

**Memorandum in Support****COMMITTEE ON ANIMALS AND THE LAW**

Animals #13-a

January 20, 2026

S. 4954
A. 1089By: Senator Harckham
By: M. of A. GlickSenate Committee: Environmental Conservation
Assembly Committee: Environmental Conservation
Effective Date: January 1, 2027

AN ACT to amend the environmental conservation law in relation to prohibiting the use of lead ammunition in the taking of wildlife on state-owned land and land contributing surface water to the New York City water supply.

LAW AND SECTION REFERRED TO: Amends Section 11-0901(3) of the Environmental Conservation Law by adding a new subsection (h), consisting of two subsections.

THE COMMITTEE ON ANIMALS AND THE LAW
SUPPORTS THIS LEGISLATION

This new subsection would prohibit use of ammunition containing at least one percent of lead by weight in the taking of wildlife on “(1) wildlife management areas, state forests, forest preserves, state parks, or any other state-owned land that is open for hunting; and (2) the land area contributing surface water to the New York city water supply.”

The sponsor’s memo highlights the harm caused by lead shot contamination and recognizes that much of the damage caused by lead ammunition results from aftereffects of the initial discharge of the lead shot or bullet.¹

The World Health Organization (based in large part on research done in the United States) has found that no level of lead exposure is safe.² Harm to humans from lead poisoning has

¹ James Dean, *Bald eagles face highest lead risk of NYS deer scavengers*, Sept. 11, 2024, Cornell Chronicle, <https://news.cornell.edu/stories/2024/09/bald-eagles-face-highest-lead-risk-nys-deer-scavengers>; Andreas Eleftheriou et al., *Vulnerability to lead toxicosis and bioindicator utility of deer scavengers in New York*, 88 J. Wildlife Mgmt. 88, Aug 9, 2024, <https://wildlife.onlinelibrary.wiley.com/doi/10.1002/jwmg.22641> and <https://doi.org/10.1002/jwmg.22641>.

² *Lead poisoning*, World Health Organization (WHO), <https://www.who.int/en/news-room/fact-sheets/detail/lead-poisoning-and-health>. (last visited Mar. 17, 2025).

been documented for decades.³ These human harms have resulted in laws banning lead from gasoline and paint.

In 1991, the harm caused by lead ammunition moved the federal government to ban shooting migratory waterfowl with lead shot.⁴ Lead ingestion and poisoning has been documented in raptors known to eat prey that has been shot with lead ammunition.⁵ In 2024, the NYS Department of Environmental Conservation (DEC) and Cornell University researchers found 17 bird and 14 mammal wildlife species in New York with lead poisoning from scavenging remains of white-tailed deer that contained fragments of lead.⁶ Bald eagles and golden eagles were the species most vulnerable to lead poisoning.⁷

Lead degrades slowly and leaches into the water and land,⁸ harming the people and wildlife living there. Lead ammunition causes harm to humans who eat meat directly contaminated with lead shot, who eat meat from animals indirectly contaminated, and through exposure to lead-contaminated soil and water.

Alternatives to lead ammunition exist and have been found to be as effective as lead shot in hunting wildlife.⁹ Significantly, hunters who have moved away from lead ammunition question why lead is still being used, noting the small cost differential between lead and non-lead ammunition.¹⁰

³ WHO, *supra* note 2.

⁴ 50 C.F.R. §20.21 and 50 C.F.R. §32.2 (2018).

⁵ Lesanna L. Lahner and J.C. Franson, *Lead Poisoning in Wild Birds*, U.S. Geological Survey Fact Sheet 2009-3051, 2009 <https://pubs.usgs.gov/fs/2009/3051/pdf/fs2009-3051.pdf> (last visited Mar. 14, 2025).

⁶ <https://news.cornell.edu/stories/2024/09/bald-eagles-face-highest-lead-risk-nys-deer-scavengers>; *Supra* Eleftheriou note 1.

⁷ *Supra* note 1.

⁸ Indirect lead exposure occurs when an animal that has ingested or been shot with lead is eaten by another animal. Indirect exposure can also occur from any animal ingesting soil, water, or lower organisms, such as earthworms, that are contaminated with lead. Kolb, Sarah, *Lead Toxicity, a Threat to Wildlife*, <https://todaysveterinarynurse.com/toxicology/lead-toxicity-threat-to-wildlife/> (last visited Mar. 13, 2025); National Institute of Health, National Library of Medicine, *Lead accumulations and toxic effects in earthworms (Eisenia fetida) in the presence of decabromodiphenyl ether*, Nov. 19, 2013, *Env't Sci. Pollut. Resch Int* 2014 Mar.; <https://pubmed.ncbi.nlm.nih.gov/24243266/> (last visited Mar. 17, 2025).

⁹ Urbina, Ian, *Poisoned Wildlife and Tainted Meat: Why Hunters Are Moving Away From Lead Bullets*, N.Y. Times, Nov. 24, 2018 (formerly entitled *A Clean Shot: Urging Hunters to Try Unleaded Ammo*); Felix Gremse et al., *Performance of Lead-Free versus Lead-Based Hunting Ammunition in Ballistic Soap*, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102015> and <https://pmc.ncbi.nlm.nih.gov/articles/PMC4100882/> (last visited Mar. 17, 2025); Peter Ruddle, *Leaded or Unleaded? The Right Choice of Bullet with Environment and Health in Mind*, Book Your Hunt Blog, (Oct. 11, 2023), <https://blog.bookyourhunt.com/leaded-or-unleaded-the-right-choice-of-bullet-with-environment-and-health-in-mind/#:~:text=With%20rifles%2C%20non%2Dlead%20alternative,the%20barrels%20of%20your%20rifle> (last visited Mar. 17, 2025)..

¹⁰ Jason Bittel, *A Hunter Asks, "Why Are Lead Bullets Still a Thing*, Mar. 30, 2017, <https://www.nrdc.org/stories/hunter-asks-why-are-lead-bullets-still-thing>; Jill Hunger, *Copper vs. lead*, Oct. 30, 2022 <http://www.middlewisconsin.org/copper-vs-lead/> (last visited Mar. 17, 2025).

Recent policy research on whether banning or seeking voluntary compliance is more effective found, based on a number of measurable criteria, that bans were more effective in reducing the risks of lead exposure.¹¹ If a ban does not occur the policy analysts advised outreach programs to encourage all hunters and anglers to voluntarily use nonlead alternatives.¹² Outreach programs encouraging the use of non-lead ammunition do exist; for instance, the DEC made hunters state-wide eligible for a rebate of up to \$60 to buy non-lead ammunition for the 2024, 2025 and 2026 hunting seasons.¹³

New York State has long sought to reduce the harm of lead exposure and its harmful effects by banning lead-based paint in the state in 1970, by continuing to prosecute landlords who violate lead-paint bans in residential housing,¹⁴ and by following federal requirements for lead paint disclosures in all residential home sales.¹⁵ This bill's partial lead ammunition ban would follow the ban examples set by the federal government in 1991,¹⁶ by California's ban of all lead ammunition in 2019,¹⁷ and by Canada lead ban for hunting migratory game birds in 1999, upland game birds in 2012, and for fishing sinkers and jigs in 2021.¹⁸ As of 2023, all countries in the European Union and Iceland, Norway, and Liechtenstein had partially or completely banned the use of lead ammunition.¹⁹ All of these bans applied to hunting on both private and public lands.

New York should build on its record of protecting against lead poisoning by making lead shot illegal on New York State owned property and in areas where water run-off flows into

¹¹ John H. Schulz et al., *Policy comparison of lead hunting ammunition bans and voluntary nonlead programs for California condors*, Wildlife Society Bulletin, May 17, 2023, <https://doi.org/10.1002/wsb.1448>, <https://wildlife.onlinelibrary.wiley.com/doi/10.1002/wsb.1448> (last visited Mar. 17, 2025).

¹² *Id.*

¹³ Jim Eckstrom, *DEC expands study on non-lead ammo for deer hunting to all of NYS*, Aug. 27, 2024, Olean Times, https://www.oleantimesherald.com/news/dec-expands-study-on-non-lead-ammo-for-deer-hunting-to-all-of-nys/article_e1d5e36a-640e-11ef-8de5-5fd165b64956.html; *Hunters have an opportunity for hands-on conservation*, Hunters for Eagle Conservation, <https://huntersforeagleconservation.org/new-york/>.

¹⁴ *New York Lead Hazard Control Regulations Summary—11/30/23*, Environmental Education Associates, <https://www.environmentaleducation.com/documents/Lead%20Resources/NYS%20Regulations%20Summary%2011%2030%202023.pdf#:~:text=The%20Public%20Health%20Law%20banned%20the%20use.and%20order%20the%20removal%20of%20these%20conditions.> (last visited Mar. 21, 2025).

¹⁵ 42 U.S.C. § 4852d.

¹⁶ 50 C.F.R. §20.21 and 50 C.F.R. §32.2.

¹⁷ Lead Ammunition Officially Banned for Hunting Use in California, Defenders of Wildlife, July 1, 2019, <https://defenders.org/newsroom/lead-ammunition-officially-banned-hunting-use-california> (last visited Mar. 21, 2025)..

¹⁸ *Use of Lead Fishing Tackle and Lead Shot in Canada*, May 28, 2021, <https://www.canadianveterinarians.net/policy-and-outreach/position-statements/statements/use-of-lead-fishing-tackle-and-lead-shot-in-canada/> (last visited Mar. 21, 2025).

¹⁹ Phoebe Weston, *Ban on hunting birds with lead shot in EU wetlands hailed as 'huge milestone,'* Feb. 15, 2023, <https://www.theguardian.com/environment/2023/feb/15/ban-on-hunting-birds-with-lead-shot-in-eu-wetlands-hailed-as-huge-milestone-aoe#:~:text=France%2C%20Greece%2C%20Sweden%2C%20Bulgaria,have%20no%20restrictions%20at%20all.> (last visited Mar. 21, 2025)

New York City's drinking water supply. Imposing this bill's limited ban on the use of lead ammunition will benefit the people, wildlife, land and water in New York State.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.