

The Director  
Button Battery Taskforce  
Consumer Product Safety Branch  
Australian Competition & Consumer Commission  
[nationalprojects@accc.gov.au](mailto:nationalprojects@accc.gov.au)

30 September 2019

## **HEARING CARE INDUSTRY ASSOCIATION RESPONSE TO ACCC BUTTON BATTERY ISSUES PAPER**

The Hearing Care Industry Association (HCIA) welcomes the opportunity to offer comments on the ACCC Button Battery Safety Issues Paper released for comment in August 2019.

HCIA notes the ACCC's Issues Paper is not considering or seeking a response regarding goods that are subject to regulatory control by specialist regulators such as the Therapeutic Goods Administration (TGA). The TGA regulates hearing aids and applies rigorous tests to ensure these devices meet high standards of standards and efficacy.

HCIA offers this response to help inform discussion about the degree of regulatory failure regarding button battery safety in consumer goods and how government should respond in respect of hearing aids.

### HCIA Response – overview

While acknowledging the serious safety issues associated with button batteries in general consumer products, particularly for children, HCIA's response focuses on the implications of increased regulation for hearing aid consumers.

The Issues Paper makes several references to hearing aids which may lead some to believe hearing aid button batteries pose a serious and significant risk both to children and adults in Australia. The impression created is misleading.

HCIA considers there is no compelling evidence to support a horizontal safety standard and no other jurisdiction, globally, has done so.

To achieve the right balance of safety, accessibility and consumer choice, HCIA supports retention of the current exemption for hearing aids from the compliance requirements of the *2016 Industry Code for consumer goods that contain button batteries* (Industry Code).

Not all button batteries are the same. The button batteries in hearing aids pose a low risk because they are typically smaller than and chemically different to those implicated in serious injury and death associated with oral ingestion.

Hearing aids with rechargeable batteries are already available for devices that fit on the ear. Technological developments will increase the availability of rechargeable hearing aids and significantly reduce reliance on button batteries although this future state remains some years away.

### Key Concerns

#### *Consumer impact*

Age is a large determinant of hearing loss with more than half of Australians aged 60 and over experiencing some form of hearing impairment and 3 of 4 people over the age of 70 suffering hearing loss.

---

The Australian Government's Hearing Services Program provides subsidised access to hearing services for eligible people. This program represents a majority share (~68%) of the Australian hearing services market according to the Productivity Commission (2017). The majority of beneficiaries are Seniors who qualify for a pensioner concession card.

Hearing aids are designed to be fit for purpose including for this consumer demographic. Re-engineering the battery compartments to enhance safety, as outlined in the 2016 Industry Code, if applied to hearing aids, would significantly reduce useability and accessibility for the consumers of hearing aids.

This impact would be even greater for those older Australians who have vision impairment and/or poor dexterity (eg related to arthritis).

Consumer choice would also be curtailed. Hearing aids with rechargeable batteries are now available in Australia and popular with consumers for their convenience. They are already making an impact in the market and will, over time, result in a reduction in button batteries in hearing aids.

However, hearing aids with rechargeable batteries are currently limited to those that fit on the ear rather than in the ear. Furthermore, no hearing aids with rechargeable batteries are available on the Hearing Services Program fully subsidised list. A few are available on the Program's partially subsidised list which requires the consumer to make an out-of-pocket contribution to obtain the device of their choice.

Rapidly evolving technology will increase the availability and type of hearing aids with rechargeable battery options and these are expected to dominate the market of the future. Some devices powered by button batteries are expected to remain in the market but in reduced numbers. This future state remains some years away.

#### *Lack of evidence about the risk associated with hearing aids*

The Issues Paper makes several references to hearing aids which may lead some to believe hearing aid button batteries pose a serious and significant risk both to children and adults in Australia. The impression created is misleading, based on inadequate and highly qualified data about the source of exposure to button batteries and whether that exposure resulted in serious injury or death.

For example, the finding that hearing aids are a common source of exposure is due to the paucity of available data and should not be interpreted to mean the risk associated hearing aid button batteries is akin to that of watches and toys.

Nor is there compelling evidence presented to support a conclusion that ingestion or insertion of hearing aid button batteries always results in serious injury or death.

Not all button batteries are the same. The button batteries in hearing aids pose a low risk because they are typically smaller than and chemically different to those implicated in serious injury and death associated with oral ingestion.

#### *Increasing regulatory burden*

The TGA regulates hearing aids and applies rigorous tests to ensure these devices meet high standards of standards and efficacy.

The 2016 Industry Code exempts medical devices and, specifically, hearing aids from its compliance requirements.

While the Issues Paper does not propose removing this exemption, it canvasses some world-first options for regulation of button batteries such as a horizontal standard. Without an ongoing exemption for hearing aids, new safety measures would have far-reaching implications for hearing aids users (consumers), many of whom are elderly, with cost implications for manufacturers, suppliers and potentially the Hearing Services Program.

## **ABOUT HCIA**

The Hearing Care Industry Association (HCIA) represents private sector providers who care for thousands of hearing impaired Australians across the country. HCIA members collectively represent approximately 60% of the adult hearing rehabilitation sector.

HCIA members provide diagnostic audiometry, hearing aids, custom ear moulds and earplugs, assistive listening devices, industrial audiology services, and educational seminars. One of our members provides specialised paediatric services, vestibular services and a comprehensive implant program.

All HCIA members are registered to provide services under the Australian Government Hearing Services Program which means, among other things, that our employees have ongoing training, are members of professional bodies and our clinics are audited.

All our employees are members of professional bodies such as Audiology Australia, the Australian College of Audiology (AcAud) or the Hearing Aid Audiometrist Society of Australia (HASSA). In addition, they comply with the Council of Australian Governments (COAG) National Code of Conduct for all Health Workers.

Contact: Hearing Care Industry Association, [info@hcia.com.au](mailto:info@hcia.com.au)