



RBOC
Protecting your boating interests.

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MAY 10, 2011

The Honorable Christine Kehoe, Chair
The Honorable Mimi Walters, Vice Chair
The Honorable Elaine Alquist
The Honorable Bill Emmerson
The Honorable Ted Lieu
The Honorable Fran Pavley
The Honorable Curren Price
The Honorable Sharon Runner
The Honorable Darrell Steinberg

RE: SB 623 [Kehoe, copper-based anti-fouling surfaces]

- Oppose Unless Amended, May 16 Hearing

Dear Members, Senate Committee on Appropriations:

Recreational Boaters of California [RBOC] urges a "no" vote on SB 623 when the bill is heard in the Senate Committee on Appropriations on May 16. This bill would prohibit recreational boaters state-wide from using copper-based anti-fouling paints on the hulls of their boats to prevent marine organisms from growing on their hulls.

RBOC is a nonprofit boater advocacy organization that works to protect and enhance the interests of the state's recreational boaters before the legislative and executive branches of state and local government. RBOC is in its 43rd year as a statewide organization promoting the enjoyment, protection, and responsible use of our waterways.

RBOC has been engaged in discussions with Senator Kehoe and the sponsors of SB 623 in an effort to resolve our concerns with the bill as introduced. The bill as amended on April 25 does not resolve our concerns. We remain opposed to SB 623 unless the bill is amended to ensure that any deadline upon which the state's recreational boaters will not be able to use copper-based anti-fouling paints does not take effect until there are alternatives that are effective, available, and affordable.

This bill would penalize boaters, who would be directly and most significantly impacted by its provisions. SB 623 would not apply to other significant sources of copper including commercial boats, ships, and military vessels. Instead, the bill targets recreational vessels exclusively.

The bill would impose an estimated average new cost of \$5,000 every other year on an estimated 200,000 boaters who use anti-fouling paints to protect their boats, for a total mandated expense of at least \$1 billion every two years.

Although SB 623 states that "it is the intent of the Legislature to promote the use of nonbiocide alternative paints," banning copper paint would do nothing to meet that goal. It would merely drive boaters to use other biocidal coatings that are effective, available and affordable. These currently available alternatives are also more toxic than copper and would cause serious problems if their use becomes widespread.

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RECREATIONAL BOATERS OF CALIFORNIA

SB 623 [Kehoe] as amended April 25, 2011

May 10, 2011

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As boaters, we understand and appreciate the objective of moving towards non-biocide alternative coatings for the hulls of our boats. As a community, we continue to assist in the development and testing of alternatives. SB 623 would replace these collaborative efforts with a statewide ban placed into law. The bill would impose a January 1, 2015 ban on the sale of new recreational boats with anti-fouling paint containing copper, and a January 1, 2019 ban on the use or application of these paints.

The deadlines being proposed do not correspond to any assurance that alternatives to marine antifouling paints containing copper will be effective, available and affordable. While there has been much attention and several studies, rigorous scientific testing and scrutiny have yet to occur and no conclusion can be made. Yet SB 623 does not present incentives to assist in the transition to alternative coatings.

The Department of Pesticide Regulation regulates antifouling paints and is in the process of re-evaluating their registrations. However, SB 623 would ignore that study and enact an outright ban. This would force recreational boaters to replace their antifouling paints with other coatings that are less effective in preventing the growth of marine organisms on boat hulls, that facilitate the transport of invasive species into new bodies of water, that are costly to purchase and apply, and that contain chemicals that would harm the environment.

For these reasons, RBOC urges a "no" vote on SB 623 when it is considered in the Senate Committee on Appropriations. If you have any questions regarding our position on SB 623, please feel free to contact our legislative advocate, Jerry Desmond, Jr., at 916.441.4166.

Sincerely,

Linda Bendsen

Linda Bendsen,
President