



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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COMMISSIONER NANCY A. NORD

Statement on the Commission's decision to approve the Notice of Proposed Rulemaking on the revocation of certain requirements pertaining to caps intended for use with toy guns and toy guns not intended for use with caps

June 25, 2012

I joined my colleagues in voting to revoke certain regulations for caps and toy guns that pre-date the Consumer Product Safety Commission's creation in 1972.¹ I voted to revoke the regulations because they were rendered superfluous when the Commission adopted ASTM's toy standard—F963—as mandatory in 2009, and accepted revisions to the standard later in 2009 and earlier this year.

Substantively, this revocation changed nothing: The ASTM standard covered these products and was stricter than the Commission's old regulations, so it was illegal to manufacture or sell caps or toy guns that complied with the old regulations but not the ASTM standard. Taking the old regulations out of the official code of binding federal rules was a matter of good administrative practice. It was housekeeping.

We must not make more of this than it is. I do not believe that it should be counted under the retrospective review plan that the Commission is currently considering. This revocation is not sufficiently substantial, and it does not fit the spirit of the President's recent call for a streamlined regulatory regime.² Commission resources should be devoted to evaluating and amending or rescinding regulations that unjustifiably burden consumers, employers, manufacturers, and innovators.

¹ 16 C.F.R. §§ 1500.18(a)(5), 1500.47 & 1500.86(a)(6).

² Exec. Order No. 13,579, 76 Fed. Reg. 41,587 (July 11, 2011).