



Western States Petroleum Association
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October 6, 2009

Joan Lundstrom
Chair – San Francisco Harbor Safety Committee

Re: Safety Concerns Related to CARB Main Engine Fuel Regulation

Ms. Lundstrom,

The Western States Petroleum Association (WSPA), representing companies that explore for, produce, refine, distribute and market petroleum and petroleum products, and the Pacific Merchant Shipping Association (PMSA), representing dry cargo shipping lines and terminal operators servicing California's major ports, have formally expressed our mutual concern to the Harbor Safety Committee (HSC) regarding the unintended consequences that have arisen since the implementation of the California Air Resources Board (CARB) main engine fuel rule on July 1, 2009. These unintended consequences have been clearly demonstrated through empirical evidence showing a dramatic increase in propulsion related incidents since the rule went into force, as well as evidence provided by ship pilots and industry representatives of degradation in main engine performance.

As pointed out in the letters that WSPA and PMSA submitted into the HSC record on September 9, 2009, our organizations support the reduction of emissions through the use of cleaner fuel; however, we are concerned that these unintended and unexpected consequences demonstrate that CARB's initial enforcement period of the rule has substantially increased the risk of a major incident with catastrophic consequences; a risk that our organizations view as unacceptable.

Our organizations ask that the HSC support a resolution to the Administrator of OSPR requesting CARB to immediately suspend the issuance of violations and collection of non-compliance fees for the 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. Such a phased in approach to enforcement of regulations is the norm for the maritime industry.

While the vast majority of vessels calling the state will continue to burn cleaner fuels, this simple recommendation will greatly reduce the risk of a catastrophic deep draft vessel casualty. CARB's existing effort to provide a safety exception in an attempt to address these issues is too limited in scope and does not adequately address many of the concerns raised at the HSC Navigational Work Group meeting on August 12. Additionally, it should be noted that CARB's attempt at

providing the master of a vessel the option of switching back to heavy fuel in the event of a main engine failure is too little too late and would most likely make a very bad situation worse.

Thank you for your consideration.

Sincerely,



Bob Poole
Senior Coordinator, WSPA



T.L. Garrett
Vice President, PMSA