
Environment & Energy Committee

HB 1689

Brief Description: Adopting emission standards for ocean-going vessels at berth.

Sponsors: Representatives Reed, Berry, Parshley, Doglio, Pollet and Ramel.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes the Department of Ecology to adopt California's Ocean-Going Vessels at Berth regulation, beginning no earlier than January 1, 2028.
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Hearing Date: 2/4/25

Staff: Jacob Lipson (786-7196).

Background:

Under the federal Clean Air Act (federal CAA), most states, including Washington, are restricted from enacting their own emissions standards for new nonroad engines or vehicles, which is an authority generally reserved to the federal government. California is the only state allowed under the federal CAA to adopt state standards and other requirements related to the control of emissions from nonroad vehicles and engines. California's nonroad vehicle and engine emissions standards must be at least as protective of public health as federal standards, and must be approved by the United States Environmental Protection Agency (EPA). Other states may adopt vehicle emissions standards that are identical to the standards, implementation, and enforcement that California has established for nonroad vehicle and engine emissions. Under federal law, other states adopting California vehicle emissions standards may only take effect at least two years after California and the other states adopt the standards.

Under the authority of the federal CAA, California has adopted and the EPA has approved, an

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ocean-going vessels (OGV) at berth regulation. The current California regulation, adopted by California in 2020 and approved by the EPA in 2023, requires that the OGVs visiting a California port, terminal, or berth connect to shore power or implement an alternative emissions control strategy.

Under California's OGV at berth regulation, shore power is automatically approved as an emissions control strategy, while alternative emissions control strategies must be individually applied for and approved by the California Air Resources Board (CARB), which is the California regulatory agency that administers the at berth vessel regulation. To receive approval of the CARB a person must demonstrate that the alternative emissions control strategy does not exceed specified levels of air pollutants such as particulate matter, and meets other testing and durability requirements.

Under California's OGV at berth regulation, the OGVs must also:

- not discharge visible emissions of any air pollutant that exceeds certain opacity standards for more than three minutes per hour when at berth and anchor;
- plug in to shore power for each visit to a terminal with vessel-compatible equipment;
- reduce auxiliary engine emissions to meet emission performance standards during each visit to a terminal;
 - this requirement is phased in to apply to cargo vessels and passenger vessels beginning in 2023, roll-on roll-off vessels and tanker vessels that visit the ports of Los Angeles or Long Beach in 2025, and all other tanker vessels in 2027;
- reduce tanker auxiliary boiler emissions to meet emission performance standards;
 - beginning in 2025 for vessels that visit the ports of Long Beach and Los Angeles and in 2027 for other tanker vessels;
- complete a compliance checklist and report specified information to the CARB within 30 days of departure from the visit; and
- maintain pertinent records for a minimum of five years and provide requested information within 10 calendar days of a request from the CARB staff.

The OGV at-berth regulation imposes similar requirements on terminal operators and alternative emission control system operators, including requiring terminal and alternative system control operators to:

- complete a compliance checklist;
- report specified information to the CARB; and
- maintain pertinent records.

Terminals must connect vessels to shore power when visited by a compatible vessel. Terminals without shore power available for certain vessel visits must arrange for an alternative emission control strategy to be used by the vessel. Ports are required to provide support to terminals in their compliance obligations. Both terminals and ports must develop and submit plans to the CARB for complying with the OGV at-berth regulations.

The OGV at-berth requirements do not apply to vessels that do not stop at a California port, or to

government and military vessels. Some or all of the OGV requirements also do not apply in the event of a vessel safety and emergency event, for research visits, and at certain low-activity terminals within California. In addition, a limited number of exceptions are provided for vessel or terminal events that preclude emission reductions from occurring during a visit.

As an alternative to complying with the OGV at berth regulation, vessels and terminals may:

- Under certain circumstances, request the CARB to use a remediation fund option involving a specified hourly rate payment for mitigation of the community impact of excess emissions. Remediation funds may be administered by certain specified entities such as California air quality management districts and air pollution control districts that receive approval from the CARB, and must be used to fund incentive activities that comply with the CARB-adopted guidelines, and achieve emissions reductions additional to other legal requirements.
- Apply to the CARB prior to 2021 to receive approval to implement an innovative concept to reduce emissions that will reduce emissions at a level equal to or greater than through compliance with the OGV at berth regulation.

Violations of the OGV at-berth requirements are subject to penalties, injunctive relief, and other remedies provided in specified California Health and Safety code laws. All responsible parties may be held jointly and severally liable for violations.

California's requirements cease to apply if the United States adopts and enforces requirements that will achieve emissions reductions equivalent to those achieved by the OGV at berth regulation.

In 2024 the Washington Legislature directed the Joint Transportation Committee (JTC), through a transportation budget proviso, to hire a consultant to study the impacts of implementing regulations modeled on California's OGV at-berth regulations in Washington. Under the JTC's request for proposals by consultants to carry out the study, an initial analysis will be due by June 30, 2025, with a final report to the Legislature due by December 31, 2025. The study must evaluate statutory, regulatory, and infrastructure changes necessary to implement the OGV at-berth regulations, and project associated criteria air pollution reductions, greenhouse gas emission reductions, potential labor impacts, potential impacts on shipping costs and port competitiveness, and shore power infrastructure needs and costs.

Summary of Bill:

The Department of Ecology (Ecology) may adopt California's OGV at berth regulation. Rules adopted by Ecology must maintain consistency with California emissions standards and the federal CAA. The rules may take effect no earlier than January 1, 2028, and Ecology may extend the compliance timeline by up to three years.

The adoption of the OGV at berth regulation does not limit or affect the obligation of a vessel on shore power to meet proper crewing levels or meet other state or federal requirements to protect public health or the environment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.