



**THE PESTICIDES (ORGANOTIN ANTIFOULING PAINTS)  
REGULATIONS 1989**

---

PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 19th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 76 of the Pesticides Act 1979, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

---

**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Pesticides (Organotin Antifouling Paints) Regulations 1989.

(2) These regulations shall come into force on the 1st day of July 1989.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“Contact leaching”, in relation to antifouling paint systems, means paints—

(a) That consist of a tough, insoluble resin matrix within which the active ingredient is physically dispersed; and

(b) Out of which, when the paint is immersed in water, diffusion of the active ingredient occurs:

“Copolymer”, in relation to antifouling paint systems, means paints—

(a) In which the active ingredient is chemically bound within the paint matrix; and

(b) On the surface of which, when the paint is immersed in water, a hydrolytic reaction occurs releasing the active ingredient:

“Organotin” means a substance that is characterised by at least one direct carbon-tin bond; and includes tributyltin and triphenyltin:

“Soluble matrix”, in relation to antifouling paint systems, means paints—

(a) That consist of a low soluble resin matrix within which the active ingredient is physically dispersed; and

(b) Out of which, when the paint is immersed in water, diffusion of the active ingredient occurs.

**3. Sale of organotin antifouling paints restricted—**(1) No person shall sell any organotin antifouling paint of a contact leaching or soluble matrix (including ablative) type.

(2) No person shall sell any organotin antifouling paint of a copolymer type that exceeds the specification set out in subclause (3) of this regulation.

(3) Subject to subclause (4) of this regulation, every copolymer antifouling paint shall have—

(a) A maximum release rate of 168 micrograms of organotin per square centimetre over a period of 14 consecutive days; and

(b) A maximum average daily release rate of 4.0 micrograms of organotin per square centimetre.

(4) For the purposes of subclause (3) of this clause, there shall be a permissible positive deviation for the maximum average daily release rate not exceeding 0.8 micrograms of organotin per square centimetre.

**4. Use of organotin antifouling paints restricted—**(1) No person shall apply or cause to be applied any organotin antifouling paint of a contact leaching or soluble matrix (including ablative) type.

(2) No person shall apply or cause to be applied any organotin antifouling paint of a copolymer type that exceeds the specification set out in regulation 3 (3) of these regulations.

(3) No person shall apply or cause to be applied any organotin antifouling paint of a copolymer type to any construction or device except—

(a) The hull of an aluminium boat; or

(b) The hull of any other boat that exceeds 25 metres in length; or

(c) The aluminium outdrive of a boat.

**5. Offences—**Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 and, where the offence is a continuing one, to a further fine not exceeding \$200 for every day or part of a day on which the offence has continued, who contravenes any of the provisions of regulation 3 or regulation 4 of these regulations.

MARIE SHROFF,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 July 1989, impose restrictions on the sale and use of organotin antifouling paints.

---

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 June 1989.

These regulations are administered in the Ministry of Agriculture and Fisheries.