April 20, 2017

"Solvent Traps"

This information is provided to assist ATF personnel tasked with differentiating so-called "solvent traps" from firearm silencers. This information is not intended to replace an official Firearms Technology Criminal Branch (FTCB) report of technical examination for classification purposes under the Gun Control Act (GCA) or National Firearms Act (NFA).

Background:

Numerous manufacturers and sellers are marketing devices that they call "solvent traps." These devices often resemble firearm silencers, and many contain multiple design characteristics of firearm silencers. "Solvent traps" are marketed as devices which are attached to the barrel of a firearm during cleaning in order to catch excess cleaning fluids. These devices attach to firearm barrels in the same method as firearm silencers.

As background, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"*...any device **for** silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and **intended** for use in assembling or fabricating a firearm silencer or firearm muffler, and any part **intended** only for use in such assembly or fabrication.*" (See 18 U.S.C. § 921(a)(24).)

As highlighted in the above definition, a key factor in distinguishing between a "solvent trap" and a firearm silencer is the **intended** use for the device. Some devices called "solvent traps" may have a legitimate purpose as a firearm accessory. However, while the manufacturer's stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use.

2A

Background (cont.):

Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, and freeze plugs are sometimes used to assemble firearm silencers. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise demonstrates these articles are to be used for making a firearm silencer. Once such an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the GCA and NFA and is properly classified as a "firearm silencer."

Identification:

The first "solvent traps" that the Firearms & Ammunition Technology Division examined were in the form of repurposed oil filters. While some sellers marketed these devices as "solvent traps," others sold them as NFA registered firearm silencers, under names such as the "Econo-can." Registered firearm silencers of this type may have the thread adaptor as the registered part.

Many unmodified oil filters are recognized as having a legitimate purpose as "solvent traps" and are not generally classified as firearm silencers unless used as a firearm silencer.



Oil Filter



"Solvent trap"



Firearm with solvent trap attached

2B

Identification (cont.):

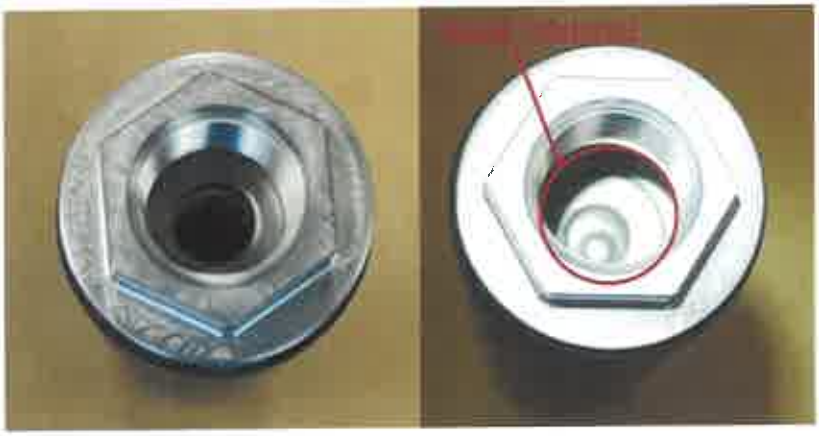


Firearm Silencer

The next phase of "solvent traps" evolution was the use of fuel filters, which more closely resembled the appearance of traditional firearm silencers. Unmodified fuel filters, which have a solid interior, are recognized as having a legitimate purpose as "solvent traps" because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.



Fuel Filter "Solvent trap"



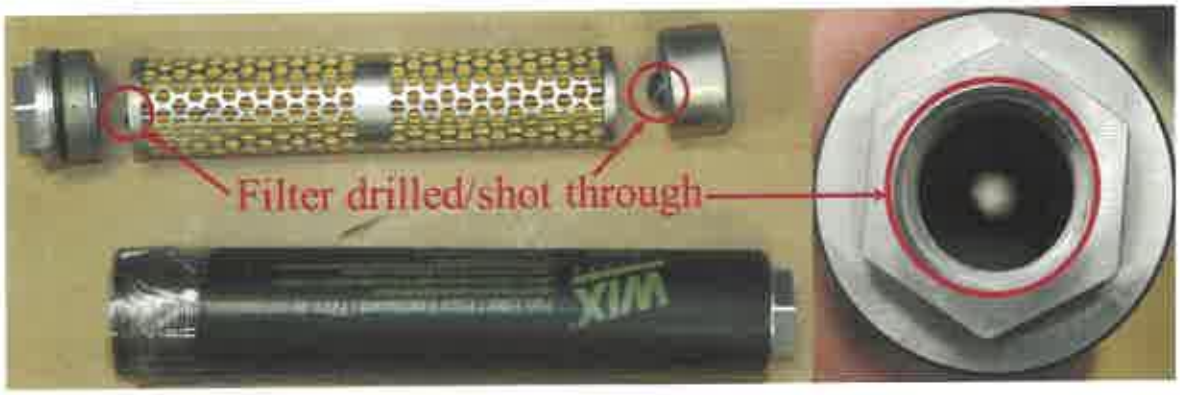
Fuel Filter "Solvent trap"

2C

Identification (cont.):



Firearm Silencer



Firearm Silencer

Flashlight bodies are also sold as "solvent traps," with one end threaded to attach to a firearm barrel and the forward end-cap solid. Like unmodified oil filters or fuel filters, many flashlight "solvent traps" have been determined to have a legitimate purpose of catching excess cleaning fluids.



Flashlight "Solvent trap"



Flashlight "Solvent trap"

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Identification (cont.):

However, flashlight "solvent traps" are sometimes sold with index markings, showing where the hole would need to be drilled in order to modify the "solvent trap" into a firearm silencer. FATD has consistently held the opinion that any index marking is the same as having a hole in the location of the index. Accordingly, any flashlight "solvent trap" with a hole drilled in the forward end-cap could be classified as a firearm silencer.



Flashlight Firearm Silencer



Flashlight Firearm Silencer



Flashlight Firearm Silencer

The current trend in the "solvent trap" market are devices which utilize the characteristics of firearm silencers. Unlike the previously mentioned oil/fuel filters and flashlight "solvent traps," these devices are not repurposed. These devices are specifically manufactured as firearm silencers while being marketed as "solvent traps." These devices often come with a set of "spacers" which resemble firearm silencer baffles.

These "spacers" serve no legitimate purpose in a "solvent trap" as they prevent the collection of cleaning fluids. Some sellers have also marketed their devices as "dry storage containers" which are reportedly or allegedly designed to safely store items such as heirloom seeds. FATD does not recognize this stated purpose as a legitimate reason to attach such a device to a firearm barrel as the objective design features support classification as a firearm silencer.

2E

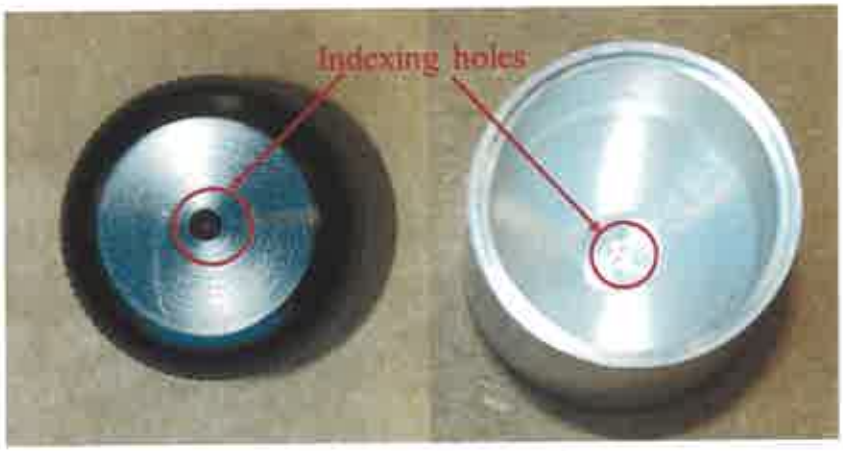
Identification (cont.):



Firearm Silencer

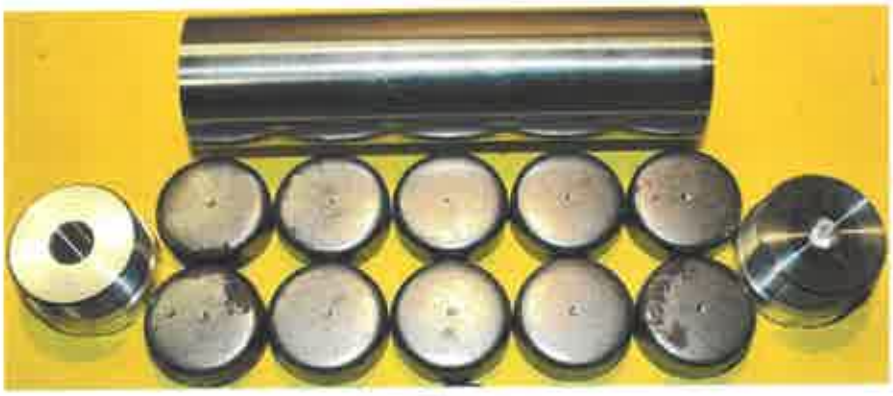


Firearm Silencer baffles



Firearm Silencer components

Identification (cont.):



Firearm Silencer



End-cap Modified freeze plug

In conclusion, for a device to be considered a "solvent trap" and not a firearm silencer, it must be designed and actually function in such a way to trap and hold cleaning fluids without holes, index markings or other design features that demonstrate it is actually intended to be used for silencing the report of a firearm. Such an item is considered a solvent trap because the statutory definition of silencer does not include otherwise unregulated items simply because they have the capability, or may be adapted, to be used as silencers. Instead, the statute speaks of a device "for" silencing or muffling. Therefore, mere possession of a "solvent trap" or components which *could* be used in the assembly of a firearm silencer does not necessarily constitute possession of a firearm silencer. Intent must be demonstrated or communicated. For example, indexing holes as shown above demonstrate such intent because these serve no benefit in collecting solvent or debris, but demonstrate the location of holes if these parts are to be used in a silencer.

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Identification (cont.):

Finally, an unregulated device such as a "solvent trap" may be repurposed by an individual such that a regulated NFA firearm silencer is made. Where the objective design or characteristics of the item do not make it clear that the item is now "for" silencing or diminishing the report of a portable firearm, it is the Special Agent's responsibility to establish the requisite intent.

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FATD cannot render a formal determination without physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at (304) 616-4310.