

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1738

65th Legislature
2017 Regular Session

Passed by the House February 16, 2017
Yeas 57 Nays 40

Speaker of the House of Representatives

Passed by the Senate April 12, 2017
Yeas 47 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1738** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1738

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By House Environment (originally sponsored by Representatives Doglio, Jenkin, and Tarleton)

READ FIRST TIME 02/10/17.

1 AN ACT Relating to continuing to protect water quality by
2 aligning state brake friction material restrictions with the
3 requirements of a similar nationwide agreement; and amending RCW
4 70.285.030, 70.285.050, and 70.285.100.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.285.030 and 2010 c 147 s 3 are each amended to
7 read as follows:

8 (1) (~~Beginning January 1, 2014,~~) No manufacturer, wholesaler,
9 retailer, or distributor may sell or offer for sale brake friction
10 material in Washington state containing any of the following
11 constituents in an amount exceeding the specified concentrations:

- 12 (a) Asbestiform fibers, 0.1 percent by weight.
13 (b) Cadmium and its compounds, 0.01 percent by weight.
14 (c) Chromium(VI)-salts, 0.1 percent by weight.
15 (d) Lead and its compounds, 0.1 percent by weight.
16 (e) Mercury and its compounds, 0.1 percent by weight.

17 (2) Beginning January 1, 2021, no manufacturer, wholesaler,
18 retailer, or distributor may sell or offer for sale brake friction
19 material in Washington state containing more than five percent copper
20 and its compounds by weight.

1 (3) Beginning January 1, 2025, no manufacturer, wholesaler,
2 retailer, or distributor may sell or offer for sale brake friction
3 material in Washington state containing more than 0.5 percent copper
4 and its compounds by weight.

5 (4) Brake friction material manufactured prior to 2015 is exempt
6 from subsection (1) of this section for the purposes of clearing
7 inventory. This exemption expires January 1, 2025.

8 ~~((4))~~ (5) Brake friction material manufactured prior to 2021 is
9 exempt from subsection (2) of this section for the purposes of
10 clearing inventory. This exemption expires January 1, 2031.

11 ~~((5))~~ (6) Brake friction material manufactured prior to 2025 is
12 exempt from subsection (3) of this section for the purposes of
13 clearing inventory. This exemption expires January 1, 2035.

14 (7) Brake friction material manufactured as part of an original
15 equipment service contract for vehicles manufactured prior to January
16 1, 2015, is exempt from subsection (1) of this section.

17 ~~((6))~~ (8) Brake friction material manufactured as part of an
18 original equipment service contract for vehicles manufactured prior
19 to January 1, 2021, is exempt from subsection (2) of this section.

20 (9) Brake friction material manufactured as part of an original
21 equipment service contract for vehicles manufactured prior to January
22 1, 2025, is exempt from subsection (3) of this section.

23 **Sec. 2.** RCW 70.285.050 and 2010 c 147 s 5 are each amended to
24 read as follows:

25 If, pursuant to RCW 70.285.040, the department finds that
26 alternative brake friction material is available:

27 (1)(a) By December 31st of the year in which the finding is made,
28 the department shall publish the information required by RCW
29 70.285.040 in the Washington State Register and present it in a
30 report to the appropriate committees of the legislature; and

31 (b) The report must include recommendations for exemptions on
32 original equipment service and brake friction material manufactured
33 prior to dates specified in this section and may include
34 recommendations for other exemptions.

35 (2) Beginning ~~((eight years after the report in subsection (1) of~~
36 ~~this section is published in the Washington State Register))~~ January
37 1, 2025, and consistent with RCW 70.285.030(3), no manufacturer,
38 wholesaler, retailer, or distributor may sell or offer for sale brake
39 friction material in Washington state containing more than 0.5

1 percent copper and its compounds by weight, as specified in the
2 report in subsection (1) of this section.

3 ~~((3) The department shall adopt rules to implement this~~
4 ~~section.))~~

5 **Sec. 3.** RCW 70.285.100 and 2010 c 147 s 10 are each amended to
6 read as follows:

7 The department may adopt rules necessary to implement this
8 chapter. Rules adopted by the department under this section may not
9 exceed the terms explicitly established by this chapter.

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