



LP Bulletin

Friday 23rd December 2011

Bulletin 801 - 12/11 - Enhanced Sulphur emission regulations - California USA

The Club has become aware that three new Marine Notices were recently issued by the California Air Resources Board (CARB), which may significantly affect Members that call California and the Western United States.



A full text of the Notices can be found on the California EPA website: <http://www.arb.ca.gov/ports/marinevess/ogv/ogvadvvisories.htm> and are also attached to this Loss Prevention Bulletin.

Marine Notice 2011-3

Details the Noncompliance Fee Provision for non compliant vessels that operate within 24 nautical miles of the Californian Baseline. This requirement will be enforced as of 1 December 2011. More stringent standards are planned to be phased in over time. This provision allows vessel operators to pay a fee rather than comply with the new low sulphur emissions standards. However Members should bear in mind that these fees are substantial. For example, the fee for a first time non-compliant visit to a California port is

\$45,500 and increases with each subsequent visit. Additionally, there are notice requirements that need to be given, which alerts the relevant authorities of the non-compliant visit.

Marine Notice 2011-4

Vessels within 24 nautical miles of the California Baseline are required to keep enhanced records. Vessel operators are subject to substantial penalties under Californian state law if the required records are not kept. Please find full instructions and sample forms on the website listed above or in the attached documents.

Marine Notice 2011-5

Provides vessel operators with a safety exemption for not following the requirements of the regulation. This exemption could be used when compliance would endanger the safety of the vessel, its crew, its cargo or its passengers due to some extraordinary reasons beyond the Master's reasonable control. Within 24 hours after the episode during which the exemption is used, the Master must contact CARB and claim the safety exemption. Finally, the Master must submit within four working days after notification of the safety exemption, all documentation to verify that these conditions did exist and submit steps that will be taken to avoid or minimize the possibility of a reoccurrence.

The Club advises members who are likely to call at Californian ports in the future to make themselves familiar with these new regulations and to visit the California EPA website regularly to ensure they are compliant at all times.

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