

REFERENCES IN TEXT

Section 12(d), referred to in subsec. (a), is section 12(d) of Pub. L. 100-333, which is set out as a note under section 2401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2409 of this title.

§ 2404. Prohibition of certain organotin antifouling paints and organotin additives used to make such paints

(a) Interim prohibition of certain organotin antifouling paints

Subject to section 12(d), no person in any State may—

(1) sell or deliver to, or purchase or receive from, another person an antifouling paint containing organotin; or

(2) apply to a vessel an antifouling paint containing organotin;

unless the antifouling paint is certified by the Administrator as being a qualified antifouling paint containing organotin.

(b) Prohibition of certain organotin additives

Subject to section 12(d), no person in any State may sell or deliver to, or purchase or receive from, another person at retail any substance containing organotin for the purpose of adding such substance to paint to create an antifouling paint.

(Pub. L. 100-333, § 5, June 16, 1988, 102 Stat. 606.)

REFERENCES IN TEXT

Section 12(d), referred to in text, is section 12(d) of Pub. L. 100-333, which is set out as a note under section 2401 of this title.

EFFECTIVE DATE

Section effective June 16, 1988, with subsec. (a) to remain in effect until a final decision, as defined in section 12(c) of Pub. L. 100-333, regarding release of organotin into the aquatic environment by antifouling paints, is issued and takes effect, see section 12(a) to (c) of Pub. L. 100-333, set out as an Effective Date; Use of Existing Stocks note under section 2401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2409 of this title.

§ 2405. Certification

(a) Initial certification

Not later than 90 days after June 16, 1988, the Administrator shall certify each antifouling paint containing organotin that the Administrator determines has a release rate of not more than 4.0 micrograms per square centimeter per day on the basis of the information submitted to the Environmental Protection Agency before June 16, 1988, in response to its July 29, 1986, data call-in notice on tributyltin or any other data call-in notice.

(b) Subsequent certification

After the initial period of certification required by subsection (a) of this section, and not later than 90 days after the receipt of information with regard to an antifouling paint containing organotin submitted—

(1) in response to a data call-in referred to in subsection (a) of this section; or

(2) under any provision of law;

the Administrator shall certify such paint if, on the basis of such information, the Administrator determines that such paint has a release rate of not more than 4.0 micrograms per square centimeter per day.

(Pub. L. 100-333, § 6, June 16, 1988, 102 Stat. 607.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2402 of this title.

§ 2406. Monitoring and research of ecological effects

(a) Estuarine monitoring

The Administrator, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall monitor the concentrations of organotin in the water column, sediments, and aquatic organisms of representative estuaries and near-coastal waters in the United States. This monitoring program shall remain in effect until 10 years after June 16, 1988. The Administrator shall submit a report annually to the Speaker of the House of Representatives and to the President pro tempore of the Senate detailing the results of such monitoring program for the preceding year.

(b) Navy home port monitoring

The Secretary shall provide for periodic monitoring, not less than quarterly, of waters serving as the home port for any Navy vessel coated with an antifouling paint containing organotin to determine the concentration of organotin in the water column, sediments, and aquatic organisms of such waters.

(c) Navy research of ecological effects

The Secretary shall continue existing Navy programs evaluating the laboratory toxicity and environmental risks associated with the use of antifouling paints containing organotin.

(d) Assistance to States

To the extent practicable, the Administrator shall assist States in monitoring waters in such States for the presence of organotin and in analyzing samples taken during such monitoring.

(e) Five-year report

At the end of the 5-year period beginning on June 16, 1988, the Administrator shall submit a report to the Speaker of the House of Representatives and to the President pro tempore of the Senate providing an assessment of—

(1) the effectiveness of existing laws and rules concerning organotin compounds in ensuring protection of human health and the environment;

(2) compliance with water quality criteria established pursuant to section 2408 of this title and any applicable water quality standards; and

(3) recommendations for additional measures to protect human health and the environment.

(Pub. L. 100-333, § 7, June 16, 1988, 102 Stat. 607; Pub. L. 104-106, div. A, title X, § 1064(f), Feb. 10, 1996, 110 Stat. 445.)

AMENDMENTS

1996—Subsecs. (d) to (f). Pub. L. 104-106 redesignated subsecs. (e) and (f) as (d) and (e), respectively, and