

Lead Reclamation & Recycling FAQ's – Answers provided by MT2 Firing Range Services – feel free to contact MT2 for a free consultation -1.888.435.6645 | info@mt2.com

1. How often should berms be remediated for lead, such as the number of rounds per lane?

Assuming this question pertains to ranges with granular rubber traps, this depends on type of rubber installed, frequency of backstop grooming, type and caliber of rounds being fired, environmental requirements for range cleanliness and personnel exposure, along with other variables. Soil berms would have similar variations, with type of soil being a key component rather than rubber. Steel traps are often limited by the capacity designed by the trap manufacturer. In general, steel traps are serviced more frequently, rubber less frequent, and soil less frequent than rubber. This is a very general statement, and exact conditions at your range can vary the frequency.

This question is most often asked by those that manage ranges with granular rubber traps that want to generate enough lead in their trap to offset the costs of reclamation/remediation. While you should consider the value of lead within your trap, avoid the pitfall of waiting so that long that you impact the health of your berm and the health of those utilizing it. For these folks, I recommend looking at the amount of "lead generated per lane". As lead builds up over time, you need to carefully weigh the value of the lead vs. the cost of the remediation/recovery vs. any risk to health and environment. Most ranges with less than 500 lbs. per lane seem to be able to maintain a healthy berm. As this weight-per-lane increases to 1,000 – 1,500 lbs. per lane, you can begin to see a more visible concentration of lead behind the target area. My experience says that in ranges above 1,500 lbs./lane, continued shooting into the same area starts to significantly reduce the "health" of your berm. Not only may you start see more ricochets, but as new bullets enter this area, they are more likely to fragment into smaller pieces, causing less "recoverable" lead and more dust. I believe this also fills in gaps between the rubber and compresses the rubber, ultimately decreasing the life expectancy of the rubber as bullets begin to break the rubber into smaller pieces at an increased rate. For new range owners, I often recommend scheduling your first lead-reclamation at around 1,000 lbs. per lane based on the number and type of rounds shot. As you learn more about your specific range, you can adjust this based upon the specifics of your range. As an example, some ranges are able to offset the location of their targets so as to avoid continuously impacting the same area.

2. Is there a "best" way to recycle lead dust from the dust collection units?

I am unaware of any major, reputable recycler that accepts pure lead dust, such as that from dust collection units, for recycle. From my experience in working with recyclers, this dust does not actually result in a recyclable product without additional steps and processes that are too costly for the recycler to consider offering you money for this product. It is therefore a waste and almost always a hazardous waste. I think this topic is an important one for the industry to ask as a whole.

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3. How to recycle lead. Effective backstops and baffles?

These are two separate questions. Please see the attached diagram that includes steps involved in recycling your lead (REFERENCE DIAGRAM – Showing life cycle of range impacted materials). It is important to ensure that that lead recovered from firing ranges is properly packaged prior to recycle, is handled, and transported properly to an accredited recycling facility, and that the recycling facility is properly managing the material according to all applicable rules and regulations. Of utmost importance is to ensure that you are working with reputable organizations that are following the law. Working with reputable organizations includes ensuring that your recyclables are truly recyclable. Do not attempt to avoid costs of hazardous waste disposal through “recycling” of material that may not truly be recyclable and is in fact waste. This is a major pitfall that can have serious consequences for both the recycler, the company managing the material, AND the range owner. The range owner is almost always, under RCRA, responsible for the liability in a subsequent cleanup from improper handling of waste under the guise of “recycling”.

Regarding effective backstops and baffles, most trap manufacturer will walk you through the benefits and drawbacks of different systems (i.e. steel vs. rubber). In general, if you are maintaining a healthy trap/berm, you should be able to maintain a healthy recycling program. The clearest example of not maintaining a healthy trap/berm would be waiting too long between your lead recovery/recycling events. The result in granular rubber traps is discussed above. The result in steel traps is often the accumulation of lead in areas that are difficult to access (e.g. “bridging” of lead in decel chambers instead of the collection area). This buildup not only increases the cost of getting the lead out, but can also impact operating costs, lifespan of the trap, and overall decrease in safe operation of your range. Imagine the scenario where buildup of lead in a decel chamber results in warping of your plates, creating gaps that bullets can pass through unhindered and the resulting lawsuits that could occur.

4. What impact will the Biden Administration have OSHA and Lead Impacts on business?

From a personal perspective, I think that who is in office as president has less overall impact than the general trends of the industry. The classic example is car emissions standards in CA. Many auto manufacturers will meet CA standards so that they can sell their cars in CA, regardless of what the federal regulations are. Under a similar trend, CA has increased their regulations regarding lead and firing ranges, creating a higher level of compliance necessary to operate in that state. In general, I see CA as the “canary in the coal mine” with the future trend leading towards stricter compliance regarding both lead and firing ranges on a national level. This may not even mean new laws or regulations, but rather more enforcement of those that are already in place. I think the greatest effect will be seen in ranges that have operated in a certain fashion for decades that may not be able to continue operating in the same way. The biggest risks I see are

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in properly protecting their clients, employees, proper recycling, and proper waste management.

The good news is that I also see many range managers operating in full compliance with existing laws that are still maintaining a viable operation. These are not insurmountable challenges, just the cost of doing business in the modern world.

5. Are there changes in lead reclamation rules that would affect private clubs? (501c7)?

This is a good question that we are asked often by clubs. Below is a statement from my OSHA expert:

“Federal OSHA has jurisdiction over employers that have employees. That said, many private ranges do not have employees. So, how do the Federal OSHA rules apply to a private range ran by volunteers? Federal OSHA does not generally cover volunteers, unless they are compensated in some way (e.g., given free range memberships, discounted entry fees for competitions, etc.) and would therefore be considered employees. Even if Federal OSHA does not cover volunteers, some state run OSHA programs may.

Most private ranges will strive to achieve compliance with OSHA standards to reduce their member's exposure to common range safety and health hazards (e.g., lead and noise). Especially, if the private range partners with local youth organizations. Private ranges may also fall under the jurisdiction of local or state health departments.

6. What is the best way to clean granular rubber bullet trap?

There are different methods and companies capable of performing lead recovery from a granular rubber bullet trap. The important thing is to separate the majority of the lead and other contaminants from the granular rubber without having a lead release into the environment or overexposing employees. It is also important to make sure the range is properly cleaned and maintained after recovery to prevent exposure to the range employees and customers.

Before you hire a lead maintenance contractor, consider: how are they protecting you, the Managers and Owners, from claims or potential illegal actions?

At a MINIMUM the contractor you select must have an insurance policy that covers you to the level needed in event of claim or event including:

- Workers Comp, General liability, Lead/pollution
- The MT2 standard contract is the industry leader in methods and legal compliance!
- Our \$10 million package protects the owner/manager and range because potential damages and regulatory fines for mismanagement can be hundreds of thousands up to millions of dollars.

7. What is the process of decontamination of a dirt stop butt?

Decontamination and lead recovery/mining are different terms used for maintenance of outdoor firing ranges. Decontamination typically involves identification of

contaminants, and remediation of the contaminates in soil, surfaces, and possible other materials through the cleaning of surfaces/materials and/or stabilization of the soil. Decontamination of surfaces is a fancy technical way to say cleaning of a surface to meet a certain standard. A common “decontamination” may be HEPA vacuuming and wet-method cleaning of surfaces to below 200 micrograms per square foot (200 uf/ft²). The purpose of decontamination is to clean that surface to a degree that the risk of lead is significantly reduced. This is often called the standard or criterion. The standard, or criterion, in this example is 200 uf/ft². Determining the proper standard to clean to can vary by the location, and it is best to work with an expert on these matters to ensure you are cleaning to a proper standard. A good maintenance program will have cleaning often followed by “confirmation” through sampling and reporting requirements. Decontamination can part of a maintenance program or in shooting range closures. In maintenance, it is often intended to keep the surface clean with acknowledgement that continued activity on the range creates the potential for “re-contamination” of the surface over time. Under this scenario, it is important to determine the proper frequency of decontamination/cleaning. In layman’s terms, this equates to having a maintenance plan that includes regular cleaning in areas that are most likely to come into contact with the shooter/range operators. In closures, decontamination and confirmation sampling are used to show that the remaining soils, materials, surfaces are cleaned to the applicable standard. Stabilization is the process of reducing the leachability of lead, most often used when discussing lead in soils. The intent of stabilization is to ensure that the lead contained within the backstop stays in the backstop and does not enter into nearby water sources or soils. Similar to decontamination, stabilization can be part of ongoing maintenance and range closures. Lead Recovery/Mining from soil berms typically involves a two-step separation of the soil and recyclable materials, with the “good” soils going back to the backstop, recovered recyclables being recycled, and any remaining materials moved from the primary backstop impact zone. This process can also include treatment or stabilization of lead particles in the soil and in and around the backstop area.

FFL questions answered by FFL Consultants

8. What direction do we see the range industry heading in 2021 and beyond?

We see the range industry remaining strong and expanding for the next 3-5 years. Similar to the trending number of increasing FFLs, we expect entrepreneurs to obtain capital to expand retail operations and to build new ranges to support the more than 5 million new gun owners and 18 million firearms sold in 2020. Constraints will be by state / county where zoning restrictions or local legislatures act and new laws are imposed.

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9. Do we see an increase in FFL's due to the current conditions, IE; COVID 19?

Yes - we continue to see entrepreneurs applying for FFLs monthly . There are currently 131,188 FFLs as of the end of October 2020- as compared to the 129,615 ending December 2019. We cannot yet report on "NEW FFL License applications" for 2020 but the net sum is +1573 licensees across all states operating in 2020.

10. Where do we see ammunition availability and ammunition companies in the next 2-4 year's?

There is no predictability on ammunition supply availability for the next few years. The undetermined variables include reduced mining across the world due to COVID-19 shutdowns and restrictions, availability of chemicals produced in Europe that are critical to the primer "recipes", reduced overall supply of source materials to produce ammunition domestically and the run-up demand purchasing by the public in relation to the election (traditional "gun-ban scare"), recent civil unrest, +5 million new gun owners in 2020 and general hoarding.

11. What is the future of brace pistols?

Pistol braces are not in question today. What is in question (in the press) is the ATF actions imposed in arm brace and firearms manufacturer Q LLC who is the manufacturer of the Honey Badger ar-type firearm. The issue stated in the pending action explains that the ATF action is resulting from Q's failure to obtain design approval from the ATF prior to distribution and sale of their firearm. This also appears to be an ongoing issue between Q LLC and the ATF which has finally culminated in a notice to cease operations related to the said firearms not yet approved by the ATF. All other media, in our opinion, is misleading to the industry.

12. What is the impact of Biden?

The Biden administration is expected to launch legislation regarding restriction of ar-type firearms, universal "private party" background checks, high-capacity magazines, national red-flag laws, firearms owner's responsibilities regarding securing and reporting lost/stolen firearms and more. Essentially, our legal partners at Kutak Rock are monitoring daily activities in this area. Joe Kavan has explained (watch the video) that the Democrats are expected to "dust off" all of the past legislation (proposed Bills) that never made it through congress in the past and refile them for consideration again. This may be complicated by additional gun control legislation that the Harris committee brings forth as she was the architect and CA Attorney General during several phases when stricter controls were passed for California residents and gun dealers. This issue will be updated and reported on via ongoing webinars produced by FFL Consultants.

13. When will ammo be available?

Ammo will become available as source materials become available from mining operations, chemical operations, and labor restriction change in foreign nations (South America, Europe, Mexico) where critical materials including lead and copper are mined and produced. There are between 17 and 23 components listed for every "bullet/primer recipe", many of which are in scarce supply. Hampered by increased demand by law enforcement, government, and military entities, it is expected that ammunition will remain in scarce supply to non-governmental entities for the foreseeable 12-18 months.

14. What is the outlook on Digital gun logs?

Digital gun logs are currently available and authorized by the ATF and available from several vendors. Contact FFL Consultants directly for a list of recommended vendors suitable to your needs and expense. There are many requirements to implement electronic record keeping that we can share and discuss directly.

15. What is the outlook on automatic weapons?

Outlook on automatic weapons - we do not expect any changes in the NFA section of the ATF guidelines for "automatic" weapons. The NFA has not been negatively impacted by any administration since 1986 when machine gun restrictions were defined.

16. What are ranges supposed to do to survive during this time of no ammo availability?

Ranges can implement a variety of strategies to continue operations. Many FFLC and MT2 clients have taken advantage of the increase in new gun buyers by offering classes around "safe gun operations", "self-defense strategies", "firearms security", "proper firearms control -grip, sighting-shooting", "firearms maintenance and repair", and more. These sessions can drive/continue loyalty and prepare new gun owners for personal usage and provide knowledge. Many ranges are also charging cost+5% on ammunition that may be available (at higher costs) simply to continue range usage and charge higher fees for range usage. Alternatively, several ranges are also complimenting their classroom training with electronic range options available from several vendors - the cheapest of which can include using laser-type simulation firearms available in several types / models that can simulate proper usage and control. This practice supplemented by limited live ammo fire can provide both simulated and realistic firearm usage UNTIL ammunition supply improves.

17. What are the Challenges & Impact for FFL holders after the elections

Firearms supply- similar to ammunition, source materials and components for many firearms are manufactured in other countries, imported to the United States, and "manufactured" or completed here domestically. Trigger assemblies, springs and other metal components are imported. Until the pandemic is corrected across all nations, there may be continued limitation on source (mining-related) materials, steel, lead, and factory components made in China and elsewhere. We are now seeing many "unfamiliar" brands of firearms imported from different countries in Europe simply because they were not

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"choice" brands in the past, although now available to the consumer as more recognized brand supply has become scarce. These firearms are not sub-standard in any way, just not "at the top of the list". Choice traditional brands may be available on a limited basis due to production limitations and these will continue to demand a premium price for the next 6-12 months due to supply and demand issues.

18. What is the best means of getting the most up to date information on ATF rulings and determinations?

Every FFL should be registered to receive the ATF updates by going to the ATF website: <https://www.atf.gov/rules-and-regulations> and register for future updates. In addition, subscribe to the FFL Consultants basic membership (no cost) and receive periodic update and news related to state and federal firearms regulations. We monitor the channels, media, and updates for you.

19. How has the recent sales increases for firearms during COVID and the civil unrest effected both retail operations and range operations?

The firearms industry prospered greatly during the first half of 2020 due to issues explained above. The demand continues through November with records being set for NICS checks and firearms sales. The "reasons" for acquiring / purchasing firearms has continues with reason for such being "future election / administration controls being implemented", "possible civil unrest", firearms and ammunition restrictions. We see this trend continuing for the next 6 months due to uncertainty in these areas. We continue to see "hoarding" wherever ammunition and firearms are available, at almost any price. The industry is being hurt now by limited supply for manufacturing, not demand. Until the pandemic is corrected, mining, factory and manufacturing will continue with reduced production, yielding limited supply. If the election is certified for the Democrats, this demand will continue for all reasons stated and future expected gun control. Range operators need to re-invent their businesses now to prosper during these times of uncertainty

20. What are the best sales practices going forward into 2021 to address the large increase in gun sales that has resulted in lack of inventory availability for both firearms and ammunition from major manufacturers and parts vendors?

Educating your customers - as a retailer- you need to modify what you do now to survive in the future. Research the competitive price for firearms being sold in your local area by using the internet and price items equal to the competition. While supplies remain limited - demand will prevail. There will be a buyer for almost every firearm available. We speak with FFLs nationwide and relate to this issue daily. On-line sales will also expand your client base (call us for best online sites to use if you don't already sell online - it's easy!). See our discussion above regarding "classroom training" for new gun buyers. There are more than 5 million "newbies" who need education, holsters, gun cleaning kits, new sights, secure

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storage and more! As firearms are being stolen from vehicles at an alarming rate now - selling secure storage for vehicles (and home) should be at the top of every new gun owner list. Retail FFLs can hold educational classes without a range, charge fees, create loyalty for when the industry resumes, etc.

21. What top 3 govt programs are you leveraging for operating capital during the shutdowns?

We do not traditionally offer financial advice but there are several funding programs available for small business owners view the Small Business Administration. Aside from the PPP and EIDL, the SBA Express Bridge Loans and SBA Debt Relief may be available for you. Visit: <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options>

22. What is your projection for domestic firearms, components, and ammunition supply in the next 12 months?

We do not expect the firearms and ammunition supply chain to increase to any great extent prior to the pandemic subsiding its effects on the labor population domestically and abroad in the areas of mining, factorized components production, cargo transportation and "completion" manufacturing which typically takes place domestically. The pandemic is not expected to subside in the next 6 months and will be based on the effectiveness of vaccinations.

23. What changes, if any, can we realistically expect in Federal firearms policy in the next 24 months?

Regarding the federal government's impact on firearms regulations, see above comments. In addition, the activities will depend on who eventually is certified as our next President. If the Biden administration prevails, we can expect a flurry of firearms regulations put forth in Congress that will, in our opinion, impact restrictions on AR-type firearms, the implementation of universal background checks, reduced protection for firearms related businesses if the PLCAA is repealed, high-capacity magazines, and possible national limitations on the frequency of firearms purchases. As stated previously, Harris was the architect of many of the current California firearms restrictions and regulations and will most likely continue this issue in her new position.

24. With possible changes with the elections. How far can someone go with an executive order and taking away firearm rights?

It has been explained in the video segment from Kutak Rock (see the Virtual Summit agenda) that it is highly improbable that Biden, if elected, will not exercise an executive order to affect firearms directly. We do however expect many Bills to be put forth before Congress by the Democrats regarding many gun control changes. These however will have to pass through the House and Senate to take hold.

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25. To reduce liability, how many Range Safety Officers should be present to supervise large bays, with multi tables on a firing line?

Safety and the activities of the given scenario should determine the ratio of RSO's to Range Participants. During standard range operations, 5–7 shooters maximum per RSO is the standard recommendation.

26. How often should range staff have a blood lead tests, and hearing loss tests?

This will depend on a number of factors. We recommend that any employees with Range responsibilities have baseline testing upon hire. Frequency of BLL and Hearing Testing after hiring would be determined based on overall responsibilities and many other factors.

27. Will the new regime employ tactics like OPERATION STRANGLEHOLD to force banks to stop doing business with firearms dealers?

In our opinion it is unlikely that the Biden administration, if certified, will take any immediate action for regulating banking activities as it related to firearms businesses. During the most recent administration, this has occurred due to board decisions in several larger financial credit servicing and banking institutions based on personal and/or company preferences and reputational side-effects that were used to penalize those customers involved with the firearms industry. There are several Federal Trade Commission and Banking Regulations controls currently in place which prevent a wide-sweeping impact or elimination of banking services for the firearms industry specifically as compared to restrictions imposed on the Cannabis industry which is an industry not yet recognized as "legal" at the federal level. There is also a movement in place to initiate the use of crypto currency in firearms commerce, similar to what Amazon and other larger retailers are adopting currently.

28. How to best keep up with Virginia law requirements and changes?

The primary site to review for any changes or updates to the Virginia Legislature regarding changes in gun control / firearms laws is: <https://lis.virginia.gov/cgi-bin/legp604.exe?201+sbj+068>. The National Shooting Sports Foundation (NSSF.org) and the National Rifle Association (NRAila.org) both provide weekly news forums that update on state and federal firearms laws.

29. What is the forecast for firearm sales in 2021?

The future of firearms sales is unpredictable and dependent on supply of source materials for the manufacture of international and domestic firearms. See more comments above regarding impacts imposed by the Pandemic as it relates to mining, international manufacturing, shipping, labor, and thereafter continued demand by those concerned with future civil unrest, self-defense, hunting and the like. The demand for firearms appears to

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remain strong due to a simple "supply and demand" condition that we expect to continue for 6-12 months. Distributors are not conveying much except that they "are doing their best" to be fair. Unfortunately, there are no regulatory requirements for to whom and in what quantity a distributor will transfer the firearms they are able to acquire from importers and manufacturers. Many FFLs have explained to us that in many cases this will be dependent on past relationships established with distributors prior to the pandemic unfortunately.

30. How will any of these affect weapons already in the homes of our customers

It is uncertain how the Biden administration will act regarding gun control but past history has always affected the distribution, control, and transfer of certain types of firearms managed by FFLs. It is unlikely that the federal administration will focus on firearms already in the hands of citizens as the challenge and execution to do so would be met with Supreme Court hearings and insurmountable logistics to do so. On the other hand, state and count legislatures can affect a process to vote on and pass restrictions on firearms (and just about anything they think need to be controlled by local authorities) and this has occurred through the past several administrations, and often with insignificant impact and enforcement. We are seeing this process both succeed and fail with "Red Flag" and "Firearms Owners Safety" laws that have been passed and enacted, although scarcely enforced.

31. What will it do for the opportunity of continued products?

We expect firearms sales to continue as any national changes would be contrary to the Second Amendment and such changes would require approvals by Congress and/or the Supreme Court.

32. What are common mistakes using new 4473?

The new Form 4473 is very similar in content to the previously used Form 4473. The primary purpose of the new Form 4473 is to properly document the description and itemization of the firearms proposed to be transferred on the form PRIOR to the form being affirmed by the transferee. Errors we continue to see via our site-inspection "Mock Audit" program include (not in any specific order): a - middle name or initial does not match ID, b - illegible handwriting for serial numbers and NICS (or state POC) transaction number, c - missing importer and only listing manufacturer, d- abbreviating importer or manufacturer, e - not listing relevant line numbers for pawn redemptions, f - missing a checkbox in Box 11 (old form) or Box 21 (new form), g -incorrect or "not updated" info for NICA Box 19 (old form) or Box 27 (new form), h - incorrect category in Box 24, I - Missing Transferee signature Box 35, j - different dates listed in Box 36 versus actual transfer date.

33. Do you believe that Harris will push for Federal laws that mirror what was done in California?

Yes - to some degree. See above comments (our opinion only).

34. Do you think there will be a Federal ammo tax?

Our legal partners at Kutak Rock surmise that the Democrats will definitely push forward gun control legislation but cannot predict, specifically the issues. There are obvious issues that have been impacted in the past focusing on AR-type firearms but the ammo taxation issue would be a new one and, in our opinion, a tougher one to get through the house and senate on a national scale.

35. How do you believe this will affect SOT dealers?

SOT dealers, in our opinion, would be least impacted in any negative way as there are arguments pro and con for suppressors and little in the way of furthering the National Firearms Act which already has tight controls on NFA weapons controls. Most issue in the limelight for Democrats focus on AR-type firearms that have been highlighted in mass-shootings.

36. What type of bans are they talking about on handguns and will previously sold guns be grandfathered in?

There is no currently proposed legislation being proposed for handguns BUT the future is unpredictable if the Biden/Harris administration take office and even more concerning if the senate is not held in control by the Republicans in January. If the Republicans lose control in the Senate, it is anyone's guess where the Biden administration will move forward in regard to gun and ammunition controls. The forecast is that the Republicans should hold the Senate, causing a stalemate on most gun-control Bills that are proposed for at least the next 2 years. The Senate race in Georgia in January is critical to maintaining the Second Amendment and Gun Control as it stands today.

37. How can we keep our customers fears calmed down by all of this agenda Biden has?

When speaking with your firearms customers, it is critical to remind them that there CURRENTLY is no national or federal database of firearms purchased by individuals (non-licensees). The background check information is retained for only 24 hours when a "proceed" is determined by NICS. The ONLY REGISTRATION that exists for firearms resides at the FFLK premises in the way of Form 4473s and Bound Books. Current firearms owners should feel confident that any "gun confiscation" would be next to impossible without centralized records. We have seen "voluntary firearms surrender or registration" programs passed and implemented in smaller jurisdictions, counties, and cities such as New York City and Boulder, Colorado, Virginia recently but with little or no enforcement. The California and Virginia laws though are concerning. Imposing limits on the future purchase of firearms and ammunition by individuals can certainly be in-play if Biden/Harris are elected and the Republicans lose control of the Senate.

38. Are they going to target ranges?

We do not see any indication of firing ranges being "targeted" for new legislation. The expectation is that the purchase or certain types of firearms would be higher on the list of "possible" proposed legislation that may get passed in Congress.

39. When will the Clinton ban start on mags again?

There is no currently proposed legislation Bill proposed to limit, restrict or recall "high capacity" magazines. This is high on the list of "probable" legislation to be proposed if Biden/Harris are certified.

40. Can anyone estimate when the shortage of guns and ammo will stabilize?

It is estimated that due to issues discussed above, firearm production and ammunition supplies will remain "as is" for the next 6-12 months, primarily impacted by labor shortages in other countries where mining and production labor is in short supply.

41. What are some best practices to deter range suicides?

The American Foundation for Suicide Prevention has a program available for Gun Dealers and Range Operators that we helped develop as NSSF Consultants. Contact JB or JC at FFL Consultants for direct support of visit: <https://www.nssf.org/safety/suicide-prevention/>
The program materials are available at no cost.

42. What are the ATF changes to the "pistol" idea?

See prior comments regarding proposed legislature and the recent ATF activities regarding the SB Tactical and Honey Badger decisions. There are NO CURRENT Bills in congress to re-qualify or re-define the "ar-pistol" or ar-arm brace positions made public in recent years. The future, under a new administration, opens the field for new legislation to be proposed, additional gun control bills, etc. See our comments above regarding the future of gun-control dependent on Congressional control (House and Senate). 2. For more information regarding the new Form 4473, watch the Virtual Summit Video - part 1 with JB and JC or contact JB@FFLConsultants.com to be scheduled for our next Form 4473 Training Webinar.

43. Any update on Executive Order "nightmare" scenarios?

it is unlikely that POTUS will use this privilege for any new gun control legislation. Gun Control typically passes through Congress with support from both sides before being enacted BUT anything is possible.

44. Do you think Biden will shut down online gun and ammo sales?

It is impossible to determine if the Biden administration will make such an attempt as Federal Law has already been challenged in this area and the challenge would be challenged by long-standing precedent that already includes controls on the final transfer by the FFL to the purchaser/transferor. There is "lower hanging fruit" issues that can be acted on which could gain Republican support in the areas of imposing NICS checks for private party sales, limiting the quantity of firearms purchased during a specified period, AR bans, high-capacity magazine bans, red flag laws and more. These would be easier to push through Congress versus activities involving national commerce of arms. But anything is possible. Whether or not proposed legislation would gain the support of both parties is the question.

45. Do you think tabletop FFLs will go away?

The current laws support Gun Shows with specific definition of law defined by Congress and supported by the ATF. Tighter restrictions may be imposed at a local or state level but we do not foresee any legislation restricting gun shows although controls may be tightened.

46. What do we anticipate will be Biden/Harris's first move regarding gun control?

Watch Kutak Rocks discussion on this topic (Virtual Summit video #7) and be sure to sign up continue receiving the FFL Consultants Loaded Magazine discussing updates on this area. The Biden Harris manifesto and the recent campaign touts " As part of his presidential campaign, Biden introduced a sweeping gun control plan that includes universal background checks, an assault weapons ban, more resources toward the enforcement of existing gun laws, a public push for the development of "smart guns," and incentives for states to adopt "red flag" laws, which let courts confiscate guns from people deemed a risk to themselves or others and develop gun-licensing systems." We also expect legislation regarding the production and sale of 80% lowers. But there are still questions about how likely gun control is to pass. For one, it would almost certainly require Democrats to retake the Senate — an electoral feat on top of winning the White House. And if Democrats do take the Senate, it's unclear if they'd prioritize actions on gun violence over Covid-19, the economy, climate change, health care, global warming, and criminal justice. Biden's plan would also close several loopholes in existing law, repeal a law that made it harder to sue gun manufacturers and sellers (PLCAA) when they make or sell guns they should have known would be diverted to criminal uses, limit the number of guns an individual can purchase to one per month, require safe storage, finance strategies to combat urban violence, and fund more research into preventing gun violence.

47. When will supply chain of firearms and ammo begin to go back to normal?

The trend for supply chain constraints is expected to last at least 6-12 more months. No other determination can be made at this time due to many uncertain variables.

48. Do we anticipate a continued wave of first-time gun purchasers in 2021?

We expect to see additional "first time gun buyers" as we ratify the election results (possible civil unrest and self-defense concerns from both sides) and the expectation of new legislation imposed that may ultimately reduce firearms access if Biden is certified.

49. How do you anticipate the ATF ruling reversals to affect compliance regarding pistol versus SBR configurations?

The ATF has not reversed any rulings regarding arm braces. This action would be undertaken by Congress, not the ATF. Recent media publications mis-stated the position of the ATF and what lead up to the issue regarding manufacturer Q LLC being issued a warning to cease distribution of the Honey Badger and similar firearms manufactured specifically without ATF design approvals. Contact JB or JC at FFL Consultants for more insights on this specific issue.

50. What would be the process for an administration eliminating ecommerce related to firearms and ammunition? Could this be done by executive order?

Again, to change laws involving the commerce of firearms, Congress would have to pass any legislation to do so and is highly unlikely during Biden's initial term, if certified. There are many other "low hanging fruit" gun control Bills being suited off from prior administrations that will hit the floor first. It is highly unlikely that the elimination of firearms e-commerce would be proposed as the controls are in place to properly transfer between FFLs and complete qualified background checks upon transfer.

51. Is an NFA trust transferable thereby making NFA item(s) capable of a private party transfer?

NFA firearms are not transferable to non-trustees and therefore it is important to enlist all appropriate parties to join the trust for trustee access to the NFA firearms. NFA firearms cannot be transferred to private parties without Form 3 and Form 4 completion. An NFA Trust may transfer their firearms via the Form 4 - Form 4 process after approval by the NFA Division of the ATF. Contact JB at JC at FFL Consultants for more discussion.

52. Do you really think anything will change with the Biden administration? Nothing really changed during the Obama administration did it?

We will see proposed gun control as we always have during a Democratic administration but there are many higher-priority issues that precede gun control including the Pandemic, financial relief for the economy, border control, health care, international relations, border and immigration control, global warming, etc.

53. Is all this talk about a tax on magazines and ammo really true?

There is no proposed legislation proposed anywhere regarding taxation on magazines and ammunition. This is unconfirmed media rhetoric. But future action on these issues by a Biden / Harris administration are always possible. Anything can be proposed - the question will be "Will Congress approve such actions?"

54. What is the useful life of a firearms range?

We have range clients currently in use for more than 20 years. This is dependent on location, competition, or lack thereof, technology in use, maintenance, and community support. Please give us a call so that we can better understand your situation. There are any number of factors that play into the longevity of a range and the equipment in place. Call JC for more discussion - JC visits more than 70 ranges nationwide annually. (720) 336-0028.

55. My FFL expires in December, and I am considering not renewing, especially if Biden is declared the president. Is this a viable consideration?

Give us a call - NO REASON to give it up unless your business has dried up! Business will continue to boom for at least a year (or 2) no matter who gets elected! Guns are NOT going away and if supply tightens or restrictions are proposed- sales will again skyrocket.

58. What has the Biden administration stated related to regulatory changes: (1) specifically targeted at suppressors? (2) mail-order firearms and or suppressors? (3) are application reviews expected to get longer, get shorter, or stay about the same as today?

1. See comments above on this issue. 2. suppressors have not been identified in any proposed documentation from the Biden - Harris camp. And suppressors have not been linked to any mass shootings, etc. so there is no obvious reason to attack the highly regulated suppressor market currently. 3. Online commerce - same discussion. This specific item has not been mentioned in any specific documentation but may fall into the Harris proposition if the Senate is taken over by Democrats in January. This is uncertain but not currently on any 'agenda'. Too many other "low hanging fruit" gun control issues would proceed this item. 4. We see and hear of no proposed changes to NFA SOT applications unless the ATF budget is cut. The backlog was purely the result of the approval process necessary to be completed by a limited staff of ATF employees assigned to the NFA division of the ATF. Unless restrictions are proposed, there should not be any constructive or deliberate increase in the processing time of NFA applications.

59. Is the ATF for or against more stringent gun and ammunition laws and why?

The ATF has no opinion on gun control laws or legislative changes. The ATF purely executes enforcement of laws enacted by Congress. Watch our Virtual Summit #2 with our Keynote Speaker Tom Chittum who speaks openly to this issue. The politicians in Congress are the folks with opinions regarding the second Amendment. The ATF has no say in what Congress decides specifically.

60. I recall reading somewhere a Biden/Harris administration will be targeting FFL dealers with intentions to closing as many as possible. Any substantiated truth to this thought? How best to prepare/protect for this onslaught?

There is no validity behind this rumor. Changes in the Gun Control Act would take votes by Congress, including the Democrats and Republicans. The National Shooting Sports Foundation, the Trade Association for the firearms industry, plays a major role in steering supportive politicians to vote correctly on Second Amendment bills in Congress. We urge you to support the NSSF efforts that protect rights and privileges for Gun Dealers / FFLs specifically. The NRA is NOT an industry support group but rather a citizen-non licensee support group (for clarification). The NSSF Government Relations Group has assured us that there is no public agenda focused on impacting the FFLs currently licensed to deal in firearms commerce. Again - this is established law since 1968 that stands firm and is difficult to change

61. Any update on dealing with State Control of background checks?

Depending on your state, you may be using NICS or a state-directed point of contact entity for background checks. The POC states were set up initially by state legislatures that require budget, personnel, statutes, etc. and have been established for many years in most cases. States have established themselves as POC to further regulate gun control at the state level, receive revenue for background checks and in several cases to establish state-level recording of firearms acquisitions by its residents. We (NSSF and FFLC) have not heard of any state moving forward in the near future to establish themselves as Point of Contact states. This is not a federal-level determination. Please call us to inquire further regarding this issue. JB or JC (&20) 336-0028.

62. How can we work on controlling number of customers in store.

We have solutions for adding signage to your store location to educate your customers about occupancy, safe distancing to comply with local Health Departments, etc. Give us a call for more info: JB or JC at (720) 336-0028.

63. How can we work on protecting store from break in?

We have developed Operation Secure Store for the NSSF and have free tools and resources available to you right now at www.FFLConsultants.com or www.OperationSecureStore.org. Or just give us a call to discuss your specific challenges and worries. JB or JC at (720) 336-0028.

64. If there is any gun confiscation, who will be doing that and will it be citizens and/or dealers? Or do you even see that happening?

We have no current indication through Congress or the ATF regarding a "gun confiscation". Such an act would be decided in Congress, be a challenge from the Republican party, cause citizen outrage and be very dangerous to undertake. Both sides realize this would be a severe violation of the Second Amendment and approach gently, if at all. Give us a call to discuss further and learn what we know. JB or JC at (720) 336-0028.

65. If new federal laws and restrictions are passed when will they likely take effect? How could executive orders effect how business is conducted by FFLS?

See our previous comments regarding the Biden/Harris administration agenda and the Second Amendment. We do not see any "fast actions" ahead on gun control if the Democrats are certified in this election. 2. We do not think (our opinion) that Biden or Harris would use executive orders for gun control - there are many other more important and impactful areas that such power would and should be exercised before taking a swat at the FFL community.

66. How to protect from liability as retail seller if statutory protection for retail sellers is removed?

There is great concern that the PLCAA is repealed by the Biden / Harris administration. Please watch the Virtual Summit Video # 7 with Joe Kavan from Kutak Rock who explains in detail what risks lie ahead if the Biden/Harris administration pursues this issue. FFLs will be at risk, will assume additional product liability and will have to fine-tune their methods, internal procedures and training to prevent straw purchases and reduce personal and business liability.

67. Thoughts on more audits or stricter audits? Will minor audit issue be used leveraged to revoke FFL privileges?

The ATF executes as directed by the Department of Justice and act to enforce laws executed by Congress. We can only assume that IF gun control heats up and Bills are passed in Congress, the ATF will be directed to act accordingly to support new legislation, if any. Currently, there are no "arbitrary" decisions decided by the ATF but rather only act on direction from "higher ups" in government. Currently the IOI's are trained to conduct

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regulatory compliance audits as laws (statutes) are currently written. Every audit completed today should be examining compliance to existing statutes, as taught in the ATF academy. For audits to become "more strict" the laws would have to change to allow different compliance points of focus. Audits may increase but that would require more investigators, more allocated federal budget, etc. That can't occur overnight. We will certainly hear more rumblings about this move if and when it would occur. We have credible relations with the ATF and will hopefully be able to communicate these concerns to our FFL community prior to any commencement by field agents. The "warning and revocation process" is a standardized and documented process. It would not change but yes- if an IOI let you "slide" on issues in the past or on a prior audit / inspection - you SHOULD NEVER bank on the same result or leniency from your next inspection as in the majority of inspections - the IOI will be different and play by a different book! Please contact us directly for more discussion on this topic. JB or JC at (720) 336-0028.

68. Given pressure in certain areas of the country to defund, or decrease funding to, police forces, will that have an effect on the funding available to perform range maintenance?

Any approved "defunding" of police at local levels can certainly impact funding available for law enforcement support services and activities, aside from personal labor and management costs. If you are reliant on government funding related to law enforcement or grants for range maintenance from the state, we recommend that you inquire if your specific activities will be affected. We (our opinion) expect the "defunding" process to be corrected if crime rates increase and community outcry require a reversal. Unfortunately, this would not be an overnight decision and may take many months if not years to be corrected. Please give us a call so that we can better understand your situation.

69. What items not to carry? What items to try to carry extra of? What firearms will probably be outlawed?

As an FFL, we suggest analyzing your critical inventory "top sellers" based on the last 6 months and replenish what you can. Anything to do with firearms maintenance, security, cleaning, and training will sell. High-end accessories are a niche market. Currently we are in a crisis mode not only in terms of health and the pandemic but more so in the area of disposable income and self-preservation. We have sold more than 18 million firearms this year and due to supply chain limitations - every handgun available for sale (with accommodating ammunition) is selling at a premium! If you can obtain ammunition (even at inflated costs) we suggest purchasing it for resale at a slight margin to accommodate any new firearm you have for sale. The gun doesn't work without bullets! "Anything shotgun" is selling due to home and personal defense where handguns are not available. Hunting season is here and ammunition is still available - and definitely selling for common calibers. There is no fast answer to what to carry or what not to but we (the consumer) are in

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somewhat of "survival mode". Other items we hear are selling fast are other personal self-defense commodities including knives and pepper spray. No one is forecasting a fast reversal of current conditions or the economy for the next 6-12 months. Give us a call to continue this discussion offline! JB or JC at (720) 336-0028.

70. What supply problems can we expect in 2021?

Current trends will continue for the firearms and ammunition supply chain with limited supplied for 6-12 months.

71. Will there be new taxes on firearms and ammunition in 2021?

There is no predictability or current Bills in Congress proposed for taxation at a federal level, for firearms and ammunition. States can impose such laws more easily than at the federal level (Congressional hurdles).

72. What is expected in terms of FFL relations with BATFE - which have been supportive and helpful to date?

Please watch our Virtual Summit video #1 with JB and JC as we have developed very credible and trustworthy relationships with the ATF community nationwide. Also watch Video #2 with Tom Chittum who explains and supports the role of the ATF as a "support" agency to the FFL community. There are certainly issues that must be communicated to your IOI or Area Supervisor and then there are issues you may be uncertain about. That's where we thrive. More than 50 FFLs call us each week with questions regarding compliance, straw sales, missing inventory, out-of-state purchases, transfers, possible 4473 errors and more. Every FFL has to decide how to balance their relationship with the ATF and an outside confidential supporter or consultant. What I will tell you is this - never relay on a "buddy" for a legal answer. If it's relevant to an FFL statute or requirement as stated in the FFL guidebook - do the research and get it right the first time! And before the ATF investigator highlights your error for you! Got a question? Call us anytime - JB and JC (720) 336-0028.

73. What about gun confiscation if Biden gets in?

We do not see any current legislation or specific Biden / Harris agenda items proposing outright confiscation of firearms from lawful citizens.

74. Outlook for private party sales?

Private party sale is on the agenda to be approached via the "Universal Background Checks for All" discussion we have heard about, this is high on the list for future gun control legislation by the Democratic party, although there will continue to be hurdles in Congress IF the Republicans hold the Senate in January.

75. Outlook for gun shows"

Gun shows have not been discussed in whole although we can expect tighter controls for gun shows if the Republicans fail to hold the Senate.

76. Are there FFL shops/ranges that reload ammunition?

There are a number of FFLs that offer reload ammunition for sale. These activities are considered ammunition manufacturing and require a Type 06 or 07 FFL. Watch our Virtual Summit Videos # 5 - Jeff Hewitt from Lockton Insurance and Video #7 with Joe Kavan at Kutak Rock - both discuss the liabilities you accept if you sell reloaded ammunition from a third party. There are testing and standards requirements to ensure the ammunition is not going to harm one of your customers. You also need to make certain that the reloader (if not you) is providing YOU with a certificate of insurance to protect you and your business if something goes wrong. Please contact us directly for more conversation on this item: JB or JC (720) 336-0028.

77. What preventative measures could we take to help us dodge an ammo shortage in the future, if at all possible?

Please see our above discussions and comments regarding ammunition shortages. This was a perfect and unexpected storm that led to this current ammunition shortage.

78. Any update on multiple sales? Who can pay, customer or spouse?

Multiple sales - must be completed and sent by end-of-day- Forms 3310.4 and 3310.12 - southern border states to Mexico. Need training for your staff? Give us a call - we do that! The financial transaction for a firearm is not legally connected to the transfer so anyone can pay for a firearm. The problem exists in determining who the firearm is for and who will be the "possessor" of the firearm following the transfer. It is the FFL Requirement that the true "possessor" be the person for whom a background check is completed. Any violation of this statute is a felony and can result in revocation of an FFL. Please call us to discuss further or attend one of our webinar training sessions to learn more. JB or JC (720) 336-0028.

79. What is our responsibility to notify past buyers of pistol brace weapons and 80% lowers?

As an FFL, there are no laws or statutes that require an FFL to contact past transferees (customers) regarding current possession of firearms subject to a change in legislation, unless such a directive is issued by a regulating body of government (which has never occurred in history).

80. How to fight back! ATF is becoming an out-of-control agency if rumors were hearing are true.

The ATF makes no laws and effects no change in current laws. They simply act on and enforce laws as directed and agreed upon by Congress. It's not the ATF you should have issue with - they are just doing their job! It's the politicians in Congress that are voted into office by the People that you may take issue with.

81. Can they legally shut down our gun stores. If we are legally in compliance?

The Federal administration would be hard-pressed to ever "shut down" gun stores, not is this likely at a state level. Where we have seen action impact gun dealers directly is at a city, or county or other municipal level where zoning changes have restricted firearms dealers in certain defined areas, proximity to schools and parks, etc. and where local legislative bodies have voted to impose taxes or surcharges on firearms and ammunition. In other states such as CA, IL, MA, DC, CT, VA, and FL - laws have been passed at the state level to control the requirements necessary for lawful firearms or ammunition purchases, regulated the frequency of purchases, etc. To answer your question, you should expect more radical FFL or gun law changes at the state court level - not the federal level - depending on where you reside and conduct business.