



## California Stormwater Quality Association®

*Dedicated to the Advancement of Stormwater Quality Management, Science and Regulation*

---

June 30, 2016

Ms. Suzanne Davis  
Safer Products and Workplaces Program  
California Department of Toxic Substances Control (DTSC)

Subject: CASQA Comments on Revised Draft Brake Pad Regulations

Dear Ms. Davis:

On behalf of the California Stormwater Quality Association (CASQA<sup>1</sup>), thank you for the opportunity to comment on DTSC's revised draft of regulations to California's law regulating copper, other metals, and asbestos in vehicle brake pads. CASQA's municipal agency members and Caltrans are relying on successful implementation of the California Brake Pad Law to comply with Clean Water Act and California Porter-Cologne requirements to reduce levels of copper in urban stormwater runoff. CASQA strongly supports DTSC's plan to adopt and implement the regulations as quickly as feasible.

A number of our recommendations on the earlier drafts have been incorporated into this version and we thank you for that. We do have one area of concern with the revised draft. Proposed new language (Section 66387.4, final sentence) eliminates the requirement for Testing Certification Agencies to submit changes to their certification practices to DTSC for approval once the agencies have received DTSC's initial approval, as long as the Testing Certification Agencies continue to maintain compliant procedures. CASQA understands why DTSC would desire such a change as otherwise certifications could be delayed by relatively small or frequent events, like staff changes at the Testing Certification Agency or minor updates to various procedural documents.

The concern is that the proposed change means the Testing Certification Agency would essentially self-certify its procedural changes. This would result in a lack of transparency and accountability. As we wrote in our May 23 comment letter and reiterated in testimony at the May 27 DTSC hearing, the Testing Certification Agency plays a critical role in the program and the certification process must be of the highest integrity. The way to ensure that is through transparency and accountability.

To maintain that level of integrity and to address concerns regarding delays or drain on resources, CASQA recommends as an alternative to the proposed new language that DTSC simply require only submittal (not approval) of all changes. That way DTSC could, at its discretion, review changes and notify the Testing Certification Agency of any non-compliant changes.

---

<sup>1</sup> CASQA is comprised of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to more than 22 million people in California.

## CASQA Comments on Revised Draft Brake Pad Regulations

Thank you again for the opportunity to provide constructive comments. Again, we urge adoption of these regulations without further delay. If you have any questions or would like to set up a meeting, please contact CASQA Executive Director Geoff Brosseau at (650) 365-8620.

Sincerely,

A handwritten signature in black ink that reads "Jill C. Bicknell". The signature is written in a cursive style with a large initial "J" and "C".

Jill Bicknell, Chair  
California Stormwater Quality Association

cc: Meredith Williams, DTSC Deputy Director  
CASQA Board of Directors and CASQA Executive Program Committee