

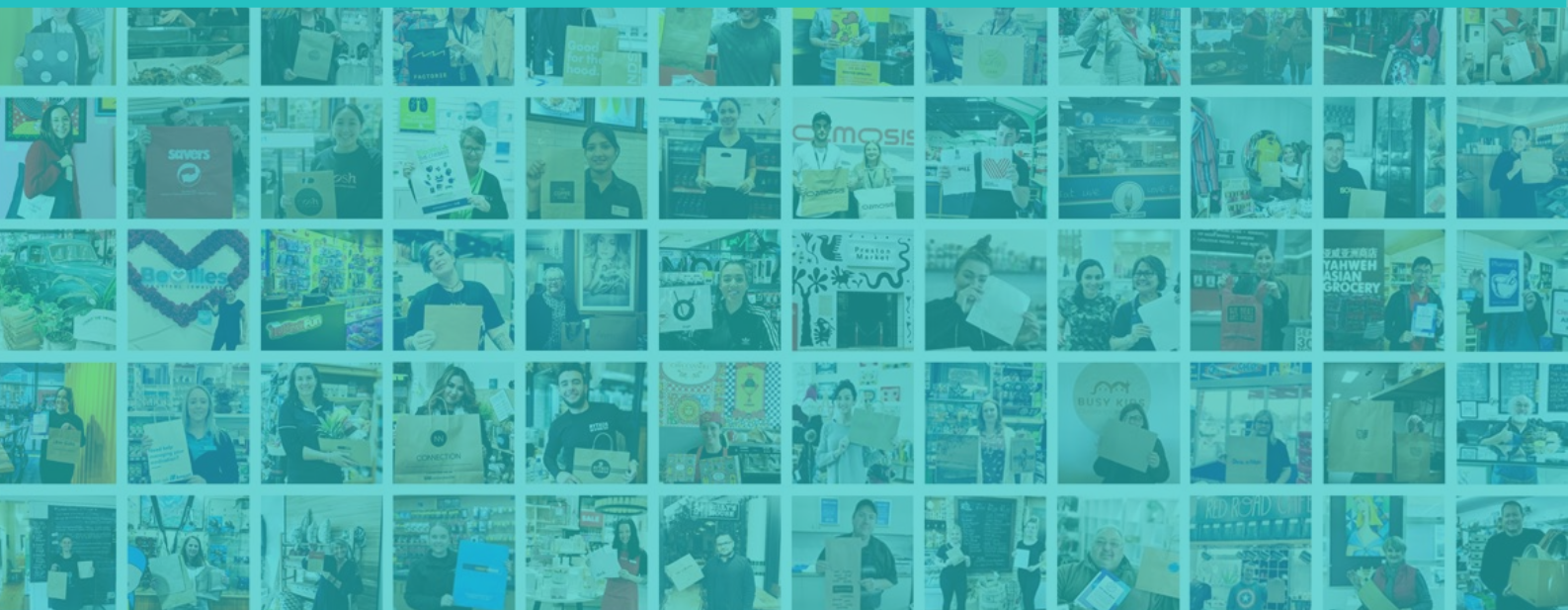


# SUBMISSION FROM THE NATIONAL RETAIL ASSOCIATION

**In response to the consultation paper:  
Button batteries in toys for children up to and including 36 months**

Director, Standards & Policy  
Consumer Product Safety Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

**13th December 2019**



## 1. ABOUT THE NATIONAL RETAIL ASSOCIATION

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Currently, the Australian retail sector accounts for 4.1 percent of GDP and 10.7 percent of employment, which makes retail the second largest employer in Australia and largest employer of young people.

The National Retail Association is Australia's most representative retail industry organisation, servicing more than 28,000 retail and fast food outlets nationwide.

### **We know all types of retail.**

Our members cover all types of retail including fashion, groceries, department stores, household goods, hardware, fast food, cafes and services. The NRA has represented the interests of retailers and the broader service sector for almost 100 years.

### **We represent all of retail.**

The NRA not only leverages off the strength of its existing member network and existing communication channels, but is one of the few industry associations which engages with retailers *beyond* its membership base. Our inclusive approach allows us to engage across the entire industry, providing unparalleled access to our partners.

### **We offer an all-in-one solution for retail businesses.**

At our core, we help retail and service sector businesses to navigate and comply with an ever-changing and growing regulatory environment. We provide professional services and critical information right across the retail industry, including national retail chains and thousands of small businesses, independent retailers, franchisees and other service sector employers.

### **We help retailers get on with business.**

We understand that as a business operating in a competitive marketplace, it is vital that retailers receive accurate and timely information on issues that impact their business. But no business, whether large or small, can afford to employ in-house experts in every regulatory area in the industry. We provide retailers with easy and affordable access to industry-specific advice and solutions across all jurisdictions.

### **We know what we're doing.**

NRA services are delivered by highly trained and qualified in-house staff with combined decades of experience and industry knowledge. Importantly, because the NRA is a not-for-profit industry association, we can deliver professional services at a much lower cost than other providers.

### **We work well with others.**

The NRA are known and respected for our professional approach to collaboration, influence and negotiation. This mature approach enables us to gain greater access, build stronger relationships, and work collaboratively with a wide range of stakeholders, including all levels of government, law enforcement, regulatory bodies, shopping centres, community groups, supporting associations and many more.

### **National Retail Association Technical Standards Committee**

Dedicated to promoting responsible retailing through a cohesive cooperation, the National Retail Association Technical Standards Committee (NRATSC) actively participates in regulatory, industry and standard reviews relating to the safety of retail merchandise.

The Committee consists of product safety and quality assurance specialists from most of the national retail organisations across Australia. The Committee meets twice annually, with meetings convened at different sites and states.

## 2. KEY QUESTIONS

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The National Retail Association (NRA) welcomes the opportunity to make submissions to the consultation paper on toys for children up to and including 36 months of age which contain button batteries.

In February 2017 the ACCC consulted on the five mandatory safety standards for children's toys. We understand that the ACCC is now seeking further views specifically on toys for children up to and including 36 months of age which contain button batteries, before finalising any recommendation on revising the mandatory standard.

**Question 1:** Do you support the proposed option to allow compliance with either one of the voluntary Australian Electric toy standard or the US toy standard, or both, for battery compartments? If not, why not?

**Yes**

The members of the NRA's Technical Standards Committee (NRATSC) prefer to use the voluntary Australian standard *AS/NZS 62115:2018 Electric toys – Safety*. However, we have no objection adopting *ASTM F963-17 Standard Consumer Safety Specification For Toy Safety*.

The US toy standard is treating coin and button cell batteries as equal in danger, as consumers do not necessarily know or understand the differences, and they can both be dangerous to children. This is an approach also supported by the Button Battery Safety Industry Working Group.

We also would like to submit, that we prefer the use the latest versions of respective standards, and regulation to allow that testing to and compliance with the most recent version of these standards is considered acceptable.

**Question 2:** Do you support the proposed option to allow compliance with either one of the voluntary Australian Electric toy standard or the US toy standard, or both, for warnings? If not, why not?

**Yes**

The members of the NRA's Technical Standards Committee prefer to use the voluntary Australian standard *AS/NZS 62115:2018 Electric toys – Safety*. However, we have no objection adopting *ASTM F963-17 Standard Consumer Safety Specification For Toy Safety*.

**Question 3:** Do you think allowing compliance with the warning requirements of either the voluntary Australian Electric toy standard or the US toy standard would lead to consumer confusion about the hazards associated with button batteries and the appropriate action to address this hazard?

**No**

We believe there will be no consumer confusion as both the voluntary Australian Electric toy standard and the US toy standard prescribe the warning requirements for product hazards associated with button batteries. Both standards require a warning on the packaging to identify the hazard of chemical burns associated with coin or lithium batteries, which represent the greatest hazard.

The primary difference between the two standards is that the voluntary Australian electric toy standard makes a distinction between the two battery categories (button and coin batteries) and restricts the hazard warning about chemical burns to products that use lithium batteries.

The US toy standard conflates the two types of batteries for the purpose of providing a single warning and therefore this information is provided for both lithium and non-lithium batteries. Otherwise the two warnings in the voluntary Australian electric toy standard and the single warning in the US toy standard are the same. All warnings are consistent about the required course of action and state that where a battery is swallowed the parent/carer is directed to seek immediate medical attention.

**Question 4:** Do you support some other option? If so, please provide details.

**No**

### 3. OTHER CONSIDERATIONS

Outside of our submission for the specific topic of toys for children up to and including 36 months, we would like to share other thoughts relating to button battery safety.

We submit that considerations are being made as to the message and warning icons on the background that children up to **6 years** of age have been recorded in incidents where batteries have been swallowed. This could be in the form of an informative section to the mandatory standard.

We submit that considerations are being made in relation to items with battery powered functions manufactured for children that could include those up to and including 36 months. These items may or may not fall under the mandatory standard's definition of toys. If possible, it would be helpful to include such items in the legislative instrument – either as inclusions or exclusions.



**DANGER**  
if swallowed

Source: Officeworks

Examples:

- Light LED Girls Tulle Tutu Skirt powered by button batteries
- Sneaker Lights powered by button batteries.
- Novelty LED String Lights and Starry LED Strips
- Pens with lights powered by button batteries.



### 4. CONCLUSION

The NRATSC is supportive of inclusion of electric toy safety, especially relating to the safety of button batteries to be included in an updated mandatory standard for toys for children up to and including 36 months.

We would like to emphasize that we prefer the use of the latest version of respective standards. To that end, compliance with the most recent version of these standards needs to be written into the mandatory standard as acceptable.

Whilst we expect that all responsible suppliers have already implemented safe designs and adequate marking and labelling, we propose that an adequate period of time be allowed for a transition period. We believe twelve months would be sufficient.

In addition, we would like to mention that the NRA TSC has made a submission in response to the ACCC Button Battery Issues Paper. Addressing toys for children up to and including 36 months is a sensible first step, but strongly believe all consumer goods powered by button batteries need to be addressed for their safety.

Thank you for this opportunity to provide our submissions on behalf of the retail industry and our members. Should you have any queries, I can be contacted on 0409 926 066 or [d.stout@nra.net.au](mailto:d.stout@nra.net.au).

Yours faithfully,



David Stout  
Director, Policy  
National Retail Association

The logo for the National Retail Association features a circular arrangement of white dots of varying sizes, creating a ring around the central text. The dots are arranged in a slightly irregular pattern, with some larger than others, and they are positioned to form a complete circle around the text.

**National Retail  
Association**