

# MICROPOWER BATTERY COMPANY

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Original

## PETITION

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September 25, 2023

Office of the Secretary,  
 U.S. Consumer Product Safety Commission  
 Washington, DC 20207 (five copies sent by UPS

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Re: Petition to Amend, Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries (A Rule by the CPSC on 09/21/2023).

Dear Secretary:

The recommendation by CPSC for a 20mm Warning pictogram for the primary display panel is excessively large for most button/coin cell packaging. The sample packaging shown on page OS166 from the CPSC Aug. 31, 2023, Ballot Vote Sheet publication (appearing below) is simplistic and presumptive that dozens of types of batteries packaging can all conform to the expectation of accommodating a 20mm sized pictogram.



Figure 1.

1. For the package shown in the center, (of Figure 1), the 2-unit asymmetrical package layouts are significantly more difficult to accomplish, unless the manufacturer utilizes film to film packaging machinery often costing more than USD 1.2 million dollars per packaging line. Small business battery packaging companies, such as us cannot afford this type of machinery. Our packaging can only be produced in a cost-effective manner if the package layout is symmetrical as demonstrated by the samples below, in Figure 2.



Figure 2.

The packages in Figure 2. do not have enough free space to accommodate a 20mm pictogram.

2. There is a design reason for the placement of the batteries in a symmetrical manner on the 2-pack cards. Equal distance from the sides of the package and from other batteries on the package must be maximized to retain the best child resistant properties for some types of child resistant cards. Repositioning the batteries into asymmetrical positions on the card, and closer to the edges, makes it more difficult or impossible to accomplish a secure package, unless the prohibitively more expensive process of film-to-film packaging is used, which requires significant capital investment of USD 1.2 million dollars per production line.
3. The package sample to the far right in Figure 1. Is not representative of what is common in the market. Frequently, a package of this size will contain 4 or 6 batteries. There is no available space on many package sizes containing 4 to 6 batteries to accommodate a 20mm pictogram.
4. Furthermore, the pictogram appears on each battery, for coin cells 16mm and larger. Is it necessary to require a printed pictogram of 20mm in size when the same image already appears on the front of each battery? A six-cell package will show a total of seven pictograms on the primary display panel of the package, including the proposed printed pictogram.

Here are examples of additional package varieties where a 20mm pictogram cannot be accommodated without requiring a change to the size and layout of the packaging. Such changes will add significant costs to the packaging and to the packaging process.



Figure 3.

The tear strip packaging shown in Figure 3. represents packaging sizes that have been in existence for over 35 years. For sales in the U.S. market, this packaging has been converted into child resistant packaging and the footprint size remains the same. If a 20mm pictogram is required for this packaging, manufacturers will need to collectively spend millions of dollars to upgrade their packaging equipment and design completely new packaging that is physically larger than desired by the market. The costs will be unreasonable and will likely result in price increases of 20% or more.

We argue the minimum 8mm pictogram size as recommended by ANSI C18.3M is sufficiently large to convey the pictogram message to the customer. This warning message is further conveyed by the pictogram visible on coin cells 16mm and larger. It is preferable (by us) and more beneficial to the consumers to simply add the additional text, "Keep Away from Children" on the front of the card, rather than increase the pictogram from 8mm to 20mm.

5. If a larger pictogram warning is mandated, the minimum size of the pictogram should be determined by the available space on the package, in the same manner that CSPC has recommended minimum text sizes for different package sizes. Appropriately sized pictograms should be permitted for the smaller package sizes, where free space is extremely limited. Larger pictograms can be recommended for the larger package sizes, for example for card sizes larger +30 sq. inches or more.

Or the table, "Table 1 to Paragraph (a)(7)—Letter size for recommended warning labels. [Information based on 16 CFR part 1500.19(d)(7).]" page OS102 of the CPSC NPR, should be revised to include a sliding scale of pictogram sizes, dependent on the Display Area, perhaps with the smallest being no smaller than 8mm.

**We explicitly request the CPSC to amend the Final Rule and remove the requirement of the 20mm pictogram from the front panel of button & coin cell packaging and replace it with a requirement for a smaller size pictogram which will be suitable for smaller packages.**

Thanks for receiving this petition letter. Feel free to contact me if you have any technical questions relating to the packaging of button & coin cells.

Sincerely,



Elliott Alexander, President (**PETITIONER**)

Micropower Battery Company



This is another example of a package redesign for 5 batteries and there is no way for us to fit a 20mm pictogram on the front of the package

Elliot

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December 28, 2023

Mr. Daniel Taxier, Children's Program Mgr.  
U.S. Consumer Product Safety Commission  
Washington, DC 20207 (sent by email attachment)

Re: **Follow up to recent Dec. 19 meeting regarding:** Petition to Amend: Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries (A Rule by the CPSC on 09/21/2023).

Dear Mr. Taxier:

Thank you for the opportunity to meet on Dec. 19<sup>th</sup> with your team, regarding our petition to consider the use of a smaller, Keep Away from Children pictograms for smaller battery packages.

I would specifically address a suggestion made by one of the participants from your team. The gentlemen suggested the possibility for us to eliminate one of the batteries from our tear strip packaging in order to accommodate a 20mm pictogram to front panel of the package.

This suggestion indicates a misunderstanding of the package design. To explain my point, I have provided samples of the tear strip packaging in question. See below (figure 1)



Figure 1.

Sample of card back, 5 repetitions

These packages are called "Tear Strip" because the card can be physically separated into five distinct packages. The cards' four horizontal perforation lines allow the package separated (or torn) into 5 distinct packages for individual resale. On the back of the tear strip card, the Warning Text is repeated five times. The suggestion to eliminate batteries from one of the tear strip positions, to accommodate a 20mm pictogram will not work, as this wrongly presumes the package is only utilized as a single unit. Instead, if we can be approved to utilize a smaller pictogram, the use of five repetitions of a smaller pictogram will exceed the area utilized by a single 20mm pictogram.

Each perforated card only measures, 1" x 2" (2.0 sq. inches) and must accommodate up to 2 batteries (for button cells) or 1 single coin cell battery. There is not sufficient space on a 1" x 2" card to accommodate a 20mm pictogram and a battery. We strongly urge CPSC to approve use of a much smaller pictogram warning for these smaller packages.

A similar problem exists for popular, compact 2- unit packaging as indicated in Figure 2. below:



Figure 2.



Figure 3.

These packages do not offer enough space to accommodate a 20mm pictogram. The Toshiba card measures 1.75" x 3.5" (6.125 sq. in.). The suggestion above right (fig. 3) from the CPSC, an example from one of its publications, is not practical from a production standpoint. Most production equipment is tooled to produce packages having symmetrical battery layouts, such as those in fig. 2. The fig. 3 package example with asymmetrical placement of the batteries is not a practical production option, hence one of the battery positions cannot easily be moved over to make more space for a 20mm pictogram.

In summary, we kindly request the CPSC to amend the Final Rule and reduce the size requirement of the 20mm pictogram from the front panel of button & coin cell packaging with a smaller size that is more accommodating for smaller battery packages. Below, we have taken the liberty to use your table from your publication on the matter and we added a row for a suggested minimum pictogram size for a given package size. If the CPSC can consider this respective adjustment or something similar, I am certain this will be of enormous benefit to manufacturers, retailers, and consumers. Manufacturers will be able to minimize the packaging and tooling cost increases, retailers will benefit by minimizing increases to their display areas, and consumers will benefit from smaller cost increases.

(CPSC - Table 1 to Paragraph (a)(7) - Letter size for recommended warning labels.								
[Information based on 16 CFR part 1500.19(d)(7).]								
Letter size measurements in inches								
Display Area Inches (sq.)	0 - 2"	+ 2" - 5"	+ 5" - 10"	+ 10" - 15"	+ 15" - 30"	+ 30" - 100"	+ 100" - 400"	+ 400"
Signal word (WARNING)	3/64	1/16	3/32	7/64	1/8	5/32	1/4	1/2
Statement of Hazard	3/64	3/64	1/16	3/32	3/32	7/64	5/32	1/4
Other Text	1/32	3/64	1/16	1/16	5/64	3/32	7/64	5/32
<b>Pictogram Size - Front Panel</b>	<b>7mm</b>	<b>8mm</b>	<b>9mm</b>	<b>10mm</b>	<b>15mm</b>	<b>20mm</b>	<b>30mm</b>	<b>40mm</b>

I hope this makes good sense to your team. Feel free to contact me if you have any questions.

Sincerely,

Elliott Alexander, President (PETITIONER)  
Micropower Battery Company