

10 May 2013

Canada implements North American ECA requirements

The North American Emission Control Area (ECA) requirements, as defined under MARPOL Annex VI Regulations for prevention of air pollution from ships, are now in force in Canadian territorial waters.

The North American ECA was originally due to enter into force on 1 August 2012, but Transport Canada's amendments to their *Vessel Pollution and Dangerous Chemicals Regulations* were delayed due to additional consultations with the domestic marine industry.¹ However, on 8 May 2013, the amendments to the regulations were published in Part II of the [Canada Gazette](#).



Under the category "Sulphur Oxides (SO_x)", the amended regulations state that "*the authorized representative of a vessel must ensure that the sulphur content of the fuel oil used on board the vessel does not exceed:*

- (g) 1.00% by mass before January 1, 2015, in the case of a Canadian vessel or a Canadian pleasure craft that is operating in waters under Canadian jurisdiction other than arctic waters;
- (i) 1.00% by mass before January 1, 2015, in the case of a foreign vessel or a foreign pleasure craft that is operating in waters under Canadian jurisdiction other than arctic waters or in Hudson Bay, James Bay or Ungava Bay;
- (j) 0.10% by mass after December 31, 2014, in the case of a Canadian vessel or a Canadian pleasure craft that is operating in waters under Canadian jurisdiction other than arctic waters;
- (l) 0.10% by mass after December 31, 2014, in the case of a foreign vessel or a foreign pleasure craft that is operating in waters under Canadian jurisdiction other than arctic waters or in Hudson Bay, James Bay or Ungava Bay."

This brings Canadian enforcement of the North American ECA requirements in line with current enforcement by US authorities, and effectively make compliance mandatory in all areas of the ECA.² Members and clients are advised that:

- Enforcement of the North American ECA requirements in Canadian waters is immediate, with effect from 8 May 2013. All vessels entering the Canadian part of the North American ECA must now use only fuel oil with a maximum sulphur content of 1.0% by mass, until 1 January 2015.³
- It is essential that accurate records are maintained on board in order to be able to demonstrate compliance with the new requirements at any time during routine Port State Control inspections. Documents which may be requested are bunker delivery notes, representative fuel oil samples, written fuel oil changeover procedures and the fuel changeover logbook.
- Every effort must be made to acquire compliant fuel before commencing a voyage to Canada, as well as at ports en route to Canada. However, if a vessel is unable to acquire compliant fuel oil, copies of all correspondence between the involved parties must be kept, including correspondence between the vessel's operators, agents, bunker suppliers, bunker brokers and charterers and log entries made when the vessel enters and exits the ECA, with date, time and position noted.

Please refer to Transport Canada's webpage: <http://www.tc.gc.ca/eng/mediaroom/backgrounders-vessel-pollution-regulations-7162.html> for a description of all amendments to the pollution regulations.

¹ See previous Gard Alert from 20 July 2012: [Canada delays implementation of the North American ECA requirements](#).

² The North American Emission Control Area (ECA) covers waters within the jurisdiction of the US, including Hawaii and Alaska south of 60°N. It also covers Canadian territorial waters south of 60°N and extending approximately 200 nautical miles out to sea, as well as French territorial waters around the islands of St. Pierre and Miquelon. The geographical limits of the North American ECA can be found in Appendix VII of MARPOL Annex VI and in [IMO Circular MEPC.1/Circ.723](#).

³ As an alternative to using low sulphur fuel oil, shipowners and operators may choose to equip their vessels with exhaust gas cleaning devices (scrubbers) in accordance with MARPOL Annex VI Regulation 4 and the corresponding emission values for a fuel oil sulphur content of 1.0% is a ratio of 43.3 SO₂(ppm)/CO₂. Any such equivalent methods must be approved by the vessel's Flag Administration.

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