

TEXT OF PROPOSED REGULATIONS

Current wording is indicated by regular type.
Proposed deletions are indicated by ~~strikeout~~.
Proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 2. PESTICIDES
SUBCHAPTER 1. PESTICIDE REGISTRATION
ARTICLE 3. SUPPLEMENTAL DATA REQUIREMENTS

Adopt section 6190 to read:

6190. Copper-based Antifouling Paints and Coatings.

(a) Each applicant to register a copper-based antifouling paint or coating shall submit the daily mean copper release rate for the product using the International Organization for Standardization (ISO) method 10890:2010 and supporting data used for the calculation.

(b) Using the rate and data provided pursuant to (a) of this section and a correction factor of 2.9, the Director will calculate an adjusted daily mean copper release rate to account for environmental conditions.

(c) The provisions in this subsection pertain to copper-based antifouling paint or coating products except when labeled for commercial vessel use only or prohibited from use on recreational vessels. For the purposes of this subsection, "recreational vessel" means any vessel manufactured or used primarily for pleasure or leased, rented, or chartered to a person for the person's pleasure, and/or used as a residence. "Commercial vessel" means any private, commercial, government, or military marine vessel that does not otherwise meet the definition of recreational vessel, including, but not limited to, passenger ferries; excursion vessels; tugboats; ocean-going tugboats; towboats; push-boats; crew and supply vessels; work boats; pilot vessels; supply boats; fishing vessels; research vessels; U.S. Coast Guard vessels; hovercraft; emergency response harbor craft; and barge vessels.

(1) Effective July 1, 2018, no copper-based antifouling paint or coating shall be registered that exceeds the adjusted daily mean copper release rate of 9.5 micrograms per square centimeter per day, as determined by the Director pursuant to (b) of this section.

(2) Effective July 1, 2018, any currently registered copper-based antifouling paint or coating that exceeds the adjusted daily mean copper release rate of 9.5 micrograms per square centimeter per day, as determined by the Director pursuant to (b) of this section, will be subject to cancellation pursuant to Food and Agricultural Code section 12825.

Authority Cited: Sections 11456, 12781, and 12976, Food and Agricultural Code.
Reference: Sections 11501, 12824, 12825, and 14102, Food and Agricultural Code.