

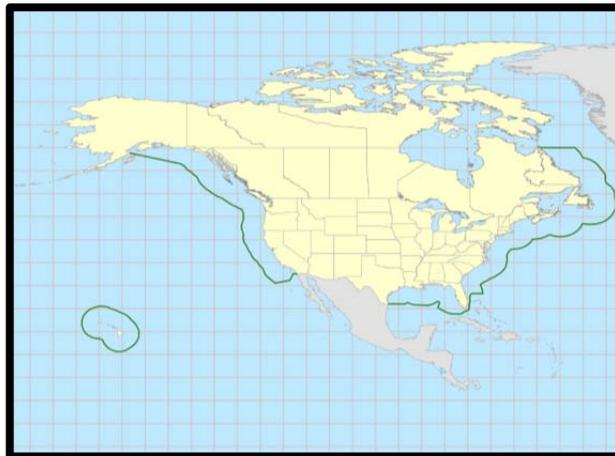


## Notice to Members

### North American ECA Enforcement Begins August 1, 2012

The Emission Control Area (ECA) for the United States and Canada will subject vessels operating within 200 nautical miles of the U.S. and Canada to significant civil penalties for non-compliance beginning on August 1, 2012. On the west coast, the North American ECA extends from Anchorage Alaska in the north to the U.S./Mexico border in the south, and includes a 200 nm area around the Hawaiian Islands (see figure). Vessels will be required to consume fuel with maximum sulfur content by weight of 1.0 percent (10,000 ppm), or use an equivalent control strategy, such as exhaust gas scrubbers. Failure to comply can subject the vessel to civil penalties up to \$25,000 per day of violation. Submittal of false records would also subject the vessel to an additional \$5,000 for each violation.

Members are strongly urged to identify sources of compliant fuel or alternative compliance strategies and to implement any necessary protocols and training to be ready for the August 1, 2012 enforcement date. Additional information on the IMO MARPOL protocols and the U.S. authority can be found at the EPA website, <http://www.epa.gov/otaq/oceanvessels.htm#north-american>.



**North American ECA Area**

#### **Background**

On March 26, 2010, the International Maritime Organization (IMO) amended the International Convention for the Prevention of Pollution from Ships (MARPOL) designating specific portions of U.S., Canadian and French waters as an Emission Control Area (ECA) under Annex VI of the International Treaty. The amended treaty provisions entered into force on August 1, 2011, and violations of the terms of the IMO Annex VI will be subject to civil penalties beginning on August 1, 2012. The International Treaty was codified in federal law through the Act to Prevent Pollution from Ships (APPS, 33 USC Section 1901 et seq.) that was last amended when President Bush signed the Marine Pollution Prevention Act of 2008. The APPS requires the U.S. to implement the provisions of IMO Annex VI and grants authority to the U.S. Environmental Protection Agency (EPA) and the U.S. Coast Guard (USCG) to administer the law and issue civil penalties. Violations of Annex VI shall be liable for a civil penalty of up to \$25,000 for each occurrence. In addition, making false, fictitious or fraudulent statements or representations to EPA or USC shall be subject to a civil penalty up to \$5,000 for each occurrence. Each day of continuing violations can be considered a separate violation (33 USC Section 1908).