

# SENATE BILL REPORT

## ESHB 2143

---

---

As Reported By Senate Committee On:  
Water, Energy & Telecommunications, February 29, 2008

**Title:** An act relating to requiring the use of alternatives to lead wheel weights that reduce environmental health impacts.

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

**Sponsors:** House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Campbell, Hunt, Chase, Flannigan, Hudgins, Morrell and Ormsby).

**Brief History:** Passed House: 2/19/08, 78-17.

**Committee Activity:** Water, Energy & Telecommunications: 2/27/08, 2/29/08 [DPA-WM, DNP].

---

### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser, Oemig, Pridemore and Regala.

**Minority Report:** Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Hatfield and Holmquist.

**Staff:** Sam Thompson (786-7413)

**Background:** Several products containing lead have been banned or restricted by federal law, including lead paint and leaded gasoline. Environmental concerns regarding use of lead weights to balance vehicle wheels prompted Maine and Minnesota to restrict use of these items in state vehicle fleets, and the European Union banned lead wheel weights in 2005. Several auto manufacturers have opted to use steel wheel weights in new models.

**Summary of Bill (Recommended Amendments):** To reduce environmental health impacts of lead, use of environmentally preferred alternatives to lead wheel weights are mandated on a phased-in basis beginning in 2010 for state-owned and Washington-registered vehicles. The alternatives will be identified by an advisory committee established by the Department of Ecology (DOE).

Applicability. "Lead wheel weights" are defined as balancing weights composed of greater than 0.1 percent lead by weight externally attached to Washington-registered vehicles with

---

*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.*

wheel diameters less than 19.5 inches or gross vehicle weights of 14,000 pounds or less. "Environmentally preferred wheel weights" are those listed by DOE as approved alternatives having less impact on human health and the environment.

Advisory Committee. In consultation with the Department of Health, the Traffic Safety Commission, and the Department of General Administration, DOE must establish an advisory committee to identify, by January 1, 2009, a list of environmentally preferred alternatives to lead wheel weights. The committee must make the list readily available to tire distributors, wholesalers, retailers, and auto manufacturers. DOE must update the list every two years, starting July 1, 2009. If an alternative is removed from the list, tire distributors, retailers, and auto manufacturers will have two years to use existing stock and to phase in other listed alternatives.

Implementation Dates. Use of environmentally preferred alternative wheel weights is required at first tire replacement or first tire balancing after: January 1, 2010, for state-owned vehicles; January 1, 2011, for all Washington-registered used vehicles; and January 1, 2012, for all Washington-registered new vehicles.

Recycling. Lead wheel weights removed and collected by tire retailers and distributors must be recycled.

Enforcement. DOE will rely upon notice and information exchange between it and tire distributors, wholesalers, retailers, and auto manufacturers. At least 90 days before the implementation dates, DOE must prepare and distribute information to tire and wheel weight manufacturing, distribution, wholesale, retail, and auto manufacturing industries to assist them in identifying environmentally preferred alternatives.

DOE will issue warning letters to persons in tire distribution, wholesale, retail, auto manufacturing, or associated industries that violate requirements, and offer information or other appropriate assistance. Penalties may be assessed if compliance is not achieved after one year.

For a first offense, a person failing to install wheel weights to comply with requirements is punishable by a civil penalty not to exceed \$500 for each violation. Repeat violators are liable for a civil penalty not to exceed \$1,000 for each repeat offense. Vehicle owners are not liable for failing to comply with requirements.

Rule-Making Authority. DOE may adopt rules to implement the requirements.

**EFFECT OF WATER, ENERGY & TELECOMMUNICATIONS COMMITTEE (Recommended Amendments):** Technical amendments clarify language and assure that the defined term "environmentally preferred wheel weights" is used consistently.

**Appropriation:** None.

**Fiscal Note:** Requested on February 22, 2008.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There is no reason not to move forward with this legislation. An estimated 40 tons of lead wheel weights fall off of vehicles onto Washington roadways every year, according to a United States Geological Survey estimate. Lead wheel weights commonly appear on Washington roadways, can easily be picked up by children and others, and pose environmental hazards that can be prevented. Use of zinc wheel weights would have a significant negative impact on Puget Sound marine life. The Department of Ecology should be allowed to establish an advisory committee to look carefully at alternatives.

OTHER: The Department of Ecology believes that it is important to move forward quickly to address hazards posed by lead weights. While the European Union does permit use of zinc wheel weights, use of these weights could harm Puget Sound. Many foreign and domestic manufacturers use steel wheel weights on new models, but tire dealers still use lead wheel weights. Steel wheel weights, which are taped on, are not likely to drop off of wheels, but the Department of Ecology will consult with the Traffic Safety Commission on that point. Automobile manufacturers have concerns about a potential ban on use of zinc wheel weights, which some manufacturers now use to comply with European Union standards. Automobile dealers support the bill and believe that zinc wheel weights should be banned if they are determined to be a non-viable alternative. The ban on lead wheel weights should be enacted but there is no need for the advisory committee, elimination of which would save significant expense.

**Persons Testifying:** PRO: Representative Campbell, prime sponsor; Steven Gilbert, Institute of Neurotoxicology; Bruce Wishart, People for Puget Sound.

OTHER: Carol Kraege, Department of Ecology; Nancee Wildermuth, Alliance of Automobile Manufacturers; Scott Hazlegrove, Washington State Auto Dealers Association; Grant Nelson, Association of Washington Business.