

Button Batteries

New safety standards

Issue

In Australia, children have tragically died from injuries sustained as a result of swallowing a button battery.





An average of one Australian child a month is seriously injured after swallowing or inserting a button battery, and some children sustain lifelong injuries.

Most button batteries are classed as lithium, alkaline, silver oxide or zinc-air. Lithium batteries pose the highest risk. Their typically larger diameter means they are more likely to become stuck in a child's oesophagus if ingested and their higher voltage means they can cause tissue damage more quickly.

ACCC recommendation

The ACCC recommended the introduction of four instruments: a safety standard and information standard for consumer goods containing button batteries; and safety and information standards for button batteries themselves.

The standards will require:

-  secure battery compartments to prevent children from gaining access to the batteries
-  supplier compliance testing to demonstrate batteries are secure
-  child-resistant packaging for higher risk batteries
-  additional warnings and emergency advice on packaging and instructions

Further details on the requirements of each standard are on the next page.

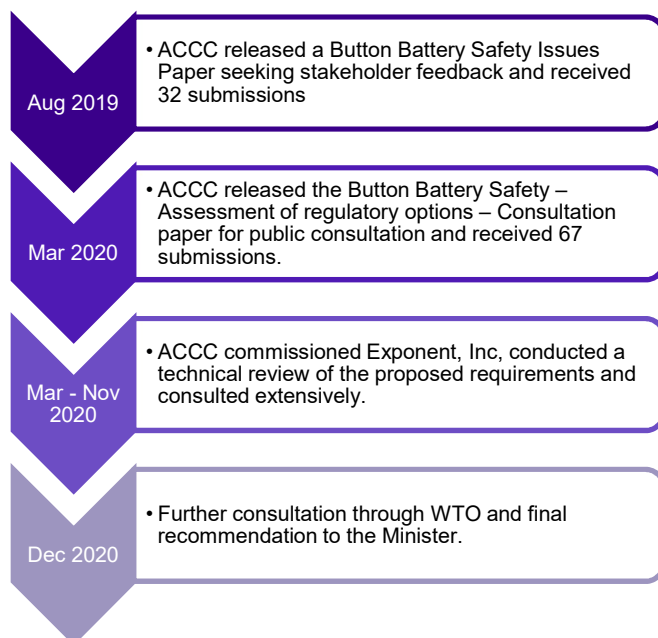
When do the standards come into effect?

All four standards come into effect 18 months after they are made. This transition period is necessary given the broad range of products covered by the new standards.

Penalty for non-compliance

For individuals, the maximum penalty is **\$500 000**. For a body corporate, the maximum fine is the greater of: **\$10,000,000**; three times the value of the benefit received, or 10% of annual turnover in the preceding 12 months (if the benefit cannot be determined). Civil penalties for the same amounts also apply.

ACCC Consultation



Issues raised in consultation

A key issue raised has been deviation of the proposed mandatory requirements from voluntary international industry standards. The ACCC has endeavoured to limit the extent of any deviation as appropriate.

The mandatory information standards require warnings that go beyond voluntary industry standards. In particular, a warning symbol is required on the front of the packaging of consumer goods that contain button batteries to allow consumers to make informed choices.

The mandatory safety standard for button batteries themselves requires child-resistant packaging for all lithium button batteries, and button batteries of other chemistry if they are 16mm and above. Some voluntary international standards do not require child resistant packaging for certain button batteries.

Energizer and Duracell, which have a combined market share of 50% in Australia, already supply button batteries in child-resistant packaging.

Regulatory impact

The ACCC estimates its recommendation will result in a net economic benefit of \$12.38 million during the 10 year forecast period.

Standard	Simplified outline of requirements	Key exemptions
Safety standard for consumer goods containing button batteries	<ul style="list-style-type: none"> Secure battery compartments (e.g. fastened with a screw) for consumer goods where batteries are intended to be replaced Compliance testing to demonstrate the battery is secure, regardless of whether the battery is intended to be replaced 	<p>Hearing aids as they use zinc-air batteries that are not as risky as other button batteries.</p> <p>Professional equipment (see below)</p>
Information standard for consumer goods containing button batteries	<p>The standard requires:</p> <ul style="list-style-type: none"> Packaging to be marked, at a minimum, with a warning symbol Instructions (if provided) to include a warning about the button battery that is clearly visible, prominent and legible. If no packaging/instructions, warning to be attached or included with the product (e.g. by a swing tag or sticker) <p>The standard also recommends:</p> <ul style="list-style-type: none"> All consumer goods be marked clearly with a warning on the product itself Packaged goods contain both text and symbol warnings Goods supplied via an electronic platform include a warning in the product description Warnings contain the phone number for the Australian Poisons Information Centre and advice about safe disposal of button batteries 	<p>Professional equipment, such as specialist trade tools (i.e., equipment is intended to be used in trades, not intended for sale to the general public and not intended to be used where children are present)</p> <p>Audio-visual and information and communications technology equipment containing button batteries that are soldered in place</p>
Safety standard for button batteries	<ul style="list-style-type: none"> Child-resistant packaging for lithium button batteries (of all sizes) and other types of button batteries with a diameter of 16mm and above Compliance testing to demonstrate the packaging of an applicable button battery is child-resistant. Where multiple button batteries are supplied, packaging must be designed to release only one battery at a time 	<p>Zinc-air batteries intended for hearing aids</p> <p>Button batteries supplied in bulk intended to be used in trades or professions</p> <p>Button batteries already installed in consumer goods</p>
Information standard for button batteries	<p>The standard requires:</p> <ul style="list-style-type: none"> Packaging used to supply button batteries must be marked clearly with a warning Lithium button batteries with a diameter of 20mm or more to be marked with a “keep out of reach of children” symbol on the cell of the battery <p>The standard also recommends</p> <ul style="list-style-type: none"> Lithium button batteries with a diameter less than 20mm and other types of button batteries of all sizes be marked with a “keep out of reach of children” symbol on the cell of the battery Button batteries supplied via an electronic platform include a warning in the product description Warnings contain the phone number for the Australian Poisons Information Centre and advice about safe disposal of button batteries 	<p>Button batteries supplied in bulk intended to be used in trades or professions</p>