



Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chair Alexander D. Hoehn-Saric
 Commissioner Peter A. Feldman
 Commissioner Richard Trumka Jr.
 Commissioner Mary T. Boyle

ITEM:

Reese's Law Implementation: (1) Commission Determination Regarding UL-4200A-2023 and Draft Direct Final Rule to Establish a Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries in 16 C.F.R. part 1263 and (2) Draft Final Rule to Amend Part 1263 to Establish Labeling Requirements for Button Cell or Coin Battery Packaging

(Ballot vote package dated August 31, 2023, OS# 0245)

DECISION:

Item 1:

The Commission voted unanimously (4-0) to determine that UL 4200A-2023 meets the performance and labeling requirements in section 2(a) of Reese's Law (15 U.S.C. 2056e(a)) by approving publication of the *Federal Register* notice containing the Commission's determination regarding UL 4200A-2023 and a direct final rule incorporating by reference UL 4200A-2023 as the Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries, to be codified at 16 C.F.R. part 1263, **with the following changes (see attachment for specified changes).**

Item 2:

The Commission voted unanimously (4-0) to approve publication of the *Federal Register* notice as drafted, announcing a final rule to amend part 1263 to establish labeling requirements for button cell or coin battery packaging.

For the Commission:

Alberta E. Mills
Secretary

*Ballot vote due on September 8, 2023.

Attachments: Commission Specified Changes
Statement by Chair Hoehn-Saric
Statement by Commissioner Feldman
Statement by Commissioner Trumka

OPTION II – APPROVE WITH THE FOLLOWING CHANGES

Vote 1: Publication of the Commission’s Determination Regarding UL 4200A-2023 and a Direct Final Rule incorporating by reference UL 4200A-2023 as the Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries

I vote to:

1. “Determine that UL 4200A-2023 meets the performance and labeling requirements in section 2(a) of Reese’s Law (15 U.S.C. 2056e(a)) by approving publication of the attached draft *Federal Register* notice containing the Commission’s determination regarding UL 4200A-2023 and a direct final rule incorporating by reference UL 4200A-2023 as the Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries, to be codified at 16 C.F.R. part 1263” **with the following changes:**

OS-5

Replace “In recognition of limited testing availability, however, the Commission’s Office of Compliance and Field Operations has issued guidance granting a transitional period of enforcement discretion for the new requirements of UL 4200A-2023. That guidance is available at [INSERT LINK].,” with “In recognition of limited testing availability and for the avoidance of hardship, however, the Commission is granting a 180-day transitional period of enforcement discretion, to begin [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].”

OS-8

Replace “the Office of Compliance and Field Operations has issued guidance granting a transitional period of enforcement discretion for the new requirements of UL 4200A-2023. That guidance is available at [INSERT LINK].,” with “the Commission is granting a 180-day transitional period of enforcement discretion, to begin [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].”

OS-12

Replace “the Commission’s Office of Compliance and Field Operations has issued guidance to industry and the public regarding a transitional period of enforcement discretion. See [web link].” with “the Commission is granting a 180-day transitional period of enforcement discretion.”

OS-39

Replace “the Commission’s Office of Compliance and Field Operations has issued guidance to industry and the public regarding a transitional period of enforcement discretion. See [web link].” with “the Commission is granting a 180-day transitional period of enforcement discretion.”

OS-53

Replace “the Commission’s Office of Compliance and Field Operations has announced a transitional period of enforcement discretion. *See* [WEB LINK].” with “in recognition of the potential hardship resulting from immediate effectiveness of UL 4200A-23 as a mandatory standard in accordance with Reese’s Law, the Commission is granting a 180-day transitional period of enforcement discretion.”

OS-56

Replace “The Commission’s Office of Compliance and Field Operations has announced a transitional period of enforcement discretion. *See* [WEB LINK].” with “The Commission is granting a 180-day transitional period of enforcement discretion, to begin [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].”

OS-62

Replace “(subject to a transitional period of enforcement discretion as stated at [WEB LINK]).” with “(subject to a 180-day transitional period of enforcement discretion).”



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

CHAIR ALEXANDER D. HOEHN-SARIC

Chair Hoehn-Saric Statement on Vote to Implement Reese's Law

September 11, 2023

On December 17, 2020, 18-month-old Reese Hamsmith died from injuries sustained when she swallowed a coin cell battery. Since that time, her mother, Trista Hamsmith, has worked tirelessly to protect other children from the hazards posed by these small batteries. Called coin cell or button batteries because of their size and shape, these batteries are found in everyday household products and can be deadly if swallowed.

Ms. Hamsmith engaged with Congressional champions – including Senators Richard Blumenthal and Marsha Blackburn, as well as Reps. Robin Kelly and Jodey Arrington – who pushed for legislation to strengthen safety standards for battery packaging and the products that use these batteries. Thanks to their determined efforts, Reese's Law was signed by President Biden in August 2022.

I am pleased that the CPSC is issuing final rules implementing Reese's Law. We've made a determination that the newly updated UL standard for battery enclosures on consumer products meets the requirements of the law. And we've issued a final rule regarding warnings on button and coin cell battery packaging. Together, these rules will improve safety for children nationwide.

Reese's Law and the Commission's action today make strong safety requirements for battery enclosures on consumer products the law of the land. Recognizing that industry will need to improve the safety of their products and there will be limited testing ability for this universe of products that have never had to be tested for compliance with such standards, we are providing a 180-day period of enforcement discretion.

I thank Trista Hamsmith and the Congressional champions of this legislation for all of their work to provide the Commission with expedited authority to address this safety hazard. I also want to thank the CPSC staff for providing the necessary support and analysis to bring us to this important moment. With these changes, we will help reduce the number of deaths and injuries from these consumer products. I am pleased that my colleagues and I were able to do our part to finalize this important mandatory safety standard.



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COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A FELDMAN
ON REESE'S LAW TAKING EFFECT**

SEPTEMBER 11, 2023

Today, the U.S. Consumer Product Safety Commission announced its approval of a mandatory standard for consumer products containing button cell batteries, as directed by Reese's Law (P.L. 117-171). This new standard will protect children and save lives.

The credit for today's action goes to the families who lost children in tragic accidents involving button cell batteries. I especially want to recognize Reese's mother, Trista Hamsmith. Her effort, turning grief into action, alongside other stakeholders, led Congress to pass this landmark bill. I also want to thank Senators Marsha Blackburn and Richard Blumenthal and Representatives Jodey Arrington and Robin Kelly, without whose bipartisan leadership this bill would not have advanced.



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COMMISSIONER RICH TRUMKA JR.

CPSC ACTS TO END CHILD DEATHS AND INJURIES FROM BUTTON BATTERY INGESTION

SEPTEMBER 8, 2023

Today, thanks to the tireless work of parent advocates and CPSC staff, consumer products from remote controls, to light-up shoes, to greeting cards that use button or coin cell batteries will face safety testing to ensure that young kids can't access the batteries. Over 70 children have died, and tens of thousands have found themselves in emergency rooms, after swallowing button batteries. Congress and President Biden—through Reese's Law (August 16, 2022)—directed CPSC to fix this problem, and they told us to act quickly. We did.

There was no time to waste. In recent years (2016-21), at least 27 children died after swallowing button batteries. Every day without an enforceable rule allowed more unsafe products on the market. That is why I am grateful that all Commissioners joined together to not only adopt a strong safety rule, but also to require prompt enforcement. Parents should know and expect that the products they buy are safe for their families.

The Commission is being both ambitious and realistic in exercising limited enforcement discretion. Congress directed that today's rule must take effect immediately upon the Commission's decision. To avoid hardship during the transition to full compliance, while honoring the clear intent of Congress to move rapidly, we are announcing that enforcement will begin 180 days after the rule is published. But make no mistake: manufacturers shouldn't wait six months—I expect them to comply with the rule ASAP. Compliance with CPSC's rule on button and coin cell batteries will save lives.