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Governor Schwarzenegger Signs Law Protecting Waterways from Copper in Vehicle Brake Pads; Victory for Salmon and Other Aquatic Species, Brake Manufacturers and California Cities

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With Governor Schwarzenegger's signature on SB 346 today, Californians take an important step toward cleaner water while saving cities billions of dollars. The new law phases out copper from vehicle brake pads -- the largest human-generated source of copper in California's urban watershed run-off. Copper in the waterways can harm salmon, shellfish and other aquatic species.

The new law, carried by Senator Christine Kehoe (D-San Diego), was drafted by an unusual long-term collaboration of the auto industry, brake pad manufacturers, environmental groups, stormwater agencies and coastal cities. They jointly studied the science and agreed on a practical way to stop this form of water pollution at the source while providing drivers with safe, reliable brakes.

"The Brake Pad Partnership's success shows that Californians can protect clean water AND have a strong economy," said Ashley Boren, Executive Director, Sustainable Conservation, the organization that led the Brake Pad Partnership's 15-year effort to understand and address the impact of brake pad dust on aquatic species. "It also shows that when business, environmental and government leaders work together from beginning to end, our state government can enact effective environmental legislation."

Copper used in vehicle brake pads is released in the form of dust every time drivers apply their brakes. That dust settles on roads and washes into storm drains, and eventually finds its way into urban creeks, rivers and bays. U.S. Environmental Protection Agency and the state of California regulate copper concentrations in these waterways because available scientific evidence indicates that elevated copper can harm certain aquatic species. Once copper is dissolved in waterways, it is extremely difficult and expensive to remove through water treatment facilities.

"Scientific studies show that with copper dissolved in the water, salmon can't detect predators and can't find their spawning grounds," said Sierra Club's Michael Endicott. "The most practical way to protect salmon, shellfish and other aquatic species and clean up our water was to work with the auto and brake pad industries on finding a solution."

"This law helps protect the environment and our city's budget," said Ruth Kolb, Storm Water Program Manager for the City of San Diego. "With potential fines alone running over \$3 million each year and treatment systems approaching \$2 billion to build, this law will help the City cut down on copper pollution before these costs kick-in. Industry and municipal governments finally have a working partnership that supports our commitment to water quality and meeting regulatory deadlines."

"The final legislation represents a balanced approach between environmental concerns, industry feasibility and, above all, motorist safety," said Curt Augustine, Director of Policy and Government Affairs, Alliance of Automobile Manufacturers. "Sustainable Conservation kept everyone at the table and working in the spirit of mutual respect to find a solution that worked for everyone."

"Manufacturers of brake pads recognized the need to find a practical way to phase out copper while ensuring driver safety and minimizing the impact on small businesses," said Bob McKenna, President and CEO of the Motor & Equipment Manufacturers Association. "We appreciate the chance to work directly with environmental groups and government agencies to find practical solutions we could all support."

Senator Christine Kehoe said, "Once all the stakeholders agreed on the need for legislative action and worked out the details, we established a rare bipartisan consensus in Sacramento for a law that protects the environment and gives industry the time and flexibility they need to develop a safe, effective alternative to copper in brake pads."

The new law requires brake pad manufacturers to reduce the use of copper in brake pads sold in California to no more than 5 percent by weight by 2021 and no more than 0.5 percent by 2025. The law also provides a thorough, objective process to ensure that any new brake materials meet all applicable safety and performance standards. To make sure that new materials won't cause future environmental problems, the law requires brake manufacturers to screen potential alternatives for their impacts on human health and the environment using the Toxic Information Clearinghouse, and to select less hazardous options.

Mark Schlautman, Ph.D., Professor of Environmental Engineering and Earth Sciences, Clemson University, said, "Rigorous peer-reviewed studies established that brake pads can account for up to 60 percent of the copper in stormwater run-off in highly urbanized areas. With agreement on the science, the Brake Pad Partnership was able to focus on innovation and implementation."

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