

Call for evidence and information on the use of lead in gunshot outside of wetlands, bullets in any terrain and in fishing tackle.

Background document

Introduction

As a follow-up to the proposed REACH restriction prohibiting the use of lead in gunshot in wetlands, ECHA has been requested by the Commission¹ to prepare a restriction proposal, in accordance with Article 69(1) of REACH, on the placing on the market and use of:

- Lead in gunshot for use in terrains other than wetlands;
- Lead in other types of ammunition (i.e. bullets or pellets) for use in either wetlands or terrains other than wetlands;
- Lead in fishing tackle (i.e. weights, jigs and sinkers).

The anticipated submission date of the report describing our investigation and the details of any proposed restriction is 02 October 2020.

This background document is intended to clarify the scope of ECHA's assessment and the objectives of this information gathering exercise. We will hold a webinar with interested stakeholders to answer questions on the call for evidence on 10 October 2019. Please see our website for further details².

Elements of an Annex XV assessment

The elements that need to be considered during the preparation of a restriction proposal are set out in Annex XV of REACH and further elaboration in ECHA Guidance documents³. These can be summarised, as follows:

- A characterisation of exposure and resulting risks to human health from a use of a substance, including via food and water;
- A characterisation of exposure and resulting risks to the environment and wildlife from a use of a substance;
- A justification that risks are not adequately controlled and occur on a Union-wide basis;
- An analysis of the availability and technical performance of alternatives;
- A socio-economic analysis (e.g. costs and benefits to society) that would arise from a restriction.

Background and relevant recent assessments

Lead is a non-essential (i.e. having no biological function) heavy metal that is toxic to humans and wildlife. It affects most body systems, having negative effects on general health, reproduction and behaviour.

¹ https://echa.europa.eu/documents/10162/13641/rest_lead_ammunition_COM_request_en.pdf

² <https://echa.europa.eu/-/call-for-evidence-on-a-possible-restriction-on-the-placing-on-the-market-and-use-of-lead-in-ammunition-shot-and-bullets-and-fishing-tackle>

³ <https://echa.europa.eu/support/restriction/how-to-prepare-an-annex-xv-report/general-instructions>

Lead differs from many contaminants in that there is no evidence for a safe threshold for a number of critical endpoints, including developmental neurotoxicity and nephrotoxicity. This means that there is no level of exposure below which effects in humans are not expected. According to its hazard-classification, lead may damage fertility or the unborn child, causes damage to organs through prolonged or repeated exposure, may cause cancer, may cause harm to breast-fed children and is very toxic to aquatic life with long lasting effects.

In 2015, ECHA was requested by the Commission to prepare a REACH restriction (Annex XV report) to address the risk posed by the use of lead in gunshot in wetlands. The proposal comprised a risk assessment and a socio-economic analysis of the implications of risk management. The investigation demonstrated that accidental ingestion of spent lead gunshot by waterbirds was resulting in widespread poisoning (approximately one million birds per year were estimated to be lethally poisoned in the EU) and that there were also risks to predatory and scavenging birds through secondary poisoning (where 'shot in' lead gunshot is ingested via prey or scavenged carcasses). Therefore, ECHA concluded that the use of lead gunshot in wetlands posed a risk that was not adequately controlled - despite existing legislation in 24 of 28 Member States preventing or limiting their use. To address this risk, in April 2017, ECHA proposed a restriction on the use of lead in gunshot in wetlands, or where lead gunshot would fall within a wetland. The risks to human health from consuming wetland game containing fragments of lead gunshot was not assessed quantitatively. The socio-economic analysis set out the costs and benefits of the proposal.

This proposal was subject to a public consultation and evaluation by ECHA's scientific committees for risk (RAC) and socio-economic analysis (SEAC). On 17 August 2018, ECHA sent the opinion of RAC and SEAC to the Commission for decision making.

The opinion concluded that the proposed restriction was justified and that the benefits of the restriction to society would outweigh its costs. The opinion notes that the costs to individual hunters seem to be affordable, although the impacts may differ in different Member States (because of the extent of existing legislation or the area of wetland habitat). ECHA's committees noted that the enforceability of the proposal could be improved by a wider restriction covering all uses of lead gunshot.

In September 2018^{4,5}, ECHA published the results of a screening study (conducted in parallel to the wetlands restriction proposal) that concluded that there was sufficient evidence of risk from the use of lead in gunshot in terrains outside of wetlands, in other ammunition in any terrain (i.e. in bullets) and in fishing tackle to justify additional risk management.

In addition, RAC recently concluded (30 November 2018⁶) that the harmonised classification of lead metal should be modified to also include environmental hazards (Aquatic Acute 1 and Aquatic Chronic 1).

Current investigation

The scope of the current investigation is based on the request of the Commission and includes:

- Lead in gunshot for use in terrains other than wetlands;

⁴ https://echa.europa.eu/documents/10162/13641/lead_ammunition_investigation_report_en.pdf

⁵ <https://echa.europa.eu/-/echa-identifies-risks-to-terrestrial-environment-from-lead-ammunition>

⁶ <https://echa.europa.eu/documents/10162/13cc01ce-b8d2-c183-29d5-dff62a8e66e6>

- Lead in other types of ammunition (i.e. bullets or pellets) for use in either wetlands or terrains other than wetlands;
- Lead in fishing tackle (i.e. weights, jigs and sinkers).

The RAC and SEAC opinions on the previous proposal to restrict the use of lead in wetlands, including the background document, as well as ECHA's screening report on risks arising from the use of lead ammunition and fishing sinkers and the RAC opinion on the classification of lead metal comprise relevant background for the current investigation.

In addition, we are undertaking a call for evidence and information to gather further and up-to-date information on the uses within the scope of this investigation.

The scope of our investigation can be further elaborated to cover the following elements:

- A. Lead used in gunshot for hunting birds and other animals (e.g. rabbits) in terrestrial areas (i.e. outside of wetlands),
- B. Lead used in gunshot for 'sports' shooting, including training i.e. clay pigeons,
- C. Lead used in bullets/pellets for hunting any animal (e.g. deer),
- D. Lead used in bullets/pellets for 'sports' shooting, including training (indoor and outdoor) i.e. targets,
- E. Lead used in fishing tackle (weights, lures, jigs) for recreational fishing,
- F. Lead used in commercial fishing gear.

Please note that, in line with the terms of the Commission request, military uses are outside of the scope of the Commission's request.

We will investigate the risks posed by lead to the environment as well as to humans via the environment (i.e. through the consumption of food).

The objective of this call is to gather information on the following topics for each of the uses A to F above:

1. Information on quantities of lead used and/or released to the environment and the resulting human health or environmental impacts. We are especially interested in information on:
 - i. The quantity of lead present in products placed on the EU market and the potential for release to the environment during use;
 - ii. Information on the frequency and extent of lead poisoning observed in terrestrial species of birds, including predatory and scavenging species;
 - iii. Statistical information on the annual game meat consumption in a country or regional area? (Approximation of the weekly/yearly consumption in grams and/or the frequency of meals can be provided as well as the specific species consumed, if possible.);
 - iv. The consumption of game meat in specific groups such as infants, small children, women in childbearing age or high consumers (such as hunters and their families);
 - v. Any differences between on- and off-hunting season consumption; is the game frequently e.g. frozen or otherwise preserved for later use;

- vi. Information on the absorption rate of lead to human body from ingested gunshot and/or bullets or from some other analogous material;
 - vii. Information on the blood lead levels of game meat consumers and hunters;
 - viii. Any other relevant human health/exposure data related to lead containing gunshot and bullet or fishing tackle, or the alternatives of these articles?
 - ix. Information on the practice of 'home casting' of fishing tackle with lead and/or the re-filling of cartridges;
2. Current best practice (including effectiveness) to minimise lead exposure to humans or the environment during use, for example (please elaborate):
- i. best available techniques to remove lead from edible portions of meat prior to consumption;
 - ii. best available techniques to manage lead exposure on indoor and outdoor shooting grounds (including national or European standards or recommendations to capture lead and/or minimise environmental exposure to lead);
 - iii. Use of inert materials to encapsulate lead in fishing tackle.
3. Alternatives
- i. The volumes (tonnages) of lead shot, bullets and pellets as well as fishing weights of products placed on the EU market;
 - ii. the identity of existing or emerging alternatives and any information on the existing market share of comparable products on the market that do not contain lead;
 - iii. technical and economic feasibility of potential alternatives, including information on product performance, the price differences between lead containing bullets, gunshot, pellets, fishing tackle and their alternatives, the number of products that could be affected, expected costs and timelines for full-scale production of the alternatives, etc.;
 - iv. availability of alternatives in sufficient quantities on the market: current and future trends;
 - v. hazard and risk of the use of alternatives, including any impacts on animal welfare;
 - vi. other potential impacts stemming from the use of alternatives, e.g., discontinuation of certain products, changes in product performance, etc.
4. Information on other socio-economic impacts in response to a possible restriction
- i. costs and benefits to affected actors, e.g. producers, professionals, consumers (including producers of alternatives). Please provide data on key economic parameters, such as profit-loss, turnover, the number of people employed, current share of products containing lead, etc.

Additional information that could also be potentially relevant is also welcome and should be submitted. Please note that we will undertake our own search of the scientific literature, but we would be interested in being informed of any ongoing research that might be

published during 2019-2020 (e.g. ongoing research or submitted but not published literature).

Who should participate in the call for evidence?

This call for evidence is intended for interested parties such as companies (manufacturers, suppliers, distributors, importers etc.), trade associations, hunting, fishing or sports shooting organisations, scientific bodies and any other stakeholders or Member States holding relevant information, including individuals. Information can be submitted confidentially and will be treated as such by ECHA.

The information provided will be used to determine if any derogations would be necessary in the event that a restriction was proposed. However, derogations cannot be proposed without adequate information on risk and socio-economic information, including alternatives. If a derogation is not proposed in the initial restriction proposal then it will be incumbent on relevant stakeholders to provide a full justification based on a comprehensive information on risk, socio-economic elements and alternatives, during the opinion-making process.

ECHA invites interested parties to respond to the call for evidence by 16 December 2019.

<https://echa.europa.eu/calls-for-comments-and-evidence>

For any clarifications please contact: echa-restriction-lead-shot@echa.europa.eu