

Proposed Regulations Restricting Lead Fishing Tackle

1. What are the Proposed Regulations all about?

a. How much tackle is involved?

On January 31, 2005, the Minister of the Environment posted Proposed Regulations on the Environment Canada website, restricting the use of lead in fishing tackle. These were revised on February 3, 2005. The government is proposing "...a prohibition on the import, manufacture, and sale of sinkers and jigs that are less than 50 grams and contain more than 1% lead by weight and that are less than 2 cm in length along its longest axis. The proposed lead content limit of 1% would also apply to other tackle, such as spinners, lures, spoons, etc., that attach to fishing line and that because of their small size could be swallowed by waterbirds." The choice of 1% lead appears to be arbitrary.

b. Why is lead tackle being banned?

The regulations are based on the Canadian Wildlife Service's (CWS) Occasional Paper 108, (which is based on Occasional Paper 88 (OP 88)), which reviews the issue of lead sinker toxicity for loons and other wildlife and provides a "scientific basis" for the proposed regulations. What CWS does state in Occasional Paper 108 (OP 108) is that six birds, "mostly loons", die each year from ingesting fishing tackle.

c. Why doesn't the CSIA support this ban?

Three reasons:

1. The Occasional Papers (108 and its predecessor, 88) on which the Proposed Regulations are based are not primary research. They are at most scientific assessments that do not distinguish scientific facts from professional judgments. As such they contain *inaccurate, misleading and even incorrect information*. Consider for example:
 - OP 88 states that lead poisoning from ingested sinkers and jigs can account for between 10 and 50% of recorded adult loon mortality, depending on the location. OP 108 states that lead sinker and jig ingestion is **the single most important cause** of death reported for adult Common Loons in eastern Canada and the United States. The Proposed Regulations say the figure is 20 – 30% of adult mortality "...in habitats where recreational angling is prevalent." According to this document, the actual numbers of loons killed by lead fishing gear cannot be accurately estimated, but it is having a negative impact on loon populations. But OP 108 says that loon populations are *stable or*

growing. This is despite the fact that thousands of loons have died of botulism over the last 3 years, and the species is faced with other serious threats to their population, some of them *government-imposed*.

- In striking contradiction to the CWS claims, Steve Wendt, acting director of the CWS Migratory Birds Branch states, “ We agree that fishing activity is not by any stretch of the imagination the major threat facing loons. “
- OP 88 and OP108 offer differing views of how much additional money anglers will have to spend for alternative tackle. The first one says \$10 per year; the second says \$2.00 per year. Both are probably incorrect.
- Peer-reviewed, published studies refuting their claims were not included in their review.
- CWS *incorrectly* estimates the amount of lead that is being purchased in the form of lead sinkers for recreational fishing in Canada as being 500 tons. They compound this error by stating that all of this lead is deposited into the water annually. Thus imposition of the Proposed Regulations will **not** remove 500 tons of lead from the environment every year. [*To understand the myth of the 500 tons, please refer to our response document.*]
- Fishing gear is not at all a major source of lead in the environment. Imposing these regulations will not remove 18% of the lead loading from the environment, as CWS claims.

In short, there is no scientific justification that has been put forward to support the ban. Basing wildlife management decisions on anything less than sound science focused on wildlife *populations* is a dangerous precedent.

2. Although the Minister of the Environment has been promising for years to initiate a transparent consultation process with stakeholders prior to considering restrictive regulations, he has never done so, even though the CSIA has repeatedly offered to work with EC.
3. The Proposed Regulations will harm the sportfishing industry and recreational fishing in Canada. It will affect the tourism and boating industries as well. Yet there is no tangible benefit to be realized.

2. What will the Proposed Regulations Do?

The CSIA believes that it is safe to say that the imposition of lead tackle regulations will:

- Not have any population level impact on loons or waterfowl anywhere in Canada at either the local or regional level.
- Not result in anywhere near the 500 ton reduction in lead deposits to the Canadian environment claimed by the proponents of the regulations.

- Result in costs to the angler that are somewhat higher than claimed by the CWS; this increase in cost will directly affect participation levels and therefore the \$6.7 billion economy associated with recreational fishing.
- Affect jobs at both the retail and manufacturing level.
- Result in high costs associated with enforcing the regulations, assuming that the Government of Canada commits to ensuring a fair and level playing field.
- Lead to the replacement of sound science based wildlife management with “agenda” based management.
- Encourage other Ministries to impose regulations on tax paying Canadians without consulting stakeholders.

3. What Recommendations is the CSIA Prepared to Make?

CSIA recommendations are as follows:

Any regulation at this time is premature and from what many in the professional wildlife community are saying, quite possibly unnecessary. In the absence of a comprehensive review of all aspects of this issue, other potential problems yet to be identified could also be overlooked leading to a “partial solution” that is unacceptable to everyone.

We recommend a comprehensive, transparent review and consultation process be initiated and developed by the Minister of Environment working in cooperation with CSIA.

We suggest the process be headed by an independent science professional who is mutually acceptable to the Minister and CSIA.

The purpose of this review would be to first determine and document where specific problems for wildlife with lead fishing tackle exist and where they do not, and to formulate practical and reasonable solutions / guidelines / public information in cooperation with the fishing industry and affected stakeholders.

Regulation should be a “last resort” after reaching a logical conclusion from clear evidence through a transparent process that it is warranted and necessary. We recommend that the Minister withdraw the present regulatory proposal pending this comprehensive review.

4. Where are we at in the process?

Environment Canada is currently receiving public comments on this regulatory proposal. **The final date for those comments is March 18, 2005.** Comments may be sent to:

Lead Free Fishing Consultations
3rd Floor
351 St. Joseph Blvd.
Gatineau, Quebec
K1A 0H3

Or you can go to the CWS website at www.cws.ec.gc.ca. The Proposed Regulations can be found on the Main page and you can access the response e-mail address.

Alternatively, you can send an e-mail to: LeadFreeFishingConsultations@ec.gc.ca

After the comment period, the Regulations will be published in the Canada Gazette Part I, according to the Proposed Regulations.

5. As an industry member, what can I do?

At the very least, you can personalize the form letter you will find on this website and send it to one of the above addresses. You can contact your M.P. regarding this issue.