

1 H.460

2 Introduced by Representative Jewett of Ripton

3 Referred to Committee on

4 Date:

5 Subject: Fish and wildlife; hunting; ammunition; prohibition of lead

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
7 use of lead ammunition during the taking of wildlife.

8 An act relating to prohibiting the use of lead ammunition for the taking of  
9 wildlife

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. LEGISLATIVE FINDINGS

12 The General Assembly finds and declares that:

13 (1) Vermont's wildlife species represent the State's rich natural  
14 resources and environmental health and beauty.

15 (2) Vermont's wildlife species play an important role in the State's  
16 environmental health.

17 (3) 50 years of research have shown that the presence of lead in the  
18 environment poses an ongoing threat to the health of the general public and the  
19 viability of the State's wildlife species, including federally listed threatened  
20 and endangered species.

1           (4) The U.S. Environmental Protection Agency defines lead as toxic to  
2           both humans and animals, and lead can affect almost every organ and system  
3           in the human body, including the heart, bones, intestines, kidneys, and  
4           reproductive and nervous systems. It interferes with the development of the  
5           nervous system and is therefore particularly toxic to children, causing  
6           potentially permanent learning and behavior disorders.

7           (5) Lead is a potent neurotoxin, for which no safe exposure level exists  
8           for humans. The use of lead has been outlawed in and removed from paint,  
9           gasoline, children's toys, and many other items to protect human health and  
10          wildlife.

11          (6) Routes to human and wildlife exposure to lead include contaminated  
12          air, water, soil, and food. Lead ammunition in felled wildlife is often  
13          consumed by other animals and passed along the food chain. Dairy and beef  
14          cattle have developed lead poisoning after feeding in areas where spent lead  
15          ammunition has accumulated. Spent lead ammunition can also be mingled into  
16          crops, vegetation, and waterways.

17          (7) Efforts to limit wildlife exposure to lead ammunition have been  
18          successful. The U.S. Fish and Wildlife Service banned the use of lead shot for  
19          waterfowl hunting decades ago, and both hunting and waterfowl have thrived  
20          since. These successes have shown us how to extend our protection from lead  
21          poisoning to other wildlife. However, because these restrictions only apply in

1 certain areas or to the hunting of particular species, many species of wildlife  
2 remain threatened by the use of lead ammunition and more protections are  
3 needed.

4 (8) A variety of nontoxic ammunition is readily available. Studies have  
5 shown that nontoxic ammunition performs as well as, or better than, lead based  
6 ammunition.

7 (9) Given the deleterious impacts of lead ammunition, a requirement for  
8 use of nontoxic ammunition should be implemented as soon as practical in  
9 Vermont. If the requirement for use of nontoxic ammunition can be  
10 incrementally implemented sooner than a nonlead requirement can be fully  
11 implemented, such incremental protections should be implemented by the  
12 Department of Fish and Wildlife on a rolling basis as practicable.

13 Sec. 2. 10 V.S.A. § 4716 is added to read:

14 § 4716. USE OF LEAD AMMUNITION PROHIBITED

15 (a)(1) By January 1, 2016, the Commissioner shall adopt rules  
16 implementing this section, including:

17 (A) Definitions of lead and nontoxic ammunition, except that  
18 nontoxic ammunition shall include only ammunition in which there is no lead  
19 content, excluding the presence of trace amounts of lead.

1           (B) Notification to registered hunters who may be affected by this  
2           section, including any temporary suspension under subsection (f) of this  
3           section.

4           (2) Rules implementing this section shall be phased in based on  
5           ammunition type and the availability of nontoxic ammunition of that  
6           ammunition type. If any requirements of this section can be implemented in  
7           advance of July 1, 2020, the Commissioner shall implement those  
8           requirements.

9           (3) The Commissioner shall not reduce or eliminate any existing  
10          regulatory restrictions on the use of lead ammunition.

11          (b)(1) A person shall not use lead ammunition when taking wildlife with a  
12          firearm according to phased in rules established by the Commissioner.

13          (2) On or after July 1, 2020, a person shall not use lead ammunition  
14          when taking wildlife with a firearm.

15          (c) The Commissioner shall establish a list of certified nontoxic  
16          ammunition and update the list annually. The list shall include any federally  
17          approved nontoxic shotgun ammunition.

18          (d) A person who violates any provision of this section or rules adopted  
19          under this section shall be fined not more than \$1,000.00 nor less than \$400.00  
20          or imprisoned for not more than 60 days, or both. Upon a second and all

1 subsequent convictions, the violator shall be fined not more than \$2,000.00 nor  
2 less than \$1,000.00 or imprisoned for not more than 60 days, or both.

3 (e) This section does not apply to government officials or their agents when  
4 carrying out a statutory duty required by law.

5 (f)(1) The Commissioner may suspend the prohibition in subsection (a) for  
6 a specific hunting season and caliber upon a finding by the Commissioner that  
7 nontoxic ammunition of a specific caliber is not commercially available from  
8 any manufacturer because of federal prohibitions relating to armor piercing  
9 ammunition pursuant to 18 U.S.C. §§ 921-931.

10 (2) For purposes of this subsection, “commercially available” means  
11 offered for sale in the consumer marketplace.

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on passage.