

Submissions of the NRA



**National Retail
Association**

ACCC Button Battery Issues Paper

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ABOUT THE NATIONAL RETAIL ASSOCIATION

The National Retail Association (NRA) is Australia's most representative retail industry organisation, servicing more than 39,000 stores and outlets nationwide. We are a not-for-profit organisation built on strong relationships with our members.

We exist to help retail and service sector businesses comply with an ever changing and growing regulatory environment. Our services are delivered by highly trained and well-qualified in-house experts with industry specific knowledge and experience. We provide professional services and critical information right across the retail industry, including the majority of national retail chains and thousands of small businesses, independent retailers, franchisees and other service sector employers.

Members are drawn from all of the sub-categories of retail including fashion, groceries, department stores, household goods, hardware, fast food, cafes and personal services like hairdressing and beauty. NRA has represented the interests of retailers and the broader service sector for almost 100 years.

The National Retail Association Technical Standards Committee (NRATSC) is a national committee comprised of product and compliance specialists from some of Australia's largest retailers. The Committee seeks out and addresses product safety and compliance issues that affect Australian retailers and their customers.

PURPOSE OF THE SUBMISSION

The NRA supports the inclusion of "Improving button battery safety" in the Product Safety Priorities 2019 as published by the Australian Competition and Consumer Commission (ACCC)¹.

Response to the ACCC Button Battery Issues Paper

The ACCC Button Battery Issues Paper is a well-researched, highly informative document.

We appreciate the opportunity to provide feedback in relation to such an important product safety issue – accessibility to button batteries with the risk of severe to fatal injuries.

The responses relate to questions most relevant for retail business operators.

¹ Australian Competition and Consumer Commission, Product Safety Priorities 2019. Available at:

<https://www.accc.gov.au/about-us/australian-competition-consumer-commission/product-safety-priorities-2019>

QUESTION 3. WHAT INFORMATION CAN YOU PROVIDE ON THE RANGE OF PRODUCTS THAT YOU SUPPLY THAT CONTAIN BUTTON BATTERIES?

- Batteries

Retailers offer a range of battery products that include standard to specialty button batteries. Improving the child resistance of their packaging should not be neglected.

- Products where another solution to powering the item can be found, such as USB charging or other battery types (i.e. AAA, AA). These can include remote controls, torches, scales fitness trackers, portable speakers, soundbars, lapel microphones, virtual reality headset, STEM learning/ electrical toys, bicycle lights, tools fitted with a LED light, and similar. Remote controls can be found with a large variety to products, from TVs and monitors, to loudspeakers, PA speakers, stereos, etc.

- Products where the limitation of their size limits options, with button batteries often the designated power source. Batteries can be either 3V lithium or 1.5V alkaline.

Key ring key finders, desktop calculators, book clip lights, thermometers, pedometers, watches, small portable radios, decorative gifting items, magnifying glasses with LED light source, head lamps/lights, and more.

Some of these items could be considered non-essential and limiting their supply to the Australian market would not result in disadvantage to consumers.

QUESTION 4. DO YOU THINK THE RECOMMENDED SAFETY ACTIONS IN THE INDUSTRY CODE FOR CONSUMER GOODS THAT CONTAIN BUTTON BATTERIES (CODE) FOR PRODUCTS THAT CONTAIN BUTTON BATTERIES ARE ADEQUATE TO REDUCE THE RISK OF CHILDREN ACCESSING BUTTON BATTERIES? PLEASE PROVIDE THE REASONS FOR YOUR RESPONSE.

Experience since release of the industry code and ACCC strategy in September 2016 has shown, that with the right information and at times some pressure, manufacturers are able and willing to provide safer power solution for their products. These solutions can be beyond the requirements that are currently published in the industry code.

Manufacturers are generally supportive to provide information in user manual and warnings on packaging, at no or insignificant additional cost.

Warning icons can also be placed on product, but that may be more difficult and /or costly.

An increasing number of international suppliers and manufacturers have also been asked by customers from other regions to provide safer solutions with respect to button batteries. With that product powered by other battery types and with secure battery compartments is becoming more readily available, too.

For product safety and compliance professional it is often helpful to have an enforcement tool at hand to convince those who need a legal threat to move into action.

With that we support the publication of a document with tighter requirements. We would also support a regulatory instrument, if that is needed to support small to medium businesses.

QUESTION 5. DO YOU THINK THE RECOMMENDED SAFETY ACTIONS IN THE CODE SHOULD BE MADE MANDATORY? WHAT IMPACT WOULD MANDATING THESE REQUIREMENTS HAVE ON AUSTRALIAN SUPPLIERS?

The code and national strategy have been accessibly published since September 2016.

Responsible suppliers should already have implemented safer power options to replace button batteries, or secured button battery compartments. At the very least they should have a program in place that ensures the removal of unsecured button batteries over the next 12 months.

Mandating requirements would not affect those who have an awareness for product safety that have ensured their businesses are well on their way to having addressed their product range.

QUESTION 6. IF YOU ARE A SUPPLIER, DO YOU SUPPLY PRODUCTS THAT COMPLY WITH THE CODE? IF NO, PLEASE EXPLAIN WHY. IF YES, WHAT ACTIONS DO YOU HAVE IN PLACE TO REFLECT THE CODE?

Retailers represented by the NRA have either already implemented the requirements under the code or are currently working towards a full implementation.

Actions include replacing button batteries with a different power source (USB, AAA or AA batteries), redesigning the battery compartment to be secured, and adding warnings and safety information to product (where possible), user instructions and packaging.

QUESTION 10. IF IT IS YOUR VIEW THAT CHILD RESISTANT PACKAGING AND LABELLING REQUIREMENTS SHOULD BE MANDATED, DO YOU THINK THIS SHOULD APPLY TO ALL BUTTON BATTERIES REGARDLESS OF SIZE OR CHEMISTRY? PLEASE PROVIDE THE REASONS FOR YOUR RESPONSE.

3V lithium button batteries are the type that causes the most severe injuries, lodged in the esophagus, these can cause caustic burn, and lead to a deadly outcome within 2 hours of ingestion.

However, other small batteries or those of an alkaline chemistry can still be ingested or inserted into body orifices. Parents and carers may not be fully aware of the differences, and therefore an approach to treat all small round disk or button like batteries the same is preferable.

QUESTION 11. IN YOUR VIEW, SHOULD ANY CONSUMER PRODUCTS CONTAINING BUTTON BATTERIES BE BANNED FROM SUPPLY IN AUSTRALIA? IF YES, PLEASE PROVIDE DETAILS AND REASONS.

Whilst this would be an ideal solution to removing access to button batteries completely, it is highly impractical. There are a few products, that may not have a viable technical solution to replace button batteries for some time to come.

Developing adequate technology and making such solution affordable is likely to take many more years.

Products that will continue to need small button batteries but could over time see new technological solutions include watches, hearing aids and medical equipment.

There are items that are not essential, and their ban would not affect Australian consumers, these include gifting items and seasonal decorations, such as battery-operated candles.

Other products could simply be redesigned – and possible need to be increased in their size to accommodate a different battery size as power source, for example remote controls, torches, car key fobs and the like.

With that a ban on non-essential products that are currently available could be considered. A total ban would be near impossible.

QUESTION 12. IF ANY OF THESE REQUIREMENTS WERE MANDATED IN AUSTRALIA, WHAT ADDITIONAL COST WOULD BE IMPOSED ON AUSTRALIAN SUPPLIERS OR A RELEVANT SUPPLIER SEGMENT?

The majority of retailers represented by the NRA have already well progressed in removing unsecured button batteries from their product ranges.



Mandating requirements would not significantly add cost.

However mandated requirements must be enforced on all products able to be purchased by Australian consumers, including those purchased through online marketplaces.

QUESTION 14. ARE THERE ANY BUTTON BATTERY PRODUCTS THAT YOU THINK SHOULD BE EXEMPTED FROM ANY MANDATORY SAFETY OR INFORMATION STANDARDS? PLEASE PROVIDE REASONS WHY.

No products should be exempted. A total ban on button batteries may not be practical, but where allowed they most certainly must be adequately secured, and consumer information and warnings be made available.

QUESTION 15. PLEASE PROVIDE ANY OTHER INFORMATION YOU CONSIDER MAY BE RELEVANT TO THE ACCC'S CONSIDERATION OF THESE ISSUES.

A stronger regulatory tool will assist product safety professionals to support their businesses to expedite improving button battery safety. It is therefore welcome by the NRA's Technical Standards Committee.

Consideration must be given to an educational campaign, that can reach supplies (i.e. small and medium, online-only) that so far have not had any awareness of the industry code and ACCC's national strategy.

Education of the wider public should also be included in any roll-out of a button battery safety campaign. It is the best chance to remove outdated, existing products with unsafe battery compartments from Australian households.

The National Retail Association is looking for a collaborative approach to support further improvement to button battery safety.

