

Made in California ...but Not in the USA!

By Anthony Maglica

I have been a California manufacturer since 1955, when I opened a one-man machine shop in a rented garage. Sixty-two years later, my shop has grown to a million square feet and now employs hundreds of people. It is here that our famous Maglite machined-aluminum flashlights are designed, engineered and manufactured. From our factory in Ontario, Calif., they are exported around the world.

Nowhere but in America could somebody who started with as little as I had come as far as I have. The best way I know to show my gratitude is by keeping alive American manufacturing jobs, ones that involve the same tradecrafts on which my own success was based.

That is why my flashlights are made here, and why the great preponderance of parts and components are either made in our own factory or procured domestically—when possible, locally. But given the globalization of trade, there are some items that simply are not available, or are otherwise impractical to secure, from any domestic source. Buying a part or component abroad is something Mag Instrument does only as a last resort, and then reluctantly.

Given my commitment to keeping manufacturing in America, it seems only fair that I should be able to stamp my flashlights “Made in USA”—especially when I sell them in the very state where they are produced. But thanks to an old and obscure California statute, I am forbidden to use that label.

A state law enacted in the early 1960s forbade marking a product “Made in USA” unless every single part was domestically produced. Over the past few years the requirement for domestic content has been lowered from 100% to 95%, but that still is an impractically high bar for most American manufacturers facing the reality of a global parts-and-components market. So my company cannot sell flashlights in California with a “Made in USA” label—even though our only factory and almost all our workers are in California, and despite our strong policy of building products as American as they can be.

Fortunately, none of the other 49 states have followed California’s lead. They all use the Federal Trade Commission’s well-considered and comprehensive standard for “Made in USA” labeling. But absent federal intervention, any other state, at any time, could enact its own varying definition, continuing the process, begun by California, of turning interstate commerce into a Tower of Babel.

A bill now pending in the U.S. Senate would prevent that scenario. The Reinforcing American-Made Products Act of 2017 would make federal law and regulation, including the FTC standard, exclusive on the topic of “Made in USA” labeling for products sold in interstate or foreign commerce. That would pre-empt California’s maverick labeling statute and prevent other states from passing laws like it, which only hinder American manufacturing.