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AB-773 Marine resources: copper-based antifouling paint: standards, studies, and best methods. (2025-2026)

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Date Published: 04/21/2025 09:00 PM

AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 773

Introduced by Assembly Member Dixon

February 18, 2025

An act to add Chapter 9 (commencing with Section 36996) to Division 27 of the Public Resources Code, relating to marine resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 773, as amended, Dixon. Marine resources: copper-based antifouling ~~paint:~~ *paint: standards, studies, and best methods.*

Existing law, the California Ocean Resources Stewardship Act of 2000, finds that it is the policy of the state to, among other things, ensure adequate coordination of ocean resources management science among state, regional, and federal agencies and marine science institutions, as provided.

~~This bill would require the State Water Resources Control Board, regional water quality control boards, and the Department of Pesticide Regulation to suspend enforcement of their regulations relating to copper-based antifouling paint, as specified, until certain requirements are satisfied, including that the board and the department collaborate to determine the best methods to regulate the use of copper-based antifouling paint within the state, and the board, the department, and regional water quality control boards agree on and release guidelines that provide for the uniform enforcement of the copper-based antifouling paint regulations throughout the state. The bill would provide that, until the end of the suspension of the enforcement of those regulations, all boats that are painted with a copper-based antifouling paint that is approved by the department are considered to be in compliance with any regulation relating to copper-based antifouling paint.~~

This bill would require, on or before January 1, 2028, the Department of Pesticide Regulation to complete a reevaluation of copper-based antifouling boat paint products, and to make the determination to retain, modify, or suspend its standards or to place new appropriate standards on the chemical composition or use of copper-based antifouling paints. The bill would require, on or before June 1, 2027, the California Environmental Protection Agency, the State Water Resources Control Board, regional water quality control boards, and the Department of Pesticide Regulation to collaborate on active studies related to the effectiveness of low-leach-rate paint and elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of copper-based antifouling paint, and would require the Department of Pesticide Regulation to finish and release these

studies. The bill would require, on or before January 1, 2028, the California Environmental Protection Agency, the State Resources Control Board, and the Department of Pesticide Regulation to collaborate to determine the best methods to address elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of this paint in the state. The bill would require, on or before January 1, 2028, the California Environmental Protection Agency to post on its internet website these best methods.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 9 (commencing with Section 36996) is added to Division 27 of the Public Resources Code, to read:

CHAPTER 9. Copper-Based Antifouling Paint

36996. (a) The Legislature finds and declares both of the following:

(1) The Department of Pesticide Regulation has been conducting studies for several years on the amount of dissolved copper, which is found in antifouling paint, that is discharged into California's harbors, and the State Water Resources Control Board, regional water quality control boards, and the Department of Pesticide Regulation have issued regulations in an attempt to reduce the amount of dissolved copper that is discharged.

(2) The requirements of this section are necessary in order to better coordinate the multiple jurisdictions with interests in, and regulatory authority over, the issue described in paragraph (1).

~~(b) Notwithstanding Section 36003, the State Water Resources Control Board, regional water quality control boards, and the Department of Pesticide Regulation shall suspend enforcement of their regulations relating to copper-based antifouling paint, including, but not limited to, Section 6190 of Title 3 of the California Code of Regulations, until all of the following requirements are satisfied:~~

(b) On or before January 1, 2028, the Department of Pesticide Regulation shall complete a reevaluation of copper-based antifouling boat paint products, and shall make the determination to retain, modify, or suspend its standards or to place new appropriate standards on the chemical composition or use of copper-based antifouling paint.

~~(1) The~~

(c) On or before June 1, 2027, the California Environmental Protection Agency, the State Water Resources Control Board, regional water quality control boards, and the Department of Pesticide Regulation shall collaborate on, finish, and the Department of Pesticide Regulation shall finish and release release, any active studies related to the effectiveness of low-leach-rate paint before adopting any new regulations relating to copper-based antifouling paint or low-leach-rate paint. and elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of copper-based antifouling paint within the state.

~~(2) The~~

(d) On or before January 1, 2028, the California Environmental Protection Agency, the State Water Resources Control Board, and the Department of Pesticide Regulation shall collaborate to determine the best methods to regulate address elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of copper-based antifouling paint within the state.

~~(3) After the release of active studies as required by paragraph (1), and the best methods to regulate the use of copper-based antifouling paint have been determined as required by paragraph (2), the State Water Resources Control Board, the Department of Pesticide Regulation, and regional water quality control boards shall agree on and release guidelines that provide for the uniform enforcement of the copper-based antifouling paint regulations throughout the state.~~

~~(e) To the extent that satisfying the requirements specified in subdivision (b) requires copper-based antifouling paint regulations to be amended, or if regulations relating to copper-based antifouling paint are otherwise amended, the State Water Resources Control Board and the Department of Pesticide Regulation shall ensure that the amended regulations require that testing, sampling, monitoring, enforcement, and corrective actions be the direct responsibility of the relevant state agency, and that the amended regulations are applied uniformly throughout the state.~~

~~(d) Until the end of the suspension of enforcement of the regulations relating to copper-based antifouling paint as required by subdivision (b), any boat that is painted with a copper-based antifouling paint that is approved by the Department of Pesticide Regulation as of the effective date of this section shall be considered to be in compliance with any regulation relating to copper-~~

~~based antifouling paint.~~

(e) On or before January 1, 2028, the California Environmental Protection Agency shall post on its internet website the best methods to address elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of copper-based antifouling paint, as determined by the collaborative process described in subdivision (d). The best methods may include, but are not limited to, guidelines for compliance and public workshops.