

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Eleventh Coast Guard District

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**FEB 21 2024**

Ms. Bonnie Soriano  
Branch Chief, Freight Activity Branch  
California Air Resources Board  
1001 I Street  
Sacramento, California 95814

Dear Ms. Soriano,

I am writing in response to your November 13, 2023 letter concerning plans to issue a Diesel Particulate Filter (DPF) verification Executive Order that allows for the installation of a safety system on a marine vessel per the Commercial Harbor Craft (CHC) Regulation to ensure maneuverability in the event of a DPF failure.

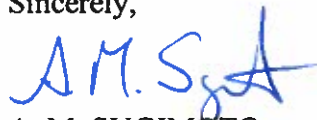
Thank you for the outstanding working relationship with my regulatory vessel inspections experts to navigate the complexities of vessel operations and the CHC Regulation. As you mentioned in your letter, the plan for this Executive Order is a direct response to our August 6, 2021 letter and the on-going CHC Regulation implementation discussion topics to address potential safety concerns that may be related to CARB-verified DPF systems. These issues included the feasibility for some vessel types to accommodate a Tier 4 engine plus a DPF system, the potential fire safety issues associated with DPFs, and the potential use of a DPF failure override to maintain propulsion in the event of a casualty, especially for those vessels in close-maneuvering situations. In your correspondence back to us and through our ongoing discussions over the last few years, we have discussed these important topics and worked to resolve any potential safety issues. While the Executive Order does address the potential navigational safety concerns while using a DPF, we do want to iterate that we continue to have concerns about the feasibility and potential stability issues of repowering to Tier 4 engines plus a DPF for some vessels, as well as with the potential safety issues over DPF operating temperatures and the fire load of the vessel due to varied hull materials. Your tireless work in addressing the use of a safety override system on the DPF is commendable and demonstrates your willingness to work with the Coast Guard in addressing all potential safety issues that affect marine vessels.

As you are aware, the Coast Guard administers navigation and vessel inspection laws and regulations governing marine safety. It is the Coast Guard's responsibility to inspect the vessels regulated by those laws. 46 U.S.C. 3305, 3307, and 3714 provide the legal basis for Coast Guard inspection of vessels that are subject to inspection under 46 U.S.C. 3301. Under these laws, the Coast Guard is not responsible for issuing type approvals of engines and their performance. Additionally, Coast Guard regulations do not explicitly address DPF installations onboard commercial vessels. Please note that DPFs verified by CARB may not necessarily be accepted

by the Coast Guard for installation on inspected commercial vessels. Each ship specific installation must be reviewed in its entirety and demonstrate compliance with applicable material and design standards per the relevant subchapter in Chapter 46 of the CFR. It is the engine manufacturers' responsibility to ensure that engine systems are approved and certified by the U.S. Environmental Protection Agency for marine use and the applicable emission requirements. And while final approval for the installation or modification of any system on vital machinery is the responsibility of the cognizant Coast Guard Officer in Charge, Marine Inspections, Coast Guard inspectors will not perform emission tests on vessels operating in U.S. waters to evaluate DFP system performance. Therefore, please note that the Coast Guard will not enforce California's CHC Regulation.

The Coast Guard will ensure all vessel operations are conducted safely and adhere to federal requirements. I commend our agencies' ongoing collaboration to reach this outcome and look forward to working with you as we navigate what lies ahead within the maritime community. Should you have further questions or concerns regarding this letter, please contact Mr. Mike Boyes at (510) 437-5954 or via email at michael.j.boyes@uscg.mil.

Sincerely,



A. M. SUGIMOTO  
Rear Admiral, U.S. Coast Guard  
Eleventh District Commander

Encl: (1) CARB letter dated November 13, 2023  
(2) USCG letter dated August 6, 2021  
(3) CARB letter dated November 5, 2021

Copy: Commandant, Coast Guard (CG-CVC)  
Commandant, Coast Guard (CG-ENG)  
Commandant, Coast Guard (CG-MSA)  
Commander, Coast Guard Pacific Area (PAC-5P)