

Antifreeze Bittering Act of 2009 (Introduced in House)

HR 615 IH

111th CONGRESS 1st Session

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 21, 2009

Mr. ACKERMAN (for himself, Mr. MORAN of Virginia, Mr. ROHRBACHER, Mr. CROWLEY, Mr. BROWN of South Carolina, Mr. CASTLE, Mr. COHEN, Mr. VAN HOLLEN, Mr. HARE, Mr. FILNER, Mr. SMITH of New Jersey, and Mr. MOORE of Kansas) introduced the following bill; which was referred to the Committee on Energy and Commerce

Co-Sponsors: Robert Brady, D-PA; Henry Brown, R-SC; Ken Calvert, R-CA; Michael N. Castle, R-DE; Stephen I. Cohen, D-TN; Joseph Crowley, D-NY; Diana DeGette, D-CO; Bob Filner, D-CA; Phil Hare, D-IL; Dennis Moore, D-KS; Jim Moran, D-VA; Dana Rohrabacher, R-CA; Chris Smith, R-NJ; Chris Van Hollen, D-MD; Robert Wexler, D-FL; Frank Wolf, R-VA; Lynn Woolsey, D-CA

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Antifreeze Bittering Act of 2009'.

SEC. 2. ADDITION OF BITTERING AGENT IN ANTIFREEZE REQUIRED.

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

`SEC. 25. ADDITION OF BITTERING AGENT IN ANTIFREEZE REQUIRED.

`(a) In General- Any engine coolant or antifreeze that is manufactured after the date that is 6 months after the date of enactment of this section, and that contains more than 10 percent ethylene glycol, shall include denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the product so as to render it

unpalatable. Any engine coolant or antifreeze that is subject to this subsection and is not in compliance with this subsection shall be deemed a 'banned hazardous substance' within the meaning of section 2(q) (15 U.S.C. 1261(q)), and shall be subject to the penalties provided for in section 5 (15 U.S.C. 1264).

`(b) Record Keeping- A manufacturer of a product subject to this section shall maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used pursuant to this section. Such information shall be available to the public upon request.

`(c) Limitation on Liability- (1) Subject to paragraph (2), a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze that is required to contain an aversive agent under subsection (a) shall not be liable to any person for any personal injury, death, property damage, damage to the environment (including natural resources), or economic loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in concentrations mandated by subsection (a).

`(2) The limitation on liability provided in this subsection does not apply to a particular liability to the extent that the cause of such liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

`(3) Nothing in this subsection shall be construed to exempt any manufacturer or distributor of denatonium benzoate from any liability related to denatonium benzoate.

`(d) Preemption- No State or political subdivision of a State shall have any authority either to establish or continue in effect with respect to retail containers containing less than 55 gallons of engine coolant or antifreeze any prohibition, limitation, standard or other requirement relating to the inclusion of a bittering agent in engine coolant or antifreeze that is in any way different from, or in addition to, the provisions of this chapter.

`(e) Exemption- The requirements of this section shall not be construed to apply to--

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

`(2) wholesale containers of engine coolant or antifreeze containing 55 gallons or more of engine coolant or antifreeze.'.