

MAINE STATE LEGISLATURE

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(New Draft of H.P. 942, L.D. 1265)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1825

H.P. 1335 House of Representatives, June 11, 1987
Reported by Representative HOLT from the Committee on
Marine Resources and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative COLES of
Harpwell. Cosponsored by Senator PERKINS of Hancock,
Representatives RICE of Stonington and HOLT of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Concerning the Use of Tributyltin as
an Antifouling Agent.

Be it enacted by the People of the State of Maine as
follows:

38 MRSA §419-A is enacted to read:

§419-A. Prohibition on the use of tributyltin as an
antifouling agent

1. Definitions. As used in this section, unless
the context otherwise indicates, the following terms
have the following meanings.

1 A. "Acceptable release rate" means a measured
2 release rate equal to or less than 5.0 micrograms
3 per square centimeter per day at steady state
4 conditions determined in accordance with the
5 United States Environmental Protection Agency
6 testing procedure, as outlined in the agency's
7 call-in notice of July 29, 1986, on tributyltin
8 in antifouling paints under the United States In-
9 secticide, Fungicide and Rodenticide Act.

10 B. "Antifouling paint" means a compound, count-
11 ing, paint or treatment applied or used for the
12 purpose of controlling freshwater or marine
13 fouling organisms on vessels.

14 C. "Commercial boatyard" means:

15 (1) A facility that engages for hire in the
16 construction, storage, maintenance, repair
17 or refurbishing of vessels; or

18 (2) An independent marine maintenance con-
19 tractor who engages in any of the activities
20 listed in subparagraph (1).

21 D. "Trap dip" means a liquid antifouling agent
22 or preservative with which wooden lobster traps
23 are treated.

24 E. "Tributyltin compound" means any organotin
25 compound that has 3 normal butyl groups attached
26 to a tin atom, with or without an anion, such as
27 chloride, fluoride or oxide.

28 F. "Vessel" means a watercraft or other convey-
29 ance used as a means of transportation on water,
30 whether self-propelled or otherwise. This defi-
31 nition includes barges and tugs.

32 2. Prohibition on use. Prohibition on use in-
33 cludes the following.

34 A. Except as provided in subsection 3, a person
35 may not distribute, possess, sell, offer for
36 sale, apply or offer for application any
37 antifouling paint or trap dip containing a
38 tributyltin compound.

1 B. No person may distribute, possess, sell, of-
2 fer for sale, apply or offer for application any
3 substance that contains a tributyltin compound in
4 concentrated form that is labeled for mixing with
5 paint or solvents to produce an antifouling paint
6 for use on vessels, wooden lobster traps, fishing
7 gear for marine waters, floats, moorings or
8 piers.

9 C. The Board of Pesticides Control shall be the
10 enforcement agency for this section. The board
11 shall make available a list of paints with ac-
12 ceptable tributyltin release rates by January 1,
13 1988.

14 D. This section shall take effect on January 1,
15 1988.

16 3. Exceptions. Exceptions to the prohibition
17 are as follows.

18 A. A person may distribute or sell an
19 antifouling paint containing a tributyltin com-
20 pound with an acceptable release rate to the own-
21 er or agent of a commercial boatyard. The owner
22 or agent of a commercial boatyard may purchase,
23 possess and apply an antifouling paint containing
24 tributyltin compounds with an acceptable release
25 rate, if the antifouling paint is applied only
26 within a commercial boatyard and is applied only
27 to vessels exceeding 25 meters in length or that
28 have aluminum hulls.

29 B. This section does not prohibit the sale, ap-
30 plication or possession of an antifouling paint
31 containing a tributyltin compound, if the
32 antifouling paint is in a spray can of 16 ounces
33 or less, is commonly referred to as an outboard
34 or lower drive unit paint and has an acceptable
35 release rate.

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STATEMENT OF FACT

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The use of organic tin compounds, primarily tributyltin (TBT), has become widespread in many antifouling bottom paints for boats and ships. The material is also used in "trap dip," a preservative for wooden lobster traps.

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State lobstermen, the State's congressional delegation, the state toxicologist and the United States Environmental Protection Agency have expressed concern over the human health and environmental hazards tributyltin and other chemicals used in trap dip may pose.

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This new draft calls for a statewide ban of the use of tributyltin in marine waters. Exemptions are allowed for commercial boatyards to apply tributyltin to vessels over 25 meters and to aluminum-hulled boats for which no antifouling alternative exists. An exemption also is allowed for the use of tributyltin on outboard motors.

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