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February 18, 2002

Peter DeFazio,
151 West 7th, Suite 400
Eugene, OR 97401

Dear Congressman DeFazio,

I write to you seeking the introduction of legislation to narrow the scope of USDAs Animal and Plant Health Inspection Service Wildlife Services (WS) to non-lethal methods of predator control, thereby discontinuing, among other approaches, the use of sodium cyanide devices (M-44s). I am aware that this is an area that you have been active in and one in which you would like to see change.

My beloved shepherd, Oberon, was killed on February 4, 2002, by an M-44 sodium cyanide device set out by WS staff at the request of a neighboring rancher who had lost *one* calf (out of a herd of at least 100) the week before, presumably to coyotes, on property adjacent to mine.

Oberon did not die immediately but after eight hours, during which the local emergency veterinarian clinic worked to turn this nightmare around. Unfortunately, Oberon received a lethal dose. Knowing what I do now about the neurological effects of sodium cyanide poisoning, Oberon likely would have suffered permanent brain damage even if he had been able to survive the immediate effects of the poison. That he was probably better off dying offers no consolation.

Oberon is not coming back, but other killings can be prevented. I have spent innumerable hours since February 4 assembling the factual details that led to Oberon's death. I have also spent considerable time learning about the principles and rules under which WS operates. I believe I could demonstrate that the agency failed to follow its own guidelines in this case. Examples include the low threshold (one calf) that triggered a lethal control approach, the fact that other strategies, such as repairing the fence under which the coyotes presumably were going under, were not first employed, 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) (I happen to live *next* door).

At this time I am more interested in the broader result of narrowing the agency's "management" options than in pursuing specific redress. I am also reticent to pursue legal action for the other reason that such a course would inevitably point to the culpability of people who are—and will continue to be—neighbors.

Finally, I do have one other major complaint about this horrible incident that I seek your assistance in. The WS employee who set the traps told us on February 5 that he

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would be submitting a report regarding the Oberon's killing to the agency headquarters in Portland. We have been in touch with the state office in Portland and have asked for a copy of the report. The Assistant Director of Oregon Wildlife Services has told us that the agency is prohibited from releasing this kind of information on the basis that it will breach the confidentiality of the parties involved. He said that to receive a copy we would need to file a petition for it under the Freedom of Information Act.

As you may know, a judge in Texas last year issued an injunction against Wildlife Services' release of the names of certain ranchers who had cooperative agreements with Wildlife Services in response to a request by the Humane Society of the United States. There are a number of elements that make the report of Oberon's death different from the Texas case. First, I am a private citizen seeking information about a very specific matter. Second, the sole reason that the report exists is to document a "non-target" death; it is not a blanket request for what were argued to be private contracts. I believe that the Texas injunction is being interpreted overbroadly as a way of preventing or at least forestalling and making more cumbersome the release of a report that WS knows very well reflects very poorly on itself and is extremely bad public relations. My sense is that the report will likely not jibe with my understanding of the facts and circumstances. Can you help me get this report?

I thank you very much for your attention. I enclose photos of our sweet and gentle friend Oberon whose shocking, preventable death has left me and my family devastated, revisiting a hundred what-ifs daily. Please let me know what else I can do.

Sincerely,

Danielle Clair