



March 10, 2026

Mayor

Lauren Kleiman

Mayor Pro Tem

Noah Blom

Council Members

Michelle Barto

Robyn Grant

Joe Stapleton

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

**RE: AB 1691 (Dixon) Marine resources: copper-based antifouling paint: standards, studies, and best methods
Notice of Support – City of Newport Beach**

Dear Assembly Member Dixon,

On behalf of the City of Newport Beach, I write to express support for Assembly Bill 1691. 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 that 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 on meeting water contaminant 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 conducted studies examining the amount of dissolved copper released from antifouling paint in California harbors. During that same period, the SWRCB, regional water quality control boards, and DPR have adopted regulations aimed at reducing dissolved copper discharges. However, implementation of these requirements has resulted in significant compliance responsibilities for local governments and harbor agencies. We believe that regulations governing antifouling paint formulation and approved copper leach rates are most appropriately established and enforced at the state level, similar to how 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 1691 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.

For these reasons, the City of Newport Beach is pleased to support AB 1691. Thank you for your continued leadership on this issue.

Sincerely,

Lauren Kleiman



Mayor
City of Newport Beach

Cc: Newport Beach City Council