



March 15, 2018

Honorable Bill Quirk
Assemblyman, 20th AD
State Capitol, Room 2163
Sacramento, CA 95814

Dear Assemblyman Quirk,

The American Sportfishing Association (ASA) opposes Assembly Bill 2787, which proposes to ban the manufacture, sale, and purchase of a fishing weight or sinker in California that has a cross section greater than or equal to two centimeters in length, is under 50 grams in mass, and contains more than 0.1 percent lead by weight. AB 2787 would unnecessarily ban affordable and safe fishing tackle that is used by almost all the 1,670,000 anglers throughout the state in fresh and saltwater sportfishing.

The ASA is the nation's trade association representing over 800 companies making up America's recreational fishing industry. Our members include the manufacturers of rods, reels, lures, terminal tackle, boats, related apparel from waders to sunglasses, large and small retailers, angler organizations, and members of the sportfishing media. ASA has been a champion of fisheries conservation and the economic and social values of recreational fishing since its creation in 1933. Our member companies, anglers, and boaters fund the excise taxes (above and beyond all other Federal, State and Local taxes) that provide over \$600 million annually to fund the fisheries management and conservation work of state fish and wildlife agencies across the United States, including California. This is in addition to the fishing license fees paid by anglers, which in California total roughly \$65 million annually.

In reviewing AB 2787 and the stated arguments in support of the legislation, ASA is concerned that there are considerable misperceptions and inaccuracies shared by the bill proponents about the use of lead fishing tackle and its impacts on the health of humans, wildlife and the environment.

Alternatives to Lead in Fishing Equipment and Economic Impact

Advocates for banning lead in recreational fishing equipment often claim 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 do not provide equivalent performance to lead and/or significantly increase the price of recreational fishing equipment. Present and foreseen technology only provides three reasonable alternatives: steel (both carbon and stainless), tin, and tungsten. Each has limitations in performance and/or price as compared to lead. All other substitutes are impractical or have very limited application and have or will not stand the test of the market place.

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. Upon reviewing *Proposition 65 Interpretive Guideline No. 2008-001, Guideline for Hand-to-Mouth Transfer of Lead through Exposure to Fishing Tackle Products*, which is being used to justify AB 2787, we find that the fallacy of the assumptions made in the study invalidate the study's conclusion that exposure to lead fishing tackle in a routine fishing trip can provide a risk to human health.

It is important to note that none of the methodology in the paper on hand-to-mouth contact from lead exposure was drawn from studies on fishing. Rather, the study relies primarily on findings from soil and pesticide studies that we believe likely have very low applicability to the hand-to-mouth transfer of inorganic lead in fishing tackle products due to the differences in chemical and physical properties of the substances, the activity patterns and circumstances involved, and the ways in which transfer of a substance from the hand to the mouth is defined.

Regardless, the paper provides a hypothetical scenario using a formula (derived from other, non-fishing related experiments) to estimate a female's total lead intake over the course of fishing would be 48 µg, which would occur directly and indirectly through inadvertent hand-to-mouth contact, or things like eating and drinking while fishing.

The comment and response below from the "Responses to Public Comments" document that accompanied the Prop 65 report highlights our concerns about the credibility of the study:

Comment #1

Do we assume fairly periodic contact with the tackle using the formula presented in the document?

Response

Yes, we assume that lead loading on the hand would reoccur every time a fisher touches the tackle because fishing involves repetitive handling of the tackle product. This assumption applies to both direct and indirect hand-to-mouth activities, as explained on page 5 of the guideline document.

This response from the authors would seem to indicate that they have no experience with recreational fishing. Beyond the initial tying-on/application of lead sinkers, weights and lures, anglers rarely touch their tackle during a standard fishing trip. The response seems to indicate that the study assumed that anglers touch lead tackle constantly during trips, possibly even during every cast. Given that this study relied on assumptions derived from other studies with little to no applicability to fishing, and the unrealistic assumptions of fishing behavior used by the authors, we strongly believe it should not be used to justify such an important public policy decision as banning lead fishing tackle.

One unintended consequence of your bill might actually be to increase 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. AB 2787 could therefore inadvertently actually lead to more, not less, human exposure to lead by motivating personal production of lead fishing tackle.

Impacts on Wildlife

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. A fundamental principle of our highly successful user-pay model that benefits more than just hunted and fished species, is that fish and wildlife management in the U.S. is based on the dynamics of *populations*. The most common wildlife species cited for interactions with lead fishing tackle is the common loon, which may be found in California as a transient resident during the winter. However, loon populations are stable or increasing throughout their range. This is not to say that the death of any animal from unnatural causes is something to celebrate. Far from it. However, it is just as inappropriate to claim that lead tackle is leading to population dynamic shifts that create vulnerabilities in sensitive species.

Furthermore, we believe California specific studies have failed to identify direct impacts of lead fishing tackle on bird species or any other wildlife species within the state of California. While other states have conducted studies on the impacts of lead tackle on marine and other wildlife, California has not. Studies from other states are not directly applicable to California. In some cases, the sample sizes of often quoted studies (N=1) do not equate to sound scientific investigation.

Conflict with the State's Efforts to Increase Fishing Participation

Moreover, we would hope that the Committee on Environmental Safety and Toxic Materials would consider the actions proposed by AB 2787 in the context of what is occurring with recreational fishing in California. California is blessed with an 840-mile coastline and many inland waterways and lakes from Lake Otay and San Vicente near San Diego to the Sacramento River to countless trout streams in the Sierra Nevada. California leads the nation in many areas, including being the nation's most populous state. However, when it comes to the recreational fishing, California trails rather than leads, presenting many challenges. California ranks fifth in anglers, and participation rates continue to decline. In the late 1980s, resident angler licenses sold in California totaled almost 2.27 million annual licenses. A decade later, California annual fishing license sales have fallen to just over 1.12 million and continue to fall.

Sportfishing also is about California's economy and jobs. In 2011, the US Fish and Wildlife Service and US Census Bureau estimated that sportfishing in California produced economic activity of \$4.6 billion, supported almost 36,000 jobs and generated \$334 million in state and local tax revenues. Lower participation rates in turn deprive the Department, conservation and hatchery programs of needed funding. In fact, in California, the Department of Fish and Wildlife is experiencing a nearly \$20M structural deficit in their primary Department funding source, the Fish and Game Preservation Fund. The largest single driver of this gap is caused by the significant decline in the number of hunting and fishing licenses purchased annually in the state. In short, decreased participation is killing the very Department tasked with the stewardship of our natural resources.

In recognition of California's declining number of youth and other anglers, the California Department of Fisheries and Wildlife just initiated efforts to develop an "R3 Program." This program is intended to increase the Recruitment, Retention and Reactivation of California anglers and includes such issues as becoming more business-like in the use of technology and serving the fishing customer, and, yes, making the fishing experience more affordable. AB 2787 clearly would undermine the CDFW new R3 efforts.

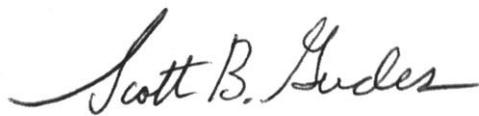
In Summary

Recreational fishing represents good, clean, family-oriented recreation. As earlier stated, recreational fishing in California has over 1.6 million 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. California already has the highest cost licenses in the entire United States. Policy changes like AB 2787 will only increase costs to recreation fishermen, which will lead participants to continue to abandon the sport.

A lead fishing tackle ban is not warranted on the facts and simply will create a regulatory and enforcement burden and would make angling more expensive. Absent any real and objective analysis, this legislation poses unreasonable economic burden on anglers, manufacturers, retailers, and communities dependent on outdoor tourism. Therefore, ASA opposes this bill and asks you to reconsider your introduction of this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Scott B. Gudes".

Scott Gudes
Vice President, Government Affairs
American Sportfishing Association

Cc: Members, Assembly Committee on Environmental Safety and Toxic Materials
Committee consultant, Assembly Committee on Environmental Safety and Toxic Materials
Republican consultant, Assembly Committee on Environmental Safety and Toxic Materials
Senators John Moorlach, Catherine Galgiani, Co-chairs California Outdoor Sporting Caucus
Assemblymembers Brian Dahle, Jim Frazier, Co-chairs California Outdoor Sporting Caucus
Chuck Bonham, Director, Department of Fish and Wildlife
Senator Mike McGuire, Chair, Joint Committee on Fisheries and Aquaculture
Tom Weseloh, Consultant, Joint Committee on Fisheries and Aquaculture
Erik Sklar, President, Fish and Game Commission
Valerie Termini, Executive Director, Fish and Game Commission