

Buck concerned about knife rule

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By William L. Spence of the Tribune

Although proposed federal regulatory change doesn't affect Idaho company, firm's CEO says he's still nervous

A large knife manufacturer in Idaho says U.S. Customs officials engaged in "bureaucratic activism" when they proposed a rules change that would reclassify certain knives as illegal switchblades.

C.J. Buck, president and CEO of Buck Knives, said the ruling targets imported knives that use a spring, or release-assisted mechanism to open quickly. Consequently, the proposal wouldn't affect his family-owned Post Falls manufacturing firm, which employs about 220, with an annual payroll just shy of \$10 million.

"The initial ruling doesn't impact us," Buck said. However, "the thing that has me nervous is that the language Customs used to cast the net wide enough to capture these assisted-opening knives could be used to capture just about every folding knife made in the country. But the broader issue is that this is a kind of bureaucratic activism. Customs is bypassing the legislative process and implementing regulations that aren't what was originally intended."

When Congress outlawed switchblades in 1958 - making it illegal to import or sell them through interstate commerce - it was after a very specific type of knife, he said. Rather than prohibit "everyday tools," it wanted to outlaw knives that could be flicked open or that opened automatically by pressing a button.

"Now here we are 50 years later, and customs wants to make something else fit the definition of a switchblade, so they expand the interpretation," Buck said.

The new definition says if you can open the blade to a certain point, after which inertia takes over, then the knife qualifies as switchblades.

"Almost any folding knife, you can open them part way and then flick them open," said Buck, who also sits on the executive committee for the American Knife and Tool Institute, which represents knife manufacturers and retailers. "Our concern is that this (new definition) will flow back into interstate commerce. This came out of the blue. Nobody in the industry even heard about it until the end of May, when we were already a week into the (30-day) comment period. Just all of a sudden, we've had to cough up thousands of dollars to defend ourselves against this black cloud."

Jenny Burke, public affairs officer with U.S. Customs and Border Patrol, said the proposal is an attempt to bring some consistency to the issue. It tries to address some conflicting rulings issued over the years, some of which prohibit the importation of assisted-opening knives and others that allow it. It also addresses the "health and public safety" considerations raised by such importations.

The federal agency "only makes determinations relating to imported merchandise," Burke said. Consequently, the ruling doesn't affect merchandise that's already here or that's manufactured in the United States.

The public comment period on the proposed ruling ended Sunday. A final determination should be issued within the next 30 days; it will take effect 60 days after being published.

Last week, Idaho's entire congressional delegation wrote a letter to Janet Napolitano, secretary of the U.S. Department of Homeland Security, urging her to withdraw the proposed rules change. A similar letter circulated by the Congressional Sportsmen's Caucus reportedly garnered about 50 signatures.