

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6210

Chapter 67, Laws of 2020

66th Legislature
2020 Regular Session

ANTIFOULING PAINTS--RECREATIONAL WATER VESSELS

EFFECTIVE DATE: June 11, 2020

Passed by the Senate February 17, 2020
Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 4, 2020
Yeas 97 Nays 0

LAURIE JINKINS

Speaker of the House of Representatives

Approved March 18, 2020 11:10 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6210** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 18, 2020

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6210

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Lovelett, Rolfes, and Wilson, C.; by request of Department of Ecology)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to antifouling paints on recreational water
2 vessels; amending RCW 70.300.020; and adding new sections to chapter
3 70.300 RCW.

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

5 **Sec. 1.** RCW 70.300.020 and 2018 c 94 s 3 are each amended to
6 read as follows:

7 (1) The department will conduct a review of information about
8 antifouling paints and ingredients, including information received
9 from manufacturers and others pursuant to this chapter; information
10 on the feasibility of best management practices and nonbiocidal
11 antifouling alternatives; and any additional scientific or technical
12 information and studies it determines are relevant to that review.

13 (2) The department must submit a report to the legislature
14 summarizing its findings no later than June 30, 2024. Prior to
15 submitting the report to the legislature, the department will conduct
16 a public comment process to obtain expertise, input, and a review of
17 the department's proposed determinations by relevant stakeholders and
18 other interested parties. The input received from the public comment
19 process must be considered before finalizing the report.

1 (3) If the department determines that safer and effective
2 alternatives to copper-based antifouling paints are feasible,
3 reasonable, and readily available, then:

4 (a) Beginning January 1, ((2021)) 2026, no manufacturer,
5 wholesaler, retailer, or distributor may sell or offer for sale in
6 this state any new recreational water vessel manufactured on or after
7 January 1, ((2021)) 2026, with antifouling paint containing more than
8 0.5 percent copper. This restriction does not apply to wood boats.

9 ((2)) (b) Beginning January 1, ((2021)) 2026, antifouling paint
10 that is intended for use on a recreational water vessel and that
11 contains more than 0.5 percent copper may not be offered for sale in
12 this state.

13 ((3)) (c) Beginning January 1, ((2021)) 2026, antifouling paint
14 containing more than 0.5 percent copper may not be applied to a
15 recreational water vessel in this state. This restriction does not
16 apply to wood boats.

17 (4) If the department does not determine by June 30, 2024, that
18 safer and effective alternatives to copper-based antifouling paints
19 are feasible, reasonable, and readily available, then the department
20 must conduct a second review of relevant studies and information on
21 alternatives to copper-based antifouling paints and submit a report
22 to the legislature summarizing its findings no later than June 30,
23 2029.

24 (5) Nothing in this section restricts the department from
25 reviewing and restricting antifouling paints under chapter 70.365
26 RCW.

27 NEW SECTION. Sec. 2. A new section is added to chapter 70.300
28 RCW to read as follows:

29 (1) Beginning January 1, 2023, no manufacturer, wholesaler,
30 retailer, or distributor may sell or offer for sale in this state any
31 new recreational water vessel manufactured on or after January 1,
32 2023, with antifouling paint containing cybutryne, chemical abstracts
33 service registration number 28159-98-0.

34 (2) Beginning January 1, 2023, antifouling paint that is intended
35 for use on a recreational water vessel and that contains cybutryne
36 may not be offered for sale in this state.

37 (3) Beginning January 1, 2023, antifouling paint containing
38 cybutryne may not be applied to a recreational water vessel in this
39 state.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.300
2 RCW to read as follows:

3 (1) The department may require a manufacturer, wholesaler, or
4 retailer of antifouling paints or related substances to submit a
5 notice to the department containing the following information:

6 (a) A list of products, including a brief description of each
7 product or product component containing the substance;

8 (b) Product ingredients, including the names of the chemicals
9 used or produced and applicable chemical abstracts service registry
10 numbers;

11 (c) Information regarding exposure and chemical hazard;

12 (d) A description of the function of each chemical in the
13 product;

14 (e) The amount of the chemical used in each unit of the product
15 or product component;

16 (f) The name and address of the manufacturer and the name,
17 address, and phone number of a contact person for the manufacturer;

18 (g) Any other information the manufacturer deems relevant to the
19 appropriate use of the product; and

20 (h) Any other information requested by the department.

21 (2) The manufacturer must provide the notice required in
22 subsection (1) of this section to the department no later than six
23 months after receipt of such a demand by the department.

Passed by the Senate February 17, 2020.

Passed by the House March 4, 2020.

Approved by the Governor March 18, 2020.

Filed in Office of Secretary of State March 18, 2020.

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