

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1691 (Dixon) – As Introduced February 3, 2026

Policy Committee: Environmental Safety and Toxic Materials Vote: 7 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the Department of Pesticide Regulation (DPR) to reevaluate copper-based boat antifouling paint (AFP) products and requires the California Environmental Protection Agency (CalEPA), the State Water Resources Control Board (State Water Board), and DPR to determine the best methods to address elevated copper concentrations in marine water bodies.

Specifically, this bill, among other things:

- 1) Requires DPR, by January 1, 2029, to complete a reevaluation of copper-based boat AFP products, and to make the determination to retain, modify, or suspend its standards or to place new appropriate standards on the chemical composition or use of copper-based AFP.
- 2) Requires CalEPA, the State Water Board, regional water quality control boards, and DPR, by June 1, 2028, to collaborate on, and DPR to finish and release, any active studies related to the effectiveness of low-leach-rate paint and elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of copper-based AFP within the state.
- 3) Requires CalEPA, the State Water Board, and DPR, by January 1, 2029, to collaborate to determine the best methods to address elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of copper-based AFP within the state.
- 4) Requires CalEPA, by January 1, 2029, to post on its website the best methods to address elevated copper concentrations in saltwater harbors, bays, and marinas that are primarily a result of the use of copper-based AFP, as determined by the collaborative process described above, and provides that the best methods may include guidelines for compliance and public workshops.

FISCAL EFFECT:

- 1) DPR estimates initial one-time costs of approximately \$877,000 in the first year of implementation followed by ongoing annual costs of approximately \$828,000 (DPR Fund or General Fund) for four staff, operating expenses, and equipment to implement the requirements of the bill. DPR notes it may require additional one-time funding, ranging from the low- to mid-hundreds of thousands of dollars, to support studies and contracts to develop the required best methods, guidelines for compliance, and public workshops.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

- 2) The State Water Board estimates ongoing costs of approximately \$250,000 for one position in its Division of Water Quality to coordinate with DPR, collaborate on active studies, and determine the best methods to address elevated copper concentrations through amendments to its basin plans (Waste Discharge Permit Fund).
- 3) CalEPA estimates minor and absorbable costs. CalEPA will likely rely on the State Water Board and DPR to implement the requirements of this bill.

COMMENTS:

- 1) **Background. *State Action on Copper-Based AFP.*** Copper-based AFP is a California-registered pesticide widely used and proven to be the most effective barrier against marine growth (or biofouling) on boats, which, if left unaddressed, can lead to increased fuel consumption, reduced maneuverability, damage to boat hulls, and the spread of invasive aquatic species. Toxins released from antifouling coatings and pollutants generated during boat hull maintenance may impair water quality and threaten the health of aquatic habitats. Several regional water quality control boards have adopted or are in the process of adopting Total Maximum Daily Loads (TMDLs) for copper. TMDLs are action plans to restore clean water by defining how much of a pollutant a water body can tolerate and still meet water quality standards.

Current law requires DPR to investigate all reports of actual or potentially significant adverse effects to people or the environment resulting from the use of pesticides. If DPR has reason to believe that a pesticide may cause a significant adverse impact to people or the environment, it must reevaluate the pesticide to determine if it should remain registered. DPR began reevaluating copper-based AFPs in 2010, after studies revealed that copper from these paints was contaminating marinas, exceeding water quality standards, and harming aquatic life. DPR identified passive leaching and in-water hull cleaning as primary pathways for copper pollution in salt and brackish water marinas. As a result, DPR required registrants to submit detailed data on paint type, leach rates, and mitigation strategies. In response to legislation in 2013, DPR proposed and finalized a regulation establishing a maximum allowable copper leach rate for all copper-based AFP and coating products labeled for use on recreational vessels, effective July 1, 2018. When issuing the reevaluation, DPR determined no additional mitigation measures were necessary at that point.

According to the author's office:

AB 1691 will provide cities and boaters regulatory clarity regarding the usage of copper-based antifouling boat paint. Under current law, [DPR] and [the State Water Board] have issued conflicting regulations on the usage of copper-based boat paint. One agency is regulating the maximum allowable leach rate while [the State Water Board] has set maximum concentration levels in harbors. Unfortunately, this has [lead] to a situation where boaters are using products regulated by DPR in accordance with their rules, while cities are operating in accordance with [the State Water Board]...By requiring all agencies involved in the regulation of copper-based boat paint to come together,

we will create a uniform regulatory structure around leach rates AND total concentrations in our waterways.

According to DPR, the department has an active study related to the continuous evaluation of copper-based AFP products. DPR collects water samples every other year, conducts a chemical analysis of the copper levels in geographically diverse marinas, and releases findings from the analysis. DPR released its most recent analysis in March 2025. More sampling and chemical analysis is underway, and a draft report is expected to be released in 2027. Further, DPR notes its staff is in regular contact with regional water boards and local marinas on copper-based AFP.

DPR Fund and Reevaluations. The fiscal year (FY) 2024-25 budget included \$10.8 million from the DPR Fund and 47 new permanent positions in FY 2024-25 (increasing to \$35.1 million and 117 positions in FY 2027-28 and ongoing) to support various programmatic expansions for the department. These enhancements were enabled by two significant policy and administrative changes that will increase the amount of annual revenues deposited into the DPR Fund. First, AB 2113 (Garcia), Chapter 60, Statutes of 2024, increased the mill assessment – a tax levied on pesticides when they are first sold into or within the state – over a four-year period. Second, DPR will use its existing authority to increase both registration and licensing fees through regulations. In addition to supporting programmatic expansions, the additional revenues are intended to address the structural deficit the DPR Fund has experienced over the past several years.

On July 1, 2026, DPR will receive the last batch of the 117 newly authorized positions and is in the process of hiring new staff. Separately, the Governor’s budget includes the permanent elimination of certain vacant state positions in environmental departments to generate budgetary savings, initially proposed as part of the 2025-26 budget but delayed subject to further legislative review. As part of this effort, DPR is being asked to eliminate 19 of its positions. The Joint Legislative Budget Committee did not concur with the elimination of 15 of these 19 positions, and conversations are ongoing as part of the budget process.

A key provision in AB 2113 relates to reevaluations. Specifically, the legislation requires DPR to annually initiate a set number of formal pesticide reevaluations and complete them in specified timeframes. DPR will submit a report to the legislature by July 1, 2026, on how it can improve its reevaluation process. It is not clear how the reevaluation requirement in this bill (AB 1691) intersects with the reevaluation framework in AB 2113. In his signing message for AB 1963 (Friedman), Chapter 688, Statutes of 2024 – which requires DPR to reevaluate the toxic pesticide paraquat – the Governor stated:

While I am signing this bill, moving forward, I believe the selection of pesticides for re-evaluation must be done through the department-led, data-driven investigatory process agreed upon under Assembly Bill 2113. Making the decision to place a pesticide into re-evaluation should be a holistic, public process, which takes into consideration multiple factors, such as the development of alternatives. We must allow DPR to utilize this process, as it is critical to support the systemwide adoption of sustainable pest management.

- 2) **Related Legislation.** AB 773 (Dixon) of the current legislative session is substantially similar to this bill and was held on this committee’s suspense file.

Analysis Prepared by: Nikita Koraddi / APPR. / (916) 319-2081