
Environmental Health Committee

SSB 6557

Brief Description: Limiting the use of certain substances in brake friction material.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Brandland, Brown, Kohl-Welles, Shin, Fraser and Kline; by request of Department of Ecology and Puget Sound Partnership).

Brief Summary of Substitute Bill

- Restricts the use of brake friction material that exceeds certain specified quantities of designated metals beginning January 1, 2014.
- Prohibits the use of brake friction material that exceeds 5 percent copper by weight beginning January 1, 2021.
- Provides a process for prohibiting brake friction material that exceeds 0.5 percent copper by weight no earlier than January 1, 2025.

Hearing Date: 2/17/10

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, 2021, brake friction material exceeding 5 percent copper by weight may not be sold in the state. Brake friction material manufactured as part of an original equipment service contract between a manufacturer and an auto manufacturer prior to 2021 and showing proof that it complies with required certifications is not subject to the limitation on copper until 2031.

By December 1, 2015, the Department of Ecology (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, it must report its findings to the Legislature by December 1 of the year in which the agency makes a finding of availability. Beginning five years after the report is submitted, but not before 2025, any brake friction material that exceeds that standard may not be sold in the state. If alternative brake material is not available, the DOE will continue to periodically evaluate that finding.

Manufacturers of brake friction material may request an exemption for material intended for specific motor vehicle models based on special needs or characteristics of the vehicle.

A process is established to monitor the use of antimony, copper, nickel, and zinc in brake friction material. Manufacturers must provide data to the DOE on materials used in brake friction materials beginning January 1, 2013 and every three years thereafter. By July 1, 2012, the 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 need for future regulation limiting the concentration of these metals.

Brake friction material manufacturers must certify and show the certification of compliance on the materials offered for sale in the state. By December 1, 2012, the DOE must develop certification criteria after consultation with interested parties that includes self-certification and marking of product.

Beginning in 2021, 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 brake friction material that is not in compliance with the brake friction material requirements, as well as other violations, include a fine of up to \$10,000 for each

violation. Prior to imposing a civil penalty, the DOE must issue a warning letter and offer other assistance to achieve compliance. Penalties are deposited in the state Model Toxics Control Account. A knowing violation of laws on brake friction materials by a manufacturer, distributor, or retailer will result in the recall of the material and reimbursement of costs to the retailer or other purchaser.

Motor vehicles are those that are self-propelled and require a license to operate on a public highway. Certain motor vehicles are exempt from these requirements:

- motorcycles;
- military combat vehicles; and
- vehicles with brake systems that emit no debris or fluid under normal circumstances.

Appropriation: None.

Fiscal Note: Available on original bill.

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