

# CONSULTATION ON THE SEAC DRAFT OPINION ON THE PROPOSED RESTRICTION OF LEAD IN OUTDOOR SHOOTING AND FISHING

## 1. Background

Details of a proposal to restrict the use of lead in ammunition (i.e., projectiles, including gunshot, bullets and airgun pellets) and fishing tackle are provided in the Background Document. The assessment was undertaken by ECHA at the request of the European Commission.<sup>1</sup> The proposed restriction refers exclusively to outdoor civilian uses and is complementary to the existing restriction on the use of lead gunshot in wetlands (Paragraphs 11 to 14 of entry 63 of Annex XVII to REACH).

Ingestion of lead objects by birds (including lead projectiles, fishing sinkers and lures) results in a range of acute and chronic effects, including death. Numerous studies have reported incidences of birds ingesting lead projectiles and fishing tackle. According to the Background Document, at least 135 million birds are at risk of primary poisoning from ingesting lead gunshot, 14 million birds are at risk of secondary poisoning from eating animals hunted with lead ammunition, and seven million from ingesting lead fishing sinkers and lures. Spent lead ammunition from sports shooting can contaminate soil and water in and around permanent and temporary shooting ranges. People are also directly exposed to lead, for example, through eating game meat hunted with lead ammunition.

The detrimental health effects of lead in humans are well documented. The range of reported adverse effects includes neurodevelopmental effects, cardiovascular diseases, impaired renal function (including chronic kidney disease), hypertension, impaired fertility, and adverse pregnancy outcomes. However, the greatest public health concern is the neurodevelopmental toxicity of lead in children aged seven and younger. It is estimated that in any given year about one million children are vulnerable to lead exposure resulting from the use of lead in ammunition for outdoor shooting and in fishing tackle.

The restriction proposes to ban the use of lead where technically and economically feasible alternatives are available. This includes the sale and use of lead gunshot for hunting and sports shooting. For other uses, where alternatives show lower performance, such as for bullets and airgun pellets in outdoor sports shooting, the proposal intends to restrict the use to those sports shooting ranges where measures are in place to effectively collect the spent lead ammunition before it can result in risks.

If adopted, the restriction could reduce lead emissions by 72 % compared to a situation without a restriction. This would prevent the poisoning of wildlife, including many endangered species, and reduce exposure of 1.1 million children as well as pregnant women.

ECHA's Committee for Socio-Economic Analysis (SEAC) has now agreed its draft opinion on the proposed restriction, which is the subject of a 60-day consultation of interested parties.

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<sup>1</sup> European Commission (2019): [https://www.echa.europa.eu/documents/10162/13641/rest\\_lead\\_ammunition\\_COM\\_request\\_en.pdf/f607c957-807a-3b7c-07ae-01151001d939](https://www.echa.europa.eu/documents/10162/13641/rest_lead_ammunition_COM_request_en.pdf/f607c957-807a-3b7c-07ae-01151001d939)

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In addition, ECHA's Committee for Risk Assessment (RAC) is holding a supplementary three-month consultation (under Article 77(3)(c) of REACH) for interested parties on a dataset of game meat intake and lead in game meat collated by the European Food Safety Authority (EFSA). **Comments on this dataset should not be submitted in the consultation on the SEAC draft opinion but to the supplementary RAC consultation: <https://www.echa.europa.eu/web/guest/consultations/current>**

## 2. Key updates to ECHA's original restriction proposal

Updating the conditions of the proposed restriction after the six-month consultation on the Annex XV report is part of the normal restriction development process under REACH. The consultation on the Annex XV report can bring new information to light, which prompts ECHA or the Member State preparing the proposal (the Dossier Submitter) to update it.

In the case of this restriction proposal, ECHA received 319 comments during the consultation, which ran from 24 March 2021 to 24 September 2021.

The key updates to the proposal are:

### Higher concentration limit for bullets and pellets containing copper or copper alloys

- *Initial proposal:* The concentration limit for lead at which the ban applies is 1 % weight by weight (w/w).
- *Updated proposal:* The updated proposal would allow lead in concentrations of up to 3 % w/w in bullets and pellets primarily made of copper or copper alloys (e.g., brass). This derogation would need to be reviewed before entry into force to determine if a concentration of less than 1 % can be achieved.
- *Reason for update:* A higher concentration limit for copper and copper alloys is proposed because alternatives made of brass may currently contain up to 3 % lead. Without this change many of the existing alternatives to lead ammunition could not be used. A further reduction of the lead in brass bullets is technically possible. To make sure that industry continues to minimise the lead concentration in bullets made with copper or copper alloys, a review of this limit is needed before the restriction enters into force.

### Additional derogations for hunting with bullets

- *Initial proposal:* No derogations for specific uses or types of bullets for hunting.
- *Updated proposal:* Derogations for using bullets in seal hunting and for full metal jacket bullets where currently used for hunting. For seal hunting, the user needs permission from the Member State to hunt seals. Use of full metal jacket bullets also requires a permit.
- *Reason for update:* The risks to people and the environment are low or insignificant from these uses. Currently, there are no alternatives available with acceptable technical performance.

### Use of bullets for sports shooting (conditional derogation)

- *Initial proposal:* Sports shooting with lead bullets could continue at designated sports shooting sites that have bullet containment in place (bullet traps) allowing more than 90 % of lead to be recovered. These containment measures are to be in

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place 18 months after entry into force for large calibre bullets and five years after entry into force for small calibre bullets.

- *Updated proposal:* Sports shooting with lead bullets of all calibres can continue if trap chambers or 'best practice' sand traps are in place at the shooting site five years after entry into force. In addition, shooting sites need to notify the relevant Member State within 18 months of entry into force of their location and make sure that no agricultural activities take place at that location.
- *Reason for update:* The list of containment measures was extended after the six-month consultation to include 'best practice' sand traps, which were found to be as effective as 'trap chambers' to prevent releases of lead to the environment. The transition period was updated to five years for all calibres to give time to implement the required containment measures. The requirement to notify Member States will increase the national authorities' knowledge of affected sites and help with enforcement.

### Hunting with small calibre lead bullets

- *Initial proposal:* A transition period of five years.
- *Updated proposal:* A five-year transition period, the duration of which needs to be reviewed before the ban enters into force.
- *Reason for update:* Although alternatives to lead ammunition in small calibres are available, there is uncertainty whether their technical performance (in terms of precision) is adequate for hunting. The proposed transition period will allow industry to further develop alternatives. However, the review of technical feasibility before the entry into force will ensure that the impacts for society are not disproportionate. If the technical performance of alternatives is not good enough at the time of the review, the transition period can be extended.

### 3. Key points of the SEAC draft opinion

SEAC makes, among others, the following remarks in its draft opinion. It also identifies topics where more information would be needed during the 60-day consultation on its draft opinion (see also point 6 below):

- **Shorter transition period for using lead gunshot for hunting:** SEAC considers that the transition period proposed for lead gunshot for hunting could be shorter, for example 18 months, instead of five years. SEAC finds that there is not enough evidence indicating that increasing the production volumes of alternative ammunition would require five years. Also, hunting with gunshot significantly contributes to the risks arising from lead. To draw a conclusion on the impacts of a shorter transition period, SEAC is asking for further information in the consultation on its draft opinion.
- **Labelling of ammunition and fishing sinkers containing lead and information to consumers at point of sale:** SEAC agrees with RAC that the same concentration threshold of 1 % weight by weight (w/w) used for restricting the use and placing on the market of lead ammunition should also apply to the labelling and information requirements. SEAC points out that the threshold in the restriction of lead gunshot in or around wetlands is also 1 % w/w.

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- **Derogation for lead gunshot in sports shooting:** SEAC considers that if a derogation for lead gunshot in sports shooting is preferred by the decision maker, it should be limited to the shot sizes used in sports shooting, according to the Fédération Internationale de Tir aux Armes Sportives de Chasse/International Shooting Sport Federation (FITASC/ISSF) rules. This means shot sizes between 1.9 and 2.6 mm. The aim is to retain the advantages of a ban on placing on the market of lead gunshot as much as possible.

In addition, SEAC considers that the impacts of restricting some uses, e.g. lead sinkers and lures >50 g and lead split shots, need to be further assessed to conclude on whether a derogation could be justified on socio-economic grounds.

#### 4. SEAC draft opinion consultation

The consultation on the SEAC draft opinion for this proposed restriction will start on 29 June 2022 and end on 29 August 2022.

Interested parties can comment on the SEAC draft opinion using the relevant web form on the ECHA website.

When submitting comments, please keep in mind that:

- It is usually necessary to provide **supporting evidence** (i.e., in the form of references, data or other information) alongside comments. Without supporting evidence, it is usually not possible for SEAC to evaluate the credibility of the comment.
- Where respondents **request a derogation** from the proposed restriction the following supporting evidence should be provided:
  - A detailed description of the use of the substance, including the quantities used/released, technical function, sector of use, article category, etc.;
  - Information on **alternatives**, including and assessment of their availability, technical feasibility and economic feasibility; if alternatives are available a detailed description of a substitution timeline;
  - The **socio-economic impacts** to society in case a derogation is not included in the restriction. This includes, for example<sup>2</sup>:
    - Impacts on industry (e.g., manufactures, importers, downstream users), including related to alternatives providers;
    - Impacts on consumers (e.g., prices or product performance);
    - Social implications (e.g., employment);
    - Wider implications on trade, competition and economic development (in particular for SMEs);
    - Benefits for human health or the environment (e.g., worker health).
- Information arriving after the closing date or via channels other than the web form will **not be taken into account**.
- It is your responsibility to remove **confidential information** from the comments and attachments submitted with non-confidential status.

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<sup>2</sup> Further relevant socio-economic impacts are described in Annex XVI of REACH.

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- As far as possible, justifications based on non-confidential information are preferred to those based on confidential information. Should the submission of confidential information be considered to be fundamental to describe socio-economic impacts (i.e., in the case that a use is restricted), then a non-confidential form of the confidential information (i.e., generic use descriptions, a tonnage or concentration range or aggregated data from multiple sources to prevent back-calculation) should be submitted in addition to the confidential information. This is to allow for the most transparent discussion of the justification for a derogation in the SEAC opinion.

Further information can be found in the consultation guidance available at: [https://echa.europa.eu/documents/10162/17233/restriction\\_consultation\\_guidance\\_en.pdf/7c4705d5-ad01-43ed-a611-06f1426a595c](https://echa.europa.eu/documents/10162/17233/restriction_consultation_guidance_en.pdf/7c4705d5-ad01-43ed-a611-06f1426a595c)

When responding to the consultation, stakeholders should ensure that they are referring to the SEAC draft opinion and the most recent version of the Background Document and its annexes that are published on the ECHA website alongside the consultation.

### **5. How to submit a comment in the consultation on a SEAC draft opinion?**

When you are ready to make your comments, click on the appropriate link on the ECHA website. Please be aware that it is not possible to save your submission and come back to it, so you should already have your comments prepared in an attachment or saved in some other format in advance.

The web form contains the following parts:

- Introduction: containing some general information on the restriction and a link to this note and the consultation guidance.
- Section 1: personal information.
- Section 2: organisational information.
- Section 3: non-confidential comments on the SEAC draft opinion – both general comments and information on specific issues (see point 6 below). Your responses can be entered directly into the form or through section 4 as an attachment. However, please do not submit the same comments via both means. General comments can be on any aspect of the SEAC draft opinion.
- Section 4: non-confidential attachments can be added here.
- Section 5: confidential attachments can be added here. Confidential information will only be available to the ECHA Secretariat, the Committees and Member State Competent Authorities. However, if ECHA receives an Access to Documents request, we may come back to you for justifications why the information is confidential. You can also add this information already in the relevant part of the web form.

Once you have finished your submission press the submit button and your comments will be submitted. You will receive a submission number via e-mail, and you should refer to this in any communication with ECHA on this issue. It is not possible for you to retrieve your submission so you may want to take a screen shot, or printed copy for your future reference.

## 6. Specific information requests

In addition to the general comments, outlined above, the consultation includes several specific questions to gather information that is considered to be particularly relevant to the evaluation of the proposal, as follows:

### Hunting

1. **Transition period of the ban on use of lead gunshot in hunting:** With regard to the supply of steel gunshot, SEAC considers it feasible to meet market demand of hunters earlier than proposed by the Dossier Submitter, e.g. after 18 months from entry into force, in particular if the restriction of the use of lead gunshot in wetlands will lead to an increase in current production capacities. To further assess the impacts of a shorter transition period for the ban on use of lead gunshot in hunting, SEAC requires information on (i) the current production capacities of steel gunshot in the EU and (ii) the timeframe required for a transition to steel gunshot production.
2. **Labelling of individual bullets and gunshot cartridges:** To facilitate the enforcement of a ban on use in hunting, it is important to identify lead ammunition in the field in a practical and cost-effective way. In the consultation on the Annex XV report, it was raised that labelling of individual bullets or gunshot cartridges involving text warnings would not be technically feasible. Instead, harmonised markings or colour coding denoting lead containing bullets or cartridges have been proposed as a means to effectively support enforcement activities in the field. SEAC requires information on technical feasibility and costs of possible labelling measures to assess their practicality and proportionality.
3. **Impacts of the proposed ban on use of lead ammunition on the use of historic guns in hunting:** Comments received in the consultation on the Annex XV report pointed to the cultural values of the use of historic guns, such as muzzle loaders, in hunting. To conclude on the reliability of these comments, SEAC requires further information on the cultural values of the use of historic arms in hunting, such as scientific publications assessing the cultural values of hunting with historic guns.
4. **Impacts of the proposed restriction on the use of air gun/rifle pellets:** SEAC requires further evidence on the suitability (technical feasibility, economic feasibility, availability) of alternatives to assess potential impacts of the proposed restriction on the use of air gun/rifle pellets.

### Sports shooting

5. **Suitability of steel gunshot as an alternative to lead gunshot in clay target shooting:** In the consultation on the Annex XV report, contradictory information on the suitability of steel gunshot for clay target shooting was received. SEAC requires further information, in the form of the results of tests, field reports, practical experience, or similar, on whether there are clay target shooting disciplines for which the use of steel gunshot is currently not suitable and why. SEAC would be especially interested in any limitations of steel gunshot to consistently hit targets at longer distances.
6. **Switching between using steel and lead gunshot for sports shooting:** The optional conditional derogation of the proposed restriction, allowing the use of lead gunshot for licenced individuals at permitted sites, may necessitate regular back-

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and-forth switching between the use of steel and lead gunshot for such individuals (e.g. steel gunshot is used at the local club if this is not a permitted site, lead gunshot is used when training at a permitted site for a competition). SEAC would be interested to receive relevant information, including practical experience, that allows it to better understand how much time (hours, days, weeks) is needed when switching from steel to lead gunshot, or vice versa, to reach the same level of proficiency.

7. **Lead gunshot recovery with more than 90% effectiveness:** The optional conditional derogation of the proposed restriction, allowing the use of lead gunshot for licenced individuals at permitted sites, would necessitate the introduction of a method to keep track of the amount of lead used per year and to keep records to confirm that more than 90% of used lead is recovered. SEAC would be interested to receive relevant information concerning suitable methods to keep track of the amount of lead used and the lead recovery rate, as well as about estimates of the costs involved.

### Fishing

8. **Availability and performance of alternatives for split shot sinkers with a weight below 0.06g:** In the consultation on the Annex XV report, some commenters claimed that the performance of alternatives to lead split shot sinkers was not sufficient but did not provide supporting justification. To further evaluate this claim SEAC requires further information on the availability and technical performance of alternatives and justification for why this performance would result in disproportionate socioeconomic impacts.
9. **Labelling of sinkers with a weight above 50g:** The labelling of large sinkers, e.g. by a durable coating, imprinting or mark on the sinker to denote industrial manufacture, could result in similar benefits as a ban of these sinkers as it could effectively prevent home-casting of sinkers. To assess this option in more detail, SEAC would need additional information on the technical feasibility and costs of labelling possibilities of large sinkers with a weight above 50g.

### 7. Next steps

After SEAC adopts its opinion in December 2022, the opinions of RAC and SEAC will be combined and sent to the European Commission without delay. The Commission will take the decision whether to include the proposed restriction in Annex XVII of the REACH Regulation after discussions with the Member States in the REACH Committee.