



## Washington's Better Brakes Law: A national model for improving water quality

### Executive Summary

This report documents the recommendations of the Brake Friction Material Advisory Committee (Committee), as required under Revised Code of Washington (RCW) 70.285.050, also known as the Better Brakes Law. The Committee found that:

- Alternative copper-free brake friction materials are available for vehicles to allow a phase-out of copper by 2025.
- Categories of exemptions in Washington's Better Brake Rule are sufficient and no further exemptions are needed.
- If additional exemptions are needed in the future, they can be addressed under the exemptions application process in the Washington law.

Based on these findings, the Committee recommended that Washington State move forward with phasing out copper in brake friction materials. The Department of Ecology (Ecology) concurs with the Committee's recommendations and finds that alternative brake friction materials are available.

Manufacturers of brake friction materials are on track to meet the requirement that their brake friction materials contain less than 0.5 percent by weight of copper by 2025. The Committee recommended that Washington State move forward with restrictions on brake friction materials containing more than 0.5 percent by weight of copper in a manner consistent with the timelines in the "Copper-Free Brake Initiative," a national memorandum of understanding based on Washington's Better Brakes Law that phases out copper by 2025.<sup>1</sup>

[RCW 70.285.050](#) directs Ecology to determine whether alternative brake friction material is available, stating that:

(1)(a) By December 31st of the year in which the finding is made, the department shall publish the information required by RCW [70.285.040](#) in the Washington State Register and present it in a report to the appropriate committees of the legislature.

Under the Better Brakes Law, eight years from the publication of this report, in 2025, a ban on brake friction materials containing more than 0.5 percent by weight of copper will go into effect.

In addition, the Committee recommended amending the state law to clarify its alignment with the subsequent national memorandum of understanding. Ecology supports this concept.

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<sup>1</sup> Memorandum of Understanding on Copper Mitigation in Watersheds and Waterways between U.S. Environmental Protection Agency (EPA) and Motor Equipment Manufacturers Association, Automotive Aftermarket Suppliers Association, Brake Manufacturers Council, Heavy Duty Manufacturers Association, Auto Care Association, Alliance of Automobile Manufacturers, Association of Global Automakers, Truck and Engine Manufacturers Association, and Environmental Council of the States, January 21, 2015. [epa.gov/npdes/copper-free-brake-initiative](http://epa.gov/npdes/copper-free-brake-initiative)

Ecology will continue to implement the Better Brakes Law, ensure compliance by testing the content of brake friction materials, oversee the certification process, and provide technical assistance to the industry.

## Introduction

In 2010, the Washington State Legislature passed the Better Brakes Law, Revised Code of Washington (RCW) 70.285.050, becoming the first state government to regulate brake friction materials to limit their environmental impact. The law bans the use of asbestos, lead, and several heavy metals, and phases out copper. The Better Brakes Law was a result of the Brake Pad Partnership, a long-running, multi-state collaborative effort between brake friction manufacturers, the vehicle industry, government, and water quality interests.

Many brake friction materials contain copper and other metals that are toxic to aquatic organisms. Salmon are especially susceptible to copper. Even trace amounts of the metal can hinder salmon's sense of smell, affecting their ability to avoid predators and find their spawning streams.

Brakes are one of the largest sources of copper pollution in urban areas and account for up to half of the copper entering urban streams and rivers. Each time a driver uses their brakes, a small amount of brake friction material is released into the environment. Once released, the copper is deposited on the road, from where it will often wash into streams and rivers.

In 2015, the Brake Manufacturers Council<sup>2</sup> led a coalition of industry stakeholders to sign the "Copper-Free Brake Initiative" memorandum of understanding with the U.S. Environmental Protection Agency and the Environmental Council of the States. The memorandum establishes a voluntary nationwide phase out of copper and other materials with timelines based on the Washington law.

The memorandum reinforces the industry's commitment to phase out copper in brake friction materials to less than 0.5 percent by weight by 2025. A 2016 study by the California Stormwater Quality Association estimates adhering to this phase out timeline will reduce copper in urban stormwater by 52 to 62 percent nationwide by 2028.<sup>3</sup>

### Better Brakes Law Summary

- Brake friction materials manufactured after January 1, 2015, must not contain asbestos, hexavalent chromium, mercury, cadmium, or lead. Retailers will have ten years to sell existing inventory.
- Brake friction materials manufactured after January 1, 2021, must not contain more than five percent copper.
- Manufacturers must certify brake friction material prior to offering them for sale in Washington.
- Ecology will consult with a committee of experts to determine if alternative brake friction materials with less than 0.5 percent copper are available.
- Ecology will report this finding to the Legislature.
- Eight years after Ecology determines that alternative brake friction materials are available, brake friction materials containing more than 0.5 percent by weight of copper may not be sold in the state.

<sup>2</sup> Brake Manufacturers Council, a product council of the Automotive Aftermarket Suppliers Association (AASA), represents manufacturers of brake systems, components, and friction materials.

<sup>3</sup> Estimated Urban Runoff Copper Reductions Resulting from Brake Pad Copper Restrictions, California Stormwater Quality Association, April, 2016.

The Better Brakes Law directed the Department of Ecology (Ecology) to determine by December 1, 2015, whether alternative copper-free brake friction materials may be available in Washington State. Under the reporting and certification provision in the Better Brakes Law, Ecology has collected data from manufacturers since 2011. One hundred twenty-four companies from around the globe have certified more than 5,000 brake products for sale in Washington. Certification data reported to Ecology indicates the concentration of copper in certified products has fallen by approximately 30 percent since the adoption of the law. Just over 45 percent of all certified products now contain less than 0.5 percent copper.

Based on this data, Ecology found in November 2015 that alternative brake friction materials were available in Washington and then convened an advisory committee.

## **Brake Friction Material Advisory Committee**

To phase out copper, the Better Brakes Law directs Ecology to convene a stakeholder group, the Brake Friction Material Advisory Committee (Committee), to assess whether copper-free brake friction materials are available at a cost and quantity to allow a complete phase out of copper by 2025. The Committee was also directed to consider appropriate exemptions, including original equipment service parts and brake friction material manufactured prior to the dates specified in RCW 70.285.050.

On April 26, 2016, Ecology held the first committee meeting. In accordance with the Better Brakes Law, the Committee consisted of representatives from:

- The Washington State Patrol
- The National Highway Traffic Safety Administration
- Brake friction material manufacturers
- Motor vehicle manufacturers
- Nongovernmental organizations concerned with motor vehicle safety
- Nongovernmental organizations concerned with the environment
- A representative of the Department of Ecology

## **Recommendations**

The Committee made the following recommendations to Ecology:

### **Availability**

On October 5, 2016, the Committee found copper-free brake friction materials are available for vehicles and that these materials:

- Enable motor vehicles to meet applicable federal safety standards and widely-accepted industry standards.
- Are available in a cost and quantity that does not cause significant financial hardship across the majority of the brake friction material manufacturing and vehicle manufacturing industries.
- Enable vehicle and brake manufacturers to produce viable products meeting consumer expectations, applicable safety standards, and exhibit desired performance characteristics such as braking noise, shuddering, and durability.

- Justify a phase out of copper by 2025 due to availability of alternative brake friction material.

Based on these findings, the Committee recommended that Washington State move forward with restrictions on brake friction materials containing more than 0.5 percent copper in a manner consistent with the timelines in the national memorandum of understanding, resulting in a phase out of copper by 2025. Further, the Committee determined that manufacturers of brake friction materials are on track to meet these requirements.

## **Exemptions**

The Committee considered exemptions under the Better Brakes Law and regulations. The Better Brakes Law exempts certain types of vehicles, including race cars (or other vehicles whose primary use is for off-road purposes), collector vehicles, motorcycles, military tactical support vehicles and combat vehicles, and vehicles employing internal, closed-oil-immersed brakes. The law also allows Ecology to grant additional exemptions for specific motor vehicle models or classes of vehicles based on the special needs or characteristics of the motor vehicle.

Exemptions may be issued when a manufacturer demonstrates that complying with the requirements:

- Is not feasible;
- Does not allow compliance with safety standards; or
- Causes significant financial hardship.

The Committee found the current exemptions and exemption application process in the Better Brakes Law are adequate. It also found that the ten-year inventory runoff provisions in RCW 70.285.030(3) and (4) are appropriate and should be used for brake friction materials containing more than 0.5 percent copper manufactured prior to 2025, allowing retailers and wholesalers to use up any back stock of brakes manufactured prior to the law's requirements.

The Better Brakes Law specifically asked the Committee to look at the original equipment service contract exemption in RCW 70.285.030. The Committee recommended that this exemption be extended to original equipment service contract parts intended for vehicles manufactured prior to 2025 containing more than 0.5 percent by weight of copper. The exemption will again allow consumers to purchase the identical part that was originally sold with their vehicle, regardless of copper content.

## **Ecology's response to the Committee's recommendations**

Ecology concurs with all of the above recommendations from the Committee.

## **Additional recommendation to align state and national timelines**

In addition to areas the law charged the Committee to evaluate, the Committee also recommended that Washington consider modifying state law to clearly harmonize Washington's implementation timeline with the subsequent national memorandum of understanding. Chapter 70.285 RCW states that the restriction will begin eight years after the filing of this report, while the national agreement specifies January 1, 2025. Ecology can accomplish the purpose of this recommendation through rulemaking, although amending the statute to specify January 1, 2025, is an option.

## Next Steps

Publishing this report documenting the Committee’s recommendations is the final step required in the law to initiate a ban on brake friction materials containing more than 0.5 percent copper. Eight years following publication, a ban on brake friction materials containing more than 0.5 percent by weight of copper will go into effect.

RCW 70.285.050 directs Ecology to implement these restrictions through rulemaking. During this rulemaking, Ecology will also extend the inventory runoff provisions and exemptions for original equipment service contract parts, as recommended by the Committee to align with the national memorandum of understanding. Ecology plans to complete this rulemaking prior to 2025 and continue to work with the brake manufacturing industry to educate members on the requirements.

Ecology continues to implement the Better Brakes Law, by testing the content of brakes, overseeing certification of brakes meeting the law’s requirements, and providing technical assistance to the industry. Enforcement of the Better Brakes requirements is critical to the continued success of the program.

Manufacturers of brake friction material have invested significant resources and funding into researching, developing, testing, validating, and producing new brake friction formulations. However, the industry faces pressure from noncompliant manufacturers, counterfeit vehicle parts and importation of brake friction materials that contain asbestos or other regulated materials. Ecology will continue compliance and enforcement to ensure a level playing field by enforcing the Better Brakes Law.

Ecology is undertaking its first compliance effort in which laboratory analysis will determine whether manufacturers are meeting the Better Brakes standards. That testing is expected to be completed in 2017.

This report is available on the Department of Ecology’s website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1604022.html>.

## Contact information

Author: Ian Wesley  
Hazardous Waste and Toxics Reduction Program  
PO Box 47600  
Olympia, WA 98504-7600

Washington State Department of Ecology - [www.ecy.wa.gov/](http://www.ecy.wa.gov/)

- Headquarters, Olympia (360) 407-6000
- Northwest Regional Office, Bellevue (425) 649-7000
- Southwest Regional Office, Olympia (360) 407-6300
- Central Regional Office, Union Gap (509) 575-2490
- Eastern Regional Office, Spokane (509) 329-3400

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# Appendix I – List of Committee Participants

The following individuals attended Brake Friction Material Advisory Committee meetings:

Ken Zarker (Committee Chair)	Department of Ecology
Sheila Andrews	Auto Care Association
Mark Phipps	Robert Bosch LLC
Leigh Marino	Brake Manufacturers Council & The Motor and Equipment Manufacturers Association
Laurie Holmes	Brake Manufacturers Council & The Motor and Equipment Manufacturers Association
Heidi Rutz	Brake Parts Inc.
Suzanne Davis	California Department of Toxic Substances Control
Melissa Salinas	California Department of Toxic Substances Control
Kelly Moran	California Stormwater Quality Association
Bridgette Valdez-Kogle	Department of Ecology
Emily Orme	Department of Ecology
Ian Wesley	Department of Ecology
Holly Davies	Department of Ecology
Greg Vyletel	Federal Mogul
Walt Britland	Federal Mogul
Heather Trim	Future Wise
Mathew Robere	General Motors
Carlos Agudelo	Link Engineering
Daniel Selke	Mercedes-Benz
Patrick Hallan	National Highway Traffic Safety Administration
Steve Brown	SAE International
Sandi Swarhout	The Alliance of Automobile Manufacturers
Stacy Tatman	The Alliance of Automobile Manufacturers
Hiromu Tanaka	Toyota
Susan Collet	Toyota
Lt. Donovan Daly	Washington State Patrol

# Appendix II – Better Brakes Law

## Chapter 70.285 RCW

### BRAKE FRICTION MATERIAL

#### 70.285.010

##### Findings.

The legislature finds that:

- (1) Brake friction material is an essential component of motor vehicle brakes and is critically important to transportation safety and public safety in general;
- (2) Debris from brake friction material containing copper and its compounds is generated and released to the environment during normal operation of motor vehicle brakes;
- (3) Thousands of pounds of copper and other substances released from brake friction material enter Washington state's streams, rivers, and marine environment every year; and
- (4) Copper is toxic to many aquatic organisms, including salmon.

#### 70.285.020

##### Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Accredited laboratory" means a laboratory that is:
  - (a) Qualified and equipped for testing of products, materials, equipment, and installations in accordance with national or international standards; and
  - (b) Accredited by a third-party organization approved by the department to accredit laboratories for purposes of this chapter.
- (2) "Alternative brake friction material" means brake friction material that:
  - (a) Does not contain:
    - (i) More than 0.5 percent copper or its compounds by weight;
    - (ii) The constituents identified in RCW 70.285.030 at or above the concentrations specified; and
    - (iii) Other materials determined by the department to be more harmful to human health or the environment than existing brake friction material;
  - (b) Enables motor vehicle brakes to meet applicable federal safety standards, or if no federal safety standard exists, a widely accepted industry standard;
  - (c) Is available at a cost and quantity that does not cause significant financial hardship across the majority of brake friction material and vehicle manufacturing industries; and
  - (d) Is available to enable brake friction material and vehicle manufacturers to produce viable products meeting consumer expectations regarding braking noise, shuddering, and durability.
- (3) "Brake friction material" means that part of a motor vehicle brake designed to retard or stop the movement of a motor vehicle through friction against a rotor made of more durable material.
- (4) "Committee" means the brake friction material advisory committee.
- (5) "Department" means the department of ecology.
- (6)(a) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 that are subject to registration requirements under \*RCW 46.16A.030.

- (b) "Motor vehicle" does not include:
- (i) Motorcycles as defined in RCW 46.04.330;
  - (ii) Motor vehicles employing internal closed oil immersed motor vehicle brakes or similar brake systems that are fully contained and emit no debris or fluid under normal operating conditions;
  - (iii) Military combat vehicles;
  - (iv) Race cars, dual-sport vehicles, or track day vehicles, whose primary use is for off-road purposes and are permitted under RCW 46.16A.320; or
  - (v) Collector vehicles, as defined in RCW 46.04.126.
- (7)(a) "Motor vehicle brake" means an energy conversion mechanism used to retard or stop the movement of a motor vehicle.

(b) "Motor vehicle brake" does not include brakes designed primarily to hold motor vehicles stationary and not for use while motor vehicles are in motion.

(8) "Original equipment service" means brake friction material provided as service parts originally designed for and using the same brake friction material formulation sold with a new motor vehicle.

(9) "Small volume motor vehicle manufacturer" means a manufacturer of motor vehicles with Washington annual sales of less than one thousand new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and heavy-duty engines based on the average number of vehicles sold for the three previous consecutive model years.

## **70.285.030**

### **Prohibition on the sale of certain brake friction material—Exemptions.**

(1) Beginning January 1, 2014, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale brake friction material in Washington state containing any of the following constituents in an amount exceeding the specified concentrations:

- (a) Asbestiform fibers, 0.1 percent by weight.
- (b) Cadmium and its compounds, 0.01 percent by weight.
- (c) Chromium(VI)-salts, 0.1 percent by weight.
- (d) Lead and its compounds, 0.1 percent by weight.
- (e) Mercury and its compounds, 0.1 percent by weight.

(2) Beginning January 1, 2021, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale brake friction material in Washington state containing more than five percent copper and its compounds by weight.

(3) Brake friction material manufactured prior to 2015 is exempt from subsection (1) of this section for the purposes of clearing inventory. This exemption expires January 1, 2025.

(4) Brake friction material manufactured prior to 2021 is exempt from subsection (2) of this section for the purposes of clearing inventory. This exemption expires January 1, 2031.

(5) Brake friction material manufactured as part of an original equipment service contract for vehicles manufactured prior to January 1, 2015, is exempt from subsection (1) of this section.

(6) Brake friction material manufactured as part of an original equipment service contract for vehicles manufactured prior to January 1, 2021, is exempt from subsection (2) of this section.

## **70.285.040**

### **Brake friction material advisory committee—Members—Duties.**

(1) By December 1, 2015, the department shall review risk assessments, scientific studies, and other relevant analyses regarding alternative brake friction material and determine whether the



material may be available. The department shall consider any new science with regard to the bioavailability and toxicity of copper.

(2) If the department finds that alternative brake friction material may be available, it shall convene a brake friction material advisory committee. The committee shall include, but is not limited to:

- (a) A representative of the department, who will chair the committee;
- (b) The chief of the Washington state patrol, or the chief's designee;
- (c) A representative of manufacturers of brake friction material;
- (d) A representative of manufacturers of motor vehicles;
- (e) A representative of a nongovernmental organization concerned with motor vehicle safety;
- (f) A representative of the national highway traffic safety administration; and
- (g) A representative of a nongovernmental organization concerned with the environment.

(3) If convened pursuant to subsection (2) of this section, the committee shall separately assess alternative brake friction material for passenger vehicles, light-duty vehicles, and heavy-duty vehicles. The committee shall make different recommendations to the department as to whether alternative brake friction material is available or unavailable for passenger vehicles, light-duty vehicles, and heavy-duty vehicles. For purposes of this section, "heavy-duty vehicle" means a vehicle used for commercial purposes with a gross vehicle weight rating above twenty-six thousand pounds. The committee shall also consider appropriate exemptions including original equipment service and brake friction material manufactured prior to the dates specified in RCW 70.285.050. The department shall consider the committee's recommendations and make a finding as to whether alternative brake friction material is available or unavailable.

(4) If, pursuant to subsection (3) of this section, the department finds that alternative brake friction material:

(a) Is available, it shall comply with RCW 70.285.050;

(b) Is not available, it shall periodically evaluate the finding and, if it determines that alternative brake friction material may be available, comply with subsections (2) and (3) of this section. If the department finds that alternative brake friction material is available, it shall comply with RCW 70.285.050.

## **70.285.050**

### **Finding that alternative brake friction material is available—Report—Rules.**

If, pursuant to RCW **70.285.040**, the department finds that alternative brake friction material is available:

(1)(a) By December 31st of the year in which the finding is made, the department shall publish the information required by RCW 70.285.040 in the Washington State Register and present it in a report to the appropriate committees of the legislature; and

(b) The report must include recommendations for exemptions on original equipment service and brake friction material manufactured prior to dates specified in this section and may include recommendations for other exemptions.

(2) Beginning eight years after the report in subsection (1) of this section is published in the Washington State Register, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale brake friction material in Washington state containing more than 0.5 percent copper and its compounds by weight, as specified in the report.

(3) The department shall adopt rules to implement this section.

## **70.285.060**

### **Application for exemption from chapter.**

Any motor vehicle manufacturer or brake friction material manufacturer may apply to the department for an exemption from this chapter for brake friction material intended for a specific motor vehicle model or class of motor vehicles based on special needs or characteristics of the motor vehicles for which the brake friction material is intended. Exemptions may only be issued for small volume motor vehicle manufacturers, specific motor vehicle models, or special classes of vehicles, such as fire trucks, police cars, and heavy or wide-load equipment hauling, provided the manufacturer can demonstrate that complying with the requirements of this chapter is not feasible, does not allow compliance with safety standards, or causes significant financial hardship. Exemptions are valid for no less than one year and may be renewed automatically as needed or the exemption may be permanent for as long as the vehicle is used in the manner described in the application.

## **70.285.070**

### **Manufacturers of brake friction material must provide certain data to the department—Department's duties.**

(1) By January 1, 2013, and at least every three years thereafter, manufacturers of brake friction material sold or offered for sale in Washington state shall provide data to the department adequate to enable the department to determine concentrations of antimony, copper, nickel, and zinc and their compounds in brake friction material sold or offered for sale in Washington state.

(2) Using data provided pursuant to subsection (1) of this section and other data as needed, and in consultation with the brake friction material manufacturing industry, the department must:

(a) By July 1, 2013, establish baseline concentration levels for constituents identified in subsection (1) of this section in brake friction material; and

(b) Track progress toward reducing the use of copper and its compounds and ensure that concentration levels of antimony, nickel, or zinc and their compounds do not increase by more than fifty percent above baseline concentration levels.

(3) If concentration levels of antimony, nickel, or zinc and their compounds in brake friction material increase by more than fifty percent above baseline concentration levels, the department shall review scientific studies to determine the potential impact of the constituent on human health and the environment. If scientific studies demonstrate the need for controlling the use of the constituent in brake friction material, the department may consider recommending limits on concentration levels of the constituent in the material.

(4) Confidential business information otherwise protected under RCW 43.21A.160 or chapter 42.56 RCW is exempt from public disclosure.

## **70.285.080**

### **Compliance with chapter—Proof of compliance.**

(1) Manufacturers of brake friction material offered for sale in Washington state must certify compliance with the requirements of this chapter and mark proof of certification on the brake friction material in accordance with criteria developed under this section.

(2) By December 1, 2012, the department must, after consulting with interested parties, develop compliance criteria to meet the requirements of this chapter. Compliance criteria includes, but is not limited to:

(a) Self-certification of compliance by brake friction material manufacturers using accredited laboratories; and

(b) Marked proof of certification, including manufacture date, on brake friction material and product packaging. Marked proof of certification must appear by January 1, 2015. Brake friction material manufactured or packaged prior to January 1, 2015, is exempt from this subsection (2)(b).

(3) Beginning January 1, 2021, manufacturers of new motor vehicles offered for sale in Washington state must ensure that motor vehicles are equipped with brake friction material certified to be compliant with the requirements of this chapter.

## **70.285.090**

### **Enforcement of chapter—Violations—Penalties.**

(1) The department shall enforce this chapter. The department may periodically purchase and test brake friction material sold or offered for sale in Washington state to verify that the material complies with this chapter.

(2) Enforcement of this chapter by the department must rely on notification and information exchange between the department and manufacturers, distributors, and retailers. The department shall issue one warning letter by certified mail to a manufacturer, distributor, or retailer that sells or offers to sell brake friction material in violation of this chapter, and offer information or other appropriate assistance regarding compliance with this chapter. Once a warning letter has been issued to a distributor or retailer for violations under subsections (3) and (5) of this section, the department need not provide warning letters for subsequent violations by that distributor or retailer. For the purposes of subsection (6) of this section, a warning letter serves as notice of the violation. If compliance is not achieved, the department may assess penalties under this section.

(3) A brake friction material distributor or retailer that violates this chapter is subject to a civil penalty not to exceed ten thousand dollars for each violation. Brake friction material distributors or retailers that sell brake friction material that is packaged consistent with RCW 70.285.080(2)(b) are not in violation of this chapter. However, if the department conclusively proves that the brake friction material distributor or retailer was aware that the brake friction material being sold violates RCW 70.285.030 or 70.285.050, the brake friction material distributor or retailer is subject to civil penalties according to this section.

(4) A brake friction material manufacturer that knowingly violates this chapter shall recall the brake friction material and reimburse the brake friction distributor, retailer, or any other purchaser for the material and any applicable shipping and handling charges for returning the material. A brake friction material manufacturer that violates this chapter is subject to a civil penalty not to exceed ten thousand dollars for each violation.

(5) A motor vehicle distributor or retailer that violates this chapter is subject to a civil penalty not to exceed ten thousand dollars for each violation. A motor vehicle distributor or retailer is not in violation of this chapter for selling a vehicle that was previously sold at retail and that contains brake friction material failing to meet the requirements of this chapter. However, if the department conclusively proves that the motor vehicle distributor or retailer installed brake friction material that violates RCW 70.285.030, 70.285.050, or 70.285.080(2)(b) on the vehicle being sold and was aware

that the brake friction material violates RCW 70.285.030, 70.285.050, or 70.285.080(2)(b), the motor vehicle distributor or retailer is subject to civil penalties under this section.

(6) A motor vehicle manufacturer that violates this chapter must notify the registered owner of the vehicle within six months of knowledge of the violation and must replace at no cost to the owner the noncompliant brake friction material with brake friction material that complies with this chapter. A motor vehicle manufacturer that fails to provide the required notification to registered owners of the affected vehicles within six months of knowledge of the violation is subject to a civil penalty not to exceed one hundred thousand dollars. A motor vehicle manufacturer that fails to provide the required notification to registered owners of the affected vehicles after twelve months of knowledge of the violation is subject to a civil penalty not to exceed ten thousand dollars per vehicle. For purposes of this section, "motor vehicle manufacturer" does not include a vehicle dealer defined under RCW 46.70.011 and required to be licensed as a vehicle dealer under chapter 46.70 RCW.

(7) Before the effective date of the prohibitions in RCW 70.285.030 or 70.285.050, the department shall prepare and distribute information about the prohibitions to manufacturers, distributors, and retailers to the maximum extent practicable.

(8) All penalties collected under this chapter must be deposited in the state toxics control account created in RCW 70.105D.070.

## **70.285.100**

### **Adoption of rules.**

The department may adopt rules necessary to implement this chapter.