



UPDATE Environmental & Maritime

DECEMBER 2010

U.S. Continues Efforts to Impose Emission Limits in Its Territorial Waters - Proposes Caribbean Control Area

On December 7, 2010, the United States filed a formal proposal asking the International Maritime Organization (IMO) to designate portions of the coastal waters around Puerto Rico and the U.S. Virgin Islands an emission control area (ECA). These two territories play a major role in commercial vessel traffic: San Juan is a major port for both commercial vessels and cruise ships and St. Thomas is one of the largest cruise ports in the Caribbean. According to the U.S. proposal, such a designation would significantly reduce nitrogen oxides (NO_x), sulfur oxides (SO_x), and particulate matter emissions from ships in this highly sensitive marine environment. The proposed ECA would extend approximately 50 nautical miles north and 40 nautical miles south of the "territorial sea baselines of Puerto Rico and the United States Virgin Islands." The ECA would not extend into marine areas subject to the sovereignty, the sovereign rights, or the jurisdiction of any country other than the United States.

If the proposed ECA is established, any large ship operating in the area will be required to "use much cleaner fuel or install better pollution control technology."¹ Further, ships built after January 1, 2016, that plan to operate in the ECA will be required to meet more stringent standards for nitrogen oxides.

The proposed Caribbean ECA is the latest in the EPA's coordinated strategy to impose emission limits on vessels traveling in its territorial waters. On March 26, 2010, the IMO adopted a U.S. proposal to designate areas of the North American coast as emission control areas. See 41 ER 721, 04/02/10.

The Marine Environment Protection Committee of the IMO has already approved the Caribbean ECA. A treaty amendment to MARPOL Annex VI for the new ECA will be circulated for a final vote in July 2011. If the amendment is adopted in July, ships operating in the designated areas may be subject to the new pollution limits as early as January 2014.

FOR MORE INFORMATION

Additional information regarding the proposed Caribbean emission control area is available at <http://www.epa.gov/otaq/oceanvessels.htm>.

Robinson & Cole LLP has represented vessel owners and managers on a wide variety of regulatory and compliance matters. For more information, please contact one of the following attorneys:

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Puerto Rico and U.S. Virgin Island Waters," available at
<http://yosemite.epa.gov/opa/admpress.nsf/0/DACD3AF58C621ECB852577F2006CB5C6>.

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