

HOUSE BILL REPORT

ESHB 2143

As Passed House:

February 19, 2008

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: By House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Campbell, Hunt, Chase, Flannigan, Hudgins, Morrell and Ormsby).

Brief History:

Committee Activity:

Select Committee on Environmental Health: 2/22/07, 2/27/07 [DPS].

Floor Activity:

Passed House: 2/19/08, 78-17.

Brief Summary of Engrossed Substitute Bill

- Establishes an advisory committee to identify and make available to tire distributors, wholesalers, retailers, and auto manufacturers an approved list of environmentally preferred alternatives to lead wheel weights.
- Requires phased-in replacement of lead wheel weights for motor vehicles with a wheel diameter less than 19.5 inches or a gross vehicle weight of 14,000 pounds or less.
- Requires recycling of lead wheel weights removed and collected by tire retailers and distributors.

HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Campbell, Chair; Hudgins, Vice Chair; Newhouse,

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Ranking Minority Member; Sump, Assistant Ranking Minority Member; Chase, Hailey, Hunt, Morrell and Wood.

Staff: Brad Avy (786-7289).

Background:

Lead wheel weights fall off vehicles and end up on and alongside Washington roadways. They can contribute to soil, surface, and groundwater contamination.

Lead negatively affects every system of the body. It is harmful to individuals of all ages and is especially harmful to children, fetuses, and adults of childbearing age. The negative effects of lead on a child's cognitive, behavioral, and developmental abilities can be significant.

The bill is intended to work in concert with the Persistent, Bioaccumulative Toxins rule administered by the Department of Ecology (DOE). The rule describes a requirement for the DOE, in consultation with the Department of Health (DOH), to develop a multi-year schedule for the preparation of chemical action plans.

Summary of Engrossed Substitute Bill:

The DOE is required to establish an advisory committee, in consultation with the DOH, the Traffic Safety Commission, and the Department of General Administration. The purpose of the advisory committee is to identify and make readily available to tire distributors, wholesalers, retailers, and auto manufacturers an approved list of environmentally preferred alternatives to lead wheel weights. The approved list must be updated by the DOE every two years beginning July 1, 2009.

If an alternative is removed from the approved list, the tire distributors, retailers, and auto manufacturers have two years to use existing stock and to phase in other listed alternatives. Use of environmentally preferred alternative wheel weights is required at the time of the first tire replacement or the first tire balancing after:

- January 1, 2010, for state-owned vehicles;
- January 1, 2011, for all used vehicles registered in Washington; and
- January 1, 2012, for all new vehicles registered in Washington.

Lead wheel weights removed and collected by tire retailers and distributors must be recycled. Enforcement relies on notification and information exchange between the DOE and tire distributors, wholesalers, retailers, and auto manufacturers. The DOE must prepare and distribute information to persons in the tire and wheel weight manufacturing, distribution, wholesale, retail, and auto manufacturing industries to assist them in identifying environmentally preferred alternative products. The DOE must issue a warning letter to a person in the tire distribution, wholesale, retail, auto manufacturing, or associated industries that violates the requirements of the bill and offer information or other appropriate assistance. If compliance is not achieved after one year, penalties may be assessed.

Failure of a person that installs wheel weights to comply with requirements under the bill is punishable by a civil penalty not to exceed \$500 for each violation in the case of a first offense. Persons who are repeat violators are liable for a civil penalty not to exceed \$1,000 for each repeat offense. The owner of a vehicle is not liable for failing to comply with requirements under the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Lead-free wheel weights are more expensive but a small part of the overall budget. The biggest challenge is that they are not commonly carried by distributors. It is a little bit of an expense, but it is something the industry owes to our developing kids' health and the community. It makes sense to phase out lead wheel weights ahead of DOE's chemical action plan for lead since there are alternatives and it can be done in concert with the chemical action plan process. Minnesota and Maine have already moved to require lead-free wheel weights for state fleets. The NAPA auto stores have lead-free weights available in Maine. General Motors and Ford are in the process of converting to lead-free weights and Asian manufacturers are shifting to steel. The last couple of decades we have reduced lead in gasoline and paint and need to continue to reduce exposure to lead in the environment. This bill gives a jump start in that direction.

(Opposed) We should be concerned about lead in our environment. Though we are not sure lead wheel weights are a problem. We are not aware of any numbers out there that can be substantiated. The Environmental Protection Agency is not convinced there is a potential problem with lead wheel weights. The bill talks about an advisory committee. The tire industry would like to be involved in any fact gathering through such a committee to identify the scope of the issue and do a study to see if there really is a problem. There can be an issue with the cost of alternatives to lead, since some of the suppliers can charge double or four times the cost of lead wheel weights. If we do ban lead, we need to look at the effects of alternatives like zinc which may also be a problem. There needs to be adequate phase-in time for suppliers.

Persons Testifying: (In support) Don Orange, Eco Auto and Tire Main Street; Carol Kraege, Department of Ecology; and Gregg Grunenfelder, Department of Health.

(Opposed) Richard Nordness, Northwest Tire Dealers Association.

Persons Signed In To Testify But Not Testifying: None.