



Airsoft In Canada - Written Brief for the Standing Committee on Public Safety and National Security

CONTENTS

1. What is Airsoft	1	4. Public Safety and Airsoft Blasters	6
<i>The sport and the equipment</i>	1	<i>Accidental Misuse</i>	6
<i>The current legal status</i>	1	<i>Malicious Misuse</i>	6
2. Proposed Changes and Impact	2	<i>Production of Ghost Guns</i>	6
<i>Clauses and Scope</i>	2	<i>Injury Resulting from Misuse of Airsoft Blasters</i>	6
3. C-21 and the Canadian Airsoft Industry	3	5. International Control Measures - Our Peers and Airsoft	7
<i>Trade of Airsoft Blasters and Accessories</i>	3	<i>The United Kingdom Airsoft Legislation (UKARA)</i>	7
<i>Manufacturers</i>	3	6. Recommendations to the Committee	8
<i>Importation and Distribution</i>	3	<i>Intent</i>	8
<i>Retail</i>	4	<i>Option One - Define and Regulate</i>	8
<i>Recreational Use and Hobbyists</i>	4	<i>Option Two - Colouration and Exemption for Members of a</i>	8
<i>Impacts on Players and the Sport</i>	4	<i>Self-regulating Governing Body</i>	8
<i>Impacts on Fields and Recreational Venues</i>	5	<i>Option Three - Exemption due to Appearance</i>	9
<i>Non-Recreational Use</i>	5	<i>Coming into Force</i>	9
<i>Impacts on Film, TV, Theatre, & Video Game Production</i>	5	7. Conclusion	9
<i>Impacts on Law Enforcement</i>	5		

1. What is Airsoft?

The sport and the equipment

Originating in 1980s Japan as a safe alternative to real firearms, airsoft is now played globally. **Airsoft blasters are available in most countries, including those with strict controls on real firearms.**

'Airsoft' derives its name from the gaseous propellants used (compressed air or other low-powered gases). Electric powered versions are now available as well. The blasters, projectiles, and velocities are designed **not to cause injury provided that eye protection is worn** by the participants.

Airsoft blasters launch 6mm spherical projectiles (airsoft BBs). These BBs are plastic or biodegradable PLA, weighing between 0.2 and 0.5 grams. While airsoft blasters resemble real firearms, **the material build quality and the nature of their internal mechanisms differ completely from real gunpowder-powered firearms**, which are manufactured to withstand tremendous heat and physical stress.

The Current Legal Status of Airsoft in Canada

Airsoft blasters are not specifically defined in the Criminal Code, but are captured and permitted within the same legal framework that exists for paintball markers, traditional pellet guns ".22 cal, .117 cal", and other items such as nail guns.

Any barrelled device that launches a projectile has the potential to be considered a firearm under the Canadian Criminal Code. It is clear that Canadian law is intended to allow for sporting devices such as "airguns" to exist within certain specific parameters. However, our current laws were written when airsoft was not a popular or well-known sport in Canada.

Airsoft blasters are legally defined as firearms under Canadian law, as they are capable of causing bodily harm (eye damage). However, they do not meet the threshold to be regulated under the Firearms Act like traditional gunpowder firearms. Since airsoft blasters are legally firearms, they are not considered replicas under the Criminal Code despite resembling existing regulated firearms.

This lack of clear definition poses problems for importers, as government agencies must determine on a case-by-case basis whether shipments are to be permitted. In practice, this has led to an uneven¹ treatment of airsoft by government agencies, as they appear to be unsure about how to apply law and policy to shipments from overseas manufacturers.

Additionally, for the purposes of enforcement, airsoft blasters used in offences are treated the same as real firearms.

¹ Regina v. Matthew John Walsh 2012 BCSC 34 https://www.canlii.org/en/bc/bcsc/doc/2012/2012bcsc34/2012bcsc34.html?searchUrlHash=&resultIndex=4&offset=306#_Toc313954527

2. Proposed Changes and Impacts of Bill C-21

Clauses and Scope

Bill C-21 contains two changes to the Criminal Code that directly and immediately impact airsoft. The first is a change to the definition of Replica in Section 84(1) of the Criminal Code. The change states:

replica firearm means any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm that is designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second and at a muzzle energy exceeding 5.7 Joules, and that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm; (réplique)

The underlined text above fully captures more than 95% of airsoft blasters. Additionally, the ambiguous nature of 'designed or intended to resemble with near precision' could increase that to 100%. **Many pellet guns, realistic paintball markers, and even Nerf dart blasters could be captured by this definition.**

One example of this would be the fictional M41A Pulse Rifle from the Alien film franchise. The original film prop was made from an M1 Thompson submachine gun, and therefore is an existing regulated firearm. This prop has been reproduced in many forms, including airsoft blaster, and foam blaster under Hasbro's Nerf brand.² An American company subsequently produced a real firearm version of this fictional weapon.³ Because of the fact that the original film prop was made from a regulated firearm, it's probable that the airsoft or Nerf version would be prohibited under Bill C-21.

Additionally, given that more recently a gunpowder ammunition-firing version was made by a hobbyist company in the USA, the airsoft or Nerf device would be considered a replica under the new laws if it weren't already. Despite Hasbro's product being brightly coloured, the position of the Canadian Border Services Agency (CBSA) has been that colouration is not sufficient to avoid a replica label,⁴ and no exemption for bright colouration exists in Bill C-21. This shows the complexity in determining whether a particular product would meet the requirements set out in Bill C-21 to be legal to sell or purchase.

A second example would be the Ronin TK.45 airsoft blaster⁵ developed by KWA. **It was not designed based on an existing firearm; however, there is no clarity about whether this design would be unique enough to meet the criteria in the new Section 84(1).**

The changes would also capture sport air rifles (.22 cal, .177 cal etc.) specifically designed for the Canadian market, which fire below the threshold of 152.4 m/s or 5.7 joules. Many of these air rifles also have variants designed for foreign markets that shoot over 152.4 m/s, and because they are identical in appearance, their Canadian versions may also be captured by the prohibition despite having been designed to meet the required threshold under Canadian law

The second change is the addition to the Criminal Code of section 84(3.2), which states:

(3.2) For the purposes of sections 99 to 101, 103 to 107 and 117.03, a firearm is deemed to be a prohibited device if
(a) it is proved that the firearm is not designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second or at a muzzle energy exceeding 5.7 Joules; and
(b) the firearm is designed or intended to exactly resemble, or to resemble with near precision, a firearm, other than an antique firearm, that is designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second and at a muzzle energy exceeding 5.7 Joules

This change makes airsoft blasters prohibited devices in respect to the applicable sections of the Criminal Code (99 to 101, 103 to 107, and 117.03).

More specifically, section 99 to 101 would end the sale and transfer of all airsoft blasters in Canada. This would immediately impact all retail businesses, from small specialty shops to big-box stores.

Section 103 to 107 would end any import or export business, **but also expose owners of airsoft blasters to serious criminal charges if they failed to report a lost, stolen, or broken airsoft blaster.**⁶

Finally, section 117.03 would allow the seizure of any of these devices at any time. As **no authorization or license for airsoft currently exists or is proposed in the bill**, there would be no recourse for anyone who has their equipment seized. This leaves no legal defence for owning airsoft devices.⁷

2 Hasbro Nerf M41a Pulse Rifle - <https://hasbropulse.com/products/nerf-lmtd-aliens-m41a-blaster>

3 Company creates real M41a Rifle from Aliens Movie - <https://taskandpurpose.com/tech-tactics/m41a-pulse-rifle-aliens-real-thanks-firearms-manufacturers/>

4 Canadian International Trade Tribunal Decisions - <https://decisions.citt-tcce.gc.ca/citt-tcce/c/en/item/354192/index.do>, <https://decisions.citt-tcce.gc.ca/citt-tcce/c/en/item/352307/index.do>, <https://decisions.citt-tcce.gc.ca/citt-tcce/c/en/item/352228/index.do>

5 KWA TK.45 Blaster - <https://store.kwausa.com/product/kwa-airsoft-ronin-tk-45-aeg-3-fde/>

6 Criminal Code Sections 105, 106 - <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-15.html#docCont>

7 Criminal Code Section 117.03 - <https://laws-lois.justice.gc.ca/eng/acts/C-46/page-17.html#docCont>

3. Bill C-21 and the Canadian Airsoft Industry

Limited data existed on the airsoft industry in Canada prior to Bill C-21's introduction in 2021. ASIC has since conducted surveys and interviews to compile a snapshot of the Canadian airsoft industry.

Trade of Airsoft Blasters and Accessories

More than 320 businesses, employing at least 1350 staff, have been identified as connected to the airsoft and/or paintball community in Canada. It is estimated that these businesses contribute over **\$220 million CAD directly to the Canadian economy**. A large proportion of these businesses are owned by visible minorities and immigrants.

There is no domestic production of airsoft blasters in Canada. As such, **the sport is entirely reliant on the global market and the manufacturers in Asia, Europe, and the USA**.

Connected to the sales of blasters are the many small businesses focused on repairing or customizing devices, and larger outdoor gear and tactical supply companies providing equipment for game play.

Manufacturers

Global manufacturers would not change airsoft blaster designs to achieve compliance with unamended Bill C-21.

While the airsoft market in Canada represents hundreds of millions of dollars, it is a small portion of the global market, which is forecast to be \$2.45 billion USD.⁸ With no domestic production of airsoft blasters in Canada, players are reliant on overseas manufacturers to provide their equipment.

In consultation with manufacturers, **it is clear there is little appetite to develop product lines specifically to comply with the restrictions** of a small market. They express concerns that products which do not resemble real firearms will not be popular enough to sell, and that they would not be compliant with Bill C-21 anyway.

While it is possible to stand up domestic production, the ambiguity of 84(1) means it would be very challenging for a business to design products to meet the subjective criteria in Bill C-21.

Importation and Distribution

An unamended Bill C-21 would immediately halt all importation and distribution of airsoft in Canada as per 84(3.2).

Most airsoft blasters sold in Canada are provided by two major importers - Continental Ultimate Inc.⁹ and Canadian Airsoft Imports.¹⁰ **These two businesses import in excess of \$100 million CAD of wholesale product annually.**

The current import standards of compliance were developed as the result of litigation between importers and CBSA. As it stands today, importers already face many challenges bringing airsoft into the country. No list of approved devices exists, and **CBSA / RCMP standards are subject to change without notice**. This has led to shipments being held in customs for months or turned away.

The changes proposed in Bill C-21 would make it a significant risk for any importer to work with a manufacturer to make Canadian-compliant airsoft blasters. Due to uncertainty regarding appearance requirements and the current enforcement environment imposed by CBSA, there would be no guarantee that any model could be imported into Canada successfully. Additionally, if an equivalent to these models were to be made or modified anywhere in the world to exceed the velocity or energy threshold permitted in Canada, it would immediately render the 'Canada-compliant' product prohibited to Canadian airsofters.

Importers have expressed that additional ambiguity in Bill C-21 poses critical risks to their operations, and would immediately result in their current inventory being non-transferable, which would be a catastrophic loss. The immediacy of this issue can be seen in the market impact of the mere re-introduction of Bill C-21, which has resulted in both importers and manufacturers scaling back their shipments, as well as retail sales falling since June 2022.

8 Airsoft Market Value - <https://www.grandviewresearch.com/industry-analysis/airsoft-guns-market>

9 Continental Ultimate Inc. - <https://www.cuiairsoft.com/>

10 Canadian Airsoft Imports - <https://canadianairsoftimports.com/>

Retail

An unamended Bill C-21 would immediately kill over 60% of the airsoft specialty shops in Canada.

The Fédération Sportive d'Airsoft du Québec (FSAQ) conducted a survey of over 2,500 of the estimated 40,000 players in Canada to evaluate their annual spending on airsoft, including money spent directly on airsoft gear and events. The results suggest that over \$46 million CAD is being spent directly on airsoft-related equipment annually.

Bill C-21 would immediately render all existing inventory non-transferable. With 50-60% of retailers' sales coming from airsoft blasters, most businesses would suffer a catastrophic financial loss. ASIC calculated that more than **80% of businesses would lose over 50% their sales in the first year following Bill C-21. More than half of businesses expect to close immediately, with the remainder expecting to close within 5 years.** Retailers express that even a 20% loss would push those businesses already struggling to the point of collapse. With no new blasters being imported, the sport would continue to contract. The 1350+ people employed by the industry would inevitably lose their jobs.

While Bill C-21 would primarily impact the sport of airsoft, there are also a number of direct impacts on the paintball industry in Canada. "Mag-fed" paintball markers are likely to fall under the scope of Bill C-21. These realistic-looking paintball markers represent a substantial segment of the paintball market. Paintball retailers often sell both paintball and airsoft products, and certain equipment, clothing, and accessories designed for the sport of paintball are also used in the sport of airsoft.

Recreational Use and Hobbyists

The majority of airsoft users are recreational users and hobbyists. **Airsofters represent a wide cross-section of Canadians, from all regions, cultures, and identities, and all socio-economic, professional, and political backgrounds.**

Players are found across Canada, and airsoft-related retail businesses can be found in all provinces. Players often state that the sport provides immense physical, mental, and social benefits.¹¹ With airsoft's popularity in Asia, many immigrants from Japan, China, and the Philippines find a thriving diaspora community within the sport in Canada.

There are **three main styles of airsoft blaster, catering to different activities.**

- 1. Milsim blasters** represent 60% of the market and are designed to resemble specific models of real firearms for an authentic military re-enactment experience.
- 2. Speedsoft blasters** represent 35% of the market and are based on specific models of real firearms, but customized with decorative designs and brightly coloured components with the goal of performance optimization for tournament-style competition.
- 3. Fantasy blasters represent** 5% of the market and are based on fictional firearms from movies and video games, used for 'cosplay' for events like anime conventions and sci-fi roleplay games. They often have no real-world counterpart, though film prop guns are typically designed by attaching visual complication components on top of existing firearm bodies.

Events and games take place at designated airsoft and paintball venues or on private property leased for this purpose, typically in the hinterlands of small towns. Measures are taken to prevent unintentional interactions with law enforcement and the public. While some players own both airsoft and real firearms, many players view airsoft as an alternative to firearm ownership. Surveys conducted by the Federation Sportive d'Airsoft du Québec (FSAQ) found that over 70% of airsoft players indicated they do not intend to purchase a real firearm.¹²

Impacts on Players and the Sport

An unamended Bill C-21 creates a dangerous legal ambiguity on possession of airsoft, which will cause an extinction-level chilling effect for events in Canada and a legal minefield for airsoft players.

It has been stated by Public Safety and legislators that Bill C-21 would allow those who currently possess airsoft blasters to continue using them. However, their new classification as a prohibited device suggests this is not the case.

Under Bill C-21, any interaction with law enforcement could result in the incontestable confiscation and destruction of private property without legal recourse under section 117.03 of the Criminal Code. Venues could become subject to the attention of law enforcement looking to confiscate prohibited devices. **There are currently no measures in Bill C-21 to prevent this from occurring.**

The ambiguity within Bill C-21 would cause some players to abandon the sport for fear of potentially misinterpreting the law. Others might unintentionally break the law because they don't understand the scope of the changes regarding possible charges under sections 103 to 107.

Finally, **the prohibition of transfer will mean the slow death of the sport in Canada.** As players left the sport or their blasters broke, new players and blasters could not replace them. Canada's vibrant airsoft community provides many social, mental, and physical benefits, which players have

¹¹ Briefs - SECU, 44th Parliament - Bill C-21 <https://www.ourcommons.ca/Committees/en/SECU/StudyActivity?studyActivityId=11814165>

¹² FSAQ - "La fin du sport: Les impacts du projet de loi C-21 sur l'industrie et la pratique du Airsoft" https://cdn.ca.yapla.com/company/CPYO4K0rPD3QTq9jnJz7vW8Rh/asset/files/M%3%A9moire-V-2_0-FR-Coul.pdf

passionately illustrated in their letters to the Public Safety and National Security committee. All of these invaluable benefits would be lost.

Impacts on Fields and Recreational Venues

An unamended Bill C-21 places dozens of recreational venues and millions of tourism dollars at risk.

The FSAQ conducted a survey of over 2,500 of the estimated 40,000 players in Canada to evaluate their annual spending on airsoft, including admission fees, food, travel, and accommodations. The results indicate that **\$36.2 million CAD goes directly to the travel and tourism sector every year.**

Dozens of businesses across Canada operate as venues for airsoft. On average, players attend more than 10 events per year, travelling an average of 80km and spending \$8.7 million CAD directly on venues and event organizers. Events can attract upwards of 800 participants. **These large events are held at otherwise disused industrial and commercial sites in small towns,** providing a supplementary income stream for property owners and supporting the local tourism industry during the off-season.

If Bill C-21 passes as written, airsoft venues would be forced to close due to the immediate lack of customers. Paintball venues in Canada commonly cater to both paintball and airsoft, and as these businesses can generate anywhere from 25% to 50% of their revenue directly from airsoft, their income would be severely impacted as well. Additionally, any rental equipment owned by these businesses would become a non-transferrable liability.

Non-Recreational Use

Impacts on Film, TV, Theatre, & Video Game Production

An unamended Bill C-21 will force firearms onto film sets, and threaten the majority of Canada's film industry.

Canadian film production is a \$9.3bn dollar industry contributing \$12.2bn to GDP, serviced by a combined 244,000 jobs.¹³ Since 1999, an increasing 60%¹⁴ of films incorporate firearms, meaning related **restrictions threaten at least \$5.6bn in film production.**

Since the accidental shooting death of Halyna Hutchins by a prop gun on the set of 'Rust' in 2021, **rentals of real and blank-firing firearms by film production have dropped by 60% and airsoft blaster rentals have increased proportionately** to make film sets safer. The use of real firearms incurs prohibitive costs to even high-budget productions. Legal compliance requires multiple overlapping law enforcement and technical consultants, and there are drastically higher insurance, health, and safety costs and considerations.

Multiple film unions are considering banning the use of real or blank-firing firearms from their productions entirely¹⁵ and using airsoft blasters and replicas exclusively. In 1993, Bill C-68 classified all firearm replicas as prohibited devices,¹⁶ making the procurement of rubber guns for use in Canadian films even more difficult than simply using airsoft blasters, according to Movie Armaments Group (MAG).¹⁷

In Toronto alone, MAG reports that airsoft blaster rentals now make up 66% of a total 10,000 rentals for 40 productions per year. While MAG maintains an operational inventory of over 8,000 airsoft props, requirements from specific film projects often require MAG to acquire new pieces. Even with numerous legal exemptions to restrictions and prohibitions in firearms transfers and imports, the **industry is heavily reliant on the domestic airsoft market due to the need to maintain inventory agility and service highly specific next-day requirements.** Importation on demand is rarely practical due to months-long import processes.

Impacts on Law Enforcement

An unamended Bill C-21 will make critical police Use-of-Force training less accessible and more infrequent.

The current **focus of innovation in the law enforcement training industry is to greatly expand accessibility of stress-inoculation and Use-of-Force training to prevent tragic shootings** and improper use of deadly force. Live-fire training with firearms is highly expensive, logistically intensive, and risky, meaning most police officers receive a bare minimum of this critical, life-saving training.

To lower the cost and increase the frequency and availability of this training, law enforcement agencies and militaries choose to train with airsoft blasters. Among many other law enforcement organisations, Toronto Police Service and CBSA often rent the Siege Airsoft¹⁸ arena in Toronto for training scenarios. ChimeraXR, a disruptive technology company whose mission is to "help armed professionals train anywhere, anytime," utilizes airsoft as part of its VR training for police to simulate stressful use-of-force encounters.¹⁹ In 2021, airsoft blasters ordered on behalf of a law enforcement agency were seized by CBSA and never released to the end user. The ambiguity of the current laws and treatment of airsoft at the border for importation leads to delays and disruptions even for law enforcement who want to use these safer tools for training.²⁰

13 Canadian Media Producers Association, "Our Industry," accessed 24SEP2022, <https://cmpa.ca/our-industry/>

14 "Where Hollywood gets its guns", 04JUN1999, <https://ew.com/article/1999/06/04/where-hollywood-gets-its-guns/>

15 "Why are real guns still used on film sets?" 25OCT2021, <https://www.nbcnews.com/pop-culture/movies/are-real-guns-still-used-film-sets-wake-rust-shooting-future-ques-tion-rcna3739>

16 Bill C-68, <https://www.parl.ca/DocumentViewer/en/35-1/bill/C-68/royal-assent/page-167>

17 Movie Armaments Group (MAG) - <https://moviearms.com/>

18 Siege Airsoft, Toronto - <https://www.siegeairsoft.com/>

19 ChimeraXR, Toronto - <https://chimeraxr.myshopify.com/>

20 Detailed information available upon request

4. Public Safety and Airsoft Blasters

ASIC recognizes four substantive public safety challenges with airsoft. These concerns are:

1. **Fatal law enforcement interactions with an individual misusing an airsoft blaster**
2. **Use of airsoft blasters in place of dangerous weapons to commit criminal acts**
3. **The use of airsoft components to produce 'ghost guns'**
4. **Injury resulting from misuse of airsoft blasters**

Accidental Misuse

Canadian law treats any object simulating a firearm in a criminal act as a real firearm, and the airsoft community is fully supportive of these laws. In our consultations, the most prominent airsoft-related concern mentioned by law enforcement is the potential for accidental or negligent misuse of an airsoft blaster to rapidly become a lethal situation. We've also been told that police focus more on the body language of a person than the specific items in their hands. In addition, police officers are trained to treat any potential or suspected firearm as if it is real and to use deadly force when necessary.

During high-adrenaline confrontations under various lighting conditions, items such as a bassoon,²¹ a camera tripod,²² and a variety of toy guns (Nerf,²³ water gun²⁴, Lego²⁵, Star Wars²⁶, etc.) have been mistaken for lethal firearms. It is unlikely that an airsoft blaster can be modified or redesigned to resemble a real firearm less than such items do. Furthermore, no matter what changes are made to the appearance of an airsoft blaster, it will still have the general shape of a lethal firearm. **An airsoft blaster will be misidentified as a firearm even if it is made visually distinguishable from an existing real firearm.**

Accidental misuse results from individuals not being aware of the responsibilities inherent in owning airsoft equipment and placing themselves and those around them at risk. These individuals tend to be children or youths who do not have a full comprehension of the potential consequences that come with handling an airsoft blaster.

Malicious Misuse

Individuals with criminal intent can intimidate and coerce victims by using blasters as a substitute for lethal weapons such as real firearms, knives, and bats. The criminal use of such weapons or imitation weapons has always been a criminal act under existing law. The airsoft community has never condoned violent crime, and believes police should be empowered to respond to these incidents within the scope of the law.

Production of Ghost Guns

As 3D printing becomes more accessible, production of 'ghost guns,' or home-made guns, has grown to be a high profile issue for law enforcement. Law enforcement often express concerns that airsoft blasters can be converted into lethal weapons. However, airsoft components are not capable of withstanding the high pressures and temperatures required to fire gunpowder ammunition. In fact, most are designed that way on purpose, as Japanese law requires that airsoft blasters be manufactured in a way that would prevent their conversion to fire gunpowder ammunition.

Manufacturing 'ghost guns' requires critical core components made for real firearms.²⁷ A firearms Possession Acquisition License is often required either by law or store policy to purchase these core components (such as a rifle receiver/body). Some of these core components are legally considered to be the controlled firearm itself. **Airsoft blasters cannot be converted to fire gunpowder ammunition, but real guns can sometimes be modified to accept accessories and parts made for airsoft.** It is currently illegal to produce or possess a firearm in Canada without the appropriate licensing.

Injury Resulting from Misuse of Airsoft Blasters

There is an extremely low incident rate of injuries resulting from airsoft blasters used at airsoft events in Canada, thanks to responsible handling and the requirement for all players to use safety equipment. "Non-powdered firearms" accounted for 48.6% of annual firearm injuries among children and youths under 25 in Ontario between 2003 - 2018.²⁸ However, airsoft is not specifically categorized in the study, and this statistic includes injuries from other items such as pellet guns (.22 cal, .177 cal etc.).

21 <https://www.springfieldnewsun.com/news/someone-called-911-but-this-man-maple-instrument-wasn-gun-was-bassoon/c9275VpPesPWZoNPNydoZL/>

22 <https://www.savingairsoft.ca/post/rebuttal-just-use-different-toys>

23 <https://vancouver.citynews.ca/2019/12/18/delta-police-nerf-guns/>

24 <https://www.durhamradionews.com/archives/120037>

25 https://torontoist.com/2009/12/downtown_digital_design_firms_offices_invaded_by_police_over_a_lego_gun/

26 <https://www.cbc.ca/news/canada/calgary/lethbridge-police-stormtrooper-arrest-investigation-1.5853801>

27 Real firearm components required for ghost gun creation - <https://www.thestar.com/news/crime/2020/10/01/pair-used-legal-parts-to-turn-pellet-guns-into-scores-of-illegal-handguns-they-sold-on-the-black-market-toronto-court-told.html>

28 Saunders et al. (2021) "Firearm injury epidemiology in children and youth in Ontario, Canada: a population-based study" <https://bmjopen.bmj.com/content/11/11/e053859>

5. International Control Measures - Our Peers and Airsoft

The vast majority of developed nations permit airsoft, with some variances in regulatory regimes. Below are the 14 nations ranked higher than Canada in the 2022 UN Human Development Index report²⁹, along with their respective airsoft laws.

REGION	STATUS	Additional Regulation	Visibility Markings
Switzerland, Norway, Denmark, Belgium, Sweden, Finland	LEGAL	18+	NONE
Hong Kong, Ireland	LEGAL	Muzzle energy restriction	NONE
Iceland, New Zealand	LEGAL	Government or Police permit required	NONE
Germany	LEGAL	Classes of airsoft blasters based on energy output	NONE
Netherlands	LEGAL	Airsoft regulatory body with background check	NONE
Singapore	LEGAL	Legal to own, must be stored at facility	NONE
Australia	NOT LEGAL	Government use only	NONE

The United Kingdom Airsoft Legislation (UKARA)

In the course of discussions with lawmakers, airsofters, and businesses regarding C-21, the regulatory regime in the United Kingdom is often brought to our attention. We have summarized this topic with the help of the United Kingdom Airsoft Players Union in a document produced for ASIC and the Public Safety and National Security Committee.³⁰

The United Kingdom employs a **two-tiered system to permit airsoft users to purchase airsoft blasters through a self-governance model** administered by the United Kingdom Airsoft Retailers Association (UKARA). The first tier permits anyone over 18 to purchase an airsoft blaster which is at least 50% brightly coloured at point of sale. The second tier permits users who regularly play at an insured airsoft venue to purchase an airsoft blaster without the bright colour requirement.

Retailers and other commercial enterprises are permitted to purchase, import and sell airsoft blasters which look like existing firearms for legitimate commercial purposes. Individuals may also import airsoft blasters if they provide a defence to their border security organization that they are permitted to purchase the product, including registration at a UKARA-approved gaming site.

This system is self-governed and the legal burden is placed on the retailer or individual seller to ensure that the customer is legally entitled to purchase the airsoft product. UKARA maintains a player database for this purpose. The United Kingdom Airsoft Players Union reports that the controls in place for purchasing realistic-looking airsoft blasters has reduced the misuse of these blasters.

²⁹ UNDP Human Development Report 2021/2022 - <https://hdr.undp.org/data-center/country-insights#/ranks>

³⁰ United Kingdom Airsoft Players Union letter to Airsoft in Canada, July 2022 - <https://www.savingairsoft.ca/letter-for-airsoft-in-canada-final>

6. Recommendations to the Committee

Intent

ASIC's recommendations intend to preserve the sport of airsoft in Canada, address public safety concerns as raised by law enforcement, and provide options that are no-cost to the government. Acknowledging the previously described public safety risks, ASIC believes that controlling access to these devices, as well as providing education and safety warnings to users will reduce the accidental and intentional misuse of airsoft and prevent tragic incidents from occurring. These recommendations consist of three options:

Option One - Define and Regulate

Leave unchanged the current definition of replica in Canadian Criminal Code section 84(1), and omit the proposed addition of Canadian Criminal Code section 84(3.2). Instead, create a definition within 84(1) entitled 'Mid-Velocity Firearm' which states:

Mid-Velocity Firearm means a firearm not designed or adapted to discharge a shot, bullet, or projectile at a muzzle velocity exceeding 152.4m per second or at a muzzle velocity energy exceeding 5.7 Joules AND is designed or intended to exactly resemble, or to resemble with near precision, a firearm, other than an antique firearm, that is designed or adapted to discharge a shot, bullet, or other projectile at a muzzle velocity exceeding 152.4m per second and at a muzzle energy exceeding 5.7 joules.

Along with the newly defined Mid-Velocity Firearm, the following could be implemented, ranked in order of ease of implementation:

1. An offence be created in the Criminal Code to sell Mid-Velocity Firearms to anyone under 18 years of age.
2. Require retailers to obtain a signed risk acknowledgement or undertaking from the purchaser to confirm understanding of their responsibilities and potential consequences of misuse.³¹
3. Create regulations for Mid-Velocity Firearms (new or appended to the firearms act) that Mid-Velocity Firearms shall:
 - a) Possess bilingual warning labels on the box, and/or on the device; and
 - b) be transported in opaque container(s).

These measures would bring Canada in line with the majority of our peers in Europe that regulate airsoft, and would standardize purchasing rules nationally. They would be eagerly accepted by the airsoft industry, businesses, and player community. They represent a negligible financial impact, and are expected to have a positive impact on public safety.

The 18 and Over restriction would limit access by children and youths, the demographic associated with the majority of accidental misuse. The requirement to sign a risk acknowledgement, when paired with appropriately bold educational materials and warning stickers, will reach the intended users over the age of 18 as well as any youths or children living in the home who may inadvertently access the airsoft blaster. The requirement to transport in a suitable opaque container adds a further layer of prevention against accidental visual exposure to the public and police.

Option Two - Colouration and Exemption for Members of a Self-regulating Governing Body

Airsoft blasters would be required to have at least 25% of their surface brightly coloured at point of sale. An exemption from the colouration would be made for individuals who are members of a self-regulating governing body in Canada, similar to the handgun exemption for Olympic Shooters. Criminal Code section 84(1) would also be amended to include an exemption for brightly coloured devices:

replica firearm means any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm that is designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second and at a muzzle energy exceeding 5.7 Joules, and that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, **or a device that is brightly coloured on no less than 25% of its surface; (réplique)**

This option would operate comparably to the United Kingdom's UKARA system. The Canadian airsoft community would create a non-profit corporation for the purposes of managing business and players of the sport across Canada. This organization would provide Police and CBSA with an access point to information and membership to assist in investigations and police operations. Businesses would be permitted to sell devices without bright colouring only to a verified member. Members would be exempt from any restrictions on importation, transfer, possession, and use of replicas. Membership in the self-regulating governing body could serve as the authorization outlined in Section 117.03. The exemption could work as shown below:

Exemption, Replicas and Prohibited Devices - for the purposes of sections 99 to 101, 103 to 107 and 117.03, sections do not apply to an individual or businesses that are members in good standing of a national self-governing body for the sport of airsoft in Canada.

This measure is **moderately acceptable to the Canadian airsoft industry with an estimated 30% negative impact on profitability** due to administrative friction and expense. Though it represents a significant strain on their operations, most businesses believe this would be effective in addressing law enforcement concerns. This access-control measure would have a similar public safety impact as option one, with membership trackability providing a further disincentive to malicious misuse.

31 "The Signature Effect: Merely Signing One's Name Promotes Identity-Congruent Behavior," 2011, <https://www.acrwebsite.org/volumes/15834/volumes/v38/NA-38>

Option Three - Exemption due to Appearance

Add to the changes to the Canadian Criminal Code Section 84(3.2) in Bill C-21 that firearms are prohibited devices EXCEPT if they possess a brightly coloured tip covering no less than 10mm of the front of the device. An exemption from this colouration must be made for film and entertainment production.

replica firearm means any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm that is designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152. 4 m per second and at a muzzle energy exceeding 5. 7 Joules, and that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm, **or a device that is brightly coloured on no less than 10mm of its barrel; (réplique)**

This measure is accepted by the Canadian airsoft industry with an estimated 5% negative impact on revenue. Most businesses do not believe this measure will prevent public safety issues. **Comparatively, requiring significant (50%+) surface area to be brightly coloured on all airsoft blasters is expected to result in 80% loss in retail sales.**

Coming into Force

In all cases above, and in the event of no amendments to Bill C-21, a reasonable coming-into-force delay must exist. This would allow time to comply with new restrictions and/or develop regulations. This would help to mitigate the economic hardships of changes to business.

7. Conclusion

ASIC strongly believes that Option 1 outlined above is the best way to address concerns by all parties involved: lawmakers, law enforcement, Public Safety, and airsoft businesses, venues, and players.

A clear definition for airsoft blasters would reduce ambiguity and confusion for players, law enforcement, and CBSA.

An age limit of 18+ for purchase would keep airsoft blasters out of the hands of youths and children, the demographic most likely to misuse these items.

- Warning labels and signed risk acknowledgements require little financial investment from businesses and none from government.
- Information provided at point of sale and on the products themselves will increase awareness of the risks and responsibilities of owning and using airsoft blasters.
- The requirement to use opaque carrying containers (a habit already widely practiced by responsible airsoft players) will reduce likelihood of public panic and unnecessary police response or potential use of force.

Most importantly, these simple measures would help to safeguard a sport that enriches the lives of thousands of diverse players in communities across the country, and protect the many businesses and employees whose passion for airsoft contributes millions to the Canadian economy.

Airsoft in Canada (ASIC)

We are a non-profit grassroots organization that advocates for the airsoft community by consulting with enthusiasts, organizations, businesses, and other organizations across the country and around the world. ASIC was established to provide information to legislators about the sport of airsoft in order to preserve its continued enjoyment in Canada.