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October 6, 2022

Ms. Shannon Estenoz
Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Subject: Ongoing use of toxic lead ammunition and fishing tackle in units of the National Park System

Dear Assistant Secretary Estenoz:

I am writing to you on behalf of over 2,200 members of the Coalition to Protect America's National Parks (Coalition), a non-profit organization composed of retired, former, or current employees of the National Park Service (NPS). The Coalition studies, educates, speaks, and acts for the preservation of America's National Park System. As a group we collectively represent nearly 45,000 years of experience managing and protecting America's most precious and important natural and historic resources. Among our members are former NPS directors, regional directors, superintendents, environmental and resource specialists, NEPA practitioners, park rangers, maintenance and administrative staff, and a full array of other former employees, volunteers, and supporters.

We urge the NPS and the Department to address the ongoing use of lead ammunition and fishing tackle within numerous units of the National Park System. We call your attention to recent U.S. Fish and Wildlife Service (USFWS) "station specific" hunting and sport fishing regulations¹ that begin to phase out the recreational use of "lead" on National Wildlife Refuges across the country. In these regulations, the Biden Administration lays the groundwork for additional prohibitions on lead ammunition and fishing tackle, which we believe should include our nation's most protected landscapes in the units of the National Park System where hunting and fishing occur. The NPS first addressed this in 2009 and made great progress prior to the change in Administration in 2016.

¹ <https://www.regulations.gov/document/FWS-HQ-NWRS-2022-0055-16104>

You may be aware of S. 4157², the LEAD Act of 2022, which was introduced by Senator Tammy Duckworth on May 5, 2022. A similar bill, H.R. 405³ had been introduced in the House by Congressman Ted Liu in 2021. S. 4157 would prohibit the use of lead ammunition in units of the National Wildlife Refuge System. The bill, as written, does not address the use of lead ammunition or fishing tackle in national park units. However, all of the findings stated in Section 2 of the bill regarding the adverse impacts of lead on human health, the environment, and wildlife are equally applicable to parks.

Our request is that you and NPS Director Sams fully consider implementing a ban on the sale and the use of lead-based ammunition and fishing tackle in all national park units. The adverse impacts of lead poisoning on wildlife and their habitats have been known for decades and are well documented. For example, a recent U.S. Geological Survey study⁴ found that nearly half of all bald and golden eagles in the country suffer from chronic and/or acute lead poisoning, likely the result of these birds scavenging the remains of animals shot with lead bullets. In addition, there are numerous other peer-reviewed scientific studies, worldwide, documenting the adverse impacts of lead on avifauna, herpetofauna, mammals from grizzly bear to small rodents, as well as to the environment on our lands and in our waters.

While the devastating effects of lead poisoning may be most acute in raptors and condors that have been heavily monitored, more than 130 national park wildlife species are exposed to or killed by ingesting lead or prey contaminated with lead. At the same time, lead fishing tackle left in waters, leads to elevated levels of lead in fish, birds, and amphibians. These impacts, in addition to loss of habitat or habitat quality due to land conversion and fragmentation on park boundaries, invasive species, and climate change, negatively affect the health of our national park resources.

In addition to the numerous studies documenting the impacts of lead on wildlife, there is also abundant peer-reviewed science regarding the negative effects of lead poisoning on humans. Lead exposure is a significant public health concern due to its persistence in the environment. Lead poisoning can affect children, especially in underserved communities globally, according to a study published by the United Nations Children's Fund (UNICEF) in 2020. Lead exposure is not just limited to situations involving lead paint or antiquated public water systems that still rely on lead pipes. The impacts of lead poisoning on underserved communities can also be connected to hunting and fishing activities, including in park units, since many such communities rely on these resources for subsistence. For example, indigenous people hunt and fish in Alaska and Hawaii parks, as well as in other parks nationwide; and underserved community members often fish in the many parks where recreational fishing is allowed.

As context for the magnitude of this issue within the National Park System, hunting with lead-based ammunition is still allowed on approximately 60% of all national park lands and fishing with lead tackle continues to be allowed in almost all park waters. While some parks, such as Glacier, Yellowstone, and Grand Tetons, have addressed these issues through local bans, much more needs to be done to address these concerns on a Service-wide basis. The actions of the few parks cited above can and should serve as models for other park units to follow. While a park-by-park approach is achievable, absent strong leadership it could take a considerable amount of time to implement and could result in considerable variability and inconsistency in policies from park to park. Ideally, this can and should be addressed as a Service-wide policy issue.

You may be aware that a National Rifle Association-sponsored appropriation rider was put in place during the last Administration and carried forward in Section 438 of H.R. 2471, the FY 2022

² <https://www.congress.gov/bill/117th-congress/senate-bill/4157/text?r=2&s=1>

³ <https://www.congress.gov/bill/117th-congress/house-bill/405/text>

⁴ <https://www.science.org/doi/10.1126/science.abj3068>

appropriations omnibus bill⁵. The rider states: “None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.” (*Emphasis added*)

If this rider is carried forward into the FY 2023 appropriations bill, it may constrain to what degree the NPS and other federal agencies can “regulate” (i.e., issue regulations to address) the impacts of lead poisoning on wildlife and the environment. However, we believe that the NPS has the clear authority to “address” or “manage” the use of ammunition and fishing tackle; and, in spite of this rider, could legitimately implement already drafted policy to begin the transition to non-lead ammunition and fishing tackle in park units.

In addition, while former Secretary of the Interior Zinke’s 2017 Secretarial Order (SO) # 3346⁶ reversed USFWS policies on the use of nontoxic (i.e., non-lead) ammunition and fishing tackle in wildlife refuges, it did not address the NPS policies nor reverse them. However, it appears that SO # 3346 remains in effect⁷, which only perpetuates the accumulation of toxic lead on our public lands. We, therefore, urge the Department to revoke SO #3346 as soon as possible.

Although the budget rider may limit NPS’s ability to “regulate” the use of lead ammunition and fishing tackle in national parks, we suggest you consider practical measures that NPS could take now to lay the groundwork for an eventual transition to lead-free hunting and fishing in parks. These include, but are not limited to: issue Service-wide policy guidance to inform parks of what their current options are for reducing lead in parks; work with NPS concessionaires to remove lead fishing tackle products from being sold within parks; and develop educational outreach materials (with the central theme being “Get the lead out of parks!”) for hunters and fishermen regarding the adverse impacts of lead on park wildlife, fish, and the environment.

As soon as the rider is no longer a constraint, we encourage you and Director Sams to be ready to immediately issue policy guidance for parks to implement local lead bans using the Superintendent’s authority under 36 CFR §1.5⁸. We also encourage you and the Director to eventually consider amending the NPS general regulations at 36 CFR §2.2(b) Hunting and Trapping⁹ and at 36 CFR §2.3 Fishing¹⁰ to codify the bans on a Service-wide basis.

The ecological toll of ongoing lead contamination in parks is completely avoidable as there are equally effective, less toxic alternatives to lead-based ammunition and tackle readily available at comparable cost. Moreover, several counties and states, including California where Redwoods National Park and the Yurok tribe recently restored the California condor, and many other countries worldwide have successfully banned or severely restricted the use of lead-based recreational ammunition and tackle with little or no negative repercussions or lingering consumer objections.

From a purely conservation and human health perspective, the case for a lead ban is clear. However, the lack of progress by the NPS in addressing this issue perpetuates the ongoing accumulation of toxic lead in our parks. The NPS conservation mandate is clear on this issue and similar issues involving recreational

⁵ See Sec. 438, p. 373 at: <https://www.govinfo.gov/content/pkg/BILLS-117hr2471enr/pdf/BILLS-117hr2471enr.pdf>

⁶ https://www.doi.gov/sites/doi.gov/files/uploads/order_no_3346.pdf

⁷ <https://www.doi.gov/elips/browse>

⁸ <https://www.ecfr.gov/current/title-36/chapter-I/part-1/section-1.5>

⁹ <https://www.ecfr.gov/current/title-36/chapter-I/part-2/section-2.2>

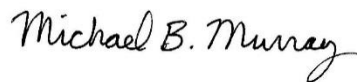
¹⁰ <https://www.ecfr.gov/current/title-36/chapter-I/part-2/section-2.3>

use of parks – when there is a conflict between conservation and use, “conservation is to be predominant.” See NPS Management Policies 2006, Section 1.4.3.

As one of the world’s most respected conservation agencies, the NPS should set the example and implement the most effective wildlife protection measures available, which in this case means “Get the lead out of parks!” By addressing this issue now, this Administration can stop the ongoing accumulation of toxic lead in parks and help ensure the long-term conservation of our Nation’s natural heritage for this, and future generations to come.

We would greatly appreciate your consideration of these concerns; and can make ourselves available for further discussion on this matter, if it would be helpful.

Sincerely,



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cc: Debra A. Haaland, Secretary of the Interior
Charles F. Sams III, Director, National Park Service
Michael T. Reynolds, Deputy Director for Congressional and External Relations, National Park Service
Ray Sauvajot, Associate Director Natural Resource Stewardship and Science, National Park Service
The Honorable Chellie Pingree, Chair, House Appropriations Subcommittee on Interior
The Honorable David Joyce, Ranking Member, House Appropriations Subcommittee on Interior
The Honorable Jeff Merkeley, Chairman, Senate Appropriations Subcommittee on Interior
The Honorable Lisa Murkowski, Ranking Member, Senate Appropriations Subcommittee on Interior
The Honorable Raul M. Grijalva, Chairman, House Committee on Natural Resources
The Honorable Bruce Westerman, Ranking Member, House Committee on Natural Resources
The Honorable Joe Manchin, Chairman, Senate Committee on Energy and Natural Resources
The Honorable John Barrasso, Ranking Member, Senate Committee on Energy and Natural Resources
The Honorable Tammy Duckworth, U.S. Senator, Sponsor S. 4157 LEAD Act of 2022
The Honorable Ted Liu, U.S. Congressman, Sponsor H.R. 405 LEAD Act of 2021