

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION

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NRA

October 6, 2008

Holly Davies
Dept of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Dear Ms Davies:

The National Rifle Association (NRA) appreciates the opportunity to comment on the Lead Chemical Action Plan (Lead CAP) prepared by the Department of Ecology (DOE). It is with great concern that the NRA submits these comments on behalf of our more than 75,000 members in the State of Washington.

The premise of the Lead CAP is that "there is no known safe level of lead." The goal is to "identify actions that will eliminate threats to human health and the environment by reducing and phasing out the uses, releases and exposures to lead in Washington." This statement provides a basis for the Lead CAP to make recommendations that could start Washington down the path of severe restrictions on lead ammunition. Past experience with PCBT and mercury measures adopted by the legislature show that the Lead CAP is likely the first step in an effort to ban lead in general and lead ammunition in particular.

The DOE has raised concerns about the messages that the NRA sent to its members regarding the Lead CAP because we warned that it will lead to a ban on lead ammunition. The NRA acknowledges that the Lead CAP, in and of itself, does not ban lead ammunition and the NRA never suggested that it would. The NRA pointed out in its alerts that lead ammunition would be banned if the DOE had its way. Since the Lead CAP is a DOE document and it explicitly and implicitly recommends lead ammunition bans, the NRA stands by its alerts to members. Following are quotes taken directly from the Lead CAP:

The Lead CAP states that "Products that do not need lead and directly expose wildlife include wheel weights, small fishing weights, and some ammunition." The NRA infers from this that if the Lead CAP suggests some ammunition "does not need lead" then it follows that such ammunition should be banned and alternatives be produced from other materials. Further, the Lead CAP includes a cost analysis of banning lead shot. If a ban is not a consideration then why is the DOE analyzing the cost of such action? Recommendation 9 of the Lead CAP calls for a "phase out of lead shot." Although the DOE may try to argue otherwise, "phase out" and "ban" are synonymous.

The NRA has seen multiple DOE staff responses to NRA members who submitted comments to the Lead CAP. The responses have been unequivocal in their assertion that there is "no proposed ban on lead ammunition in the Lead CAP." The DOE even recruited the Washington Department of Fish and Wildlife (WDFW) in an attempt to bolster its claim that the lead

ammunition portion of the Lead CAP is merely a framework for a voluntary effort to reduce the use of lead ammunition in the State of Washington.

We were forwarded a message authored by Dave Ware at the WDFW stating that the Lead CAP "lists many sources of lead to which people are exposed. Ammunition is just one of those. This plan does not propose to ban or regulate lead ammunition beyond what is currently in law. This includes all shotgun, rifle and handgun loads." Further on, he adds that "The Washington Department of Ecology and other sponsors of the Lead CAP want to work with hunters and shooters to reduce toxic lead in the state's environment by promoting the use of non-toxic alternatives. The purpose is to protect both people and wildlife, without negatively affecting hunting and shooting."

Mr. Ware's comments are simply not supported by Lead CAP Recommendation 9 which reads: "We recommend a statewide ban on the use of lead shot for recreational purposes as it maintains our focus on primary prevention and not waiting until harm to a population has been shown. Steel shot and other non-lead alternatives are widely available. The requirement to use non-lead shot would not apply to any law enforcement uses, including training. The ban may include other exemptions, such as for certain antique shotguns that cannot use non-lead shot." Contrary to the protestations of the DOE and their colleagues at the WDFW, the Lead CAP clearly contemplates lead ammunition prohibitions and the NRA is adamantly opposed to such prohibitions.

The remainder of the NRA's comments will address, more generally, issues with the Lead CAP other than those directly associated with the banning of lead ammunition. The Lead CAP claims to describe the impact on human health and the environment associated with the use and release of lead but it fails to document a single situation in Washington where lead ammunition has caused a human health problem. Although the Lead CAP provides anecdotes about how lead ammunition has harmed wildlife (other than as intended), the examples are not recent and most of the cited examples do not apply to Washington's resident wildlife species. Proven science, not outdated and irrelevant anecdotes, is the only acceptable standard for consideration of a reduced use of lead shot and the Lead CAP does not present proven science to justify the proposed actions.

Claims are made in the Lead CAP that a problem exists with venison contaminated by lead bullets. This information is out-of-date and, it turns out, unsubstantiated. The issue over contaminated venison came from a recommendation made to food banks in North Dakota not to distribute venison donated by hunters because of lead particles that were found in some packages. Subsequent to that action, government officials from the states of North Dakota, South Dakota, Iowa, Michigan, Missouri, Wisconsin, and Minnesota met and determined that there was no data suggesting that hunters and their families, nor food bank recipients, were at risk from consuming venison. In fact, the State of Iowa has accumulated blood sample data from about 500,000 youth and 25,000 adults over the past 15-16 years clearly documenting that lead in venison is not hazardous. It is highly inappropriate and grossly misleading to the public for the DOE to include these claims in the Lead CAP.

The Lead CAP seeks to further bolster its premise about lead ammunition by providing anecdotal information about the California condor, a species not present in Washington. The Lead CAP fails to provide a balanced presentation of the California situation by ignoring the possible unintended and negative consequences associated with "reducing the release of lead into the environment" in California. In addition to the significantly higher cost of lead-free ammunition there is a documented general lack of availability for the ammunition now required in California. The combination of cost and lack of availability could very well lead to a decline in the number of hunters in the field and lost hunting-related license revenue. The lack of discussion of both sides of these issues makes for a very one-sided presentation and the Lead CAP's credibility suffers as a result.

The methodology used to arrive at the quantity of lead ammunition expended in Washington is so poorly done as to be useless. The Lead CAP acknowledges that the numbers are mere assumption-based estimates from WDFW staff with no actual research done to confirm the figures. Despite this, the questionable data was left in the Lead CAP. Compounding this flaw is the fact that the economic analysis fails to take into account that equipment replacement is often necessary before lead-free ammunition can be used. Further, the conversion to lead-free alternatives is not practical for target and skeet/trap shooters and muzzle-load hunters.

As the NRA was finalizing these comments, our members were notifying us that DOE had changed its position with respect to Recommendation 9. Rather than insisting that "there is no proposed ban on lead ammunition in the Draft Lead CAP", the new message coming out of the DOE is that lead ammunition prohibition language (page 233, Recommendation 9) was "inadvertently left in the Draft CAP" and that "this language has been deleted." This action completely substantiates the NRA's concerns and calls into question the credibility of any claims made by those who go forward advocating for a voluntary approach to reduce the use of lead. Even if these claims are taken at face value, the question remains: What about all the other explicit and implicit suggestions for a lead ammunition prohibition?

In conclusion, it is the NRA's view that there was a preconceived idea in the minds of many parties involved in the development of the Lead CAP that lead, especially lead ammunition, should be phased out of commerce in the State of Washington and that the report was drafted to support that predetermined objective. As such, and specifically with respect to lead ammunition, the Lead CAP reads more like a political statement than a reasoned, scientifically-supported public document.

The Lead CAP does not identify specific portions of Washington's population nor environment that are suffering from the current use of lead ammunition for hunting and/or sport shooting. The Lead CAP, as it relates to hunting and sport shooting, is flawed in its use of anecdotal information and assumption-based estimates as justification for its recommendations, is silent on critical economic impacts and seriously flawed on others and draws some of its conclusions related to hunting and sports shooting from outdated or faulty information sources.

Since the Lead CAP cannot identify current, specific lead problems associated with hunting or sport-shooting, it has no means to measure success with regard to either an outright prohibition or lower-threshold restrictions on the use of lead ammunition. For these reasons, the NRA recommends and requests that all references to lead ammunition, and restrictions on such, be removed from the Lead CAP.

Sincerely,



Susan Recce

Director

Conservation, Wildlife and Natural Resources