Comments of the American Sportfishing Association
To the New Hampshire House Fish and Game and Marine Resources Committee
On SB 89
Submitted March 25, 2013

On behalf of the members of the American Sportfishing Association (ASA), ASA urges the committee to reject SB 89. SB 89 would ban the use of lead jigs and sinkers weighing one ounce or less. It would unnecessarily restrict the use of lead sinkers and fishing jigs, one of the most popular and versatile artificial lures used by anglers throughout New Hampshire for a variety of recreational fish species.

Last year, ASA submitted similar testimony and our understanding was that the legislature determined it would conduct a study, working with the sportfishing industry, to better understand the use and potential impact of lead sinkers and jigs. Our understanding was that the committee would bring the information gained from that effort back to the legislature in 2014. SB 89 is similar legislation to that discussed last year and in the interim ASA was not requested to provide any sportfishing industry information nor, to our knowledge were any of our industry members asked to provide information to the study effort.

ASA is the sportfishing industry's trade association, and represents the interests of the entire sportfishing community by providing a unified voice when emerging laws and policies could significantly affect sportfishing business or sportfishing itself. We invest in long-term ventures to ensure the industry will remain strong and prosperous, as well as safeguard and promote the enduring economic and conservation values of sportfishing in America. ASA also represents nearly 900,000 anglers through its KeepAmericaFishing™ angler advocacy program.

America's anglers generate over $48 billion in retail sales annually, with a $115 billion impact on the nation's economy and creating employment for more than 828,000 people. According to the Census Bureau and the U.S. Fish and Wildlife Service, New Hampshire's 228,000 anglers spend $210 million annually, generating $23.9 million in state and local tax revenue and supporting 3,614 jobs. Annually, fishing license sales and revenues from the federal manufacturers excise tax on fishing tackle, which is paid by our members, provide an additional $3.6 million for fisheries conservation and restoration in New Hampshire. Thirty-three percent of New Hampshire's anglers are non-residents.

Sound fish and wildlife management decisions must consider three major areas: biological, economic and social impacts. In this instance, there is no biological reason to restrict fishing tackle containing lead. Loon mortality caused by lead ingestion is extremely low – about three to five birds per year -- and loon numbers in the state, by

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every measure we can detect, appear not only to be stable but increasing. Ingestion of lead recreational fishing products is not negatively impacting the populations of water birds in New Hampshire. Three studies showing lead ingestion by loons indicate that when lead is found in loons it is generally substantially less than one-half ounce in weight. Because SB 89 unnecessarily restricts the use of lead sinkers and especially jigs to one ounce or less this action will cause the cost of recreational fishing statewide to increase, thereby negatively affecting participation. As demonstrated by the number of comments received by the Senate Committee in response to SB 89, this is not a popular proposal among the majority of the public. As matter of fact SB 89 represents an emotional reaction to a perceived problem. The unintended consequences from the passage of SB 89, on balance, will make no measureable difference in loon populations and will negatively impact fishing opportunity and the attendant economic benefits.

New Hampshire has enacted a statute that is extremely restrictive. When New Hampshire first contemplated restrictions on lead sinkers and jigs, ASA requested that the legislature not enact legislation requiring lead free products of specific sizes. At the time we cited that such legislation would forgo future technologies such as composites and coated sinkers that would pass through water birds without harm. Again, we raise that important point to the committee. The current New Hampshire statue addressing sinkers and jigs containing lead, as well as SB 89, continue that absolute prohibition of lead in sinker and jig products of specific sizes.

From a manufacturing stand point it is virtually impossible to manufacture a metal product, and for that matter most any product, that is lead free. New Hampshire has set a standard for lead in fishing sinkers one ounce or less that is a more restrictive standard set by the Consumer Products Safety Commission for lead in paint, children's toys, plumbing fixtures and non-toxic shot for waterfowl hunting. We can say with certainty that there are no manufacturers capable of supplying tin that is lead free, or any other alternative metal for that matter. When a state sets a standard such as New Hampshire's for lead in fishing tackle, larger stores test products for conformity to the law. The practical impact of your current statute, as well as SB 89, is that you are outlawing all alternatives to lead fishing sinkers and jigs that weigh one ounce or less. One retailer and major fishing equipment outlet has already interpreted your statute to mean that sinkers containing any lead are not legal to sale. Retaining such a strict interpretation will have a devastating impact on recreational fishing opportunity in New Hampshire and a likewise impact on the state's economy and jobs supported by the recreational fishing industry. We recommend at the very minimum that the committee set at a minimum a lead content for sinkers and jigs one ounce or less at one percent or 10,000 part per million (ppm). That is the same permitted for lead shot alternatives for hunting waterfowl.

Sportsmen and women in New Hampshire trust that the legislature uses factual information in a balanced manner to make decisions that impact both the resource and the angler or hunter. It is important for the Committee to foster constituent trust with balanced and factual decisions, especially when the segment of the population impacted provides for fish and wildlife management funding on behalf of all the citizens

of New Hampshire through license fees and excise taxes on recreational fishing equipment.

The U.S. Environmental Protection Agency (EPA) has repeatedly been petitioned to ban lead in fishing tackle. In those efforts, loons were prominently mentioned. In its latest decision on February 14, 2012, and previously on November 4, 2010, the EPA dismissed the petition stating that the "…petitioners have not demonstrated that the requested rule is necessary to protect against an unreasonable risk of injury to health or the environment…" This is the third time in 15 years that the EPA has determined there was no need to take action against lead in fishing tackle. The biological facts, economic impacts and social unacceptability of the petitioned bans did not merit the requested action. The same holds true in New Hampshire. In addition, the European Union has considered restrictions on lead fishing sinkers and jigs and has never deemed any action necessary.

Advocates of SB 89 may have provided the Committee flawed information. In attempted justifications, there are several erroneous arguments related to proposed bans of lead fishing tackle. They typically ignore the economic impact of prohibiting all lead in fishing tackle on the sportfishing industry and the American recreational fishing public, and seriously overstate the availability and practicality of most alternatives to lead recreational fishing products.

In the paragraphs below, we have noted areas that frequently contain misinformation.

Science

The United States model for managing fish and wildlife is respected worldwide. The magnitude of research and management on the widest variety of species is unrivaled. Aside from a highly successful user-pay model that benefits more than just hunted and fished species, fish and wildlife management in the U.S. is based on the dynamics of populations, not individuals. This successful population approach is commonly ignored by advocates for lead bans in fishing tackle and instead they focus on individual animals.

ASA acknowledges that a single loon or water bird that ingests lead fishing tackle might be poisoned and possibly die, but we defer to more than a century of extensive fish and wildlife management in this nation and the success of monitoring and managing for populations, not individual animals.

The number of bird deaths cited each year from lead toxicosis as a result of the ingestion of lead fishing tackle is in no way a threat to any bird population. The April 2007 U.S. Fish and Wildlife Service document *STATUS ASSESSMENT AND CONSERVATION PLAN FOR THE COMMON LOON (GAVIAIMMER) IN NORTH AMERICA* supports this. The report cites healthy loon populations across most of their range in North America and indicates an increasing wintering loon population over a 47-year period citing that, "[o]verall, the Common Loon population in North America is relatively healthy and robust, with a total estimated breeding population of 252,000 to

264,000 territorial pairs." The status report also addresses the impacts of lead on loon populations and acknowledges that loons die from ingested fishing sinkers and jigs, but places that in perspective when it addresses the perennial and larger threats to loons such as shoreline development; general human activities on lakes; diseases, especially botulism and aspergillosis; and entanglement in gill nets set for commercial fishing purposes. In general, the number of birds killed by wind power turbines is much more significant and concerning than those as a result of the ingestion of lead fishing tackle. Without question, loon mortality from gill nets may be one of the largest components of loon mortality.

Advocates of lead bans in recreational fishing equipment hold that lead in recreational fishing equipment is readily available to the environment and a general health hazard. Such is not the case. The solubility of lead in water only occurs in instances that would prohibit fish life sought by recreational anglers - very acidic or basic waters. Therefore, lead only poses a threat to wildlife through direct ingestion which has already been shown to have a minimal, if any, impact on most water bird populations. Lead is a naturally occurring element and exists in the environment without harm. No matter what action the Committee takes there will be just as much lead in the environment tomorrow as today.

Use of Lead in Fishing Equipment

Advocates of banning lead in recreational fishing equipment speculate that many sinkers and jigs are purchased to replace those lost while fishing. This assumption is purely conjecture and unsupported by any documentation. One could just as easily claim that many or most sinkers and jigs end up stored in tackle boxes, or are discarded in appropriate receptacles after use. Anglers purchase smaller sinkers in packages and larger sinkers individually. Because most of the purchases are for small sinkers, one package usually lasts more than one fishing season and typically lasts for many fishing seasons. The same is true for jigs. Studies indicate that sinker and jig loss is variable but they do show that both have a considerable use-life. For example, a 2006 Minnesota study in found that "[m]ean rates of tackle loss were low: 0.0127/h[our] for lures, 0.0081/h for large sinkers, 0.0057/h for small sinkers, 0.0247/h for jigs, and 0.0257/h for hooks. Many anglers lost no fishing tackle on a fishing trip."

Finally, advocates for banning lead in recreational fishing equipment point to all of the potential sources of lead entering the environment and misrepresent the overall contribution of fishing tackle as a source. Lead in recreational fishing equipment is by far the least of these sources and is used in forms that, when handled and used responsibly, essentially pose no hazard.

Alternatives to Lead in Fishing Equipment and Economic Impact

Advocates for banning lead in recreational fishing equipment have probably told the Committee that there are many widely available and suitable substitutes for lead in recreational fishing tackle. In truth, each substitute has limited applications in sportfishing and either does not provide equivalent performance to lead and/or significantly increases the price of recreational fishing equipment. Present and foreseen

technology only provides three reasonable alternatives, each with limitations in performance and/or price as compared to lead. These are steel (both carbon and stainless), tin and tungsten. All other substitutes are impractical or have very limited application and have or will not stand the test of the market place.

- Steel - Steel can be used only for tie-on and slide-on sinkers. It has a lower specific gravity than lead (somewhat variable depending on the alloy) and requires a larger sinker or more sinkers to approach the performance of lead. It is significantly harder, has a higher melting point and cannot be used for split shot sinkers, which constitute nearly half of the sinker market in the U.S. Because of its hardness and high temperature requirement for manufacturing, steel cannot be used to manufacture jigs. Pricewise, it is the closest comparable to lead at $1.90/lb, while lead is currently $1.09/lb. Carbon steel products rust and stainless steel sinkers and terminal tackle products, which do not rust, are more expensive.

- Tin - Tin is the only substitute for split shot sinkers and jigs, though like steel, it has a lower specific gravity, which requires that more or larger forms be used to match the equivalent weight of a lead sinker or jig. Its lower melting point makes it the only metal, besides lead, to bond to a fish hook without removing the temper from the hook. Its malleability makes it possible to use tin to produce split shot sinkers, the most popular sinker style purchased in the U.S. Tin is a precious metal and the current market price is $11.31 per pound, making the source material approximately 11 times more expensive than lead. In addition, tin must be alloyed with antimony and this further increases the raw material price by approximately $1.00/lb of raw material. Using tin increases the price of the product, at current market prices, up to 12 fold, depending on the product.

- Tungsten - Tungsten has a higher specific gravity than lead, but because of its hardness, can only be used as tie-on or slide-on sinkers. Because the melting point of tungsten is slightly more than 6,000 degrees Fahrenheit, it cannot be used to manufacture jigs. Tungsten is currently selling on the markets for $20/lb. Substitute products made with tungsten, as compared to lead, will cost up to 20 times the current price of lead recreational fishing products. There is an added energy manufacturing cost to tungsten because it has such a high melting point.

Please note that bismuth, at a price of $12/lb, is not included in this list. Bismuth is frangible and after several years in the marketplace, bismuth sinkers and jigs were found to be unsuitable as a metal substitute for lead in fishing products.

With the higher price of raw materials for two of the highly touted substitutes, tin and tungsten, a substantial economic impact would be incurred if lead was further banned in fishing equipment. The impact for both sinkers and jigs can be estimated and is a staggering indicator. The value of the sinker market is approximately $96.5 million annually and close to 50 percent of the market is for split shot sinkers. Using tin as a substitute for all split shot sinkers would result in a cost that is ten times the current

price or an additional $434 million annually. The value of the jig market is approximately $75 million. The language in SB 89 would ban 80% of the jigs on the market from use in New Hampshire and the cost to anglers to replace practically all of the lead jigs in their tackle boxes would be significant and certainly impact angler participation in the state.

It is important to note that mandating lead-free sinkers and jigs will not bring the price of the product down as the sportfishing industry's use of tin or any other metal does not impact the world market price of metals. The largest single cost of the product – that of the raw material -- will remain the same.

In addition to the higher raw material costs, there are also manufacturing processing costs that increase the price of the final product for both jigs and sinkers. These additional costs occur because manufacturers will have to retool their molds and other machinery to match the new physical properties of alternative metals. All alternative metals require additional energy for the manufacturing process.

It is difficult to obtain pure metals and banning any lead from the content is extremely restrictive and for most processes, difficult to obtain, but most importantly, imposing such a restriction foregoes the use of any future technologies for composites or coated lead products that can pass through the digestive tract of a bird without any harm. That area holds the most promise for new products.

Aside from steel, all of these factors add to the price of the product. Through experience and a number of surveys and studies, the sportfishing industry and the states know that anglers are very price sensitive to the cost of fishing equipment and licenses. Such price increases will drive anglers away from the sport and the impact will be decreased fishing license sales to state natural resource agencies and less money for fisheries conservation.

Human Health Hazards

The use and handling of recreational fishing products made from lead do not present any significant or unreasonable health hazard to its users. As earlier stated, recreational fishing in New Hampshire has approximately 228,000 participants. Recreational fishing nationally enjoys a 93 percent approval rating and promotes essential social and cultural connections across all segments of our nation's population. Fishing participation increases in difficult economic times because it is an enjoyable, family-oriented activity and a means to acquire food. But, it also has many participants who are over 65, retired and on limited income. These, and other participants, will seek alternate means to cut their costs of equipment or abandon the sport. One such alternate will be increased personal production of lead recreational fishing products. While the handling and use of manufactured lead recreational fishing products presents no harm; home production of lead requires appropriate caution. Again, we urge the Committee to reject SB 89 and we request these comments be made part of the Committee's public record.