



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 4 2010

Mr. Michael Fry
Director of Conservation Advocacy
American Bird Conservancy
1731 Connecticut Ave., N.W.
Washington, DC 20009

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dear Mr. Fry:

EPA has completed its review of your August 3, 2010, petition requesting that the Agency take action under the Toxic Substances Control Act (TSCA) to prohibit the manufacture, processing, and distribution in commerce of lead shot, bullets, and fishing sinkers. EPA denied your request concerning lead shot and bullets on August 27, 2010.

After careful review, EPA has determined you have not demonstrated that the remaining action requested in your petition -- a uniform national ban of lead for use in all fishing gear -- is necessary to protect against an unreasonable risk of injury to health or the environment, as required by TSCA section 21. The petition also does not demonstrate that the action requested is the least burdensome alternative to adequately protect against the concerns, as required by TSCA section 6. Accordingly, EPA is denying your request for a national ban on lead in all fishing gear.

Your petition does not provide a sufficient justification for why a national ban of lead fishing sinkers and other lead fishing tackle is necessary given the actions being taken to address the concerns identified in the petition. There are an increasing number of limitations on the use of lead in fishing gear on some Federal lands, as well as Federal outreach efforts. A number of states have established regulations that ban or restrict the use of lead sinkers and have created state education and fishing tackle exchange programs over the last decade. The emergence of these programs and activities over the past decade calls into question whether the broad rulemaking requested in your petition would be the least burdensome, adequately protective approach. EPA also notes that the prevalence of non-lead alternatives in the marketplace continues to increase.

If you would like to discuss this matter further, please contact Wendy Cleland-Hamnett, Director of the Office of Pollution Prevention and Toxics. Wendy can be reached at 202-564-3810.

Sincerely,

A handwritten signature in black ink, appearing to read "S.A. Owens".

Stephen A. Owens
Assistant Administrator