

Long road for brake pad law

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Kelly Moran has discovered the formula for turning a passion for ecology into a state law: equal parts diligence and patience as base elements with a heaping helping of compromise (as an acidic base, no doubt).

The chemical reaction came in the form of a signature from an ink pen held by Gov. Arnold Schwarzenegger when he signed Senate Bill 346 — the California Brake Pad Reformulation Bill — into law Sept. 27.

The San Mateo chemist studied how copper was making its way into streams, rivers and lakes, thereby upsetting the salmon population. The culprit, she determined, came from the flakes and dust from vehicles applying their brakes. Rain washes these brake particles from the pavement and into watersheds — some particles so small they passed through water treatment plants.

With the help of other activist organizations, she brought her case to the attention of state Sen. Christine Kehoe, D-San Diego, who drafted the bill with state Sen. Joe Simitian, D-Palo Alto, in September 2009. After 10 amendments stemming from seven discussions by the state Senate and three in the state Assembly, the bill was signed into law a year later.

SB 346 requires that brake manufacturers — not necessarily car manufacturers — reduce the amount of copper in brake pads to no greater than 5 percent by 2021, then to no greater than 0.5 percent 2025.

Vehicles and brake pads manufactured before these years will be exempt, however. In the interim, however, Moran said that manufacturers will work toward using alternative materials.

“I would certainly like for those dates to be sooner,” Moran said, “but the bill has an important clause that (the brake) industry has time to look for alternatives.”

A few years after earning her Ph.D in chemistry from the University of California at Berkeley, Moran formed TDC Environmental LLC, an environmental consulting firm that conducts technical compliance studies. Gathering what she learned from studying copper contamination in salmon, she founded the Brake Pad Partnership in the mid-1990s.

“We wanted to use readily available information in 1990s, but we couldn’t find any satisfactory studies. So we needed to get grants to conduct the scientific studies, and the grant money took forever to get in.

“Oh, it was much too long,” Moran said. “The time frame ... we had to do this for the first time, there was no model. If someone told me it would’ve taken 15 years plus some implementation time, I wouldn’t have liked to have heard that.”

The BPP, which consists of state municipalities and environmental groups, worked with brake pad manufacturers in its studies to demonstrate that the majority of copper in California watersheds was coming from brake pad shavings. According to Moran, brake pads released 1.3 million pounds of copper this year alone. That much copper could be translated to \$2 million in pennies, she claimed.

“It does make you scratch your head, wondering, ‘why wasn’t this done sooner?’” Simitian said.

Though Moran was concerned about saving salmon, the bill’s authors were also concerned about saving cities and counties billions of dollars in fines for failing to meet cleanup costs from state and federal regulators.

“My municipality is under federal deadlines to reduce runoffs,” Kehoe said. “It’s all kind of arcane unless you’re one of these cities that get fined like San Diego was a while ago.”

San Diego came under pressure from state regulators for failing to satisfactorily investigate contamination in its storm drain system.

“(As Californians) we drive more miles than any other state, so we want the water to be as clean as possible,” Kehoe said.

Even as a politician, Kehoe identified with Moran’s simmering disillusionment about the process of getting the bill passed.

“For months I thought, it’s going to die,” Kehoe said. “The differences were in negotiating deadline years for different interested parties, but finally it came together, everyone was in a mood of cooperation.”

The Brake Pad Reformulation Bill, which is aimed at water quality, comes four years after a major air quality state law was passed in 2006 — the Global Warming Solutions Act, or AB 32. This law requires that the California reduce its greenhouse emissions by the year 2020.

Washington state passed a similar law in March, and Rhode Island and New York are considering similar bills.

“Washington’s law certainly was the wind beneath our wings in getting our bill passed,” Simitian said.