

SHB 2143 - H AMD 1164

By Representative Campbell

ADOPTED 02/19/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Lead hazards associated with lead wheel weights represent a  
5 preventable environmental health problem. Lead wheel weights fall off  
6 of vehicle wheels along Washington's roadways and people are exposed to  
7 fragments and dust generated when lead wheel weights are abraded and  
8 pulverized by traffic. Lead wheel weights that come to be located on  
9 and alongside roadways can contribute to soil, surface, and groundwater  
10 contamination, and pose a hazard to downstream aquatic life.

11 (2) Lead negatively affects every system of the body. It is  
12 harmful to individuals of all ages and is especially harmful to  
13 children, fetuses, and adults of childbearing age. The effects of lead  
14 on a child's cognitive, behavioral, and developmental abilities may  
15 necessitate large expenditures of public funds for health care and  
16 special education. The irreversible damage to children and subsequent  
17 expenditures could be avoided if exposure to lead is reduced.

18 (3) There are no federal regulatory controls governing the use of  
19 lead wheel weights. The legislature recognizes the state's need to  
20 protect the public from exposure to lead hazards.

21 (4) This chapter is intended to work in concert with the  
22 persistent, bioaccumulative toxins rule, chapter 173-333 WAC,  
23 administered by the department. The rule describes a requirement for  
24 the department, in consultation with the department of health, to  
25 develop a multiyear schedule for the preparation of chemical action  
26 plans. The department anticipates completion of a chemical action plan  
27 for lead by June 2008. While the formal process for the chemical  
28 action plan moves forward, the legislature believes it is prudent to  
29 act in an accelerated manner on known and readily available  
30 opportunities to reduce the environmental health impacts of lead.

1        NEW SECTION.    **Sec. 2.** The definitions in this section apply  
2 throughout this chapter unless the context clearly requires otherwise.

3        (1) "Department" means the department of ecology.

4        (2) "Environmentally preferred wheel weights" means wheel weights  
5 used for the purpose of balancing motor vehicle wheels that are listed  
6 by the department as approved alternatives for lead wheel weights and  
7 that have less of an impact on human health and the environment.

8        (3) "Lead wheel weight" means any externally affixed or attached  
9 wheel weight for the purpose of balancing motor vehicle wheels and  
10 composed of greater than 0.1 percent lead by weight.

11       (4) "Person" includes any individual, firm, association,  
12 partnership, corporation, governmental entity, organization, or joint  
13 venture.

14       (5) "Vehicle" means any motor vehicle registered in Washington with  
15 a wheel diameter less than 19.5 inches or a gross vehicle weight of  
16 14,000 pounds or less.

17       NEW SECTION.    **Sec. 3.** (1) The department shall establish an  
18 advisory committee, in consultation with the department of health, the  
19 traffic safety commission, and the department of general  
20 administration, to identify and make readily available to tire  
21 distributors, wholesalers, retailers, and auto manufacturers, by  
22 January 1, 2009, an approved list of environmentally preferred  
23 alternatives to lead wheel weights that are available for purchase.

24       (2) The approved list of environmentally preferred alternatives to  
25 lead wheel weights must be updated by the department every two years  
26 starting July 1, 2009.

27       (3) If an alternative is removed from the approved list of  
28 environmentally preferred alternatives, the tire distributors,  
29 retailers, and auto manufacturers will have two years to use existing  
30 stock and to phase in other listed alternatives.

31       NEW SECTION.    **Sec. 4.** Use of environmentally preferred alternative  
32 wheel weights is required at the time of the first tire replacement or  
33 the first tire balancing after:

34       (1) January 1, 2010, for all state-owned vehicles;

35       (2) January 1, 2011, for all used vehicles registered in Washington  
36 state; and

1 (3) January 1, 2012, for all new vehicles registered in Washington  
2 state.

3 NEW SECTION. **Sec. 5.** Lead wheel weights removed and collected by  
4 tire retailers and distributors shall be recycled.

5 NEW SECTION. **Sec. 6.** (1) Enforcement of this chapter shall rely  
6 on notification and information exchange between the department and  
7 tire distributors, wholesalers, retailers, and auto manufacturers. The  
8 department shall achieve compliance with this chapter using the  
9 following enforcement sequence:

10 (a) At least ninety days prior to the implementation dates for  
11 vehicles identified in section 4 of this act, the department shall  
12 prepare and distribute information to persons in the tire and wheel  
13 weight manufacturing, distribution, wholesale, retail, and auto  
14 manufacturing industries, to the maximum extent practicable, to assist  
15 them in identifying environmentally preferred alternative products for  
16 lead wheel weights.

17 (b) The department shall issue a warning letter to a person in the  
18 tire distribution, wholesale, retail, auto manufacturing, or associated  
19 industries that violates the requirements of this chapter.

20 (c) The department shall offer information or other appropriate  
21 assistance to the person in (b) of this subsection. If, after one  
22 year, compliance is not achieved, penalties may be assessed under  
23 subsection (2) of this section.

24 (2) Failure of a person that installs wheel weights to comply with  
25 this chapter is punishable by a civil penalty not to exceed five  
26 hundred dollars for each violation in the case of a first offense.  
27 Persons who are repeat violators are liable for a civil penalty not to  
28 exceed one thousand dollars for each repeat offense. Penalties  
29 collected under this section shall be deposited in the state toxics  
30 control account created in RCW 70.105D.070. The owner of a vehicle is  
31 not liable for failing to comply with this chapter.

32 NEW SECTION. **Sec. 7.** The department may adopt rules to fully  
33 implement this chapter.

1        NEW SECTION.    **Sec. 8.**  If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 9.**  Sections 1 through 8 of this act constitute  
6 a new chapter in Title 70 RCW."

EFFECT:    Clarifies the definition of vehicle.

Removes reference to traffic safety risk as a result of the design of wheel weights and adds the Traffic Safety Commission to the advisory committee.

Extends the frequency from 6 months to 2 years for updating the list of alternatives to lead wheel weights.

Allows tire distributors, retailers, and auto manufacturers 2 years to use existing stock and to phase in other listed alternatives when an alternative is removed from the list.

Removes the requirement to replace lead wheel weights at the time of tire repair.

Revises compliance dates.

Adds the requirement to recycle lead wheel weights removed and collected by tire retailers and distributors.

Requires the department to issue a warning letter for violations of the act.

Includes reference to auto manufacturers.

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