
SUBSTITUTE SENATE BILL 5436

State of Washington

62nd Legislature

2011 Regular Session

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

READ FIRST TIME 02/15/11.

1 AN ACT Relating to the use of antifouling paints on recreational
2 water vessels; adding a new chapter to Title 70 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that copper used
6 in antifouling boat bottom paints are slowly released into the water by
7 waterborne vessels and contribute to both water and sediment pollution.

8 (2) The legislature finds that contamination from boat bottom
9 paints containing copper is a significant contributor to water
10 pollution going into Puget Sound and other waters of the state.

11 (3) The legislature recognizes that aquatic antifouling paints are
12 used on vessel hulls to prevent the growth of aquatic organisms, such
13 as barnacles and algae. Most antifouling paints use copper or other
14 toxic materials to prevent the growth of aquatic organisms. Boat
15 bottom paints containing copper or other toxic substances may have
16 unintended lethal effects on other aquatic organisms, including salmon.

17 (4) The legislature recognizes that Washington's marine and fresh
18 waters are home to thousands of recreational vessels that are
19 unintentionally contributing to water pollution. Therefore, the

1 legislature intends to phase out the use of copper paints in hull
2 coatings used on recreational vessels and encourage the use of nontoxic
3 alternatives.

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

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

7 (2)(a) "Recreational water vessel" means any vessel that is (i)
8 manufactured or used primarily for pleasure; or (ii) leased, rented, or
9 chartered to a person for the pleasure of that person.

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

13 NEW SECTION. **Sec. 3.** After January 1, 2017, no manufacturer,
14 wholesaler, retailer, or distributor may sell or offer for sale in
15 Washington state any new recreational water vessel with antifouling
16 paint containing copper.

17 NEW SECTION. **Sec. 4.** After January 1, 2020, no antifouling paint
18 containing more than 0.5 percent of copper may be offered for sale in
19 Washington state.

20 NEW SECTION. **Sec. 5.** (1) By January 1, 2017, the department must
21 survey the manufacturers of boat paint sold or offered for sale in
22 Washington state to determine the types of antifouling boat paints that
23 are available for sale or offered for sale in Washington state.

24 (2) By January 1, 2018, the department must present the findings to
25 the appropriate committees of the legislature.

26 NEW SECTION. **Sec. 6.** The department, in consultation and
27 cooperation with other state natural resources agencies, must increase
28 education efforts regarding recreational water vessel hull cleaning to
29 reduce the spread of invasive species. This effort must include a
30 review of best practices that consider the type of antifouling paint
31 used and recommendations regarding appropriate hull cleaning that
32 includes in-water methods.

1 NEW SECTION. **Sec. 7.** A person or entity found to be in violation
2 of this chapter is subject to a civil fine of up to ten thousand
3 dollars per day per violation.

4 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
5 a new chapter in Title 70 RCW.

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