



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Sent Electronically

Re: 2017 Petition to Cancel Registrations of M-44 Cyanide Capsules (Sodium Cyanide)

Dear WildEarth Guardians, The Center for Biological Diversity, and other co-petitioners:

On August 10, 2017, the Agency received your petition requesting the cancellation of registrations of M-44 cyanide capsules (sodium cyanide), EPA Registration Nos. 56228-15, 35978-1, 35975-2, 39508-1, 13808-8, and CA840006. The Agency thanks you for engaging with the Agency. In summary, you request that EPA 1) cancel all active and pending registrations for sodium cyanide pursuant to FIFRA because you allege the continued use of sodium cyanide is causing unreasonable adverse effects to the environment, members of the public, and non-targeted companion animals; 2) suspend all sodium cyanide registrations to prevent an alleged imminent hazard to the environment and protected species pending completion of cancellation proceedings; 3) invoke a stop order prohibiting all current and future use of sodium cyanide effective immediately because you allege sodium cyanide is being used in violation of the pesticide's use restrictions, and thereby, its labeling requirements; and 4) initiate special review proceedings¹ for all sodium cyanide registrations because you allege one or more of the risk criteria of 40 C.F.R § 154.7 are met. The Agency is currently reviewing these products using the Registration Review process and sees no reason, and the Petition provides none, to start a parallel process using Special Review proceedings to look at the same issues.

EPA is denying your request to take immediate action or to review the registrations of sodium cyanide under EPA's Special Review program and outside of the FIFRA section 3(g) Registration Review process. As specified in 40 C.F.R § 154.7(a), whether to initiate Special Review is a discretionary action, even assuming one or more of the specified criteria are met.² Likewise, initiating review of a registration outside of the Registration Review process is also a discretionary action. As EPA noted in its previous response to the 2009 M-44 Petition, EPA believes it is appropriate to deny a request to initiate a discretionary review of a registration outside of the

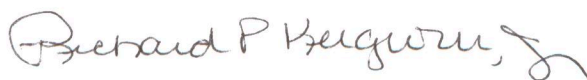
¹ As described in 40 CFR §154.1, the Special Review process is used to assess the potential risks and benefits of a pesticide and helps the Agency determine whether to initiate action, such as cancellation, on a pesticide product. The Special Review and FIFRA section 3(g) Registration Review programs are both intended to review existing pesticide registrations to determine that those registrations continue to meet the statutory standard for registration.

² EPA "may conduct" a Special Review of a particular registration if determining that one or more criteria are met. 40 C.F.R § 154.7(a).

Registration Review process where no substantial new information is submitted meriting such a review.³ EPA continues to believe it would not be appropriate to disturb the Registration Review cycle by initiating a more immediate review of the registration where no substantial new information is submitted, even if the request relates to initiating a discretionary review through the Special Review process. In this case, the petition provides no substantial, new information meriting either immediate action or accelerating a review of the registered products, and the issues you raise and information you provide in the petition can be reviewed in the context of the ongoing Registration Review for products containing sodium cyanide. Moreover, using the ongoing Registration Review process, rather than a petition process or the Special Review process, is particularly appropriate here given EPA's impending release of the *Sodium Cyanide Proposed Interim Decision (PID)*, which will be available in the public docket (EPA-HQ-OPP-2010-0752) for comment. EPA encourages the petitioners to use the 60-day comment period on the PID to weigh EPA's proposed interim decision in light of the concerns raised in the petition, and to address any concerns as comments to the PID docket. The Agency will issue a response to substantive comments posted to that docket in the *Sodium Cyanide Interim Decision*.

Please contact Leigh Rimmer at 703-347-0553 or at rimmer.leigh@epa.gov if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard P. Keigwin, Jr.", with a stylized flourish at the end.

Richard P. Keigwin, Jr., Director
Office of Pesticide Programs

³ See previous petition response addressing similar issues and referring to the potential for addressing issues through registration review at *Re: Sinapu et al. Petition to the Environmental Protection Agency for Suspension and Cancellation of M-44 Sodium Cyanide Capsules & Sodium Fluoroacetate (Compound 1080) Livestock Protection Collars* dated January 24, 2007, 1st Addendum dated March 20, 2007, 2nd Addendum dated July 27, 2007 and 3rd Addendum dated January 7, 2008, January 16, 2009, at 49.