



Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

California Notice 2018-02

TO: Pesticide Product Registrants and Other Stakeholders

SUBJECT: NEW REGULATIONS FOR COPPER-BASED ANTIFOULING PAINT PESTICIDE PRODUCTS

Effective January 1, 2018, registrants of all new copper-based antifouling paint and coating products will be required to submit to the Department of Pesticide Regulation (DPR) data regarding the product's daily mean copper leach rate data as a requirement of registration pursuant to Title 3 of the California Code of Regulations (3 CCR) section 6190, "Copper-based Antifouling Paints and Coatings."

Applicants for registration of new copper-based antifouling paints and coatings shall submit to DPR the daily mean copper leach rate for each product calculated using the International Organization for Standardization (ISO) method 10890:2010, "Paints and varnishes – Modeling of biocide release rate from antifouling paints by mass-balance calculation." Additionally, applicants should submit supporting data used for the calculation including product specific Safety Data Sheet (SDS), Technical Data Sheet (TDS), and Confidential Statement of Formula (CSF). Registrants will not be able to cite similar products to fulfill the release rate data requirement, unless the product is an alternate/additional brand name, distributor registration (subregistration), or 100% repack of a registered product with the same color.

If a registrant amends the formula of a currently registered copper-based antifoulant paint or coating to add new colors or modify active or inert ingredient concentrations, the submission must be accompanied by new release rate data. Similarly, if a registrant amends the label of a currently registered product to allow use on recreational vessels, and no release rate data are on file with DPR, the submission must be accompanied by release rate data.

Using the registrant-submitted copper leach rate, supporting information, and a correction factor of 2.9, DPR will verify and assign an adjusted daily mean copper leach rate to each new product that accounts for environmental conditions. Please note that release rate data regarding each copper-based antifouling paint and coating are required even if the product label restricts use of the product to commercial vessels. In addition, a separate daily mean copper leach rate must be calculated for each product formulation (e.g., for each color or paint).



Effective July 1, 2018, 3 CCR section 6190 establishes a maximum allowable copper leach rate of $9.5 \mu\text{g}/\text{cm}^2/\text{day}$ for copper-based antifouling paints and coatings registered for use in California on recreational vessels. This prohibition applies to new and currently registered copper-based antifouling paints and coatings. DPR will deny registration of new copper-based antifouling paints or coatings labeled for use on recreational vessels with a copper leach rate that exceeds $9.5 \mu\text{g}/\text{cm}^2/\text{day}$. Currently registered copper-based antifouling paints and coatings that exceed the maximum copper leach rate and are registered for use on recreational vessels will be subject to cancellation pursuant to Food and Agricultural Code section 12825.

DPR plans to actively engage in promoting the implementation of voluntary mitigation by:

- Encouraging boat owners and in-water hull cleaners to use best management practices to reduce the amount of copper leaching from boat hulls
- Working with copper-based antifouling paint and coating registrants to develop:
 - Hull cleaning brochures to be distributed to boaters via boatyards
 - Painted-hull maintenance information to be distributed with paint purchases
- Increasing boater awareness and acceptance of copper-based antifouling paint and coating alternatives
- Fostering new and support existing incentive programs to convert copper-painted boat hulls to those painted with alternatives.

If you have questions regarding this notice, please contact the Pesticide Registration Branch Ombudsman, Ms. Jolynn Mahmoudi-Haeri, at <Registration.Ombudsman@cdpr.ca.gov> or by telephone at 916-324-3545.

Original signed by Ann M. Prichard

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

January 12, 2018

Date

cc: Ms. Pam Wofford, DPR Environmental Monitoring Branch Chief
Ms. Jolynn Mahmoudi-Haeri, DPR Senior Environmental Scientist (Specialist)