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ENGROSSED SUBSTITUTE HOUSE BILL 1033

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State of Washington

61st Legislature

2009 Regular Session

By House Environmental Health (originally sponsored by Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood, and Dickerson)

READ FIRST TIME 01/23/09.

1 AN ACT Relating to requiring the use of alternatives to lead wheel  
2 weights that reduce environmental health impacts; adding a new chapter  
3 to Title 70 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

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

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

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

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

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

7 (2) "Environmentally preferred wheel weights" means wheel weights  
8 used for balancing motor vehicle wheels that do not include more than  
9 0.5 percent by weight of any chemical, group of chemicals, or metals of  
10 concern identified by rule under chapter 173-333 WAC.

11 (3) "Lead wheel weight" means any externally affixed or attached  
12 wheel weight used for balancing motor vehicle wheels and composed of  
13 greater than 0.1 percent lead by weight.

14 (4) "Person" includes any individual, firm, association,  
15 partnership, corporation, governmental entity, organization, or joint  
16 venture.

17 (5) "Vehicle" means any motor vehicle registered in Washington with  
18 a wheel diameter of less than 19.5 inches or a gross vehicle weight of  
19 fourteen thousand pounds or less.

20 NEW SECTION. **Sec. 3.** If a wheel weight alternative no longer  
21 meets the criteria of an environmentally preferred wheel weight, tire  
22 distributors and retailers have two years to use existing stock and to  
23 phase in other environmentally preferred wheel weight alternatives.

24 NEW SECTION. **Sec. 4.** Use of environmentally preferred wheel  
25 weights is required at the time of tire replacement or the tire  
26 balancing after January 1, 2011, for all vehicles registered in  
27 Washington state.

28 NEW SECTION. **Sec. 5.** Tire retailers and distributors must recycle  
29 lead wheel weights that are removed by the tire retailers and  
30 distributors.

31 NEW SECTION. **Sec. 6.** (1) The department shall achieve compliance  
32 with this chapter using the following enforcement sequence:

1 (a) At least ninety days prior to the implementation under section  
2 4 of this act, the department shall prepare and distribute information  
3 to persons in the tire and wheel weight manufacturing, distribution,  
4 wholesale and retail industries, to the maximum extent practicable, to  
5 assist them in identifying environmentally preferred wheel weights.

6 (b) The department shall issue a warning letter to a person in the  
7 tire distribution, wholesale, retail, or associated industries that  
8 violates the requirements of this chapter.

9 (c) The department shall offer information or other appropriate  
10 assistance to the person in (b) of this subsection. If compliance is  
11 not achieved within one year of issuing a warning letter, the  
12 department may assess civil penalties against the person under  
13 subsection (2) of this section.

14 (2) Failure of a person that installs wheel weights in compliance  
15 with this chapter is a violation punishable by a civil penalty not to  
16 exceed five hundred dollars for the first violation. A violation  
17 occurs for each vehicle registered in Washington state that does not  
18 comply with this chapter. Persons who are repeat violators are liable  
19 for a civil penalty not to exceed one thousand dollars for each repeat  
20 offense. Penalties collected under this section must be deposited in  
21 the state toxics control account created in RCW 70.105D.070. The owner  
22 of a vehicle is not subject to the provisions of this chapter.

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

25 NEW SECTION. **Sec. 8.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

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

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