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Appendix I

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Appendix I

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December 10, 1985

A brief chronology of some events related to cancellation/suspension of the predacides (Compound 1080, strychnine, sodium cyanide) by the Environmental Protection Agency in 1972 and ensuing actions by federal and state agencies.

1964: The Leopold Committee report on "Predator and Rodent Control in the United States", to the U.S. Department of Interior was made public. The report charged the U.S. Fish and Wildlife Service Animal Damage Control program with indiscriminate, nonselective **and excessive predator** control. However, the report stated that Compound 1080 baits are a relatively humane and effective method of coyote damage control.

1971: March: Civil actions were filed by counsel for the Defenders of Wildlife, Sierra Club, and the Humane Society of the United States, against the USDI, et al, in the U.S. District Court, District of Columbia, requesting an injunction prohibiting the use of toxic~chemicals for wildlife damage control and certain other relief.

April: Appointment of the Cain Committee, by USDI Secretary Rogers Morton, which began its review of the USFWS - ABC program of predator and rodent damage control.

November: A stipulation regarding the above mentioned civil actions was filed under seal in the U.S. District Court, District of Columbia, in which the USDI, et al, agreed to end the use of chemicals for predator damage control prior to February 15, 1972. Plaintiffs in the civil action named above agreed not to pursue the injunctions requested of the District Court prior to February 15, 1972. The stipulation was signed by counsel for the plaintiffs and the defendants.

December: the Cain Committee report, "Predator Control - 1971", was completed and published by the USDI. The report was highly critical of the ADC program and recommended prohibition of the use of toxic chemicals.

1972: Januar . The Cain Committee report was released to the public by he U DI.

February 8: Issuance of Executive Order No. 11643 by President xon, cancelling use of toxic chemicals on federal lands and in federal programs, except for emergency use by prior agreement of the Secretaries of USOI, USDA, and HEW, and the Administrator of the EPA.

February 10: The USDI issued a news release stating that it had ceased use of toxic chemicals in the USFWS - ADC program for control of birds, rodents and other species and was removing all such chemicals from the field as rapidly as possible.

March 9: The EPA issued cancellation and suspension notices for Compound 1080, strychnine, sodium cyanide, and thallium sulfate. (1080 registration as a predacide was held only by the JSDI-FWS.) A thirty-day period was provided for appeal for a hearing, in the notice of cancellation, but no hearing was requested by affected agencies or organizations.

March and May: Stipulations of dismissal of the Civil actions by Defenders of Wildlife, et al, vs USDI, ,a1, signed by counsel for plaintiffs and defendants were filed with the U.S. District Court, District of Columbia.

1972 to 1974 A series of U.S. Congressional hearings were held on the USDI-ADC program, the pros and cons of ADC and predacides, rodenticides, and related factors.

Numerous repeated requests and applications by several western states for reregistration of the predacides (1080, strychnine, and sodium cyanide) were denied. by the EPA.

1974: February: Experimental use of sodium cyanide (in the M-44) was granted to the State of Texas.

March (to February 1975): Experimental/emergency use of sodium cyanide (in the M-44) was granted to Montana, California, South Dakota, Idaho, Nebraska, Kansas, Texas A&M University, and the USDI-ADC.

Mdy: A Civil action was filed by the State of Wyoming et al, against the EPA and USDI, et al, seeking injunctive relief from EPA Order PR 72-2, etc., and requesting operational use of the predacides in the USDI-ADC program on all classes of land in Wyoming.

1975: June: U.S. District Court, Cheyenne, Wyoming, granted the State of Wyoming, et al, preliminary 'injunctive relief from EPA Order PR 72-2 which can celed registration of the predacides and suspended their legal interstate shipment.

June: The preliminary injunction granted the State of Wyoming, et al, by the U.S. District Court, Cheyenne, was appealed to the 6th Circuit Court of Appeals by the EPA and USDI et al.

July 22 President Ford issued Executive Order No. 11870 authorizing experimental use of sodium cyanide in federal programs and on federal lands.

August: The EPA authorized experimental use of sodium cyanide in
ugust: The to be used on the necks of sacrificial lambs for removal of sheep-killing coyotes. (This chemical-collar combination was consistently ineffective in all field trails during 1975-1976).

August: The Wyoming Department of Agriculture conducted pesticide applicator training and certified a number of applicants for the use of Compound 1080 in meat baits for predator damage control, under a Wyoming state label registration.

September: The EPA reregistered sodium cyanide for use in the M- control by the USDi-ADC and several western **states, including Texas.**

October: The 10th Circuit Court of Appeals reversed the U.S. District Court ruling which had granted injunctive relief to Wyoming from EPA Order PR 72-2, thereby reinstating the federal cancellation/suspension of Compound 1080 for predator. control.

November: Wyoming Department of Agriculture certified pesticide applicators began use of 1080-treated meat baits for predator control on private and state lands in Wyoming. These were used into Spring 1976, and again November 1976-Spring 1977.

1976: Februar : The State of Wyoming, et al, filed for-review of the 0th Circuit Court of Appeals' October 1975 decision by the U.S. Supreme Court.

May: The U.S. Supreme Court refused the request for review by the State of Wyoming, et al, thus upholding the lOth.Circuit Court of Appeals` decision reinstating federal cancellation/suspension of Compound 1080.

May 28: President Ford issued Executive Order No. 11917 authorizing operational use of sodium cyanide in federal programs and on federal lands, with certain restriction imposed on its use.

September 9: A civil action was filed against the Wyoming Department of Agriculture, et al, by the EPA in the U.S. District Court, Cheyenne, Wyoming al'Teg9ng misuse of Compound 1080 by inshipment of the Compound from out of state and by use in meat baits for predator control.

A civil action was filed against USDI, USDA, HEW, EPA, et al, by the State of Wyoming,et al, (including the State of Texas, in the U.S. District Court, Cheyenne, Wyoming requesting the. Court to authorize and order the registration and use of Compound 1080, strychnine and sodium cyanide on private, state, and federal lands, and to invalidate orders by the EPA denying registration of 1080 to the States of Wyoming and South Dakota. (Plaintiffs and intervenors in support-included the states of Wyoming, Montana, Idaho, New Mexico, Utah, South Dakota Texas, the National Wool Growers' Association, the National Cattlemen's Association, et al).

November: (to Spring 1977): Pesticide applicators certified by the Wyoming Department of Agriculture applied 1080-treated meat baits for predator control on private and state lands in Wyoming.

December 1_, A Federal Register notice of intent was filed by the EPA to proceed with RPAR action against Compounds 1080, 1081 and strychnine for all uses and all purposes (primarily field rodent and bird damage control at this time).

1977: October:A permit for experimental use of Compound 1080 in toxic collars on the necks of sacrificial sheep to remove sheep-killing coyotes was granted to the USDI by the EPA. This permit extended to October 1978, and was renewed to October 1979. Results were generally effective in selected cases but the method is not consistently effective.

1978: February 22:The civil action by the EPA against the Wyoming Department of Agriculture, et~al, alleging misuse of 1080 for predator control was dismissed by the U.S. District Court, Cheyenne, Wyoming in accord with an agreement reached by counsel for the prosecution and defense.

February: The "Animal Damage Control Policy Study Advisory Committee" with advisor duties only, was appointed by the Secretary of the Interior to review the USDI-ADC program, policies and the use and interpretation of data regarding predator damage/control, the committee is to terminate in July 1978.

Ma The EPA rejected the Montana Department of Livestock a~ication of September 1977 for experimental use of SLD 1080 baits to reduce coyote predation on livestock.

Late May: The first draft report, Predator Damage Management in West, was released by the USDI.

May 22-31: Public hearings on the draft USDI-ADC report and rela ed matters were held at Boise, Idaho; Casper, Wyoming; San Angelo, Texas and Washington, D.C.

June 12: The second draft report, Co Coyote Management in the West: I- 5, tudy of Alternatives, was repared by U anagement

December: The final report, Predator Damage in the West A study of Coyote Mana ement Alternatives, was prepared by U. I and released too the -public in 1979.

1972 to 1979: A11 applications/requests for registration of 1080 and strychnine from several western states were denied by the EPA. Occasional emergency use of strychnine for rabies control was permitted in several western states by the EPA and an emergency permit for use of 1080 in control of Columbian ground squirrels was granted to the State of Montana.

1974 to 1979: The Civil action against EPA, et al, filed in the U.S. District Court, Cheyenne, Wyoming, by the state of Wyoming, et al, was repeatedly continued/postponed.

1979: January: A draft option paper regarding USFWS-ADC predator damage management options/alternatives was supposedly provided to the Secretary of the Interior by U.S. Fish and Wildlife Service-ADC Staff. Decisions.by the Secretary, on the options/alternatives originally scheduled for January 1979, were repeatedly postponed until November 8, 1979.

June: The Tenth Circuit Court of Appeals granted a petition by Cecil D. Andrus, (USDI) and Douglas Costle, (EPA) and issued a writ of mandamus compelling the United States District Court, of Wyoming to carry out the mandate of the October 1975 decision by the Tenth Circuit Court of Appeals, thus effectively closing the case by the State of Wyoming, t al, vs. EPA, et al, filed in May 1974.

June: The Department of Interior, U.S. Fish and Wildlife Service, **released the** Final Environmental Impact statement on Mammalian Predator Damage Management for Livestock Protection in the **Western** United States to the public.

July 2_3: A cooperative field test of 1080 Toxic Collars was begun in Bosque County. Texas on the L.C. Howard ranch, under direction of the Texas Agricultural Extension Service and the U.S. Fish & Wildlife Service.

October: Intervenors and plaintiffs, other than the State of Wyoming, reached agreement to dismiss the suit by Wyoming, et al, vs. EPA, et al.

Mid-October: The USDI 1080 toxic collar permit was renewed through November 30, 1980 by the EPA.

November 8: Secretary of the Interior Cecil D. Andrus issued his once g-delayed ADC policy statement in a memorandum to the Assistant Secretary for Fish, Wildlife and Parks. The document generally ignored recommendations contained in numerous position statements from ADC professionals in research and operations.

Major points in the new policy included prohibition of denning and all further research and development on Compound 1080, additional restrictions on aerial hunting, emphasis on non lethal noncapture and husbandry methods, in addition to the intent to the phase out all lethal control methods.

1980: January: Opposition to the new USDI-ADC policy appeared to be growing in the agricultural sector. USFWS and other professionals in ADC research and operations indicated the lack of factual considerations and objectivity, other than political, in the' policy.

Januar 15: A predator Summit Conference was held in Austin, Tex-as. In his discussion, USDI Secretary Andrus reiterated his perception of society's opposition "to denning and the use of Compound 1080 as repulsive and inhumane practices". However, on January 15 he did receive "new information" regarding secondary hazards and indicated that he might reconsider his prohibition of all further research/development/use of Compound 1080.

Januar 22: Senate Bill S-2195 was introduced by Senator John Tower of Texas. The bill would require the Secretary of Interior, in cooperation with the Secretary of Agriculture, to implement certain procedures relating to ADC, including the use of Compound 1080, and extensive research relating to chemical. toxicants, their efficacy, hazards, costs, benefits, etc.

January 30 ;_, Telephone communication from USFWS administrators to USFWS research staff gave permission to continue the 1080 toxic collar tests at Meridian, Texas which were being conducted under a **cooperative** agreement between the Texas Agricultural Extension Service of Texas AEM University , the USFWS-Denver Wildlife Research Center and a Texas rancher. Confirmation of this permission by memoranda was requested from the USFWS staff in Washington.

February 15: The Western Regional Coordinating Committee for Predator Research (WRCC-26) issued an analysis of and response to USDI Secretary Andrus' ADC policy statement of November 8, 1979. The WRCC-26 analysis described inaccuracies and misconceptions in the USDI policy statement and stated that "Our findings and experience indicate that the recent ADC policy statement issued by Secretary Andrus is not based on established fact or competent professional judgement."

February 20: USDI Secretary Andrus met with a delegation of western senators regarding the ADC program and his new USOI policy.

February 21: By telephone, Denver Wildlife Research Center staff were informed-that, as agreed upon by USDI Secretary Andrus and western senators, the 1081 toxic collar tests in Texas would be permitted to continue in accord with the agreement between the researchers and the rancher but no other 1080 toxic collar tests would be permitted (by USDI staff) and that written confirmation of this position would be provided to toxic collar research staff and the rancher.

February 28: The RPAR action against 1081 by EPA was terminated. Registration of 1081 for control of Norway and roof rats was continued under a modified label accepted by the EPA.

March 3: The USFWS-Denver Wildlife Research Center was informed by **offciaT** memorandum that 1080 toxic collar tests at Meridian, Texas could continue.

March 6: H.R. 6725 was introduced by Congressmen Eligio de la a~rza and Thomas Loeffler of Texas. The bill would require the Secretary of Interior, in cooperation with the Secretary of Agriculture, to implement certain requirements relating to animal damage control and for other purposes, including use of lethal chemicals and devices, extended research on chemical toxicants, research on nonlethal and animal husbandry techniques, and use of preventive control methods to manage predator populations.

March 17: Texas A&M University and cooperating ranchers were in official memorandum from USOI that 1080 toxic collar test at Meridian, Texas could continue through the "period of agreement", presumably to the expiration date (November 30, 19$0 of the USOI 1080 toxic collar Experimental Use Permit (EUP).

April 16-17: Hearings before the U.S. House of Representatives Subcommittee on Department Investigations, Oversight and Research of the Committee on Agriculture, related to predator damage control, the new USDI-ADC policy, H.R. 6725 and related issues were held.

April 17: The implementation plan for USDI Secretary Andrus' new ADC policy re received final approval by USDI Assistant Secretaries for Fish, Wildlife and Parks; Land and Water Resources; and Policy, Budget and Administration.

April 24-25: Hearings before the U.S. Senate Committee on nvironment and Public Works, related to predator damage control, the new USOI-ADC policy and related issues were held.

April 25: Texas A&M University submitted a request to EPA for an Experimental Use Permit for the 1080 toxic collar, to continue research on potential primary and secondary hazards, safety and other factors related to 1080 use for protection of sheep and goats in **Texas.**

May 7: USDI Secretary Andrus issued a news release reporting that USDI was seeking an agreement with Texas A&M University to continue 1080 toxic collar research.

Ma 9: The Texas Department of Agriculture submitted application to PA for an Experimental Use Permit for the 1080 Toxic Collar.

May 12: The EPA issued a Conditional Experimental Use Permit to Texas A&M University for 1080 toxic collar research.

May 20: The RPAR actions by the EPA against strychnine and 1080 continued with decisions pending.

Late May-September: USDI, EPA, and Texas A&M University staff held discussions on 1080 toxic collar cooperative research projects in Texas; a research plan and budget were developed and submitted by Texas A&M University to the Department of Interior

June 5: The New Mexico Department of Agriculture submitted an application to EPA for an Experimental Use Permit far the 1080 toxic collar use. by ranchers to evaluate its safety and effectiveness in New Mexico.

Au oust: USFWS staff were informed by the USDI that additional new 080 toxic collar tests could be initiated in Texas by the USFWS and that the USOI would apply for a renewal of its 1080 toxic collar Experimental Use Permit which expires on November 30, 1980.

Au ust 5: The EPA notified the New Mexico and Texas Departments of griculLure that their requests for 1080 toxic collar Experimental Use Permits were. denied.

1981: January 20: Ronald Reagan took office as President of United States.

February 3: The EPA granted a 1080 toxic collar Experimental Use Permit- to the New Mexico Department of Agriculture.

~May 6:' A national position paper on animal damage control was S ue3 by a coalition of 13 major U.S. agricultural groups including the major livestock producer associations.

July 28,29,31: The EPA held evidentiary hearings on predation, predator control, the use of 1080 and related factors at Denver, Colorado and Washington, D.C.

August 19: The EPA granted extension of the New Mexico 1080 toxic collar EUP to February 3, 1982.

September 21: The USFWS applied to the EPA for registration of the 1080 toxic collar.

September 22: USDI Secretary James Watt issued a directive to the USFWS to formulate a "new policy and direction" for the ADC program "notwithstanding previous secretarial policy decisions and in line with the best currently available biological information."

October 15: The EPA granted extension of the Texas A&M University 1080 toxic collar EUP to December 1, 1982

November 19: USFWS Director Robert Jantzen issued a "new ADC policy" s tating that the USFWS:

1. Has applied far registration of the 1080 toxic collar

2. Will apply for a 1080 single-lethal-dope EUP

3. Will request the EPA to modify 10 of the current 26 M-4 restrictions to permit use of the M-44 "to protect endangered wildlife"

November: The EPA released "Predacidal Uses of 1080: Technical Review Document°, a summary review by EPA staff of information from the evidentiary hearings held July 28-31, 1981 at Denver and Washington, D.C.

December 1: The EPA announced its intent to hold formal adjuicatory hearings on the risks and benefits of Compound 108C use for predator control.

December Z: The USFWS applied to the EPA for an UP to evaluate 3.0 mg 1080 single-lethal-dose baits for coyote control to protect livestock at test sites in Idaho, Montana and Texas.

December 17: An application for experimental use of Compound 1080 in **single-dose** "Bait Delivery Units" in California was submitted to the EPA by Dr. W.E. Howard, University of California.

1982: JanuanL 25: The Northern Prairie Wildlife Research Center, US Department of the Interior, was granted a FIFRA 24 C registration of strychnine egg baits by the North Dakota State Laboratory for **control** of Franklin ground squirrel predation an wild duck nests.

January 27: President Reagan issued Executive Order 12342 revoking Executive Order 11643 (as amended by Executive Orders 11870 and 11917) which had prohibited use of toxic chemicals in federal programs and on federal lands.

March 9: The US EPA acknowledged receipt of the USGI (24 C) registration of strychnine egg baits in North Dakota and approved the registration.

March 30: The EPA hearings on risks and benefits of Compound i"v80 - use for predator control began at Washington, D.C. under EPA Administrative Law Judge Spencer T. Nissen.

RA nil 19: Based on laboratory tests of the LO 100 in coyotes, the no£ified the EPA of the need for 5.0 mg doses of 1080 in SLO baits (rather than 3.0 mg doses) and of the USFWS intent to utilize 5.0 mg doses in experimental field tests when the USFWS EUP for experimental use is approved by the EPA.

FMa 25: The EPA hearings on 1080 risks and benefits began at San nageTo-7 Texas.

June 7: The EPA hearings on 1080 risks and benefits began at Denver, ova-rado.

June 28: The EPA hearings on risks and benefits resumed at Washington D.C.

August 6: The EPA hearings on risks and benefits terminated at Washington, D.C.

October 4: The EPA issued an EUP to the USFWS for experimental use O .0 mg 1080 SLD baits in Idaho, Montana and Texas.

October 22: EPA Administrative Law Judge Spencer T. Nissen issued the e nitiaT Decision from the 1080 hearings which recommended registration of 1080.toxic collars and single-lethal-dose baits if adequate data on safety, etc. were provided by applicants for registration.

November 9: The USFWS requested that the EPA extend the USFWS toxic collar EUP from November 30, 1982 to November 30, 1983.

December 1: The 1080 toxic collar EUP granted to Texas A&M niversity by the EPA expired and was not renewed. The TAMUS terminated its toxic collar field research project; however, the toxic collar project at the Howard ranch, Meridian, Texas continued under USFWS supervision and the USFWS EUP.

1983: January 11: The USFWS issued a formal request to the EPA for modification of the USFWS 1080 single-lethal-dose bait EUP to permit use of 5.0 mg 1080 per bait and for changes in the test **areas.**

Januar -March: Extensive news media coverage of allegations and accusations o unethical conduct, undue industrial influence on EPA policies and regulations, and misuse of the toxic wastes "superfund" by EPA administrators were followed by congressional oversight hearings during March in regard to these allegations.

March 1: The Humane Society of the United States petitioned the EPA to reconsider and revoke the 1080-SLO bait EUP issued to the USFWS for violations of the EUP alleged by the HSUS.

March 9: EPA administrator Ann Gorsuch Burford resigned from her, position; other resignations and dismissals of upper-level EPA administrators followed.

March 11: The EPA issued a "cease and desist" order to the USFWS in regard to use of 1080 SLD baits containing more than 3.0 mg 1080 and their use in areas not listed on the original EUP granted, to the USFWS, stating that: "Although you have requested a modification ...to allow higher concentrations and additional geographic areas this modification has not yet been approveded (sic) ...."

March 21: William D. Ruckelshaus was nominated by President Reagan to succeed EPA Administrator Burford.

April 7: The USFWS-DWRC informed its cooperators in 1080 toxic collar research that, despite repeated assurance from EPA staff that continuation of the toxic collar research was permissible, the USFWS will stop field research with the collars until the EUP is renewed.

A r~l 12: The USFWS requested the EPA to advise the USFWS of the s atus O its application of November 9, 1981 for extension of the USFWS 1080 toxic collar EUP to November 30, 1983. The USFIJS also notified its cooperators that 1080 toxic collars must be removed from the field.

April 19: Cooperative USFWS-TAMU 1080 toxic collar tests in Texas were terminated with removal of collars from Angora goats used on the field test project at Meridian, Texas.

Ma 3: The EPA notified New Mexico authorities that the EPA had a ecired to publish for public review and comment all pending requests for 1080 EUPs "to solicit comments from interested parties..."

Mater 17: USFWS administrators and staff met with EPA officials to discuss the status of three situations concerning 1080":

1. The EPA revocation. of the USFWS 1080-SLD bait EUP and preparation of a new application for a 1080 SLO bait EUP
2. The USFWS request of November 9, 1982 for extension of the 1080 toxic collar EUP to November 30, 1983
3. The USFWS was advised by EPA officials not to expect further communication until the "administrator has issued an opinion concerning the recommendations (of October 22, 1982) of the Administrative Law Judge ...."

September 30: The EPA released strychnine "Position Document 4" for public review.

October 1S: The EPA issued a Federal Register notice of "Intent to Cancel Registrations of Pesticide Products Containing Strychnine; Denial of Applications for Registration of Pesticide Products Containing Strychnine; Determination Concluding the RPAR; Availability of Position Document (PD-4)".

October 31: EPA Assistant Administrator Lee Thomas issued the "Final-D'ecision" by EPA affirming ALJ Nissen's "Initial Decision" of October 22, 1982 regarding the 1080 hearing and use of 1080 as a predacide.

October 31: The Pacific Legal Foundation (at the Denver Court, eat ircuit) appealed EPA Assistant Administrator Lee Thomas' decision on 1080 for the petitioners, National Cattlemen's Association, National Wool Growers' Association and Public Lands Council.

Hogan and Hartson, et al, at the Washington , D.C. Court filed an appeal for Defenders, -et al, of the 1080 decision by EPA Assistant Administrator Lee Thomas.

November 16: The Wyoming Department of Agriculture requested of the EPA a formal administrative hearing under FIFRA regarding the EPA Notice of Intent to Cancel Strychnine Rodenticides (RPAR).

November 18: The EPA approved the USDI-FWS applications far extension of the US~`WS EU?s: one for use of 0.05 pound of 1080 in SLD baits to determine effectiveness in coyote control and impacts on nontarget species and one for use of 0.6 pounds of 1080 in "toxic collars" in Idaho, Montana and Texas.

November 21: The EPA granted an EUP to the University of Californ is at Davis for experimental trails of a "single lethal bait device".

November 29-30: A hearing by the EPA Scientific Advisory Panel on EPA Position Document 2/3 on the 1080 RPAR, took place in Sacramento, California.

December: The final report was supplied to the USFWS by **Texas A&M University on "Efficacy** of the 1080 Toxic Collar as a Predator Damage Control Method", based upon TAMU research.

1984 Januar y11: The EPA issued a Federal Register notice of intent to conduct a formal administrative hearing on the strychnine RPAR issue, under EPA Administrative Law Judge Marvin E. Jones.

February 23: The Tenth Circuit Court denied Defender's, et al, motion to transfer the appeal of the Final Decision on 10$15' as a predacide by the EPA to the Washington, D.C. Circuit Court.

-April-- 4: EPA Administrative Law Judge Marvin E. Jones held a pa ring conference with parties to the strychnine RPAR hearing.

April 5: EPA Administrative Law Judge Marvin E. Jones formally announced that the strychnine RPAR hearing would begin on August 7, 1984 at Washington D.C.

Aril 26: The memorandum from A.E. Conroy II, EPA Compliance Monitoring, to John A. Moore, EPA Assistant Administrator, regarding "Implementation of 1080 Final Decision" was issued.

~May 23: An EPA notice was published in the Federal Register of May 23: of an Experimental Use Permit; USDA Forest Service" for use of 0.0009 pound of 1080 in grain bait to evaluate control of black-tailed prairie dogs on a maximum of 75 acres in South Dakota.

May 29: Hogan & Hartson filed a brief with the Tenth Circuit Court in Denver regarding review of the 1080 Initial Decision by EPA-ALJ Nissen and the Final Decision by EPA Assistant Administrator Lee Thomas.

May 29: The Pacific Legal Foundation filed a brief for review by the Tenth Circuit Court (Denver Circuit) of the 1080 decisions by ALJ Nissen and EPA Assistant Administrator Lee Thomas.

June 14: EPA-ALJ Marvin E. Jones granted the EPA Motion for Continuance of the beginning of the strychnine RPAR hearing from August 7, 1984 to October 15, 1984 in Washington, D.C.

uly 27: The EPA filed a brief with the Tenth Circuit Court regarding review of the 1080 decisions by ALJ Nissen and EPA Assistant Administrator Lee Thomas.

August 13: The US Fish & Wildlife Service formally requested permiss O from the EPA to intervene in the strychnine RPAR hearing in support of continued registration of strychnine products for field rodent control.

August 16: The USFW$ issued its biological opinion that survey methods for black-footed ferrets were adequate to verify their presence "to a level of probability that is adequately protective of this species."

September 12: EPA-ALJ Marvin E. Jones granted the motion, agreed to y all parties to the strychnine RPAR hearing, for continuance of the hearing to begin. on April 15, 1985 with the location to be announced later.

December 27: Senator Steve Symms' (Idaho) staff completed **research** which indicated that "authority to conduct animal damage control currently resides in the USDA."

1985 January October: Various offers and counter offers were mace the other parties to the strychnine RPAR hearing in regard to settling of this issue without a formal administrative hearing.

Jane 21: Oral arguments were made before the Tenth Circuit Court of Appeals at Denver, Colorado by PLF, Defenders, et al, and EPA, regarding. review of the EPA decisions on 1080 as a predacide.

Januar 23: In a letter to President Reagan, Senator Steve Symms (Idaho), and 19 Colleagues in the Senate urged relocation of the ADC program to USDA.

January 25: The USDI Fish and Wildlife Service requested reregistration by the North Dakota State Laboratory of strychnine egg baits for control of Franklin ground squirrel predation on wild duck nests.

Februar 4: USDI Secretary Clark responded to Congressional nquiries that "...I have given much thought to ADC and have concluded that I personally support its transfer to Agriculture."

February_27: Senator Steve Symms (Idaho) and 19 colleagues urged retary Donald Hodel to carry out "immediate action to bring about this.long over-due transfer" (of ADC) to the USDA.

March 7: The EPA presented a motion, ,joined by all parties to the strychnine RPAR hearing, to continue initiation of the hearing from April 15 to July 17, 1985; the motion was granted by ALJ Marvin E. Jones.
March 8: The Wyoming Department of Agriculture requested an emergency exemption from the EPA to permit use of strychnine for control of a rabies outbreak in skunks and the Montana Department of Livestock submitted a similar request.
March 26: USDA Secretary John Block and USDI Secretary Donald Hodel formally agreed to the transfer of ADC from USDI to USDA.
April 17: The USFWS applied to the EPA for an EUP (for two years) to permit use of 0.66 pound of 1080 in SLD baits to eradicate Arctic foxes on Kiska Island, Alaska to protect the "endangered Aleutian Canada Goose."
May, 14: The EPA issued a "preliminary determination" to deny the Wyoming Department of Agriculture and Montana Department of Livestock requests for emergency use of strychnine for control of **skunk rabies.**
May 15: An EPA notice was published in the Federal Register of 'Issuance of an Experimental Use Permit to the US Department of the Interior" for use of a total of 0.033 pound of 1080 in SLD baits to evaluate them for control of coyotes and their impact on nontarget wildlife.
July 11: EPA-ALJ Marvin E. Jones granted a motion by all parties to continue the strychnine RPAR hearing from July 17, 1985 to November 5, 1985.
July 11: The EPA notified the USDI-FWS of its intent to approve the USFWS request for registration of Compound 1080 for use in Livestock Protection Collars small collars onl ,effective July 18, 1985.

July 18: The EPA granted the USFWS registration of 1080 for use in-5e sma 11 LP Co 11 ar.

HJ 1 23: The EPA issued comments to the Wyoming Department of gurl 14~-urt u r e and Montana Department of Livestock regarding "data requirements to support registration of a strychnine egg and/or lard bait to control rabid skunks," which "requires a commitment to fulfilling these requirements prior to reopening the (strychnine) concellation hearings."

~Jul 31: The EPA issued a Federal Register notice of "Intent to ~el Registration of Certain Pesticide Products Containing Sodium Fluoroacetate ("1080"); Availability of Position Document 4" in regard to 1080 rodenticide products.

August 20: USDA Deputy Secretary John R. Norton III provided a summary response to the OMB on certain details for USDA administration of the ADC program when (and if) it is transferred to the USDA.

September 19: The Tenth Circuit Court of Appeals issued its decision on of the EPA decision to permit registration of 1080 in the Livestock Protection Collar and in SLD baits if data provided were adequate. The Circuit Court decision upheld the EPA decision with two exceptions:

1. The Circuit Court ruled that the EPA could not prohibit "local government employees" in a state from use of single lethal dose baits if the baits are registered for use.
2. The EPA administrator exceeded his authority in ruling that all SLD applicators must be certified by a federal agency. "?he administrator is without statutory authority to adopt a blanket refection of all state plans for certification...". **However, he may reject individual** state plans if they do not provide adequate assurance of compliance with EPA requirements.

October 31: EPA-ALJ Marvin E. Jones granted a motion by all parties to the strychnine RPAR hearing from November 5, 1985 to December 17, 1985.

November 6: The EPA granted Section 18 emergency exemptions for one year to the Wyoming Department of Agriculture and the Montana Department of Livestock for use of strychnine-treated eggs to control local rabies epizootics in striped skunks.

November 6: The EPA granted an Experimental Use Permit to the US Fish b Wildlife Service authorizing the use of Compound 1080 to eradicate Arctic foxes on Kiska Island, Alaska, to protect endangered Aleutian Canada geese.

December 12: EPA ALJ Marvin E. Jones issued a memo the the hearing clerk that all parties to the Strychnine RPAR hearing should work toward settlement of this issue out of court and report to the court on a monthly basis on progress, beginning with the first report due on January 22, 1986.

December 19: An amendment to the continuing federal budget resolution was passed by the U.S. Senate and House of Representatives to transfer all USFWS-ADC positions, equipment and funding to the USDA-APHIS. The continuing budget resolution became final with signature by President Reagan at 6:10 PM E.S.T.

1986:January 22: The EPA issued notice in the Federal Register of its intent to approve the Wyoming Department of Agriculture's amended plan for training and certification of applicators of Compound 1080 in small Livestock Protection Collars. The notice provided for a 30-day public comment period which ended on February 22.

.February 7: The EPA issued notices to the states of Wyoming and onwTiich amended their Section 18 specific emergency exemptions for use of strychnine in egg baits to control rabies outbreaks in skunks. The amendments permit the states to use egg baits in all counties where rabies specimens are confirmed by laboratory diagnoses.

March 19: The EPA issued notice in the Federal Register of its intent to modify restrictions imposed on use of the M-44 in 1975, in order to permit their use for protection of threatened and endangered wildlife. species, and to modify record-keeping requirements.

Dale A. Wade

March 27, 1986

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