
SENATE BILL 5436

State of Washington

62nd Legislature

2011 Regular Session

By Senators Ranker, Shin, Litzow, Swecker, Tom, Harper, Nelson, Hobbs, Fraser, Rockefeller, White, Kilmer, Conway, and Kline

Read first time 01/25/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to reducing copper in antifouling paints used on
2 recreational water vessels; adding a new chapter to Title 70 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that aquatic
6 antifouling paints are used on water vessel hulls to prevent the growth
7 of aquatic organisms such as barnacles and algae. Most of these
8 antifouling paints use copper to reduce the growth. Copper is very
9 toxic to many aquatic organisms, including salmon. Copper leaches out
10 of bottom paints from waterborne vessels and when the vessel hull is
11 cleaned or repainted. Washington's marine and freshwaters are home to
12 thousands of recreational water vessels. Therefore, the legislature
13 intends to phase out the use of copper paint in hull coatings used on
14 recreational water vessels.

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

17 (1) "Recreational water vessel" means every description of
18 watercraft on the water, other than a seaplane, used or capable of

1 being used as a means of transportation on the water that is: Operated
2 solely for pleasure and not for monetary gain; or leased, rented, or
3 chartered to another for operation for pleasure and not for monetary
4 gain.

5 (2) "Department" means the department of ecology.

6 NEW SECTION. **Sec. 3.** After January 1, 2013, no manufacturer,
7 wholesaler, retailer, or distributor may sell or offer for sale in
8 Washington state any new recreational water vessel with antifouling
9 paint containing copper.

10 NEW SECTION. **Sec. 4.** After January 1, 2018, no person may sell or
11 offer for sale in Washington state any recreational water vessel unless
12 it has been stripped of antifouling paint containing copper or sealed
13 to prevent the leaching of antifouling paint containing copper.

14 NEW SECTION. **Sec. 5.** After January 1, 2020, no antifouling paint
15 containing more than 0.5 percent of copper may be offered for sale in
16 Washington state.

17 NEW SECTION. **Sec. 6.** The department must monitor and certify
18 compliance with the requirements of this chapter.

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

22 (2) A violation of this chapter includes falsifying certification
23 of compliance with this chapter.

24 NEW SECTION. **Sec. 8.** The department must enforce this chapter and
25 may adopt rules necessary to implement this chapter.

26 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
27 a new chapter in Title 70 RCW.

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