



California Stormwater Quality Association®

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

May 23, 2016

Ms. Jackie Buttle and Mr. John Meerscheidt
Office of Planning & Environmental Analysis
California Department of Toxic Substances Control

Subject: CASQA Response to 45-day Comment Period on the Formal Draft Regulations for the California Brake Pad Law; DTSC Reference Number: R-2014-01

Dear Ms. Buttle and Mr. John Meerscheidt:

On behalf of the California Stormwater Quality Association (CASQA¹), thank you for the opportunity to comment on DTSC's formal 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.

Overall we are pleased with the proposed provisions in draft regulations. We find the regulations to be clearly written and appropriately focused only on those topics requiring regulatory clarification. A number of our recommendations on the earlier draft have been incorporated into this version and we thank you for that.

Specifically, CASQA fully endorses DTSC's use of accepted and widely used national and international standards (ISO, NELAP) to ensure the integrity of the certification process. These standards ensure the Testing Certification Agency has sufficient technical capacity, independence, and professional integrity to assume its critical role in the program and that laboratories are independent, reliable and use accurate scientific methods to determine compliance. Unless the certification process is of the highest integrity, it will not achieve the goals of SB 346 or be trusted by Californians.

Furthermore, we strongly concur with DTSC's inclusion of the package marking ("certification mark") in the Marked Proof of Certification (Section 66387.7). This is consistent with Washington State requirements. Clear markings on the product package are the only reasonable means for consumers and auto repair professionals to determine brake pad copper content and compliance level.

¹ 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.

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We request DTSC to urge the Motor and Equipment Manufacturers Association (MEMA) to allow use of the trademarked logos by anyone for education and outreach purposes.

Finally, we support DTSC's decision to post all of its decisions on the web and to modify the regulations to provide for that.

Thank you again for your incorporation of most of our previous comments into this rulemaking language. 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, flowing style.

Jill Bicknell, Chair
California Stormwater Quality Association

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