



Hunters, Conservationists Square Off Over Lead in Ammunition and Tackle

By Joshua Rhett Miller

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HUNTERS AND FISHERMEN ACROSS THE U.S. ARE BATTLING environmental activists over the use of lead in ammunition and fishing tackle.

A coalition of conservation groups filed a petition earlier this month with the Environmental Protection Agency in which they argue that the use of lead in ammo and tackle is poisoning the nation's lakes, ponds and forests. The environmentalists are asking the EPA to ban the "manufacture, processing and distribution" of lead shot, bullets and fishing sinkers under the Toxic Substances Control Act of 1976.

According to the petitioners, who include the Center for Biological Diversity and the American Bird Conservancy, up to 20 million birds and other animals are killed each year due to lead poisoning in the United States, and at least 75 wild bird species -- including bald eagles, ravens and endangered California condors -- are poisoned by spent lead ammunition. They say roughly 3,000 tons of lead are expelled into U.S. hunting grounds annually, with another 80,000 tons released at shooting ranges, and another 4,000 tons of lead fishing lures and sinkers are lost in ponds and streams.

"Based on information extending back to Roman times more than 2,000 years ago, lead has long been identified as a highly toxic substance with lethal properties and numerous pathological effects on living organisms," their petition reads. "Health effects from lead exposure can run the gamut from acute, paralytic poisoning and seizures to subtle, long-term mental impairment, miscarriage and impotence ..."

"Despite this knowledge, lead continues to be used in manufactured products, many of which are sources of toxic lead exposure to wildlife and to human beings."

But sportsmen don't want anyone tinkering with the tools of

their trade, and they say the EPA doesn't have the authority to do anything in this case.

Chris Cox, executive director of the National Rifle Association's Institute for Legislative Action, urged EPA officials to reject the petition in an Aug. 20 letter to EPA Administrator Lisa Jackson.

"Simply put," Cox wrote, "the [Toxic Substances Control Act] does not grant EPA the authority to regulate ammunition of any composition."

The Toxic Substances Control Act allows EPA to regulate "chemical substances" under certain circumstances, but Cox says Congress explicitly excluded from regulation any article subject to excise taxes -- including pistols, revolvers, firearms, shells and cartridges.

He says the conservationists are trying to circumvent this rule by suggesting that while ammunition itself is exempt from regulation, the chemical components of the ammo and fishing lures -- specifically, the lead -- can fall under the EPA's jurisdiction.

Cox said the petition appears to be first time since 1976 that any organization or individual has suggested that the EPA regulate projectiles used in firearms under the act. But environmental activists like Michael Fry of the American Bird Conservancy told FoxNews.com that the petitioners waited to submit their request until nontoxic alternatives such as steel, copper and alloy became readily available. They say the petition is not an attempt to regulate the firearms industry.

"Ammunition itself cannot be regulated [under the Act], but the components itself can be regulated," Fry said. "In other words, you cannot ban ammunition, but you can require



At least 75 wild bird species, including the American bald eagle, are poisoned by spent lead ammunition, conservationists say. Sportsmen, meanwhile, cite recent statistics indicating that the number of breeding pairs of bald eagles in the U.S. have increased by more than 700 percent from 1981 through 2006.

nontoxic ammunition. ... We're not trying to ban handgun ammunition. This is strictly a toxicity issue, with lead poisoning wildlife."

In recent years, federal authorities have implemented widespread regulations to reduce lead exposure in drinking water, paint, batteries, gasoline, toys and other items.

Aside from animals, Fry said lead ammunition also poses severe health risks to humans. Conservationists cite a recent study that showed that imperceptible, dust-sized particles of lead can infect meat up to 18 inches away from a bullet wound, posing a health risk to humans who consume lead-shot game. Another recent study found that up to 87 percent of cooked game killed by lead ammunition can contain unsafe levels of lead.

"It's long past time [to] do something about this deadly -- and preventable -- epidemic of lead poisoning in the wild," Jeff Miller of the Center for Biological Diversity said earlier this month. "Over the past several decades we've wisely taken steps to get lead out of our gasoline, paint, water pipes and other sources that are dangerous to people. Now it's time to get the lead out of hunting and fishing sports to save wildlife from needless poisoning."

But representatives of the National Shooting Sports Foundation, the trade association for the firearms and hunting industry, say there's no need to change existing restrictions on traditional ammunition.

"There is simply no scientific evidence that the use of traditional ammunition is having an adverse impact on wildlife populations that would require restricting or banning the use of traditional ammunition beyond current limitations, such as the scientifically based restriction on waterfowl hunting," the foundation's president, Steve Sanetti, said in a written statement.

He cited recent statistics from the U.S. Fish and Wildlife Service indicating that the number of breeding pairs of bald eagles in the United States has increased by more than 700 percent from 1981 through 2006.

Firearm advocates also warn against the ramifications a ban on traditional ammunition would have on wildlife conservation, since the 11 percent federal excise tax that manufacturers pay on the sale of ammunition is a primary source of conservation funding.

"Needlessly restricting or banning traditional ammunition absent sound science will hurt wildlife conservation efforts as fewer hunters take to the field," Lawrence Keane, the National Shooting Sports Foundations' senior vice president and general counsel, said in a written statement. "Hunters and their ammunition have done more for wildlife than the (Center for Biological Diversity) ever will. And the (center's) scientifically baseless petition and endless lawsuits against state and federal wildlife managers certainly do not serve the wildlife that the organization claims to protect."

EPA officials, meanwhile, are staying mum on the issue prior to the end of a public comment period that ends on Oct. 31.

In a statement to FoxNews.com, EPA officials say they are neither "considering nor developing" regulations on the issue.

"Hundreds of petitions are submitted to EPA each year and the law requires the agency to review each of them," the statement read. "Earlier this month a petition was submitted to EPA by outside groups asking EPA to 'prohibit the manufacture, processing, and distribution in commerce of lead for shot, bullets, and fishing sinkers.' The law allows citizens to file such petitions and requires us to respond to any petition within 90 days of receiving it. EPA has just begun its review of this citizens' petition."