

March 15, 2022

Chair Hansen and members of the committee,

At the Audubon Society, our calling is to protect birds and the places they need. This lofty goal can only be achieved by using the best science to guide our ethical commitment to a thriving environment. A recent publication by [Rosenberg et al. \(2019\)](#) revealed that North America has lost roughly 30% of its birds, three billion overall, since 1970. This shocking revelation, paired with our understanding of birds as environmental bellwethers, has highlighted the need to discern the various factors responsible for bird declines. Among these factors is lead poisoning.

There is no doubt that lead is a dangerous toxin that is not safe at any level and that lead poisoning is killing birds ([Tranel and Kimmel 2009](#), [Haig et al. 2014](#), [Grade et al. 2019](#), [Pain et al. 2019](#)). However, the debate about restricting the use of lead has long circled around whether a ban would save only individual birds or if it would have measurable impacts on bird populations. Recent studies have brought clarity that lead can have population-level effects ([Pain et al. 2019](#)). A study of Common Loons (*Gavia immer*) in New Hampshire by [Grande et al. \(2017\)](#) found that lead fishing tackle was the leading cause of mortality for adults. The researchers estimated that lead tackle mortality reduced the statewide population by 43% during the years of the study. This pattern highlights how premature death in long-lived species like loons and Trumpeter Swans (*Cygnus buccinator*), that can live to over 20 years old, can have a disproportional impact because of the loss of future breeding potential.

Further questions have asked if we can confidently measure the impact of restricting lead on bird populations. Lead fishing weights were responsible for widespread lead poisoning in Mute Swans (*Cygnus olor*) in Great Britain. Following a ban on the sale and use of most lead fishing weights in England and Wales in 1987, there was a sharp reduction in the numbers of mute swans dying or sick from lead poisoning in most study areas. This has been considered crucial to the subsequent increase in the species' population ([Sears and Hunt 1991](#); [Kirby et al. 1994](#); [Perrins et al. 2003](#)) and we believe similar measures could be effective for Trumpeter Swans in Minnesota.

Lead fishing tackle is causing the death and suffering of swans and other water birds in Minnesota and around the world, and a growing body of literature points to population-level effects and the effectiveness of bans on lead fishing tackle. Based on this evidence we support the Swan Protection Act and the ability of the DNR to restrict lead tackle in known Trumpeter Swan nesting areas.

Do not hesitate to contact me if you would like to discuss this issue further.

Sincerely,

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**COMMENTS FROM CARROL HENDERSON REGARDING H.F.
3774 REGARDING THE MINNESOTA SWAN PROTECTION ACT**

April 17, 2022

My name is Carrol Henderson. I served as supervisor of the Department of Natural Resources' Nongame Wildlife Program from 1977 through 2018. I was a co-author of the original Trumpeter Swan Restoration plan written in 1981. I implemented the plan with funding from the Nongame Wildlife Checkoff. I collected 150 trumpeter swan eggs in Alaska in the 1980s and also received donations of swans from zoos including the Minnesota Zoo. A total of 372 swans were released as part of that restoration project from 1987 through 2007 at a cost of \$514,000. The statewide population is now estimated between 25,000 to 30,000 swans.

I sincerely appreciate the intent of H.F. 3774 and its authors for protecting trumpeter swans in Minnesota, but I feel that there are some significant provisions in this legislation that will not achieve their intended objective. The focus on limiting use of lead fishing tackle on breeding swan waters is inadequate because trumpeter swans utilize a broad variety of lakes and wetlands throughout their life cycle including wetlands used by nonbreeding trumpeter swans that have not yet matured to the age of four when they typically start nesting. The focus on breeding swan waters also misses the fact that a significant problem with lead poisoning in swans occurs in their wintering wetlands like at Vadnais Lake in Shoreview.

Another significant factor is that trumpeter swans have now been documented by the Minnesota Ornithologists' Union as breeding in 77 of Minnesota's 87 counties. The complex process of documenting trumpeter swan breeding waters on a wetland-by-wetland basis would be cumbersome, expensive, and time-consuming.

It would be more simple and cost-effective to propose legislation on a statewide basis using the concepts that have been enacted by passage of legislation in New Hampshire, New York, Maine, Massachusetts, Vermont, and Washington state. They were concerned about loss of loons to lead poisoning. New York passed its legislation in 2004—17 years ago! **These states prohibit use, manufacture, and or sale of small jigs and sinkers under one ounce and less than 2 ½ inches long.** Those laws were enacted statewide for protection of common loons, but the same concepts would apply here.

That brings up another important point. The goal of such legislation should be to **benefit all Minnesota wildlife species** being lost by ingestion of anglers' lost lead fishing tackle—small jigs and sinkers—not just trumpeter swans. This also includes our state bird—the common loon—and other federally protected waterfowl including ducks and geese.

The loss of small lead fishing jigs and sinkers by anglers is a problem of cumulative toxic pollution of Minnesota's lakes and wetlands. The sinkers I lost on Whitefish Lake as a kid in the 1960s, sixty years ago—are still there! Our Minnesota lakes should be

treated as natural treasures—not as dumping grounds for toxic lead fishing jigs and sinkers. The Minnesota Pollution Control Agency should be consulted for guidance on use of nontoxic fishing jigs and sinkers. The Minnesota Pollution Control Agency “Get the Lead Out” website lists 35 manufacturers of lead-free jigs and 24 manufacturers of lead-free sinkers.

There are concerns that the nontoxic tackle is too expensive. However, a US Fish and Wildlife survey of expenditures by Minnesota anglers, published in 2011, revealed that they spent about \$1,500/year/angler for fishing. That included about \$240 in annual equipment expenditures. Suppose a person spends about \$50/year for a selection of nontoxic jigs and sinkers. That is less than five per cent of the total cost of their expenditures for fishing. Compared to the cost of boats, motors, gasoline, lodging, and other gear, the cost of those nontoxic jigs and sinkers is small.

Minnesota anglers need to take responsibility for this dilemma and take the initiative to promote use of nontoxic “loon and swan-safe” fishing tackle with both fishing tackle manufacturers and sporting goods retailers. This will reflect well on the reputation of Minnesota’s anglers as conservationists—not as polluters.

We therefore respectfully recommend that we collaborate with you, other conservation organizations, and the co-authors of H.F. 3774 to rework the bill into a comprehensive bill targeted to benefit Minnesota wildlife including trumpeter swans, common loons, and waterfowl including ducks and geese. The bill should include provisions that would **prohibit use, manufacture, and or sale of small jigs and sinkers under one ounce and less than 2 ½ inches long.** This legislation would also undoubtedly generate considerable support from Minnesota citizens who care about our state bird, the common loon including supporters of the National Loon Center.

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These comments and recommendations have been approved by the Board of Directors of Friends of Minnesota Scientific Natural Areas.

/s/ Thomas E. Casey, Board Chair,
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Minnesota Center for Environmental Advocacy

March 17, 2022

TO: House Environment and Natural Resources Finance and Policy Committee
FROM: Andrea Lovoll, Legislative Coordinator, Minnesota Center for Environmental Advocacy
RE: HF 3774 - Swan Protection Act

Chair Hansen and Members of the Committee:

Thank you for your service to the people of Minnesota and thank you for the opportunity to testify on HF 3774. Minnesota Center for Environmental Advocacy (MCEA) is a nonprofit organization with almost 50 years of experience using law and science to protect Minnesota's environment and the health of its people.

MCEA supports HF 3774. Swan recovery in Minnesota is one of the biggest conservation success stories of the past few decades. Trumpeter swans were once on the path to extinction and were extirpated from Minnesota. Because of efforts across all levels of government, reintroduction of swans to Minnesota has been successful. The population of trumpeter swans has increased to over 25,000 birds, and the range of Trumpeter Swans continues to expand across the state. As the nesting population of Trumpeter Swans grow, they have entered new waters, some of which contain lead. This bill is another step in the right direction for protecting vulnerable trumpeter swans and continuing their recovery.

Swans are uniquely vulnerable to lead poisoning because of their physicality and the way they eat. They have long necks to get to the lake bottom and dig to access their food. Anything that sinks, like lead, is easily consumed along with the food. It takes just one lead sinker to poison a swan.

Once a swan has consumed a lead sinker or piece of lead shot, it is in grave danger. Lead poisoned swans are weakened and in pain for weeks and can only be helped by wildlife rehabilitators when they are so weak that they can be captured for treatment. At that point it is often too late, and costs thousands of dollars to treat each bird. Many swans are too sick to save at that point, and even birds that recover suffer lifelong harm.

HF 3774 is a reasonable approach to address a horribly painful death for swans. We have already banned lead shot for waterfowl hunting in the 1990's specifically for this reason, and non-toxic alternatives for fishing tackle are widely available. Requiring the use of non-toxic alternatives to lead tackle in areas where swans nest is reasonable, and appropriating funds to continue the transition to non-toxic tackle is a wise investment.

Thank you, Chair Hansen, for this step in the right direction to protect Minnesota wildlife.

Sincerely,

Andrea Lovoll, Legislative Coordinator, Minnesota Center for Environmental Advocacy