



THE HUMANE SOCIETY
OF THE UNITED STATES



HUMANE SOCIETY
LEGISLATIVE FUND™

Animal Protection Community and Industry Support: Uniform Antifreeze Bittering Agent Legislation - House Bill 398

The Humane Society of the United States (HSUS), the Humane Society Legislative Fund (HSLF), the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), and the antifreeze industry (The Consumer Specialty Products Association) support uniform bittering agent legislation in Massachusetts; as contained in House Bill 398.

Uniform bittering agent legislation would require that engine coolant/antifreeze that is more than 10 percent ethylene glycol must also contain denatonium benzoate, the world's bitterest known substance, to render it unpalatable. This legislation can be a useful tool in helping **save countless animal lives and reduce the number of childhood emergencies.**

Background: Children and animals (including companion animals and endangered species) are accidentally poisoned each year from ingesting antifreeze that is *improperly* stored or disposed of by consumers. One survey estimates that 10,000 dogs and cats are poisoned by antifreeze ingestion each year. Another survey suggests the number could be as high as 90,000. The American Academy of Pediatrics, the American Association of Poison Control Centers, the American Medical Association, the American Veterinary Medical Association, the National Safety Council, the Pet Food Institute and the American Journal of Public Health all recommend adding an aversive agent to antifreeze.

Nine states— Arizona, California, Maine, New Mexico, Oregon, Tennessee Vermont, Virginia, and Washington—have successfully passed legislation requiring that a bittering agent be added to ethylene glycol antifreeze to make it unpalatable for animals and children.

Essential Uniform Provisions – Contained in HB 398: We have engaged in a painstaking effort to develop model legislative language that helps protect animals; while providing uniformity for manufacturers. This language is contained in House Bill 398 and includes the following necessary provisions:

- **Reasonable Effective Date:** Provides a reasonable effective date, January 1, 2011, to allow manufacturers to ramp-up supply in the East Coast and provide bitter antifreeze to Massachusetts.
- **Stipulates Effective Bittering Agent:** Stipulates that the bittering agent (denatonium benzoate or DB) will be added to ethylene-glycol based antifreeze at a range of 30-50 parts per million to render the product unpalatable.
- **Assigns Liability:** Assigns liability for denatonium benzoate to bitterant manufacturers and assigns liability for ethylene –glycol based antifreeze to the manufacturers of antifreeze—who do not produce the bittering agent but would be required to include it in their products.
- **Provides Uniform Statewide Mandate:** Provides a uniform statewide mandate, by preempting local jurisdictions from taking action.
- **Provides Necessary Exemptions:** Exempts the sale of vehicles containing antifreeze and commercial quantities of antifreeze (in 55-gallons) used for professional purposes.
- **Provides for Enforcement:** Provides for enforcement action and penalties for non-compliance.

The carefully crafted requirements contained in House Bill 398 are absolutely essential to accomplishing the goals of this legislation and ensuring that Massachusetts has an adequate and compliant antifreeze supply. 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. **Therefore, we jointly urge passage of these key provisions of House Bill 398; to help protect children and animals.**