



H.R. 802 – MARITIME POLLUTION PREVENTION ACT OF 2007

FLOOR SITUATION

H.R. 802 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative James Oberstar (D-MN) on February 5, 2007, and was passed by the House on March 26, 2007 by a vote of 359-48. The Senate subsequently agreed to an amended version of the bill by unanimous consent on June 23, 2008.

H.R. 802 is expected to be considered on the floor of the House on July 8, 2008.

SUMMARY

H.R. 802 implements international regulations on air pollution from ships that were adopted in the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL).

**Note: The MARPOL protocol of 1997 was targeted at ships that are engaged in international trade and applies to ships with diesel engines rated above 175 horsepower.*

The bill requires the Administrator of the EPA to work in coordination with the Coast Guard to develop regulations that will codify U.S. laws with the international ship emissions regulations. The regulations are to take effect six months after they are developed. Additionally, the legislation requires that all maritime vessels in excess of 400 tons to be certified that the vessel and the vessel's equipment are in compliance with the international ship emissions regulations.

H.R. 802 requires all U.S. ports to provide facilities to receive ozone depleting substances and exhaust gas cleaning residues. The bill authorizes the Coast Guard to inspect ships to verify that they are compliant with the international ship emissions regulation and authorizes the Administrator of the EPA, in coordination with the Coast Guard, to assess civil penalties for violations of the international ship emissions regulations.

H.R. 802, as amended by the Senate, includes a provision which allows persons who have been adversely affected by the Administrator's failure to perform duties under this legislation to file suit against the Administrator. Additionally, the Senate amended version of the bill includes a clause stating that nothing in the bill is to be understood as restricting any existing international or U.S. navigational law.

BACKGROUND

The International Maritime Organization (IMO) was established by the United Nations in 1948 to address safety, navigation, and pollution prevention for ships engaged in international trade. The IMO drafted the International Convention on the Prevention of Pollution from Ships, 1972 (MARPOL). MARPOL is an international treaty designed to reduce pollution from all aspects of marine vessel operation.

In 1997, the IMO met to set standards for controlling air pollution from ships and adopted the Protocol of 1997 (MARPOL Annex VI) establishing international regulations on air pollution from ships in the areas of:

- Ozone depleting substances
- Incinerators
- Emissions from tanker operations
- Ship engine emissions of Sulfur oxides and nitrogen oxides



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The Protocol of 1997 applies to larger marine diesel engines and it went into effect internationally on May 19, 2005, but the regulations apply retroactively to all diesel marine engines rated above 175 horsepower that are/have been purchased or modified since January 1, 2000. Engine manufacturers are to provide regulators with data to certify that each engine they sell is compliant. Customers receive a certificate upon purchase of an engine that it is compliant, and the certificate serves as evidence of compliance with international air pollution regulations for the life of the engine.

In October of 1999, the EPA established a voluntary certification program so engine manufacturers could certify that the engines they sell are compliant.

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 802 would cost about \$4 million over the next five years.

[Full CBO cost estimate for H.R. 802](#)

STAFF CONTACT

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