

ACCC Button Battery Regulatory Proposal

Illuminations Article

Following on from their August 2019 *Issue Paper* on the this topic, the ACCC released its Button Battery Regulatory Options Consultation Paper in March 2020. The *Consultation Paper* proposes:

- Additional regulation aimed at all button battery products;
- Limiting access to button batteries only via the use of a tool;
- Marking of products, product packaging and user instructions with warnings regarding the dangers of button batteries. Markings are proposed to include the Australian Poisons Information Centre phone number.
- A twelve month implementation period for all products on the market to comply.

Lighting Council Australia has responded, the Australian Standard for luminaires (AS/NZS 60598.1:2017) contains button battery requirements including the use of a tool to access batteries and warnings on user instructions. This standard requirement was voluntarily added by lighting industry proponents. Further, state electrical safety regulations already require button battery powered lighting products to comply with AS/NZS 60598.1 so no additional regulation is needed on lighting products.

Neither the *Issues Paper* nor the *Consultation Paper* identified any evidence of market failure in the general lighting products market. We also noted that lighting remote controls are not toys and are likely to be kept away from toddlers to reduce nuisance the switching of lights.

Lighting Council Australia suggested any additional ACCC regulation should exempt areas of the market such as lighting where standards and mandatory regulations already exist. An alternative solution would be to allow compliance to be demonstrated using the existing Australian Standard for luminaires (i.e. AS/NZS 60598.1).

Instead of more regulation, the ACCC should utilise the existing provisions of the Australian Consumer Law Consumer Guarantee to remove unsafe button battery powered products. Consumer law regulators should increase their surveillance, education and enforcement efforts including asking suppliers to remove unsafe products from the market or asking the Minister to require mandatory recalls if suppliers don't voluntarily cooperate.

Many product standards allow the use of a tool or two independent and simultaneous movements to access button batteries. The ACCC has not shown that the second option is unsafe yet is proposing to ban that option.

The cost/benefit analysis undertaken by the ACCC includes no additional costs for industry and no additional costs for government. This approach is clearly flawed considering some product redesigns and additional unique marking of products would be needed if the regulation proceeds. It also indicates that government is not proposing any additional enforcement effort.



Lighting Council Australia believes the best approach to reducing button battery incidents should be the prioritised development of an international button battery standard and adoption of that standard across the board so that global manufacturers will all be aware of requirements. Unfortunately, unique Australian requirements and no increase in enforcement effort would likely maintain the status quo of continued high rates of unsafe products available at discount and variety shops in Australia.

The ACCC is proposing to provide a recommendation to the Assistant Treasurer mid-2020.

David Crossley

National Technical Manager