

# HOUSE BILL REPORT

## ESHB 1033

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### As Passed House:

February 20, 2009

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

### Brief History:

#### Committee Activity:

Environmental Health: 1/14/09, 1/21/09 [DPS].

#### Floor Activity

Passed House: 2/20/09, 66-28.

### Brief Summary of Engrossed Substitute Bill

- Requires the use of environmentally preferred wheel weights on vehicles registered in Washington by January 1, 2011 when tires are replaced or are rebalanced.
- Defines vehicles as those with a wheel diameter of 19.5 inches or a gross weight of 14,000 pounds or less.
- Requires recycling of lead wheel weights removed by tire retailers and distributors.

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## HOUSE COMMITTEE ON ENVIRONMENTAL HEALTH

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Campbell, Chair; Chase, Vice Chair; Dickerson, Dunshee, Finn, Hudgins and Rolfes.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; and Kretz.

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*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.*

**Staff:** Pam Madson (786-7111)

**Background:**

Lead wheel weights that fall off of vehicles are a source of soil, surface, and ground water contamination. Alternatives to lead wheel weights are available for use and are in use by some auto manufacturers and tire retailers.

Lead is recognized as a substance that is harmful to individuals of all ages. Lead is currently the subject of a chemical action plan process. This process develops a comprehensive plan to identify all uses and releases of lead and to recommend actions that will protect human health and the environment.

**Summary of Engrossed Substitute Bill:**

Lead wheel weights must be replaced with environmentally preferred wheel weights on all vehicles registered in Washington after January 1, 2011 when tires are replaced or balanced. The duty to replace is on the business that replaces or rebalances the tire. The owner of the vehicle is not subject to this requirement.

Vehicles subject to this requirement are motor vehicles with a wheel diameter of less than 19.5 inches or a gross vehicle weight of 14,000 pounds or less.

Environmentally preferred wheel weights are those that do not use more than 0.5 percent by weight of any chemical, group of chemicals, or metals of concern identified by rule through the process to identify persistent, bioaccumulative toxins (PBT) and metals of concern.

If an alternative no longer meets the criteria of an environmentally preferred alternative, distributors, retailers, and auto manufacturers have two years to use existing stock.

Enforcement must use a warning before penalties may be imposed. The Department of Ecology (DOE) will notify the affected parties of available alternatives 90 days prior to the date on which lead wheel weights may no longer be used. If use continues, the party will receive a warning. If compliance is not achieved within a year, the DOE may assess a penalty. The amount of the first penalty may not exceed \$500. Subsequent violations may incur a penalty not to exceed \$1,000 for each repeat violation. A violation occurs for each vehicle subject to the provisions of this act. Money from penalties must be deposited in the state Toxics Control Account.

The DOE may adopt rules to implement this chapter.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Lead is highly toxic and is used in a wide variety of products. Anytime a safer alternative can be substituted for a lead product it is a wise thing to do. It is estimated that 40 tons of lead wheel weights fall off of cars in Washington each year. They get ground up and can contaminate the water and the air. There are no federal standards for wheel weights. Les Schwab is shifting to steel wheel weights. California has banned lead wheel weights and Vermont has banned it from the state fleet. The DOE vehicle fleet is also changing to non-lead wheel weights. The European Union banned lead wheel weights in 2005 and shifted to a combination of steel and zinc. All zinc wheel weights could be a problem for fish in the Puget Sound. A recommendation of the Lead Chemical Action Plan issued by the DOE would ban the use of lead products when the use of lead is not necessary and there is exposure to people and wildlife. This supports eliminating the use of lead wheel weights.

(In support with amendments) There is support for a ban on the use of lead wheel weights. More discussion should take place on banning the use of other alternatives.

(With concerns) There is support for a ban on lead wheel weights. Many manufacturers are moving to non-lead alternatives. Studying what alternatives are acceptable and available and then presenting the result to the Legislature to decide what is appropriate is a better approach. Most non-lead alternatives today are steel and zinc. Zinc is a more malleable metal that allows the wheel weight to be used among a variety of vehicles. Steel doesn't provide that flexibility and is a more complicated alternative.

(Neutral) The DOE cannot support this bill because of the fiscal impact.

(Opposed) None.

**Persons Testifying:** (In support) Representative Campbell, prime sponsor; and Margaret Shield, Local Hazardous Waste Management Program in King County.

(In support with amendments) Scott Hazelgrove, Washington State Auto Dealers Association.

(With concerns) Ryan Spiller, Auto Alliance.

(Neutral) Carol Kraege, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.