

Request for an Early Effective Date

Pursuant To Government Code Section 11343.4(b)(3)

Proposed Amendments to the Commercial Harbor Craft Regulation

The California Air Resources Board (CARB or Board) requests, pursuant to Government Code section 11343.4, subdivision (b)(3), that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Proposed Amendments to the Commercial Harbor Craft Regulation that was adopted on November 14, 2022. CARB believes the following demonstrates “good cause” for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

Demonstration of Good Cause

This rulemaking action primarily establishes emission standards and emissions-related requirements applicable to new and in-use engines in commercial harbor craft, and to facilities, such as seaports, terminals, marinas, and harbors that conduct business with commercial harbor craft (CHC). Such emissions standards and emissions-related requirements are part of CARB’s program to improve air quality and that are needed for California to attain compliance with national ambient air quality standards and to address the adverse impacts of climate change that adversely impact the health and environment of Californians:

- Expanding the regulation’s in-use requirements to vessel categories that were not subject to in-use requirements in the preexisting regulation (commercial passenger fishing vessels, commercial fishing vessels, tank barges, pilot vessels, and workboats) beginning January 1, 2023. The early effective date is needed to implement these requirements as soon as possible, which will benefit owners and operators of vessels in the specified vessel categories by providing them certainty that such requirements are effective under California law as soon as possible, and will benefit California by ensuring that CARB fulfills its statutory mandate to achieve the maximum degree of emission reductions from marine vessels needed to attain air quality standards as expeditiously as possible. These provisions will regulate 2,095 more vessels out of the approximately 3,159 CHC that operate in California’s waters.
- Adoption of more stringent engine performance standards for emissions for oxides of nitrogen (NO_x) and particulate matter (PM) for both new and in-use engines beginning January 1, 2023. The early effective date is needed to implement these requirements as soon as possible, which will benefit both owners and operators of CHC and manufacturers of engines and emissions control equipment by providing them certainty that such standards and requirements are effective under California law as soon as possible, and will benefit California by ensuring that CARB fulfills its statutory mandate to achieve the maximum degree of emission reductions from marine vessels needed to attain air quality standards as expeditiously as possible.

- Adoption of requirements that require CHC to be fueled with 99 percent or higher renewable diesel (R99) when operating in California beginning January 1, 2023. The early effective date is needed to implement these requirements as soon as possible, which will benefit owners and operators of CHC and producers and retailers of renewable diesel fuel by providing them certainty that such requirements are effective under California law as soon as possible, and will benefit California by ensuring that CARB fulfills its statutory mandate to achieve the maximum degree of emission reductions from marine vessels needed to attain air quality standards as expeditiously as possible. In addition, substituting fossil diesel with renewable diesel will reduce greenhouse gas emissions that contribute to climate change that is already adversely affecting California.

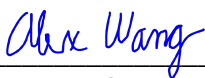
- Adoption of recordkeeping and reporting requirements for owners or operators of facilities that have agreements to rent or lease a slip, dock, berth, or moor to CHC owners or operators beginning January 1, 2023. The early effective date is needed to implement these requirements as soon as possible, which will benefit owners and operators of affected facilities by providing them certainty that such requirements are effective under California law as soon as possible, and will benefit California by ensuring that CARB can more effectively enforce the amended regulation, thereby fulfilling its statutory mandate to achieve the maximum degree of emission reductions from marine vessels needed to attain air quality standards as expeditiously as possible.

- Adoption of recordkeeping and reporting requirements for owners or operators of CHC that require owners and operators to record and to report more detailed information regarding CHC than was required under the preexisting regulation, beginning January 1, 2023. The early effective date is needed to implement these requirements as soon as possible, which will benefit owners and operators of CHC by providing them certainty that such requirements are effective under California law as soon as possible, and will benefit California by ensuring that CARB can more effectively enforce the amended regulation, thereby fulfilling its statutory mandate to achieve the maximum degree of emission reductions from marine vessels needed to attain air quality standards as expeditiously as possible.

- The requested early effective date will allow the regulation to maintain its originally planned effective date of ensuring specific provisions are effective no later than January 1, 2023, providing consistency and assurance to stakeholders. Also, this earlier effective date will allow the regulation to become effective in a similar timeline as if the regulation was approved by OAL in the course of its original standard review.

For the reasons set forth above, CARB believes there is good cause for OAL to prescribe an earlier effective date and hereby requests that OAL approve an earlier effective date, coinciding with OAL's submittal of its approval of this rulemaking action to the Secretary of State pursuant to Government Code section 11343.4, subdivision (b)(3).

Date: November 14, 2022



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