



June 16, 2023

Enforcement Policy for Toy, Look-Alike, and Imitation Firearm General Conformity Certification Requirement

To Whom It May Concern:

I am writing to inform you that, for a transition period during the remainder of 2023, the Office of Compliance and Field Operations will exercise enforcement discretion toward manufacturers, importers, or private labelers of toy, look-alike, and imitation firearms for failure to certify or to issue, provide, or make available to the Commission a general conformity certificate (GCC) pursuant to Section 14(a)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2063(a)(1). This does not impact any other requirements under the law.

In August 2022, Congress passed the Federal Energy Management Improvement Act Update, which transferred the authority for regulating the marking of toy, look-alike, and imitation firearms under 15 U.S.C. § 5001 from the Department of Commerce to the U.S. Consumer Product Safety Commission (CPSC), Pub. L. 117–167, div. B, title II, §10246(e), Aug. 9, 2022, 136 Stat. 1492. On May 11, 2023, CPSC issued a direct final rule adopting the corresponding Department of Commerce regulation with only non-substantive and conforming changes, which is scheduled to take effect June 26, 2023. See *Marking of Toy, Look-Alike, and Imitation Firearms*, 88 Fed. Reg. 30226 (May 11, 2023) (to be codified at 16 C.F.R. Part 1272). The law’s substantive requirements with respect to marking of toy, look-alike, and imitation firearms remain unchanged.

As explained in the preamble of the direct final rule, see “Section G. Certification,” Section 14(a)(1) of the CPSA requires all manufacturers of non-children’s products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, to certify that their products comply with all applicable CPSC requirements based on a test of each product, or on a reasonable testing program. 15 U.S.C. § 2063(a)(1). Such certification is known as general conformity certification.

The substantial public response to CPSC’s Federal Register notice included manufacturers of toy, look-alike, and imitation firearms subject to the general conformity certification requirement who have informed us of challenges developing processes for the issuance of GCCs. Such general conformity certification was not required when Congress made the Department of Commerce responsible for regulating the marking of toy, look-alike and imitation firearms.¹ To allow additional time for

¹ Toy guns are currently regulated under CPSC’s mandatory toy standard. Specifically, toy guns are subject to the requirements for toy gun markings contained in section 4.30 of ASTM F963–17 that are incorporated by reference at 16



manufacturers to meet the GCC requirement, the Office of Compliance and Field Operations will work to educate manufacturers on the statutory GCC requirement during a reasonable transition period that is expected to last until January 1, 2024. In particular, CPSC will provide additional information on www.cpsc.gov to help manufacturers comply with the GCC requirement and prioritize education over other enforcement activities in this area. This discretion does **not** apply to any other requirements set forth in 16 C.F.R. Part 1272 or the CPSA.

Thank you for your cooperation.

Sincerely,

Robert S. Kaye

Robert S. Kaye
Director
Office of Compliance and Field Operations

C.F.R. § 1250.2. Section 14(a)(2) of the CPSA requires the manufacturer or private labeler of a children's product that is subject to a children's product safety rule to certify, based on a third-party conformity assessment body's testing, that the product complies with the applicable children's product safety rule. Such certification is referred to as a children's product certificate (CPC). Issuance of this enforcement discretion for toy, look-alike, and imitation firearms does not impact the requirement for a children's product certificate.