

110TH CONGRESS
1ST SESSION

S. 1499

To amend the Clean Air Act to reduce air pollution from marine vessels.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To amend the Clean Air Act to reduce air pollution from
marine vessels.

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 “Marine Vessel Emis-
5 sions Reduction Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) emissions of air pollutants from marine ves-
9 sels contribute significantly to dangerous air pollu-
10 tion in many areas in the United States;

1 (2) current levels of control on those emissions
2 are not adequate to protect air quality and public
3 health;

4 (3) to protect air quality and public health, ef-
5 forts by State and local governments to control emis-
6 sions from marine vessels must be augmented by the
7 Federal Government;

8 (4) although the Environmental Protection
9 Agency may require additional controls on domestic
10 and international marine vessels entering United
11 States ports, significant emission reductions must be
12 achieved in the near future; and

13 (5) it is urgent and necessary to require the
14 Administrator of the Environmental Protection
15 Agency to establish standards to reduce emissions of
16 air pollutants from marine vessels in a sufficient pe-
17 riod of time to allow all areas in the United States
18 to meet air quality standards in accordance with ap-
19 plicable deadlines.

20 **SEC. 3. MARINE VESSEL FUEL SULFUR.**

21 Section 211 of the Clean Air Act (42 U.S.C. 7545)
22 is amended—

23 (1) by redesignating the first subsection (r) (re-
24 lating to fuel and fuel additive importers and impor-

1 tation) as subsection (u) and moving that subsection
2 so as to appear at the end of the section; and

3 (2) by inserting after subsection (o) the fol-
4 lowing:

5 “(p) MARINE VESSEL FUEL SULFUR.—

6 “(1) IN GENERAL.—Subject to paragraph (3),
7 not later than December 15, 2008, the Adminis-
8 trator shall promulgate regulations that, effective be-
9 ginning on December 31, 2010, require marine ves-
10 sels described in paragraph (2) to use fuel that con-
11 tains not more than 1,000 parts per million of sulfur
12 in the main and auxiliary engines of the vessels.

13 “(2) APPLICABILITY.—The regulations promul-
14 gated pursuant to paragraph (1) shall apply to all
15 marine vessels, including any vessel flagged in a
16 country other than the United States, at any time
17 at which the vessels are, on entering or leaving a
18 port or offshore terminal of the United States—

19 “(A) within 200 miles of the west coast of
20 the continental United States; and

21 “(B) within such distance of the east coast
22 or Gulf coast of the United States, or the
23 shoreline of the Great Lakes or St. Lawrence
24 Seaway, as the Administrator determines to be

1 appropriate for the purpose of protecting public
2 health and the environment.

3 “(3) INTERIM REQUIREMENT.—

4 “(A) IN GENERAL.—Notwithstanding the
5 requirement of paragraph (1), the Adminis-
6 trator may promulgate regulations under that
7 paragraph that permit marine vessel fuel sulfur
8 content in excess of 1,000 parts per million if
9 the Administrator determines that compliance
10 with the requirement of paragraph (1) is not
11 technically feasible by December 31, 2010.

12 “(B) REGULATIONS.—If the Administrator
13 makes a determination described in subpara-
14 graph (A), the Administrator shall promulgate
15 regulations that require marine vessels—

16 “(i) beginning on December 31, 2010,
17 to use fuel that contains—

18 “(I) the lowest quantity of sulfur
19 that is technically feasible by that
20 date; and

21 “(II) in no event a quantity of
22 sulfur in excess of 2,000 parts per
23 million; and

24 “(ii) to achieve compliance with the
25 requirement of paragraph (1) on the ear-

1 liest practicable date by which compliance
2 is technically feasible.

3 “(4) ALTERNATIVE COMPLIANCE MECHA-
4 NISM.—The Administrator may provide for an alter-
5 native mechanism of compliance under this sub-
6 section for a marine vessel if the Administrator de-
7 termines that—

8 “(A) the vessel employs a control tech-
9 nology that reduces emissions from the vessel of
10 sulfur oxides and particulate matter to at least
11 the same degree as the reduction that would be
12 achieved by the vessel through compliance with
13 the applicable fuel sulfur content limitation
14 under this subsection; and

15 “(B) the emission reductions achieved as
16 described in subparagraph (A) are in addition
17 to any reductions required to achieve compli-
18 ance with an applicable engine emission stand-
19 ard issued by the Administrator or the head of
20 another Federal agency.

21 “(5) NO EFFECT ON OTHER AUTHORITY.—
22 Nothing in this subsection limits or otherwise affects
23 any authority of the Administrator to regulate fuels
24 or fuel additives for use in marine vessels or any

1 other nonroad vehicle or engine under this Act or
2 any other provision of law.”.

3 **SEC. 4. ADVANCED MARINE VESSEL EMISSION CONTROLS.**

4 Section 213 of the Clean Air Act (42 U.S.C. 7547)
5 is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (f); and

8 (2) by inserting after subsection (e) the fol-
9 lowing:

10 “(d) ADVANCED MARINE VESSEL EMISSION CON-
11 TROLS.—

12 “(1) STANDARDS FOR OCEANGOING VESSELS.—

13 “(A) IN GENERAL.—Not later than De-
14 cember 15, 2008, the Administrator shall pro-
15 mulgate, and from time to time revise, regula-
16 tions that establish standards for emissions of
17 oxides of nitrogen, particulate matter, hydro-
18 carbons, and carbon monoxide from newly-man-
19 ufactured and in-use main and auxiliary en-
20 gines in oceangoing marine vessels that enter or
21 leave a port or offshore terminal of the United
22 States.

23 “(B) REQUIREMENT.—The standards
24 under subparagraph (A) shall require, effective
25 beginning on January 1, 2012, that the engines

1 described in that subparagraph achieve the
2 greatest degree of emission reduction achievable
3 through the application of technology that the
4 Administrator determines, in accordance with
5 this paragraph, will be available for the affected
6 engines.

7 “(C) ADDITIONAL FACTORS FOR CONSID-
8 ERATION.—

9 “(i) IN GENERAL.—In promulgating a
10 standard under this paragraph, the Admin-
11 istrator shall take into consideration—

12 “(I) whether the engine is newly-
13 manufactured or in-use (and, if the
14 engine is in-use, the age of the en-
15 gine);

16 “(II) the cost of applying an
17 emission reduction technology in a pe-
18 riod of time sufficient to achieve com-
19 pliance with the standard;

20 “(III) noise, energy, and safety
21 factors associated with the application
22 of the technology; and

23 “(IV) the feasibility, benefits,
24 and costs of requiring—

1 “(aa) the maximum level of
2 control required by regulations
3 applicable to on-road, nonroad,
4 and stationary engines; and

5 “(bb) the maximum level of
6 control achieved by sources from
7 which control technologies may
8 be transferred, including sources
9 that use advanced aftertreatment
10 technologies.

11 “(ii) DETERMINATION.—

12 “(I) IN GENERAL.—If the Ad-
13 ministrator determines, after consider-
14 ation of the factors described in clause
15 (i), that a maximum level of control
16 described in clause (i)(IV) will not be
17 technically achievable by January 1,
18 2012, the Administrator shall promul-
19 gate standards under subparagraph
20 (A) that require the maximum level of
21 control that the Administrator deter-
22 mines will be technically achievable by
23 that date.

24 “(II) ADDITIONAL STANDARDS.—
25 If the Administrator makes a deter-

1 mination under subclause (I), the Ad-
2 ministrator shall promulgate addi-
3 tional standards under subparagraph
4 (A) that require, effective beginning
5 on January 1, 2016—

6 “(aa) the maximum level of
7 control described in clause
8 (i)(IV); or

9 “(bb) if the Administrator
10 determines, after consideration of
11 the factors described in clause
12 (i), that a maximum level of con-
13 trol described in subclause (IV)
14 of that clause is not technically
15 achievable by January 1, 2016,
16 the maximum level of control
17 that the Administrator deter-
18 mines will be technically achiev-
19 able by that date.

20 “(2) APPLICABILITY.—Standards applicable to
21 marine engines and marine vessels promulgated
22 under this section shall be applicable to vessels that
23 enter or leave a port or offshore terminal of the
24 United States, including vessels flagged in any coun-
25 try other than the United States.

1 “(3) ENFORCEMENT.—

2 “(A) IN GENERAL.—The standards estab-
3 lished under this subsection shall be enforced in
4 accordance with subsection (f).

5 “(B) ENFORCEMENT AGAINST CERTAIN
6 PERSONS.—At the discretion of the Adminis-
7 trator, any standard established under this sub-
8 section relating to in-use engines may be en-
9 forced against—

10 “(i) the owner or operator of an in-
11 use engine;

12 “(ii) any person that rebuilds or
13 maintains an in-use engine; or

14 “(iii) such other person as the Admin-
15 istrator determines to be appropriate.

16 “(4) NO EFFECT ON OTHER AUTHORITY.—
17 Nothing in this subsection limits or otherwise affects
18 any authority of the Administrator to regulate emis-
19 sions of engines in marine vessels under this Act or
20 any other provision of law.”.

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