



Client Alert 2-2020
January 27, 2020
CARB Issues Marine Notice 2020-I
California Fuel Regulations Remain In Force

The California Air Resources Board (CARB) has issued [Marine Notice 2020-I](#) (attached), reminding vessel operators that California fuel regulations remain in force. These regulations differ from the Emission Control Area (ECA) and IMO 2020 fuel regulations and are applicable when operating within 24 nautical miles of the California shore*.

Unlike ECA and IMO regulations, the California regulations:

- **Require the use of distillate fuels** with maximum 0.1% sulfur content.
- **Do not allow for use of exhaust gas scrubbers** or non-distillate fuels to meet compliance standards

CARB has previously issued Research Exemptions to some vessels, that allowed for use of exhaust gas scrubbers and non-distillate fuels. **Current Research Exemptions will remain valid** as long as the conditions identified in previously issued [Marine Notice 2017-I](#) have been met. However, **CARB has indicated that they will not extend existing Research Exemptions or issue new exemptions.**

** All distances from shore are to be measured from the outermost island/rock formation depicted on nautical charts.*

Questions and/or comments should be directed to ECM at ecm@ecmmaritime.com



California Air Resources Board
Marine Notice 2020-1



January 2020

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

**Reminder of Requirements for Complying with the California
Ocean-Going Vessel Fuel Regulation¹**

The California Air Resources Board (CARB) Ocean-Going Vessel (OGV) Fuel Regulation, which began implementation July 2009, provides significant air quality benefits by requiring vessels to use cleaner, low sulfur marine distillate fuel in vessel main engines, auxiliary engines, and boilers. The purpose of this Marine Notice is to remind owners and operators that the requirements under the CARB OGV Fuel Regulation remain in effect. Please note that regulations such as the existing North American Emission Control Area (ECA)² requirements and the International Maritime Organization (IMO) fuel sulfur limit³ of 0.5% do not change the compliance requirements under the CARB OGV Fuel Regulation.

What are the Requirements in the CARB OGV Fuel Regulation?

The CARB OGV Fuel Regulation requires the use of marine distillate grade fuel (marine gas oil or marine diesel oil) with a maximum sulfur level of 0.1% while operating auxiliary diesel and diesel-electric engines, main propulsion diesel engines, and auxiliary boilers on ocean-going vessels within Regulated California Waters (all waters within 24 nautical miles of the California baseline). The California Air Resources Board has primary enforcement authority for the OGV Fuel Regulation.

**Does the CARB OGV Fuel Regulation Allow Compliance Using Exhaust Gas
Cleaning Devices ("scrubbers")?**

The regulation does not allow compliance via scrubbers. Only the low sulfur distillate grades of fuel can be used to comply with the CARB OGV Fuel Regulation. There is no

¹ 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.

² 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 ECA fuel standard is 0.1 percent fuel sulfur (1,000 ppm).

³ [http://www.imo.org/en/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Sulphur-oxides-\(SOx\)-%E2%80%93-Regulation-14.aspx](http://www.imo.org/en/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Sulphur-oxides-(SOx)-%E2%80%93-Regulation-14.aspx)

prohibition on scrubber operation under the CARB OGV Fuel Regulation. However, scrubbers cannot be used in lieu of distillate compliant fuel.

What are the Provisions in the ECA Regulation? How Do They Compare to the CARB OGV Fuel Regulation?

While the fuel sulfur limits under the CARB OGV Fuel Regulation and the ECA Regulation are the same (0.1% sulfur), there are provisions in the ECA Regulation that are different from the CARB OGV Fuel Regulation. Examples of provisions in the ECA Regulation that differ from the CARB OGV Fuel Regulation include:

- The ECA is 200 nautical miles from the California shoreline and the United States Coast Guard (USCG) has primary authority for enforcement, while the CARB OGV Fuel Regulation is 24 nautical miles and is enforced by CARB;
- The ECA Regulation allows alternative emissions control technologies such as “scrubbers” to be used, while the CARB OGV Fuel Regulation does not allow compliance via scrubbers; and
- The ECA Regulation requires that a fuel meet the specified percent sulfur requirements (example: ultra-low sulfur fuel oil, ULSFO), while the CARB OGV Fuel Regulation requires that the fuel also meet the specifications for distillate grades (marine gas oil or marine diesel oil).

Information on the ECA requirements can be found at:
www.epa.gov/otaq/oceanvessels.htm#north-american.

What are the Provisions in the IMO 2020 Regulation? How Do They Compare to the CARB OGV Fuel Regulation?

Per Annex VI of the IMO International Convention for the Prevention of Pollution from Ships (MARPOL), starting in January 1, 2020 the limit for sulfur in fuel oil used on board vessels operating outside designated emission control areas will be 0.5% m/m (mass by mass). Examples of provisions in the IMO 2020 Regulation that differ from the California OGV Fuel Regulation include:

- The IMO 2020 Regulation allows alternative emissions control technologies such as “scrubbers” to be used when the fuel oil is exceeding the 0.5% sulfur limit, while the CARB OGV Fuel Regulation does not allow compliance via scrubbers; and
- The IMO 2020 Regulation requires that a fuel does not exceed the 0.5% sulfur limit, while the CARB OGV Fuel Regulation requires that the fuel meets specifications for distillate grades (marine gas oil or marine diesel oil) and does not exceed a 0.1% sulfur limit.

Information on the IMO requirements can be found at: www.imo.org.

How Can I Get More Information?

Information on California's OGV Fuel Regulation can be found at: <http://www.arb.ca.gov/ports/marinevess/ogv.htm> or by contacting Lynsay Carmichael, Air Resources Engineer, by phone at (916) 327-5784, or by email at lynsay.carmichael@arb.ca.gov.