



American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



September 15, 2011

Senator Daniel Inouye
Chairman
Committee on Appropriations
United States Senate
S-128 Capitol
Washington, DC 20510

Senator Thad Cochran
Ranking Member
Committee on Appropriations
United States Senate
S-146A Capitol
Washington, DC 20510

Dear Chairman Inouye and Ranking Member Cochran:

As your Committee marks up the FY2012 Financial Services and General Government Appropriations bill, our groups write to you in support of language that, if included, would help prevent needless injuries and deaths from button cell batteries.

These button cell batteries, some no larger than a nickel, are a growing hazard. They are commonly found in products such as remote controls, games, toys, calculators, clocks, hearing aids, musical greeting cards, key fobs and many other small devices that are frequently found throughout the home.

The risk posed by a cell battery occurs when it is swallowed. The deaths and injuries occur when a child ingests a button cell battery and the moist lining of the gastrointestinal tract acts as a conductor and allows current to flow through the battery, causing burns to the throat, esophagus, and stomach. The longer the battery remains in the body, the more severe the burns can become—lasting damage can occur within just two hours.

As these tiny batteries become more popular and more powerful, doctors are seeing an increase in serious injuries and fatalities from swallowing incidents. Children have mistaken them for candy and adults for pills with disturbing results. More than 3,400 button cell battery ingestion cases were reported to U.S. poison centers each year between 2007 and 2010, resulting in hundreds of injuries and six deaths, according to the National Poison Data System. The most serious incidents were reported in children less than four years of age and many of these children will have prolonged and debilitating injuries that will impact feeding, breathing, or speaking for the rest of their lives.

However, this hazard can be prevented by requiring manufacturers to ensure that all button cell batteries and battery compartments are sufficiently secured to prevent access to the batteries by young children. This is accomplished by language that we understand may be included in the

FY2012 Financial Services and General Government Appropriations bill. As we understand it, this language would direct the Consumer Product Safety Commission (CPSC) to develop a mandatory standard to reduce access to these batteries, as well as a warning label to inform consumers of the hazard.

It has also come to our attention that some believe a mandatory standard is not the correct way to approach this problem. We disagree. A mandatory standard for button cell batteries – rather than a voluntary one – would help reduce the injuries and deaths associated with button cell batteries.

The reasons that a mandatory standard is the better way to address the hazards posed by button cell batteries are as follows:

- A mandatory standard must be met by all companies. A voluntary standard can be ignored by companies, and the ones that choose to take steps to secure the batteries and prevent these injuries could then be at a market disadvantage for complying with a standard with which others do not.
- A mandatory standard is enforceable by the CPSC. The agency will have the ability to go after violators of the standard - foreign or domestic - and to ensure a level playing field for manufacturers and for consumers.
- CPSC's process to create a mandatory standard involves taking into account the input of all stakeholders, including industry, consumer safety advocates, and standards-setting bodies such as Underwriters Laboratories (UL).
- The button cell battery issue does not pertain only to consumer electronics. The tiny batteries can be found in games, toys, hearing aids, musical greeting cards, and other products.
- The mandatory standard that we understand may be proposed at the markup is not design restrictive – rather, we understand that it would reduce access to button cell batteries as much as possible, without prescribing how a manufacturer has to accomplish that safety goal. Further, the standard requires a warning label to alert consumers to hazards posed by button cell batteries.
- Finally, public education campaigns are no substitute for designing products that eliminate the hazard in the first place. Children cannot see/read warning notices. Making a safer product that prevents these tiny batteries from coming loose in the first place is the way to prevent needless injuries and deaths.

If language is included in the FY2012 Financial Services and General Government Appropriations bill to address this safety hazard, we urge your support and urge you to oppose any amendment that might be offered to strike it. Thank you for your consideration.

Sincerely,

Ami V. Gadhia
Senior Policy Counsel
Consumers Union

Donald L. Mays
Senior Director, Product Safety/Technical Policy
Consumers Union

Rachel Weintraub
Director of Product Safety & Senior Counsel
Consumer Federation of America

O. Marion Burton, MD FAAP
AAP President
American Academy of Pediatrics

CC: Members of Senate Appropriations Committee