

November 17, 2020

Linda Moquet
Duracell
14 Research Drive, Berkshire Corporate Park
Bethel, CT, USA 06801

Dear Linda,

I have researched the Safety Data Sheet (SDS) requirements in Australia as they are related to batteries and have the following analysis.

In Australia, SDS are only required for workplace products and these requirements do not apply to consumer products or goods. Small alkaline or lithium batteries sold in retail stores are not subject to the workplace regulations, even when used in a workplace since their manner of use would be the same as that of a consumer (reference Regulation 335).

Even if these batteries are sold to workplaces, they would not require a SDS as they would not be classified as hazardous articles.

The Australian WHS regulations that require SDS cover hazardous substances, mixtures and articles. These regulations define an article as follows:

An article is defined in Regulation 5 of the WHS Regulations as:

- a manufactured item, other than a fluid or particle, that:
 - a. is formed into a particular shape or design during manufacture; and
 - b. has hazard properties and a function that are wholly or partly dependent on the shape or design.

The guidance for classification of hazardous chemicals contains the following on the classification of articles:

3.8 Classification of articles

Under the WHS Regulations, hazardous chemicals are substances, mixtures and articles that satisfy the criteria for a hazard class in the GHS.

Articles are included in the WHS Regulations to ensure that items which have a shape or design that modifies or increases their hazard are appropriately classified.

The two most common examples of articles are explosives, including fireworks, and aerosols. Explosives and aerosols have criteria in the GHS that must be used to classify their intrinsic hazards, and these criteria consider their packaging and design.

In the case of an aerosol, it has a specific hazard property because of its design. If the components that make the aerosol (for example, the metal that makes up the aerosol container and the chemicals that make up the propellant) were not formed into a shape capable of containing a pressurised substance or mixture but instead were mixed together, then the article would behave differently and would have different hazard properties. So the aerosol canister meets both of the criteria for an article detailed above. The GHS contains a section on Flammable Aerosols, which are defined in Table 1 of this document.

Additionally, the WHS Regulations require that where articles contain a substance or mixture that may be released during the use, handling or storage of the article, the classification of the article must include the correct classification of the substance or mixture that may be released. For example, if an aerosol canister contains a toxic

gas that will be released when the aerosol is used it must be classified toxic. As per Note 2 of section 2.3.2.1 of the GHS, flammable aerosols should not be additionally classified as flammable gases, flammable liquids or flammable solids.

For the purpose of this analysis, the most important aspect is the statement; “Additionally, the WHS Regulations require that where articles contain a substance or mixture that may be released during the use, handling or storage of the article, the classification of the article must include the correct classification of the substance or mixture that may be released.”. In the case of a battery, while the article contains hazardous substances, they are not released during use, handling or storage. Therefore, a battery would not be considered a hazardous chemical or subject the requirement for a SDS.

Further, the guidance on SDS contains examples of chemicals that do not require SDS:

1.4. Chemicals that do not require a safety data sheet

Preparing and providing an SDS is mandatory where a substance, mixture or article is a hazardous chemical.

However, the WHS Regulations do not require an SDS to be prepared for hazardous chemicals in the following circumstances (although the duty of care requirements under the WHS Act still apply):

- chemicals in batteries while they are incorporated in plant
- fuel, oils or coolants in a container that is fitted to a vehicle, vessel or aircraft, mobile plant, appliance or other device, where the fuel, oils or coolants are intended for use in its operation
- fuel in the fuel container of a domestic or portable fuel burning appliance where the quantity of fuel does not exceed 25 kg or 25 litres
- hazardous chemicals in portable firefighting or medical equipment for use at a workplace
- hazardous chemicals that form part of the integrated refrigeration system of refrigerated freight containers, or
- potable liquids that are consumer products at retail premises.

Based on this information, it can be concluded that batteries are consumer products not subject to the WHS regulations and are not hazardous articles under the Australian WHS regulations. A SDS is not required.

Respectfully Submitted;



Denese A. Deeds, CIH, FAIHA, SDSRP
Senior Consultant