

# Harris & Biden Target Hunters

Docket Number: FWS-HQ-NWRS-2024-0034

National Wildlife Refuge System; 2024-2025 Station-Specific Hunting and Sport Fishing  
Regulations

Comments of  
GUN OWNERS OF AMERICA, INC.  
and  
GUN OWNERS FOUNDATION

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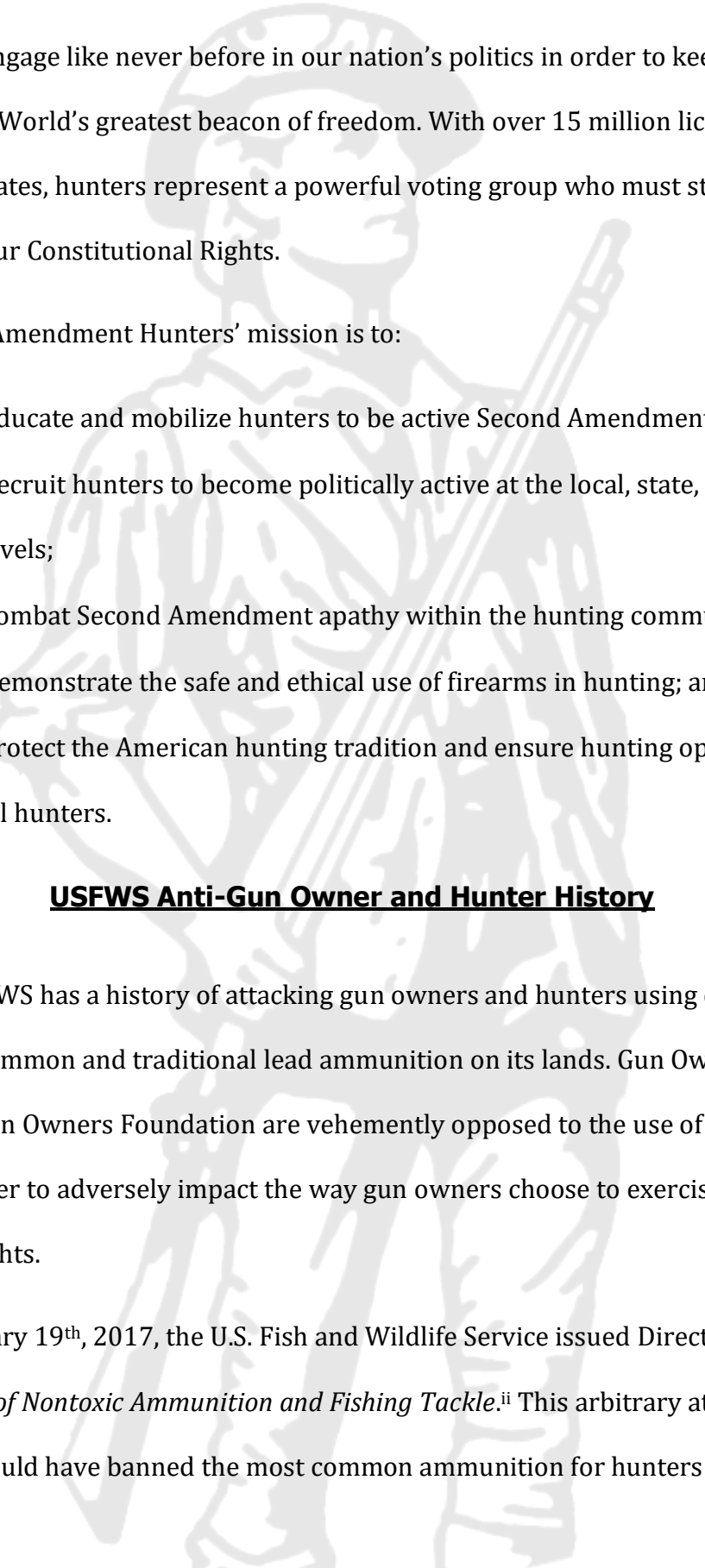
## **U.S. Fish and Wildlife Service Rulemaking**

On August 2<sup>nd</sup>, 2024 the U.S. Fish and Wildlife Service (USFWS) published a “proposed rule” in the Federal Register, entitled “National Wildlife Refuge System; 2024-2025 Station-Specific Hunting and Sport Fishing Regulations,” WS-HQ-NWRS-2024-0034, 89 *Fed. Reg.* 63139 (“PR” or “Proposed Rule”). USFWS has sought public comment on this proposal by September 3<sup>rd</sup>, 2024.<sup>i</sup>

### **Identity of Commenters**

These comments are submitted on behalf of Gun Owners of America, Inc., and Gun Owners Foundation. Gun Owners of America, Inc. (“GOA”) is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners and has become one of the nation’s leading Second Amendment advocacy organizations, with more than two million members and supporters nationwide. Gun Owners Foundation (“GOF”) is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country.

GOA and GOF support GOA’s Second Amendment Hunters program, which was founded with the understanding that hunters appreciate the principles of freedom upon which the United States was founded and have played a role in defending American values since our country’s beginning. Today, our freedoms face unprecedented challenges, and



hunters must engage like never before in our nation’s politics in order to keep America standing as the World’s greatest beacon of freedom. With over 15 million licensed hunters in the United States, hunters represent a powerful voting group who must stand as ardent supporters of our Constitutional Rights.

Second Amendment Hunters’ mission is to:

- Educate and mobilize hunters to be active Second Amendment supporters;
- Recruit hunters to become politically active at the local, state, and national levels;
- Combat Second Amendment apathy within the hunting community;
- Demonstrate the safe and ethical use of firearms in hunting; and
- Protect the American hunting tradition and ensure hunting opportunities for all hunters.

### **USFWS Anti-Gun Owner and Hunter History**

The USFWS has a history of attacking gun owners and hunters using executive action to ban common and traditional lead ammunition on its lands. Gun Owners of America and Gun Owners Foundation are vehemently opposed to the use of USFWS’ regulatory power to adversely impact the way gun owners choose to exercise their Second Amendment rights.

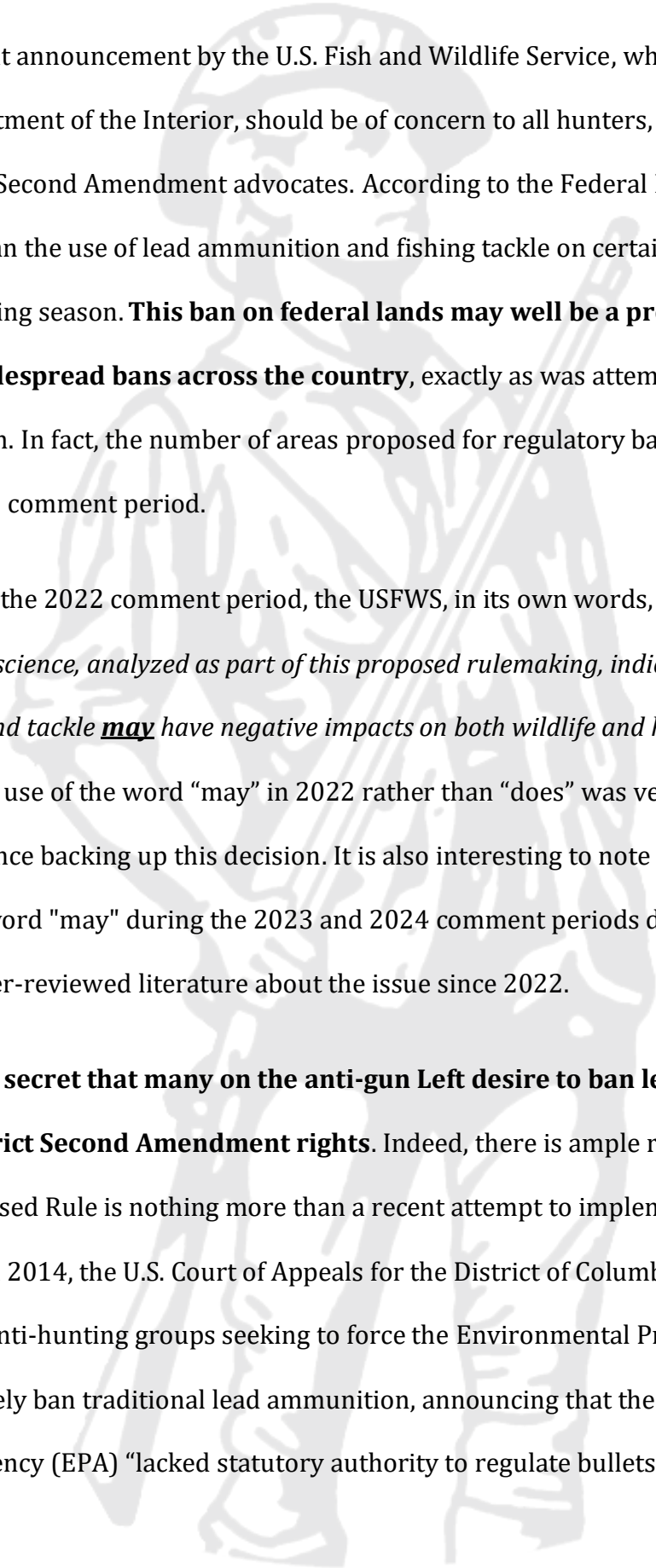
On January 19<sup>th</sup>, 2017, the U.S. Fish and Wildlife Service issued Director’s Order No. 219 on the *Use of Nontoxic Ammunition and Fishing Tackle*.<sup>ii</sup> This arbitrary attack on lead ammunition would have banned the most common ammunition for hunters “to the fullest

extent practicable for all activities on Service lands, waters, and facilities by January 2022.”<sup>iii</sup> As with most gun control, there was an exception “for law enforcement.”<sup>iv</sup> However, there was no exception for those wishing or needing to use firearms that are not equipped to use, and might even be destroyed by the use of, nontoxic ammunition, such as many commonly owned shotguns and hunting firearms.

Upon taking office and appointing a new Secretary of the Interior, President Trump and his administration reversed the order on March 2<sup>nd</sup>, 2017.<sup>v</sup> According to Secretary Zinke, USFWS’ last attempt to implement a lead ammunition ban was “not mandated by any existing statutory or regulatory requirement.”<sup>vi</sup> Federal agencies have no business implementing policies that adversely affect those exercising their constitutionally-protected rights without statutory authorization. Further, Director’s Order 219 was issued “without significant communication, consultation, or coordination with affected state holders.”<sup>vii</sup> Rightfully, the 2017 lead ammunition ban was “withdrawn” and “revoked.”<sup>viii</sup> By the end of the notice and comment period required by the *Administrative Procedures Act*, USFWS will find that, when communicated, consulted, and coordinated with, gun owners and hunters also overwhelmingly oppose the current proposed ban on lead ammunition on public lands.

**GOA and GOF Oppose the Biden Administration’s Attempt to Ban Lead  
Ammunition on Federal Lands**

Gun Owners of America works diligently to protect the Second Amendment Rights of American citizens, and we are also standing on the front lines to protect the American hunting tradition.



A recent announcement by the U.S. Fish and Wildlife Service, which operates within the U.S. Department of the Interior, should be of concern to all hunters, recreational shooters, and Second Amendment advocates. According to the Federal Register, the USFWS proposes to ban the use of lead ammunition and fishing tackle on certain federal lands by the 2024 hunting season. **This ban on federal lands may well be a precursor to similar and more widespread bans across the country**, exactly as was attempted by the Obama Administration. In fact, the number of areas proposed for regulatory bans has increased since the 2022 comment period.

During the 2022 comment period, the USFWS, in its own words, claimed that *“the best available science, analyzed as part of this proposed rulemaking, indicates that lead ammunition and tackle **may** have negative impacts on both wildlife and human health....”*<sup>ix</sup>The use of the word “may” in 2022 rather than “does” was very telling about the uncertain science backing up this decision. It is also interesting to note that USFWS dropped the word “may” during the 2023 and 2024 comment periods despite no significant changes to peer-reviewed literature about the issue since 2022.

**It is no secret that many on the anti-gun Left desire to ban lead ammunition in order to restrict Second Amendment rights.** Indeed, there is ample reason to suspect that the Proposed Rule is nothing more than a recent attempt to implement such an anti-gun agenda. In 2014, the U.S. Court of Appeals for the District of Columbia Circuit dismissed a petition by anti-hunting groups seeking to force the Environmental Protection Agency (EPA) to entirely ban traditional lead ammunition, announcing that the Environmental Protection Agency (EPA) “lacked statutory authority to regulate bullets and shot” under the

Toxic Substances Control Act.<sup>x</sup> However, anti-gun and anti-hunting groups were undeterred.<sup>xi</sup>

### **Effects on the General Population**

In 2008, the U.S. Centers for Disease Control and the North Dakota Health Department issued a joint study assessing the blood levels of participants who consumed and did not consume meat from wild game.<sup>xii</sup> This study showed that the participants who ate wild game had a slightly higher lead blood level compared to people who did not consume wild game. However, that difference was considered *not statistically significant*, meaning it did not show a real scientific effect and was not harmful. A similar study by the Wisconsin Department of Health and Human Services found no evidence that lead poisoning results “from ingestion of lead bullet fragments in large game animals.”<sup>xiii</sup> **In other words, any lead ingested by humans comes from environmental sources besides ammunition.**

### **Effects on Wild Animals**

The problem we face is that those who want to ban lead ammunition make the misguided assertion that the use of lead ammunition in hunting causes lead poisoning in wildlife species across widespread areas. However, the science they present to support their allegations is suspect. Many studies on the impacts of lead from hunting have involved questionable sample sizes, cherry-picked data to incriminate lead ammunition, and the exclusion of unfavorable data that contradicts an anti-lead hypothesis.<sup>xiv</sup> Some researchers

have even been sued in court for withholding “original” data that might contradict an anti-lead ammunition position.

As activist researchers manipulate the scientific process to manufacture evidence against lead ammunition, they often ignore the presence of numerous non-ammunition lead sources that are common in the environment. These sources can include such items as lead-based paint, gasoline, pesticides, galvanized screws, nuts, bolts, washers, and many other items. All the aforementioned items have been shown to be available and attractive to California condors.<sup>xv</sup> Condors are a species often pointed to by anti-lead advocates as threatened by lead because condors feed on the carcasses of harvested big game animals. These non-ammunition items containing lead have appeared in condor nests, their digestive tracts, and in the digestive tracts of their fledglings.<sup>xvi</sup> Yet activists and researchers advocating for lead bans consistently overlook such alternative environmental sources.



In 2007, California passed legislation banning the use of lead ammunition in hunting after proponents claimed that condors were being poisoned by lead ammunition, and these proponents assured the public that poisoning would stop if hunters stopped using lead ammunition. Fifteen years later, California Department of Fish and Wildlife’s records show a 99% compliance rate by hunters with the lead ammunition ban, yet the incidence of lead



exposure and poisoning in condors remains static and has even increased slightly since the lead-banning legislation went into effect.<sup>xvii</sup> **In other words, California's lead ammunition ban has been a colossal failure and proves that alternative sources of lead poisoning cannot be ignored.**

Every year, new science emerges that suggests a connection between lead poisoning in wildlife and alternative sources of lead in the environment. In short, there is insufficient evidence to demonstrate that lead ammunition is harming wildlife, because there are so many lead sources in our ecosystems.<sup>xviii</sup>

### **Economic Impact of the Ban**

After California's ban on lead ammunition for hunting, Southwick Associates determined the lead ban was expected to force over 36 percent of licensed hunters to stop hunting.<sup>xix</sup> **Of course, this also helps to further the anti-gun agenda of those who seek to demonize firearms and discourage as many Americans as possible from learning to use and enjoy firearms, as protected under the Second Amendment.**

Europeans face an impending lead ban across the entire European Union. Studies by the European Shooting Sports Forum and the European Federation for Hunting and



Conservation suggest 25% of **hunters would stop hunting outright, and over 30% of all European hunters would drastically reduce their activities**, under a complete lead ammunition ban.<sup>xx</sup>

### **America's Centuries Old Hunting Tradition Will Suffer if Lead Ammunition is Banned**

Likewise, according to some sources, a complete switch from lead ammunition in the United States would result in 30,000 people losing their jobs, and a \$4.9 billion reduction in the United States Gross Domestic Product.<sup>xxi</sup> Further, some studies have suggested extreme increases in ammunition costs and severe ammunition shortages due to a lead ban.<sup>xxii</sup>

### **Future Implications for Target Shooters and Public Ranges**

**As noted above, the USFWS can claim only that lead ammunition “may” pose a problem to wildlife health. Indeed, when the facts are analyzed, it appears clear that the Proposed Rule represents the Biden administration caving to demands from the Center for Biological Diversity (CBD) to ban lead ammunition because these groups are opposed to the American traditions of hunting and recreational shooting.**

Today, USFWS proposes to ban lead ammunition and tackle on certain public lands. However, the legitimization of the proposed rule will legitimize the misapplication of questionable lead ban research, which will in turn be used to justify further bans. In fact, language in the current proposed rule states, “While the Service continues to evaluate the

future of lead use in hunting and fishing on Service lands and waters, this rulemaking does not include any opportunities proposing to increase or authorize the new use of lead beyond fall 2026.” This seems to give a clear indication of the government’s intent to eventually ban all lead ammunition use on public lands.

- Might a future rule to ban lead ammunition be proposed on public lands where target and recreational shooting is allowed?
- Will future lead ammunition bans adversely affect the availability and use of public shooting ranges and facilities?
- Will bans on lead ammunition on public lands affect private land in the future, leading to calls for further gun control and restrictions on gun owners’ use of lead ammunition at private shooting ranges or when shooting on private property?

Eliminating affordable public means for Americans to exercise their rights and train with their arms would infringe on the Second Amendment. Gun owners should be rightly concerned that the same flawed “scientific” reasoning might be used to restrict their ability to train with firearms.

If this ban is allowed to go forward on the relatively small acreages of National Wildlife Refuges, it will only be a matter of time before the Federal Government attempts to institute a lead ban on American's 193 million acres (an area larger than Texas) of National Forest Lands and 245 million acres (about one and one-half the area of Texas) of Bureau of Land Management Lands. All federal lands total about 650 million surface acres, or 30% of the country, and represents the vast majority of America's public lands (an area larger than

Alaska). A ban across these lands would be devastating to not only hunters but also target shooters.

If our government is allowed to perpetuate the unproven notion that lead ammunition from hunting has “negative impacts on both wildlife and human health,” then it will set in motion a series of attacks on the Second Amendment. Therefore, Gun Owners of America and the Gun Owners Foundation also opposes the proposed rule on behalf of Second Amendment Hunters to protect the existing ability for Americans to exercise their constitutional rights on public lands.

### **Conclusion**

While the impacts of lead on humans and wildlife should continue to be studied, there is little scientific evidence to suggest a widespread lead ban is necessary or justified to protect human or wildlife health.

**Because of the lack of reputable scientific evidence to support a lead ban, the economic consequences of such action, and the fact that the subject matter involves constitutionally protected activity, there is no justification to ban or restrict the use of lead ammunition at this time.** For the reasons stated above, the Proposed Rule should be withdrawn in its totality.

Respectfully submitted,  
Gun Owners of America, Inc., and  
Gun Owners Foundation

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- <sup>viii</sup> *Ibid.* Sec. 5. And Sec. 6.
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