

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5436

62nd Legislature
2011 Regular Session

Passed by the Senate April 18, 2011
YEAS 38 NAYS 10

President of the Senate

Passed by the House April 6, 2011
YEAS 62 NAYS 32

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5436** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5436

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

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; creating a new
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to phase out the use
6 of copper-based antifouling paints used on recreational water vessels.

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

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

10 (2) "Director" means the director of the department of ecology.

11 (3)(a) "Recreational water vessel" means any vessel that is no more
12 than sixty-five feet in length and is: (i) Manufactured or used
13 primarily for pleasure; or (ii) leased, rented, or chartered by a
14 person for the pleasure of that person.

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

1 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2018, no
2 manufacturer, wholesaler, retailer, or distributor may sell or offer
3 for sale in this state any new recreational water vessel manufactured
4 on or after January 1, 2018, with antifouling paint containing copper.

5 (2) Beginning January 1, 2020, no antifouling paint that is
6 intended for use on a recreational water vessel and that contains more
7 than 0.5 percent copper may be offered for sale in this state.

8 (3) Beginning January 1, 2020, no antifouling paint containing more
9 than 0.5 percent copper may be applied to a recreational water vessel
10 in this state.

11 NEW SECTION. **Sec. 4.** The department, in consultation and
12 cooperation with other state natural resources agencies, must increase
13 educational efforts regarding recreational water vessel hull cleaning
14 to reduce the spread of invasive species. This effort must include a
15 review of best practices that consider the type of antifouling paint
16 used and recommendations regarding appropriate hull cleaning that
17 includes in-water methods.

18 NEW SECTION. **Sec. 5.** (1) The department shall enforce the
19 requirements of this chapter.

20 (2)(a) A person or entity that violates this chapter is subject to
21 a civil penalty. The department may assess and collect a civil penalty
22 of up to ten thousand dollars per day per violation.

23 (b) All penalties collected by the department under this chapter
24 must be deposited in the state toxics control account created in RCW
25 70.105D.070.

26 NEW SECTION. **Sec. 6.** (1) On or after January 1, 2016, the
27 director may establish and maintain a statewide advisory committee to
28 assist the department in implementing the requirements of this chapter.

29 (2)(a) By January 1, 2017, the department shall survey the
30 manufacturers of antifouling paints sold or offered for sale in this
31 state to determine the types of antifouling paints that are available
32 in this state. The department shall also study how antifouling paints
33 affect marine organisms and water quality. The department shall report
34 its findings to the legislature, consistent with RCW 43.01.036, by
35 December 31, 2017.

1 (b) If the statewide advisory committee authorized under subsection
2 (1) of this section is established by the director, the department may
3 consult with the statewide advisory committee to prepare the report
4 required under (a) of this subsection.

5 NEW SECTION. **Sec. 7.** The department may adopt rules as necessary
6 to implement this chapter.

7 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act constitute
8 a new chapter in Title 70 RCW.

9 NEW SECTION. **Sec. 9.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

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