

**NATIONAL SHOOTING SPORTS FOUNDATION, INC.**11 Mile Hill Road • Newtown, CT 06470-2359 • Tel (203) 426-1320 • Fax (203) 426-7182 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

January 28, 2015

Michael Sutton
President
California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 94244

Re: Agenda Item 27 for the February 11-12, 2015 Fish and Game Commission Meeting, AB 711 Implementation

Dear President Sutton and Members of the Commission:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of more than 12,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding California sportsmen, the U.S. military and law enforcement agencies throughout the state.

As you likely know, NSSF has had discussions with both Commission staff and the Department of Fish and Wildlife concerning the lack of supply and limited demand for alternative ammunition products, as well as the impact banning the use of traditional ammunition will have on the price of the limited supply of alternative ammunition and other economic impacts to wildlife conservation funding in California. NSSF commissioned Southwick Associates to conduct a study which included an analysis on the lack of supply of alternative ammunition for the hunting market in California, the impact that increased demand in California for alternative hunting ammunition will have on the market, and the economic impact of implementing AB 711. The results were presented by Southwick Associates to the Wildlife Resources Committee meeting on September 17, 2014. The purpose of the study was to provide up-to-date information on this subject to both the Commission and Department to hopefully assist them in addressing concerns with the implementation of AB 711.

We welcome this opportunity to explain further why NSSF opposes the Commission's pending proposal to implement AB 711. We continue to believe that implementation of the lead ammunition ban will create severe shortages of ammunition available for California hunters. The timing to implement is difficult given the aggressive timeline and will put a large burden on the hunting population. Our members believe that any delay in implementation would help to

reduce those effects to some degree, and we would suggest that the regulators use maximum discretion to delay implementation.

The language in section (f) Nonlead Projectile and Ammunition Certification Process seems to create a roster of acceptable alternative ammunition. So, in essence, the state of California is not willing to accept manufacturers' word that ammunition produced is lead-free (or contains no more than 1% of lead by weight) which will take effect July 1, 2015. So in a sense, non-lead products currently on the shelf will automatically be deemed 'lead-based' (even if they have no lead in them) and illegal to have in possession while hunting until the product is submitted and certified by the state as compliant. There are concerns as to whether the agency has the expertise to certify all lead free alternatives and what exactly will the process consist of.

There is a major concern when dealing with the regulations and the need for alternative ammunition for the taking of non-game small mammals. The general raptor population is not threatened, so the regulations could delay implementation of this section to give the industry more time to try to find a solution. We know that based upon Southwick Associates study the most critical impacts from the proposed ammunition prohibitions will be associated with rimfire. Manufacturers report an inability to increase rimfire production. Currently, only 0.5% of rimfire is produced using alternative metals and most of these are designated for indoor and specialty uses, not the mass hunting market. These manufacturers are very small in size, unable to ramp up to the levels required of California. Considering rimfire's primary application for small game hunting and its widespread use by young hunters, the loss of rimfire rounds to California hunters will have serious impacts on short and long-term participation.

Based on a survey of California hunters, higher ammunition prices will drive 36 percent of California hunters to stop hunting or reduce their participation. Thirteen percent of California hunters report they would stop hunting as a result of the higher prices (51,676 fewer hunters). An additional 10 percent were unsure if they would continue to hunt and another 23 percent said they would likely hunt less than in recent years. For the rest of this analysis, we only assume a loss of 13 percent of hunters to maintain conservative estimates, and this number produces some very large negative economic impacts for the state.

Losses will include:

- a. 1,868 jobs
- b. \$68.7 million in salaries and wages,
- c. \$13.9 million in state and local tax revenue and
- d. \$5.8 million of federal tax revenues

America's firearm and ammunition manufacturers have a long and proud history of supporting science-based wildlife population management. This concept has been championed by our industry, and we will continue to aggressively support these steps. Our industry remains concerned that there is no conclusive scientific evidence establishing a causal relationship between the use of traditional ammunition for hunting big game and elevated blood lead levels found in some condors, yet we continue to see the Commission and Department going down the road to quickly implement AB 711 to the detriment of hunters and the environment.

In addition to the results of the economic impact analysis presented by Southwick Associates during the September meeting, new information has surfaced dealing with a report received by the California Department of Fish and Wildlife as early as April 2013, the same time the lead ammunition ban was being debated in the legislature. Email correspondence shows that the report was intentionally withheld from the public by Condor Coordinator John McCamman until after the bill was signed into law. Had the report been released by its statutory due date in June of 2013, the bill may not have passed given that the reason for its passage was significantly undermined by the evidence in the report, namely that condor poisonings had been overstated by animal rights activists.

At the time of the Governor's signing of the bill, 2012 data on the condor zone lead ban had not been released. Soon after the lead ban was expanded statewide, the report on condor poisonings was released and it showed no reduction in condor mortality and even a slight increase in certain areas of the condor zone.

A recent Iowa State University study shows that the bald eagle population is doing just fine – even in Iowa, a state where lead ammunition is used in abundance. The study examined the bald eagle population at-large, not just the blood lead levels of deceased birds. In order to get results from live birds, the researcher tested the fecal level of 400 free-flying eagles throughout the state of Iowa. As was to be expected, the overall blood-lead levels were very low, about the same as the background environmental lead levels and similar to the blood lead levels found in eagles in lead-free sites. Additionally, none of the researchers observed any behavior from the eagles that would have them believe the eagles were suffering from lead poisoning. One can get a better sense of the overall population by testing free-flying birds, not just sick birds admitted to a rehabilitation center. Overall, this study proves that traditional (lead) ammunition is not negatively affecting the general population of eagles and serves as a cautionary tale against accepting studies that extrapolate findings from examining only sick birds onto entire bird populations.

Another topic of discussion worth noting deals with the human consumption of game meat taken with traditional ammunition. A 2008 study by the Centers for Disease Control (“CDC”) was recently confirmed by a recent Swedish study entitled “Lead in Game Meat,” with both studies coming to the conclusion that consuming game harvested with traditional ammunition containing lead does not pose a human health risk. The tests from each study showed that those consuming game taken with traditional ammunition was well below the risk level.

Hunters and sportsmen represent the largest financial supporters of wildlife conservation. Since 1991, firearms and ammunition manufacturers have contributed over \$3 billion dollars to wildlife conservation through excise tax payments. Our industry understands and appreciates the importance of conserving resources and protecting our environment. Unfortunately, adopting regulations that ignore science and are based on emotion will result in a decrease in conservation funding California receives to manage *all* of the state’s wildlife resources.

For the above reasons, we urge the California Fish and Game Commission to abandon a fast-tracked implementation of AB 711 and instead allow the industry time to continue to develop alternatives and adequately increase the supply to sportsmen. Beginning implementation this

year will lead to severe shortages of ammunition and precipitous drops in hunters when they are unable to purchase compliant ammunition.

If you have any questions, please contact our legislative advocate, Kathryn Lynch, at 916-443-0202 or lynch@lynchlobby.com.

Sincerely,



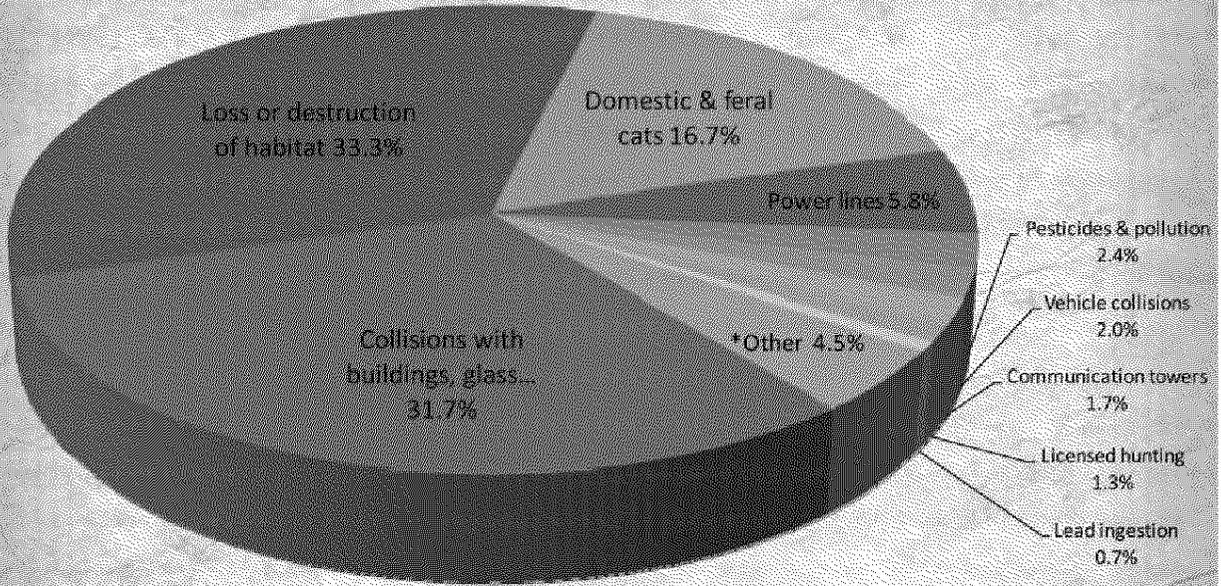
Lawrence G Keane
Senior Vice President & General Counsel
National Shooting Sports Foundation

cc: Mr. Sonke Mastrup, Executive Director, Fish and Game Commission
Mr. Charlton Bonham, Director, California Department of Fish and Wildlife
California Fish and Game Commission
Governor Edmund G. Brown, Jr.
Ms. Kathryn Lynch, Legislative Advocate
National Shooting Sports Foundation

Attachment: Bird Mortality Chart

CAUSES OF ANNUAL BIRD MORTALITY

ESTIMATED PERCENTAGE BREAKOUT



Sources: USFWS, ABC, NWTG, Sibley Guides.

Estimated three billion bird deaths annually. Report created 7/2011.

* Other causes include: wind farms, oil spills, wastewater pits, urban light, by-catch, disease, weather, starvation, natural predation & natural causes.

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