

(D) "COMMERCIAL BOATYARD" MEANS:

(1) A FACILITY THAT ENGAGES FOR HIRE IN THE CONSTRUCTION, STORAGE, MAINTENANCE, REPAIR, OR REFURBISHING OF VESSELS; OR

(2) AN INDEPENDENT MARINE MAINTENANCE CONTRACTOR WHO ENGAGES IN ANY OF THE ACTIVITIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(E) "TRIBUTYLTIN COMPOUND" MEANS ANY ORGANOTIN COMPOUND THAT HAS 3 NORMAL BUTYL GROUPS ATTACHED TO A TIN ATOM AND WITH OR WITHOUT AN ANION, SUCH AS CHLORIDE, FLUORIDE, OR OXIDE.

(F) (1) "VESSEL" MEANS A WATERCRAFT OR OTHER CONTRIVANCE USED AS A MEANS OF TRANSPORTATION ON WATER, WHETHER SELF-PROPELLED OR OTHERWISE.

(2) "VESSEL" INCLUDES BARGES AND TUGS.

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(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT DISTRIBUTE, POSSESS, SELL, OFFER FOR SALE, USE APPLY, OR OFFER FOR USE APPLICATION ANY ANTIFOULING PAINT CONTAINING A TRIBUTYLTIN COMPOUND.

(2) A PERSON MAY NOT DISTRIBUTE, POSSESS, SELL, OFFER FOR SALE, APPLY, OR OFFER FOR APPLICATION ANY SUBSTANCE THAT CONTAINS A TRIBUTYLTIN COMPOUND IN CONCENTRATED FORM AND THAT IS LABELED FOR MIXING WITH PAINT BY THE USER TO PRODUCE AN ANTIFOULING PAINT FOR USE ON A VESSEL.

(B) (1) A PERSON MAY DISTRIBUTE OR SELL AN ANTIFOULING PAINT CONTAINING A TRIBUTYLTIN COMPOUND WITH AN ACCEPTABLE RELEASE RATE TO THE OWNER OR AGENT OF A COMMERCIAL BOATYARD.

(2) THE OWNER OR AGENT OF A COMMERCIAL BOATYARD MAY POSSESS AND APPLY OR PURCHASE FOR APPLICATION AN ANTIFOULING PAINT CONTAINING TRIBUTYLTIN WITH AN ACCEPTABLE RELEASE RATE, IF THE ANTIFOULING PAINT:

(I) IS APPLIED ONLY WITHIN A COMMERCIAL BOATYARD; AND

(II) IS APPLIED ONLY TO VESSELS EXCEEDING 25 METERS IN LENGTH OR THAT HAVE ALUMINUM HULLS.

(C) THIS SECTION DOES NOT PROHIBIT THE SALE, USE APPLICATION, DISTRIBUTION, OR POSSESSION OF AN ANTIFOULING PAINT CONTAINING A TRIBUTYLTIN COMPOUND, IF THE ANTIFOULING PAINT:

(1) IS IN A SPRAY CAN OF 16 OUNCES OR LESS;