



CITY OF NEWPORT BEACH

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March 10, 2025

The Honorable Diane Dixon
California State Assembly
1021 O Street, Room 5330
Sacramento, CA 95814

**RE: AB 773 (Dixon): Marine Resources: Copper-Based Antifouling Paint
City of Newport Beach – Sponsor**

Dear Assembly Member Dixon,

On behalf of the City of Newport Beach, I write to express our gratitude and strong support for your authorship of Assembly Bill 773. This important legislation directs the State Water Resources Control Board (SWRCB), regional water quality control boards, and the Department of Pesticide Regulation (DPR) to collaborate on determining the best methods to regulate the use of copper-based antifouling paint within the state.

Copper-based antifouling paint is a legal, California-registered pesticide which has been distributed and sold throughout the state for decades. This widely used and necessary paint is proven to be the most effective barrier against marine growth which, if left unchecked, can significantly affect vessel fuel consumption and efficiency leading to increased operational cost and emissions. These paints also serve as an important line of defense against the transport and spread of invasive species into and out of the various harbors and waterways within the state, and around the world in which vessels travel.

DPR is tasked with the development, formulation and approval of antifouling bottom paints that will address both concerns above without an unduly significant harmful effect to marine organisms or impact to the overall health of local waterways. The SWRCB is focused with meeting water contaminate standards which are often lower than the expected localized discharge level of the bottom paints, even though that same paint is state-authorized to be sold and used in California. *The state is enforcing regulatory, copper water quality compliance while concurrently allowing necessary copper-based paints to be sold.* This is creating regulatory confusion for coastal harbors and ports, resulting in significant expenditures on studies, areas of

unsuccessful/unobtainable compliance, and exposure to threatened actions and/or fines.

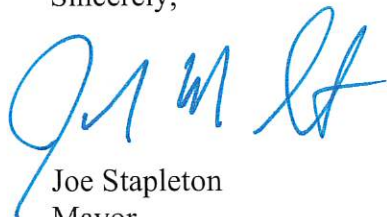
Despite the potential localized impacts of legal, copper-based coatings, there is also a concern that replacement of copper with other biocides may cause different, and potentially more harmful, environmental impacts. The United States Environmental Protection Agency determined that there are no direct substitutions for copper as a biocide that are as affordable or as effective, without posing similar risks to non-target aquatic species.

Over the last several years, DPR has been conducting studies on the amount of dissolved copper found in antifouling paint that is discharged in California harbors. Additionally, SWRCB, regional water quality control boards, and DPR have issued several regulations to reduce the amount of dissolved copper that is discharged, and to unjustly place the compliance burden upon the local government/agencies. We believe that state-mandated regulations as they relate to antifouling paint formulation and the approved copper leach rate, should be regulated and enforced at the state level much like the State regulates vehicle copper brake pads and smog emissions.

Under the State Environmental Protection Agency, the DPR and the regional water board act as sister agencies but with different missions, objectives and rules. Their conflicting guidance on compliance has created confusion regarding enforcement which has largely been unjustly directed to local agencies to address. AB 773 attempts to remedy this confusion by bringing all regulatory entities to the table to contemplate and set forth statewide standards on copper-based antifouling boat paint.

The City of Newport Beach applauds your leadership on this issue and is honored to sponsor Assembly Bill 773.

Sincerely,



Joe Stapleton
Mayor
City of Newport Beach