

110TH CONGRESS
2D SESSION

H. R. 4936

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2008

Mr. ACKERMAN introduced the following bill; which was referred to the Committee on Energy and Commerce

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
5 Act of 2007”.

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) IN GENERAL.—Any engine coolant or antifreeze
4 that is manufactured after the date that is 6 months after
5 the date of enactment of this section, and that contains
6 more than 10 percent ethylene glycol, shall include
7 denatonium benzoate at a minimum of 30 parts per mil-
8 lion and a maximum of 50 parts per million as a bittering
9 agent within the product so as to render it unpalatable.
10 Any engine coolant or antifreeze that is subject to this
11 subsection and is not in compliance with this subsection
12 shall be deemed a ‘banned hazardous substance’ within the
13 meaning of section 2(q) (15 U.S.C. 1261(q)), and shall
14 be subject to the penalties provided for in section 5 (15
15 U.S.C. 1264).

16 “(b) RECORD KEEPING.—A manufacturer of a prod-
17 uct subject to this section shall maintain a record of the
18 trade name, scientific name, and active ingredients of any
19 bittering agent used pursuant to this section. Such infor-
20 mation shall be available to the public upon request.

21 “(c) LIMITATION ON LIABILITY.—(1) Subject to
22 paragraph (2), a manufacturer, processor, distributor, re-
23 cycler, or seller of an engine coolant or antifreeze that is
24 required to contain an aversive agent under subsection (a)
25 shall not be liable to any person for any personal injury,
26 death, property damage, damage to the environment (in-

1 cluding natural resources), or economic loss that results
2 from the inclusion of denatonium benzoate in any engine
3 coolant or antifreeze, provided that the inclusion of
4 denatonium benzoate is present in concentrations man-
5 dated by subsection (a).

6 “(2) The limitation on liability provided in this sub-
7 section does not apply to a particular liability to the extent
8 that the cause of such liability is unrelated to the inclusion
9 of denatonium benzoate in any engine coolant or anti-
10 freeze.

11 “(3) Nothing in this subsection shall be construed to
12 exempt any manufacturer or distributor of denatonium
13 benzoate from any liability related to denatonium ben-
14 zoate.

15 “(d) PREEMPTION.—No State or political subdivision
16 of a State shall have any authority either to establish or
17 continue in effect with respect to retail containers con-
18 taining less than 55 gallons of engine coolant or antifreeze
19 any prohibition, limitation, standard or other requirement
20 relating to the inclusion of a bittering agent in engine cool-
21 ant or antifreeze that is in any way different from, or in
22 addition to, the provisions of this chapter.

23 “(e) EXEMPTION.—The requirements of this section
24 shall not be construed to apply to—

1 “(1) the sale of a motor vehicle that contains
2 engine coolant or antifreeze; or

3 “(2) wholesale containers of engine coolant or
4 antifreeze containing 55 gallons or more of engine
5 coolant or antifreeze.”.

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