

News 11 Apr, 2023

USA - Updated Californian “At Berth” Regulation and New Reporting Requirements (Updated)



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The California Air Resources Board (CARB) Ocean-Going Vessels “At Berth” Regulation 2020 came into force on 01 January 2023. The amended regulation aims to further reduce diesel particulate matter and nitrogen oxides from ocean-going vessels’ auxiliary engines alongside regulated Californian ports and terminals.

The original “At Berth” Regulation was first introduced in 2007, requiring a certain percentage of fleets’ vessels to plug into shore power whilst at regulated berths based on the type of vessel and frequency of port calls. The [new “At Berth” 2020 Regulation](#) expands the requirements to include more vessel types and increases the number of regulated terminals and ports.

Phased schedule compliance start date:

1 January 2023	Container, reefer and passenger vessels.
1 January 2024	Ro-Ro vessels. Tankers visiting the ports of Los Angeles and Long Beach.
1 January 2025	All remaining tankers.

Vessels with shore power plug-in capabilities must plug into shore power during their port stays. Alternatively, vessels are required to use a pre-approved CARB Approved Emission Control Strategy (CAECS). Additionally, if not connected to shore power, tankers with steam-driven pumps must meet auxiliary boilers’ performance standards as specified within the regulations.

Reporting requirements were also due to come into force on 1 January 2023. However, CARB has granted an extension to reporting requirements under the Regulation until 1 May 2023 in a Notice dated 30 March 2023. This supersedes the Notice dated 20 January 2023.

The Notice dated 30 March provides further guidance on reporting and enforcement during a transition period from 1 January 2023, through thirty days after the date the US Environmental Protection Agency publishes its issuance of authorisation for the 2020 Regulation in the Federal Register. During the transition period, all vessel operators and terminal operators under the 2020 Regulation may choose one of two enforcement path options and must submit their choice to CARB by 1 May 2023. Details of the enforcement path options and notification requirements are set out in the Notice and CARB’s FAQs.

CARB advise at para 102 of their FAQs:

To provide flexibility during the transition from compliance with the 2007 Regulation to the 2020 Regulation, CARB is exercising its enforcement discretion to temporarily extend certain reporting timelines set forth in the 2020 Regulation until May 1, 2023 (as published in a CARB Enforcement Notice issued March 30, 2023). As of May 1, 2023, reports will be due pursuant to the normal schedule set forth in the 2020 Regulation. Furthermore, any reports that would have been due prior to May 1, 2023, but for the relief provided by this Notice are due on May 1, 2023. While the Enforcement Notice published by CARB provides temporary enforcement relief for the reporting provisions of the 2020 Regulation until May 1, 2023, CARB encourages those that can achieve the reporting timeframes set forth in the 2020 Regulation to continue doing so.

More details can be found in the Enforcement Notice dated 30 March 2023, [here](#).

Required reporting is for **all vessel types** from 1 May 2023, in addition to container, reefer and passenger vessels. Visit Reports must be submitted to CARB within 30 days of each vessel's departure by the vessel's operators. A template reporting form **provided by CARB can be found [here](#)**.

Non-compliance with the At Berth 2020 Regulation will result in fines of up to USD37,500 for each non-conformance action item for every day the vessel remains non-compliant. CARB have made clear at paragraph 164 of their FAQs that they still have discretion to initiate enforcement whilst California awaits authorisation from the US EPA for the 2020 Regulation pursuant to section 209(e) of the federal Clean Air Act.

CARB's frequently asked questions document can be found [here](#).

Members requiring further guidance should contact the Loss Prevention Department.