



# DEPARTMENT of the INTERIOR

## news release

FISH AND WILDLIFE SERVICE

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### ASSISTANT SECRETARY HORN ANNOUNCES PLANNED PHASE OUT OF LEAD SHOT FOR WATERFOWL HUNTING; NONTOXIC SHOT ZONES FOR 1986-87 WATERFOWL SEASON SET

The U.S. Fish and Wildlife Service proposes to phase out use of lead shot for waterfowl hunting in the United States by 1991, William P. Horn, Assistant Secretary for Fish and Wildlife and Parks, announced today.

The announcement came after last-ditch negotiations on June 20 between Horn and Jay Hair, Executive Vice President of the National Wildlife Federation, failed to achieve an out-of-court settlement to a Federation lawsuit aimed at forcing a ban on lead shot for waterfowling throughout the 48 contiguous States beginning in 1987.

"The Department of the Interior is committed to solving this more than 10-year-old controversy over lead poisoning in waterfowl," Horn said. "We want to achieve a consensus among conservation groups and State wildlife agencies about how best to proceed. We have been working toward that consensus since the summer of 1984, when the Interior Department called a meeting of concerned conservation groups and State representatives at Wye Mills, Maryland. We propose to adopt a position taken in March 1986 by the International Association of Fish and Wildlife Agencies (an association of State wildlife agencies) to phase out use of lead shot for waterfowl hunting by 1991. Virtually all of the concerned parties -- except the National Wildlife Federation -- appear to have agreed that this is the most practical, fair, and effective solution to this difficult problem.

"This could have been an historic occasion in resource conservation history," Horn continued. "Had the Federation agreed to this approach, a decade-long process to end lead poisoning in waterfowl and bald eagles could have been concluded this week. Instead, for legal and procedural reasons that we do not fully comprehend, the Federation has decided to throw away this opportunity. A sensible, workable, and responsible resource solution has been rejected in favor of a court show-down. The Federation has, in effect, indicated its lack of faith in the commitment and integrity not only of this Department, but of other conservation interests who have worked toward this solution.

"I deeply regret the Federation's refusal to accept an out-of-court settlement on this issue because I do not believe this decision to litigate rather than cooperate serves the long-term needs of this Nation's waterfowl resources."

A hearing on the Federation lawsuit is scheduled for June 27 in Federal District Court in Sacramento, California.

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The Interior Department's proposal to phase out the use of lead shot for waterfowling is contained in a proposed rule expected to be published in the June 27 the Federal Register. The public will have 30 days to comment on the proposal. In addition, the Service's plan is contained in a "Final Supplemental Environmental Impact Statement on the Use of Lead Shot for Hunting Migratory Birds in the United States." A draft of this document was issued for public comment in December 1985 and public hearings were held at a number of locations around the country.

The environmental impact statement examines nine alternatives for eliminating lead poisoning caused by ingestion of lead shot as a significant cause of death in migratory birds. A phase-out approach was selected as the "preferred alternative" for meeting this goal. This approach was suggested in March 1986 by the International Association of Fish and Wildlife Agencies. The phase-out plan will prohibit use of lead shot first in the areas of the country that have the largest waterfowl harvests. These are the areas where waterfowl and eagles are most frequently exposed to lead poisoning. At the same time, it will allow reasonable time for ammunition manufacturers, retailers, and hunters to make the conversion to nontoxic shot.

Under this alternative, use of lead shot for waterfowl hunting will be completely eliminated nationwide -- including Alaska -- by 1991, beginning in the 1987-88 hunting season with a ban on lead shot in counties where waterfowl harvests are highest. The ban will be extended each succeeding year to include counties where harvests are lower, as outlined below:

Harvest Level (Waterfowl/Square Mile)	Year Lead Shot Will Be Prohibited	Percent of U.S. Waterfowl Harvest Occuring In Affected Zones
20 or more	1987-88	66%
15 or more	1988-89	69%
10 or more	1989-90	75%
5 or more	1990-91	84%
Fewer than 5	1991-92	100%

Conversion to nontoxic shot could be deferred if States carry out monitoring studies that show lead poisoning is not a problem in areas that would otherwise be affected by the conversion schedule. In no case, however, could the requirement for nontoxic shot be deferred beyond 1991.

Under this alternative, boroughs (counties) in Alaska would not be required to employ the gradual implementation schedule, but the State would convert totally to nontoxic shot by 1991 along with the rest of the country.

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### 1986-87 Nontoxic Shot Zones

The Fish and Wildlife Service plans to begin implementing the "20 or more" zone schedule with its regulations process for the 1987-88 hunting season.

Nontoxic shot regulations for 1986-87 were appended to the final environmental impact statement and will be made final through publication in the Federal Register. The phase-out schedule adopted under the environmental impact statement does not apply to the 1986-87 regulations. These regulations are designated on a "zone" basis similar to nontoxic shot regulations for previous years. Under the 1986-87 regulations, nontoxic shot zones have been designated in portions of 39 States. Publication of regulations for additional areas will occur later, after action by State wildlife agencies.

The Fish and Wildlife Service proposed nontoxic shot zones in portions of 44 States in January 1986. Some of the zones were proposed primarily to reduce lead poisoning in waterfowl, while others were proposed to reduce exposure of bald eagles to lead poisoning. Because bald eagles get lead poisoning primarily from eating hunter-killed or -crippled waterfowl, the proposed "bald eagle protection zones" were based on areas where many waterfowl are harvested and there are large numbers of wintering bald eagles. The proposed zones were identified on a county-wide basis because information on waterfowl harvests and eagle populations is recorded by county. However, the Fish and Wildlife Service solicited review of the proposed county-wide zones by interested parties to make modifications to the boundaries, if appropriate.

As a result of the review by the States and public comments, the following changes have been made to the January 6 proposal:

--Boundaries of 51 counties in Arizona, Arkansas, Minnesota, Missouri, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming were refined;

--10 counties in California, Missouri, Oregon, Texas, and Washington were eliminated from consideration as nontoxic shot zones for eagle protection for 1986-87;

--Portions of 31 counties in Arizona, Arkansas, Indiana, Minnesota, Missouri, New York, Oklahoma, and Texas were added to the nontoxic shot zones proposed for these States.

Nontoxic shot zones in parts of 73 counties in California, Florida, Idaho, Illinois, Maine, Montana, Oregon, and Washington have not yet been approved by State wildlife agencies. By law, the Fish and Wildlife Service may not enforce or implement nontoxic shot regulations in any State unless the State wildlife agency approves. The Service may, however, elect not to allow waterfowl hunting in areas proposed as nontoxic shot zones if States do not approve the nontoxic shot requirements.

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The U.S. Fish and Wildlife Service began requiring nontoxic shot for waterfowl hunting in designated zones of the Atlantic Flyway in 1976. The program was expanded during subsequent years to include portions of all four waterfowl flyways where lead poisoning was identified as a problem. In 1985 the Fish and Wildlife Service also began requiring nontoxic shot in certain areas to prevent lead poisoning in bald eagles, which are listed as an "endangered" or "threatened" species throughout the lower 48 States. As of April 1985, 114 bald eagles have been documented as dying from lead poisoning, and the majority of these cases have been recorded since 1980.

Public comments on the proposed rule to phase out use of lead shot will be due 30 days after publication in the Federal Register and should be addressed to the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Matomic Building, Room 536, Washington, D.C. 20240.

Copies of the Final Environmental Impact Statement will be available from the same address.