

Davis, Suzanne@DTSC

From: Heffelfinger, Terry <Terry.Heffelfinger@brakepartsinc.com>
Sent: Friday, August 22, 2014 1:06 PM
To: Rutz, Heidi; Rodriguez, Evelia@DTSC
Cc: Davis, Suzanne@DTSC
Subject: RE: Question during brake pad workshop with California DTSC

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Suzanne & Evelia,

I think Heidi's question below and your answer is specific for brake friction materials applied to an OEM (Original Equipment Manufacturers) vehicle and OES (Original Equipment Service) brake friction materials for that vehicle.

For Aftermarket brake friction materials it was never proposed by the BMC or accepted that an Aftermarket Brake friction material would be tied to a vehicle application by year, make model. This would be impossible to control in any catalog system.

We shared this information with California and Washington early on and it was determined that the easiest solution to control the Aftermarket brake friction material was to use the compliance timelines of 2014, 2021 and 2025 with a 10 year inventory Run-Off from anything manufactured before those critical compliance dates. When an Aftermarket brake friction material that is tested by a accredited third party lab and is found to be compliant it would receive a "A", "B" or "N" designation and be registered by NSF International and have an edge code marking per SAE J866 with the year of manufacture as the last 2 digits of the edge code.

Can you please review this and give us explanation for the Aftermarket brake friction material as I'm sure the BMC will be eager to understand the interpretation of the legislation based on your response.

On the OE side if I heard you correctly yesterday, you said there is no way in the California legislation to provide an exemption for OEM or OES brake friction material. I can certainly provide some of the material that was given as background when I testified to the California Senate Sub-Committee back in June of 2010. It might help you understand the product development timeline for a 0.5% low copper or no copper brake friction material, the OEM validation timeline of a new brake friction formula, the vehicle product life cycle and OES brake friction product life cycle. I have it graphically displayed and can send you a copy if you like. The whole idea of Exemptions for OE manufacturers and brake friction materials was based on these defined product life cycles and was meant to not force the OEM's to go back and redevelop brake friction materials once they met the 2014, 2021 and 2025 environmental timelines.

Keep in mind that OEM vehicle manufacturers must not only meet the New environmental timelines for California and Washington, but they must also pass the FMVSS 135 (Federal Motor Vehicle Safety Standard) for safety and stopping distance requirements mandated by NHTSA (National Highway Traffic Safety Administration).

In my approach I would think using an Exemption for OEM and OES brake friction materials would be the simplest solution. I really can't see any other easy way to control the product that goes on a vehicle as the OE replacement that meets FMVSS 135 and CA EPA DTSC environmental compliance standards.

I look forward to your response.

Thanks,

Terry Heffelfinger
Vice President, Product Development, R & D, & Quality
Brake Parts Inc LLC
Global Brake
4400 Prime Parkway
McHenry, Illinois 60050
terry.heffelfinger@BrakePartsInc.com
815.759.7538 wk 419.376.3130 mobile



From: Rutz, Heidi
Sent: Friday, August 22, 2014 11:19 AM
To: Rodriguez, Evelia@DTSC
Cc: Davis, Suzanne@DTSC
Subject: RE: Question during brake pad workshop with California DTSC

Evelia,

Thank you for responding to my question. It was apparent that a wide range of stakeholders were on the call with many different concerns.

So do I understand then, that per my question (below) about the time period to sell-off of inventory (made prior to 2021 and after 2014, and marked per 2014 requirements as "A"), that there is no deadline when that inventory must be depleted? I understand that material manufactured pre-2014, and thus not marked at all, can only be sold until 2023.

As an Aftermarket friction material manufacturer, our large customers that are also distributors, have expressed concerns about inventory they may hold at the 2021 and 2025 deadlines. We need to give them reassurance that they will be able to deplete their inventory.

I appreciate your help clarifying what will happen in this situation.

Best regards,

Heidi Rutz
Director, Research and Development
Brake Parts Inc
1225 Enterprise Drive
Winchester, KY 40391

859-745-8227

From: Rodriguez, Evelia@DTSC [<mailto:Evelia.Rodriguez@dtsc.ca.gov>]
Sent: Friday, August 22, 2014 11:39 AM
To: Rutz, Heidi
Cc: Davis, Suzanne@DTSC
Subject: Question during brake pad workshop with California DTSC

Heidi,

We apologize for not being able to answer your question during our last workshop on Wednesday. As you know, we had technical difficulties during the webinar and appreciate your patience. If I remember correctly, your question was:

If there is existing inventory for brakes manufactured in 2019 for a vehicle manufactured in 2012, is there an exemption in the California law?

The California law includes the following provisions:

- 1) There is an allowance to sell off inventory manufactured before 2014, but it would not apply to inventory manufactured after 2014.
- 2) There is an exemption from the 2021 requirements (HSC section 25250.55(g) for
 - a. vehicles manufacture prior to January 2021; and
 - b. brake friction material made after 2021 for use on vehicles made before 2021

The example you gave would not qualify for the depletion of inventory provision, and would have to be marked to be in compliance with the 2014 requirements. That is it would have to be tested; verified to contain less than the specified concentration of the restricted chemicals; and marked with the environmental indicator "A". Once we get to the year 2021, any brake pads in inventory could be continued to be sold if for use on a vehicle made before 2021 and marked with the environmental indicator of "A" meeting the 2014 California requirements. In addition, any brake pads manufactured before 2014, without any marking, could be continued to be sold until 2023.

Please let us know if this answers your question. If not send us another email so that we can clarify.

Regards,
Evelia Rodriguez
(916) 327-6104

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