

The Better Brakes Rule Affects Brake Manufacturers

In 2010, Washington State became the first state in the nation to pass a law reducing the use of toxic material in automotive brake pads and shoes. This law restricts the use of several heavy metals and asbestos, and provides for a phase-out of copper. The law was the result of a collaborative effort and passed with the support of brake and automobile manufacturers, environmental groups, and Washington State businesses.

The law is intended to remove toxic metals from brake pads, so compliance with the law falls mainly on brake manufacturers. However, this law also affects brake pad retailers, distributors, and installers, who must know how pads and shoes will be marked to determine if they comply with the law.

Rule-making

The Better Brakes Law requires that the Department of Ecology (Ecology) undertake rule-making to develop rules, also known as regulations. The Better Brakes Rule explains how brake pads and shoes will be certified, describes how they will be marked, defines terms, and details how to comply with the requirements of the law.

Ecology convened a group of leading braking and automotive industry experts, small business owners, and environmental nonprofits to form the Better Brakes Rule Advisory Workgroup. This group helped us create the proposed rule. All of the workgroup materials including handouts, meeting minutes, and agendas can be viewed on the Better Brakes Web site. Ecology also hosted two workshops to aid in the development of the proposed rule.

Ecology has finished developing the proposed rule and is soliciting public comments through July 19, 2012.

How will the proposed rule impact brake manufacturers?

All brake pads and shoes sold in Washington State must comply with the requirements of the Better Brakes Rule, unless they are designed for a vehicle that is exempted from the law.

Why it Matters

As brake pads wear down, copper and other metals are deposited on roadways, where they are washed into our streams and rivers. In urban areas, brake pads account for up to half of the copper entering our waterways.

Copper is highly toxic to fish and other aquatic species. Young salmon are especially susceptible to the effects of copper. Removing copper and other toxic metals from brake materials will help clean up Puget Sound and other water bodies around the state.

Ecology is seeking comments on the proposed rule. See the other side of this focus sheet for instructions on how to submit comments.

If you have questions or need more information, contact:

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Special accommodations

If you need this document in a format for the visually impaired, call the Hazardous Waste and Toxics Reduction Program at 360-407-6700.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Most of the responsibility for ensuring that brakes comply with the rule requirements fall on brake manufacturers. Brake manufacturers who wish to sell their products in Washington State must:

- Submit baseline reporting information about the concentration of copper, nickel, zinc, and antimony currently in their brake friction materials to Ecology (WAC 173-901-110).
- Test their brake friction materials for copper, asbestos, and other metals at accredited laboratories (WAC 173-901-060 and WAC 173-901-070).
- Certify their brake friction materials in accordance with the Better Brakes Rule (WAC 173-901-060).
- Submit self-certification documentation to Ecology (WAC 173-901-060).
- Mark their brake friction materials and packaging in accordance with the rule (WAC 173-901-090 and 173-901-100).
- Follow various other requirements.

Brake manufacturers should carefully review the proposed rule to determine all of their responsibilities under the proposed Better Brakes Rule.

What happens if a brake manufacturer violates the law?

Brake manufacturers should review the enforcement section of the proposed Better Brakes Rule. In general, a brake manufacturer violates the law by either certifying a brake friction material using false information or by selling non-compliant brake friction materials in Washington State.

Ecology may periodically purchase and test brake friction materials to determine if they comply with the requirements of the law. If Ecology finds that a brake manufacturer has violated the Better Brakes Rule, the law directs Ecology to provide the manufacturer with a notice that it has violated the law. Ecology must also provide information about the requirements of the law, and assistance to help the manufacturer comply with the law. If the manufacturer continues to violate the law, Ecology may issue a penalty of up to \$10,000 per violation. In some cases a brake manufacturer may also be required to recall brake friction materials that do not comply with the requirements of the rule.

Brake manufacturers are not responsible for uncertified, non-compliant brake friction materials that are sold into the state by a retailer or distributor.

The proposed rule is open for public comment

Comments must be submitted by July 19, 2012. A copy of the proposed rule and other rule-making documents are on the Better Brakes Web site at www.ecy.wa.gov/programs/hwtr/betterbrakes.html.

Comments may be submitted:

- At either of the public hearings (see Web site for details.)
- E-mail comments to Ian Wesley directly at ian.wesley@ecy.wa.gov.
- Mail or hand deliver comments:

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