



# Marine Safety Information Bulletin

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## NEW PROCEDURE FOR SHIPPING INDUSTRY TO NOTIFY THE US GOVERNMENT OF NON AVAILABILITY OF COMPLIANT FUEL OIL

1. Effective immediately, ship owners and operators of vessels operating in the North American (NA) or U.S. Caribbean Sea Emission Control Area (ECA) that are unable to purchase MARPOL Annex VI compliant fuel oil may satisfy the MARPOL Annex VI Regulation 18.2.4 requirement to notify the competent authority of the relevant port of destination by notifying the cognizant U.S. Coast Guard Captain of the Port (COTP). Effective June 30, 2019, the U.S. Environmental Protection Agency (EPA) will stop accepting Fuel Oil Non-Availability Reports (FONARs).
  2. Failure to make the notifications required by MARPOL Annex VI, 18.2.4 may result in a vessel control (e.g., detention) and/or enforcement action.
  3. There is no specific format\* for the notification; however, consistent with MARPOL Annex VI, Regulation 18.2.1, the ship owner or operator should be prepared to present a record of the actions taken to achieve compliance, including evidence that they attempted to purchase compliant fuel oil in accordance with the vessel's voyage plan.
  4. The U.S. Coast Guard will investigate all reports of non-compliance with MARPOL Annex VI to determine what actions may be warranted. Such actions may range from completing the investigation with no follow-on action, detaining the vessel, and/or pursuing civil penalties. The Coast Guard may also refer the matter to EPA.
  5. Ship owners and operators are reminded that the sulfur content of any fuel oil used onboard ships within the NA or U.S. Caribbean Sea ECAs will not change when the worldwide sulfur cap is reduced on January 1, 2020.
  6. The information herein is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact Office of Commercial Vessel Compliance, (CG-CVC) by email at [cgcvc@uscg.mil](mailto:cgcvc@uscg.mil).
- \* There is no required specific format at this time for a FONAR. However, it is recommended that ships use the format provided in [Appendix 1 of resolution MEPC.320\(74\)](#), 2019 Guidelines for Consistent Implementation of the 0.50% Sulphur Limit Under MARPOL Annex VI: Fuel Oil Non-Availability Report (FONAR).