

HOUSE CLIMATE BILL TAKES AIM AT SHIPPING EMISSIONS

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On Tuesday, 20 October, House Natural Resources Committee Chair Raúl Grijalva (D-AZ) and House Select Committee on the Climate Crisis Chair Kathy Castor (D-FL) introduced the [Ocean-Based Climate Solutions Act of 2020](#), legislation aimed at addressing the ocean impacts of climate change and reforming federal ocean management to better account for climate mitigation. The ambitious effort from House Democrats attempts to provide a roadmap for ocean and coastal climate resilience, boost offshore wind energy production, bar new offshore oil and gas drilling, and curb greenhouse gas emissions from shipping vessels.

The bill would codify several consequential reforms affecting the shipping industry, including specific provisions that would: require vessel speed restrictions in marine mammal habitats; distribute grants to ports that establish programs to reduce vessel traffic affecting marine mammals; mandate vessel measurements of greenhouse gas emissions; and encourage voluntary reductions in the speed of shipping vessels operating within the Exclusive Economic Zone (EEZ).

The House bill incorporates dozens of provisions from previously introduced bills, and makes substantive amendments to several prior environmental statutes, including the Integrated Coastal and Ocean Observation System Act, Outer Continental Shelf Lands Act, Magnuson-Stevens Fishery Conservation and Management Act, and National Marine Sanctuaries Act.

Among the other goals of the legislation, the Ocean-Based Climate Solutions Act seeks to reduce greenhouse gas emissions; increase carbon storage in blue carbon ecosystems; promote coastal resiliency and adaptation; support climate-ready fisheries; and restore U.S. leadership in international ocean governance.

Specifically, the bill aims to: establish a pathway forward for protecting 30 percent of our ocean by 2030; prohibit geological exploration and development of oil, gas, or methane in the Outer Continental Shelf (OCS); and direct the Secretary of the Interior to seek to permit at least 12.5 gigawatts of offshore wind energy production on the OCS by 2025, and 25 gigawatts by 2030.

SHIPPING IMPACTS

The legislation would direct the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to designate areas of importance to marine mammals where all vessels greater than 49 feet would be required to observe a speed of 10 knots or less. This section would also expand requirements for most large commercial vessels operating in navigable U.S. waters to be equipped with and operate an automatic identification system.

With respect to port activity, the bill would direct NOAA to establish a grant program for up to 10 ports to develop and implement mitigation measures that would lead to a quantifiable reduction in threats to marine mammals from

shipping activities and port operations. Eligible uses for the program would include reducing underwater noise related to marine traffic; reducing ship strike mortality and other physical disturbances; enhancing marine mammal habitat; and monitoring underwater vessel interactions with marine mammals. The initial program would be authorized at \$4,000,000 for each fiscal year 2021 through 2025.

Additionally, the bill would establish monitoring, reporting, and verification requirements of greenhouse gas emissions for all vessels over 5,000 gross tons. This provision would require a vessel to measure and monitor on a per-voyage basis and report on an annual basis: total CO₂ emitted by the vessel inside the EEZ; average CO₂ emissions per transport work; and average CO₂ emissions per distance. The findings would be included in an annual report on vessel emissions, accompanied by an explanation intended to facilitate public understanding of the shipping sector's CO₂ emissions and energy efficiency.

Finally, the bill would establish the Quiet Seas and Clear Skies Program, an effort to reduce air pollution, underwater vessel noise, and the risk of fatal marine mammal ship strikes. The program would encourage a voluntary reduction in the speed of eligible vessels operating within the EEZ and distribute annual Quiet Seas and Clear Skies Excellence Awards for verified participation by eligible shipping companies. Maximum speeds would be tiered according to engine size and determined based upon the best available scientific information in consultation with NOAA, the Coast Guard, and industry experts in shipping, air quality, and marine mammal conservation.

The sprawling legislative package would impact industries across a wide spectrum of the global economy, including direct impacts to the future of renewable energy, sustainable fisheries, and container shipping. From vessel owners to commercial fisherman, such a consolidated federal oceans policy has the potential to impact a substantial group of stakeholders.

With a divided Congress and few opportunities for legislative action remaining, the Ocean-Based Climate Solutions Act of 2020 has no path forward in the last weeks of the current Congress. However, with a Biden Administration and a Democratic Senate majority in 2021 now a possibility, this bill may represent a marker for how Democratic climate priorities would be addressed in the 117th Congress. Climate and conservation reforms are likely to be a significant focus of any Democratic Administration, and for stakeholders looking to map out the impacts of potential policy changes, this bill may provide a good roadmap for how the shipping industry might expect to prepare for the future.

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