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Original sponsors: Zharoff, Eliason, Josephson, et al.

1 IN THE SENATE BY THE CONFERENCE COMMITTEE

2 CONFERENCE CS FOR SENATE BILL NO. 131

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act regulating the sale and use of TBT-based

7 marine antifouling paints and coatings; and providing

8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 46.03.020 is amended by adding a new paragraph to read:

11 (13) inspect the premises of sellers and suppliers of paint,

12 vessels, and marine and boating supplies, and take other actions

13 necessary to enforce AS 46.03.715.

14 * Sec. 2. AS 46.03 is amended by adding a new section to read:

15 Sec. 46.03.715. SALE AND USE OF TBT-BASED ANTIFOULING PAINT.

16 (a) Except as otherwise provided in this section, a person may not

17 sell or use TBT-based marine antifouling paint or coating in the

18 state, nor may a person sell, rent, or lease in the state, or import

19 into the state, or use in state water, a vessel, fishing gear, or

20 other item intended to be partially or completely submerged in water,

21 if the vessel, gear, or item has been painted or treated with TBT-

22 based marine antifouling paint or coating.

23 (b) TBT-based marine antifouling paint or coating need not be

24 removed from fishing gear, or from a vessel or other item that was

25 painted or treated before December 1, 1987, but the vessel, gear, or

26 item may not be repainted or retreated with TBT-based marine antifoul-

27 ing paint or coating. Fish culture or capture nets treated with

28 TBT-based marine antifouling coating before December 1, 1987, may not

29 be used in state water on or after December 1, 1992.

1 (c) Notwithstanding other provisions of this section, slow-
2 leaching TBT-based marine antifouling paint may be imported into and
3 sold in the state. A slow-leaching TBT-based marine antifouling paint
4 may be applied in the state only to aluminum vessel hulls and lower
5 outboard drive units. Aluminum vessel hulls and lower outboard drive
6 units to which a slow-leaching TBT-based marine antifouling paint has
7 been applied may be imported into and sold, rented, leased, or used in
8 the state.
9 (d) This section does not apply to
10 (1) a vessel of the United States government;
11 (2) a foreign vessel in state water fewer than 90
12 consecutive days; or
13 (3) a vessel of 4,000 gross tons or more.
14 (e) In this section
15 (1) "slow-leaching TBT-based marine antifouling paint"
16 means a TBT-based marine antifouling paint, but not a coating or other
17 treatment, that has a measured release rate equal to or less than 3.0
18 micrograms per square centimeter per day at steady state conditions
19 determined under the U.S. Environmental Protection Agency testing
20 procedure, as outlined in the agency's call-in notice of July 29,
21 1986, on tributyltin in antifouling paints under 7 U.S.C. 35 - 36y
22 (the Federal Insecticide, Fungicide, and Rodenticide Act);
23 (2) "TBT-based marine antifouling paint or coating" means a
24 paint, coating, or treatment that contains tributyltin, or a tri-
25 organotin compound used as a substitute for tributyltin, and that is
26 intended to control fouling organisms in a fresh water or marine
27 environment;
28 (3) "vessel" means watercraft used or capable of being used
29 as a means of transportation on water, including

1 (A) aircraft equipped to land on water; and

2 (B) barges.

3 * Sec. 3. Notwithstanding AS 46.03.715, as enacted by sec. 2 of this
4 Act, after the effective date of this section a person may not import into
5 the state a TBT-based marine antifouling paint or coating other than a
6 slow-leaching TBT-based marine antifouling paint, except that paint or
7 coatings that have been ordered from a source outside of the state before
8 the effective date of this section may be imported into the state before
9 December 1, 1987.

10 * Sec. 4. Sections 1 and 2 of this Act take effect December 1, 1987.

11 * Sec. 5. Section 3 of this Act takes effect immediately under AS 01.-
12 10.070(c).