H-1672.1

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**SUBSTITUTE HOUSE BILL 1738**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Environment (originally sponsored by Representatives Doglio, Jenkin, and Tarleton)

AN ACT Relating to continuing to protect water quality by aligning state brake friction material restrictions with the requirements of a similar nationwide agreement; and amending RCW 70.285.030, 70.285.050, and 70.285.100.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 70.285.030 and 2010 c 147 s 3 are each amended to read as follows:

(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) Beginning January 1, 2025, 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.

(4) 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)~~)) (5) 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)~~)) (6) Brake friction material manufactured prior to 2025 is exempt from subsection (3) of this section for the purposes of clearing inventory. This exemption expires January 1, 2035.

(7) 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)~~)) (8) 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.

(9) Brake friction material manufactured as part of an original equipment service contract for vehicles manufactured prior to January 1, 2025, is exempt from subsection (3) of this section.

**Sec.**  RCW 70.285.050 and 2010 c 147 s 5 are each amended to read as follows:

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~~)) January 1, 2025, and consistent with RCW 70.285.030(3), 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 in subsection (1) of this section.

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

**Sec.**  RCW 70.285.100 and 2010 c 147 s 10 are each amended to read as follows:

The department may adopt rules necessary to implement this chapter. Rules adopted by the department under this section may not exceed the terms explicitly established by this chapter.

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