



## **Written Testimony to the Joint Standing Committee on Inland Fisheries and Wildlife**

### **In Support of L.D. 635**

**March 24, 2021**

#### **Objective:**

The American Suppressor Association (ASA) fully supports L.D. 635, Senator Trey Stewart's (SD 2) legislation that seeks to repeal the requirement to obtain a permit before hunting with a firearm suppressor.

Firearm suppressors are legal to own in 42 states. Of these, 40 states allow hunters to use them in the field. The use of suppressors while hunting has been legal in Maine since 2015; however, Maine is the only state that requires an additional permit to do so. Eliminating the permit requirement would free up MDIFW resources while simultaneously making the hunting experience in Maine safer by making it easier for hunters to mitigate their risk of hearing damage.

As L.D. 635 does not change Federal law, hunters would still be required to submit a Form 4 application to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, pay a \$200 transfer tax, pass an extensive FBI background check, notify their Chief Law Enforcement Officer, and wait an average of 6 to 18 months in order to lawfully obtain a suppressor.

#### **Background:**

##### **Suppressor Basics**

The terms "silencer" and "suppressor" refer to the same thing – a muffler for a firearm. Contrary to popular belief, no tool will ever be able to make a gunshot silent. Outside of the context of shooting, nothing will even be able to make them quiet. Guns are simply too loud.

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 (.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).

When a gun is fired, a controlled explosion of gunpowder propels the bullet through the barrel. Once the bullet exits the barrel, these hot gases are rapidly released into the atmosphere. The result is the muzzle blast, one of several primary noise sources associated with a gunshot. This is also the only noise source that suppressors abate.

Suppressors work by trapping and disrupting these gases, allowing them to slowly dissipate. It is the exact same science behind automobile mufflers, which should come as no surprise considering the muffler was invented by the same man who invented the firearm suppressor.

So why would anyone want a suppressor? In two words: hearing protection. Firearms are so loud that any exposure to unsuppressed gunshots without adequate hearing protection can instantly cause permanent hearing damage.



## Hearing Conservation

According to Dr. William W. Clark, 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.

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</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>3</sup>

In 2011, the Centers for Disease Control and Prevention (CDC) was commissioned to assess the level of noise exposure for federal government agents at an outdoor shooting range. The scientists assigned to the study found that **"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."**<sup>4</sup>

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>5</sup>

On October 21, 2019, the National Hearing Conservation Association (NHCA) wrote a letter to the American Suppressor Association outlining their support for suppressors as a tool to help curb preventable hearing damage. In the letter they stated, **"although firearm suppressors do not completely eliminate the risk of [noise-induced hearing loss] from firearm noise, the risk can be significantly reduced...Therefore, NHCA supports the use of firearm noise suppressors as a form of an engineering noise control to reduce hazardous firearm noise exposures."**<sup>6</sup>

## Sound Pressure Levels (SPLs)

Sound pressure levels are measured on a logarithmic scale, meaning that they increase in a nonlinear fashion. Every 3 dB increase doubles the sound pressure level; every 10 dB increase raises the SPL by a factor of 10. This means that 3 dB is twice as loud as 0 dB, the lowest threshold of human hearing. 10 dB is 10 times more intense, and 20 dB is 100 times more powerful. The following table illustrates the relationship between dB levels and the logarithmic scale:

Decibel Levels:	0	3	6	9	12	15	18	21	24	27	30	(+3)
Logarithmic Scale:	1	2	4	8	16	32	64	128	256	512	1024	(x2)

In 1998, NIOSH established recommended exposure limits (REL) for occupational noise exposure. Per the NIOSH REL, workers can safely expose their ears to 85 A-weighted decibels (dB[A]) for an eight-hour time-weighted average in a given day. The REL utilizes the equal-energy rule, so "for every 3-dB increase in noise level, the allowable exposure time is reduced by half. For example, if the exposure level increases to 88 dB(A), workers should only be exposed for four hours. Alternatively, for every 3-dB decrease in noise level, the allowable exposure time is doubled, as shown in the table below."



## Average Sound Exposure Levels Needed to Reach the Maximum Allowable Daily Dose of 100%

<u>Time to reach 100% noise dose</u>	<u>Exposure level per NIOSH REL</u>
<b>8 hours</b>	<b>85 dB(A)</b>
<b>4 hours</b>	<b>88 dB(A)</b>
<b>2 hours</b>	<b>91 dB(A)</b>
<b>60 minutes</b>	<b>94 dB(A)</b>
<b>30 minutes</b>	<b>97 dB(A)</b>
<b>15 minutes</b>	<b>100 dB(A)</b>

Sound pressure levels of suppressed gunshots begin to register around 110 dB for .22 Long Rifle, the smallest and quietest rimfire caliber that Boy Scouts use to earn the Rifle Shooting Merit Badge. At 110 dB the NIOSH recommended exposure limit is 1 minute and 29 seconds. As the size and power of calibers increase, so too do SPLs. At 130 dB, the SPL of the quietest suppressed hunting caliber rifles, the NIOSH REL is 0.8789 seconds.

According to Dr. Michael Stewart, Professor of Audiology at Central Michigan University, **“[t]he level of impulse noise generated by almost all firearms exceeds the 140 dB peak SPL limit recommended by OSHA and NIOSH.”** For this very reason, he goes on to state that **“it is not surprising that recreational firearm noise exposure is one of the leading causes of NIHL [Noise Induced Hearing Loss] in America today.”**<sup>3</sup>

The SPL of most unsuppressed rifles and pistols range between 160 to 185 dB. At these levels, even earplugs and earmuffs are often incapable of providing complete protection. According to the National Hearing Conservation Association:

*“Persons wearing conventional hearing protection are not without risk of NIHL when using firearms. The noise reduction of hearing protection devices varies considerably across users and may provide significantly less protection from noise than the labeled noise reduction rating (NRR) suggests. The National Institute of Occupational Safety and Health (NIOSH) has recommended the NRR of conventional hearing protection be derated by 25% for earmuffs, 50% for formable earplugs, and 70% for all other earplugs to correspond to existing real-world data. NIOSH research has demonstrated that as many as 50% of persons using earplugs fail to achieve 25 dB of noise reduction for their earplugs. However, using conventional hearing protection in conjunction with a suppressor can significantly reduce the risk of NIHL more than using either device alone”.*<sup>6</sup>

### Laws and Regulations

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 ATF, pay a \$200 transfer tax, notify their Chief Law Enforcement Officer (CLEO), and wait an indeterminate amount of time for ATF to process the application. As of today, wait times typically range from 6 to 18 months.

In 2011, the year that the American Suppressor Association was formed, there were 285,000 lawfully obtained suppressors in circulation in the 39 states where they were legal to own. A mere 22 of these states allowed their use while hunting. Since then, three states have legalized suppressor ownership



and eighteen states have legalized the use of suppressors by hunters. No state has banned suppressors.

## **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 recent 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.

## **Conclusion**

For these reasons, the American Suppressor Association asks that you support L.D. 635. Should any legislators or members of the Department of Inland Fisheries and Wildlife want to learn more about suppressor technology, ASA would be happy to host an educational suppressor demonstration at any time of your choosing.

<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>Blank A. (2019) National Hearing Conservation Association. Letter to Knox Williams: 1-2.