

The Consumer Specialty Products Association's Testimony in Support of House Bill 398

Presented to: Joint Committee on Consumer Protection and Professional Licensure

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On behalf of the Consumer Specialty Products Association (CSPA), I want to thank Senator Morrissey and Representative Speliotis and the distinguished members of the Joint Committee on Consumer Protection and Professional Licensure for this opportunity to present the position of antifreeze and engine coolant manufacturers in support of House Bill 398.

CSPA is a national nonprofit trade association that represents more than 250 companies engaged in the formulation, manufacture, distribution and sale of consumer, institutional and commercial products. CSPA member companies manufacture and market a wide range of products, including: cleaning products, disinfectants and sanitizers, candles and air care products, household pesticide products, automotive products used to clean and maintain vehicles, and polishes and floor maintenance products. Specifically, our members manufacture more than 90% of the antifreeze and engine coolant industry that will be directly affected by House Bill 398, which would require these manufacturers to include a bittering agent (denatonium benzoate or DB) in products sold in Massachusetts.

CSPA and the manufacturers of antifreeze care deeply about the safety of antifreeze consumers and animals. This year we have worked very hard with and the Humane Society of the United States (HSUS) and Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) to develop legislation that accomplishes the objectives of all parties. The text of House Bill 398 was developed through a painstaking effort by all interested parties and CSPA believes it is in the best interests of the Commonwealth of Massachusetts and its citizens and animals. Therefore, **CSPA respectfully asks the Committee to recommend passage of HB 398; as it contains necessary provisions and accomplishes the same goals of HB 399 and HB 400.**

House Bill 398 Provides Appropriate Requirements

Importantly, in addition to helping protect animals and consumers, the proposed legislative language provides a reasonable effective date (January 1, 2011) to allow manufacturers to provide bitter antifreeze to Massachusetts; which is consistent with other new East Coast mandates in Vermont and Virginia; as well the nine other states that have passed a similar mandate. Without this reasonable implementation timeline it would be difficult for manufacturers to ensure that bitter antifreeze is provided to the entire state of Massachusetts. Earlier effective dates would not allow appropriate timeframes to phase-up production capabilities and install necessary equipment in eastern antifreeze manufacturing sites.

HB 398 legislation also stipulates denatonium benzoate, as the sole bittering agent and specifies a reasonable range for its inclusion in antifreeze. This is necessary, because DB is the only substance that has been proven to be effective in antifreeze and not negatively impact engine performance. Antifreeze manufacturers have spent over 20-years researching this issue and no alternatives to DB have been found for this application. Therefore, stipulating DB in this legislation is essential to providing uniformity to these laws in various states across the country. Additionally, the proposed language exempts 55-gallon drums of antifreeze used, primarily in automotive dealers, from the requirements of the legislation. This provision is to ensure consistency with other state mandates, preserve warranty requirements, and to address international distributional concerns for bulk shipments.

The requirements of House Bill 398 are *absolutely essential* to accomplishing the goals of this legislation and ensuring that Massachusetts has an adequate and compliant antifreeze supply. CSPA has concerns that additional amendments or elimination of provisions within the purposed amended legislation will defeat the goals of the bill and undermine the broad support that it has. CSPA also believes HB 398 accomplishes the same objectives as HB 399 and HB 400; while providing uniformity with other states that have taken similar action.

Education Is Also Important and an Effective Deterrent

CSPA and antifreeze producers would also like to note that this bittering agent requirement will not create exposure-proof product. CSPA and the makers antifreeze continue to believe the most effective way to protect children and animals from accidental exposure to ethylene glycol antifreeze is to properly store, use and dispose of the product. CSPA believes that the use of child-resistant enclosures in coordination with public education and outreach promoting the safe use and storage of antifreeze is the most successful way to protect consumers. To help achieve this goal our members have actively supported the American Association of Poison Control Centers (AAPCC), in a series of Public Service Announcements (PSAs) entitled, "Take Care: Car Fluids, Children, and Pets." These public service announcements seek to educate consumers about the proper use and storage of antifreeze and other automotive fluids

Child-resistant Closures Are Also Effective

The producers of antifreeze have also taken steps to reduce the risks from accidental exposure through the use of child-resistant closures. All antifreeze products sold to consumers are equipped with child-resistant closures and provide prominent label warnings about proper use storage and disposal of the product. See 16 CFR § 1700.14(a)(11) and 16 CFR § 1500.14(b)(2). In addition, most manufacturers adhere to a voluntary industry policy to use foil safety seals on consumer product containers. The AAPCC concluded that child-resistant closures have been extremely effective in preventing accidental exposures to consumer products.

It is also important to note that there have been very few serious accidental human exposures to antifreeze. In fact, the American Association of Poison Control Centers reported that in 2006 (nationwide) there were a total of 17 deaths in the United States from ingesting antifreeze. Significantly, 13 of these deaths were ruled intentional suicides. In four of the other deaths, suicide could not be conclusively proven or disproved; and all of these cases involved persons over 21 years of age. The AAPCC has also reported that there has *not* been a death of a child under the age of six related to ingestion of ethylene glycol-based automotive antifreeze since it began collecting data in 1983. Additionally, the total number of exposures to antifreeze amounted to less than one-quarter of one percent, **or 0.20%**, of the total calls received by poison control centers throughout the United States during calendar year 2006.

Conclusion

CSPA and the antifreeze industry appreciate this opportunity to present our position on this important issue. As you can see, the antifreeze industry has been and continues to be proactive in protecting consumers and animals from accidental exposure to ethylene glycol based antifreeze.

We support House Bill 398 to provide an additional layer of safety for animals and consumers; while also providing uniformity and necessary provisions for antifreeze manufacturers. **Therefore, we urge the Committee to support the carefully negotiated language in House Bill 398;** (without elimination of any important provisions) since it achieves the goals of HB 399 and HB 400.