AmericanCoatings
ASSOCIATION℠

January 17, 2024

Ms. Iris Deng
Toxics Researcher / Product Testing Coordinator
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: Washington State Department of Ecology Draft Report to the Legislature on Antifouling Paints; ACA Comments

Dear Ms. Deng:

The American Coatings Association (ACA) submits the following comments to the Washington State Department of Ecology (WA DOE) regarding its *Draft Antifouling Paints in Washington State: Third Report to the Legislature*. ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

ACA appreciates the opportunity to comment on WA DOE's thoughtful and detailed review of biocidal and non-biocidal antifouling paints and ingredients in the state. Notably, the draft report highlights the importance of ensuring that there are safe and efficacious antifouling paint products for sale and use in Washington. ACA agrees with Ecology's recommendation to delay the ban on copper-based antifouling paint and conduct another review of relevant studies and information for inclusion in a follow-up report that will be submitted to the legislature by June 30, 2029. ACA looks forward to continuing to work with WA DOE, industry, and all relevant stakeholders to gather new information and provide resources that will better inform a sound decision on this important matter.

While ACA appreciates the research discussed and conducted in the report, we have a comment on the studies referenced regarding salmon in freshwater environments. The draft report notes on page 12:

> *In Washington State, one of the motivations to phase out copper in antifouling paints is to protect culturally and ecologically important species, such as salmon. The sublethal effects of copper on Coho salmon, and particularly on the salmon's sensory function, have been well documented (Baldwin et al, 2003; McIntyre et al., 2008, 2012; Sandahl et al., 2007; Hecht et al., 2007).*

ACA urges WA DOE to clarify in the report that the studies cited take place in freshwater environments and not marine saltwater. The majority of WA DOE's study is focused on saltwater environments, including three of the four testing sites. This important distinction should be noted because a data gap exists regarding dissolved

copper's effect on salmonid olfaction in saltwater environments.[1] In fact, some studies show that the olfactory effect of copper is significantly reduced in marine saltwater environments.[2] It's critical for WA DOE to include language in its report to the legislature that highlights this distinction, as the current draft implies that dissolved copper has the same effect in marine saltwater. This important distinction will assist in the direction of future evaluations and studies in Washington.

Lastly, the report notes that U.S. EPA's maximum allowable leach rate for antifouling paints that contain copper is 9.5 µg/cm^2/per day (see page 4). ACA encourages WA DOE to clarify in the report that this maximum allowable leach rate only applies to coatings used on recreational vessels.[3]

Thank you for your consideration of our comments and the opportunity to participate in this review process. Please do not hesitate to contact us if you have any questions or require additional clarification. ACA looks forward to working with WA DOE on its continued evaluation of antifouling paints and their ingredients in Washington.

Sincerely,

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Submitted via WA DOE's Online Comment Form

[1] Hecht, S. A., Baldwin, D. H., Mebane, C. A., Hawkes, T., Gross, S. J., & Scholz, N. L. (2007). An overview of sensory effects on juvenile salmonids exposed to dissolved copper: Applying a benchmark concentration approach to evaluate sublethal neurobehavioral toxicity. NOAA Technical Memorandum NMFS-NWFSC-83. Page 16.
[2] Labenia JS, Baldwin DH, French BL, Davis JW, Scholz NL. 2007. Behavioral impairment and increased predation mortality in cutthroat trout exposed to carbaryl. Marine Ecological Progress Series 329:1-11. Sommers F, Mudrock E, Labenia J, Baldwin D. 2016. Effects of salinity on olfactory toxicity and behavioral responses of juvenile salmonids from copper. Aquatic Toxicology 175:260-268.
[3] U.S. EPA Interim Registration Review Decision for Copper Compounds (August 2018). Docket Number EPA-HQ-OPP-2010-0212 (page 5).