



December 5, 2014

Department of Toxic Substances Control (DTSC)
Attn: Comments on Draft Informal Regulations for Brake Friction Material Law
Box 806, Mail Station/Code SPWP/MS 12
Sacramento California 95812-0806

Subject: Comments on Revised informal regulations for Brake Friction Law

The following are comments related to the revised informal regulations for the Brake Friction Law (Health and Safety Code sections 25250.50)

The contents of the regulations have some technical inaccuracies related to accreditation

1. Section 66275.5 (a) identifies two inappropriate accreditation programs for this type of material or product testing. These are items (2) and (3) (see wording). Items 2 and 3 related to programs that address testing of water, wastes and environmental materials and not products such as the SAE method defined for this regulation. The accreditations by NELAP and CA ELAP do not include this testing method in the scope of accreditation.

(2) Any accreditation body that is recognized by the National Environmental Laboratory Accreditation Program, as of the effective date of this chapter and

(3) By the California environmental laboratory accreditation program, as of the effective date of this chapter.

2. Section 66275.1 Definitions (m) identifies the term testing certification agency. There are many US certification bodies that are recognized through the International Accreditation Forum that do not operate a testing laboratory. These certification bodies contract with testing laboratories accredited by an ILAC recognized accreditation body that meets the requirements of ISO/IEC 17011. The industry term “registrar” is used in the US for certification bodies (CB) performing registration or certification or manufacturers, suppliers or other producers. These are often not laboratories. A certification body may be associated with a laboratory or not. In some certification schemes (ISO/IEC 17067), the testing must be done by an organization different from the certification body to ensure an adequate evaluation of the testing, product marking and use of the CB mark. The CB mark is addressed in ISO/IEC 17065 along with the process for evaluation and decision for certification. The testing laboratory requirements (ISO/IEC 17025) does not address authorizations for use of a mark and does not address the review of packaging, labeling or other markings. So the term Testing certification agency does not follow the standards referenced in other parts of these draft regulations.

(m) “Testing certification agency” means a third-party testing certification agency that is utilized by a vehicle brake friction materials manufacturer and that has an accredited laboratory program



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that provides testing in accordance with the certification agency requirements that are approved by the department. The term "registrar" is used by the industry when referring to this entity.

3. Section 66275.2 References (a) (3) identifies a reference that is not applicable to the testing of brake friction material. The TNI standard referenced is developed for materials found in the environment using EPA and related methods as defined in regulation. The assessors and program do not address conformity assessment of products or marking of such products.
4. Section 66275.4(a) identifies the need for accreditation of the testing certification agency to ISO/IEC 17065:2012. The clause does not provide information on the acceptable accreditation as it does in clause 66275.5 (a) (1). ISO/IEC 17065 accreditation may be obtained from the American National Standards Institute or from an accreditation body recognized by a regional cooperative as a signed signatory to the International Accreditation Forum (IAF). Note the term used in ISO/IEC 17065 is certification body and not testing certification agency since the ISO/IEC 17065 requirements are for certification of the product and not certification of the testing.

Thank you for your consideration.

Advanced Systems provides training and assessing to ISO/IEC 17025, ISO/IEC 17065 (formerly ISO/IEC Guide 65), The TNI standard (NELAC) Volume 1 (includes Modules 2 and 4) and other technical training and consulting to materials testing, inspection and certification bodies for over 10 years. Advance Systems has been actively involved in NELAC since its beginnings and thus has provided training to NELAP assessors including California ELAP.

Please feel to contact me at my email, mmoore@advancedsys.com if you have any questions.

Sincerely,

Marlene Moore
President

MM/mtf