



California Air Resources Board  
**Marine Notice 2016-1**



April 2016

**Advisory to Owners or Operators of Ocean-Going Vessels  
Visiting California Ports**

**California Ocean-Going Vessel Fuel Regulation<sup>1</sup>  
to Remain in Effect Subject to Reevaluation in Two Years**

The California Ocean-Going Vessel (OGV) Fuel Regulation includes a sunset provision<sup>2</sup> which states that the requirements of the California OGV Fuel Regulation will cease to apply if the United States adopts and enforces requirements that will achieve equivalent emissions reductions to the California OGV Fuel Regulation within Regulated California Waters (see Figure 1). The provision further states that the California OGV Fuel Regulation requirements will remain in effect until the Executive Officer issues written findings that the federal requirements will achieve equivalent emission reductions and are being enforced within Regulated California Waters.

In response to this sunset provision, Air Resources Board (ARB) staff assessed several factors including:

- Differences in the overwater boundaries of the North American Emission Control Area (ECA)<sup>3</sup> Regulation and the California OGV Fuel Regulation;
- California impacts due to exemptions granted under International Maritime Organization Regulation 3<sup>4</sup> which provides temporary exemptions from the fuel sulfur requirements;

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<sup>1</sup> Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline. title 13, California Code of Regulations (CCR) §2299.2 and title 17, CCR §93118.2.

<sup>2</sup> Subsection j(1) in both title 13 CCR §2299.2 and title 17 CCR §93118.2.

<sup>3</sup> On March 26, 2010, the International Maritime Organization (IMO) amended the International Convention for the Prevention of Pollution from Ships (MARPOL) designating specific portions of U.S. waters as an Emission Control Area (ECA). The area of the North American ECA includes waters adjacent to the Pacific coast, the Atlantic/Gulf coast and the eight main Hawaiian Islands. It extends up to 200 nautical miles from the United States coasts. The 2015 ECA fuel standard is 0.1 percent fuel sulfur (1,000 ppm).

<sup>4</sup> IMO MARPOL Annex VI Regulation 3, "Exceptions and Exemptions."

- Relative emissions from compliance options allowed under the ECA (e.g. low sulfur heavy fuels and scrubbers), but not directly allowed under the California OGV Fuel Regulation; and
- Differences in the State and federal enforcement programs.

We conclude that the federal ECA alone would not likely achieve equivalent emission reductions within Regulated California Waters. We plan to reevaluate in two years when the Regulation 3 exemption permits have expired. A two-year period will allow for the federal enforcement program to become established. Furthermore, it will allow time for ARB staff to examine the results of planned contractor emissions testing to inform our evaluation of the potential emissions impacts from vessels complying with the ECA through the use of alternative technologies, such as exhaust gas scrubbers, and low sulfur heavy fuel oils.

ARB staff will continue to coordinate with the U.S. Environmental Protection Agency and U.S. Coast Guard to move towards a smooth transition to the federal program alone.

### **How can I get more information?**

Information on California's OGV Fuel Regulation can be found at:

<https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessel-fuel-regulation>

<http://www.arb.ca.gov/ports/marinevess/ogv.htm>, or by contacting

[OGVFuelRule@arb.ca.gov](mailto:OGVFuelRule@arb.ca.gov) or Lynsay Carmichael, Air Resources Engineer, by phone at (916) 327-5784, or by email at [Lynsay.Carmichael@arb.ca.gov](mailto:Lynsay.Carmichael@arb.ca.gov)

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**Figure 1. California's Ocean-Going Vessel Regulatory Zone**

