The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on July 2nd. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Bob Peters (Akebono Corporation)
- Chris Shepley (Affinia)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Mark Schlautman (Clemson University, project technical advisor), Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]), Michael Endicott (Sierra Club), Tim Merkel (MCW Consulting Services), and Ashley Boren (Sustainable Conservation, Executive Director) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Timing/Phasing of Copper Reductions.** Process Profiles has drafted a spreadsheet tool to estimate environmental copper reductions based on various brake pad copper reduction scenarios. The intent of this draft tool is to allow the Steering Committee to examine the outcomes of various copper reduction timing and phasing options. Another important use of the information generated by this tool will be to express the environmental implications of industry copper reduction time frame constraints to key stakeholders like the Water Boards and environmental groups. The Steering Committee discussed various assumptions included in the design of the draft tool and identified modifications to allow examination of additional phasing options.

During this discussion, manufacturers provided new information about aftermarket brake pads, which I have summarized below. This includes two new pieces of information: (1) that manufacturers supply dealers with replacement pads that have the exact formulation of the original equipment (OE) pads (“OE formula service parts”) and (2) vehicle manufacturers must approve three of the four classes of pads that may be installed to replace the original pads on a vehicle.

- **OE Formula Service Parts.** While a vehicle is being manufactured, pads in addition to those required for installation on the vehicles at the factory are also shipped to the vehicle manufacturer. These extra pads are sent to the
manufacturer’s dealerships to use in their vehicle servicing operations. These shipments end when the manufacture of the specific vehicle model stops (either because the model is redesigned or terminated). Because the average estimated time between initiation of manufacture of a specific vehicle model and its redesign (when pads are usually changed) is about 6 years, these pads are only available in the dealership for about 6 years. Since typical pad lifetimes are 3-4 years, these pads are only used for initial pad changes for vehicle purchased early (the first 2-3 years) in the specific model’s manufacturing cycle. (As vehicle models change often, most replacement pads at vehicle dealerships are OES or OES2/Value Line pads.)

- **OES.** Once a specific vehicle model is no longer manufactured, the vehicle manufacturer supplies its dealers with OES brake pads for as long as necessary (i.e., until there are none of that model on the road). OES brake pads go through engineering testing by the vehicle manufacturer and must meet specifications similar to those of the OE brake pads. Manufacturers believe that these pads have copper content similar to OE pads.

- **OES2/Value Line.** To offer customers at their dealerships a less expensive alternative, vehicle manufacturers have established a class of brake pads that are known as OES2 or “Value Line” pads. These pads are approved by the vehicle manufacturer, after relatively less engineering testing than is received by OE and OES pads (testing may or may not be conducted by the manufacturer itself). Since these pads undergo vehicle manufacturer approval and must meet a number of performance criteria—but they must be less costly than OE and OES pads—manufacturers believe that on average they have more copper than the unregulated aftermarket, but less copper than OE and OES pads.

- **Aftermarket.** True aftermarket pads begin to be shipped to vendors other than dealerships (often warehouses that sell to vehicle repair shops and auto parts retailers) as soon as pad manufacturers can complete their design and testing process for each new vehicle model. There are essentially no performance requirements for these pads. The primary requirement is to have a shape that is certified to match the OE pad’s shape. Since the true aftermarket is heavily price-driven, manufacturers believe that copper content in true aftermarket pads is significantly lower than the copper content of OE pads.

Manufacturers mentioned that non-OE brake pad reformulation may be restricted not only by manufacturer approval processes, but also by the market class of the pad. Some vehicle types (SUVs and larger vehicles were provided as examples) may be harder to reformulate to meet customer needs than others.

- **Other Topics.** Other topics on the agenda were not discussed due to lack of time.
**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Tuesday, July 8 at 11:00 a.m.—Teleconference meeting
- Wednesday, July 23 at 11:00 a.m.—Teleconference meeting
- Wednesday, July 30 at 11:00 a.m.—Teleconference meeting
- Thursday, August 7 at 9:00 a.m.—Teleconference meeting
- Thursday-Friday, August 14-15—In-person meeting in San Francisco
- Friday, August 29 at 10:00 a.m.—Teleconference meeting

Note that weekly calls are being scheduled. The extra calls are expected to be necessary to complete discussion of all major issues in preparation for the next in-person meeting.
**DRAFT AGENDA**

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<thead>
<tr>
<th>Topic</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>Look at the timing tool that Kirsten sent on 6/10. Familiarize yourself with the variables that influence the timing of reductions in copper releases based on reductions of copper in brake pads. Review the list of questions that Kirsten sent with the meeting reminder on 6/13.</td>
<td>Understand the timeline tool. Provide Kirsten with feedback on changes that need to be made. Identify the need for further information.</td>
</tr>
<tr>
<td>2) Timeline/phasing of copper reduction – timing tool (25 min)</td>
<td>None.</td>
<td>Develop some options for reassuring the regulated community that worse problems will not be created when phasing out copper.</td>
</tr>
<tr>
<td>o categories of non-OE pads</td>
<td></td>
<td></td>
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<tr>
<td>o demonstration of timing tool/questions</td>
<td></td>
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</tr>
<tr>
<td>3) Other harmful constituents -- brainstorming strategies for nickel, antimony, and zinc (20 min)</td>
<td>Read the action item check-in circulated before the meeting. Be prepared to ask questions or raise concerns with steering committee, where appropriate.</td>
<td>Entire steering committee kept up-to-date on BPP activities.</td>
</tr>
<tr>
<td>4) Questions about action item check-in, if any (5 min)</td>
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<td></td>
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<tr>
<td>5) Anything else/potential topics for next calls (5 min)</td>
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</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on July 8th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]) and Ashley Boren (Sustainable Conservation, Executive Director) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Timing/Phasing of Copper Reductions.** The Steering Committee completed discussion of the draft spreadsheet tool to estimate environmental copper releases based on various brake pad copper reduction scenarios. Additional factors were raised during today’s discussion that slightly modified the design of the tool. Process Profiles will revise the tool to address these factors. This fall, when supplemental watershed modeling results arrive, the tool can be modified further to include the watershed lag time in its estimates. Because the tool is a working estimate calculator, I do not anticipate that it will be formally “published;” however, I can access it to provide time frame estimates for our own discussion purposes if necessary.

Manufacturers are in the process of obtaining brake pad market data that will provide better estimates of the number of original equipment and aftermarket pads sold each year. These data will improve the accuracy of the tool. These data will also provide the basis for estimating the per-pad fee that would be necessary to fund implementation of the legislation. Preliminary numbers provided for discussion purposes indicate that annual California sales of both original equipment (on vehicles) and aftermarket (all categories) pads are on the order of 10 million sets of
pads (this is an order-of-magnitude estimate only). (Brake pads are normally sold in 4-pad/2-wheel sets.)

- **Substances Other than Copper.** The Steering Committee brainstormed approaches for dealing with substances other than copper to address concerns about creating new environmental or health problems when brake pads are reformulated to reduce copper use. Several options other than setting limits for use of specific chemicals in the legislation emerged; these will be discussed further in future calls.

The option garnering the most interest would involve development of a reporting mechanism for brake pad content of chemicals of concern that could be tracked to ensure that the use of such chemicals does not increase in aggregate. Such a mechanism currently exists for copper in new cars as part of the BPP; however, the current voluntary mechanism has limitations (which include industry control of the data without any external quality assurance review, coverage only of original equipment pads, and incomplete industry participation). Alternative data collection and reporting mechanisms are possible—and could provide the information necessary to develop control measures if use of other chemicals of concern increases significantly.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Wednesday, July 23 at 11:00 a.m.—Teleconference meeting
- Wednesday, July 30 at 11:00 a.m.—Teleconference meeting
- Thursday, August 7 at 9:00 a.m.—Teleconference meeting
- Thursday-Friday, August 14-15—In-person meeting in San Francisco
- Friday, August 29 at 10:00 a.m.—Teleconference meeting
## DRAFT AGENDA

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<td>Look at the timing tool that Kirsten sent on 6/10. Familiarize yourself with the variables that influence the timing of reductions in copper releases based on reductions of copper in brake pads.</td>
<td>Understand the timeline tool. Get clearer understanding of the implications of the timing tool. Provide Kirsten with feedback on changes that need to be made. Identify the need for further information.</td>
</tr>
<tr>
<td>2) Timeline/phasing of copper reduction – timing tool (20 min)</td>
<td>None.</td>
<td>Develop some options for reassuring the regulated community that worse problems will not be created when phasing out copper.</td>
</tr>
<tr>
<td>o demonstration of timing tool</td>
<td></td>
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<tr>
<td>3) Other harmful constituents -- brainstorming strategies for nickel, antimony, and zinc (30 min)</td>
<td>None.</td>
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</tr>
<tr>
<td>4) Anything else/potential topics for next calls (5 min)</td>
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</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on July 23rd. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfinger (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Tim Merkel (MCW Consulting Services)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Chris Shepley (Affinia), Bob Peters (Akebono Corporation), and Ashley Boren (Sustainable Conservation, Executive Director) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Timing/Phasing of Copper Reductions.** The Steering Committee discussed the general approach to copper reductions in the legislation. It reaffirmed its intent to use a phase-down approach based on maximum percent copper. Multiple reduction steps may be desirable, because this approach could achieve maximum near-term reductions (using currently known technology) while establishing a mechanism to obtain a very low long-term copper level (which would require new technology). Manufacturers are working with vehicle manufacturers to generate sufficient information for them to put a solid proposal together for the copper phase-down schedule. Preliminary information from industry may be available in time for the in-person meeting; however, I do not anticipate a full copper phase-down proposal for our review until at least September.

- **Planning for In-Person Meeting.** The Steering Committee discussed goals for the in-person meeting, where we hope to make significant progress in framing out the legislative proposal. Among planned discussion topics will be:
  - a briefing from me on the watershed memos that the CASQA team is completing (this time allotted for this will be relatively short, assuming that
the Steering Committee will have fully reviewed the memos prior to the meeting);

- a briefing from industry on the status of their efforts to develop concrete proposals on copper reduction timeframes, substances other than copper, and exemptions from the requirements of the legislation;
- an update from contractor AQUA TERRA on the follow-up watershed modeling;
- an introductory meeting with DTSC to begin discussion of the structure of the enforcement program.

The meeting will also include review of each section of the legislative proposal to identify outstanding issues and to determine a plan to get to an agreement on proposed approaches for all sections of the legislation.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Wednesday, July 30 at 11:00 a.m.—Teleconference meeting
- Thursday, August 7 at 9:00 a.m.—Teleconference meeting
- Thursday-Friday, August 14-15—In-person meeting in San Francisco
- Friday, August 29 at 10:00 a.m.—Teleconference meeting
BPP STEERING COMMITTEE TELECONFERENCE
Tuesday, July 8, 11:00 a.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

DRAFT AGENDA

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<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Timeline/phasing of copper reduction -- continued discussion (35 min)</td>
<td>Review Section 2 of draft negotiation text</td>
<td>Identify improvements in approach to and language about regulatory limits and timing.</td>
</tr>
<tr>
<td>3) In-person meeting (15 min)</td>
<td>None.</td>
<td>Identify potential outcomes from the August in-person steering committee meeting.</td>
</tr>
<tr>
<td>o expectations</td>
<td></td>
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<tr>
<td>o meeting with DTSC</td>
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<tr>
<td>4) Anything else/potential topics for next calls (5 min)</td>
<td>None.</td>
<td>N/A</td>
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</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on July 30th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Michael Endicott (Sierra Club), Chris Shepley (Affinia), and Ashley Boren (Sustainable Conservation, Executive Director) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Possible Vehicle Manufacturer Representative.** Brake pad manufacturers have asked vehicle manufacturers to select a representative to join the BPP Steering Committee. Vehicle manufacturers are seriously considering this request—they are so serious that brake pad manufacturers informed the Steering Committee today that it is possible that a vehicle manufacturer representative will want to attend the August in-person meeting. Having strong vehicle manufacturer representation in the BPP’s process has long been a goal for government steering committee representatives. Vehicle manufacturers are the most powerful major interest group that is not currently represented on the Steering Committee.

- **Major Donation to Support BPP.** Sustainable Conservation announced that an unnamed major donor has pledged $60,000 to Sustainable Conservation toward funding for a lobbyist for brake pad legislation. Obtaining this unique contribution is a major achievement by Sustainable Conservation Executive Director Ashley Boren. While I do not yet know the implications of this pledge for the overall project budget, I do not expect the need for CASQA support for the project to decrease significantly in light of this donation, because the Sustainable Conservation budget estimate is
likely to increase due to the need for extra meetings and staff work to respond to the slow progress we are making on the legislation.

- **Planning for August In-Person Meeting.** The Steering Committee reviewed and discussed a draft agenda for the upcoming in-person meeting. The focus of the discussion was on the goals of the discussion with DTSC, which will be:
  - Information sharing, particularly about DTSC’s consumer product regulatory programs and the brake pad industry’s operations, and
  - Obtaining sufficient information for all Steering Committee members (particularly industry representatives) to feel comfortable committing to work with DTSC in the development of the legislation.

The agenda includes time at the beginning of the meeting for me to respond to questions from other Steering Committee members about the memos that CASQA BPP team members are finalizing. Manufacturers reiterated their interest in the memos and their eagerness to receive them as soon as possible.

- **Target Date for Completing First Complete Draft Legislative Proposal.** The Brake Manufacturer’s Council meeting has been moved to October 10. This change will provide an additional much-needed month for the Steering Committee to assemble its first complete draft legislative proposal.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Thursday, August 7 at 9:00 a.m.—Teleconference meeting
- Thursday-Friday, August 14-15—In-person meeting in San Francisco
- Friday, August 29 at 10:00 a.m.—Teleconference meeting

Sustainable Conservation is in the process of scheduling Steering Committee teleconference meetings for September.
BPP STEERING COMMITTEE TELECONFERENCE  
Wednesday, July 30, 11:00 a.m. (Pacific Time)  
Dial: 866-393-8073  
Meeting Number: *8893164*

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Meeting with DTSC (10 min)</td>
<td>None.</td>
<td>Identify goals of the 8/14 meeting with DTSC representatives.</td>
</tr>
<tr>
<td>3) Develop in-person meeting agenda (20 min)</td>
<td>Review preliminary agenda circulated on Thursday 7/24.</td>
<td>Provide suggestions for adjusting agenda so that it can be approved at next conference call.</td>
</tr>
<tr>
<td>4) Discuss draft proposal document (20 min)</td>
<td>Review draft proposal circulated on Thursday 7/24.</td>
<td>Prepare an updated draft of proposal for use as discussion document during in-person meeting.</td>
</tr>
<tr>
<td>5) Anything else/potential topics for next calls (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on August 6th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)
- Mark Schlautman (Clemson University, project technical advisor), Tim Merkel (MCW Consulting Services), and Ashley Boren (Sustainable Conservation, Executive Director) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Planning for August In-Person Meeting.** The Steering Committee finalized its agenda for the upcoming in-person meeting and planned for presentations by manufacturers (on the parts supply chain) and DTSC (on its consumer product and automotive programs). It is still not known whether an automobile manufacturer representative will be participating.

  The agenda includes an hour at the beginning of the meeting for me to respond to questions from other Steering Committee members about information in the CASQA BPP team memos. Steering Committee members were pleased to have received the first set of memos and reiterated their interest in receiving remaining memos as soon as possible, so that they would have adequate time to prepare for the meeting. Given the late delivery of the memos, they were not optimistic about their ability to provide me with their questions in advance of the meeting.

  Manufacturers have indicated that they have many questions about TMDLs, particularly how TMDL targets and schedules work. I have enlisted our new Water Board representative Richard Looker to assist me with answering TMDL-related questions.
• **Revised Draft Legislative Proposal.** Sustainable Conservation circulated a revised draft legislative proposal (attached) that reflects minor changes recording decisions made in the last two months.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Thursday-Friday, August 14-15—In-person meeting in San Francisco
- Friday, August 29 at 10:00 a.m.—Teleconference meeting

Sustainable Conservation is in the process of scheduling Steering Committee teleconference meetings for September.
BPP STEERING COMMITTEE TELECONFERENCE
Thursday, August 7, 9:00, 11:00 a.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

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<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) In-person meeting (15 min)</td>
<td>Review preliminary agenda circulated on Thursday 7/24.</td>
<td>Approve in-person meeting agenda.</td>
</tr>
<tr>
<td>a) feedback from DTSC</td>
<td>Review draft proposal circulated on Monday 7/28.</td>
<td>Prepare an updated draft of proposal for use as discussion document during in-person meeting.</td>
</tr>
<tr>
<td>b) potential homework assignments?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) automaker participation?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Discuss draft proposal document (35 min)</td>
<td>Review draft proposal circulated on Monday 7/28.</td>
<td></td>
</tr>
<tr>
<td>4) Anything else/potential topics for next calls (5 min)</td>
<td>None.</td>
<td>N/A</td>
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</table>
The Brake Pad Partnership (BPP) Steering Committee held an in-person meeting on August 14th and 15th in San Francisco. A copy of the agenda is attached. These notes reflect the key outcomes of the meeting and identify action items for the CASQA BPP Team to address.

The purposes of the Steering Committee meeting were:

- To develop an overall plan to complete a full draft of the BPP’s legislation.
- To improve understanding of scientific and regulatory issues that are critical to development of legislation, including California copper water quality compliance issues and aftermarket brake pad distribution systems.
- To learn about the California EPA Department of Toxic Substances Control’s (DTSC’s) consumer product and automotive industry experience and to determine next steps toward working with DTSC in development of an enforcement framework for BPP legislation.
- To receive an update on the follow-up watershed modeling to address brake pad watershed copper lag time and to improve load estimates.
- To continue planning to address BPP management issues successfully—particularly funding.

The following people participated in the Steering Committee meeting:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Mark Phipps (Morse Automotive and lead representative of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)
Steering Committee member Tim Merkel (MCW Consulting Services) and BPP science advisor Mark Schlautman (Clemson University) were not able to participate in the meeting.

**Meeting Outcomes**

**Watershed Modeling.** The BPP Steering Committee received an update from Tony Donigian of AquaTerra on the status of the follow-up watershed modeling being conducted with funding from Caltrans. On the basis of the discussion with the Steering Committee, AquaTerra intends to use the following approaches to the two major management questions it is exploring.

- **Lag times in the watershed.** How long would it take for reductions in brake pad copper releases to be reflected in reductions in copper levels in urban creeks? AquaTerra plans to run the watershed model for multi-year periods, with zeroing out of brake pads after the initiation of the modeling run, to estimate copper changes. Relatively wet and relatively dry multi-year periods will be run to examine the sensitivity of the model to rain patterns.

- **Improved modeling of brake pad copper build-up and washoff in urban watersheds.** On the basis of data in the scientific literature, urban watershed modelers normally assume loss mechanisms for pollutants other than washoff during storm events. The BPP modeling used the standard convention that brake pad copper not washed off in a rainy season is “lost” in the watershed and does not reappear in future water years. Given the quantity of copper released from brake pads and the fact it does not degrade, this assumption is not appropriate and could have caused the modeling to underestimate brake pad copper contributions by a substantial fraction. AquaTerra plans to modify the model’s build-up and wash-off functions to examine losses of material deposited on impervious surfaces (including zero loss, the worst case), and to examine potential to quantify transfers from impervious surfaces to pervious surfaces (this modified modeling approach will be based on information in the literature).

CASQA members should note that the BPP’s watershed modeling was done in the San Francisco Bay Area watershed. Extrapolation to Southern California watersheds in a quantitative manner is not within the contract budget.

- **CASQA BPP Team Action Item:** Discuss implications of using estimates generated from Bay Area modeling to understand lag times and brake pad copper contributions in Southern California watersheds.

**Aftermarket Brake Pads—Market and Distribution Overview.** Manufacturers obtained information from brake pad marketing organizations about the aftermarket brake pad distribution process. This information included the following interesting tidbits:

- Nationwide, the automotive aftermarket industry (all elements—not just brake pads) comprises about a $250-300 billion per year market.

- This market includes both parts and labor for vehicle servicing. About three-quarters of total light-duty vehicle aftermarket revenue is associated with
professional vehicle servicing; the other major components are tire sales (about 10%) and do-it-yourself part sales (about 20%).

- In any given year, about 20% of vehicles have a brake job. (This may or may not involve pad replacement—and not all pad replacements are counted in this statistic, which omits do-it-yourself replacements).

- About $500 million worth of automotive aftermarket parts were imported from China in 2006. Imports from China are growing very rapidly—estimated growth is about 30% per year.

- 2008 has the potential to be the first year since the 1979-1980 oil crisis when total national vehicle miles traveled declines. Almost 3 trillion vehicle miles were driven in the U.S. in 2007.

- Although all original equipment brake pad sales occur through vehicle dealerships, aftermarket pads are sold through a complex set of channels that include not only traditional warehouse/distribution centers—but also direct shipment from manufacturers to independent vehicle mechanics and retail outlets.

Sustainable Conservation has established a contact with the organization that represents the automotive aftermarket distribution industry in California, which is the California/Nevada/Arizona Automotive Wholesalers’ Association (CAWA). Information characterizing the brake pad aftermarket has been requested from this organization. We anticipate this information will be more reliable and more specific to California than the nationwide marketing information discussed at the Steering Committee meeting.

Development of Legislation—Major Issues. The Steering Committee worked through each of the topics that will need to be addressed in the development of legislation. The outcomes from discussion of each topic are summarized below.

Copper reduction – targets and time frames. The Steering Committee discussed approaches to developing copper reduction targets and time frames. Manufacturers would prefer to be able to design their proposal on the basis of specific, quantified copper reductions needed by specific dates. While specific reduction target dates are available, the specific quantitative reductions needed from brake pads cannot be estimated quantitatively by our members. Available information related to this topic was detailed in the five CASQA BPP team member memoranda, which were provided to the Steering Committee prior to the meeting. As the memoranda explained, available information is not sufficient for setting quantitative reduction needs specific to brake pads, both because needed copper reduction quantities (which would need to be expressed in terms that can be compared against load estimates from BPP watershed modeling) are not fully known and because reductions available from other copper control measures cannot be readily quantified.

To deal with the information gaps, the Steering Committee constructed a “straw man” scenario to develop an initial brake pad reduction target. The straw man scenario assumes a reduction target date of 20 years (selected based on the final compliance target deadlines for the Los Angeles River and Chollas Creek copper TMDL after discussion of technical infeasibility of meeting earlier compliance deadlines in the Chollas Creek, Los Angeles River, and Ballona Creek copper TMDLs), an estimated
five-year watershed response time, and a brake pad copper reduction level necessary to reduce average copper levels in urban runoff by 50%. Depending on the revised watershed modeling, this is likely to work out showing need for a 70-90% reduction in copper levels in brake pads, and a need for these low-copper pads to start being installed in new vehicles in about five year (assuming about 8 years to bring the low-copper pads onto all new cars). Sustainable Conservation is calculating exactly what reduction this means (based on the runoff data from the most urbanized modeled watersheds) and is adjusting the copper load estimate tool that it developed so that it will be capable of tracking this type of reduction pattern (which may include different time steps and reduction levels for different brake pad categories).

Constructing this straw man scenario gives the brake pad manufacturers the ability to initiate a more quantitative discussion within their industry—and with the vehicle industry—than has occurred to date. The straw man scenario only addresses the first copper reduction step; all Steering Committee members agree that there will be at least one additional reduction step (and perhaps two) to achieve the final, lowest brake pad copper levels.

- **CASQA BPP Team Action Items:** (1) Discuss whether the straw man scenario would provide adequate reductions. (Note: it would almost certainly not provide reductions needed for compliance dates sooner than 20 years). (2) Prepare to evaluate the initial BPP copper reduction proposal when it is developed.

Realizing that significant brake pad copper reductions within the time frames of the earliest TMDLs may not be technically feasible, the Steering Committee discussed the factors that might make the Water Boards and the environmental community comfortable with a proposal to adjust TMDL compliance time frames. Both the Water Board and environmental community representative indicated that their constituencies would be most likely to be open to extending TMDL compliance time frames if the extension was accompanied by an agreement that provided commitments to specific copper reduction actions by specific dates—all structured in a manner that provides accountability. The example of Cease and Desist Orders (CDOs) issued to municipal wastewater treatment plants for copper in South San Francisco Bay was raised as an example (these CDOs reflected negotiated agreements between the Water Board, environmental groups, and POTWs that provided extra time for copper compliance in exchange for a commitment to implement a specific list of copper reduction actions and studies). What was important in this example was that the structure of deliverables with dates—and its implementation via Water Board authorities—ensured the environmental community that municipalities were accountable for the actions promised. Linking the TMDL timeframe adjustment to the BPP legislation gives affected CASQA members more leverage to ensure that TMDLs are modified, however, the level of commitment entailed by this approach may be daunting and linkage to the BPP process might not be desired by affected CASQA members.

- **CASQA BPP Team Action Item:** Discuss the concepts identified at the BPP Steering Committee meeting. Do affected members want to link this issue with the BPP’s legislative process? Is there an alternative approach that should be
raised at the BPP Steering Committee? Determine next steps for considering this issue.

Types of brake pads/vehicles included and exceptions. It was agreed that the brake pad manufacturers would come forward with information to support any proposals they make for exclusion of any brake pad categories. Two exemption proposals were discussed:

- **Racing vehicle exemption.** Manufacturers proposed that the legislation exempt brake pads on racing vehicles. These pads must be capable of greater heat transfer than ordinary pads. Without copper, manufacturers are worried about the potential for heat-caused mechanical pad failures (e.g., cracking). Manufacturers noted that race tracks are normally not in urban areas and that runoff is generally not to impervious surfaces. The exemption would be established such that it only covers cars on racetracks (if the same vehicles are allowed to be driven on-road, they would not be exempt).
  
  o **CASQA BPP Team Action Item:** Discuss proposed exemption for racing cars.

- **Definition of vehicle.** The legislation is planned to be structured to address brake pads on vehicles, including all on-road vehicles. I anticipate the definition will include all-terrain vehicles (ATVs), neighborhood electric vehicles (NEVs), and other vehicles that may go on streets. The Steering Committee agreed to exclude aircraft and brake pads used on machinery (e.g., brakes on windmills).
  
  o **CASQA BPP Team Action Item:** Prepare to review the vehicle definition when it is developed. We will need to consider both what it includes and what it excludes. Consideration will need to be given to coverage of any categories of non-street legal vehicles that should be included (e.g., construction equipment, forklifts, trains).

**Enforcement mechanisms.** The Steering Committee met with DTSC representatives to explore options for an enforcement program to ensure that brake pads comply with metal and asbestos content restrictions. DTSC representatives Claudia Polsky and Karl Palmer reviewed DTSC’s current consumer product regulatory programs, which cover lead in jewelry, mercury in various products, septic tank treatment chemicals, metals in electronics, and metals in packaging. They also described the various pollution sources in the life cycle of a vehicle and reviewed the many California EPA programs that are engaged in preventing, regulating, and cleaning up vehicle-related pollution.

DTSC indicated that the brake pad regulatory program will be easier to implement (and implementation costs will be smaller) if inspections can be designed to target the smallest number of facilities (i.e., tens of warehouses rather than thousands of retailers), if on-site screening is possible, if inspections can be made without warrants and products can be obtained without purchase, and if compliance standards are very simple and specific.

After meeting with DTSC, the Steering Committee had a brainstorming session on compliance approaches. For aftermarket pads, inspections at warehouses and sales
locations are likely to be necessary. Hand-held X-ray fluorescence (XRF) equipment, which quickly provides approximate concentrations of all substances of interest except asbestos, is likely to be useful as a screening tool for inspections. DTSC has found that XRF data are sufficient to cause almost all retailers to remove currently regulated non-compliant products from their shelves. Given uncertainties and interferences in XRF measurements, it is probable that laboratory confirmation will be necessary for formal enforcement actions.

Manufacturers are open to enforcement designs that involve generation of chemical concentration data for the substances listed in the legislation, whether this be data submitted by manufacturers (i.e., require testing by a certified laboratory and disclosure of test results to the state) and/or data generated by the state (inspection results)—as long as the formulations of individual brake pads are not publicly disclosed. This offers the opportunity for the state to compile data for substances of interest and to use the compiled data for purposes other than enforcement.

For original equipment brake pads (ones sold with new vehicles) the general sense of the Steering Committee is that compliance rates are likely to be high. Despite extensive brainstorming, the Steering Committee was not able to identify a simple enforcement approach that would not entail challenging inspections (i.e., needing to remove wheels on new vehicles at dealerships). This topic will be discussed further by the Steering Committee and explored with DTSC.

- **CASQA BPP Team Action Item:** Prepare to review initial proposals for enforcement approaches for original equipment and aftermarket brake pads when these proposals are developed.

**Substances other than copper.** The Steering Committee divided its discussion into two categories: substances for which there has been general agreement to allow only de minimis levels (lead, mercury, cadmium, hexavalent chromium, and asbestos) and other substances of potential concern (antimony, nickel, zinc, and respirable fibers other than asbestos).

- **Lead, Mercury, Cadmium, Hexavalent Chromium, and Asbestos.** The Steering Committee reaffirmed its agreement to include these substances in the legislation. The Steering Committee agreed that it would design the legislation to allow only de minimis levels of these substances, where the maximum allowable concentration would be established to account for contamination in other ingredients, but would be sufficiently low to prohibit deliberate introduction of these substances in brake pads. The next step is to develop a specific proposal for the maximum allowable concentration of each substance. The Steering Committee plans to consult the automotive industry GADSL list and California laws limiting concentrations of these substances in packaging to develop a proposal.

  - **CASQA BPP Team Action Item:** Prepare to review limits on lead, mercury, cadmium, hexavalent chromium, and asbestos when they are proposed.
• **Nickel, Zinc and Antimony.** These three substances are currently used in brake pads. Use in brake pads is not currently linked to any water quality or environmental problem. On the basis of public data about brake pad formulations (i.e., from papers in the scientific literature), it appears that current brake pad nickel and zinc content is relatively low, making brakes likely a minor source of these two water pollutants. Although the element antimony is not a water quality concern, papers in the literature (provided by the BPP’s science advisor) have expressed concern about the potential for carcinogenic antimony oxides to be formed during braking. Whether these oxides are actually formed during braking and the potential for human exposures to them is not currently known.

The BPP Steering Committee decided that a program to monitor the brake pad content of these substances and to trigger action if concentrations increase beyond a to-be-identified threshold was an appropriate strategy to ensure that these substances would not cause future environmental problems. The monitoring could be conducted as part of the enforcement program, since these substances are measured in a manner similar to copper. The Steering Committee will work to craft a proposal to implement this concept in its legislation.

  o **CASQA BPP Team Action Item:** Discuss the BPP’s approach for ensuring that nickel, zinc, and antimony use does not increase.

• **Other potential respiratory hazards (fibers other than asbestos).** Due to general lack of information (particularly about the potential for actual hazards outside of the manufacturing workplace), the Steering Committee decided to end its discussion of respiration hazards other than asbestos and does not plan to address this topic in the legislation.

**Development of Legislation—Project Management.** As CASQA members know, the Brake Pad Partnership is operated by the non-profit organization Sustainable Conservation. Sustainable Conservation needs to obtain funding for project activities from external sources. The scope of work and budget for these activities has previously been circulated to the CASQA BPP team.

On the basis of the outcome of the in-person meeting and recent progress, Sustainable Conservation intends to prepare an updated project budget, which will be shared with CASQA as soon as it is complete. I anticipate that the revised budget will be higher than the previous one, due to the level of staff support and the number of Steering Committee teleconference meetings that have proven necessary to develop the BPP’s legislation. The revised budget will reflect two significant outside contributions: $60,000 from a major donor to support lobbying activities (this will cover most—but not all—of the lobbyist cost), and $7,500 anticipated to be donated by the BMC.

To keep costs low, Sustainable Conservation is currently staffing the project with a few hours a month from each of two contractors\(^1\) and the personal time of its Executive Director. Costs will ramp up late this fall, when Sustainable Conservation will need to hire a staffer to expand the educational functions and a lobbyist to start taking the bill

\(^1\) A facilitator and an engineer who provides technical support and covers day-to-day project management duties.
through the legislative process. The staffer will be conducting many of the tasks that have been specifically requested by CASQA BPP team members, like preparing model staff reports, writing the legislation summary, drafting answers to “frequently asked questions” (FAQs), and supplying other background information to our members and other stakeholders. Sustainable Conservation will not be able to hire the staffer until sufficient funds have been committed.

- **CASQA BPP Team Action Item:** Complete implementation of our fundraising plan for the BPP in a timely manner. CASQA needs funding commitments to support its own participation in the BPP as well as to fund Sustainable Conservation’s management and implementation of the BPP’s process to develop and support successful adoption of legislation.

**Anticipated Next Steps**

In the coming months, Steering Committee activities will involve teleconference meetings about every 1-2 weeks to tackle all of the issues that need to be addressed to craft a joint legislative proposal. The next Steering Committee in-person meeting is planned for November 10 - 12. Between now and December, the CASQA BPP team will need to make a series of decisions about our positions on various options for dealing with key issues.
## Agenda | Brake Pad Partnership Steering Committee

**Thursday, August 14, 8:30 a.m. – 6:00 p.m.**

**Friday, August 15, 8:30 a.m. – 5:00 p.m.**

**Location:** Sustainable Conservation, 98 Battery Street, Suite 302, San Francisco, CA

**Anticipated Participants:** Michael Endicott, Kelly Moran, Richard Looker, Bob Peters, Mark Phipps, Chris Shepley, Kirsten Rosselot, Ashley Boren, and Jeff Goldfien

### Thursday, August 14

<table>
<thead>
<tr>
<th>Time</th>
<th>Agenda Item</th>
<th>Presenter(S)</th>
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<tbody>
<tr>
<td>8:00</td>
<td><strong>Meeting room open (coffee, tea, pastries available)</strong></td>
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<tr>
<td>8:30</td>
<td>Welcome and meeting overview</td>
<td>Ashley &amp; Jeff</td>
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<td>8:45</td>
<td>Stakeholder reports</td>
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<td>8:45</td>
<td><strong>CASQA</strong></td>
<td>Kelly</td>
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<td>9:45</td>
<td><strong>Break</strong></td>
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<tr>
<td>10:00</td>
<td>Manufacturers</td>
<td>Mark, Chris, Tim &amp; Bob</td>
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<tr>
<td>11:00</td>
<td>Technical studies update</td>
<td>Tony Donigian, AQUA TERRA</td>
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<tr>
<td>12:00</td>
<td><strong>Lunch (brought in)</strong></td>
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<tr>
<td>1:00</td>
<td>Enforcement and compliance</td>
<td>Meet with Claudia Polsky and Karl Palmer of California Dept. of Toxic Substance Control</td>
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<tr>
<td>1:00</td>
<td>Introductions</td>
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<td>1:00</td>
<td>Review key issues for the BPP proposal</td>
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<td>1:00</td>
<td>Review enforcement-related goals</td>
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<td>1:00</td>
<td>Overview of DTSC experience regulating consumer products (DTSC)</td>
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<td>1:00</td>
<td>Overview of brake pad product flows (BMC representatives)</td>
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<td>1:00</td>
<td>Further discussion/areas to explore</td>
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<td>1:00</td>
<td>Next steps and close</td>
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<td>3:00</td>
<td><strong>Break</strong></td>
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<tr>
<td>3:15</td>
<td>Individual responses to the morning's reports</td>
<td>All</td>
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<tr>
<td>3:15</td>
<td>Expectations for the meeting's outcomes</td>
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<td>3:15</td>
<td>Preliminary next steps</td>
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<tr>
<td>4:30</td>
<td>Outreach efforts</td>
<td>All</td>
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<tr>
<td>5:00</td>
<td>Administration and fundraising</td>
<td>Ashley</td>
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<tr>
<td>6:00</td>
<td><strong>Adjourn</strong></td>
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<tr>
<td>7:30</td>
<td><strong>Informal dining at a nearby restaurant</strong></td>
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### Friday, August 15

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<tr>
<th>Time</th>
<th>Agenda Item</th>
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<tr>
<td>8:00</td>
<td>Meeting room open <em>(coffee, tea, etc. available)</em></td>
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<tr>
<td>8:30</td>
<td>Overview of work plan</td>
<td>Jeff</td>
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<tr>
<td>8:45</td>
<td>Legislative proposal</td>
<td>All</td>
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<td></td>
<td>   Limits on copper/phasing</td>
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<td>10:30</td>
<td>Break</td>
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<tr>
<td>10:45</td>
<td>Vehicle exceptions</td>
<td>All</td>
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<tr>
<td>12:00</td>
<td>*Lunch <em>(brought in)</em></td>
<td></td>
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<tr>
<td>1:00</td>
<td>   Other harmful constituents</td>
<td>All</td>
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<tr>
<td>3:00</td>
<td>Break</td>
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<tr>
<td>3:15</td>
<td>   Enforcement and compliance</td>
<td>All</td>
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<td>4:30</td>
<td>   Next steps and close</td>
<td>Jeff</td>
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<td>6:00</td>
<td>Adjourn</td>
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**Special Agenda for Meeting with DTSC (Thursday 8/14 at 1 p.m.):**

- Introductions *(15 min)*
- Review key issues for the BPP proposal *(5 min)*
  - Enforcement options
  - Accountability mechanisms
  - Costs and fees
- Review enforcement-related goals (review) *(5 min)*
  - Effectiveness
  - Transparency
  - Avoid harm to industry
- Overview of DTSC experience regulating consumer products (DTSC) *(30 min)*
  - Examples of DTSC programs
  - “Lessons learned” that should inform our approach to brake pad regulation
- Overview of brake pad product flows (BMC representatives) *(30 Min)*
  - Categories of brake pads (OE, OES, OES2, aftermarket)
  - Overview of brake pad product flows, from manufacturer through supply chains to end users
- Further discussion/areas to explore *(25 min)*
  - DTSC experience and capacity to regulate in this area
  - Potential obstacles to this approach
  - Political, fiscal, knowledge or other constraints
  - Original equipment vs. aftermarket products
  - Costs associated with potential approaches
  - What else is needed to develop an excellent legislative proposal?
- Next steps and close *(10 min)*
TO: CASQA BPP Team  DATE: August 29, 2008
FROM: Kelly D. Moran  PROJECT: 62
SUBJECT: Brake Pad Partnership Conference Call—August 29, 2008

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on August 29th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Richard Looker (San Francisco Bay Water Board), Mark Schlautman (Clemson University, project technical advisor), and Tim Merkel (MCW Consulting Services) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Legislation – Substances Other Than Copper.** The Steering Committee reviewed examples from California state law and the vehicle industry chemicals declarations and prohibitions list (GADSL list) to identify possible targets for substances other than copper. Both the GADSL list and the California examples include the concept of no intentional introduction. Both provide an allowable maximum concentration in the range of 100 to 1,000 parts per million (ppm) to account for contamination of materials. The Steering Committee decided to base its proposal on the GADSL approach. The proposal is:

  “Mercury, lead, cadmium, asbestos, and chromium (VI) shall not be intentionally introduced into brake pad formulations. Concentrations of each of these substances may not be greater than 0.1% (1,000 ppm) by weight.”

The Steering Committee agreed to the concept that these limits would take effect at the same time as the first copper reduction step (this will be reviewed when the time frame for the first copper reduction step is established). Because these limits mimic the GADSL list, it is likely that all original equipment pads already comply; however replacement pads may not be in compliance.
• **Legislation – Copper Reductions and Time Frames.** The Steering Committee discussed scenarios for copper reductions from brakes that can be examined to determine whether sufficient reduction may be possible on the time frames of the Ballona Creek and Los Angeles River TMDLs. Sustainable Conservation will be reworking the scenarios to generate estimates of needed brake pad copper reductions and time frames for discussion.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Wednesday, September 10 at 11:00 a.m.—Teleconference meeting
- Tuesday, September 30 at 10:00 a.m.—Teleconference meeting
- Monday-Wednesday, November 10-12—In-person meeting, San Francisco

Sustainable Conservation is in the process of scheduling Steering Committee teleconference meetings for October.
DRAFT AGENDA

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
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</table>
| 2) De minimis concentrations for mercury, lead, cadmium, asbestos, and chrome (VI) (25 min) | **Brake guys:** Look at GADSL definition  
**Kelly:** Look at packaging law | Agreement on language for de minimis levels.                            |
| 3) Potential for reductions in brake pad copper to reduce loads by 50% (25 min) | **Kirsten:** Calculate reductions necessary to reduce copper loads by 50%. | Better understanding of role brake pad reductions will play in meeting TMDLs. |
| 4) Anything else/potential topics for next calls (5 min)            | None.                                     | N/A                                                                     |
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on September 10th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Chris Shepley (Affinia) and Mark Schlautman (Clemson University, project technical advisor), and were not able to participate in the teleconference meeting.

The following items were discussed:

- **Legislation – Copper Reductions and Time Frames.** The Steering Committee reviewed revisions to the tool that Sustainable Conservation developed to estimate changes in environmental releases of copper based on changes in copper content in various classes of brake pads. The revised tool allows for examination of multiple copper reduction steps for various pad categories (i.e., original equipment, original equipment service parts, aftermarket). It also attempts to account for the market shares of various pad product types (some classes of pads have much higher copper than other classes). The Steering Committee discussed how the revised tool can be used to provide understanding of the reasons that the brake pad selection system (particularly the long contracts with vehicle manufacturers to produce identical brake pads for the lifetime of the manufacture of a vehicle platform) has the unintended consequence of preventing timely environmental responses to changes in the copper content of newly designed brake pads.

The tool can be used to estimate the levels of copper reductions in individual brake pad types that would be needed to achieve various overall copper reductions. Because some types of pads already have little copper, as the overall copper reduction
level increases, the allowable use of copper in pads that contain higher copper levels (such as “non-asbestos organic” pads) drops more significantly than might be assumed (i.e., for a 90% total copper reduction, the types of pads with the highest copper content might need to achieve reductions greater than 99%).

The tool also provides clarity on the timing challenges faced by the BPP. For example, to achieve a runoff reduction in 20 years, if it is assumed that there is about a five-year lag time for copper in urban watersheds and that it is necessary to work within vehicle manufacturers’ normal process engineering cycles, it would be necessary to begin installing the new low copper brake pads on new cars in 5 years—which means selling the new low-copper pads to vehicle manufacturers in the next one or two years. Manufacturers believe this to be impossible unless the copper reduction does not require any new technology. Previously they have indicated that reductions above about 50% are likely to be technology forcing.

Remaining items on the agenda were not addressed due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Tuesday, September 30 at 10:00 a.m.—Teleconference meeting
- Monday, October 6, 10 a.m. to noon—Teleconference meeting
- Friday, October 17 at 9 a.m.—Teleconference meeting
- Monday-Wednesday, November 10-12—In-person meeting, San Francisco

Sustainable Conservation is in the process of scheduling Steering Committee teleconference meetings for October.
**BPP STEERING COMMITTEE TELECONFERENCE**

Wednesday, September 10, 11:00 am (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

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<tr>
<th>Topic</th>
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<th>Outcome</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
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<tr>
<td>2) Reductions in brake pad copper load needed to reduce anthropogenic portion of copper loads by 50% (15 min)</td>
<td><strong>All:</strong> Review writeup Kirsten will send out before the call.</td>
<td>Better understanding of role brake pad reductions will play in meeting TMDLs.</td>
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| 3) Revised timing tool predictions (25 min)                         | **Brake guys:** Confirm number of years in development with automobile manufacturers and number of years to turn over the fleet  
**All:** Review timing tool Kirsten will send out before the call. | Better understanding of the timing of reductions; gain information needed to propose next steps |
| 4) Legislative language on de minimis group of other harmful constituents (5 min) | **All:** Review language sent out by Jeff. | Approval of the proposed language.                                                        |
| 5) Legal opinions (5 min)                                           | None.                                       | A plan for what to ask for from the pro bono lawyers.                                      |
| 6) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min) | None.                                       | N/A                                                                                        |
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on September 25th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfinger (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselet (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]), Chris Shepley (Affinia), and Mark Schlautman (Clemson University, project technical advisor) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Brake Manufacturer Request.** The brake pad manufacturing company TMD Friction has announced its intention to terminate its membership in the industry association, the BMC. In the past, TMD has been actively engaged in the BPP—including supplying a staffer to serve among the BMC representatives on the steering committee. Its previous Steering Committee representative, Rodger Dabish, recently contacted Sustainable Conservation with a request to join the Steering Committee to represent its separate interests in BPP negotiations. This special BPP Steering Committee teleconference meeting was to discuss TMD’s request, its implications for the BPP process, and to consider the BPP’s strategies for stakeholder engagement.

In general, the interests of other stakeholders are most conveniently served by negotiating with an organized group of industry representatives. Although organization is convenient, excluding potential influential stakeholders from the process could negatively impact the potential for a successful outcome for the BPP’s legislation. On the basis of the Steering Committee discussion of the issues related to TMD’s request, the industry representatives agreed to meet with TMD to explore...
options for organizing brake pad industry representation. The next steps for the BPP in responding to TMD’s request will depend on the outcome of the industry meeting.

This discussion highlighted the general need for Sustainable Conservation to have staffing and funding for stakeholder engagement. Steering Committee meetings involve only a core group of stakeholders. Identifying and understanding the interests of all potentially important stakeholders—and addressing those interests in the BPP’s process of developing legislation—gives the legislation the best chance of enactment into law.

Anticipated Next Steps
The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Tuesday, September 30 at 10:00 a.m.—Teleconference meeting
- Monday, October 6, 10 a.m. to noon—Teleconference meeting
- Friday, October 17 at 9 a.m.—Teleconference meeting
- Monday-Wednesday, November 10-12—In-person meeting, San Francisco
BPP STEERING COMMITTEE TELECONFERENCE

Wednesday, September 25, Noon (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Discuss TMD Friction request to join</td>
<td>None.</td>
<td>Process for decision on request.</td>
</tr>
<tr>
<td>Steering Committee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on September 30th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]) was not able to participate in the teleconference meeting.

The following items were discussed:

- **Copper Reduction Proposal.** Manufacturer representatives are encountering difficulty creating a copper reduction proposal that will address compliance needs for urban runoff because they do not want to create a competitive disadvantage for certain classes of brake pad materials. In recent years, a class of pads known as “non-asbestos organic” has seen increasing market share. This class of pads is apparently formulated by all of the manufacturers with relatively high copper concentrations (sometimes in excess of 20% copper by weight). Any copper reduction proposal that sets an across-the-board cap on copper concentrations will either be extremely lenient (i.e., higher than current market averages for copper content) or will effectively eliminate the entire class of non-asbestos organic pads (because apparently no manufacturer has figured out how to create pads in this class without relatively high copper content).

Discussing this issue is difficult for manufacturers to do in a group. They need to maintain trade secret formulation information. They also need to avoid violations of anti-trust laws, which prohibit collusion across an industry on certain product-related
parameters like prices. These limitations cause Steering Committee discussions of copper limits to be awkward and lengthy. The discussion of copper reduction approaches will continue on a future call.

- **Involvement of Non-Steering Committee Stakeholders.** In recent years, because the BPP was focused on scientific studies, it has had relatively limited processes for engaging stakeholders outside of the groups represented on the Steering Committee—the annual stakeholder meeting an occasional newsletter-style updates. Now that the BPP is developing legislation, other interested groups have begun to contact Sustainable Conservation and request a forum to provide their input into the legislation’s design. For example, the California/Nevada/Arizona Automotive Wholesalers’ Association (CAWA), which represents the companies that distribute aftermarket brake pads, would like to be involved in the development of the enforcement-related elements of the legislation. While CAWA’s request may be best addressed by establishing a workgroup to advise the Steering Committee on aftermarket enforcement, this contact caused the Steering Committee to request that Sustainable Conservation draft a workplan for stakeholder engagement.

- **Possible pro-bono legal opinion.** Sustainable Conservation may be able to arrange for a pro-bono legal opinion on a topic related to the BPP. After reviewing possible topics that would assist the Partnership, the Steering Committee decided to ask Sustainable Conservation to inquire as to whether an opinion could be generated that would document the ability of the state of California to regulate brake pad copper content. Having a formal legal analysis to back up our proposal will provide an efficient mechanism to address this question, which is commonly raised with each consumer product regulation proposal.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Monday, October 6, 10 a.m. to noon—Teleconference meeting
- Friday, October 17 at 9 a.m.—Teleconference meeting
- Monday-Wednesday, November 10-12—In-person meeting, San Francisco

Sustainable Conservation is in the process of scheduling Steering Committee teleconference meetings in November.
**BPP STEERING COMMITTEE TELECONFERENCE**

Tuesday, September 30, 11:00 a.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legal opinions (5 min)</td>
<td>None.</td>
<td>A plan for what to ask for from the pro bono lawyers.</td>
</tr>
<tr>
<td>military vehicles</td>
<td></td>
<td></td>
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<tr>
<td>general concept</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) CAWA involvement/potential working group on enforcement and</td>
<td>None.</td>
<td>Determination about what to do with this group of stakeholders who are</td>
</tr>
<tr>
<td>compliance (5 min)</td>
<td></td>
<td>interested in more involvement.</td>
</tr>
<tr>
<td>4) Strategies to achieve necessary reductions in copper (30 min)</td>
<td><strong>Brake guys:</strong></td>
<td>Determine next steps.</td>
</tr>
<tr>
<td></td>
<td>Propose a copper</td>
<td></td>
</tr>
<tr>
<td></td>
<td>reduction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>schedule.</td>
<td></td>
</tr>
<tr>
<td>5) Motor vehicle definitions; exemption for track racing vehicles,</td>
<td><strong>Brake guys:</strong></td>
<td>Finish the exemption section in the proposed legislation.</td>
</tr>
<tr>
<td>motorcycles, ATVs, other (10 min)</td>
<td>Be prepared with</td>
<td></td>
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<tr>
<td></td>
<td>rationale for any</td>
<td></td>
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<td></td>
<td>vehicle category</td>
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<tr>
<td></td>
<td>exemptions.</td>
<td></td>
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<tr>
<td>6) Anything else/potential topics for next calls/review next agenda</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>and any preparation needed (5 min)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on October 6th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Kelly Moran (TDC Environmental)

Chris Shepley (Affinia), Mark Schlautman (Clemson University, project technical advisor), and Richard Looker (San Francisco Bay Water Board) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Brake Manufacturer Request to Join Steering Committee.** For the last several weeks, manufacturer representatives and Sustainable Conservation have been working with TMD Friction, whose representative Rodger Dabish (former Steering Committee member) continues to press for independent representation for his company in the BPP process. The Steering Committee spent most of today’s meeting examining various approaches for restructuring the BPP process to allow differing views to be represented, but to maintain the overall consensus process that gives the legislation the best chance of success. Sustainable Conservation will be challenging TMD Friction with this issue in an effort to engage them productively (interactions between TMD and the rest of the manufacturers have been quite negative). Sustainable Conservation hopes to develop a process that would allow for broader stakeholder engagement and the expression of a diversity of views while maintaining the collaborative approach of the BPP’s core team.

- **Stakeholder Outreach.** To meet the needs identified in the last Steering Committee teleconference, Sustainable Conservation intends to distribute a short stakeholder email update in the next few weeks. It will be provided to the Steering Committee for
review prior to distribution. Sustainable Conservation is also working on a larger stakeholder engagement plan.

- **Antimony, Nickel & Zinc.** The Steering Committee reviewed the decisions it made on these substances at the in-person meeting and asked Sustainable Conservation to tackle drafting preliminary language for the legislation that entails tracking brake pad content of these three substances and triggering California state agency follow-up action should significant increases occur. The environmental representative noted that a stronger control mechanism for these substances might be desirable for his stakeholders, particularly in exchange for the relatively long time frame for copper reductions that the brake pad manufacturers prefer.

Remaining items on the agenda were not discussed due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Wednesday, October 8 at 11 a.m.—Special teleconference meeting (to cover items not completed on today’s call)
- Friday, October 17 at 9 a.m.—Teleconference meeting
- Monday-Wednesday, November 10-12—In-person meeting, San Francisco

Sustainable Conservation is in the process of scheduling Steering Committee teleconference meetings in November.
BPP STEERING COMMITTEE TELECONFERENCE

Monday October 6, 10:00 a.m.- Noon (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Stakeholder outreach (5 min)</td>
<td>None.</td>
<td>Decision about whether to proceed with informal update in the near term.</td>
</tr>
<tr>
<td>3) Motor vehicle definitions; exemption for track racing vehicles,</td>
<td><strong>Brake guys:</strong> Be prepared with</td>
<td>Finish the exemption section in the proposed legislation.</td>
</tr>
<tr>
<td>motorcycles, ATVs, other (20 min)</td>
<td>rationale for any vehicle category</td>
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</tr>
<tr>
<td></td>
<td>exemptions.</td>
<td></td>
</tr>
<tr>
<td>4) Continued conversation about strategies to reduce copper (60 min)</td>
<td><strong>All:</strong> Look at revised timing tool from Kirsten. <strong>All:</strong> Consider ways to prevent increases in the use of copper in vehicles that currently use no copper or use copper below suggested limits.</td>
<td>Formulate clear feedback from steering committee for brake guys to take to BMC meeting.</td>
</tr>
<tr>
<td>5) Review of status for nickel, antimony, and zinc (25 min)</td>
<td>None.</td>
<td>Refreshed memory of discussions so far.</td>
</tr>
<tr>
<td>6) Anything else/potential topics for next calls/review next agenda</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>and any preparation needed (5 min)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on October 8th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Chris Shepley (Affinia) and Mark Schlautman (Clemson University, project technical advisor) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Copper Reductions.** The Steering Committee discussed the levels of copper reductions that might be achieved in BPP legislation. Because the BMC/PEC is meeting this weekend, the focus of the discussion was to provide information to manufacturers to inform their discussion of possible reduction scenarios. The discussion covered:
  
  - Our motivations (emphasis on compliance)
  - Areas of relatively inflexibility (copper targets—due to the U.S. EPA basis for the standard, the cost of developing data for adjustments for each water body, and the anticipated NOAA Fisheries opposition to changes for most waters North of Santa Barbara because of copper’s affects on salmonids)
  - Areas of potential flexibility (time frames—but only if Water Boards agree and environmentalists do not oppose)
  - Options for structuring reductions (steps timed to meet various TMDL compliance dates; different steps and/or compliance targets for aftermarket and original equipment brake pads; limits for chemicals other than copper as enticements for environmental groups allowing longer time frames)
Approximate fleet-wide average brake pad copper concentrations that would fit the straw-man reduction scenario presented at the BPP in-person meeting (on the order of 1% copper average; this percentage, which is complicated to estimate, is in the process of being calculated by Sustainable Conservation)

Potential for a lower, final fleet-wide average copper content (possible, but manufacturers strongly opposed “de minimis” levels like 1,000 ppm)

Approximate target dates for reduction steps (based on wet weather dates in Chollas, Ballona, and Los Angeles River TMDLs and a rough estimate of five years for watershed lag time)

Uncertainties in the data (these uncertainties limit our ability to identify the percentage copper in brake pads and date that this must be achieved to ensure compliance with various TMDL targets in specific watersheds)

Remaining items on the agenda were not discussed due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Friday, October 17 at 9 a.m.—Teleconference meeting
- Monday-Wednesday, November 10-12—In-person meeting, San Francisco

Sustainable Conservation is in the process of scheduling Steering Committee teleconference meetings in November.
BPP STEERING COMMITTEE TELECONFERENCE

Wednesday October 8, 11:00 a.m.- Noon (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 2) Continued conversation about strategies to reduce copper (40 min)  | **All:** Look at revised timing tool from Kirsten.  
**All:** Consider ways to prevent increases in the use of copper in vehicles that currently use no copper or use copper below suggested limits. | Formulate clear feedback from steering committee for brake guys to take to BMC meeting.     |
| 3) Motor vehicle definitions; exemption for track racing vehicles, motorcycles, ATVs, other (10 min) | **Brake guys:** Be prepared with rationale for any vehicle category exemptions. | Finish the exemption section in the proposed legislation.                                   |
| 4) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min) | None.                                                                               | N/A                                                                                         |
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on October 17th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Mark Schlautman (Clemson University, project technical advisor)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Morse Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services) was not able to participate in the teleconference meeting.

The following items were discussed:

- **Copper Reductions.** The manufacturer representatives briefed the Steering Committee on the outcome of a BMC meeting last weekend, which featured a discussion of brake pad copper reduction targets and time frames. The industry has recognized that urban runoff copper reduction needs are very challenging, particularly in light of the move by vehicle manufacturers into high-copper non-asbestos organic (NAO) materials over the last decade. (The reduction challenge is harder now than it was a decade ago when these materials were not as popular.) While the manufacturer meeting was contentious, the BMC renewed its support for continuing its work with the BPP to tackle the copper challenge.

- **Brake Industry Division—TMD Friction Role.** The BMC and TMD Friction have come to an agreement. At its meeting last weekend, the BMC voted to make TMD Friction one of its representatives to the BPP Steering Committee. The Steering Committee agreed to allow the manufacturer representation to increase by one company and to add TMD Friction to the Steering Committee—but if TMD Friction separates from the BMC in the future, the Steering Committee did not guarantee that
TMD could continue its membership on the Steering Committee (if this problem arises, it will be dealt with at that time).

- **In-Person Meeting Planning.** A draft agenda for the first day will be circulated shortly; the second and third day agendas will be worked out at the end of the first day depending on the outcome of first day discussions. Anticipated topics include:
  - meeting with AquaTerra to review preliminary results of follow-up watershed modeling,
  - interviews of potential lobbyists for the BPP legislation,
  - meeting with a representative of the California Automotive Wholesalers Association (CAWA) to understand their interests in the legislation—particularly the enforcement piece, and
  - continued discussion of the legislation itself—most importantly, the copper reduction provisions.

- **Environmental Community Meeting.** Sustainable Conservation has arranged a meeting on October 20 in Los Angeles to brief environmental groups on the plans for legislation. The meeting will include Ashley Boren, Kirsten Rosselot, and Michael Endicott representing the BPP and Mark Gold (Heal the Bay), Linda Sheehan (California Coastkeeper), and Gabe Solmer (San Diego Baykeeper’s lead for copper TMDLs). David Beckman of NRDC is not available until November 14, but has agreed to meet (at least by telephone) with Sustainable Conservation and Michael Endicott; Sustainable Conservation will follow up with him after Nov. 14.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Friday, October 17 at 9 a.m.—Teleconference meeting
- Friday, November 7 at 10 a.m.—Teleconference meeting
- Monday-Wednesday, November 10-12—In-person meeting, San Francisco
- Monday, November 17 at 9 a.m.—Teleconference meeting

Sustainable Conservation is in the process of scheduling teleconference meetings for December.
## BPP STEERING COMMITTEE TELECONFERENCE

Friday, October 17, 9:00 a.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) TMD participation (20 min)</td>
<td><strong>Brake guys:</strong> Be prepared to debrief the steering committee about events at BMC meeting.</td>
<td>Next steps.</td>
</tr>
<tr>
<td>3) Continued conversation about strategies to reduce copper (20 min)</td>
<td><strong>Brake guys:</strong> Be prepared to debrief the steering committee about discussions at BMC meeting. <strong>All:</strong> Look at latest timing tool from Kirsten.</td>
<td>Next steps.</td>
</tr>
<tr>
<td>4) Review draft agenda for in-person meeting (10 min)</td>
<td><strong>All:</strong> Look at draft agenda from Jeff.</td>
<td>Suggestions for revisions to agenda.</td>
</tr>
<tr>
<td>5) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
MEMO

For CASQA Member Organization Internal Use Only

TO: CASQA BPP Team
FROM: Kelly D. Moran
SUBJECT: Brake Pad Partnership Conference Call—November 7, 2008
DATE: Nov. 7, 2008
PROJECT: 62

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on November 7th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Rodger Dabish (TMD Friction) and Mark Schlautman (Clemson University, project technical advisor) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Copper Reductions.** The Steering Committee generally discussed the copper reduction issue again. The primary outcome was identification of information needs for discussion at next week’s Steering Committee meeting.

- **In-Person Meeting Planning.** The Steering Committee approved the agenda for the Steering Committee meeting. Planned topics are consistent with earlier meeting planning:
  - meeting with AquaTerra to review preliminary results of follow-up watershed modeling,
  - interviews of potential lobbyists for the BPP legislation,
  - meeting with a representative of the California Automotive Wholesalers Association (CAWA) to understand their interests in the legislation—particularly the enforcement piece, and
  - continued discussion of the legislation itself—most importantly, the copper reduction provisions.
• **NAS Report Mentions Brake Pads.** The National Academy of Sciences just-released report *Urban Stormwater Management in the United States* highlights the need for EPA to address urban runoff pollution from consumer products. I shared the strong statement from the summary (below) with the BPP Steering Committee (underline added).

“**EPA should engage in much more vigilant regulatory oversight in the national licensing of products that contribute significantly to stormwater pollution.** De-icing chemicals, materials used in brake linings, motor fuels, asphalt sealants, fertilizers, and a variety of other products should be examined for their potential contamination of stormwater. Currently, EPA does not apparently utilize its existing licensing authority to regulate these products in a way that minimizes their contribution to stormwater contamination. States can also enact restrictions on or tax the application of pesticides or other particularly toxic products. Even local efforts could ultimately help motivate broader scale, federal restrictions on particular products.”

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Monday-Wednesday, November 10-12—In-person meeting, San Francisco
- Monday, November 17 at 9 a.m.—Teleconference meeting

Sustainable Conservation is in the process of scheduling teleconference meetings for December.
### BPP STEERING COMMITTEE TELECONFERENCE

Friday, November 7, 10:00 a.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Review draft agenda for in-person meeting (5 min)</td>
<td><strong>All:</strong> Look at draft agenda from Jeff.</td>
<td>Agenda approval.</td>
</tr>
<tr>
<td>3) Continued conversation about strategies to reduce copper (45 min)</td>
<td><strong>All:</strong> Look at latest timing tool writeup from Kirsten (to arrive early the week of 11/3).</td>
<td>Frame discussion for in-person meeting.</td>
</tr>
<tr>
<td>4) Anything else? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
TO: CASQA BPP Team                      DATE: Nov. 17, 2008
FROM: Kelly D. Moran                        PROJECT: 62
SUBJECT: Brake Pad Partnership Conference Call—November 17, 2008

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on November 17th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Rodger Dabish (TMD Friction)
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Mark Schlautman (Clemson University, project technical advisor) was not able to participate in the teleconference meeting.

The following items were discussed:

- Legislative Proposal. The Steering Committee reviewed—but did not modify—the text of the draft legislative proposal that it created at the in-person meeting. That proposal is being circulated under separate cover to the CASQA BPP team for initial review prior to circulation to a larger audience.

- Lobbyist Selection. The Steering Committee tentatively selected lobbyist Justin Malan of Price Consulting; this selection will be finalized by Sustainable Conservation within a week. Justin’s resume is attached. Justin was selected from the three lobbying teams interviewed at the Steering Committee’s in-person meeting based on his capability of representing the BPP effectively and his very competitive price. The selection process included interviews; reviews of resumes, client lists, and lobbyist-provided lists of their recent successful legislation; and reference checks by Sustainable Conservation, Steering Committee member Michael Endicott (who was a legislative staffer until a few years ago) and me. Justin’s experience includes a long successful relationship with California county environmental health officers, which is
the primary reason that I heard glowing references from my contacts familiar with his work.

- **Supplemental Watershed Modeling.** The preliminary results of the supplemental watershed modeling were very useful for the in-person meeting. Based on these results, the Steering Committee discussed the need for additional work. Redirection of the limited remaining funds toward helping water boards and urban runoff programs to estimate reduction time frames (and therefore relationships of the legislative proposal to TMDL compliance dates) is probably the best use of the remaining funds. Sustainable Conservation will be examining the contract parameters and consulting with Caltrans to frame out the best use of remaining funds. This concept will be reviewed with the Water Board representative and with me before AquaTerra is given direction to complete the work.

**Anticipated Next Steps**

The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Thursday, December 4 at 9 a.m.—Teleconference meeting
- Tuesday, December 16 at 11 a.m.—Teleconference meeting

Sustainable Conservation is in the process of scheduling teleconference meetings and dates for a possible in-person meeting in January.
**BPP STEERING COMMITTEE TELECONFERENCE**

Monday, November 17, 9:00 am (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
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</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Select lobbyist (10 min)</td>
<td><strong>Ashley:</strong> Follow up with Justin and Donne and evaluate budget for lobbyist.</td>
<td>Choose a lobbyist.</td>
</tr>
<tr>
<td>3) Legislative proposal (25 min)</td>
<td><strong>Brake guys:</strong> Define classification of vehicles. <strong>Michael:</strong> Have legislated definition of motor vehicles.</td>
<td>Tweak language of proposed legislation so that it is ready to share with stakeholders.</td>
</tr>
<tr>
<td>a) Motor vehicle definitions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Nickel, antimony, and zinc</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Technical studies (15 min)</td>
<td><strong>Kirsten:</strong> Discuss potential modeling with Tony.</td>
<td>Agree on best uses of further modeling from Tony.</td>
</tr>
<tr>
<td>5) Anything else/potential topics for next calls/</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>next agenda and any preparation needed (5 min)</td>
<td></td>
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</tr>
</tbody>
</table>
PROFESSIONAL EXPERIENCE

**Associate, Price Consulting** – a government affairs, political strategy and environmental advocacy firm (October 2007 through present)

Clients include: California Association of Environmental Health Administrators; Unified Program Agency Forum Board; Alameda County Waste Management Authority; California Natural Gas Vehicle Coalition; Bergey Windpower; California League of Conservation Voters; Trust for Public Lands; Union of Concerned Scientists.

**Principal, EcoConsult** -- a consulting, research and advocacy firm dedicated to sustainable development. (Sacramento, CA) December 1992 through 2007.

Principal client: California Association of Environmental Health Administrators: Part-time Executive Director of the association with membership of 70 environmental health program directors and an annual budget of approximately $1 million. Responsible for regulatory and legislative advocacy, policy formulation, contract management, public representation and association management. Represented this association on numerous state-wide interagency advisory committees, including the Environmental Protection Indicator Project (EPIC) and coastal water quality monitoring taskforce. Spearheaded comprehensive environmental data sharing project between state and local agencies.

Additional clients: Executive Director, California Ocean Science; Executive Director, California Aquaculture Association; Founder and Executive Director, Marine Sanctuary and Estuarine Reserves Foundation; Founder and Executive Director, World Sturgeon Farmers Association:

**Part-time lecturer, CSUS Sacramento**
Environmental Studies Department: 2002 - 2005

**Principal Consultant, State Assembly** (Sacramento, CA). February 1990 through December 1992; Consultant on oil spill, coastal protection and other environmental issues.

**Manager, Coastal Resources and Energy Assistance Program**, State of California, Secretary of Environmental Affairs (Sacramento, CA). August 1986 through January 1990. Administered the $35.5 million grant program which funded a wide range of projects including fisheries enhancement, water quality monitoring, wetlands rehabilitation and coastal access.

**Independent Consultant** (Annapolis, MD). November 1985 through July 1986
Contracted with Maintenance Engineering, Inc. -- a national multi-modal engineering company -- on regional multi-modal transportation planning issues.


ACADEMIC QUALIFICATIONS

Masters Degree in Environmental Studies, University of Cape Town, South Africa, December 1981; Honors Degree (Class Medalist) in Public Administration, University of Cape Town, South Africa, December 1980; Bachelors Degree in Law and Public Administration, University of Cape Town, South Africa, December 1979.

SPECIAL SKILLS AND WORK RELATED ACCOMPLISHMENTS

Innovative and enthusiastic; excellent written and oral communication skills; trained and accomplished in dispute resolution; seasoned public speaker; strong management and leadership abilities.

Extensive experience in natural resource and environmental policy and law. Seasoned association manager and fund raiser. Close working ties with large number of federal, state and local regulatory agencies, research institutions and private sector organizations. Skilled in drafting complex legislation and regulations. Strong analytical capabilities.

Founder and President of the American River Sports Association 2005 and 2006

High school rugby coach 2001-2005

Completed Pacific Ocean crossing with family on own sailboat, October 2006 through September 2007.
Examples of recent collaborative legislative and regulatory experience

**California Association of Environmental Health Administrators – Executive Director**

- Sponsorship, drafting and lobbying successful enactment of AB 2286 which establishes electronic data transfer system between CalEPA, local regulatory agencies and businesses with chemical inventories. Established program fee with strong business, regulators and environmental community support. Worked extensively with Silicon Valley Leadership Group, Industrial and Environmental Association, BioCom, Council for Environmental and Economic Balance and other industry groups. AB 2286 was a companion bill to AB 1879 – the major green chemistry legislation enacted in 2008 – in which I was closely involved.

- Sponsorship, drafting and lobbying of several food safety bills (AB 2168; AB 2540; SB 1359) as key member of the California Retail Food Safety Coalition, a group of 60-plus food service businesses and regulators. Co-founder of this coalition in 1998 which continues to bring every sector of the retail food service together to resolve issues, sponsor consensus legislation and advocate for food safety in California.

**Alameda County Waste Management Authority - Legislative Advocate**

- Sponsorship, drafting and lobbying passage of AB 2939, a local government green buildings measure. Worked closely with more than a dozen disparate groups including California League of Cities, labor unions, building officials and environmental advocacy groups.

**Unified Program Forum Board – Policy Consultant**

- Policy consultant on regulatory and legislative issues for the Unified Program Forum Board which represents 85 local regulatory agencies responsible for implementation of several programs including underground and aboveground petroleum storage tanks, business plan inventories, hazardous waste generators, and emergency response.

**California Natural Gas Vehicle Coalition – Legislative and Regulatory Advocate/Organization Manager**

- Provide direction and representation on complex legislative and regulatory issues affecting the natural gas vehicle industry with diverse membership from natural and biogas producers, utilities, auto manufacturers, equipment suppliers, and consumers.

- Manage all aspects of the non-profit organization.
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on December 4th. A copy of the agenda is attached. The following people were on the call:

- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Ashley Boren (Sustainable Conservation, Executive Director)
- Mark Schlautman (Clemson University, project technical advisor)
- Bob Peters (Akebono Corporation)
- Rodger Dabish (formerly of TMD Friction)
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

The lobbyist tentatively been selected by the BPP joined the first part of the meeting (his name is not included in case the selection is not finalized). Richard Looker (San Francisco Bay Water Board) and Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Author for Legislation.** The lobbyist reviewed his recommended criteria for selection of a legislator as the author for the legislation, which include: experience in environmental issues, committee assignments, geographic location in an area where water quality is a community priority, staff capabilities, personal style that will allow the BPP to maintain control of its legislation, willing to make bill a priority among their bill portfolio. The lobbyist recommended that since Democrats control the legislature that we select a Democrat as the bill author. He then reviewed a long list of possible legislative authors, to provide a flavor for the possible strengths and weaknesses of various potential authors. One major uncertainty is that the Assembly Committee chairs have not been announced. The discussion of a potential bill author will continue on the next Steering Committee call. In the meantime, the lobbyist (once he is formally retained) will begin quiet inquiries to determine whether the legislators that best meet the above criteria may potentially have interest authoring in the Brake Pad Partnership’s bill.
• **Stakeholder Input on Legislative Proposal.** The preliminary feedback from brake pad manufacturers and vehicle industry representatives is positive. Discussion with the Society of Automotive Engineers workgroup that the brake pad manufacturers established has generated questions about the structuring of various elements of the legislation (definitions, enforcement mechanisms) but no opposition. Further feedback is expected from a BMC meeting late next week. Sustainable Conservation has arranged a meeting with environmental community representatives on Dec. 19th.

• **TMD Friction Layoffs.** Rodger Dabish was a casualty of layoffs from TMD Friction last week. He participated in this teleconference and expressed interest in continuing on the Steering Committee. The BMC/PEC will ultimately determine whether it is appropriate for Rodger to continue as a volunteer.

• **Motor Vehicle Definitions.** Due to lack of time, this discussion was postponed until the next call.

**Anticipated Next Steps**
The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

- Tuesday, December 16 at 11 a.m.—Teleconference meeting

Sustainable Conservation is in the process of scheduling weekly teleconference meetings and dates for a possible in-person meeting in January.
BPP STEERING COMMITTEE TELECONFERENCE

Thursday, December 4, 9:00 a.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Choosing an author (25 min)</td>
<td>None.</td>
<td>Better understanding of factors involved in choosing an author.</td>
</tr>
<tr>
<td><em>Justin Malan will be joining this portion of the call.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Stakeholder reports (10 min)</td>
<td>None.</td>
<td>Learn status of initial stakeholder reactions to proposed draft of legislation.</td>
</tr>
<tr>
<td>5) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
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</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on December 16th. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Jeff Goldfi ne (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (Price Consulting, BPP lobbyist)
- Bob Peters (Akebono Corporation)
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services), Rodger Dabish (formerly of TMD Friction), Mark Schlautman (Clemson University, project technical advisor), and Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Industry Financial Situation Worsens.** Brake company representatives reported that the dire financial state of the vehicle industry is severely affecting brake pad manufacturers. TMD Friction (Rodger Dabish’s former company) has filed for bankruptcy (reportedly this is a filing for reorganization under Chapter 11). Affinia (Chris Shepley’s company) just had sweeping layoffs of salaried staff and closed several North America manufacturing plants.

- **Lobbyist Selection Finalized.** The BPP has retained Justin Malan of Price Consulting as its lobbyist. Justin will be overseen by Sustainable Conservation and accountable to the BPP Steering Committee. CASQA members should ask their lobbyists to coordinate with Justin in regard to the BPP legislation. Municipality staff should not contact Justin directly, as supporting our staff is not part of his scope of work. Providing information about the legislation to others is a role that Sustainable Conservation plans to take on when funding permits—we hope this is will be in January.
• **Author for Legislation.** Lobbyist Justin Malan reviewed a list of legislators that he recommends the BPP consider asking to be the author for its legislation. The list was based on the criteria identified at the last meeting. The Steering Committee reviewed and discussed the list and asked the lobbyist to start meeting with the top priority legislators in an effort to find an author.

• **Timeframe Graphic Approved for BPP Use.** The Steering Committee reviewed and approved the use by the BPP of the CASQA-prepared timeframe graphic. A copy of the final “BPP Version” is attached (no change except removal of the “discussion draft” header). Steering Committee members and the BPP’s staff team expressed their appreciation for our development of this useful tool for describing how copper reductions would occur under the legislative proposal.

• **Enforcement.** Sustainable Conservation reported that it has held several meetings of a workgroup with CAWA to discuss structuring the enforcement portion of the legislation. The workgroup is making good progress. Two more meetings are scheduled in January. The Steering Committee should be presented with a draft approach in late January. Enforcement is likely to be referenced in the first formal draft version of the legislation with only some placeholder text—the actual language will be amended in once it is approved by the Steering Committee after broader stakeholder review.

• **BMC/SAE Meeting.** The BMC meeting was canceled and the SAE meeting was postponed, which means that we have no formal industry feedback yet. The meeting changes were unrelated to the legislation. The draft legislation was circulated to both groups in mid-November, generating only questions (no negative feedback).

• **Motor Vehicle Definition.** Language for this definition should be ready for discussion during the next Steering Committee call.

**Anticipated Next Steps**
The primary upcoming activity is the process for developing legislation to be introduced in 2009. The Steering Committee upcoming meeting schedule is:

• Monday, January 5 at 10 a.m.—Teleconference meeting
• Monday, January 12 at 11 a.m.—Teleconference meeting
• Friday January 30 at 10 a.m.—Teleconference meeting
## BPP STEERING COMMITTEE TELECONFERENCE

Tuesday, December 16, 11:00 a.m. (Pacific Time)  
Dial: 866-393-8073  
Meeting Number: *8893164*

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<tr>
<th>Topic</th>
<th>Preparation needed</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Discuss Kelly's graphic (5 min)</td>
<td><strong>All:</strong> Be prepared to make any comments on the graphic e-mailed to you on 12/4 with the subject heading &quot;BPP timeline chart (DRAFT)&quot;</td>
<td>Approve of Kelly's graphic so it can be shared and distributed.</td>
</tr>
<tr>
<td>3) Choosing an author (15 min)</td>
<td>None.</td>
<td>Develop a ranked list of authors to approach.</td>
</tr>
<tr>
<td>Justin Malan will be joining this portion of the call.</td>
<td><strong>Michael:</strong> Have legislated definition of motor vehicles.</td>
<td>Approved language and conceptual approach for definition</td>
</tr>
<tr>
<td>4) Motor vehicle definitions (10 min)</td>
<td><strong>Brake Guys:</strong> Be prepared to report on feedback/reactions from 12/12 meeting.</td>
<td>Determine next steps for outreach, if necessary</td>
</tr>
<tr>
<td>5) Report from BMC/SAE Meeting (10 min)</td>
<td></td>
<td></td>
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<tr>
<td>6) Enforcement update (10 min)</td>
<td>None.</td>
<td>Catch everyone up on enforcement workgroup's efforts.</td>
</tr>
<tr>
<td>7) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
TO: CASQA BPP Team
FROM: Kelly D. Moran
PROJECT: 62
DATE: Jan. 5, 2009
SUBJECT: Brake Pad Partnership Conference Call—January 5, 2009

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on January 5th. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (Price Consulting, BPP lobbyist)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Rodger Dabish (formerly of TMD Friction) and Mark Schlautman (Clemson University, project technical advisor) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Environmental Community Meeting.** Sustainable Conservation and Michael Endicott organized a December meeting with David Beckman (NRDC), Mark Gold (Heal the Bay), Linda Sheehan (CoastKeepers), and Gabriel Solmer (San Diego Coastkeeper). At the meeting, Sustainable Conservation and Michael briefed the environmental community representatives on the legislation and its scientific basis. Participants said that the meeting was valuable and productive.

Although the environmental community members were disappointed about the length of the copper phase-out timeline, they accepted our conclusion that it was the best we can get—and appreciated the commitment to phase out all intentional use of copper. The environmental community representatives were quite concerned about the potential that other necessary metals TMDL implementation actions would be delayed by municipalities due to the long brake pad copper reduction time frame. They also had questions about enforcement and about how the fees would be used.
Sustainable Conservation intends to have a follow-up conversation with the environmental community representatives in about a month, once more solid proposals on enforcement and fees have been developed. I may be asked to join the discussion to explain the scientific and management strategy challenges posed by copper (which unlike the other metals in Southern California metals TMDLs cannot readily be removed through standard treatment approaches).

- **BMC and Society of Automotive Engineers (SAE) Meetings.** The SAE brake group met in late December. The meeting, where vehicle manufacturers were well represented, generated a series of detailed comments, but no opposition to the legislation. Examples of comments included:
  - questions about the design of the program to ensure that nickel, zinc, and antimony levels would not increase significantly (this program still needs to be developed)
  - a request to exempt original equipment service pads that are required to be produced for vehicles manufactured prior to the phase-out deadlines (the BPP agreed to this exemption, recognizing the low sales volumes, but did not reflect the exemption in the draft text)

Sustainable Conservation is tracking these and other stakeholder comments and will ensure that the Steering Committee addresses all input.

The BMC meeting was postponed; it should occur this month.

- **Los Cerritos Channel Copper TMDL.** As previously discussed, U.S. EPA recently issued a proposed TMDL for copper and other metals in Los Cerritos Channel (which drains Long Beach and surrounding areas). Based on the environmental community concerns about TMDL implementation impacts of the BPP’s copper reduction time frame, the BPP Steering Committee was reluctant to make formal comments to EPA about the implementation time frame recommendation in the proposed TMDL. Instead, prior to the comment deadline, Sustainable Conservation will make informal contacts with EPA Region 9 staff to share the latest information from the BPP, including the copper reduction timeline in the proposed legislation.

The BPP may be able to send letters on future EPA TMDLs—but felt it essential to work through environmental community concerns about matching copper TMDL implementation schedules to the BPP’s time frame prior to sending any letters. The Steering Committee is optimistic that further dialog with the environmental community—specifically to distinguish copper from other metals in TMDLs—will reduce concern. Since comments on this TMDL are due to EPA in just two weeks, it was not believed feasible to work through these issues before the comment deadline.

- **Author for Legislation.** Lobbyist Justin Malan reported on his efforts to identify a legislator to author the legislation. Just before the holidays, he made promising contacts with the preferred author and his staff. He will be following up to provide them with additional information in the coming week. Justin cautioned that the state budget crisis has only added to the challenge of working with
legislators this year, making it likely that demands on us will be greater than normal.

Because legislators have a limit on the number of bills that they can carry, they usually do not make final commitments until February. Most bills are formally introduced in the last few days before the bill introduction deadline (February 27), so we should not expect to have a bill number before the end of February.

- Monitoring Approach for Zinc, Nickel, and Antimony. This item was not taken up due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Monday, January 12 at 11 a.m.—Teleconference meeting
- Friday January 30 at 10 a.m.—Teleconference meeting

Sustainable Conservation is currently in the process of scheduling meetings in February.
### BPP STEERING COMMITTEE TELECONFERENCE

Monday, January 5, 10:00 am (Pacific Time)  
Dial: 866-393-8073  
Meeting Number: *8893164*

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<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 2) Report on choosing an author (15 min)  
*Justin Malan will be joining this portion of the call.* | None. | Be briefed on status of selecting an author for the bill. |
| 3) Reports from stakeholders (20 min)  
meeting with SoCal enviros  
BMC/SAE Meeting | **Brake Guys:** Be prepared to report on feedback/reactions from 12/18 meeting.  
**Michael:** Be prepared to report on 12/19 meeting with enviros. | Determine next steps for outreach, if necessary |
| 4) Monitoring approach for nickel, zinc, and antimony (10 min) | **All:** Read e-mail from Kirsten about feedback from DTSC on this issue. | Determine next steps. |
| 5) Los Cerritos Channel TMDL (5 min) | **All:** Look at the information presented at www.epa.gov/region09/water/tmdl/progress.html. | Understanding of new SoCal TMDL. |
| 6) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min) | None. | N/A |
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on January 12th. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (Price Consulting, BPP lobbyist)
- Mark Schlautman (Clemson University, project technical advisor)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board)
- Kelly Moran (TDC Environmental)

Rodger Dabish (formerly of TMD Friction), Chris Shepley (Affinia), and Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC]) were not able to participate in the teleconference meeting.

The following items were discussed:

- **Legislation.** Lobbyist Justin Malan reported that he is making good progress in identifying an author for the legislation. He is also holding meetings with Cal-EPA officials to brief them on the bill; so far he has received positive responses.

The Steering Committee worked through the list of outstanding issues to determine which items it will attempt to finalize prior to the introduction of the draft legislation, which items it will develop “placeholder” text for, and which items will be deferred for future discussion and inclusion via amendments. There will be several additional Steering Committee calls this month to work on language for the version of the bill that will be submitted to legislative counsel. The CASQA BPP team will need to schedule a special call (likely early the week of the 26th) to review the revised legislative proposal.

- **Los Cerritos Channel Copper TMDL.** The Steering Committee discussed sending an informational letter to U.S. EPA on the proposed TMDL for copper in Los Cerritos Channel (which drains Long Beach and surrounding areas). It is likely
that a letter will be sent that provides a written update on the status of the BPP, describes the schedule in the legislative proposal, and mentions the upcoming follow-up watershed modeling report that will provide additional information about how brake pad copper reductions will be reflected in surface waters receiving urban runoff.

- **Use of Fees.** The Steering Committee had a limited discussion of the use of fees due to lack of time. The primary issue around the use of the fees is the need to comply with a major court case ("Sinclair Paint") and related case law that defines the required nexus between the source of a fee and the activities funded by the fee.

- **Sharing draft legislation.** The Steering Committee clarified that it had previously approved broad distribution of the legislative proposal.

- Other topics on the agenda were not addressed due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Monday, January 12 at 11 a.m.—Teleconference meeting
- Thursday January 29 at 3 p.m.—Teleconference meeting
- Friday January 30 at 10 a.m.—Teleconference meeting

Because additional meeting time has been necessary, today’s call was extended and the call on the 29th was recently added to the schedule. Several additional calls with subsets of the Steering Committee (due to scheduling conflicts) will be scheduled before the 29th. Sustainable Conservation is currently in the process of scheduling meetings in February.
BPP STEERING COMMITTEE TELECONFERENCE

Monday, January 12, 10:30 a.m. to noon (Pacific Time)
Dial:  866-393-8073
Meeting Number: *8893164*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update (5 min)</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>3) Draft letter for Los Cerritos Channel TMDL (5 min)</td>
<td><strong>All:</strong> Read draft of letter to EPA Region 9 from Ashley.</td>
<td>Determination of whether letter should be sent and what modifications are needed if it's sent.</td>
</tr>
<tr>
<td>4) Legislative draft schedule (10 min)</td>
<td><strong>Ashley:</strong> Be prepared to describe schedule and priorities for discussion.</td>
<td>Understanding of what is most important to accomplish by the end of January.</td>
</tr>
<tr>
<td>5) Use of fees (20 min)</td>
<td><strong>All:</strong> Review background information about uses of brake pad fees from Kirsten.</td>
<td>Agreement on what brake pad fees will be used for.</td>
</tr>
<tr>
<td>6) Sharing draft legislation with broader group of stakeholders (10 min)</td>
<td>None.</td>
<td>Determination of whether draft legislation can be shared with, for example, the enforcement work group.</td>
</tr>
<tr>
<td>7) Self or 3rd-party certification (30 min)</td>
<td>None.</td>
<td>Agreement on whether manufacturers will self-certify friction material or will 3rd party certification be required.</td>
</tr>
<tr>
<td>8) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
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The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on January 20th. The Steering Committee met by telephone for almost 2 hours in the morning, took a short break, and then met again in the afternoon. Copies of the agendas are attached (note that the afternoon agenda was formulated based on the outcomes of the morning discussions). The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (Price Consulting, BPP lobbyist) (morning only)
- Mark Schlautman (Clemson University, project technical advisor) (morning only)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Richard Looker (San Francisco Bay Water Board) (morning only)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services) was not able to participate in the teleconference meeting.

The following items were discussed:

- **Legislative Process Update.** Lobbyist Justin Malan reported that he has shifted gears in the process for identifying an author for the BPP legislation because the potential author he was working with has decided to carry a highly controversial bill that will likely cause him to give little attention to the remainder of his bill portfolio. Justin has had positive contacts with several other legislators and remains optimistic that he will line up an author in the next week.

- **BMC Meeting.** Last week, the BMC met to discuss the proposed legislation in detail. After the meeting, the BMC sent Sustainable Conservation a formal letter stating that it believes that the timing and reduction targets for copper are achievable. This letter will be helpful to have in the record. BMC members provided their representatives with a number of specific questions and comments...
that are being addressed by the Steering Committee in its topic-specific discussions.

- **Approach for ensuring that no problems occur from brake pad use of Zinc, Nickel, and Antimony.** The Steering Committee agreed to include the following in its legislative proposal:

  If average use of nickel, zinc, and/or antimony increases by 50% or more, DTSC shall complete scientific studies to evaluate the need to establish a maximum concentration of the element in brake pads and offer an opportunity for public review and comment on the draft study.

  If, in DTSC's judgment, the scientific studies demonstrate the need for controlling the use of the studied metal in brake pads, DTSC shall establish a maximum allowable concentration through a regulation. Any such regulation shall be developed with a robust public participation process.

After lengthy discussion, it became clear that the Steering Committee would not reach agreement on a trigger level less than a 50% increase. The brake pad manufacturers simply could not accept a 25% increase as the trigger, particularly in the absence of data suggesting that current use levels of zinc, nickel, and antimony contribute meaningfully to environmental levels of these chemicals. Their belief is that their contributions—particularly to zinc levels—are small.

One manufacturer noted that a common way that copper is formulated into brake pads is in brass chips or fiber. The proposed legislation will effectively eliminate the intentional use of brass. Since brass contains zinc, this suggests that zinc use could go down—assuming that no other pressure exists to increase zinc use (no manufacturer believe that there is any reason for zinc to increase).

The Steering Committee also agreed to require an initial (“baseline”) survey as soon as feasible after bill adoption. Subsequent surveys would be conducted at a frequency to be determined by DTSC, but not less than once every 3 years. For the moment, no sunset for these surveys was set, but we anticipate that an end date will be added during the legislative process.

- **Use of Fees.** The Steering Committee had a long discussion of fees, particularly around the use of fee funding by urban runoff agencies to mitigate water quality impacts, which is seen as problematic by the Water Board representative. The other uses of fees—to pay for all the state activity to implement the law and to cover reasonable costs for collecting the fees by wholesalers and/or retailers—were generally agreed upon. This discussion will be revisited later this week.

- **Compliance Certification.** The Steering Committee agreed that the legislation should include a requirement that brake pads be certified by a third party organization. The certification would involve testing to ensure that pads comply with the chemical content limitations in the proposed legislation. Certification will make implementation of the enforcement program easier.
The Steering Committee agreed that the bill should direct DTSC to establish a third-party certification system that would require DTSC to approve any certifying entity. It is likely that the industry entity that currently certifies brake pads meet certain design requirements would propose to provide this service. The certification would be required to be indicated by a marking on the pad material (likely 3 markings would be established to match the three formulation-related compliance dates in the bill).

The Steering Committee identified a possible issue with the timing of the certification program’s implementation. DTSC may not be able to accomplish the logistics of having the certification system fully in place prior to the first compliance deadline, which is the 2014 deadline for lead, asbestos and other harmful constituents. Suscon will obtain information on this timing issue; if it is indeed a problem, the Steering Committee tentatively agreed that it would not change the compliance date—just the date that certification would be required.

- **Steering Committee loses a member.** Rodger Dabish, who was laid off by TMD Friction in November, has resigned from the Steering Committee after determining that his future career will be outside of the automotive industry.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Friday, January 23 9 a.m. to 2 p.m.—Teleconference meeting
- Thursday, January 29 at 3 p.m.—Teleconference meeting
- Friday, January 30 at 10 a.m.—Teleconference meeting
- Wednesday, February 18 at noon—Teleconference meeting
- Tuesday, February 24 at 11 a.m.—Teleconference meeting

Only two Steering Committee calls were scheduled for February due to scheduling difficulties; however, additional subgroup calls are anticipated.
BPP STEERING COMMITTEE TELECONFERENCE

Tuesday, January 20, 10:30 a.m. to noon and 12:30 to 2 p.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

**Morning Agenda:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Report on choosing an author (10 min)</td>
<td>None.</td>
<td>Be briefed on status of selecting an author for the bill.</td>
</tr>
<tr>
<td><em>Justin Malan will be joining this portion of the call.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Report from BMC meeting (10 min)</td>
<td><strong>Brake Guys:</strong> Be prepared to report on feedback/reactions from 1/15 BMC meeting.</td>
<td>Better understanding of BMC perspective on November draft.</td>
</tr>
<tr>
<td>4) Monitoring approach for nickel, zinc, and antimony (25 min)</td>
<td><strong>All:</strong> Read e-mails with subject &quot;monitoring program for nickel, zinc, and antimony&quot;</td>
<td>Agreement on what language to send to DTSC for review.</td>
</tr>
<tr>
<td>the monitoring frequency the amount of increase that will trigger action what action will be triggered when the monitoring cycle will begin if or when the monitoring program should be sunnetted after copper levels are reduced</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) Use of fees (25 minutes)</td>
<td><strong>All:</strong> Review of list of potential uses of fee Kirsten sent on 1/17.</td>
<td>Refine and/or approve list of agreed-upon uses of fees for Justin to run by leg counsel.</td>
</tr>
<tr>
<td>6) Agenda for the afternoon</td>
<td>None.</td>
<td>Determine priorities for afternoon call.</td>
</tr>
<tr>
<td>7) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
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<td>2) Report from BMC meeting (10 min)</td>
<td><strong>Brake Guys:</strong> Be prepared to report on feedback/reactions from 1/15 BMC meeting.</td>
<td>Better understanding of BMC perspective on November draft.</td>
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<td>3) Monitoring approach for nickel, zinc, and antimony (25 min)</td>
<td><strong>All:</strong> Read e-mails with subject &quot;monitoring program for nickel, zinc, and antimony&quot;</td>
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<td></td>
<td>if or when the monitoring program should be sunsetted after copper levels are reduced</td>
<td></td>
</tr>
<tr>
<td>4) Certification</td>
<td><strong>All:</strong> Read e-mails with subject line &quot;synthesis of discussions about certification,&quot; starting on 1/17/09</td>
<td>Agreement on certification concepts.</td>
</tr>
<tr>
<td>5) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on January 23\textsuperscript{th}. The Steering Committee met by telephone for more than two hours in the morning, took a short break, and then met again for much of the afternoon. A copy of the agenda is attached (the afternoon agenda simply involve continuation of the morning discussions). The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (Price Consulting, BPP lobbyist)
- Bob Peters (Akebono Corporation)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Tim Merkel (MCW Consulting Services)
- Chris Shepley (Affinia)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Mark Schlautman (Clemson University, project technical advisor) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meeting.

The following items were discussed:

- **Revised Draft Legislation.** The Steering Committee reviewed in detail revised draft legislative text prepared by the BPP lobbyist. The outcome of the discussion is a revised draft of the legislative proposal that is currently being completed. This draft will be circulated to the CASQA BPP Team for review this weekend and will be reviewed on a CASQA BPP Team teleconference on Monday afternoon.

The discussion draft has been agreed upon in principle by participants in the call, but some agreements involved direction to the lobbyist to draft specific language, so there may be some adjustments in the circulated language when the Steering Committee reviews it this weekend and on Monday. Everyone will be reviewing the draft with their own groups on Monday in parallel with CASQA’s review.
Once all stakeholders confirm that the revised language is an acceptable starting point, it will be provided to the legislative counsel’s office for drafting into legal language.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, January 29 at 3 p.m.—Teleconference meeting
- Friday, January 30 at 10 a.m.—Teleconference meeting
- Wednesday, February 18 at noon—Teleconference meeting
- Tuesday, February 24 at 11 a.m.—Teleconference meeting

Only two Steering Committee calls were scheduled for February due to scheduling difficulties; however, additional subgroup calls are anticipated.
BPP STEERING COMMITTEE TELECONFERENCE

Friday, January 23, 9:00 a.m. to ? a.m. and 12:30 p.m. to ? p.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

Agenda:

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<tr>
<td>2) Report on choosing an author (10 min)</td>
<td>None.</td>
<td>Be briefed on status of selecting an author for the bill.</td>
</tr>
<tr>
<td>3) Review draft legislation (XX min)</td>
<td>All: Review latest version of draft legislation sent out late Thursday.</td>
<td>Approval on draft language.</td>
</tr>
<tr>
<td>motor vehicle definitions</td>
<td>limits exemptions enforcement, compliance, and fees</td>
<td></td>
</tr>
<tr>
<td>4) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
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MEMO

For CASQA Member Organization Internal Use Only

TO: CASQA BPP Team
FROM: Kelly D. Moran
DATE: Jan. 29, 2009
PROJECT: 62

SUBJECT: Brake Pad Partnership Conference Call—January 29, 2009

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on January 29th. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Jeff Goldfien (CSU Sacramento Center for Collaborative Policy, facilitator)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Mark Schlautman (Clemson University, project technical advisor), Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]), Chris Shepley (Affinia), Justin Malan (Price Consulting, BPP lobbyist), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meeting.

The following items were discussed:

- **Revised Draft Legislation.** The Steering Committee confirmed its agreement on the revised draft legislative text, which is currently being submitted to legislative counsel for drafting into formal bill language.

Most of the meeting was spent developing preliminary plans to tackle outstanding issues, which include: firming up the reduction schedule (can it be shorter?); considering various exemptions; completing the section on how fees are collected and how the money is spent; working out the details of the enforcement process; creating greater specificity for the possible studies on nickel, zinc, and antimony; and considering whether additional clarification is needed for the definition of “motor vehicle.”

- **Staff Change.** Jeff Goldfien will be ending his work as the facilitator to the Brake Pad Partnership due to BPP budget limitations. Sustainable Conservation is intending to redirect funds toward salary for a new Policy Director. When the new Policy Director comes on board, he or she will be taking over much of the day to day work on the BPP. The BPP part of the Policy Director’s work will focus on completing the non-lobbying communication and providing the
information groundwork necessary for the BPP’s legislation to succeed. Since Sarah Connick’s departure more than a year ago, to keep costs low, Sustainable Conservation Executive Director Ashley Boren has personally managed the day to day work of the BPP. Ashley intends to continue her oversight of the BPP and will assume the role of facilitator for BPP meetings.

- Friction Material Wear Debris Collection System for Vehicles. Tim Merkel announced that he and several partners are on the verge of commercializing a system for on-vehicle collection of brake pad wear debris. The system collects the waste on a reusable filter from which the waste can easily be removed for potential recycling. The system also provides cooling to the brake pads and a clean appearance to wheels and rotors (which are often discolored by brake wear debris). The primary market for this system will be brake system manufacturers; however, a version will be designed for retrofitting onto existing vehicles. The product will probably first be introduced in the motorcycle product aftermarket.

**Anticipated Next Steps**

Due to the extensive amount of time spent by all this month and the successful completion of the agenda today, the Steering Committee canceled its previously planned call tomorrow.

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Wednesday, February 18 at noon—Teleconference meeting
- Tuesday, February 24 at 11 a.m.—Teleconference meeting

Only two Steering Committee calls were scheduled for February due to scheduling difficulties; however, additional subgroup calls are anticipated.
BPP STEERING COMMITTEE TELECONFERENCE

Thursday, January 29, 3:00 p.m. to 4:30 p.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

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<td>None.</td>
<td>Be briefed on status of selecting an author for the bill.</td>
</tr>
<tr>
<td>Justin Malan will be joining this portion of the call.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Discuss circulation of draft legislation (10 minutes)</td>
<td>None.</td>
<td>Agreement on extent of circulation</td>
</tr>
<tr>
<td>4) Review of topics that need further discussion (30 minutes)</td>
<td>Review list attached in email</td>
<td>Decision on timing for various discussions</td>
</tr>
<tr>
<td>5) Friday, January 30 call (5 minutes)</td>
<td>None.</td>
<td>Decision on whether to have call or not</td>
</tr>
<tr>
<td>6) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on February 18th. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Justin Malan (Price Consulting, BPP lobbyist)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services), Chris Shepley (Affinia), Michael Endicott (Sierra Club), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meeting.

The following items were discussed:

- **Stacey Sullivan - New Sustainable Conservation Policy Director.** Ashley Boren announced that Sustainable Conservation has hired a new Policy Director, who will be taking on much of the day-to-day responsibilities for the Brake Pad Partnership among his duties. His Brake Pad Partnership role will include researching various topics to help the committee resolve outstanding issues for the legislation and conducting non-lobbying communication necessary for the BPP’s legislation to succeed. The Steering Committee welcomed Stacey to the team.

- **Update on Legislation.** The BPP’s lobbyist briefed the Steering Committee on the status of the legislation. State Senator Christine Kehoe will be the author for the bill. She is an influential Senator from San Diego who chairs the Senate Appropriations Committee. The legislative counsel is nearly done with working on the language, which means that Senator Kehoe should be able to formally introduce the bill in the next week.

  The lobbyist identified three major issues that we will be facing: vehicle manufacturer positions, time frame for copper reductions, and relationship to
DTSC green chemistry regulatory process. The Steering Committee reviewed each issue and starting planning the BPP’s response.

- **Vehicle manufacturer positions.** Vehicle manufacturers do not appear to have connected their lobbyists with their staff who are working on brake pads via the Society of Automotive Engineers (SAE) workgroup. The initial communications from vehicle industry lobbyists to the BPP’s lobbyist and Senator Kehoe have not been positive. The Steering Committee discussed ways of ensuring the proper connections and to develop a more productive relationship. Sustainable Conservation will be drafting a letter to the vehicle manufacturers with the goal of triggering establishment of communications between lobbyists and brake engineering staff and to explain the reasons that vehicle manufacturers should support the BPP’s efforts.

- **Copper reduction schedule.** Brake pad manufacturers have agreed to shift the first reduction date to 2021—if the vehicle manufacturers agree. Since the vehicle manufacturer lobbyists are not yet up to speed on the BPP, Ashley Boren will be calling engineering contacts at each manufacturer to obtain their responses. If this change is agreed to, it would be formally amended into the legislation at the first committee hearing.

The brake pad manufacturers, together with the SAE workgroup, have proposed revising the text for the 2018 date, which currently requires all re-engineered vehicles to include low-copper brake pads by that date. Given the difficulty of enforcing this wording (which I agree is a problem), they have suggested we instead develop a “percent of fleet” standard, e.g., 50% of all new vehicles contain low-copper brakes. Sustainable Conservation will be working on this, starting with similar language that has been used for other vehicle requirements (e.g., this approach was apparently used during the phase-out of asbestos brakes).

- **Relationship to DTSC Green Chemistry regulatory process.** Some people—including vehicle manufacturers lobbyists—have suggested that brake pads be addressed through the new consumer product regulatory authority given to DTSC by the legislature in 2008. DTSC is just initiating development of regulations that would establish this “green chemistry” regulatory process; it is not currently clear if or how quickly that regulatory process would be able to address copper in vehicle brake pads. Although the process and timing are uncertain, if brake pads are eventually addressed, it is likely that the regulatory time frame would be much faster than the one proposed in legislation (i.e., 10 years or fewer, one-step reduction rather than two steps). Due to the uncertainty of the regulatory process, legislation is preferable for municipalities.

- **Vehicles included in the legislation.** The Steering Committee clarified its agreement on the list of vehicles that are included and those that are excluded from legislation. The agreed upon lists are consistent with previous CASQA discussions:
Vehicles intended to be affected by brake pad legislation:

- Passenger vehicles
- Light duty trucks
- Commercial vehicles
- On-highway and off-highway heavy-duty trucks
- Motorcycles
- Racing vehicles (an exemption will be considered if requested)
- Golf Carts
- Off road vehicles
- Industrial site vehicles (except vehicles designed to be used exclusively indoors)
- Construction site vehicles (except vehicles with sealed oil-immersed brakes)

Vehicles not intended to be affected:

- Airplanes
- Trains
- Human powered vehicles (e.g., bicycles, wheelchairs)
- Segways
- Non-vehicle equipment (e.g., windmills, cranes, winches, elevators)

- Environmental Community Meeting. Sustainable Conservation is in the process of setting up a meeting with Southern California environmental representatives (Coastkeeper, Heal the Bay, NRDC) to solicit their formal support for the brake pad legislation.

- Remaining agenda items were postponed to the next call due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Wednesday, February 18 at noon—Teleconference meeting
- Tuesday, February 24 at 11 a.m.—Teleconference meeting

Only two Steering Committee calls were scheduled for February due to scheduling difficulties; however, additional subgroup calls are being held. Scheduling for March and April is currently in process.
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<tr>
<td>1) Teleconference agenda review, anything new? (10 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update (15 min)</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>3) Timeline (30 min)</td>
<td>None.</td>
<td>Determine first deadline for copper reductions and get a better understanding of how to show progress prior to that date.</td>
</tr>
<tr>
<td>4) Use and size of fees (30 minutes)</td>
<td>All: Review outline provided by Ashley before the call.</td>
<td>Determination of next steps.</td>
</tr>
<tr>
<td>5) List of vehicles to be included and excluded (if there's time)</td>
<td>All: Read the draft list of vehicles Ashley e-mailed on 1/26.</td>
<td>Agreement about which category each type of vehicle belongs in.</td>
</tr>
<tr>
<td>6) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on February 24th. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Michael Endicott (Sierra Club)
- Bob Peters (Akebono Corporation)
- Kelly Moran (TDC Environmental)

Justin Malan (Price Consulting, BPP lobbyist), Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]), Tim Merkel (MCW Consulting Services), Chris Shepley (Affinia), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meeting.

The following items were discussed:

- **Update on Legislation.** The legislative counsel has not yet gotten the legal version of the bill text to Senator Kehoe’s office. It is expected at any time. Senator Kehoe is committed to formally introducing the bill by the end of the week. I will forward the bill number once it is determined.

- **Fees.** Most of the meeting was spent discussing the fee provisions of the legislation. The Steering Committee reaffirmed its agreement that all reasonable agency costs should be covered by the fee. As long as the fee is set at a reasonable level, the Steering Committee agreed that funds in excess of the implementation cost could be use for mitigating impacts on urban creeks, where mitigation can be defined very broadly (Sustainable Conservation will confirm this agreement with the non-participating brake pad manufacturers). This agreement separates establishment of the fee amount—which we recognize will be political—from the use of the fee. Allowing broad use of the fee will maximize its benefit to municipalities.

During the discussion, it was reported that environmental community members shared CASQA’s interest in having a fee level sufficient to take meaningful
actions with the funds. Considerations in setting the fee amount will include total revenue raised and perception of the fee as not representing an unreasonable increase in the cost of a box of brake pads (a box might cost as little as $20 for cheap aftermarket pads or as high as $100 for original equipment service pads).

- **Follow-on watershed modeling.** The draft report will be delivered by AquaTerra soon. We will need to plan our review process for the report soon. The purpose of our review will be to ensure the report addresses our major questions and is accurate.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. Scheduling for weekly Steering Committee teleconference meetings in March and April is currently in process.
BPP STEERING COMMITTEE TELECONFERENCE

Tuesday, February 24, 11:00 a.m. to noon (Pacific Time)
Dial:  866-393-8073
Meeting Number: *8893164*

Agenda:

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</tr>
<tr>
<td>2) Legislative update (5 min)</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>3) Timeline update if Ashley has been able to reach automakers (10 min)</td>
<td>None.</td>
<td>Get an update on activities over the last week.</td>
</tr>
<tr>
<td>4) Use and size of fees (25 min)</td>
<td>All: Review outline provided by Ashley before the call.</td>
<td>Determination of next steps.</td>
</tr>
<tr>
<td>5) Follow-on modeling status (10 min)</td>
<td>None.</td>
<td>Determine next steps.</td>
</tr>
<tr>
<td>6) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on March 3rd. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (Price Consulting, BPP lobbyist)
- Mark Schlautman (Clemson University, project technical advisor)
- Michael Endicott (Sierra Club)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Tim Merkel (MCW Consulting Services)
- Bob Peters (Akebono Corporation)
- Kelly Moran (TDC Environmental)

Chris Shepley (Affinia) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meeting.

The following items were discussed:

- **Legislation.** The Steering Committee expressed its excitement to see the legislation finally in print! The bill number is SB 346, authored by Senator Christine Kehoe (attached). The Steering Committee carefully reviewed the legal language in SB 346 to identify legal drafting issues and to ensure that all outstanding substantive issues have been identified. Although the bill summary could have been better constructed (i.e., to focus on copper), since the summary is not operative and revising it can actually slow the progress of the bill, the BPP will not be able to make improving it a priority. Sustainable Conservation is assembling a list of all issues that need to be worked out; it will develop a workplan for upcoming calls based on this list.

The Steering Committee discussed San Diego’s generous offer to “co-sponsor” the BPP legislation. A legislative co-sponsor is not the lead—but is a substantial partner in promoting a piece of legislation. The Steering Committee was excited about San Diego’s offer, which increases our chances for success by deepening our lobbying resources. The only concern expressed by Steering Committee
members was a desire to re-confirm that this special commitment by San Diego does not change San Diego’s commitment to work with the CASQA team.

The BPP lobbyist emphasized the importance of generating a long list of formal supporters prior to the first committee hearing (expected in mid-April). The CASQA team will play a critical role in filling this important need. I reported that we were already well into the process of generating formal support. Today, I received the first formal municipality support letter, from the City of Palo Alto (attached). For tracking purposes—and to ensure that all of our team’s letters are formally recorded in the legislature—please send me copies of all support letters.

- **Follow-on watershed modeling.** Sustainable Conservation has sent the draft report back to AquaTerra for revision of procedural language. Once those revisions are complete, it will be provided to stakeholders, the BPP’s scientific advisor (Mark Schlautman) and Caltrans for review. The purpose of our review will be to ensure the report addresses our major questions and is accurate. Comments will probably be due April 10.

- Other topics were not discussed due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Wednesday, March 11, noon to 1:30 pm—Teleconference meeting
- Wednesday, March 18, noon to 1:30 pm—Teleconference meeting
- Thursday, March 26, 10:30 am to noon—Teleconference meeting
- Wednesday, April 1, noon to 1:30 pm—Teleconference meeting
- Friday, April 17, 9:00 am to 10:30 am—Teleconference meeting
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- Thursday, April 30, 9:00 am to 10:30 am—Teleconference meeting
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<tr>
<th>Topic</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update (15 min) – Justin – Including possibility of having the City of San Diego as a co-sponsor</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>3) SB 346 introduced language (10 min)</td>
<td><strong>All:</strong> Review SB 346 language (attached).</td>
<td>Identify any mistakes that need to be corrected</td>
</tr>
<tr>
<td>4) Use of Fees – vehicle for distribution (20 min)</td>
<td><strong>All:</strong> Review attached fee outline, specifically section #3.</td>
<td>Better understanding of options and decision on how to proceed</td>
</tr>
<tr>
<td>5) Timeline update if Ashley has been able to reach automakers (5 min)</td>
<td>None.</td>
<td>Get an update on activities since the last conference call.</td>
</tr>
<tr>
<td>6) Follow-on modeling (15 min) schedule for review draft results</td>
<td>None.</td>
<td>Determine next steps.</td>
</tr>
<tr>
<td>7) Progress towards copper reductions prior to first deadline (15 min)</td>
<td><strong>Stacey:</strong> Research ZEV reporting requirements and jurisdiction.</td>
<td>Understand jurisdictional issues around any reporting requirements. Determine next steps.</td>
</tr>
<tr>
<td>8) Anything else/potential topics for next calls/review next agenda and any preparation needed (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on March 11\textsuperscript{th}. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (Price Consulting, BPP lobbyist)
- Mark Schlautman (Clemson University, project technical advisor)
- Michael Endicott (Sierra Club)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Bob Peters (Akebono Corporation)
- Kelly Moran (TDC Environmental)

Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meeting.

The following items were discussed:

- **Legislation – Timelines for Copper Reduction.** The Steering Committee continued discussion of the copper reduction timeline, focusing on how the bill might be designed to address concerns being raised by legislators. Moving the first copper reduction deadline from 2023 to 2021 appears likely, but remains far from certain. Moving this deadline up depends on feedback from vehicle manufacturers, which is not yet complete.

A great deal of time was spent discussing possible options for monitoring progress toward the first copper reduction deadline to ensure that the reductions are being implemented in good faith. (This is a major concern in the legislature because the automobile industry has not taken timely action to meet several other California environmental requirements). Options include interim deadlines for conversion of a fraction of the fleet, state surveys of product copper content, and manufacturer progress reporting requirements. Due to the international and unreliable nature of the aftermarket, state surveys may be the only option for
tracking aftermarket progress. Many options are available for tracking progress on new vehicles. Some discussion was given to multiple progress tracking mechanisms, which would allow the brake industry to prove that it was proceeding in good faith to offer compliant products to vehicle manufacturers.

- **Legislation – Fees.** The Steering Committee revisited its discussion of the allowable use of fee-generated funds. There continues to be support for allocation of fees to municipalities for “mitigation” activities through a block-grant program similar to the used oil program. Sustainable Conservation intends to confirm support for this concept with environmental group representatives prior to including it among the set of amendments that the Steering Committee is currently working on. In the meantime, staff will begin drafting text to describe the fees part of the bill.

- **Follow-on watershed modeling.** Sustainable Conservation has distributed the draft follow-on watershed modeling report to the Steering Committee, Caltrans, and scientific advisor Mark Schlautman for review. I will distribute the draft report to the CASQA BPP team for our review. Comments will be due to me on April 8.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Wednesday, March 18, noon to 1:30 pm—Teleconference meeting
- Thursday, March 26, 10:30 am to noon—Teleconference meeting
- Wednesday, April 1, noon to 1:30 pm—Teleconference meeting
- Friday, April 17, 9:00 am to 10:30 am—Teleconference meeting
- Friday, April 24, 9:00 am to 10:30 am—Teleconference meeting
- Thursday, April 30, 9:00 am to 10:30 am—Teleconference meeting
BPP STEERING COMMITTEE TELECONFERENCE

Tuesday, March 11, Noon to 1:30 p.m. (Pacific Time)
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update (10 min)</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>3) List of topics for discussion (15 min)</td>
<td><em>All:</em> Review topics for discussion developed by Ashley; this spreadsheet was attached to the call reminder.</td>
<td>Improved understanding of needs and priorities for discussion.</td>
</tr>
<tr>
<td>4) Follow-on modeling (5 min)</td>
<td>None.</td>
<td>Verify schedule for review.</td>
</tr>
<tr>
<td>5) Timeline update (15 min)</td>
<td>None.</td>
<td>Reaffirm expectations.</td>
</tr>
<tr>
<td>6) Progress towards copper reductions prior to first deadline (15 min)</td>
<td>None.</td>
<td>Understand jurisdictional issues around any reporting/reduction requirements. Determine next steps.</td>
</tr>
<tr>
<td>7) Use of fees – vehicle for distribution (20 min)</td>
<td><em>All:</em> Review fee outline attached to the call reminder, specifically section #3.</td>
<td>Better understanding of options and decision on how to proceed</td>
</tr>
<tr>
<td>8) Anything else/potential topics for next calls (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on March 18th. A copy of the agenda is attached. The following people were on the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Michael Endicott (Sierra Club)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Tim Merkel (MCW Consulting Services)
- Bob Peters (Akebono Corporation)
- Kelly Moran (TDC Environmental)

Chris Shepley (Affinia), Justin Malan (Price Consulting, BPP lobbyist), Mark Schlautman (Clemson University, project technical advisor), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meeting.

The following items were discussed:

- **Legislation – Next steps.** As expected, SB 346 has been formally referred to the Senate Environmental Quality Committee. The most likely hearing date is April 20th (the only fall-back date is April 27th). During coming weeks, the author’s office and committee staff will be meeting with interested parties to identify their concerns and attempt to resolve them. Given the continued unusual situation this year, bills will need to demonstrate much broader support than would normally be required prior to a first hearing. While all communications of support are valuable, letters in the next few weeks will be particularly valuable (a model letter and other background information have been distributed separately).

- **Timelines for Copper Reduction.** Moving the first copper reduction deadline from 2023 to 2021 continues to appear likely, but is not finalized.

- **Fees.** The Steering Committee reviewed a draft fee use concept paper prepared by Sustainable Conservation, which will be used in discussions with stakeholder groups (the CASQA team will discuss it on April 1). The concept paper assumes that fees will fully fund all state costs for the bill as well as allocate funds to
municipalities for “mitigation” activities through a block-grant program similar to the used oil program.

- **Tracking Copper Reduction Progress Prior to 2023.** SB 346 currently includes a provision that was intended to require a demonstration of progress toward the first copper reduction deadline by vehicle manufacturers. Because this provision is unworkable as drafted, the Steering Committee brainstormed possible alternative approaches to track progress toward the copper reduction deadlines. Three options were identified: require brake pad manufacturers to report on sales of pads meeting the two copper standards; retailer reporting of sales of pads marked with the required certifications; and including copper in required DTSC surveys for brake pad content of nickel, zinc, and antimony. The discussion highlighted the differences between monitoring and enforcement of original equipment pads (which are hard to test because they are sold only on while physically installed on new cars) and replacement pads (which are easily tested because they are in boxes on shelves at dealers and retailers).

- **Cost Savings Estimate.** A joint BPP message on the cost savings to municipalities could not be crafted. The Water Board representative continues to block any reasonable description of cost savings, on the theory that treatment for copper in urban runoff would never really be required by any California Water Board. To allow the BPP to move forward with its legislation-related documents, the Steering Committee agreed to delete cost savings references from BPP-generated materials for now. CASQA and municipalities should fill this gap when preparing individual communications to the legislature.

- **Quick-Decision Plan.** The Steering Committee approved a process to delegate authority to three members (one brake representative, the environmental representative, and myself) for decisions that are required on in a timeframe too short to allow for full Steering Committee participation. Sustainable Conservation is breaking down issues to identify which ones are most likely to require quick-response decisions. When available, this list will be reviewed with the CASQA BPP Team (which adopted its own quick-response decision plan on March 19).

- **Trailers.** The definition of vehicle in SB 346 inadvertently excluded trailers (large ones have brakes). The Steering Committee agreed that the bill should be amended to include brakes on trailers.

### Anticipated Next Steps

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. To minimize the need for quick-response decisions without the full Steering Committee, several April teleconference meetings were recently added. The Steering Committee upcoming meeting schedule is:

- Thursday, March 26, 10:30 am to noon—Teleconference meeting
- Wednesday, April 1, noon to 1:30 pm—Teleconference meeting
- Monday, April 13, 10:30 am to 11:30 am—Teleconference meeting
- Thursday, April 16, 1:00 pm to 2:00 pm—Teleconference meeting
Friday, April 17, 12:30 pm to 2:00 pm—Teleconference meeting
Thursday, April 23, 1:30 pm to 3:00 pm—Teleconference meeting
Friday, April 24, 12:30 pm to 2:00 pm—Teleconference meeting
Thursday, April 30, 9:00 am to 10:30 am—Teleconference meeting
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<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) $100M in cost savings (15 mins)</td>
<td>All: Review summary Ashley will send out concerning where we are on this issue.</td>
<td>Discussion and decision about what number to cite.</td>
</tr>
<tr>
<td>3) Legislative update (15 min)</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>4) Plan &amp; Guidelines for Decision Making when bill is in committee or on the floor (15 min)</td>
<td>All: Review draft plan/guidelines attached to call reminder prior to the call.</td>
<td>Discussion and agreement on initial guidelines.</td>
</tr>
<tr>
<td>5) Status of 2021 vs. 2023 (5 min)</td>
<td>None.</td>
<td>Everyone updated.</td>
</tr>
<tr>
<td>6) Showing progress before 2021/2023 (15 min)</td>
<td><strong>Brake manufacturers:</strong> Before the call, prepare recommendations of what you can report on 3 and 5 years prior to compliance date to show progress.</td>
<td>Discussion and potentially agreement on those recommendations.</td>
</tr>
<tr>
<td>7) Means for distributing mitigation fees (10 min)</td>
<td>All: Review proposal for use of fees and means of distribution (attached to call reminder) prior to call.</td>
<td>Comments on write-up and recommendations for changes before distribution.</td>
</tr>
<tr>
<td>8) Trailers (5 min)</td>
<td><strong>Stacey:</strong> Develop recommendations on how to ensure trailers are included in legislation.</td>
<td>Discussion and agreement.</td>
</tr>
<tr>
<td>9) Anything else/potential topics for next calls (5 min)</td>
<td>None</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held two teleconference meetings on March 26th. A copy of the agenda is attached. The following people were on at least one of the calls:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Justin Malan (Price Consulting, BPP lobbyist)
- Michael Endicott (Sierra Club)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Bob Peters (Akebono Corporation)
- Kelly Moran (TDC Environmental)

Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation – Committee Hearing.** As expected, SB 346 has been scheduled for hearing by the Senate Environmental Quality Committee on April 20th. The Steering Committee did preliminary planning for the hearing day. Given the large number of bills that are expected to be on the Environmental Quality Committee’s April 20 agenda, it is likely that the entire discussion of SB 346 will last only a few minutes, with perhaps as little as two minutes of actual presentation by the Partnership. Nevertheless, the Steering Committee intends to complete careful planning so that the Partnership members together provide a very short but compelling appearance in front of the committee and to ensure that we are prepared to address any questions or challenges that may arise.

- **Legislation - Amendments.** The Steering Committee spent most of the call discussing a set of draft amendments to the bill that reflect the topics that have
been discussed since the legislative language was submitted in January. The meaningful revisions include:

- changing the first copper compliance date to 2021 (formerly 2023),
- adding statements of intent that link the bill to TMDL compliance and clarify that safety will not be compromised,
- recasting provisions to demonstrate copper reduction progress prior to the first copper reduction deadline,
- clarifying follow-up actions on zinc, nickel and arsenic,
- improving linkage to DTSC’s authority to regulate consumer products under the new “Green Chemistry” law,
- establishing that the fee would be about $1 per box (about 25 cents per disc brake pad, as pads are sold in boxes of 4),
- clarifying the pad certification provisions and ensuring that pads can be certified as soon as DTSC approves the first certifying entity (“testing agency”),
- rephrasing the parking brake exemption, and
- revising the definition of “vehicle” to include trailers.

All revisions were agreed to. I will circulate a copy of the amendments when the wording is finalized by Sustainable Conservation.

- **Brake Wear Debris Collection System.** One of the founding members of the Steering Committee (Tim Merkel) has been involved in the development a product that can be fitted on vehicles to collect brake wear debris. Tim reported that the intent of the device is to provide aesthetic and performance benefits for vehicles as well as to minimize dispersal of brake wear debris into the environment. The device can be retrofitted onto existing vehicles. Since this product is likely to be of interest to CASQA members, I have attached an informational flyer that Tim Merkel shared with the Steering Committee. Additional information is available at [http://www.brakepadwastecollection.com/](http://www.brakepadwastecollection.com/)

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Wednesday, April 1, noon to 1:30 pm—Teleconference meeting
- Monday, April 13, 10:30 am to 11:30 am—Teleconference meeting
- Thursday, April 16, 1:00 pm to 2:00 pm—Teleconference meeting
- Friday, April 17, 12:30 pm to 2:00 pm—Teleconference meeting
- Thursday, April 23, 1:30 pm to 3:00 pm—Teleconference meeting
- Friday, April 24, 12:30 pm to 2:00 pm—Teleconference meeting
- Thursday, April 30, 9:00 am to 10:30 am—Teleconference meeting
BPP STEERING COMMITTEE TELECONFERENCE

Thursday, March 26, 10:30 a.m. to noon (Pacific Time) – continued 2 p.m. to 3 p.m.
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update (10 min)</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>3) Possible amendments to SB 346 (60 min)</td>
<td>All: Review amendment documents sent out by Stacey</td>
<td>Decisions on which amendments to submit to legislative counsel</td>
</tr>
<tr>
<td>4) Preparing for 4/20 Senate Environmental Quality Committee (10 min)</td>
<td>None.</td>
<td>Understanding of how day will go and what is needed.</td>
</tr>
<tr>
<td>5) Anything else/potential topics for next call (5 min)</td>
<td>None.</td>
<td></td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on April 13th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Chris Shepley (Affinia)
- Bob Peters (Akebono Corporation)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services), Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]), Michael Endicott (Sierra Club), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation – Update.** The BPP’s lobbyist met with the consultant to the Senate Environmental Quality Committee, who has completed her draft analysis of the bill. It appears the analysis was positive. She identified several issues and suggested amendments, none of which appear to be problematic from CASQA’s perspective. The Steering Committee will be getting more information on the suggested amendments this week. Two topics (below) were discussed in today’s call.

- **Legislation – Vehicle Recall.** Because of the way the bill was drafted to fit within DTSC’s existing consumer product regulatory authority, it unintentionally created the potential for DTSC to require recalls for whole vehicles not fitted with properly certified brake pads. The BPP Steering Committee has previously agreed that the cost and hassle of a recall is not necessary to ensure that new vehicles comply—the substantial fines in the law ($10,000 per car) should offer sufficient incentive. (Sustainable Conservation staff noted that the California Air Resources Board does not have recall authority for whole cars for its air quality requirements; it has found fines are sufficient to ensure compliance.) Since the
potential for a recall would be of great concern to vehicle manufacturers and automobile dealers, the Steering Committee agreed that SB 346 should be amended to clarify that DTSC does not have the authority to order a vehicle recall.

- **Legislation – Findings and Declarations.** Based on input from various interested parties and the recommendation of the Senate committee consultant, the BPP Steering Committee discussed reducing the amount of introductory language in the bill (none of which affects the substance of what it does). The change would eliminate the need to debate wording that does not affect the outcome of the bill. Sustainable Conservation recommended streamlined text for Steering Committee consideration. The streamlined text appears to improve the linkage between brake pad copper reductions and compliance with TMDLs. The Steering Committee agreed that SB 346 should be amended to incorporate the streamlined language suggested by Sustainable Conservation.

- **Society of Automotive Engineers (SAE) Meeting.** During the last meeting of the SAE brake pad workgroup, a disgruntled professor raised his personal complaints about the BPP’s scientific studies. The Steering Committee developed a plan that will be implemented by the brake pad manufacturers and Sustainable Conservation to remind the SAE workgroup of the strength of the BPP’s scientific process, which involved joint design and oversight of the scientific studies, annual stakeholder meetings, and a robust peer review process for both workplans and draft reports. This design not only avoided the potential for “dueling science” (a common problem in legislative debates), but also ensured that all stakeholder groups could be confident in the BPP’s scientific findings.

- **Follow-Up Watershed Modeling Report.** Pending Caltrans approval, the Steering Committee agreed to extend the review period for the follow-up watershed modeling report to allow scientific peer reviewers to complete their work.

  Sustainable Conservation reported that AquaTerra had provided preliminary results of modeling of the copper reduction lag time in a case study of a highly urbanized watershed with a stream with a concrete channel. Preliminary results showed a relatively short lag time (less than one year). This information suggests that concrete channelized urban watersheds will respond quickly to changes in brake pad copper use. (As previously noted, watersheds without concrete channels were modeled to have <5 to >20-year response times. Response times increased with the length of the natural channel and with dry meteorological patterns.)

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, April 16, 1:00 pm to 2:00 pm—Teleconference meeting
- Friday, April 17, 12:30 pm to 2:00 pm—Teleconference meeting
- Thursday, April 23, 1:30 pm to 3:00 pm—Teleconference meeting
• Friday, April 24, 12:30 pm to 2:00 pm—Teleconference meeting
• Friday, May 1, 9:00 am to 10:30 am—Teleconference meeting
• Thursday, May 7, 9:30 am to 11:00 am—Teleconference meeting
• Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
• Wednesday, May 20, 11:30 am to 1:00 pm—Teleconference meeting
• Thursday, May 28, 9:00 am to 10:30 am—Teleconference meeting

The first legislative hearing is scheduled during a meeting of the California Senate Environmental Quality Committee. The meeting begins at 1 p.m. on Monday April 20th.
BPP STEERING COMMITTEE TELECONFERENCE

Monday April 13, 10:30 to 11:30 a.m. (Pacific Time).
Dial:  866-393-8073
Meeting Number:  *8893164*

Agenda:

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update (10 min)</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>3) SAE update (20 min)</td>
<td>None.</td>
<td>Be briefed on SAE discussions.</td>
</tr>
<tr>
<td>4) Product recall (15 min)</td>
<td><strong>All:</strong> Review summary of recall issue (attached to call reminder).</td>
<td>Decide what changes, if any, are needed in order to allay concerns about the potential for vehicle recalls.</td>
</tr>
<tr>
<td>5) Proposed amendments for the declarations and digest sections (5 min)</td>
<td><strong>All:</strong> Review findings and declarations revisions (attached to call reminder).</td>
<td></td>
</tr>
<tr>
<td>6) Anything else/potential topics for next call (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on April 16th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan, BPP Lobbyist
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Tim Merkel (MAW Consulting Services)
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)
- Mark Schlautman (Clemson University, project technical advisor) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation – Update.** The BPP lobbyist and the Sustainable Conservation Policy Director recently met with most of the members of the Senate Environmental Quality Committee to gauge their support for SB 346. The Democratic members are generally supportive of the bill. The BPP lobbyist reported that Ventura County’s recent letter of support was specifically cited among the factors motivating Senator Pavley’s anticipated support of SB 346.

  Stacey Sullivan reported that he met with the staff of the two Republican legislators on the Senate Environmental Quality committee. Both legislators are supportive of the BPP’s collaborative process and the general approach to brake pad regulation that is reflected in the bill. However, both legislators have general policy concerns about fees, particularly fees imposed at the retail level. Based on this general policy concern, both are likely to vote “no” at the hearing on Monday.

  The Senators’ staff (particularly the staff of Senator Runner) indicated that resolution of the fee-related issues that the BPP is currently tackling may change
the Senators’ positions in the future. The BPP lobbyist explained that the reactions of these two Senators to the bill are consistent with what he expects from most Republican members. Lack of Republican support, though disappointing, would not prevent approval by the Committee.

- **Legislation – Preparation for Hearing.** The Steering Committee reviewed and revised a draft statement for Sustainable Conservation Executive Director Ashley Boren to make at the hearing on behalf of the BPP.

- **Discussion with the California/Nevada/Arizona Automotive Wholesalers Association (CAWA).** Sustainable Conservation and the two Steering Committee members who have participated in ongoing BPP discussions with CAWA (Bob Peters and Michael Endicott) gave a lengthy briefing to the rest of the Steering Committee on recent discussions. CAWA represents automotive aftermarket businesses, including manufacturers, wholesalers, retailers, and auto repair facilities. The discussions have focused on two topics: (1) a possible exemption for original equipment service brake pads and (2) fees.
  
  o **Original equipment service brake pads.** Both vehicle manufacturers and brake pad manufacturers are interested in an exemption that would allow vehicle manufacturers to meet their legal obligation to offer original equipment service brake pads for 10 years after every car is sold. They are most concerned about brake pads for models for which manufacturing ends before the compliance deadlines, as they want to avoid the need to design and test new pads for vehicles that are no longer manufactured. CAWA members who make aftermarket brake pads feel that an exemption could provide an unfair marketing advantage for the legacy products. Discussions on this topic have included vehicle manufacturers. There is no clear path to resolving the dispute. The Steering Committee noted that its interests would be best served by a narrow exemption (to limit the allowable copper releases) and by an outcome that avoids adding any opposition to the bill (e.g., avoids causing CAWA to oppose unless it causes vehicle manufacturers to remove their opposition).

  o **Fees.** While CAWA’s lobbyist has been relatively strident in his statements on fees, apparently the retailer members that have participated in the meetings have softened their opposition to collecting fees at retail. They generally see the option of trying to assess a fee at first sale in California as more problematic than assessing the fee at retail. They may be willing to establish a system that assesses the fee at retail for sales at large automotive parts stores and at the distributor for pads sold to automobile service facilities. One of CAWA’s desires is to avoid the need for new systems to manage a brake pad fee at small shops, which are apparently not currently subject to similar fees for other automotive products (apparently only tire fees are collected at retail). Sustainable Conservation hopes to explore this option in more detail in upcoming discussions with CAWA.

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**Anticipated Next Steps**
The primary upcoming activity for the BPP is the work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Friday, April 17, 12:30 pm to 2:00 pm—Teleconference meeting
- Thursday, April 23, 1:30 pm to 3:00 pm—Teleconference meeting
- Friday, April 24, 12:30 pm to 2:00 pm—Teleconference meeting
- Friday, May 1, 9:00 am to 10:30 am—Teleconference meeting
- Thursday, May 7, 9:30 am to 11:00 am—Teleconference meeting
- Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
- Wednesday, May 20, 11:30 am to 1:00 pm—Teleconference meeting
- Thursday, May 28, 9:00 am to 10:30 am—Teleconference meeting

The first legislative hearing is scheduled during a meeting of the California Senate Environmental Quality Committee. The meeting begins at 1 p.m. on Monday April 20th.
BPP STEERING COMMITTEE TELECONFERENCE

Thursday April 16, 1:00 to 2:00 p.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

<table>
<thead>
<tr>
<th>Topic</th>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update</td>
<td>None.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>3) Suscon’s talking points for hearing</td>
<td>None.</td>
<td>Discuss draft talking points</td>
</tr>
<tr>
<td>4) OE Service pads exemption</td>
<td>None</td>
<td>Review issues raised in call with vehicle manufacturers</td>
</tr>
<tr>
<td>6) Anything else/potential topics for next call (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on April 17th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan, BPP Lobbyist
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Tim Merkel (MAW Consulting Services)
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Mark Schlautman (Clemson University, project technical advisor) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation – Preparation for Hearing.** The Steering Committee spent the entire call preparing for the Senate Environmental Quality Committee hearing for SB 346. In addition to working out logistics, the committee reviewed and commented on draft testimony for Sustainable Conservation on behalf of the entire BPP. The Committee also briefly reviewed draft brake pad manufacturer testimony, which will be presented by a representative of Akebono Corporation.

- **Legislation – Committee Consultant Analysis of Bill.** In preparation for the hearing, a legislative committee staffer (“consultant”) does an independent analysis of each bill. The analysis for SB 346, which came out just before the Steering Committee call, is attached. The analysis is very good from the viewpoint of the BPP because it explains the major issues well and generally supports the bill. While consultant analyses often recommend many amendments, this one only recommends one amendment, to clarify that DTSC would use fines as the enforcement tool for brake pads on new vehicles and would not be able to...
order vehicle recalls. Since this amendment has already been agreed upon, the Steering Committee asked Sustainable Conservation to request that Senator Kehoe accept the recommended amendment at the hearing.

- **California/Nevada/Arizona Automotive Wholesalers Association (CAWA) Position.** Although there are still major issues to be resolved with CAWA, CAWA decided to take a relatively friendly “support if amended” position on SB 346, rather than opposing the bill. This position is a good sign. CAWA has indicated that it wants two amendments: (1) to shift the first compliance date back to 2023, and (2) to assess the fee at manufacturer level. The BPP lobbyist believes it unlikely that the Senate Environmental Quality Committee would take up either request.

CAWA’s request for the date shift appears to be political, not based on substance. Manufacturer representatives, who all represent companies that make aftermarket brake pads, do not see any technical need for the aftermarket to delay the implementation beyond the 2021 date currently in the bill. Although both legislative and DTSC staff have told the BPP that assessing the fee on manufacturers would be infeasible because all manufacturers are out of state, to carefully respond to the CAWA request, the BPP Steering Committee agreed to ask Senator Kehoe to ask the Legislative Counsel provide a formal opinion as to whether the fee could be assessed on brake pad manufacturers.

**Anticipated Next Steps**

The first legislative hearing is scheduled during a meeting of the California Senate Environmental Quality Committee. The meeting begins at 1:30 p.m. on Monday April 20th. The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, April 23, 1:30 pm to 3:00 pm—Teleconference meeting
- Friday, April 24, 12:30 pm to 2:00 pm—Teleconference meeting
- Friday, May 1, 9:00 am to 10:30 am—Teleconference meeting
- Thursday, May 7, 9:30 am to 11:00 am —Teleconference meeting
- Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
- Wednesday, May 20, 11:30 am to 1:00 pm —Teleconference meeting
- Thursday, May 28, 9:00 am to 10:30 am —Teleconference meeting
BPP STEERING COMMITTEE TELECONFERENCE

Thursday April 17, 12:30 to 2:00 p.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative update (15 min)</td>
<td>Review committee analysis forwarded by Stacey today.</td>
<td>Be briefed on status of legislative issues.</td>
</tr>
<tr>
<td>-Committee analysis</td>
<td></td>
<td></td>
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<tr>
<td>-CAWA testimony</td>
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<td></td>
</tr>
<tr>
<td>3) Ashley’s Testimony (30 min)</td>
<td>Review Ashley’s revised talking points to be sent by Stacey soon.</td>
<td>Provide final comments.</td>
</tr>
<tr>
<td>4) Suggested author request for legal counsel opinion on placing fee on manufacturers (10 min)</td>
<td>None</td>
<td>Discuss and decide whether to go forward with request</td>
</tr>
<tr>
<td>5) Anything else/potential topics for next call (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on April 23rd. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Chris Shepley (Affinia)
- Tim Merkel (MAW Consulting Services)
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Justin Malan (BPP Lobbyist), Mark Schlautman (Clemson University, project technical advisor) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation – Senate Environmental Quality Committee Hearing.** Those present at the hearing briefed the rest of the Steering Committee about the hearing. The general consensus was that it went reasonably well. The “support if amended” testimony by the aftermarket wholesaler/retailer representative from CAWA came across more like opposition testimony than like supportive testimony, which did not help with our desire to win the support of the entire committee. Otherwise, nothing unexpected occurred.

- **Legislation – Next Steps.** The next hearing for SB 346 will be in the Senate Appropriations Committee, likely on May 4 or May 11. Appropriations Committee hearings are very short—the real decision making occurs behind the scenes. Because the author chairs the committee, it is likely that she will waive presentation of the bill, which means that opponents will be allowed to testify, but no significant discussion of the bill will occur. At the early May hearing, SB 346 will almost certainly be referred to the “suspense” file, which is where all bills
with costs to the state of more than about $150,000 are sent. Once SB 346 is placed “on suspense,” formal interaction between the legislature and state agencies—primarily the Department of Finance—commences.

Assuming SB 346 is placed on suspense, the Department of Finance will develop cost estimates with input from affected agencies. If Finance determines that funding is available for the state to implement the bill, it becomes a candidate for moving to the Senate floor. At the end of May, the Appropriations Committee will hold a very busy meeting to determine which of the bills in the suspense file will advance.

During May, the BPP Steering Committee will be working to fill out the fee-related provisions of the bill. The Steering Committee may also need to address any political issues that Senator Kehoe believes might keep SB 346 from advancing to the Senate floor. Sustainable Conservation alerted the Steering Committee that it is likely the Steering Committee will face one or more short turn-around-time decisions this month.

- **Legislation – Fees.** The Steering Committee reviewed preliminary cost estimates for bill implementation, which are expected to total somewhat more than $1 million per year (plus additional costs in certain years, e.g., when the brake pad metals content surveys are conducted). At about $1 per axle set of brake pads (judged by our advisers to be the highest politically feasible fee), we anticipate total revenue of about $14 million. This would leave $10 million to $13 million per year for “mitigation” activities, including block grants to municipalities. On a per-capita basis, this would translate to about 27 to 35 cents per Californian each year.

There is significant political pressure to “cap” the fee. An inflexible cap is problematic because the net present value of the fee will decrease as cost of living increases and the total amount of funds collected could decline if hybrid vehicles come to dominate the market. (Hybrids usually use “regenerative” brakes, which greatly extend brake pad life). The Steering Committee discussed approaches to ensuring that the value of fee dollars does not decline significantly between now and the 2030s, such as providing for the adjustment of the fee to account for inflation and allowing the fee to be adjusted by DTSC should brake pad sales drop significantly.

Sustainable Conservation will prepare an initial draft of fee-related language for Steering Committee consideration late next week. I expect that most of the May 5 Steering Committee teleconference meeting will be devoted to discussion of fee-related issues.

- **Motorcycle and Off-Road Vehicle Exemption Request.** An industry association representing manufacturers of motorcycles, all-terrain vehicles, and other off-road vehicles has requested an exemption from SB 346 based on safety and performance issues. The association has developed calculations showing that the total vehicle miles traveled by these classes of vehicles is relatively small (<1% of all vehicle miles traveled in California). Sustainable Conservation will follow up with them to advise that the BPP decision-making has been based on copper
release quantities and to discuss the thresholds used in BPP decision-making. I anticipate that we will need to consider this request once we have more information about copper releases.

- Other topics were not discussed due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Friday, May 1, 9:00 am to 10:30 am—Teleconference meeting
- Thursday, May 7, 9:30 am to 11:00 am—Teleconference meeting
- Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
- Wednesday, May 20, 11:30 am to 1:00 pm—Teleconference meeting
- Thursday, May 28, 9:00 am to 10:30 am—Teleconference meeting
BPP STEERING COMMITTEE TELECONFERENCE

Thursday, April 23, 1:30 p.m. to 3:00 p.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

<table>
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<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 2) Legislative update (15 min)  
- Debrief on 4/20 Policy Committee Hearing  
- Update on Appropriations Committee plans  
- Key issues to address before the Appropriations Committee hearing | None. | Be briefed on status of legislative issues. |
| 3) SAE update (10 min) | None. | Be briefed on SAE discussions. |
| 4) Size of fee, potential cap, ramping down (30 min) | Review fee document we circulated to stakeholders (attached to meeting reminder) | Decide on new language and/or next steps |
| 5) “Off ramp” idea proposed by Justin (20 min) | Read Justin’s email of 4/21 | Decide how to proceed |
| 6) Anything else/potential topics for next call (10 min)  
- BPP Issues/Topics List  
- Friday call? | Review BPP Issues/Topics List. | Advise Ashley if missing anything on list or if priorities should be different |
TO: CASQA BPP Team                          DATE: May 1, 2009
FROM: Kelly D. Moran                          PROJECT: 62
SUBJECT: Brake Pad Partnership Conference Call—May 1, 2009

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 1st. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (BPP Lobbyist)
- Chris Shepley (Affinia)
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services), Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC]), Mark Schlautman (Clemson University, project technical advisor) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation – Appropriations Committee Hearing.** SB 346 is scheduled for hearing on May 11.

- **Legislation – Fee Collection.** The BPP lobbyist has identified the fee collection point as a key issue to resolve as soon as possible, as it may present a hitch in getting the bill through the Appropriations Committee. The problem is that the statewide retailers association strongly opposes fee collection at retail; their opposition could potentially prevent the bill from passing out of Appropriations.

One alternative is to collect fees from manufacturers. Senator Kehoe’s office requested the assistance of the Legislative Counsel in examining the issue of collection of fees directly from manufacturers. The BPP has also obtained input from DTSC on this issue. It appears that while it may be possible to assess fees from some manufacturers, it is unlikely that the state would be able to collect fees from all manufacturers—particularly those that are based overseas. The outcome would be unfair and would generate less revenue than desired.

Manufacturers expressed strong opposition to establishing a process to collect the fee directly from the manufacturer. Their opposition was primarily based on the...
anticipated unfairness of such a system. They are also concerned about the financial practicalities of collecting fees from manufacturers (i.e., that they might not be able to adjust prices to cover the fee).

Another option for fee collection is to adopt an approach suggested by the California Integrated Waste Management Board. This approach is included in another bill that retailers support (AB 283, an extended producer responsibility bill that is sponsored by a municipality organization called the California Product Stewardship Council). This approach would involve collection of the fee from the “producer” of the product, which would be defined as a company that sells brake pads in California under its own brand name (the brand name is usually not from the manufacturer, particularly for brake pads). When the fee cannot be collected from the “producer,” it would be assessed on the entity that imports the brake pads into California (which may be a wholesaler or in some cases a retailer).

While this approach would likely make it harder to collect the full amount of the fee than if it were collected at retail, it would involve less cost to the state for fee processing (since fees would be collected from a relatively small number of entities). On the basis of current information, the overall revenue implications of this approach as compared to fee collection at retail are not clear; however, it appears that this approach would generate more total revenue than the approach of assessing fees directly from manufacturers.

Brake pad manufacturers need more information to react to the “producer” fee concept. This will be discussed further in the next few days.

- Other items on the agenda were not taken up due to lack of time. Additional calls will be scheduled in the next few days to take up these items and to resolve the fee collection issue.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, May 7, 9:30 am to 11:00 am—Teleconference meeting
- Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
- Wednesday, May 20, 11:30 am to 1:00 pm—Teleconference meeting
- Thursday, May 28, 9:00 am to 10:30 am—Teleconference meeting

Additional calls are being scheduled for the coming week. Sustainable Conservation is in the process of scheduling Steering Committee calls for June.
BPP STEERING COMMITTEE TELECONFERENCE

Friday May 1, 9:00 a.m. to 10:30 a.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

<table>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Where fee is assessed (25 min)</td>
<td>Review possible language for 25250.64</td>
<td>Determine next steps</td>
</tr>
<tr>
<td>- update on leg counsel opinion</td>
<td></td>
<td></td>
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<tr>
<td>- discussion of how to proceed</td>
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<tr>
<td>3) Legislative Update (10 min)</td>
<td>None.</td>
<td></td>
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<tr>
<td>- appropriations Hearing 5/11</td>
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<tr>
<td>- meeting with Intl Auto Association</td>
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<tr>
<td>4) Draft language for fee section of bill (30 min)</td>
<td>Review Stacey’s draft</td>
<td>Suggest changes and work to finalize</td>
</tr>
<tr>
<td>5) “Off-ramp” idea (15 min)</td>
<td>Review Justin’s strawman</td>
<td>Discuss and determine how to proceed</td>
</tr>
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<td>6) Anything else? Potential topics for next call (5 min)</td>
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</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 4th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (BPP Lobbyist)
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]), Mark Schlautman (Clemson University, project technical advisor), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation – Opposition Issues to Address.** The BPP lobbyist recommends that the BPP immediately determine how to proceed on three issues that are the basis of potential opposition from retailers and international vehicle manufacturers:
  - Establishing a fee amount.
  - Responding to international vehicle manufacturer concerns that the technology may not be in place to meet the 2021 and 2032 copper reduction deadlines.
  - Determining where the fee will be collected.

Because responses to these issues are time-critical for the legislation, the BPP scheduled a special call today. The BPP lobbyist advised that making decisions on all three issues today is not essential—but expressing a willingness to consider seriously these three topics is essential.

- **Fee Amount.** To clarify the fee amount, the Steering Committee reviewed and agreed on language to establish the fee on brake pad (and new vehicle) sales and
to set in place the process for fee adjustment. The fee will be established at $1.00 per box (one axle set) of brake pads ($2.00 per new vehicle), which is judged to be the highest politically feasible amount (this amount is already in SB 346). It will be adjusted annually to reflect cost of living increases. At my request, the fee section also includes a fee stabilization provision, which requires DTSC to increase the fee if the total collected amount falls below a total that will be established once the cost estimates come in (likely in the range of $12 to 13 million). The fee stabilization provision will ensure that the block grants to municipalities do not get below about $10 million/year (in today’s dollars), even if brake pad sales fall (e.g., if pad lifetimes increase due to a market shift to hybrid vehicles with longer-life regenerative braking systems).

- **International Vehicle Manufacturer Concerns.** International vehicle manufacturers have indicated that they may oppose SB 346 if it does not include some provision to exempt new vehicles if reduced copper pads cannot be designed to meet performance and safety standards. The Partnership Steering Committee does not feel that such an exemption is necessary, given that the bill was designed with long time frames specifically to ensure that there would be no performance or safety problems. Both the environmental representative and I expressed concern that such an exemption would be inappropriate, as it could undermine the compromise reflected in the bill.

The Steering Committee decided to ask the BPP Lobbyist to better explain our views to international vehicle manufacturers and to request that a teleconference meeting be set up with the international vehicle manufacturers so that brake pad manufacturers can explain to them directly that they have confidence in their ability to ensure compliance on the timelines in the bill. The Steering Committee also agreed that if there is a specific class of vehicle for which there is concern that compliance might not have been considered adequately in the BPP’s discussions, it should be considered through a request to add a specific (likely narrow, time-limited) exemption to the legislation rather than through a general extension of the copper compliance timeline.

- **Fee Collection Point.** The statewide retailers association strongly opposes fee collection at retail. It is possible that their opposition could prevent the bill from passing out of Appropriations. Since the BPP does not believe collection from manufacturers is feasible, the BPP lobbyist recommended considering a middle ground that would essentially require fee payment on first sale in California (similar to pesticides). Sustainable Conservation has arranged a call with brake pad manufacturer representatives and their sales/marketing teams tomorrow to evaluate this concept further. The Steering Committee also agreed to examine the cost and fee collection feasibility implications of this approach. If this approach is workable, it would be helpful politically, as it may eliminate potential opposition from retailers.

**Anticipated Next Steps**
The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, May 7, 9:30 am to 11:00 am—Teleconference meeting
- Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
- Wednesday, May 20, 11:30 am to 1:00 pm—Teleconference meeting
- Thursday, May 28, 9:00 am to 10:30 am—Teleconference meeting

Sustainable Conservation is in the process of scheduling Steering Committee calls for June.
BPP STEERING COMMITTEE TELECONFERENCE

Monday May 4, 8:30 a.m. to 10:30 a.m. (Pacific Time).
Dial:  866-393-8073
Meeting Number:  *8893164*

**Agenda:**

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<tr>
<td>2) “Off-ramp” idea should compliance with copper deadlines be a safety or performance problem</td>
<td>Review Justin’s strawman</td>
<td>Discuss and determine how to proceed</td>
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<tr>
<td>3) Draft language for fee section of bill</td>
<td>Review Stacey’s draft</td>
<td>Suggest changes and work to finalize</td>
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<tr>
<td>4) Anything else? Potential topics for next call</td>
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</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 7th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Mark Schlautman (Clemson University, project technical advisor)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (BPP Lobbyist)
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **SB 346 Appropriations Committee Hearing.** For reasons that are not clear to the BPP, the Senate Appropriations Committee consultant determined that SB 346 would not need to be directed to the “suspense” file for further review of its cost implications to the state. While this is good news in that it avoids a politically unpleasant step, it changes the planning for the Appropriations Committee process, because there will be an immediate vote on the bill when it is heard in committee. This shortens the timeframe for resolving all the financial and political issues that might affect the success of the bill in the committee or on the floor of the Senate.

On the basis of the time frames required for amendments to be incorporated, the Steering Committee decided to request that Senator Kehoe postpone the SB 346 hearing until Tuesday, May 26. This will entail Steering Committee agreement to amendments by Friday May 15.

The BPP lobbyist reported that Senator Kehoe’s office expressed concern about moving through the Appropriations Committee and to the Senate Floor without
amendments to reduce or remove opposition from either the retailers or the automobile manufacturers. If these cannot be worked out, it may be necessary to make SB 346 a two-year bill (which means putting it aside for now and trying to resolve the opposition concerns this fall in an attempt to revive the bill in 2010).

Legislation – Issues/Amendments to Address Prior to Appropriations Hearing

Based on recommendations from the BPP lobbyist, the Steering Committee identified the following list of items to be addressed prior to the Senate Appropriations Committee hearing:

- **Responding to international vehicle manufacturer concerns that the technology may not be in place to meet the 2021 and 2032 copper reduction deadlines.** As I reported last week, the Steering Committee decided to request that a teleconference meeting be set up with the international vehicle manufacturers so that brake pad manufacturers can explain to them directly that they have confidence in their ability to ensure compliance on the timelines in the bill. This call has not yet occurred and will be scheduled as soon as possible.

Since this call may not be sufficient to address international vehicle manufacturer concerns, the BPP lobbyist recommended that the Steering Committee consider fall-back options. The Steering Committee developed a list of actions to communicate directly with vehicle manufacturers (both U.S. and international) to try to reduce or eliminate opposition from their associations. Additional possible actions will be discussed by the Steering Committee early next week. These may include options we can readily live with (e.g., requiring DTSC to report to the legislature on the data from their brake pad copper content surveys and whether any compliance problem was anticipated) as well as options that will be challenging for CASQA.

If communication strategies are not effective at reducing vehicle manufacturer opposition, CASQA may be forced into a difficult decision between potentially losing the legislation and providing a limited mechanism for administrative extension of compliance dates.

- **Fee Collection Point.** As discussed previously, fee collection at retail and from brake manufacturers would both be problematic. The BPP is seeking a “middle ground” for fee collection. The “producer” approach under discussion (that would essentially require fee payment on first sale in California, similar to pesticides) was judged by brake pad manufacturers to be unlikely to be fairly collected. Manufacturers were also concerned about the potential need to “eat the cost” of the fee, which they cannot afford to do in these challenging economic times for the auto industry.

Sustainable Conservation has arranged a call with the automotive retailers and wholesalers (CAWA) to evaluate the concept of a wholesale/retail hybrid fee collection arrangement that would not require small retailers
and auto repair shops to collect the fee. The Steering Committee agreed to examine this issue further next week.

- **Establishing a fee amount.** The Steering Committee has previously agreed upon language to establish the fee at $1/axle set ($2 for new vehicles) and to adjust it to account for inflation. The revenue stabilization language drafted by Sustainable Conservation was agreed to be modified as follows:
  - To require DTSC to use a public process (which would be established through regulation) to make the revenue stabilization adjustments, rather than do them administratively (the cost of living adjustments would be done administratively).
  - To establish both a minimum and maximum for revenue collection, determined on the basis of a multi-year rolling average (probably 3 years) to account for annual variations in sales. The minimum would be $13 million and the maximum $15 million in today’s dollars. Both minimum and maximum would be adjusted for inflation. (The range is so narrow because I pressed for $13 million minimum, anticipating that a fee revenue decline is more likely than an increase.) Since lower sales are more likely than higher sales, this maximum is unlikely to reduce funds collected—but it has great political value in assuring potential opponents that the fee would not get too high.

- **Editorial changes.** The Steering Committee previously approved changes to improve the findings about safety and to strengthen the statements around its linkage to TMDLs, but these have not yet been amended into the bill. The text will also be edited to change “brake pad” to “brake friction material” throughout to clarify that it includes drum shoes as well as disc brakes.

- **Formalizing the fee allocation, including the block and competitive grants.** I will work with Sustainable Conservation to improve the preliminary language for the fee allocation (most importantly the block grants) based on the CASQA BPP Team input.

- **Adding a mitigation fee phase out.** With my input based on the CASQA BPP Team discussion, Sustainable Conservation will draft an amendment to establish when the fee would be reduced to cover only DTSC’s implementation costs. Once the impacts of brake pad pollutants have ended, a mitigation fee is no longer legally allowable.

- **Business support needed.** The BPP lobbyist reported that he and Senator Kehoe’s office are concerned that businesses are being perceived as being in opposition to the bill, because of the concerns from the U.S. automobile manufacturer and retailers. Getting businesses on record in support is crucial for the bill to be successful in the Senate.

**Anticipated Next Steps**
The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Tuesday May 12, 9 a.m. to 11 a.m.—Special teleconference meeting to work on amendments to SB 346
- Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
- Wednesday, May 20, 11:30 am to 1:00 pm—Teleconference meeting
- Thursday, May 28, 9:00 am to 10:30 am—Teleconference meeting

Upcoming important dates for SB 346:

- Senate Appropriations Committee hearing—Tuesday May 26, (tentative)
- Senate floor vote (if successful in Appropriations)—between May 29 and June 5
- Assembly policy committee hearing (if successful in Senate)—between June 22 and July 10 (likely committee is Environmental Safety & Toxic Materials, which will probably meet June 23, 30, & July 7)

Sustainable Conservation is in the process of scheduling Steering Committee calls for June.
BPP STEERING COMMITTEE TELECONFERENCE

Thursday May 7, 9:30 a.m. to 11:00 a.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 2) Legislative Update (30 min)  
  -bill not going on suspense  
  -approns hearing | None. | Determine next steps and deadlines |
| 3) Fee Language (20 min)  
  -cap  
  -allocation | Review attached proposed language for cap and allocation | -Approve cap amendment language  
  -Suggest changes to allocation language |
| 4) Where fee is assessed (20 min)  
  -debrief on brake manufacturer discussion | None. | Determine next steps |
| 5) Vehicle Manufacturers  
  -status of meeting with AIAM | None | Determine next steps |
| 6) Other (5 min)  
  -friction material changes to language | Review attached language | Approve amendments to clarify friction materials |
| 7) Anything else? Potential topics for next call (5 min) | | |
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 12th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (BPP Lobbyist)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services), Chris Shepley (Affinia), Mark Schlautman (Clemson University, project technical advisor), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- SB 346 Appropriations Committee Hearing Preparation – Amendments due Friday May 15. Today’s call was focused on preparation of amendments to SB 346 in preparation for the May 26 hearing.

- Fees. Amendments to establish the fee amount, add the necessary mitigation fee phase out, and formalize the fee allocation were discussed. Wording along the lines previously discussed with the CASQA team that (1) ensures a minimum amount of funds for the block and competitive grants and (2) phase out the mitigation part of the fee in the year 2040 were agreed to by the Steering Committee. The wording will be finalized once clarifying edits are reviewed by the Steering Committee tomorrow.

The BPP Steering Committee also agreed to fee allocation language consistent with CASQA BPP team desires. The CASQA-requested auditing provision and the request to roll over unallocated block grants into the competitive grants each year were both well received. The Steering Committee discussed pressure from others in the vehicle industry to link the fee allocation more closely to copper, but...
decided to stick with the broad language in the draft. It is possible that we may need to consider wording changes to bring the word “copper” back into this section in the future.

- **Responding to international vehicle manufacturer concerns.** The BPP lobbyist and Senator Kehoe’s staff met with the lobbyist for the Association of International Automobile Manufacturers (AIAM) to clarify their questions and concerns, which are listed below along with the BPP Steering Committees action plan.

  - *What if brake pad manufacturers cannot supply satisfactory pads meeting the copper content requirements by the dates in the bill?*

    Recognizing the great concern about any provision that provides a way out of the copper requirements in the bill, the AIAM lobbyist said that they are not looking for full “off ramp” but more of a “backstop”, which apparently means that they would accept a very narrowly tailored provision—and that they might accept measures such as data tracking and reports to the legislature. Suscon is continuing efforts to arrange a teleconference meeting with the international vehicle manufacturers so that brake pad manufacturers can explain to them directly that they have confidence in their ability to ensure compliance on the timelines in the bill.

    It remains possible that the CASQA BPP Team will need to make a quick decision on an amendment related to this topic before SB 346 goes to a vote on the Senate floor in early June.

  - *How would the fees be collected?*

    This should be addressed in coming amendments on fee collection. This topic appears to be less of a concern for vehicle manufacturers than for retailers and brake pad manufacturers.

  - *Could there be multiple certification marks?*

    This is not considered likely, but will be discussed to see if clarifying amendments are needed to ensure that vehicle manufacturers and retailers will not have any problem identifying which pads are legal to sell in California.

  - *An exemption for required original equipment service (OES) pads is needed.*

    The possibility of an OES exemption has been opposed by the replacement pads industry; however, it is still under discussion. Brake pad manufacturers who make original equipment pads are assembling sales data to form the basis for a future discussion of a narrow exemption, likely one to grandfather in pads for cars that are no longer in production. They anticipate the sales data will show that OES pad sales are relatively small and that such an exemption would have relatively minor environmental and market impacts.
- **Reporting Amendments.** The Steering Committee briefly discussed the idea of amendments to require manufacturer reporting between the 2021 and 2032 deadlines as a mechanism to assess the potential for future compliance problems for vehicle manufacturers. There was also brief discussion of requiring DTSC to report to the legislature on the data from their brake pad copper content surveys and to advise the legislature as to whether any compliance problem was anticipated in 2032. This topic will be further discussed tomorrow.

- **Vehicle Parts Industry Letters of Concern.** Sustainable Conservation has been in dialog with various representatives of the automotive industry, including the Motor & Equipment Manufacturers Association (MEMA) and the Heavy Duty Brake Manufacturers Council (HDBMC; truck brake manufacturers). Late last week, both organizations sent letters of concern to Senator Kehoe. The HDBMC letter expressed opposition, which may be a drafting mistake, because HDBMC representatives did not express opposition in a teleconference the same day the letter was sent. Suscon will be asking the HDBMC to withdraw its letter.

  The letters express three general concerns:
  
  - *The legislation needs to ensure the fee would not be large and that it would be used responsibly.* The fee amendments that the BPP is finalizing should address this concern.
  
  - *How would the fee be collected?* All fee collection points are of potential concern to the two organizations, which share the brake manufacturers’ view that collection at the manufacturer level would be impractical.
  
  - *Timelines were not agreed to by truck brake manufacturers.* Apparently many truck brake pad manufacturers are using lead; these companies are challenged by the 2014 lead phase out deadline that only some heavy duty brake pad manufacturers participated in selecting. I anticipate that this position will be rethought when the affected companies become informed about their liability under Proposition 65, which prohibits knowing discharge of lead into sources of drinking water and provides only 20 months to comply with the discharge prohibition.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Wednesday, May 13, 11:30 am to 1:00 pm—Teleconference meeting
- Wednesday, May 20, 11:30 am to 1:00 pm—Teleconference meeting
- Thursday, May 28, 9:00 am to 10:30 am—Teleconference meeting

Upcoming important dates for SB 346:

- Senate Appropriations Committee hearing—Tuesday May 26, (tentative)
- Senate floor vote (if successful in Appropriations)—between May 29 and June 5
• Assembly policy committee hearing (if successful in Senate)—between June 22 and July 10 (likely committee is Environmental Safety & Toxic Materials, which will probably meet June 23, 30, & July 7)

Sustainable Conservation is in the process of scheduling Steering Committee calls for June.
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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Fee Language (30 min)</td>
<td>Review Stacey’s email and attachment of 5/11 titled “revised fee cap &amp; allocation language”</td>
<td>-Approve cap amendment language</td>
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<tr>
<td></td>
<td></td>
<td>-Suggest changes to allocation language</td>
</tr>
<tr>
<td>3) Reporting Language – can we make changes that will address AIAM’s concerns? (20 min)</td>
<td>Review 25250.52 c) of the bill</td>
<td>-Agree on if and how to change</td>
</tr>
<tr>
<td>4) Business support (15 min)</td>
<td>None.</td>
<td>Everyone updated and actions being taken</td>
</tr>
<tr>
<td>5) Legislative Update (30 min)</td>
<td>-Review attached two letters from MEMA and HDBMC to Kehoe</td>
<td>-Discuss response</td>
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<tr>
<td></td>
<td>-Review Stacey’s email of 5/11 titled “AIAM?”</td>
<td>-Determine next steps</td>
</tr>
<tr>
<td>4) Where fee is assessed (15 min)</td>
<td>None.</td>
<td>Determine next steps</td>
</tr>
<tr>
<td></td>
<td>-continuation of discussion from 5/7 that will be continued tomorrow 5/13</td>
<td></td>
</tr>
<tr>
<td>7) Anything else? Potential topics for next call (5 min)</td>
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</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 13th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Schlautman (Clemson University, project technical advisor)
- Justin Malan (BPP Lobbyist)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services), Chris Shepley (Affinia), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Fees.** Most of the call was spent discussing the options for assessing the fee. Because all manufacturers are outside of California and many are outside the U.S., the Steering Committee reaffirmed its agreement that assessing the fee at the brake manufacturer level was unworkable. Assessing the fee at retail will apparently cause the statewide retailers association to oppose the bill based on retailers’ concern about the plethora of retail environmental fees. On the basis of the advice of the BPP lobbyist and the others on the call who are familiar with the legislature that retailer opposition would put the future of the bill at risk, the Steering Committee agreed that the fee should not be assessed at retail unless there is no earlier point in the process to assess the fee.

After further examination of the supply chain, the Steering Committee tentatively decided to assess the fee upon first sale in California (or equivalent—wording is to be determined). This agreement will be finalized after consulting with the manufacturer representative who could not participate in the meeting.
Amendments reflecting this decision are not feasible to work out prior to Friday; however, they will probably need to be done before SB 346 goes to the Senate floor.

As requested by the CASQA BPP Team, I raised the issue of a slight adjustment to the fee to account for the slight increased cost of this fee collection mechanism. This will be agendized for future discussion.

Amendments to establish the fee collection amount, to add the necessary mitigation fee phase out, and to formalize the fee allocation were approved. These should be formally amended into SB 346 (along with all previously approved amendments) next week.

- **Reporting Amendments.** The Steering Committee again briefly discussed the idea of reporting-related amendments to address the concerns raised by international vehicle manufacturers. This topic will be further discussed on a special call early tomorrow morning.

- **Updated Support Letters.** Since SB 346 has been amended significantly and will be amended again within the next week, the BPP lobbyist strongly recommended that those organizations that can readily generate letters send another letter of support to Senator Kehoe and to their own state Senator, the week of May 18th. Updated letters should note support for SB 346 as amended. All amendments to date (as well those in process this week) improve the bill from the viewpoint of municipalities, so there should be no question of continued support. It is not necessary to craft a new letter—the text used in previously sent letters can simply be reused with the new date and the words “as amended” in the subject line and/or the text of the letter.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, May 14, 6:30 a.m. to 8 a.m.—Teleconference meeting
- Wednesday, May 20, 11:30 a.m. to 1:00 p.m.—Teleconference meeting
- Thursday, May 28, 9:00 a.m. to 10:30 a.m.—Teleconference meeting

Upcoming important dates for SB 346:

- Senate Appropriations Committee hearing—Tuesday May 26, (tentative)
- Senate floor vote (if successful in Appropriations)—between May 29 and June 5
- Assembly policy committee hearing (if successful in Senate)—between June 22 and July 10 (likely committee is Environmental Safety & Toxic Materials, which will probably meet June 23, 30, & July 7)

Sustainable Conservation is in the process of scheduling Steering Committee calls for June.
**BPP STEERING COMMITTEE TELECONFERENCE**

Thursday May 13, 11:30 a.m. to 1:00 p.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

<table>
<thead>
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<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
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<tr>
<td>2) Fee Language (10 min) - limit - allocation</td>
</tr>
<tr>
<td>3) Business support (10 min)</td>
</tr>
<tr>
<td>4) Where fee is assessed (45 min) - continuation of discussion from 5/7</td>
</tr>
<tr>
<td>5) Reporting Language – can we make changes that will address AIAM’s concerns? (15 min)</td>
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<td>6) Anything else? Potential topics for next call (5 min)</td>
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<table>
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<tr>
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<tbody>
<tr>
<td>None.</td>
</tr>
<tr>
<td>Review Stacey’s email and attachment of 5/12 “use this one” and “comment free version of adjust option”</td>
</tr>
<tr>
<td>None.</td>
</tr>
<tr>
<td>Review distribution sheets attached to this email</td>
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<tr>
<td>Review 25250.52 c) of the bill</td>
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<table>
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<tr>
<td>N/A</td>
</tr>
<tr>
<td>-Approve limit and allocation amendment language</td>
</tr>
<tr>
<td>Everyone updated and actions being taken</td>
</tr>
<tr>
<td>Determine next steps</td>
</tr>
<tr>
<td>-Agree on if and how to change</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 14th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Michael Endicott (Sierra Club)
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Bob Peters (Akebono Corporation), Tim Merkel (MCW Consulting Services), Chris Shepley (Affinia), Justin Malan (BPP Lobbyist), Mark Schlautman (Clemson University, project technical advisor), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Reporting on Brake Pad Copper Compliance Progress.** The Steering Committee discussed the idea of reporting-related amendments to SB 346 to address the concerns raised by international vehicle manufacturers. There was agreement that changes that provided an administrative mechanism to extend copper compliance deadlines would not be acceptable. The Steering Committee decided to propose progress reporting as an alternative. Reporting can ensure that the public and the legislature are informed should there be problems with achieving compliance. While reporting would provide information, action by the legislature would be required if any compliance deadlines were to be changed.

The following types of additional reporting were discussed:

- Adding additional manufacturer progress reports to 25250.52 (c), which currently calls for reports in 2016 and 2018. Reporting could be added between 2021 and 2032.
- Adding one or more reports to the legislature prepared by DTSC. These reports could include the number of certifications of compliant brake
friction products under 25250.60 and the results of DTSC's copper monitoring under 25250.56 (c).

Sustainable Conservation will draft potential amendments to the bill with the above types of reporting provisions. These will be first used for discussion with the international vehicle manufacturers. It is unlikely that these discussions will conclude in time for the Friday deadline for amendments for the Appropriations Committee hearing; however, reporting amendments could be added prior to the vote on the Senate floor.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- **Wednesday, May 20, 11:30 a.m. to 1:00 p.m.—Teleconference meeting**
- **Thursday, May 28, 9:00 a.m. to 10:30 a.m.—Teleconference meeting**

Upcoming important dates for SB 346:

- **Senate Appropriations Committee hearing—Tuesday May 26, (tentative)**
- **Senate floor vote (if successful in Appropriations)—between May 29 and June 5**
- **Assembly policy committee hearing (if successful in Senate)—between June 22 and July 10 (likely committee is Environmental Safety & Toxic Materials, which will probably meet June 23, 30, & July 7)**

Sustainable Conservation is in the process of scheduling Steering Committee calls for June.
BPP STEERING COMMITTEE TELECONFERENCE

Thursday May 14, 6:30 a.m. to 7:30 a.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

**Agenda:**

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<td>2) Reporting Language – can we make changes that will address AIAM’s concerns? (15 min)</td>
<td>Review 25250.52 c) of the bill</td>
<td>-Agree on if and how to change</td>
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<td>3) Anything else? Potential topics for next call (5 min)</td>
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The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 20th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (BPP Lobbyist)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer’s Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Tim Merkel (MCW Consulting Services), Chris Shepley (Affinia), Mark Schlautman (Clemson University, project technical advisor), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Fee Collection.** Most of the meeting was spent on the fee collection issue. The BPP lobbyist reported that retailers were not supportive of the agreed upon approach, which was effectively a “first sale in California” approach to fee collection. The retailers believe that this approach will require fee collection at retail in most cases. Instead, the retailers and the BPP lobbyist worked up a new approach that would require retailers to ensure that the fee was paid—but not necessarily pay the fee themselves. (The CASQA team will discuss these draft amendments tomorrow.) This received mixed reviews, primarily due to uncertainty as to how it would practically be implemented.

The Steering Committee did not agree to amend the new approach into the bill, which is currently silent about where the fee is to be collected. Instead, the BPP lobbyist will ask the retailers to hold off on opposition until the many questions about this approach can be investigated (these answers will not be available until after the Senate floor vote). If the retailers do not agree, pending approval from all stakeholder groups, the BPP will give Senator Kehoe the OK to amend a
simple statement of the new approach into the bill if she judges the amendment is necessary to get the bill through the Senate floor vote. In either case, the BPP lobbyist will clarify with the retailers that the BPP’s investigations and the possible amendment are contingent on the outcomes of the investigation as to the details of how this fee payment approach would work—and that the BPP is committed to a fee collection system that involves full and fair collection of the fee, is simple to implement, is easy to enforce effectively, and that entails a minimum administrative cost.

- **Reporting on Brake Pad Copper Compliance Progress.** The Steering Committee discussed reporting-related amendments to SB 346. These draft amendments are intended to be used in upcoming discussions with international vehicle manufacturers. (The CASQA team will discuss these draft amendments tomorrow.)

- **Senate Appropriations Committee Hearing.** The hearing is set for Tuesday, May 26. Ashley Boren will represent the BPP. Statements need to be very short (less than 1 minute); the Steering Committee will review a draft of Ashley’s short statement prior to the hearing. I will attend if my presence is requested by Senator Kehoe.

- **Brake Industry Positions on SB 346.** The BMC/PEC will make another request to its members for letters of support. Brake pad manufacturers and Sustainable Conservation will be in communication with heavy duty brake pad manufacturers regarding their stance and communications to Senator Kehoe on SB 346.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, May 28, 9:00 a.m. to 10:30 a.m.—Teleconference meeting

Upcoming important dates for SB 346:

- Senate Appropriations Committee hearing—Tuesday May 26
- Senate floor vote (if successful in Appropriations)—between May 29 and June 5 (possible extension to June 8)
- Assembly policy committee hearing (if successful in Senate)—between June 22 and July 10 (likely committee is Environmental Safety & Toxic Materials, which will probably meet June 23, 30, & July 7)

Sustainable Conservation is in the process of scheduling Steering Committee calls for June.
BPP STEERING COMMITTEE TELECONFERENCE

Wednesday May 20, 11:30 a.m. to 1:00 p.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) BMC Member Support (5 min)</td>
<td><strong>Bob:</strong> Have spoken with Pat Healey</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>2) Where fee is assessed (20 min)</td>
<td><strong>All:</strong> Review Stacey’s email of 5/18 (4:26 pm PDT) titled “FW: sb 346 fees”</td>
<td>Decision on how to proceed</td>
</tr>
<tr>
<td>3) Reporting Language – (20 min)</td>
<td><strong>All:</strong> Review Ashley’s email from 5/19 (5:11 pm PDT) titled “FW: first crack at revised reporting language” with Stacey’s proposed language and Kelly’s comments</td>
<td>Finalize if possible for discussion with AIAM</td>
</tr>
<tr>
<td>4) Prepare for Approps Comm Hearing 5/26 – (15 min)</td>
<td>None.</td>
<td>Decide on preparation and who will respond to opposition</td>
</tr>
<tr>
<td>5) HDBMC</td>
<td>None.</td>
<td>Decision on how to respond</td>
</tr>
<tr>
<td>6) Anything else? Potential topics for next call (5 min)</td>
<td></td>
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</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on May 28th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (BPP Lobbyist)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Chris Shepley (Affinia)
- Tim Merkel (MCW Consulting Services)
- Michael Endicott (Sierra Club)
- Kelly Moran (TDC Environmental)

Mark Schlautman (Clemson University, project technical advisor) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Senate Appropriations Committee Hearing.** The Steering Committee recapped the Appropriations Committee hearing on Tuesday, where SB 346 was approved 8-5 (all Democrats for, all Republicans against). The only opposition was from the motorcycle manufacturers, who are requesting an exemption from the copper requirements. This exemption will be discussed by the Steering Committee when motorcycle manufacturers provide additional information.

- **Senate Floor Vote.** Senator Kehoe anticipates bringing SB 346 to a vote on the Senate floor on Monday. The BPP lobbyist discussed the bill’s potential to pass out of the Senate. The vote will be very close because there is rising concern among legislators about fees due to the budget situation. The BPP lobbyist requested assistance with winning the votes of Senators Correa, Wright, Calderon, Negrete-McLeod, Wyland, Harman, and Maldonado.

The BPP prepared three possible amendments for Senator Kehoe to use if absolutely necessary to get the votes necessary for SB 346 to be approved by the
Senate. Two of these possible amendments have previously been discussed (to increase progress reporting requirements and to require retailers to ensure that the fee has been paid). A third possible amendment would delete the word “mitigation” from the description of how DTSC may use the fee, to eliminate complaints from automobile manufacturers about this word (this word was deliberately avoided in the design of the block and competitive grant language).

- **Meetings with Vehicle Industry Groups.** Sustainable Conservation and manufacturers reported on meetings of the BMC/PEC and the Society of Automotive Engineers brake workgroup. Plans to meet with international vehicle manufacturers and the heavy duty vehicle manufacturers are being firmed up. The aftermarket wholesalers (CAWA) have canceled planned meetings and are reportedly considering a recommendation from their lobbyists to oppose SB 346.

- **Chris Shepley Retirement.** Chris Shepley announced his plan to retire from Affinia in July. Terry Heffelfinger from Affinia will replace Chris on the BMC/PEC and on the BPP Steering Committee.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Friday, June 5, 9:00 a.m. to 10:30 a.m.—Teleconference meeting
- Monday, June 8, 1:00 p.m. to 2:30 p.m.—Teleconference meeting
- Monday, June 15, 10:00 a.m. to 11:30 a.m.—Teleconference meeting
- Thursday, June 25, 9:00 a.m. to 10:30 a.m.—Teleconference meeting
- Monday, June 29, 10:30 a.m. to noon—Teleconference meeting

Upcoming important dates for SB 346:

- Senate floor vote—before June 5 (anticipated Monday June 1)
- Assembly policy committee hearing (if successful in Senate)—between June 22 and July 10 (likely committee is Environmental Safety & Toxic Materials, which will probably meet June 23, 30, & July 7)
BPP STEERING COMMITTEE TELECONFERENCE

Thursday May 28, 9:00 a.m. to 10:30 p.m. (Pacific Time).
Dial:  866-393-8073
Meeting Number: *8893164*

Agenda:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Preparation needed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Teleconference agenda review, anything new? (10 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative Update (20 min)</td>
<td>None.</td>
<td>Everyone updated and clear on plan for Monday</td>
</tr>
<tr>
<td>- Appropriations Committee Hearing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Floor Vote on Monday</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Vote Count</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Amendments in Author’s Back Pocket</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Brake manufacturers update on Friday call (20 min)</td>
<td>Brake Manufacturers: prepared to report</td>
<td>Everyone updated; decision on next steps</td>
</tr>
<tr>
<td>4) SAE Call Update (10 min)</td>
<td>None.</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>5) AIAM Update (10 min)</td>
<td>None.</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>6) CAWA Update (10 min)</td>
<td>None.</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>7) Anything else? Priorities for June(10 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on June 5th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Justin Malan (BPP Lobbyist)
- Michael Endicott (Sierra Club)
- Bob Peters (Akebono Corporation)
- Chris Shepley (Affinia)
- Terry Heffelfinger (Affinia)
- Kelly Moran (TDC Environmental)

Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC]), Tim Merkel (MCW Consulting Services), Mark Schlautman (Clemson University, project technical advisor) and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Brake Pad Legislation Senate Floor Vote.** Senator Kehoe took SB 346 to a vote on the Senate floor on Wednesday. The bill passed, with a vote of 22 yes, 16 no and one abstention (21 votes are required for passage). The main issue preventing full support of the bill was the presence of the fee. All fees are being treated negatively by many legislators (primarily Republicans).

- **Legislation Next Steps.** The BPP lobbyist reported that the fee will likely be the most challenging issue in the Assembly. He also said that local government and business support will need to be very active and strong in the next few months—that support will be necessary to carry the bill through the Assembly and to win the Governor’s signature.

The anticipated schedule for the legislative process is at the end of this memorandum. I will include this schedule in future memoranda and update it as appropriate.
• **Meetings with Vehicle Industry Groups.** The Steering Committee planned for two upcoming meetings with vehicle industry representatives. I have been asked to join a meeting with international manufacturers (AIAM). There will also be a meeting between Steering Committee brake pad manufacturers and heavy duty manufacturers.

• **New Steering Committee Member.** The Steering Committee welcomed Terry Heffelfinger from Affinia, who will replace Chris Shepley (who is retiring) on the BMC/PEC and on the BPP Steering Committee. Terry has long experience in the auto industry working at several parts manufacturers. Currently he is Affinia’s director for product development and quality for both brakes and chassis parts.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Monday, June 8, 1:00 p.m. to 2:30 p.m.—Teleconference meeting
- Monday, June 15, 10:00 a.m. to 11:30 a.m.—Teleconference meeting
- Thursday, June 25, 9:00 a.m. to 10:30 a.m.—Teleconference meeting
- Monday, June 29, 10:30 a.m. to noon—Teleconference meeting

Upcoming important dates for SB 346:

- **Assembly Policy Committee Hearing**—SB 346 will probably be referred to the Assembly Committee on Environmental Safety & Toxic Materials. The most likely hearing date is June 23, though July 7 may also be possible. July 10 is the deadline for Assembly policy committees to have heard Senate bills.

- **Summer Recess—Possible Time for Local Meetings**—The Legislature goes into summer recess on July 17 and returns on August 17. Although the legislators are likely to be working on the budget during this time, no action on SB 346 is anticipated during the recess. While legislators’ schedules are likely to be in flux during this time, they will often be at their district offices, so this may be a good time for local meetings with legislators.

- **Assembly Appropriations Committee Hearing**—While it is theoretically possible that SB 346 could be heard by Assembly Appropriations before the beginning of the summer recess, it is more likely that it will be heard on August 17 or 24. The final day for fiscal bills like SB 346 to pass out of Appropriations to the Assembly Floor is August 28.

- **Assembly Floor**—The 2009 legislative session ends on September 11. SB 346 needs to pass off of the Assembly Floor with enough time for it to return to the Senate for a vote on concurrence in Assembly amendments.

- **Senate Floor Vote on Concurrence in Assembly Amendments**—Since SB 346 will be amended while it is in the Assembly, the Senate will have to concur in those amendments. This normally occurs as a vote on the Senate Floor.
• **Governor’s Desk**—The Governor will have 30 days after the end of the legislative session to either sign or veto the bill.
BPP STEERING COMMITTEE TELECONFERENCE

Friday June 5, 9:00 a.m. to 10:30 p.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

Agenda:

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative Update (15 min)</td>
<td>None.</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>-Debrief on Senate Floor Vote</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Future Legislative Schedule (15 min)</td>
<td>All: Review attachment titled “Future Legislative Timeline”</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>4) AIAM Call (20 min)</td>
<td>All: Review Stacey’s email of 6/2 titled “Conference call with Tony Gonzalez is postponed to late next week”</td>
<td>Preparation for AIAM call</td>
</tr>
<tr>
<td>5) HDBMC Call (15 min)</td>
<td>None.</td>
<td>Preparation for call</td>
</tr>
<tr>
<td>6) Priorities and other issues to address (15 min)</td>
<td>None. We will review BPP Topics/Issues list as time allows</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>7) Anything else? Priorities for June (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
MEMO

For CASQA Member Organization Internal Use Only

TO: CASQA BPP Team
FROM: Kelly D. Moran
DATE: June 8, 2009
PROJECT: 62
SUBJECT: Brake Pad Partnership Conference Call—June 8, 2009

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on June 8th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Michael Endicott (Sierra Club)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Chris Shepley (Affinia)
- Terry Heffelfinger (Affinia)
- Kelly Moran (TDC Environmental)
- Mark Schlautman (Clemson University, project technical advisor), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation Next Steps.** Sustainable Conservation will be meeting with a few legislators and the consultant to the Assembly Environmental Safety & Toxic Materials Committee this week. The first Assembly committee hearing has not been scheduled.

  The Steering Committee spent most of the call working through a list of outstanding issues that need to be resolved before the end of the legislative session. Next steps include information gathering by Sustainable Conservation (from Cal-EPA agencies and the Board of Equalization) and Steering Committee meetings with vehicle industry stakeholders.

- **Meetings with Vehicle Industry Groups.** Sustainable Conservation briefed the Steering Committee on steps toward meetings with international manufacturers (Association of International Automobile Manufacturers – AIAM), heavy duty vehicle manufacturers (Heavy Duty Manufacturers’ Association – HDMA) and motorcycle manufacturers (Motorcycle Industry Council – MIC). Most of the Steering Committee will be meeting with AIAM on June 17th. Meetings with the
other organizations are being scheduled. The motorcycle industry is apparently going to try to make the case that the quantity of copper released from motorcycle brake pads is negligible.

- **Watershed modeling follow-up report.** Aqua Terra is currently going through reviewer comments on the follow-up watershed modeling report. I compiled CASQA reviewer comments into a memorandum (attached).

There will be a conference call within the next month for the purpose of clarifying comments. If any of the CASQA reviewers wishes to participate in this call, please contact me directly so that I can include you in scheduling.

After the call to clarify comments, Aqua Terra will respond to comments, revise the report, and participate in a second (and likely more interesting) reviewer call to discuss their responses to reviewer comments. The schedule for these subsequent activities has not yet been determined.

- **Other topics** were not discussed due to lack of time.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Monday, June 15, 10:00 a.m. to 11:30 a.m.—Teleconference meeting
- Wednesday, June 17, 1:00 p.m.—Teleconference meeting with AIAM
- Thursday, June 25, 9:00 a.m. to 10:30 a.m.—Teleconference meeting
- Monday, June 29, 10:30 a.m. to noon—Teleconference meeting

Upcoming important dates for SB 346:

- **Assembly Policy Committee Hearing**—SB 346 will probably be referred to the Assembly Committee on Environmental Safety & Toxic Materials. The most likely hearing date is June 23, though July 7 may also be possible. July 10 is the deadline for Assembly policy committees to have heard Senate bills.

- **Summer Recess—Possible Time for Local Meetings**—The Legislature goes into summer recess on July 17 and returns on August 17. Although the legislators are likely to be working on the budget during this time, no action on SB 346 is anticipated during the recess. While legislators’ schedules are likely to be in flux during this time, they will often be at their district offices, so this may be a good time for local meetings with legislators.

- **Assembly Appropriations Committee Hearing**—While it is theoretically possible that SB 346 could be heard by Assembly Appropriations before the beginning of the summer recess, it is more likely that it will be heard on August 17 or 24. The final day for fiscal bills like SB 346 to pass out of Appropriations to the Assembly Floor is August 28.

- **Assembly Floor**—The 2009 legislative session ends on September 11. SB 346 needs to pass off of the Assembly Floor with enough time for it to return to the Senate for a vote on concurrence in Assembly amendments.
• **Senate Floor Vote on Concurrence in Assembly Amendments**—Since SB 346 will be amended while it is in the Assembly, the Senate will have to concur in those amendments. This normally occurs as a vote on the Senate Floor.

• **Governor’s Desk**—The Governor will have 30 days after the end of the legislative session to either sign or veto the bill.
**BPP STEERING COMMITTEE TELECONFERENCE**

Monday, June 8, 1:00 p.m. to 2:30 p.m. (Pacific Time).
Dial:  866-393-8073
Meeting Number:  *8893164*

**Agenda:**

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<tr>
<td>1) Teleconference agenda review, anything new? (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Updates (5 min)</td>
<td>None.</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>- AIAM, HDBMC, MIC meetings</td>
<td></td>
<td></td>
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<tr>
<td>- Confirmation of Assembly Policy Hearing</td>
<td></td>
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<tr>
<td>- Follow-on modeling 6/25, assuming assembly hearing is 6/23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) BPP Topics/Issues List (55 min)</td>
<td>All: Review attachment titled “BPP Topics Issues 6/4/09”</td>
<td>Determine next steps</td>
</tr>
<tr>
<td>4) Adding safety language to bill? (20 min)</td>
<td>None</td>
<td>Decision on whether we should do this. If we decide to, guidance on how to craft language</td>
</tr>
<tr>
<td>7) Anything else? Topics for next call (5 min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>- BMC Mtg Update</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- 6/11 SAE Mtg Update</td>
<td></td>
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</tr>
</tbody>
</table>
The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on June 15th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Mark Schlautman (Clemson University, project technical advisor)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Chris Shepley (Affinia)
- Terry Heffelfinger (Affinia)
- Kelly Moran (TDC Environmental)

Michael Endicott (Sierra Club), Tim Merkel (MCW Consulting Services), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation Next Steps.** Sustainable Conservation met with a few legislators and the consultant to the Assembly Environmental Safety & Toxic Materials Committee last week. The consultant was negative about the bill, because it doesn’t appear to him to be very strong, it appears complicated, and it goes ahead of the DTSC green chemistry regulation, which he thinks would more quickly phase out brake pad copper and more appropriately regulate alternatives. The BPP lobbyist and allies will be working to educate him on the bill to address his concerns, which cannot be addressed through amendments to the bill. The first Assembly committee hearing has not been scheduled; the most likely date appears to be June 30.

  The Steering Committee discussed draft amendments to the bill to clarify that all forms of copper (including compounds an alloys) are covered by the bill and to revise again the definition of vehicle to ensure no important categories are excluded.
• **SAE Meeting.** BMC/PEC representatives and Sustainable Conservation participated in a meeting with the SAE Brake workgroup last week. That meeting centered largely on the reporting provisions of the bill, which they would like to be fleshed out to ensure that the reporting will not be onerous and will not entail disclosure of confidential information. Since the reporting requirements were put in largely to address vehicle industry concerns, the details of reporting will be further discussed after the call with international vehicle manufacturers this week.

• **Motorcycle Industry Exemption Request.** The Steering Committee discussed motorcycle copper release estimates provided by motorcycle manufacturers. These estimates involve some information that Steering Committee members are uncertain about and include an invalid comparison to vehicle copper releases. Sustainable Conservation will review the motorcycle copper estimates and work up a comparison to BPP total vehicle copper load estimates under the >0.5% copper requirement. Sustainable Conservation will also examine the sensitivity of the motorcycle copper release estimates to the various values in the calculations (focusing on values that the Steering Committee is uncertain about). The Steering Committee will discuss Sustainable Conservation’s analysis of motorcycle copper releases at a future meeting.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Wednesday, June 17, 1:00 p.m.—Teleconference meeting with AIAM
- Friday, June 19, 9:00 a.m. to 10:30 a.m.—Teleconference meeting
- Thursday, June 25, 9:00 a.m. to 10:30 a.m.—Teleconference meeting
- Monday, June 29, 10:30 a.m. to noon—Teleconference meeting

Upcoming important dates for SB 346:

- **Assembly Policy Committee Hearing**—SB 346 will probably be referred to the Assembly Committee on Environmental Safety & Toxic Materials. The most likely hearing date is June 30, though July 7 may also be possible. July 10 is the deadline for Assembly policy committees to have heard Senate bills.

- **Summer Recess—Possible Time for Local Meetings**—The Legislature goes into summer recess on July 17 and returns on August 17. Although the legislators are likely to be working on the budget during this time, no action on SB 346 is anticipated during the recess. While legislators’ schedules are likely to be in flux during this time, they will often be at their district offices, so this may be a good time for local meetings with legislators.

- **Assembly Appropriations Committee Hearing**—While it is theoretically possible that SB 346 could be heard by Assembly Appropriations before the beginning of the summer recess, it is more likely that it will be heard on August 17 or 24. The final day for fiscal bills like SB 346 to pass out of Appropriations to the Assembly Floor is August 28.
• **Assembly Floor**—The 2009 legislative session ends on September 11. SB 346 needs to pass off of the Assembly Floor with enough time for it to return to the Senate for a vote on concurrence in Assembly amendments.

• **Senate Floor Vote on Concurrence in Assembly Amendments**—Since SB 346 will be amended while it is in the Assembly, the Senate will have to concur in those amendments. This normally occurs as a vote on the Senate Floor.

• **Governor’s Desk**—The Governor will have 30 days after the end of the legislative session to either sign or veto the bill.
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<tr>
<td>1) Teleconference agenda review, anything new? (5min)</td>
<td>None.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 2) Legislative Update (20 min)  
- Policy Committee Consultant, Hearing and Amendments deadline  
- Other Updates – HDBMC, letter re safety | None. | Everyone updated |
| 3) BMC Update (15 min) | Brake Manufacturers: prepared to report | Everyone updated |
| 4) SAE Call Update (10 min) | None. | Everyone updated |
| 5) Motorcycle Industry Council Request for Exemption (30 min) | All: Review Kirsten’s emails of 6/9 | Decision on exemption or next steps to determine decision |
| 6) Proposed copper and vehicle code language (5 min) | All: Review Stacey’s email of 6/11 | Approval of new language for amendments |
| 7) Anything else? Priorities for June (5 min) | None. | N/A |
TO: CASQA BPP Team  DATE: June 19, 2009
FROM: Kelly D. Moran  PROJECT: 62
SUBJECT: Brake Pad Partnership Conference Call—June 19, 2009

The Brake Pad Partnership (BPP) Steering Committee held a teleconference meeting on June 19th. A copy of the agenda is attached. The following people participated in the call:

- Ashley Boren (Sustainable Conservation, Executive Director)
- Stacey Sullivan (Sustainable Conservation, Policy Director)
- Mark Schlautman (Clemson University, project technical advisor)
- Kirsten Rosselot (Process Profiles, contractor serving as technical project manager)
- Mark Phipps (Bosch Automotive and Chair of the Brake Manufacturer's Council Product Environmental Committee [BMC/PEC])
- Bob Peters (Akebono Corporation)
- Tim Merkel (MCW Consulting Services)
- Chris Shepley (Affinia)
- Kelly Moran (TDC Environmental)

Michael Endicott (Sierra Club), Terry Heffelfinger (Affinia), and Richard Looker (San Francisco Bay Water Board) did not participate in the teleconference meetings.

The following items were discussed:

- **Legislation Next Steps.** The Assembly Environmental Safety & Toxic Materials committee hearing has been scheduled for Tuesday June 30. Sustainable Conservation will present testimony in support of the bill. I will be present to indicate CASQA’s support and to be available to answer questions. **All municipalities and other supporters with lobbyists should request that their lobbyists attend the June 30 hearing.**

  The BPP lobbyist reported that as predicted, SB 346 is being seen by legislators as one of a group of bills that overlap with the Green Chemistry regulatory authority provided to DTSC by 2008 legislation. This linkage appears to be the major challenge that the bill faces in the upcoming committee hearing.

  Prior to the hearing, the bill will be amended to clarify that all forms of copper (including compounds and alloys) are covered by the bill.

  Sustainable Conservation will do legal research to develop a definition of “vehicle” for the bill that is consistent with the list of vehicle types that the
Steering Committee previously agreed to (this list is part of the “frequently asked questions” on the BPP website (www.suscon.org/bpp).

I will work with Sustainable Conservation to create a response to the FAQ about the cost savings from SB 346, based on the TMDL compliance cost estimates from municipalities, the Water Boards, and U.S. EPA.

- **Call with AIAM and MEMA.** The Steering Committee discussed the call with AIAM and MEMA. Sustainable Conservation will seek to schedule a follow-up discussion soon.

- **Safety.** Brake pad manufacturers are working to prepare a letter to Senator Kehoe to confirm their commitment to ensuring that their products comply with safety standards and will continue to stop vehicles safely when copper use is phased out. Since the BMC’s process for approving joint letters is very, very slow, Sustainable Conservation will also draft an amendment for the introductory part of the legislation (the findings and declarations) to reflect the manufacturers’ commitment to safety.

- **Fee.** The Board of Equalization (BOE), which collects most product fees in California, was consulted by Senator Kehoe’s office about the fee provisions of SB 346. The BOE believes that it is essential for the bill to specify where the fee is assessed. The Steering Committee brainstormed possible means of establishing a system to collect the fee that will not be opposed by either retailers or manufacturers. Sustainable Conservation will vet the ideas with others. This will be discussed again on a future call.

**Anticipated Next Steps**

The primary upcoming activity for the BPP is the continued work to finalize and pass legislation regulating brake pad copper content. The Steering Committee upcoming meeting schedule is:

- Thursday, June 25, 9:00 a.m. to 10:30 a.m.—Teleconference meeting
- Monday, June 29, 10:30 a.m. to noon—Teleconference meeting

Sustainable Conservation is in the process of scheduling Steering Committee meetings in July.

Upcoming important dates for SB 346:

- **Assembly Policy Committee Hearing**—SB 346 has been referred to the Assembly Committee on Environmental Safety & Toxic Materials. The hearing is scheduled for June 30.

- **Summer Recess—Possible Time for Local Meetings**—The Legislature goes into summer recess on July 17 and returns on August 17. Although the legislators are likely to be working on the budget during this time, no action on SB 346 is anticipated during the recess. While legislators’ schedules are likely to be in flux during this time, they will often be at their district offices, so this may be a good time for local meetings with legislators.
• **Assembly Appropriations Committee Hearing**—While it is theoretically possible that SB 346 could be heard by Assembly Appropriations before the beginning of the summer recess, it is more likely that if it passes the policy committee, it will be heard on August 17 or 24. The final day for fiscal bills like SB 346 to pass out of Appropriations to the Assembly Floor is August 28.

• **Assembly Floor**—The 2009 legislative session ends on September 11. SB 346 needs to pass off of the Assembly Floor with enough time for it to return to the Senate for a vote on concurrence in Assembly amendments.

• **Senate Floor Vote on Concurrence in Assembly Amendments**—Since SB 346 will be amended while it is in the Assembly, the Senate will have to concur in those amendments. This normally occurs as a vote on the Senate Floor.

• **Governor’s Desk**—The Governor will have 30 days after the end of the legislative session to either sign or veto the bill.
BPP STEERING COMMITTEE TELECONFERENCE

Friday, June 19, 9:00 a.m. to 10:30 a.m. (Pacific Time).
Dial: 866-393-8073
Meeting Number: *8893164*

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<td>None.</td>
<td>N/A</td>
</tr>
<tr>
<td>2) Legislative Update (15 min) - Justin’s meeting with Bob F., Assembly Committee Consultant</td>
<td>None.</td>
<td>Everyone updated</td>
</tr>
<tr>
<td>3) Vehicle Code Definition (10 min)</td>
<td>All: Review Stacey’s email of 6/15 titled “Vehicle Code definitions” and Stacey’s email of 6/11 titled “copper language and vehicle definition”</td>
<td>Approved amendment language to submit</td>
</tr>
<tr>
<td>3) Municipal Cost Savings Language (10 min)</td>
<td>All: Review Stacey’s email of 6/17 (to be sent shortly) with draft municipal cost saving language</td>
<td>Approved language to use in fact sheet and outreach materials</td>
</tr>
<tr>
<td>4) ALAM Call Debrief (15 min)</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>5) Should we include safety language in the legislation? (15 min)</td>
<td>None.</td>
<td>Decision on whether to include or not</td>
</tr>
<tr>
<td>6) Where fee is assessed (15 min)</td>
<td>All: Review attachment to this email titled “email from BOE”</td>
<td>Determine next steps</td>
</tr>
<tr>
<td>7) Anything else? Topics for next/future calls (5 min) - testimony for Assembly Policy Committee (6/25) - potential motorcycle exemption</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>