

SSB 5436 - H COMM AMD
By Committee on Environment

ADOPTED 04/06/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** The legislature intends to phase out the
4 use of copper-based antifouling paints used on recreational water
5 vessels.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Department" means the department of ecology.

9 (2) "Director" means the director of the department of ecology.

10 (3)(a) "Recreational water vessel" means any vessel that is no more
11 than sixty-five feet in length and is: (i) Manufactured or used
12 primarily for pleasure; or (ii) leased, rented, or chartered by a
13 person for the pleasure of that person.

14 (b) "Recreational water vessel" does not include a vessel that is
15 subject to United States coast guard inspection and that: (i) Is
16 engaged in commercial use; or (ii) carries paying passengers.

17 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2018, no
18 manufacturer, wholesaler, retailer, or distributor may sell or offer
19 for sale in this state any new recreational water vessel manufactured
20 on or after January 1, 2018, with antifouling paint containing copper.

21 (2) Beginning January 1, 2020, no antifouling paint that is
22 intended for use on a recreational water vessel and that contains more
23 than 0.5 percent copper may be offered for sale in this state.

24 (3) Beginning January 1, 2020, no antifouling paint containing more
25 than 0.5 percent copper may be applied to a recreational water vessel
26 in this state.

1 NEW SECTION. **Sec. 4.** The department, in consultation and
2 cooperation with other state natural resources agencies, must increase
3 educational efforts regarding recreational water vessel hull cleaning
4 to reduce the spread of invasive species. This effort must include a
5 review of best practices that consider the type of antifouling paint
6 used and recommendations regarding appropriate hull cleaning that
7 includes in-water methods.

8 NEW SECTION. **Sec. 5.** (1) The department shall enforce the
9 requirements of this chapter.

10 (2)(a) A person or entity that violates this chapter is subject to
11 a civil penalty. The department may assess and collect a civil penalty
12 of up to ten thousand dollars per day per violation.

13 (b) All penalties collected by the department under this chapter
14 must be deposited in the state toxics control account created in RCW
15 70.105D.070.

16 NEW SECTION. **Sec. 6.** (1) On or after January 1, 2016, the
17 director may establish and maintain a statewide advisory committee to
18 assist the department in implementing the requirements of this chapter.

19 (2)(a) By January 1, 2017, the department shall survey the
20 manufacturers of antifouling paints sold or offered for sale in this
21 state to determine the types of antifouling paints that are available
22 in this state. The department shall also study how antifouling paints
23 affect marine organisms and water quality. The department shall report
24 its findings to the legislature, consistent with RCW 43.01.036, by
25 December 31, 2017.

26 (b) If the statewide advisory committee authorized under subsection
27 (1) of this section is established by the director, the department may
28 consult with the statewide advisory committee to prepare the report
29 required under (a) of this subsection.

30 NEW SECTION. **Sec. 7.** The department may adopt rules as necessary
31 to implement this chapter.

32 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act constitute
33 a new chapter in Title 70 RCW.

1 NEW SECTION. **Sec. 9.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected."

5 Correct the title.

EFFECT: Modifies the intent section;

 Modifies the definition of "recreational water vessel;"

 Changes the date of the prohibition concerning selling a new recreational water vessel with antifouling paint containing copper (from January 2, 2017, to January 1, 2018) and specifies that the prohibition applies to recreational water vessels manufactured on or after January 1, 2018;

 Modifies the prohibition on the sale of antifouling paint containing more than 0.5 percent copper by specifying that the prohibition applies to paint intended for use on a recreational water vessel;

 Prohibits the application of antifouling paint containing more than 0.5 percent copper on a recreational water vessel beginning January 1, 2020;

 Specifies that the department of ecology (DOE) is responsible for enforcing the requirements of the chapter, including collecting civil penalties;

 Requires civil penalties collected by the DOE to be deposited in the state toxics control account;

 Permits the DOE to establish a statewide advisory committee to assist the DOE in implementing the requirements of the bill and assist with the DOE's report to the legislature;

 Modifies the requirements of the DOE's report to the legislature by requiring the DOE to study how antifouling paints affect marine organisms and water quality (in addition to the requirement to survey the manufacturers of antifouling paint);

 Permits the DOE to adopt rules necessary to implement the requirements of the bill; and

 Adds a severability clause.

--- END ---