

NJ Senate Bill S979 Review

Summary:

S979 - This bill would provide that any antifreeze or engine coolant sold in New Jersey on or after January 1, 2009, that is manufactured on or after July 1, 2008, that contains more than ten percent ethylene glycol, include denatonium benzoate as a bittering agent to render it unpalatable.

The addition of a bittering agent is looked upon by the industry and industry watch dogs as yet one more tool to reduce the risk of ingestion in addition to child safe caps, foil covers and product safety education and warnings.

Bittering Agent:

The bittering agent Denatonium Benzoate (DB), the most bitter substance known, is already in use in many common products from paints, nail polish, household cleaners, windshield-washing fluids, deer repellent and solvents to an aversive for children and adults to prevent thumb sucking and nail biting.

The cost of adding DB to antifreeze is estimated at less than three cents per gallon.

Target Market:

The bill is targeted at aftermarket products designed for home consumer use and exempts antifreeze already in vehicles, or in quantities of 55 gallons or more.

Current Support:

Organizations who have expressed support for a bittering agent additive as an additional protective measure include the Humane Society of the United States, Doris Day Animal League, American Association of Poison Control Centers, Prestone Products (Honeywell International)*.

**Prestone Products has supported federal legislation as they see difficulties in supplying products to fifty states with potentially varying standards.*

Current Objections:

The antifreeze manufacturing industry objects to individual state bills noting the challenges in facing multi-state regulatory differences.

The American Water Works Association states: "Tom Bonacquisti, director of water quality and production for Fairfax (Va.) Water, said that a regulatory, not a legislative, solution is needed for this problem. The two primary concerns Bonacquisti described

were the bill's statutorily mandating a specific bittering agent—denatonium benzoate (DB)—and the bill's liability waiver for any manufacturer, processor, seller, or recycler of antifreeze containing DB. "Little is known about the environmental fate and transport of DB," he testified. He pointed to conflicting reports about whether DB biodegrades. "Given the extreme bitter properties of DB, it appears that tiny amounts of the chemical could render drinking water supplies bitter and unpalatable."

The Consumer Union opposes the (federal) bill, (misleadingly) implies that the ASPCA is opposed to the (federal) bill, and states that DB is not biodegradable.

Negative Comments:

The most commonly cited issue was that people would be less careful with antifreeze that was considered "safe". No evidence supporting this assertion is apparent from states or countries currently enforcing the use of a bittering agent..

Despite being the most bitter substance available, not all people or animals are repelled by DB in the quantities added to provide aversive benefit and there are no studies confirming that DB reliably deters dogs. Anecdotal evidence supports some effective multi-species aversion to certain bittering agents exists including bitter products that are marketed directly to pet owning consumers to discourage chewing.

Third commonly cited negative is that DB is not biodegradable.

Response to Negative Comments:

The California Integrated Waste Management Board that recommended California move to include DB as an antifreeze additive states "Industry is concerned that if an aversive agent were added to ethylene glycol based antifreeze, consumers would be less vigilant in storing and managing the product. Staff [CIWMB] does not necessarily agree. However, even if the number of exposures does not decrease, the amount of product ingested will decrease."

The CIWMB also found that DB "readily biodegrades, its transport is attenuated by soil, and it is easily treated in sewage treatment systems and drinking water systems" and concluded that "there appear to be no compelling reasons not to mandate the addition of denatonium benzoate to all ethylene glycol based products. The health and safety of all residents and pets and wildlife of the state can benefit from this endeavor."

Industry response in congressional (federal) testimony states: "Our position has been, we need to use all the tools available to us - and that is foil seals, childproof safety caps, the addition of DB, and good, solid public education – to ensure that people still recognize that ethylene glycol antifreeze is a toxic chemical."

Existing Precedent:

Countries that have already adopted the addition of a Denatonium Benzoate additive include Japan, Australia, and the United Kingdom.

States that have already adopted similar bills requiring the addition of a Denatonium Benzoate additive include Oregon, California, New Mexico, Arizona and Maine.

US manufacturers who already add Denatonium Benzoate to their ethylene glycol antifreeze products include Finalube of Lubricants USA and Medallion Plus of PetroLiance LLC.

Relevant Text:

The complete text of the NJ bill can be found here:

http://www.njleg.state.nj.us/2008/Bills/S1000/979_I1.PDF

The complete transcript of a subcommittee hearing regarding the federal legislation can be found here: <http://www.commerce.senate.gov/public/files/antifreeze071805.pdf>

ASPCA's Neutral Position Statement:

Position Statement on the Use of Taste-Aversive Additives in Antifreeze

Background Antifreeze (ethylene glycol) is well known to be an extremely hazardous substance if ingested by dogs and cats. If veterinary treatment is not begun within a few hours of exposure, one teaspoonful of ethylene glycol can be fatal to a 10-pound cat, while one to two tablespoonfuls can kill a 10-pound dog. A less toxic form of antifreeze, propylene glycol, is safer than ethylene glycol, but can still cause poisoning if consumed in large enough quantities. The problem of antifreeze toxicity is exacerbated by the fact that animals may be attracted to it. The ASPCA and other agencies have attempted to educate the pet-owning public about the dangers of antifreeze. Nevertheless, pets—especially dogs—continue to be exposed each year.

Product manufacturers as well as some humane groups are proposing to protect pets and people from antifreeze poisoning by adding a bitter, taste-aversive agent such as denatonium benzoate (Bitrex®) to ethylene glycol-containing automobile antifreeze, and federal legislation has been proposed to this effect. While the ASPCA supports the concept of protecting companion animals from known poisons through taste aversion, there is as yet no published data demonstrating the efficacy of Bitrex, or any other taste-aversive substance, in the dog. In fact, The ASPCA's Animal Poison Control Center (APCC) regularly receives calls involving dogs who have consumed mouse poison containing denatonium benzoate.

The APCC and dog owners are well aware of the fact that dogs will eat unlikely substances in alarming quantities. The ASPCA is concerned that

antifreeze containing a taste-aversive substance that was specifically added to protect dogs would be marketed as “safer,” thus causing pet owners to relax their vigilance with regard to handling and storing this potentially lethal product. In the meantime, the APCC is on the front lines working with Orphan Medical, the company that manufactures Antizol-Vet™, the antidote for antifreeze poisoning, to keep life-saving medical care and advice available.

ASPCA Position At this time, the ASPCA is neutral on legislation requiring the addition of taste-aversive agents such as denatonium benzoate (Bitrex) to automobile antifreeze products containing ethylene glycol for the purpose of preventing poisoning in animals. The ASPCA believes that research is necessary to determine if Bitrex, or other taste-aversive agents, reliably deter dogs. Such data does not exist. If the proposed legislation passes, the ASPCA recommends that its implementation include additional public education on the dangers of antifreeze poisoning, and that manufacturers continue to monitor the frequency and outcomes of antifreeze incidents.