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Senator Michael Dembrow, Chair  
Senate Committee on Environment and Natural Resources  
900 Court St. NE  
Salem, Oregon 97301

RE: Support S.B. 580 - Prohibiting use of M-44 cyanide devices to control wildlife

Thank you, Chair Dembrow and members of the committee, for the opportunity to speak in support of SB 580 and to urge your considered evaluation of the little known costs of M-44 devices to Oregon families.

My husband and I live in Benton County about 20 miles northwest of Corvallis. My dog Oberon was a "non-target" animal killed by USDA's Wildlife Services' negligent use of an M-44 device.

Oberon died on February 4, 2002, after being lured by a baited M-44 cartridge that had been placed on an adjacent property that was leased for cattle grazing. The dose of sodium cyanide delivered by an M-44 is designed to kill a coyote weighing up to 45 lbs. The CDC explains that "inhalation exposure to hydrogen cyanide gas released from sodium cyanide produces symptoms within seconds to minutes; death may occur within minutes."

Oberon, a shepard-Great Dane, weighed more than 100 lbs., thus he died not in minutes but after eight terrible hours. The effects of exposure to the gas, per the CDC, include: seizures; dilated pupils; shock; disordered heart rhythms; critically low blood pressure; erratic respiration; accumulation of fluid in the lungs. I was with Oberon throughout and can confirm that accurately describes Obie's horrific last hours of life. Those memories will haunt me forever.

After the initial shock, the emotional pain was to be compounded by the unreal but oh-so-real realization that Wildlife Services administrators in the Portland office would actively obstruct our understandable interest in finding what led to this terribly wrong outcome.

We were denied access to the "incident report" by the Portland Wildlife Services office. The agency's Assistant Director informed us that he was prevented from giving us the incident report in order to protect the confidentiality of the parties involved. He said we would need to file a petition for it under the Freedom of Information Act.

All of the parties involved in Oberon's case knew who all of the parties were, so protecting confidentiality was a wholly disingenuous rationale. The intent in reality was to stonewall our pursuit of information and, ultimately, to wear us down. In fact, we learned later that the agency policy at the time involved invoking a local Texas decision to conveniently maintain that the agency was enjoined from releasing incident reports *across the entire nation*.

We were never provided with the incident report and to this day do not know how the event was internally reported.

Through our own efforts to investigate, we do know that Wildlife Services acted patently outside of its own guidelines on numerous fronts:

- The low threshold--one calf--that triggered a lethal control approach;
- No notification of adjacent landowners;
- The fact that other strategies, such as repairing the fence under which the coyotes were able to attack a vulnerable newborn calf, were not first employed;
- The placement of the device in a wetland; and
- The fact that sodium cyanide is prohibited in "any areas where exposure to the public and family pets is probable" (M-44 Use Restrictions, USDA).

To add vitality to that last item, we later learned the Wildlife Services agent *knew* that there was an unknown dog in the area. Specifically, the landowner reported to us that the agent said he had found domestic dog scat in the area where he planned to set the traps, and the agent asked the landowner if it might have been his own dog's feces; the landowner told the agent he was certain it did not belong to his dog. To recap, the agent directly asked and was directly informed that the scat he found had to be that of an unidentified dog in the near vicinity. The agent's negligence and irresponsibility led directly to Oberon's death.

It's worth noting that the only other adjoining landowner was also not notified that lethal traps would be set out. That family included three children under the age of 14, any one of whom could have been the "non-target" M-44 victim instead of Obie.

M-44 traps are baited to attract and kill without discrimination. Oberon's death was a tragic and entirely avoidable accident but not singular. USDA's incident reports document hundreds of like cases. Knowing now what I do about the neurological effects of sodium cyanide poisoning, Oberon likely would have suffered permanent brain damage had he survived the immediate effects. That he was better off dying is a horribly cruel consolation.

February 4, 2002, was the most traumatic and distressing day of my life. To be clear, Oberon died by cyanide poisoning 17 years ago, but the distance of time does not leaven the anguish. What is most painful is the stark contrast between what happened and the single-most critical responsibility of a dog owner: to protect my dog from harm. I failed Oberon.

Sadly, I feel that my government failed me.

Thank you very much for your attentiveness in receiving my testimony in strong support of Senate Bill 580, which I hope will prevent other Oregonians from the pain of losing a beloved family member so very senselessly.

Sincerely,



Danielle Clair