

Agenda

Discussion on Including an Exemption Marking under the California Brake Pad Law

Wednesday, August 20, 2014

7:30 am – 9:00 am PDT

Goal of this meeting: Discuss the issues identified during the California Brake Pad regulations workshops regarding the marking of exempt products and explore possible solutions that might be incorporated into the draft regulation language to identify these products.

1. Introductions (5 mins)
2. Overview on the exemptions under the California and the State of Washington Laws (15 mins)
(Reference: [Diagram of Ca and WA exemptions plainlanguage.pdf](#))
3. Overview on the State of Washington exemption process versus the California extension process (15 mins)
(Reference: [WA exemption Process vs CA extension Process v2.pdf](#))
4. Focused discussion of two exemptions in the California Brake Pad Law (15 mins)
(Reference: [Matrix of mfr yr of brake vs. vehicle in CA.xls](#))
 - a. Health and Safety Code sections 25250.55(g) & (h)
 - b. Health and Safety Code sections 25250.52 & 25250.53
5. Open discussion to group for comment and suggestions (40 mins)

Workshop Notes:

Some of the issues brought up in the open discussion were as follows:

Scott Severnak/Akebono: How does DTSC want brake pads marked that meet the exemptions in HSC section 25250.55(g) and (h)? If the brake pad is manufactured in 2023 for a vehicle made in 2019, would the environmental compliance mark be A23 or some other mark signifying it is exempt? Would it be possible to incorporate a packaging logo for original equipment service contract parts such as an “OESC Service only” sticker?

Greg Ladley/Advics: When DTSC refers to the year the vehicle is manufactured, does the department mean the vehicle model year or the actual year the vehicle is manufactured? The vehicle model year may extend over a 5+ year period. If a vehicle model year straddle one of the requirement dates such as the January 1, 2021 requirement, would the vehicle manufacturer need to install “B” brake pads on vehicles manufactured between January 1, 2021 and January 1, 2022? Under the current California exemptions, the vehicle manufacturer would need to install the “B” brake on all vehicles manufactured during that one production year (January 1, 2021 to January 1, 2022). The law doesn’t have a section that allows the department to provide extension to the January 1, 2021 requirements.

Aaron Lowe/AutoCare Association: Aaron thought that there might be a way to identify the exempt brakes maybe in the e-catalogues and would speak to his group off-line to see if it is a possibility.

During the discussion, Ian Wesley pointed out another difference between the California and the State of Washington laws. The State of Washington law is focused more on the date of manufacture of the brake unlike California's law which refers to the date the vehicle is manufactured.

Another participant asked if DTSC would be willing to help develop guidance regarding OESC brakes. DTSC would be willing to work with industry to develop guidance on this topic.

Ted Walters/AASCA: We would like to see language in the draft regulation for a packaging logo, similar to the one used in the State of Washington that identifies compliant brake friction material. A packaging logo would make it easier for retailers and auto repair shops to confirm their suppliers have provided them with California complaint brake pads.

Question submitted via the chat log by Heidi Rutz/Brake Parts Inc.: If there is existing inventory for brakes manufactured in 2019 for a vehicle manufactured in 2012, is there an exemption in the California law? Answer provided by Evelia Rodriguez: 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.

Action Items:

Items that DTSC will research:

1. Look into definition on vehicle manufactured date. Is it based on the vehicle model year or the actual date of manufacture? Suzanne Davis to review law and seek advice from DTSC Legal.
2. Stacy Tatman had the following question: So it is not possible to put reciprocity or a "deemed to comply" determination into the regulations where CA law differs from WA? Suzanne Davis to review law and seek advice from DTSC Legal.
3. Provide a list of August 20th attendees to SAE, MEMA, and AASA representatives to set up an industry committee.

4. DTSC will be incorporating language on a packaging logo that is similar to the language in the State of Washington Better Brakes Rule. The proposed packaging logo will be the same as the packaging logo currently used by the industry (the AASA Leafmark™) to identify brakes that are certified as “A”, “B”, or “N”.

Item that SAE, AASA, and MEMA will follow up on:

1. Forming a committee of industry stakeholders in the aftermarket, vehicle OEM, OE, etc. to explore potential options to identify brake pads exempted in either California or the State of Washington.

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August 20, 2014

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