

MEMBER ALERT



Shipowners Claims Bureau, Inc., Manager
One Battery Park Plaza 31st Fl., New York, NY 10004 USA
Tel: +1 212 847 4500
Fax: +1 212 847 4599

www.american-club.com

JULY 8, 2019

NEW US COAST GUARD PROCEDURE FOR NOTIFICATION OF NON-AVAILABILITY OF COMPLIANT FUEL OIL AS PER ANNEX VI, REGULATION 18.4.2 OF THE MARPOL CONVENTION 73/78

Under Annex VI, Regulation 18.4.2 of the MARPOL Convention 73/78 owners and operators of vessels operating in North American or US Caribbean Sea Emissions Control Areas (ECAs) which are unable to acquire compliant fuel oil at a foreign or domestic port are obliged to notify the competent US authority at the relevant port of destination.

Members should note that as of June 30, 2019, the United States Environmental Protection Agency (EPA) is no longer accepting Fuel Oil Non-Availability Reports (FONARs). Henceforth, Members are to notify the cognizant US Coast Guard Captain of the Port (CoTP) as the competent authority at the port of destination.

Further details regarding this change are to be found in US Coast Guard Marine Safety Information Bulletin, *New Procedure for Shipping Industry to Notify the US Government of Non-Availability of Compliant Fuel Oil*, MSIB Number 005-19 as attached.



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Inspections and Compliance Directorate
2703 Martin Luther King Jr Ave SE, STOP 7501
Washington, DC 20593-7501

MSIB Number: 005-19
Date: June 28, 2019
Contact: cgcvc@uscg.mil
Phone: 202-372-1435

NEW PROCEDURE FOR SHIPPING INDUSTRY TO NOTIFY THE US GOVERNMENT OF NON AVAILABILITY OF COMPLIANT FUEL OIL

1. Effective immediately, owners and operators of vessels operating in the North American (NA) or U.S. Caribbean Sea Emission Control Area (ECA) that are unable to acquire sufficient MARPOL Annex VI compliant fuel oil at a foreign or U.S. port may satisfy the MARPOL Annex VI Regulation 18.2.4 requirement to notify the competent authority of the relevant port of destination by notifying the cognizant U.S. Coast Guard Captain of the Port (COTP). Effective June 30, 2019, the U.S. Environmental Protection Agency (EPA) will stop accepting Fuel Oil Non-Availability Reports (FONARs).
 2. Failure to make the notifications required by MARPOL Annex VI, 18.2.4 may result in a vessel control (e.g., detention) and/or enforcement action.
 3. There is no specific format* for the notification; however, consistent with MARPOL Annex VI, Regulation 18.2.1, the ship owner or operator should be prepared to present a record of the actions taken to achieve compliance, including evidence that they attempted to purchase compliant fuel oil in accordance with the vessel's voyage plan.
 4. The U.S. Coast Guard will investigate all reports of non-compliance with MARPOL Annex VI to determine what actions may be warranted. Such actions may range from completing the investigation with no follow-on action, detaining the vessel, and/or pursuing civil penalties. The Coast Guard may also refer the matter to EPA.
 5. Ship owners and operators are reminded that the sulfur content of any fuel oil used onboard ships within the NA or U.S. Caribbean Sea ECAs will not change when the worldwide sulfur cap is reduced on January 1, 2020.
 6. The information herein is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact Office of Commercial Vessel Compliance, (CG-CVC) by email at cgcvc@uscg.mil.
- * There is no specific format at this time for a FONAR. Until the International Maritime Organization (IMO) adopts one, it is suggested ships use the format provided in the Annex to PPR 6/8/2 ("Consistent Implementation of Regulation 14.1.3 of MARPOL Annex VI: Proposed Template to report compliant fuel oil non-availability").