

SENATE BILL REPORT

ESHB 1033

As Reported by Senate Committee On:
Environment, Water & Energy, March 25, 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: Passed House: 2/20/09, 66-28.

Committee Activity: Environment, Water & Energy: 3/13/09, 3/25/09 [DPA, DNP].

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: Do pass as amended.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin, Fraser, Marr and Ranker.

Minority Report: Do not pass.

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

Staff: Sam Thompson (786-7413)

Background: Lead wheel weights that fall off of motor vehicles have been identified as a source of soil and water contamination. Several auto manufacturers and tire retailers have opted to use steel wheel weights and other alternatives to lead wheel weights. Maine, Minnesota, and Vermont have restricted use of lead wheel weights in state vehicle fleets, and in 2005 the European Union banned lead wheel weights.

Summary of Bill (Recommended Amendments): After January 1, 2011, when tires are replaced or balanced on Washington-registered vehicles, lead wheel weights (i.e., those with more than 0.1 percent lead by weight) must be replaced with "environmentally preferred wheel weights." This term refers to weights that do not include more than 0.5 percent by weight of substances of concern identified by the Department of Ecology (DOE) in

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administrative rules, including a broad variety of persistent bioaccumulative toxins (PBTs) such as cadmium and mercury.

Vehicles subject to the requirement are those with wheel diameters of less than 19.5 inches or with gross vehicle weights of 14,000 pounds or less.

Businesses that replace or rebalance tires bear the duty to replace lead wheel weights. The owner of a vehicle is not subject to the requirement. If a wheel weight does not meet environmentally preferred wheel weight criteria, distributors and retailers have two years to use existing stock.

At least 90 days before January 1, 2011, DOE must prepare and distribute information to the tire and wheel weight manufacturing, distribution, wholesale, and retail industries to assist them in identifying environmentally preferred wheel weights.

A violation occurs for each vehicle subject to the act that does not comply with the act. DOE must issue a warning letter to industries that violate requirements of the act and offer appropriate assistance. If compliance is not achieved within one year of issuing a warning letter, DOE may assess civil penalties. Failure to install wheel weights in compliance with the act is punishable by a civil penalty not to exceed \$500 for the first violation, and repeat violators are liable for a penalty not to exceed \$1,000 for each repeat offense. Penalties must be deposited in the State Toxics Control Account.

DOE may adopt rules to implement the act.

EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Amendments): A striking amendment makes nonsubstantive clarifications and grammatical changes.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Engrossed Substitute House Bill: PRO: Lead wheel weights should be removed from wheels and recycled. An estimated 20 tons of lead wheel weights annually fall from wheels onto Washington roads; these weights are often pulverized and end up in the water. DOE is finishing a chemical action plan regarding lead, a highly toxic substance. There are no federal regulatory standards regarding lead wheel weights. The industry is moving to a lead-free standard, and while new cars have steel wheel weights, these weights may be replaced by lead wheel weights. Safer alternatives are available.

Persons Testifying: PRO: Representative Campbell, prime sponsor; Carol Kraege, DOE.