



**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
JULY 19, 2007**

SUBJECT: FEDERAL LEGISLATION

ACTION: APPROVE STAFF RECOMMENDATION ON FEDERAL LEGISLATION

RECOMMENDATION

Adopt position on H.R. 2548 (Solis) – A bill to amend the Clean Air Act to reduce air pollution from marine vessels which emit over 30 tons of sulfur oxide in Los Angeles County every day. **SUPPORT.** Position would also be for S. 1499 (Boxer), companion bill in U.S. Senate.

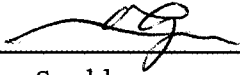
ATTACHMENT

Legislative Analysis

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Government Relations Administrator



Matthew Raymond
Chief Communications Officer



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Chief Executive Officer

BILL: H.R. 2548
S. 1499

AUTHOR: CONGRESSWOMAN HILDA SOLIS (32-CA)
U.S. SENATOR BARBARA BOXER (CA)

SUBJECT: AMENDS THE CLEAN AIR ACT TO REDUCE AIR POLLUTION
FROM MARITIME VESSELS

STATUS: PENDING BEFORE THE HOUSE COMMITTEE ON ENERGY AND
COMMERCE AND SENATE COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS

ACTION: SUPPORT

RECOMMENDATION

Adopt a Support position for H.R. 2548 (Solis) and S. 1499 (Boxer), “The Marine Vessel Emissions Reduction Act of 2007.”

ISSUE

The United States Congress is reviewing many legislative proposals to adopt new technologies and standards to effectively address climate change issues.

Large cargo ships, particularly foreign-flagged vessels, are among the largest unregulated sources of pollutants (smog and soot) in the Southern California Air Basin. According to environmental studies, foreign-flagged vessels emit almost 90% of all vessel pollution. One of the major components of soot and smog pollution is the high sulfur content of marine fuels that causes ships to emit over 50 percent of the sulfur oxides (SOx) pollution in Southern California.

According to the Environmental Protection Agency (EPA), 157 million people across the country live in areas that violate air quality standards for ozone and 88 million people live in areas that violate particulate matter standards. Annually, in California, there are 9,000 premature deaths, 2,400 hospitalizations, 14,000 cases of asthma, and 980,000 lost days of work as a result of poor air quality. Over half such deaths occur in the Southern California Air Basin. Statewide, air pollution costs our state \$2.3 billion annually in hospitalizations and treatment of major illnesses. The port complex has been labeled by physicians as the “diesel death zone”. For many communities, especially those near the Ports of Los Angeles and Long Beach, living by the ports (the source of maritime pollution) is not a choice but an economic reality.

PROVISIONS

This bill seeks to amend the Clean Air Act to reduce air pollution from marine vessels.

Specifically, H.R. 2548 (and the Senate companion bill, S. 1499), if adopted into law, would amend the Clean Air Act by requiring ships to use cleaner-burning lower-sulfur fuels that reduce health-threatening soot and smog-producing emissions when the ships are in or near U.S. ports. The bill also imposes tougher emissions standards for marine engines.

- Requires significant reductions in emissions of air pollutants from marine vessels that contribute to dangerous smog and soot pollution.
- Directs the Environmental Protection Agency (EPA) to limit the sulfur content of fuel used by domestic and foreign-flagged marine vessels when they enter or leave U.S. ports beginning December 31, 2010.
 - a) EPA must set the limit at no more than 1,000 parts per million unless EPA determines that such a level is not technically feasible by December 31, 2010.
 - b) EPA may set an interim standard as high as 2,000 parts per million, but must lower the standard to 1,000 parts per million by the earliest date that level is achievable.
 - c) Many marine vessels currently burn fuel with an average sulfur content of 27,000 parts per million.
- EPA is to set standards for new and in-use engines in domestic and foreign-flagged oceangoing vessels that enter or leave U.S. ports. The standards are to require the maximum degree of emission reduction achievable by no later than January 1, 2012.
- EPA is to require the same level of emission control achieved by similar engines in other types of vehicles or sources unless EPA determines that level is not achievable by marine engines by January 1, 2012.

IMPACT ANALYSIS

As the planner, programmer and operator for public transportation in Los Angeles County, Metro has a strong interest in ensuring that air quality conditions in Los Angeles County meet or exceed federal clean air standards set by the Clean Air Act. Metro may face the possible loss of federal formula highway dollars to fund projects if the Southern California region fails to meet certain air quality standards. The Los Angeles- South Coast Air Basin, which consists of the majority of Los Angeles, Orange, San Bernardino, and Riverside counties (covering more than 11,000 square miles) is designated by the U.S. Environmental Protection Agency as being a non-attainment area for the PM_{2.5} (Particulate Matter 2.5 microns) national ambient air quality standard.

For over a decade, the Metro Board has adopted policies to support a cleaner environment in Los Angeles County. For example, the 1994 Alternative Fuels Policy for future CNG bus purchases has cut pollution by our bus fleet by over 80%. Metro has since purchased over 2,100 Compressed Natural Gas (CNG) buses and more efficient rail cars. Most recently, the

board approved a November 2006 motion to create a “Clean Air Task Force.” This task force has focused on maximizing efforts to improve air quality in Los Angeles County by working with public and private stakeholders in our region. Metro has also supported a number of other initiatives to reduce air pollution in our region; including but not limited to; implementing an aggressive commuter and vanpool campaign, building additional HOV (High Occupancy Vehicle) lanes and supporting the “greening” of our transit facilities and divisions.

While Metro’s efforts to reduce air pollution have been significant, they alone will not help clean the air in our region. According to a Los Angeles County Economic Development Corporation report entitled, International Trade Trends & Impacts, the “the total number of containers handled at the Ports of Los Angeles and Long Beach in 2007 should increase by 9.2% to 17.2 million TEUs (twenty-foot container equivalent units).” By way of comparison, the two ports handled 9.5 million TEUs in 2000.

According to South Coast Air Quality Management District, in spite of a 1990 federal Clean Air Act mandate to adopt “maximum feasible controls” for ships and other off-road pollution sources, the United States Environmental Protection Agency (EPA) to date has not adopted any significant emission control measures for ocean-going ships. In April, EPA announced that it would delay until December 2009 the adoption of new regulations for such ships. There is no assurance that the rules will be adopted by then and if they are, whether they will be strict enough to significantly reduce air pollution in the Southland.

While the Ports of Los Angeles and Long Beach are continuing to implement “green” policies to address air quality issues, they have no jurisdiction over the maritime vessels (i.e., large cargo ships and ocean going ships) and that’s why the region needs this legislation. Ocean going ships calling on the Ports of Los Angeles and Long Beach are responsible for more than 30 tons of sulfur oxide emissions daily – roughly half of the total sulfur oxide emissions in the region. Sulfur oxide emissions contribute to the formation of fine particulate (PM2.5) pollution- According to the American Lung Association PM 2.5 is small enough to pass from the lung into the bloodstream just like oxygen molecules. Short-term increases (over hours to days) in particle pollution have been linked to:

- death from respiratory and cardiovascular causes, including strokes
- increased numbers of heart attacks, especially among the elderly and in people with heart conditions;
- inflammation of lung tissue in young, healthy adults;

Year-round exposure to particle pollution has also been linked to:

- increased hospitalization for asthma attacks for children living within 600 feet of roads with heavy truck or trailer traffic;
- slowed lung function growth in children and teenagers;
- significant damage to the small airways of the lungs;
- increased risk of dying from lung cancer; and
- increased risk of death from cardiovascular disease.

Southern California cannot achieve the federal health-based standard for PM2.5 by a federally mandated 2015 deadline unless sulfur emissions from ships are greatly reduced.

The following organizations and elected officials support this legislation: South Coast Air Quality Management District, Ports of Los Angeles and Long Beach, Natural Resources Defense Council, Friends of the Earth, Santa Barbara County Air Pollution Control District, Los Angeles Mayor Antonio Villaraigosa and Long Beach Mayor Bob Foster.

110TH CONGRESS
1ST SESSION

H. R. 2548

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

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Ms. SOLIS (for herself, Ms. HARMAN, Mrs. CAPPS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 car-

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 ministrators 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)*
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15 achievable by January 1, 2016,
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20 “(2) *APPLICABILITY*.—Standards applicable to
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2 “(A) IN GENERAL.—The standards estab-
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5 “(B) ENFORCEMENT AGAINST CERTAIN
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10 “(i) the owner or operator of an in-
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12 “(ii) any person that rebuilds or
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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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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

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25 If the Administrator makes a deter-

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13 trol described in subclause (IV)
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18 mines will be technically achiev-
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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-
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2 “(A) IN GENERAL.—The standards estab-
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