

## The Better Brakes Rule Affects Brake Retailers, Distributors, and Installers

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.

### 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.

## How will the proposed rule impact brake retailers, distributors, and installers?

All brake pads and shoes sold in Washington State must comply with the requirements of the Better Brakes Rule. Brake manufacturers are primarily responsible for ensuring that brakes comply with the requirements of the rule. However, brake retailers, distributors, and installers also have responsibilities under the rule:

- Brake retailers, distributors, and installers must check that brakes they sell in Washington State are marked in accordance with the law. All brakes manufactured after January 1, 2015, must be marked on both the product and packaging. The packaging must be marked with a registered certification mark and the brake must be marked with a letter indicating the amount of copper in the product, followed by the last two digits of the year of manufacture. Please see Section 173-901-160 of the proposed rule for a description of the product marking.
- Retailers, distributors, and installers have ten years after each of the effective dates in the law to sell off any inventory. Unmarked brakes made before 2015 may be sold until 2025. Brakes made before 2021 that contain more than five percent may be sold until 2031.

Brake retailers, distributors, and installers should review the proposed rule to determine their responsibilities under the proposed Better Brakes Rule.

## What happens if a retailer, distributor, or installer violates the law?

Retailers, distributors, and installers must sell brakes that are marked with either the required product or packaging markings. Ecology may periodically purchase and test brake friction materials to determine if they comply with the requirements of the rule.

If Ecology finds that a retailer, distributor, or installer has violated the Better Brakes Rule, Ecology must provide the retailer, distributor, or installer with a notice that they have violated the law. They must also provide information and assistance to help them comply with the law. If the retailer, distributor, or installer continues to violate the law the department may issue a penalty up to \$10,000 per violation.

You should notify Ecology if you believe you have been sold brakes that do not comply with the requirements of the rule.

## 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](http://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](mailto:ian.wesley@ecy.wa.gov).
- Mail or hand deliver comments:

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