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June 19, 2009

Acting Commissioner Jayson P. Ahern
U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
Attention: Intellectual Property and Restricted Merchandise Branch
Mint Annex, 799 Ninth St. NW
Washington, D.C. 20229

Dear Acting Commissioner Ahern:

On behalf of the Retail Industry Leaders Association (RILA), I am writing to express our urgent concern with a recent notice¹ by the U.S. Customs and Border Protection (CBP) of its intention to revoke previous rulings to reclassify legal assisted-opening knives as “switchblades.” Reclassifying assisted-opening knives would have a serious negative impact on an industry that annually generates billions of dollars for the U.S. economy, and also on over 35 million Americans who currently own and rely on these knives as convenient tools for such ordinary activities as camping, fishing, sports, handy-work, and gardening. The proposed action would expose major U.S. retailers and millions of consumers to possible federal felony charges. RILA urges CBP to take immediate action to withdraw the notice of proposed revocation of ruling letters.

By way of background, the Retail Industry Leaders Association (RILA) promotes consumer choice and economic freedom through public policy and industry operational excellence. Our members include the largest and fastest growing companies in the retail industry--retailers, product manufacturers, and service suppliers--which together account for more than \$1.5 trillion in annual sales. RILA members provide millions of jobs and operate more than 100,000 stores, manufacturing facilities and distribution centers domestically and abroad.

Assisted-opening knives are not banned in any U.S. state. In fact, state court cases in California, Texas, Illinois, and Michigan have explicitly ruled that assisted-opening knives are not switchblades. Also, recently, Texas lawmakers unanimously approved a state law protecting one-hand-openers and assisted-openers as legal tools. This action was taken because the Switchblade Knife Act of 1958, while making illegal the manufacture or sale of switchblades in interstate commerce and banning importation of switchblades, also provides a clear definition of a “switchblade.” The 1958 Act defines a “switchblade” as a type of folding knife which (1) opens automatically as a result of pressing a button located in the handle, or (2) opens through gravity or inertia.

¹ Customs Bulletin and Decisions, Vol. 43, No. 21, May 22, 2009, pages 5 – 67.

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The knives under review do not possess a button on the handle or operate automatically by gravity or inertia. Unlike “switchblades” that have a bias toward opening, these knives have a bias toward closure. The blade must be manually opened between 20 to 45 degrees by applying pressure or movement to the blade or a thumb stud with thumb, forefinger or hand, before the internal mechanism assists the knife to open the rest of the way.

Assisted-openers are convenient tools used by police, firemen, sportsmen, handymen and hunters, and have been commonly sold for years in major retail outlets and specialty camping/sportsman stores. Many of these models are “rescue knives” intended to cut seat belts, riggings, etc, in order to save lives. When cutting sail rigging or fishing line, or stripping electrical wire, engaging the one-handed ability to open the tool can be critical for the mission.

These assisted-openers are valued by customers who purchase millions of them each year and are separate and distinct from switchblade knives. The proposed revocation of ruling letters would put owners in jeopardy for carrying their knives across state lines. RILA appreciates this opportunity to present our views on this matter and urges CBP to withdraw immediately its notice of proposed revocation of ruling letters and revocation of treatment relating to the admissibility of certain knives with assisted opening mechanism. If you should have any question about any of this, please contact me by phone at (703) 600-2046 or by email at stephanie.lester@rila.org.

Sincerely,



Stephanie Lester
Vice President, International Trade