



RBOC
Protecting your boating interests.

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KEY ISSUE OVERVIEW

April 6, 2011
www.rbo.org

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State Budget Crisis Could Impact Boating Programs

RBOC is continuing our lobbying efforts to ensure that boater fuel tax and registration fees paid to the state are dedicated to programs and services benefiting the boating community. Recent developments in the State Capitol present the possible scenario that the state budget resolution could include provisions directing significant boater fuel tax dollars to the state's General Fund.

Governor Jerry Brown and the Legislature are working to address the state budget and a projected \$26.6 billion deficit over the next fifteen months. Negotiations to determine whether bipartisan support could be obtained in the Legislature to place the Governor's proposed budget solution before voters this June have recently stalled. The Governor's proposal includes budget cuts together with an extension of certain sales, car and income taxes that otherwise expire on July 1.

Some Republican legislators had requested that any budget deal include additional items such as state spending caps, environmental and regulatory law reforms, state worker pension restructuring, and other provisions in return for their support. The situation is fluid and Democrats are now considering options available to them that would not need the votes of Republican legislators. The outcome remains undetermined.

The efforts to address the state budget deficit could directly impact Cal Boating. First, there is tremendous pressure to identify funding sources for major programs and services. Second, Cal Boating is in the process of updating and improving many aspects of its small craft harbor and recreational marina loan program. Legislators have expressed an interest in ensuring that these actions occur prior to approving additional loans within the department's budget.

SB 69, the Conference Committee version of the Budget Bill, does not include Cal Boating funding for boating facilities loans or grants for the next fifteen months. This may not be final, and loans and grants may be considered in future action.

In addition, the budget bills in contention would provide another loan of boater monies from the Harbors and Watercraft Revolving Fund [HWRF] to the state's General Fund. This new loan would be \$17 million, to be repaid by June 30, 2014. Previous loans were made in the amount of \$29 million [fiscal year 2008-2009, to be repaid by June 30, 2013] and \$5 million [fiscal year 2009-2010, with no repayment date]. The total of all three loans would be \$51 million.

As currently proposed, Cal Boating would be provided a budget of approximately \$50 million, which would provide funding for a number of programs and services including boating law enforcement funding, boater education, yacht and ship broker licensing, beach erosion control, control \ eradication of invasive species, and abandoned vessel abatement.

RBOC acknowledges and appreciates the fiscal challenges facing the state, and the stresses being placed on essential programs and services. At the same time, boaters continue to pay significant taxes and fees with the understanding that they will be utilized for boater programs and services directly benefiting boaters.

In the current state fiscal climate, it is critical that the boating community continue to advocate for the dedication of boater taxes and fees to programs and services that benefit boaters. It is also important that the boating community identify and prioritize the boating programs and services that are essential to boaters, and educate policy-makers including the Governor and State Legislature as to the importance of those governmental activities. RBOC is actively engaged in these processes.

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Anti-fouling Surfaces

RBOC is working with Senator Kehoe to resolve our concerns with SB 623 as introduced. This bill would, beginning January 1, 2015, prohibit the manufacture, sale, or distribution in commerce in California of 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.

RBOC is opposed to the bill unless it is amended to ensure that any deadline precluding the ability of four million recreational boaters to use copper-based anti-fouling paints does not occur until there are alternatives that are effective, available, and affordable.

In its present form, SB 623 fails to help those who will be most significantly impacted by its provisions: the boating public. The bill notably fails to acknowledge the significant boater efforts to assist in the development and testing of alternatives, the important role of boaters' use of antifouling paints containing copper in protecting against invasive species, and the impact of the proposed ban on the boating public.

RBOC is concerned with the provisions of SB 623 that would add Section 117140 to the Health and Safety Code, prohibiting the manufacture, sale, or distribution in commerce of marine antifouling paints containing copper as of January 1, 2015. The deadline proposed by SB 623 is unconditional and arbitrary. The date does 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.

The Department of Pesticide Regulation regulates antifouling paints and is in the process of re-evaluating their registrations. As currently worded, 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.

Abandoned Vessels

RBOC is requesting that Senator Wolk revise her SB 595 that would provide the State Lands Commission [SLC] with an administrative process to remove a vessel that has been abandoned or placed in areas in its jurisdiction without permission.

RBOC is proposing amendments would ensure that the new SLC authority would not extend to recreational vessels. It is important that SLC's efforts not overlap or duplicate the successful abandoned vessel abatement program that is administered by Cal Boating. The amendments would also extend the expedited processes that would be provided to the SLC, to the program that is being conducted by Cal Boating for recreational vessels. RBOC is opposed to SB 595 unless it is so amended.

Coastal Marina Permit

RBOC continues to advocate for voluntary, best management practices to address environmental pollution issues related to marinas and clubs, and to encourage the continued efforts of the State Water Resources Control Board to work with the boating community to pursue a fact and science-based approach that first identifies and then addresses pollution in marinas that is determined to be attributable to recreational vessels and marina operations.

RBOC was quite concerned when the Board in 2010 proposed a broad, burdensome, and costly permitting program for marinas and clubs along the California coastline. The boating community is engaged with the Board, which has temporarily suspended the proposal, as it considers alternative regulatory and non-regulatory approaches to coastal water quality issues.

Visit RBOC on-line at www.rbooc.org for the latest updates, press releases, calls-to-arms, and reports on government relations issues impacting the recreational boating community.

Recreational Boaters of California [RBOC] is the nonprofit governmental 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, and since 1968 it has continued its commitment to promoting the enjoyment, protection, and responsible use of our waterways.