



February 21, 2023

The Honorable Alexander Hoehn-Saric, Chair
The Honorable Peter A. Feldman, Commissioner The Honorable Richard L. Trumka, Jr.,
Commissioner The Honorable Mary T. Boyle, Commissioner
U.S. Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

RE: Reese's Law and Uninterrupted Access to Hearing Aid Batteries

Dear Chair Hoehn-Saric and Commissioners Feldman, Trumka, and Boyle:

On behalf of the American Cochlear Implant Alliance (ACI Alliance), I write to urge you to support uninterrupted access to hearing aid batteries during the implementation of Reese's Law, specifically Section 3(a) pertaining to child-resistant packaging. The ACI Alliance is a non-profit organization of cochlear implant (CI) clinicians (surgeons, audiologists, speech language pathologists, and more), parents of children with hearing loss, adults with hearing loss, and educators of children who are deaf and hard of hearing.

It is of critical importance that access to hearing technology batteries (zinc-air batteries) is not disrupted for individuals who use and rely upon their hearing devices. While cochlear implants do utilize rechargeable batteries, zinc-air disposable ones are of critical need to the vast majority of CI users. To give battery manufacturers adequate time to update their design and processes to comply with the law, and to ensure no disruption to hearing aid batteries for those with hearing loss, ACI Alliance joins others in supporting the request for an 18-month temporary stay in enforcement of requirements under Section 3(a) of Reese's Law for hearing technology batteries, as submitted by the National Electrical Manufacturers Association (NEMA) and the Retail Industry Leaders Association (RILA).

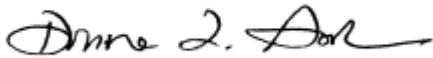
We urge that the Commission consider this request expeditiously. In addition to serving as vital components for certain hearing devices and as included in the proposed rule published in the Federal Register on February 9, 2023, no choking incidents related to zinc-air batteries were

identified by CPSC staff. It is also noted that zinc-air batteries use a different technology “so there are no associated chemical or hydroxide burns”.

We strongly support the goals of Reese’s Law but are concerned about the unintended consequences having negative complication for all hearing technology users - regardless of age or level of hearing loss – that threatens to them to lose their essential connection to sound. Battery life varies depending on user experience and a CI user may need to replace the battery while traveling, working, or in school. It is especially critical for children to have continued access to batteries to maintain their ability to hear as it can impact their language, social, and academic development

I am happy to answer any questions on the impact of this gap on those who utilize cochlear implants to access sound.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna L. Sorkin". The signature is fluid and cursive, with the first name "Donna" being more prominent than the last name "Sorkin".

Donna L. Sorkin MA
Executive Director
American Cochlear Implant Alliance
dsorkin@acialliance.org