

[REDACTED]
Senior Investigation Officer
Environmental Standards Scotland
Ìrean Àrainneachdail na h-Alba

ENVIRONMENTAL
Standards Scotland
Ìrean Àrainneachdail na h-Alba

[REDACTED]
[REDACTED]
via email

04 July 2023

Dear [REDACTED],

Case Reference IESS.23.036 - Decision not to investigate

Thank you for submitting [REDACTED] representation regarding SEPA's policy of not regulating shooting ranges as a waste management activity. The research I have conducted has led me to conclude that the matters raised within your representation should not be taken forward by ESS at this time. Per our strategic plan, in deciding whether to prioritise a matter for investigation, ESS *"will focus on issues where we can make the biggest difference, as well as considering the strategic fit of the issue with our purpose, and whether similar action is being taken or could be taken by another scrutiny body or regulator."* A summary of the factors which have led to my decision are summarised below.

- Action to control lead discharge into the environment is presently being undertaken. The Health and Safety Executive (HSE) has proposed restriction on lead ammunition through the UK REACH process, with a public consultation undertaken. This was carried out in response to a request made by UK Secretary of State for Environment, Food, and Rural Affairs, with the agreement of the Scottish Government and the Welsh Government.

Environmental Standards Scotland Enquiries
enquiries@environmentalstandards.scot
Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
0808 1964000

- HSE's restriction dossier, dated April 2022, contains considerable review of the risks associated with lead ammunition and concludes that its use poses an unacceptable risk to human health and the environment. HSE proposes a restriction on the sale and use of lead shot in favour of alternative, non-toxic ammunition. For shooting ranges, HSE proposes a licensing system for those wishing to continue to use lead shot, requiring 90% lead recovery, containment measures, and water monitoring. HSE assumes restrictions will enter into law in 2024.
- While [REDACTED] have raised concerns about lead impacts from shooting ranges (and the regulation of these), there are wider risks from lead ammunition. The HSE dossier indicates discharges of lead to the environment from hunting are circa 3-4 times higher than from shooting ranges. While risks to the water environment from discarded lead shot are acknowledged, higher regard is given in the restriction dossier to human health risks (ingesting lead from shot in game meat) and risks to wildlife, particularly birds, who ingest discarded shot. For the latter, HSE estimate their proposed restrictions could avoid the mortality of 2 million birds over a 20 year period.
- In ESS' view, the proposed wider restriction and control of lead shot appears a more effective approach to deliver the outcome of protecting human health and the environment from lead shot, compared to regulation of shooting ranges as a waste management activity.
- It is acknowledged that shooting ranges will have higher concentrations of deposited lead shot (compared to the distribution of lead shot from hunting activities) and a higher likelihood of impacting the water environment from lead dissolution. The associated risks to the water environment can be managed under the following regimes:
 - For operational shooting ranges, SEPA has demonstrated that the CAR regime applies.
 - For historical shooting ranges, the contaminated land regime would apply.
- Risks to human health from public water supplies would be considered low as Scottish Water has an obligation to monitor water supplies and would be required to

Environmental Standards Scotland Enquiries

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

0808 1964000

take action if lead concentrations in water supplies exceeded drinking water standards. A degradation of private water supplies could be remedied under the CAR regime or contaminated land regime, and the Drinking Water Regulator also can assist in this scenario.

- Therefore, whether or not discarded lead shot meets the statutory definition of waste, and whether SEPA has an obligation to regulate shooting ranges under the waste regime, are deemed to be secondary considerations in view of the following:
 - It is not apparent how regulation of shooting ranges under the waste regime would improve upon protecting human health and the environment beyond the existing proposals to restrict lead ammunition.
 - Alternate regimes can address ongoing and legacy pollution from lead ammunition deposits.
- Should HSE's proposals be adopted, this would bring the UK in line with Denmark and the Netherlands, where similar restrictions have been introduced nationally. Otherwise, the UK's approach to date of regulating lead ammunition and shooting ranges does not appear dissimilar to the rest of the world. In preliminary review of other countries (e.g., Germany, Finland, USA, Canada, and Australia), these do not appear to have stringent restrictions on the use of lead ammunition nor do they appear to regulate these sites under waste or other environmental permitting regimes. Instead of regulation, some governments offer guidance on best management practice / operational controls at shooting ranges. The UK is therefore not considered an outlier in terms of past approach, yet now has the potential to be among the countries leading in widespread restriction of lead ammunition, should HSE's proposals be adopted.
- Should HSE's proposals not be brought into law, ESS can review the matter again in the future.

Following the points above, I have concluded that investigation of the matters raised in the representation would not deliver added value in line with our strategic plan. Therefore the case is closed.

Environmental Standards Scotland Enquiries

enquiries@environmentalstandards.scot

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

0808 1964000

If you have any questions or queries please do not hesitate to contact me at the above e-mail address.

Yours sincerely,

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name of the sender.

Senior Investigation Officer