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Congress puts limits on lead in cross hairs

Bill would halt any effort by EPA to restrict its use in ammo or tackle



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WASHINGTON — Aiming squarely at guarding the rights of sportsmen and America's ammo, bait and tackle shops, a powerful group of congressmen is pushing back against environmentalists and any federal regulation that would restrict the use of lead in outdoor gear.

Congress rarely tackles hunting and fishing issues, but 39 lawmakers from 25 states — including two from Texas — are sponsoring the Hunting, Fishing and Recreational Shooting Sports Protection Act of 2011 to prevent environmental organizations from hijacking obscure Environmental Protection Agency rules that could be used to force sportsmen to switch to nontoxic alternatives in bullets and fishing equipment.

The bill's sponsors have drawn support from the nearly 300-strong Congressional Sportsmen's Caucus, created to serve as "the sportsmen's ally and first line of defense in Washington promoting and protecting the rights of hunters, trappers and anglers."

Environmentalists see it differently; they say residual deposits of lead left by hunters and fisherman are being ingested by waterfowl, raptors and mammals, killing eagles, swans, cranes, endangered California condors and countless other wild animals.

EPA sees no need for ban

Lawmakers are attempting to "rewrite the law on a whim to prevent a federal agency from doing its job," complained Adam Keats, senior counsel for the Center for Biological Diversity. "To deprive EPA of the authority to regulate

lead ammunition would put a serious wrench in our plans to protect people and the environment from being further poisoned by lead ammunition."

The 350,000-member Center for Biological Diversity and four other environmental protection organizations initiated the debate by petitioning the EPA in August to revise rules governing toxic substances and ban the manufacture, processing and distribution of lead shot, bullets and fishing weights.

Rep. John Culberson, R-Houston, bristles at the mere suggestion that the regulatory agency might intervene

"For over two years the EPA has worked to regulate and destroy Texas businesses and industry," said Culberson, a six-term congressman who has signed on to the proposed legislation.

“This was a case of the EPA getting into areas that are managed by U.S. Fish and Wildlife and state wildlife agencies,” added Kirby Brown, vice president of public policy for the Texas Wildlife Association.

But the EPA has essentially ducked the fight. It already has rejected environmentalists’ requests to outlaw lead ammunition and fishing weights, essentially conceding that it does not have legal authority to regulate lead in ammunition.

The EPA is “not considering taking action on whether the lead content in hunting ammunition poses an undue threat to wildlife,” explained Steve Owens, EPA assistant administrator for the Office of Chemical Safety and Pollution Prevention. Environmentalists have not demonstrated a nationwide ban is needed to “protect against an unreasonable risk of injury to health or the environment.”

Environmentalists have appealed the EPA decision to a federal court, where the case is pending.

Still, the dispute continues to pit perennial rivals.

Cost cited as factor

National Rifle Association executive director Chris Cox, for example, pointedly warned EPA administrator Lisa Jackson that her agency’s jurisdiction over “chemical substances” under a 1976 law does not extend to lead components in shells and cartridges. “If EPA can regulate each individual component of ammunition, then EPA can effectively regulate shells and cartridges themselves,” Cox said.

Environmentalists insist they are merely targeting lead in the environment, not the right to bear arms nor hunters’ freedom to kill wildlife.

Expanded federal regulation of ammunition “will not infringe in any way on people owning and shooting their guns,” emphasized Keats, the lawyer for the Center for Biological Diversity.

The debate also is stoked by conflicting scientific studies and dueling estimates for the costs of switching to nontoxic alternatives.

“Insufficient data exists to warrant state or federal bans on lead fishing tackle” that could affect nearly 30 million

anglers who generate more than one million jobs and \$45 billion in annual retail sales, the American Sportfishing Association contended.

The National Shooting Sports Foundation has argued that non-lead alternatives could cost sportsmen five times as much as traditional lead ammunition. Shotgun shells loaded with nontoxic steel shot for waterfowl hunting, for example, generally cost \$3 to \$5 more per box of 25 shells than comparable lead shotgun shells.

“The higher costs associated with this ammunition will price everyday consumers out of the market,” said spokesman Ted Novin.

Banned in gasoline, paint and children’s toys, lead has been outlawed in shotgun shells used for waterfowl hunting since 1991. Environmentalists have been pressing ever since for nontoxic alternatives for the remainder of hunting and fishing, such as nontoxic (copper/tin/tungsten) bullets and tungsten weights for fishing sinkers.