

110TH CONGRESS
1ST SESSION

H. R. 4775

To prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium fluoroacetate (known as “Compound 1080”), to provide for the collection and destruction of remaining stocks of Compound 1080, to compensate persons who turn in Compound 1080 to the Secretary of Agriculture for destruction, to prohibit the use of certain predator control devices by the federal government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2007

Mr. DEFAZIO (for himself, Mr. GEORGE MILLER of California, Mr. FARR, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. MCGOVERN, Mr. KUCINICH, Mr. MORAN of Virginia, Mr. COHEN, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium fluoroacetate (known as “Compound 1080”), to provide for the collection and destruction of remaining stocks of Compound 1080, to compensate persons who turn in Compound 1080 to the Secretary of Agriculture for destruction, to prohibit the use of certain predator control devices by the federal government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Compound 1080 and
5 M-44 Elimination Act”.

6 **SEC. 2. PROHIBITION OF COMPOUND 1080.**

7 (a) IMMEDIATE PROHIBITION ON MANUFACTURE,
8 PROCESSING, OR DISTRIBUTION IN COMMERCE OF COM-
9 POUND 1080.—

10 (1) AMENDMENT OF TOXIC SUBSTANCES CON-
11 TROL ACT.—Section 6 of the Toxic Substances Con-
12 trol Act (15 U.S.C. 2605) is amended by adding at
13 the end the following new subsection:

14 “(f) COMPOUND 1080.—No person may manufac-
15 ture, process, or distribute in commerce sodium
16 fluoroacetate (known as ‘Compound 1080’ or sodium
17 monofluoroacetate).”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall take effect on the date of the
20 enactment of this Act.

21 (b) PROHIBITION ON POSSESSION OF COMPOUND
22 1080.—

23 (1) PROHIBITION.—Whoever (other than a per-
24 son acting under the authority of section 3(c)) pos-
25 sesses sodium fluoroacetate (known as “Compound

1 1080” or sodium monofluoroacetate) shall be fined
2 under title 18, United States Code, or imprisoned
3 not more than 2 years, or both.

4 (2) EFFECTIVE DATE.—This subsection shall
5 take effect at the end of the 18-month period begin-
6 ning on the first day of the first month beginning
7 on or after the date of the enactment of this Act.

8 **SEC. 3. COLLECTION AND DESTRUCTION OF STOCKS OF**
9 **COMPOUND 1080.**

10 (a) INVENTORY AND COLLECTION OF COMPOUND
11 1080 HELD BY THE FEDERAL GOVERNMENT.—

12 (1) INVENTORY.—Not later than 6 months
13 after the date of the enactment of this Act, the Sec-
14 retary of Agriculture, in collaboration with the Ad-
15 ministrator of the Environmental Protection Agency
16 and the Secretary of Homeland Security, shall con-
17 duct an inventory to identify stocks of sodium
18 fluoroacetate (known as “Compound 1080” or so-
19 dium monofluoroacetate) held by, or under the con-
20 trol of, any entity of the Federal government.

21 (2) COLLECTION.—During the collection period,
22 the Secretary of Agriculture, in collaboration with
23 the Secretary of Homeland Security, shall solicit and
24 accept the transfer of stocks of Compound 1080 held

1 by, or under the control of, any entity of the Federal
2 government.

3 (3) REQUIRED TRANSFER.—Each entity of the
4 Federal government—

5 (A) shall identify stocks of Compound
6 1080 held by, or under the control of, such en-
7 tity in accordance with the inventory under
8 paragraph (1);

9 (B) shall transfer such stocks to the Sec-
10 retary of Agriculture during the collection pe-
11 riod; and

12 (C) shall transfer such stocks acquired by
13 the entity after the collection period to the Sec-
14 retary of Agriculture as soon as practicable, but
15 not later than 6 months after the date of the
16 acquisition of such stocks.

17 (b) INFORMATION CAMPAIGN, COLLECTION, AND
18 COMPENSATION FOR NON-FEDERAL ENTITIES.—

19 (1) INFORMATION CAMPAIGN.—Beginning not
20 later than 3 months after the date of the enactment
21 of this Act, the Secretary of Agriculture, in collabo-
22 ration with the Administrator of the Environmental
23 Protection Agency and the Secretary of Homeland
24 Security, shall implement a program to disseminate
25 information to the public about the prohibition of

1 Compound 1080 under section 2 and the collection
2 and compensation program under this subsection.

3 (2) COLLECTION.—During the collection period,
4 the Secretary of Agriculture, in collaboration with
5 the Secretary of Homeland Security, shall solicit and
6 accept the transfer of stocks of Compound 1080 held
7 in public or private ownership in the United States.

8 (3) COMPENSATION.—

9 (A) IN GENERAL.—The Secretary of Agri-
10 culture shall compensate persons (other than an
11 entity of the Federal government) who transfer
12 stocks of Compound 1080 to the Secretary dur-
13 ing the collection period for the reasonable
14 value of such stocks as determined by the Sec-
15 retary.

16 (B) FUNDING SOURCE.—Notwithstanding
17 any other provision of law, the funds to provide
18 the compensation required by subparagraph (A)
19 shall be derived from amounts made available
20 for the Wildlife Services Program of the De-
21 partment of Agriculture. If such amounts are
22 insufficient to provide compensation to all per-
23 sons entitled to compensation under such sub-
24 section, the Secretary shall use other funds ap-

1 appropriated or otherwise made available to the
2 Department.

3 (c) DESTRUCTION.—

4 (1) INITIAL DESTRUCTION.—Not later than 2
5 years following the date of the enactment of this
6 Act, the Secretary of Agriculture, in collaboration
7 with the Secretary of Homeland Security, shall de-
8 stroy all stocks of Compound 1080 acquired during
9 the collection period and all stocks of Compound
10 1080 held by, or under the control of, the Depart-
11 ment of Agriculture as of the date of the enactment
12 of this Act.

13 (2) CONTINUING DESTRUCTION.—After the col-
14 lection period, the Secretary of Agriculture shall con-
15 tinue to accept the transfer of stocks of Compound
16 1080 pursuant to subsection (a)(3)(C) and shall de-
17 stroy all such stocks as soon as practicable.

18 (d) COLLECTION PERIOD DEFINED.—In this section,
19 the term “collection period” means the 18-month period
20 beginning on the first day of the first month beginning
21 on or after the date of the enactment of this Act.

22 **SEC. 4. PROHIBITION ON THE USE OF M-44.**

23 (a) PROHIBITION.—No entity of the Federal govern-
24 ment may use M-44.

1 (b) DEFINITION.—For the purposes of this Act, the
2 term “M-44” means—

3 (1) sodium cyanide packaged in a dispenser de-
4 signed to propel sodium cyanide when activated; and

5 (2) any other form of sodium cyanide, including
6 sodium cyanide capsules, used for wildlife manage-
7 ment or other animal control purposes.

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