



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

California Notice 2010-03

POST UNTIL JULY 1, 2010

NOTICE OF DECISION TO INITIATE REEVALUATION OF COPPER BASED ANTIFOULING PAINT PESTICIDES.

Pursuant to Article 8, Subchapter 1, Chapter 2, Division 6 of Title 3 of the California Code of Regulation, the Director of the Department of Pesticide Regulation (DPR) notices her decision to begin a reevaluation of pesticide products containing the active ingredients copper oxide, copper hydroxide and cuprous thiocyanate and intended for use as antifouling paint (AFP) pesticides. Interested persons may comment on this decision up to and including the date shown on the top-right corner of this notice to the Department of Pesticide Regulation, Pesticide Registration Branch, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015.

REEVALUATION

DPR is hereby commencing a reevaluation of copper based AFP pesticides. This reevaluation involves 18 registrants and 212 pesticide products. DPR determined that the number of products included in this reevaluation were too numerous to list within this notice. A list of products included in the reevaluation is available upon written request to the address listed above or on DPR's Web site at <<http://www.cdpr.ca.gov/docs/registration/reevaluation/currentevals.htm>>.

BASIS OF REEVALUATION

Copper AFP pesticides are used in the form of a paint to protect against the accumulation of barnacles, etc. on the underwater surfaces of boats and ships. DPR initiates this reevaluation based on findings from a June 2009, DPR report titled, "Monitoring for Indicators of Antifouling Paint Pollution in California Marinas." The report indicates that dissolved copper concentrations in more than half the water samples taken from salt and brackish water marinas exceeded the California Toxics Rule (CTR) chronic water quality standard for copper. Dissolved copper concentrations in about a third of the water samples in these marinas also exceeded the acute standard. Several other marina surveys of Southern California coastal marinas produced similar findings.

In the DPR study, toxicity was also observed in a number of marina water samples. Tests indicated that copper was the likely cause of the toxicity. Since California Regional Water Quality Control Board's (CRWQCBs) water quality control plans require all waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce



detrimental physiological responses in human, plant, animal, or aquatic life, this toxicity violates RWQCBs water quality objective for toxicity.

DPR's report concluded that in a salt and brackish water marinas, copper AFP pesticide products applied to boat hulls are likely a major source of copper in these areas, particularly during dry-weather periods. Passive leaching of AFP-painted boat hulls and underwater boat-hull cleaning appear to be the main pathways of copper contamination.

Pursuant to this reevaluation, registrants with copper based antifouling paint pesticides are required to provide the following information to DPR:

- For each AFP pesticide included in this reevaluation, identification of the type of paint product (e.g., soft sloughing, epoxy ester conventional, vinyl conventional, vinyl thin film Teflon, water-based ablative, copolymer ablative);
- For each AFP pesticide included in this reevaluation, data indicating the product's copper release (leach) rate;
- Identify specific mitigation strategies on pesticide use or reformulation that will reduce dissolved copper concentrations in California salt and brackish water marinas to levels below CTR or regionally applicable standards. Each proposed strategy must be supported by scientific data that demonstrate its effectiveness in reducing dissolved copper concentrations in marina waters; and,
- Marina monitoring data to determine compliance with CTR standards after mitigation strategies have been implemented.

For information regarding the reevaluation process, please contact either Mr. Richard Spas, by e-mail at <rspas@cdpr.ca.gov> or by telephone at (916) 322-9522 or Ms. Denise Alder, by email at <dalder@cdpr.ca.gov> or by telephone at (916) 324-3522. For questions regarding mitigation strategies, please contact Mr. Nan Singhasemanon by email at <nsinghasemanon@cdpr.ca.gov> or by telephone at (916) 324-4122.

Original signed by

Ann M. Prichard, Chief
Pesticide Registration Branch
(916) 324-3931

June 1, 2010

Date

Cc: Mr. Nan Singhasemanon, Staff Environmental Scientist
Ms. Denise Alder, Staff Environmental Scientist
Mr. Richard Spas, Environmental Scientist