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# Lead Ammunition/National Wildlife Refuge System: Sierra Club Challenges U.S. Fish and Wildlife Service Withdrawal of Ban in Canaan Valley National Wildlife Refuge

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The Sierra Club and two other environmental organizations filed a Complaint for Declaratory and Injunctive Relief (“Complaint”) in the United States District Court for the District of Columbia against the U.S. Fish and Wildlife Service (“Service”) alleging a failure on its part to protect wildlife in the National Wildlife Refuge System.

The other plaintiffs filing the Complaint include:

- Friends of Blackwater
- National Wildlife Refuge Association

(collectively, “Sierra Club”)

The Complaint challenges the Service’s 2022 withdrawal of a plan to phase out the use of lead ammunition for hunting in the Canaan Valley National Wildlife Refuge.

Sierra Club states that the Service “abdicated its statutory duty to safeguard wildlife on the Refuge System,” arguing that residual lead ammunition and tackle from hunting and fishing is a source of lead poisoning for various species. It also objects to what it describes as the Service’s allowing an unfounded objection by the State of West Virginia to the prior decision to ban lead ammunition in the Canaan Valley National Wildlife Refuge.

The Service is stated to have begun addressing lead ammunition on the National Wildlife Refuge System by phasing out lead ammunition and/or tackle at 10 National Refuges. The Service is stated to have withdrawn the plan to phase out lead ammunition at the Canaan Valley National Wildlife Refuge in Northern West Virginia.

Sierra Club argues that:

- No attempt was made to justify withdrawing the Canaan Valley National Wildlife Refuge and maintain the ban in the other nine refuges.
- Scientific evidence indicates that lead ammunition and tackle cause significant harm to wildlife.
- The Service previously rebutted concerns that the costs, availability, or effectiveness of non-lead ammunition would dampen hunting participation.

- The Service’s only explanation for excluding Canaan Valley National Wildlife Refuge was the State of West Virginia’s objection.

The Complaint also argues that the Service as a designated steward of the Refuge System under the National Wildlife Refuge System Improvement Act (“Act”) is required to undertake management in which wildlife conservation comes first. As a result, Sierra Club argues that the Service violated this Act when it withdrew the plans to phase out lead ammunition in the Canaan Valley National Wildlife Refuge.

The Complaint requests that the United States District Court:

- Declare that the Service acted arbitrarily and capriciously and violated the Act by withdrawing its plan to promulgate a rule phasing out lead ammunition at the Canaan Valley national Wildlife Refuge by 2026 and simultaneously withdraw its compatibility determination requiring such phase out (“Withdrawal Decision”).
- Set aside and remand the Withdrawal Decision and order the Service to make a new decision consistent with the Act.
- Award Sierra Club temporary, preliminary, and/or permanent injunctive relief as necessary to remedy the Service’s unlawful action.
- Award reasonable fees, costs, and expenses.

A copy of the Complaint can be downloaded [here](#).