Canada delays implementation of the North American ECA requirements

The North American Emission Control Area (ECA) is due to enter into force on 1 August 2012. We refer to previous Gard Alerts on this issue, the most recent of which was published on 4 July 2012.

While the United States (US) will enforce the North American ECA requirements from 1 August 2012, Transport Canada announced on 13 July 2012 that the amendments to their Vessel Pollution and Dangerous Chemicals Regulations have been delayed due to additional consultations being necessary with the domestic marine industry. The expected implementation date for the proposed amendment to the regulations is currently towards the end of 2012 - when it will be published in Part II of the Canada Gazette. For the period between 1 August and its entry into force, interim measures will apply in Canadian territorial waters. For details, please see Safety Bulletin No.03/2012 "Interim Measures for Vessel Air Emissions" issued by Transport Canada.

The North American ECA covers waters within the jurisdiction of the US, including Hawaii and Alaska south of 60°N. However, 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. Transport Canada states that “Great Lakes and St. Lawrence waters” means “the Great Lakes and the St. Lawrence River, their connecting waters and the Gulf of St Lawrence to the baseline of the territorial sea”.

Gard’s Members and clients calling at ports in the Canadian part of the North American ECA are recommended to implement the ECA requirements as early as possible, but should also be aware that until the proposed regulations enter into force in Canada, Canadian authorities have no means of enforcing the international standards under the North American ECA to limit the sulphur content in marine fuel oil to 1%.

As stated in the above mentioned safety bulletin from Transport Canada, “in the event a vessel is found in the North American ECA to have fuel on board with sulphur content greater than 1%, Marine Safety Inspectors may verbally advise the Master of the pending air emissions standards and the fact that they will soon be enforceable”. However, Transport Canada can carry out inspections of foreign and domestic vessels to ascertain compliance with the current regulations, including examination of International Air Pollution Prevention Certificates and bunker delivery notes, and will take appropriate enforcement actions in the event the required documents are missing or deficient.

Special care should be taken for vessels subsequently calling at ports in the US, as full compliance with the ECA requirements is enforced in US territorial waters from 1 August 2012.