



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Commercial Vessel Compliance Directorate
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MSIB Number: 02-15
Date: March 10, 2015
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New Emission Control Area (ECA) Sulfur Cap Started January 01, 2015

This bulletin is a reminder that in accordance with MARPOL Annex VI, Regulation 14, fuel oil used by all ships operating in Emission Control Areas (ECAs), including the North American and United States Caribbean Sea ECAs, **cannot exceed 0.10% fuel sulfur (1,000 ppm)**. Ship operators are required to use compliant fuel within 200 nautical miles of the North American coast and within approximately 50 nautical miles of the United States Caribbean Sea coast. Only vessels with a MARPOL Annex VI Regulation 3 trial program exemption issued by the vessel's flag state, and acknowledged by the United States, or a MARPOL Annex VI, Regulation 4 equivalency, issued by the vessel's flag state, may use fuel oil which exceeds the fuel sulfur requirements. This is consistent with the Regulation 3 permit or Regulation 4 equivalency guidance previously provided.

U.S. flagged vessels are subject to inspection for compliance with MARPOL Annex VI. Similarly, non-US flagged vessels are subject to examination under Port State Control while operating in US waters. If an examination of a non-US flagged vessel indicates a violation of MARPOL Annex VI, the USCG has the authority under MARPOL and the Act to Prevent Pollution from Ships (APPS) to detain the ship to ensure compliance. Similarly, if an inspection of a U.S. flagged vessel indicates a violation, the USCG also has the authority to issue the vessel a "no-sail" CG-835. Furthermore the USCG, or the EPA in matters referred to it by the USCG, may initiate an enforcement action. Persons and/or vessels found to have violated MARPOL Annex VI, APPS, or any implementing regulation may be liable for a civil or criminal penalty, and the vessel's customs clearance may be revoked in accordance with 33 U.S.C. § 1908(e).

The guidelines for compliance and enforcement of 1.0% fuel oil previously established, will remain in place except that vessels must now use 0.10% fuel oil rather than 1.0% fuel oil. Additionally, the Coast Guard and EPA have a new referral protocol in place for the enforcement of Annex VI violations. Potential violations will be investigated by the Coast Guard, and based upon the evidence, the violations will be adjudicated by the Coast Guard or referred to the EPA for further investigation and adjudication, as described in the referral protocol. Also, depending on the severity of the violation, the Coast Guard may have the vessel's customs clearance revoked or withheld under 33 U.S.C. § 1908(e). Clearance may be granted upon the filing of a Letter of Undertaking (LOU), bond, or other surety satisfactory to the Coast Guard. Any LOU, bond or other surety satisfactory to the Coast Guard will include the maximum penalty amount and will cite the specific APPS provisions (33 U.S.C. § 1907(f) and 33 U.S.C. § 1908(b)) and the Annex VI regulation that is under investigation. Thus, the vessel may be granted clearance when the deficiency is cleared and the Coast Guard has received the LOU, bond or other surety satisfactory.

For additional guidance, Coast Guard [CG-CVC Policy Letter 12-04](#), *Guidelines for Compliance and Enforcement of the Emission Control Areas Established within the United States Jurisdiction as Designated in MARPOL Annex VI Regulation 14*, outlines the Coast Guard's methods and procedures for verifying compliance with the regulation. The policy letter is being updated to reflect the new fuel oil sulfur limits but the current policy letter is available under the "Annex VI" column of the table at <http://www.uscg.mil/hq/cgcvc/cvc/marpol.asp>. There is additional information, including a Frequently Asked Questions (FAQ) document, available at <http://homeport.uscg.mil> by referring to the left side menu and following the links to "Domestic Vessels", "Domestic Vessel General", and "MARPOL Annex VI". For additional information about the United States ECA program, please visit EPA's websites: <http://www.epa.gov/otaq/oceanvessels.htm> and <http://www2.epa.gov/enforcement/marpol-annex-vi>. **The revised Coast Guard and EPA referral protocols can be found at:** <http://wwwstage.uscg.mil/hq/cgcvc/cvc/marpol/annexsix.pdf> and <http://www2.epa.gov/enforcement/epa-coast-guard-protocol>.

With regard to any necessary fuel changeover issues to comply with ECA requirements, reports made to the Coast Guard indicate that changeovers have resulted in propulsion losses. Please note that advanced planning and preventive maintenance are critical to the proper operation of a vessel's main engine and the prevention of losses of propulsion.

As a reminder, in accordance with Safety of Life at Sea (SOLAS) Chapter II-2, Regulation 4, Paragraph 2.1.1, "no oil fuel with a flashpoint of less than 60°C shall be used" unless otherwise permitted by Paragraph 2.1. Paragraph 2.1.4 allows for the Administration to approve of the use of oil fuels with a flashpoint of less than 60 degrees Celsius. Vessel owners/operators should work with their vessel's Administration to ensure they have such approval prior to operating with 0.10% fuel sulfur that has a flashpoint of less than 60 degrees Celsius.

Questions regarding this bulletin should be forwarded to the Office of Commercial Vessel Compliance (CG-CVC) at **202-372-1218/1435** or by email at CGCVC@uscg.mil. This bulletin is provided for informational purposes only and does not relieve vessel owners/operators from any domestic or international safety, operational or material requirement.

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