AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.020; and adding new sections to chapter 70.300 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 70.300.020 and 2018 c 94 s 3 are each amended to read as follows:

(1) The department will conduct a review of information about antifouling paints and ingredients, including information received from manufacturers and others pursuant to this chapter; information on the feasibility of best management practices and nonbiocidal antifouling alternatives; and any additional scientific or technical information and studies it determines are relevant to that review.

(2) The department must submit a report to the legislature summarizing its findings no later than June 30, 2024. Prior to submitting the report to the legislature, the department will conduct a public comment process to obtain expertise, input, and a review of the department's proposed determinations by relevant stakeholders and other interested parties. The input received from the public comment process must be considered before finalizing the report.
(3) If the department determines that safer and effective alternatives to copper-based antifouling paints are feasible, reasonable, and readily available, then:

(a) Beginning January 1, (2021) 2026, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale in this state any new recreational water vessel manufactured on or after January 1, (2021) 2026, with antifouling paint containing more than 0.5 percent copper. This restriction does not apply to wood boats.

(b) Beginning January 1, (2021) 2026, antifouling paint that is intended for use on a recreational water vessel and that contains more than 0.5 percent copper may not be offered for sale in this state.

(c) Beginning January 1, (2021) 2026, antifouling paint containing more than 0.5 percent copper may not be applied to a recreational water vessel in this state. This restriction does not apply to wood boats.

(4) If the department does not determine by June 30, 2024, that safer and effective alternatives to copper-based antifouling paints are feasible, reasonable, and readily available, then the department must conduct a second review of relevant studies and information on alternatives to copper-based antifouling paints and submit a report to the legislature summarizing its findings no later than June 30, 2029.

(5) Nothing in this section restricts the department from reviewing and restricting antifouling paints under chapter 70.365 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 70.300 RCW to read as follows:

(1) Beginning January 1, 2023, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale in this state any new recreational water vessel manufactured on or after January 1, 2023, with antifouling paint containing cybutryne, chemical abstracts service registration number 28159-98-0.

(2) Beginning January 1, 2023, antifouling paint that is intended for use on a recreational water vessel and that contains cybutryne may not be offered for sale in this state.

(3) Beginning January 1, 2023, antifouling paint containing cybutryne may not be applied to a recreational water vessel in this state.
NEW SECTION. Sec. 3. A new section is added to chapter 70.300 RCW to read as follows:

(1) The department may require a manufacturer, wholesaler, or retailer of antifouling paints or related substances to submit a notice to the department containing the following information:

(a) A list of products, including a brief description of each product or product component containing the substance;
(b) Product ingredients, including the names of the chemicals used or produced and applicable chemical abstracts service registry numbers;
(c) Information regarding exposure and chemical hazard;
(d) A description of the function of each chemical in the product;
(e) The amount of the chemical used in each unit of the product or product component;
(f) The name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer;
(g) Any other information the manufacturer deems relevant to the appropriate use of the product; and
(h) Any other information requested by the department.

(2) The manufacturer must provide the notice required in subsection (1) of this section to the department no later than six months after receipt of such a demand by the department.

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