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The Consumer Specialty Products Association's Testimony in Opposition to SB 304

Presented to: The Nevada Senate Natural Resources Committee

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On behalf of the Consumer Specialty Products Association (CSPA), I want to thank Senator Rhoads and the distinguished members of the Natural Resources Committee for the opportunity to speak at this hearing. CSPA is a nonprofit trade association representing over 220 companies engaged in the formulation, manufacture, distribution, and sale of consumer and institutional specialty products.

CSPA member companies produce a wide range of products including antifreeze, which will be directly effected by SB 304. These manufacturers oppose the legislatively mandated inclusion of denatonium benzoate (DB) in antifreeze and engine coolant products. Many of these manufactures have facilities here in Nevada

Human Exposures to Antifreeze: There have been very few accidental human exposures to antifreeze. In 2001, the American Association of Poison Control Centers (AAPCC) reported that accidental exposures to ethylene glycol antifreeze was statistically insignificant percent (*i.e.*, less than 1/5 of 1 percent) of the total number of exposures to *all* substances. *See* American Journal of Emergency Medicine (Sept. 2002). Last year, there were 19 deaths from antifreeze ingestion: 18 of these cases were intentional suicides. Although the 19th is believed to be a suicide, doctors have not yet reached a final determination as to the exact cause. The AAPCC also reported there has *not* been a death of a child under the age of six related to ingestion of ethylene glycol-based automotive antifreeze since it began collecting data in 1983. There *is* an antidote for ethylene glycol ingestion; ethanol, which will bond to the ethylene glycol and pass it through the body.

Animal Exposures to Antifreeze: While domestic animals and wildlife can be exposed to ethylene glycol, the number of animal exposures is very small. According to the American Society for the Prevention of Cruelty to Animals (ASPCA), National Animal Poison Control Center, there were only 329 suspected exposures to ethylene glycol antifreeze nationwide last year, and only 31 (9%) resulted in death of the animal. Only eight animal exposures to antifreeze occurred in Nevada last year. In addition to this small number of exposures, scientific studies with dogs indicate that ethylene glycol based antifreeze is *not* attractive to animals. *See* Pharmakon Research International, Inc, PH 437-TX-001-89.

Environmental Uncertainty of Denatonium Benzoate: The manufacturers of antifreeze have a substantial concern about the environmental fate of DB. Scientific studies conducted by credible third-parties (*e.g.*, The U.S. Consumer Products Safety Commission, Roy F. Westin Inc. the Society of Automotive Engineers, and ENVIRON) conclude that the environmental fate of DB is unknown. These studies determined that DB does not biodegrade in the environment, and that this chemical compound remains intact as it passes through normal waste treatment streams. The lack of biodegradability is a serious concern because DB could render a water supply unpotable and have long-term health effects for humans and domesticated animals, livestock and wildlife. In addition, at 600 ppm DB is toxic to animals and can kill, the accumulation of DB in ground water could render a water supply toxic. In contrast, ethylene glycol fully biodegrades in the environment and is broken down in to non-toxic compounds.

Efficacy of Denatonium Benzoate: DB has not been proven effective in deterring animals or humans from ingesting antifreeze. In 1999, the National Animal Poison Control Center confirmed

that there is *no* credible third-party scientific research demonstrating the efficacy of a bittering agent as a deterrent to animal ingestion. Third party studies, performed by Pharmakon Research International, Inc. in the early 1990's, examined the effectiveness of DB and indicated that the majority of dogs do not drink antifreeze, with or without the bittering agent. In addition also, a study conducted by the American Society of Automotive Engineers, concluded that DB breaks down in the high temperatures of the engine and therefore, the inclusion of DB would not prevent exposure to leaking antifreeze. Therefore, preventing animal exposure to antifreeze is *not* a reason to require inclusion of a bittering agent.

U.S. Consumer Product Safety Commission (CPSC), in a report to Congress, stated, "The CPSC recommends that the use of aversives should not be considered for regulation until the effectiveness of these substances to limit ingestions is demonstrated." See U.S. CPSC "Final Report: Study of Aversive Agents" at 4, (11/18/92). To date, denatonium benzoate has not been proven to be effective. In addition, The U.S. Food and Drug Administration (FDA) considered the use of DB for an over-the-counter (OTC) nailbiting or thumbsucking deterrent and concluded: "There is a lack of adequate data to establish general recognition of the safety and effectiveness of these (DB and sucrose octaacetate) and other ingredients for OTC use as a nailbiting or thumbsucking deterrent." 21 CFR § 310.536 (2002).

Education Is the Most Effective Deterrent: As with any product that may contain potentially harmful chemicals if misused, the most effective way to protect children and animals from accidental exposure to ethylene glycol antifreeze is to properly store, use and dispose of the product. 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 Nevada residents. To help achieve this goal, the Antifreeze industry has 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 were ranked 11 out of 379 public service television campaigns ACNielsen was tracking in May 2002. This is a major achievement in providing accurate and useful information to consumers. These PSAs have reached over 320 million people nationwide, and more than 20,000 people in Nevada saw these PSAs. These PSA's *are* effective in preventing animal and human exposures to antifreeze. According to the ASPCA data there were 510 animal exposures to antifreeze in 1999, however, in 2002 there were only 329 exposures that is a 35% drop in the number of cases nationwide. Also, according to AAPCC data from 1999 to 2001 there was a 10% decrease in the number of human exposures to antifreeze. These PSAs are just one example of how the antifreeze industry is being proactive to protect its consumers.

Child-resistant Closures Are Effective: All antifreeze and engine coolant products sold to consumers must have child-resistant closures and provide prominent label warnings about proper use and storage. 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-size product containers. The American Association of Poison Control Centers (AAPCC) concluded that child-resistant closures have been extremely effective in preventing accidental exposures.

CSPA Urges You to Vote Against SB 304: Given the lack of a true human or animal exposure problem, the magnitude of uncertainties, and potential environmental risks related to the inclusion of DB in antifreeze and engine coolants, the Nevada State Legislature should *not* mandate the use of this uncertain chemical compound.