



CHAMBER OF SHIPPING OF AMERICA

MONTHLY REPORT for ICS

January 2023

NOTE TO THE READER: Reference to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <https://www.congress.gov> by entering the bill number (HR 802, S 2841) in the “search bill text” block found at the center of the page.

US Transportation Decarbonization Strategy Released

In January, the US Departments of Energy, Transportation, Housing and Urban Development and the US EPA, released the “US National Blueprint for Transportation Decarbonization.” The blueprint is intended to outline a comprehensive strategy for decarbonizing the transportation sector that will guide future policy decisions as well as research, development, technology demonstration and deployment in the public and private sectors. As publicized, this blueprint is supposed to ‘offer a whole-of-government approach to addressing the climate crisis and meeting President Biden’s goals of a 100% clean electrical grid by 2035 and net-zero carbon emissions by 2050. A copy of the blueprint may be viewed and downloaded at <https://www.energy.gov/sites/default/files/2023-01/the-us-national-blueprint-for-transportation-decarbonization.pdf>

As is typically the case with such a “high altitude” proposal, the blueprint describes future policies and goals in broad terms with few specific recommendations on how these goals can be reached. The blueprint states that more detailed decarbonization action plans will be published in the future. Specifically, the new blueprint identifies the following goals for the shipping industry:

- Ensure that 5 percent of the global deep-sea fleet are capable of using zero-emission fuels by 2030.
- Enable at least 10 large trading ports across at least three continents to supply zero-emission fuels by 2030.
- Increase sustainable fuel R&D and incentivize U.S. commercial vessel operators to move towards lower GHG emissions.
- Push the IMO to adopt a goal of achieving zero emissions from international shipping by 2050.



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CSA has a founding member of the Blue Sky Maritime Coalition responded to press requests via a statement by the President of the coalition which was published by industry media outlets. Specifically, the comments included the following points:

- The maritime section of the blueprint seems much less thought through than other transportation sectors, noting the blueprint is a “great start” but should be followed urgently with detailed, bold plans that include measurable actions.
- Noting that international shipping represents half of US maritime emissions (with 30% from domestic shipping and 20% from recreational vessels), it was suggested that the report does not focus enough on reducing emissions across all ships – international, domestic and recreational.
- Acknowledging the blueprints recognition that it is difficult to accurately measure shipping emissions, the blueprint and future more detailed actions should seek to standardize emissions accounting across all ship types understanding emissions profiles are necessary so that vessels best suited to reduce emissions can be identified and resources allocated.
- It is urgent that collaboration occur across all stakeholders (government, industry, NGOs, academia, communities to “craft a detailed vision and plan to achieve that vision by 2050”.

Legislation Enacted re: US Offshore Lightering Operations (CBP) **S 5168 – The Energy, Security and Lightering Independence Act**

In the last days of the 117th Congress, S 5168, the Energy, Security and Lightering Independence Act was enacted as law. The bill was introduced on December 1, 2022 and was enacted into law on January 5, 2023, an almost unprecedented speed (a little over one month), for any legislation to be finalized. The arguments for enactment included a heavy focus on the current fuel crisis and supply chain disruptions being experienced in the US.

On our review, it appears this law will address the long-term problem (CSA has been working on this issue for 15 years) associated with parole periods as applied to crews aboard lightering vessels which were previously subject to a 29 day parole. The new provisions extend that period to 180 days but note these provisions only apply to crew in/out bound to vessels engaged in “ship-to-ship liquid cargo transfer operations”. It does not apply to crew changes to vessels not engaged in lightering operations conducting conventional crew changes in a US port.



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While the effective date of the law is its date of enactment (January 5, 2023), it is unknown at this time what if any action is being taken by CBP Headquarters to communicate these new provisions into practice across the CBP field offices.

CSA continues to communicate with CBP Headquarters urging them to issue a policy letter change to the CBP field offices to ensure consistent application of these new requirements in all US ports through which crew assigned to offshore lightering operations pass. In the meantime, companies with vessels engaged in offshore lightering operations are urged to retain a copy of the new legislation to show CBP field offices who may not yet be aware of these changes. We also urge any company who encounters problems in this respect to advise us of the location and position taken by the local CBP office so we can collect evidence to discuss with CBP Headquarters in cases where the new requirements are not applied. Information should be sent to kmetcalf@knowships.org

EPA VGP Regulations – Update

EPA has announced that it will be developing a Supplemental Notice to the previously proposed Vessel Incidental Discharge National Standards of Performance proposed rule original published in October 2020 to which CSA submitted extensive comments in November 2020. Over the past two plus years, repeated delays in publication of the final rule by EPA have been noted, delays likely the result of lengthy discussions between EPA and US states during the required state consultation process.

EPA had two options. The first option was publication of a final rule with minor changes from the 2020 proposed rule. The second option (now in play) was publication of either a new proposed rule or a supplemental rulemaking if major changes are contemplated as compared to the original proposed rule. This supplemental notice suggests that major changes are likely to be proposed in the supplemental rulemaking which will allow a full review and public comment on the new supplemental rule.

As per EPA, this supplemental notice will provide clarification on the proposed rule, share new ballast water data that EPA is receiving from the USCG and discuss additional regulatory options EPA is considering for inclusion in the final rule. Clearly there will be new proposals for ballast water discharges but we have also learned that EPA continues to evaluate whether changes are necessary in other discharges, including groundwater and EGCS.

The newly announced timeline will see publication of the supplemental notice in the Fall of 2023 with a public comment period with EPA soliciting comments to the specific issues which will be identified in the supplemental notice suggesting that comments will only be accepted on these specific issues and not on issues already addressed in the original proposal and left unchanged in the



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supplemental notice. EPA expects the final rule, addressing comments received on both the original proposed rule and the supplemental notice will be signed for publication in the Federal Register in the Fall of 2024.

CSA will continue to monitor this issue and advise of any new information as it becomes available.

USCG Maritime Cyber Assessment Annex Guide (MCAAG)

The MCAAG details voluntary guidance to MTSA regulated facilities with alignment to the CFR's, NVIC 01-20 and supporting guidance. Though this document is not vessel specific, this guidance provides helpful information for vessel operators. The full guide can be accessed here:

[Maritime Cybersecurity Assessment and Annex Guide - January 2023](#)



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