

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

(E) "TRIBUTYL TIN 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, OR OFFER FOR USE ANY ANTIFOULING PAINT CONTAINING A TRIBUTYL TIN COMPOUND.

(2) A PERSON MAY NOT DISTRIBUTE, POSSESS, SELL, OFFER FOR SALE, USE, OR OFFER FOR USE ANY SUBSTANCE THAT CONTAINS A TRIBUTYL TIN 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 TRIBUTYL TIN 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 TRIBUTYL TIN 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, DISTRIBUTION, OR POSSESSION OF AN ANTIFOULING PAINT CONTAINING A TRIBUTYL TIN COMPOUND, IF THE ANTIFOULING PAINT:

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

(2) IS COMMONLY REFERRED TO AS AN OUTBOARD OR LOWER DRIVE UNIT PAINT; AND

(3) HAS AN ACCEPTABLE RELEASE RATE.