News avkeeper

Baykeeper Launches Campaign to Protect the Bay from Toxic Industrial Runoff

Baykeeper has launched a new Bay-Safe Industry Campaign to rein in widespread, illegal runoff into San Francisco Bay from industrial facilities.

Industrial storm water runoff is a major source of Bay pollution. Every rainy season, toxic contamination washes off more than 1,300 industrial facilities around the Bay from sites like scrap metal yards, boat and ship yards, trucking terminals, landfills, refineries, mines and semiconductor manufacturers. This toxic runoff flows into the Bay, and into rivers, creeks, sloughs and storm drains that flow through our communities and into the Bay.

Baykeeper is stepping in because regulators have not been able to control industrial storm water pollution. Our analysis of five years of data determined that 95% of Bay Area industrial facilities have violated the Clean Water Act in recent years. Yet underfunded California regulatory agencies annually inspect and require improvements at fewer than 5% of all industrial facilities in the region. In addition, the regulations intended to control industrial storm water pollution aren't strong enough.

(Continued on page 4)

In This Issue

Page 2

Letter from the Executive Director Protecting Wildlife from Oil Spills

Page 3

Clean Water Act at 40 Swim for the Bay

Page 4

Bay Safe Industry Campaign

Page 5

Greening the America's Cup Sick of Sewage Campaign

Page 6

Baykeeper People: Geoff Potter On Patrol in the Baykeeper Boat

Page 7

Four Stars for Baykeeper Bay Species Spotlight: Gray Whale

Back Page

Repainting the Baykeeper Boat

Progress Toward a Sewage-Free Bay



Within ten years, sewage should cease to be a major threat to the Bay's health and the health of the Bay's wildlife, swimmers, sailors, surfers, shoreline walkers, kayakers and kiters. Photo credit Jitze Couperus/Flickr

Within the next ten years, sewage should cease to be a major threat to San Francisco Bay, thanks to Baykeeper's successful Sick of Sewage campaign. Baykeeper has now secured agreements to rein in sewage spills to the Bay from 20 cities in the Bay Area.

Early this year, Baykeeper achieved victory in our long-running lawsuit against Menlo Park-based West Bay
Sanitary District. Baykeeper first sued West Bay in 2009 for
polluting creeks and sloughs that flow into San Francisco
Bay with more than 60,000 gallons of sewage over a sixyear period. The sewage contaminated popular recreation
areas and spawning grounds for threatened steelhead trout.

Though their liability was clear, West Bay fought our lawsuit for two years, making several public attacks on Baykeeper's integrity. Baykeeper held firm and discovered that even while West Bay was objecting, they were busy making our recommended upgrades to their leaking sewer pipes. In their settlement agreement with Baykeeper, West Bay conceded that our suit was a significant factor in their decision to begin major repairs. Once one of the Bay Area's worst-performing sewage agencies, West Bay has already reduced sewage spills by two-thirds.

(Continued on page 5)

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San Francisco Baykeeper is the pollution watchdog for San Francisco Bay, using science and advocacy to reform policy and enforce clean water laws for the benefit of the Bay ecosystem and Bay Area communities.

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Letter from the Baykeeper and Executive Director



Welcome to the Summer 2012 issue of *Baykeeper News*! We have exciting updates to share about our just-launched **Bay-Safe Industry Campaign** to protect San Francisco Bay from industrial storm water pollution and about the latest victory in our **Sick of Sewage Campaign**. This summer we're also celebrating the 40th anniversary of the Clean Water Act, the landmark law that provides the basis for much of Baykeeper's successful legal action for a healthy and safe Bay.

I'm pleased to share Baykeeper staff news as well. We recently promoted **Jason Flanders** to the post of Program Director, where he's doing an outstanding job overseeing our legal and advocacy work for the Bay. We're delighted that Baykeeper Legal Fellow **Abigail Blodgett** will stay on as Associate Attorney starting in July. And **Judy MacLean** has now been filling the new position of Development Writer since October!

Baykeeper congratulates longtime ally **Felicia Marcus** on her appointment to the State Water Resources Control Board in May. Felicia served on Baykeeper's Board of Directors from 2003 to 2009 and on our Advisory Council until her appointment. We're very happy to have a strong advocate for the environment taking a leadership post at this important regulatory agency.

I'd like to dedicate this issue of *Baykeeper News* to our generous supporters. All of us at Baykeeper are honored that you have chosen to express your commitment to San Francisco Bay by standing with us. Thank you for helping make the Bay cleaner and healthier for the entire human and wildlife community!

Deb Self
Baykeeper and Executive Director

Baykeeper Sponsors CA Bill to Protect Wildlife from Oil Spills

Birds and other wildlife coated with oil during oil spills will be more likely to get rescue and care under Baykeeper-sponsored legislation being considered in the California Legislature. The legislation, SB 1192, will raise fees on oil and shipping companies in order to fully fund the Oiled Wildlife Care Network.

The Oiled Wildlife Care Network (OWCN) rescues, cleans and cares for birds and other wildlife during oil spills. The OWCN has responded to more than 75 oil spills throughout California, including the 2007 Cosco Busan spill, which dumped 53,000 gallons of oil into San Francisco Bay. Since 1995, the OWCN has cared for nearly 8,000 oiled birds and mammals.



Oiled birds being rescued at Berkeley Marina after the Cosco Busan oil spill. Photo credit Ron Sullivan/Flickr

A lack of full funding threatens the OWCN's capacity to train field teams who respond to oil spill disasters. Trained field teams are essential in the Bay Area, where miles of sensitive shoreline habitat is used by migrating and resident shorebirds, marsh birds, ducks and oceangoing birds. This is especially true in winter, when migration coincides with storms and dense fog that make oil spills in the Bay more likely.

To follow the progress of the bill, visit us online at baykeeper.org.

Clean Water Act Turns 40

Landmark law a powerful tool for cleaning up waterways, but faces attacks

By Jason Flanders, Baykeeper Program Director

This year marks the 40th anniversary of the federal Clean Water Act. When Congress passed the law in 1972, U.S. water quality was at an all-time low. A symbol of the crisis was the Cuyahoga River in Ohio, so choked with industrial waste that it repeatedly caught fire. San Francisco Bay stank from the raw or partly treated sewage that entered the Bay in 83 places. Refineries, smelters, pesticide manufacturers and other industrial facilities pumped waste directly into the Bay.



Photo credit Hudson Henry

The Clean Water Act required polluters to use better technologies for treating sewage and controlling industrial waste, which led to vastly improved water quality nationwide. Pleasant walkways now line the green banks of the restored Cuyahoga River. Cities no longer pump raw sewage into San Francisco Bay, and big industrial discharge pipes no longer flood the Bay with toxics.

Thanks to these improvements, San Francisco Bay is safer for both humans and aquatic life than it was 40 years ago. But the work of the Clean Water Act isn't done yet: more cleanup is still needed to make the Bay's waters truly "fishable and swimmable"—key goals of this landmark law

One reason the Clean Water Act is still so important for improving the health of waterways is that it contains a powerful tool for fighting pollution: a "citizen suit" provision. If regulators are not keeping pollution in check, citizen groups like San Francisco Baykeeper can sue polluters and win legally-binding agreements for cleanup.

Congress specifically included this provision to empower not just regulators, but all members of the public, to fight local water pollution. The law's framers understood that too often, regulatory agencies lack the political will to enforce laws against powerful polluters, or don't have the staff and resources to regulate a large number of polluters.

Clean Water Act citizen suits provide one of San Francisco Baykeeper's founding principles: when polluters aren't following the law, we bring suit to ensure they comply with the Clean Water Act. One recent Baykeeper Clean Water Act legal victory compels the West Bay Sanitary District to prevent sewage spills into waterways that flow into the Bay (see page 1).

The next frontier for improving water quality across the nation is cleaning up storm water runoff, which collects pollution from streets, homes, parking lots and businesses, and washes into creeks and storm drains across the watershed—making it much

more difficult to control than a single discharge pipe. Toxic runoff from industrial facilities is a major part of this contamination. In our just-launched Bay-Safe Industry campaign (see page 1), Baykeeper is using Clean Water Act lawsuits to curb pollution from Bay Area industrial facilities.

Not surprisingly, polluters have repeatedly tried to undermine the Clean Water Act. Attacks in the past year have been especially fierce, as Republicans in the U.S. House of Representatives passed numerous bills and "riders" to spending bills that would repeal key Clean Water Act protections. Baykeeper organized nationwide advocacy to oppose these destructive bills, and I want to thank every Baykeeper member who has taken the time to contact Congress. Together, we will continue to fight this "dirty water" legislation.

In the meantime, Baykeeper is looking forward to another 40 years of using the Clean Water Act to stop pollution in San Francisco Bay.



Sunday, September 30, 8 am

Register today for the 2012 Swim for the Bay to support San Francisco Baykeeper! Participants may enter as a relay team or swim solo across the Bay to raise funds to support Baykeeper's work. Experience a world-class, 9-mile swim from the Golden Gate to the East Bay while you help make the Bay clean and healthy for swimmers.

Visit baykeeper.org/swimforthebay to register, donate or volunteer.



Photo credit Suzanne Friedrich

Bay-Safe Industry Campaign

(Continued from page 1)

Contamination that washes off industrial facilities includes copper, zinc, lead and petrochemicals, which place a heavy burden on Bay wildlife. Fish collected in the Bay's industrialized areas have abnormally low levels of hormones necessary for growth and survival. Salmon exposed to copper pollution lose their sense of smell, causing an inability to find their spawning streams or detect predators. Oil and grease are toxic to the hearts of fish, and high concentrations of nickel are lethal to shorebirds.

People can also be affected. One pollutant in industrial runoff, mercury, accumulates in the tissues of fish and other animals in the Bay. People who eat mercury-contaminated fish risk brain disorders and kidney failure.

Baykeeper's Bay-Safe Industry campaign will curb this pollution through several approaches:

- Documenting the scope of industrial storm water pollution by analyzing new sources of data to uncover consistent sources of contamination and loopholes in regulations;
- Reaching out to industrial facilities with easy-to-fix pollution problems, requesting that they take action and advising them how to stop contaminating the Bay;
- Helping to educate boatyard owners about ways to reduce pollution from boat repair and maintenance practices;
- Advocating for tighter regulations and stricter discharge permits to protect San Francisco Bay from industrial storm water pollution; and
- Using Clean Water Act lawsuits to compel industrial polluters to stop their contamination.

Baykeeper's Bay-Safe Industry campaign will be a multi-year effort aimed at controlling one of the Bay's most long-standing pollution problems. Reducing this contamination is a crucial step toward restoring the Bay—so that wildlife can flourish and surfers, swimmers, kiters, boaters, birders and shoreline walkers can enjoy safe, healthy waters and shorelines.



Industrial storm water is a major source of pollution in San Francisco Bay, but regulators are not controlling this contamination.

Baykeeper Victories to Clean Up Industrial Pollution in the Bay



As a result of Baykeeper legal action, BAE Systems San Francisco Ship Repair, Inc. agreed to install new pollution controls. Above: When old paint is being sandblasted off ships at the BAE dry dock, newly-installed shrouding is designed to protect the Bay from toxic dust and particles.

Baykeeper has recently won legally-binding agreements to clean up four Bay Area industrial runoff polluters:

- BAE Systems San Francisco Ship Repair, Inc., which services large vessels such as cruise liners and oil tankers, is installing new controls on rainy-season runoff that greatly exceeded legal limits for copper and other toxic substances. BAE is now using shrouding to keep dust and particles from escaping its dry dock—the largest on the West Coast—and also closing or installing filters on storm drains that discharge to the Bay.
 - As mitigation for its past pollution, BAE has provided a grant to Spaulding Wooden Boat Center in Sausalito, a nonprofit boat building organization, to create a model non-polluting boat maintenance and repair facility. This model will be used to educate boat yard owners and boaters about keeping contaminants out of San Francisco Bay.
- California Waste Solutions, Inc. (CWS), a recycling processer
 in San Jose, agreed to reduce its storm water pollution,
 which contained toxic heavy metals above legal limits. The
 facility is a block from Coyote Creek, which drains to San
 Francisco Bay. CWS is making upgrades to reduce pollution
 that include adding filtration devices around storm drains,
 keeping storm drains free of debris and mechanically
 sweeping paved areas.
- Svendsen's Boat Works, an Alameda boat repair facility, is making significant changes in operations to control pollution. Svendsen's pollution was mostly due to heavy metal flakes and dust released when boat hull paint was sanded off during preparation for repainting. When rain fell, these contaminants were washed into the Bay.
- The Boatyard at Grand Marina, also a boat repair facility
 in Alameda, had runoff contaminated with toxics from boat
 refinishing, similar to the pollution from Svendsen's. Grand
 Marina is installing new controls, including a treatment
 system to remove pollutants from storm water before it
 enters the Bay.

Baykeeper Advocacy Helps Green the America's Cup

The America's Cup World Series will come to San Francisco Bay in August and October 2012, featuring 45-foot catamaran races and accompanied by a swath of redevelopment along the San Francisco shoreline, both for housing boats, crews and officials and to accommodate thousands of shoreline spectators.

Baykeeper is working to ensure that the races and accompanying development are good for the Bay, its wildlife and recreational users. We recently helped secure two important improvements:

 Pre-race construction will be managed in a more Bay-friendly manner, thanks primarily to Baykeeper's advocacy. The Port of San Francisco initially argued that construction on large shoreline piers could be classified as repairs exempt from requirements to manage contaminated storm water. Baykeeper urged the Regional Water Quality Control Board to insist that these construction projects reduce their storm water pollution to the Bay, and the Board did so. A giant floating JumboTron TV screen won't be placed in San Francisco's Aquatic Park swimming area during the races. Baykeeper and local open water swimmers presented convincing arguments that anchoring and refueling the TV would risk polluting the Park. Thanks to all the swimmers who mobilized to speak up for healthy water and safe recreation!



Photo credit TJ Teru/Flickr

Baykeeper will continue working to ensure that the America's Cup is a Bay-healthy celebration of sailing and the Bay.

Sick of Sewage Campaign

(Continued from page 1)

This victory marks key progress toward solving a region-wide problem. During heavy winter rains, crumbling Bay Area sewage systems spill millions of gallons—in some years, hundreds of millions of gallons—of raw or undertreated sewage into the Bay.

A San Jose Mercury News feature credited Baykeeper with turning the tide on sewage spills in the Bay. With our Sick of Sewage campaign, Baykeeper has used the citizen suit provision of the Clean Water Act to secure legally-binding agreements compelling major sewer repairs and infrastructure upgrades in 20 Bay Area cities. These include the East Bay cities of Vallejo, Richmond, Oakland, Emeryville,

Piedmont, Alameda, Berkeley, Albany, Kensington and El Cerrito; and on the Peninsula, Menlo Park, Portola Valley, Atherton, San Bruno, South San Francisco, Millbrae, San Carlos, Burlingame, Hillsborough and Burlingame Hills.

These victories have put the Bay Area's worst sewage polluters on a path to success. The *San Jose Mercury News* took notice, and in a January 23 article, credits Baykeeper with "turning the tide" on San Francisco Bay sewage pollution. (The full article is online at baykeeper.org.)

We are now monitoring sewage agencies as they make required improvements over the next five to ten years. Some Peninsula cities have cut sewage spills by 50 to 75%, but Millbrae did not meet its target for reducing sewage spills, and Richmond still releases too much raw sewage into the Bay. We'll continue working with them to ensure progress toward fewer spills.

With continued monitoring of the cities where we have settlements, Baykeeper expects to achieve steep reductions in sewage spills to the Bay. Within ten years, sewage should cease to be a major threat to the health of the Bay and its wildlife, swimmers, sailors, surfers, shoreline walkers, kayakers and kiters.



Baykeeper has secured legally-binding agreements to clean up sewage spills from 20 cities around the Bay Area.

Baykeeper People: Volunteer Skipper Geoff Potter



Baykeeper honored Head Skipper Geoff Potter at our Spring Party for his 15 years of volunteer service.

When you see the Baykeeper boat out patrolling the Bay, it's thanks in large part to our volunteer Head Skipper, Geoff Potter.

Not only is Geoff often at the helm, he also handles all of the boat's engine and hull maintenance and repairs. In addition, he selects and trains Baykeeper's roster of volunteer skippers.

"Geoff has been our most dedicated volunteer since

1997," says Baykeeper Executive Director Deb Self. "His expertise and vast experience with boats have made a huge contribution to our work to protect San Francisco Bay."

After growing up in Alaska, Geoff attended the US Coast Guard Academy, graduating in 1959. What followed were many Coast Guard assignments, including setting up an international navigation station on the tiny Italian fishing island of Lampedusa. He attended post-graduate school in civil engineering and spent his later career supervising construction and maintenance at Coast Guard facilities, retiring as a captain.

Geoff and his wife, Phoebe, then spent twelve years cruising the US and Europe in their 43-foot sailboat. They spent five years in northern Europe and three years in the Mediterranean, ending up in Israel. Sailing back west across the Mediterranean against the winds proved to be "all uphill." So they returned to their favorite country, Turkey, living there for a year before selling the boat.

Returning to San Francisco, Geoff went to work part-time as a captain for Red and White Ferries and as a tall tree trimmer. A good friend who was volunteering with Baykeeper asked Geoff if he wanted to join in. And join in he did. Geoff stopped working on the ferries six years ago, and stopped trimming tall trees recently, but has stayed on at Baykeeper.

In addition to piloting the Baykeeper boat and keeping it shipshape, Geoff and Phoebe help protect the environment by bicycling to and from their home on San Francisco's Russian Hill. Occasionally, Geoff combines biking and boating. When the Baykeeper boat needed to be picked up after its recent paint job (see page 8), he cycled to BART, took BART to Richmond, cycled to the boat yard in Point Richmond, put his bike on the boat and boated back to San Francisco.

Being Head Skipper gives Geoff a way to fulfill two of his passions, he says. "I'm a rabid liberal and I've spent most of my life on the water. I'm really into protecting the environment, especially the water environment. By volunteering for Baykeeper, I do two things I love at once."

On Patrol in the Baykeeper Boat

If you're out on or along San Francisco Bay and it's a Friday morning, you might see Baykeeper's 24-foot motor boat. Baykeeper is patrolling the Bay most Fridays, looking for pollution along the shoreline and investigating sites we have identified as possible sources of pollution. We take photos and often collect samples of polluted water for chemical analysis. We also check up on polluters who have agreed to clean up their contamination, to make sure they are following through.

A Baykeeper volunteer skipper is at the helm on each patrol. Baykeeper's skippers are skilled and seasoned boaters with decades of experience. Baykeeper staff members are also on board, along with guests that include staff of regulatory agencies with jurisdiction over the Bay, Baykeeper members, and representatives from allied environmental organizations. We'll see you on the Bay!



Play in the Bay Safely with the Swim Guide App

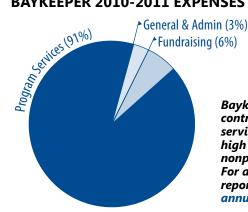
Is the water clean enough for swimming, surfing and other in-the-water recreation?
Consult Baykeeper's new, free smart phone app, Swim Guide, to find out. Swim Guide provides up-to-date water quality information on more than a dozen Bay and ocean beaches in the Bay Area. It's available from the Apple App Store, for Android from Google Play or online at www. theswimguide.org.

You can also use Swim Guide to report pollution to Baykeeper, get directions, view photos and share with social networks. Download it today!

Donate Today—Your Gift to Baykeeper Goes a Long Way

When you make a gift to Baykeeper, you can be sure it will go a long way toward protecting San Francisco Bay from pollution. Charity Navigator, the nation's leading evaluator of nonprofit organizations' financial performance, has awarded San Francisco Baykeeper its top 4-star rating. This rating designates Baykeeper's financial efficiency, accountability and transparency to be "Exceptional: Exceeds industry standards and outperforms most charities in its cause."

BAYKEEPER 2010-2011 EXPENSES



Baykeeper spends 91% of contributions on program services, an unusually high percentage for nonprofit organizations. For a complete financial report, visit baykeeper.org/ annualreport.

Baykeeper spends 91% of each contribution directly on programs to strengthen clean water laws and compel polluters to stop contaminating the Bay. We keep our fundraising expenses to a low 6%, and our administration costs to a super-low 3%.



Moreover, every gift you make to Baykeeper helps leverage donated legal services from attorneys who volunteer to work with us on behalf of the Bay. These services triple the value of your gift.

And your gift goes still further. That's because our successful legal cases result in grants to other local grassroots organizations for projects to protect and restore the Bay, further multiplying the impact of our victories.

Please make a gift to Baykeeper to help make San Francisco Bay clean, healthy and safe. Use the enclosed envelope or visit baykeeper.org/donate to make a gift and learn about the many ways you can support the work of San Francisco Baykeeper. 📀

Bay Species Spotlight: Gray Whale (Eschrichtius robustus)

Any time of year, gray whales can enter San Francisco Bay. These magnificent whales stop here along one of the animal world's longest migrations. They swim over 12,000 miles round trip each year between their summer feeding grounds in Alaska's waters and their winter homes in Mexican lagoons, where they mate and aive birth.

Often, the first sign of these whales is their "blow"—a 10-15 foot white cloud of breath they exhale through the top of their heads. Adult female gray whales are up to 45 feet long and weigh as much as 35 tons, with males slightly smaller. They can live up to 60 years. Newborns are 15 feet long and weigh about a ton. A calf drinks fifty to eighty gallons of its mother's 53% fat milk per day. (Heavy whipping cream, by comparison, is 36-40% fat.)

To feed, a gray whale dives to the bottom, rolls on its side and draws sediments and water into its mouth. As it closes its mouth, water and sediments are expelled through the whale's baleen plates, which trap food inside. The gray whale diet is mostly small shrimp-like bottom-dwelling animals called amphipods. Some gray whales also eat herring and krill.

Gray whales were hunted to the brink of extinction in the 1800s, when their blubber was used to make candles and their bones to make a wide variety of household products. By the early 20th century, only about 1,000 were left. Now, the population is around 20,000 along the West Coast of North America, with 100 to 200 along the Asian side of the Pacific. Although gray whales have been removed from the U.S. Endangered Species List, it



A gray whale breaching. Photo credit: Thomas Johnson, Oceanic Society

is not clear whether the species has recovered. Some scientists believe the pre-whaling population was as high as 120,000.

If you're out on the Bay and see a gray whale or its blow, watch and feel lucky—but please steer clear. Boats need to stay at least 300 feet (about the length of a football field) away from whales.

Baykeeper is assisting the Oceanic Society with a study to find out how many gray whales are coming to the Bay and what dangers they face. You can help, too. If you see a whale in the Bay, either from a boat or from the shore, please report the sighting at www.oceanicsociety.org.



Summer 2012 Baykeeper News



PROTECTING THE BAY AS WE REPAINT THE BAYKEEPER BOAT

We recently had the Baykeeper patrol boat repainted, and needed to find a paint that causes the least pollution and still keeps the hull free of sea growth. Boat hulls need specialized coatings to keep algae, barnacles and other sea life from growing on the hull, because sea growth can damage the boat and slow its speed. Most hull paints are formulated to wear off slowly, releasing substances that are poisonous to sea growth. A common ingredient, copper, is toxic to fish and a source of San Francisco Bay pollution.

Top: Our last paint was a slick epoxy finish that did not leach substances toxic to marine life. Any growth was supposed to get washed off the hull by frequently running the boat at high speed. Unfortunately, the hull collected a coat of shaggy growth, even after being cleaned every few weeks.

Center: The epoxy finish needed to be removed before the new paint could be applied, which proved challenging. The crew at KKMI boatyard in Point Richmond installed tenting over and beneath the boat to capture paint dust and flakes as they removed the old paint. Hull paint removal can pollute the Bay when paint chips and dust blow directly into the Bay, or when the residue falls to the ground and later gets washed by rain into the Bay or into storm drains that lead to the Bay.

Bottom: We chose a 4% zinc oxide paint, with no extra biocides, for its lower concentration of toxic metals than most hull paints.

For more on the recent repainting of the Baykeeper boat, go to baykeeper.org.







