



January 10, 2019

The Honorable Todd Kaminsky, Chair  
Senate Environmental Conservation Committee

**RE: S 287 (Ortt) – Memo of SUPPORT**

Chairman Kaminsky,

I am writing you today to ask for your support of the Senate Bill 287, Sen. Robert Ortt's legislation which seeks to legalize the possession of suppressors by law abiding citizens, and their use while hunting in New York. If enacted, prohibited persons will continue to be barred from purchasing or possessing them. It is a common-sense step that aligns with the 42 states where private suppressor ownership is currently legal, and the 40 states where hunting with a suppressor is allowed.

### **Suppressor Basics**

Suppressors have been federally regulated since the passage of the National Firearms Act of 1934. In order to purchase a suppressor, prospective buyers must live in a state where suppressors are legal, send in an application including fingerprints and passport photos to the ATF, pay a \$200 transfer tax, notify their local Chief Law Enforcement Officer (CLEO), and wait for an indeterminate amount of time for the ATF to process the application. As of January, 2019, wait times typically range from 5 to 14 months.

Suppressors are one of the most misunderstood tools in existence. The majority of Americans believe that suppressors fully silence the noise of a gunshot. This notion is unequivocally false. The primary root of this misconception comes from film, where fictional characters like James Bond are able to use a suppressor to shoot without noise. Hollywood's depiction of suppressors does not have any basis in reality, creating an understandably false expectation of what suppressors actually do. Interestingly enough, many countries in Europe, including the UK, the very country that gives us James Bond, encourage their hunters to utilize suppressors in order to reduce noise pollution and help protect hearing.

The terms "silencer" and "suppressor" refer to the same thing – a muffler for a firearm. It is important to note that nothing can actually silence the noise of a gunshot. Physics will not allow it, as there are too many variables that suppressors do not affect. In reality, suppressors work in the same manner as mufflers on cars, which function by trapping hot expanding gasses and allowing them to slowly cool, thereby reducing the noise to safer levels.

On average, suppressors reduce the noise of a gunshot by 20 – 35 decibels (dB), roughly the same sound reduction as earplugs or earmuffs. Even the most effective suppressors on the market, on the smallest and quietest calibers, like .22 LR, reduce the peak sound level of a gunshot to around 110 – 120 decibels. To put that in perspective, according to the National Institute for Occupational Safety and Health (NIOSH), that is as loud as a jackhammer (110 dB) or an ambulance siren (120 dB).

### **Hearing Conservation**

From a hearing conservation perspective, according to Dr. William W. Clark, the current Director of the Washington University School of Medicine's Program in Audiology and Communication Sciences, "the most serious threat to hearing comes from recreational hunting or target shooting".<sup>1</sup> This is in large part



because many people choose not to use traditional hearing protection devices like earplugs and earmuffs. Multiple studies have found that between 70 to 80% of hunters never wear earplugs or earmuffs, and nearly half of all target shooters don't consistently wear traditional hearing protection.<sup>2,3</sup> Thus, it should come as no surprise that for every five years of hunting, hunters become seven percent more likely to experience high frequency hearing loss.<sup>4</sup>

In a 2011 study, the Centers for Disease Control and Prevention (CDC) stated, “the only potentially effective noise control method to reduce students’ or instructors’ noise exposure from gunfire is through the use of noise suppressors that can be attached to the end of the gun barrel. However, some states do not permit civilians to use suppressors on firearms.”<sup>5</sup> New York is one such state.

In a similar study from 2014 on noise exposure at shooting ranges, NIOSH recommended, “if feasible and legally permissible, attach noise suppressors to firearms to reduce peak sound pressure levels.”<sup>6</sup>

In March, 2017, the National Hearing Conservation Association’s Task Force on Prevention of Noise-Induced Hearing Loss from Firearm Noise stated that “using firearms equipped with suppressors” is one of “several strategies [that] can be employed to reduce the risk of acquiring NIHL and associated tinnitus from firearm noise exposure.”<sup>7</sup>

## **Bipartisan Support**

In 2013, Montana Governor Steve Bullock (D) held the common misconception that suppressors could silence a firearm, which led him to veto suppressor hunting legislation in his state. However, once he became properly educated on the issue, he reversed course and urged the Montana legislature to legalize their use in the field. In a letter to the Speaker of the House from March, 2015, he wrote:

“The public perception of suppressors as the same thing as silencers, where the assassin quietly dispatches his victim, no longer holds true. Suppressors mitigate the sound of a shot, but do not silence it. The use of suppressors for hunting, when hunters cannot wear ear protection because they need to be aware of their surroundings, can help protect against hearing loss. This is especially true for our younger hunters, even those who are not actually hunting but are accompanying their parent in the field.

I understand the concerns regarding the risks of increased poaching and do not take this lightly, but other states have not found this to be the case.”

Gov. Bullock’s change of opinion wasn’t ideological, it was educational. Unlike many firearms issues, pro-suppressor reform has received a tremendous amount of bipartisan support across the country. In the past three years, three Democratic Governors have signed standalone pro-suppressor bills into law - Gov. Steve Bullock (MT) in 2015, Gov. Peter Shumlin (VT) in 2015, and Gov. Maggie Hassan (NH) in 2016.

## **Public Safety**

One of the primary reasons for such widespread bipartisan support is because the use of suppressors by criminals is virtually nonexistent. According to a white paper titled “*Options to Reduce or Modify Firearms Regulations*”, by Ronald Turk, former Associate Deputy Director and Chief Operating Officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), “silencers are very rarely used in criminal shootings. 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”.



Most criminals are not interested in suppressors because they do not actually silence a gunshot. According to Ralph Clark, the CEO of ShotSpotter, the law enforcement tool that helps police identify and localize gunshots in cities and urban areas, suppressed gunfire can still be detected by their technology. Suppressors also add length and weight to their host firearm, which make them inherently harder to conceal. Furthermore, criminals know that using a suppressor in the commission of a crime will carry stiff State and Federal penalties that will remain even with the passage of this legislation.

Should you be interested, we would be happy to host an educational suppressor demonstration for legislators at any time of your choosing. Thank you for your time and consideration. On behalf of the hunters and sportsmen and women in New York, I respectfully urge you to vote in support of S 287.

Sincerely,

Knox Williams  
President & Executive Director  
American Suppressor Association

cc: Members, Senate Environmental Conservation Committee

<sup>1</sup> Clark WW. (1991) Noise exposure from leisure activities: a review. *J Acoust Soc Am* 90(1):175–181.

<sup>2</sup>Wagner A, Stewart M, Lehman ME. (2006) Risk patterns and shooting habits of recreational firearm users. In: Abstracts of the National Hearing Conservation Association Annual Conference 2006, Tampa, Florida. *NHCA Spectrum* 23(Suppl. 1):28.

<sup>3</sup> Stewart M, Foley L, Lehman ME, Gerlach A. (2011) Risks Faced by Recreational Firearm Users. *Audiology Today*, March-April:38–52.

<sup>4</sup> Chen L, Brueck SE. (2011) Noise and Lead Exposures at an Outdoor Firing Range – California. Health Hazard Evaluation Report HETA 2011-0069-3140:5.

<sup>5</sup> Brueck SE, Kardous CA, Oza A, Murphy WJ. (2014) Measurement of Exposure to Impulsive Noise at Indoor and Outdoor Firing Ranges during Tactical Training Exercises. Health Hazard Evaluation Report HETA 2013-0124-3208:14.

<sup>6</sup> Murphy S, Meinke DK, Flamme GA, Murphy WJ, Finan DS, Lankford, JE, Tasko SM. (2017) NHCA Position Statement: Recreational Firearm Noise. NHCA Task Force on Prevention of Noise-Induced Hearing Loss from Firearm Noise: 1.