

109TH CONGRESS
1ST SESSION

S. 1110

To amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2005

Mr. ALLEN (for himself, Mr. PRYOR, and Mr. SANTORUM) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze 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 “Engine Coolant and
5 Antifreeze Bittering Agent Act of 2005”.

6 **SEC. 2. ADDITION OF BITTERING AGENT IN ANTIFREEZE.**

7 The Federal Hazardous Substances Act (15 U.S.C.
8 1261 et seq.) is amended by adding at the end the fol-
9 lowing:

1 **“SEC. 25. ADDITION OF BITTERING AGENT IN ANTIFREEZE.**

2 “(a) BITTERING AGENT.—

3 “(1) IN GENERAL.—Any engine coolant or anti-
 4 freeze that is manufactured on or after the date that
 5 is 180 days after the date of enactment of this sec-
 6 tion, and that contains more than 10 percent ethyl-
 7 ene glycol, shall include not less than 30 parts per
 8 million, and not more than 50 parts per million,
 9 denatonium benzoate as a bittering agent in order to
 10 render the coolant or antifreeze unpalatable.

11 “(2) FAILURE TO COMPLY.—Any engine coolant
 12 or antifreeze described in paragraph (1) that is not
 13 in compliance with that paragraph shall be—

14 “(A) considered to be a banned hazardous
 15 substance; and

16 “(B) subject to section 5.

17 “(b) RECORDKEEPING.—

18 “(1) IN GENERAL.—A manufacturer of an en-
 19 gine coolant or antifreeze described in subsection
 20 (a)(1) shall maintain a record of the trade name,
 21 scientific name, and any active ingredient of a
 22 bittering agent used under this section.

23 “(2) AVAILABILITY TO PUBLIC.—Any record
 24 maintained under paragraph (1) shall be made avail-
 25 able to the public on receipt by the manufacturer of
 26 a request from any person.

1 “(c) LIMITATION OF LIABILITY.—

2 “(1) IN GENERAL.—Subject to paragraph (2), a
3 manufacturer, processor, distributor, recycler, or
4 seller of an engine coolant or antifreeze described in
5 subsection (a)(1) shall not be liable to a person for
6 any personal injury, death, property damage, dam-
7 age to the environment (including natural re-
8 sources), or economic loss that results from the in-
9 clusion in the engine coolant or antifreeze of
10 denatonium benzoate in accordance with subsection
11 (a)(1).

12 “(2) EXCEPTION.—Paragraph (1) shall not
13 apply in any case in which a cause of liability re-
14 ferred to in that paragraph is unrelated to the inclu-
15 sion in an engine coolant or antifreeze of
16 denatonium benzoate.

17 “(d) PREEMPTION.—No State or political subdivision
18 of a State shall establish or continue to enforce, with re-
19 spect to retail containers containing less than 55 gallons
20 of engine coolant or antifreeze, any prohibition, limitation,
21 standard, or other requirement relating to the inclusion
22 of a bittering agent in engine coolant or antifreeze that
23 is different from, or in addition to, the requirements of
24 this section.

25 “(e) EXEMPTION.—This section does not apply to—

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

3 “(2) a wholesale container of engine coolant or
4 antifreeze that contains 55 gallons or more of engine
5 coolant or antifreeze.”.

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