
Environmental Health Committee

HB 3018

Brief Description: Limiting the use of copper and other substances in vehicle brake pads.

Sponsors: Representatives Chase, Upthegrove, Dunshee, Campbell, Ormsby, Appleton, Kagi, Wallace, Kenney and Simpson; by request of Department of Ecology and Puget Sound Partnership.

Brief Summary of Bill

- Restricts the use of brake friction material that exceeds certain specified quantities of designated metals beginning January 1, 2014.
- Prohibits the use of after-market brake friction material that exceeds 5 percent copper by weight beginning January 1, 2015.
- Requires the use of brake friction material of 5 percent copper or less in new motor vehicles beginning January 1, 2020.

Hearing Date: 2/2/10

Staff: Pam Madson (786-7111).

Background:

Motor vehicle brakes contain friction material (brake pads) designed to retard or stop movement of a motor vehicle through friction against a rotor. Brake pads may include several substances, including copper and other metals. Operation of brake systems can generate debris containing these substances.

Copper is a highly toxic substance in the aquatic environment and is of particular concern in Washington to the health of salmon. Research suggests that vehicle brake pads containing copper are a significant source of copper from surface water runoff that reaches rivers and marine environments.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Beginning January 1, 2014, brake friction material containing the following constituents exceeding specified quantities may not be sold in the state:

- asbestiform fibers;
- cadmium;
- chromium VI;
- lead; and
- mercury.

Beginning January 1, 2015, after-market brake friction material exceeding 5 percent copper by weight may not be sold in the state. Beginning January 1, 2020, new vehicles with brake friction material exceeding 5 percent copper by weight may not be sold in the state.

A process is established to monitor the use of antimony, copper, nickel, and zinc in brake friction material. Manufacturers must provide data on materials used in brake friction materials beginning January 1, 2013 and every three years thereafter. By July 1, 2013, the Department of Ecology (DOE) must establish a baseline of the use of these metals. If these metals increase over 50 percent of the baseline, the DOE must review available data and studies to determine the impact on human health and the environment and determine the need for future regulation.

By 2020 the DOE must determine the availability of alternative brake friction material containing 0.5 percent of copper or less. If such material is available, the DOE must convene a brake friction advisory committee to confirm the availability of alternative brake friction material. The committee must include a representative of the DOE, the Washington State Patrol, brake friction material manufacturers, motor vehicle manufacturers, the National Highway Traffic Safety Administration, and a nongovernmental organization concerned with the environment. If, based on the committee recommendation and other available evidence, the DOE finds that alternative brake friction material of 0.5 percent or less of copper is available, any brake friction material that exceeds that standard may not be sold in the state beginning January 1, 2025. If alternative brake material is not available, the DOE will continue to periodically evaluate that finding. By December 1, 2021, the DOE must report its findings and the recommendations of the advisory committee to the legislature.

Certain motor vehicles are exempt from these requirements:

- military combat vehicles;
- vehicles with brake systems that emit no debris or fluid under normal circumstances; and
- motor vehicle brakes designed to hold a vehicle stationary and are not used when the vehicle is in motion.

Beginning in 2015, brake friction material manufacturers must certify and show the certification of compliance on the materials offered for sale in the state. Retailers must sell only certified materials. Certification criteria is developed by the DOE after consultation with interested parties.

Beginning in 2020, motor vehicle manufacturers must ensure that new vehicles use brake friction material that is certified as compliant with the law governing brake friction material.

Penalties for the sale of vehicles that are not in compliance with the brake friction material requirements or for falsifying certification of compliance as well as other violations include a fine of up to \$10,000 per day of violation.

The DOE is given rule-making authority to implement this law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.