
Environment & Energy Committee

HB 2385

Brief Description: Concerning antifouling paints on recreational water vessels.

Sponsors: Representatives Chapman, Lekanoff, Tharinger and Wylie; by request of Department of Ecology.

Brief Summary of Bill

- Moves the effective date of the prohibition on copper-based antifouling paint for recreational vessels from January 1, 2021, to January 1, 2026.
- Prohibits antifouling paints containing cybutryne for recreational vessels beginning January 1, 2023.
- Authorizes the Department of Ecology to collect certain information from antifouling paint manufacturers, wholesalers, and retailers.

Hearing Date: 1/20/20

Staff: Emily Williams (786-7291).

Background:

Copper-based antifouling paint.

Antifouling paints are types of paints applied to the bottom of boats to control the growth of algae, barnacles, mollusks, mussels, and other marine organisms on the hull of the vessel. Antifouling paints come in various forms, including chemical biocides and physical barriers. The most common are copper-based antifouling paints that contain copper biocides that kill fouling organisms by releasing copper into the water around the boat's hull.

Copper pollution in water is regulated under the federal Clean Water Act. Point source pollution of copper from boat yards are subject to permitting requirements by the Department of Ecology (Ecology).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Bans on copper-based antifouling paint.

The sale and application of antifouling paint containing more than 0.5 percent copper that is intended for use on recreational vessels is prohibited beginning on January 1, 2021. In addition, beginning January 1, 2021, no manufacturer, wholesaler, retailer, or distributor may sell a new recreational water vessel that is manufactured on or after January 1, 2021, if it has antifouling paint containing copper on it. These restrictions do not apply to wood boats.

A recreational water vessel is a vessel that is less than 65 feet in length and is used primarily for pleasure or is leased, rented, or chartered to a person for the pleasure of that person. It does not include a vessel that is subject to United States Coast Guard inspection and is engaged in commercial use or carries paying passengers.

Department of Ecology Report.

Ecology submitted a report to the Legislature in September 2019, pursuant to Substitute House Bill 2634 (2018). In this report, Ecology makes three recommendations. First, it recommends that the Legislature delay the statutory ban on copper-based antifouling paint in order to allow more scientific information to be developed. Second, it recommends that the Legislature grant Ecology authority to collect certain information from antifouling paint manufacturers. Third, it recommends that the Legislature ban the sale and application of antifouling paint containing cybutryne.

Cybutryne.

Cybutryne is commonly referred to as Irgarol 1051 and is regulated as a pesticide by the state and federal governments. Ecology's September 2019 report found that cybutryne is toxic and persistent in the environment. It is often found in antifouling paints, including copper-based antifouling paints.

Summary of Bill:

The sale and application of antifouling paint containing more than 0.5 percent copper that is intended for use on recreational vessels is prohibited beginning on January 1, 2026. In addition, beginning January 1, 2026, no manufacturer, wholesaler, retailer, or distributor may sell a new recreational water vessel that is manufactured on or after January 1, 2026, if it has antifouling paint containing copper on it.

Antifouling paint that contains cybutryne may not be offered in Washington for use on a recreational water vessel beginning January 1, 2023.

The Department of Ecology (Ecology) may collect certain information about antifouling paints and similar products from manufacturers, wholesalers, and retailers, including:

- product names and ingredients;
- information regarding exposure and chemical hazard;
- a description of the function of each chemical used in the product;
- the amount of the chemical used in the product;
- the contact information for the manufacturer; and
- any other information requested by Ecology or that the manufacturer deems relevant to the appropriate use of the product.

Appropriation: None.

Fiscal Note: Requested on January 15, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.