



{In Archive} RE: FW: OESC

Wesley, Ian (ECY),
Davis, Suzanne@DTSC to: SSevernak@akebono-usa.com, 09/16/2013 04:01 PM
Schenk, Lawrence(David)
Cc: "BPeters@akebono-usa.com", "Rodriguez, Evelia@DTSC"

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Scott,

On your question regarding “I am not sure from your response regarding California - does it mean that OESC "A" brake pads can no longer be sold in California if they are manufactured after the 2021 deadline? I thought California SB346 allowed for continued manufacturing of "A" materials after the 2021 deadline for OESC parts as one of the exemptions; I get that from 25250.55 (g).”, you are correct that “A” materials manufactured after January 1, 2021 for vehicles made prior to 2021 may continue to be sold in California. However, if the same brakes are used on a vehicle made after 2021, then the brake pads would need to meet the January 1, 2021 requirements (aka meeting the “B” requirements).

I do have a concern with the highlighted sentence that follows: “Akebono's understanding (Better Brake Rule Section WAC 173-901-150 (4) & previous communications with Ian) is that for Washington State "A" materials can continue to be manufactured after 1/31/2020 deadline if they are sold only for OESC contract (ie original equipment brake pads sold at a car dealership); however the environmental edge code needs to change from AYY to X (YY is year manufactured).” Unfortunately, an exemption designator has **NOT** been developed under the California law or SAE J866:2012. The reason is the exemptions under both laws are not the same and how each state defines a “trailer” under their respective vehicle codes is different. So even though there is an exemption code listed in the State of Washington regulations, that exemption code would apply **ONLY** to brake friction material that meets the State of Washington law.

I understand the proposal and see the logic but I also see a potential marking problem in the future. I’ve attached a diagram of the exemptions under the California and Washington laws to try and illustrate the problem.

Ian, will the “X” mark only be used for the OESC exempted material? I want to make sure I understand how the “X” will be used. I’d like to discuss this so we are all on the same page.

Thanks,

Suzanne Davis

Hazardous Substances Engineer

Cal/EPA

Department of Toxic Substances Control

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email: suzanne.davis@dtsc.ca.gov

From: Wesley, Ian (ECY) [<mailto:iwes461@ECY.WA.GOV>]

Sent: Thursday, September 12, 2013 10:53 AM

To: SSevernak@akebono-usa.com; Schenk, Lawrence(David)

Cc: BPeters@akebono-usa.com; Rodriguez, Evelia@DTSC; Davis, Suzanne@DTSC

Subject: RE: FW: OESC

Steve,

It sounds like your understanding is correct.

When this question came to me, I was under the impression that someone wanted an OESC exemption from the asbestos, lead, or other heavy metals requirements. Which is allowed in WA, but not in California(Suzanne or Evelia please correct me if I'm wrong). Moving forward, when we get to 2021, you are correct A level pads can be sold in both states if they are OESC parts.

It sounds like you just want to track this data, which is great. The way this will be reported to us is you will use the same certification form, only rather than putting an A in the compliance level column you would put 'OESC' or 'X'. These forms are submitted to us in an XML format which contains various other data, including information about OESC exempt parts. For OESC parts the fields we required are vehicle make, vehicle model, and vehicle year.

Any forms NSF use to collect this data are NSF internal forms and Ecology has no comments on their content or formatting.

If you have any other questions please let me know.

Ian Wesley

Better Brakes Coordinator

Washington State Department of Ecology

Hazardous Waste and Toxics Reduction

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ian.wesley@ecy.wa.gov

From: SSevernak@akebono-usa.com [<mailto:SSevernak@akebono-usa.com>]

Sent: Thursday, September 12, 2013 8:45 AM

To: Schenk, Lawrence(David)

Cc: BPeters@akebono-usa.com; Wesley, Ian (ECY); ERodrigu@dtsc.ca.gov;

SDavis@dtsc.ca.gov

Subject: Re: FW: OESC

Dave, Akebono is not pursuing the OESC exemption anytime soon; as of now Akebono plans starting at the 2021 deadline. The reason we are pushing for the document release is Akebono wants to be ahead of the curve gathering necessary information prior to any deadlines (release of the document would help facilitate that).

Maybe I am not understanding things correctly and maybe this really is a question for Washington and California, thus I have cc'ed Ian and Suzzane. Akebono's understanding (Better Brake Rule Section WAC 173-901-150 (4) & previous communications with Ian) is that for

Washington State "A" materials can continue to be manufactured after 1/31/2020 deadline if they are sold only for OESC contract (ie original equipment brake pads sold at a car dealership); however the environmental edge code needs to change from AYY to X (YY is year manufactured).

I am not sure from your response regarding California - does it mean that OESC "A" brake pads can no longer be sold in California if they are manufactured after the 2021 deadline? I thought California SB346 allowed for continued manufacturing of "A" materials after the 2021 deadline for OESC parts as one of the exemptions; I get that from 25250.55 (g).

If OESC "A" brake pads can continue to be manufactured after the 2021 deadline and sold in California, then both California's marking and Washington's marking requirements need to be in alignment.

I have put the parts of BBR and SB346 below for everybody's reference.

BBR

- (4) **How does a manufacturer of brake friction material manufactured as part of an OESC certify compliance with the requirements of chapter 70.285 RCW and this chapter?**
- (a) If a brake friction material manufactured as part of an OESC does not contain any of the regulated constituents or copper in amounts exceeding the specified concentrations, the manufacturer of the brake friction material should certify using the normal procedure outlined in WAC 173-901-060.
- (b) If the brake friction material contains more than the specified concentrations, the manufacturer of the brake friction material must follow the same procedure outlined in WAC 173-901-060 except that:
- (i) For brake friction materials manufactured as part of an OESC for vehicles manufactured prior to January 1, 2015, manufacturers of brake friction material will not be required to submit testing results for the regulated constituents.
- For brake friction materials manufactured as part of an OESC for vehicles manufactured from January 1, 2015, through December 31, 2020, manufacturers of brake friction material will be required to submit testing results for the regulated constituents.
- To fulfill the reporting requirements under RCW 70.285.070 and WAC 173-901-110, manufacturers of brake friction materials manufactured as part of an OESC for vehicles of any date of manufacture must meet the initial baseline reporting requirements for concentrations of antimony, copper, nickel, and zinc and their compounds as required by WAC 173-901-110 (3) through (7), and after submitting the initial baseline report, must submit testing results to an industry-sponsored registrar and to the department for copper, nickel, zinc, and antimony.
- (ii) Brake friction manufacturers must ensure that the unique identification code reported to the department and marked on brake friction materials manufactured as part of an original equipment service contract ends in a "WX" or "X"; and
- (iii) Brake friction manufacturers must include in the self-certification documentation, submitted to the department and an industry-sponsored registrar, a description of the vehicle model and its year of manufacture for which the brake friction material is manufactured.

SB346

25250.55. Brake friction materials for the following motor vehicle classes are exempt from this article:

(a) Military tactical support vehicles.

(b) Vehicles employing internal closed oil immersed brakes, or a similar brake system that is fully contained and emits no copper, other debris, or fluids under normal operating conditions.

(c) Brakes designed for the primary purpose of holding the vehicle stationary and not designed to be used while the vehicle is in motion.

(d) Motorcycles.

(e) Motor vehicles subject to voluntary or mandatory recalls of brake friction materials or systems due to safety concerns. This exemption shall expire upon the lifting of the recall and provision of new brake friction materials that comply with this article.

(f) Motor vehicles manufactured by small volume manufacturers, as defined in Section 1900 of Title 13 of the California Code of Regulations.

(g) Vehicles manufactured prior to January 1, 2021, and brake friction materials for use on vehicles manufactured prior to January 1, 2021, from the requirements of Section 25250.52.

Regards,

**Scott Severnak | Director, Friction Material Design
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From: "Schenk, Lawrence(David)" <dschenk@nsf.org>
To: "SSevernak@akebono-usa.com" <SSevernak@akebono-usa.com>
Date: 09/11/2013 06:52 PM
Subject: FW: OESC

Scott,

I asked Ian to give his blessing to the OESC exemption document I created. Ian suggested that any manufacturer interested in the WA OESC exemption wait until after 2014 to begin that process – that will give WA more time to come down from the spike of activity centered around CA's January 1, 2014 deadline.

My understanding from Suzanne in CA is that CA does not offer any OESC exemptions for their level A. Thus, the OESC exemption would only be relevant for Washington.

Thus, does Akebono wish to continue pursuing the WA OESC exemption now or can it hold until 2014? If Akebono wishes to begin pursuing OESC exemption now, Ian can devote some time now to ensuring that the documents NSF creates are acceptable to WA – but is not his preference.

If Akebono is pursuing OESC exemption for a different timeline than WA's January 1, 2015 start-date, please tell me.

I apologize for how long this process has taken.

Thank you,

L. David Schenk III

Engineer

NSF International

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Ann Arbor, MI 48105

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Email: LSchenk@nsf.org

From: Schenk, Lawrence(David)
Sent: Thursday, September 05, 2013 3:16 PM
To: 'SSevernak@akebono-usa.com'
Cc: BPeters@akebono-usa.com
Subject: RE: OESC

Hello Scott,

The Washington law only requires that the “unique identification code” be listed for each edge code. Washington has interpreted “unique identification code” to mean the Company Assigned ID and Formulation Identification (as defined in SAE J866:July2012).

Because the friction coefficients fall under the purview of AMECA, NSF is purposely **not** listing that portion of the edge code. This decision has Washington’s blessing.

Currently, the only manufacturer on the NSF site who lists their friction coefficients are some Ruiyang materials. When I update Ruiyang to the “new format” self-certification form, this oversight will be corrected.

Therefore, please continue to list edge codes as you have been – only list the Company Assigned ID and Formulation Identification exactly as it will be shown on the final product, do not include the coefficient of friction data.

Akebono is currently following the correct procedure which is known and approved by Washington.

Ian’s ideal edge code would list the Company Assigned ID, then an obvious space, then the Formulation Identification, then an obvious space then the coefficient of friction data/optional edge code/anything else, and finally the environmental code at the very end of the edge code.

In reference to your OESC document question – the web developer I need to upload the document is out of the office until the middle of next week. It will be uploaded then.

Contact me with any additional questions or comments.

Thank you,

L. David Schenk III

Engineer

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Email: LSchenk@nsf.org

From: SSevernak@akebono-usa.com[mailto:SSevernak@akebono-usa.com]

Sent: Thursday, September 05, 2013 2:59 PM

To: Schenk, Lawrence(David)

Cc: BPeters@akebono-usa.com

Subject: Fw: OESC

Dave, another question. In this mornings conference call regarding edge code location you mentioned Ian's main concern was to be able to link what is on the pad to what is on NSF's website. On the NSF website looks like most of the edge codes do not have the friction coefficient listed. Is that going to confuse anybody when they look for say AK NS217H FF but only find AK NS217H on the NSF website? When we listed our edge codes we did not put in the coefficient codes. Before Akebono starts loading up more formulations along with everybody else wanted to make sure what is the appropriate direction.

Regards,

**Scott Severnak | Director, Friction Material Design
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----- Forwarded by Scott Severnak/ENG/AKUS on 09/05/2013 02:30 PM -----

From: Scott Severnak/ENG/AKUS
To: "Schenk, Lawrence(David)" <dschenk@nsf.org>
Cc: "BPeters@akebono-usa.com" <BPeters@akebono-usa.com>
Date: 09/04/2013 01:45 PM
Subject: OESC

Dave, has NSF been able to publish the below document reference? This was from your 8/2/2013 e-mail.

2. How shall Akebono report Make/Model/Model Year data to NSF for OESC exemptions?

NSF is currently creating the necessary form to report OESC exemptions to NSF. Once the form is completed, I will email it to you and post it on the NSF website.

Note – the form may not be immediately posted to the NSF website as NSF’s new website is set to launch in 2-3 weeks. I might have to wait until after the new website launch to be allowed to post the OESC exemption form.

Regards,

**Scott Severnak | Director, Friction Material Design
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