



**Hearing Scheduled  
6/2/09 10am  
State House  
Room B-2**

**SUPPORT HB398 - An Act Relative to Consumer Products (Rep. Scibak)  
HB399 - An Act Relative to Consumer Products (Rep. Walsh)  
HB400 - An Act Relative to the Sale of Anti-freeze (Rep. Welch)**

**PROBLEM:**

Most automotive antifreeze contains ethylene glycol, which is highly toxic to animals and humans. The smell and taste of antifreeze is appealing to animals, who can be poisoned by even the relatively small amounts that leak out of cars and trucks.

**HISTORY:**

Many domestic animals die from antifreeze poisoning annually.

**WHAT THESE BILLS DO:**

These bills would require the addition of an aversive bittering agent, such as denatonium benzoate, to make the antifreeze unpalatable to animals and children.

**FOR MORE INFORMATION:**

**Massachusetts Federation of Dog Clubs and Responsible Dog Owners**  
Virginia Rowland, President; Blackslate@aol.com; 978-424-1044  
Nancy Fisk, Vice President; akikoakitas@aol.com; 508-966-4564

MassFed: 05/16/09

HOUSE DOCKET, NO. 2118 FILED ON: 1/9/2009

**HOUSE . . . . . No. 398**

The Commonwealth of Massachusetts

PRESENTED BY: John W. Scibak

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill: An Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

John W. Scibak, 2nd Hampshire  
Stephen Kulik, 1st Franklin  
Steven J. D'Amico, 4th Bristol  
Denise Provost, 27th Middlesex  
Jennifer M. Callahan, 18th Worcester

Karen E. Spilka, Second Middlesex and Norfolk  
Brian A. Joyce, Norfolk, Bristol and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**AN 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 in General Court assembled, and by the authority of the same, as follows:

**SECTION 1. ADDITION OF BITTERING AGENT REQUIRED.**

(a) **IN GENERAL.** -- Any engine coolant or antifreeze that is manufactured after January 1, 2011, 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.

(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) **LIABILITY LIMITATION.** -- (i) Subject to subsection (c)(ii), 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). (ii) The limitation on liability provided in subsection (c)(i) 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.

(d) **PREEMPTION.** -- No local government, municipality, or other political subdivision of this 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.

**EXEMPTION.** -- The requirements of this section shall not be construed to apply to ≠ (e)

- (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.

HOUSE DOCKET, NO. 3012 FILED ON: 1/14/2009

**HOUSE . . . . . No. 399**

The Commonwealth of Massachusetts

PRESENTED BY: Martin J. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Consumer Products.

PETITION OF: William Trabuco  
Martin J. Walsh 13th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CONSUMER PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Requiring an average or bittering agent in engine coolant and anitfreeze

HOUSE DOCKET, NO. 2423 FILED ON: 1/14/2009

**HOUSE . . . . . No. 400**

The Commonwealth of Massachusetts

PRESENTED BY:

James T. Welch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the sale of anti-freeze.

PETITION OF:

Cynthia Stone Creem  
Robert L. Hedlund Plymouth and Norfolk  
Stephen L. DiNatale 3rd Worcester  
Jennifer Benson 37th Middlesex  
Cheryl A. Coakley-Rivera 10th Hampden  
Elizabeth A. Malia 11th Suffolk  
James T. Welch 6th Hampden

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Stephen Kulik 1st Franklin  
William N. Brownsberger 24th Middlesex  
Thomas M. Stanley 9th Middlesex  
Carl M. Sciortino, Jr. 34th Middlesex  
Paul McMurtry 11th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE SALE OF ANTI-FREEZE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after section 303 K the following section:- Section 303K 1/2 . A. Engine coolant or antifreeze sold in the commonwealth on or after January 1, 2010 that is manufactured on or after September 1, 2009 and that contains more than 10 per cent ethylene glycol shall include denatonium benzoate at a minimum of thirty parts per million and a maximum of 50 parts per million as an aversive or bittering agent in the product to render it unpalatable. Another aversive agent may be used if it meets or exceeds the degree of aversion in test subjects obtained by utilizing the formulation of 30 parts per million of denatonium benzoate in antifreeze. A manufacturer or packager of engine coolant or antifreeze subject to this section shall maintain a record of the trade name, scientific name and active ingredients of the aversive or bittering agent used pursuant to this section. A manufacturer or packager of engine coolant or antifreeze shall furnish information and documentation maintained pursuant to this section to a member of the public on request. B. This section applies only to manufacturers, packagers, and distributors, recyclers of sellers of engine coolant or antifreeze. For purposes of this section, selling does not include the installation of engine coolant or antifreeze for compensation. C. A manufacturer, packager, distributor, recycler or seller of engine coolant or antifreeze that is required to contain an aversive or bittering agent pursuant to this section is not liable to any person for personal injury, death, property damage, damage to the environment or natural resources or economic loss that results from the inclusion of denatonium benzoate in the engine coolant or antifreeze. D. The limitation on liability provided in subsection C applies only if denatonium benzoate is included in engine coolant or antifreeze in the concentrations required by this section. The limitation on liability provided in Subsection C does not apply to a particular liability to the extent that the cause of that liability is unrelated to the inclusion of denatonium benzoate in engine coolant or antifreeze. E. A political subdivision shall not establish or continue in effect a prohibition, limitation, standard or other requirement relating to the inclusion of an aversive or bittering agent in engine coolant or antifreeze, with respect to retail containers containing less than 55 gallons of engine coolant or antifreeze, that is different from, or in addition to, this section. F. This section does not apply to either: 1. The sale of a motor vehicle that contain engine coolant or antifreeze. 2. Wholesale containers of engine coolant or antifreeze containing 55 gallons or more of engine coolant or antifreeze. G. The division may inspect, investigate, analyze and take appropriate actions to administer and enforce this section.