
Environment Committee

HB 2634

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

Sponsors: Representatives Chapman, Graves, Fitzgibbon, Hayes, Tarleton, Hudgins and McBride; by request of Department of Ecology.

Brief Summary of Bill

- Extends various prohibitions on the use and sale of copper-based antifouling paints to January 1, 2021.
- Directs the Department of Ecology to submit to the Legislature a report concerning antifouling paint, including the environmental impacts of antifouling paints and their ingredients, recommendations for safer alternatives, and recommendations for the development of regulatory standards for antifouling paint.

Hearing Date: 1/15/18

Staff: Robert Hatfield (786-7117).

Background:

Antifouling paints.

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.

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 (Ecology) contain effluent limitations that restrict the

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volume and concentration of heavy metals and other pollutants, including copper, that are discharged.

Recreational Water Vessels - Antifouling Paints Law.

In 2011, Washington enacted legislation for the purpose of phasing out copper-based antifouling paint. Among other things, the 2011 legislation set timelines for the phase-out of copper-based antifouling paint on recreational water vessels, established civil penalties, and directed Ecology to provide a report to the Legislature concerning antifouling paint.

Recreational water vessels are defined as a vessel that is less than 65 feet in length and is used primarily for pleasure or 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.

Antifouling Paints Law - Timelines.

The 2011 legislation established the following timelines:

- Beginning January 1, 2018, new recreational water vessels with copper-based antifouling paint may not be sold in the state.
- Beginning January 1, 2020, the sale of antifouling paint containing more than 0.5 percent copper intended for use on recreational water vessels is prohibited.
- Beginning January 1, 2020, antifouling paint containing more than 0.5 percent copper may not be applied to a recreational water vessel.

Antifouling Paints Law - Antifouling Paint Report.

The 2011 legislation required Ecology to study how antifouling paints affect marine organisms and water quality. In addition, Ecology was required to survey the manufacturers of antifouling paints to determine the types of antifouling paints available in the state. Ecology was required to submit its report to the Legislature by December 31, 2017.

Results of Antifouling Paint Report.

Ecology issued its report on antifouling paints in December 2017. Among other findings, the report found that banning copper in antifouling paints may lead to the increase use of other, more toxic biocides. Ecology has recommended that the ban on copper paints be delayed until Ecology can review additional data on the impacts of alternative biocides in antifouling paint.

Summary of Bill:

The effective dates of the following prohibitions are all extended to January 1, 2021:

- prohibition on sale of new recreational water vessels with copper-based antifouling paint;
- prohibition on sale of antifouling paint containing more than 0.5 percent copper intended for use on a recreational water vessel; and
- prohibition on the application of antifouling paint containing more than 0.5 percent copper to a recreational water vessel.

Wood boats, which are defined as a recreational water vessel with an external hull constructed entirely of wood planks or sheets, are exempt from the prohibition on the sale of new recreational boats with copper-based antifouling paint, and from the prohibition on the

application of copper-based antifouling paint to a recreational water vessel.

The Department of Ecology (Ecology) is directed to submit a report to the Legislature by September 30, 2019 that considers the environmental impacts of antifouling paints and their ingredients. The report must include recommendations on safer alternatives, recommendations as to whether changes to the existing regulation of antifouling paints are needed, and recommendations about using leaching rates as a regulatory standard.

In preparing the report, Ecology is directed to review available scientific studies. Additionally, Ecology is required to conduct performance testing, modeling, alternatives assessments, and other scientific studies as appropriate. These studies must address, among other things, the development of possible regulatory standards, such as a leaching rate standard. Ecology is also directed to consider applicable data concerning the sources of copper in Washington's marinas.

Appropriation: None.

Fiscal Note: Available.

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