



## Client Alert I-2023

January 6, 2023

**CALIFORNIA AIR RESOURCES BOARD (CARB)**  
**NEW MANDATORY AT-BERTH REQUIREMENT (UPDATED)**

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**THIS CLIENT ALERT REPLACES PREVIOUSLY-ISSUED CLIENT ALERT 18-2022**

### **A. BACKGROUND**

As our clients are undoubtedly aware, California has very stringent air emission control and reporting requirements, which are administered by the California Air Resources Board (CARB) under their 2007 “At-Berth” regulations. Included in those regulations is a requirement for a percentage of vessels to utilize shore power while in port, based on the type of vessel and frequency of port calls.

The 2007 regulations were replaced by CARB’s [2020 At-Berth Regulation](#), which is scheduled to take effect on January 1, 2023. Under the 2020 regulation, emission reduction and reporting requirements become considerably more stringent and CARB requires vessels to meet emission reduction and reporting requirements at California marine terminals by a specific deadline, as illustrated in Section B below.

### **B. RECENT DEVELOPMENTS**

Beginning January 1, 2023, CARB’s 2020 “At Berth” regulation will enter into force as per the timeline shown below:

Compliance Start Date	Vessel Type
January 1, 2023	Container and refrigerated cargo vessels
January 1, 2023	Cruise (passenger) vessels
January 1, 2025	Roll-on roll-off vessels
January 1, 2025	Tanker vessels that visit the Ports of Los Angeles or Long Beach
January 1, 2027	All remaining tanker vessels

**All container, reefer and cruise vessels are in the first tier of compliance and will be required to comply with emission reduction requirements, involving the use of a CARB Approved Emissions Control Strategy (CAECS) with effect from January 1, 2023.**

**Additionally, all ocean-going vessels visiting a California marine terminal from January 1, 2023 onwards will be subject to reporting requirements.**

### **C. REQUIRED ACTION**

- 1. Container, reefer and cruise vessels:** Details of emission reduction requirements, CAECS and other compliance measures can be found in CARB's [At-Berth Interim Evaluation Report](#), as well as CARB's [FAQ](#). Please refer to these for requirements applicable to container, reefer and cruise vessels from January 1, 2023.

These vessels are required to report compliance measures within 30 days after visiting a California marine terminal. CARB has provided [an updated version](#) of their reporting template for this purpose, which fulfils their requirements. A copy (**Form 16A**) is available at our [website](#) or can be requested via email. We recommend that this template be used by container, reefer and cruise vessels with effect from January 1, 2023.

- 2. Other types of vessels:** In addition to the emission reduction requirements imposed upon container, reefer and cruise vessels, it is important to note that from the same January 1, 2023 deadline, [all vessels](#) are required to submit a report to CARB within 30 days after visiting a California marine terminal.

We have been engaging regularly with the offices of CARB to clarify the reporting requirement for vessels that do not fall under the category of container, reefer and cruise vessels. CARB has not released a specific form for such reports to be submitted, so ECM has developed our new **Form 16** to provide clients operating other types of vessels (i.e. not container, reefer and cruise vessels) with a simplified reporting format in an Excel spreadsheet. A copy is of the latest version (Rev 2-2022) available at our [website](#) or can be requested via email.

Both reports (mentioned in 1 and 2 above) should be submitted to the address below:

CHIEF, TRANSPORTATION AND TOXICS DIVISION  
CALIFORNIA AIR RESOURCES BOARD  
1001 I Street  
Sacramento, CA 98514

**OR**

Emailed to CARB at: [shorepower@arb.ca.gov](mailto:shorepower@arb.ca.gov)

## **D. POTENTIAL PENALTIES FOR NON-COMPLIANCE**

- 1. Emission reduction requirements for container/reefer/cruise vessels:** CARB's 2007 At-Berth regulation has been in place for several years and a number of industry stakeholders are familiar with California's existing requirements for the use of shore power. Since the new 2020 At-Berth regulation expands upon the earlier regulation, it appears unlikely that CARB will merely issue warnings for violating emission reduction requirements during the initial stages of implementation. There is a greater likelihood that CARB will issue penalties for such violations from the outset, with the possibility of fines of up to \$37,500 per day for each non-compliant action.
- 2. Reporting requirements for all vessels:** Penalties for non-compliance with reporting requirements are likely to be far less severe, but it is not known at this point whether CARB will treat the first few months of 2023 as a "learning period" to educate noncompliant vessels and operators about these reporting requirements.

We will continue to communicate with CARB on these issues and advise our clients as and when new information becomes available.

## **E. FUTURE REQUIREMENTS**

In addition to the vessel types that are required to comply with emission reduction requirements from January 1, 2023, more vessels will be required to meet these requirements in the future, as new deadlines come into effect as shown in Section B. We therefore recommend that our clients familiarize themselves with these requirements in advance, which are outlined in CARB's [FAQ](#).

### **Reference Links**

[CARB - Final Regulation - Control Measure for Ocean Going Vessels at Berth](#)

[CARB - Interim Evaluation Report - Control Measure for Ocean Going Vessels at Berth](#)

[CARB - 2020 At-Berth Regulation - Frequently Asked Questions \(FAQ\)](#)

For more information, please email CARB at [shorepower@arb.ca.gov](mailto:shorepower@arb.ca.gov) or contact us at [ecm@ecmmaritime.com](mailto:ecm@ecmmaritime.com).