



United States
Department of
Agriculture

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Animal and
Plant Health
Inspection
Service

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Washington, DC
20250

Mr. Andrew E. Wetzler
Director
Land and Wildlife Program
Natural Resources Defense Council
Two North Riverside Plaza, Suite 2250
Chicago, Illinois 60606

Dear Mr. Wetzler:

This is a follow up to our January 19, 2012, response to your letter of December 20, 2012, regarding the use of lead ammunition in wildlife damage management (WDM) activities. Officials with our Agency's Wildlife Services (WS) program have now completed their evaluation of the Natural Resources Defense Council petition and accompanying materials.

We appreciate, understand, and share your concern about the effects of lead contamination on our environment and assure you that our Agency adheres to all Federal, State, and local laws and regulations governing the use of lead ammunition in WDM activities, and that use is consistent with existing WS policies for personnel safety, animal safety, and environmental health. Federal, State, and local laws are an essential consideration—among many factors—that WS officials take into account when identifying what use is lawful as well as the most practical, humane, effective, and environmentally safe approach and solution for each WDM situation involving the use of firearms.

WS offices in every State use non-lead ammunition to some extent, and many WS State offices have proactively implemented steps to mitigate and/or minimize the effects of their use of lead ammunition on the environment, wildlife, and public health. For example, in 1990—prior to the 1991 Federal mandate requiring the use, exclusively, of non-lead shot for waterfowl hunting—WS' North Dakota office implemented a policy requiring that only steel shot be used when conducting blackbird hazing program activities over waterfowl production areas. However, while WS historically has sought additional applications for non-lead ammunition in professional WDM activities and will continue to do so, there are some WDM situations and activities for which we must continue to use lead ammunition. We appreciate the opportunity to provide you with some detailed information about such circumstances, as well as the steps we are currently taking in relation to this issue.

WDM activities (especially in certain locations and areas) often demand increased accuracy and precise shot placement, for example, when shooting from greater distances and in relatively populous or otherwise sensitive settings. WS sometimes uses non-lead rifle ammunition in deer culling activities, but this is not an acceptable nor safe option in certain suburban and airport settings, where the increased risk of bullet "pass-through" also



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increases the risk of hitting unintended targets. Moreover, WS' deer removals with firearms ideally involve fatal shots to the head or upper neck to incapacitate and kill an animal immediately. In contrast, recreational hunters tend to aim behind the shoulder of an animal, where bullets that fragment often deposit lead into muscle tissue. Shots to the head and upper neck reduce the risk of lead introduction to parts of the animal used for edible meat.

Reduced accuracy can also be an issue with lighter non-lead bullets when discharged through rifle barrels that have twist rates designed for conventional lead-based bullets. Lead rifle ammunition enables WS specialists and biologists to mitigate the pass-through risk by using small calibers with fragmentation bullets that are sometimes unavailable in non-lead configurations. Non-lead rifle ammunition can also result in "non-frangible bullet pass-through," resulting in failure of the bullet to convey its full energy to the target animal. In addition to the increased risk of hitting an unintended target after pass-through, non-frangible bullet pass-through also increases the likelihood that the target animal will be non-fatally wounded, or killed inhumanely. This is not in keeping with WS' professional standards for humaneness, and wounded animals—in addition to suffering a "slow" death—can also be a safety hazard in populated areas.

When WDM activities require the use of shotguns, lead shot may be necessary. Such situations may include activities at or near airports, or in rocky terrain where aerial hunting is involved. Steel shot is more likely to ricochet off of hard surfaces, increasing the odds of hitting aircraft, personnel, or other unintended targets and presenting unacceptable risks to human safety. Often however, WS biologists and specialists do determine that there are conditions and situations suitable for the use of non-lead shot. Non-lead shot is most often employed when shotguns are used to remove birds, and is sometimes used during aerial hunting activities when appropriate conditions allow for its safe use.

We acknowledge the advantage and usefulness of more research to support the development—and demonstrate the performance—of non-lead ammunition use in a broader range of professional WDM activities and situations. WS' Firearms Committee is working with ammunition manufacturers to bring attention to this issue.

As you know, Federal agencies regulate the use of lead ammunition on specific management areas or land classifications (e.g., on waterfowl production areas and on National Park Service lands) as do a number of State wildlife management agencies. For example, California bans lead in some parts of the State to protect the California condor, and the Minnesota Department of Natural Resources requires the use of non-lead ammunition on projects conducted for the State. California and Arizona have developed educational initiatives to reduce ammunition-related lead exposure to fish and wildlife. WS supports these programs, and whenever we are involved in such programs, we fully comply with their requirements.

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Additionally, we work closely with the U.S. Fish and Wildlife Service (USFWS) when conducting management activities for birds protected under the Migratory Bird Treaty Act (MBTA). Standard conditions in MBTA Depredation Permits require that all shotguns used to take MBTA-protected birds use shot listed in the Code of Federal Regulations (CFR), specifically 50 CFR 20.21(j). WS personnel naturally comply with this requirement, and will continue to use non-lead shot for all MBTA-permitted activities.

WS also conducts consultations with the USFWS for species listed under the Endangered Species Act (ESA) of 1973. As part of the ESA consultation process, WS prepares biological evaluations identifying listed species that may be affected by WS's activities; methods proposed to reduce wildlife damage, including the use of firearms and lead ammunition as applicable; an analysis of impacts; and suggestions for mitigation measures as appropriate. WS also complies with the National Environmental Policy Act (NEPA), which requires analysis of the effects on the environment of proposed actions, including use of lead ammunition if applicable. To date, all WS actions involving the use of lead ammunition analyzed under the NEPA have resulted in findings of no significant impacts to the environment.


As new non-lead bullets are developed that can better meet the needs of WS WDM operations and situations, we will continue to expand our use of these alternative bullets where we can do so legally and safely, and where we can meet our wildlife damage management objectives.

While we cannot completely discontinue the use of lead ammunition at this time, we assure you and your members that we take the potential effects of the use of lead ammunition very seriously and are committed to limiting the impact of lead ammunition on the environment. We will continue to seek additional applications for non-lead ammunition in our WDM activities, use non-lead ammunition where conditions and circumstances allow, and will continue to test and evaluate new non-lead ammunition materials and products as they become available. WS will also review any substantive research that becomes available demonstrating the effectiveness of non-lead ammunition in professional WDM applications and adopt new practices and methods where applicable.

Thank you again for writing.

Sincerely,



 Gregory L. Parham
Administrator