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20 MAR 1974

Harold T. Halfpenny, Esquire
Halfpenny, Hahn & Roche
111 West Washington Street
Chicago, Illinois 60602

Dear Mr. Halfpenny:

This letter is in response to your correspondence of February 26, 1974, in behalf of the Independent Battery Manufacturers Association in which you inquired as to the status of batteries under the Poison Prevention Packaging Act and Federal Hazardous Substances Act. We would also like to take this opportunity to clarify the points brought up in a conversation between Mr. Noe of the Association and Mr. Charles M. Jacobson of our Bureau of Compliance.

As we pointed out in our letter of February 21, 1974, automobile batteries would not be subject to the safety standard setting authority of the Consumer Product Safety Act since there is a specific exclusion for motor vehicle equipment subject to the National Traffic and Motor Vehicle Safety Act of 1966. However, the Federal Hazardous Substances Act and Poison Prevention Packaging Act do not contain a similar exclusion. Therefore, batteries containing sulfuric acid are subject to the labeling requirements of the Federal Hazardous Substances Act; and sulfuric acid, other than that which is packaged within the battery itself, is subject to the packaging requirements of the Poison Prevention Packaging Act. These requirements would not apply to industrial batteries, only to those which under reasonably foreseeable conditions of purchase, storage, or use, are likely to be found in or around the household.

For batteries and battery cartons we suggest the following cautionary labeling:

"POISON. CAUSES SEVERE BURNS.

Contains sulfuric acid.
Avoid contact with skin, eyes, or clothing.

Antidote:	External:	Flush with water.
	Internal:	Drink large quantities of water or milk. Follow with milk of magnesia, beaten eggs or vegetable oil. Call physician immediately.
	Eyes:	Flush with water for 15 minutes and get prompt medical attention.

Batteries produce explosive gases. Keep sparks, flames, cigarettes away. Ventilate when charging or using in enclosed space. Always shield eyes when working near batteries.

Keep out of the reach of children."

In addition to this cautionary labeling the battery and battery carton should be labeled with the name and place of business of the manufacturer, packer, distributor, or seller.

Batteries which are marketed as dry charged and accompanied by a container of sulfuric acid for sale directly to the consumer should be appropriately labeled with cautionary labeling. The sulfuric acid or electrolite should be packaged in special child-resistant packaging as required by the regulations promulgated under the Poison Prevention Packaging Act. For the container of sulfuric acid in this situation we would recommend the following cautionary labeling:

"POISON. CAUSES SEVERE BURNS

Contains sulfuric acid.
Avoid contact with skin, eyes, or clothing.
To prevent accidents, neutralize excess acid with baking soda and discard.
Rinse empty container with water.

Antidote:	External:	Flush with water.
	Internal:	Drink large quantities of water or milk. Follow with milk of magnesia, beaten eggs, or vegetable oil. Call physician immediately.
	Eyes:	Flush with water for 15 minutes and get prompt medical attention.

Keep out of the reach of children."

We are enclosing for your information copies of the Federal Hazardous Substances Act, Poison Prevention Packaging Act, and regulations. The placement and conspicuousness requirements for cautionary labeling are spelled out in 16 CFR 1500.121. For the labeling of batteries, we suggest that the cautionary labeling be placed on the top of the battery; either on the label placed directly on the battery, or on the gang vent caps. In situations where there is insufficient space on the battery top and gang vent caps are not used, we would not object to the cautionary labeling being placed on a post tag, so long as the tag is made of a durable material so that the labeling will remain visible throughout the life of the battery.

Please let us know if we can be of any further assistance in this matter.

Sincerely,
Original signed by
Michael A. Brown

Michael A. Brown
General Counsel

Enclosures

CMJACOBSON:jh 3-19-74
cc: Chairman Simpson
Office of the Secretary ✓
Executive Director
BCM, Edward B. Finch
BCMI, Dale C. Miller & Charles M. Jacobson
Field Coordination, Charles Boehne
OGC, D.S. Lemberg
14 Area Offices
gc file
gc chron
gc reading