

July 16, 2013

Via E-mail (EPA only) and U.S. Mail

Robert Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Admiral Robert J. Papp, Jr.
Commandant, U.S. Coast Guard
Headquarters
2100 2nd Street SW, Stop 7000
Washington, DC 20593

Re: Delay of MARPOL Annex VI Nitrogen Oxides Emission Standard

Dear Mr. Perciasepe and Admiral Papp:

Our organizations are writing to urge you to oppose vigorously any delay in a critically important international air pollution standard for ocean-going ships sailing in certain sensitive coastal areas, including waters off the coasts of the United States.

In 2008, the International Maritime Organization approved several new limits on emissions of nitrogen oxides and sulfur oxides, including a "Tier 3" requirement for an 80% NO_x reduction from new oceangoing vessels built during and after 2016 and operating in specially designated "Emission Control Areas." In 2010 the IMO approved ECAs covering most of the North American coasts as well as Hawaiian and U.S. Caribbean waters. Although the world's major engine manufacturers are in position to meet this new NO_x standard on schedule, the IMO recently approved a proposal to delay the effective date for a full five years, to 2021. The delay provision is not yet final, and must still be accepted at an IMO meeting early next year.

Implementation of the IMO NO_x standard on schedule is vital to protect America's public health and environment, and to give areas now in nonattainment of the ozone national ambient air quality standards a fighting chance to actually attain those standards as required by the Clean Air Act. The ECA standards for NO_x and SO_x are some of the most significant health and environmental protection measures adopted in the last several years. EPA estimates the NO_x and SO_x reductions from using cleaner

marine fuels and engines in waters off US coasts will prevent up to 14,000 premature deaths every year by 2020, and up to 31,000 premature deaths annually by 2030.¹

These benefits substantially exceed those of two of EPA's significant recent mobile source rulemakings *combined*: EPA's 2004 rule covering land-based nonroad engines,² and EPA's 2008 rule addressing locomotives and inland and coastal shipping.^{3,4}

With the ECA NOx requirements in place on schedule, annual shipping emissions are projected to decline somewhat over the next two decades, to less than 900,000 tons NOx. However, without these requirements, EPA projects that NOx emissions from ships in US waters will more than double, growing to 2.1 million tons a year by 2030. Furthermore, emissions from oceangoing shipping are much higher than those of most land-based sources, many of which have been subject to increasingly tighter emission limits, in some cases for many years. As a result, ocean-going vessels are responsible for a significant and growing share of US air pollution from mobile and other sources, particularly in ports and coastal areas. Pollution from these large ships also can travel hundreds of miles inland, and thus affect not only America's ports and coastal states, but inland states as well. Thus, EPA projects that in the absence of the ECA NOx standards, these large ships will be the largest mobile source of NOx emissions in 2030 (greater than cars and trucks *combined*), will represent almost 40% of total annual NOx emissions from all U.S. mobile sources and almost 20% of NOx emissions from *all* U.S. sources.⁵ In some U.S. port cities, shipping's share of NOx emissions will likely be much higher.⁶

¹ EPA 2010, Control of Emissions from New Marine Compression-Ignition Engines at or above 30 Liters per Cylinder; Final Rule, 75 Fed. Reg. 22896, at 22913 (April 30, 2010).

² EPA 2004, Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel; Final Rule, 69 Fed. Reg. 38958 (June 29, 2004). EPA estimated that benefits from this rule would include approximately 12,000 avoided premature deaths in 2030. 69 Fed. Reg. at 38960.

³ EPA 2008, Control of Emissions of Air Pollution From Locomotive Engines and Marine Compression Engines Less Than 30 Liters per Cylinder; Final Rule, 73 Fed. Reg. 25098 (May 6, 2008). EPA estimated that benefits from this rule would include approximately 1400 avoided premature deaths in 2030. 73 Fed. Reg. at 25100.

⁴ We note that the reduction in premature deaths from these three rules is not solely attributable to reductions in NOx, but is substantially influenced by SOx reductions. In this context, however, we stress that if the IMO's proposed delay of its ECA NOx standards is allowed to stand, a proposal to relax and delay the ECA SOx standards will likely follow close behind.

⁵ EPA 2009, Regulatory Impact Analysis: Control of Emissions of Air Pollution from Category 3 Marine Diesel Engines, EPA-420-R-09-019, section 3.5.

⁶ C3 RIA, section 3.5.2. For example, shipping emissions in Tacoma, WA, Savannah, GA and Charleston, SC were already, in 2002, responsible for more than 20% of local mobile source emissions.

It is clear that implementing the ECA NOx standards in 2016 without any delay is critical to the health and welfare of millions of Americans. Shipping emissions have been much too high for much too long, and must be reduced substantially as soon as possible. Therefore, we urge the Coast Guard and EPA, as key members of the U.S. delegation to IMO, to work on all fronts to overturn the IMO's recent proposal for delay of the Tier 3 NOx standards, and for EPA to do everything within its power to ensure that those standards are applied to *both* U.S.- and foreign-flagged ships in US waters with post-2015 engines. Among other things, we would respectfully suggest the following.

- The U.S. should seek to defeat completely the NOx delay proposal at IMO; *i.e.*, it should not seek to allow the delay with a grandfathering provision applicable only to the North American and U.S. Caribbean ECAs. Not only will other traditional US allies be more likely to support uniform global (ECA) implementation of the rule, but also the IMO amendment process makes it much easier to defeat an amendment to Annex VI than to pass a new one.
- EPA decided not to apply the NOx new engine standards in its 2010 C3 marine rulemaking to foreign-flagged ships based explicitly on the expectation that those standards would be enforced via the IMO ECA regulations, and stated that "if the proposed [ECA] amendment is not adopted in a timely manner by IMO, we will reconsider whether additional action is necessary to control harmful emissions from all vessels affecting U.S. air quality." 75 Fed.Reg. 22914. The IMO Tier 3 delay proposal should trigger EPA's reconsideration of its initial decision to exempt foreign-flagged ships, with a view to applying its C3 new engine standards to all ships in U.S. waters.

In conclusion, we respectfully urge EPA and the Coast Guard to vigorously oppose any delay in implementation of the IMO's Tier 3 NOx standards, and urge EPA to commence proceedings promptly to consider amending its 2010 emission standards for oceangoing vessels to apply such standards to foreign-flagged ships as well as U.S.-flagged vessels. We stand ready to assist you in these endeavors.

Sincerely,

Alaska Wilderness League (Arctic Ocean and Reserve Program)
A View from the Hook (NY)
Campaign to Save America's Waters (AK)
Center for Biological Diversity
Charleston Communities for Cruise Control (SC)
Clean Air Task Force
Clean Air Watch
Coastal Conservation League (SC)
Earthjustice
Environmental Defense Fund
Friends of the Earth

Greenpeace
Lands Council (WA)
Natural Resources Defense Council
Ocean Conservancy (Arctic Program)
Pacific Environment
Protect Whatcom (WA)
Save Birch Bay (WA)
Sierra Club (Beyond Oil Campaign)
Transportation Solutions Defense and Education Fund (CA)
Turtle Island Restoration Network (CA)
Union of Concerned Scientists
Michael P. Walsh (International Transportation Consultant)
West Oakland Environmental Indicators Project (CA)

Cc:

Jeffrey Lantz, U.S. Coast Guard
Gina McCarthy, EPA
William Charmley, EPA
Michael Samulski, EPA