

California Fines Ocean Carrier for Fuel Violation

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On March 3, 2016, the California Air Resources Board announced that it had fined an ocean carrier \$129,500 for failure to switch its engines over to low-sulfur fuel when close to the coast of California. The Air Resources Board conducts an estimated 800-1,000 vessel inspections each year, checking for compliance with California fuel use requirements.

Currently, vessels that come within 24 nautical miles of California's baseline must comply with both state and federal vessel fuel content requirements, though the practical requirements are largely the same.

Since July 2009, vessels have had to comply with the California Air Resources Board's Ocean-Going Vessel (OGV) Fuel regulation, which requires covered vessels to use reduced-sulfur fuel when operating in California waters (i.e. waters out to 24 nautical miles from the California baseline). The maximum sulfur content was decreased in phases beginning in 2009, and since 2012, vessels may only use marine gas oil and marine diesel oil fuels that are at most 0.1 percent sulfur.

Effective January 2012, the U.S. Environmental Protection Agency promulgated a rule implementing the International Maritime Organization designation of the North American Emissions Control Area (ECA), which requires covered vessels to use reduced-sulfur fuel in the ECA (i.e. within 200 nautical miles of the coastlines of the United States, Canada, and Mexico). Like the California OGV regulation, the ECA regulation provided for maximum sulfur content that decreased in phases, and since 2015, the maximum sulfur content is the same as the California OGV regulation.

Although the California and federal vessel fuel requirements currently have the same maximum sulfur content (0.1 percent), the regulations are not identical. For example, unlike the ECA regulation, the California OGV regulation does not contain an equivalency provision that allows vessel operators to use an equivalent method of compliance.

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