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AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 346

Introduced by Senators Kehoe and Simitian

February 25, 2009

An act to add Article 13.5 (commencing with Section 25250.50) to Chapter 6.5 of Division 20 of, and to repeal Section 25250.65 of, the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 346, as amended, Kehoe. Hazardous materials: motor vehicle brake friction materials.

(1) Existing law establishes the Department of Toxic Substances Control in the California Environmental Protection Agency, with powers and duties regarding the management of hazardous waste. Existing law, administered by the department, prohibits the management of hazardous

waste except in accordance with the hazardous waste control laws, including laws governing the removal of any mercury-containing vehicle light switch from a vehicle, and the regulations adopted by the department. A violation of the hazardous waste control laws is a crime.

The bill, commencing on January 1, 2014, would prohibit the sale of any motor vehicle brake friction materials containing specified constituents in amounts that exceed certain concentrations. The bill would allow, until December 31, 2023, motor vehicle manufacturers and distributors, wholesalers, or retailers of replacement brake friction materials to deplete their inventory of noncompliant materials. The bill, commencing on January 1, 2021, would prohibit motor vehicle brake friction materials containing more than 5% copper by weight from being sold in the state, and, commencing on January 1, 2025, would prohibit motor vehicle brake friction materials exceeding 0.5% copper by weight from being sold in the state.

A violation of these provisions by certain manufacturers would be subject to a civil fine of up to \$10,000 per violation. The bill would create the Brake Friction Materials Water Pollution Fund in the State Treasury, and would require those fines to be deposited in the fund. The moneys in the fund would be available, upon appropriation in the annual Budget Act, to implement the bill's requirements. Because a violation of these provisions also would be a crime pursuant to the hazardous waste control laws, the bill would impose a state-mandated local program.

The bill would establish a process by which a manufacturer may apply to the department for an extension of the prohibition against selling motor vehicle brake friction materials containing more than 0.5% copper by weight, including providing for the establishment of an advisory committee to be involved in that process. The bill would require the Secretary for Environmental Protection to issue a decision regarding the extension. In making the determination whether to approve or disapprove the extension, the bill would require the secretary to rely upon certain recommendations made by the advisory committee. The bill would require the department to assess a fee for each extension application, and the department would be authorized to expend those fees, upon appropriation by the Legislature, for reimbursement for the costs incurred in implementing this process.

The bill would exempt brake friction materials used for certain motor vehicle classes from its requirements and would exempt from certain

prohibitions the sale of vehicles or brake friction materials manufactured prior to certain dates.

The bill would require a vehicle brake friction material manufacturer to screen potential alternatives to copper using the existing Toxics Information Clearinghouse and to use an open source alternatives assessment or this screening analysis to select alternatives to copper that pose less potential hazard to public health and the environment. The vehicle brake friction material manufacturer or importer of record would be required to provide the department with a demonstration, upon request, of the manner in which the selection of alternatives is informed.

The bill would require all new motor vehicles offered for sale, on and after the specified compliance dates, to be equipped with brake friction materials meeting the requirements of this bill and would require all vehicle brake friction material manufacturers, on or after those compliance dates, to certify compliance with those requirements and mark proof of certification on all brake friction materials. The bill would require a vehicle brake friction materials manufacturer to file a copy of the certification with a testing certification agency.

The bill would require the department and the State Water Resources Control Board, by January 1, 2023, to submit a report to the Governor and the Legislature, on the implementation of the bill's requirements toward meeting the copper total maximum daily load (TMDL) allocations in the state. The bill would repeal this report requirement on January 1, 2027.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Friction materials are an essential component of motor
- 4 vehicle brake systems and of critical importance to transportation
- 5 safety and the public safety in general.

1 (b) Debris from friction materials containing copper in all of its
2 forms, including, but not limited to, elemental copper and all of
3 its alloys and compounds, are generated and released to the
4 surrounding environment in the course of normal brake system
5 operation.

6 (c) Tens of thousands of pounds of copper and other substances
7 released from brake friction materials enter California's streams,
8 rivers, and marine environment every year.

9 (d) Copper is toxic to many aquatic organisms, including
10 salmon.

11 (e) Limits on the copper content of brake friction materials are
12 essential for California cities, counties, and industries to comply
13 with federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.)
14 mandates, including copper water quality standards and copper
15 total maximum daily loads in California's urban watersheds.

16 (f) Without limits on the copper content of brake friction
17 materials, California taxpayers face billions of dollars in federal
18 Clean Water Act compliance costs.

19 (g) Changes in the composition of brake friction materials made
20 to comply with copper water quality standards and successfully
21 implement copper total maximum daily loads in California's urban
22 watersheds should meet all applicable safety standards.

23 SEC. 2. Article 13.5 (commencing with Section 25250.50) is
24 added to Chapter 6.5 of Division 20 of the Health and Safety Code,
25 to read:

26

27 Article 13.5. Motor Vehicle Brake Friction Materials

28

29 25250.50. For purposes of this article, the following definitions
30 shall apply:

31 (a) (1) "Advisory committee" means a committee of nine
32 members appointed by the secretary on or before January 1, 2019,
33 to consider and recommend approval or denial of an application
34 for an extension of the requirements imposed pursuant to Section
35 25250.53.

36 (2) A person considered for appointment to the advisory
37 committee shall disclose any financial interests the person may
38 have in any aspect of the vehicle or vehicle parts manufacturing
39 industry prior to appointment by the secretary or, in the case of
40 subparagraph (C) of paragraph (3), prior to nomination.

1 (3) The advisory committee shall be composed of the following
2 members:

3 (A) (i) One-third of the members shall be representatives of
4 the manufacturers of brake friction materials and motor vehicles,
5 to be appointed by the secretary in consultation with the chair of
6 the board and the director of the department.

7 (ii) If the application for an extension of the requirements
8 imposed pursuant to Section 25250.53 pertains solely to brake
9 friction materials to be used on heavy-duty motor vehicles, the
10 members appointed pursuant to this subparagraph shall represent
11 the manufacturers of heavy-duty brake friction materials and
12 heavy-duty motor vehicles.

13 (B) One-third of the members shall be representatives of
14 municipal storm water quality agencies and nongovernmental
15 environmental organizations, to be appointed by the secretary in
16 consultation with the chair of the board and the director of the
17 department.

18 (C) One-third of the members shall be experts in vehicle and
19 braking safety, economics, and other relevant technical areas, to
20 be appointed by the secretary, upon nomination by a majority of
21 the members specified in subparagraph (A) concurrently with a
22 majority of the members specified in subparagraph (B).

23 (4) For purposes of this subdivision, a “financial interest” shall
24 have the same meaning as a financial interest described in Section
25 87103 of the Government Code, except only with regard to
26 business entities, real property, or sources of income that are related
27 to the vehicle or vehicle parts manufacturing industry.

28 (b) “Board” means the State Water Resources Control Board.

29 (c) “Department” means the Department of Toxic Substances
30 Control.

31 (d) “Heavy-duty motor vehicle” means a motor vehicle of over
32 26,000 pounds gross weight.

33 (e) (1) “Manufacturer,” except where otherwise specified,
34 means both of the following:

35 (A) A manufacturer or assembler of motor vehicles or motor
36 vehicle equipment.

37 (B) An importer of motor vehicles or motor vehicle equipment
38 for resale.

39 (2) A manufacturer includes a vehicle brake friction materials
40 manufacturer.

1 (f) “Motor vehicle” and “vehicle” has the same meaning as the
2 definition of “vehicle” in Section 670 of the Vehicle Code.

3 (g) “Testing certification agency” means a third-party testing
4 certification agency that is utilized by a vehicle brake friction
5 materials manufacturer and that has an accredited laboratory
6 program that provides testing in accordance with the certification
7 agency requirements that are approved by the department.

8 25250.51. (a) On and after January 1, 2014, any motor vehicle
9 brake friction materials containing any of the following constituents
10 in an amount that exceeds the following concentrations shall not
11 be sold in this state:

12 (1) Cadmium and its compounds: 0.01 percent by weight.

13 (2) Chromium (VI)-salts: 0.1 percent by weight.

14 (3) Lead and its compounds: 0.1 percent by weight.

15 (4) Mercury and its compounds: 0.1 percent by weight.

16 (5) Asbestiform fibers: 0.1 percent by weight.

17 (b) Motor vehicle manufacturers and distributors, wholesalers,
18 or retailers of replacement brake friction materials may continue
19 to offer for sale brake friction materials not certified as compliant
20 with subdivision (a) solely for the purpose of depletion of
21 inventories until December 31, 2023.

22 25250.52. On and after January 1, 2021, any motor vehicle
23 brake friction materials exceeding 5 percent copper by weight shall
24 not be sold in this state, except as otherwise provided in this article.

25 25250.53. On and after January 1, 2025, any motor vehicle
26 brake friction materials exceeding 0.5 percent copper by weight
27 shall not be sold in this state, except as otherwise provided in this
28 article.

29 25250.54. (a) (1) On and after January 1, 2019, a manufacturer
30 may apply to the department for a one-year, two-year, or three-year
31 extension of the January 1, 2025, deadline established in Section
32 25250.53, except as provided in subdivision (h).

33 (2) An extension application submitted pursuant to this section
34 shall be submitted based on vehicle model, class, platform, or other
35 vehicle-based category, and not on the basis of the brake friction
36 material formulation.

37 (3) The application shall be accompanied by documentation
38 that will allow the advisory committee to make a recommendation
39 pursuant to subdivisions (e) and (f).

1 (4) The documentation shall include a scientifically sound
2 quantitative estimate of the quantity of copper that would be
3 emitted if the extension is granted, including a description of the
4 assumptions used in arriving at that estimate.

5 (b) No more than 30 days after receipt of an application for an
6 extension pursuant to subdivision (a), the department shall do all
7 of the following:

8 (1) Post a notice of receipt on the department's Internet Web
9 site that includes the vehicle model, class, platform, or other
10 vehicle-based category, whether the brake friction material is
11 intended for use in original equipment or replacement parts, and
12 the quantity of copper that would be emitted if the extension is
13 granted.

14 (2) Consult with the board and the State Air Resources Board.

15 (3) Solicit comment from the public and from scientific and
16 vehicle engineering experts on the availability of generally
17 affordable compliant brake friction materials, their safety and
18 performance characteristics, and the feasibility of brake pad copper
19 emissions reduction through means other than friction material
20 reformulation.

21 (c) (1) In consultation with the board, the department shall
22 determine if sufficient documentation has been presented upon
23 which to base a decision. If the department determines that further
24 documentation is needed, it shall deliver a detailed request for
25 further documentation to the applicant.

26 (2) Not later than 30 days after receipt of the application for an
27 extension pursuant to subdivision (a), the department shall forward
28 the application to the advisory committee for the purpose of the
29 advisory committee making a recommendation pursuant to
30 subdivisions (e) and (f).

31 (d) (1) In considering any application for an extension, the
32 advisory committee shall consider all of the documentation
33 supplied by the applicant pursuant to subdivision (a).

34 (2) The advisory committee may request, no later than 75 days
35 after receipt of the application from the department pursuant to
36 subdivision (c), further documentation from the applicant.

37 (3) The advisory committee shall hold at least one public hearing
38 at which it shall accept and consider comments from the public
39 on each category of application. The advisory committee meetings
40 shall be open to the public and are subject to the Bagley-Keene

1 Open Meeting Act (Article 9 (commencing with Section 11120)
2 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
3 Code).

4 (e) (1) The advisory committee shall recommend to the
5 secretary that the extension be approved if the advisory committee
6 determines that there are no brake friction materials that are safe
7 and available for individual or multiple vehicle models, classes,
8 platforms, or other vehicle-based categories identified in the
9 application.

10 (2) The advisory committee shall recommend to the secretary
11 that the extension not be approved if the advisory committee
12 determines that alternative brake friction materials are safe and
13 available for individual or multiple vehicle models, classes,
14 platforms, or other vehicle-based categories identified in the
15 application.

16 (3) For purposes of this section, “safe and available” shall mean
17 all of the following:

18 (A) The brake system for which the alternative brake friction
19 material is manufactured meets applicable federal safety standards,
20 or if no federal standard exists, a widely accepted safety standard.

21 (B) Acceptable alternative brake friction materials are
22 commercially available for the individual or multiple vehicles,
23 classes, platforms, or vehicle-based categories identified in the
24 application.

25 (C) Adequate industry testing and production capacity exists to
26 supply the alternative brake friction materials for use on the
27 individual or multiple vehicles, classes, platforms, or vehicle-based
28 categories identified in the application.

29 (D) The alternative brake friction material is technically feasible
30 for use on the individual or multiple vehicles, classes, platforms,
31 or vehicle-based categories identified in the application.

32 (E) The alternative brake friction materials meet customer
33 performance expectations, including noise, wear, vibration, and
34 durability for the individual or multiple vehicle classes, platforms,
35 or vehicle-based categories identified in the application.

36 (F) The alternative acceptable brake friction material is
37 economically feasible with respect to the industry and the cost to
38 the consumer for the individual or multiple vehicles, classes,
39 platforms, or vehicle-based categories identified in the application.

1 (4) The advisory committee shall provide relevant data to the
2 department and the board concerning the potential impacts of the
3 extension on California watersheds for purposes of the report
4 required pursuant to Section 25250.65.

5 (f) (1) No sooner than 60 days and no later than 120 days after
6 the department solicits comments pursuant to paragraph (3) of
7 subdivision (b), the advisory committee shall make a
8 recommendation to the secretary in accordance with subdivisions
9 (d) and (e) as to whether the application for extension should be
10 approved or not approved.

11 (2) The recommendation of the advisory committee that the
12 secretary approve or not approve the application for extension
13 shall be accompanied by documentation of the basis for the
14 recommendation.

15 (g) (1) The secretary shall make available the recommendation
16 of the advisory committee and the accompanying documentation
17 for public review and comment for 60 days following receipt of
18 the recommendation from the advisory committee.

19 (2) The secretary shall consider public comments on the advisory
20 committee's recommendation and issue a final decision on the
21 application for extension no later than 45 days after the conclusion
22 of the 60-day comment period.

23 (3) In making the determination whether to approve or
24 disapprove the extension, the secretary shall rely upon the
25 recommendations made by the advisory committee pursuant to
26 subdivision (f).

27 (4) If the secretary does not follow the recommendation of the
28 advisory committee made pursuant to subdivision (f), he or she
29 shall explain in writing the basis of his or her decision.

30 (h) (1) On or before December 31, 2029, a manufacturer with
31 an approved extension of the January 1, 2025, deadline established
32 in Section 25250.53, may reapply to the department for additional
33 two-year extensions from the deadline in accordance with a
34 schedule that may be established by the department.

35 (2) Except as provided in subdivision (i), a manufacturer may
36 not apply on or after January 1, 2030, for an extension of the
37 January 1, 2025, deadline established in Section 25250.53.

38 (3) The department shall comply with all of the requirements
39 of this section when granting an additional extension of the January
40 1, 2025, deadline pursuant to this subdivision.

- 1 (i) (1) On and after January 1, 2030, a manufacturer of vehicle
2 brake friction materials to be used on heavy-duty vehicles with an
3 approved extension of the January 1, 2025, deadline established
4 in Section 25250.53, may reapply to the department for additional
5 two-year extensions from the deadline established in Section
6 25250.53, that results in an extension of that deadline to a date on
7 and after January 1, 2032.
- 8 (2) The department shall comply with all of the requirements
9 of this section when granting an additional extension of the January
10 1, 2025, deadline pursuant to this subdivision.
- 11 (j) The department shall assess a fee for each application for an
12 extension sufficient to cover actual costs incurred in implementing
13 this section. The department may expend the fees collected
14 pursuant to this subdivision, upon appropriation by the Legislature,
15 for reimbursement for the costs incurred in implementing this
16 section.
- 17 (k) When granting an extension pursuant to this section, the
18 department, board, advisory committee, and secretary shall comply
19 with the requirements of Section 25358.2, to ensure the protection
20 of trade secrets, as defined in Section 25358.2.
- 21 25250.55. Brake friction materials for the following motor
22 vehicle classes are exempt from this article:
- 23 (a) Military tactical support vehicles.
- 24 (b) Vehicles employing internal closed oil immersed brakes, or
25 a similar brake system that is fully contained and emits no copper,
26 other debris, or fluids under normal operating conditions.
- 27 (c) Brakes designed for the primary purpose of holding the
28 vehicle stationary and not designed to be used while the vehicle
29 is in motion.
- 30 (d) Motorcycles.
- 31 (e) Motor vehicles subject to voluntary or mandatory recalls of
32 brake friction materials or systems due to safety concerns. This
33 exemption shall expire upon the lifting of the recall and provision
34 of new brake friction materials that comply with this article.
- 35 (f) Motor vehicles manufactured by small volume manufacturers,
36 as defined in Section 1900 of Title 13 of the California Code of
37 Regulations.
- 38 (g) Vehicles manufactured prior to January 1, 2021, and brake
39 friction materials ~~used in those~~ *for use on* vehicles manufactured

1 prior to January 1, 2021, from the requirements of Section
2 25250.52.

3 (h) Vehicles manufactured prior to January 1, 2025, and brake
4 friction materials ~~used in those~~ *for use on* vehicles manufactured
5 prior to January 1, 2025, from the requirements of Section
6 25250.53.

7 (i) Vehicles for which an extension from the requirements of
8 Section 25250.53 was approved pursuant to Section 25250.54.

9 25250.56. (a) In developing new formulations to comply with
10 Sections 25250.52 and 25250.53, a manufacturer of vehicle brake
11 friction materials shall screen potential alternatives to the use of
12 copper by using the Toxic Information Clearinghouse developed
13 by the department and the Office of Environmental Health Hazard
14 Assessment pursuant to Section 25256, for the purpose of
15 identifying potential impacts of these potential alternatives on
16 public health and the environment.

17 (b) In conducting the screening analysis required by subdivision
18 (a), a manufacturer of vehicle brake friction materials shall, using
19 information available to the manufacturer at the time of the
20 analysis, including information from the department and other
21 sources, consider the environmental fate of brake friction materials
22 and their emissions through all phases of the brake friction material
23 life cycle.

24 (c) A manufacturer of vehicle brake friction materials shall use
25 the screening analysis required by subdivision (a) or an open source
26 alternatives assessment to select alternatives to copper that pose
27 less potential hazard to public health and the environment.

28 (d) Upon request by the department, a manufacturer of vehicle
29 brake friction materials or importer of record shall provide a
30 summary demonstrating how the screening analysis conducted
31 pursuant to this section or an open source alternatives assessment
32 is used to inform the selection of alternatives to copper that pose
33 less potential hazard to public health and the environment, as
34 required by subdivision (c).

35 25250.60. (a) The department shall consult with the brake
36 friction materials manufacturing industry in the development of
37 all criteria for testing and marking brake friction materials and
38 adopting certification procedures for brake friction materials, as
39 required pursuant to this article. The mark of proof of certification
40 on brake friction materials shall identify the brake friction material

1 manufacturer, be easily applied, be easily legible, and not impose
2 unreasonable additional costs on manufacturers due to the use of
3 additional equipment or other factors.

4 (b) On and after January 1, 2014, any new motor vehicle offered
5 for sale in the state shall be equipped with brake friction materials
6 that comply with of Section 25250.51.

7 (c) (1) On and after January 1, 2014, a manufacturer of vehicle
8 brake friction materials used in brakes on new motor vehicles or
9 as replacement parts that are sold in the state shall certify
10 compliance declaring that its formulation for brake friction
11 materials complies with Section 25250.51.

12 (2) A vehicle brake friction material manufacturer shall mark
13 proof of certification pursuant to this subdivision on all brake
14 friction materials.

15 (d) On and after January 1, 2021, any new motor vehicle offered
16 for sale in the state shall be equipped with brake friction materials
17 that comply with Section 25250.52.

18 (e) (1) On and after January 1, 2021, a manufacturer of vehicle
19 brake friction materials used in brakes on new motor vehicles or
20 as replacement parts for those vehicles that are sold in the state
21 shall certify compliance declaring that its formulation for brake
22 friction materials complies with Section 25250.52.

23 (2) A vehicle brake friction material manufacturer shall mark
24 proof of certification with this subdivision on all brake friction
25 materials.

26 (f) On and after January 1, 2025, any new motor vehicle offered
27 for sale in the state shall be equipped with brake friction materials
28 that comply with Section 25250.53.

29 (g) (1) On and after January 1, 2025, a manufacturer of vehicle
30 brake friction materials used in brakes on new motor vehicles or
31 as replacement parts for those vehicles that are sold in the state
32 shall certify compliance declaring that its formulation for brake
33 friction materials complies with Section 25250.53.

34 (2) A vehicle brake friction material manufacturer shall mark
35 proof of certification with this subdivision on all brake friction
36 materials.

37 (h) Prior to offering brake friction materials for sale in this state,
38 a manufacturer of vehicle brake friction materials shall file a copy
39 of the certification for each of its brake friction materials
40 formulations with a testing certification agency. Each certification

1 shall be made available within a reasonable period of time on the
2 testing certification agency’s Internet Web site at no cost to the
3 department and to the public, and shall serve as official registration
4 of certification for compliance with this section.

5 (i) A manufacturer of vehicle brake friction materials may obtain
6 from a testing certification agency a certification of compliance
7 with the requirements of Section 25250.51, 25250.52, or 25250.53
8 at any time prior to the dates specified in those sections.

9 (j) The certification and mark of proof required pursuant to this
10 section shall show a consistent date format, designation, and
11 labeling to facilitate acceptance in all 50 states and United States
12 territories for purposes of demonstrating compliance with all
13 applicable requirements.

14 25250.62. (a) A violation of this article by a vehicle
15 manufacturer, a vehicle brake friction materials manufacturer, a
16 distributor, or a retailer, shall be subject to a civil fine of up to ten
17 thousand dollars (\$10,000) per violation.

18 (b) The department shall enforce this article. The department
19 shall remove from sale in this state any replacement brake friction
20 materials determined to be not in compliance with this article.

21 (c) If the department determines that a distributor, wholesaler,
22 or retailer of replacement brake friction materials has been offering
23 noncompliant brake friction materials for sale in the state, it shall
24 allow the distributor, wholesaler, or retailer of replacement brake
25 friction materials to establish that it obtained the noncompliant
26 brake friction materials in good faith and after exercising due
27 diligence in verifying that the material complied with this article
28 prior to assessing fines and penalties pursuant to subdivision (a).

29 (d) In determining the amount of the civil fine to be assessed
30 for a violation of this article, the department shall consider the
31 particular circumstances of the violation, including, but not limited
32 to, the amount of noncompliant brake friction material offered for
33 sale in California and whether previous violations have occurred.

34 (e) The department may waive the imposition of a fine and issue
35 a letter of warning if it determines, based on criteria, including,
36 but not limited to, the amount of brake friction material offered
37 for sale, the presence or absence of prior violations, and whether
38 due diligence was exercised in determining that the brake friction
39 materials offered for sale complied with this article, and that the
40 violation of this article does not merit the imposition of a fine.

1 (f) A distributor, wholesaler, or retailer found by the department
2 to have offered for sale noncompliant replacement brake materials
3 shall cooperate with the department in the removal of the
4 noncompliant brake friction materials from sale, inform the
5 department of measures being implemented to avoid repeat
6 violations, and provide the department with information that will
7 assist in the identification and location of the source or sources of
8 the noncompliant brake friction materials.

9 (g) In enforcing this article, the department shall not recall
10 automobiles fitted with brake friction materials that do not comply
11 with this article.

12 (h) A motor vehicle manufacturer that violates this article shall
13 notify the registered owner of the vehicle within six months of
14 knowledge of the violation and shall replace, at no cost to the
15 owner, the noncompliant brake friction material with brake friction
16 material that complies with this article. A motor vehicle
17 manufacturer that fails to provide the required notification to
18 registered owners of the affected vehicles within six months of
19 knowledge of the violation is subject to fines and penalties
20 authorized pursuant to subdivision (a).

21 25250.64. (a) The Brake Friction Materials Water Pollution
22 Fund is hereby established in the State Treasury. Notwithstanding
23 Section 25192, all fines and penalties collected by the department
24 pursuant to this article shall be deposited in the fund.

25 (b) The moneys in the fund shall be expended, upon
26 appropriation by the Legislature in the annual Budget Act, solely
27 for the full implementation of this article by the department.

28 25250.65. (a) On or before January 1, 2023, the department
29 and the board shall submit to the Governor and the Legislature, in
30 compliance with Section 9795 of the Government Code, a report
31 on the implementation of vehicle brake copper reduction efforts
32 and the progress of this article toward meeting the copper total
33 maximum daily load (TMDL) allocations in the state. The report
34 shall make recommendations on actions necessary to address any
35 deficiencies in meeting these copper TMDL allocations, including,
36 but not limited to:

37 (1) Imposing additional restrictions on the extensions granted
38 to manufacturers pursuant to Section 25250.54.

39 (2) Imposing additional restrictions on the exemptions from this
40 article provided by Section 25250.55.

1 (3) Allowances for permitting a manufacturer to sell existing
2 inventory, if the additional restrictions described in paragraphs (1)
3 and (2) are implemented.

4 (b) Pursuant to Section 10231.5 of the Government Code, this
5 section is repealed on January 1, 2027.

6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

O