

ESHB 1033 - S COMM AMD

By Committee on Environment, Water & Energy

ADOPTED 04/13/2009

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 motor vehicles onto Washington  
7 roadways and are then abraded and pulverized by traffic. Lead wheel  
8 weights on and alongside roadways can contribute to soil, surface, and  
9 groundwater contamination and pose hazards to downstream aquatic life.

10 (2) Lead negatively affects every bodily system. While it is  
11 injurious to people of all ages, lead is especially harmful to fetuses,  
12 children, 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 NEW SECTION. **Sec. 2.** The definitions in this section apply  
21 throughout this chapter unless the context clearly requires otherwise.

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

23 (2) "Environmentally preferred wheel weight" means any wheel weight  
24 used for balancing motor vehicle wheels that do not include more than  
25 0.5 percent by weight of any chemical, group of chemicals, or metal of  
26 concern identified by rule under chapter 173-333 WAC.

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

1 (4) "Person" includes any individual, firm, association,  
2 partnership, corporation, governmental entity, organization, or joint  
3 venture.

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

7 NEW SECTION. **Sec. 3.** (1) On and after January 1, 2011, a person  
8 who replaces or balances motor vehicle tires must replace lead wheel  
9 weights with environmentally preferred wheel weights on all vehicles  
10 when they replace or balance tires in Washington. However, the person  
11 may use alternatives to lead wheel weights that are determined by the  
12 department to not qualify as environmentally preferred wheel weights  
13 for up to two years following the date of that determination, but must  
14 thereafter use environmentally preferred wheel weights.

15 (2) A person who is subject to the requirement in subsection (1) of  
16 this section must recycle the lead wheel weights that they remove.

17 (3) A person who fails to comply with subsection (1) of this  
18 section is subject to penalties prescribed in section 5 of this act.  
19 A violation of subsection (1) of this section occurs with respect to  
20 each vehicle for which lead wheel weights are not replaced in  
21 compliance with subsection (1) of this section.

22 (4) An owner of a vehicle is not subject to any requirement in this  
23 section.

24 NEW SECTION. **Sec. 4.** (1) The department shall achieve compliance  
25 with section 3 of this act through the enforcement sequence specified  
26 in this section.

27 (2) To provide assistance in identifying environmentally preferred  
28 wheel weights, the department shall, by October 1, 2010, prepare and  
29 distribute information regarding this chapter to the maximum extent  
30 practicable to:

31 (a) Persons that replace or balance motor vehicle tires in  
32 Washington; and

33 (b) Persons generally in the motor vehicle tire and wheel weight  
34 manufacturing, distribution, wholesale, and retail industries.

35 (3) The department shall issue a warning letter to a person who  
36 fails to comply with section 3 of this act and offer information or

1 other appropriate assistance. If the person does not comply with  
2 section 3(1) of this act within one year of the department's issuance  
3 of the warning letter, the department may assess civil penalties under  
4 section 5 of this act.

5 NEW SECTION. **Sec. 5.** (1) An initial violation of section 3(1) of  
6 this act is punishable by a civil penalty not to exceed five hundred  
7 dollars. Subsequent violations of section 3(1) of this act are  
8 punishable by civil penalties not to exceed one thousand dollars for  
9 each violation.

10 (2) Penalties collected under this section must be deposited in the  
11 state toxics control account created in RCW 70.105D.070.

12 NEW SECTION. **Sec. 6.** The department may adopt rules to fully  
13 implement this chapter.

14 NEW SECTION. **Sec. 7.** 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. 8.** Sections 1 through 7 of this act constitute  
19 a new chapter in Title 70 RCW."

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

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