

# WHICH ONE IS MORE REGULATED?



CONSUMER FEDERATION OF AMERICA FOUNDATION

**At least four types of federal safety standards cover teddy bears:** sharp edges and points, small parts, hazardous materials, and flammability.



**TEDDY BEARS ARE REGULATED FOR CONSUMER HEALTH AND SAFETY, GUNS ARE NOT.**



**There are no federal safety standards for the domestic manufacture of guns.**



**Between 1994 and 1997 eight models of teddy bears were recalled due to possible choking hazards.**

## **Guns: Inherently Dangerous and Unregulated**

Guns—like prescription drugs, insecticides, household chemicals, and many other products commonly found in American homes—are inherently dangerous. They cannot do what they are designed to do without risking injury to the user or bystanders. But there's a big difference between guns and other inherently dangerous consumer products: guns are not regulated for health and safety.

Yet many Americans believe that guns are subject to the same health and safety regulations as other consumer products. A 1998 National Opinion Research Center (NORC) survey found that 71 percent of Americans thought that guns were regulated by federal safety standards.

**No federal health and safety agency has the authority to recall defective guns or force changes in design.**

## **Toys and Cars: Regulated for Safety More Than Guns**

Even products that aren't inherently dangerous—from children's toys to food and cars—are regulated for safety more than guns. Congress has given regulatory authority to federal agencies to assure that virtually every consumer product in America is safe. For example:

- the Consumer Product Safety Commission (CPSC) regulates the safety of consumer products used in the home, at schools, and in recreation;
- the Food and Drug Administration (FDA) has authority over foods, drugs, cosmetics, and medical devices;

- the National Highway Traffic Safety Administration (NHTSA) sets safety standards for cars; and

- the Environmental Protection Agency (EPA) is in charge of toxic chemicals and pesticides.

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 risk 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—but, that's what we have given the gun manufacturers!

**Teddy bears killed  
no one in the United  
States in 1997.**

## **The Result: A Grim Record of Death and Injury**

The result is a gun industry with a grim record. Since 1960, more than one million Americans have died in firearm homicides, suicides, and unintentional shootings. In 1997 alone, 32,436 Americans died by gunfire, and nearly twice that number are treated in emergency rooms each year for nonfatal firearm injuries. By conservative estimates, the cost of providing medical care for firearm-related injuries is estimated to be \$4 billion a year—with much of the financial cost passed on to private health insurance subscribers and taxpayers.

No other consumer industry in the United States has been allowed to evade review of a product that causes so much social and eco-

nomic harm. To put this remarkable situation into perspective, *imagine if an airliner full of passengers crashed every week since 1996—that's the equivalent of one year of gun deaths!*

## **Responsible Regulation: A History of Success**

The history of consumer product regulation teaches that a significant number of deaths and injuries can be prevented by safety standards. More than 30 years ago, the United States made prevention of deaths from motor vehicle injuries a national priority. 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. We can and must do the same thing with guns.

**Guns killed 32,436 people in the United States in 1997 alone.**

The first step toward comprehensive regulation of the firearms industry is to recognize firearms for what they are—inherently dangerous consumer products. The second is to design a comprehensive, workable regulatory framework.

### **Legislation: The Most Comprehensive Approach**

The public supports federal regulation of guns. The most recent NORC survey, conducted in 1999, found that 66 percent of Americans want the federal government to regulate the safety design of guns.

There is a bill in Congress that would do just that. The Firearms Safety and Consumer Protection Act would subject the gun industry to the same health and safety regulation as virtually

all other products sold in America. The bill would give the Department of the Treasury strong consumer protection authority to regulate the design, manufacture, and distribution of firearms and ammunition. This legislation would finally end the gun industry's deadly immunity from regulation.

### **The Firearms Safety and Consumer Protection Act: A Promising Proposal**

The Firearms Safety and Consumer Protection Act would not limit the public's access to guns for legitimate sporting purposes. Just as regulation of pesticides did not lead to an outright ban on their use, neither would expanding the Department of the Treasury's authority result

**The total number of teddy bears manufactured in the United States between 1994 and 1997 was more than 750,000.**

in a gun-free United States. This is what it would do:

- reduce the availability of guns most often used by criminals, and restrict possession of guns by minors;
- protect purchasers and gun consumers from products that present a serious risk of injury because of a manufacturing defect (currently, the only protection consumers are afforded is to sue after the victim has been injured or killed); and
- decrease gun death and injury by identifying firearms that are exceptionally prone to use in homicides, suicides, and unintentional shootings, and restrict the availability of such guns.

Currently, Congress has responded to new firearms technology in a limited, piecemeal fashion that leaves gaping loopholes for the firearms industry to exploit. Instead, Congress needs to give the Department of the Treasury the power to regulate guns as consumer products, with authority to:

- set minimum safety standards for guns;
- issue recalls and warnings about defective guns;
- collect data on gun-related death and injury; and
- ban products when no other remedy is sufficient.

## **Consumer Federation of America: Organizing for Change**

Consumer Federation of America (CFA) supports the enactment of The Firearms Safety and Consumer Protection Act, which would give the Department of the Treasury consumer protection authority to regulate guns and ammunition as consumer products.

CFA is encouraging members of Congress to cosponsor, and proactively support passage of, The Firearms Safety and Consumer Protection Act.

**The total number of guns manufactured in the United States between 1994 and 1997 was more than 16.9 million.**

**Consumer Federation of America Foundation**

(CFAF) was founded in 1972 as a private, non-profit, 501(c)(3) research and education organization to complement the work of the Consumer Federation of America. Assuring the safety of consumer products is a priority of both CFA and CFA Foundation.

**Consumer Federation of America Foundation**

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*For more information about CFAF's work to regulate guns as consumer products, please visit our website at **[www.consumerfed.org](http://www.consumerfed.org)**.*