

Don't Poison Texas

A Coalition Opposed to Using Rat Poison on Feral Hogs

Dear Members of the Texas Legislature:

I write this letter as President of Don't Poison Texas, a broad-based coalition of Texans opposed to Agriculture Commissioner Sid Miller's proposed plan to spread rat poison (warfarin; Kaput®) across Texas lands. Don't Poison Texas includes feral-hog hunters, feral-hog related industries (including meat-processing businesses and restaurants), ranchers, veterinarians, environmentalists, and property owners.

We are a diverse group, but we are absolutely united on two points: (1) We oppose Sid Miller's plan to spread rat poison across Texas lands. (2) We support the legislation proposed by Representative Stucky in the House (HB 3451) and Senator Watson in the Senate (SB 1456). That legislation would require real-world scientific and field studies before spreading rat poison onto Texas lands. Please support that legislation!

A court has already declared Sid Miller's so-called "emergency" rule illegal. It was issued without public notice or input to benefit a single company located in Colorado, Scimetrics Ltd., Corp.

We oppose this bad program for several reasons:

1. The program will damage rather than help feral-hog control in Texas. Texas has proven, established, safe methods of feral-hog control: trapping and hunting. Both of those methods are becoming more sophisticated and effective each year. We have asked Sid Miller to establish a statewide Rapid Response Network, to ensure that trappers can be on any property owner's property within 24 hours. That's feasible. We now have sophisticated, remotely activated traps available. We have drones equipped with thermal-imaging cameras to survey hog concentrations. But Sid Miller has failed to take advantage or implement these new techniques!
2. Using rat poison (warfarin) on feral hogs will guarantee that the carcasses of poisoned hogs will spread across Texas lands. Warfarin is an anticoagulant. Poisoned hogs literally "bleed out"—they bleed to death, oozing blood from the nose and other body orifices. Death can take 9 to 10 days, but hogs can travel 5 to 20 miles in a day. That means that if one rancher uses warfarin, every other property owner within miles is at risk of having poisoned hog carcasses show up on their property. Also, the poisoned hogs lose fluids, they cannot quench their thirst—so they'll end up in or near water, stock tanks, creeks, rivers, reservoirs.
3. Thousands of Texans now hunt feral hogs. (Over 20,000 members of the Texas Hog Hunters Association have now signed a petition opposing the warfarin-poison program.) But no hog hunter wants to shoot or eat a poisoned hog. And trappers

don't want to trap a poisoned hog—and if they do, they can't sell the meat. Thus, this program will reduce the effectiveness of those tried and true programs of feral-hog control.

4. Hunting feral hogs and using and selling feral-hog meat and feral-hog products is a multimillion dollar economy in Texas. I know you've received letters from feral-hog meat producers and restaurants opposing this program. Even as I write this letter, Sid Miller's announcement is damaging those Texas businesses and putting Texas jobs at risk. Miller completely failed to consider or analyze the potential adverse economic consequences of this program.
5. The warfarin poison (Kaput®) is dangerous. The manufacturer, Scimetrics, recently filed its label with EPA. Under penalty of federal law, the label had to state true facts. The label says "**Hazards to Humans and Domestic Animals – CAUTION: Harmful or fatal if swallowed. Keep away from humans, domestic animals and pets . . . ENVIRONMENTAL HAZARDS** This product may be **toxic to fish, birds and other wildlife. Dogs and other predatory and scavenging mammals and birds might be poisoned if they feed upon animals that have eaten the bait.**" Sid Miller says that warfarin is not so dangerous. Then why does the manufacturer disagree with him, and why did the manufacturer tell the EPA exactly the opposite?
6. The label also says "The bait may only be applied in hog feeders equipped with heavy lids (8 to 10 lbs. of total weight) on bait compartments so as to limit direct access to bait by nontarget animals." But that doesn't "limit access" for "nontarget animals." Over 20,000 THHA members and supporters have opposed this program, and collectively they have tens of thousands of years of hunting experience in the field. Here's what they say and what they know: Lots of animals can lift an 8-10 pound lid. According to Texas A&M, raccoons can lift 28 pounds. And raccoons love to spread food. But so can cattle, goats, deer, bears, and lots of other animals. It's guaranteed that other species—including Texas endangered species, like ocelots—will eat this poison.
7. The label also says "Apply **in fenced areas**, if available." Anyone who has watched feral hogs knows that that's completely inadequate. Hogs can cross regular ranch fences easily. When they are poisoned, it takes 9-10 days for them to die, and they can travel 5-20 miles a day. Inevitably, poisoned hog carcasses will end up on other property owners' lands. Only a high-cost hog-proof fence can hold them—and very few Texas ranches have such fences. And even hog-proof fences won't stop scavengers, birds of prey (we have photos of bald eagles feeding on carcasses), and vultures from eating the poisoned hogs—the exact risk that the warning label says must be guarded against.
8. This program will create an unprecedented wave of litigation in Texas. If a landowner poisons hogs—and all Texas ranchers and farmers know that feral hogs

can pass through standard fences like a knife through butter—a lawsuit for nuisance, trespass, or other claims is highly likely. *See, e.g., Barnes v. Mathis*, 353 S.W.3d 760, 763 (Tex.2011) (allowing a nuisance suit when a plaintiff shows: (1) the plaintiff owns land; (2) the defendant interferes with the plaintiff's interest by negligent or intentional conduct; (3) the resulting interferes with the plaintiff's use and enjoyment of his land; and (4) the nuisance injured the plaintiff). In this setting, the landowner who uses the poison on feral hogs will prevent neighboring and nearby landowners from safely hunting or trapping feral hogs, and requiring the landowner to “bury” poisoned hogs. Lawsuits are inevitable. Texas doesn't need more lawsuits; we need effective feral-hog control, using and expanding established methods.

9. The Texas Parks and Wildlife Department guidelines on “Hunting Ethics” state a fundamental principle followed by all responsible hunters: “Shoot within effective range to insure a swift, clean kill.” No responsible, ethical hunter causes unnecessary pain to an animal or intentionally inflicts a slow, painful death. Australia tried warfarin poison on feral hogs and abandoned the program, in part because the poison and its physiology of death are inhumane. Feral hogs bleed to death over 9 to 10 days. Veterinarians oppose this program, and they tell us that few deaths are more painful for dogs than dying from rat poison. It's a very slow, extremely painful death. For hunters, that's not sporting and that's not ethical—and here, it's simply not necessary or sensible.

Please oppose Sid Miller's plan to spread rat poison across Texas lands, and please support SB 1454 and HB 3451.

Sincerely,

Eydin Hansen
President
Don't Poison Texas