



7th GENERATION
Advisors



May 20, 2016

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

Subject: 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:

On behalf of the undersigned organizations we are pleased to submit our comments on DTSC's formal draft of regulations to California's law regulating copper, other metals, and asbestos in vehicle brake pads.

Our organizations have a strong interest in the successful implementation of the California Brake Pad Law in order to assist in compliance with Clean Water Act and California Porter-Cologne requirements to reduce levels of copper in urban stormwater runoff. We support the adoption of these proposed regulations without further delay.

We concur with all of the major provisions in these draft regulations, which are clearly written and appropriately focused only on those topics requiring regulatory clarification.

Our organizations support the use of accepted and widely used national and international standards (ISO, NELAP) by the department 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 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.

In addition, we concur with DTSC's inclusion of the package marking ("certification mark") in the Marked Proof of Certification (Section 66387.7). 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.

To assist in the effective implementation of this program, we encourage DTSC to urge the Motor and Equipment Manufacturers Association (MEMA) to allow use of the trademarked logos by anyone for education and outreach purposes. Effective local outreach is essential.

We are pleased that the rulemaking process is being concluded and trust that DTSC will adopt and enforce these regulations without any further delay.

Sincerely,



Andria Ventura - Clean Water Action



Rita Kampalath – Heal the Bay



Leslie Mintz Tamminen – Seventh Generation Advisors



J. Stacey Sullivan - Sustainable Conservation

cc: Meredith Williams, DTSC Deputy Director