

## **Exhibit 2**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL  
DIVERSITY, *et al.*,

Plaintiffs,

V.

LISA P. JACKSON, *et al.*,

Defendants.

Case No. 1:10-cv-2007 (EGS)

## DECLARATION OF LAWRENCE G. KEANE

I, Lawrence G. Keane, declare as follows:

1. I am Senior Vice President, Assistant Secretary, and General Counsel to the National Shooting Sports Foundation, Inc. (“NSSF”).
2. I make this Declaration in support of NSSF’s Motion to Intervene in *Center For Biological Diversity, et al. v. Lisa P. Jackson, et al.* (Case No. 10-2007 (EGS)) (the “*CBD Litigation*”). Unless otherwise stated, I have personal knowledge of the facts stated below.
3. Formed in 1961, NSSF is a Connecticut non-profit tax-exempt corporation with a membership of more than 6,000 federally-licensed firearms manufacturers, distributors, and retailers; companies manufacturing, distributing, and selling shooting and hunting-related goods and services; sportsmen’s organizations; public and private shooting ranges; gun clubs; publishers; and individual recreational target shooters and hunters. NSSF’s mission is to promote, protect and preserve hunting and the shooting sports, and support America’s traditional hunting heritage and firearms freedoms.
4. NSSF’s members, and the ammunition and firearms industry as a whole, provide approximately 185,000 jobs in the U.S., and have an overall annual economic impact of more

than \$27.5 billion. More than 50 million hunters and target shooters in America purchase and use traditional ammunition containing lead components.

5. NSSF's members manufacture, distribute, sell, and use traditional ammunition made with lead components (the ammunition that a consumer purchases is made of a primer, propellant, the projectile (shot or bullet), and the casing). Approximately 95% of the domestically manufactured ammunition is traditional ammunition made with lead bullets or shot, and over 90% of that is manufactured by NSSF members.

6. NSSF's members' economic and legal interests will be directly affected by the outcome of the *CBD Litigation*. Plaintiffs seek to use the Toxic Substances Control Act ("TSCA") to force the U.S. Environmental Protection Agency ("EPA") to prohibit the domestic manufacture of traditional ammunition. This will significantly and negatively impact the interests of NSSF's members in at least the following ways:

- a. Domestic ammunition manufacturers will be required – at great cost – to re-design their products, retool or purchase new manufacturing equipment, and significantly change their manufacturing processes. Ammunition is produced in high speed and high volume automated processes using expensive, close-tolerance, and purpose-built machinery. Ammunition production relies on manufacturing know-how honed by decades of experience. Each of the major manufacturers produces several million cartridges of traditional ammunition a day. It is not possible to simply replace lead with alternative raw material in existing ammunition manufacturing processes. Further, the efficacy, consumer acceptance and environmental, health, and safety impacts of substitutes would have to be evaluated in order to determine if a switch to alternative ammunition is even feasible.
- b. Domestic ammunition manufacturers operate in a very competitive economic environment, with very low profit margins. Even if adequate alternatives for traditional ammunition were available and capable of being mass-produced, domestic manufacturers might not be able to obtain the capital needed, particularly in the current economic climate, to accomplish such a radical change to their ammunition manufacturing processes.

- c. Assuming that alternative materials could be found for traditional mass-produced shot and bullets, such alternatives will be more expensive than existing ammunition. Such price increases will impose a burden on NSSF members, including sports shooters and hunters (and thus decrease the number of hunters), firearms dealers, shooting ranges, Federal and State law enforcement, and the U.S. military. Higher prices will not only mean reduced sales and the loss of related jobs, it will also cause a reduction in the collection of the Federal Firearms and Ammunition and Excise Tax ("FAET") (11% on taxable ammunition sales), which is a primary source of wildlife conservation funding in the U.S. All of the FAET goes to the U.S. Fish and Wildlife Service, which then distributes the funds to the States for wildlife and sport fish restoration.
  - d. Approximately 20% of the domestic ammunition market is currently held by imports from non-U.S. manufacturers. Since, under TSCA, EPA cannot regulate imported finished ammunition, non-U.S. manufacturers would still be able to sell into the U.S. market traditional ammunition even if the plaintiffs prevail in this litigation. This imported traditional ammunition will also be less costly to produce than the alternative ammunition that the plaintiffs demand EPA require of domestic manufacturers. Imposing restrictions on domestically manufactured ammunition that will not be applicable to imported ammunition will result in an increased market share for non-U.S. manufacturers and the loss of American jobs at NSSF member companies.
7. For these reasons, the economic and legal interests of NSSF and its members are directly at issue in this litigation, and will be significantly affected by its outcome.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Lawrence G. Keane".

Lawrence G. Keane