

Lead shot in wetlands: *Support the Proposal – Reject the Objection* Policy Brief for MEPs

Choose health, not poison: this proposal is essential, long overdue, too often delayed
Key points about this restriction proposal

Essential to reduce poisoning: The proposal aims to:

- ✓ prevent deaths of one million waterbirds which die each year from ingesting toxic lead shot
- ✓ prevent wetlands being polluted
- ✓ protect humans eating game shot in wetlands from the neurotoxin.

All this is possible because non-toxic alternative shot types exist, are widely available, affordable and [promoted by many hunters](#).

Harmonisation needed: The restriction proposal is needed to harmonise regulations across the EU – to date restrictions have been absent or patchy and they have not achieved their aim.

Rigorously assessed: All aspects of the restriction proposal have been rigorously assessed by ECHA and its RAC and SEAC committees, and the Commission, and it was overwhelmingly supported by the REACH Committee of the Member States.

Step towards a toxin-free future: The vote in the ENVI Committee comes in WHO's International Lead Poisoning Prevention Week. In the EU it has taken regulation to remove lead from petrol, paint and pipes. Replacing lead in ammunition will bring a wide range of benefits to wildlife and human health, food safety and markets. This proposal is a step towards this and the European Green Deal. Member States can follow in the steps of Denmark and Netherlands and go further if they wish and make a total transition to non-toxic shot.

Resistance to change must not be an obstacle: Whilst many shooters have moved to non-toxic ammunition, sections of the shooting community and the ammunition industry have resisted change throughout. Arguments now about the technicalities of the proposal were to be expected – but must not be allowed to confuse MEPs and prolong poisoning.

Key points to address in the Objection

Pages of often misleading legal points boil down to a few issues which are readily addressed:

Compatibility with regulation and implementing powers under REACH: There was scrutiny by both RAC and SEAC and the proposed restriction is fully compatible with the REACH regulation. Indeed, REACH is the EU regulation that aims to protect people and the environment from chemical hazards. It provides that the use of certain substances can be restricted, and therefore applies to consumers.

Proportionality: The proposal fully respects the principle of proportionality. First, the aim is to save at least one million birds while preventing pollution and ensure public health. Second, it is absolutely necessary to ban the use of lead shot in wetlands in order to achieve this goal, while it is necessary to ban carrying lead shot when wetland shooting in order to enforce the restriction. Finally, non-toxic shot are widely available and at a similar price, making it easy for the hunters who haven't already to shift to the non-toxic alternatives such as steel. All this was subject to extensive scrutiny of both ECHA and its Committees (RAC and SEAC). It is important to note that hunters only represent 1.5% of EU population, yet society as a whole, biodiversity and the wider environment are currently paying the costs of pollution by lead shot.

Time for transition: The original legally-binding deadline was in 2000 i.e. 20 years ago. Since this date, 20 million waterbirds have died because of poor restrictions on lead shot in wetlands. Hunters in the EU are aware of the problems caused by lead shot and need for transition, and many already use the available non-toxic ammunition. The restriction includes a generous two years for transition – indeed three years to transition to non-toxic shot in wet and dry lands.

Removing the provision of carrying lead shot when wetland shooting or intending to do so: The provision of carrying when wetland shooting is essential for enforcement, otherwise enforcement entails literally being witness when the shotgun is discharged in the wetland and the shooter being apprehended *in flagrante delicto*. This is essential for enforcement, otherwise enforcement entails literally being present when the shotgun is discharged in the wetland.

Changing the definition of a wetland: The scope of the proposal is in line with the internationally accepted definition of wetlands set in the Ramsar Convention and can be aided by a mapping exercise by Member States.

Exclusion of sports shooting: Sports shooting ranges are associated with the highest levels of lead shot deposition and should not be situated in wetlands due to leaching into waterways.

Other points made

Buffer zones: Buffer zones are there to protect both birds feeding on the edge of wetlands and to prevent much of the shot fired near wetlands from entering the water. They are additionally essential for making the proposal enforceable. They were considered and discussed at length throughout the process and explicitly recommended. Concessions have already been made to reduce their size from 300m to 100m.

Presumption of innocence: This is not reversed. There cannot be a prosecution if the hunter was not carrying lead OR did not have the intention to 'wetland shoot'.

The use of the Ramsar definition, principle of legal certainty, and puddles. Firstly wetlands are fragile habitats subject to a wide range of threats including pollution from lead shot. All EU Member States are Parties to the Ramsar Convention so are familiar with what constitutes a Ramsar-defined wetland which indeed includes peatlands. Provision is made for extended periods of transition for those countries with >20% wetlands. There would therefore be a clear delimitation of the territory in which the ban would be effective for the benefits of both hunters and enforcement officials. The definition of wetlands is therefore clear and in line with the principle of legal certainty. Finally, with regards to the scope of this definition, in application of reason, *it is unthinkable that enforcement officials would prosecute a hunter hunting legally in a terrestrial environment because there is a puddle nearby*. Finally, the current restriction proposal would cover the majority of the AEWA species vulnerable to lead poisoning and therefore help Member States to comply with their current obligations under the AEWA Agreement regarding lead shot.

Firearms use by police: Handguns and rifles are the usual choice of police firearms – not shotguns.

Find this briefing [here](#) and more on the [Lead Ammunition Hub](#).

SUPPORT A NON-TOXIC FUTURE

Support the restriction on use of lead gunshot in EU wetlands within the framework of REACH



Lead is a non-threshold poison, which means that no level of exposure is considered safe for humans, as confirmed by the European Chemicals Agency (ECHA) and its Committee for Risk Assessment (RAC). The European Parliament now has the opportunity to bring us one step closer to removing toxic lead exposures from the lives of people, wildlife and the wider environment by supporting the proposed restriction on use of lead gunshot in wetlands following the positive vote (90%) by EU Member States at the REACH Committee.

This restriction is good news for:

- The **health of people** consuming game shot in and around wetlands, including hunters, their families (particularly pregnant women and children), as well as other wild-game consumers.
- **Soils** which are contaminated by the 1000s of accumulating tonnes of lead shot deposited in wetlands annually.
- **Biodiversity**, in particular waterbirds (such as swans), 1 million of which die every year from lead poisoning after consuming lead shot mistaking it for food or grit, and predatory and scavenging birds (such as eagles), which are poisoned by either consuming poisoned birds or eating the pellets of lead shot embedded in their prey.

The science:

The body of evidence of risks from the toxic effects of lead ammunition on humans, and wild and domestic animals is overwhelming and growing, and was thoroughly reviewed and presented by ECHA and [adopted by the RAC](#). Medics, veterinarians and scientists are in agreement - lead ammunition needs to be replaced by non-toxic alternatives. A recent [open letter from 75 European and other scientists](#) provides background and “urges MEPs at the European Parliament to support this important restriction proposal which harmonises restrictions across all wetlands”. Moreover the International Lead Association (ILA) [“hopes that the European Parliament endorses the proposal”](#).

The solution:

Non-toxic ammunition is now [widely available, effective and comparably priced](#) and guidance on their use is provided on The European Federation for Hunting and Conservation (FACE) [website](#). Denmark and Netherlands banned the use of *all* lead shot in the 1990s fully proving that change is entirely possible. Despite profitable product lines of non-toxic ammunition, parts of the ammunition industry resist change. Although they know change is coming, they need guaranteed markets to drive innovation and production even further, and that takes policy. All this is thoroughly explored in the adopted ECHA Committee for Socio-economic Analysis (SEAC) [final opinion](#).

The policy:

Under the African Eurasian Migratory Waterbird Agreement (AEWA) there is an international legal obligation for the EU and its Member States to ban lead shot in wetlands, in place since 1999. The EU is yet to comply. At the Member State level, to date regulation has been patchy, absent and/or poorly enforced, resulting in lead shot often persisting as the ammunition of choice. This REACH restriction proposal ensures those Member States which have yet to attempt to address any risks do so, it harmonises policies across Member States and for some countries with a high proportion of wetlands, goes further, for which an extended transition time is explicitly provided.

As documented during the extensive preparation and scrutiny of both ECHA and its Committees (RAC and SEAC), **the proposed restriction is fully compatible with the REACH regulation and fully respects the principle of proportionality**. Indeed, of all the legislative measures available within the EU, this approach was the only one considered fit for purpose based (amongst other issues) on the poor track record of Member States trying to regulate this issue on their own.

It is undeniable that all lead ammunition needs to be replaced by non-toxic alternatives to protect the health of wildlife in all habitats, soils, and consumers of game meat, and to protect markets of game meat (some supermarkets and retail outlets have already started to reject lead-contaminated meat products and demand use of non-toxics in their supply chains). The current restriction proposal is a necessary first step in the right direction and provides provisions for regulation to go further, i.e. ban lead shot everywhere, which would bring additional enforcement benefits.

Delays and obstructions:

We are witnessing the dying days of lead ammunition. However, similar to the removal of lead from petrol there has been denial of the problem then denial of the solution, and now prevarication over the policy and process to delay and obstruct this restriction. Circulating misinformation, myths and false concerns about efficacy of non-toxic ammunition and plastic pollution have been dispelled. Despite claims to the contrary, ECHA and RAC recommended a risk-reducing buffer zone around wetlands. The hunting lobby are now arguing that the restriction should not have been undertaken under REACH, despite it being the EU regulation to protect people and the environment from chemical hazards, and with unfounded concerns about over-zealous enforcement. These final concerns must not be used to prevent health protection and to allow poisoning to continue. **The facts are simple - the risks are great and non-toxic alternative ammunition exists** (and are [promoted by many hunters](#)): **this proposal is entirely proportionate, and includes generous time for transition** (on top of the already extended timetables).

Making the EU fit for the future:

Beyond supporting the European Green Deal, supporting the restriction proposal on use of lead shot in wetlands helps bring about a wide range of benefits to sustainable hunting, the health of people, wildlife and soils, food safety, innovation and markets.

As the European Hunting Experts say in their [open letter](#): ***“It is in every hunter’s best interest to switch to non-lead ammunition... We therefore urge you not to succumb to suggestions that it is not possible to change. It is”***.

We urge you to support the restriction proposal and take a step closer to a “Zero Pollution”, non-toxic future.

