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To: 1) Parliamentary Under-Secretary for Natural Environment and Fisheries
2) Minister of State for Agriculture and Food
From: [REDACTED]
Division: Biodiversity Programme
Date: XXXXXX 2010
cc: List at end.

Publication of Defra sponsored Wildfowl and Wetland Trust (WWT) report of compliance with the Environmental Protection (restriction on use of lead shot) (England) Regulations 1999.

Issue:

1. WWT have submitted their final report (Annex A) to Defra on compliance with the 'Environmental Protection (restriction on use of lead shot) (England) Regulations 1999' and we are seeking your agreement to publish this report.

Timing:

2. Agreement is sought during the summer recess. Specifically, the Parliamentary Under-Secretary for Natural Environment and Fisheries' agreement is sought by 5 September. And the Minister of State for Agriculture and Food's agreement is sought by 12 September.

Recommendation:

3. That you consider the report and note the main findings and suggestions at paragraphs 8 to 13. That you also agree to the publication of the report subject to a handling strategy being agreed with press office.

Background:

4. In my submission regarding the Lead Ammunition Group (LAG) of XX July I asked you to note publication of a report from a Defra funded study of compliance with lead shot regulations was to be published at the end of July. Finalisation of the compliance report has taken a little longer than anticipated but is now ready for publication.

5. The 'restriction on use of lead shot regulations' were introduced in 1999 to reduce unnecessary mortality in waterfowl from ingestion of spent lead shot in the environment. The current research was instigated to inform a long standing Government commitment to review the implementation of the Regulations (a review was scheduled for 2006 but was delayed pending the start of the WWT study).
6. The study was conducted by WWT with a contribution from BASC working as a subcontractor. One element of the study (a game dealer survey conducted by WWT) consisted of the purchasing of game birds from around England, and then investigating whether the shot used to kill the bird was lead, or non lead shot. The game purchased was Mallard, Teal and Widgeon, none of which, under the Regulations, should have been shot with lead ammunition.
7. The second element of the WWT study consisted of two BASC run questionnaires that asked shooters and shoot providers respectively what level of compliance with the regulations existed, and the reasons for any non compliance.

Results:

8. In summary the results of both the game dealer study and the BASC questionnaires concluded that there was a high level of non compliance with the current regulations. Non compliance appeared higher in game and / or inland duck shooting.
9. 70% of the game analysed over two winters in the game dealer survey contained lead shot. This suggests a high level of non compliance with the Regulations since none of these sample birds should, according to the Regulations, have been shot with lead shot.
10. Responses to the BASC shooter questionnaire suggested understanding of the 'spirit' of the Regulations was good, but understanding of the details of the Regulations was poor. 45% of shooters responding to the BASC questionnaire reported using lead part, or all, of the time when the Regulations forbade this. Over a third of shooters who should be using non lead shot disagreed with the reasons behind the Regulations.
11. Responses to the BASC Shoot Provider questionnaire suggested 55% of providers make compliance with the Regulations a condition of taking part in their shoots. However as with the shooters detailed understanding of the Regulations was poor while understanding of the 'spirit' of the Regulations was good.
12. From the questionnaires a range of reasons for non compliance were reported including, lack of enforcement, a failure to understand what are perceived as complex regulations, and the higher cost, and perceived lower efficacy, of non lead alternatives.

Report Recommendations:

13. The report has made a number of suggestions to improve compliance with the Regulations including:

Continued persuasion

- publicise widely the findings of the report amongst the shooting community
- communicating the consequences of lead poisoning on wildfowl more widely
- build on the broad understanding of the spirit of the regulations but clarify what the regulations require
- reassure the shooting community that there is no intention to restrict shooting more than is necessary
- identify the real and perceived efficacy issues with non lead alternatives and provide guidance on these
- additional focus on inland game and duck shooting activities
- encourage game dealers to demand compliance from their suppliers

Enforcement or ensuring compliance

- address the perception that the regulations are not enforced
- Defra should review the current enforcement arrangements to consider if they are fit for purpose
- target shoot providers and encourage them to encourage compliance

Other Options

- the LAG should examine the options for better compliance (this is outside of their current terms of reference)
- ongoing monitoring should be established

Handling

14. Your officials are considering the suggestions made in the report and will develop options for taking the issues forward. We will make fuller recommendations to you in the autumn. However delivering better compliance with the Regulations will not be a simple matter. The majority of shooting in England takes place on private land and the police (currently the body responsible for enforcing the Regulations) are likely to have other priorities which will take precedence over enforcement of these regulations.
15. Nevertheless work can be done to increase awareness and understanding of the regulations amongst the shooting community to encourage a move towards better compliance through self-regulation. Game dealers should be persuaded to be more vigilant about the purchasing and onward sale of game meat contaminated with lead. The National Wildlife Crime Unit can advise whether there is any possibility of looking at the issues of non-compliance either in parallel with work on poaching or as a separate workstream.
16. The LAG has discussed looking at the suitability of non-lead alternatives but we are likely to recommend that their involvement in taking this work forward is constrained to anything which can be achieved within their original terms of reference.

Media handling:

17. If you agree to publication we will meet with WWT and BASC before publication of the Report and propose the three organisations work to synchronise joint publication. We attach a draft press notice and Q&A agreed with Press Office for your consideration at Annex B.

By E-Mail

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