

RECREATIONAL BOATERS OF CALIFORNIA

TESTIMONY

CLEVE HARDAKER, VICE PRESIDENT-SOUTH

May 2, 2011

Good afternoon, Chairman Simitian and Members. I am Cleve Hardaker, Vice President of Recreational Boaters of California [RBOC]. I am a boater, and I live in San Diego in Senator Kehoe's district.

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.

We are opposed to SB 623, which bill would prohibit recreational boaters statewide from using copper-based anti-fouling paints on the hulls of our boats to prevent the growth of marine organisms.

RBOC has been engaged in discussions with Senator Kehoe on SB 623 in an effort to resolve our concerns with the bill as introduced. However, 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.

We are especially concerned that the bill disregards boaters, who would be directly and most seriously 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.

Although SB 623 states that "it is the intent of the Legislature to promote the use of non-biocide 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. Thus, a ban on copper based anti-fouling coatings seems to be environmentally irresponsible. More, it ignores the complexity of different marine environments in different regions of the state. The wide variety of current copper coatings illustrates the need for a selection of coatings that will work effectively in different water bodies.

The bill would impose an estimated average new cost of \$5,000 conversion to new paint 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. Furthermore, since developments of alternative coatings are in their infancy, a premature ban on a

proven anti-fouling coating will expose individual boaters to all the expensive risks of alternative coating failures. Whether those failures are the result of an application error or because an untested coating is released prematurely and proves to be unsuitable for the particular environment in which the boat resides.

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. If SB 623 were to incorporate provisions that would help offset the costs and risks to individual boaters for adopting environmentally benign hull coatings it would become vastly more acceptable to the boating community. And it would provide an incentive for boatyards to learn and embrace the intricacies of converting boats successfully.

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 antifouling paint containing copper, and a January 1, 2019 ban on the use or application of these paints. Fixing arbitrary dates in this manner is bad policy and will

generate ill will. Better to incorporate reasonable flexibility at the discretion of an informed State Agency.

The Department of Pesticide Regulation regulates antifouling paints and is in the process of reevaluating 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 may be 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. Thank you.

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