



Government Affairs

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April 7, 2010

Mr. Peter A. Silva
Assistant Administrator for Water
Water Docket
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Docket ID No. OW-2009-0208, Study of Discharges Incidental to Normal Operation
of Commercial Fishing Vessels and other Non-Recreational Vessels less than 79'

Dear Assistant Administrator Silva:

BoatU.S., the Boat Owners Association of The United States, is the largest membership organization of recreational boat owners in the country. We represent more than half a million members who enjoy using their boats for healthy, lifelong outdoor recreation with their families.

We appreciate the tight timeline that EPA has worked within to create a significant document of discharges from vessels nationwide. While this study does not affect the vessels owned by our members, we have worked on some of these topics for years, and would like to provide comment on a few particular points.

Antifouling Hull Coatings:

Within the scope of the proposed draft, the discharge of arsenic and copper rise as top concerns. BoatU.S. has been involved with the copper antifouling paint discussion for more than a decade. We'd like to add a few additional pieces of information to provide a better picture of bottom paint options:

- Unlike the primary research conducted on the majority of discharges in the study, the information included on copper bottom paints is primarily from a literature review of California work. We would ask that EPA do specific tests on copper from boats in the future. This would be particularly important if any changes in the use of copper antifouling paints are to be considered.

- The original lawsuit that started this project stemmed from concerns about the accidental transportation of aquatic nuisance species by large ships. Currently, copper bottom paints are considered to be one of the best defenses we have against moving aquatic nuisance species from one body of water to the next. Now, the use of copper is being raised as an environmental concern. We ask that copper's significant role in slowing the spread of alien species be factored into any potential discussion on the use of copper.
- We have recently had conversations with marinas in Washington State, who are starting to test the stormwater entering their facilities from road runoff, and the stormwater leaving their facilities. Their belief is that 40% of the copper in stormwater is coming from the roads originating from car brake pads. While we don't have any scientific testing to back this statement, we do feel it is worth investigating further. Additionally, on page 3-291, studies from CA on copper loading in marina waters are cited. It is not clear whether the base copper loadings on the stormwater coming into the marinas was studied, but given the significant pavement of the CA coastline, it should be considered.
- Section 1.5.1.8 has a paragraph devoted to TBT antifouling hull coatings. TBT was banned by federal law in 1988. As outlined in 6.2.3, there have been additional ratifications since then to prohibit its use. Since it is not an option available for US vessels, why include this paragraph in the report?
- Section 3.2.8.5 discusses "biocide-free AFSs". Since biocide free products do not prevent fouling, they should not be dubbed "AntiFoulingSystems." These products are based on the idea that organisms will grow on the surface of the boat, but it will have a hard time sticking to a slick surface. We suggest that more language be added to this section about the significantly different maintenance regimen required with biocide free bottom coatings. For example, the boat needs to move every few days and go fast, in order to slough off most of the growth that has occurred. A harbor patrol boat that is used each day, and can go outside the harbor and run at speed, might be an ideal candidate for this type of product. A boat that goes slow or doesn't leave the dock frequently would require more in-water hull cleaning than ever before. (Anecdotally, boaters in Southern California tell us they must scrub their boat every 2 weeks with this type of product. As a result, they continue to rely on the legal ability to do in-water hull cleaning. Hauling your boat out every 2 weeks to scrub it on land is not practical.)
- Finally, for those vessels that must be left in the water, what AFS exist as alternatives to copper based paints? We would suggest inclusion in this report of a chart of products commercially available to use on small commercial vessels and fishing boats. As noted in 3.2.8.3, many of the copper free products now contain zinc omadine, zinc pyrithione, or zinc oxide. These products are not in widespread use now – the majority of antifouling paints used contain copper.

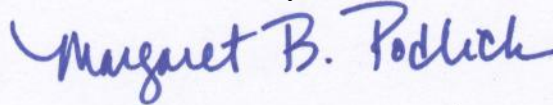
However, zinc is also a pollutant of concern. If copper products are exchanged for zinc products we may be just trading one concern for another.

Other comments:

- Page 5-3, graywater discharge on water taxis from sinks is listed. Water taxis don't have head facilities or sinks. Most are used for <20 minute trips around harbors and are similar to downtown trolley buses. You may need to split this category out from small ferries that can be more than 100' in length.

Thank you for the opportunity to submit comments on this draft study. If you need any further clarification on these points, please contact us at 703-823-9550 x8355.

Sincerely,

A handwritten signature in blue ink that reads "Margaret B. Podlich". The signature is written in a cursive style with a large initial 'M'.

Margaret Podlich
Vice President, Government Affairs
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