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SCHAKOWSKY CALLS FOR LEGISLATION WHICH WOULD PROTECT KIDS, ANIMALS, AND THE ENVIRONMENT FROM DEADLY ANTIFREEZE

Says bill before Subcommittee would shield chemical industry instead of meeting those goals

WASHINGTON, DC - U.S. Representative Jan Schakowsky, a member of the Subcommittee on the Environment and Hazardous Materials, at a hearing before the Subcommittee today spoke in opposition to a bill which would shield the chemical industry from any liability related to an untested antifreeze additive. Schakowsky called on the Subcommittee to put science ahead of speculation and instead require manufacturers to produce an antifreeze from which children, animals, and the environment would be protected.

Schakowsky's opening statement is below:

Thank you, Chairman Gillmor, for holding today's hearing on antifreeze products. I am concerned that what was a bill that would protect both children and pets from consuming deadly antifreeze is now a bill that will shield the chemical industry from willful misconduct and pre-empt strong state laws. I have been a strong supporter of legislation which would put bittering agents in anti-freeze and was a co-sponsor of this legislation last year, but I am concerned about changes that have been made which put corporate interests before consumer safety.

The problem before this Subcommittee is clear: ethylene glycol, on which the antifreeze most commonly used in the U.S. is based, is registered by the EPA as a toxic substance and is ingested by thousands of children and pets each year. The solution, however, is less clear. Ethylene glycol isn't the only type of antifreeze on the market in the United States. We should consider whether promoting a safer version of antifreeze, based on propylene glycol, is a viable option. While a number of studies indicate that DB has a bittering effect that deters both pets and humans from consuming it, its environmental impact remain unclear. We may discover alternative bittering agents that would both have a taste aversive effect and have no demonstrable impact on the environment.

The legislation before us differs from the Antifreeze Bittering Act which we considered during the last Congress. First, it expands the liability waiver to include environmental damage - even though some research suggests that DB is not biodegradable and could contaminate drinking

water. It also eliminates the willful misconduct exception that was included in the previous version of the legislation. It mandates the use of DB as a bittering agent in ethylene glycol-based antifreeze, which would pre-empt the use of safer and better options that could be developed in coming years. It pre-empts stronger state laws like those in California and Oregon which would allow the use of aversive agents other than DB, allowing science, not speculation, to dictate the best option.

The chemical industry has reversed its position on this issue since it was considered in 2004. At that time, the Consumer Specialty Products Association argued that "there is no credible scientific evidence showing that the inclusion of bitterants in [antifreeze] has resulted in a reduction in incidents of accidental poison." The CSPA submitted a number of studies to the Library of Congress to document the inconclusiveness of that science. Now that the liability waiver has been broadened to include environmental damage and eliminated the exception for willful misconduct, the industry is here today testifying in support of the legislation.

Before passing a bill that wipes out consumer and environmental protections and pre-empts state laws, we must ensure that we are acting based on conclusive science in support of a solution that will protect our children, pets, and the environment.