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7 Foundation, Inc.

8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF ARIZONA**

11 Center for Biological Diversity; Sierra  
12 Club; and Grand Canyon Wildlands  
13 Council,

14 Plaintiffs,

15 v.

16 United States Forest Service,

17 Defendant,

18 and

19 National Shooting Sports Foundation,

20 Applicant for  
Intervention

No. CV-12-8176-PCT-SMM

**DECLARATION OF LAWRENCE  
KEANE IN SUPPORT OF NATIONAL  
SHOOTING SPORTS FOUNDATION'S  
MOTION FOR LEAVE TO INTERVENE**

21 I, Lawrence G. Keane, declare as follows:

22 1. I am a resident of Sullivan County, New Hampshire, over 18 years of age,  
23 and, unless otherwise stated, I make this Declaration based on my personal knowledge, or  
24 on information and belief relying on information collected by the National Shooting  
25 Sports Foundation, Inc. (“NSSF”).  
26

1           2.     I am Senior Vice President, Assistant Secretary, and General Counsel to  
2 NSSF. I make this Declaration in support of NSSF's Motion to Intervene in the case  
3 entitled *Center for Biological Diversity v. United States Forest Service*, No. CV 12-8176-  
4 PCT (the "Litigation").

5           3.     I received my BA degree in Economics from Fordham University where I  
6 also earned my law degree. I am licensed to practice law in Connecticut and New York.  
7 I began my legal career as an Assistant District Attorney before going into private practice  
8 where I represented several firearm manufacturers. I joined NSSF in 2000 and am  
9 responsible for all of its legal, government relations and risk management functions.

10          4.     I have also had the honor of serving on the Defense Trade Advisory Group  
11 at the invitation of the Assistant Secretary of State. More recently, I was appointed by the  
12 Secretaries of Agriculture and Interior as an alternate member of the Wildlife and Hunting  
13 Heritage Conservation Council (WHHCC). The Council is a federal advisory committee  
14 whose primary goal is to provide recommendations to the Secretaries of the Interior and  
15 Agriculture to promote and preserve America's wildlife and hunting heritage for future  
16 generations.

17          5.     I have reviewed the Complaint filed by Plaintiffs. The object of Plaintiffs'  
18 claims is the product NSSF's members manufacture, distribute, sell and use – lead  
19 ammunition. As explained below, the claims asserted by Plaintiffs and the relief being  
20 sought would, if Plaintiffs are successful, significantly injure the interests of NSSF's  
21 members.

22          6.     Formed in 1961, NSSF is a Connecticut non-profit tax-exempt corporation  
23 with a membership of more than 13,000 federally-licensed firearms manufacturers,  
24 distributors, and retailers; companies manufacturing, distributing, and selling shooting and  
25 hunting-related goods and services; sportsmen's organizations; public and private  
26 shooting ranges; gun clubs; publishers; and individual recreational target shooters and

1 hunters. NSSF's mission is to promote, protect and preserve hunting and shooting sports,  
2 and support America's traditional hunting heritage and firearms freedoms.

3 7. NSSF's members, and the ammunition and firearms industry as a whole,  
4 provide approximately 287,986 jobs in the U.S., and have an overall annual economic  
5 impact of almost \$49 billion. More than 50 million hunters and target shooters in  
6 America purchase and use traditional ammunition containing lead components.

7 8. The ammunition that a consumer purchases is made of a primer, propellant,  
8 the projectile (shot or bullet), and the casing. Approximately 95% of the domestically  
9 manufactured ammunition is traditional ammunition made with lead bullets or shot, and  
10 over 90% of that domestically manufactured traditional ammunition is manufactured by  
11 NSSF members.

12 9. Plaintiffs seek a ruling that the use of traditional lead ammunition for  
13 hunting must be regulated as the disposal of a hazardous waste under the Resource  
14 Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6901 *et seq.* RCRA, which was  
15 enacted in 1976, gives the EPA the authority to control hazardous waste from "cradle-to-  
16 grave," including the generation, transportation, treatment, storage, and disposal of such  
17 waste. A ruling that the use of traditional lead ammunition for hunting is subject to  
18 regulation by the EPA under RCRA would result in direct and immediate injuries to  
19 NSSF's members' economic, recreational and legal interests. Any significant restriction  
20 in the use of lead ammunition will adversely impact the manufacture and sale of  
21 traditional hunting ammunition in several significant ways.

22 10. Domestic ammunition manufacturers will be required – at great cost – to re-  
23 design their products, retool or repurchase new manufacturing equipment, and  
24 significantly change their manufacturing processes. Ammunition is produced in high  
25 speed and high volume automated processes using expensive, close-tolerance, and  
26 purpose-built machinery. Ammunition production relies on manufacturing know-how

1 honed by decades of experience. Each of the major manufacturers produces several  
2 million cartridges of traditional ammunition a day. It is not possible to simply replace  
3 lead with alternative raw material in existing ammunition manufacturing processes.  
4 Further, the efficacy, consumer acceptance and environmental, health, and safety impacts  
5 of substitutes would have to be evaluated in order to determine if a switch to alternative  
6 ammunition is even feasible.

7 11. Domestic ammunition manufacturers operate in a very competitive  
8 economic environment, with very low profit margins. Even if adequate alternatives for  
9 traditional ammunition were available and capable of being mass-produced, domestic  
10 manufacturers might not be able to obtain the capital needed, particularly in the current  
11 economic climate, to accomplish such a radical change to their ammunition manufacturing  
12 processes.

13 12. Assuming that alternative materials could be found for traditional mass-  
14 produced shot and bullets, such alternatives will be more expensive than existing  
15 ammunition. Based on research by our organization, my understanding is that banning  
16 traditional ammunition will increase the cost of ammunition, on average, up to 190%.  
17 Such price increases will impose a burden on NSSF members (including sports shooters  
18 and hunters), firearms dealers, shooting ranges, Federal and State law enforcement  
19 agencies, and the U.S. military. Higher prices cause reduced sales and the loss of related  
20 jobs, as well as a reduction in hunting and related recreational activities. Higher prices  
21 will also cause a reduction in the collection of the Federal Firearms and Ammunition and  
22 Excise Tax ("FAET") (11% on taxable ammunition sales), which is a primary source of  
23 wildlife conservation funding in the U.S. All of the FAET revenues go to the U.S. Fish  
24 and Wildlife Service, which then distributes the funds to the States for wildlife and sport  
25 fish restoration.

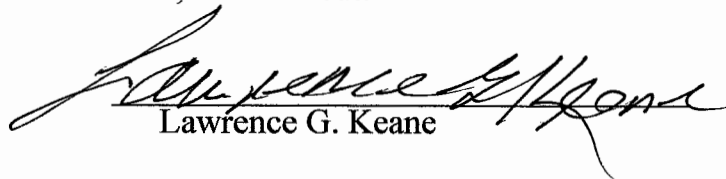
26 13. NSSF's participation as a party will also assist the Court in understanding

1 the manufacturing, distribution, sale and use of traditional ammunition and the potential  
2 impact of the relief Plaintiffs' seek on this industry. The NSSF also assisted the  
3 Environmental Protection Agency in that agency's adoption of a document entitled *Best*  
4 *Management Practices for Lead at Outdoor Shooting Ranges*, Revised June 2005. That  
5 experience will further NSSF's ability to assist this Court in adjudicating Plaintiffs' claims  
6 and request for relief.

7 14. Finally, NSSF does not believe its interests will be represented adequately  
8 by the U.S. Forest Service, which is the Defendant in this case. The Forest Service, as a  
9 federal agency that manages the use of National Forest System land by a wide variety of  
10 users, does not have interests that are analogous to the private interests of NSSF and its  
11 over 8,000 members, nor does the Forest Service share the business goals and objectives  
12 of NSSF and its members. In fact, the USFS' litigation position may be impacted by  
13 regional and national policies and considerations that do not take into account the interests  
14 of NSSF and its members. Furthermore, a ruling that the use of traditional lead  
15 ammunition for hunting and related recreational activities would apply to all such  
16 activities, regardless of whether they occur on National Forest System land, other federal  
17 land, State land or private land. The Forest Service is therefore not in a position to fully  
18 and adequately represent the interests of NSSF and its members in this case.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed on April 7, 2016, in Newtown, Connecticut.

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23 Lawrence G. Keane  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2016, I electronically transmitted the foregoing DECLARATION OF LAWRENCE KEANE IN SUPPORT OF NATIONAL SHOOTING SPORTS FOUNDATION'S MOTION FOR LEAVE TO INTERVENE to the Clerk's Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/Norman D. James