



## Button Battery Safety Issues Paper

### Response by Woolworths Group Limited

10 October 2019

Woolworths Group Limited (**Woolworths**) is grateful for the opportunity to participate in the ACCC's Button Battery Safety Issues Paper consultation. We have opted to respond to Questions 3-6, 8, 10 and 12, which we consider are the Questions to which we can most meaningfully contribute. Woolworths supports further consultation with all suppliers on the Questions in the Paper.

In summary, Woolworths is supportive of a horizontal mandated safety and information standard, and considers that the following measures would reduce the risk that children can access button batteries:

1. prescription of the form and content of warnings, graphics and information required to be provided on the packaging of button batteries and products that contain button batteries;
2. mandated requirements for the design and construction of battery compartments on products powered by button batteries; and
3. a requirement that button batteries be supplied in child resistant packaging.

Against that background, Woolworths will address each of the Questions it has elected to respond to in turn.

***Q3. What information can you provide on the range of products that you supply that contain button batteries?***

Woolworths offers for sale branded button batteries, along with branded and own brand products which contain button batteries.

***Q4. Do you think the recommended safety actions in the Industry Code for Consumer Goods that Contain Button Batteries (Code) for products that contain button batteries are adequate to reduce the risk of children accessing button batteries? Please provide the reasons for your response.***

Woolworths understands that references in the Paper to "recommended safety actions" include the *Essential requirements for compliance with the Industry Code* at page 5 of the Code (**Essential Requirements**) and the *Additional recommended means of reducing or*

*eliminating hazards* at page 6 of the Code (**Additional Recommended Means**), along with supporting information contained in Annex A and B (together the **Recommended Safety Actions**).

Woolworths considers that, when followed, the Recommended Safety Actions are adequate to reduce the risk of children accessing button batteries because they provide robust guidance which meets that objective. However, this risk could be reduced further for example by introducing mandated compliance with the Essential Requirements and other safety actions, for the reasons described in response to Question 5.

***Q5. Do you think the recommended safety actions in the Code should be made mandatory? What impact would mandating these requirements have on Australian suppliers?***

Woolworths supports the Essential Requirements in the Code being made mandatory.

Consideration should also be given to whether mandating compliance with some or all of the Additional Recommended Means and/or other safety actions would further reduce risk, in particular:

- whether products containing button batteries should have clear markings on packaging indicating that batteries are included, so that parents/carers are alerted that such products contain button batteries;
- whether the form and content of warnings, graphics and information to be provided on the packaging of relevant products (and associated instruction manuals) should be prescribed to clearly alert parents/carers to the dangers of button batteries. That content should include, *inter alia*, a warning that button batteries are hazardous to children and clear information on what to do in the event of ingestion; and
- Whether the material used to make the battery compartments (or the enclosure) housing button batteries should be of sufficient strength and durability to withstand a drop test.

Further, Woolworths considers that the following points should be addressed during further consultation on the Paper:

- whether specifications for how to assess the safety of the battery compartment might be incorporated in the Code by the inclusion of, or direct reference to, relevant Australian standards (and/or recognised International standards) which prescribe minimum requirements;
- whether a mandated safety and information standard could be further supported by additional guidance or enforcement requirements from the ACCC, for example regarding what action should be taken in respect of any product found to be

non-compliant following a regulatory compliance check (such as whether products identified can continue to be sold);

- whether a requirement should be introduced that any coin-sized lithium button battery used in any product containing button batteries should be housed in a permanently sealed, welded or tightly screwed battery enclosure; and
- whether there should be additional investment in public education and campaigns to promote safety messages about button batteries.

Woolworths considers that the above measures would not create an undue burden on suppliers. On the contrary, they are likely to create a consistent approach to button battery safety which will improve supplier awareness and understanding of the Code across all suppliers and support enforcement of the Code, which in turn should improve compliance and reduce risk.

Woolworths supports further consultation on this Question and would welcome the opportunity to contribute to that process, as it has done to date through its participation in the Button Battery Industry Working Group. Woolworths understands that under the ACL the ACCC cannot impose requirements for the disposal of end of life button batteries, but is supportive of the proposal to explore alternative options for this during further consultation on the Paper; and further supports the ACCC's view that a horizontal standard would efficiently address a common hazard across multiple product types.

***Q6. If you are a supplier, do you supply products that comply with the Code? If no, please explain why. If yes, what actions do you have in place to reflect the Code?***

Woolworths supplies own brand products which contain button batteries and comply with the Code. Some of the actions that Woolworths has taken to meet and/or exceed the requirements of the Code in relation to these products include:

- rigorous and specific product safety assessments of consumer goods containing button batteries;
- not including non-replacable batteries in children's toys (for children up to the age of 3 years) unless they are contained in a compartment that is completely sealed, welded, or tightly screwed;
- conducting internal training programs for relevant business units within Woolworths on the importance of product safety; and
- briefing own brand suppliers on product safety concerns and specific requirements in relation to button batteries (including the need for compliance with the Code) and encouraging them to use alternatives to button batteries such as AA or AAA batteries where practical.



***Q8. Would a mandated safety standard for the security of battery compartments of products containing button batteries be likely to reduce the number of injuries and fatalities caused by button batteries in Australia? Please provide the reasons for your response.***

Woolworths considers a mandated safety standard for the security of battery compartments of products containing button batteries is likely to reduce the number of injuries and fatalities caused by button batteries in Australia, including because such a standard would:

- improve consumer understanding of hazard warnings and information through a consistent approach by all suppliers;
- clarify and improve supplier awareness and understanding of requirements for button battery compartments, and how non-compliant products should be treated;
- enable benchmarking and standard-setting tools for secured battery compartments, so that regulators and suppliers can more easily and efficiently assess button battery compartments;
- ensure that button battery compartments undergo consistent rigorous testing and verification to check whether button batteries can be accessed by children under different scenarios, including foreseeable misuse scenarios; and
- improve compliance and ease of enforcement by requiring all industry supply chain participants to meet the same standard.

Woolworths supports further consultation on this Question and would welcome the opportunity to contribute to that process, including as it has done to date through its participation in the Button Battery Industry Working Group.

***Q10. If it is your view that child resistant packaging and labelling requirements should be mandated, do you think this should apply to all button batteries regardless of size or chemistry? Please provide the reasons for your response.***

Woolworths supports the ACCC's view that all button batteries present a risk when ingested or inserted, regardless of size or chemistry, including for the reasons mentioned in Section 19.3 of the Paper. Accordingly, Woolworths considers that all button batteries are a potential hazard if adequate safety actions are not taken and as such that they should be subject to mandated requirements.



***Q12. If any of these requirements were mandated in Australia, what additional cost would be imposed on Australian suppliers or a relevant supplier segment?***

Woolworths' own brand products which contain button batteries comply with the Code and therefore we do not envisage any additional compliance cost in relation to our own brand products.

We do not envisage that any relevant costs would be unduly burdensome on other suppliers of button batteries, but are supportive of further consultation on this point with all suppliers.