

# ATA Product Safety and Compliance

## Products Powered by Button and Coin Batteries

### Question and Answer Session

Richard Hayman  
ATA Product Safety and Compliance Consultant  
E: [compliance@austoy.com.au](mailto:compliance@austoy.com.au) M: 0409 151 147

# Agenda

1. Introduction / Purpose
2. Review of ATA Recommendations
3. Frequently Asked Questions
4. Discussion

## Disclaimer

We are presenting information to the best of our knowledge and for the purposes of guidance. We believe it to be correct, but the ATA will not take responsibility for any errors or omissions. We are happy to work with members separately on specific issues that they may be having.



# Introduction / Purpose

- Purpose
  - To give members the opportunity to ask specific questions about the requirements for button and coin batteries and products that use them
- Context
  - The legislative instruments are unusually complex
  - The mandatory standards are not well aligned with product standards
  - Conflicting information from different experts and laboratories
  - Understanding has taken time to develop
  - The application date is in 4 weeks
- Resources
  - Regulations and Official Guidance - [Button and coin batteries | Product Safety Australia](#)
  - ATA Recommendations - [Specific Guidance \(austoy.com.au\)](#)
  - Webinar - [Compliance Webinars \(austoy.com.au\)](#)



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# ATA RECOMMENDATIONS



# General

- Based on complying with both the relevant voluntary standards and the mandatory standards
- Focused on toys
- Must consider each of the mandatory standards individually, e.g., the requirement for a symbol on coin batteries 20 mm or more in diameter applies to batteries installed in product
- Regulations apply to supplies of consumer goods at any point in the supply chain, i.e., includes from wholesaler to distributor or distributor to retailer or retailer to consumer
- Application date (22<sup>nd</sup> June 2022) – 18 months after commencement date (22<sup>nd</sup> December 2020)

# Mandatory Safety Standard

- You must test for conformity
  - Specify 'Consumer Goods (Products Containing Button/Coin Batteries) Information Standard 2020'
- Provides multiple options for conformity
  - Recommend (but not mandatory) to follow the path appropriate to your product
  - Requirements are different, e.g., use of a tool, retention of battery cover screws

# Mandatory Information Standards

- Recommend (but not mandatory) different labelling according to type of battery
  - Reduces complexity
  - Comply with voluntary standards
  - More accurate statement of hazard
- Generally, will require a full warning in the instructions and a symbol / text on the front of the packaging
- Many different scenarios
  - Examples are provided for the most common.
- Follow recommendations (contained in the mandatory standards) if practical to do so



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# FREQUENTLY ASKED QUESTIONS



# How do I Specify the Testing?

- It is a requirement of the mandatory safety standard to test for conformity with it
  - Specify that the result must confirm conformity with the ‘Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020’
  - Specify the selected path, e.g., ‘using the Safety of Toys Standards’
- No need to retest other aspects, e.g., you may be relying on EN 71-1 for mechanical and physical properties generally, and that is still ok
- The mandatory information standards do not specify that you test to them  
You can have a lab evaluate your labelling or do it yourself (if you feel confident to do so)



# Laboratories are not aware of the requirements?

- Most labs are not aware of the requirements and / or don't offer testing
- Intertek and SGS do and are members of the ATA
- All testing is off-shore (as far as I know)
- Laboratory understanding of the requirements is 'developing'
  - They are not the authority, but are giving their best view
  - There is no accreditation for this, i.e., different to their normal work
  - If you get an answer that seems wrong, feel free to get another opinion, e.g., check with me.

# What should I do with product that doesn't comply?

## Do I need to do a recall?

- Product that presents a high risk is already being recalled, e.g., if the battery is not adequately secured or falls out with foreseeable abuse
- Assuming the product does not fall into that category:
  - Supplies made before 22<sup>nd</sup> June are legal
  - Supplies made after 22<sup>nd</sup> June will be a breach
  - Options
    - Take action to make it compliant, e.g., by adding labels
    - Take action to clear stock, e.g., by reducing the price, running promotions, etc.
    - Destroy the stock
  - You won't need to recall stock that was sold legally
    - Won't be possible to separate legal sales of a non-compliant product from illegal sales so the situation is best avoided
    - Regulators may choose to prosecute someone selling non-compliant stock without requiring the goods to be recalled

# Who is responsible for non-compliant goods?

- If you have non-compliant goods, then you won't be able to sell them after the application date.  
The person that sold them to you before the application date didn't break the law (unless he misrepresented what he was selling)
- It seems to make sense that parties work together to resolve issues in order to get the best outcome for all.

# What will enforcement look like?

- Regulators are talking about taking a pragmatic approach
- Some level of missed detail may be forgiven if it can be adequately explained and if the issue does not result in a serious risk



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# DISCUSSION