



MEETING LOG

SUBJECT: Proposed Petition Addressing Battery Package Labeling

FY 24 OP PLAN ENTRY: Batteries, Ingestion (Button)

DATE OF MEETING: 12/19/2023

LOCATION OF MEETING: Virtual

CPSC STAFF FILING MEETING LOG: Daniel Taxier (ESMC)

FILING DATE: 1/5/2024

CPSC ATTENDEE(S): Daniel Taxier (ESMC), Jill Hurley (ESHF), Rana Balci-Sinha (ESHF), Mark Bailey (EC), Mark Kumagai (ES); Mary House (OGC)

NON-CPSC ATTENDEE(S): Elliott Alexander (Petitioner, Micropower Battery Co.), Henry Kessler (Distributor), Jeanne Mizek (Rooms To Go)

Summary of Meeting: The meeting began with the petitioner describing the substance of his petition request, asserting as follows: in 16 C.F.R. part 1263, the 20 mm pictogram on the front of button cell or coin battery packaging is substantially larger than some smaller batteries and packages, and there is not enough room for the battery, the pictogram, and other necessary labeling. The petitioner alleged that the child resistant packaging requirement in Reese's Law could result in a 15%-20% increase in cost, and posited that enlarging the packaging to accommodate the icon would further increase costs due to the need for new equipment. The petitioner also displayed some existing packaging, and stated that requiring larger packaging would make existing packaging equipment obsolete, while opining that the 20 mm icon will not increase the consumer's awareness of the hazard. The petitioner proposed one potential solution could be to scale the pictogram diameter based on packaging area.

In response to staff questions, the petitioner further clarified the following:

- Increasing the size of the packaging is not technically impossible, but is costly.
- Removing a battery from the layout and/or printing the full warning label on the front of the packaging (instead of on the rear) would also increase costs.
- The warning size requirements limit availability of warnings in different languages.

Another meeting attendee, Mr. Kessler, noted that battery manufacturers at NEMA had not been prepared to address child resistant packaging requirements for silver oxide or other button battery chemistries, and were concerned about their ability to provide batteries in bulk packaging to other manufacturers and retailers.

The petitioner stated that the 20 mm pictogram had not been in the proposed rule and therefore he was not able to submit comments. Staff corrected the petitioner and clarified that the proposal for the 20 mm pictogram could be found in the proposed rule on 88 Fed. Reg. 8707 and 88 Fed. Reg. 8725.