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Acting Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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**Edmund G. Brown Jr.**  
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September 20, 2011

### **USPS AND ELECTRONIC MAIL**

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HEALTH AND SAFETY CODE, DIVISION 20, CHAPTER 6.5, ARTICLE  
13.5 "MOTOR VEHICLE BRAKE FRICTION MATERIALS"

Dear Mr. Brown:

Thank you for your interest in California Health and Safety Code, Division 20, Chapter 6.5, Article 13.5. You have asked the Department of Toxic Substances Control (DTSC) numerous questions regarding this Article. DTSC is able to respond to some of your questions at this time. Those questions are discussed below.

**Question 1:** Is DTSC required to approve either the testing criteria and procedures for brake friction materials or the certification requirements for laboratories as defined under Health and Safety Code sections 25250.60 (a) and 25250.50(g)?

Yes. DTSC is required to approve the testing criteria and procedures for brake friction materials and the certification requirements for laboratories as defined under Health and Safety Code sections 25250.60 (a) and 25250.50(g).

**Question 2:** In order to adopt criteria and procedures to test brake friction materials or approve the certification agency requirements under Health and Safety Code section 25250.50(g), will DTSC need to engage in formal rulemaking?

In order to adopt criteria and procedures to test brake friction materials or approve the certification agency requirements under Health and Safety Code section 25250.50(g), DTSC believes that it will need to do formal rulemaking.

**Question 3:** When DTSC approves certification agency requirements or testing criteria and procedures for brake friction materials under Health and Safety Code section 25250.50(g) would the approval be subject to CEQA?

DTSC does not believe the certification of agency requirements or testing criteria and procedures for brake friction materials under Health and Safety Code section 25250.50(g) will be subject to CEQA.

**Question 4:** How can DTSC ensure that all testing agencies potentially meeting the definition of "testing certification agency" in Health and Safety Code section 25250.50(g) are given equal treatment under this law?

DTSC can ensure that all testing agencies potentially meeting the definition of "testing certification agency" in Health and Safety Code section 25250.50(g) are given equal treatment under this law through the regulations ultimately adopted by DTSC.

**Question 5:** Does the definition of "small volume manufacturers," as used in Health and Safety Code section 25250.55, include manufacturers of brake friction materials independent of a vehicle manufacturer?

No, the "small volume manufacturer" as defined by Cal. Code Regs., tit. 13, section 1900 (b)(22), limits the definition to vehicle manufacturers and does not extend the exemption to manufacturers of brake friction materials independent of a vehicle.

**Question 6:** Are brake friction materials manufactured after January 1, 2021 for a vehicle made before January 1, 2021 exempt under Health and Safety Code section 25250.55?

Yes. According to this Article, brake friction materials manufactured after January 1, 2021 for a vehicle made before January 1, 2021 are exempt under Health and Safety Code section 25250.55(g).

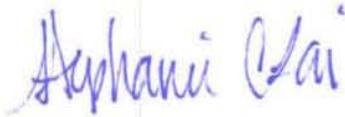
**Question 7:** Are brake friction materials manufactured after January 1, 2025 for a vehicle made before January 1, 2025 exempt under Health and Safety Code section 25250.55?

Yes. According to this Article, brake friction materials manufactured after January 1, 2025 for a vehicle made before January 1, 2025 are exempt under Health and Safety Code section 25250.55(h).

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Thank you for your interest in the new motor vehicle brake friction material legislation. DTSC is reviewing the other questions you have asked and will be responding soon. If you have any questions regarding these issues please do not hesitate to call me at 510-540-3884.

Very truly yours,



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