



ECOS

Environmental Council of the States

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April 11, 2024

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Submitted electronically via <https://www.regulations.gov>

Re: Docket ID No. EPA-HQ-OGC-2024-0112
Proposed Settlement Agreement, Petition for Writ of Mandamus

To Whom it May Concern:

ECOS is pleased to extend its support of the U.S. Environmental Protection Agency's (EPA's) proposed March 2024 settlement agreement in *Ecology Center, et al.* to act on a longstanding petition under the Toxic Substances Control Act (TSCA) to ban lead wheel weights. The draft settlement is consistent with individual state actions, and with collective state policy in the form [ECOS Resolution 08-9: Phasing Out the Sale and Installation of Lead Wheel Weights](#), which endorses the petition of environmental and public health groups and calls for a national phaseout of the sale and installation of lead wheel weights. ECOS urges EPA to take action under the settlement to publish an Advance Notice of Proposed Rulemaking followed by a full proposal and final action by Fall 2025.

States have played an important role in laying the foundation for EPA to take the appropriate actions to phase out the manufacture, import, sale, and use of lead wheel weights in the United States. These include, but are not limited to:

- Adoption of ECOS Resolution 08-9 every three years, starting in 2008 and most recently in 2023;
- Enactment of state legislation prohibiting the distribution, sale, and installation of lead wheel balancing products in nine states between 2009 and 2018: California, Illinois, Maine, Maryland, Minnesota, New Jersey, New York, Vermont, and Washington;
- Pilot testing and subsequent adoption of non-lead products in state and local government fleets;
- State agency outreach and technical assistance to the auto service industry to encourage a permanent switch to lead-free balancing products by the private sector, with a focus on industry leaders and environmental justice communities;
- Development and use of state contract purchasing specifications for non-lead wheel balancing products associated with tire and wheel balancing services and the purchase of new light-duty vehicles, heavy-duty vehicles, and school buses; and
- Active participation in and promotion of EPA's Lead Free Wheel Weight Initiative (LFWWI).

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In addition to these state actions, new vehicle manufacturers have discontinued the use of lead wheel weights on new vehicles, while many public and private fleets ended the purchase and use of lead wheel weights on new vehicles and in tire servicing, and major tire and auto service chains discontinued the sale and installation of lead wheel weights. Around 2006, North American wheel weight manufacturers asked EPA to ban the import, sale, and use of lead wheel weights under TSCA to protect and promote the industry's investment in new non-lead manufacturing technology and products.

Together, all of these actions demonstrate the technical and economic superiority, and then market acceptance, of safe non-lead products. These actions are in line with the federal pollution prevention hierarchy in federal law, which EPA should also follow by taking action to ban lead wheel balancing products. All of the groundwork is in place; there is no further action EPA needs to take than to propose and promulgate a final rule.

Manufacturing of lead-containing products is associated with releases of lead to the environment and the exposure of employees and their families through take-home lead, despite manufacturers efforts to practice an appropriate level of industrial hygiene. In the last five years, for instance, state and local authorities in Minnesota have documented releases and employee take-home exposure at lead product manufacturing plants with decades of operating history and experience. Footnoted in this letter is an articleⁱ from the AJPB Supplement 7 special issue of September 2022, cited in the most recent version of ECOS Resolution 08-9. The article documents exposure occurring at the Water Gremlin manufacturing facility where lead tackle and lead acid battery components are manufactured. Two additional articles document the findings of state and local health and environmental authorities that exposureⁱⁱ and environmental releasesⁱⁱⁱ of lead have occurred repeatedly at the Federal Cartridge lead ammunition plant in Anoka, Minnesota.

Further, lead wheel weights that are not lost to the environment are commonly diverted to uncontrolled home fabrication of ammunition, tackle, toys, and other products, resulting in contamination of homes across the country. These risks can be mitigated through promulgation of a final rule phasing out lead wheel weights.

ECOS notes that Canada took action in early 2023 to phase out the manufacture, import, sale, and installation of lead wheel weights effective early 2024. When EPA granted the TSCA citizens' petition in 2009 after several years implementing the National LFWWI and related efforts, Canada was not as far along and intended to follow the U.S. lead on this issue. Instead, Canada has now taken the leadership role and implemented the needed legal measures.

If you have any questions about ECOS support of the proposed settlement agreement in this docket, please feel free to contact me at (202) 266-4920 or bgrumbles@ecos.org.

Regards,



Ben Grumbles
ECOS Executive Director

ⁱ “Tackling the Lead Gremlins: A Response to Take-Home Lead Exposure in a Minnesota Industrial Facility, 2019” (Am J Public Health. 2022;112(S7):S655–S657. <https://doi.org/10.2105/AJPH.2022.306982>)

ⁱⁱ “Elevated lead levels found in kids of parents who work at Anoka ammunition plant.” Star Tribune (Minneapolis) February 10, 2023.

<https://www.startribune.com/elevated-lead-levels-found-in-kids-of-parents-who-work-at-anoka-ammunition-plant/600250677/>

ⁱⁱⁱ “Anoka ammunition plant’s high lead levels unnerves neighbors.” Fox 9 News (Minneapolis) March 28, 2024. <https://www.fox9.com/news/anoka-lead-levels-underway-monitored-by-state-officials>