



/Senior Associate  
Direct line  
Email  
Our ref  
Your ref

Emily Shoemark  
[Redacted]  
[Redacted]  
20102 ESH

Friday, 31 July 2020

Mr Robert Janisson  
Australian Competition & Consumer Commission  
23 Marcus Clarke Street  
CANBERRA ACT 2601  
adjudication@acc.gov.au

Dear Mr Janisson

**BSC SUBMISSION IN RESPONSE OT DRAFT DETERMINATON  
APPLICATION FOR AUTHORISATION AA1000476**

The Battery Stewardship Council ('BSC') is very appreciative of the comprehensive and thoughtful response provided by the ACCC in its Draft Determination dated 14 July 2020 in relation to the BSC's application for authorisation of the Battery Stewardship Scheme ('Scheme').

The ACCC, in its draft determination, has invited a submission from the BSC in relation to the button battery safety aspects of the proposed Scheme, and in particular:

1. Whether operational guidelines addressing button battery safety ought to be developed before the ACCC makes a final decision about whether to grant authorisation; and
2. The merits of imposing a condition of authorisation requiring BSC to promote awareness of button battery hazards and mitigation measures.

As the ACCC authorisation is a precondition of the funding required to commence the implementation of the Scheme, including development of operational guidelines, the BSC is unable to support option 1 above. BSC offers the following additional information regarding our proposed Button Battery Safety Strategy and would be happy for the arrangements set out in this submission to form part of the conditions of authorisation.

This submission addresses the BSC position in relation to button battery safety, the appropriate timing of the development of operational guidelines and sets out the BSC strategy and milestones for the development of those guidelines.

Friday, 31 July 2020

**1. Button Battery Safety**

1.1 The BSC understands the importance of addressing button battery safety and is committed to increasing awareness of button battery hazards and mitigation measures.

1.2 As set out in its submissions of 22 June 2020, the BSC is aware that button batteries:

- (a) present profoundly serious risks for children;
- (b) represent a devastating risk to children from ingestion necessitates removal of used button batteries from the home;
- (c) present additional risks to households since they can ignite if short circuiting occurs;
- (d) are still inappropriately stored in the home or disposed of in rubbish bins and recycling receptacles, both of which may be accessible to children; and
- (e) are a cause of fires in waste collection trucks and landfill sites which can cause serious air emissions and community health impacts.

1.3 By authorising the Battery Stewardship Scheme, funding and expertise will be made available to the Scheme to focus efforts and communication on the important issue of button battery safety as an initial priority.

**2. Timing to develop operational guidelines**

2.1 As acknowledged by the ACCC in the Draft Determination, the BSC intends to further address button battery safety as a priority in the development and implementation of operational procedures and guidelines for the Scheme.

2.2 The ACCC has raised the specific question about the timing of the development of those procedures and guidelines, and whether development should be required prior to the ACCC making the final decision about whether to grant authorisation.

2.3 The BSC's position is that from a funding and practical perspective, it is very difficult for the BSC to be able to develop those guidelines prior to authorisation being granted, and that the appropriate timing for the development is as a priority milestone following authorisation.

2.4 To ensure that button batteries safety is given priority, the BSC proposes that development of the BSC Button Battery Safety Strategy be initiated at the start of the operational design phase, as set out in further detail at 3 below.

2.5 While at this point in time, due to the dependence on authorisation and funding, the BSC cannot commit to a firm time frame, the BSC can undertake to complete development of the Button Battery Safety Strategy within the first 12 months of operation (commencing on the date when both authorisation and funding has been received).

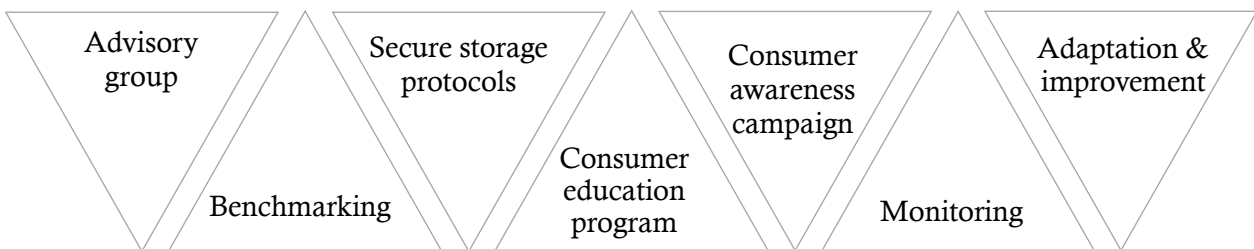
**3. BSC Button Battery Safety Strategy**

3.1 Subject to the proposed Battery Stewardship Scheme receiving the ACCC authorisations required for its implementation, BSC will complement the proposed ACCC actions on packaging and information by developing and implementing a Button Battery Safety Strategy. BSC will allocate revenue on an ongoing basis from the proposed stewardship levy to, inter alia, ensure the strategy is achieving positive and effective outcomes.

3.2 Hierarchy of objectives

<b>OBJECTIVE 1</b>	<b>To reduce risk of ingestion by children and vulnerable adults</b>
OBJECTIVE 2	To prevent exposure of children and vulnerable adults to button batteries
OBJECTIVE 3	To raise awareness of button battery hazards and mitigation measures
OBJECTIVE 3	To facilitate safe removal and transport of batteries from the home
OBJECTIVE 4	To facilitate safe transport, disposal and recycling of button batteries

3.3 The BSC Button Battery Safety Strategy will include several core elements to ensure the button battery safety Protocol as shown in the figure below.



3.4 The approach taken will include several key milestones as discussed below.

<b>MILESTONE 1</b>	<b>Establish a button battery advisory group</b>
--------------------	--

The BSC will establish a button battery advisory group which will inform and guide the design and deployment of button battery operational procedures. Membership will be invited from ACCC, Kidsafe, QLD Injury Surveillance Unit, ABRI, and other industry stakeholders.

Friday, 31 July 2020

<b>MILESTONE 2</b>	<b>Benchmark current behaviour and awareness</b>
--------------------	--

The BSC will conduct initial benchmarking to map current behaviour and awareness regarding button battery hazards, storage, and control measures. The outcomes will be used to refine the button battery safety strategy, monitor effectiveness, and improve the strategy over time.

<b>MILESTONE 3</b>	<b>Secure storage protocols</b>
--------------------	---------------------------------

BSC will develop secure storage protocols to reduce risks at all stages of the button battery life cycle. This could include:

- working with battery importers to make recommendations for improvements to button battery safety with a view to:
  - improving button battery safety through product design and labelling
  - designing packaging which offer dual purposes – packaging for point of sale and home storage
- development of button battery storage container safety standard for a child resistant container that won't allow batteries to stack to avoid risk of fire
- development of a safety protocol for Scheme participants that stipulates that if containers are provided by consumers by scheme participant, they comply with button battery storage container safety standards
- partnering with government, industry, retailers, and recyclers to facilitate the design, production and distribution of secure home containers (in recognition that some consumers will store button batteries and as such safe options will prevent unacceptable access to button batteries)
- facilitate research and/or development of child resistant packaging for home use
- seeking additional financial support and / or industry partners for development and marketing of the home-based button battery collection container such as those identified in concept plans prepared by Institute for Sustainable Futures.

<b>MILESTONE 4</b>	<b>Develop consumer education program</b>
--------------------	---

The consumer education program will include develop content necessary to increase consumers awareness of button battery hazards and mitigation measures. The program will:

- see development of clear branding and messaging to ensure consumers are aware of the health risk to children and the need to remove button batteries from the home
- include development of practical steps for reducing risks
- design a clear call to action to prevent battery hazards
- identify target audience groups to disseminate educational materials

Friday, 31 July 2020

- provide safety advice for consumers to communicate safety requirements for homemade collection containers (to be used as a last resort)
- promote the preference for taping used button batteries to make them less attractive to children and reduce fire risk
- promote of the importance of immediate disposal of button batteries by taking used batteries to an ABRI member and/or BSC accredited battery collector or recycler.

<b>MILESTONE 5</b>	<b>Consumer awareness campaign</b>
--------------------	------------------------------------

The consumer education program will include development of tools and materials to ensure consumers are aware of button battery hazards and mitigation measures. This could include development and deployment of:

- social media campaigns
- information sheets
- development of animated video for dissemination on social media
- advertisements.

<b>MILESTONE 6</b>	<b>Monitoring</b>
--------------------	-------------------

Using the results of the initial benchmarking project, performance measures will be established and monitored to verify the effectiveness of the Button Battery Safety Strategy. It is anticipated that performance measures be established, for example relating to:

- awareness
  - hazards
  - awareness of mitigation measures
- engagement
  - inquiries/requests for information
  - website visitation
  - social media activity
  - media activity
- behaviour
  - storage in the home
  - storage practices

<b>MILESTONE 7</b>	<b>Adaptation &amp; improvement</b>
--------------------	-------------------------------------

BSC will also seek to review its approach in consultation with ACCC and members at the end of the first year to:

- ensure actions remain appropriate to meeting the preferred objective of removal of used button batteries from home into the recycling stream
- analyse monitoring results and seek input from the Advisory Group
- use the results to review and improve the BSC Button Battery Safety Strategy as needed over time with a view to ensuring that strategy is continually improving and resulting in positive and effective improvements to button battery safety.

#### 4. Conclusion

The Battery Stewardship Council considers button battery safety to be a priority of the highest order and welcomes ACCC engagement as it establishes operational procedures and develops the BSC Button Battery Safety Strategy.

Sincerely

EMILY SHOEMARK

