

TOY GUNS: REGULATORY HOTSPOT

QUICK STATS

- ✘ **CONFERENCE:** Regulation
- ✘ **TEAM:** National Institute of Standards and Technology and Customs and Border Protection
- **FUMBLE:** Duplicative toy gun regulations
- **HOW TO RECOVER THE BALL:** Congress should transfer the oversight to one agency for enforcement; OMB should eliminate regulatory duplication



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When asked to think of an industry that faces particularly duplicative and complex federal regulations, the financial or energy sectors come to mind first for most Americans. However, the federal government's arm extends into every industry, including toy gun manufacturers and importers. It is important to ensure the safety of every child, but perhaps it can be done in a more efficient manner without sacrificing safety. GAO's 2015 annual report to Congress on federal duplication and overlap describes multiple examples of duplicative regulations, but the toy gun industry example stands out in particular.

In order to distinguish toy guns from real firearms, NIST within DOC holds primary regulatory jurisdiction over toy guns and imitation firearms.⁵⁸ This is a serious and important safety responsibility to protect the lives of millions of children. However, the 2015

GAO report found an interesting loophole in the regulatory structure of the toy gun industry, confirmed by the regulating agency itself: "NIST staff also noted that because there are few, if any, domestic manufacturers of toy and imitation firearms and because most are imported, NIST regulations on the markings for toy and imitation firearms are enforced almost entirely by Customs and Border Protection (CBP)." GAO also noted the possibility for inefficiency, stating that "because the regulation of toy and imitation firearms falls outside the scope of NIST's primary mission and functions and because NIST has no physical presence at ports of entry, NIST staff stated the regulation and oversight of toy and imitation firearm markings may better be administered by another federal agency."⁵⁹

The difference between a toy gun and a real gun can result in fatal consequences. When it comes to children's safety, the federal government must get this right.

RECOVERY

The regulating authority of the toy gun industry should be transferred to the entity that actually has enforcement capability: CBP. Removing duplicative responsibilities will ensure regulations are implemented appropriately and keep toy costs low for parents.

[For more information, please visit:](#)

[GAO: 2015 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits](#)

[GPO: Electronic Code of Federal Regulations](#)