
Environment Committee

SSB 5436

Brief Description: Regarding the use of antifouling paints on recreational water vessels.

Sponsors: Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Shin, Litzow, Swecker, Tom, Harper, Nelson, Hobbs, Fraser, Rockefeller, White, Kilmer, Conway and Kline).

Brief Summary of Substitute Bill

- Prohibits the sale of new recreational water vessels with antifouling paint containing copper after January 1, 2017.
- Prohibits the sale of antifouling paint containing more than 0.5 percent copper after January 1, 2020.
- Requires the Department of Ecology (DOE) to study antifouling paint and provide a report to the Legislature.
- Requires the DOE, in consultation with other state natural resources agencies, to increase educational efforts regarding hull cleaning to reduce the spread of invasive species.

Hearing Date: 3/11/11

Staff: Courtney Barnes (786-7194).

Background:

Metal-based antifouling paints are designed to control the growth of organisms such as algae and barnacles on boats. This growth, known as fouling, creates friction that can decrease a boat's speed and fuel efficiency. Most antifouling hull paints contain a copper biocide. Copper-based antifouling paints are designed to leach copper slowly into the water immediately surrounding a boat's hull.

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.

Paint stripping and painting activities are potential sources of pollution from boatyards. Under the Clean Water Act, National Pollutant Discharge Elimination System permits that are issued to boatyards by the Department of Ecology (DOE) contain effluent limitations that restrict the volume and concentration of heavy metals and other pollutants, including copper, that are discharged.

Summary of Bill:

A "recreational water vessel" means any vessel that is manufactured or used primarily for pleasure or leased, rented, or chartered to a person for the pleasure of that person. A recreational water vessel does not include a vessel that is subject to United States Coast Guard inspection and that is engaged in commercial use or carries paying passengers.

Timelines.

After January 1, 2017, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale any new recreational water vessel with antifouling paint containing copper.

After January 1, 2020, no antifouling paint containing more than 0.5 percent copper may be offered for sale in Washington.

Penalties.

A person or entity that violates the provisions of the bill is subject to a civil fine of up to \$10,000 per day per violation.

Antifouling Paint Study.

By January 1, 2017, the DOE must survey the manufacturers of boat paint sold or offered for sale in Washington to determine the types of antifouling boat paints that are available in Washington. The DOE must present its findings to the Legislature by January 1, 2018.

Educational Efforts Concerning Invasive Species.

The DOE, in consultation and cooperation with other state natural resources agencies, must increase educational efforts regarding recreational water vessel hull cleaning to reduce the spread of invasive species. This effort must include a review of best practices that consider the type of antifouling paint used and recommendations regarding appropriate hull cleaning that includes in-water methods.

Appropriation: None.

Fiscal Note: Available.

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