

104TH CONGRESS
1ST SESSION

S. 505

To direct the Administrator of the Environmental Protection Agency not to act under section 6 of the Toxic Substances Control Act to prohibit the manufacturing, processing, or distribution of certain fishing sinkers or lures.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 1995

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Administrator of the Environmental Protection Agency not to act under section 6 of the Toxic Substances Control Act to prohibit the manufacturing, processing, or distribution of certain fishing sinkers or lures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Common Sense in
5 Fishing Regulations Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) millions of Americans of all ages enjoy rec-
2 reational fishing; fishing is one of the most popular
3 sports;

4 (2) lead and other types of metal sinkers and
5 fishing lures have been used by Americans fishing
6 for hundreds of years;

7 (3) the Administrator of the Environmental
8 Protection Agency has proposed to issue a rule
9 under section 6 of the Toxic Substances Control Act,
10 to prohibit the manufacturing, processing, and dis-
11 tribution in commerce in the United States, of cer-
12 tain smaller size fishing sinkers containing lead and
13 zinc, and mixed with other substances, including
14 those made of brass;

15 (4) the Environmental Protection Agency has
16 based its conclusions that lead fishing sinkers of a
17 certain size present an unreasonable risk of injury to
18 human health or the environment on less than defin-
19 itive scientific data, conjecture and anecdotal infor-
20 mation;

21 (5) alternative forms of sinkers and fishing
22 lures are considerably more expensive than those
23 made of lead; consequently, a ban on lead sinkers
24 would impose additional costs on millions of Ameri-
25 cans who fish;

1 (6) in the absence of more definitive evidence of
2 harm to the environment, the Federal Government
3 should not take steps to restrict the use of lead sink-
4 ers; and

5 (7) alternative measures to protect waterfowl
6 from lead exposure should be carefully reviewed.

7 **SEC. 3. FISHING SINKERS AND LURES.**

8 (a) DIRECTIVE.—The Administrator of the Environ-
9 mental Protection Agency shall not, under purported au-
10 thority of section 6 of the Toxic Substances Control Act
11 (15 U.S.C. 2605), take action to prohibit or otherwise re-
12 strict the manufacturing, processing, distributing, or use
13 of any fishing sinkers or lures containing lead, zinc, or
14 brass.

15 (b) FURTHER ACTION.—If the Administrator obtains
16 a substantially greater amount of evidence of risk of injury
17 to health or the environment than that which was adduced
18 in the rulemaking proceedings described in the proposed
19 rule dated February 28, 1994 (59 Fed. Reg. 11122
20 (March 9, 1994)), the Administrator shall report those
21 findings to Congress, with any recommendation that the
22 Administrator may have for legislative action.

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