



Written by [Bruce Walker](#) on August 31, 2010

Groups Asked EPA to Ban Lead in Hunting Ammo

The Environmental Protection Agency, which has authority to ban toxic substances under the Toxic Substance Control Act of 1976, was petitioned by the Center for Biological Diversity to ban traditional hunting ammunition, which contains lead as a toxic substance. Another petitioner, the American Bird Conservancy, had noted in its petition that annually 10 to 20 million animals died each year from lead poisoning, either by being shot or by being eaten by another animal after having been shot. Other petitioners included Public Employees for Environmental Responsibility, the Association of Avian Veterinarians, and Project Gutpile.



The purpose of hunting, of course, is to shoot and kill animals. State governments for some time have placed restrictions on the number of animals that may be harvested in hunting season, the age and gender of animals that may be hunted (generally the young and their mothers are protected), and other broad restrictions on hunting. This has long been recognized as both needed to maintain animal populations and to prevent the much starker alternative that many animals, like deer, face if men do not hunt and kill numbers of them during hunting season: slow starvation, particularly for young fawn. Sportsmen generally have not complained about this sort of targeted regulation and, indeed, many private hunting organizations contribute to well-conceived conservation efforts (as well as supporting gun safety programs.)

After some consideration, the federal agency determined that it lacked jurisdiction to consider petitions to ban the lead content in hunting ammunition. It is, however, now considering whether it may ban lead in fishing sinkers. It is difficult to know how seriously these groups are attacking the means of hunting and fishing by raising environmental concerns. People have a wide range of private opinions about hunting and fishing. Some fishermen “catch and release.” Some sportsmen prefer to track animals with a field camera rather than a gun. The right of people to kill and to eat animals, however, smacks at the very heart of the moral difference between man and animals. And that seems to be the object of attack by these environmental groups.

No serious issue of declining animal populations is at issue. By all accounts, wild-life preservation efforts, supported by voluntary help from sportsmen, have brought back once-endangered species like the Bald Eagle. Nearly every animal in the wild faces natural predators, and the quick kill of a hunter is much more merciful than the way animals kill other animals in nature. The lead that kills a buck is a fast and painless death compared to what wolves or hunger would do to that animal.

Opposition to the requested EPA ban came swift and sure. The National Rifle Association in a letter said: “Simply put the Act [Toxic Substance Control Act] does not grant the EPA the authority to regulate the composition of any ammunition.” The National Shooting Sports Association also challenged the



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authority of the EPA to regulate ammunition. Perhaps the key to understanding the EPA's quick decision that it lacked jurisdiction to consider the petition to ban lead hunting ammo is that, if it had determined otherwise, it would have had to render a decision on the petition by October 31 — not long before the November elections. (It could reasonably be assumed that the EPA will take the same position on the request to ban lead in fishing tackle.)

Like most federal agencies, the EPA seems to find the borders of its authority creeping outward all the time. In this one instance, the issue seemed to politically too hot to handle.



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