

FINAL BILL REPORT

ESHB 1033

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Synopsis as Enacted

Brief Description: Requiring the use of alternatives to lead wheel weights.

Sponsors: House Committee on Environmental Health (originally sponsored by Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood and Dickerson).

House Committee on Environmental Health
Senate Committee on Environment, Water & Energy

Background:

Lead wheel weights that fall off vehicles are a source of soil, surface, and ground water contamination. Alternatives to lead wheel weights are available for use and are in use by some auto manufacturers and tire retailers.

Lead is recognized as a substance that is harmful to individuals of all ages. Lead is the subject of a Department of Ecology chemical action plan process. This process develops a comprehensive plan to identify all uses and releases of lead and to recommend actions that will protect human health and the environment.

Summary:

Lead wheel weights must be replaced with environmentally preferred wheel weights after January 1, 2011, when tires are replaced or balanced. The duty to replace is on the business that replaces or rebalances the tire. The owner of the vehicle is not subject to this requirement.

Vehicles subject to this requirement are motor vehicles with a wheel diameter of less than 19.5 inches or a gross vehicle weight of 14,000 pounds or less.

Environmentally preferred wheel weights are those that do not use more than 0.5 percent by weight of any chemical, group of chemicals, or metals of concern identified by rule through the process to identify persistent, bioaccumulative toxins (PBT) and metals of concern.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Once a wheel weight is determined by the Department of Ecology (DOE) to no longer be an environmentally preferred wheel weight, it may be used for only two years after the date of determination.

The DOE must notify the affected parties of available environmentally preferred alternatives by October 1, 2010.

Enforcement action must begin with a warning before penalties may be imposed. If compliance is not achieved within a year of a warning, the DOE may assess a penalty. The amount of the first penalty may not exceed \$500. Subsequent violations may incur a penalty not to exceed \$1,000 for each repeat violation. A violation occurs for each vehicle subject to the provisions of this act. Money from penalties must be deposited in the state Toxics Control Account.

The DOE may adopt rules to implement these requirements.

Votes on Final Passage:

House	66	28	
Senate	29	18	(Senate amended)
House	67	30	(House concurred)

Effective: July 26, 2009