



Administrator Lisa P. Jackson
Environmental Protection Agency
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

August 3, 2010

Dear Administrator Jackson:

As provided in the Toxic Substances Control Act ("TSCA"), Petitioners American Bird Conservancy, Association of Avian Veterinarians, Center for Biological Diversity, Public Employees for Environmental Responsibility, and Project Gutpile request that the EPA adopt regulations prohibiting the manufacture, processing, and distribution in commerce of lead shot, lead bullets, lead fishing sinkers, and other lead-containing fishing gear, pursuant to TSCA (15 U.S.C. § 2605(a)(2)(A)(i)). Such regulations are needed to protect vulnerable wildlife species from the ongoing threat of lead poisoning, as well as to safeguard human health.

TSCA mandates that the EPA must regulate chemical substances where there is a "reasonable basis to conclude" that such substances "present an unreasonable risk of injury to health and or the environment" (15 U.S.C. § 2605(a)). TSCA authorizes the EPA to prohibit "the manufacturing, processing, or distribution in commerce" of a chemical substance for a particular use or uses (15 U.S.C. § 2605(a)(2)(A)(i)). The EPA has already declared that lead is a toxic substance, and has removed nearly all lead containing products from the market.

We present in the attached petition nearly 500 peer reviewed scientific articles documenting the toxic effects of lead on wildlife species and conclude that the lead components of bullets, shotgun pellets, fishing weights and lures pose an unreasonable risk of injury to human and wildlife health and to the environment.

Ammunition and tackle manufacturers now market a wide variety of non-lead, non-toxic bullets, shotgun pellets, and fishing tackle that can replace lead projectiles and weights. The EPA has long held that whenever a toxic substance customarily used in the manufacture of commercial products can be replaced by a nontoxic substitute, the precautionary principle dictates that articles made of the toxic substance should be removed from the market. All hunting and fishing gear containing lead could economically be replaced with non-toxic alternatives, thus making a strong argument for EPA-regulatory action.

The petitioners understand that EPA is specifically prohibited from regulating ammunition or firearms under TSCA, but that toxic components of ammunition can be regulated if non-toxic alternatives are commercially available. The petitioners have waited until non-toxic alternatives have become available to submit this petition in an effort to clearly indicate that this petition is not an attempt to regulate ammunition or firearms.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fry". The signature is written in a cursive, flowing style with a large initial "M" and a stylized "F".

Michael Fry, PhD
American Bird Conservancy
Washington DC.