
SUBSTITUTE HOUSE BILL 1033

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 0.1 percent by weight of any chemical, group of chemicals, or metals of
10 concern identified by rule under chapter 173-333 WAC or more than ten
11 percent zinc by weight.

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

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

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

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

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

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

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

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

9 (b) The department shall issue a warning letter to a person in the
10 tire distribution, wholesale, retail, auto manufacturing, or associated
11 industries that violates the requirements of this chapter.

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

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

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

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

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

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