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An Environmental Triple Threat

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Environmental legislation aimed at combating climate change will hit the Texas maritime industry from three sides over the coming years: changing fuel requirements, emissions constraints and cold ironing. Lawyers for shipowners, ports and other maritime businesses should consider developments in these areas to protect their clients' interests.

The first significant area of contention concerns a key commodity: fuel. To clean up the environment, regulators in the United States and around the world are forcing vessels away from their primary fuel source: residual fuel oil, also known as heavy bunker fuel. In October, the International Maritime Organization (IMO) is expected to amend Annex VI to the International Convention for the Prevention of Pollution from Ships, which is referred to as MARPOL, to reduce the standard sulfur content in bunker fuel from a current cap of 4.5 percent to 3.5 percent by 2012 and .5 percent by 2020.

On July 21, President George W. Bush signed into law the Maritime Pollution Prevention Act of 2008, adopting MARPOL Annex VI as the law of the United States. The passage of this law will ensure the United States a seat at the IMO table to negotiate forthcoming international vessel emissions regulations that will have a significant impact on maritime clients.

Some do not want to wait for the IMO regulations. On Jan. 1, 2007, California attempted to enforce state regulations capping sulfur content at .5 percent on weight, with the cap set to decrease to .1 percent by Jan. 1, 2010. When a shipping concern mounted a court challenge to the regulations, U.S. Sen. Barbara Boxer, D-Calif., was paying close attention.

A scant 17 days after the plaintiff filed a motion for summary judgment seeking to enjoin enforcement of the regulations in *Pacific Merchant Shipping Association v. Cackette* in the U.S. District Court for the Eastern District of California, Boxer introduced legislation in the U.S. Senate to cap sulfur content at between .1 percent and .2 percent. The Marine Vessel Emissions

