p>	<p>This restriction reinforces long-standing WS policy against any taking of animals solely for the value of their fur by M-44 or any other method. However, fur may be salvaged from animals taken by M-44s in compliance with WS Directive 2.510 "Fur, Other Animal Parts, and Edible Meat."</p>

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<p>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.</p> <p>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.</p>	<p>The 7-mile rule applies only to M-44 use for the protection of livestock or poultry. "Recurrent prior experience of predation on the ranch unit or allotment" means a history of predation that has been documented in MIS records. MIS documentation of reported or confirmed livestock or poultry losses, on a MIS Direct Control Work Task or a MIS Technical Assistance Work Task, constitutes "full documentation of livestock depredations, including evidence that losses were caused by wild canids."</p> <p>WS personnel will place M-44s only on properties identified in "Work Initiation Document for Wildlife Damage Management" (WS Forms 12A, 12B, and 12C) signed by the property owner or manager, or as developed in work plans for work on public lands. M-44 use must be specifically authorized through a signed written agreement or through provisions in work plans with cooperating agencies. Each WS Specialist is responsible for determining the boundaries of properties covered by control agreements, and to place M-44s only where authorized by the agreement.</p>
<p>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) in 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.</p> <p>To determine whether the applicable land management agency has set aside any area</p>	<p>Compliance with this rule requires common sense and good judgment as well as input from local sources regarding public use and seasonal variations in such use. Regardless of any other consideration, every effort will be made to avoid areas of heavy public use and unnecessary public exposure. The exclusion of M-44s from prairie dog towns (item 3) is intended to protect black-footed ferrets.</p> <p>M-44s may be used on Federal lands except in areas specifically designated for recreational use. M-44 non-use areas on public lands will be identified through interagency consultations at the WS State office or District office level; such non-use areas will include beaches, campgrounds and locations where seasonal use such as hunting occurs. Consultations are not needed for types of lands where M-44s will never be used; see list in Use Restriction #8, item (4). "Wildlife refuge areas" means officially designated Federal or State wildlife refuges or wildlife management areas that are identified as such by appropriate signs and</p>

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<p>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.</p>	<p>maps.</p> <p>WS will coordinate quarterly with the land management agency to determine where M-44s may or may not be used on public lands in certain areas. These quarterly contacts can be made through workplan meetings, telephone conversations, in person, or email. Within 30 days after each quarterly contact, WS needs to provide written documentation of the land management agency’s determination of any identified set aside recreation areas (i.e. projected or current areas).</p> <p>Quarterly contacts will also allow for addressing the use of M-44’s and unscheduled events that were not planned or discussed during the annual workplan meetings. For WS offices with no plans for use of M-44s on public lands, quarterly contacts are not necessary.</p> <p>M-44s will not be placed within 0.5 mile of occupied residences except for those belonging to a cooperator who has requested the use of M-44s and has signed a Work Initiation Document. Within properties where its use is authorized, the M-44 device shall not be used in areas where exposure to the public and family and pets is probable per Use Restriction 8(2). WS applicators can use WS Form 205 to request a variance to allow placement of M-44s between 0.25 and 0.5 miles of a neighboring residence. M-44s cannot be placed within 0.25 mile of a residence other than that of the cooperator. WS will notify the owner or lessee occupying any residence between 0.25 and 0.5 miles from an M-44 device of their use in the area. Notification must be in a manner that ensures that the message was delivered and receipt acknowledged. A voicemail message or note on the door does not constitute notification for this purpose.</p> <p>Documentation of the notification as defined above will be maintained by the applicator and filed via WS Form 205 with the state Wildlife Services office prior to M-44 placement. The USDA/APHIS/WS "M-44 Device for Local Predator Control" Fact Sheet can be provided as supplemental information when notifying persons in nearby areas.</p> <p>The identity of the Cooperator and of the Cooperator’s property, must not be shared directly with the notified</p>

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	<p>individuals due to federal privacy protection rules, unless the Cooperator has authorized disclosure in writing.</p> <p>WS personnel should accurately identify property boundaries where M-44 devices are to be placed. If the property boundaries are not clearly posted, or the landowner or lessor is unable to accurately identify the property boundaries, WS personnel shall use electronic mapping or aerial imagery to identify: a) property boundaries to ensure devices are placed on the property covered by the agreement; and b) residences to ensure none are within 0.5 mile of the device and/or residences that may require a variance using WS Form 205. Buildings that are obviously abandoned or not actively occupied are not residences for purposes of this interpretation.</p>
<p>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.</p> <p>(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</p>	<p>WS personnel will use all control methods including M-44s in ways that minimize adverse impacts to nontarget animals and the environment and will conduct Section 7 consultations with U.S. Fish and Wildlife Service as required. In addition to consideration of potential impacts to federally listed threatened and endangered species before placing M-44s (see the label), WS applicators also will consider impacts on state-listed species as well as federal and state species that are candidates for listing.</p> <p>Maps for listed threatened and endangered species or experimental populations will be obtained by each State Director from appropriate FWS Endangered Species personnel if possible. Alternatively, maps may be prepared jointly by WS and FWS personnel. Where FWS personnel are unavailable or unable to cooperate in this activity, the State Director will prepare appropriate maps and will provide copies to FWS Endangered Species and State wildlife agency offices whenever new or updated maps are distributed to M-44 applicators. Also, each applicator must be aware of specific areas closed to M-44 use, as shown in "Endangered Species Considerations" on the label.</p> <p>Endangered species maps are not needed in states or areas where no vulnerable threatened or endangered species exist, as determined by informal consultations between WS and federal and/or state endangered species offices.</p>

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<p>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.</p> <p>(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.</p>	
<p>10. One person other than the individual applicator shall have knowledge of the exact placement location of all M-44 devices in the field.</p>	<p>This rule will be met by WS personnel providing copies of the initial placement and any subsequent changes of M-44 GPS locations as soon as possible, but no later than 14 days after placement. This M-44 coordinate information shall be sent to the applicator’s supervisor by electronic or hard copy delivery. It is not required that anyone beyond the certified applicator be present during placement or replacement of M-44 devices.</p>
<p>11. In areas where more than one governmental agency is authorized to place M-44</p>	<p>As a general policy, WS will not use M-44s on any property where persons other than WS personnel are using them. Each exception to this rule will be authorized in writing by</p>

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<p>devices, the agencies shall exchange placement information and other relevant facts to ensure that the maximum number of M-44s allowed is not exceeded.</p>	<p>the supervisor or State Director before any M-44s are set by WS personnel. In such exceptional cases where WS and other governmental agencies or private individuals are using M-44s concurrently, WS personnel will communicate with other users sufficiently to ensure that the maximum number of M-44s placed by all users does not exceed the totals set forth in Use Restrictions # 15 and #16.</p>
<p>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.</p>	<p>This rule is designed to protect nontarget animals, including humans and their pets, which may be attracted to bodies of water. In addition to avoiding M-44 placements within 200 feet of water bodies, WS personnel will avoid using M-44s where exposure to nontarget animals, the public and family pets is probable.</p> <p>Dry irrigation ditches and water troughs are not "bodies of water" for purposes of this Use Restriction.</p> <p>Avoidance of hazard to humans and nontarget animals may require at times that M-44 sets be more than 200 feet away from water. Wherever uncertainty exists about the suitability of specific placement locations, applicators should consult with their supervisors before placing M-44s. (See Use Restriction #14).</p>
<p>13. The M-44 device shall not be placed in areas where food crops are planted.</p>	<p>In 40 FR 44726-44739 (9/29/75), EPA Administrator Russell Train indicated:</p> <p style="padding-left: 40px;">“4. ..there was no basis in the record for extending the use of the M-44 to protect "agricultural crops," since that would encompass a rather large, undefined area of use. The purpose of this Restriction #8 is not to protect crops, but to protect people who work in the field and, in some cases, those people who eat food products from the field. This restriction does not prohibit placement in areas adjacent to the field which are less likely to result in human exposure to injury.”</p> <p>(Note: The M-44s can be placed in areas only for the purposes identified in Use Restriction #5.)</p>
<p>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</p>	<p>"Public road or pathway" generally means a road or trail that is identified as such on maps, is open to unrestricted public access and maintained by a government or public entity. A pickup track or livestock path is not a "public road or pathway" for purposes of this rule. Any uncertainty about</p>

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<p>necessary to remove it from sight of persons and domestic animals using any such public road or pathway.</p>	<p>specific public roads or pathways on public lands should be resolved through informal consultation with local land management agency personnel. In this regard, WS personnel will avoid placing M-44s in any location where exposure to the public and family pets is probable (Use Restriction #8).</p> <p>The out-of-sight rule means that if a person using only the un-aided eye, that is standing on the road could direct another person in the field directly to the M-44 device; this would not meet the out-of-sight rule. This rule applies to M-44 devices, not warning signs. An applicator who is uncertain as to whether or not a specific road or pathway is considered public will consult with the supervisor before placing M -44s in that area.</p>
<p>15. The maximum density of M-44s 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.</p>	<p>"Pasture land" is fenced land that produces forage for consumption by grazing animals. Fence rows around the pasture are considered as part of the pasture for purposes of this rule. "Open range" is unfenced grazing land, and one (1) square mile contains 640 acres.</p> <p>Application of this standard to field situations requires that WS specialists know property boundaries where M-44s are being placed. In general, WS personnel will use the minimum number of M-44s needed to achieve project objectives. This Use Restriction could be interpreted to allow a maximum of 64 M-44s to be placed in one square mile of fenced pasture. However, rarely, if ever, would a WS specialist use so many M-44s. In the unlikely case where WS specialists need to set a number of M-44s, approaching the limits specified in this restriction, specialists will not place more M-44s than are authorized here and in Use Restriction #16. Any apparent contradictions between Use Restrictions #15 and #16 will be resolved by complying with the more restrictive rule.</p>
<p>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</p>	<p>This restriction is intended to protect nontarget animals that, like target predators, also may be attracted to a carcass. WS applicators will not place M-44s within 30 feet of any livestock or other animal carcass with meat or viscera attached, regardless of whether or not the carcass is intended to be a draw station.</p> <p>M-44s placed more than 30 feet away from livestock carcasses may, over time, come to violate this rule if</p>

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mile.	scavengers drag the carcasses toward M-44 sets. This problem can be minimized by staking carcasses to keep them from moving. M-44 applicators are responsible for taking all reasonable precautions to ensure that no carcass or parts of any carcass are moved to within 30 feet of any M-44 device. The number of M-44 devices used with draw stations will not exceed the number authorized in either Use Restriction #15 or #16. Apparent contradictions between these rules will be resolved by using the limit imposed under the more restrictive rule.
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.	Required checks will be conducted as part of supervisors' regular oversight, and will be documented on the "Field Inspection Report" (WS Form 82). Additionally, supervisors will complete the "Annual M-44 Sodium Cyanide Training" form (WS Form 40) during annual field inspections to document review of applicator's knowledge of M-44 guidelines and restrictions. Checks may be conducted more often, as necessary in the supervisors' opinion, but each applicator will be checked at least once each year. Inventory and use records of sodium cyanide will be in accordance to the CMITS requirements.
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.	<p>This restriction means that M-44 devices must be inspected once during each calendar week. Weekly checks will be made and documented by each applicator using regular MIS (or equivalent replacement in the MIS 2000 system) reporting procedures.</p> <p>Each required M-44 check will be recorded on an MIS "Direct Control Work Task" showing the number of M-44s checked and fired (including 0 if none were fired). M-44s may be checked by cooperating ranchers. Cooperator checks will be limited to visual inspection to determine if devices have been disturbed or pulled, followed by verbal report to the applicator who will submit appropriate MIS documentation. Cooperators may not reset or handle the device and they should not disturb any animal taken with the device.</p> <p>Each required check that cannot be made due to adverse weather or for any other reason should be documented specifically for each property or agreement in MIS.</p>
19. Damaged or nonfunctional M-44 devices shall be removed	Damaged or unserviceable devices (ejector, shell holder, and/or tube) will not be discarded in the field. They will be

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from the field.	either removed or replaced by working units, as deemed appropriate by the applicator. Removal or replacement of damaged or nonfunctional M-44 devices requires no special documentation beyond routine reporting in an MIS Direct Work Task of the numbers of units set on the property.
20. A 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.	<p>"Site" in this context means the property described in the work initiation document for wildlife damage management (WS Form 12A, 12B, and 12C). Documentation of predator damage to livestock anywhere on the ranch unit or allotment or other physical evidence of their presence will be regarded as evidence that a target predator has visited the site.</p> <p>M-44s will be removed when they are no longer needed. This decision will be made consistent with Use Restriction #7.</p>
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.	M-44 capsules and devices will be stored under lock and key at all times when unattended, including when in transit. WS personnel will use locking metal boxes for this purpose. M-44 capsules may be transported in the cab or passenger compartment of a vehicle when in a locked pesticide storage box. At the end of the day, M-44 capsules will be locked together in a pesticide storage box.
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.	<p>The State Director shall consult with the local state pesticide authority to determine the proper disposal procedures of spent and/or defective capsules. If state pesticide regulations allow deep burial of defective capsules, the capsule shall be pinched with pliers to break the seal prior to burial. M-44 capsules disposal will be documented using the disposal transaction in CMITS.</p> <p>State-sponsored pesticide collection/container disposal programs qualify as proper disposal of M -44 capsules. Also, assistance for M-44 capsule disposal can be provided by the APHIS Safety Health and Environmental Protection Branch (SHEPB) at 301-436-3114.</p>
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	Most people know nothing about M-44s and their hazards. Warning signs are the first line of defense against accidents. M-44 applicators should use as many warning signs as are needed to adequately post an area. Weekly inspections of proper placement and legibility of all warning signs is necessary to maintain proper signage and public notification

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<p>are removed.</p> <p>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.</p>	<p>requirements. All warning signs shall be removed when M-44 devices are taken from the field. Be sure to place individual device signs so that the arrow points toward the device.</p> <p>In addition to placing warning signs, applicators must advise resource/land owners of the dangers of sodium cyanide, and the potential for death or injury to people, pets, and livestock if M-44s are misused. Ranchers and landowners are responsible to inform any persons entering their property of the presence and hazards of M-44 devices. In addition, applicators or cooperating landowners should personally warn neighbors and other persons in the area whose free-roaming pets might encounter M-44 devices. The USDA/APHIS/WS "M-44 Device for Local Predator Control" Fact Sheet can be used for these educational purposes.</p> <p>On properties where no fence lines exist to identify property boundaries or display warning signs, appropriate warning signs shall be erected to indicate that M-44 devices have been placed on the property ("premise sign") per Use Restriction 23(a). A WS authorized elevated sign ("device sign") as required by Use Restriction 23(b), must be securely anchored to a stake, post or wire and positioned vertically above ground level or hung from a low hanging tree limb in a manner that renders it clearly visible and noticeable from the device. One elevated device sign will be required for each M-44 device set. WS requires elevated device signs to be placed within 15 feet of each individual M-44 Device, a more stringent requirement than the Use Restriction.</p>
<p>24. Each authorized or licensed applicator shall carry on his person instructions for obtaining medical assistance in the event of accidental exposure to sodium cyanide.</p>	<p>The M-44 applicator shall keep the phone number of the poison control center or local medical treatment facility readily available on their person..</p>
<p>25. In all areas where the use of the M-44 device is anticipated, local medical people shall be notified of the intended use.</p>	<p>Where local hospitals and medical centers rely on poison control centers for help in treating poisoning cases, notification of the poison control centers will meet this requirement. If hospitals in an applicator's area do not use</p>

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<p>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.</p>	<p>or have access to a poison control center, hospitals and medical clinics should be notified individually. Such written notifications will be made by State Office personnel, District Supervisors, or the designated field personnel in the local area where M-44s are to be used. Copies of written materials serving as proof that the required notifications were made should be kept at the State Office. Notifications should be made annually or at intervals deemed sufficient by the State Director.</p>
<p>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:</p> <ul style="list-style-type: none"> 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 animals taken. f) All accidents or injuries to humans or domestic animals. 	<p>In general, applicator's records must be detailed enough to account for the whereabouts of all M- 44 equipment and capsules, as well as for all results of M-44 use. Items 26 (a), (c), and (e) will be recorded in MIS "Direct Control Work Task section". For purposes of items (b) and (d), location is defined as the GPS locations and by MIS agreement number, respectively. Each date of inspection (item c) of M-44s set on each property will be recorded on a separate work task. Each required check that cannot be made due to adverse weather or for any other reason will be documented, specifically for each property or agreement. If a State pesticide regulatory agency requires M-44 location information to be recorded in a different format, then the applicator must adhere to that requirement unless concurrence to do otherwise has been obtained.</p> <p>The apparent reason for discharge (item d) normally will be recorded only when the applicator can identify the apparent reason. Applicators will not speculate about apparent reason(s) for discharge when evidence is lacking. When the applicator does not report a reason for a discharge, this will be interpreted to mean that the cause was unknown. If the State Director or supervisor determines that reasons for discharge need to be documented in greater detail than is possible in MIS, the supervisor will direct the employee as to what report format to use.</p> <p>Accidents or injuries to humans or non-target domestic animals (item f) will be reported verbally to the supervisor and thereafter in writing on 6(a)(2) Adverse Incident Report (WS Form 160), and as further directed by the supervisor. Accidents or injuries to humans or non-target domestic</p>

WS Implementation guidelines for M-44 Use Restrictions

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	<p>animals (item f) will be reported verbally to the supervisor and thereafter in writing on 6(a)(2) Adverse Incident Report (WS Form 160), and as further directed by the supervisor.</p> <p>In addition to the records mandated by this Use Restriction, WS applicators are required to provide pesticide application records to each cooperator or landowner within 30 days of applying pesticides. WS M-44 applicators can comply with this regulation by notifying the landowner/cooperator in writing that WS will maintain these records, if the landowner agrees, and will provide copies upon request. The "Agreement for Control" form (WS Form 12A, JUL 09 edition) includes the above notification.</p>