

**RULES
OF
TENNESSEE DEPARTMENT OF AGRICULTURE
FOOD AND DRUG DIVISION**

**CHAPTER 0080-04-08
ANTIFREEZE REGULATIONS**

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0080-04-08-.01 DEFINITIONS.

- (1) "Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of antifreeze products.
- (2) "Antifreeze" or "Coolant" means any substance or preparation sold, distributed or intended for use as a cooling liquid or to be added to the cooling liquid in the cooling system of internal combustion engines of motor vehicles to prevent freezing of the cooling liquid, or to lower its freezing point.
- (3) "Banned Hazardous Substance" means any substance as defined in Tennessee Code Annotated § 68-131-102(2)(A).
- (4) "Distribute" means to hold with intent to sell, offer for sale, to sell, barter or otherwise supply to the consumer.
- (5) "Hazardous Substance" means any substance as defined in Tennessee Code Annotated § 68-131-102(10)(A).
- (6) "Home Consumer-Sized Package" as used in 0080-04-08-.04(7) shall refer to packages of one fluid U.S. gallon or less.
- (7) "Labeling" means the labels and any other written, printed or graphic matter accompanying a package.
- (8) "Package" means a sealed tamper-proof retail package, drum, or other container designed for the sale of antifreeze directly to the consumer, or a container from which the antifreeze may be poured directly by the seller into the cooling system, but does not include shipping containers containing properly labeled inner containers.
- (9) "Person" means individuals, partnerships, corporations, companies and associations.

Authority: T.C.A. §§53-3713, 53-3720 and 68-131-109. **Administrative History:** Original chapter filed September 22, 1982; effective December 15, 1982. Amendment filed July 24, 2009; effective December 29, 2009.

0080-04-08-.02 ADULTERATION. Antifreeze shall be deemed to be adulterated:

- (1) If, in the form in which it is sold and directed to be used, it would be injurious to the cooling system in which it is installed, or if, when used in such cooling system, it would make the operation of the engine dangerous to the user.
- (2) If its strength, quality, or purity falls below the standard of strength, quality, or purity established by the Commissioner for the particular type or composition of antifreeze product.

Authority: T.C.A. §§53-3715(h) and 53-3720. **Administrative History:** Original chapter filed September 22, 1982; effective December 15, 1982.

0080-04-08-.03 MISBRANDING. Antifreeze shall be deemed to be misbranded:

- (1) If it does not bear a label which;
 - (a) Specifies the identity of the product;
 - (b) States the name and place of business of the manufacturer, packager, or distributor;
 - (c) States the correct net quantity of contents in the terms of liquid measure separately and accurately in a uniform location upon the principal display panel as provided by the "Federal Fair Packaging and Labeling Act"; and
 - (d) Contains a statement of warning of any hazard of substantial injury to human beings which may result from the intended use or reasonably foreseeable misuse of the antifreeze, as provided by applicable Federal and State Product Safety Laws and Regulations.
- (2) If the label on a container of less than five (5) gallons, or the labeling for a container of five (5) gallons or more, does not contain a statement or chart showing the appropriate amount, percentage, proportion or concentration of the antifreeze to be used to provide claimed protection from freezing at a specified degree or degrees of temperature, claimed protection from corrosion, or claimed increase of boiling point or protection from overheating.
- (3) If its labeling contains any claim that it has been approved or recommended by the Commissioner.
- (4) If its labeling is false, deceptive or misleading.

Authority: T.C.A. §§53-3714(b), 53-3715(h) and 53-3720. **Administrative History:** Original chapter filed September 22, 1982; effective December 15, 1982.

0080-04-08-.04 PROHIBITED ACTS.

- (1) Distribute any antifreeze unless it is in the manufacturer's, packager's or distributor's unbroken package or is installed by the seller into the cooling system of the purchaser's vehicle directly from the manufacturer's packager's, or distributor's package, and the label on such package if less than five gallons, or the labeling of such package if five gallons or more, does not bear the information required by 0080-04-08-.03.
- (2) Use the term "ethylene glycol" in connection with the name of a product which contains other glycols unless it is qualified by the word "base," "type," or similar word, and unless the product meets the following requirements:
 - (a) It consists essentially of ethylene glycol;

(Rule 0080-04-08-.04, continued)

- (b) If it contains suitable glycols other than ethylene glycol that no more than a maximum of 15% of such other glycols be present;
 - (c) It contains a minimum total glycol content of 93% by weight;
 - (d) The specify gravity is corrected to give reliable freezing point readings on a commercial ethylene glycol type hydrometer; and
 - (e) The freezing point of a 50% by volume aqueous mixture of the antifreeze shall not be above -34° F.
- (3) Refuse, when requested, to permit a purchaser to see the container from which antifreeze is drawn for installation into the purchaser's vehicle.
 - (4) Refill any container bearing an acceptable label, unless by the manufacturer or his duly designated jobber, under regulations established by the Commissioner.
 - (5) Distribute any antifreeze for which a practical, rapid means for measuring the freeze protection by the user is not readily available, whether by hydrometer or other means.
 - (6) Distribute antifreeze which is in violation of the Federal Poison Prevention Packaging Act, its regulations, and related federal and state product safety laws and regulations.
 - (7) Distribute antifreeze in home consumer-sized packages which are constructed of either transparent or translucent packaging materials.

Authority: T.C.A. §§53-3715 and 53-3 720. **Administrative History:** Original chapter filed September 22, 1982; effective December 15, 1982.

0080-04-08-.05 SUBMISSION OF FORMULA. When antifreeze is introduced into commerce within the state, the Commissioner may require the manufacturer to furnish a statement of the formula or contents of such antifreeze, however, the statement of formula or contents may state the content of inhibitor ingredients of generic terms if such inhibitor ingredients total less than five percent (5%) by weight of the antifreeze and if in lieu thereof the manufacturer, packer, seller or distributor furnishes the Commissioner with satisfactory evidence, other than by disclosure of the actual chemical names and percentages of the inhibitor ingredients, that the said antifreeze is in conformity with Tennessee Code Annotated, Sections 53-3713 - 53-3723 and this Chapter.

Authority: T.C.A. §§53-3715 and 53-3720. **Administrative History:** Original chapter filed September 22, 1982; effective December 15, 1982.

0080-04-08-.06 PUBLICATIONS.

- (1) The Commissioner may publish or furnish, upon request, a list of the brands and classes or types of antifreeze inspected by the Department during the fiscal year which have been found to be in accord with this Article.
- (2) The Commissioner may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this Act including the nature of the charge and the disposition thereof.
- (3) The Commissioner may also cause to be disseminated such information regarding antifreezes as he deems necessary in the interest of protection of the public. Nothing in this

(Rule 0080-04-08-.06, continued)

Section shall be construed to prohibit the Commissioner from collecting, reporting, and illustrating the results of the investigations of the Department.

Authority: T.C.A. §§53-3723 and 53-3720. **Administrative History:** Original chapter filed September 22, 1982; effective December 15, 1982.

0080-04-08-.07 HAZARDOUS AND BANNED HAZARDOUS SUBSTANCE. Antifreeze or engine coolant containing at least ten percent (10%) ethylene glycol that is manufactured on or after January 1, 2010, but does not contain denatonium benzoate in a concentration ranging from thirty parts per million (30 p.p.m.) to fifty parts per million (50 p.p.m.), has been deemed by the commissioner to be a hazardous substance and a banned hazardous substance.

Authority: T.C.A. §§ 68-131-103, 68-131-109 and 68-131-113. **Administrative History:** Original rule filed July 24, 2009; effective December 29, 2009.

0080-04-08-.08 EXEMPTION FOR SALE OF MOTOR VEHICLE. The requirements of this chapter shall not be construed to apply to the sale of a motor vehicle that contains engine coolant or antifreeze.

Authority: T.C.A. §§ 68-131-103, 68-131-109 and 68-131-113. **Administrative History:** Original rule filed July 24, 2009; effective December 29, 2009.