

ESHB 2143 - S COMM AMD

By Committee on Water, Energy & Telecommunications

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

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

4 (1) Environmental health hazards associated with lead wheel weights
5 are a preventable problem. People are exposed to lead fragments and
6 dust when lead wheel weights fall from vehicles on Washington roadways
7 and are then abraded and pulverized by traffic. Lead wheel weights on
8 and alongside roadways can contribute to soil, surface, and groundwater
9 contamination and pose a hazard to downstream aquatic life.

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

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

20 (4) The legislature intends that this chapter be implemented in
21 concert with the persistent, bioaccumulative toxins rule, chapter 173-
22 333 WAC, administered by the department of ecology. That rule
23 describes a requirement for the department of ecology, in consultation
24 with the department of health, to develop a multiyear schedule for
25 preparing chemical action plans. The department of ecology anticipates
26 completing a chemical action plan for lead by June 2008. As the
27 process for completing that plan progresses, the legislature believes
28 that it is prudent to act quickly on known and readily available
29 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 balancing motor vehicle wheels that are listed by the
6 department as approved alternatives for lead wheel weights and that
7 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 used for balancing motor vehicle wheels and composed of
10 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 of 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 wheel
23 weights that are available for purchase.

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 8.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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

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6 On page 1, line 2 of the title, after "impacts;" strike the
7 remainder of the title and insert "adding a new chapter to Title 70
8 RCW; and prescribing penalties."

EFFECT: Technical amendments clarify language and assure that the
defined term "environmentally preferred wheel weights" is used
consistently.

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