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HR 8841 Predator Control  
Foley + Wampler introduced  
mark up, 1<sup>st</sup> wk in Sept  
in Agric. Comte

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Wampler joined w/ Poage in  
Comte on amendment ~~the~~

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1 yr extension

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EPA against Wampler - Poage  
amend as it gives Sec of Int.



July 18, 1975

Office of the White House Press Secretary

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THE WHITE HOUSE

EXECUTIVE ORDER

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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.

more

(OVER)

(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 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

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**U.S. House of Representatives**  
**Committee on Agriculture**  
**1301 Longworth House Office Building**  
**Washington, D.C. 20515**

**AUG 11 1975**

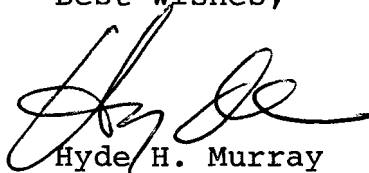
August 8, 1975

Dear Neta Brown:

Enclosed per your request  
are copies of H. R. 8841 and the  
Poage-Wampler amendment thereto.

Action by the Committee on  
this legislation is scheduled for  
September 3, 4, and 5.

Best wishes,



Hyde H. Murray  
Counsel

Ms. Neta Brown  
112 East Wing  
The White House

# H. R. 8841

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1975

Mr. FOLEY (for himself and Mr. WAMPLER) introduced the following bill;  
which was referred to the Committee on Agriculture

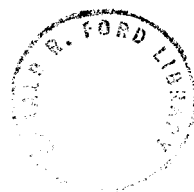
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## A BILL

To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for one year.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 27 of the Federal Insecticide, Fungicide, and  
4       Rodenticide Act, as amended (7 U.S.C. 136 (y)), is  
5       amended by adding at the end of such section the following:  
6       “There is hereby authorized to be appropriated to carry out  
7       the provisions of this Act for the period beginning October  
8       1, 1975, and ending September 30, 1976, the sum of  
9       \$47,868,000.”.

I



94TH CONGRESS  
1ST SESSION

**H. R. 8841**

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**A BILL**

To extend the Federal Insecticide, Fungicide,  
and Rodenticide Act, as amended, for one  
year.

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By Mr. FOLEY and Mr. WAMPLER

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JULY 23, 1975

Referred to the Committee on Agriculture



Offered by Mr. Poage and Mr. Wampler

Page 1, line 3 strike out all after the enacting clause and insert the following:

"That Section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended (i) by inserting after the words 'the environment; the Administrator' the words 'with the concurrence of the Secretary of Agriculture' and (ii) by inserting after the words 'or classification issued' in subparagraph (2) the words 'by the Administrator with the concurrence of the Secretary of Agriculture'".

SEC. 2. Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by inserting after the words "the Administrator" the words "with the concurrence of the Secretary of Agriculture".

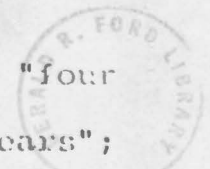
SEC. 3. Section 27 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by adding at the end thereof the following:

"There is hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1975, and ending September 30, 1976, the sum of \$47,868,000."

SEC. 4. Section 4 of the Federal Environmental Pesticide Control Act of 1972 is amended

(i) in subsection (b) by striking the words "four years" and inserting in lieu thereof the words "five years";

(ii) in paragraph (c)(2) by striking the words "four years" and inserting in lieu thereof the words "five years";



(iii) in paragraph (c) (3) by striking the words "four years" and inserting in lieu thereof the words "five years"; and

(iv) in paragraph (c) (4) by striking out the words "four years" and inserting in lieu thereof the words "five years";

(v) in paragraph (c) (4) (B) by striking out the words "three years" and inserting in lieu thereof the words "four years"."

#### Explanation

This amendment would make 4 changes in present law.

(1) It would require the concurrence of the Secretary of Agriculture in any procedure leading to the cancellation or change in classification of a pesticide.

(2) It would require the concurrence of the Secretary of Agriculture for any regulation issued by EPA subsequent to the enactment of this provision.

(3) It would extend for 12 months (the remaining nine months of FY 1976 and the 3-month transition period) until September 30, 1976, the authorization for appropriations of \$47,868,000 to be made to carry out the provisions of the Act.

(4) It would extend for one more year the effective dates

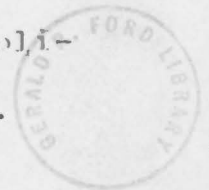
(i) for implementing the full effect of the Act.

(ii) for registration and classification of pesticides.

(iii) on the requirements for certified applicator use.

(iv) on the requirements for the certification of applicators and

(v) on the requirement that States must submit applicator certification plans by October 31, 1975.



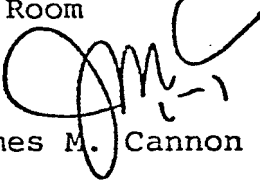
THE WHITE HOUSE

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 sheepherders.

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 Krueger  
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