

The original documents are located in Box 26, folder “Predators (5)” of the James M. Cannon Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

WASHINGTON

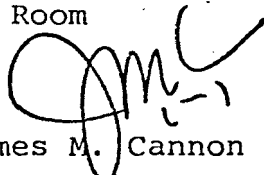
September 5, 1975

MEETING TO DISCUSS PREDATOR CONTROL

Monday, September 8, 1975

5:30 p.m. (30 minutes)

The Cabinet Room

From:  James M. Cannon

I. PURPOSE

To discuss further the problems of predator control.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

A. Background: The sheep and livestock growers continue to feel that they are suffering unmanageable losses from coyote predation. The reaction to your July 18 Executive Order amendment was generally negative -- the experimental work on the M-44 pellet device has been virtually completed and the toxic collars are unacceptable to shepherders.

Currently on appeal by the Justice Department is a Wyoming Federal court decision revoking the EPA suspension. This decision is expected to be reversed possibly by late fall.

Administrator Train is due to render a decision on the re-registration of sodium cyanide use in the M-44 device on September 15. The Counsel's Office advises it would be inappropriate to prejudge or appear to influence this decision.

Attached at Tab A is a more detailed memorandum on the background and status.

B. Participants: See list attached at Tab B.
Russ Train is disqualified from this discussion
because he is in the process of rulemaking.

C. Press Plan: To be announced.

III.

TALKING POINTS

1. I am aware of the continuing problem and am prepared to discuss it further.
2. I know that the fall lambing season creates some urgency.

THE WHITE HOUSE

WASHINGTON

September 5, 1975

MEMORANDUM FOR: THE PRESIDENT

FROM: JAMES M. CANNON

SUBJECT: Predator Control - Meeting for September 8

The most effective poisons for coyote control (sodium cyanide, strychnine, 1080) are banned from use by two actions:

1. Executive Order 11643 of 1972 applying to Federal lands. On July 18, 1975, you amended this Executive Order to allow for expanded experimentation with sodium cyanide. (The basic delivery methods to be used are the M-44 pellet and the toxic collar.)
2. EPA suspension of registration on all lands under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

On June 12, 1975, a Wyoming Federal court revoked the EPA suspension on a technicality (failure to file an environmental impact statement by EPA). The decision is under appeal and it is widely expected that the EPA suspensions will be reinstated, possibly by early fall.

After your Executive Order of July 18, EPA Administrator Train issued a one-year experimental use permit for toxic collars, and opened hearings by an administrative judge in order to determine if the use of the M-44 device could be re-registered. The Administrator's decision is due September 15.



The allowance for additional research on sodium cyanide in your Executive Order amendment resulted in field tests on the toxic collar which started in North Dakota on August 11 with additional field tests in Montana and Texas starting September 8. Pen testing is going on now in Utah and Colorado to study coyote attack pattern, collar design, and bait setting alternatives.

Research and testing on the M-44 device (a spring-fired cyanide pellet) has been going on for years and is virtually completed. Although additional testing is now going on, it is basically duplicative of the earlier work.

The sheep industry case for using 1080 seems to have a great deal of merit, but discussion on this problem of re-registration should probably be explored after the September 15 EPA decision.

PARTICIPANTS FOR PREDATOR CONTROL MEETING (Sept. 8)

Senators attending:

Paul J. Fannin
E. J. (Jake) Garn
Clifford P. Hansen
Paul Laxalt
James A. McClure

Congressmen attending:

Glenn English
James P. Johnson
W. R. Poage
Robert Kroeger
Keith G. Sebelius
~~William C. Wampler~~
Sam Steiger

Honorable Earl Butz, Secretary of Agriculture
Honorable Kent Frizzell, Acting Secretary of Interior

Mr. Steven D. Jellinek
Staff Director, Council on Environmental Quality

Congressional Liaison:

Pat O'Donnell

Domestic Council:

James M. Cannon
George W. Humphreys



THE WHITE HOUSE

WASHINGTON

September 12, 1975

MEMORANDUM FOR:

DICK CHENEY

FROM:

JIM CANNON *JC*

SUBJECT:

Coyotes

Under the law, as I understand it, we cannot discuss the poison problem with Russ Train until after he has made his ruling on Monday, September 15.

We will begin talking with Russ Train right after that.



THE WHITE HOUSE

WASHINGTON

September 1, 1975

MEMORANDUM FOR: JIM CANNON
FROM: DICK CHENEY



Jim, attached is a packet of material which was given to the President in Vail by a man out there who has a sheep raising operation.

He talked to us about the problem of coyotes and indicated that the industry was convinced we didn't know what we were doing when we made the modification recently to permit testing of additional means to control the coyote population.

They are convinced that somehow we were conned by the bureaucracy into believing that we were really doing something when we weren't.

Would you please have someone on your own immediate staff review these materials in light of recent history and the actions we took and get back to me with a report as to whether or not there's any validity to his charges. It's conceivable, if he's right, that we might want to do something else in this area and I need to get back to the President with a response.

Attachments

Courtesy

THE WHITE HOUSE

WASHINGTON

September 12, 1975

MEMORANDUM FOR: DICK CHENEY
FROM: JAMES M. CANNON
SUBJECT: Predator Control

We have reviewed the material you sent over on coyote predator control submitted by Mr. Chris Joufflas. You may recall that Mr. Joufflas was one of a group of sheep ranchers and Congressmen who met in early August with the President on this matter.

As you know, the President met again with the western Congressmen on September 8. There was general agreement that the Executive Order amendment did not solve the sheep ranchers' problem, but there was equal agreement that major further Executive action at this time might court suits that could result in undue delays on all experimental work and possibly adverse decisions that could tie the Administration's hands completely.

The Congressmen suggested that they would approach Mr. Train with the industry case for use of 1080 and provide him with the support required to effect a change of EPA registration policies. The President directed the Domestic Council to determine, if possible, to what extent any relaxation of controls could occur without the reasonable possibility of counter-productive court cases brought by the organized opposition.

I have attached a summary status report for your information. We are all taking care to avoid any action that could be perceived as trying to influence Mr. Train's decision on September 15.

Attachment

THE WHITE HOUSE

WASHINGTON

September 9, 1975

SUMMARY STATUS REPORT
ON PREDATOR CONTROL

The most effective poisons for coyote control (sodium cyanide, strychnine, 1080) are banned from use by two actions:

1. Executive Order 11643 of 1972 applying to Federal lands. On July 18, 1975, the President amended this Executive Order to allow for expanded experimentation with sodium cyanide. (The basic delivery methods to be used are the M-44 pellet and the toxic collar.)
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Research and testing on the M-44 device (a spring-fired cyanide pellet) has been going on for years and is virtually completed. Although additional testing is now going on, it is basically duplicative of the earlier work.

The sheep industry case for using 1080 seems to have a great deal of merit, but discussion on this problem of re-registration should probably be explored after the September 15 EPA decision.

AGRICULTURE
[Oct. 1975]
Memorandum

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR: CHARLES LEPPERT, JR.
FROM: JIM CANNON
SUBJECT: Don H. Clausen (R-Cal.)

As requested, attached is a draft response to Rep. Clausen regarding the California Wool Growers Association in connection with the predatory animal control program.

Attachment

Clusky who letter? adopted this George Humphreys

DRAFT

Dear Mr. Clausen:

This is in further response to your September 9 letter with the materials from the Woolgrowers in California. The President has given the issue of the sheep industry and predator control a great deal of personal attention. As you know, his decision earlier this summer was to amend the Executive Order.

However, in California the original Executive Order itself did not much affect the use the poisons other than sodium cyanide (which is now allowed under the Order and which has been re-registered by the EPA). The California State authorities inform us that the use of 1080 and strychnine for predator control has been limited to a few areas, and that all use of 1080 for predators in California was stopped, primarily because of the hazards it posed, a year before the Executive Order.

The Order, of course, only deals with public lands and Federal programs, and as your constituents have indicated, 90 percent of the sheep in California are grazed on private lands. Regardless of the

status of the Executive Order, before the woolgrowers in California could use poisons other than those presently allowed, they would need to have EPA registration.

Accordingly, we would recommend that the most expeditious way for your constituents to seek the relief they have requested is for them to make application to the Environmental Protection Agency for registration of whatever poisons they desire. The determination on amendment to the Executive Order would then be made in view of the EPA action.

We hope that this will be of assistance to your constituents.

Sincerely,

Charles Leppert, Jr.
Special Assistant
for Legislative Affairs

Honorable Don H. Clausen
U.S. House of Representatives
Washington, D.C. 20515

cc: Roland Elliot
Jim Cannon

Dear Mr. Clausen:

This is in further response to your September 9 letter with the materials from the Woolgrowers in California. The President has given the issue of the sheep industry and predator control a great deal of personal attention. As you know, his decision earlier this summer was to amend the Executive Order.

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We hope that this will be of assistance to your constituents.

Sincerely,

Charles Leppert, Jr.
Special Assistant
for Legislative Affairs

Honorable Don H. Clausen
U.S. House of Representatives
Washington, D.C. 20515

cc: Roland Elliot
Jim Cannon

October 20, 1975

TO: JIM CANNON

As requested by Mr. Leppert in his September 18 memo to you, attached is a draft response to Congressman Clausen's letter of September 8.

George Humphreys

THE WHITE HOUSE

WASHINGTON

September 18, 1975

MEMORANDUM FOR:

JIM CANNON

THRU:

MAX L. FRIEDERSDORF *M.L.F.*
VERN LOEN *VL*

FROM:

CHARLES LEPPERT, JR. *C.L.J.*

SUBJECT:

Don H. Clausen (R-Cal.)

I am enclosing letter and enclosures I have received from Don Clausen regarding the situation being faced by the California Wool Growers Association in connection with the predatory animal control program.

I would like to get back to Rep. Clausen within the next ten days and I would appreciate if you could supply me with a substantive response. Many thanks.

Enclosures

September 18, 1975

Dear Don:

Thank you so much for your September 9th letter in which you enclosed a packet of material you received from the California Wool Growers Association. I have forwarded your letter and enclosures on to the Domestic Council for review. I will try to get back to you on this matter within a week or ten days.

Insofar as the letter to the President from the California Wool Growers Association is concerned, it has been forwarded to the President. As you are aware, the President is always pleased to hear from the private sector and I am certain that he will give the Association's views very careful consideration.

Sincerely,

Charles Leppert, Jr.
Special Assistant
for Legislative Affairs

Honorable Don H. Clausen
U. S. House of Representatives
Washington, D. C. 20515

✓ bcc: Roland Elliott w/ ltr to P. from California Wool Growers Assn - for further attention

bcc: Jim Cannon (see memo dated 9/18/75)

CL:nb



9/25

DON H. CLAUSEN
REPRESENTATIVE IN CONGRESS
2D DISTRICT, CALIFORNIA
"THE REDWOOD EMPIRE DISTRICT"

WASHINGTON OFFICE:
2433 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
PHONE: 225-3311
AREA CODE 202

DISTRICT OFFICE:
ROOM 329
777 SONOMA AVENUE
SANTA ROSA, CALIFORNIA 95404
PHONE: 525-4316

Congress of the United States
House of Representatives
Washington, D.C. 20515

September 9, 1975

COMMITTEE:
PUBLIC WORKS

SUBCOMMITTEES:
WATER RESOURCES
TRANSPORTATION
ECONOMIC DEVELOPMENT
INVESTIGATION AND REVIEW

COMMITTEE:
INTERIOR AND INSULAR AFFAIRS

SUBCOMMITTEES:
WATER AND POWER RESOURCES
NATIONAL PARKS AND RECREATION
PUBLIC LANDS
TERRITORIAL AND INSULAR AFFAIRS

Mr. Charles Leppert, Jr.
Special Assistant for Legislative
Affairs
The White House
Washington, D.C. 20500

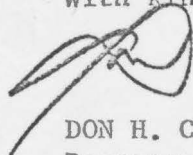
Dear Charlie:

To follow up our conversation while I was in California during the Congressional recess, I am enclosing a packet of material I have received from the California Wool Growers Association along with a personal letter they have asked me to bring to the President's attention.

I would appreciate very much any follow up you could provide in this matter with your special expertise.

In addition, Charlie, I am enclosing a letter from Charles Lawrence which clearly shows the devastating economic difficulty being faced by sheepmen in Northern California because of predators.

With kindest regards,



DON H. CLAUSEN
Representative in Congress

DHC:gm



CALIFORNIA WOOL GROWERS ASSOCIATION

The Honorable Gerald R. Ford
President of the United States
White House
Washington, D. C. 20515

Dear Mr. President:

The officers of the California Wool Growers Association and the President of the National Wool Growers Association greatly regretted not having the opportunity to meet with you when you were in Sacramento, California on September 5, 1975. We had hoped to discuss with you the very serious predatory animal control problem confronting not only California, but all sheep producing states within the United States.

The California predatory animal control program is cooperatively funded by the Federal, State and County Governments. For over forty years this cooperative program has existed on public and private lands. During this period of time there were no serious or detrimental effects on the environment. President Nixon's Executive Order No. 11643 of February 8, 1972, and the subsequent EPA Pesticide Regulation No. 72-2, dated March 9, 1972, immediately removed those chemical toxicants which were and still are desperately needed for the survival of the sheep industry in California and in the Nation.

Subsequently, many California producers have reported losses due to predatory animals in the range of 30 to 50 percent of their herds annually. Needless to say, many sheep producers have been forced out of business. These statistics were presented to you during the meeting in your office at the White House on the afternoon of April 29, 1975.

Mr. President, we greatly appreciate your concern for our predatory animal damage control problem as expressed by your Executive Order No. 11870 on July 18, 1975. At certain times and in certain areas chemical toxicants on private and public lands are vital to an effective animal damage control program. Your recent Executive Order does not specifically allow for the use of chemical toxicants on private lands. Presently there are over 700,000 head, or approximately 90 percent of the sheep in California produced annually on private lands. Other major sheep producing states which utilize private lands include the following: 95 percent in Texas; 55 percent in Montana; and nearly 100 percent in Kansas, Nebraska and Oklahoma.

Tim Indart, Pres.
Clovis, Ca.

John Arambel, V. Pres.
Los Banos, Ca.

Joe Russ, IV, V. Pres.
Ferndale, Ca.

Wm. H. Bonde, Sec. -Treas.
Sacramento, Ca.



September 18, 1975

Dear Don:

Thank you so much for your September 9th letter in which you enclosed a packet of material you received from the California Wool Growers Association. I have forwarded your letter and enclosures on to the Domestic Council for review. I will try to get back to you on this matter within a week or two days.

Insofar as the letter to the President from the California Wool Growers Association is concerned, it has been forwarded to the President. As you are aware, the President is always pleased to hear from the private sector and I am certain that he will give the Association's views very careful consideration.

Sincerely,

Charles Lippert, Jr.
Special Assistant
for Legislative Affairs

Honorable Don H. Clausen
U. S. House of Representatives
Washington, D. C. 20515

cc: Roland Elliott w/ ltr to P. from California Wool Growers Assn - for further attention

cc: Jim Camon (see memo dated 9/18/75)

CLmb



August 22, 1975

The Honorable Don Clausen
House of Representatives
Washington, D. C. 20515

Dear Don:

This letter is in regard to our telephone conversation of last Saturday evening, the 16th of August, concerning the serious predatory animal control problem confronting the sheep industry in California and the Nation and the most recent Presidential Executive Order No. 11870 (See enclosure).

During negotiations with the White House on modification of the original Nixon Executive Order No. 11643, it was our feeling that the following named individuals failed to adequately carry out the President's intentions on modifying the the Nixon Order. We know they are still in a position where they can circumvent an adequate input of information to the President and his immediate staff. These individuals are: Mr. Nathaniel Reed, Assistant Secretary of Interior; Dr. Lee Talbott, Council on Environmental Quality; and Mr. Russell Train, Administrator of EPA.

As you know, there are two issues involved in an adequate predatory animal control program for California and other "private lands" states. The first issue is the certification by EPA for the use of chemical toxicants for the use of animal damage control programs. The second is the recent Executive Order No. 11870 of July 18, 1975, which did not address the problem of the use of chemical toxicants on private lands.

In California 90 percent (approximately 700,000 head) of all sheep are run on private lands. In the Second Congressional District almost 100 percent of the sheep are run on private lands. Other states in which sheep are run on private lands would include: 95 percent in Texas; 55 percent in Montana; and almost 100 percent in Kansas, Nebraska and Oklahoma.

Tim Indart, Pres.
Clovis, Ca.

John Arambel, V. Pres.
Los Banos, Ca.

Joe Russ, IV, V. Pres.
Ferndale, Ca.

Wm. H. Bond, Sec.-Tre.
Sacramento, Ca.



3382 EL CAMINO AVENUE, SUITE 6 SACRAMENTO, CALIFORNIA 95821

The Honorable Don Clausen

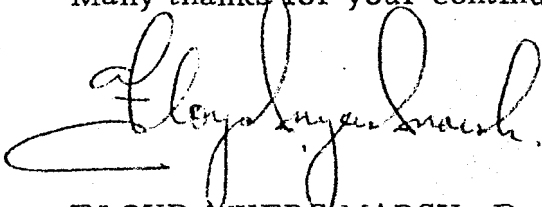
Page 2

August 22, 1975

Enclosed you will find a copy of our letter addressed to President Ford explaining our position, as well as a copy of the Executive Order No. 11870, the original Nixon Order No. 11643, and the EPA Pesticide Regulation 72-2 for your files.

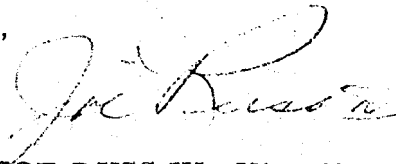
We are enclosing the original letter addressed to President Ford which, as you suggested, could be delivered to the President directly.

Many thanks for your continuing help and service to the sheep industry.



FLOYD MYERS MARSH, President
National Wool Growers Association

Sincerely,



JOE RUSS IV, Vice President
California Wool Growers Associati

FMM:JR:mch

Enclosures

presidential documents

Title 3—The President

Executive Order 11870

July 18, 1975

Environmental Safeguards on Activities for Animal Damage Control on Federal Lands

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 *et seq.*), Executive Order No. 11643 of February 8, 1972, is amended to read as follows:

"SECTION 1. It is the policy of the Federal Government, consistent with the authorities cited above, to:

(1) Manage the public lands to protect all animal resources thereon in the manner most consistent with the public trust in which such lands are held.

(2) Conduct all mammal or bird damage control programs in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection of the Nation's wildlife resources, including predatory animals.

(3) Restrict the use on public lands and in Federal predator control programs of any chemical toxicant for the purpose of killing predatory animals or birds which would have secondary poisoning effects.

(4) Restrict the use of chemical toxicants for the purpose of killing predatory or other mammals or birds in Federal programs and on Federal lands in a manner which will balance the need for a responsible animal damage control program consistent with the other policies set forth in this Order; and

(5) assure that where chemical toxicants or devices are used pursuant to Section 3(b), only those combinations of toxicants and techniques will be used which best serve human health and safety and which minimize the use of toxicants and best protect nontarget wildlife species and those individual predatory animals and birds which do not cause damage, consistent with the policies of this Order."

"Sec. 2. Definitions. As used in this Order the term:

(a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.



(b) "Agencies" means the departments, agencies and establishments of the Executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or to man.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals, birds, reptiles or fish.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, reptile or fish, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man, mammal, bird, reptile or fish, produces the effects set forth in paragraph (c) of this Section.

(f) "Field use" means use on lands not in, or immediately adjacent to occupied buildings."

"SEC. 3. Restrictions on Use of Toxicants. (a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this Section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

(c) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the use, on an experimental basis, of sodium cyanide to control coyote and other predatory mammal or

Reverse



bird damage to livestock on Federal lands or in Federal programs, provided that such use is in accordance with all applicable laws and regulations, including those relating to the use of chemical toxicants, and continues for no more than one year."

"SEC. 4. Rules for Implementation of Order. Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this Order."

Gerald R. Ford

THE WHITE HOUSE,
July 18, 1975.

[FR Doc.75-19171 Filed 7-21-75;9:56 am]



Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11643

Environmental Safeguards on Activities for Animal Damage Control on Federal Lands

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa), it is ordered as follows:

1. *Policy.* It is the policy of the Federal Government to (1) restrict the use on Federal lands of chemical toxicants for the purpose of killing predatory mammals or birds; (2) restrict the use on Federal lands of chemical toxicants which cause any secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles; and (3) restrict the use of both such types of toxicants in any Federal program of mammal or bird damage control that may be authorized. All such mammal or bird damage control programs shall be carried out in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection, to the greatest extent possible, of the Nation's wildlife resources, including predatory mammals.

2. *Definitions.* As used in this order the term: (a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian tribes, and (2) real property located in metropolitan areas.

(b) "Agencies" means the departments, agencies, and establishments of the executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or humans.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals or birds.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man,



mammal, bird, or reptile, produces the effects set forth in paragraph (c) of this section.

(1) "Field use" means use on lands not in, or immediately adjacent to, occupied buildings.

Sec. 3. Restrictions on Use of Chemical Toxicants.

(a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that any emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

Sec. 4. Rules for Implementation of Order. Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this order.



THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2032 Filed 2-8-72; 12:29 pm]

NOTE: For the text of the President's Environmental Message to the Congress dated February 8, 1972, in which reference is made to E.O. 11643, above, see Weekly Comp. of Pres. Doc., Vol. 8, No. 7, issue of February 14, 1972.



ENVIRONMENTAL PROTECTION AGENCY
PESTICIDES OFFICE
WASHINGTON, D. C. 20250

March 9, 1972

PR Notice 72-2

Pesticides Regulation Division

NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS
AND REGISTRANTS OF ECONOMIC POISONS

Attention: Person Responsible for Federal Registration of
Economic Poisons

Suspension of Registration for Certain Products
Containing Sodium Fluoroacetate (1080),
Strychnine and Sodium Cyanide

I.

Last spring, this Agency made a public commitment to review the status of registrations for strychnine, cyanide, and sodium fluoroacetate (1080), for use in prairie and rangeland areas for the purpose of predator and rodent control. This commitment grew out of grave concern surfaced by the reported deaths of some 20 eagles killed by the misuse of thallium sulfate.^{1/}

This same concern caused the Secretary of the Interior to initiate a thorough review of the government's federal predator control program. An advisory committee was appointed under the chairmanship of Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation

^{1/} This concern predates last summer. In 1963 the Secretary of Interior appointed an Advisory Board on Wildlife and Game Management chaired by Dr. Leopold of the University of California.



at the University of Michigan. The report of that advisory committee was released earlier this month.

Aside from this Agency's review and the Cain findings, a detailed petition has been submitted to this Agency by several distinguished conservation groups urging that the registrations of these compounds be cancelled and suspended immediately. That petition invoked the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 135, Section 2z(2)(c) which requires that an economic poison contain "directions for use which are necessary and if complied with, adequate to prevent injury to living man and other vertebrate animals. . .," and Section 4c which allows the Administrator to initiate cancellation proceedings by ordering immediate suspension "when he finds that such action is necessary to prevent an imminent hazard to the public."^{2/}

Based on this Agency's review of the registrations of sodium cyanide, strychnine, and 1080 in light of available evidence, I am persuaded that their registrations for predator uses should be suspended and cancelled.

^{2/} Sponsors of the petition were: The Natural Resources Defense Council, Defenders of Wildlife, Friends of the Earth, The Humane Society of the United States, National Audubon Society, Inc., New York Zoological Society, the Sierra Club, and the National Parks and Conservation Association.



II.

The Cain group has dealt at length with the effects of the use of strychnine, cyanide, and 1080 for predator control. The report points out the extreme toxicity of these compounds, their non-selectivity, and their potential impact on the environment which "is increased by secondary hazard, accumulation in the animal, and combined characteristics of chemical stability and solubility in water." This report reconfirms the findings of the Leopold Report (see 1/, supra) that the predator control program took a heavy environmental toll.

Cyanide, strychnine, and 1080 are among the most toxic chemicals known to man. They act quickly, spreading through an entire animal crippling the central nervous system. These poisons are toxic not only to their targets but other animals and wildlife. All of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie.

In the case of strychnine use against badgers, coyotes, and foxes, a tablet containing the poison is placed inside a one-inch ball or cube of bait material such as meat, lard or tallow. These baits are left along animal trails or near non-game carcasses. While instructions caution the user to cover the baits over with chips or brush to avoid ingestion by non-target animals, the Cain



Report has suggested the inadequacy of such directions. ^{3/}

The pattern for cyanide use differs little in pertinent respects. An explosive gun, a "coyote-getter," charged with cyanide is baited and driven into the ground. The gun is left unattended along the trail or range and is triggered when an animal pulls at the bait. In the case of 1080, carcasses of dead animals are laced with the substance and strewn to attract the predator.

Indiscriminate baiting over wide unpoliced areas poses two obvious and recognized threats to non-target animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of non-target range species. The threat, however, is compounded by the extremely high toxicity of these poisons, which can transform the predator carcass into a potential lethal killer of prairie animal life.

While the effects of prairie baiting are, for the most part, not documented, the Cain group has suggested the present evidence may well understate the true damage. It is appropriate to take

^{3/} According to the Cain Committee, if toxicants were consistently applied under field conditions with meticulous case, it is possible undesirable side-effects might be avoided. Draft at 131. However, the Committee concludes, "It appears that the necessary high standards are not likely to be attained." (Draft at 115) The Committee found no reliably precise data is available showing the degree of predator control achieved or the possible loss that might ensue without any program.



administrative notice of the fact that isolated accidents involving wildlife are not apt to be reported. Isolated, even if routine and numerous, instances of secondary animal poisoning would not have the visibility of a wildlife "kill," nor is there apt to be an observer present as in the case of human mishap. The administrative process need not be blind to these realities. This Agency's Pesticides Registration Division has, moreover, reports of cases of alleged secondary and accidental poisoning, and recently range-use of 1080 has been suspected of killing birds, including some of our rare species.

Measured against these obvious threats to wildlife are only ill-defined and speculative benefits. The Cain Committee has noted the absence of any meaningful information on the efficacy of poison baiting, especially in relation to the economic loss caused by predators to the sheep industry. At least one state, Nevada, has estimated that the cost of predator control was ten times the value of livestock and poultry lost to predators.

This absence of any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment renders these registrations suspect. It is now settled that the burden of proof rests on the poison. The report, moreover, specifically cites the greater selectivity of ground shooting, denning, and trapping, and the Department of the Interior is embarking on a study to determine other methods of control. Here, where it is known that alternative



methods of control exist, the registrations must be seriously questioned.

III.

In deciding whether or not these considerations justify suspension, it must be recognized that the concept of suspension is one that must evolve, and existing verbal tests are not readily translated into a decisive cue for action. The Federal Insecticide, Fungicide and Rodenticide Act, and the judicial and administrative constructions of it to date set forth only word formulas that establish a general attitude on suspension questions. Each situation must be scrutinized not only for what is involved, but also for what is not involved.

Turning to the verbal tests by which we must measure the use of these poisons, FIFRA provides that the Administrator of EPA "may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately." "Public" is not to be viewed restrictively, and includes fish and wildlife, as has recently and forcefully been noted in an opinion of a federal court. See EDF v. Ruckelshaus, 439 F.2d 584, at 597. Nor does "imminent" mean that we are on the "brink" and that the harm



will occur tomorrow or has been documented.^{4/} It is sufficient that reasonable men can conclude that action taken today will with reasonable certainty lead to a loss in the future and that loss will be irremediable and uncorrectable by subsequent action, and that the apparent benefits from using a chemical, pending the complete statutory review process, are outweighed by the possible harm of use during the period.^{5/} Or, as the matter was put in the Agency's DDT policy statement of March 18, 1971, the type, extent, probability and duration of such injury will be measured in light of the positive benefits accruing from use of the economic poison, for example, in human or animal disease control or food production.

Bearing these principles in mind, I am persuaded that a definite hazard exists. While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity

4/ "An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public. It is not necessary that the final anticipated injury actually have occurred prior to the determination that an 'imminent hazard' exists." Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5-T, Aldrin and Dieldrin, at 6.

5/ The cancellation proceeding involving the possibility of both a scientific advisory committee and public hearing consumes at least one year. In actual fact, these proceedings have generally taken considerably more than a year.



and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to non-target species. The fact that label instructions contain directions for placing the baits at times and in areas least likely to be populated by non-target species and for policing them, affords slight, if any comfort. This Agency has on prior occasions taken into account a "commonly recognized practice" of use (see In Re Hari Kari Lindane, I.F.&R. (Docket #6), and has noted that the likelihood of directions being followed may affect their adequacy (see In Re King Paint, 2 ERC 1819 (1970)); In Re Stearns, 2 ERC 1364 (1970)).

The hazards from the pattern of use for these chemicals is not remote or off in the distant future. The prairies and ranges are populated by numerous animals, some of which are becoming rare. At jeopardy are potentially endangered species. Each death to that population is an irremediable loss and renders such species closer to extinction.

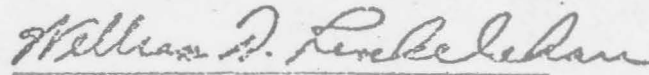
No apparent circumstances exist to counterbalance this distinct hazard and suggest that the possibility of irremediable loss is outweighed by the harm that might occur from their nonavailability during a period of suspension. The situation might well be different were the removal of these poisons from the



market likely to affect human health or the supply of a staple foodstuff; or were there no apparent alternatives available, the balance might be differently struck. This, however, is not true.

I am hereby affixing findings of fact and an order suspending and cancelling these chemicals for use in predator control.

MAR 9 1972


William D. Ruckelshaus
Administrator



AGRICULTURAL EXTENSION SERVICE
UNIVERSITY OF CALIFORNIA
Humboldt County

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ZIP CODE 95501

June 12, 1975

The Honorable Don Clausen, Congressman
2nd District, California
2433 Rayburn House Office Building.
Washington, D.C. 20515

Dear Congressman Clausen:

At your request I will expand on our discussion in Eureka on June 5, of sheep vrs. cattle numbers.

Humboldt County historically started out as a steer county providing beef for miners, sailors and loggers. Beef surplus and poor storage facilities encouraged entry in sheep production. High wool prices stimulated and expanded the industry. Over the years, ranchers realized that sheep and cattle could graze together and increase total production of meat per acre by approximately 20% over grazing by either species alone.

Our county sheep numbers peaked at 143,000 head in 1955. We started 1975 with approximately 22,000. A survey of former sheepmen taken in April and May of this year showed; of 35 total, 19 went out of the sheep business because of coyote problems; because of dogs, bears, eagles and bobcats, and only 5 because of their own choice for management reasons. The grazing land is still there. And where sheep used to be you find cattle today. In fact, the loss of 121,000 sheep means we have increased cattle numbers by 24,100 head to take their place.

This shift in grazing species has brought the following problems.

1. Cattle grazing alone reduce total meat per acre by 20%.
2. Cattle eat less browse allowing brush to grow causing range deterioration.
3. On our coastal and low mountain ranges sheep will winter with little or no supplemental feed. Cattle require a minimum of 1 ton of hay supplement equivalent during the same period.
4. Cattle require extensive corrals, chutes and other equipment to properly handle them.
5. Calves currently sell for about 28¢ per lb. with lambs at 48¢ per lb. Feed requirement indicates 1 cow equals 5 sheep. Therefore one 500 lb. calf at 28¢=\$140.00. Five 100 lb. lambs at 48¢=\$240.00.

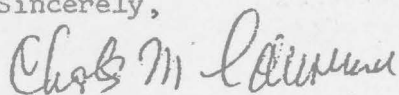


Nationally there is currently, a large inventory of beef animals. The western states, long known for sheep and wool production, are continuing to turn to cattle. It isn't by choice. Sheep have become impossible to raise on millions of western acres of grazing lands because of predator problems.

I foresee that beef cattle numbers will stay high causing un economic income levels for beef as sheepmen continue their shift out of sheep and into cattle.

Perhaps this information can supplement all of the other you gained talking to sheepmen and cattlemen last week. Good luck in your efforts to gain relief from over protective measures taken in the past allowing, particularly the coyote, to devastate local and national sheep flocks.

Sincerely,



Charles M. Lawrence
Farm Advisor

CML:bs





RBC HAS SEEN

National Wool Growers Association

600 CRANDALL BUILDING
10 WEST STARS AVENUE
SALT LAKE CITY, UTAH 84101
(801) 363-4483

SUITE 336, SOUTHERN BUILDING
.805 - 15th STREET, N. W.
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Send Reply to:

February 11, 1976

Washington, D. C.

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Keycee, Wyoming

Mr. Richard B. Cheney,
Assistant to the President,
The White House Office,
1600 Pennsylvania Avenue,
Washington, D. C. 20500.

Dear Mr. Cheney:

We appreciated very much the opportunity to meet with you the afternoon of January 30th. All of us who were in attendance feel the meeting was constructive as were other meetings that day with the Secretary of Agriculture and Secretary of the Interior.

We do hope that as a result of these meetings we will get some relief on our predator and labor problems.

Our thanks and very best regards.

Sincerely,

Floyd Myers Marsh
Floyd Myers Marsh,
President.

EEM:h



THE WHITE HOUSE

WASHINGTON

April 14, 1976

MEMORANDUM FOR: DICK CHENEY

FROM: FOSTER CHANOCK *FC*

SUBJECT: Coyotes

Stu and Jim recommend that you call Senator Hansen to inform him of the decision and express the hope that the action will not go unnoticed. After you place your call, Kendall will contact the other interested Senators. This should be completed by 3:00 PM so Margaret Earl can post the decision here in a routine fashion.

Approve: _____

Disapprove: _____

Note: Kathie to notify Kendall and Chanock when action completed.