



COLONIAL COMPLIANCE SYSTEMS, INC.
MARITIME REGULATORY CONSULTANTS

CSI Notice to Clients 03-2019

July 2, 2019

SUBJECT: REPORTING PROCEDURE CHANGE TO NOTIFY THE US GOVERNMENT OF NON-AVAILABILITY OF COMPLIANT FUEL OIL

The U.S. Environmental Protection Agency (EPA) has transferred the responsibility of accepting Fuel Oil Non-Availability Reports (FONARs) over to the U.S. Coast Guard. Owners and operators of vessels operating in the North American and Caribbean Emission Control Areas (ECA) who are unable to acquire or maintain enough low sulphur compliant fuel, to satisfy MARPOL Annex VI Regulation, must now make the fuel oil non-availability notification to the cognizant Coast Guard Captain of the Port (COTP).

Unlike the US EPA website, there is no prescribed format to make the notification to the local Coast Guard COTP. However, to be consistent with MARPOL, it's important to present a record of the actions taken to achieve compliance, including evidence that the vessel attempted to purchase compliant fuel oil in accordance with the voyage plan.

More importantly, failure to make the notifications as required by MARPOL may result in the Coast Guard COTP taking enforcement action, which may include a detention.

In addition to notifying the Coast Guard COTP, the operator must also continue to notify the flag administration of the fuel oil non-availability.

For your awareness, on January 1, 2020, the limit for sulphur in fuel oil used onboard ships operating outside the designated ECA will be reduced to 0.50% m/m (mass by mass). The requirements for the North American and Caribbean ECA will not change, and will remain at 0.10% m/m.

For additional information, the US Coast Guard issued Marine Safety Information Bulletin (MSIB) Number 005-19, New Procedures for Shipping Industry to Notify the US Government of Non- Availability of Compliant Fuel Oil.

Should you have any questions regarding compliant fuel oil for the NA or US Caribbean ECA, or any inquiries in general, please do not hesitate to contact our office at csi@compliancesystemsinc.com or +1 (912) 233-8181.