



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:

Notice of Proposed Rulemaking: Safety Standard and Notification Requirements for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries
(Briefing Package dated January 11, 2023, OS No. 0187)

DECISION:

The Commission voted unanimously (4-0) to approve publication of a *Federal Register* notice as drafted, to issue a notice of proposed rulemaking to establish a safety standard and notification requirements for button cell or coin batteries and consumer products containing such batteries.

Chair Hoehn-Saric, Commissioners Trumka and Boyle issued respective statements regarding this matter.

For the Commission:

Alberta E. Mills
Secretary

*Ballot vote due January 25, 2023
(The Commission voted by poll on January 23, 2023 to transfer this matter from a decisional meeting to a ballot vote).

Attachments: Statement by Chair Hoehn-Saric
 Statement by Commissioner Trumka
 Statement by Commissioner Boyle



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

CHAIR ALEXANDER D. HOEHN-SARIC

Statement of Chair Alexander Hoehn-Saric on Approval of a Notice of Proposed Rulemaking Implementing Reese's Law

January 26, 2023

Today the Consumer Product Safety Commission took an important step to protect children from the hazards posed by button and coin cell batteries, and honor the memory of Reese Hamsmith, by issuing a Notice of Proposed Rulemaking to implement Reese's Law. Reese was only 18 months old when she died after swallowing a coin cell battery that had fallen out of a remote control. Reese's Law, passed by Congress and signed by President Biden last summer, calls on the CPSC to issue rules to require safer packaging and labels for these batteries and the household products that contain them. I look forward to hearing from stakeholders so that we can ensure that we meet our statutory deadline and issue the strongest possible safety rule later this year.



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COMMISSIONER RICH TRUMKA JR.

CPSC PROPOSES STRONG NEW SAFETY STANDARD FOR BUTTON CELL AND COIN BATTERIES; EXISTING CHILDREN’S TOY STANDARD WOULD REQUIRE UPGRADE TO BE AS PROTECTIVE.

JANUARY 30, 2023

CPSC proposed a strong new safety standard to protect kids from the serious ingestion hazard posed by button cell and coin batteries. The proposed rule would require batteries in common household items (such as remotes, light-up apparel, and musical greeting cards) to be inaccessible to children ages six and younger. Combined with the stronger battery packaging requirements that are set to go into effect, children will be far more protected from life-threatening battery ingestion.

Today’s proposed rule covers small batteries in everything except toys, pursuant to Congressional directive. There is already a standard to make small batteries in toys inaccessible to kids. However, CPSC staff evaluated the toy standard, and found it to be insufficiently protective. That evaluation is supported by the numbers, as toys were responsible for an estimated 37% of battery ingestion incidents where the battery came from a product.¹

The toy industry can, and should, adopt a more protective standard for children’s toys. On January 26, Commissioner Mary Boyle [sent a letter](#) to the group that developed the voluntary standard for toys and urged it to voluntarily upgrade its standard, to stop more children from dying. We expect swift action on Commissioner Boyle’s request. If not, we will have to consider whether additional rulemaking specific to children’s toys is necessary.

¹Consumer Product Safety Commission, Notice of Proposed Rulemaking: Safety Standard and Notification Requirements for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries, OS-116 (available at: <https://www.cpsc.gov/s3fs-public/NoticeofProposedRulemakingSafetyStandardandNotificationRequirementsforButtonCellorCoinBatteriesandConsumerProductsContainingSuchBatteries.pdf?VersionId=kDinNeydtktk3T8RRtzN4u1GTXPRjpEI>) (Jan. 11, 2023).



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COMMISSIONER MARY T. BOYLE

**Commissioner Mary T. Boyle Statement on Battery Ingestion NPR and Action Needed by
ASTM Toy Safety Subcommittee**

January 26, 2023

Yesterday, I voted to take action to protect young children from serious hazards caused by everyday products found throughout our homes: button and coin cell batteries. If swallowed or inserted into an ear or nose, these small batteries can cause life threatening injuries and death.

By advancing a Notice of Proposed Rulemaking (NPR) that would establish safety standards and require prominent warning labels, we are taking an important step to implement legislation known as Reese's Law, named for 18-month-old Reese Hamsmith, who tragically lost her life after swallowing a button battery. I look forward to reviewing the public comments on the package and moving expeditiously to put a strong standard in place.

I am also sending a [letter](#) urging the ASTM F963 Subcommittee to act swiftly to strengthen the battery access and labeling requirements in the Toy Standard. In conducting the analysis underlying the proposed rule, CPSC staff determined that the toy standard came up short in multiple areas. For example, as explained in the staff package, ASTM F963 lacks sufficient design requirements and use-and-abuse testing for ensuring secure battery compartments. The warning labels required by the standard also do not adequately indicate the harms associated with ingestion.

The consequences of these gaps are evident in the incident data compiled for the NPR. Parents should be able to trust the toys they give their children are safe. I will continue to monitor the ASTM process to ensure progress is being made to address these issues. I am committed to using CPSC's authority to provide the highest level of protection for children from battery ingestion hazards created by all consumer products, including toys.

I am grateful to Commission staff for their work on this package and want to express my deepest gratitude to Trista Hamsmith for her tireless work on Reese's Law and her commitment, in memory of her daughter, to protecting all children.