

AB 773 - Marine resources: copper-based antifouling paint.

SUMMARY

This bill would require the State Water Resources Control Board (SWRCB), regional water quality control boards and the Department of Pesticide Regulation (DPR) to suspend enforcement of their regulations relating to copper-based antifouling paint until the three entities collaborate to determine the best uniform methods to regulate and enforce copper-based antifouling paint regulations in the State. The bill would also provide that until the end of the suspension, all boats painted with the copper-based paint that is approved by DPR would be considered to be in compliance.

EXISTING LAW

Current law gives the DPR the authority to regulate the leach rate for copper-based antifouling paint for use on recreational vessels and to make recommendations for appropriate mitigation measures to protect aquatic environments from the effects of exposure to the paint. The SWRCB has the authority to develop and enforce water quality objectives for copper in water bodies.

BACKGROUND AND ISSUE

Copper-based antifouling paint is a legal California registered pesticide which has been distributed and sold throughout the state for decades. This widely used and necessary paint is proven to be the most effective barrier against marine growth which, if left unchecked, can significantly affect vessel fuel consumption and efficiency leading to increased operational cost and emissions. These paints also serve as an important line of defense against the transport and spread of invasive species into and out of the various harbors and waterways within the State, and around the world in which vessels travel.

However, over the last several years SWRCB and DPR have issued several conflicting regulations in an attempt to reduce the amount of dissolved copper that is discharged in the harbor. The DPR has set the leach rate for copper-based antifouling

paint 9.5 µg/cm²/day in the State of California, while the California SWRCB sets the regulations for how much copper can be within the waterways in harbors.

The boats within the harbor are using paints regulated by the DPR, but some waterways are not at the level the SWRCB wants them to be at, causing confusion and complications. Cities are now being asked by local water boards to invest millions of dollars into lowering the copper levels within harbors, while cities have no authority, control of paint formulation, use, or movement of vessels with these paints.

These vessels are using state (DPR) approved copper-based antifouling paint and thus should not be subject to enforcement or required modification if their planned and expected localized discharge exceeds another state set standard.

SOLUTION

AB 773 requires the DPR, SWRCB and local water boards to work together to establish uniform methods for the state to regulate and enforce the copper-based antifouling paint regulations and would be uniformly applied statewide.

SIMILAR LEGISLATION

AB 425 (2013, Atkins) - Pesticides: copper-based antifouling paint – Chaptered
SB 315 (2001, Alpert) - Antifouling Paints - Chaptered

SUPPORT

City of Newport Beach (Sponsor)

OPPOSITION

None on File.

CO-AUTHORS

None on File.

FOR MORE INFORMATION

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