

There was some feeling that Federal Standards might preempt these various state regulations. Mr. Kettering indicated that even if they did, the experience with brake fluids shows that the state will still require certification, even if it is called registration. The conclusion appeared to be that even if Federal standards are written, the industry will still have to face certification (or registration) with the various states.

The consideration of legal challenges to AAMVA certification requirements was discussed: No state law now requires recertification on the V-3 procedure. The AAMVS is simply an association of administrators who have questionable legal status - can a state delegate their regulatory powers to such an association? The AAMVA certification fees are uncontrollable - it parallels taxation without representation. Those paying fees to AAMVA are paying for their own surveillance.

Mr. A. Comins questioned what safeguards the industry has as regards fees charged by AAMVA. Mr. Nelson answered that there were none and that AAMVA had already indicated that the fees would rise when their surveillance program starts.

After discussion of the Compliance Sampling and Certification Responsibilities of Manufacturers, the Chairman requested recommendations from the Membership for members to serve on a suggested Quality Control Sub-Committee. A question from the floor asked whether members not using the recommended quality control practices might not be cited as not complying. Without specifically answering, the point was made that even if one did use recommended sampling techniques there was no guarantee that he would be complying with requirements. It would be the intention of this Sub-Committee to suggest reasonable procedures and techniques, with sampling requirements that reasonable government regulators would accept.

During discussion on the NHTSA plans for a brake lining standard using a single end inertia dynamometer, Docket 70-27 for the upgrading of FMVSS 105 was discussed. To resolve a question on Docket 70-27 it was pointed out that Docket 70-27 pertains to all vehicles with hydraulic brakes and that there are different requirements between passenger cars and other less than 10,000 GVW vehicles, as compared with vehicles over 10,000 GVW.

Mr. A. Comins brought up a question concerning materials as a substitute for asbestos in friction materials. Mr. Comins suggested that the Institute engage an outside consulting firm to determine if there was a practical substitute for asbestos in brake lining. Such a firm would be asked to resolve (1) if there were no practical substitute, say so, and the Institute could use this as support in dealing with asbestos regulations; (2) if there were practical substitutes, pass this information on to the Institute along with the consulting firm's recommendations.

Rather than call for a motion, a show of hands was called for to indicate if members were interested in this approach. A show of hands indicated 7 or 8. These were not all delegates (or alternates sitting in place of delegates). As no motion was properly seconded, it was recommended that the Asbestos Study Committee consider this suggestion and report back to the Board.