

9441.1992(31)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

September 24, 1992

Mr. Jay D. Hair
National Wildlife Federation
1400 Sixteenth Street, N.W.
Washington, D.C. 20036-2266

Dear Mr. Hair:

Thank you for your letter of July 30, 1982, regarding lead shot at shooting ranges. We share your concerns with the complex issues surrounding the application of RCRA requirements to shooting ranges. We are currently considering how the Environmental Protection Agency (EPA) should address this issue.

On August 28, 1992, EPA filed an amicus curiae brief with the U.S. Court of Appeals for the Second Circuit concerning whether or not expended lead shot and target fragments are solid and hazardous waste under the Resource Conservation and Recovery Act (RCRA). In that brief, EPA indicated that regulations requiring prospective controls on management through the RCRA permitting process do not apply to the discharge of ball and sport ammunition at shooting ranges. However, EPA also stated that remedial authority does exist under RCRA Sections 7002 and 7003, where an imminent and substantial endangerment to health or the environment may have been created by expended shot and other debris. Therefore, federal district courts retain the authority to compel remedial actions at shooting ranges where an imminent and substantial endangerment to health or the environment may exist, and citizens may bring lawsuits in federal courts requesting such relief.

EPA has initiated discussions with industry and other representatives on issues relating to waste minimization and improved management practices at shooting clubs and ranges. We understand that there are opportunities and challenges for improving existing practices and for minimizing the potential release of lead into the environment. EPA is committed to identifying and encouraging ways of reducing potential hazards

associated with the use of lead shot and bullets at shooting clubs and ranges.

Thank you for your interest in this issue.

Sincerely yours,
Don R. Clay
Assistant Administrator