



**CONSUMERS  
FEDERATION  
OF AUSTRALIA**

Developing and promoting  
the consumer interest

## **Submission to the Button Battery Task Force ACCC – Assessment of Regulatory Options, Office of Best practice Regulation 25774**

### **BACKGROUND**

#### **Consumers Federation of Australia (CFA)**

The CFA is the peak body for consumer organisations in Australia. CFA represents a diverse range of consumer organisations, including most major national consumer organisations. Our organisational members and their members represent or provide services to millions of Australian consumers.

CFA's member organisations include membership-based organisations, organisations that provide information, advice, counselling or assistance to consumers and organisations that identify regulations or market features that harm consumer interests and propose solutions. A list of CFA's organisational members is available at [www.consumersfederation.org.au](http://www.consumersfederation.org.au).

CFA advocates in the interests of Australian consumers. CFA promotes and supports members' campaigns and events, nominates and supports consumer representatives to industry and government processes, develops policy on important consumer issues and facilitates consumer participation in the development of Australian and international standards for goods and services.

CFA is a full member of Consumers International, the international peak body for the world's consumer organisations.

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CFA appreciates the opportunity to comment on this options paper. The submission is not subject to confidentiality.

This submission is supported by the Consumers' Association of South Australia Inc.

#### **General**

As the Button Battery Safety Consultation Paper clearly states button batteries are a severe injury risk. The paper also states at least 27 individual cases of young children have suffered severe injuries following the ingestion or insertion of button batteries in Australia since December 2017 which indicates that in spite of the button battery industry code injuries are still occurring. Young children are particularly vulnerable, but button batteries are also a danger to other groups, including other vulnerable groups like the elderly and those with dementia.

CFA supports the introduction of a mandatory standard and considers that introducing a mandatory standard will have a positive impact on products and packaging by establishing criteria with which manufacturers, importers and retailers would have to comply. This in turn would reduce exposure and reduce the number packs and products with easy access to button batteries.

**Questions and points for feedback:**

1. *The ACCC considers the status quo and proposes three options to improve the safety of button batteries. Which is your preferred option and why do you prefer it to the others?*

CFA supports Option 3 because it includes Options 1 and 2. It also includes product information which is crucial to help with consumer awareness and education. With young children most at risk, constant alerts and reminders are needed to reach new cohorts of parents and caregivers. It is also important to provide reminders about batteries being left unattended.

2. *What effect do you believe each of the proposed options will have in saving lives and reducing severe injuries caused by button batteries?*

CFA considers that a mandatory standard based on Option 3 will have a significant impact on the reduction of injuries because it will require manufacturers and importers to comply with safety measures or risk a considerable penalty. Currently at least one large retailer is importing batteries with poor packaging and inadequate warnings.

3. *Provide comment on the ACCC's essential requirements for secure battery compartments, child-resistant packaging and warnings and information. Are there any additional requirements that should be included?*

Warnings on products, general goods and packaging is an essential part of any safety regime and should be part of the requirements. In addition, the Australian Poisons Information Centre's contact information is essential to provide time-critical advice if someone has swallowed a battery.

4. *In relation to the requirement for secure battery compartments in which button batteries are only accessible with the use of a tool, do you consider that the use of a 'tool' should include the use of a coin? Why/why not?*

The proposal for the battery compartment security requiring a tool to change batteries (as in some electrical product standards) is the best form of avoiding access by children. Allowing compartment access by coin is less safe, as young children are often capable of using this method. CFA also understands that some coin closures are more likely to become loose over time.

5. *Do you supply products that currently meet the essential requirements for secure battery compartments, child-resistant packaging and warnings and information? If not, which requirements do your products not meet and why?*

N/A

6. *Provide comment on the ACCC's proposed information standard for warnings and information to be made available at point of sale. Are there any additional requirements*

*that should be included for products sold online, or for unpackaged products supplied to consumers?*

CFA supports the inclusion of warnings for products sold on-line and unpackaged products. The on-line promotion should be required to carry a warning as well as labelling on the item packaging. An unpackaged product should have a label attached to the actual product.

7. *If you are a manufacturer, importer, distributor or retailer of button batteries or consumer goods that use button batteries, what impact will the proposed options have on your business?*

N/A

8. *Do you agree with the proposed exemption for hearing aid devices and associated zinc air batteries? Why/why not? (see section 5.2)*

Exemption of hearing aids is a difficult question because some elderly people will encounter difficulties opening child resistant packaging and/or using a tool to open the battery compartment when replacing a battery. On the other hand, ingestion by elderly people is a significant issue. A 2010 US analysis of 8648 battery ingestion cases (*Toby Litovitz, Nicole Whitaker, and Lynn Clark, Downloaded from [www.aappublications.org/news](http://www.aappublications.org/news)*) showed batteries that were intended for hearing aids were implicated in 36.3% of ingestions. Batteries were mistaken for pills in 15.5% of ingestions, mostly by older adults.

CFA believes that suppliers should do their utmost to remedy the issue by looking at hearing aid design and use. Any exemption should be subject to a sunset clause to put suppliers on notice regarding the problem.

9. *Do you consider that any other categories of consumer goods should be exempt from any of the proposed requirements? Do you have information and data you can provide to the ACCC in support of your view?*

CFA considers that in order to achieve a consistent practical mandatory standard the principles should apply to all products and packaging.

10. *What are the likely costs to implement each of the requirements (design changes, child resistant packaging, labelling), and what do you consider is the likely effect on prices for consumers?*

CFA considers that any extra production costs for suppliers will be modest particularly when compared with the social and medical costs of allowing the status quo. In economic terms, costs of no regulation are borne by the health system as outlined in the consultation paper. Suppliers wishing to avoid additional production costs may choose to purchase or design products that use different batteries or redesign products.

11. *Do you think that all potential costs to business have been considered? Can you provide any further information about likely costs/impacts of each of the options?*

No

*12. Provide comment on the transition period for the proposed options (see section 7).*

Given the serious risks involved in delaying the introduction of this mandatory standard and the fact that many suppliers have moved towards safer products, packaging and labelling, CFA believes that the lead time should be no more than 12 months.

*13. Provide comment on the principles-based approach to a mandatory safety standard (see section 7.2). A principles-based approach:*

- sets out safety principles that need to be met rather than specifying detailed standards*
- incorporates external instruments for compliance tests only*
- includes administrative guidance which provides examples of relevant clauses in external standards that are considered to comply with each requirement.*

CFA is concerned that a principles-based approach may not be sufficient given the variety of products. Effective electrical product standards, toy standards and some ACL regulations are quite specific in some areas particularly in relation to warnings and design.