

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1033

61st Legislature
2009 Regular Session

Passed by the House April 16, 2009
Yeas 67 Nays 30

Speaker of the House of Representatives

Passed by the Senate April 13, 2009
Yeas 29 Nays 18

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1033** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1033

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

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

12 (2) Lead negatively affects every bodily system. While it is
13 injurious to people of all ages, lead is especially harmful to fetuses,
14 children, 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 weight" means any wheel weight
8 used for balancing motor vehicle wheels that do not include more than
9 0.5 percent by weight of any chemical, group of chemicals, or metal of
10 concern identified by rule under chapter 173-333 WAC.

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) On and after January 1, 2011, a person
21 who replaces or balances motor vehicle tires must replace lead wheel
22 weights with environmentally preferred wheel weights on all vehicles
23 when they replace or balance tires in Washington. However, the person
24 may use alternatives to lead wheel weights that are determined by the
25 department to not qualify as environmentally preferred wheel weights
26 for up to two years following the date of that determination, but must
27 thereafter use environmentally preferred wheel weights.

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

30 (3) A person who fails to comply with subsection (1) of this
31 section is subject to penalties prescribed in section 5 of this act.
32 A violation of subsection (1) of this section occurs with respect to
33 each vehicle for which lead wheel weights are not replaced in
34 compliance with subsection (1) of this section.

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

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

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

8 (a) Persons that replace or balance motor vehicle tires in
9 Washington; and

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

12 (3) The department shall issue a warning letter to a person who
13 fails to comply with section 3 of this act and offer information or
14 other appropriate assistance. If the person does not comply with
15 section 3(1) of this act within one year of the department's issuance
16 of the warning letter, the department may assess civil penalties under
17 section 5 of this act.

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

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

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

27 NEW SECTION. **Sec. 7.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

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

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