

**WAC 173-901-160 Responsibilities of wholesalers, distributors, installers, and retailers of brake friction materials.** (1) **May I sell brake friction material that I have in stock before the effective dates of chapter 70.285 RCW?** Yes. Brake friction material manufactured before the effective dates may still be sold for a period of time:

(a) Brake friction material that was manufactured before January 1, 2015, may be sold until January 1, 2025, regardless of its content or whether it has been marked with proof of certification;

(b) Brake friction material that was manufactured before January 1, 2021, and contains more than five percent copper by weight may be sold until January 1, 2031; and

(c) Brake friction materials manufactured as part of an original equipment service contract that have been certified and marked may be sold indefinitely after the various effective dates regardless of the amount of the copper or regulated constituents in the product.

(2) **How will I know that the brake friction material I sell is compliant?** Brake friction material and its packaging are required to be marked with a certification mark and unique identification code indicating that the brake friction material complies with this chapter. Please refer to WAC 173-901-090, 173-901-100, and SAE J866:2012 for details on the markings. The following table describes which brake friction materials are acceptable for sale and when. Each of the following markings will be the last three digits on the unique code marked on brake friction material:

| <b>Brake friction material marked with:</b>   | <b>May be sold until:</b>   |
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| "N" followed by the last two digits of the year of manufacture.   | Brake friction material marked with an "N" meets all of the requirements of this chapter and there are no restrictions on its sale.   |
| "B" followed by the last two digits of the year of manufacture.   | Brake friction material marked with a "B" meets all of the requirements of this chapter and there are currently no restrictions on its sale. However, future restriction may be put in place. |
| "A" followed by the last two digits of the year of manufacture when the year of manufacture is 2012 through 2020. | Brake friction material marked with an "A" that has a manufacture year of 2012 through 2020 may be sold until 2031.   |
| "A" followed by the last two digits of the year of manufacture when the year of manufacture is 2021 or later.     | Brake friction materials marked with an "A" that has a manufacture year of 2021 or later, may not be sold or offered for sale in Washington state.  |

| <b>Brake friction material marked with:</b>   | <b>May be sold until:</b>   |
|---|---|
| "WX" or "X" with or without the year of manufacture.  | Brake friction materials marked with a "WX" or "X" are designed for use on exempted vehicles or are otherwise exempted from the requirements of this chapter. It is a violation of this chapter to install these friction materials on nonexempt vehicles or in a manner otherwise prohibited by this chapter.  |
| Brake friction material that is not marked with an environmental compliance marking or the year of manufacture. | Unmarked brake friction material manufactured prior to 2015 may be sold for use on any vehicle until 2025. It is a violation of this chapter to sell unmarked brake friction material that is manufactured after 2015 for use on a vehicle that is required to comply with this chapter. Brakes intended for use on certain vehicles, such as motorcycles, are not required to be marked and may be installed regardless of the manufacture date. |

(3) **What will happen if I sell a pad that is in violation of this chapter?** For a complete description of the enforcement provisions please see WAC 173-901-180. However, if a wholesaler, distributor, installer, or retailer is found to be violating this chapter, the department must issue a warning letter and provide information and assistance to help this person achieve compliance. If they continue to sell brake friction material in violation of this chapter after receiving a warning and assistance, the department may issue penalties.

(4) **Is it a violation of this chapter to sell a brake friction material that has been marked in accordance with this chapter, yet is found to contain one of the regulated constituents or copper in amounts exceeding the specified concentrations?**

(a) A wholesaler, distributor, installer, or retailer that sells or offers for sale brake friction material that has been marked with proof of certification will not be in violation of this chapter, even if the brake friction material contains the regulated constituents or copper in amounts exceeding the specified concentrations.

(b) However, if the wholesaler, distributor, installer, or retailer knew that the brake friction material contained any of the regulated constituents or copper in amounts exceeding the specified concentrations and knew that the brake friction material was labeled incorrectly, yet sold it or offered it for sale in Washington state, they would be in violation of chapter 70.285 RCW and this chapter.

(5) **What should I do if I am sold brake friction material that does not comply with the requirements of this chapter?** If you are sold brake friction material that is in violation of this chapter, you may not resell it. Report the violation to the department.

(6) **If I purchase brake friction material from a brake friction material manufacturer and package it in a new box, what must I do before offering my product for sale in Washington state?** You are respon-

sible for ensuring that the brake friction material is registered with an industry-sponsored registrar before reboxing the product.

(a) If the brake friction material has already been registered, you do not need to reregister or retest the brake friction material and are not responsible for the accuracy of the information submitted to the registrar and the department. You must package the brake friction material in a package that is marked in accordance with WAC 173-901-090.

(b) If the brake friction material has not been registered, you may not offer the product for sale in Washington state unless you register the product with an industry-sponsored registrar and mark the brake friction material and its packaging in accordance with WAC 173-901-090.

[Statutory Authority: Chapter 70.285 RCW. WSR 12-21-082 (Order 10-17), § 173-901-160, filed 10/19/12, effective 11/19/12.]