April 19, 2019

Chairman William Ruh

Santa Ana Regional Water Quality Control Board

3737 Main Street, Suite 500

Riverside, CA 92501-3348

Sent to: RB8.CuTMDL@waterboards.ca.gov

Dear Chairman Ruh:

It is my understanding that your Board is considering implementing regulations which are not only detrimental to boating but also very questionable imprudent to implement. I am a member of the California Association of Harbor Masters and Port Captains, and this Association and its 165-plus membership are against these regulations.

We have two major arguments that support our effort to make sure that the Water Board does not adopt this resolution.

1. **Alternative AFP’s need additional time for studying both human health factors and environmental impacts.**
   1. A memorandum submitted by Dr. Anghera of Latitude Environmental to the Water Board raises serious concerns, regarding human health impacts of the current AFP alternatives. Dr. Anghera stating from Ecology 2014 Study that, “All three paints identified as *preferred* contain hazardous chemicals that pose human health and/or environmental risks and are categorized to be avoided… These chemicals that have a combination of either high persistence in environment, high bioaccumulation potential, and high human toxicity or ecotoxicity and are recommended to be avoided.” This report is very concerning to us and we would implore the Water Board to investigate these concerns prior to adopting the proposed amendments.
   2. In the publication of Marina Dock Age in the May/June 2018 issue. *Washington State Halts Its Ban on Antifouling Copper Paints*, the article states, Washington State’s governor signed a bill on March 15, 2018 that delayed all phases of the ban on Cu AFP’s until January 1, 2021. Primarily due to the initial research conducted by Washington State’s Department of Ecology Hazardous Waste and Toxic Reduction Program, **“Our preliminary research indicated that some of the alternative biocidal paints might be more harmful to the environment than copper.”** Clearly, we need to ensure that the proposed amendments will have clear guidance on the environmental impacts of alternative AFP’s and ensure that alternatives are safe for human interaction.
2. **The economic costs of available alternatives are cost prohibitive for middle class boaters.**

The summary provided by Dr. Anghera states,

“… **there are only three** non-biocide paints tested in these studies that are still available… and were recommended in one or more studies. **All three paints are designed for commercial vessels**. **All three paints must be applied by professionals**. Even though the paints are recommended alternatives to copper, Ecology (2014 and 2017) maintains concerns over hazardous chemicals within the paint that could pose a risk to humans and the marine environment. Many of the paints evaluated do not have full disclosure of ingredients because of the proprietary rights and many of the compounds being used have not been tested.”

We are sure it is not the intention of the Water Board to drive middle class boaters out of enjoying Newport Bay. However, the proposed amendments will essentially require all boaters to have their hulls repainted with alternative AFP’s by professionals, which will force certain owners and families out of their boating experience.

I am requesting that reject these regulations at this time, and allow for more study of the issue and alternatives which are environmentally and economically sound.

Sincerely,