Automotive Manufacturers
Equipment Compliance Agency, Inc.

1025 Connecticut Ave. N.W. ¤ Suite 1012 ¤ Washington D.C. 20036

20 May 2016

Ms. Jackie Buttle, Regulations Coordinator
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Department Reference Number: R-2014-01
P.O. Box 806
Sacramento, CA 95812-0806

Dear Ms. Buttle,

We applaud the efforts of State of California and the Department of Toxic Substances Control to protect the environment and are grateful for the opportunity to comment on this process. The Automotive Manufacturers Equipment Compliance Agency, Inc. (AMECA) currently administrates the Equipment Compliance Program initiated by the American Association of Administrators (AAMVA) in 1967. This program was started at the request of manufacturers to provide one stop for all state regulatory needs. We have all existing documentation, including company records, back to 1967. It was only in 2013 when the State of Washington adopted a different data standard for brake friction material that any other registration program existed.

AMECA currently has agreements with 24 states in the United States to provide equipment registration services. In addition, our documents are currently used by Republic of Ecuador and have been previously used by the State of Israel and Bolivarian Republic of Venezuela as proof of products meeting minimum safety standards.

AMECA is not a signatory to ISO-17065 because, as agent for state governments, we can only ask for what state governments require to protect human safety. Since the federal government does not require ISO certification on safety products, state governments cannot require ISO certification on safety products and therefore AMECA cannot offer this service as part of state regulations. We are working on becoming an ISO-17065 certification agency as a supplemental service for another industry.

We believe that the California regulation CCR Title 22, Division 4.5, Chapter 35, Article 1, sections 66387.1 to 66387.9 needs to be harmonized with the Washington Better Brakes Rule Chapter 173-901 WAC. Because Washington does not require ISO 17065 certification, California's adoption of a mandatory ISO process for the Testing Certification Agency will result in 3 systems of registration in the United States. The AMECA program for friction registration in regards to human safety, the Washington program and California's program requiring ISO certification. Alternatively the California could enter into a reciprocity agreement with Washington on the reporting and marking requirements.

The requirement for ISO 17065 certification for a manufactured product is a growing trend and one we plan to participate in. Normally in ISO 17065 certification the Testing Certification Agency will conduct market audits or arrange to have them conducted. However, as implemented in California, the ISO

17065 Certification only goes as far as the test results from the testing laboratory but no external audit of products on the market.

The manufacturer is allowed to self-certify under Section 66387.3 (a)(4)(B). Why is the manufacturer allowed to self-certify and the Testing Certification Agency is not? The manufacturer has vastly more incentive in this process to comply with California's requirements. In effect, by requiring ISO 17065 certification for the Testing Certification Agency the California is holding the Testing Certification Agency to a different standard than the manufacturer.

Testing laboratories and manufacturers are also able to request different testing standards according to 66387.6(j) this may or may not be an ISO or SAE standard for testing. So a manufacturer can self-certify, the laboratory/manufacturer can apply for different testing protocols but the testing certification agency can only use an ISO 17065 process? Why is the testing certification agency, which is at minimum two steps removed from the products in question, being held to a different standard? California should permit alternative accreditation for a Testing Certification Agency similar to what is available to test laboratories under 66387.5 (c)

If California does require the ISO-certification then the cost analysis based on Washington's is inaccurate and additional cost for ISO certification need to be considered.

We believe that harmonizing with Washington would present the most efficient solution for manufacturers and ultimately to the California. Alternatively, a reciprocity agreement between California and with Washington on the reporting and marking requirements would accomplish the same goal. At minimum, California should allow Testing Certification Agencies to apply for an alternative accreditation similar to that of 66387.5 (c) for test laboratories.

Finally, we appreciate all the effort the State of California has put into protecting the environment and our ability to comment on the process.

Sincerely,

Kevin Wolford
Executive Director

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