

Los Angeles Times

OPINION

October 18, 2010

Get the lead out: Scientists estimate that more than 10 million birds and other animals die each year from lead poisoning in the United States. The EPA could change that.

By Jeff Miller

FOR DECADES A SILENT EPIDEMIC HAS KILLED OR sickened millions of birds in the wild, from bald eagles and trumpeter swans to mourning doves and endangered California condors.

The cause is lead poisoning. Fragments of toxic lead are left behind in the environment in game and non-game animals shot by hunters, and in gut piles left in the field. Birds that scavenge the carcasses sometimes eat the ammunition fragments. Some die a painful death from lead poisoning; others suffer for years from its debilitating effects. Water birds such as cranes, ducks and loons also suffer from the toxic effects after ingesting discarded or lost lead fishing weights that are mistaken for food or grit.

The results are staggering. Scientists estimate that more than 10 million birds and other animals die each year from lead poisoning in the United States. These needless, unintended deaths of American wildlife can be prevented, with no appreciable effect on hunting and fishing.

This summer, the Center for Biological Diversity, the American Bird Conservancy and a coalition of conservation, hunting and veterinary groups formally petitioned the Environmental Protection Agency under the Toxic Substances Control Act — the same law that limits other environmental exposures to lead — to require the use of non-lead hunting ammunition and fishing tackle nationwide. The petition cited nearly 500 peer-reviewed scientific studies documenting continued lead poisoning of at least 75 bird species from spent lead ammunition and fishing tackle. The United States has taken important steps to get lead out of paint, gasoline, water pipes and other sources where it poses a danger to people. It's time to extend those protections to wildlife.

So far, 68 groups in 27 states — from hunters to zoologists to Native American organizations — have joined our call in seeking federal regulation to get the lead out of the food chain.

The petition came under attack from predictable parties, including the National Rifle Assn., which mischaracterized the proposal as a gun-control measure and as a way to shut down hunting. It would do no such thing; it would simply

replace the lead portion of ammunition with non-lead materials that are already widely used in bullets and shot.

Federal regulations went into effect in 1991 requiring non-lead shot for hunting waterfowl, and that lead ban has not restricted anyone's ability to hunt waterfowl, nor has it had any effect on the number of duck hunters. Lead ammunition was also banned in 2007 for hunting big game and non-game birds and mammals in the California condor's range to protect the endangered species from chronic lead poisoning. Hunting there continues unchanged except for the use of less-harmful copper bullets.

Fortunately there are many ecologically sound and effective alternatives on the market to replace lead ammunition and fishing tackle. The California Department of Fish and Game has certified nontoxic ammunition from 24 manufacturers; the Arizona Game and Fish Department recommends 120 non-lead bullets in various calibers; the U.S. Fish and Wildlife Service has approved 12 nontoxic shot types for hunting waterfowl; and fishing weights are already on the market made from non-poisonous materials such as tin, bismuth, steel, tungsten, ceramic and recycled glass.

It's true that some non-lead ammunition and tackle cost more right now, but the added expense is on the order of several dollars per hunting or fishing trip. The best way to lower the cost of non-lead alternatives and make them more widely available would be to pass federal regulations that would in effect eliminate the competition from lead products and spur manufacturers of lead alternatives to ramp up production.

But this is about more than just the cost of ammunition and tackle.

This initiative would protect human health too. People who ingest lead shot pellets or fragments in game meat risk lead poisoning, which is especially dangerous for children.

Unfortunately, even before the public comment period had ended, the EPA indicated it would deny the portion of the petition dealing with lead ammunition. The agency claims it doesn't have the authority to regulate lead ammunition under the Toxic Substances Control Act. But the law's plain language, as well as congressional reports

on the law's legislative history, starkly contradict that claim. In fact, the House report states unequivocally that "the committee does not exclude from regulation under the bill chemical components of ammunition which could be hazardous because of their chemical properties."

We're asking the EPA to reexamine its decision on lead ammunition and to take a more scientific approach

to the decision on toxic fishing weights. The nation's top environmental agency cannot simply walk away from the preventable poisoning of wildlife.

Jeff Miller is a conservation advocate at the Center for Biological Diversity, a national organization that advocates for protection of endangered species and wildlife habitats.