INTERAGENCY COORDINATING COMMITTEE (IACC)
JOINT MEETING OF THE MARINAS AND RECREATIONAL BOATING WORKGROUP & THE COPPER AFP SUB-WORKGROUP
MINUTES FOR THE November 13, 2008 Meeting

SAVE THE DATE: The next in-person meeting is scheduled for **Thursday January 8, 2009, from 10-12** at Cal/EPA, Room 320. Conference Call Number: **(916) 255-4044**.

Meeting Attendees: Steve Fagundes (State Water Resources Control Board), Nan Singhasemanon (Department of Pesticide Regulation), Chris Scianni (State Lands Commission), Fred Kizito (Central Valley Regional Board),

Phone In: Lisa Sniderman (California Coastal Commission), Leigh Johnson (Sea Grant Program), Lilian Busse (San Diego Regional Board), Fred Lee (G. Fred Lee and Associates), Peter VonLangen (Central Coast Regional Board), Bob Riopel (RBOC), Linda Candelaria (Santa Ana Regional Board), Stan Susman, Bob Donat (Interluxe Paint), Katy Wolf (Institute for Research and Technical Assistance), Bill Rocco (California Association of Professional Divers), Ray Hiemstra (Orange County CoastKeeper), Lauren Gilligan (Save Our Shores), Kelly Moran (TDC Environmental), Neil Blossom (American Chemet)

1. Agency Updates

Fred Kizito (Central Valley Regional Board) gave a presentation entitled Overview of Total Maximum Daily Loads of Pathogens in Stockton Urban Waterbodies, covering TMDL background, the Pathogen Plan, impaired reaches, potential BMPs for marinas and conclusions. His conclusions were that the Pathogen Plan is currently underway and that BMPs are currently implemented but remain a challenge. When asked whether marinas have been identified as a source and allocated in the TMDL, he indicated that Marinas are considered as a source (see Pathogen Plan) but no percentages have been assigned yet to marinas. This TMDL is very recent having been approved by the Regional Board in March 2008 and is still in its preliminary phases. The Pathogen Plan is located under the "Supporting Documents" section of the following website: http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/stockton_urban_do_pathogen/index.shtml For more information, contact: fkizito@waterboards.ca.gov

Linda Candelaria, PhD (Santa Ana Regional Board) provided updates on the 319 Copper Reduction Project in Newport Bay and Prop13 Fecal Indicator Bacteria Project in Newport Bay. OCCoastkeeper (with assistance from Region 8 staff) received a 319 grant to reduce the number of boats using Copper (Cu) boat paint in Newport Bay. Cu from boat paints is the number one source of copper to Newport Bay. Approximately 59,000 lbs of Cu per year are released from 10,000 boats (about 6 lbs/boat/year depending on boat size), with approximately half from passive leaching and half from hull cleaning (see load calculations in NB Toxics TMDL). In addition, a recent marina study in Newport Bay demonstrated elevated dissolved and sediment Cu concentrations in marinas compared to channel measurements. This Copper reduction project is related to the Newport Bay metals TMDL (in development) and the Newport Bay Toxics TMDL promulgated by USEPA. While the metals TMDL is in development, the 319 project is really an implementation project. Grant amount is $260,400 with a match of $86,800. The project goals are: 1) to reduce the number of boats using

Cu boat paints by 50% in one target marina (city-owned), and 2) to reduce the number of boats using Cu boat paints by 10% baywide with boats converting from Cu boat paints to nontoxic boat paints. This will be accomplished by 3) public education including workshops and distribution of printed materials on the toxic effects of Cu in marine waters, nontoxic boat paint options, and incentives for the conversion process (monetary, and reduced fees for haulouts, slips, etc). Additionally, Coastkeeper will 4) work with boatyards to offer nontoxic alternatives to boat owners, and 5) conduct water quality monitoring and test dissolved Cu levels before, during and after boat conversion from Cu to nontoxic paints. The water quality monitoring will determine the impact of reducing the number of boats using Cu boat paints on dissolved Cu concentrations particularly in the target marina. For more information, contact: lcandelaria@waterboards.ca.gov or ray@coastkeeper.org.

Regarding the Bacteria Project, Linda indicated that various studies were conducted as part of a Prop 13 Fecal Indicator Bacteria study in Newport Bay. Enterococcus, E.coli and Total Coliform concentrations were determined in water and sediment. The main part of the project was a transect study down the middle of Newport Bay where weekly transects were sampled in 3 tributaries, 8 Bay sites and 1 ocean control site. Other studies included a mudflats study to determine bacteria in shallow waters, microcosm studies investigating die-off rates of bacterial sources, a lower Bay storm drain (loading) study and speciation studies (Ent. & E.coli). The draft report is in revision; the final report is expected near the end of this year. Linda noted that Enterococcus had the highest concentrations and number of exceedances in Newport Bay and seemed to be the biggest problem. Other studies showed that the tributaries are high contributors of bacteria to the Bay, and there are multiple sources of bacteria. Further conclusions will be discussed when the report is finalized. For more information, contact: lcandelaria@waterboards.ca.gov.

Leigh Johnson (UC Sea Grant Program) and economist Dr. Linda Fernandez (UCR) have been working on an economic project, *Evaluating Costs of Strategies to Control Hull-Borne Invasive Species on Boats on California boats kept in Saltwater,* to produce a detailed cost analysis of the various fouling control strategies for recreational boats kept in saltwater in California and Baja California. The project is funded by the California Department of Boating and Waterways and the California Department of Pesticide Regulation. The objective is to assist boat owners, boating businesses, academics, environmental organizations, and policymakers in making cost-effective decisions for controlling invasive species, taking water quality regulations into account and the different options and situations available in different parts of the state as well as south of the border. Mexican data was collected due to extensive travel by California boats to Baja California. Data collection has been completed and analysis is in progress for a 30% sample of marinas, boatyards, underwater hull cleaners, boat lift and slip liner companies in the Delta, and the CA and Baja CA coast and bays. Boater perspectives will be assessed in the next few months. A study report will be produced at the end of the project in the summer of 2009.

Leigh also updated the Marina IACC about a second project she is conducting with her colleague Dr. Carolynn Culver and with Dr. Mark Page and Dr. Jennie Dugan (UCSB). The paired field study, funded by CDBW, is located in San Diego Bay and Santa Barbara harbor and focuses on ecology of invasive, hull-fouling species and interactions with fouling control technologies. A study report will be produced at the end of the project in summer of 2010. Scientific journal articles will be prepared and Leigh will seek additional funding to extend results of both projects through outreach programs. For more information, contact Leigh, ltjohnson@ucdavis.edu.

2. Discussion of fate of Copper AFP workgroup

Nan Singhasemanon (DPR) initiated discussion about the fate of the Copper AFP workgroup. Nan indicated that the original goal and objectives of the workgroup related to assessment have been met, and that the copper report will be coming out soon. Nan also noted that there are a lot of collaborations with regard to copper and mitigation such as the Port of San Diego study, the Sea Grant economic analysis study, the implementation of the Shelter Island Yacht Basin TMDL, and the Newport Bay copper reduction project. So, there appears to be at least the need for a mitigation-related forum. It could be beneficial to continue a more general AFP workgroup with more basic and slightly less ambitious objectives than the Copper Sub-Group. Also, once DPR's re-evaluation kicks off (assuming that it does), Nan will be involved with the process, and Nan asked if anyone else was interested in leading such a workgroup, but did not receive any response. Many expressed the need to meet and to keep the topic broader than just copper. The group decided that: (1) Nan would continue to lead a workgroup until another lead person could be identified; (2) the workgroup would be an AFP workgroup not limited to copper; and (3) the group would meet quarterly beginning in January 2009 and back to back with the mother workgroup. The group could focus on mitigation, assessment, and new studies for example. Lisa also requested to switch the Marina IACC meetings to quarterly starting in January 2009 to see if that frequency would work. She felt that with the AFP workgroup starting up again, agenda items may be fewer for the mother workgroup.

3. Proposed Data Requirements for Federal Registration of AFP Pesticides

Nan Singhasemanon (DPR) informed the group about EPA's proposed revisions of the data requirements for the federal pesticide registration process pertaining to several large classes of pesticides including antifoulants. The new requirements would apply to new registrations, applications undergoing current review for registrations, and new uses to existing registrations. Nan noted that he feels there are relatively few changes to the practices that EPA admits to currently conducting on AFP products. Kelly Moran noted that this is much better than the current requirements for antimicrobials overall, and is important to show how EPA lays out its authority to obtain information. The proposed data requirements will also give registrants and other stakeholders a better idea of what to expect.

These proposed data requirements can be found in the Federal Register notice link at http://www.epa.gov/fedrgstr/EPA-PEST/2008/October/Day-08/p23127.htm. The proposed rule actually pertains to more than just antifoulants and also deals with antimicrobial pesticides, disinfectants, wood preservatives. The proposal aims to revise and update use patterns and associated data requirements for all these classes of antimicrobial pesticides. Specifically, the Agency is proposing that the antimicrobial pesticide requirements be codified in a separate subpart W of part 158 in 40 CFR. Because the use patterns for antimicrobial pesticides are different from those of conventional and other pesticides, these proposed revisions are needed to specifically address and regulate antimicrobial pesticides and their use patterns, and to reflect current scientific knowledge and EPA regulatory practices. The proposed requirements will improve the EPA's ability to make regulatory decisions on the human health and environmental fate and effects of antimicrobial pesticide products.

Nan highlighted a few points that were specific to AFPs:

- EPA explicitly recognized that AFPs have the potential for high environmental exposure for both fresh and salt water environments.
- EPA mentioned pesticide treatments to ballast water as a growing practice.
- For AFPs, EPA proposes data requirement for the following basic environmental fate studies
    - Hydrolysis
    - Aquatic photodegradation
    - Aerobic aquatic metabolism
    - Anaerobic aquatic metabolism
    - Leaching
- For AFPs, EPA proposes data requirement for the following non-target organism toxicity studies:
    - First tier (acute avian, acute freshwater fish, acute freshwater invertebrates)
    - Avian dietary
    - Avian reproduction
    - Acute estuarine and marine (mollusk, invertebrate, and fish)
    - Fish early life stage
    - Aquatic invertebrate life cycle
    - Acute invertebrate sediment toxicity
- For AFPs, EPA proposes data requirement for the following plant toxicity studies:
    - Seedling emergence
    - Aquatic plant growth (duckweed)
    - Aquatic plant growth (green algae, freshwater cyanobacteria, freshwater diatom, salt water diatom)

For more details, please consult the Federal Register notice. Comments are due to EPA by January 6, 2009. Nan and Kelly encouraged individuals and agencies to submit comments whether they agree with the proposed regulations or if they felt that the regulations fall short in some areas.