



July 20, 2022

The Honorable Jared Huffman  
Chairman  
Committee on Natural Resources  
Subcommittee on Water, Oceans, and  
Wildlife  
U.S. House of Representatives

The Honorable Cliff Bentz  
Ranking Member  
Committee on Natural Resources  
Subcommittee on Water, Oceans, and  
Wildlife  
U.S. House of Representatives

Dear Chairman Huffman and Ranking Member Bentz,

In advance of your Subcommittee's legislative hearing on Thursday, July 21, the Congressional Sportsmen's Foundation (CSF) would like to express our opposition to H.R. 4951, Canyon's Law, on the basis of supporting our nation's wildlife professionals. This legislation would severely hinder the ability of the United States Department Agriculture (USDA) Animal and Plant Health Inspection Service Wildlife Services (APHIS) and other wildlife professionals to manage problem wildlife.

As you are aware, H.R. 4951 seeks to ban the use of M-44 devices on federal lands managed by the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation and the U.S. Forest Service. To preface CSF's comments, it is important to note that M-44s are an important tool in the toolbox of our nation's *professional* (emphasis added) wildlife managers, not the lay-sportsman and woman. To be clear, M-44s can only be used by trained and certified applicators. With this in mind, CSF maintains that M-44s should remain an allowable management tool for wildlife professionals.

According to the Wildlife Services (WS), the service is tasked with "providing leadership and expertise to resolve wildlife damage that threatens agricultural and natural resources, human health and safety, and property". WS and the USDA are supportive entities of the use of M-44s. In a 2019 response to the National Wildlife Services Advisory Committee, a Federal Advisory Committee that provides recommendations to WS, USDA stated "USDA recognizes the importance of the M-44 Sodium Cyanide Capsule in managing predation caused by wildlife. The M-44 is one of the safest, most selective, and efficient tools available to producers in situations where predators are causing excessive damage to agriculture, livestock, or impacting threatened and endangered species." According to a 2019 EPA Interim Registration Review Decision on Sodium Cyanide, "The agency concluded that the M-44 devices provide benefits to producers of sheep, goats, and cattle, and that in the absence of these products, producers would likely incur

higher costs and/or more livestock loss.” The report further stated that the loss of M-44 devices would likely force individual producers out of business, threatening the multi-million-dollar livestock industry.

Currently, only 14 states authorize the use of M-44s by Wildlife Services. Of those 14, there are only 5 states that have registrations for non-Wildlife Service applicators to use M-44s. The employment of M-44s is highly regulated and follows stringent standards to ensure safety for humans, non-target wildlife, and pets. Specifically, there are 26 use restrictions that serve as guidelines for Wildlife Services and other professionals utilizing M-44s. These restrictions range from training requirements, mandated bilingual warning signs, placement restrictions, equipment standards, and other critical practices that maintain the safety and efficacy of M-44s.

Furthermore, individual state pesticide regulatory agencies can require additional restrictions on the use of M-44s which Wildlife Services and private applicators would be required to adhere to. This allows states the ability to fine tune M-44 usage and tailor it to their specific concerns.

The Findings Section of H.R. 4951 proclaims “Despite the United States Fish and Wildlife Service determining in 1993 that M-44 devices could kill endangered species like the California Condor, the use of the M-44 continues in areas where endangered species are found and continues to result in the deaths of endangered species.” This language contained in the Findings Section ignores the position of Wildlife Services who assert in a 2019 M-44 fact sheet that “Wildlife Services take great care in the use of M-44s and in confirming that our efforts do not jeopardize any threatened or endangered species or any other non-target species. M-44s are not used where federally listed threatened or endangered animal species might be harmed.” The report continues by stating “Wildlife Services also consults with the U.S. Fish and Wildlife to further safeguard federally listed threatened and endangered species or their critical habitat. Unfortunately, to build emotional support for H.R. 4951 rather than following the expertise of wildlife professionals, the Findings Section of H.R. 4951 does not accurately represent the impact, or lack thereof, of M-44 devices on threatened and endangered species.

The Findings Section also states “The indiscriminate M-44 device commonly harms nontarget wildlife and people...”. This too ignores the reality and expertise of the federal agencies tasked with managing problem wildlife. For example, a May 2017 USDA report (peer-reviewed and finalized in October 2019) states “Target take was 97.5% of known pulls.” Furthermore, a Montana case study that looked at M-44 use by non-USDA-Wildlife Services applicators between 2006-2019 showed that non-target species only accounted for 6.7% of non-Wildlife Service applicators take. During that same time period, non-target take by Wildlife Services with M-44s only accounted for 0.23%, demonstrating the effectiveness of M-44s in taking targeted wildlife.

By seeking to ban the use of M-44s on federal lands, H.R. 4951 would reduce the ability of WS and other wildlife professionals to manage problem wildlife over large, often rural or remote, areas. Beyond the efficacy of these devices, M-44s are necessary because WS simply does not have the personnel or resources to cover the vast areas of public lands where human-wildlife conflicts are occurring, such as depredation on livestock. Finally, the decision whether to allow the usage of M-44s or the need for additional regulations in addition to those provided by EPA

and Wildlife Services lies with the individual states who are best equipped to make informed decisions for the benefit of its citizens. Given that states currently have this authority, a federal ban is unnecessarily prescriptive and does not take into account the needs and nuances of individual states.

In closing, the Congressional Sportsmen's Foundation urges the Committee to support our nation's wildlife professionals by rejecting H.R. 4951 should it come up for a Committee vote at a later date.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jeff Crane  
President and CEO