

FINAL BILL REPORT

SSB 6210

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Synopsis as Enacted

Brief Description: Concerning antifouling paints on recreational water vessels.

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

Senate Committee on Environment, Energy & Technology

Senate Committee on Ways & Means

House Committee on Environment & Energy

House Committee on Appropriations

Background: Antifouling Paints. Fouling refers to the growth and colonization of aquatic organisms, such as algae and barnacles, on the surfaces of vessels and structures. Fouling reduces the performance of vessels by increasing drag, impairs maneuverability, and it can cause physical damage to vessels and structures. To prevent fouling, boat owners often use hull paints containing pesticides and other chemicals, referred to as biocides. Copper-based hull paints are the most commonly used antifouling paints.

Antifouling Paint Legislation. In 2011, the Legislature restricted antifouling paint use 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, intended for use on a recreational water vessel, which 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.

The legislation also required the Department of Ecology (Ecology) 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.

In the 2017 report, Ecology recommended delaying the antifouling paint restrictions to allow time for further study due to concerns some non-copper alternatives might be more harmful to the environment than the copper-based paints they replace.

In 2018, the Legislature delayed antifouling paint restrictions to 2021. The legislation also exempted wood boats from the restrictions and directed Ecology to submit a report to the

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Legislature by September 30, 2019 on the environmental impacts of antifouling paints and their ingredients, safer alternatives to antifouling paints or ingredients found in antifouling paints, and whether changes to the existing regulation of antifouling paints are needed.

In 2019, Ecology made the following recommendations:

- delay the existing statutory ban on copper-based anti-fouling paints for an extended period, to allow more scientific information to be developed;
- grant Ecology authority to request information from paint manufacturers regarding ingredients, leach rates, and other relevant data; and
- ban the sale and application of antifouling paints containing Cybutryne/Irgarol for recreational vessels in Washington.

Summary: The restrictions on the use of copper-based antifouling paint on recreational vessels are delayed to January 1, 2026.

New restrictions on the use of Cybutryne-based antifouling paint are established as follows:

- new recreational water vessels with antifouling paint containing Cybutryne may not be sold after January 1, 2023;
- antifouling paint containing Cybutryne, intended for use on a recreational water vessel, may not be offered for sale beginning January 1, 2023; and
- antifouling paint containing Cybutryne may not be applied to a recreational water vessel beginning January 1, 2023.

A manufacturer, wholesaler, or retailer of antifouling paints or related substances may be required to submit a notice to Ecology containing the following information:

- a list of products, including a brief description of each product or product component containing the substance;
- product ingredients, including the names of chemicals used or produced and applicable chemical abstracts service registry numbers;
- information regarding exposure and chemical hazard;
- a description of the function of each chemical in the product;
- the amount of the chemical used in each unit of the product or product component;
- the name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer;
- any other information the manufacturer deems relevant to the appropriate use of the product; and
- any other information requested by Ecology.

The notice must be provided to Ecology no later than six months after receipt of the request.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 11, 2020