



# Memorandum

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** SEE BELOW

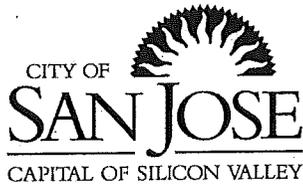
**DATE:** 04-30-09

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**SUBJECT: SB 346 (KEHOE) HAZARDOUS MATERIALS: MOTOR VEHICLE  
BRAKE FRICTION MATERIALS**

**RECOMMENDATION**

s referred by the Rules and Open Government Committee on April 29, 2009, consider a position of support for SB 346, Hazardous Materials: Motor Vehicle Brake Friction Materials. (Environmental Services)



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 04-20-09

Approved

*Christine J. Shippy*

Date

*4/21/09*

**SUBJECT: SENATE BILL 346 (KEHOE): HAZARDOUS MATERIALS: MOTOR  
VEHICLE BRAKE FRICTION MATERIALS**

## RECOMMENDATION

It is recommended that:

1. The City Council support SB 346 (Kehoe).
2. The Committee provide a one-week turnaround for Mayor and City Council review.

## OUTCOME

If the Rules and Open Government Committee and the City Council accept staff's recommendation, the City lobbyist could begin seeking support for SB 346 (Kehoe).

## BACKGROUND

Copper is a pollutant of concern in San Francisco Bay. Brake pad materials on motor vehicles are known to contain copper and other toxic constituents that have the potential to enter our local waterways through urban runoff and harm marine life and the environment. A limit on the copper content of brake pad materials is considered to be necessary for compliance with copper water quality standards and the protection of our watershed.

City staff has participated in the **Brake Pad Partnership**, a collaborative group of government staff, brake pad manufacturers and environmentalists, initiated by the City of Palo Alto, to work out a solution to the brake pad issue. The problem has been studied, quantified, and the participants all now agree that an orderly phase-out of copper is in everyone's best interest. Brake pad manufacturers support legislative requirements because, without them, less responsible manufacturers could continue to sell brake pads with high copper content in California. Environmentalists are supporting a legislative approach because of the impacts of

copper on ecosystems, and because the bill would also address lead and asbestos which are toxic materials that still appear in brake pads sold by less responsible manufacturers.

### ANALYSIS

A fact sheet and analysis of SB 346 is attached.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

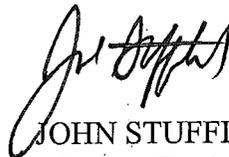
This legislative item does not meet any of the above criteria.

### COORDINATION

This memorandum was coordinated with the City Attorney's Office, the Intergovernmental Relations, Director in the City Manager's Office, and the City's Legislative Representative in Sacramento.

### POLICY ALIGNMENT

The attached analysis is consistent with the Council-adopted 2008 Legislative Guiding Principles, and the Council-adopted guidelines: Promote Livability, Sustainable Development, and Environmental Protection: "3: Protect the environment through conservation and preservation of natural resources, habitat, and improving the health of our local waterways."



JOHN STUFFLEBEAN  
Director, Environmental Service

For questions please contact Melody Tovar, Deputy Director, and (408) 277-3892.

SB

**AB 346 (Kehoe) RESTRICTION OF COPPER IN BRAKE PADS**

*What issue is the bill is trying to resolve?*

San José and other local governments are required by National Pollutant Discharge Elimination System (NPDES) Permits to control copper discharges to creeks, estuaries and the ocean. Copper is toxic to phytoplankton and has been shown to adversely impact salmon sensory organs, potentially compromising their ability to return to spawning streams and to avoid predators. Scientific studies have shown that as much as 35% of the copper in urban watersheds comes from the brake dust generated from the use of brake pads on vehicles, making them the largest single source of copper to waterways. Local governments are not able to effectively control brake dust deposited on local roadways. The only technically feasible and cost-effective solution to this water pollution problem is to stop the pollution at its source by limiting copper use in brake pads.

SB 346 requires that the copper content in brake pads sold in California be reduced to no more than 5% by weight by 2023 and to no more than 0.5% by 2032. Starting in 2014, the bill also prohibits sale of brake pads containing lead, asbestos, and several other toxic substances.

*How would the passage of this bill affect San Jose?*

Passage of SB 346 would reduce the single largest source of copper to waterways. The City has been implementing control measures to support copper site-specific objectives in San Francisco Bay. SB 346 would benefit the City's overall effort to reduce copper loading to storm water and wastewater. The bill also addresses one of the City's copper control measures noted in the storm water NPDES permit which requires the City to engage in efforts to reduce the copper discharged from automobile brake pads to surface waters via urban runoff. The bill supports and assists the City's effort in maintaining compliance with copper water quality standards and the successful implementation of copper total maximum daily loads in our watershed.

*What is staff's Proposed Position?*

Staff recommends that the City support SB 346.

*Who are the bill's supporters and opponents?*

Supporter: <sup>6</sup> California Product Stewardship Council (CPSC); California Stormwater Quality Association (CASQA); City of Palo Alto; Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).

No opponents identified.

RULES AND OPEN GOVERNMENT COMMITTEE

04-20-09

**Subject: Senate Bill No. 346 (Kehoe)**

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*What is the current status of the measure?*

*SB* AB 346 has been referred to the Senate Committee on Environmental Quality. HEARING  
DATE: 04/20/2009