

# Union Calendar No. 433

109TH CONGRESS  
2D SESSION

# H. R. 2567

**[Report No. 109-730, Part I]**

To amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2005

Mr. ACKERMAN (for himself, Mr. ROHRABACHER, Mrs. WILSON of New Mexico, Mr. UPTON, Mrs. BONO, and Mr. TANNER) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 8, 2006

Additional sponsors: Mr. MORAN of Virginia, Mr. CASE, Mr. NADLER, Mr. DICKS, Mr. ABERCROMBIE, Mr. KILDEE, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. OLVER, Mr. PLATTS, Mr. ETHERIDGE, Ms. DELAUBO, Mr. KOLBE, Mr. DEFAZIO, Ms. BERKLEY, Mr. CUMMINGS, Mr. SESSIONS, Ms. HAR-  
MAN, Mr. McGOVERN, Mr. CALVERT, Mr. McNULTY, Mr. WHITFIELD, Mr. MCCOTTER, Mr. SANDERS, Mr. LARSEN of Washington, Mrs. McCARTHY, Mr. DOYLE, Mr. SHAYS, Mr. WOLF, Mr. MOORE of Kansas, Mr. EVANS, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Mr. SIMMONS, Mr. FERGUSON, Mr. ENGLISH of Pennsylvania, Mr. LAHOOD, Mr. McDERMOTT, Mr. SMITH of New Jersey, Mr. PASCRELL, Mr. EVERETT, Mr. GORDON, Mr. JACKSON of Illinois, Mr. BROWN of South Carolina, Mr. FRELINGHUYSEN, Mr. ROTHMAN, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. SULLIVAN, Mr. FOLEY, Mrs. NORTHUP, Mr. WELDON of Pennsylvania, Mr. WU, Mr. MURTHA, Mr. UDALL of Colorado, Mr. TOWNS, Mr. ROSS, Mr. KIRK, Mr. WYNN, Mr. GONZALEZ, Mr. ENGEL, Mr. SHADEGG, Mr. REICHERT, Mr. CAMPBELL of California, Mr. CASTLE, Mr. EHLERS, Mrs. LOWEY, Mrs. SCHMIDT, Mrs. MALONEY, Mr. KLINE, Mr. BAIRD, Mr. WELLER, and Mr. NEAL of Massachusetts

Deleted sponsors: Mr. GEORGE MILLER of California (added June 13, 2005; deleted July 27, 2005), Mr. FARR (added June 15, 2005; deleted June 23, 2005), Mr. GENE GREEN of Texas (added June 28, 2005; deleted September 13, 2005), Ms. SCHAKOWSKY (added June 28, 2005; deleted

July 12, 2005), and Ms. BALDWIN (added January 31, 2006; deleted May 17, 2006)

DECEMBER 8, 2006

Reported with an amendment and referred to the Committee on the Judiciary for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X. Referred to the Committee on Transportation and Infrastructure for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

DECEMBER 8, 2006

Committees on the Judiciary and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 24, 2005]

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## A BILL

To amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       *This Act may be cited as the “Antifreeze Bittering Act  
5 of 2006”.*

6 **SEC. 2. ADDITION OF BITTERING AGENT IN ANTIFREEZE  
7 REQUIRED.**

8       *The Federal Hazardous Substances Act (15 U.S.C.  
9 1261 et seq.) is amended by adding after section 24 (15  
10 U.S.C. 1278) the following new section:*

1   **“SEC. 25. ADDITION OF BITTERING AGENT IN ANTIFREEZE**2                   **REQUIRED.**

## 3                   “(a) BITTERING AGENT.—

## 4                   “(1) ENVIRONMENTAL EVALUATION REQUIRED.—

5                   “(A) IN GENERAL.—Not later than 30 days  
6                   after the date of enactment of this section, the  
7                   Consumer Product Safety Commission shall com-  
8                   mence an evaluation, in cooperation with the  
9                   Environmental Protection Agency and appro-  
10                   priate State health and environmental officials  
11                   in those States that, as of the date of enactment  
12                   of this section, have enacted laws requiring a  
13                   bittering agent in engine coolant or antifreeze, to  
14                   determine whether there is evidence that the use  
15                   of the bittering agent denatonium benzoate in en-  
16                   gine coolant or antifreeze has an unreasonable  
17                   adverse effect on the environment.

18                   “(B) CERTAIN TESTS PROHIBITED.—The  
19                   evaluation required under subparagraph (A)  
20                   may not include any new animal or human test-  
21                   ing.

22                   “(C) REQUIRED DATE OF COMPLETION.—  
23                   The Commission shall complete the evaluation  
24                   within 180 days after the date of enactment of  
25                   this section and publish its findings in the Fed-  
26                   eral Register.

1           “(2) *USE OF BITTERING AGENT.*—

2           “(A) *GENERAL REQUIREMENT.*—Unless the  
3           Commission, in its evaluation under paragraph  
4           (1), finds there is evidence of an unreasonable  
5           adverse effect on the environment, any engine  
6           coolant or antifreeze that is manufactured on or  
7           after the date that is 180 days after the date of  
8           publication of the Commission’s finding in the  
9           Federal Register pursuant to paragraph (1)(C),  
10           and that contains more than 10 percent ethylene  
11           glycol, shall include not less than 30 parts per  
12           million, and not more than 50 parts per million,  
13           denatonium benzoate as a bittering agent in  
14           order to render the coolant or antifreeze  
15           unpalatable.

16           “(B) *ALTERNATIVE AGENT.*—If the inclu-  
17           sion of denatonium benzoate in engine coolant or  
18           antifreeze is required under subparagraph (A)  
19           and the Commission finds that—

20           “(i) an alternative bittering agent is as  
21           effective as denatonium benzoate in ren-  
22           dering coolant or antifreeze unpalatable in  
23           terms of both its bittering capacity and its  
24           compatibility with motor vehicle engine  
25           coolant and antifreeze, and

1                             “(ii) in cooperation with the Environmental  
2                             Protection Agency, there is no evidence that the use of the alternative  
3                             bittering agent has an unreasonable adverse  
4                             effect on the environment,

5  
6                             the Commission may initiate a rulemaking to  
7                             permit the use of the alternative bittering agent  
8                             in lieu of denatonium benzoate.

9                             “(3) UNREASONABLE ADVERSE EFFECT ON THE  
10                             ENVIRONMENT DEFINED.—As used in this subsection,  
11                             the term ‘unreasonable adverse effect on the environment’ means an unreasonable risk to human health or  
12                             the environment, taking into account the economic,  
13                             social, and environmental costs and benefits.

14  
15                             “(4) FAILURE TO COMPLY.—Any engine coolant  
16                             or antifreeze that is required to contain a bittering  
17                             agent under paragraph (2) that is not in compliance  
18                             with that paragraph shall be considered to be a  
19                             banned hazardous substance within the meaning of  
20                             section 2(q) (15 U.S.C. 1261(q)), and shall be subject  
21                             to the penalties provided for in section 5 (15 U.S.C.  
22                             1264).

23                             “(b) RECORD KEEPING.—

24                             “(1) NAME AND ACTIVE INGREDIENT.—A manufacturer of an engine coolant or antifreeze that is re-

1       *quired to contain a bittering agent under subsection*  
2       *(a) shall maintain a record of the trade name, sci-*  
3       *entific name, and any active ingredients of a*  
4       *bittering agent used in compliance with such sub-*  
5       *section.*

6       “*(2) AVAILABILITY TO THE PUBLIC.*—*Any record*  
7       *maintained under paragraph (1) shall be made avail-*  
8       *able to the public on receipt by the manufacturer of*  
9       *a request from any person.*

10      “*(c) LIMITATION OF LIABILITY.*—

11      “*(1) IN GENERAL.*—*Subject to paragraph (2), a*  
12      *manufacturer, processor, distributor, recycler, or seller*  
13      *of an engine coolant or antifreeze that is required to*  
14      *contain a bittering agent under subsection (a) shall*  
15      *not be liable to a person for any personal injury,*  
16      *death, property damage, damage to the environment*  
17      *(including natural resources), or economic loss that*  
18      *results from the inclusion in the engine coolant or*  
19      *antifreeze of the bittering agent, provided that the*  
20      *bittering agent is present in concentrations mandated*  
21      *by subsection (a)(2)(A) or permitted pursuant to a*  
22      *rulemaking under subsection (a)(2)(B).*

23      “*(2) EXCEPTION.*—*Paragraph (1) shall not*  
24      *apply in any case in which a cause of liability re-*  
25      *ferred to in that paragraph is unrelated to the inclu-*

1       sion in an engine coolant or antifreeze of the bittering  
2       agent as required by subsection (a). Nothing in this  
3       subsection shall be construed to exempt any manufac-  
4       turer or distributor of denatonium benzoate, or an al-  
5       ternative bittering agent the use of which is required  
6       or permitted under subsection (a)(2), from any liabil-  
7       ity related to denatonium benzoate or the alternative  
8       bittering agent.

9       “(d) *PREEMPTION*.—No State or political subdivision  
10      of a State shall establish or continue to enforce with respect  
11      to retail containers containing less than 55 gallons of en-  
12      gine coolant or antifreeze any prohibition, limitation,  
13      standard or other requirement relating to the inclusion of  
14      a bittering agent in engine coolant or antifreeze that is dif-  
15      ferent from, or in addition to, the requirements of this sec-  
16      tion.

17       “(e) *EXEMPTION*.—This section shall not be construed  
18      to apply to—

19           “(1) the sale of a motor vehicle that contains en-  
20           gine coolant or antifreeze; or  
21           “(2) a wholesale container of engine coolant or  
22           antifreeze that contains 55 gallons or more of engine  
23           coolant or antifreeze.”.

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