

110TH CONGRESS
1ST SESSION

H. R. 802

To amend the Act to Prevent Pollution from ships to implement MARPOL
Annex VI.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2007

Mr. OBERSTAR (for himself and Mr. CUMMINGS) introduced the following bill;
which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Act to Prevent Pollution from ships to
implement MARPOL Annex VI.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maritime Pollution
5 Prevention Act of 2007”.

6 **SEC. 2. REFERENCES.**

7 Wherever in this Act an amendment or repeal is ex-
8 pressed in terms of an amendment to or a repeal of a sec-
9 tion or other provision, the reference shall be considered

1 to be made to a section or other provision of the Act to
2 Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

3 **SEC. 3. DEFINITIONS.**

4 Section 2(a) (33 U.S.C. 1901(a)) is amended—

5 (1) by redesignating the paragraphs (1)
6 through (12) as paragraphs (2) through (13), re-
7 spectively;

8 (2) by inserting before paragraph (2) (as so re-
9 designated) the following:

10 “(1) ‘Administrator’ means the Administrator
11 of the Environmental Protection Agency.”;

12 (3) in paragraph (5) (as so redesignated) by
13 striking “and V” and inserting “V, and VI”;

14 (4) in paragraph (6) (as so redesignated) by
15 striking “‘discharge’ and ‘garbage’ and ‘harmful
16 substance’ and ‘incident’” and inserting “‘dis-
17 charge’, ‘emission’, ‘garbage’, ‘harmful substance’,
18 and ‘incident’”; and

19 (5) by redesignating paragraphs (7) through
20 (13) (as redesignated) as paragraphs (8) through
21 (14), respectively, and inserting after paragraph (6)
22 (as redesignated) the following:

23 “(7) ‘navigable waters’ includes the territorial
24 sea of the United States (as defined in Presidential

1 Proclamation 5928 of December 27, 1988) and the
2 internal waters of the United States;”.

3 **SEC. 4. APPLICABILITY.**

4 Section 3 (33 U.S.C. 1902) is amended—

5 (1) in subsection (a)—

6 (A) by striking “and” at the end of para-
7 graph (3);

8 (B) by striking the period at the end of
9 paragraph (4) and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(5) with respect to Annex VI to the Conven-
12 tion, and other than with respect to a ship referred
13 to in paragraph (1)—

14 “(A) to a ship that is in a port, shipyard,
15 offshore terminal, or the internal waters of the
16 United States;

17 “(B) to a ship that is in the territorial sea
18 of the United States as defined in Presidential
19 Proclamation 5928 of December 27, 1988;

20 “(C) to a ship that is bound for, or depart-
21 ing from, a port, shipyard, offshore terminal, or
22 the internal waters of the United States, and is
23 in—

24 “(i) an emission control area des-
25 ignated pursuant to section 4; or

1 “(ii) any other area that the Adminis-
2 trator, in consultation with the Secretary,
3 has designated by order as being an area
4 from which emissions from ships are of
5 concern with respect to protection of public
6 health, welfare, or the environment;

7 “(D) to a ship that is entitled to fly the
8 flag of, or operating under the authority of, a
9 party to Annex VI, and is in—

10 “(i) the exclusive economic zone of the
11 United States;

12 “(ii) an emission control area des-
13 ignated under section 4; or

14 “(iii) any other area that the Admin-
15 istrator, in consultation with the Secretary,
16 has designated by order as being an area
17 from which emissions from ships are of
18 concern with respect to protection of public
19 health, welfare, or the environment; and

20 “(E) to the extent consistent with inter-
21 national law, to any other ship that is in—

22 “(i) the exclusive economic zone of the
23 United States;

24 “(ii) an emission control area des-
25 ignated under section 4; or

1 “(iii) any other area that the Admin-
2 istrator, in consultation with the Secretary,
3 has designated by order as being an area
4 from which emissions from ships are of
5 concern with respect to protection of public
6 health, welfare, or the environment.”;

7 (2) in subsection (b)(1) by inserting “or (3)”
8 after “paragraph (2)”;

9 (3) in subsection (b) by adding at the end the
10 following:

11 “(3) With respect to Annex VI to the Administrator,
12 or the Secretary, as relevant to their authorities pursuant
13 to this Act, may determine that some or all of the require-
14 ments under this Act shall apply to one or more classes
15 of public vessels in consultation with the Head of the De-
16 partment or Agency under which the vessels operate. This
17 paragraph does not apply during time of war or during
18 a declared national emergency.”;

19 (4) by redesignating subsections (c) through (g)
20 as subsections (d) through (h), respectively, and in-
21 serting after subsection (b) the following:

22 “(c) APPLICATION TO OTHER PERSONS.—This Act
23 shall apply to all persons to the extent necessary to ensure
24 compliance with Annex VI to the Convention.”; and

25 (5) in subsection (e), as redesignated—

(A) by inserting “or the Administrator, consistent with section 4 of this Act,” after “Secretary”;

(B) by striking “of section (3)” and inserting “of this section”; and

(C) by striking “Protocol, including regulations conforming to and giving effect to the requirements of Annex V” and inserting “Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI”.

SEC. 5. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

“(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

“(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization’s Technical Code on Control of Emissions of Nitrogen Ox-

1 ides from Marine Diesel Engines, on behalf of the
2 United States. The issuance of Engine International
3 Air Pollution Prevention certificates shall be con-
4 sistent with any applicable requirements of the
5 Clean Air Act or regulations prescribed under that
6 Act.

7 “(2) The Administrator shall have authority to
8 administer regulations 12, 13, 14, 15, 16, 17, 18,
9 and 19 of Annex VI to the Convention.

10 “(3) The Secretary and the Administrator shall
11 coordinate on the administration and enforcement of
12 Annex VI to the Convention.”;

13 (2) in subsection (c), as redesignated, by redesi-
14 gnating paragraph (2) as paragraph (4), and insert-
15 ing after paragraph (1) the following:

16 “(2) In addition to the authority the Secretary has
17 to prescribe regulations under this Act, the Administrator
18 shall also prescribe any necessary or desired regulations
19 to carry out the provisions of regulations 12, 13, 14, 15,
20 16, 17, 18, and 19 of Annex VI to the Convention.

21 “(3) In prescribing any regulations under this sec-
22 tion, the Secretary and the Administrator shall consult
23 with each other, and with respect to regulation 19, with
24 the Secretary of the Interior.”; and

1 (3) by adding at the end of subsection (c), as
2 redesignated, the following:

3 “(5) No standard issued by any person or Federal
4 authority, with respect to emissions from tank vessels sub-
5 ject to regulation 15 of Annex VI to the Convention, shall
6 be effective until 6 months after the required notification
7 to the International Maritime Organization by the Sec-
8 retary.”.

9 **SEC. 6. CERTIFICATES.**

10 Section 5 (33 U.S.C. 1904) is amended—

11 (1) in subsection (a) by striking “The Sec-
12 retary” and inserting “Except as provided in section
13 4(b)(1), the Secretary”;

14 (2) in subsection (b) by striking “A certificate”
15 and inserting “Except as provided in section 4(b)(1),
16 a certificate”;

17 (3) in subsection (b) by striking “Secretary
18 under the authority of the MARPOL protocol.” and
19 inserting “Secretary or the Administrator under the
20 authority of this Act.”; and

21 (4) in subsection (e) by striking “environment.”
22 and inserting “environment or the public health and
23 welfare.”.

24 **SEC. 7. RECEPTION FACILITIES.**

25 Section 6 (33 U.S.C. 1905) is amended—

1 (1) in subsection (a) by adding at the end the
2 following:

3 “(3) The Secretary or the Administrator, after con-
4 sulting with appropriate Federal agencies, shall prescribe
5 regulations setting criteria for determining the adequacy
6 of reception facilities for receiving ozone depleting sub-
7 stances, equipment containing such substances, and ex-
8 haust gas cleaning residues at a port or terminal, and stat-
9 ing any additional measures and requirements as are ap-
10 propriate to ensure such adequacy. Persons in charge of
11 ports and terminals shall provide reception facilities, or
12 ensure that reception facilities are available, in accordance
13 with those regulations. The Secretary or the Adminis-
14 trator may prescribe regulations to certify, and may issue
15 certificates to the effect, that a port’s or terminal’s facili-
16 ties for receiving ozone depleting substances, equipment
17 containing such substances, and exhaust gas cleaning resi-
18 dues from ships are adequate.”;

19 (2) in subsection (b) by inserting “or the Ad-
20 ministrator” after “Secretary”;

21 (3) in subsection (c)(1) by inserting “or of this
22 Act” after “Convention”;

23 (4) in subsection (e) by striking paragraph (2)
24 and inserting the following:

1 “(2) The Secretary may deny the entry of a ship to
2 a port or terminal required by the MARPOL Protocol, this
3 Act, or regulations prescribed under this section relating
4 to the provision of adequate reception facilities for gar-
5 bage, ozone depleting substances, equipment containing
6 those substances, or exhaust gas cleaning residues, if the
7 port or terminal is not in compliance with the MARPOL
8 Protocol, this Act, or those regulations.”;

9 (5) in subsection (f)(1) by striking “Secretary
10 is” and inserting “Secretary and the Administrator
11 are”; and

12 (6) in subsection (f)(2) by striking “(A)”.

13 **SEC. 8. INSPECTIONS.**

14 Section 8(f) (33 U.S.C. 1907(f)) is amended to read
15 as follows:

16 “(f)(1) The Secretary may inspect a ship to which
17 this Act applies as provided under section 3(a)(5), to
18 verify whether the ship is in compliance with Annex VI
19 to the Convention and this Act.

20 “(2) If an inspection under this subsection or any
21 other information indicates that a violation has occurred,
22 the Secretary, or the Administrator in a matter referred
23 by the Secretary, may undertake enforcement action under
24 this section.

1 “(3) Notwithstanding subsection (b) and paragraph
2 (2) of this subsection, the Administrator shall have all of
3 the authorities of the Secretary, as specified in subsection
4 (b) of this section, for the purposes of enforcing regula-
5 tions 17 and 18 of Annex VI to the Convention to the
6 extent that shoreside violations are the subject of the ac-
7 tion and in any other matter referred to the Administrator
8 by the Secretary.”.

9 **SEC. 9. AMENDMENTS TO THE PROTOCOL.**

10 Section 10(b) (33 U.S.C. 1909(b)) is amended by in-
11 serting “or the Administrator as provided for in this Act,”
12 after “Secretary,”.

13 **SEC. 10. PENALTIES.**

14 Section 9 (33 U.S.C. 1908) is amended—

15 (1) by striking “Protocol,” each place it ap-
16 pears and inserting “Protocol,”;

17 (2) in subsections (b) and (f) by inserting “or
18 the Administrator as provided for in this Act,” after
19 “Secretary” each place it appears; and

20 (3) by striking “Secretary” the second and
21 third places it appears in subsection (b) and each
22 place it appears in subsection (c) and inserting
23 “Secretary, or the Administrator as provided for in
24 this Act,”.

1 **SEC. 11. EFFECT ON OTHER LAWS.**

2 Section 15 (33 U.S.C. 1911) is amended to read as
3 follows:

4 **“SEC. 15. EFFECT ON OTHER LAWS.**

5 “Authorities, requirements, and remedies of this Act
6 supplement and neither amend nor repeal any other au-
7 thorities, requirements, or remedies conferred by any
8 other provision of law. Nothing in this Act shall limit,
9 deny, amend, modify, or repeal any other authority, re-
10 quirement, or remedy available to the United States or
11 any other person, except as expressly provided in this
12 Act.”.

13 **SEC. 12. MARPOL TECHNICAL CORRECTIONS.**

14 Subsections (a), (b), and (d) of section 9 (33 U.S.C.
15 1908(a), (b), and (d)) are amended by striking the second
16 comma after “MARPOL Protocol” each place it appears.

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