

US Senate Committee on Commerce, Science and Transportation  
Consumer Protection, Product Safety and Data Security Subcommittee hearing  
**Hidden Holiday Hazards: Product Safety During the Holiday Season**  
Tuesday, November 30, 2021 - 10:00am

Written statement submission by Mrs. Trista Hamsmith, Lubbock, TX  
Mother, Parent Advocate, and Founder of Reese's Purpose

Good morning Chairwoman Cantwell, Subcommittee Chair Blumenthal, Ranking Member Blackburn and members of the committee, thank you for inviting me here today. My name is Trista Hamsmith and I am here to share why enacting legislation to make consumer products that use button batteries safer is so important and impress upon you why time is of the essence, especially now as families prepare for another holiday and gift-giving season. Button batteries are a hidden hazard to young children, the elderly and pets every day but the risk exponentially rises during the holiday season given how many toys, decorative items and gifts require the use of button batteries. I'm here today to implore you to protect families from what mine suffered through just a year ago.

My daughter, Reese Elizabeth Hamsmith, known affectionately to those closest to her as ReRe, was born into this world as a spunky, sassy, full-of-life little girl on June 13, 2019. At an early age, Reese took the attention of an entire room the moment she walked in with her spirited demeanor and inquisitive attitude. She lived life in a way that most will never know. She loved hard, played hard, and fought harder. Reese swallowed a button battery in October 2020 and lost her fight on December 17, 2020, at just over eighteen months old. Reese was an example for us all. This is her story.

Reese seemed sick. Not her spunky self. We took her to the pediatrician, and she was diagnosed with croup. Croup is a common misdiagnosis for button battery ingestion, as the early symptoms can be similar. After returning home we noticed a button battery missing from a device. We tore the house apart but couldn't find it. A quick Google search had us rushing to the emergency room. An x-ray confirmed that she had ingested the battery and doctors performed emergency surgery to remove the battery. We stayed in the PICU a few days, and doctors released Reese on a liquid-only diet.

At her next visit, the pediatrician diagnosed her with stridor and Reese was readmitted. A scan revealed a hole in both her esophagus and her trachea. The two holes created a passage, known as a fistula. The fistula acted like a tunnel between the esophagus and trachea, allowing air into her stomach and food and liquid into her lungs.

We learned that the fistula was only one centimeter above the carina, a ridge of cartilage where the trachea divides and heads toward the lungs. This location made it extremely difficult to place a breathing tube. Any movement she made could cause the tube to move too high and send air to her stomach through the fistula or too low and collapse a lung. The plan was to keep her sedated and let her rest for a week, that was the last time we saw our daughter as herself. Monday evening, Reese went into respiratory code and the decision was made to move Reese to Texas Children's Hospital given their expertise and equipment to treat Reese. For us, it was

lots of waiting. Reese spent her time showing her spunky self by fighting the sedation. I think every doctor and nurse there learned her personality through her sedation battles.

On December 1, 2020, a few weeks after Reese swallowed the button battery, surgeons would attempt to close the holes in her esophagus and trachea. The surgery was an all-day event, and the doctors successfully repaired the fistula. A week passed, and they took Reese off the ventilator. I left the room to grab dinner, and when I returned, I walked into a nightmare. I remember hearing someone say, "Starting compressions!" I was then looking at my lifeless child as the nurses and doctors tried to save her. I had never prayed that hard in my life. Fortunately, we were able to get her back.

Reese was reintubated, the doctors wanted to give her some more time to heal before again removing the breathing tube. On December 14, we tried again. It was shortly after removing the breathing tube that the doctors and I decided she wasn't strong enough. The look in her eyes and face was heartbreaking, telling me without words, "Mommy, do something." We reintubated her again. Doctors began to discuss more seriously performing a tracheostomy.

I had been so terrified of the tracheostomy. However, after two unsuccessful attempts by Reese to breathe without intubation, I was welcoming it. Our path was getting harder, but she was still with us. Two long days went by before they performed the procedure. Around 6:30 pm, doctors inserted the tracheostomy tube. She would need another week on sedation for healing.

We were ready to move on to our new normal, and we were excited Reese hit that next mark in getting closer to going home. I went to sleep that night, excited that in one week I would see her awake again. Around 2:30 am I woke up to a full room. Our head ENT was there among the crowd, and I knew this was a bad sign. Reese's numbers on the vent didn't look right. They wanted to take her back to surgery to place a different tracheostomy tube that would be a better fit. After a couple of hours, Reese got back to the room with yet another surgery complete.

At 8:30 am, the room was full of noise again. Her numbers were not looking right. Doctors started a bedside scope to determine what was going on. My real nightmare began here. Shortly after beginning, the beeping started. I looked up at the screen and watched all of Reese's numbers drop. The last number I saw was "six" before my head fell, and I began to pray. When I looked back up, I saw "zero". They immediately started compressions. There I was again, watching them try to bring life back to my baby. It went on for thirty or forty minutes. They couldn't get her back.

Early on, when Reese was still fighting her battle, I knew that I wanted to spread awareness about the danger of button batteries. At the time, I imagined it would be with Reese by my side. I guess my plan wasn't *the* plan. In Reese's hospital room sat a plaque that read, "He has a plan, and I have a purpose." We always knew Reese would do big things in this world. Her Earthly battle may be over, but her true battle, her true plan, and her true purpose had just begun.

Button Battery ingestion is a growing threat to children:

- There were 4000 button battery ingestions reported in 2020<sup>1</sup>
- However, it is estimated that only 11% of all cases are reported, meaning this is happening

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<sup>1</sup> Texas Poison Control

- to 36,000 children annually and any one of these incidences could prove deadly<sup>2</sup>
- The CPSC released data on injuries during COVID that shows a 93% increase in ER-treated injuries related to button batteries during the study period<sup>3</sup>
  - 61.8% of ingestions under the age of 6 are coming from the product. Not the trash can or junk drawer but from products that are not properly securing the closure of these batteries<sup>4</sup>
  - Once ingested, button batteries can cause severe tissue burns in as little as 2 hours and can cause lifelong injuries and death.

From 1977, when the US began tracking button battery ingestion deaths, through mid-2018, 59 children had lost their lives. That doesn't even begin to count the near misses and injuries, both minor and severe. In December 2020 alone, we know of two toddlers who were lost after accidental button battery ingestion - my Reese and another little boy from North Carolina. How many more children and families have to needlessly suffer before we do better to protect our children? Australia recently passed mandatory industry standards after three children died and numerous others were consistently injured from accidental button battery ingestion. The United States needs to do better. I am asking for your support to mandate guidelines to make all consumer products safer.

Button batteries are the fastest growing and highest margin segment in the battery market. With double-digit industry growth projected for production of and products using button batteries, these incidents will only continue to rise and pose a bigger threat for children. Everyday items that use button batteries include watches, scales and key fobs. Items attracting children and pets, such as LED light remotes, flashing jewelry, clothing and shoes, and musical cards and ornaments are part of a very long list that pose increased danger during the holiday season.

On September 21, 2021 Congresswoman Robin Kelly (D) from IL, my Congressman Jodie Arrington (R) from Texas and Ted Liu (D) from CA, introduced **Reese's Law - H.R. 5313**<sup>5</sup> to the House of Representatives. In the wake of this rising threat I ask this committee and governing body to prioritize protecting our children from the danger of button batteries by passing a companion bill to Reese's Law, H.R. 5313 and getting this made into a law immediately.

It has been estimated a child swallows a button battery every 3 hours. Think about that. In the time this committee meets today, at least one child (possibly more) will have swallowed an unsecured battery and face a lifetime of health issues or worse, end up dying. Children often obtain loose or unsecured batteries and ingestions usually go unseen, making the critical window for survival absent by the time they are discovered.

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<sup>2</sup> Estimate from Dr. Kris R. Jatana, MD, FACS, FAAP, Director of Pediatric Otolaryngology Quality Improvement at Nationwide Children's Hospital. Member of National Button Battery Task Force

<sup>3</sup> Effect of Novel Coronavirus Pandemic on Preliminary NEISS Estimates, Consumer Products Safety Commission Report

<sup>4</sup> Litovitz T, Whitaker N, Clark L. Preventing battery ingestions: an analysis of 8648 cases. Pediatrics. 2010 Jun;125(6):1178-83. doi: 10.1542/peds.2009-3038. Epub 2010 May 24. PMID: 20498172.

<sup>5</sup> <https://www.congress.gov/117/bills/hr5313/BILLS-117hr5313ih.xml>

Last Christmas our family gathered, but it wasn't to exchange gifts and sing carols, it was to celebrate Reese's life. With the holidays upon us again, who knows how many unsafe items will be given as a gift with the best intentions and love, and make it into unsuspecting families' homes. We never knew about the dangers of battery ingestion. I hear from families all over the country on a daily basis that they did not either. They share with me their story, their heartache, their near miss and long road to recovery. It is a club that I never wanted to be in. I wish I wasn't standing here in front of you alone because that would mean my baby girl would still be here.

Please don't let the death of my daughter Reese - and her purpose - be in vain. Children's safety is a nonpartisan issue. We all have children that we love and want to protect, whether it's our own children or children in our lives. Help me protect all children of the United States so we never have to hear a story like Reese's again. Thank you for your time.

For an extended overview of Reese's story please watch the linked video.

<https://vimeo.com/522470572?ref=em-share>



[www.reesepurpose.org](http://www.reesepurpose.org)



X-ray of Reese Hamsmith showing the button battery lodged in her trachea



Reese Hamsmith being transported to Texas Children's Hospital.



Reese Hamsmith under sedation at Texas Children's Hospital.



“He has a plan and I have a purpose” plaque from Reese Hamsmith’s hospital room”