



Steve Troxler
Commissioner

Joseph W. Reardon
Director

North Carolina
Department of Agriculture
and Consumer Services
Food and Drug Protection Division

5/06/09

MEMORANDUM

TO: All Antifreeze Manufacturers and Registrants

FROM: Roger McDaniel, Ph.D., State Chemist

SUBJECT: Registration and Sale of Automotive Antifreeze/Coolants in North Carolina for the Fiscal Year 2009-2010

The North Carolina Antifreeze Law of 1975 requires registration, testing, and issuance of permits for sale on or before the first day of July of each year. The annual inspection and registration fee is \$250.00 per brand or formula. Make the check for the total fees payable to the NC Department of Agriculture.

Brands which were registered for the previous year and for which complete applications (application forms, samples, and fees) are received prior to the current year will be **provisionally** registered on July 1, 2009. Previously unregistered brands and all applications received on or after July 1, 2009 will be *provisionally* registered 30 days **after** receipt of the complete application. Provisionally registered products may be sold pending satisfactory completion of product testing and the issuing of the official permit to sell antifreeze/coolant in North Carolina.

Steps for carrying out product registration for the fiscal year 2009-2010 are as follows:

1. Submit **New** application **forms** completely filled out, in triplicate, for each brand. DO NOT photocopy and resubmit last year's application. Photocopies of old registration forms will be returned; thus delaying registration.
2. Submit a one-gallon **sample** of each brand of antifreeze for analysis which is representative of the composition of the product as it will appear on the North Carolina market.

3. Submit one specimen **label** for each size of container (one quart, one-gallon, five-gallon, and 55-gallon) as it will appear on the North Carolina market. This should be either a paper or plastic film label. If lithographed containers are used, submit a Photostatic copy or other facsimile of the full labeling. Photostats or facsimiles should fully indicate color designations on the label. If no change has been made in the labeling from the 2008-2009 registration year, checking the appropriate box on the application effect will be accepted in lieu of submitting labels.

Forms for submitting fiscal year 2009-2010 applications are enclosed. If additional forms are required, please photocopy as needed. Applications and samples submitted via the **U.S. Postal Service** should be sent to:

North Carolina Department of Agriculture
Attention: Sharon Fields
1070 Mail Service Center
Raleigh, NC 27699-1070

Applications and samples submitted via **package or document services (i.e.: Fed-Ex, UPS)** should be sent to:

North Carolina Department of Agriculture
Attention: Sharon Fields
4000 Reedy Creek Road
Raleigh, NC 27607-6468

Other provisions of the law and administrative regulations include:

1. Requirements of the Federal Poison Prevention Packaging Act and Federal and State Product Safety Laws must be met.
2. No antifreeze product may be registered for sale or sold in containers which allow the color of the liquid contained therein to be externally observed (toxicity of ethylene glycol and alcohol type products dictate that confusion of such mixtures with fruit punch drinks by children be prevented, if at all possible).
3. Antifreezes must meet minimum standards recommended by the American Society for Testing and Materials.
4. Discontinued brands must be registered for one additional year following discontinuance. It is the responsibility of the registrant to promptly notify this office of such discontinuance of sale in North Carolina. Representative samples of discontinued products are NOT required.
5. All product containers must be fully labeled, including a freeze protection chart.
6. The Commissioner of Agriculture may request distribution data within the State for violative products.
7. All containers must possess a child-proof cap and a tamper-proof seal over the opening of the container.

Please note that **All** containers must be properly labeled. Containers are required by North Carolina law to bear on each container: (1) the common or usual product name, (2) the name and full address of the responsible party, (3) a correct net contents statement, (4) a freeze protection chart, (5) directions for use, and (6) necessary cautionary or warning statements on both the principal and side panels relative to hazard or injury likely to result from the intended use or reasonably foreseeable misuse of the product. A container of five gallons or more may have accompanying labeling showing the freeze point protection chart in lieu of its appearance on the container label. Bulk containers are not exempt from any further labeling on the container.

The formula for ethylene glycol products, which must be shown on the enclosed registration form must, in addition to the minimum total glycol content (95%), also show minimum percent of ethylene glycol and the maximum percentages of other glycols present (<15% total).

The content of inhibitor ingredients may be stated in generic terms if such inhibitor ingredients total less than five percent by weight of the antifreeze, and if in place of specific compound designation, satisfactory evidence is furnished to this office that the antifreeze is in conformity with the Act.

RM/sf
Enclosures

North Carolina Department of Agriculture & Consumer Services APPLICATION FOR PERMIT FOR SALE OF ANTIFREEZE

1. Brand Name _____

2. Name of Producer _____

3. Address of Producer _____

4. City, State & Zip Code _____

5. Telephone # _____ FAX # _____ Email _____

6. Name of Distributor (if different from producer) _____

7. Address of Distributor _____

8. City, State & Zip Code _____

9. Permit to be issued to Producer Distributor

10. Container Sizes to be Marketed 1 quart 1 gallon 55 gallon other _____

11. Ingredients: List complete percentage composition of product by individual ingredient; inhibitor ingredients (if totaling less than 5% by weight) may be given in generic terms.

12. Does this product contain recycled glycol? Yes No If Yes, % recycled _____

13 Submit a full specimen label for all product sizes if this is a new product registration or if labeling has changed in any respect since last year.

New Product Discontinued Product Renewal Has label changed? Yes No

14. For each PRODUCT or FORMULA: Submit separate applications with payment of \$250 inspection fee per product and deliver, prepaid, a one gallon sample of the product to be sold in North Carolina in its sealed original container(s). For containers larger than one gallon, submit a one-gallon sample in a sealed container. Send applications and samples to North Carolina Department of Agriculture and Consumer Services, Attention: Sharon Fields, 1070 Mail Service Center, Raleigh, NC 27699-1070. Make checks payable to **North Carolina Department of Agriculture.**

15. This application certifies that the product to be sold in North Carolina conforms exactly to the representations herein and with the representative sample submitted.

Date _____ Name (signature) _____

(Typed) _____

When duly countersigned, this constitutes a permit to sell the above-named antifreeze/coolant in North Carolina, from the date of issue through June 30, 2010, as per the "North Carolina Antifreeze Law of 1975."

PERMIT TO SELL AUTOMOTIVE ANTIFREEZE/COOLANT IN NORTH CAROLINA

Issue Date _____

Steve Troxler, Commissioner

By _____

**Roger McDaniel, PhD
State Chemist**