

# RIN Data

DHS/USCG

RIN: 1625-AC78

Publication ID: Fall 2021

**Title:** •MARPOL Annex VI; Prevention of Air Pollution from Ships

**Abstract:**

The Coast Guard is proposing regulations to carry out the provisions of Annex VI of the MARPOL Protocol, which is focused on the prevention of air pollution from ships. The Act to Prevent Pollution from Ships has already given direct effect to most provisions of Annex VI, and the Coast Guard and the Environmental Protection Agency have carried out some Annex VI provisions through previous rulemakings. This proposed rulemaking would fill gaps in the existing framework for carrying out the provisions of Annex VI. Chapter 4 of Annex VI contains shipboard energy efficiency measures that include short-term measures reducing carbon emissions linked to climate change and supports Administration goals outlined in Executive Order 14008 titled Tackling the Climate Crisis at Home and Abroad. This proposed rulemaking would apply to U.S.-flagged ships. It would also apply to foreign-flagged ships operating either in U.S. navigable waters or in the U.S. Exclusive Economic Zone.

**Agency:** Department of Homeland Security(DHS)

**Priority:** Other Significant

**RIN Status:** First time published in the Unified Agenda

**Agenda Stage of Rulemaking:** Proposed Rule Stage

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** [33 CFR 151](#)

**Legal Authority:** [33 U.S.C. 1903](#)

**Legal Deadline:** None

**Statement of Need:**

The Coast Guard is proposing regulations to carry out the provisions of Annex VI of the MARPOL Protocol, which is focused on the prevention of air pollution from ships. The Act to Prevent Pollution from Ships has already given direct effect to most provisions of Annex VI, and the Coast Guard and the Environmental Protection Agency have carried out some Annex VI provisions through previous rulemakings. This proposed rule would fill gaps in the existing framework for carrying out the provisions of Annex VI and explain how the United States has chosen to carry out certain discretionary aspects of Annex VI. This proposed rule would apply to U.S.-flagged ships. And it would also apply to foreign-flagged ships operating in U.S. navigable waters or in the U.S. Exclusive Economic Zone.

**Summary of the Legal Basis:**

Section 4 of the Act to Prevent Pollution from Ships (Pub. L. 96-478, Oct. 21, 1980, 94 Stat 2297), as reflected in 33 U.S.C. 1903, directs the Secretary of Homeland Security to prescribe any necessary or desired regulations to carry out the provisions of the MARPOL Protocol. The "MARPOL Protocol" is defined in 33 U.S.C. 1901 and includes Annex VI of the International Convention for the Prevention of Pollution from Ships, 1973.

**Alternatives:**

**Alternative 1 --** No Action. USCG considered taking no action, but 33 U.S.C. 1903 (c) (1) directs the DHS Secretary to prescribe any regulations necessary to implement Annex VI. We have determined that it is necessary for the Coast Guard to issue regulations to implement Annex VI. Therefore, if we take no action, the Coast Guard having been delegated this rulemaking authority from the DHS Secretary would not fulfill its mandate from Congress to implement Annex VI.

**Alternative 2 --** USCG considered not pursuing a rulemaking and allowing the Annex VI International Air Pollution Prevention (IAPP) certificate provision (Regulation 6) to be a mechanism to ensure compliance with Annex VI. We did not follow this alternative because not all ships subject to Annex VI would be required to obtain an IAPP certificate.

**Alternative 3 --** USCG considered issuing only regulations that were required to explain how the United States planned to exercise its discretion under Annex VI, but we determined that additional regulations were necessary to clarify how we would be implementing Annex VI. The intent of these clarifying regulations (e.g., how will a vessel that does not have a GT ITC measurement know if it will be subject to surveys under Regulation 5.1) is not to impose any additional burden -- for it is APPS that requires compliance with Annex VI, but to make implementation of Annex VI more effective, efficient, and transparent.

**Anticipated Costs and Benefits:**

USCG anticipates the costs for the proposed rule to come primarily from additional labor for 5 requirements including overseeing surveys; developing and maintaining a fuel-switching procedure; recording various data during each fuel switching; developing and managing a Volatile organic compounds (VOC) management plan; crew member to calculate and report the attained Energy Efficient Design Index (EEDI) of the vessel, and crew member to develop and maintain the Ship Energy Efficiency Management Plan (SEEMP). USCG estimates that the requirement will total approximately \$2 million over a ten year period.

USCG expects the proposed rule to have unquantified benefits from reduction in fatalities and injuries due to pollutant in engine emissions, and also reduced risk of retaliation due to breaching international agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2022	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Included in the Regulatory Plan:** Yes

**RIN Data Printed in the FR:** No

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