



Representing Household & Institutional Products

Aerosol - Air Care - Cleaners - Polishes
Automotive Care - Antimicrobial - Pest Management

Testimony of the
CONSUMER SPECIALTY PRODUCTS ASSOCIATION
concerning

SENATE BILL 421 (SENATOR BIEDA, ET AL.)

*"A bill to prohibit the sale of engine coolant in this state that does not contain a bittering agent; to require certain record keeping; and to provide for penalties."
submitted to the*

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT

STATE OF MICHIGAN

SEPTEMBER 27, 2012

Submitted by: Sean Moore, Director, State Affairs – East Region

Chairman Kowall and distinguished members of the Senate Committee on Economic Development, the Consumer Specialty Products Association (CSPA) wishes to submit the following testimony concerning Senate Bill 421 and suggesting simple amendments to address our concerns. CSPA supports the intent of the legislation – to require an aversive agent be added to antifreeze sold in the state of Michigan – however, the bill requires two minor changes to prevent it from deviating from sixteen similar state laws.

CSPA is the premier trade association representing the interests of some 230 companies engaged in the manufacture, formulation, distribution and sale of \$80 billion annually in the U.S. of hundreds of familiar consumer products that help household and institutional customers create cleaner and healthier environments. Our products include disinfectants that kill germs in homes, hospitals and restaurants; candles, and fragrances and air fresheners that eliminate odors; pest management products for home, garden and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day. Through its product stewardship program, Product Care®, and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety, sustainability and environmental impacts of their products. For more information, please visit www.cspa.org.

CSPA and the manufacturers of antifreeze care deeply about the safety of antifreeze consumers and animals. The language of SB 421 is the result of a collaborative effort between the Humane Society of the United States and CSPA and closely matches laws that have been adopted in sixteen other states. We appreciate Senator Bieda's drive to pass legislation that accomplishes the objectives of all parties, and we urge this committee to adopt our proposed amendment and then recommend this bill for passage.

New Effective Date Needed

Senate Bill 421 was introduced in June, 2011 and was drafted to take effect in January, 2012. Clearly, we are now beyond the effective date originally prescribed in the bill. CSPA recommends Section 3 be modified so that the law will apply to antifreeze manufactured after January 1, 2013.

It is exceedingly important to our industry that Senate Bill 421 does not apply retroactively to July 1, 2012. The future effective date of January 1, 2013 proposed by CSPA will prevent unnecessary and costly recalls and guarantee manufacturers have adequate time to manage their supply chains to ensure a sufficient supply of compliant antifreeze can be distributed to Michigan.

Denatonium Benzoate Should Be Stipulated as the Only Aversive Agent

CSPA requests Section 3(b) be amended to allow for only denatonium benzoate (DB) as the aversive agent. Our companies have spent more than 20-years researching alternatives to DB for bittering antifreeze and no alternatives have been found to be acceptable. Denatonium benzoate is the only aversive agent that effectively bitters the product, does not impact engine performance, and remains bitter throughout transport. To allow for alternative aversive agents, that might be as bitter, could create the potential for problems with the performance of radiators in Michigan. *All other states that have passed this mandate stipulate DB, and DB only, and the industry supports maintaining this uniform standard.*

To provide for a future effective date, and to stipulate denatonium benzoate as the sole aversive agent, CSPA suggests Section 3 be amended in the following way:

Sec. 3. On or after January 1, ~~2012~~ 2013, a person shall not sell engine coolant in this state that is manufactured on or after January 1, ~~2012~~ 2013, if the engine coolant has all of the following characteristics:

(a) Contains more than 10% ethylene glycol.

(b) Does not contain either of the following:

~~(i) Denatonium benzoate in a concentration of 30 to 50 parts per million.~~

~~(ii) A bittering agent that meets or exceeds the aversion of denatonium benzoate in a concentration of 30 to 50 parts per million.~~

Senate Bill 421 Provides Appropriate Assignment of Liability

Importantly, in addition to helping protect animals and consumers, this legislation provides necessary assignment of liability for the manufacturers of antifreeze, who do not produce denatonium benzoate, the aversive agent that would be required in their products. The antifreeze industry is very comfortable with the environmental impacts of its product, but our companies do not manufacture DB and have limited knowledge on its chemical profile and breakdown in the environment. As such, this legislation separates liability leaving the antifreeze manufacturer with responsibility for antifreeze and the DB manufacturer liable for its product. It is a matter of fundamental fairness and equity that this legislation provides designated assignment of liability in light of this manufacturing situation.

The requirements and provisions of Senate Bill 421 – as proposed to be amended – are absolutely essential to accomplishing the goals of this legislation and ensuring that Michigan has an adequate and compliant antifreeze supply. CSPA has concerns that amendments, beyond those proposed in the text above, could defeat the goals of the bill and undermine the broad support that it currently has.

Education Is Also Important and an Effective Deterrent

CSPA and antifreeze producers would also like to note that including an aversive agent in antifreeze will not create an exposure-proof product. CSPA and the antifreeze industry continue to believe the most effective way to protect children and animals from accidental exposure to ethylene glycol antifreeze is to properly use, store and dispose of the product. CSPA believes that the use of child-resistant enclosures in coordination with public education and outreach promoting the safe use and storage of antifreeze is the most successful way to protect consumers. To help achieve this goal, for more than a decade, our members have actively supported the American Association of Poison Control Centers (AAPCC), in a series of Public Service Announcements (PSAs) entitled, "Take Care: Car Fluids, Children, and Pets." These public service announcements seek to educate consumers about the proper use and storage of antifreeze and other automotive fluids

These PSAs have received significant airtime and have been viewed and heard over 320 million times. This is a major achievement in providing accurate and useful information to consumers. These PSA's are effective in preventing animal and human exposures to antifreeze and are just one example of how the antifreeze industry is being proactive to protect its consumers.

Child-resistant Closures Are Also Effective

The producers of antifreeze have also taken steps to reduce the risks of accidental exposure through the use of child-resistant closures. All antifreeze products sold to consumers are equipped with child-resistant closures and provide prominent label warnings about proper use storage and disposal of the product (*see* 16 CFR § 1700.14(a)(11) and 16 CFR § 1500.14(b)(2)). In addition, most manufacturers adhere to a voluntary industry policy to use foil safety seals on consumer product containers. The AAPCC concluded that child-resistant closures have been extremely effective in preventing accidental exposures to consumer products.

It is also important to note that there have been very few serious accidental human exposures to antifreeze. In fact, AAPCC reported that in 2010, the most recent year for which data is available, there were a total of only seven deaths in the United States from ingesting antifreeze. Significantly, five of these seven deaths were determined to have been caused by intentional abuse. Additionally, the total number of exposures to antifreeze amounted to less than one-quarter of one percent, or 0.226%, of the total exposure-related calls received by poison control centers throughout the United States during calendar year 2010.

Conclusion

CSPA and the antifreeze industry appreciate this opportunity to present our position on this important issue. As you can see, the antifreeze industry has been – and continues to be – proactive in protecting consumers and animals from accidental exposure to ethylene glycol based antifreeze.

CSPA respectfully urges the Committee on Economic Development to amend Senate Bill 421, as proposed, to contain a reasonable effective date and specify denatonium benzoate as the sole aversive agent. CSPA would then be happy to lend its voice in support of this important and carefully negotiated legislation, which would conform with laws adopted by sixteen other states.

I apologize that I am unable to appear in-person to present this testimony, given the prompt scheduling of the public hearing, but would welcome any questions or discussion of CSPA's testimony or our proposed amendments. I can be reached directly at 202-833-7308, or via email at smoore@cspa.org.



THE HUMANE SOCIETY
OF THE UNITED STATES

Testimony in support of SB 29
Senate Economic Development Committee
February 21, 2013

Mr. Chairman and members of the committee, my name is Jill Fritz and I am the Michigan state director for The Humane Society of the United States. On behalf of our Michigan members and constituents, I come in strong support of SB 29 to require the addition of a bittering agent to ethylene glycol-based engine coolant and antifreeze. If this bill is passed, Michigan would become the 18th state with this necessary protection for children, pets and wildlife.

Children and animals, including wildlife, endangered species pets, are accidentally poisoned each year from ingesting antifreeze that is improperly stored or disposed of by consumers. One survey estimates that 10,000 dogs and cats are poisoned by antifreeze ingestion each year. Another survey suggests the number could be as high as 90,000.

The Detroit Children's Hospital Poison Control Center reports that there have been at least 1,790 incidents of antifreeze poisoning of humans and animals in Michigan since 2002.

The American Academy of Pediatrics, the American Association of Poison Control Centers, the American Medical Association, the American Veterinary Medical Association, the National Safety Council, the Pet Food Institute and the American Journal of Public Health all recommend adding an aversive agent to antifreeze.

The addition of denatonium benzoate, a common bittering agent for household products, will render engine coolant and antifreeze unpalatable to children, pets and wildlife. This step can aide in the prevention of ingestions leading to poisonings in children and save literally tens of thousands of pets from certain death every year. Adding denatonium benzoate is an additional tool, along with child-proof safety caps and correct storage of antifreeze and engine coolant, for protecting pets and people from lethal chemicals.

17 states, including Arizona, California, Georgia, Illinois, Maine, Maryland, Massachusetts, New Jersey, New Mexico, Oregon, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin, have already enacted statewide antifreeze safety statutes. And in December 2012, the trade association representing the antifreeze/engine coolant manufacturers announced they will be bittering for the consumer market in all 50 states.

With this in mind, we urge passage of SB 29 to help protect children and animals in Michigan.

Thank you for your time and consideration.

Jill Fritz
Michigan State Director
jfritz@humanesociety.org
(517) 515-3839

DMC
Children's Hospital
of Michigan

Poison Control Center

Hutzel Building
4707 St. Antoine
3rd Floor/Suite 302
Detroit, MI 48201

May 21, 2012

Dear Michigan Legislators:

As the Director of the Children's Hospital Poison Control Center, I am writing to support SB 421, which will require the addition of a bittering agent to highly concentrated antifreeze products. In 2011, we had 39 exposures from animals, usually dogs, with three being fatal. This is likely under-reported as there is no mandate to call the poison center, and some pet owners will call an animal-specific poisoning center. A single swallow of antifreeze is sufficient to be deadly to a child or pet. While the bittering agent does not prevent the first swallow, it will prevent larger ingestions in more than 75% of victims. Dogs often ingest larger amounts, and cats are exposed by licking themselves. The bittering agent, therefore, will prevent serious poisonings in animals and possibly humans.

It is my belief that SB 421 will be beneficial to both humans and animals in Michigan.

Sincerely,


Susan C. Smolinske, PharmD, DBAT
Director, Children's



May 9, 2012

MAY 14 2012

Berman Center for
Animal Care in Westland
900 N. Newburgh
Westland, MI 48185
734.721.7300

The Honorable Senator Mike Kowall
Chair, Senate Economic Development Committee
P.O. Box 30036
Lansing, MI 48909-7536

Dear Senator Kowall and Honorable members of the Economic Development
Committee;

Detroit Center for
Animal Care
7401 Chrysler Dr.
Detroit, MI 48211
313.872.3400

The Michigan Humane Society (MHS) is the state's largest animal sheltering organization and also one of the largest in the nation. As a private nonprofit operating three busy animal care centers, three veterinary care centers, seven satellite adoption centers, and nationally-recognized cruelty investigation and emergency rescue teams in the metropolitan Detroit area, we assist tens of thousands of dogs, cats, and other animals annually. MHS accepts animals regardless of health condition, breed, or adoptability. Our constituency represents thousands of pet owners statewide. According to a respected recent nationwide survey, 62% of U.S. households own pets, and the safety of those pets is a significant concern.

Rochester Hills
Center for Animal Care
3600 W. Auburn Rd.
Rochester Hills, MI 48309
248.852.7420

We are writing at this time with regard to Senate Bill No. 421, which would mandate that antifreeze sold in Michigan contain a bittering agent. Sadly, we have seen numerous cases of antifreeze poisoning over our 135-year history. Pets are attracted to the thick sweet fluid that leaks out of automobiles onto driveways and other surfaces or is otherwise kept in unsecured locations. Antifreeze can be deadly when ingested resulting in irreversible kidney failure. MHS strongly supports SB 421 which would mandate a bittering agent be added to antifreeze sold in Michigan, rendering it less palatable, and thereby safer.

Administration
30300 Telegraph Rd.
Suite 220
Bingham Farms, MI 48025
248.283.1000

We appreciate you taking up this important bill, and hope that the members will support its passage out of committee.

Sincerely,

Robert Fisher, DVM
Vice President of Veterinary Medicine
Michigan Humane Society

1-866-MHUMANE
www.michiganhumane.org

Cc: Honorable Senator Steve Bieda



SUPPORT SB 421

September 26, 2012

Dear Michigan Legislators,

Those of us who have dedicated our profession and efforts in the world of animal care and sheltering fully support SB 421, which will require the addition of bittering agent to highly concentrated products.

As the Executive Director of Humane Society of West Michigan, I implore you to support this action. We had a "real life" situation last winter at our facility. Our contracted snow removal company had a leak that left antifreeze in our parking lot, in the path of where our volunteers and staff walk all of our shelter dogs. Once we learned about the spill, we banned our animals from being exercised by this area and went into full-scale clean up. We were fortunate that none of our animals tasted the antifreeze, as you know, it is sweet to smell and taste for animals as well as humans. And, Legislators, it can take ingesting less than a teaspoon to result in death.

Not only are animals at risk in being tempted to taste antifreeze, so too are our children. Hundreds of children are accidentally poisoned each year by ingesting antifreeze. By adding a bittering agent to antifreeze, children or animals may ingest a very small amount upon first taste. Once a child or an animal taste bitterness, they will likely not ingest any more antifreeze, thus saving their lives.

Seventeen other states have recognized the value of adding bittering agents to antifreeze. It is my hope that Michigan will join this group who have recognized the value of this antifreeze safety statute by voting in support of SB 421.

Best regards,

A handwritten signature in cursive script that reads "Trudy Ender".

Trudy Ender

Executive Director

Humane Society of West Michigan

3077 Wilson Drive NW

Grand Rapids, MI 49534

**HUMANE
SOCIETY**



Where the broken road ends...

in love

Chris Buckley, DVM
Humane Society of West Michigan
3077 Wilson NW
Grand Rapids, MI 49534
cbuckley@hswestmi.org
(616)791-8218

May 30, 2012

The Honorable Steve Bieda
PO BOX 30036
Lansing, MI 48909

RE: Senate Bill 421

Dear Senator Bieda:

As a shelter veterinarian, I have seen firsthand how antifreeze is used maliciously to poison and kill animals. Perhaps even sadder, I have seen cases of the beloved family pet accidentally killed by antifreeze left out in the garage or driveway. It takes less than a tablespoon to kill a cat or small dog, so a small radiator leak in the driveway can be potentially fatal. Unlike most other toxic substances, animals prefer the sweet taste of antifreeze and are unaware of the fatal consequences.

The addition of a bittering agent to antifreeze would eliminate both accidental and intentional poisoning of animals. Ethylene glycol (the toxic ingredient in antifreeze) damages the kidneys causing the animal to die from kidney failure within a week after ingestion. Treatment is expensive and unless caught early is rarely successful. By requiring a bittering agent in antifreeze we could greatly reduce unnecessary animal suffering in our great state of Michigan.

Sincerely,

Chris Buckley, DVM



September 25, 2012

Dear Michigan Legislators:

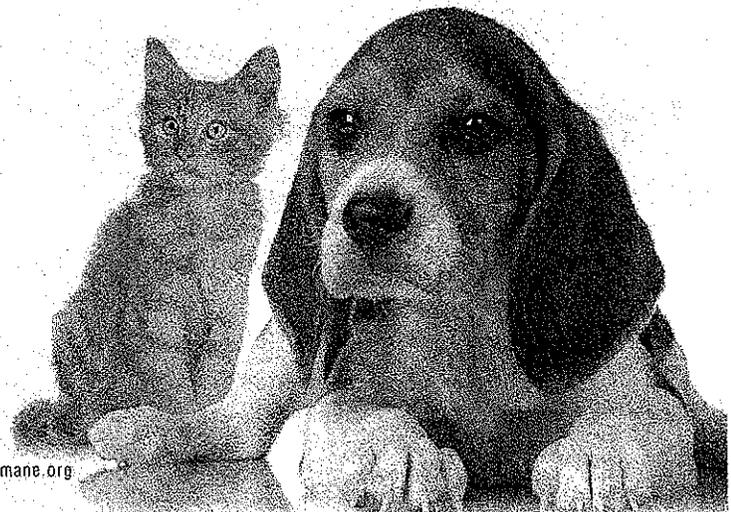
I am the Director of the Kalamazoo Humane Society. A position I've held for 25 years. Over those many years I've had several calls from pet owners asking for assistance with emergency veterinary care for their pets because of suspected or actual anti-freeze poisoning. In some situations the poisonings were accidental; a cat licking up anti-freeze from a car that overheated or a dog that chewed through an anti-freeze container in the garage. On other occasions anti-freeze was used by disgruntled neighbors to get back at a pet's owner who let their cat(s) out or who had a dog that barked too much.

I urge you to support SB 421. This bill would require that engine coolant/antifreeze that is more than 10 ethylene glycol to contain denatonium benzoate, the world's bitterest known substance, to render it unpalatable. I believe this will be an excellent tool to help prevent pet or human poisonings from anti-freeze in Michigan.

Sincerely,

A handwritten signature in black ink that reads "Aaron Winters". The signature is written in a cursive, flowing style.

Aaron Winters
Executive Director



May 31, 2012

Senator Steve Bieda
State of Michigan
P.O. Box 30036
Lansing, MI 48909

Re: Support SB 421, "Stop Antifreeze Poisoning"

Dear Senator Bieda,

The Kalamazoo Humane Society respectfully asks that you give your support to SB 421, known as "Stop Antifreeze Poisoning"; important legislation to protect children and animals from accidental poisonings.

Hundreds of children and thousands of animals – including companion animals and endangered species – are accidentally poisoned each year from ingesting antifreeze. One veterinary survey estimates that as many as 90,000 dogs and cats are poisoned by antifreeze ingestion each year.

Antifreeze is sweet – and deadly. Most antifreeze contains 90-95 percent ethylene glycol, a substance that is attractive to children and pets because it has a sweet smell and taste. Ethylene glycol is highly-toxic and can cause nausea and vomiting, depress the central nervous system, cause fluid build-up in the lungs, heart failure, kidney failure, seizures, coma, and death. **Less than a teaspoon can be fatal.**

Antifreeze is dangerous for children and animals. Children and animals come into contact with antifreeze through containers that are not tightly sealed or discarded carelessly, leaks on driveways, spills along the road, on boat ramps, and in wildlife areas where ATV and 4-wheel drive vehicles are permitted. Animals have been known to chew through sealed containers to drink the antifreeze. Unfortunately, antifreeze has also been used to intentionally poison pets.

Adding a bittering agent will help make antifreeze safer. SB 421 would require engine coolant/antifreeze that is more than 10 percent ethylene glycol to contain denatonium benzoate, the world's bitterest known substance, to render it unpalatable. This legislation will help reduce the number of childhood emergencies and save countless animal lives at the cost of only 2-3 cents per gallon.

Denatonium benzoate has been used in many household products including nail biting prevention, liquid soaps, shampoos, rubbing alcohol, nail polish remover, animal repellents, solvents, paints, and varnishes. It is not known to pose any long-term health or environmental risks.

National health organizations support antifreeze safety laws

The American Academy of Pediatrics, the American Veterinary Medical Association, The Pet Food Institute, The American Association of Poison Control Centers, the American Medical Association, the National Safety Council, and the American Journal of Public Health all recommend adding an aversive agent to antifreeze and/or support legislation.



17 states, including Arizona, California, Georgia, Illinois, Maine, Maryland, Massachusetts, New Jersey, New Mexico, Oregon, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin, have enacted antifreeze safety statutes.

On behalf of the caring citizens in Kalamazoo County and across our state, we ask that you please lend your support and vote in favor of this important legislation.

Thank you for your time and consideration of this matter.

Sincerely,

The Kalamazoo Humane Society

Aaron Winters
Executive Director

Kristin Goodchild
President of the Board

Heather Hilgart
Vice President of the Board

Karen Arvanigian
Secretary of the Board

Mike Wittenberg
Treasurer of the Board

Peter Kushner
Board Member

Ken Lanphear
Board Member

Anthony Sinkula
Board Member

Bette Zawacki
Board Member



Members:

Christine's Critter
Cafe and Rescue

Faithful to Felines

Golden Years
Alaskan Malamute
Rescue

Heaven Can Wait

The Humane
Society of the
United States

Humane Society &
Animal Rescue of
Muskegon County

Noah Project

Pay It Forward
Outreach

Pound Buddies

Timeless Pets

West Michigan
Spay & Neuter
Clinic

Wolf Song
Enterprises, LLC

Testimony: Supporting SB 421
Committee: Senate Economic Development
Date: September 27, 2012
On behalf of: Our members and volunteers

Dear Members of the Senate Economic Development Committee:

The Lakeshore Pet Alliance is a coalition of Muskegon County animal shelters and animal rescue organizations that formed in 2009 to create an environment for its members to share ideas, information, and resources. Our goal is to enable our members and volunteers to save more animal lives and to make Muskegon County a safe and humane place for animals and people. We believe that the passage of SB 421 will help to reduce animal suffering in our county and across Michigan.

A veterinary survey estimates that as many as 90,000 dogs and cats are poisoned by antifreeze ingestion each year. Children and animals come into contact with antifreeze through leaking or discarded containers, or spills on driveways or roads. Unfortunately, antifreeze has also been used to intentionally poison pets.

Most antifreeze contains 90-95 percent ethylene glycol, a substance that is attractive to children and pets because it has a sweet smell and taste. Ethylene glycol is highly-toxic and can cause nausea and vomiting, depress the central nervous system, cause fluid build-up in the lungs, heart failure, kidney failure, seizures, coma, and death. *Less than a teaspoon can be fatal.*

Adding a bitter chemical to antifreeze sold in Michigan will help reduce the number of childhood emergencies and save countless animal lives at the cost of only 2 to 3 cents per gallon.

The American Academy of Pediatrics, the American Veterinary Medical Association, The Pet Food Institute, The American Association of Poison Control Centers, the American Medical Association, the National Safety Council, and the American Journal of Public Health all recommend adding an aversive agent to antifreeze and/or support legislation.

The Lakeshore Pet Alliance therefore asks you to pass SB 421 to better protect Michigan's children and pets. On behalf of all our members and volunteers, thank you so much for your time.

Becky Gawkowski, Co-Chair
beckygov@aol.com

Rachel Morr, Co-Chair
Cell: (269) 355-4288
rachel@lakeshorepetalliance.org

www.LakeshorePetAlliance.org