

messages about "responsibility" that emphasize the importance of owner behavior without mentioning the potential dangers of the product. Pro-gun organizations such as the Sporting Arms and Ammunition Manufacturers Institute, Inc. (SAAMI)<sup>6</sup> suggest that focusing on user education is all that is needed to reduce firearm accidents.<sup>7</sup>

While consumer education does play an important role in injury prevention, no amount of user instruction can eliminate the risks associated with product defects in design or manufacture. Despite the fact that firearms kill nearly twice as many Americans as all household products combined, no federal agency has the necessary authority to ensure that guns don't explode or unintentionally discharge when they are dropped or bumped. This is unique. The federal Consumer Product Safety Commission (CPSC) exists to make sure that consumers are not killed or injured by common household and recreational products. The agency tries to ensure that toasters don't catch fire, toys don't come apart, lawn mowers don't cut off toes, and the myriad of consumer products within its jurisdiction are safe. By comparison, firearms are exempt from CPSC oversight and no other federal agency has the power to ensure that firearms manufactured and sold are safe.<sup>8</sup>

Currently, the civil justice system is the only mechanism available to protect consumers from defect-related death and injury and to ensure that guns are safe and free from defects in design or manufacture. Traditional product liability lawsuits have been of tremendous importance in regulating the safety of firearms and ammunition and compensating consumers who suffer injury or death caused by manufacturer's negligence.

Exactly how many victims are killed or injured each year by defective firearms is unknown. There exists no coordinated data collection on unintentional firearm injuries and deaths that includes vital information such as the specific type of gun, caliber, and source. Comprehensive data is essential to identify firearms that are exceptionally likely to be involved in unintentional firearms-related injury or death, and to inform the public of the risks associated with such guns.

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safety rules, SAAMI has emphasized educational efforts that instill a clear sense of responsible firearms ownership and use." Retrieved from the Internet at <http://www.saami.org/> on January 21, 2005..

<sup>6</sup> The firearms industry has developed its own voluntary standards through an organization called the Sporting Arms and Ammunition Manufacturers Institute, Inc. (SAAMI). These standards are strictly voluntary and therefore manufacturers do not have to comply with them. There is also no way to enforce specific regulations or to penalize companies that do not fully comply.

<sup>7</sup> *Supra* note 5.

<sup>8</sup> In addition, no federal agency has the power to set mandatory standards for firearm safety devices such as trigger locks. In 2000 the Consumer Product Safety Commission (CPSC) conducted informal tests on 32 gun locks—16 trigger locks and 16 cable locks. Most of the locks failed. Some could be opened with a paperclip or a pair of tweezers, and some opened just by banging the lock on a table or by hitting it with a hammer. Many firearm safety devices on the market give consumers nothing more than a false sense of security.