

WAC 173-901-060 Self-certification of compliance. (1) Manufacturers of brake friction material must certify to the department that any brake friction material that is sold or offered for sale in Washington state complies with the requirements of chapter 70.285 RCW and this chapter using the following process:

(a) **Step 1:** Submit a sample of each brake friction material for laboratory testing. A brake friction material manufacturer may either:

(i) Submit a brake friction material sample directly to a laboratory accredited in accordance with WAC 173-901-070 for testing in accordance with WAC 173-901-080; or

(ii) Submit a sample of brake friction material to an industry-sponsored registrar that will send the sample to a laboratory accredited in accordance with WAC 173-901-070 for testing in accordance with WAC 173-901-080, on behalf of the brake friction material manufacturer.

(b) **Step 2:** Ensure that the laboratory provides laboratory testing results for each brake friction material directly to an industry-sponsored registrar. The brake friction material manufacturer may review the testing results prior to the laboratory sending the results to the registrar. However, the manufacturer must ensure that the laboratory submits the results from all testing conducted on a given friction material formula. All testing and reporting of results must be carried out in accordance with WAC 173-901-080.

(c) **Step 3:** Ensure that each brake friction material that complies with the requirements of chapter 70.285 RCW and this chapter is assigned a unique identification code ending in the appropriate environmental compliance marking as described in WAC 173-901-100.

(d) **Step 4:** Ensure that an industry-sponsored registrar lists each brake friction material that complies with the requirements of this chapter on the internet in a publicly accessible and searchable database or list. A link to this database or list must be provided to the department and the department must be notified if the internet address of this database or list changes.

(e) **Step 5:** Ensure that self-certification documentation is submitted to an industry-sponsored registrar for transmission to the department on behalf of the brake friction material manufacturer. Self-certification documentation must:

(i) Include the contact information for the brake friction material manufacturer;

(ii) Include a signed and dated statement by an authorized representative of the brake friction material manufacturer declaring under penalty of perjury according to the laws of the state of Washington that all brake friction materials bearing the listed unique identification codes are of the same composition as those submitted to the laboratory and meet all of the requirements of chapter 70.285 RCW and this chapter; and

(iii) Be in a form and format prescribed by the department.

(f) **Step 6:** Ensure that the registrar then transmits the self-certification documentation and laboratory testing results, on behalf of the brake friction material manufacturer, to the department. Self-certification documentation and test results must be transmitted in a quarterly report. The report must:

(i) Be in an electronic form and format prescribed by the department;

(ii) Contain a table showing each friction material sold or offered for sale in Washington state as identified by its unique identification codes and the cumulative average of all laboratory testing

results for a given friction material demonstrating that the identified friction material complies with the requirements of chapter 70.285 RCW and this chapter. This information must be reported in accordance with WAC 173-901-080(5); and

(iii) Contain the self-certification documentation submitted to the registrar.

(g) **Step 7:** Ensure that brake friction material and its packaging is marked with proof of certification in accordance with WAC 173-901-090.

(2) There is no need to submit self-certification documentation for individual brake friction materials to the department between the regular quarterly reports.

(3) Manufacturers of brake friction material may use one set of testing results and self-certification documentation, and a single unique identification code for multiple products using an identical brake friction material formulation.

(4) Manufacturers of brake friction material are responsible for the accuracy of all information transmitted to the department. Manufacturers of brake friction materials may implement quality controls not otherwise specified above to ensure the accuracy of information transmitted to the department.

(5) Provided that each step is completed, manufacturers of brake friction material may alter the order of the process, in so far as the preceding steps are not required for the completion of subsequent steps. For example, a unique identification code may be issued at the beginning of the process or the industry-sponsored registrar may add compliant brake friction materials to the publicly available database or list after the self-certification documentation has been submitted to the department.

(6) **Prerequisites for certification:**

(a) A manufacturer of brake friction material must file an initial baseline report as described in WAC 173-901-110, or obtain a waiver from this report under WAC 173-901-110(7), before it may certify compliance with the requirements in chapter 70.285 RCW and this chapter.

(b) A manufacturer of brake friction material that has received a penalty under this chapter may not certify other products until the penalty is paid.

(7) **Updating certification:** Manufacturers of brake friction material must recertify each previously certified brake friction material that is still being manufactured at least once every three years.

When recertifying brake friction materials, manufacturers of brake friction materials must submit updated self-certification documentation and new laboratory testing results. However, brake friction materials containing more than five percent copper, but that meets the requirements for the regulated constituents, do not need to be submitted for new testing to be recertified prior to 2021.

(8) **Exemption:** Brake friction material manufactured prior to 2015 is exempt from this section.

(9) **Optional certification:** A manufacturer of brake friction material that is not required to comply with the requirements of this law may certify compliance and mark brake friction materials in accordance with this chapter, provided that it certifies the product in accordance with this section.

[Statutory Authority: Chapter 70.285 RCW. WSR 12-21-082 (Order 10-17), § 173-901-060, filed 10/19/12, effective 11/19/12.]