

April 15, 2026

Aris Kourkoumelis
Assistant Secretary for Trade and Economic Security
Department of Homeland Security

Dear Mr. Kourkoumelis,

Thank you for meeting with our delegation from The Toy Association on April 7, 2026 at DHS offices, to discuss the recent rule change related to uncrewed air systems (UAS) made outside the US. We appreciated your and your team's time to discuss the issue at hand.

As you are aware, the US toy industry has been significantly impacted by the change that expands the "Covered List" and that, while intended to address national security risks tied to advanced drones, has unintentionally blocked certification for children's flying toys (e.g., toy drones and remote-control flying products like toy airplanes) that do not pose the risks.

Toy drones and remote-controlled (R/C) flying devices designed as children's toys typically are simple, short-range play products intended for children and, importantly, lack the sophisticated capabilities and features associated with security risks – such as cameras, connectivity, GPS or autonomous flight, among others. They are limited in performance for safe recreational use, operate only within visual line-of-sight and with minimal battery life, consistent with their purpose as a brief, supervised toy/play experience rather than a persistent aerial system. They are often intended for indoor use only, not suitable for outdoor conditions, and are labeled accordingly.

While the federal government (FAA and others) has historically recognized toy drones as distinct from UAS, based on key features such as weight (< 250g) and capability, this precedent was not reflected in the latest rule change and application. Additionally, all toys sold in the U.S. are subject to strict and comprehensive federal safety regulations (under ASTM F963, 16 CFR 1500, and other requirements) and are required to be tested and certified compliant with these regulations before entering the U.S. market.

The broad scope of the Covered List has inadvertently been applied to toys and, as such, third party labs are refusing to certify toys for US import. This deadlock has impacted toy companies who are currently missing critical production, selling, and shipping deadlines for 2026, which are tied to the toy industry's buying and selling seasonal historical trends, as well as one-time tie-ins to specific entertainment releases and events over the summer season. Some of our small toy companies risk closure or bankruptcy in 2026 without timely resolution.

Given the unique situation of the toy industry, we welcome your support in providing desperately-needed relief for toys, while protecting and ensuring U.S. national security and safety. To this end, we respectfully offer a list of critical toy characteristics (attached) that can be used to distinguish toys from UAS posing national security and safety concerns.

We appreciate your thoughtful leadership on this issue and offer The Toy Association as a continuing resource. Please do not hesitate to contact Hunter Morgen at hunter@ballardpartners.com or me you have any questions.

Sincerely,



Kathrin P. Belliveau
Chief Policy Officer

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Toy drones and R/C flying toys with all of the following characteristics are differentiated from real UAS and do not pose U.S. national security or safety risks:

1. Lightweight (< 250 g)
2. Limited distance capability (max distance of 300 feet)
3. Operate only within visual line-of-sight
4. Low-power, with minimal battery life
5. No internet connectivity (or only within a closed loop system)
6. No ability to perform data collection
7. No camera capabilities
8. No ability to record any data from the unit or controller
9. No sophisticated GPS features (simple scripts and tricks appropriate for child user are allowed)
10. No autonomous features that allow operation without nearby line-of-sight operator involvement
11. No ability to carry payloads on the unit
12. Must be tested and pass ASTM F963 Toy Standard
13. Must be classified as a toy under HTS 9503
14. Further, toys should not be designed and intended for modification or retrofitting later, in a way that could incorporate or expand such features and potentially introduce a national security risk. (This does not apply to replacing like batteries, in products designed with replaceable batteries.)