

## HEARING PROTECTION ACT

- Firearm sound suppressors reduce, but do not eliminate, the noise of gunfire to levels safer for one's hearing.
- Legal in 42 states to own and 40 states to hunt with, suppressors are rarely used by criminals. Rather, they are important safety devices for hunters and target shooters. They also help reduce noise complaints against ranges.
- The Hearing Protection Act would not deregulate suppressors. Instead of the current onerous process, the purchase of a suppressor would follow the same rules as the purchase of a non-NFA firearm including an FBI background check.

### WHAT IS A SUPPRESSOR?

Firearm sound suppressors, or “silencers” as they are sometimes misleadingly called, are devices which help reduce the noise of gunfire to hearing safe levels when attached to a firearm's muzzle. Suppressors are generally nothing more than containment systems with a series of baffles which help contain and re-direct the expanding gases that exit the end of the firearm's barrel when it is discharged. They are very similar to car mufflers which were, in fact, developed in parallel by the same inventor in the early 1900s. Suppressors help to lessen the concussive sound of the firearm discharging. Using suppressors can make shooting firearms safer, more enjoyable and help make shooting ranges more neighborly.

Suppressors have been available for more than 100 years, are legal to own in 42 states, and legal to use while hunting in 40 states. As of April 2020, there were over 2.04 million suppressors in the hands of U.S. consumers. The growing popularity of these products results in Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) processing delays of an average of seven months.

### THE HEARING PROTECTION ACT

Under current law, suppressors, a firearm accessory, are regulated as heavily as machine guns under the prohibition-era National Firearms Act (NFA) of 1934. In order to purchase a suppressor an individual must locate a retailer that is regulated as a NFA Class III dealer, complete an ATF Form 4 with the model and serial number of the suppressor, obtain two passport photos and fingerprint cards from a local police department. The local chief law enforcement official must receive a completed

**The Hearing Protection Act was introduced in the House of Representatives 2021 by Rep. Jeff Duncan (R-SC) as H.R.95. Similar legislation, S.2050, was introduced in the Senate by Sen. Mike Crapo (R-ID).**

copy of the application. Then the form, photographs and fingerprints must be sent to ATF along with a check to pay the \$200 tax. Currently, it takes ATF about seven months to process the paperwork. Then, the customer can obtain the suppressor from the NFA Class III dealer, who is also a federally-licensed firearm retailer.

While the bill would remove suppressors from the National Firearms Act, it would not deregulate suppres-

sors. They would remain regulated under the Gun Control Act of 1968 (GCA). Federally licensed firearm retailers would still maintain detailed sales records subject to ATF audit and conduct an FBI background check on all purchases, just as they do now.

### HEARING LOSS

According to the National Institute for Occupational Safety and Health (NIOSH), any exposure to noise over 140db causes immediate and irreparable noise-induced hearing loss. Unsuppressed handguns and rifles generally create a muzzle report well above this threshold. Gunfire noise is a “preventable” occupational risk and an unnecessary liability. A suppressor can help protect against hearing loss. Noise-induced hearing loss is a documented problem facing target shooters and hunters. It is also a serious threat to our men and women in the military and law enforcement communities. The ability to hear is crucial to the

performance of their duties. Many people have received medical retirement because of noise-induced hearing loss. Much of this hearing loss occurs due to repeated exposure to gunfire, both operationally and in the training environment.

### SAFETY EDUCATION AND TRAINING

Firearm suppressors have many practical benefits for civilians. One of

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the “ten commandments” of firearm safety is for shooters to wear eye and ear protection. A suppressor solves the need for ear protection for shooters who would normally be affected by the noise of the gun shot. This makes for more effective firearms training. Shooters will be able to communicate without shouting at each other and hear and comply with instructions and range safety commands.

It is important to note that many shooters who use suppressors on rifles still choose to wear some type of hearing protection for extended time on the range. As noted before, suppressors reduce the report of the firearm to hearing safe levels, they do not make them “Hollywood quiet”. Spending a day on the range with repeated exposure can have adverse effects on a shooter’s hearing.

One of the most common problems for shooters is poor accuracy due to the shooter’s anticipation of the gun’s loud report and recoil. This anticipation causes shooters to “flinch” before the gun even goes off, to experience slight tremors in the hand from nervousness, and even to close their eyes or blink right before they pull the trigger. These issues cause the gun to move from the intended target area. The use of a suppressor dramatically increases the shooter’s accuracy because of the reduced muzzle report, reduced recoil, and decreased muzzle rise.

## **HELPING MAKE RANGES BETTER NEIGHBORS**

Suppressors are widely available in Europe and other parts of the world, and their use has long been mandated in many countries because of their safety attributes. Hiram Maxim, the inventor of the modern firearm suppressor actually invented

the suppressor in 1902 to solve the noise pollution complaints of his neighbors.

In Maxim’s book, *Experiences with the Maxim Silencer*, he explains that he developed the suppressor to, “meet my personal desire to enjoy target practice without creating a disturbance. I have always loved to shoot, but I never thoroughly enjoyed it when I knew the noise was annoying other people.”

Over 100 years after his invention, noise pollution is still a problem. Shooting ranges throughout America are increasingly being sued by neighbors or are being shut down due to noise complaints. Suppressors can help to reduce noise complaints against ranges.

## **HUNTING**

As demonstrated by the 40 states that have legalized suppressor use for hunting, suppressors are also useful for hunting where it is not practical to wear ear plugs all day to maintain awareness of their surroundings. Using a suppressor will suppress the gunfire enough to protect a hunter’s hearing, allowing the hunter to effectively track their prey and take a shot without having to first apply hearing protection, because it is already installed on their firearm. Also, as the silencer reduces recoil and muzzle rise, one is able to get into position for a follow-up shot more quickly because there is less muzzle movement and the cross hairs stay closer to the target.

## **LAWFUL USE OF SUPPRESSORS DOES NOT INCREASE CRIME**

There are unfounded concerns raised by anti-gun groups that suppressors will be used in crimes. While law-abiding citizens have owned suppressors since 1902,

suppressors have very rarely been used in crimes. In a study looking at the criminal use of suppressors in California and nation-wide between 1995 and 2005, the researcher found just 153 federal criminal cases involving suppressors, only 15 of which involved the actual use of the suppressor in the commission of a crime. Less than 0.1% of homicides in federal court, an infinitesimally low 0.00006% of felonies in California and a mere 0.1% of armed robberies involve a suppressor. Suppressed firearms are clearly not the choice for criminals. This is likely due to the fact that they do not silence firearms like in the movies, they are ineffective on revolvers, they prevent the proper function of most semiautomatic handguns without the addition of a special piston system and they make firearms longer and heavier, which makes them more difficult to conceal.

Removing suppressors from the NFA will not pose a threat to public safety. What it will do is reduce ATF’s workload and allow the agency to direct more resources to reducing violent crime, rather than processing paperwork.

**Ronald Turk, Associate Deputy Director, ATF: “Given the lack of criminality associated with silencers, it is reasonable to conclude that they should not be viewed as a threat to public safety necessitating NFA calcification, and should be considered for reclassification under the GCA.”**

Source: <https://d3uwh8jpw49g.cloudfront.net/sharedmedia/1509466/atf-white-paper-options-to-reduce-or-modify.pdf>

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