



Consumer Federation of America

Health and Safety Standards for Everyday Products and Safety Standards That Could Be Applied to Guns

Virtually every consumer product—from children’s toys to refrigerators and cars—is regulated for safety. Guns are not. Congress has given authority to federal agencies to assure that almost every consumer product in America is subject to safety regulation. For example, the Consumer Product Safety Commission (CPSC) regulates the safety of consumer products used in the home, at schools, and in recreation; the United States Department of Agriculture (USDA) has authority over meat and poultry; and the National Highway Traffic and Safety Administration (NHTSA) sets safety standards for cars.

By comparison, *no* federal agency has the power to ensure that guns manufactured and sold are safe. Also, no federal agency has the authority to ban firearms technology that poses an unreasonable threat to public safety.

Just imagine if car companies could introduce new cars with no built-in safety protection, if drug companies could sell untested drugs at will, or if there were no requirements for the safety and inspection of meats.

The history of consumer product regulation teaches that a significant number of deaths, injuries, and illnesses can be prevented as a result of health and safety standards. Here are just a few examples of safety standards for products Americans use everyday:

Refrigerators and Freezers: Old refrigerators and freezers—not in use—are very dangerous because they make great “forts” or “hiding places” for youngsters. Because of this danger, federal law requires that all refrigerators marketed since October 1958 require a mechanism, such as a magnet, permitting a child to push open the door if it accidentally closes. This requirement makes it easy to identify the old self-latching refrigerators distributed before that date.

Cribs: According to the Consumer Product Safety Commission (CPSC), in 1973 it was estimated that as many as 200 infants died annually in the U.S. from suffocation or strangulation when they become trapped between broken crib parts or in cribs with older, unsafe designs. CPSC recognized the need for safer cribs, and published standards, including requirements that addressed side height, slat spacing, mattress fit, and other factors. In 1982, the CPSC mandatory standards for cribs were amended to also prohibit hazardous cutouts in crib end panels. As a result of these and supplementary voluntary standards, deaths from baby cribs have been reduced to about 50 annually and occur primarily in older, previously used cribs. CPSC estimates that without safety standards, deaths associated with baby cribs would have increased to as many as 240 deaths annually.

Children’s Sleepwear: The U.S. Consumer Product Safety Commission sets national safety standards for children's sleepwear flammability. These standards are designed to protect children from burn injuries if they come in contact with an open flame, such as a match or stove burner. Under amended federal safety rules, garments sold as children's sleepwear for sizes

larger than nine months must be either flame-resistant or snug-fitting. Flame-resistant garments do not continue burning when removed from an ignition source. Examples include inherently flame-resistant polyesters that do not require chemical treatment. Snug-fitting garments need not be flame resistant because they are made to fit closely against a child's body. Snug-fitting sleepwear does not ignite easily and, even if ignited, does not burn readily because there is little oxygen to feed a fire.

Meat and Poultry: The CDC estimates that as many as 4,000 deaths and 5 million illnesses result annually from the consumption of meat and poultry products contaminated with four major types of bacteria including: Salmonella, Campylobacter, E. coli O157:H7, and Listeria monocytogenes. The United States Department of Agriculture's Food Safety and Inspection Service (FSIS) monitors meat and poultry plant compliance with sanitation procedures to prevent sanitation problems, such as unclean equipment or poor worker hygiene, that can contribute to contamination with harmful bacteria. The FSIS's also requires slaughter plants to regularly test carcasses for E. coli and Salmonella.

Cars: More than 30 years ago, the United States made prevention of deaths from motor vehicles injuries a national priority by establishing the National Highway Traffic and Safety Administration (NHTSA). As a result, the death rate from motor vehicle crashes was cut nearly in half. An estimated quarter of a million deaths have been prevented. NHTSA sets safety standards for all components of motor vehicles including: accelerator control systems; warning devices; head restraints; door locks; occupant crash protection; seat belt assemblies; child restraint systems; side impact protection; roof crush resistance; rear impact protection; and flammability of interior materials.

It is possible to apply similar health and safety standards to guns, although Congress must vest a federal agency with regulatory authority through legislation. **The Firearms Safety and Consumer Protection Act** would subject guns to the same health and safety regulation as virtually all other products sold in America to protect the safety of gun consumers. The bill would give the Department of Justice consumer protection authority to regulate the design, manufacture, and distribution of firearms and ammunition including the ability to: set minimum safety standards for guns; issue recalls and warnings for defective guns; collect data on gun-related death and injury; and ban products when no other remedy is sufficient. This legislation would finally end the gun industry's immunity from regulation.

Following are some examples of actions the Department of Justice could take under the Firearms Safety and Consumer Protection Act:

Issue recalls and order repairs. Many firearms now in the hands of consumers contain safety-related defects that make the guns prone to unintentional discharge. For example, the Sturm, Ruger Old Model single action revolver has caused more than 600 serious injuries or deaths because of a design defect that causes the gun to discharge with a mild blow to the hammer. Other firearm models suffer from similar defects, including one of America's most popular hunting rifles—the Remington Model 700. Manufacturers could be required to recall or repair defective guns.

Set minimum safety standards. There are simple design changes that could reduce the number of gun-related deaths and injuries. For example, manufacturers could be required to make guns child resistant through the addition of safety locks. Another important safety device is a magazine disconnect, which prevents a gun from firing once the ammunition magazine has been removed. People often believe a gun is unloaded although many guns are designed so that a round remains in the chamber—ready to be fired—even after the magazine has been

removed. Load indicators ensure that people will always know when a gun is loaded. All of these standards would be tested for effectiveness. Such safety standards can help reduce the number of unintentional shootings and also prevent some deaths that result when a shooter intentionally pulls the trigger believing the gun to be unloaded.

Set minimum size standards. One characteristic that greatly enhances a gun's utility in crime is concealability. Concealability makes a gun more portable and allows someone bent on homicide to hide the weapon until the moment it is used. Workplace homicides and school shootings often involve highly concealable handguns. Such guns are small enough for even very young children to carry and conceal. Recognizing that concealability makes a gun prone to use in crime, Congress has banned the importation of handguns that do not meet minimum size requirements of a combined height and length requirement of 10 inches for pistols or a minimum length of 4 1/2 inches for revolvers. These requirements do not, however, apply to domestically manufactured handguns. All guns could be required to meet minimum size standards.

Keep new non-sporting firearms off the civilian market. The newest trend in the gun market is the 50 caliber sniper rifle. These guns can pierce armor and are capable of shooting down aircraft. The guns were designed for combat and were used by U.S. forces in the Persian Gulf War. The guns are quickly becoming cheap and plentiful. One police officer has already been killed in Colorado with such a gun by a shooter who went by the nickname "50 cal AI." Under the Firearms Safety and Consumer Protection Act, the Justice Department would be empowered to review such new types of guns *before* they are made available to civilians. This provision could have prevented the havoc wrecked by the widespread availability of semi-automatic assault weapons.

Close loopholes in the assault weapon ban. Congress passed legislation to ban the manufacture of assault weapons in 1994. The legislation unfortunately contains many loopholes that the gun industry has exploited. Today there are many new makes and models of assault weapons available despite Congress' efforts. The problems with the assault weapons ban illustrate the futility of a piecemeal approach to product regulation. The Firearms Safety and Consumer Protection Act would allow the Justice Department to close these loopholes through administrative procedures. The ban could also be quickly updated to respond to gun industry ingenuity.

Ban specific models or classes of firearm or firearm products. The Justice Department would be given banning authority, similar to that of other federal agencies for other consumer products, to ban firearms or firearms products that are demonstrated to present an unreasonable risk to the public. Such authority could only be exercised when no other remedy would adequately reduce the risk. Under this provision, for example, the agency could take action against such firearm products as trigger activators that allow semi-automatic firearms to mimic the fully automatic fire of a machine gun. The agency could also restrict access to specific firearms proven to be disproportionately associated with homicide, suicide or involved in unintentional injuries.