Frequently Asked Questions: North American Emission Control Area (ECA)
U.S. Coast Guard Office of Commercial Vessel Compliance

The USCG and EPA have compiled this consolidated list of FAQs and associated responses from queries received since the implementation of the North American ECA. Also included at the end of the document is a list of questions received which are currently under review by the USCG/EPA. The USCG will update the FAQs on a monthly basis (or sooner) which will be identified by a revision date located at the top of the first page of this document. Questions may be submitted directly to ECA-USflag@uscg.mil or ECA-foreignflag@uscg.mil. The email subject line should include the following text: Question regarding the North American ECA.

What vessels must comply with the North American ECA?

With limited exceptions, all vessels of any type whatsoever operating within the geographic boundaries of the North American ECA must comply with the fuel sulfur requirements.

What vessels are excepted or exempted from the fuel sulfur requirements of the ECA?

With limited exceptions, including for certain "public vessels" (as defined in 40 C.F.R. § 1043.20), all vessels that operate in the North American ECA are required to be in compliance with the Annex VI ECA fuel oil sulfur standard. Note, most vessels under 400 gross tonnage are likely already in compliance with the standard as the majority of these vessels operate using solely distillate fuel oil that meets the Annex VI ECA fuel oil sulfur limit.

All vessels powered by propulsion boilers (steamships) which were not originally designed for continued operation on marine distillate fuel or natural gas are exempt from the ECA's sulfur requirements beginning on 1 January 2013 through January 1, 2020 (MEPC.202(62)). U.S. flagged Great Lakes steamships (operating exclusively on the Great Lakes) have been exempted by the EPA through 2025. USCG Marine Inspectors or Port State Control Officers will not check for ECA compliance onboard U.S. or foreign flagged steamships during the interim period prior to 1 January 2013.

USCG Marine Inspectors or Port State Control Officers will not check for fuel oil sulfur requirements compliance on vessels operating exclusively in the Great Lakes (Great Lakes vessels). Great Lakes vessels (non-steamships both U.S. and foreign flagged) may apply the interim provisions described in 40 CFR 1043.95 (c) for Great Lakes Residual Fuel Availability Waiver. Under this waiver, Great Lakes vessels may use fuel exceeding the ECA sulfur limit through December 31, 2014 if no other acceptable fuel is available. In addition, Great Lakes vessels utilizing this waiver must submit fuel oil non-availability reports directly to the EPA in accordance with 40 CFR 1043.95(d). USCG Marine Inspectors or Port State Control Officers may continue to check for compliance with other portions of MARPOL Annex VI if applicable to the vessel and route. Vessels

(non-steamships both U.S. and foreign flagged) which do not operate exclusively on the Great Lakes must comply with the provisions of 40 CFR 1043.

Additional exceptions to MARPOL Annex VI are contained in Regulation 3: emissions necessary for the purpose of securing the safety of a ship or saving life at sea; emissions resulting from damage to a ship or its equipment, if the conditions in set forth in Regulation 3.1.2 are met; an exemption issued in connection with trials for ship emission reduction and control technology research, as described in Regulation 3.2; emissions directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources; and fuel sulfur requirements do not apply to the use of hydrocarbons that are produced and subsequently used on site as fuel, when approved by the Flag State.

Are yachts, recreational vessels, fishing vessels, etc. exempted from the requirements of the ECA?

No. Except for the exceptions/exemptions listed above, Regulation 14 of MARPOL Annex VI and the accompanying U.S. Emission Control Area regulations at 40 CFR 1043 do not specifically exclude any vessel type, vessels on a particular route, or include tonnage thresholds for applicability.

That said, vessels that use only marine distillate fuels meeting the requirements of 40 CFR 80 (essentially number 2 diesel and lighter) purchased in the U.S. are deemed to be in compliance with the ECA (see 40 CFR 1043.60(d)).

How will the U.S. enforce the ECA on Canadian flagged vessels on the Great Lakes?

In light of Canada's intention to implement a fleet averaging regulatory regime in the Great Lakes that will provide equivalent benefits to the EPA regulatory regime for air emissions in the Great Lakes, Canadian vessels in U.S. Great Lakes waters that have a Canadian Air Pollution Prevention certificate will be deemed to be compliant with the U.S. regulations as of August 1st, pending the finalization of a reciprocal agreement. Similarly, we understand that U.S. vessels will be deemed to be in compliance in Canadian waters if they satisfy the EPA rules for the Great Lakes.

Canadian vessels will be deemed compliant with U.S. NA ECA if:

1) the vessel is utilizing compliant fuel oil;

2) the master follows the interim provisions permitted under 40 CFR 1043.95; or

3) they have onboard a valid Canadian Air Pollution Prevention Certificate.

U.S. vessels cannot utilize the Canadian certificate for compliance and are subject to the EPA reg/requirements.

How do I demonstrate compliance with the ECA?

If utilizing low sulfur fuel oil (1.00% m/m) for compliance with the ECA:

- Vessels that enter/exit the ECA:
  - Record in a logbook the volume of low sulfur fuel oils in each tank, date, time, and position of the ship when any fuel oil changeover operation is completed prior to the entry into or commenced after exit of an ECA.
  - Carry written fuel oil changeover procedures showing how and when changeover is completed.
- Vessels that operate solely within the ECA, that change from non-compliant to compliant fuel on or before 1 August 2012 to meet the ECA implementation, shall record in a logbook the volume of low sulfur fuel oils in each tank, date, time, and position of the ship when the fuel oil changeover operation is completed.
- All vessels over 400 GT ITC operating internationally must receive and maintain bunker delivery notes or similar documentation, provided by their fuel supplier upon bunkering, that contains the specifications of the fuel loaded.
- Vessels operating domestically using marine distillate fuel purchased in the U.S. are considered in compliance with the ECA.

Is fuel purchased in the U.S. automatically ECA compliant?

No. Fuel oil may still be purchase with a sulfur content exceeding 1.00% for use onboard a vessel when operating outside of the U.S. established ECA's (up to 3.50% sulfur intended for worldwide use). However, marine distillate fuel that complies with 40 CFR Part 80 purchased in the U.S. is considered in compliance with the ECA.

What happens if my fuel receipts do not include information about sulfur content?

Vessels over 400 GT on international routes must have Bunker Delivery Notes containing standard information (including sulfur content) as required in 40 CFR 1043.80 and MARPOL Annex VI Regulation 18.5 and Appendix 5.

Smaller vessels and/or vessels on domestic routes can demonstrate compliance with fuel receipts showing the delivery of marine distillate fuel (as defined in 40 CFR 80, essentially number 2 diesel and lighter) purchased in the U.S. These marine distillate fuels purchased in the U.S. will be considered to be ECA compliant by the Coast Guard.

For other small vessels, the Coast Guard recommends that the fuel supplier or crew write the sulfur content on the receipt when receiving fuel oil. Although not required, vessels may also request a bunker delivery note or bill of lading from the supplier in order to indicate compliance. The Coast Guard has been in contact with several bunker suppliers in various ports and is aware that most fuel receipts provided to small vessels will not contain sulfur content information or list the precise grade of fuels provided.

Is soot blowing regulated under the ECA requirements?

No. The ECA requirements only address sulfur limits in fuel oil and record keeping requirements related to that fuel oil. Other international, federal, state or local requirements may address specific operational practices like soot blowing.

How will the U.S. handle ECA violations occurring outside of U.S. waters?

- Violations of MARPOL Annex VI, including the North American Emission Control Area (NA ECA) requirements by U.S. flagged vessels are subject to enforcement action by the U.S. government no matter where the violation occurred.

- Violations of MARPOL Annex VI, including the NA ECA requirements, by foreign flagged vessels visiting U.S. ports or places are subject to enforcement by the U.S. government if the violation occurs (or is ongoing) in waters/areas under U.S. jurisdiction.

- Violations of MARPOL Annex VI, including the NA ECA requirements, by foreign flagged vessels which occur outside of waters/areas under U.S. jurisdiction will be referred to the flag state administration for appropriate action.

- Foreign flagged vessels visiting U.S. ports or places remain subject to enforcement by the U.S. government for violations of international and U.S. law related to recordkeeping.

- Enforcement actions will be consistent with international and U.S. law.

Compliant Fuel Oil – 1% m/m ; what methodology applies to testing for compliant fuel oil regarding the ECA (ISO or Annex VI (1%) max); and what is the max % of sulfur permitted based on the testing results which will be deemed compliant?

In accordance with MARPOL Annex VI, Regulation 18.8.2, if the U.S. government requires the MARPOL fuel oil representative sample to be analyzed to determine whether the fuel oil meets the requirements of Regulation 14, the analysis will be conducted in accordance with the fuel verification procedures set forth in appendix VI to MARPOL Annex VI. When the U.S. government independently collects fuel oil samples from fuel oil suppliers or from ships as part of a compliance inspection, the fuel oil must meet the 1.00% standard.

My company policy (SMS, etc.) requires that I wait for third party lab results before burning newly loaded bunkers. How does the requirement to burn only ECA compliant fuel affect this?

Vessels electing to continue utilizing non-compliant fuel oil (exceeding the 1.00% m/m sulfur content) until fuel quality test results are received should note this testing requirement on their fuel oil non-availability reports submitted to the USCG and EPA. In

addition the report should include an estimate of the delay for fuel switchover related to fuel testing. This does not alleviate the vessel of the requirement to submit fuel oil non-availability reports to the USCG and EPA, nor does it relieve the vessel of the requirement to locate and begin using compliant fuel prior to entering the ECA.

As the ECA fuel oil sulfur requirements become a routine part of voyage planning, it is expected that vessel operators will locate worldwide fuel suppliers and/or develop operating standards that facilitate compliance with ECA fuel oil sulfur requirements. In other words, use of non-compliant fuel within the ECA is the exception rather than the rule. Additional information on this topic can be found in the EPA's Interim Guidance on the Non-Availability of Compliant Fuel Oil for the North American Emission Control Area.

Do the ECA restrictions apply to waste oil sludge burned in incinerators?

The use of an incinerator to incinerate sludge generated on board ship is permitted as allowed by regulation 16 of MARPOL Annex VI, including in the ECA.

What vessels must comply with the bunker delivery note and fuel oil sample/ storage requirements of MARPOL Annex VI Regulation 18 Paragraphs 8.5 & 6 and 8.1?

Only vessels over 400 GT on international voyages must comply with the bunker delivery note and fuel oil sample storage requirements of MARPOL Annex VI Regulation 18 Paragraph 8.1. Other vessels do not have to comply with these bunker delivery note/ fuel oil sample storage requirements but are not relieved from compliance with the fuel oil sulfur requirements of the ECA.

Questions awaiting answers from EPA or USCG:
These questions have been received by the USCG and EPA. Both agencies are currently researching and coordinating a response to be included in the next revision to this document.

Do the requirements of the ECA apply to MODUs?

What exemptions are in place for MODUs?

What about vessels using dynamic positioning?

If a vessel receives fuel oil w/a bunker delivery note indicating 1.00% m/m sulfur and during bunkering the crew takes an additional sample for a third party to perform an analysis (DNV is performing using the same testing protocols as in MARPOL Annex VI, appendix vi) and the results come back indicating a higher sulfur content then the BDN what should the vessel do? Is this considered a violation?

What kinds of oils are straight distillate fuels, fuel oil with viscosity less than 11 centistokes in EPA's instruction?

If the vessel does not have distillate fuels which meet the definition of an ECA compliant fuel oil (the 1.00% sulfur ECA standard) but the vessel has fuel oil with viscosity less than 11 centistokes which meet that definition, must the vessel use the oil with viscosity less than 11 centistokes?

If the vessel does not have oil which meets the definition of an ECA compliant fuel oil (the 1.00% sulfur ECA standard) and cannot take bunkers and also does not have fuel oil with viscosity less than 11 centistokes which meet the definition, is the FO NON-COMPLIANCE AND NON-AVAILABILITY REPORT required by EPA?

Will every vessel entering the ECA be inspected or will inspections be random? If random, with what regularity will vessels be inspected?

The memorandum of understanding (MOU) between the EPA and USCG states that "USCG performs ship inspections and examinations during the course of flag State and port State examinations"; can you elaborate on what that means precisely?

What is the penalty for noncompliance and how is it assessed? Do penalties become more severe if a vessel/operator is found to be in violation on more than one occasion?

Do compliance verifications occur only in port? What is the formal procedure that vessel operators will expect to undergo?

With respect to low sulfur fuel oil availability, the MOU states that the EPA "will maintain a register of local suppliers of fuel oil"; where can this register be found?