
Introduced by Senator Kehoe

February 18, 2011

An act to add Chapter 8 (commencing with Section 117140) to Part 12 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 623, as introduced, Kehoe. Copper in marine paint.

Existing law regulates various substances in products, like lead, copper, and mercury, that can lead to public health issues when introduced into the environment.

This bill, on and after January 1, 2015, would make it unlawful to manufacture, sell, or distribute in commerce in California marine antifouling paints that contain copper. The bill would require manufacturers to use the least toxic alternative when replacing the copper in marine antifouling paint.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Copper is toxic to many aquatic organisms and plants. It
- 4 accumulates in water, sediments, and marine plants and animals
- 5 and can impact the food web in the marine environment by
- 6 eliminating certain species. It particularly builds up in areas like
- 7 marina basins that do not flush well.

(b) Copper-containing marine antifouling paints used to control fouling growth on boat hulls are a significant source of copper releases in marinas within California estuaries and along shorelines. For example, a major source of copper in the San Diego Bay is from the use of copper-containing marine antifouling paints.

(c) Limits on the copper content of marine antifouling paints are essential for California cities, counties, and industries to comply with water quality standards and copper total maximum daily loads (TMDL) in California's estuaries as required by the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.). For instance, limiting copper antifouling paint is a critical part of the TMDL Basin Plan Amendment for the Shelter Island Yacht Basin, which mandates compliance by 2022.

(d) Without limits on the use of copper in marine antifouling paints, California taxpayers face millions of dollars in federal Clean Water Act compliance costs.

(e) The San Diego Unified Port District has developed a multi-faceted approach to deal with copper-containing marine antifouling paints, including working with the federal Environmental Protection Agency and the State Water Resources Control Board on grants to research alternatives to copper in marine antifouling paints, working with the public and other interested parties on outreach, education, and development of best management practices in order to reduce the impacts of copper-containing marine antifouling paints, and developing a local ordinance and permit systems to regulate in-water hull cleaning. However, action is needed on a statewide basis.

SEC. 2. Chapter 8 (commencing with Section 117140) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 8. MARINE PAINT

117140. (a) On and after January 1, 2015, it shall be unlawful to manufacture, sell, or distribute in commerce in California marine antifouling paints that contain copper.

(b) Manufacturers shall use the least toxic alternative when replacing copper in marine antifouling hull paint.