

**WAC 173-901-040 Definitions. (1) "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 a more durable material. "Rotor" means the rotating portion of a motor vehicle brake system including, but not limited to, brake disks and brake drums.

(2) **"Brake friction material manufactured as part of an original equipment service contract"** means brake friction material that:

(a) Is provided as service parts originally designed for and using the same brake friction material formulation sold with a new motor vehicle. If there are any changes to the design of the service part's brake friction formulation, the product is no longer brake friction material manufactured as part of an original equipment service contract; and

(b) Is manufactured as part of a contract between a vehicle manufacturer and a brake friction material manufacturer that requires the brake friction material manufacturer to provide brakes with the identical brake friction material formulation to those that originally came with a new motor vehicle. The brake friction material manufacturer may only sell these parts directly to the other party to the contract, the vehicle manufacturer.

(3) **"Certification mark"** has the same meaning as in 15 U.S.C. Sec. 1127.

(4) **"Department"** means the department of ecology.

(5) **"Industry-sponsored registrar"** means an organization or organizations designated by one or more of the entities listed in WAC 173-901-020 to certify and register compliance with the requirements of chapter 70.285 RCW and this chapter on behalf of the designating entity or entities.

(6) **"ISO"** means the International Standards Organization.

(7) **"Manufacturer"** means a person manufacturing or assembling motor vehicles or motor vehicle equipment, or importing motor vehicles or motor vehicle equipment for resale. This chapter places differing requirements on manufacturers of motor vehicles and manufacturers of brake friction materials. In each instance the term "manufacturer" is used, this chapter identifies which type of manufacturer is referred to.

(8) **"Motor vehicle"** does not include:

(a) Motorcycles as defined in RCW 46.04.330;

(b) 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;

(c) Military combat vehicles;

(d) 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

(e) Collector vehicles, as defined in RCW 46.04.126.

(9) **"Motor vehicle brake"** means an energy conversion mechanism used to retard or stop the movement of a motor vehicle. Motor vehicle brake does not include brakes designed primarily to hold motor vehicles stationary and not for use while motor vehicles are in motion.

(10) **"Regulated constituents"** means:

(a) Asbestiform fibers;

(b) Cadmium and its compounds;

(c) Chromium (VI)-salts;

(d) Lead and its compounds; and

(e) Mercury and its compounds.

(11) **"SAE"** means the SAE International.

(12) **"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.

(13) **"Specified concentrations"** means, for each of the following:

(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; and

(f) Beginning January 1, 2021, for copper and its compounds, 5 percent by weight.

(14) **"Vehicle dealer"** has the same meaning as defined in RCW 46.70.011.

(15) **"Wholesaler, distributor, installer, and retailer"** includes any person that sells or offers to sell brake friction materials to consumers in the state of Washington, and any person that sells or offers to sell brake friction materials to such person. "Selling or offering to sell brake friction material" includes installing or offering to install brake friction material in a vehicle for a fee.

[Statutory Authority: Chapter 70.285 RCW. WSR 12-21-082 (Order 10-17), § 173-901-040, filed 10/19/12, effective 11/19/12.]