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PUBLIC COMMENT
NATURAL RESOURCES COMMISSION MEETING
THURSDAY, AUGUST 13, 2020, 9:00AM
VIRTUAL MEETING

Members of the Natural Resources Commission:

Thank you for the opportunity to address the Commission. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. We work within the legal system and encourage efforts to ensure that animals are recognized, treated and protected as individuals.

AFA frequently testifies before the Senate and House Natural Resources committees. We follow federal wildlife legislation and policy. We share with you a strong interest in the laws and policies affecting wildlife, although we may not always agree on what those laws and policies should be.

We are writing because of increasing concern about the effects of lead and other toxic ammunition on wildlife and humans. AFA calls upon the NRC to regulate its use. The current policy, acknowledging the harm caused by lead ammunition and “encourag[ing] hunter support” but considering it a matter of “hunter preference”ⁱ is increasingly untenable, is unwise policy, and runs counter to science.

We had already intended to discuss this important topic because of a bill introduced in Congress early last monthⁱⁱ. The LEAD Act of 2020 would ban the discharge of a firearm using lead ammunition on all lands and waters under U.S. Fish and Wildlife Service (USFWS) control, based on the harm caused by lead to wildlife, as well as to humans and the environment.

Then we read about the Michigan bald eagle mortality studyⁱⁱⁱ which was widely published earlier this month.^{iv} As you know, that comprehensive study between 1986-2017 was conducted by the U.S. Fish and Wildlife Service, Michigan State University and the Michigan DNR. The study looked at almost 1500 deaths during that 30+ year period and concluded that the second most common cause of death was lead poisoning, due to ingesting carcasses of animals containing lead ammunition. This study only reinforces the timeliness of this issue and importance of this Commission taking action to prevent future deaths of bald eagles and other wildlife.

The Commission has the power to take this action. It has statutory authority to “establish general policies related to natural resources management and environmental protection”^v both of which are

implicated by the continuing use of lead ammunition. To do nothing, we assert, is an abdication of your responsibility.

The U.S. Fish and Wildlife Service banned the use of lead ammunition to hunt migratory waterfowl in 1991 due to concern for the number of animals dying from ingesting spent lead pellets.

The DNR website has comprehensive information about lead poisoning^{vi}, and notes that eagles, loons, ducks, geese and swans are most commonly affected by lead poisoning, although upland game birds and small mammals also can be impacted. “The switch from lead to non-toxic shot has significantly reduced the number of waterfowl dying from lead poisoning in Michigan and in the U.S. Mortality still continues to be seen however in loons and eagles, as the sources of lead consumed by these two species are still legal to use ... ” in Michigan, which has “no restrictions on the use of lead fishing tackle or lead ammunition used for upland game bird, small game or big game hunting.” The conclusion is inescapable: “Usage of non-toxic bullets and shot eliminates the concern of consuming lead from harvested wild game.”^{vii}

This spring, our neighbor Wisconsin began consideration of requiring nontoxic ammunition in state-owned and state-managed wildlife areas.^{viii}

The major reason for not regulating appears to be that nontoxic ammunition costs more. Our position is that toxic ammunition is not justified and must be banned. However, this rationale needs to be examined and can be debunked, thereby giving the NRC even less reason not to act.

The Wisconsin DNR’s February 2020 spring hearing background information fact sheet addressed the cost issue:

Nontoxic shot and bullets are becoming increasingly available and affordable.

- o For example-one online retailer sells 339 different types of lead-free rifle ammunition in 81 different calibers.
- o a box of Federal .243 in copper is advertised online at \$1.35/ round. A box of Federal .243 lead ammunition at the same store is advertised at \$1.00/ round
- o Lead free .22 ammunition is available for as low as \$0.17 a round. Lead .22 ammunition ranges \$0.05-\$0.14 a round.
- o Cabela’s sells a box of 5 copper 20-gauge slugs for \$12.99, a similar box of lead slugs sells for \$8.49.^{ix}

A 2013 study by the National Center for Biotechnology Information concluded: “There is no major difference in the retail price of equivalent lead-free and lead-core ammunition for most popular calibers.”^x The website huntingwithnonlead.org reaches a similar conclusion.^{xi}

Governments, organizations and individuals, including sportsmen, are calling on hunters to stop the use of “outdated” toxic lead bullets^{xii}. California banned the use of lead for any hunting as of July 1, 2019. Over half the states have expanded restrictions on lead-based ammunition since the 1991

federal ban.^{xiii} Utah provides incentives to go “unleaded”: according to a state official, “these methods have been successful in reducing the number of big-game hunters using lead by around 80 percent.”^{xiv}

We call on the NRC to begin studying the banning of toxic ammunition in this state.

Very truly yours,



Beatrice M. Friedlander, JD
Board President

ⁱ A DNR spokesperson recently stated: "This is largely a hunter preference issue. One of the factors for hunters is cost. Non-lead ammunition typically costs more than lead ammunition, although copper bullets in many people’s opinions perform better than lead." <https://www.freep.com/story/news/local/michigan/2020/08/07/leading-killer-bald-eagles-michigan-isnt-what-you-think/5572129002/>

ⁱⁱ H.R. 7547, the LEAD Act of 2020, <https://www.congress.gov/bill/116th-congress/house-bill/7547/text?r=26&s=1>

ⁱⁱⁱ Sources of Mortality in Bald Eagles in Michigan, 1986–2017, Simon et al, Journal of Wildlife Management, Vol. 84, Issue 3, April 2020, pages 553-561 <https://doi.org/10.1002/jwmg.21822>

^{iv} See e.g., fn. 1, supra

^v MCL §324.501(2), <http://legislature.mi.gov/doc.aspx?mcl-324-501>

^{vi} https://www.michigan.gov/dnr/0,4570,7-350-79136_79608_85016-26676--,00.html

^{vii} Ibid

^{viii}

https://dnr.wi.gov/about/wcc/Documents/spring_hearing/2020/2020SpringHearingWMbackgroundInformationFINAL.pdf

^{ix} Ibid

^{xx} Lead-Free Hunting Rifle Ammunition: Product Availability, Price, Effectiveness, and Role in Global Wildlife Conservation, Thomas, *Ambio*. 2013 Oct; 42(6): 737–745 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3758820/>

^{xi} http://www.huntingwithnonlead.org/FAQ2015.html?zoom_highlight=cost

^{xii} <https://www.wyofile.com/switching-to-nontoxic-ammo-makes-us-better-hunters-humans/>

^{xiii} <https://news.wttw.com/2017/03/22/illinois-lawmaker-wants-protect-animals-lead-poisoning>

^{xiv} <https://www.nrdc.org/onearth/hunter-asks-why-are-lead-bullets-still-thing>