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**SUBSTITUTE SENATE BILL 6210**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Lovelett, Rolfes, and Wilson, C.; by request of Department of Ecology)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to antifouling paints on recreational water  
2 vessels; amending RCW 70.300.020; and adding new sections to chapter  
3 70.300 RCW.

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

5 **Sec. 1.** RCW 70.300.020 and 2018 c 94 s 3 are each amended to  
6 read as follows:

7 (1) The department will conduct a review of information about  
8 antifouling paints and ingredients, including information received  
9 from manufacturers and others pursuant to this chapter; information  
10 on the feasibility of best management practices and nonbiocidal  
11 antifouling alternatives; and any additional scientific or technical  
12 information and studies it determines are relevant to that review.

13 (2) The department must submit a report to the legislature  
14 summarizing its findings no later than June 30, 2024. Prior to  
15 submitting the report to the legislature, the department will conduct  
16 a public comment process to obtain expertise, input, and a review of  
17 the department's proposed determinations by relevant stakeholders and  
18 other interested parties. The input received from the public comment  
19 process must be considered before finalizing the report.

1 (3) If the department determines that safer and effective  
2 alternatives to copper-based antifouling paints are feasible,  
3 reasonable, and readily available, then:

4 (a) Beginning January 1, ((2021)) 2026, no manufacturer,  
5 wholesaler, retailer, or distributor may sell or offer for sale in  
6 this state any new recreational water vessel manufactured on or after  
7 January 1, ((2021)) 2026, with antifouling paint containing more than  
8 0.5 percent copper. This restriction does not apply to wood boats.

9 ((2)) (b) Beginning January 1, ((2021)) 2026, antifouling paint  
10 that is intended for use on a recreational water vessel and that  
11 contains more than 0.5 percent copper may not be offered for sale in  
12 this state.

13 ((3)) (c) Beginning January 1, ((2021)) 2026, antifouling paint  
14 containing more than 0.5 percent copper may not be applied to a  
15 recreational water vessel in this state. This restriction does not  
16 apply to wood boats.

17 (4) If the department does not determine by June 30, 2024, that  
18 safer and effective alternatives to copper-based antifouling paints  
19 are feasible, reasonable, and readily available, then the department  
20 must conduct a second review of relevant studies and information on  
21 alternatives to copper-based antifouling paints and submit a report  
22 to the legislature summarizing its findings no later than June 30,  
23 2029.

24 (5) Nothing in this section restricts the department from  
25 reviewing and restricting antifouling paints under chapter 70.365  
26 RCW.

27 NEW SECTION. Sec. 2. A new section is added to chapter 70.300  
28 RCW to read as follows:

29 (1) Beginning January 1, 2023, no manufacturer, wholesaler,  
30 retailer, or distributor may sell or offer for sale in this state any  
31 new recreational water vessel manufactured on or after January 1,  
32 2023, with antifouling paint containing cybutryne, chemical abstracts  
33 service registration number 28159-98-0.

34 (2) Beginning January 1, 2023, antifouling paint that is intended  
35 for use on a recreational water vessel and that contains cybutryne  
36 may not be offered for sale in this state.

37 (3) Beginning January 1, 2023, antifouling paint containing  
38 cybutryne may not be applied to a recreational water vessel in this  
39 state.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 70.300  
2    RCW to read as follows:

3        (1)    The department may require a manufacturer, wholesaler, or  
4    retailer of antifouling paints or related substances to submit a  
5    notice to the department containing the following information:

6        (a)    A list of products, including a brief description of each  
7    product or product component containing the substance;

8        (b)    Product ingredients, including the names of the chemicals  
9    used or produced and applicable chemical abstracts service registry  
10   numbers;

11       (c)    Information regarding exposure and chemical hazard;

12       (d)    A description of the function of each chemical in the  
13   product;

14       (e)    The amount of the chemical used in each unit of the product  
15   or product component;

16       (f)    The name and address of the manufacturer and the name,  
17   address, and phone number of a contact person for the manufacturer;

18       (g)    Any other information the manufacturer deems relevant to the  
19   appropriate use of the product; and

20       (h)    Any other information requested by the department.

21       (2)    The manufacturer must provide the notice required in  
22   subsection (1) of this section to the department no later than six  
23   months after receipt of such a demand by the department.

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