

Calendar No. 870

110TH CONGRESS
2D SESSION**S. 1499****[Report No. 110–413]**

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, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. CARDIN, Mr. CARPER, Mrs. CLINTON, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JULY 10 (legislative day, JULY 9), 2008

Reported by Mrs. BOXER, without amendment

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 2008”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

9 (3) to protect air quality and public health, ef-
10 forts by State and local governments to control emis-
11 sions from marine vessels must be augmented by the
12 Federal Government;

13 (4) although the Environmental Protection
14 Agency may require additional controls on domestic
15 and international marine vessels entering United
16 States ports, significant emission reductions must be
17 achieved in the near future; and

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

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

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

4 (1) by redesignating the first subsection (r) (re-
5 lating to fuel and fuel additive importers and impor-
6 tation) as subsection (u) and moving that subsection
7 so as to appear at the end of the section; and

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

10 “(p) MARINE VESSEL FUEL SULFUR.—

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

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

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

1 “(B) within such distance of the east coast
2 or Gulf coast of the United States, or the
3 shoreline of the Great Lakes or St. Lawrence
4 Seaway, as the Administrator determines to be
5 appropriate for the purpose of protecting public
6 health and the environment.

7 “(3) INTERIM REQUIREMENT.—

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

16 “(B) REGULATIONS.—If the Administrator
17 makes a determination described in subpara-
18 graph (A), the Administrator shall promulgate
19 regulations that require marine vessels—

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

22 “(I) the lowest quantity of sulfur
23 that is technically feasible by that
24 date; and

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

4 “(ii) to achieve compliance with the
5 requirement of paragraph (1) on the ear-
6 liest practicable date by which compliance
7 is technically feasible.

8 “(4) ALTERNATIVE COMPLIANCE MECHA-
9 NISM.—The Administrator may provide for an alter-
10 native mechanism of compliance under this sub-
11 section for a marine vessel if the Administrator de-
12 termines that—

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

20 “(B) the emission reductions achieved as
21 described in subparagraph (A) are in addition
22 to any reductions required to achieve compli-
23 ance with an applicable engine emission stand-
24 ard issued by the Administrator or the head of
25 another Federal agency.

1 “(5) NO EFFECT ON OTHER AUTHORITY.—
 2 Nothing in this subsection limits or otherwise affects
 3 any authority of the Administrator to regulate fuels
 4 or fuel additives for use in marine vessels or any
 5 other nonroad vehicle or engine under this Act or
 6 any other provision of law.”.

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

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

10 (1) by redesignating subsection (d) as sub-
 11 section (f); and

12 (2) by inserting after subsection (c) the fol-
 13 lowing:

14 “(d) ADVANCED MARINE VESSEL EMISSION CON-
 15 TROLS.—

16 “(1) STANDARDS FOR OCEANGOING VESSELS.—

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

1 leave a port or offshore terminal of the United
2 States.

3 “(B) REQUIREMENT.—The standards
4 under subparagraph (A) shall require, effective
5 beginning on January 1, 2012, that the engines
6 described in that subparagraph achieve the
7 greatest degree of emission reduction achievable
8 through the application of technology that the
9 Administrator determines, in accordance with
10 this paragraph, will be available for the affected
11 engines.

12 “(C) ADDITIONAL FACTORS FOR CONSID-
13 ERATION.—

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

17 “(I) whether the engine is newly-
18 manufactured or in-use (and, if the
19 engine is in-use, the age of the en-
20 gine);

21 “(II) the cost of applying an
22 emission reduction technology in a pe-
23 riod of time sufficient to achieve com-
24 pliance with the standard;

1 “(III) noise, energy, and safety
 2 factors associated with the application
 3 of the technology; and

4 “(IV) the feasibility, benefits,
 5 and costs of requiring—

6 “(aa) the maximum level of
 7 control required by regulations
 8 applicable to on-road, nonroad,
 9 and stationary engines; and

10 “(bb) the maximum level of
 11 control achieved by sources from
 12 which control technologies may
 13 be transferred, including sources
 14 that use advanced aftertreatment
 15 technologies.

16 “(ii) DETERMINATION.—

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

1 control that the Administrator deter-
2 mines will be technically achievable by
3 that date.

4 “(II) ADDITIONAL STANDARDS.—

5 If the Administrator makes a deter-
6 mination under subclause (I), the Ad-
7 ministrator shall promulgate addi-
8 tional standards under subparagraph
9 (A) that require, effective beginning
10 on January 1, 2016—

11 “(aa) the maximum level of
12 control described in clause
13 (i)(IV); or

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

1 “(2) APPLICABILITY.—Standards applicable to
2 marine engines and marine vessels promulgated
3 under this section shall be applicable to vessels that
4 enter or leave a port or offshore terminal of the
5 United States, including vessels flagged in any coun-
6 try other than the United States.

7 “(3) ENFORCEMENT.—

8 “(A) IN GENERAL.—The standards estab-
9 lished under this subsection shall be enforced in
10 accordance with subsection (f).

11 “(B) ENFORCEMENT AGAINST CERTAIN
12 PERSONS.—At the discretion of the Adminis-
13 trator, any standard established under this sub-
14 section relating to in-use engines may be en-
15 forced against—

16 “(i) the owner or operator of an in-
17 use engine;

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

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

22 “(4) NO EFFECT ON OTHER AUTHORITY.—
23 Nothing in this subsection limits or otherwise affects
24 any authority of the Administrator to regulate emis-

- 1 sions of engines in marine vessels under this Act or
- 2 any other provision of law.”.

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