

SENATE BILL REPORT

SHB 2634

As Reported by Senate Committee On:
Energy, Environment & Technology, February 22, 2018

Title: An act relating to antifouling paints on recreational water vessels.

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

Sponsors: House Committee on Environment (originally sponsored by Representatives Chapman, Graves, Fitzgibbon, Hayes, Tarleton, Hudgins and McBride; by request of Department of Ecology).

Brief History: Passed House: 2/08/18, 98-0.

Committee Activity: Energy, Environment & Technology: 2/20/18, 2/22/18 [DP].

Brief Summary of Bill

- Delays the implementation of antifouling paint restrictions on recreational water vessels until 2021.
- Provides an exemption for wood boats.
- Requires the Department of Ecology (Ecology) to submit a report to the Legislature by September 30, 2019.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Brown, Hawkins, Hobbs, McCoy, Ranker, Sheldon and Wellman.

Staff: Angela Kleis (786-7469)

Background: Antifouling Paints. Aquatic antifouling paints are used to help prevent the growth of aquatic organisms such as barnacles and algae on water vessel hulls. Most antifouling paints on recreational water vessels use copper to reduce the growth. Research has shown that copper is highly toxic to aquatic life.

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.

Antifouling Paint Legislation. In 2011, the Legislature restricted the use of antifouling paint on recreational water vessels in Washington as follows:

- new recreational water vessels with antifouling paint containing copper may not be sold after January 1, 2018;
- antifouling paint that is intended for use on a recreational water vessel and contains more than 0.5 percent copper may not be offered for sale beginning January 1, 2020; and
- antifouling paint containing more than 0.5 percent copper may not be applied to a recreational water vessel beginning January 1, 2020.

Ecology was required to survey the types of antifouling paints sold in Washington, study how antifouling paints affect marine life and water quality, and report its findings to the Legislature by December 31, 2017.

2017 Report Recommendations. According to Ecology's 2017 Report to the Legislature on Non-Copper Antifouling Paints for Recreational Vessels in Washington, the current data is not sufficient to show that non-copper antifouling paints are less harmful to marine environments than antifouling paints that contain copper. Due to the lack of available data, Ecology recommended delaying the restrictions on antifouling paints containing copper to allow for further study.

Summary of Bill: The implementation of antifouling paint restrictions on recreational water vessels is delayed until 2021.

Wood boats are exempt from the antifouling paint restrictions. Wood boat means a recreational water vessel with an external hull surface entirely constructed of wood planks or sheets.

Ecology must submit a report to the Legislature by September 30, 2019, that includes the following:

- environmental impacts of antifouling paints and their ingredients;
- safer alternatives to antifouling paints or ingredients found in antifouling paints; and
- recommendations as to whether changes to the existing regulation of antifouling paints is needed.

The report may include information about the advantages and disadvantages of using leaching rates as a regulatory standard and recommendations regarding the adoption of a leach rate standard.

In developing the report and recommendations, Ecology must:

- review risk assessments, scientific studies, and other relevant analyses;
- conduct performance testing, modeling, alternative assessments, and other related scientific studies; and
- consider any applicable data or other scientific information about the sources of copper in Washington's marinas, including available information related to upland sources of copper.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: This is an important bill to keep moving in the process. It is important for my district and the industry. Changes to the bill, compared to the companion bill, are based on discussions with sponsors and stakeholders as well feedback from testifiers. All are aligned with the language. We believe this is a step in the right direction.

Persons Testifying: PRO: Representative Mike Chapman, Prime Sponsor; Kimberly Goetz, Department of Ecology; Bruce Wishart, Puget Soundkeeper; Peter Schrapen, Northwest Marine Trade Association.

Persons Signed In To Testify But Not Testifying: No one.