

**TESTIMONY OF REPRESENTATIVE GARY L. ACKERMAN**  
**HOUSE COMMITTEE ON ENERGY AND COMMERCE**  
**SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS**

**HEARING ON H.R. 2567**  
**THE "ANTIFREEZE BITTERING ACT OF 2005 "**

**TUESDAY, MAY 23, 2006**

Good afternoon. I want to thank Chairman Gillmor and Ranking Member Solís for holding this important hearing and allowing me to testify before the subcommittee.

I'm here for one simple reason: 1,400 children are poisoned by antifreeze every year. In addition between 10,000 and 90,000 dogs and cats are poisoned by antifreeze ingestion each year. A mere sip or lick of antifreeze can result in agonizing kidney failure, respiratory arrest, comas, and death.

That is why this bill is so important. Unless Congress acts, thousands more children and tens of thousands more household pets will unnecessarily suffer horribly, or even die. We can prevent all of this suffering for no more than 3 pennies per gallon.

We all know that cars sometimes leak fluids, including antifreeze, which can puddle up in driveways, along curbsides, and in parking lots. Animals are all too eager to lap up these sweet-tasting puddles, and children playing outdoors can easily come into

contact with these puddles and then place their hands in their mouths. In fact, the sweet taste of antifreeze may cause these unsuspecting children to return for more of the deadly substance. Moreover, dogs have been known to chew the necks of antifreeze containers, and curious children may come across the bright colored, sweet tasting substance in a garage and mistake it for a juice-drink or other safe beverage. I ask all of you, can you tell me which of these glasses contain the safe drinks and which one is filled with toxic antifreeze?

Antifreeze has also become the weapon of choice for intentionally poisoning people as well as pets. Its sweet taste makes it all too easy to mix into a deadly cocktail for an unsuspecting guest or neighborhood pet.

The Antifreeze Bittering Act would prevent all of these tragedies by requiring the world's bitterest known substance, *denatonium benzoate* – which, for ease of use, I will refer to as DB from now on – to be added to antifreeze in order to make it unpalatable. According to antifreeze producers, the process would be simple to implement and cost only two to three pennies per gallon.

For once, we have a simple solution for a very grave problem, and it has a lot of support. The Antifreeze Bittering Act has 61 bipartisan cosponsors and has been endorsed by the American Academy of Pediatrics, the American Veterinary Medical

Association, Doris Day Animal League, The Humane Society of the United States, Pfizer Animal Health, the Society for Animal Protective Legislation, the American Humane Association, the Pet Food Institute, the Long Island Pine Barrens Society, Consumer Specialty Products Association (who represent the antifreeze industry), and Honeywell (the leading manufacturer of antifreeze).

Moreover, the American Medical Association, the American Association of Poison Control Centers, the National Safety Council, and the American Journal of Public Health all publicly urged the addition of an aversive agent to antifreeze. The U.S. Conference of Mayors passed a resolution in 2004 urging Congress to “help cities protect children and animals” by passing a bill to require the addition of DB to antifreeze. And, three states – Oregon, California, and New Mexico – have already adopted their own laws requiring the addition of a bittering agent to antifreeze, while eight others – Maine, Massachusetts, Nebraska, Nevada, New York, New Jersey, Tennessee, and Washington – currently have legislation pending.

Given this unique combination of supporters – animal activists agreeing with the industry, pediatricians and veterinarians are on the same page as drug manufacturers, republicans standing with democrats – this bill should be headed for the suspension calendar. Nevertheless, I do understand that there are some concerns about the bill’s language, and I am hopeful that we can work through these differences together.

There is a misunderstanding that the Antifreeze Bittering Act would set a dangerous precedent regarding environmental liability waivers because they think the bill contains broad liability waivers that could undermine the “polluter pays” principle. This is simply not the case – there are no blanket liability exemptions. Instead, the bill contains a tightly drafted provision that establishes assigned liability for the antifreeze and DB industries. Since the legislation would require the antifreeze industry to add a substance to their product, a substance that they do not produce, the language makes it clear that each industry is to be held liable for their own product: the antifreeze industry will be liable for antifreeze and the DB industry will be liable for DB. No one gets off the hook. There is absolutely no gap in corporate liability and there are no loopholes.

I also understand that some of you are concerned about the environmental fate of DB. DB was first approved for use in the United States in the 1960s, and has been used for decades as a bittering agent in hundreds of household cleaning products, cosmetics and personal care products, detergents, drain cleaners, paint, pesticides, and even outdoor garden sprays.

To date, DB has demonstrated no significant environmental hazards, whether disposed of properly or not, and will not enter the drinking water supply. An analysis

by the California Integrated Waste Management Board found that DB “readily biodegrades, its transport is attenuated [or withheld] by soil, and it is easily treated in sewage treatment systems and drinking water systems. The analysis also “determined that the addition of [DB] to antifreeze would not lead to any adverse health or environmental effects.” And, even if all of the DB analysis turns out to be inaccurate or incomplete, the DB industry remains liable for their product.

We must also remember that ethylene glycol antifreeze is already considered a hazardous substance. The EPA warns that dumping antifreeze can cause serious water quality problems, as used antifreeze contains lead, cadmium, and other heavy metals. As a result, the industry urges consumers to properly dispose of used antifreeze, and the addition of DB to antifreeze will certainly not change this fact.

It’s also important to keep in mind that we are talking about minute amounts of DB. It is estimated that only 7,000 gallons of DB can bitter all of the approximately 157 million gallons of antifreeze covered by the legislation. Let me repeat that – 7,000 gallons of DB for 158 *million* gallons of antifreeze. To help put that into perspective, we are talking about 1-2 droplets of DB for this 1 gallon container of antifreeze.

There is also a growing need for Congress to address this issue. As I mentioned earlier, states, cities, and even municipalities have already begun the process of

enacting their own antifreeze bittering laws. Since antifreeze is sold throughout the entire country, there is an obvious need for one single federal standard.

It is my sincere hope that this hearing will help to clear up some of the misunderstandings surrounding the Antifreeze Bittering Act, and that we can act quickly to prevent further poisonings of children, household pets, and other unsuspecting victims who suffer needlessly because they have unintentionally ingested antifreeze.