

Applying antifouling paints at marinas

This fact sheet is for people handling antifouling paint or applying it to boats in NSW.

Antifouling paint is a registered pesticide. This fact sheet provides guidance on how to comply with the record keeping and other requirements of the *Pesticides Act 1999* (the Act) and Pesticides Regulation 2017 (the Regulation) to ensure your work practices minimise the risk of harm to the community and the environment.

Antifoulants ARE pesticides

Like all pesticide products sold in Australia, antifouling paints must be approved and registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA). You can only use registered pesticides in NSW, unless the APVMA grants approval for use under a permit. Registration includes approving the label directions for each antifouling product.

Follow the label directions

Label directions specify ways in which, and under what circumstances, you can use the antifoulant. Labels also give directions on clean-up, storage and disposal, and personal and environmental safety. The Act requires you to follow these label directions.

Record keeping

The Regulation requires anyone who uses pesticides as part of their job or business to record **every pesticide application they make, including the application of antifouling paint.**

Information you need to record includes:

- the **full product name** of the antifouling paint applied
- the **situation** in which you used the paint (for example, painting a vessel)
- the **rate** of application (for example, the volume applied per square metre)
- the **quantity** of paint applied (that is, the total amount used)
- the **address** of the facility and **vessel registration**
- the **date of the application** (if the antifouling paint was applied over more than one day, you should record the dates of each day)
- the **name, address and contact details** of:
 - the person who applied the paint; if you applied the paint yourself, record your own details, but if you employed someone to apply the paint, that person must record their name as well as your name, address and contact details as their employer
- the **weather conditions**; if the paint was applied **outdoors** and **through the air using spray equipment**, you must record wind speed and any other relevant weather conditions.

You do not have to use a special recording form, as any suitable format is fine. If you already keep records for quality assurance programs, these will be sufficient if they include all the requirements specified in this fact sheet.

A sample record is at the end of this fact sheet. The NSW Environment Protection Authority (EPA) has also developed a simple, standard record-keeping form to help people who would prefer not to develop their own recording system.

- Obtain copies of the standard form through the Environment Line on 131 500.

Records must be made within 48 hours of the antifouling paint being applied, and must be retained for **three years**. If the person applying the paint does so as an employee, it is the employer's responsibility to make sure the record is retained for the required time. If the person applying paint is a contractor, they need to retain the record for three years and, if requested, give a copy to the owner or occupier of the facility where it was applied.



Applying antifouling paint to a boat. Photo: Impress Photography.

Training

Antifoulants, like many pesticides, can be dangerous if incorrectly applied or managed, especially to people who work with them or are regularly exposed to them. You should seek training in the correct use of antifoulants, to minimise the chances of mistakes being made. Training is one of the most effective ways to protect workers who use these pesticides, the community, and the environment.

Disposing of empty containers or unwanted pesticides

As a pesticide user you are required to follow the label directions on the antifoulant container, including requirements for disposal of empty containers.

Never pour leftover or unwanted antifouling paint down the drain or into a waterway – it should be stored in a sealed container for disposal via a chemical waste collector.

Preventing pollution

It is important to ensure that antifouling paint does not enter any waterway. It is an offence to pollute waters under the *Protection of the Environment Operations Act 1997*. Some ways in which you can reduce the risk of pollution include:

- ensuring that all antifouling paint is stored in labelled containers in a covered, secure, bunded area
- not spraying antifouling paints during high wind
- ensuring painting is carried out on a hardstand area over a catch drain, so all waste is captured
- installing bunding in chemical preparation areas so accidental spillage is captured
- where large-scale antifouling removal or sanding is carried out, ensuring this is done in an enclosed shed on a hardstand area
- using a tarpaulin on slip rails to catch falling particles
- installing a floating boom around the slipway to stop flotsam entering the waterway
- avoiding working over tidal areas.

What penalties apply for non-compliance?

Penalties may apply if you fail to keep the required records. On-the-spot fines for record-keeping offences and not following labelling instructions range from \$500 to \$750 for individuals and \$1000 to \$1500 for corporations. On-the-spot fines for pollution of waters range from \$4000 to \$7500 for individuals and \$8000 to \$15,000 for corporations. Higher court-imposed fines may also apply for more serious offences.

Tributyltin oxide (organotin antifouling paints)

Organotin antifouling paints, including those containing tributyltin oxide (TBT), are no longer registered in Australia, with the APVMA cancelling all registrations in 2003. The use of these products is illegal.

In some cases, older vessels which have been out of use, or those arriving from overseas, may still have TBT antifouling paint applied. In these cases, if boat maintenance or scraping is necessary, refer to the [EPA's Chemical control order on organotin wastes](#) for requirements on handling, storage and disposal.

If you need to deal with organotin wastes containing TBT, you must have an **environmentally hazardous chemicals licence**, issued by the EPA.

- For information on environmentally hazardous chemical licensing requirements and application forms, call Environment Line (cost of a local call anywhere in NSW) on 131 555.



Applying reduced volatile organic compound antifouling paint to a boat hull.
Photo: Impress Photography.

Where can I get more information?

More information about the laws governing pesticide use and record keeping are available by calling Environment Line (cost of a local call anywhere in NSW) on 131 555, or by visiting the [EPA website](#).

See the Regulation for full details of regulatory requirements. You can view a copy of the Act and the Regulation on the [NSW Government legislation website](#).

Sample pesticide record

Facility

Name: Bright Waters Marina

Address: 507 Scenic Drive, Broad Bay, NSW 1234

Phone: (02) 5437 8899

Applicator contact details

Employees: Steven Smith (as above), Sally Peters (as above)

Contractors:

Bill Hunt, 45 Prince Avenue, Cammeray, NSW 2062

Shelly Bryant, 53 Bridge Street, Camperdown, NSW 2050

Product	Date	Rate	Situation	Quantity (L)	Vessel registration	Location	Applicator	Weather conditions
Interspeed 642	25.06.13	4.8 m ² /L	Painting boat	12 L	XYB789L	Hardstand near slipway	Steve	Wind – NNW, approx. 5 km/hr
	8 L			Shelly				
Cruiser Superior	28.06.13	8.5 m ² /L	Painting boat	7 L	BBN876F	Shed A	Bill	N/A – indoors

Note: This is a sample record only. This information can be recorded in other ways, e.g. incorporated into existing client cards.

NSW Environment Protection Authority
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