

**Congress of the United States**  
**Washington, DC 20515**

December 4, 2012

The Honorable Daniel K. Inouye  
Chairman  
Committee on Appropriations  
U.S. Senate  
S-128, The Capitol  
Washington, DC 20510

The Honorable Thad Cochran  
Vice Chairman  
U.S. Senate  
S-128, The Capitol  
Washington, DC 20510

Dear Chairman Inouye and Vice Chairman Cochran:

We are writing regarding an important matter that we understand is now under discussion between House and Senate Appropriators.

As a member state of the International Maritime Organization (IMO), the United States agreed to amend the International Convention for the Prevention of Pollution from Ships (MARPOL) in 2008 to designate an Emission Control Area (ECA) to reduce air pollution from ships along the North American coastline.<sup>1</sup> This ECA became enforceable in August 2012.

In 2010, the U.S. Environmental Protection Agency finalized the standards for the ECA to reduce significant emissions from diesel engines of ships within 200 nautical miles of the coastline. The standards limit the fuel sulfur content to 1% in 2010 and 0.1% in 2015.<sup>2</sup> The standards will drive large annual reductions in emissions of nitrogen oxides, sulfur oxides, and fine particulate matter, on the order of 23%, 86%, and 74% respectively below the baseline in 2020.<sup>3</sup>

As you may know, these emissions reductions have been demonstrated to be necessary and the fuel requirements have been shown to be technically feasible and cost-effective. The ECA enjoyed the support of numerous representatives of the shipping industry. Many coastal states and localities with air pollution levels above the national ambient air quality standards are relying on these reductions to make progress toward meeting the standards. Without the

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<sup>1</sup> International Maritime Organization, *Information on North American Emission Control Area (ECA) Under MARPOL Annex VI* (May 2010).

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Environmental Protection Agency, *Regulatory Announcement: Designation of North American Emission Control Area to Reduce Emissions from Ships*, at 1 (March 2010) (online at <http://www.epa.gov/oms/regs/nonroad/marine/ci/420f10015.pdf>).

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pollution reductions from ships, states and localities would have to require more costly reductions in air pollution from other sources, which in many areas are already very stringently controlled.

Emissions reductions required in the ECA will improve public health and air quality along the coastlines and as far inland from the west coast as the Grand Canyon National Park and the east coast as the Great Smoky Mountains National Park. EPA estimates that in 2020 alone, the ECA requirements will prevent 5,500 to 14,000 premature deaths, 3,800 emergency room visits, and 4.9 million cases of respiratory issues.<sup>4</sup>

While many parts of the nation will receive public health benefits from the ECA, the emissions reductions that will be achieved in the ECA are absolutely essential for the state of California. Across California, over 40 counties include nonattainment areas for ozone and/or fine particulate matter.<sup>5</sup> According to the California Air Resources Board, “Ships are significant contributors to air pollution in California and over 80 percent of California’s population is exposed to harmful emissions from ships.”<sup>6</sup> They state that California needs the emissions reductions from the ECA to mitigate the health impacts from these emissions and make progress toward federal ambient air quality standards.

We understand that the Committee on Appropriations is considering a legislative rider to establish a pilot program to allow averaging of emissions over a ship’s voyage. The Air Resources Board has explained the detrimental impact this program would have on the ECA’s anticipated emissions reductions:

The proposed pilot program would erode these emissions reductions that communities and businesses in California are counting on. Allowing for averaging of emissions over a voyage could allow for significant increases in emissions in the waters immediately offshore California’s most densely-populated and polluted regions, leading to more health risks. Moreover, allowing ships to “count” emissions reductions from port power and other coastal measures would effectively “double-count” reductions that would be occurring anyway and so would allow for even greater aggregate emissions. Thus the proposed pilot program, while nominally aimed at achieving equivalent emissions, would likely lead to both greater overall emissions and greater emissions specifically in California’s hardest-hit regions.<sup>7</sup>

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<sup>4</sup> *Id.* at 5.

<sup>5</sup> U.S. Environmental Protection Agency, *Currently Designated Nonattainment Areas for All Criteria Pollutants* (July 20, 2012) (online at <http://www.epa.gov/oaqps001/greenbk/ancl.html>).



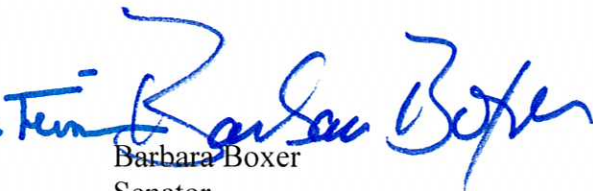
<sup>6</sup> Letter from California Air Resources Board to Committee on Homeland Security Chairman Peter T. King and Ranking Member Bennie G. Thompson (August 20, 2012).

<sup>7</sup> *Id.*

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We strongly oppose the inclusion of this legislative rider in any appropriations bill. We urge you to reject this effort and allow these important public health standards to take effect to protect Americans from dangerous pollutants.

Sincerely,

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| Henry A. Waxman<br>Member<br>U.S. House of Representatives                        | Dianne Feinstein<br>Senator<br>U.S. Senate  | Barbara Boxer<br>Senator<br>U.S. Senate  |