



ECOS

Resolution 08-9
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New Orleans, Louisiana

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Alexandria, Virginia

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Sausalito, California

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Washington, DC

Revised April 27, 2020
All Members Call

Revised March 30, 2023
Arlington, Virginia

As certified by
Ben Grumbles
Executive Director

PHASING OUT THE SALE AND INSTALLATION OF LEAD WHEEL WEIGHTS

WHEREAS, lead is a persistent, bioaccumulative, and toxic substance; and

WHEREAS, the U.S. Environmental Protection Agency (U.S. EPA) in June 2012 listed lead and lead compounds on the work plan of 83 chemicals for further assessment under the Toxic Substances Control Act (TSCA) to enhance the agency's existing chemicals management program; and

WHEREAS, the federal interagency strategy for Healthy People 2020 and proposals for Healthy People 2030 include several objectives for reducing environmental release of and exposure to lead from occupational and industrial sources, manufactured products, and hazardous sites, for the general population and sensitive groups such as children aged one to five years; and

WHEREAS, U.S. EPA in October 2022 released its Final Strategy to Reduce Lead Exposures and Disparities in U.S. Communities, which calls for addressing exposures related to lead products through 'Approach 3: Reduce lead exposures with a "whole of EPA" and "whole of government" approach;' and

WHEREAS, the American Public Health Association in September 2022 published a special issue of the American Journal of Public Health, Supplement 7: "Ubiquitous Lead: Risks, Prevention-Mitigation Programs, and Emerging Sources of Exposure," that covers ongoing unaddressed issues of release, exposure, and resulting health impacts from manufacturing, use, recycling, and disposal as long as lead remains in commerce; and

WHEREAS, the economic value of preventing lead exposure in the U.S. per each year's cohort of children is estimated at \$213 billion, based on conservative assumptions about both the effect of IQ on earnings and the effect of lead on IQ ("Economic Gains Resulting from the Reduction in Children's Exposure to Lead in the United States," Grosse et al., EHP 110:563-569 (2002)); and

WHEREAS, lead wheel weights have been used in the U.S. for 70 years and the U.S. Geological Survey (USGS) estimates that approximately 2,000 metric tons of lead from lead wheel weights fall off onto U.S. roads annually (USGS Open-File Report 2006-1111, “Stocks and Flows of Lead-Based Wheel Weights in the United States,” Donald I. Bleiwas, 2006. <http://pubs.usgs.gov/of/2006/1111/>); and

WHEREAS, lead wheel weights degrading on the side of the road are suspected to contribute to levels of lead in runoff that are toxic to aquatic organisms and may contribute to lead levels in roadside dust (“Loading of Urban Streets by Motor Vehicle Wheel Weights,” Root, EHP 108:937-940 (2000)); and

WHEREAS, lead has successfully been phased out of other consumer products such as can solder (1978-1992), paint (1976 and 2008), children’s products (2008), gasoline (1979-1996), plumbing fixtures and drinking water systems (1991, 1996, 2011), and duck shot (1986-1991), with corresponding decreases in blood lead levels (R.J. Jackson, CDC Healthy Places Presentation. Maine, Oct. 2003); and

WHEREAS, lead-free wheel weights with cost and performance superior or equal to that of lead wheel weights are readily available in the U.S. and world markets; and

WHEREAS, lead wheel weights have been banned on new vehicles and after-market tire balancing in Europe since July 2005; and

WHEREAS, all new cars and light trucks sold in the U.S. have used non-lead wheel weights since early 2011; and

WHEREAS, several federal agencies, state governments, vehicle manufacturers, tire retailers, and private fleets have evaluated lead-free weights and have made public commitments to procure and install lead-free wheel weights; and

WHEREAS, U.S. EPA has convened a stakeholder group with U.S. manufacturers of lead wheel weights and others with a stated goal to “remove lead tire weights from commerce as soon as possible;” and

WHEREAS, nine states – California, Illinois, Maine, Maryland, Minnesota, New Jersey, New York, Vermont, and Washington – have passed legislation with industry support banning the sale, distribution, and/or use of lead wheel weights; and

WHEREAS, wheel weight manufacturing and distribution companies face a number of marketing and regulatory compliance issues arising from a patchwork of state laws addressing the sale, distribution, and/or use of lead wheel weights; and

WHEREAS, U.S. EPA on August 26, 2009 granted, but has not acted upon, the Ecology Center and Sierra Club’s petition under Section 21 of TSCA requesting that U.S. EPA initiate a proceeding for the issuance of a rule to prohibit the manufacture, processing, and distribution in commerce of lead wheel balancing weights; and

WHEREAS, U.S. EPA has not provided any public information on the status of the rulemaking since the publication of the Fall 2011 Semiannual Regulatory Agenda, which identified the NPRM date as October 2012; and

WHEREAS, the executive and legislative branches in other states put lead wheel weight phaseout proposals on hold in the belief that U.S. EPA would take timely action under the 2009 petition and issue a proposed rule in 2012; and

WHEREAS, a national rule promulgated in a timely manner pursuant to the granted TSCA Section 21 petition is the best means of consistently addressing environmental and public health issues associated with the use and loss of lead wheel weights across the country, and is the best means of eliminating industry marketing and compliance difficulties that arise from a patchwork of state laws; and

WHEREAS, the Commission on Environmental Cooperation (CEC) works to promote cooperation on ecosystem protection and sustainable economic development, including supporting chemical management actions across North America on priority pollutants; and

WHEREAS, Environment Canada in 2014 and 2017 held public consultations on voluntary and regulatory approaches to phase out the manufacture and import of lead wheel weights, in July 2021 published a proposed regulation, and on February 15, 2023, published a final regulation that will come into force on February 3, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT:

ECOS requests that U.S. EPA move forward in an expedited manner on its 2009 granted petition and notice under TSCA to initiate regulatory action to address lead hazards associated with the manufacture, processing, and distribution in commerce of lead wheel balancing weights in the United States, including measures for proper management of lead wheel weights removed from service;

ECOS requests that U.S. EPA, CEC, and other stakeholders take necessary and appropriate actions to achieve a U.S. phaseout of lead wheel weight import, manufacturing, sale, and installation as soon as practical and in coordination with the effective date of Canada's final regulation;

ECOS recommends that federal agencies phase out their purchase, use, and disposal of lead wheel weights under Executive Order 14057 on Catalyzing Clean Energy Industries and Jobs through Federal Sustainability, Sec. 207, Reducing Waste and Pollution, and Sec. 208, Sustainable Acquisition and Procurement (signed by President Biden on December 8, 2021); and

Copies of this resolution should be transmitted to U.S. EPA, CEC, the Centers for Disease Control and Prevention, the Department of Commerce, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the General Services Administration, the Occupational Safety and Health Administration, and the National Association of Attorneys General.