
HOUSE BILL 1033

State of Washington

61st Legislature

2009 Regular Session

By Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood, and Dickerson

Prefiled 12/08/08. Read first time 01/12/09. Referred to 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) 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 are listed by the
9 department as approved alternatives for lead wheel weights and that
10 have less of an impact on human health and the environment.

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

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

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

20 NEW SECTION. **Sec. 3.** (1) The department shall establish an
21 advisory committee, in consultation with the department of health, the
22 traffic safety commission, and the department of general
23 administration, to identify and make readily available to tire
24 distributors, wholesalers, retailers, and auto manufacturers, by
25 January 1, 2010, an approved list of environmentally preferred wheel
26 weights that are available for purchase.

27 (2) The approved list of environmentally preferred wheel weights
28 must be updated by the department every two years, starting July 1,
29 2010.

30 (3) If an alternative is removed from the approved list of
31 environmentally preferred wheel weights, tire distributors, retailers,
32 and auto manufacturers have two years to use existing stock and to
33 phase in other listed alternatives.

34 NEW SECTION. **Sec. 4.** Use of environmentally preferred wheel

1 weights is required at the time of the first tire replacement or the
2 first tire balancing after:

- 3 (1) January 1, 2011, for all state-owned vehicles;
- 4 (2) January 1, 2012, for all used vehicles registered in Washington
5 state; and
- 6 (3) January 1, 2013, for all new vehicles registered in Washington
7 state.

8 NEW SECTION. **Sec. 5.** Tire retailers and distributors must recycle
9 lead wheel weights that are removed by the tire retailers and
10 distributors.

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

13 (a) At least ninety days prior to the implementation dates for
14 vehicles identified in section 4 of this act, the department shall
15 prepare and distribute information to persons in the tire and wheel
16 weight manufacturing, distribution, wholesale, retail, and auto
17 manufacturing industries, to the maximum extent practicable, to assist
18 them in identifying environmentally preferred wheel weights.

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

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

27 (2) Failure of a person that installs wheel weights in compliance
28 with this chapter is a violation punishable by a civil penalty not to
29 exceed five hundred dollars for each violation in the case of a first
30 offense. Persons who are repeat violators are liable for a civil
31 penalty not to exceed one thousand dollars for each repeat offense.
32 Penalties collected under this section must be deposited in the state
33 toxics control account created in RCW 70.105D.070. The owner of a
34 vehicle is not subject to the provisions of this chapter.

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

3 NEW SECTION. **Sec. 8.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

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

--- END ---