

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

October 14, 2009

Steve Edinger, Administrator
Office of Spill Prevention and Response
1700 'K' Street, Suite 250
Sacramento, Ca 95814

Subject: California Air Resources Board (CARB): Ocean Going Vessel Clean
Fuel Regulation

Dear Mr. Edinger:

At the October 8, 2009 regular meeting of the Harbor Safety Committee of the San Francisco Bay Region, the Committee voted on the following resolution regarding the recent California Air Resources Board Regulation for Ocean Going Vessels mandating the switch to low sulphur fuel when entering port. The vote was 10 yes; 1 no; 6 abstentions (Coast Guard, Corps of Engineers, NOAA, Port of San Francisco, BCDC and Bar Pilots).

“The Harbor Safety Committee supports a resolution to the Administrator of OSPR requesting CARB to immediately suspend the issuance of financial penalties for a period of one year, which we believe will provide the time necessary to collect data on these performance issues, identify and address root causes and apply corrective measures.”

The Committee does not advocate suspension of the CARB clean air regulation, but compliance and a phased in approach to enforcement during an interim period to reduce the increased risk of an incident resulting in an oil spill in the San Francisco Bay Region. Since the July 1st implementation of the regulation, the U.S. Coast Guard 11th District has documented a major increase in propulsion failures related to fuel switching, initiating 15 casualty investigations between July 1st and the end of September in San Francisco and Los Angeles/Long Beach related to fuel switching. Prior to this period the average was one a month. In addition the San Francisco Bar Pilots reported anecdotally during the same period a marked increase in engine failures, engines not starting, and problems with changes in speed, which affect maneuverability.

Prior to July 1st, the Coast Guard Captain of the Port, Sector San Francisco reported to the Committee an increasing number of problems observed, beginning with the tanker Overseas Cleliamar which lost electrical and propulsion power while passing under the Golden Gate Bridge, anchoring fifteen feet from the rocky Marin Headlands. The probable cause - low sulphur fuel switching. During the succeeding months as pilots

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reported increased problems, the Coast Guard Captain of the Port stated this was a major concern.

As a result, the Harbor Safety Committee pro-actively asked CARB staff to meet with the committee, beginning with the Navigation Work Group on August 12 to explain the regulation. Approximately seventy people attended, with comments by industry as to their experiences on the effect of switching to low sulphur fuel on various ships. This was followed by a CARB briefing and discussion of essential modification and safety exemptions of the regulation at the regular September 10 HSC meeting. At the recent October 8 HSC meeting, the Committee then voted on the request by PMSA and WSPA to support the suspension of the financial penalties for one year. All meetings are publicly noticed with agendas and minutes posted on sfmx.org.

It should be noted that four years previously, the HSC initiated a dialogue with CARB staff about the proposed regulations. The HSC recommended in a November 20, 2005 letter to CARB that the regulation include a safety clause if maneuvering problems occurred upon changing to low sulphur fuel and that the regulation include a "phase-in" period.

In conclusion, the Harbor Safety Committee notes that the Bay Region is an environmentally sensitive estuary system, an important part of the Pacific Flyway with three National Marine Sanctuaries offshore. Additionally, the Bay presents a number of hazards to navigation – strong tides and currents, fog, underwater rocks within the shipping lanes in the Central Bay and eleven bridges adjacent to shipping lanes. The Committee believes there is a demonstrated increased risk of an accident, which requires time for a risk analysis of the variety of problems being encountered with the new fuel and the development of Best Maritime Practices, beyond current procedures.

The Harbor Safety Committee of the San Francisco Bay Region is dedicated to working with CARB, the Coast Guard and the maritime community to prevent an oil spill in the Bay Area.

Sincerely,

Joan L. Lundstrom, Chair
Harbor Safety Committee of the
San Francisco Bay Region

Cc: Harbor Safety Committee
Captain John Strong, Chair Los Angeles/Long Beach Harbor Safety Committee
Captain Paul Gugg, Coast Guard Captain of the Port, Sector San Francisco
Commander Kiley Ross, Coast Guard District 11
James N. Goldstene, Executive Officer, CARB

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