

Introduced by Senator AllenFebruary 18, 2016

An act to add Article 13.6 (commencing with Section 25250.70) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1260, as introduced, Allen. Hazardous materials: motor vehicle tires: zinc.

Existing law prohibits a person from selling or offering for sale certain consumer products, such as motor vehicle brake friction materials and lead wheel weights, containing more than a threshold amount of hazardous materials.

This bill would, on or after January 1 of an unspecified year, prohibit manufacturers, as defined, from selling or offering for sale onroad motor vehicle tires, or motor vehicles with those tires, if the tires contain zinc in excess of an unspecified percentage by weight. The bill would authorize manufacturers to apply to the Department of Toxic Substances Control to delay the prohibition as to specific uses of its onroad motor vehicle tires. The bill would assess a civil penalty on manufacturers who violate the prohibition. The bill would require manufacturers of motor vehicle tires, in developing new tire formulations, to screen potential alternatives to the use of zinc, using the Toxics Information Clearinghouse to identify potential impacts of the alternatives on public health and the environment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Zinc and zinc oxides are released into the surrounding
4 environment and enter California’s streams, rivers, and marine
5 environment every year.

6 (b) Zinc and certain alloys of zinc are toxic to many microscopic
7 and other aquatic organisms.

8 (c) Of the numerous sources of zinc released into the
9 environment, the most prevalent are outdoor rubber materials and
10 outdoor zinc surfaces.

11 (d) In the course of normal motor vehicle operation, thousands
12 of pounds of zinc are released from motor vehicle tires.

13 (e) Limits on the zinc releases into the waters of the state are
14 essential for California cities, counties, and industries to comply
15 with the standards established by the federal Clean Water Act (33
16 U.S.C. Sec. 1251 et seq.), including the water quality standards
17 for zinc and the total maximum daily loads for zinc in California’s
18 urban watersheds.

19 (f) Without limits on the release of zinc into the environment,
20 California taxpayers face hundreds of millions of dollars in
21 compliance costs to meet the standards described in subdivision
22 (e).

23 (g) It is in the interest of the people of California to reduce or
24 eliminate the use of zinc in the formulation of motor vehicle tires.

25 SEC. 2. Article 13.6 (commencing with Section 25250.70) is
26 added to Chapter 6.5 of Division 20 of the Health and Safety Code,
27 to read:

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29 Article 13.6. Reduction of Zinc in Motor Vehicle Tires

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31 25250.70. For purposes of this article, except as otherwise
32 specified, “manufacturer” means any of the following:

33 (a) A manufacturer or assembler of motor vehicles or motor
34 vehicle equipment.

35 (b) An importer of motor vehicles or motor vehicle equipment
36 for resale.

37 (c) A distributor or retail seller of motor vehicles.

38 (d) A manufacturer of onroad motor vehicle tires.

1 25250.71. Except as provided in this article, on or after January
2 1, _____, a manufacturer shall not sell or offer for sale onroad motor
3 vehicle tires, or motor vehicles with those tires, if the tires contain
4 more than ____ percent by weight of zinc.

5 25250.72. (a) A manufacturer may apply to the department to
6 delay the prohibition set forth in Section 25250.71 for a period of
7 one year, two years, or three years as to a specific use of its onroad
8 motor vehicle tires.

9 (b) The application shall be based on the use of onroad motor
10 vehicle tires and not on the rubber material formulation and shall
11 be accompanied by documentation that will allow the department
12 to determine the appropriateness of the requested delay. The
13 documentation shall include a scientifically sound quantitative
14 estimate of the amount of zinc that would be released to the
15 environment if the delay is granted, including a description of the
16 assumptions underlying the estimate.

17 25250.73. In developing new tire formulations to comply with
18 Section 25250.71, a manufacturer of motor vehicle tires shall
19 screen potential alternatives to the use of zinc, using the Toxics
20 Information Clearinghouse developed by the department and the
21 Office of Environmental Health Hazard Assessment pursuant to
22 Section 25256 for purposes of identifying potential impacts of the
23 alternatives on public health and the environment.

24 25250.74. A manufacturer who violates Section 25250.71 is
25 liable for a civil fine of up to ten thousand dollars (\$10,000) per
26 violation and is not subject to any criminal penalties provided
27 pursuant to Article 8 (commencing with Section 25180) for that
28 violation.