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HOUSE BILL 2143

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Campbell, Hunt, Chase, Flannigan, Hudgins, Morrell and Ormsby

Read first time 02/09/2007.                      Referred to Committee on Select Committee on Environmental Health.

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

14            (2) Lead negatively affects every system of the body. It is  
15 harmful to individuals of all ages and is especially harmful to  
16 children, fetuses, and adults of childbearing age. The effects of lead  
17 on a child's cognitive, behavioral, and developmental abilities may  
18 necessitate large expenditures of public funds for health care and

1 special education. The irreversible damage to children and subsequent  
2 expenditures could be avoided if exposure to lead is reduced.

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

6 (4) This chapter is intended to work in concert with the  
7 persistent, bioaccumulative toxins rule, chapter 173-333 WAC,  
8 administered by the department. The rule describes a requirement for  
9 the department, in consultation with the department of health, to  
10 develop a multiyear schedule for the preparation of chemical action  
11 plans. In September 2006, lead was the department's highest ranked  
12 recommendation for its next chemical action plan. The chemical action  
13 plan for lead is proposed for completion in March 2008. While the  
14 formal process for the chemical action plan moves forward, the  
15 legislature believes it is prudent to act in an accelerated manner on  
16 known and readily available opportunities to reduce the environmental  
17 health impacts of lead.

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

20 (1) "Commercial driver's license" means the same as defined in RCW  
21 46.25.010.

22 (2) "Department" means the department of ecology.

23 (3) "Environmentally preferred wheel weights" means wheel weights  
24 used for the purpose of balancing motor vehicle wheels that are listed  
25 by the department as approved alternatives for lead wheel weights.

26 (4) "Lead wheel weight" means any externally affixed or attached  
27 wheel weight for the purpose of balancing motor vehicle wheels and  
28 composed of greater than 0.1 percent lead by weight.

29 (5) "Person" includes any individual, firm, association,  
30 partnership, corporation, governmental entity, organization, or joint  
31 venture.

32 (6) "Vehicle" means any motor vehicle registered in Washington that  
33 does not require the driver to possess a commercial driver's license to  
34 operate, or for which the driver is not specifically exempted from the  
35 requirement to possess a commercial driver's license under RCW  
36 46.25.050.

1        NEW SECTION.    **Sec. 3.**    (1) The department shall establish an  
2 advisory committee, in consultation with the department of health and  
3 the department of general administration, to identify and make readily  
4 available to tire distributors and retailers by September 1, 2007, an  
5 approved list of environmentally preferred alternatives to lead wheel  
6 weights that are currently available for purchase. Any alternatives on  
7 the approved list must not pose a statistically significant greater  
8 traffic safety risk than do lead wheel weights as a result of their  
9 design or increased volume to mass ratio if they fall off a wheel  
10 during operation of the vehicle.

11        (2) The approved list of environmentally preferred alternatives to  
12 lead wheel weights must be updated by the department every six months  
13 starting January 1, 2008.

14        NEW SECTION.    **Sec. 4.**    Use of environmentally preferred alternative  
15 wheel weights is required at the time of the first tire replacement,  
16 the first tire repair if the tire is removed from the wheel, or the  
17 first tire balancing after the effective date of this act.

18        NEW SECTION.    **Sec. 5.**    This chapter applies to state-owned vehicles  
19 on January 1, 2008, to all used vehicles registered in Washington state  
20 on January 1, 2009, and to all new vehicles registered in Washington  
21 state on January 1, 2010.

22        NEW SECTION.    **Sec. 6.**    (1) Enforcement of this chapter shall rely  
23 on notification and information exchange between the department and  
24 tire distributors and retailers. The department shall achieve  
25 compliance with this chapter using the following enforcement sequence:

26        (a) Before the effective date of this act, the department shall  
27 prepare and distribute information to persons in the tire and wheel  
28 weight manufacturing, distribution, wholesale, and retail industry, to  
29 the maximum extent practicable, to assist them in identifying  
30 environmentally preferred alternative products for lead wheel weights.

31        (b) The department may issue a warning letter to a person in the  
32 tire distribution, wholesale, retail, or associated industries that  
33 violates the requirements of this chapter.

34        (c) The department shall offer information or other appropriate

1 assistance to the person in (b) of this subsection. If, after one  
2 year, compliance is not achieved, penalties may be assessed under  
3 subsection (2) of this section.

4 (2) Failure of a business that installs lead weights to comply with  
5 this chapter is punishable by a civil penalty not to exceed five  
6 hundred dollars for each violation in the case of a first offense.  
7 Persons who are repeat violators are liable for a civil penalty not to  
8 exceed one thousand dollars for each repeat offense. Penalties  
9 collected under this section shall be deposited in the state toxics  
10 control account created in RCW 70.105D.070. The owner of a vehicle is  
11 not liable for failing to comply with this chapter.

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

14 NEW SECTION. **Sec. 8.** If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

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

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