ECHA public consultation on an Annex XV restriction dossier on the use of lead shot in wetlands

A Response by Wildlife and Countryside Link

Wildlife and Countryside Link (Link) brings together 46 environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment. Link is the biggest coalition of environmental and animal protection organisations in England. Taken together we have the support of over eight million people in the UK and manage over 750,000 hectares of land.

The following Link members support this response:

- Born Free Foundation
- Humane Society International UK
- Institute of Fisheries Management
- RSPCA
- RSPB
- Whale and Dolphin Conservation
- Zoological Society of London

We support the proposal to restrict the use of lead and its compounds in shot (containing lead in concentrations greater than 1% by weight) for shooting with a shot gun within a wetland or where spent gunshot would land within a wetland, including shooting ranges or shooting grounds in wetlands.

Lead poisoning is one of the most serious causes of anthropogenic harm to wild animals in the EU, both in terms of direct toxicity and secondary effects, negatively impacting significant numbers and species.

We would welcome any future proposals to restrict use and possession of further types of lead ammunition, across terrestrial habitats and to benefit a wider range of wildlife. We also recommend that ECHA considers a total ban on the use of lead ammunition. Relative to a total ban the current proposal relating to restriction of use in wetlands may result in a slower development of markets in non-toxic alternatives, which would benefit from economies of scale.

There is already sufficient evidence of risks for this further process to go ahead. The current and any future proposed restrictions support and contribute to the implementation of

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international commitments across the EU such as Resolution 11.15 of the Convention on Migratory Species commitment to globally phase out the use of lead ammunition across all habitats and reduce the risk of poisoning of wildlife by lead ammunition use.

1: Please tell us if the definition of a wetland proposed for the restriction (the Ramsar convention definition) is appropriate to describe the range of wetland habitats where the use of lead shot poses a risk, specifically the risk to waterbirds that ingest lead shot and the risk of predatory and scavenging birds that consume lead-contaminated prey/carrion.

We support the Ramsar definition of wetland as appropriate. It is important for such a definition to be clearly understood and as such we recommend guidance is developed. This provides consistency at an EU level. We support the inclusion of buffer zone around these habitats within the restriction as the effective range of a shot gun is considered around 300m. Studies indicate that the majority of lead shot is deposited between 120 and 180 metres from the point of shooting.[1]

2: Please tell us about your experience with any existing legislation that prevents or reduces the use of lead gunshot in wetlands.

We highlight the importance of a total restriction on lead ammunition. A partial ban in the UK has had compliance and enforcement issues (one study suggested 70%[2] non-compliance, another 45%[3], and yet there has only been one prosecution for infringement of the partial ban).[4] In addition many wetland birds such as geese feed in terrestrial habitats, especially in feeding sites linked to wetlands, so we fully support the inclusion of a buffer zone surrounding wetlands.

Other birds such as raptors are also affected by lead poisoning, strengthening the case for action outside wetlands.

A range of reasons for non-compliance with partial regulations in the UK has been found:

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[1] Payne, J. H., *et al*. (2013) *Lead intoxication incidents associated with shot from clay pigeon shooting*, Veterinary Record, 173: 552

[2] Cromie, R. L *et al*. (2015) *The sociological and political aspects of reducing lead poisoning from ammunition in the UK: why the transition to non-toxic ammunition is so difficult*. In: Delahay, R. J. & Spray, C. J. (eds.) Proceedings of the Oxford Lead Symposium. Lead ammunition: understanding and minimising the risks to human and environmental health, Edward Grey Institute, The University of Oxford, pp 104-124

[3] Cromie, R.L. *et al*. (2010) *Compliance with the environmental protection (Restrictions on Use of Lead Shot)(England) Regulations 1999*, Defra, Bristol.

[4] BBC (accessed 18/12/2017) Man fined for shooting swan 'thinking it was goose' http://www.bbc.co.uk/news/uk-england-york-north-yorkshire-13408867

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- Believing that lead poisoning is not a significant problem
- Concerns about the cost and efficacy of non-toxic ammunition
- Appreciation of lack of enforcement
- The ease of purchasing lead ammunition

We support proposals to include possession within the restriction as a vital element in being able to facilitate enforcement and ensure compliance.

Voluntary approaches in the UK have not worked and to date publicity has had little or no effect on compliance.[5]

3: Noting that several Member States have already implemented 'total bans' on the use of lead gunshot (e.g. The Netherlands, Denmark), please tell us about your experience with the use of lead-free gunshot cartridges in wetlands

A range of effective, safe non-toxic alternatives to lead shot are available including steel, bismuth, and tungsten. These have been used successfully for many years in areas where lead shot is already banned. For example in Denmark lead shot was banned over 20 years ago and whilst hunting figures remained stable, crippling rates were seen to decrease during the phasing out of lead shot.[6] In America hunting wildfowl with lead shot was phased out in 1987 and although crippling rates were slightly higher for the first 5 years after this time period, crippling rates for ducks and geese subsequently declined below that of the prior 30 years. Average crippling rates with non-toxic shot (predominantly steel) were 18% lower for ducks and 15% lower for geese than crippling rates before the ban (predominantly lead). It is likely that the small increase in crippling as lead shot was phased out was due to hunters adjusting to the differences between ammunition types.[7]

It is important that any restriction on lead shot should highlight that alternatives to lead shot need to be non-toxic. For example zinc, lead shot coated with other materials, and certain

[5] Swift, J. A. (2016) *Lead Ammunition, Wildlife and Human Health*, A report prepared for the Department for Environment, Food and Rural Affairs and the Food Standards Agency in the United Kingdom

[6] Kanstrup, N. (2015) *Practical and social barriers to switching from lead to non-toxic gunshot – a perspective from the EU*. In: Delahay, R. J. & Spray, C. J. (eds.) Proceedings of the Oxford Lead Symposium. Lead ammunition: understanding and minimising the risks to human and environmental health, Edward Grey Institute, The University of Oxford

[7] Schulz, J.H., Padding, P.I., Millspaugh, J.J. (2006) *Will Mourning Dove Crippling Rates Increase With Nontoxic-Shot Regulations?* Wildlife Society Bulletin, 34: 861-865

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metal alloys including tungsten (due to effects of nickel and cobalt[8]) are not approved as non-toxic. We support testing and approval in North America for shot made from iron, pure tungsten, and bismuth-tin alloy.

A major influence on crippling rates is hunter proficiency and good practice.[9] Hunters should be able to adapt to differences between types of shot such as efficient shooting range. In the right hands, steel shot can be used as effectively as lead shot, without increased wounding of birds. Studies have shown that crippling loss does not increase when using non-toxic shot.[10]

The AEWA commitment in 1995 to phase out the use of lead ammunition has resulted in a number of Member States phasing out use of lead in wetlands with no harmful effects on shooting activities.[9]

4: Please tell us about shooting ranges (e.g. for clay pigeon shooting) that are located within wetlands or nearby to wetlands in your specific Member State or region.

No comment

5: Do you have specific information on how a restriction of lead gunshot in wetlands would affect EU industry (e.g. shotgun and shotgun cartridge manufacturers or retailers)? Is the currently proposed transitional period of 36 months appropriate for manufacturers and users of lead gunshot cartridges to transition to the use of lead-free alternatives? What would be the consequences of a shorter transitional period of 18 months?

We support proposals to ensure that the restriction is implemented as soon as feasible in order to achieve the aims of the restriction and move toward implementation of CMS resolution 11.15. The longer lead is being shot the more it contaminates the environment and will poison wildlife.

It is important that any economic assessment of such a restriction includes consideration of the benefits including the protection of endangered bird species, environmental contamination and human health impacts.

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[8] Thomas, V. G. (2016) *Elemental tungsten, tungsten–nickel alloys and shotgun ammunition: resolving issues of their relative toxicity*, European Journal of Wildlife Research, 62(1): 1-9

[9] AEWA (2009) *Phasing out the use of lead shot for hunting in wetlands: experiences made and lessons learned by AEWA range states*, Bonn, Germany.

[10] Pierce, B. L. *et al*. (2014) *A comparison of lead and steel shot loads for harvesting mourning doves*, Wildlife Society Bulletin.
Mondain-MonvalL, J.-Y. *et al*. (2015) *Switch to non-toxic shot in the Camargue, France: effect on waterbird contamination and hunter effectiveness*, European Journal of Wildlife Research, 61: 271-283

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