



## Enforcement of California's new At-Berth Regulation began on 1 January 2023

Whilst container, reefer, and passenger vessels are so far the only vessel types required to control their emissions while berthed in California, *all* vessels must submit a report to the authorities within 30 days after visiting one of the state's ports.

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Controlling emissions from vessels at berth is nothing new in California. Since 2014, the California Resource Board’s (CARB) 2007 At-Berth Regulation has regulated emissions from container, refrigerated cargo (reefer), and passenger vessels. However, in December 2020 a new At-berth Regulation was approved, with more stringent air emission control and reporting requirements set to take effect from 1 January 2023.

The new [2020 At-berth Regulation](#) broadens the scope of the previous regulation by expanding emission control requirements to more vessels, including two additional vessel types: tanker and ro-ro vessels, and new ports and terminals that serve these vessel types. Changing from a 25-visit fleet-based threshold to a 20-visit terminal-based threshold also increases the number of the already-regulated vessel types, i.e. container, reefer, and passenger vessels, subject to emission control requirements.

Emission control requirements

As a general principle, all ocean-going vessels are subject to the 2020 At Berth Regulation. However, and as detailed in our alert [Prepare for tougher at-berth emissions reductions in California](#) , only container, reefer, passenger, ro-ro, and tanker vessels must use a CARB Approved Emission Control Strategy (CAECS) while at berth. That is, unless the vessel is visiting a *low activity* terminal, i.e. a terminal that receives less than 20 visits from that vessel type per calendar year. Furthermore, the following implementation schedule is used to gradually phase in compliance with the new emission control requirements for the various vessel types:

Compliance start	Vessel type
1 January 2023	Container, reefer, and passenger vessels
1 January 2025	Ro-ro and tanker vessels visiting the
1 January 2027	Additional Los Angeles and Long Beach

Reporting requirements

All vessel categories, including bulk and general cargo vessels, have visit reporting requirements under the new 2020 At-Berth Regulation. In practice, this means that **all vessels, regardless of whether a vessel or terminal has emission control requirements, must submit a report to CARB within 30 days after visiting a California marine terminal.** It is also worth noting that ro-ro and tanker vessels have the same visit reporting requirements as other vessels, which means that these vessel types must submit visit reports to CARB also in the period leading up to the deadline for complying with the emission control requirements.

The initial implementation date of the reporting requirement was to be 1 January 2023. However, in a [Notice of 20 January 2023](#) , CARB advises that it has granted an extension to reporting requirements until **1 April 2023** . Any reports that would have been due prior to 1 April 2023 are now due on 1 April 2023, says CARB, but adds that it encourages those that can achieve the reporting timeframes set forth in the new regulation to continue to do so.

Additional resources

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The new 2020 At-Berth Regulation in its entirety can be downloaded from CARB's webpage: [Ocean-Going Vessels At Berth Regulation](#) . The page also contains links to other useful documents, such as the list of [frequently asked questions \(FAQs\)](#) and [templates](#) to assist with the new visit reporting requirements. We also recommend reading [ABS' Regulatory News No.05/2023](#) , which offers a helpful summary of the new regulation.

As the state of California, and the United States, are known for their stringent and unilateral environmental regulations, the following Gard articles may also be of interest:

- [California adopts federal ballast water discharge standards](#)
- [California Gold Rush? - State law increases monetary fines in marine oil pollution cases](#)
- [California provides clarity on its biofouling regulations](#)
- [US VGP and VIDA: What ship operators need to know for 2023 and onwards](#)

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