ALLIANCE FOR AUTOMOTIVE INNOVATION

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Submitted through https://www.regulations.gov

Sofie Sonner
Existing Chemicals Risk Management Division (7404M)
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460-0001

RE: Lead Wheel Weights; Regulatory Investigation Under the Toxic Substances Control Act (TSCA); EPA-HQ-OPPT-2024-0085

Dear Ms. Sonner:

The Alliance for Automotive Innovation[1] (Auto Innovators) appreciates the opportunity to provide comments on EPA's Advanced Notice of Proposed Rulemaking (ANPRM) for Lead Wheel Weights.[2] Auto Innovators represents the auto manufacturing sector, including automakers that produce and sell approximately 95% of the new light-duty vehicles in the United States. Our mission is to work with policymakers to realize a future of cleaner, safer, and smarter personal transportation and to work together on policies that further these goals, increase U.S. competitiveness, and ensure sustainable, well-paying jobs for citizens throughout the country.

EPA is requesting comment and information on the use and exposure to lead from the manufacture (including importing), processing (including recycling), distribution in commerce, use, and disposal of lead wheel weights, as well as information on their substitutes, to help determine if there is unreasonable risk to human health and the environment associated with this use. This information would help to inform EPA as to whether a Toxic Substances Control Act (TSCA) rulemaking under sections 4, 6, or 8 or an order under sections 4 or 5(e)-(f) would be appropriate to address any potential risks.

Under TSCA section 6(a), if EPA determines that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance presents an unreasonable risk to human health or the environment, it must "apply one or more of the [TSCA section 6(a)] requirements . . . to the extent necessary so that the chemical substance . . . no longer presents such risk[.]" In making the unreasonable risk determination, EPA must consider the hazards associated with the chemical substance and the potential for exposure to the chemical. In this case, before proceeding with a TSCA 6(a) rulemaking, EPA must evaluate not only the hazards associated with lead wheel weights but also the potential exposure to the lead from those wheel weights.

[1] From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers – Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the economy. Active in Washington, D.C. and all 50 states, the association is committed to a cleaner, safer, and smarter personal transportation future. www.autosinnovate.org.
[2] 89 Fed. Reg. 22,972 (Apr. 3, 2024).

Our comments here address the current use of lead wheel weights, the alternatives being used today, and recommendations for future regulatory and non-regulatory risk management actions.

Current Use of Lead Wheel Weights and Minimal Exposure Potential

As stated earlier, Auto Innovators represents automakers that produce and sell approximately 95% of the new light-duty vehicles in the United States. A survey of our members indicates that none of our original equipment manufacturers (OEMs) use lead wheel weights on new vehicles manufactured or distributed to dealerships in the United States or Canada. A statement by Plombco Inc, a major supplier of wheel weights, supports the results of this survey: "[a]ll of the North American OE manufacturers, and all of the aftermarket national retailers use alternatives to lead."[3]

As EPA is likely aware, nine states—including California, Illinois, Maine, Maryland, Minnesota, New Jersey, New York, Washington, and Vermont—have statutes in place that prohibit the use and sale of lead wheel weights. Recognizing the interstate and international nature of auto production, it would be impractical to use different wheel weights for new vehicles sold in only those states. Consequently, all of our manufacturers have switched to alternative wheel weight options in new vehicle production that meet the requirements of these state regulations. For the same reasons, our manufacturers are in compliance with Canada's prohibition on the use of lead wheel weights.

As discussed below, the alternatives utilized to replace the older lead wheel weights have significantly reduced the potential for exposure to lead and have in fact addressed the primary concerns raised in the petition filed by the Ecology Center, the Sierra Club and others in 2009. As OEMs have moved to alternative materials, and as states have enacted prohibitions, the demand for lead wheel weights has decreased. Import and manufacture of lead wheel weights have correspondingly decreased.

The positive result of this transition to alternatives is a significant decrease in exposure potential from this source of lead, with a corresponding reduction in risk to human health and the environment.

Alternatives to Lead Wheel Weights

Industry has largely shifted into using zinc or steel alloy wheel weights. Adoption of zinc or steel wheel weights ensures that our OEMs are in full compliance with current state and Canadian requirements for wheel weight composition.

Non-Regulatory and Regulatory Options

Based on the dramatic reduction of lead in wheel weights, much of which began as early as 2010, the potential for exposure to lead from these articles has been all but eliminated. Lead content in wheel weights has been reduced from the over 90% associated with the high-density lead wheel weights to the current 0.1% associated with current weights as mandated by multiple state and international standards.

[3] *Used Wheel Weights*, MODERN TIRE DEALER (Aug. 09, 2013), https://www.moderntiredealer.com/industry-news/commercial-business/article/11531526/used-wheel-weights-2013-08-09.

Much like the approach that EPA adopted for copper in brake pads,[4] EPA's voluntary National Lead-Free Wheel Weight Initiative (NLFWWI),[5] combined with the actions taken by the states, has resulted in the voluntary removal of all but trace amounts of lead in wheel weights used in new vehicles by our members. This approach appears to have mitigated the potential for unreasonable risk to human health or the environment. We therefore recommend that no additional regulatory action is necessary to address the concerns raised by petitioners.

Based on the above, it would seem unlikely that EPA could make the unreasonable risk finding necessary for a TSCA section 6 action for wheel weights currently in use. While it is possible that there may be some existing stock of the older wheel weights, for the most part these older wheel weights have been sent for recycling. Given the prohibition on their sale and use in nine states and Canada, there would be no reason for our members to continue to stock them.

If EPA determines that it is necessary to ensure that there is no return to the higher lead content wheel weights, EPA could consider a significant new use rule (SNUR) that mirrors the current state regulations. In addition to requiring notification should anyone want to resume use of higher lead content wheel weights, a SNUR would also identify any current uses of high lead content weights. Any regulatory approach inconsistent with current state regulations would create an unworkable structure for a nationwide commodity such as an automobile. Therefore, a SNUR, or any other regulatory approach, should adopt the 0.1% allowable level for lead in wheel weights.

In conclusion, we believe that the concerns raised by petitioners in 2009 have been addressed by compliance with state regulations, Canadian regulations, and EPA's NLFWWI program, and therefore require no additional controls.

Thank you for your consideration of these comments, and feel free to contact me should you have any questions about our recommendations.

Sincerely,

Catherine Palin
Senior Attorney & Director of Environmental Policy
Alliance for Automotive Innovation

[4] *Copper-Free Brake Initiative*, U.S. ENVIRONMENTAL PROTECTION AGENCY, https://www.epa.gov/npdes/copper-free-brake-initiative.
[5] National Lead Free Wheel Weight Initiative (NLFWWI), U.S. ENVIRONMENTAL PROTECTION AGENCY, https://archive.epa.gov/epawaste/hazard/wastemin/web/html/nlfwwi.html. One of Auto Innovators' predecessor organizations, as well as twelve of our OEM members, were charter members of the NLFWWI.