



16711/Serial No. 947
CG-CVC Policy Letter 21-01
(Change 1)
March 24, 2021

From: M. Edwards, CAPT
COMDT (CG-CVC)

To: Distribution

Subj: EXERCISE OF ENFORCEMENT DISCRETION WITH REGARD TO MARPOL
ANNEX VI REGULATION 13.5.1.2.1

Ref: (a) MARPOL Annex VI Regulation 13.5.1.2.1
(b) CVC-WI-014, Exercise of Enforcement Discretion with regard to MARPOL
Annex VI Regulation 13.5.1.2 CVC-WI-014(1)

1. **PURPOSE.** This policy letter outlines how the U.S. Coast Guard (USCG) will enforce reference (a), the Tier III NOx limits, for engines at or above 130 kW installed on recreational vessels above 24 meters in length and less than 500 gross tonnage (“large recreational vessels”).
2. **ACTION.** Officers in Charge, Marine Inspection (OCMI), affected Companies, and Recognized Organizations (RO) that issue International Air Pollution Prevention (IAPP) certificates on behalf of the United States¹ are encouraged to apply this Policy Letter as it relates to the certification of engines that are required to meet International Maritime Organization (IMO) Tier III performance standards and their installation on large recreational vessels. This policy letter expires on December 31, 2023.
3. **DIRECTIVES AFFECTED.** This policy letter supersedes reference (b) for engines 130-600 kW used on qualifying large recreational vessels until the expiration of this policy on December 31, 2023. Change 1 clarifies the intent of the policy letter to apply to all engines at or above 130 kW installed on large recreational vessels and further defines its effect with respect to reference (b).
4. **BACKGROUND.** Reference (a) generally prohibits the operation in the North American and U.S. Caribbean Sea NOx Emission Control Areas (collectively, “the U.S. ECAs”) of any engine at or above 130 kW that does not comply with the MARPOL Annex VI Tier III requirements if (1) that engine is installed on a vessel constructed² in 2016 or later or (2) the engine undergoes a major conversion³ in 2016 or later. The IMO postponed⁴ the

¹ See 46 CFR 8.320(b)(12).

² “Constructed” is defined in regulation 2.19 to be ships the keels of which are laid or that are at a similar stage of construction.

³ “Major conversion” is addressed at Regulation 13.2.

⁴ In April 2014, the Marine Environment Protection Committee at IMO agreed to delay the application of the Tier III NOx limits to engines installed on recreational vessels above 24 meters, but less than 500 GT, to January 1, 2021. That delay was intended to allow additional time for engine manufacturers and boat builders to address various technical challenges stemming from the unique design and operating characteristics of recreational vessels. While

application of the Tier III NOx limits for engines installed on large recreational vessels to January 1, 2021. In some cases, suitable Tier III NOx compliant engines of the required size may not be available at the time of the vessel construction or conversion.

5. POLICY.

- a. The USCG will defer enforcement on the operation of engines on large recreational vessels subject to the prohibition set out in reference (a). The deferral will be available after the temporary waiver for large recreational vessels set out in Regulation 13.5.2.3 expires on January 1, 2021, until a suitable engine is available or December 31, 2023, whichever is earlier. This Policy Letter only applies to this Annex VI requirement and does not waive or otherwise affect the need to satisfy all applicable requirements of the U.S. Clean Air Act.
- b. Qualifying large recreational vessels constructed during the period of applicability of this policy letter, January 1, 2021 through December 31, 2023, will be permitted to operate engines within the U.S. portion of the ECAs without future USCG enforcement action even though the engines are not “MARPOL-compliant engines,” – that is, they do not meet the MARPOL Annex VI Regulation 13 Tier III NOx emission standard.⁵
- c. To identify as a qualifying large recreational vessel, any engine installed on a new or existing U.S. or foreign-flagged large recreational vessel constructed before the necessary MARPOL-compliant engine is available or this Policy Letter expires must be:
 - i. Properly certified to Clean Air Act Tier 3 emission standards (satisfied by having an EPA-issued Clean Air Act Tier 3 emission label affixed to each affected engine), and
 - ii. Properly certified to MARPOL Tier II NOx standards. This requirement may be satisfied through proper documentation, including Technical Files and a Record Book of Engine Parameters, on board the vessel.
- d. Once engines are installed on a qualifying large recreational vessel, the engines will continue to be covered under this policy letter after MARPOL-compliant engines become available and continuing for the operating life of the engine.
- e. Additionally, the following applies:
 - i. Diesel engines installed on U.S.-flagged large recreational vessels are not excused from meeting Clean Air Act standards for marine diesel engines under 40 CFR part 1042.
 - ii. Diesel engines installed on foreign-flagged large recreational vessels must be certified by EPA to the Clean Air Act Tier 3 standards as a

progress continues to be made by boat builders and engine manufacturers, all issues are not expected to be resolved in time for boats constructed beginning on April 1, 2021.

⁵ The standard and applicability requirements are set out at Annex VI Regulation 13.5.1 and exceptions to applicability are set out in Regulation 13.5.2.

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condition of qualifying for the USCG's enforcement discretion with respect to the MARPOL Tier III NOx standards.

- iii. Engines are only within the scope of this policy letter while installed on the qualifying large recreational vessel associated with the IAPP or other vessel documentation demonstrating their qualified engine status.
- iv. The affected engine must be accompanied by appropriate records explaining how the determination of non-availability of suitable engines was made at the time the vessel was constructed.

- 6. DISCLAIMER. The guidance in this policy letter is not a substitute for applicable legal requirements, nor is it, in itself, a regulation. It neither imposes nor intends to 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 may use an alternative approach for demonstrating compliance with the standards of reference (a) if you determine that the approach will satisfy the relevant provisions within MARPOL Annex VI, although this will not exempt you from complying with applicable United States law and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the local Coast Guard OCMI who is responsible for implementing this guidance.
- 7. QUESTIONS. Questions concerning this policy letter and guidance should be directed to the Office of Commercial Vessel Compliance, COMDT (CG-CVC), Domestic Compliance Division at CG-CVC-1@uscg.mil. This letter and other domestic vessel policy documents are posted at http://www.uscg.mil/hq/cgcvc/cvc/policy/policy_letters.asp.

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