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BRAKEOUT: Environment and economy clash in creeks and bays

Bill would compromise public safety

By David Foti,

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Gerald McClard

Vehicle brake pads manufacturers use a variety of ingredients, including copper. Each vehicle stop wears off a tiny amount of brake pad material, which may be deposited on the road or elsewhere in the urban environment and end up reaching bodies of water.

Copper from automobile brake pads is polluting local waters and San Diego and other California communities are under orders to drastically reduce it over the next two decades. A bill authored by state Sen. Christine Kehoe, D-San Diego, would require that brake pads sold in California include only trace amounts of copper by 2025. The auto industry says it may not be able to meet the deadline for all cars and that it could jeopardize brake performance and public safety. Kehoe's bill has passed the state Senate and is scheduled to be heard in an Assembly committee this week. Should it become law?

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When it comes to cars, cupholders, paint options and navigation systems are nice amenities. But brakes are a “must have-must work” item. There is no compromising allowed with the reliability and effectiveness of brakes. Drivers need to know they will work every time all the time. However, proposed legislation designed

to address water quality issues in San Diego and Los Angeles is threatening to undermine the development and operation of the single most critical safety system in your vehicle.

Senate Bill 346 aims to reduce the amount of copper used in brake pads so that there is less copper dust runoff into urban streams and water bodies. That's a laudable goal. But the bill ignores the fact there is currently no available alternative to copper-containing brake pads that can deliver acceptable brake system performance in all vehicles. Copper is used in brake friction to reduce heat, which is essential since overheated components may cause total braking system failure.

The auto industry needs time to research, develop and design new copper-free brake pads to fit every size and style of car and truck on our roads. There's no one-size-fits-all solution here, especially for the majority of the 29 million vehicles already on California roads that were not designed to use copper-free brake pads. Even for new vehicles, it is a meticulous, demanding process to maximize brake system safety while ensuring sufficient durability, minimizing noise and vibration and avoiding materials that could lead to future environmental problems. This process must be repeated thousands of times to ensure that all passenger cars, school buses, emergency vehicles, heavy-duty commercial trucks and even classic cars have brakes that work every time.

SB 346 must provide sufficient flexibility on compliance deadlines in case an alternative cannot be formulated in time for a particular vehicle type. As written, the bill does not provide the necessary flexibility to ensure safe, commercially viable alternatives will be found for every vehicle on our roads.

SB 346 is predicated on the hope that setting an arbitrary deadline will compel manufacturers to invent a copper-free solution for every vehicle. This is "faith-based legislating" at its best, but we're not talking about paint colors or cupholders – we're talking about the most fundamental safety component in a vehicle. I am confident the manufacturers will do their best. However, there needs to be acknowledgment that at the end of the day public safety comes first.


Our industry recently worked with Washington state to pass first-of-its-kind legislation that sets aggressive copper reduction goals for brake pads to protect water quality and salmon. We did this without compromising vehicle safety or consumer expectations. Reasonable, balanced policy is possible.

California motorists deserve complete assurance that the vehicles they drive and those on the road around them are safe. We need to be sure that SB 346 is amended to achieve our common environmental objectives without compromising public safety.

Foti, a resident of El Cajon, is president of WABCO Products/KDR Enterprises Inc., and a member of the California Automotive Wholesalers' Association.

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