

HOUSE BILL REPORT

HB 2996

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to placing aversive agents in antifreeze.

Brief Description: Requiring aversive agents in antifreeze products.

Sponsors: Representatives Loomis, Dunshee, Simpson and Morrell.

Brief History:

Committee Activity:

Commerce & Labor: 1/29/08, 2/4/08 [DPS].

Brief Summary of Substitute Bill

- Requires all antifreeze products sold in the state to contain an aversive agent that makes them unpalatable.
- Limits the liability of those subject to this requirement for damage caused by the inclusion of the aversive agent.
- Preempts local governments from adopting regulations different from, or in addition to, these requirements.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse, Green, Moeller and Williams.

Staff: Alison Hellberg (786-7152).

Background:

The Washington State Department of Agriculture Weights and Measures Program promotes marketplace equity in commercial transactions through testing and inspecting of commercial

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

devices, price verification, package inspection, public education, monitoring fuel quality, and investigating complaints.

Summary of Substitute Bill:

Any engine coolant or antifreeze manufactured or distributed in the state after January 1, 2010, that contains more than 10 percent ethylene glycol shall contain denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as an aversive agent so as to render the product unpalatable.

These requirements apply to manufacturers, packagers, distributors, recyclers, or sellers of engine coolant or antifreeze, but not to those who install engine coolant or antifreeze for compensation. This does not apply to the sale of a motor vehicle that contains engine coolant or antifreeze, or to wholesale containers of 55 gallons or more of engine coolant or antifreeze. Manufacturers must maintain a record of the trade name, scientific name, and active ingredients of any aversive agent used and make this information available to the public upon request.

A person subject to these requirements is not liable for any personal injury, death, property damage, damage to the environment or a natural resource, or economic loss that results from the inclusion of denatonium benzoate in engine coolant or antifreeze.

Local governments are pre-empted from adopting or continuing in-effect requirements different from, or in addition to, these requirements.

Substitute Bill Compared to Original Bill:

The provisions of the original bill are deleted. Any engine coolant or antifreeze manufactured or distributed in the state after January 1, 2010, containing more than 10 percent ethylene glycol is required to also contain denatonium benzoate as an aversive agent. The liability of those subject to these requirements is limited to the extent that any damage is caused by the inclusion of the aversive agent. Local governments are pre-empted from action different from, or in addition to, these requirements. These requirements are codified under the chapter dealing with Weights and Measures, which authorizes inspection and enforcement by the Department of Agriculture.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This is a small bill with a big emotional impact. More than 10,000 animals are killed each year from ingesting antifreeze. There are also cases of children being poisoned and antifreeze being used for murder. Many groups support this and it will be amended to provide for a more appropriate effective date, limiting liability, and naming the aversive agent.

(In support with questions) Recyclers of antifreeze sell at a retail level and would be required to use a bittering agent. The question is whether a recycler is also a manufacturer. People often come in to get their own antifreeze recycled. This is done for compensation, but is not really manufacturing or selling. It is unclear how recyclers would be treated.

(Concerns) This would be a good bill with some changes. The bill should strike an appropriate balance between protecting animals and running a business. This bill also needs an enforcement agency. Oregon and New Mexico have similar laws and those can be used as a model. The states can coordinate on this.

(Opposed) None.

Persons Testifying: (In support) Representative Loomis, prime sponsor; and Inga Gibson, Humane Society of the United States.

(In support with questions) Jerry Smedes, Emerald Services, Inc.

(Concerns) Bill Stauffacher, Consumer Specialty Products Association.

Persons Signed In To Testify But Not Testifying: None.