



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:

Enforcement Discretion for Zinc-Air Button Cell and Coin Batteries  
Under Reese’s Law Section 3  
(Ballot vote package dated March 1, 2023, OS No. 0199)

DECISION:

The Commission voted (3-1) to approve the announcement of the Statement of Enforcement Discretion Under Reese’s Law, as drafted, and publish the Statement on the CPSC’s website.

Chair Hoehn Saric, Commissioners Feldman and Boyle voted to approve the announcement of the Statement of Enforcement Discretion Under Reese’s Law, as drafted, and publish the Statement on the CPSC’s website.

Commissioner Trumka voted to approve the announcement of the Statement of Enforcement Discretion Under Reese’s Law, with the following specified changes, and publish the revised Statement on CPSC’s website:

OS 9:

Delete “for one year until March \_\_, 2024” and replace with “for six months until September \_\_, 2023”

Delete sentence beginning “Based on these factors, staff has recommended . . .” and replace with “Based on these factors, and considerable uncertainty about both ingestion risks and potential market shortages, the Commission will exercise enforcement discretion with respect to zinc-air batteries for six months.”

OS 9-10:

Delete sentence beginning “The above considerations . . .” and replace with “Accordingly, the Commission is instructing the Office of Compliance and Field Operations to exercise enforcement discretion under section 3 of Reese’s Law for separately packaged zinc-air button cell or coin batteries, for six months.”

OS-10:

After final sentence, insert: “If this guidance remains in effect for six months, the Commission will review the reports received after six months and determine whether good faith efforts to reach full compliance and any new information received warrant an extension in the period of enforcement discretion.”

For the Commission

Alberta E. Mills  
Secretary

\*Ballot vote due March 7, 2023